No. S214058

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

PATRICIA J. BARRY

Plaintiff and Appellant,

v.

THE STATE BAR OF CALIFORNIA,

Defendant and Respondent.

After a Published Decision by the Court of Appeal Second Appellate District, Division Two Case No. B242054, Reversing a Judgment Entered by the Superior Court for the County of Los Angeles, Case No. BC452239, The Honorable Dierdre Hill presiding

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REQUEST FOR JUDICIAL NOTICE

Volume I of IV

Request and Exhibits A-I

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THE STATE BAR OF CALIFORNIA

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THE STATE BAR OF CALIFORNIA

REQUEST FOR JUDICIAL NOTICE

Pursuant to rule 8.54 of the California Rules of Court, Evidence Code section 452, subdivision (d), and Evidence Code section 459, Petitioner The State Bar of California ("State Bar") moves for judicial notice of the following Superior Court actions, all of which were brought against the State Bar, its officials or employees:

1. *Alexander, Jon v. State Bar, et al,* San Francisco Sup. Ct., Case No. CGC-12-525073, filed October 12, 2012 (Exs. A-B).

2. *Brown, James Earl v. Guitierrez, et al.,* Los Angeles Sup. Ct., Case No. BC369840, filed April 23, 2007 (Exs. C-D).

3. *Chavarela, Nicholas v. State Bar et al.,* Orange County Sup. Ct. Case No. 30-2009-00311346, filed October 4, 2009, Fourth Dist. Ct. of App. Case No. G043727 (Exs. E-F).

4. *Dickson, Lorraine v. State Bar, Board of Governors, Streeter, Kim, et al.,* Los Angeles Sup. Ct., Case No. BC470523, filed September 28, 2011(Exs. G-H).

5. *Dydzak, Daniel v. Dunn, Joseph, et al.,* Orange County Sup. Ct., Case No 30-2012-00558031, filed May 2, 2012 (Exs. I-J).

6. *Fletcher, Michael v. State Bar et al.,* Los Angeles Sup. Ct., Case No. BS129414, filed November 24, 2010 (Exs. K-L).

7. *Foley, Natalia v. State Bar, B. Rodriguez,* Los Angeles Sup. Ct., Case No. BC445288, filed September 9, 2010 (Exs. M-N).

8. *Gjerde, Sean v. State Bar, et al.,* Sacramento Co. Sup. Ct., Case No. 34-2012-00134070, filed October 19, 2012 (Exs. O-P).

9. *Gottshalk, Ronald v. Public Defender et al,* Orange County Sup. Ct., Case No. 30-2010-00359752-CU-NP-CJC, filed April 5, 2010 (Exs. Q-R).

10. *Henschel, Bradford v. State Bar, et al.,* Los Angeles Sup. Ct., Case No. BC379051, filed December 4, 2007, Second Dist. Ct. of App., Case Nos. B206984, B213595 (Exs. S-T).

11. *Joseph, Joel v. the State Bar of California,* Los Angeles Sup. Ct., Case No. SC103749, filed June 26, 2009, Second Dist. Ct. of App., Case No. B221236 (Exs. U-V).

12. *Kay, Philip E. v. State Bar, et al.*, San Francisco Sup. Ct., Case No. CGC-10-496869, filed February 16, 2010, First Dist. Ct. of App., Case No. A129515, Cal. Supreme Court Case No. S198578 (Exs.W-X).

13. *Kay, Philip E. v. State Bar, et al.,* San Francisco Sup. Ct., Case No. CGC-10-502372, filed August 6, 2010, First Dist. Ct. of App., Case Nos. A132643, A134111, A137989 (Exs. Y-Z).

14. *Kay, Philip E. v. State Bar, et al.,* San Francisco Sup. Ct., Case No. CGC-11-510717, filed May 4, 2011, First Dist. Ct. of App., Case Nos. A134205, A137989 (Exs. AA-BB).

15. *Kay, Philip E., Robin Kay, Chris Enos v. State Bar, et al.,* San Francisco Sup. Ct., Case No. CGC-11-514255, filed September 4, 2011 (Exs. CC-DD).

16. Missud, Patrick v. State Bar of California, San Francisco Sup. Ct., Case No. CGC-13-533811, filed September 3, 2013 (Ex. EE).

17. Morris, Gregory A. v. State Bar of California, et al., San Francisco Sup. Ct., Case No. CGC-06-450766, filed November 29, 2006 (Exs. FF-GG).

18. Morris, Gregory A. v. State Bar of California, et al. San Francisco Sup. Ct., Case No. CGC-08-471504 (Exs. HH-II).

19. Morrowatti, Nasrin v. State Bar of California, Los Angeles Sup. Ct., Case No. BC 347921, filed February 23, 2006, Second Dist. Ct. of App., Case No. B196392 (Exs. JJ-KK).

20. Oxman, Brian v. Chang, Alec, et al., Los Angeles Sup. Ct., Case No. BC516601, filed July 29, 2013 (Ex. LL).

21. Scurrah, Robert v. State Bar et al., Orange County Sup. Ct., Case No. 30-2012-00595756, filed September 5, 2012 (Exs. MM-NN).

22. Spadaro, Charlotte v. Phyllis Williams, The State Bar of California, San Bernardino Co. Sup. Ct. , Case No. CIVRS1203310, filed April 30, 2012 (Ex. OO-PP).

23. Taylor, Swazi v. State Bar, Los Angeles Sup. Ct., Case No. BC476842, filed January 18, 2012 (Exs. QQ-RR).

24. *Viriyapanthu, Paul v. The State Bar of California, Viveros,* Orange County Sup. Ct., Case No. 30-2010-00418393, filed October 15, 2010 (Exs. SS-TT).

DATED: October 21, 2013

KERR & WAGSTAFFE LLP

By _____

MICHAEL VON LOEWENFELDT
Attorneys for Respondent
The State Bar of California

MEMORANDUM OF POINTS AND AUTHORITIES

This request seeks judicial notice of all of the cases in in which Petitioner and its officials, agents and employees have been sued in superior court regarding the attorney admissions and discipline process despite an absence of jurisdiction. Pursuant to California Rules of Court, rule 8.252(a)(2)(A), these lawsuits are relevant because they demonstrate that the State Bar has been sued numerous times in superior court regarding attorney admissions and discipline despite a lack of jurisdiction. The volume of these cases demonstrate the corresponding time and effort the State Bar has had to expend in order to get these cases dismissed.

As required under California Rules of Court, rule 8.252(a)(2)(B), Petitioner avers that these documents were not the subject of judicial notice at either the trial court or the appellate court level because the merits of the trial court's order granting the State Bar's special motion to strike were not at issue. See Declaration of Danielle Lee, attached hereto.

Judicial notice is the appropriate procedure for bringing these lawsuits before this court. (California Rules of Court, rule 8.252(a)(2)(C); see Evid. Code, §452, subd. (d); *Szetelea v. Discover Bank* (2002) 97 Cal.App.4th 1094, 1098; *Taus v. Loftus* (2007) 40 Cal.4th 683, 726 (records from other state court proceedings involving plaintiff relevant to discredit plaintiff's present intrusion-into-private-matters lawsuit);

Based on the foregoing legal authority, and for the foregoing reasons, the State Bar respectfully requests this court to grant the motion for judicial notice.

DATED: October 21, 2013

Respectfully submitted,

KERR & WAGSTAFFE LLP

By _____
Michael von Loewenfeldt

Attorneys for Respondent
THE STATE BAR OF CALIFORNIA

DECLARATION OF DANIELLE LEE

I, Danielle Lee, hereby declare:

1. I am an attorney licensed to practice before all federal and state courts in the State of California, and am an attorney in the Office of the General Counsel of The State Bar of California, one of the attorneys of record for the State Bar of California. I have personal knowledge of the facts stated herein, and, if called as a witness, could and would competently testify to them under oath.

2. I was counsel of record in this matter for The State Bar of California when this matter was in Los Angeles Superior Court, Case number BC452239. I did not request judicial notice of the other cases to which the State Bar, its officials, agents and employees have been a party because the trial court had already granted that the State Bar's special motion to strike pursuant to Code of Civil Procedure section 425.16. The only issue for the hearing on the State Bar's motion for attorney's fees was the reasonableness of the State Bar's fee request.

3. I was counsel of record for the State Bar at the time Ms. Barry appealed the attorney fees award, Second District Court of Appeal, Case number B242054. Because Ms. Barry admitted that she was not appealing the order granting the State Bar's special motion to strike, and was only appealing the order granting the State Bar attorney fees, I did not

request judicial notice of the other cases to which the State Bar, its officials, agents and employees.

4. The State Bar's Office of General Counsel was counsel in each of the cases referenced in this Motion for Judicial Notice. The documents attached hereto are all true and correct copies from the court files in those cases.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 18, 2013, at San Francisco, California.

DANIELLE LEE

PROOF OF SERVICE

I, Lisa Ramon, declare that I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 100 Spear Street, 18th Floor, San Francisco, California 94105.

On October 21, 2013, I served the following document(s):

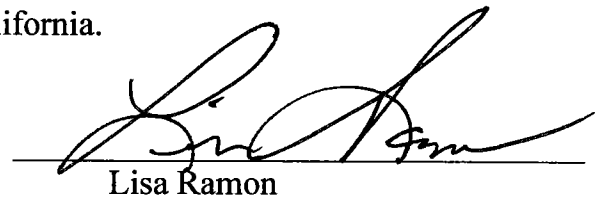
- **REQUEST FOR JUDICIAL NOTICE, VOLUME I OF IV, REQUEST AND EXHIBITS A-I**

on the parties listed below as follows:

Patricia J. Barry 634 Spring Street, #823 Los Angeles, CA 90014	Los Angeles Superior Court Stanley Mosk Courthouse 111 North Hill St. Los Angeles, CA 90012
California Court of Appeal 2nd Appellate District, Division 2 Ronald Reagan State Building 300 S. Spring Street 2nd Floor, North Tower Los Angeles, CA 90013 *Via Electronic Submission to California Court of Appeal (Petition for Review only)*	

By first class mail by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid and placing the envelope in the firm's daily mail processing center for mailing in the United States mail at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 21, 2013 at San Francisco, California.



Lisa Ramon

TABLE OF CASES

Exhibit	Case
A.	*Alexander, Jon v. State Bar, et al.,* San Francisco Sup. Ct., Case No. CGC-12-525073, Complaint filed October 12, 2012.
B.	*Alexander, Jon v. State Bar, et al.,* San Francisco Sup. Ct., Case No. CGC-12-525073, dismissal filed November 16, 2012.
C.	*Brown, James Earl v. Guitierrez, et al.,* Los Angeles Sup. Ct., Case No. BC369840, Complaint filed April 23, 2007.
D.	*Brown, James Earl v. Guitierrez, et al.,* Los Angeles Sup. Ct., Case No. BC369840, dismissal of action field September 16, 2008.
E.	*Chavarela, Nicholas v. State Bar et al.,* Orange County Sup. Ct. Case No. 30-2009-00311346, Fourth Dist. Ct. of App. Case No. G043727, Complaint filed October 4, 2009.
F.	*Chavarela, Nicholas v. State Bar et al.,* Orange County Sup. Ct. Case No. 30-2009-00311346, Fourth Dist. Ct. of App. Case No. G043727, order granting special motion to strike filed April 29, 2010.
G.	*Dickson, Lorraine v. State Bar, Board of Governors, Streeter, Kim, et al.,* Los Angeles Sup. Ct., Case No. BC470523, Complaint filed September 28, 2011.
H.	*Dickson, Lorraine v. State Bar, Board of Governors, Streeter, Kim, et al.,* Los Angeles Sup. Ct., Case No. BC470523, judgment of dismissal filed April 10, 2012.
I.	*Dydzak, Daniel v. Dunn, Joseph, et al.,* Orange County Sup. Ct., Case No 30-2012-00558031, First Amended Complaint filed May 2, 2012.
J.	*Dydzak, Daniel v. Dunn, Joseph, et al.,* Orange County Sup. Ct., Case No 30-2012-00558031, voluntary request for dismissal filed October 9, 2012.
K.	*Fletcher, Michael v. State Bar et al.,* Los Angeles Sup. Ct., Case No. BS129414, petition for writ of mandate filed November 24, 2010.

L. *Fletcher, Michael v. State Bar et al.,* Los Angeles Sup. Ct., Case No. BS129414, dismissal minute order filed March 29, 2011.

M. *Foley, Natalia v. State Bar, B. Rodriguez,* Los Angeles Sup. Ct., Case No. BC445288, Complaint filed September 9, 2010.

N. *Foley, Natalia v. State Bar, B. Rodriguez,* Los Angeles Sup. Ct., Case No. BC445288, voluntary dismissal filed December 28, 2010, and minute order following voluntary dismissal filed February 14, 2011.

O. *Gjerde, Sean v. State Bar, et al.,* Sacramento Co. Sup. Ct., Case No. 34-2012-00134070, Complaint filed October 19, 2012.

P. *Gjerde, Sean v. State Bar, et al.,* Sacramento Co. Sup. Ct., Case No. 34-2012-00134070, Judgment of Dismissal following granting of special motion to strike filed April 11, 2013.

Q. *Gottshalk, Ronald v. Daniels et al.,* Orange County Sup. Ct., Case No. 30-2010-00359752-CU-NP-CJC, Complaint filed April 5, 2010.

R. *Gottshalk, Ronald v. Daniels et al.,* Orange County Sup. Ct., Case No. 30-2010-00359752-CU-NP-CJC, Notice of Dismissal filed August 22, 2011.

S. *Henschel, Bradford v. State Bar, et al.,* Los Angeles Sup. Ct., Case No. BC379051, Second Dist. Ct. of App., Case Nos. B206984, B213595, Complaint filed December 4, 2007.

T. *Henschel, Bradford v. State Bar, et al.,* Los Angeles Sup. Ct., Case No. BC379051, filed December 4, 2007, Second Dist. Ct. of App., Case Nos. B206984, B213595, order granting special motion to strike filed January 17, 2008.

U. *Joseph, Joel v. the State Bar of California,* Los Angeles Sup. Ct., Case No. SC103749, Second Dist. Ct. of App., Case No. B221236, Complaint filed June 26, 2009.

V. *Joseph, Joel v. the State Bar of California,* Los Angeles Sup. Ct., Case No. SC103749, Second Dist. Ct. of App., Case No. B221236 2009, Order sustaining demurrer without leave to amend October 27, 2009.

W. *Kay, Philip E. v. State Bar, et al.*, San Francisco Sup. Ct, Case No. CGC-10-496869, First Dist. Ct. of Appeal, Case No. A129515, California Supreme Court, Case No. S198578, Complaint filed February 16, 2010.

X. *Kay, Philip E. v. State Bar, et al.*, San Francisco Sup. Ct, Case No. CGC-10-496869, First Dist. Ct. of Appeal, Case No. A129515, California Supreme Court, Case No. S198578, order sustaining demurrer and taking special motion to strike off calendar filed July 29, 2010.

Y. *Kay, Philip E. v. State Bar, et al.,* San Francisco Sup. Ct., Case No. CV 10-502372, First Dist. Ct. Appeal, Case Nos. A132643, A134111, A137989, Complaint filed August 6, 2010.

Z. *Kay, Philip E. v. State Bar, et al.,* San Francisco Sup. Ct., Case No. CV 10-502372, First Dist. Ct. Appeal, Case Nos. A132643, A134111, A137989, order sustaining demurrer filed September 20, 2011.

AA. *Kay, Philip E. v. State Bar, et al.,* San Francisco Sup. Ct., Case No. CGC-11-510717, First Dist. Ct. Appeal, Case Nos. A134205, A137989, Complaint filed May 4, 2011.

BB. *Kay, Philip E. v. State Bar, et al.,* San Francisco Sup. Ct., Case No. CGC-11-510717, First Dist. Ct. Appeal, Case Nos. A134205, A137989, order sustaining demur filed August 5, 2011.

CC. *Kay, Philip E., Robin Kay, Chris Enos v. State Bar et al.,* San Francisco Sup. Ct., Case No. CGC-11-514255, Complaint filed September 14, 2011.

DD. *Kay, Philip E., Robin Kay, Chris Enos v. State Bar et al.,* San Francisco Sup. Ct. , Case No. CGC-11-514255, voluntary dismissal filed February 17, 2012.

EE. *Missud, Patrick v State Bar of California,* San Francisco Sup. Ct., Case No. CGC-13-533811, First Amended Complaint filed September 3, 2013.

FF. *Morris, Gregory A. v. State Bar of California, et al.,* San Francisco Sup. Ct., Case No. CGC 06-450766, fifth Amended Complaint filed

October 9, 2009.

GG. *Morris, Gregory A. v. State Bar of California, et al.,* San Francisco Sup. Ct., Case No. CGC 06-450766, order sustaining demurrer filed May 18, 2010.

HH. *Morris, Gregory A. v. State Bar of California, et al.,* San Francisco Sup. Ct., Case No. CGC 08-471504, Complaint filed January 29, 2008.

II. *Morris, Gregory A. v. State Bar of California, et al.,* San Francisco Sup. Ct., Case No. CGC 08-471504, order dismissing entire action filed January 12, 2009.

JJ. *Morrowatti, Nasrin v. State Bar of California, et al.,* Los Angeles Sup. Ct., Case No. BC 347921, Second Dist. Ct. Appeal, Case No. B196392, Complaint filed February 23, 2006.

KK. *Morrowatti, Nasrin v. State Bar of California, et al.,* Los Angeles Sup. Ct., Case No. BC 347921, Second Dist. Ct. Appeal, Case No. B196392, minute order sustaining demurrer filed November 17, 2006.

LL. *Oxman, Brian v. Chang, Alec, et al.,* Los Angeles Sup. Ct., Case No. BC516601, Complaint filed July 29, 2013.

MM. *Scurrah, Robert v. State Bar et al.,* Orange County Sup. Ct., Case No. 30-2012-00595756, Complaint filed September 5, 2012.

NN. *Scurrah, Robert v. State Bar et al.,* Orange County Sup. Ct. , Case No. 30-2012-00595756, Minute order sustaining demurrer filed August 27, 2013.

OO. *Spadaro, Charlotte v. Phyllis Williams, The State Bar of California,* San Bernardino Co. Sup. Ct., Case No. CIVRS1203310, Complaint filed April 30, 2012.

PP. *Spadaro, Charlotte v. Phyllis Williams, The State Bar of California,* San Bernardino Co. Sup. Ct., Case No. CIVRS1203310, order sustaining demurrer filed October 3, 2013.

QQ. *Taylor, Swazi v. State Bar,* Los Angeles Sup. Ct., Case No. BC476842, Complaint filed January 18, 2012.

RR. *Taylor, Swazi v. State Bar,* Los Angeles Sup. Ct., Case No. BC476842, judgment of dismissal filed August 23. 2012.

SS. *Viriyapanthu, Paul v. The State Bar of California, Viveros,* Orange County Sup. Ct., Case No. 30-2010-00418393, Complaint filed October 15, 2010.

TT. *Viriyapanthu, Paul v. The State Bar of California, Viveros,* Orange County Sup. Ct., request for dismissal filed April 1, 2011.

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Attorney for Plaintiff,
JON MICHAEL ALEXANDER

FILED
Superior Court of California
County of San Francisco

OCT 1 0 2012

CLERK OF THE COURT
BY: _____ Deputy Clerk

SUMMONS ISSUED

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

JON MICHAEL ALEXANDER, Plaintiff, vs. STATE BAR OF CALIFORNIA, STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL, CYDNEY TABOR BATCHELOR, MICHAEL DONALD RIESE, KAREN DIANE OLSON, MORDECHAI DAVID PELTA, and DOES 1 through 50, inclusive, Defendants.	CASE NO: CGC-12-525073 **COMPLAINT FOR DAMAGES AND PRELIMINARY AND PERMANENT INJUNCTION FOR:** **1. VIOLATION OF UNRUH CIVIL RIGHTS ACT;** **2. INTENTIONAL INTERFERENCE WITH CONTRACTUAL RELATIONS;** **3. INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE;** **4. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;** **5. NEGLIGENT INTERFERENCE WITH CONTRACTUAL RELATIONS;** **6. NEGLIGENT INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE;** **7. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS;** **8. DEFAMATION;** **9. NEGLIGENCE;** **10. CONSPIRACY** **REQUEST FOR EXEMPLARY DAMAGES AMOUNT DEMANDED EXCEEDS $10,000** **DEMAND FOR JURY TRIAL**

FILE BY FAX

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I.

Plaintiff, JON MICHAEL ALEXANDER (hereinafter referred to as "Plaintiff" or "ALEXANDER"), for his complaint against STATE BAR OF CALIFORNIA, STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL, CYDNEY TABOR BATCHELOR, MICHAEL DONALD RIESE, KAREN DIANE OLSON, MORDECHAI DAVID PELTA, and DOES 1 through 50, inclusive, alleges as follows:

1. Plaintiff is, and at all times herein mentioned was, an individual residing in the city of Crescent City, Del Norte County, California, and is currently the District Attorney of Del Norte County, having been duly elected to this position by the citizens of Del Norte County on January 3, 2011.

2. Plaintiff is informed and believes, and based thereon alleges, that Defendant STATE BAR OF CALIFORNIA (hereinafter referred to as the "STATE BAR") is, and at all times herein mentioned was, a public corporation duly organized and existing under the laws of the State of California, situated in the County of San Francisco, and engaged in the business of regulating the practice and conduct of member attorneys licenced to practice law within the state, as well as providing greater access to the justice system for all citizens.

3. Plaintiff is informed and believes, and based thereon alleges, that Defendant STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL (hereinafter referred to as "OCTC") is, and at all times herein mentioned was, an entity duly organized and existing under the laws and rules of the STATE BAR and/or the State of California, situated in the County of San Francisco, and engaged in the business of reviewing, investigating, and prosecuting charges of lawyer misconduct.

4. Plaintiff is informed and believes, and based thereon alleges, that Defendant CYDNEY TABOR BATCHELOR (hereinafter referred to as "BATCHELOR") is, and at all times herein mentioned was, an individual residing in the city of San Francisco, San Francisco County, California, and employed as Deputy Trial Counsel for OCTC.

5. Plaintiff is informed and believes, and based thereon alleges, that Defendant MICHAEL DONALD RIESE (hereinafter referred to as "RIESE") is, and at all times herein

mentioned was, an individual residing in the city of Crescent City, Del Norte County, California, and formerly employed as District Attorney for Del Norte County.

6. Plaintiff is informed and believes, and based thereon alleges, that Defendant KAREN DIANE OLSON (hereinafter referred to as "OLSON") is, and at all times herein mentioned was, an individual residing in the city of Crescent City, Del Norte County, California, and formerly employed as Assistant District Attorney for Del Norte County.

7. Plaintiff is informed and believes, and based thereon alleges, that Defendant MORDECHAI DAVID PELTA (hereinafter referred to as "PELTA") is an individual currently residing in the city of San Francisco, San Francisco County, California, and formerly employed as Deputy District Attorney for Del Norte County.

8. Defendants DOES 1 through 50, inclusive, are sued herein under fictitious names pursuant to California Code of Civil Procedure Section 474. Plaintiffs do not know the true names or capacities of these Defendants, but each Defendant is somehow legally and proximately responsible in some manner for the occurrences herein alleged and proximately caused injuries and/or damages to Plaintiffs, as hereinafter alleged, and Plaintiffs hereby pray that the true names and/or capacities of these Defendants may be inserted herein when ascertained. All charging allegations of this complaint are pled as to all fictitious Defendants.

9. At all times herein mentioned, each named Defendant and each fictitiously designated Defendant, was the agent, partner, employee, joint venturer, co-conspirator or officer of each other Defendant, and in doing the things hereinafter alleged, was acting within the course and scope of said agency, partnership, employment, joint venture, conspiracy, office and each of the other Defendants had ratified, acquiesced in, approved of, or benefitted from said acts of the other Defendants. Each such named and/or fictitiously designated Defendant is liable to Plaintiffs for their own conduct and omissions and is further liable based on the conduct and omissions of each other defendant based on the principles of agency and respondeat superior.

10. Whenever and wherever reference is made to individuals who are not named as a Defendant in this Complaint, but who at all relevant time periods were employees and/or agents of any of the named or unnamed Defendants, such individuals at all relevant times acted on behalf

of their respective employer defendants, and all other co-defendants, and did such acts within the course and scope of their respective employment agency and other relationships with any and all named and unnamed defendants.

11. Wherever appearing in this complaint, each and every reference to "Defendants" is intended to be and shall be deemed as a reference to all defendants in this action, and to each of them, named and unnamed, including all fictitiously named defendants.

12. On or about September 11, 2012, Plaintiff presented to the STATE BAR and OCTC a claim to The State Bar of California for the injuries, disability, losses, and damages suffered and incurred by him by reason of the events described below, all in compliance with the requirements of *Government Code Section* 905. A true and correct copy of the claim is attached hereto as Exhibit A and made a part hereof.

13. On or about September 25, 2012, the STATE BAR and OCTC rejected the claim in its entirety.

II.

GENERAL ALLEGATIONS

14. ALEXANDER was admitted to practice law in the State of California in 1987. He has been, and is currently, an active member of the STATE BAR. In approximately January 2011, ALEXANDER took office as the District Attorney of Del Norte County, after being elected by the citizens of that county to this position.

15. Membership in the STATE BAR is available to all persons who meet certain educational requirements, and who pass several examinations as well as receive a positive moral character determination after undergoing a background check. Membership affords persons who meet these criteria the right and privilege of practicing law in the State of California. Membership is maintained by paying annual dues and complying with various statutes, rules and regulations. Failure to comply could subject members to discipline from the STATE BAR, up to and including suspension or termination of membership, or disbarment.

16. On or about May 15, 2012, Defendant STATE BAR, by and through Defendant OCTC, filed a Notice of Disciplinary Charges (hereinafter referred to as the "NOTICE") against

ALEXANDER with the State Bar Court (Case Nos. 11-O-12821 [11-O-14028]). It alleged seven separate counts, four of which involved purported violations of the Rules of Professional Conduct. The remaining three involved purported acts of moral turpitude and/or corruption. A true and correct copy of the NOTICE is attached hereto as Exhibit B and made a part hereof.

17. Plaintiff is informed, believes, and based thereon alleges, that Defendants, and each of them, are seeking to have him disbarred on an expedited basis pursuant to the charges in the NOTICE. Disbarment would cause ALEXANDER to lose his license to practice law and terminate his position as District Attorney of Del Norte County.

18. ALEXANDER has denied the allegations in the NOTICE and has cited facts and legal authority demonstrating the charges lack merit. A true and correct copy of the Respondent's Answer to Notice of Disciplinary Charges (hereinafter referred to as the "ANSWER") is attached hereto as Exhibit C.

19. Plaintiff is informed and alleges that the STATE BAR and OCTC's continued prosecution of the disciplinary charges in the NOTICE, as well as prior prosecution of other charges starting in 2006, are not based on a fair and equal application of the law, but rather on intentional and purposeful discrimination against him as explained further below.

A. Plaintiff's Prior History of Substance Abuse

20. Defendants, and each of them, were aware of Plaintiff's prior addiction to methamphetamines. At the time he was addicted to this substance, he was disciplined by the STATE BAR and OCTC for inactions on his part which were the result of his addiction. Since recovering from his addiction approximately nine years ago, ALEXANDER has been at all times clean and sober. As District Attorney, ALEXANDER has performed his duties in a responsible manner as an elected public official.

21. Plaintiff is informed and alleges, despite his rehabilitation, he is, and has been discriminated against, humiliated, injured, damaged, and caused to suffer reputational, emotional and economic harm, by Defendants, and each of them, on account of his history of substance abuse.

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B. Discrimination by STATE BAR and OCTC

22. Plaintiff is informed and alleges that Defendant BATCHELOR, on behalf of the STATE BAR and OCTC, stated she did not believe ALEXANDER should be District Attorney because she thought his mental abilities continued to be affected by his prior methamphetamine use, and that the Attorney General agreed with her.

23. Plaintiff is informed and alleges that BATCHELOR's statement was intentionally leaked to the media by the OCTC and that the statement was contained in correspondence to persons within the STATE BAR and OCTC. Contrary to BATCHELOR's assertion, the Attorney General has honored and cited ALEXANDER for his service as District Attorney of Del Norte County.

24. Plaintiff is informed and further alleges that the manner and speed at which the NOTICE is being prosecuted by the OCTC, and the STATE BAR's attitude throughout, indicate a discriminatory motive and intent.

25. As seen in the NOTICE and alleged further below, the STATE BAR and OCTC have, for several years, unreasonably subjected Plaintiff to a higher level of scrutiny and to prosecution beyond any steps or procedures that apply to all lawyers in general.

C. The Wesley Blake Communication

26. In approximately 2005, while Plaintiff was a Deputy District Attorney for Del Norte County, he was involved the case of a methamphetamine dealer named Wesley Blake. Unable to attend Mr. Blake's sentencing hearing, ALEXANDER gave a handwritten letter to the Drug Task Force Commander to be read in open court at the hearing. Plaintiff's letter was never read in open court. It came into the possession of Defendant OLSON instead. This letter was never intended to be an *ex parte* communication to the judge.

27. In approximately 2006, OLSON together with Defendant RIESE, initiated a complaint against ALEXANDER with the STATE BAR falsely alleging that an *ex parte* communication had occurred. Defendant BATCHELOR was involved with the STATE BAR and OCTC's prosecution of the Notice of Disciplinary Charges brought against Plaintiff pursuant to the alleged *ex parte* communication.

28. During this time, ALEXANDER was in the early stages of reestablishing himself after rehabilitating from his addiction. He could not afford legal counsel. BATCHELOR informed him he would receive no discipline if he entered into a stipulation with the OCTC that he had violated certain provisions of the Rules of Professional Conduct. Even though Plaintiff did not commit any violations as charged, he stipulated in writing to the violations, relying on the representation by BATCHELOR that there would be no further discipline and believing that this would be the most expedient resolution.

29. After ALEXANDER entered into the stipulation, the OCTC repudiated the stipulation and demanded further discipline; to wit, one year of actual suspension and three years of probation. At his hearing, ALEXANDER proclaimed his innocence and presented evidence of the representation by BATCHELOR that he would receive no discipline in exchange for his stipulation. He was threatened with disbarment if he withdrew his stipulation, and was offered sixty days of actual suspension instead of one year. Even though he wanted to dispute the charges, he was not in a financial or psychological position to do so. He had no choice but to accept the discipline.

D. Disparate Treatment by STATE BAR and OCTC

30. Plaintiff is informed and alleges that Defendant PELTA, who is a complainant in all but one of the matters alleged in the NOTICE currently being prosecuted against ALEXANDER, was terminated from his position as Deputy District Attorney for Del Norte County after it was discovered that he sent an anonymous *ex parte* communication to a judge in a homicide case being handled by ALEXANDER. The communication contained untrue allegations regarding Plaintiff purportedly receiving a campaign loan from opposing counsel. After terminating him, County Counsel thereafter filed a complaint against PELTA with the STATE BAR alleging the same type of violation which resulted in ALEXANDER's three year probation and sixty day suspension. However, instead of imposing any disciplinary action, the STATE BAR and OCTC dismissed the complaint against PELTA.

31. Plaintiff is informed and further alleges that Defendant RIESE, who was District Attorney at the time, approved and assisted PELTA in the drafting of the anonymous *ex parte* communication to the judge containing the untrue allegations about Plaintiff.

32. Plaintiff is informed and further alleges that PELTA, as well as RIESE and OLSEN, who have also made complaints against Plaintiff to the STATE BAR, have themselves committed several violations of their professional responsibilities which had been reported to the STATE BAR by parties other than ALEXANDER, but which the STATE BAR and OCTC have declined to prosecute.

33. In approximately May 2011, the STATE BAR billed ALEXANDER for the costs of prosecution related to the Wesley Blake communication. Defendant then suspended him from the practice of law for alleged non-payment of those fees, all without notice or a hearing.

34. Plaintiff alleges the STATE BAR disregarded and violated applicable statutes including Business and Professions Code Sections 6143 and 6140.7, since it never sent Respondent a bill for the additional costs after they became due and did not send him any notice of his alleged delinquency. When ALEXANDER was apprised of the suspension, he was then advised by the STATE BAR that the charges had been "added" after he had been billed for his fees and without notice to him. Plaintiff paid the additional charges immediately and was promptly reinstated.

35. Because of Plaintiff's status as District Attorney of Del Norte County, his erroneous suspension for failure to pay costs made local news in Northern California and Oregon.

36. Plaintiff is informed and alleges that investigation and discovery will reveal other disparate treatment of ALEXANDER by the STATE BAR and OCTC on account of his prior history of substance abuse.

37. With regard to the NOTICE currently being prosecuted against ALEXANDER, while they are stated in seven counts, they relate to three matters summarized below.

E. Sanford Loan

38. In approximately 2009, while ALEXANDER was in private practice as a criminal defense lawyer, he made a loan to his friend Linda Sanford and her husband in the amount of $14,000. Ms. Sanford and ALEXANDER had a long-standing friendship well known throughout the legal community in Del Norte County that included exchanges of gifts, favors and loans; All long before the loan in question was made. On October 24, 2011, Ms. Sanford wrote to the STATE

BAR describing and explaining her relationship with ALEXANDER. Many others have since given testimony supporting the existence and circumstances of their friendship.

39. At all times herein mentioned, Ms. Sanford was a Deputy Probation Officer of Del Norte County. She was not an employee or officer of the courts. Her function at the time the loan was made and since, has been as Director of the Del Norte County Juvenile Hall. In that capacity, she writes virtually no probation reports. However, after Plaintiff made his loan to Ms. Sanford, she was assigned to write two probation reports on cases when Plaintiff was in private practice as a defense attorney, and one since he has been the District Attorney. In each of these cases, Ms. Sanford recommended a disposition which was significantly adverse to ALEXANDER's clients – prison or jail when he was the public defender, and probation when he was the prosecutor.

40. Plaintiff is informed and based thereon contends that any objective review of those reports would indicate that they did not favor ALEXANDER's position, or that of his clients, in any manner. The chief probation officer has testified that the recommendations in Ms. Sanford's probation reports were well within the ranges he had set for his department.

41. Ms. Sanford was assigned recently to write a probation report on one of Plaintiff's cases. ALEXANDER advised the judge presiding over the matter that he had made the loan in question to Ms. Sanford and it was still outstanding. He also told the court the STATE BAR had questioned the integrity and objectivity of Ms. Sanford's work because of the loan transaction. The court replied that it saw no problem after the disclosure.

42. Two of the seven counts alleged in the NOTICE are based on the Sanford loan. The first count involves a violation of Rules of Professional Conduct Rule 5-300(A), which provides that lawyers may not

> "directly or indirectly give or lend anything of value to a judge, official, or employee of a tribunal unless the personal or family relationship between the member and the judge, official, or employee is such that gifts are customarily given and exchanged."

43. Plaintiff contends he has not violated Rule 5-300(A) because Ms. Sanford was not a judge, official or employee of a tribunal at the time of the loan, and his friendship with her was such that gifts, favors and loans were exchanged.

44. The second count involves allegations of moral turpitude and corruption based on ALEXANDER's purported failure to disclose "the existence of [the] outstanding loan to the court and opposing counsel in actual or potential cases to which [Ms. Sanford] was or could be assigned." There are no allegations that ALEXANDER acted with any fraudulent, malicious, corrupt, improper, or wrongful intent; merely a failure to disclose.

45. Plaintiff is informed and alleges that there was no reason in fact or in law why he should have made his loan to the Sanfords known to the courts or opposing counsel.

46. The existence of the loan and its status was no secret to anyone. Plaintiff never had any intent to keep its existence a secret. No legal authority has been cited to support that the purported non-disclosure alleged by the OCTC amounts to moral turpitude or corruption or should warrant the disbarment sought by the STATE BAR and OCTC.

F. Zlokovich Matter

47. The third count in the NOTICE, charging Plaintiff again with moral turpitude and corruption, arises from ALEXANDER's relationship with a Del Norte County attorney named George Mavris, as well as a dismissal of a criminal action against a child care provider named Jackie Zlokovich.

48. At all times herein mentioned, George Mavris was one of approximately 48 lawyers in Del Norte County who maintains a private practice in Crescent City. Mr. Mavris has been a friend of ALEXANDER for many years and their relationship was well known in the Del Norte County legal community.

49. In approximately early 2010, ALEXANDER sought representation from Mr. Mavris for the limited purpose of responding to a motion made by the STATE BAR and OCTC to strike a statement of mitigation ALEXANDER had filed. The STATE BAR and OCTC were seeking to impose sanctions on Plaintiff. Mr. Mavris ceased any active representation of Plaintiff in approximately July 2010, but inadvertently neglected to formally withdraw as ALEXANDER'S attorney until early 2011. There was no existing attorney-client relationship between Mr. Mavris and ALEXANDER after July 2010.

50. In or about December 2010, after ALEXANDER was elected District Attorney but

before he was sworn in, he borrowed money from Mr. Mavris's wife. ALEXANDER repaid her the entire amount within the week and before he took office.

51. After Plaintiff was sworn in as District Attorney in early 2011, he inherited an alleged child stealing case filed by his predecessor, Defendant RIESE, against Jackie Zlokovich. The case arose when Ms. Zlokovich, who runs a child care facility, learned that a pre-school child would not be picked up from the pre-school facility because the child's mother, Amber Wesson, had been arrested for a DUI driving violation and was in custody. The child's father was in Southern California. When Ms. Zlokovich learned of these circumstances, she picked the child up at the pre-school to take to her own child care facility until the child could be reunited with family. This was a public act accomplished with cooperation from others. However, Ms. Wesson thought that Ms. Zlokovich's protective action was an outrage and persuaded RIESE to file child abduction charges against Ms. Zlokovich.

52. At all times herein mentioned, the Deputy District Attorney in charge of the Zlokovich case was Lisa Specchio. After ALEXANDER took office, Mr. Mavris began corresponding with him asking for a dismissal of the case. Ms. Specchio recommended that the case be dismissed, after the presiding judge questioned its legitimacy. After examining the facts, including a sworn declaration from the child's father that he approved of Ms. Zlokovich's taking of the child that afternoon, and after considering Ms. Specchio's recommendation, ALEXANDER dismissed the case.

53. Defendant OCTC alleges in its third count that "[b]y failing to recuse himself from the Zlokovich matter, by failing to disclose to the court that Mavris was respondent's STATE BAR attorney and that Mavris had recently loaned respondent money, by reviewing the Zlokovich matter and by moving to dismiss the Zlokovich matter without informing the court of [his] relationship with Mavris, [Plaintiff] engaged in acts of corruption."

54. Plaintiff is informed and contends that he had no duty under any statute, regulation, or case law to make the disclosures alleged by the OCTC. Rule 3-320 of the California Rules of Professional Conduct fully addresses a lawyer's duty arising from his or her relationship with an opposing party's lawyer, and states as follows:

> "A member shall not represent a client in a matter in which another party's lawyer is a spouse, parent, child, or sibling of the member, lives with the member, is a client of the member, or has an intimate personal relationship with a member, unless the member informs the client in writing of the relationship."

55. Mr. Mavris and ALEXANDER did not have personal relationships described in Rule 3.320. Even if they did have any one of these relationships during that time, they were only required by law to disclose their relationship to clients. Contrary to the allegations in the NOTICE, there is no requirement that their relationship be disclosed to the court.

56. The charges brought by the STATE BAR and OCTC do not allege that ALEXANDER acted with any fraudulent, malicious, or wrongful intent, but simply that he failed to disclose his well-known relationship with Mr. Mavris to the court or to recuse his office from a case he inherited already assigned to Ms. Specchio. There is nothing in the NOTICE allegations suggesting any financial consideration for the conduct alleged.

57. While the matter was being investigated by the OCTC and STATE BAR, Plaintiff contacted Judge Follett and informed him of their concerns. Judge Follett advised ALEXANDER that he was willing to discuss the case with the STATE BAR and OCTC. ALEXANDER conveyed that information to the STATE BAR and OCTC through his counsel. The OCTC filed their charges without contacting Judge Follett or investigating the Court's view on the matter.

58. Plaintiff has presented the STATE BAR and OCTC with proof that ALEXANDER's non-disclosure and non-recusal under the circumstances did not and cannot amount to moral turpitude and corruption. The OCTC has never given ALEXANDER any rebuttal to or comment on his position, but instead continues to prosecute him on these false charges, supporting the inference that their prosecution is fueled by discriminatory, rather than legitimate motives.

G. Taylor Recorded Confession

59. The final four counts in the NOTICE arise from events involving a pregnant methamphetamine addict in her twenties named Michelle Taylor and her boyfriend, Damien VanParks.

60. Plaintiff is informed and alleges that on or about March 31, 2011, Ms. Taylor and Mr. VanParks were pulled over by police and searched. During the search of Ms. Taylor's person, she

disclaimed ownership of methamphetamine and marijuana found in her pants pocket and/or underwear. She informed the police that Mr. VanParks owned the drugs and instructed her to hide them. Ms. Taylor and Mr. VanParks were subsequently indicted for possession of methamphetamine for sale.

61. At some point after March 31, 2011 and before July 8, 2011, ALEXANDER and Ms. Taylor's court appointed attorney, Darren McElfresh, were speaking in the courtroom hallway about Ms. Taylor's case. Given her pregnancy and young age, ALEXANDER felt that the best course for Ms. Taylor would be for her to go into a rehabilitation program such as one maintained in Del Norte County. While they were speaking, Ms. Taylor started addressing the two lawyers. ALEXANDER asked Mr. McElfresh for permission to speak to his client, which Mr. McElfresh gave. Mr. McElfresh then had to leave. He gave ALEXANDER permission to continue to speak directly with Ms. Taylor, but limited to the discussion of rehabilitation matters and the diversion program. He later confirmed this authorization in writing. Nothing came of ALEXANDER's discussion with Ms. Taylor at that time.

62. On or about the late afternoon of Friday, July 8, 2011, Ms. Taylor entered the District Attorney's Office without an appointment. She ignored the receptionist, confronted ALEXANDER, and urgently started talking. Plaintiff was not prepared for the encounter. He was shocked and startled by this unexpected intrusion. Not immediately recognizing Ms. Taylor, he was unsure how to assess the situation and to respond to the situation.

63. Ms. Taylor proclaimed to ALEXANDER several times that "the stash was hers," and that her boyfriend was innocent. ALEXANDER asked questions and spoke about the nature of the crime and the gravity of the potential sentence. He also talked to Ms. Taylor about the possibility of participating in a diversion program as an alternative to having the criminal charges pursued against her, which was what he had previously discussed with her in the presence of Mr. McElfresh. The entire encounter lasted a few minutes, after which, Ms. Taylor abruptly left his office. A note by ALEXANDER of Ms. Taylor's admissions was placed in her case file the following business day.

64. Plaintiff is informed and alleges that around 8:30 a.m. on Monday, July 11, 2011 (the following business day after Ms. Taylor's late afternoon confrontation with ALEXANDER), the

attorney for Mr. VanParks disclosed to then-Assistant District Attorney Katherine Micks in open court that he was fully informed about the confession Ms. Taylor made to ALEXANDER. Thus, any required disclosure of the "confession" to Mr. VanParks' attorney became moot.

65. Unknown to ALEXANDER, Ms. Taylor was wearing a concealed wire and the entire conversation with him had been recorded. The recording began before Ms. Taylor entered ALEXANDER's office and ended some time after she left. Plaintiff is informed and alleges that Ms. Taylor and Mr. VanParks conspired to have her enter Plaintiff's office and confront him while wearing the concealed wire in order to make a record of her "confession" so that Mr. VanParks would have useable evidence to exonerate himself from criminal liability. As soon as she left the District Attorney's Office, she and Mr. VanParks made his attorney aware of what they had done so his attorney would be able to make the representations the next business day in open court, which he did.

66. Approximately a few weeks after the events of Ms. Taylor entering his office, ALEXANDER received a tape recording of the conversation between them. He immediately had it transcribed and sent it to Mr. McElfresh. ALEXANDER thereafter agreed with Mr. McElfresh that Ms. Taylor's recorded admissions would not be used against her, based on Plaintiff's then understanding of *Massiah v. United States* (1964) 377 U.S. 201. The charges against Mr. VanParks were subsequently dismissed; however, Ms. Taylor's proclamation that "the stash was hers" was only one of several reasons for the dismissal.

67. Plaintiff and Mr. McElfresh continued to discuss whether Ms. Taylor would enter rehabilitation facilities. Since most of their efforts negotiating a settlement included rehabilitation, no appreciable progress had been made in the prosecution of her case. Ms. Taylor ultimately declined offers to enter a rehabilitation facility. Her case was then transferred to the Attorney General's office for further prosecution to avoid any possible issues arising from the July 8, 2011 incident. Eventually, Ms. Taylor entered a plea agreement with the Attorney General's office which resulted in essentially the same disposition that ALEXANDER had previously offered.

1. Alleged Violation of Rule 2-100

68. The first count charged by the STATE BAR and OCTC based on these facts is for

willful violation of Rules of Professional Conduct Rule 2-100, which prohibits a member in the course of representing a client from communicating "directly or indirectly about the subject of the representation with a party the member knows to be represented by another lawyer in the matter, unless the member has the consent of the other lawyer." The alleged violation arises from the July 8, 2011 incident when Ms. Taylor barged into the District Attorney's Office and confronted Plaintiff.

69. As of July 8, 2011, Plaintiff already had Mr. McElfresh's authorization to speak to Ms. Taylor without her attorney present. While the scope of ALEXANDER's authorization might not have included discussions of Ms. Taylor's guilt or innocence, it was impossible Plaintiff would have known or expected that Ms. Taylor would enter his office and spontaneously provide this information. Her "confession", which Plaintiff did not elicit, was but a fraction of his brief encounter with her. The fact that Ms. Taylor was wearing a concealed wire and recording the conversation indicates that her "confession" was her objective in visiting him.

70. Plaintiff was faced with an exigent, highly charged, and unpredictable event. Accordingly, he contends that any momentary deviation from the scope of his authority to speak directly with Ms. Taylor, was not unreasonable, immoral, corrupt, incompetent or wrongful in any way. ALEXANDER was authorized to speak to Ms. Taylor directly without her lawyer; she aggressively sought him out, and he had no control over the self-incriminating words she spoke. Ultimately, Ms. Taylor suffered no detriment from the July 8, 2011 communication since her case was disposed of in the same manner as had originally been proposed to her.

71. Plaintiff concedes that a brief portion of the communication between himself and Ms. Taylor might potentially be considered a violation of rule 2-100. Plaintiff contends, based on the totality of the circumstances and law, it is not a violation. Plaintiff is informed and alleges that in certain circumstances a prosecutor would be permitted to speak with a represented criminal defendant in the absence of the defendant's counsel, particularly if the defendant sought out the prosecutor in the manner Ms. Taylor did. If Plaintiff in some manner committed a violation, which he denies, then it was not apparent to him at the time. Therefore, no violation legally could have occurred.

72. The STATE BAR and OCTC have refused to consider the totality of the law and facts

pertaining to their alleged rule 2-100 violation, giving further indication of discriminatory motives for pursuing this charge and Plaintiff's disbarment.

2. *Alleged Moral Turpitude and Corruption*

73. The fifth count in the NOTICE alleges that Plaintiff wilfully committed moral turpitude and corruption by:

> "[a.] speaking to a criminal defendant [ALEXANDER] knew was represented by counsel about the facts underlying the criminal charges, [b.] by failing to make a written record of the conversation, [c.] by failing to inform McElfresh that respondent had spoken with Taylor about the facts underlying the criminal charges, [d.] by failing to inform VanParks' attorney that Taylor had provided statements helpful to the defense, [e.] by continuing to act as the prosecutor after the discovery of the tape, including agreeing to dismiss the charges against VanParks and entering into the agreement with McElfresh to exclude Taylor's incriminating statements, and [f.] by continuing to make appearances in the matter.

74. There are no allegations that ALEXANDER acted with any fraudulent, malicious, secretive, corrupt, wrongful, incompetent or improper intent, or that suggest any financial consideration for the conduct alleged. Rather, the STATE BAR and OCTC stated facts inaccurately and took the position that ALEXANDER committed moral turpitude and corruption worthy of disbarment based on those inaccurate facts. Plaintiff contends that when each of the six instances are examined against the full facts and law, they do not involve moral turpitude or corruption worthy of disbarment; nor do they amount to a failure to perform with competence, as explained further below.

75. Plaintiff believes that the unusual, even bizarre, circumstances described in Paragraphs 64 and 65 above, may have caused him to deviate slightly from the scope of authority granted by Mr. McElfresh. However, Plaintiff never intended to mislead, defraud, suppress, corrupt or do anything improper by his conduct.

76. Plaintiff is unaware of any authority to support the heightened disclosure requirements advanced by the OCTC, or to support the proposition that failure to meet these heightened requirements amounts to moral turpitude and corruption worthy of disbarment. There is no duty or standard of care requiring that a detailed narrative "report" of the conversation with Ms. Taylor be prepared, or that a proactive disclosure of his purported status as a witness be made to the

court. There is no duty or standard of care requiring that ALEXANDER *immediately* notify either Mr. VanParks' attorney or Mr. McElfresh of the *ex parte* communication with Ms. Taylor.

77. Plaintiff is informed and alleges that the legal authority with regard to exculpatory evidence provided no time limit for disclosure other than the evidence must be disclosed to the criminal defendant in time for its effective use at any trial. In light of the fact that Mr. VanParks' attorney represented in open court the following day that he was fully informed about Ms. Taylor's "confession," it is illogical to think that ALEXANDER's alleged failure to disclose the "confession" to Mr. VanParks' lawyer amounted to moral turpitude. Once Mr. VanParks made the representation in open court that he knew of the "confession," there was nothing left for ALEXANDER to disclose. If Plaintiff in any way failed to meet the requirements of disclosure to Mr. VanParks' attorney, it was not because of any immoral, corrupt or improper motive, but only a belief and understanding that the requirements of disclosure had been met. Mr. VanParks was not prejudiced or denied due process as a result of ALEXANDER's purported failure. The fact that he had an unexpected conversation with Ms. Taylor was not information that Plaintiff intended to hide or use advantageously, as evidenced by his conduct.

78. As soon as ALEXANDER became aware of the existence of the recorded conversation between himself and Ms. Taylor, he immediately notified Mr. McElfresh and provided him with a transcribed copy. ALEXANDER took careful steps to ensure that Ms. Taylor would not be deprived of a fair trial. To wit, his then-understanding of *Massiah* prompted him to agree that her self-incriminating statements could not be used against her. When she rejected the D.A.'s offers for rehabilitation, her case was transferred to the Attorney General's office to move forward with prosecution. Ultimately, she accepted an offer from the Attorney General's office that had essentially the same terms as ALEXANDER previously offered to her.

79. As to Mr. VanParks, he did not suffer any prejudice or injustice by ALEXANDER's purported failure to disclose exculpatory evidence to him or by Plaintiff's continued presence in his case. Mr. VanParks' case was ultimately disposed of in the same manner as it would likely have been had another attorney at the District Attorney's office been the victim of Ms. Taylor's tactics. The existence of the taped "confession" was not the only reason for a dismissal of his case.

80. While charging allegations may appear as if ALEXANDER had an improper or secret agenda with regard to Ms. Taylor and Mr. VanParks, Plaintiff has already explained the truth and the law to the STATE BAR and OCTC; yet they continue to seek his disbarment. Plaintiff is informed and alleges that the OCTC and STATE BAR's continued pursuit of disbarment indicates a pretext for discrimination.

3. Alleged Violation of Rule 5-220

81. The sixth count against Plaintiff in the NOTICE charges him with willful suppression of evidence contrary to a legal obligation for his alleged failure to "make a record of [Ms. Taylor's statements] and failing to disclose the statements to VanParks."

82. Contrary to these allegations, and as explained in Paragraphs 64 and 66 above, ALEXANDER suppressed nothing. He had no intent to suppress information he was legally obligated to disclose. ALEXANDER's purported failure to disclose the "confession" suggests he is being held to a different standard requiring *immediate* disclosure, which is not reasonable or supported by law.

83. Plaintiff is informed and alleges that because Mr. VanParks' lawyer made it known in court the next business day after it happened, he was fully informed of the communication. Plaintiff's legal obligation to disclose had been fulfilled. ALEXANDER is being disciplined for the fact that Ms. Taylor got to Mr. VanParks' lawyer and disclosed the communication to him first. The entire situation was disclosed to both Mr. VanParks and Ms. Taylor's lawyers well before trial or any dispositive event.

84. Similarly, as mentioned in Paragraph 76 above, Plaintiff is not aware of any duty or legal standard that requires him to prepare a more detailed written record of his encounter with Ms. Taylor than what he actually did. He did, in fact, make a record of Ms. Taylor's July 8, 2011 statements in her case file, although apparently not done to the OCTC or STATE BAR's satisfaction. Plaintiff had no intent to suppress or hide his conversation with Ms. Taylor. Under the circumstances, Plaintiff's conduct cannot logically amount to willful suppression of evidence contrary to a legal obligation.

85. As with the other charges made against him, Plaintiff has already provided these

explanations to the STATE BAR and OCTC, but they continue to prosecute him and seek his disbarment.

4. Alleged Violation of Rule 3-110(A)

86. The final count in the NOTICE charges Plaintiff with willfully violating California Rules of Professional Conduct Rule 3-110(A) by "intentionally, recklessly, or repeatedly failing to perform legal services with competence" for his conduct related to the July 8, 2011 communication with Ms. Taylor. Here, the same inaccurate set of facts found in the fifth count are used. Rule 3-110(A) states plainly that "a member shall not intentionally, recklessly or repeatedly fail to perform legal services with competence."

87. As already alleged in the preceding paragraphs, Plaintiff had no intent to violate any rules or laws. Plaintiff is informed and alleges that of the seven counts alleged against him in the NOTICE, only one of them might possibly be a truly legitimate charge calling for discipline, but not warranting disbarment. In light of this, the disbarment sought by the State Bar and OCTC is excessive, unwarranted, and suggests a discriminatory purpose.

88. Also, contrary to the allegations made in the NOTICE, Plaintiff did not recklessly or repeatedly fail to perform legal services with competence. The facts alleged herein show that there are no legitimate bases for seeking ALEXANDER's disbarment, and Plaintiff has already made these known to the OCTC and STATE BAR. Their continued pursuit of disbarment must therefore be fueled by discriminatory motives.

89. Plaintiff is informed and alleges that the STATE BAR and OCTC, and each of them, has denied Plaintiff an equal application of the rules of conduct and professional standards afforded to other members who are also prosecutors, and has subjected Plaintiff to unreasonably higher standards that are not supported by law, in order to create purportedly legitimate reasons to disbar him and revoke his membership, so that they can hide their true motive which is to disbar him on account of his prior history of substance abuse.

90. The discriminatory conduct exhibited by the OCTC and STATE BAR is ongoing as they continue to deny Plaintiff fair and equal application of the rules of conduct and professional standards afforded to other members of the STATE BAR who are also prosecutors. Unless the

STATE BAR and OCTC are restrained by a preliminary and permanent injunction, Plaintiff's injury will be great and irreparable. Plaintiff has no plain, speedy, and adequate remedy at law because the STATE BAR has set the trial on the NOTICE to take place on October 15, 2012, and if Plaintiff is disbarred as a result of those proceedings, then he will not only have lost his ability to continue to practice law and have a career as a lawyer, he will also have lost his elected position as District Attorney of Del Norte County. The amount of damages that would flow from such a life-shattering event is unquantifiable at this time.

H. Wrongful Conduct of Other Defendants

91. Plaintiff is informed and alleges that the discriminatory conduct exhibited by the OCTC and STATE BAR is, and at all times herein mentioned has been, fueled, in part, by Defendants BATCHELOR, RIESE, OLSEN, and PELTA, and each of them who also, themselves, committed wrongful acts against ALEXANDER causing injury and harm.

1. Defendant PELTA

92. As mentioned in Paragraph 30 above, PELTA was the complainant in all but one of the baseless counts contained in the NOTICE. PELTA had no grounds to make these complaints yet did so for discriminatory, wrongful and injurious reasons.

93. Additionally, Plaintiff is informed and alleges that PELTA posted multiple untrue and damaging statements about ALEXANDER on the Sacramento Bee website under the pseudonym "jed_smith". Also, on at least one occasion, PELTA threatened a California Highway Patrol Commander named Peterson in an attempt to obtain a retraction of the commander's support of ALEXANDER.

94. The case mentioned in Paragraph 30 wherein PELTA was fired for submitting an *ex parte* communication to the Judge was the case of *People v. Trevor Lehto*, and the Judge was Judge Robert W. Weir. The false campaign loan was alleged to have come from Mr. Mavris. However, although the letter was false, when Judge Weir was informed of it, he stated no problem with ALEXANDER's relationship with Mr. Mavris. Ms. Micks has testified to RIESE's involvement with regard to the *ex parte* communication.

95. Plaintiff is informed and alleges that PELTA has initiated or participated in other false

complaints made against Plantiff to the STATE BAR. For the sake of brevity, Plaintiff will not list all of the instances of wrongful, discriminatory and injurious conduct committed by PELTA at this time. Plaintiff believes and alleges that such conduct is ongoing, and that he can present many additional instances of wrongful, discriminatory and injurious conduct by PELTA. Plaintiff reserves the right to do so prior to trial.

2. Defendant RIESE

96. As mentioned in Paragraphs 31 and 94 above, Defendant RIESE participated in the wrongful, false and defamatory *ex parte* communication to Judge Weir. RIESE also participated in the complaint made to the STATE BAR falsely accusing ALEXANDER of making an *ex parte* communication to the Judge in the Wesley Blake matter. (Paragraphs 26 through 29.)

97. In addition to this, in approximately 2006, RIESE filed a complaint against ALEXANDER falsely alleging that Plaintiff forged a letter that he submitted to the STATE BAR against RIESE. ALEXANDER received the letter from OLSON and the letter indicated that RIESE was attempting to blackmail City Attorney Thomas French into not running against him in the upcoming District Attorney elections. The letter was printed on the letterhead stationary of the District Attorney's Office.

98. The complaint filed by RIESE against ALEXANDER was ultimately dismissed. However, during the pendency of the matter, BATCHELOR indicated on the record in open court that ALEXANDER had been warned to leave RIESE alone. Plaintiff is informed and alleges that this warning was made in connection with the discriminatory and injurious conduct displayed against him by Defendants, and each of them, and because ALEXANDER has spoken out several times regarding instances of corruption involving RIESE including but not limited to gun trafficking matters. These matters were reported to the STATE BAR, but the STATE BAR did not pursue them or impose discipline on RIESE. Plaintiff reserves the right to do so prior to trial.

99. Plaintiff is informed and alleges that RIESE has initiated or participated in other false complaints made against Plantiff to the STATE BAR. For the sake of brevity, Plaintiff will not list all of the instances of wrongful, discriminatory and injurious conduct committed by RIESE at this time. Plaintiff believes and alleges that such conduct is ongoing, and that he can present many

additional instances of wrongful, discriminatory and injurious conduct by RIESE.

3. Defendant OLSON

100. As mentioned in Paragraphs 26 through 29, OLSON participated in the submission of the false complaint against ALEXANDER in connection with the Wesley Blake matter. Other discriminatory and wrongful acts by OLSON include, but are not limited to, false and defamatory statements to potential clients that ALEXANDER's family in Oregon had a restraining order against him. Also, approximately when Plaintiff was Deputy District Attorney, OLSON hacked into his work computer and sent his case notes to defense attorneys to assist them with filing motions for dismissals, as well as pulled his files in an attempt to dump major dope felonies for friends.

101. Plaintiff is informed and alleges that OLSON has initiated or participated in other false complaints made against Plantiff to the STATE BAR. For the sake of brevity, Plaintiff will not list all of the instances of wrongful, discriminatory and injurious conduct committed by OLSON at this time. However, ALEXANDER can present many additional instances of wrongful, discriminatory and injurious conduct by OLSON, and reserves the right to do so prior to trial.

4. Defendant BATCHELOR

102. As mentioned in Paragraphs 26 through 29, BATCHELOR participated in the false complaint against ALEXANDER in connection with the Wesley Blake matter. BATCHELOR also made the false and defamatory statement published in the Sacramento Bee that the Attorney General's office agreed with her discriminatory assessment of Plaintiff's mental abilities. (Paragraphs 22 and 23, above.) Her association with RIESE is also shown in Paragraph 98, above.

103. Plaintiff believes and alleges that BATCHELOR is an active participant in the STATE BAR and OCTC's wrongful and discriminatory prosecution to have him disbarred. This is evidenced, at a minimum, by BATCHELOR's discriminatory statement that was leaked to the Sacramento Bee. Although in connection with the NOTICE proceedings BATCHELOR has asserted that she was never assigned the cases that resulted in the NOTICE, her statement only supports Plaintiff's allegations regarding the discriminatory nature of the STATE BAR and OCTC's prosecution and BATCHELOR's involvement in the same. There is no conceivable reason why

BATCHELOR would make statements regarding ALEXANDER's mental abilities, either internally or publicly, unless she were involved and actively participating in the prosecution.

104. Plaintiff is informed and alleges that OLSON has initiated or participated in other false complaints made against Plantiff to the STATE BAR. Plaintiff believes and alleges that discovery in this matter will reveal further wrongful, discriminatory and injurious conduct by BATCHELOR, as well as evidence of her active participation in the proceedings to have ALEXANDER disbarred.

III.

FIRST CAUSE OF ACTION

VIOLATION OF UNRUH CIVIL RIGHTS ACT

105. As a first cause of action, Plaintiff complains against Defendants STATE BAR and OCTC, and each of them, and incorporates by reference all of the allegations of each of the foregoing paragraphs of this Complaint as though fully set forth herein.

106. The STATE BAR and OCTC are business establishments within the meaning of the Unruh Civil Rights Act because the STATE BAR is public corporation engaged in the business of regulating the practice and conduct of member attorneys and providing greater access to the justice system for all citizens and the OCTC is engaged in the business of reviewing, investigating, and prosecuting charges of lawyer misconduct for the benefit of the public.

107. As already detailed above, ALEXANDER is a member attorney practicing law and elected to the office of District Attorney for Del Norte County. The STATE BAR and OCTC, and each of them, are seeking to have him disbarred on an expedited basis pursuant to the charges in the NOTICE, even though ALEXANDER has presented compelling, undisputable evidence that disbarment is not warranted nor proper.

108. ALEXANDER's condition as a former drug addict who has been clean and sober for the last 9 years falls within the definition of "Mental Disability" contained in Government Code § 12926(j). Therefore, he is part of a class protected against discrimination pursuant to Civil Code § 51(b) and (e)(1). Civil Code § 51.5 prohibits the STATE BAR and OCTC from discriminating against, boycotting or blacklisting ALEXANDER from membership on account his prior history of substance abuse.

109. Plaintiff is informed and alleges that the STATE BAR and OCTC, and each of them, has denied Plaintiff an equal application of the rules of conduct and professional standards afforded to other members who are also prosecutors, and has subjected Plaintiff to unreasonably higher standards that are not supported by law on account of his prior history of substance abuse.

110. The discriminatory conduct exhibited by the OCTC and STATE BAR is ongoing as they continue to deny Plaintiff fair and equal application of the rules of conduct and professional standards afforded to other members of the STATE BAR who are also prosecutors. Unless the STATE BAR and OCTC are restrained by a preliminary and permanent injunction, Plaintiff's injury will be great and irreparable. Plaintiff has no plain, speedy, and adequate remedy at law because the STATE BAR has set the trial on the NOTICE to take place on October 15, 2012, and if Plaintiff is disbarred as a result of those proceedings, then he will not only have lost his ability to continue to practice law and have a career as a lawyer, he will also have lost his elected position as District Attorney of Del Norte County. The amount of damages that would flow from such a life-shattering event is unquantifiable at this time.

111. As a proximate result of the wrongful acts of these defendants, and each of them, Plaintiff has suffered, and continues to suffer, economic and reputational harm, and is entitled to damages in an amount subject to proof at trial.

112. As a proximate result of the wrongful acts of these defendants, and each of them, Plaintiff is also entitled to recover statutory damages equaling three times the amount of the actual damages proven at trial, plus attorney's fees, as provided in Civil Code § 52.

113. Plaintiff also seeks punitive and exemplary damages in an amount sufficient to punish and make an example of each such Defendant found guilty of despicable conduct which is proven at trial to be oppressive, fraudulent, and/or malicious.

IV.

SECOND CAUSE OF ACTION

INTENTIONAL INTERFERENCE WITH CONTRACTUAL RELATIONS

114. As a second cause of action, Plaintiff complains against Defendants, and each of them, and incorporates by reference all of the allegations of each of the foregoing paragraphs of

this Complaint as though fully set forth herein.

115. On or about January 3, 2011, ALEXANDER took office as the elected District Attorney of Del Norte County and agreed to serve the citizens of Del Norte County as District Attorney in exchange for monetary compensation and other employment benefits. Accordingly, Plaintiff had an existing contract with the citizens of Del Norte County.

116. Defendants, and each of them, are, and at all times herein mentioned were, aware of this contractual relationship between ALEXANDER and the citizens of Del Norte County in that they knew of his position as the elected District Attorney.

117. Defendants, and each of them, acted, and continue to act, with the intent to disrupt Plaintiff's contract, as described in detail in Paragraphs 2 through 104, which are incorporated as though fully set forth herein. These acts were, and have been, done with the intent to cause Plaintiff to be come unable to continue to perform as District Attorney and to interfere with his contract with Del Norte County citizens.

118. The wrongful conduct of Defendants, and each of them, is ongoing because, at a minimum, they are fueling and participating in the efforts to have ALEXANDER disbarred and removed from his elected office. Unless Defendants, and each of them, are restrained by a preliminary and permanent injunction, Plaintiff's injury will be great and irreparable. Plaintiff has no plain, speedy, and adequate remedy at law because the STATE BAR has set the trial on the NOTICE to take place on October 15, 2012, and if Plaintiff is disbarred as a result of those proceedings, then he will not only have lost his ability to continue to practice law and have a career as a lawyer, he will also have lost his elected position as District Attorney of Del Norte County. The amount of damages that would flow from such a life-shattering event is unquantifiable at this time.

119. As a proximate result of the wrongful acts of these defendants, and each of them, Plaintiff has suffered, and continues to suffer, economic and reputational harm, and is entitled to damages in an amount subject to proof at trial.

120. Plaintiff also seeks punitive and exemplary damages in an amount sufficient to punish and make an example of each such Defendant found guilty of despicable conduct which is proven at trial to be oppressive, fraudulent, and/or malicious.

V.

THIRD CAUSE OF ACTION

INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

121. As a third cause of action, Plaintiff complains against Defendants, and each of them, and incorporates by reference all of the allegations of each of the foregoing paragraphs of this Complaint as though fully set forth herein.

122. As a practicing attorney, and particularly once he vacates his office as District Attorney of Del Norte County, ALEXANDER has, and will have, prospective economic relationships with various potential clients seeking legal representation that will have probable future economic benefit to him if those potential clients turn into actual clients.

123. Defendants, and each of them, are, and at all times herein mentioned were, aware of the prospective economic relationship that ALEXANDER has with potential clients seeking legal represenation in that they know that he is licenced to practice law in the State of California and a member of the STATE BAR.

124. Defendants, and each of them, acted, and continue to act, with the intent to disrupt Plaintiff's prospective economic relationships, as described in detail in Paragraphs 22 through 104, which are incorporated as though fully set forth herein. These acts were, and have been, done with the intent to cause Plaintiff to be come unable to continue to practice law or legally represent clients in the State of California, ever.

125. The conduct of Defendants, and each of them, are independently wrongful in that they are discriminatory, defamatory, and violate statutory laws, among others.

126. The wrongful conduct of Defendants, and each of them, is ongoing because, at a minimum, they are fueling and participating in the efforts to have ALEXANDER disbarred and removed from his elected office. Unless Defendants, and each of them, are restrained by a preliminary and permanent injunction, Plaintiff's injury will be great and irreparable. Plaintiff has no plain, speedy, and adequate remedy at law because the STATE BAR has set the trial on the NOTICE to take place on October 15, 2012, and if Plaintiff is disbarred as a result of those proceedings, then he will not only have lost his ability to continue to practice law and have a career

as a lawyer, he will also have lost his elected position as District Attorney of Del Norte County. The amount of damages that would flow from such a life-shattering event is unquantifiable at this time.

127. As a proximate result of the wrongful acts of these defendants, and each of them, Plaintiff has suffered, and continues to suffer, economic and reputational harm, and is entitled to damages in an amount subject to proof at trial.

VI.

FOURTH CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

128. As a fourth cause of action, Plaintiff complains against Defendants, and each of them, and incorporates by reference all of the allegations of each of the foregoing paragraphs of this Complaint as though fully set forth herein.

129. As further detailed in Paragraphs 22 through 104, which are incorporated as though fully set forth herein, the conduct of Defendants, and each of them, was, and is, so outrageous in character and extreme in degree as to go beyond all possible bounds of decency. Among others, Defendants, and each of them, have prosecuted, and continue to prosecute complaints against Plaintiff based on false grounds. Defendants, and each of them, have also abused, and continue to abuse, positions of authority that give them the power to damage ALEXANDER's interests.

130. The conduct of Defendants, and each of them, was, and is, intentional and malicious and done for the purpose of causing Plaintiff to suffer humiliation, mental anguish, and emotional and physical distress, or with a wanton and reckless disregard of the consequences to ALEXANDER.

131. As a proximate result of the wrongful acts of these defendants, and each of them, Plaintiff has suffered, and continues to suffer humiliation, mental anguish, emotional and physical distress, economic and reputational harm, and is entitled to damages in an amount subject to proof at trial.

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VII.

FIFTH CAUSE OF ACTION

NEGLIGENT INTERFERENCE WITH CONTRACTUAL RELATIONS

132. As a fifth cause of action, Plaintiff complains against Defendants, and each of them, and incorporates by reference all of the allegations of each of the foregoing paragraphs of this Complaint as though fully set forth herein.

133. On or about January 3, 2011, ALEXANDER took office as the elected District Attorney of Del Norte County and agreed to serve the citizens of Del Norte County as District Attorney in exchange for monetary compensation and other employment benefits. Accordingly, Plaintiff had an existing contract with the citizens of Del Norte County of which Defendants, and each of them, knew or should have known.

134. Defendants, and each of them, negligently interfered with Plaintiff's contract with the citizens of Del Norte County as further detailed in Paragraphs 22 through 104, which are incorporated as though fully set forth herein. Defendants, and each of them, knew or should have known that Plaintiff's ability to perform as District Attorney would be disrupted by disbarment proceedings, submission of false complaints, defamatory statements, and others. Nevertheless, Defendants, and each of them, have continued to make defamatory statements, submit false complaints, and pursue disbarment proceedings against ALEXANDER.

135. The wrongful conduct of Defendants, and each of them, is ongoing because, at a minimum, they are fueling and participating in the efforts to have ALEXANDER disbarred and removed from his elected office. Unless Defendants, and each of them, are restrained by a preliminary and permanent injunction, Plaintiff's injury will be great and irreparable. Plaintiff has no plain, speedy, and adequate remedy at law because the STATE BAR has set the trial on the NOTICE to take place on October 15, 2012, and if Plaintiff is disbarred as a result of those proceedings, then he will not only have lost his ability to continue to practice law and have a career as a lawyer, he will also have lost his elected position as District Attorney of Del Norte County. The amount of damages that would flow from such a life-shattering event is unquantifiable at this time.

136. As a proximate result of the negligent interference of these defendants, and each of

them, Plaintiff has suffered, and continues to suffer, economic and reputational harm, and is entitled to damages in an amount subject to proof at trial.

VIII.

SIXTH CAUSE OF ACTION

NEGLIGENT INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

137. As a sixth cause of action, Plaintiff complains against Defendants, and each of them, and incorporates by reference all of the allegations of each of the foregoing paragraphs of this Complaint as though fully set forth herein.

138. As a practicing attorney, and particularly once he vacates his office as District Attorney of Del Norte County, ALEXANDER has, and will have, prospective economic relationships with various potential clients seeking legal representation that will have probable future economic benefit to him if those potential clients turn into actual clients. Defendants, and each of them, knew or should have known of the existence of these prospective economic relationships.

139. Defendants, and each of them, negligently interfered with Plaintiff's prospective economic relationships as detailed in Paragraphs 22 through 104, which are incorporated as though fully set forth herein. Defendants, and each of them, knew or should have known that Plaintiff's ability to practice law and obtain future clients seeking legal representation would be disrupted by disbarment proceedings, submission of false complaints, defamatory statements, and others. Nevertheless, Defendants, and each of them, have continued to make defamatory statements, submit false complaints, and pursue disbarment proceedings, and commit other negligent acts against ALEXANDER.

140. The wrongful conduct of Defendants, and each of them, is ongoing because, at a minimum, they are fueling and participating in the efforts to have ALEXANDER disbarred and removed from his elected office. Unless Defendants, and each of them, are restrained by a preliminary and permanent injunction, Plaintiff's injury will be great and irreparable. Plaintiff has no plain, speedy, and adequate remedy at law because the STATE BAR has set the trial on the NOTICE to take place on October 15, 2012, and if Plaintiff is disbarred as a result of those proceedings, then he will not only have lost his ability to continue to practice law and have a career

as a lawyer, he will also have lost his elected position as District Attorney of Del Norte County. The amount of damages that would flow from such a life-shattering event is unquantifiable at this time.

141. As a proximate result of the negligent interference of these defendants, and each of them, Plaintiff has suffered, and continues to suffer, economic and reputational harm, and is entitled to damages in an amount subject to proof at trial.

IX.

SEVENTH CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

142. As a seventh cause of action, Plaintiff complains against Defendants, and each of them, and incorporates by reference all of the allegations of each of the foregoing paragraphs of this Complaint as though fully set forth herein.

143. Defendants, and each of them, had a duty to Plaintiff to exercise due care and not to submit false complaints, make false statements about Plaintiff, seek to have him disbarred on unmeritorious grounds, or interfere with his contractual and prospective economic relationships, among others. Defendants, and each of them, knew or should have known that their failure to exercise due care would cause ALEXANDER severe emotional distress. Nevertheless, Defendants, and each of them, have continued to make defamatory statements, submit false complaints, and pursue disbarment proceedings, and commit other negligent acts against ALEXANDER.

144. As a proximate result of the negligent acts of these Defendants, and each of them, as described further in Paragraphs 22 through 104 and incorporated as though fully set forth herein, ALEXANDER has suffered a disruption of his contractual and prospective economic relationships, as well as reputational harm due to the defamatory statements, and false complaints made against him, as well as the disbarment proceedings that seek to deprive him forever of his ability to practice law in the State of California.

145. As a proximate result of the negligent acts of these defendants, and each of them, which are incorporated as though fully set forth herein, Plaintiff has suffered, and continues to suffer humiliation, mental anguish, emotional and physical distress, and is entitled to damages in an

amount subject to proof at trial.

X.

EIGHTH CAUSE OF ACTION

DEFAMATION

146. As an eighth cause of action, Plaintiff complains against Defendants BATCHELOR and PELTA, and DOES 40 through 45, and each of them, and incorporates by reference all of the allegations of each of the foregoing paragraphs of this Complaint as though fully set forth herein.

A. Defamation by BATCHELOR

147. As stated in Paragraph 22 above, which is incorporated herein by reference, BATCHELOR made a defamatory statement regarding ALEXANDER that was ultimately published in the Sacramento Bee newspaper on or about February 26, 2012. The Sacramento Bee is circulated to thousands of readers primarily in and around the Northern California area both in print and online media.

148. BATCHELOR was quoted by the Sacramento Bee for her opinion that ALEXANDER's "mental abilities continue to be adversely affected by his long time meth use," and also that "No doubt the AG [Attorney General's Office] agrees."

149. The statement that the Attorney General's office agrees with BATCHELOR's opinion is false. Furthermore, this statement is defamatory in that it is harmful to ALEXANDER's professional and personal reputation to have persons wrongfully believing that the Attorney General's office thinks Plaintiff's mental abilities are adversely affected by his long time meth use.

150. BACHELOR's statement was made with knowledge of its falsity and/or reckless disregard for the truth.

151. As a proximate result of this publication, ALEXANDER has suffered loss of his reputation, shame, mortification, and hurt feelings and is entitled to damages in an amount subject to proof at trial.

B. Defamation by PELTA

152. Plaintiff is informed and alleges that, on or about February 28 and 29, 2012, in

connection with publication of the February 26. 2012 news article containing BATCHELOR's quote on the Sacramento Bee's website, PELTA posted multiple false and defamatory comments under the pseudonym "jed_smith". These comments were available to be seen by anyone who had access to the Sacramento Bee website.

153. The false statements made by PELTA in these posted comments include, but are not limited to, that "[ALEXANDER] had innocent people arrested to make headlines," "he is a nightmare to work for," as well as several false statements that ALEXANDER paid others to post favorable comments in connection with the publication.

154. Not only are these statements false, they are also defamatory in that they expose Plaintiff to hatred and contempt, as well as harm to his professional and personal reputation because readers are left to believe negative but untrue things about ALEXANDER's character.

155. PELTA's statements were made with knowledge of their falsity and/or reckless disregard for the truth.

156. As a proximate result of these multiple publications, ALEXANDER has suffered loss of his reputation, shame, mortification, and hurt feelings and is entitled to damages in an amount subject to proof at trial.

157. Plaintiff reserves the right to include additional instances of defamatory conduct that are discovered prior to trial.

158. Plaintiff also seeks punitive and exemplary damages in an amount sufficient to punish and make an example of each such Defendant found guilty of despicable conduct which is proven at trial to be oppressive, fraudulent, and/or malicious.

XI.

NINTH CAUSE OF ACTION

NEGLIGENCE

159. As a ninth cause of action, Plaintiff complains against Defendants, and each of them, and incorporates by reference all of the allegations of each of the foregoing paragraphs of this Complaint as though fully set forth herein.

160. Defendants, and each of them, owed ALEXANDER a duty of care to conduct

themselves in such a way as to avoid foreseeable harm to him.

161. Defendants, and each of them, breached this duty in the manner described in Paragraphs 22 through 104 above and incorporated as though fully set forth herein. At the time that these Defendants committed their acts, it was foreseeable to them that ALEXANDER would suffer injury and damage as a result.

162. As a proximate result of the negligence of Defendants, and each of them, Plaintiff was severely injured and suffered economic, emotional and reputational harm and is entitled to damages in an amount subject to proof at trial.

163. As a further proximate result of the negligence of Defendants, and each of them, Plaintiff has sought legal counsel and has incurred, and will continue to incur, attorneys' fees and costs in an amount which will be proven at the time of trial.

XII.

TENTH CAUSE OF ACTION

CONSPIRACY

164. As a tenth cause of action, Plaintiff complain against Defendants, and each of them, and incorporates by reference all of the allegations of each of the foregoing paragraphs of this Complaint as though fully set forth herein.

165. At all times herein mentioned, Defendants, and each of them knowingly and willfully conspired and agreed among themselves to discriminate against, harass, and defame Plaintiff, as well as to seek his disbarment from the STATE BAR.

166. Defendants, and each of them, did the acts and things described in Paragraphs 22 through 104 pursuant to, and in furtherance of, the conspiracy between themselves.

167. As a proximate result of the conspiracy formed by Defendants, and each of them, Plaintiffs have incurred damages in an amount subject to proof at trial. Plaintiffs also seek punitive and exemplary damages in an amount sufficient to punish and make an example of each such Defendant found guilty of despicable conduct which is proven at trial to be oppressive, fraudulent, and/or malicious.

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XIII.

PRAYER

WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as follows:

1. For a preliminary injunction and a permanent injunction enjoining Defendants, and each of them, and their agents, servants, employees, and all persons acting under, in concert with, or for Defendants, and each of them, from discrimination, denial of equal application of the rules of conduct and professional standards afforded to other members of the STATE BAR who are also prosecutors, subjection of ALEXANDER to unreasonably higher standards that are not supported by law, and further interference with ALEXANDER's contract as District Attorney of Del Norte County, as well as his prospective economic advantage of continuing to practice law in the State of California.

2. For non-economic (general), economic (special), equitable, compensatory, incidental, and consequential damages in an amount subject to proof at trial;

3. For statutory damages in the sum of three times the amount of actual damages proven at trial and attorney's fees pursuant to Civil Code § 52;

4. For pre-judgment and post-judgment interest at the legal rate;

5. For attorney fees and costs incurred in bringing this action;

6. For such other and further relief as the Court may deem just and proper; and

7. For a jury trial.

DATED: 10-9-12

NOLEN LAW FIRM

By: _____
RUDY NOLEN
Attorneys for Plaintiff, JON MICHAEL ALEXANDER

VERIFICATION

I, JON MICHAEL ALEXANDER, am the Plaintiff in the above-entitled action. I have read the foregoing Complaint for Damages and Preliminary and Permanent Injunction and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and, as to those matters, I believe it to be true.

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

DATED: 10/9/2012

By: Jon M. Alexander
JON MICHAEL ALEXANDER

VERIFICATION

I, JON MICHAEL ALEXANDER, am the Plaintiff in the above-entitled action. I have read the foregoing Complaint for Damages and Preliminary and Permanent Injunction and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and, as to those matters, I believe it to be true.

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

DATED: 10/9/2012

By: Jon M. Alexander
JON MICHAEL ALEXANDER

CIV-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Rudy Nolen, SBN 59808
NOLEN LAW FIRM
1501 28th Street

Sacramento, CA 95816

TELEPHONE NO.: (916) 733-0600 FAX NO. (Optional): (916) 733-0601
E-MAIL ADDRESS (Optional): rnolen@nolenlaw.net
ATTORNEY FOR (Name): Jon Alexander

FOR COURT USE ONLY

FILED
San Francisco County Superior Court
NOV 16 2012
CLERK OF THE COURT
BY: DAVID W. YUEN Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS: 400 McAllister Street
CITY AND ZIP CODE: San Francisco 94102
BRANCH NAME: Civic Center Courthouse

PLAINTIFF/PETITIONER: Jon Alexander

DEFENDANT/RESPONDENT: State Bar of California, State Bar of California Office of Chief Trial Counsel

CASE NUMBER: CGC-12-525073

REQUEST FOR DISMISSAL

[ ] **Personal Injury, Property Damage, or Wrongful Death**
[ ] **Motor Vehicle** [ ] **Other**
[ ] **Family Law** [ ] **Eminent Domain**
[X] **Other** *(specify)*: Violation of Unruh Civil Rights

- A conformed copy will not be returned by the clerk unless a method of return is provided with the document. -

1. TO THE CLERK: Please **dismiss** this action as follows:
   a. (1) [ ] With prejudice (2) [X] Without prejudice
   b. (1) [X] Complaint (2) [ ] Petition
   (3) [ ] Cross-complaint filed by *(name)*: on *(date)*:
   (4) [ ] Cross-complaint filed by *(name)*: on *(date)*:
   (5) [X] Entire action of all parties and all causes of action
   (6) [ ] Other *(specify)*:*

2. *(Complete in all cases except family law cases.)*
   [ ] Court fees and costs were waived for a party in this case. *(This information may be obtained from the clerk. If this box is checked, the declaration on the back of this form must be completed)*

Date: November 15, 2012

Rudy Nolen, SBN 59808
(TYPE OR PRINT NAME OF [X] ATTORNEY [ ] PARTY WITHOUT ATTORNEY)

(SIGNATURE)
Attorney or party without attorney for: Plaintiff, JON ALEXANDER
[ ] Plaintiff/Petitioner [ ] Defendant/Respondent
[ ] Cross - complainant

*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

3. **TO THE CLERK:** Consent to the above dismissal is hereby given.**
   Date:

(TYPE OR PRINT NAME OF [ ] ATTORNEY [ ] PARTY WITHOUT ATTORNEY)

(SIGNATURE)
Attorney or party without attorney for:
[ ] Plaintiff/Petitioner [ ] Defendant/Respondent
[ ] Cross - Complainant

** If a cross-complaint – or Response (Family Law) seeking affirmative relief – is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

(To be completed by clerk)
4. [ ] Dismissal entered as requested on *(date)*:
5. [ ] Dismissal entered on *(date)*: as to only *(name)*:
6. [ ] Dismissal **not entered** as requested for the following reasons *(specify)*:

7. a. [ ] Attorney or party without attorney notified on *(date)*:
   b. [ ] Attorney or party without attorney not notified. Filing party failed to provide
   [ ] a copy to be conformed [ ] means to return conformed copy

Date: Clerk, by _____, Deputy

POS-030

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
Rudy Nolen NOLEN LAW FIRM 1501 28th Street Sacramento, CA 95816 TELEPHONE NO.: (916) 733-0600 FAX NO. (Optional): (916) 733-0601 E-MAIL ADDRESS (Optional): rnolen@nolenlaw.net ATTORNEY FOR (Name): Jon Alexander	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco 94102 BRANCH NAME: Civic Center Courthouse	
PETITIONER/PLAINTIFF: Jon Alexander RESPONDENT/DEFENDANT: State Bar of California, State Bar of California Office of Chief Trial Counsel, et a	
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL	CASE NUMBER: CGC-12-525073

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and **not a party to this action.** I am a resident of or employed in the county where the mailing took place.

2. My residence or business address is: 1501 28th Street
   Sacramento, CA 95816

3. On *(date):* Nov. 15, 2012 I mailed from *(city and state):* Sacramento, California
   the following **documents** *(specify):* Request For Dismissal

   [ ] The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).

4. I served the documents by enclosing them in an envelope and *(check one):*
   a. [ ] **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
   b. [X] **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

5. The envelope was addressed and mailed as follows:
   a. **Name** of person served: Mark Torres-Gil, Esq.
   b. **Address** of person served: State Bar of California
   180 Howard Street
   San Francisco, CA 94105

   [ ] The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (POS-030(P)).

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

Date: November 15, 2012

Todd Schmidt
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

▶ (SIGNATURE OF PERSON COMPLETING THIS FORM)

FEE WAIVER Pen pending
APR 23 2007

JAMES EARL BROWN

JAMES E. BROWN
Attorney at Law
State Bar No. 059180
4988 N. Figueroa Street
Los Angeles, CA 90042
JAMES EARL BROWN In Pro Se
Telephone: (323) 258-5796 (Office)

Attorney for Plaintiffs

FILED IN FORMA PAUPERIS (GRC 985)
PER ORDER DATED _____
AMOUNT RECOVERABLE PURSUANT
TO 68511.3 GC $ _____
PLUS A ONE TIME ADMINISTRATIVE FEE UPON JUDGMENT
IF THE PARTY BECOMES A JUDGMENT CREDITOR.

FILED
LOS ANGELES SUPERIOR COURT
APR 23 2007
John A. Clarke, Executive Officer/Clerk
By _____, Deputy
D. Garcia

Mel Recchia D-45

Case assigned to Judge

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

CENTRAL DISTRICT – STANLEY MOSK COURTHOUSE

JAMES EARL BROWN, an individual; JAMES EARL BROWN, personal representative of the Estate of Josephine Limon Trujillo; JAMES EARL BROWN, attorney for 200 More or Less Members of the Public, Private Entities, and Public Agencies,

Plaintiffs,

vs.

FRANCISCO GUTIERREZ; LORRAINE CABALLERO GUTIERREZ; OSCAR GUTIERREZ; ESTELLA GUTIERREZ; IRMA GUTIERREZ; and DAVID CABALLERO, a.k.a. the GUTIERREZ/ CABALLERO GROUP; DETECTIVE STELLA McNAMARA and the LOS ANGELES POLICE DEPARTMENT; the CITY OF LOS ANGELES; CALIFORNIA STATE BAR; RISAMARIE C. SITTON; ROSE MELISSA; and DOES 1 through 49, inclusive,

Defendants

CASE NO: BC369840

VERIFIED COMPLAINT FOR: VIOLATIONS OF THE SELF-EXECUTING PROVISIONS OF THE 13th and 14th AMENDMENTS OF THE UNITED STATES CONSTITUTION; PROHIBITION OF INVOLUNTARY SERVITUDE BY IDENTITY THEFT; AND FOR VIOLATIONS OF § 1985(3) DEPRIVATIONS OF PRIVILEGES AND IMMUNITIES OF U.S. CITIZENSHIP, AND CONSPIRACY TO VIOLATE §§ 1981(a)(b) U.S.C.S. and § 1983 42 U.S.C.S.; ATTORNEY'S FEES UNDER § 42 U.S.C. 1988

COMPLAINT FOR DAMAGES FOR BREACH OF CONTRACT (CIVIL CODE § 3333, AND CONSPIRACY TO INTERFERE WITH RIGHT TO PRACTICE PROFESSION, CIVIL CODE § 425.10; PUNITIVE, EXEMPLARY AND COMPENSATORY DAMAGES, INJUNCTIVE RELIEF; REQUEST TO IMPRESS EQUITABLE LIEN, CONSTRUCTIVE TRUST ON PROPERTY, DECLARATORY RELIEF, AND RELIEF UNDER UNIFORM FRAUDULENT TRANSFER ACT

DEMAND FOR JURY TRIAL
DEMAND FOR LONG CAUSE, COMPLEX LITIGATION DESIGNATION

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INTRODUCTION

This action arises under the Thirteenth and Fourteenth Amendments to the United States Constitution (hereinafter "13th Amendment" and "14th Amendment"). These self-executing provisions prohibit "involuntary servitude as defined by the United States Supreme Court in the Slaughter House cases (hereinafter "Slaughter House"), 83 U.S. (16 Wall) 26, 69, 21 L. Ed. 394 (1873) and U.S. v. Kozminski (1988) 108 S Ct. 2751 at 2760-61, ¶ 6, *Id.* 61 (hereinafter "Kozminski", special vulnerabilities of victims giving rise to physical or legal coercion), arising from identity theft, Penal Code §§ 530, 530.5, 531 and 532, as described hereinbelow.

I.

FACTS COMMON TO ALL CAUSES OF ACTION, SECTIONS I-XV

1. (a) Plaintiff, James Earl Brown, is, and at all times herein mentioned was, a resident of the State of California. County of Los Angeles, acting and practicing law as an attorney and a respected member of the California State Bar and the Los Angeles community.

(b) At all times herein mentioned, defendants, and each of them, are residents of the State of California, County of Los Angeles.

(c) Defendants, Does 1-49, inclusive, are sued herein under fictitious names, their true names and capacities being unknown to plaintiff. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained.

(d) Plaintiff is informed and believes and alleges that each of the defendants, and that each fictitiously named defendant is responsible in some manner for the occurrences herein alleged and that plaintiff's damages as herein alleged were proximately caused by such named defendants and fictitiously named defendants acting in their own interest, their official capacity, on a policy, custom or practice, as agents, servants, employees, or coconspirators, within the meaning of Penal Code §§ 27, 30, 31 and 32, and 42 U.S.C.S §§ 1961, *et seq.* or § 1985(3) and in doing the things hereinafter alleged were actions within the course, scope, authority, policy, custom, official capacity, agency, permission and consent or agreement of their co-defendants.

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DEFENDANTS CONSPIRE TO DEPRIVE PLAINTIFF OF HIS CIVIL RIGHTS IN THE NORTHEAST LOS ANGELES AREA

2. Plaintiff, a Black man, was, at all times herein mentioned, an attorney practicing law since 1976 with a Client Trust Account ("CTA") and from Wells Fargo Bank ("WF"), account number 0610-075-319 without criticism from the California State Bar ("State Bar"). This practice, serving exclusively Latino individuals in the Northeast District of Los Angeles (a targeted area for gang activity by the City of Los Angeles COMSTAT Street Gang Policy), known as Highland Park, previously in the Fourteenth District, but redistricted under federal court order by Councilman Richard Alatorre to form another Latino district – the First District (first occupied by Councilperson Gloria Molina), specifically, 4988 North Figueroa Street.

3. For fifteen years, plaintiff played "pick up" basketball in a local gym – Cypress Park – and there became acquainted with Francisco Gutierrez, Oscar Gutierrez, David Caballero, and Alberto Cervantes, II. They "operated" out of that area, plaintiff subsequently discovered.

4. Plaintiff had been lobbying the City of Los Angeles to open a rehabilitation center for women in the available space in the "Old Lincoln Heights Jail" but was blocked by Councilperson Gloria Molina who wanted the facility for use of "the local community" as a "cultural arts" location.

5. Plaintiff challenged in federal court the City's district policy that requires petitions for the use of city property be made to the councilperson in whose district the property is located as an "ethnic classification." That action was before the late, brilliant Mathew Byrne, Jr., and was abandoned.

6. When Francisco Gutierrez ("Francisco") invited plaintiff to open a civil practice in his 2975 Wilshire Boulevard, Suite 528, Los Angeles, California 90010 office ("Wilshire Office"), which was located in District 9 (Councilperson Jan Perry – an African American woman), plaintiff informed Francisco that he did not practice civil law but that plaintiff's associate, Frederick H. Alschuler ("Fred") was a brilliant civil attorney who was available, and that plaintiff would occupy a presence there for the purpose of lobbying the city office of Councilperson Jan Perry, but Fred would be the chief litigating attorney in charge (the only "Associate") at the Wilshire office.

7. At the Cypress Park gym in the same Category I crime area, Francisco assured plaintiff and later Fred, that this Wilshire office was operating a long-time business within the Latino community

from the phone number 213) 487-7767; and, that while separated from his brother, Oscar Gutierrez ("Oscar"), that business could be operated by Fred and plaintiff.

8. Those assurances were false and fraudulent, within the meaning of Civil Code § 1710 because Francisco knew that he, and Oscar, David Caballero ("David"), and the remainder of his Gutierrez/Caballero family were engaged in the unauthorized practice of law (California Business and Professions Code §§ 6126, *et seq.*), money laundering in violation of Penal Code §§ 186, *et seq.*, forgery in violation of Penal Code § 470, and grand theft as hereinbelow described as "Criminal Profiteering Activity," and "participation in criminal street gang," §§ 186, *et seq.*, §§ 186.22, *et seq.*

9. Francisco requested that for a salary of $35,000 annually, he could confine his activities to interpreter for Spanish-speaking clients, maintain relationships with other Latino lawyers for sources of business, and manage the office by paying overhead, expenses and salaries.

10. These representations were false, and were intentionally made by Francisco to induce plaintiff and Fred Alschuler into the Wilshire office where, unknown to plaintiff, the Gutierrez/Caballero group, consisting of Oscar, Estella Gutierrez ("Estella"), and David were unlawfully soliciting legal automobile accident collision cases (and probate cases), in violation of Business and Professions Code §§ 6461 and 6454.

11. Plaintiff and Fred relied on such false representations, and without any knowledge of racketeering activity described herein opened offices within the Wilshire office amongst the activities described hereinbelow:

III.

THE GUTIERREZ/CABALLERO GROUP

12. Whereafter defendants, Francisco, David, Estella, Alberto Cervantes, II ("Alberto"), Oscar, and Francisco's wife, Lorraine Caballero Gutierrez, a.k.a. "Lorrie Caballero" and "Lorrie Gutierrez" (herein "Lorraine"), and Francisco's mother, Irma Gutierrez (herein "Irma"), herein the "Gutierrez/Caballero Group," without the knowledge and consent of Fred or plaintiff, continued the criminal activities described hereinbelow through the identify theft of plaintiff on a class-based racial and ethnic animus practiced against plaintiff because of his race, and as a class-based animus practiced against Latinos because of their ethnicity.

13. These activities, as described hereinbelow, resulted in the loss of property in the sum of One Million, Three Hundred Thousand dollars ($1,300,000) to the 200, more or less, members of the public, private entities, and public agencies through the organized activity as described in Penal Code §§ 186.2(b)(1), (2) and (3) as described herein in Exhibit 1.

IV.

CONTRACTS OF THE PLAINTIFF

14. Pursuant to representations made by Francisco, plaintiff performed all conditions on his part to be performed by filing for incorporation of professional corporation (APC) on November 15, 2001, and opened a personal client trust account ("CTA") with Wells Fargo Bank, account number 798-766-7400, whereupon plaintiff was the sole signatory, but opened an office business account ("OBA" – petty cash account) with Bank of America ("BA") to pay office expenses as agreed with the office manager, Francisco, and giving him signature authority on account number 030-550-4258.

15. The Wells Fargo CTA number 798-760-7400 was a contract between plaintiff and Wells Fargo Bank within the meaning of 42 U.S.C.S. §§ 1981, *et seq.*, to hold property for third parties, including but not limited to, the 200 more or less members of the public, the private medical providers, and California State medical insurance benefits, insurance companies, Los Angeles City tax money, Internal Revenue Service tax refunds; the OBA account number 030-550-4258 was a contract with Bank of America and plaintiff within the meaning of 42 U.S.C.S. §§ 1981, *et seq.*

16. That the CTA identified as number 798-760-7400 was opened with plaintiff's personal identifying information within the meaning of Penal Code §§ 530, 530.5, 531, and 532 of the California codes as well as 18 U.S.C.S. §§ 1028 and 1024 of the federal codes.

V.

FRAUDULENT USE OF PLAINTIFF'S IDENTIFYING DOCUMENTS

17. The use of plaintiff's State Bar number, name, social security number, driver's license number, Wells Fargo Bank CTA and Bank of America OBA numbers, as well as plaintiff's name and corporate identification name are identifying information within the meaning of said statutes, Penal Code §§ 530, 530.1, 530.5, 531, and 532 a well as 18 U.S.C.S. § 1028.

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VI.

MONETARY INSTRUMENT

18. Money laundering prohibited in Penal Code § 186.10 states, *inter alia*, as follows (emphasis added):

> (a) Any person who conducts or attempts to conduct a transaction or more than one transaction within a seven-day period involving a monetary instrument or instruments (herein "CTA checks" or "OBA checks") of a total value exceeding five thousand dollars ($5,000), or a total value exceeding twenty-five thousand dollars ($25,000) within a 30-day period, through one or more financial institutions (1) with the specific intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of any criminal activity (herein the continued activity and the filing of fraudulent tax returns to avoid payment of federal and state taxes), . . . knowing that the monetary instruments derived are from the proceeds of criminal activity is guilty of money laundering (see Exhibit 1, incorporated herein by this reference, for a list of transactions).

VII.

STATE LAW OF CALIFORNIA

19. Penal Code § 186 describes the "California Control of Profits of Organized Crime Act"; § 186.2(a) describes "criminal profiteering activity" to mean (in relevant part):

> (5) Embezzlement as defined in § 424 and Penal Code § 503;
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> (6) Extortion as defined in § 470;
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> (7) Receiving stolen property as defined in § 496;
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> (14) Robbery as defined in § 211;
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> (15) Solicitation of crimes as defined in § 653(b);
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> (16) Grand theft as defined in § 487;

(20) Presentation of a false or fraudulent claim as defined in § 550;

(21) Money laundering as defined in § 186.10;

(24) Conspiracy to commit any of the crimes listed above, as defined in § 182;

(25) Engaging in a pattern of criminal activity as defined in § 186.22(e);

(29) Theft of personal identifying information as defined in Penal Code § 530.3.

20. Section 186.2(b) defines "pattern of criminal profiteering activity" to meet the following requirements: "(1) Have the same or a similar purpose, result, principles, victims, or methods of commission, etc. (2) Are not isolated events. (3) Were committed as a criminal activity of organized crime."

21. Penal Code §§ 186.20, *et seq.*, described as the "California Street Terrorism Enforcement and Prevention Act"; § 186.21, legislative findings and declaration; § 196.22(a) as "Participation in a criminal street gang activity, and with knowledge that its members engage in or have engaged in a pattern of criminal gang activity."

22. Section 186.22(e) defines "pattern of criminal gang activity" for this chapter, as follows: "the commission of, attempted commission of . . . two or more of the following offenses (in relevant part), (8) the intimidation of witnesses and victims," as defined in § 136.1; (9) grand theft as defined in § 487; and money laundering as defined in § 186.10.

23. Section 186.22(f) defines "criminal street gang" as ". . .any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in paragraphs (1) to (23), inclusive, of subdivision (e), having a common name" (that common name herein "Gutierrez/Caballero") "and whose members individually or collectively engaged in or have engaged in a pattern of criminal gang activity."

VIII.

THE CITY'S *MONELL* POLICY

24. The City's Monell policy is found at: LAPDonline.org (Comstat – Crime Mapping – Comstat Citywide) citing Category I offenses as homicide, forcible rapes, robberies (and attempts),

burglaries (and attempts). larcenies (and attempts), vehicle theft and recovered worthless documents; Category II offenses as ar on, law enforcement officers killed or assaulted. As reported to the Los Angeles Times on Januar 3, 2007, the Major endorsed police chief Bratton citing a five-year drop in crime to levels last seen i 1956. The majority (86%) of the victims were Black or Latino, and 92% of the suspects were Black o Latino, citing the Northeast Area, including Highland Park as a target area (Exhibits 3 and 4).

25. As reporte l to the Los Angeles Times on December 27, 2006, the crime in Los Angeles dropped for the fifth cons ecutive year, showing a graph of declining (serious) crimes (Exhibits 3 and 4).

26. As reporte l on January 10, 2007, "L.A. Shifts Tactics Against Gangs" to the Los Angeles Times, Chief Bratton ann ounced a "Top 10" list of gangs to target based on a complex formula, identifying 720 "street ga igs" in Los Angeles, with 39,315 members in the hardest hit neighborhoods, "encompassing violent cr me, interracial crime," in the Times on January 13th "A Marshall Plan" to control the gangs (Exhibi s 5 and 6).

27. In the Tim es on February 8, 2007, "City Plan Targets 11 Worst Gangs . . . the most violent thugs," facing 72(identifiable gangs, with 39,000 members, the City's plan would target the most dangerous groups, v hich total at least 800 members. Those gangs are thought to be responsible for a disproportionate amoun of "mayhem": "This new strategy abandons the earlier posture and challenges these menaces by exposi g their corrosive behavior to the scrutiny of a more informed and confident community," citing the top targets as the "Valley, "West," "Central" and "South" (Exhibits 7, 9 and 10).

CLASS OF ONE COMPARISON

28. As reporte l to the Times on February 6, 2007, "L.A. Police Arrest 3 in Phony Detective Case," three individuals with police badges and "Housing Authority" uniforms, bulletproof vests and firearms, cruised the stre ts of Los Angeles in an LAPD-style cruiser equipped with police radios, side floodlights, and metal pri soner partitions and targeted Latino street vendors, pretending to be detectives. They took cash from the endors and issued fake citations for unlicensed vendors and other misdeeds, described as a "shakedow n" (Exhibit 8). There was no report of violence to these victims, and these victims were not require to produce an audit of the extent of loss of their property to obtain police protection as was require l of plaintiff by the Los Angeles Police Department.

IX.

CONSPIRACY UNDER SECTION 182

29. Francisco, passing himself off as an attorney and "associated" attorney Rabecca Tapia, Cindy Carlson, Oscar Gutierrez, Luis Tovar, as Brown & Associates, Attorneys, and associating Alberto Cevantes, paralegal, and Estella Gutierrez, paralegal, to act on behalf of James Earl Brown & Associates, APC, without Fred's or plaintiff's knowledge or permission, violated Business and Professions Code § 6126, and by taking legal fees, filing actions in Superior Court under forged signature of plaintiff.

30. That Francisco conspired with the individuals, and they reported to him, they refused to use plaintiff's client retainer agreement (Exhibit 2) and, in doing the things proximately causing the loss of property to the public, defendants did such acts by the wrongful use of plaintiff's identifying information within the meaning of Penal Code §§ 530, 530.1, 530.5, 531 and 532, in order to participate in the activities prohibited by Penal Code §§ 182 and 186.22, as described herein.

X.

FILING OF ACTIONS USING PLAINTIFF'S IDENTIFYING DOCUMENTS

31. Actions filed by Francisco, Alberto, Estella, and David, without the knowledge or permission of plaintiff, and using plaintiff's identifying information, include, but are not limited to, the following cases in Superior Court: (a) Rhea v. Jimenez, for which plaintiff was subsequently sued in Superior Court case number BC 342714; (b) Maria Teresa Gonzalez Martinez v. Javier Sandoval, case number 429467; (c) case numbers UDES000022 and UDES00029; (d) Ress Financial v. Gregory Hester, et al., case number BC 334798; (e) Jaynes Yu v. Kenny G., et al., case number 05C01911, filed January 22, 2005; (f) Arnvisol Morales v. Danny Lee, case number 04C02945, filed October 14, 2004; (g) Angel Harvest, Inc. v. Key Miyao, et al., case number BC 347266; (h) Carrillo v. Molina, Ilsia, case number COM0JC06937; (I) Francisco Orlando Cruz, Joshua Kim v. Sun Shim, et al., case number 05K01874; and (j) Michelle S. Barfield v. Oswaldo M. Angel, case number BF 023543 by Rabecca Tapia.

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XI.

DEFENDANTS' ACTIVITIES INTERFERED WITH PLAINTIFF'S CONTRACTS WITH WELLS FARGO AND BANK OF AMERICA WITHIN THE MEANING OF 42 U.S.C.S. § 1981, *et seq.*

34. On September 6, 2005, plaintiff intercepted a letter from Farmers Insurance to Alberto Cervantes indicating a bank draft payable to Xavier Garcia and GMAC had been cashed (in plaintiff's CTA) (Exhibit 17).

35. Plaintiff immediately compensated GMAC and launched an investigation of the reports made of office expenses and deposits.

36. Plaintiff was informed by Alberto that he turned the GMAC property settlement draft over to Francisco, who, upon questioning, admitted that he cashed the GMAC check and drew the money down by forging plaintiff's name (Exhibit 17).

37. Plaintiff removed all of the checking books from the office, and made deposits into the OBA while his investigation continued, only to discover that Francisco was withdrawing money by wire from the OBA and continued to write checks by removing mail directed to plaintiff.

38. Plaintiff contacted and reported to the Los Angeles Police Department on September 27, 2005 (Exhibit 14) a preliminary discovery of $100,000 in embezzled funds.

39. The officers informed plaintiff that the matter would be assigned to Detective Stella McNamara of Major Frauds and Forgery (Exhibit 14).

40. Plaintiff's subsequent and further discovery was revealing additional information that Francisco and Estella had been filing legal actions under plaintiff's forged signature, and confronted Francisco concerning the forgeries which he admitted on tape in the presence of Fred Alschuler and Alberto Cervantes (Exhibit 19, as an example).

41. Plaintiff's further investigations, from October to December 2005, revealed a pattern of criminal activity as described hereinabove as violations of Penal Code §§ 182, *et seq.* and 186.22, *et seq.*, as well as violations of Title 18 U.S.C.S. §§ 1961, 1962, *et seq.* Pursuant to the unlawful use of plaintiff's identifying information as described above, in violation of 18 U.S.C.S. §§ 1028 and 1029, and the conspiracy of laundering monetary instruments under § 1956, a conspiracy to evade or defeat taxes

under § 7201, and failure to file tax returns under § 7203, and fraudulent and false tax returns under § of 26 U.S.C.S.

42. That on January 3, 2006, plaintiff filed action in the Federal District Court against defendants (the Gutierrez Caballero Group) described hereinabove from paragraphs 41 through 44, inclusive, in case number 06-00008-HGK. A verified complaint for violations of Title 18 U.S.C.A. §§ 1961, 1962, *et seq.* (a front page of which is attached hereto as Exhibit 15), alleging a takeover of the James Earl Brown and Associates law firm in violation of § 1962, through forgery, the unlawful practice of law, and § 6126 of the Business and Professions Code.

XII.

43. The injury to the public since 1999, resulted from defendants' actions by forging monetary instruments, and violations of Title 18 U.S.C.A. §§ 1951, 1956, 1957, 1343 and 1028, violations of the State Bar rules; defendant began money laundering immediately through the use of plaintiff's signature stamp knowingly altering monetary instruments and checks to effectuate prohibited financial transactions to promote and carry on the theft of client trust funds by markings such as "BI" to disguise the nature, source and duty to report such funds to the IRS in violation of subsections (A), (B) and (C) of § 1956. Plaintiff incorporated all OBA and CTA checks and statements to the complaint filed on January 3, 2006 in federal court.

44. That plaintiff had all available CTA and OBA account statements and checks copied into ten books, incorporated into the complaint by reference, and duly served on all defendants and on their attorneys of record, and duly served on the California State Bar on January 5, 2006 as required, and duly served on everyone on or about February 2006, including the Los Angeles Police Department (Exhibit 16).

45. That the Los Angeles Police, Detective Stella McNamara ("McNamara") and the Major Frauds Department could not find the "preliminary report," so plaintiff continued to fax such preliminary report to McNamara (Exhibit 14).

46. Plaintiff, upon request of McNamara, personally delivered the federal court complaint, hereinabove described, the ten books of forged checks, the tape confession of Francisco Gutierrez, and

the various actions filed in the Superior Court under forged signature of plaintiff.

47. On or about March of 2006, plaintiff served the complaint on defendants pursuant to the 120-day order of court and upon receiving the action, Francisco Gutierrez uttered such remarks as indicating his motive and intent, and the motive and intent of his family was class-based animus not only against Spanish-speaking members of the public, but also against plaintiff as described above as a low-class, poor, animalistic, and Black.

48. Plaintiff repeatedly begged McNamara to investigate and give plaintiff a police report, or some other service, but McNamara and the Los Angeles Police Department refused to act, requesting that plaintiff hire a CPA firm to audit the office with no promise of police action, even if such audit was conducted (see Exhibit 13).

49. From March of 2006 until plaintiff closed the Wilshire office on or about June 2006, Francisco and his coconspirators removed open files, closed files, checks, computers and evidence of wrongdoing; but continued, and still continue, to use plaintiff's name and identifying information.

50. That on or about May 22, 2006, after plaintiff's frequent visits to the Parker Center office of Forgery Division seeking officer intervention, McNamara issued a sheet for plaintiff to follow (Exhibit 14).

51. That plaintiff substantially completed all of the conditions requested – save one – to have a certified public accountant firm examine an account for all of the checks (Exhibit 14).

52. That plaintiff inquired as to the costs of such an accounting to be Ten Thousand dollars ($10,000), and plaintiff requested to tender plaintiff's own accounting, but it was rejected (Exhibit 14). Plaintiff cannot afford the expenditure due to the theft (Exhibit 13).

53. That such an accounting in May of 2006 would only have been partially relevant if it occurred before defendant removed all of the files and equipment from the Wilshire office, but after such time would have been a waste of plaintiff's scarce resources.

54. That the requirement of a CPA firm as a "precondition to an investigation" and not a guarantee of a police report was nothing more than a pretext for McNamara to deny plaintiff a police action or services to clear his name and make a record of these crimes.

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55. That when visiting plaintiff's offices in approximately May of 2006, McNamara informed plaintiff that she "did not understand" the federal court complaint, that she was "sorry," and that she was "Spanish-speaking also."

56. That plaintiff neither solicited any information concerning McNamara's ethnicity, nor was aware of the relevance of that remark, other than to infer that McNamara was refusing to provide a police report against defendant because they were Latino and plaintiff a black man.

XIII.

CLASS-BASED RACIAL ANIMUS

57. By the term "class-based animus" (racial or ethnic), plaintiff refers to the following predatory acts against Latino people by the Gutierrez racketeering organization:

(a) Defendants Francisco, Estella and Alberto's statements to plaintiff that the "Spanish-speaking" (white) "clientele" from defendants' phone number (213) 487-7767 is business belonging to defendants' family because of the "client's" race and Spanish-speaking ethnicity.

(b) That the checks described in paragraph 18 (Exhibit 1) from plaintiff's CTA and OBA were disbursed and negotiated in violation of law as described herein to the Gutierrez and Caballero family or for the benefit of defendants' family name, which is a "class" of persons of the Spanish-speaking (white Mexican Americans) who directly and indirectly received the benefits of such theft of property within the meaning of Penal Code §§ 186, *et seq.*, 186.20, 186.22, *et seq.*

(c) That defendant, Francisco Gutierrez, informed plaintiff that he was targeted for such a "set up" because he was "poor, black and an animal," and that as a result he was going to be disbarred, unless he cooperated with defendants in the tax scheme of his and his wife's reporting forms.

(d) That decisions made by police officials were based upon the ethnicity of plaintiff or defendants herein.

PRACTICING LAW UNLICENSED

58. By the term "practicing law without a license" (in violation of Business and Professions Code § 6126) plaintiff means:

(a) Defendants' negotiating settlement of claims with insurance carriers on behalf of 200, more or less, members of the public, accepting legal fees for such services, cashing bank drafts for such fees in plaintiff's CTA or OBA, and appropriating property by forged checks, or wire transfers; appropriating such property with the specific intent to shift responsibility for such theft to plaintiff because of plaintiff's race.

(b) Defendants' filing legal actions, or defenses to legal actions in courts on behalf of 200, more or less, "clients" or third parties without clearance from Fred Alschuler, or Plaintiff, including signing liens and liening property, without benefit of plaintiff's retainer agreement, as described (see Exhibits 2 and 19 as examples).

XIV.

INVOLUNTARY SERVITUDE

59. By the term "involuntary servitude" prohibited by the Thirteenth Amendment, and Article I, section 6 of the California Constitution, and made applicable to all state officials in Ex parte Young, 209 U.S. 123 (1908), whether individually or in his or her official or representative capacity, Plaintiff refers to the elements of which are expressed in Kozinaki, *supra* at 2760 through 2762, describing the special or peculiar vulnerabilities of the victims which determine whether a physical or legal coercion is sufficient compulsion of services by the use of threatened use of physical or legal coercion creating situations in which persons are forced to return to employment by law, or a combination thereof used to detain persons in employment, or conspiracies to interfere with rights secured within the meaning of the amendments.

A.

LEGAL COMPULSION

60. By the term "legal compulsion" arising from these facts, plaintiff is subject to a "body attachment order" of the Superior Court in case number BP090840 to account for $75,000 of the Estate of Josefina Limon Trujillo, the property of which was unlawfully taken by defendants as described herein.

61. Plaintiff is subject to the following cases from insurance carriers, individuals and private medical providers:

(a) Peter L. Milne Medical Corp., et al. v. James Earl Brown, case number 06K12142;

(b) Lori E. Segal, D.C., Inc., d.b.a. Airport Chiropractic Center v. James Earl Brown, case number 06C02856;

(c) Frederick H. Alschuler v. James Earl Brown, case number BC 359322;

(d) Rhea Jiminez v. James Earl Brown, case number BC 342714; and

(e) Litigation Resources & Consulting v. James Earl Brown, case number CHA 06W00989, and others in which plaintiff has been compelled to make payments by orders of the Superior Courts.

B.

SPECIAL VULNERABILITIES OF THE VICTIM, JAMES EARL BROWN

62. There are threats and intimidation by runners and cappers who have waited outside of plaintiff's office at 4988 North Figueroa Street, to confront plaintiff for money, "commissions" of one-third of the legal fees on matters referred by them of which plaintiff has no file. These individuals have the means to inflict bodily harm to plaintiff.

63. Plaintiff cannot keep employees because they are subject to threats and violence by irate, Spanish-speaking "clients" of the Wilshire office made to believe by representations through defendants, that plaintiff has their money, and is their attorney.

64. Oscar Morales and his son, Oscar Morales, Jr., have had to quit the employ of plaintiff due to violence and intimidation directed at them by victims of the defendants' threats, and Francisco himself.

65. Defendants are all Spanish-speaking and the 200, more or less, members of the public whose property was taken are Spanish-speaking, while neither plaintiff nor Fred Alschuler are Spanish-speaking.

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66. The Northeast area of Los Angeles where plaintiff does business is an anti-Black community and is targeted as such by city policy, and plaintiff is without police protection due to violation of the equal protection of the law in denying police services.

67. Defendants targeted plaintiff because he is a non-Spanish-speaking Black male, to continue their racketeering activities by interposing the language of their culture between the Latino community and the plaintiff and his Litigating Supervisor, Frederick H. Alschuler, to continue to commit racketeering activities against that community, and the entities and public agencies who serve that community by wrongfully exercising the privileges and immunities of the plaintiff described herein to make plaintiff legally responsible for such crimes.

68. That plaintiff is experiencing racial harassment and a loss of standing in the Latino community as a result of defendants' activities and continuing activities without police protection.

69. Plaintiff is under a responsibility by law to account for the funds taken from plaintiff's CTA by Business and Professions Code, Title 5.5, §§ 6091, 6091.1, 6092, *et seq.*

XV.

SLAUGHTER HOUSE CASES

(Exercise of Privileges and Immunities of U.S. Citizenship of Plaintiffs by Defendants is a Continuing First Amendment Violation)

70. Plaintiff alleges that the Slaughter House case violations against defendants is the wrongful exercise of plaintiff's rights of privacy and rights of associations guaranteed by the First Amendment to the United States Constitution as privileges and immunities of United States citizenship of plaintiff within the meaning of California Penal Code §§ 186.2(a), subsections (5), (6), (7), (13), (15), (16), (20) and (24) within the meaning of subsection (f) of 186.2, constituting a violation of Penal Code § 186.22(a) and subsection (e), subsections (8), (9), and (14) wtihin the meaning of subsection (f) of § 186.22, subsection (e) having a common name of the GUTIERREZ/CABALLERO GROUP, and in addition, wrongful use of plaintiff's privileges and immunities within the meaning of the First Amendment to the United States Constitution made applicable to the States by the 14th Amendment, and also to Article 1, sections , 3, 6 and 7 of the California Constitution.

71. At all times herein mentioned, the forgery and distribution of plaintiff's CTA and OBA checks involve the the wrongful use of plaintiff's personal identification information as alleged herein, the issuance and uttering of such monetary instruments constitutes an invasion of privacy in violation of the First Amendment to the United States Constitution as well as, but not limited to, a violation of plaintiff's contract between plaintiff and Wells Fargo Bank and a violation of plaintiff's contract between plaintiff and Bank of America to prevent plaintiff from making and enforcing contracts, the performance, modification or termination of such contracts as well as the enjoyment of all benefits, privileges, terms and conditions of these contractual relationships and the equal benefit of all laws and proceedings for the security of persons and property within the meaning of §§ 1981, *et seq.* (Exhibit 1).

72. At all times herein mentioned, the state officials as well as defendants and their attorney deprived plaintiff of the right to sue, be parties to civil and criminal proceedings upon petition for redress of grievances, to give evidence of crimes and civil wrongs as described herein, and be subject to like pains, punishments, and taxes of every kind, in violation of 42 U.S.C.C. §§ 1981, *et seq.*, 1983 and 1985(3).

73. At all times herein mention, defendants have further invaded, and continue to invade, plaintiff's First Amendment rights guaranteed by the United States Constitution against infringement by individuals or the government by state action.

74. Except for the misappropriation of $75,000 from the Estate of Josephine Limon Trujillo, plaintiff alleges that the 200 more or less members of the public, private entities and public agencies whose property has been stolen be defendants as described are as yet not entirely known to plaintiff, but plaintiff brings this action against defendants for intentionally casting plaintiff in the false light of the criminal perpetrator proximately causing discriminatory action by the Los Angeles Police officials, the California State Bar, as well as members of the public that have no access to the civil court or to the criminal courts by reason of their poverty. See Article I, sections I, 3, 6 and 7 of the California Constitution, since the Los Angeles Police Department favors wealthy donors for enforcement of state law violations (Exhibits 12 and 13, April 15, 2007 Times).

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XVI.

FIRST CAUSE OF ACTION AGAINST FRANCISCO GUTIERREZ

COUNT ONE

(For Conspiracy, Code of Civil Procedure § 425.10;
for Breach of Contract, Civil Code §§ 3300, 3333 and 3294).

75. Plaintiff incorporates paragraphs 1 through 74, inclusive, as though fully set forth herein, and alleges as follows:

76. That on or about January 2, 2002, in the City of Los Angeles, State of California, defendant, Francisco Gutierrez, promised, assured and represented to plaintiff, and to his associate, Frederick H. Alschuler, that defendant would act as office manager for James Earl Brown, attorney; that he would use the special Client Retainer Agreement (attached hereto as Exhibit 2), informing the public that he is not an attorney nor entitled to practice law on any case or handle any matter unless appointed to do so by James Earl Brown.

77. That Francisco would protect all of the third parties seeking legal help from plaintiff or his associate, Frederick H. Alschuler, as a Spanish interpreter, and that he would confine his activities to bookkeeping and office managerial duties.

78. In so doing Francisco Gutierrez knew or should have known that plaintiff would reasonably be induced by rely on defendant's assurances and promises to involve Frederick H. Alschuler in all civil practice under the name of JAMES EARL BROWN AND ASSOCIATES as its Supervising Litigator of the civil practice.

79. Defendant also knew that plaintiff would rely on such representations because defendant knew that plaintiff desired a presence in a district of the city with a councilperson of Black ethnicity, herein District 9, Councilperson Jan Perry, for for plaintiff's continuing lobby of the City of Los Angeles to establish a Women's Rehabilitation Center (Exhibit 20).

80. Defendant, with the acts described herein of the Gutierrez/Caballero Group named hereinabove, did the acts herein alleged pursuant to and in furtherance of the described conspiracy, and cooperated with, lent aid and encouragement to, or certified and adopted the acts of Francisco Gutierrez, to violate the oral agreement of employment with plaintiff.

81. Francisco Gutierrez has not performed any material part of those promises or assurances to plaintiff, whereas plaintiff has performed all duties on his part to perform except those duties prevented by defendant's fraudulent acts against the public described herein. As a proximate result of defendant's failure to perform the promises and assurances to plaintiff, plaintiff has suffered the theft of property by Francisco Gutierrez of one million, three hundred thousand dollars ($1,300,000) belonging to 200 more or less members of the Latino community, including $75,000 to the Estate of Josephine Limon Trujillo, private entities and public agencies.

82. Injustice can be avoided only by enforcing Francisco Gutierrez's promises and assurances completely, and by this Court imposing an equitable lien, constructive trust, and an order that defendants violated the Uniform Fraudulent Transfer Act.

COUNT TWO

(Complaint for Fraud and Deceit – Intentional Misrepresentation of Fact)

83. Plaintiff incorporates paragraphs 1 through 74, and paragraphs 76 through 82, inclusive, as though fully set forth herein, and alleges as follows:

84. That on or about January 2, 2002, at the Cypress Park Gym, in the Lincoln Heights and Highland Park areas, Francisco Gutierrez made representations to plaintiff that if plaintiff would open a legal practice at 2975 Wilshire Boulevard, Suite 528, Los Angeles, California 90010 ("Wilshire Office") that he, Francisco, would accept a small salary of $35,000 per year and allow plaintiff to enjoy a civil practice. Defendant stated that his telphone number, (213) 487-7767, had a 25-year existence of goodwill within the Latino community, and that goodwill was continuing, built up over the years by his brother, Oscar Gutierrez and himself.

85. Plaintiff informed Francisco that plaintiff was actively practicing criminal law related to alcohol and drug offenses as well as lobbying the City of Los Angeles for support to use city property for a minimum security program of rehabilitation and culinary arts for women, but that plaintiff's associate, Frederick H. Alschuler, was available and that plaintiff would open an office at the Wilshire location just to be in the 9th Council District if Frederick H. Alschuler was the supervising litigator.

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86. Plaintiff would use that location for lobbying purposes to the State Department of Corrections and the City of Los Angeles solely.

87. The representations made by Francisco Gutierrez to plaintiff and Frederick H. Alschuler were in fact false. The true facts were that Francisco Gutierrez and the codefendants named herein, and others, were engaged in a predatory criminal racketeering enterprise in violation of Penal Code §§ 186.2, *et seq.*, as described hereinabove.

88. When Francisco made these representations he knew them to be false, and he made these representations with the intention to deceive plaintiff and defraud the Latino community by using plaintiff's identifying information in his activities, but he made these representations to induce plaintiff to act in reliance on these representations in the manner described herein.

89. That plaintiff, at the time these representations were made by Francisco in Lincoln Heights, and at the time plaintiff took the actions of filing for incorporation of JAMES EARL BROWN AND ASSOCIATES, APC, as well as the time plaintiff entered into a personal contract with Wells Fargo Bank for a Client Trust Account ("CTA") and Bank of America for an Office Business Account ("OBA"), both for the benefit of third-party members of the public, plaintiff was ignorant of the falsity of defendant, Francisco Gutierrez's representations and believed them to be true.

90. In reliance on these representations, plaintiff and attorney Frederick H. Alschuler opened offices at the Wilshire Office location rented by Francisco Gutierrez and took the actions as described.

91. Had plaintiff known the actual facts, neither he nor Frederick H. Alschuler would have taken such action.

92. The plaintiff's reliance on defendant's representations were justified because, while plaintiff could realize no financial income to himself from the Wilshire office, plaintiff could get out of a Latino district where no representation to the City was acceptable for his project after 20 years of petitioning for access, and into a District of the City to where there was a Black councilperson, and also where Frederick H. Alschuler could obtain employment.

93. As a proximate result of the fraudulent representations by the conduct of Francisco Gutierrez and his codefendants, plaintiff has been injured by violation of his civil rights, by California State Bar disciplinary actions through the loss of his license or the chilling of his legal practice which

had to discourage the investors willing to back the plaintiff's project, to injury to the public and plaintiff's reputation as a resulting consequence.

94. The aforementioned conduct of defendant, Francisco Gutierrez, Oscar Gutierrez, Estella Gutierrez, Irma Gutierrez. David Caballero, and Lorraine Caballero Gutierrez and their coconspirators, was an intentional misrepresentation, deceit, and concealment of material facts known to defendants with the intention on the part of defendants to use plaintiff's name to defraud the public.

95. The conduct of the defendants was despicable in that it subjects plaintiff to a cruel and unjust hardship after his lifelong efforts to serve the Los Angeles community, especially the Latino community, with honest and caring services, and such conduct justifies an award of exemplary and punitive damages against defendants in order to deter others from engaging in similar misconduct, and plaintiff requests an order invalidating employment agreements nunc pro tunc as based upon fraud, and that all property obtained was obtained by fraudulent intent.

COUNT THREE

Complaint for Damages Under Civil Code § 3333; Punitive Damages under California Code of Civil Procedure § 637.2 and Civil Code § 3294; Injunctive Relief Under Civil Code § 3422 and Civil Code §§ 562 and 527; Invasion of Privacy by Physical Intrusion Into Private Practice of Law of Plaintiff Under Civil Code § 52.1; Interference With Right to Practice Profession Under Civil Code § 425.10; and a Privilege and Immunity of Citizenship

96. Plaintiff incorporates paragraphs 1 through 74, paragraphs 76 through 82, and paragraphs 83 through 95, inclusive, by reference as though fully set forth herein, and alleges as follows:

97. That defendant, Francisco Gutierrez, from approximately January 15, 2002 until the present, has used false personation of plaintiff, James Earl Brown, James E. Brown, or James Earl Brown and Associates, APC, in violation of Penal Code §§ 530.5, 531 and 532 without limitation, and knowingly and without plaintiff's consent, invaded plaintiff's right of privacy by forging checks on plaintiff's CTA and OBA. or has uttered such false checks to a financial institution within the meaning of Penal Code § 470 as a "monetary instrument," and has issued, transferred, or cashed and delivered the property to obtained to Francisco Gutierrez or Lorraine Caballero Gutierrez as a money laundering scheme for the purpose of secreting the source of such funds.

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98. That Francisco Gutierrez, by transferring such monetary instruments to others for personal goods and services, or by uttering such monetary instruments to obtain money or property, or by laundering the property obtained by such use of monetary instruments, and by obtaining property by uttering such monetary instruments, or by issuing such bank drafts or checks to any person or persons not specifically authorized by plaintiff, has used plaintiff's personal identification information in a false personation of plaintiff which are the corporate tax identification number, signature, signature stamp, driver's license number, California State Bar number, Social Security number, Wells Fargo Bank and Bank of America checking account number of access, and date of birth without plaintiff's permission or prior consent, thereby invading plaintiff's privacy.

99. Defendant invaded plaintiff's right of privacy by holding Francisco Gutierrez out as an attorney entitled to practice law in the office of James Earl Brown and Associates, APC, in order to profit from the activities described as conspiratorial herein.

100. Defendant filed legal actions as an attorney at law under plaintiff's named law firm, or prepared legal complaints served legal complaints, or filed legal complaints, under plaintiff's signature on such legal actions knowing the same to be prepared under by false impersonation of plaintiff and acting for the common enterprise of the Gutierrez/Caballero Group enterprise as described herein to invade plaintiff's privacy.

101. That at all times herein mentioned, Francisco Gutierrez's conduct, and the conduct of those who aided and abetted Francisco Gutierrez, involved the appropriation of plaintiff's name, likeness and personality because the use of plaintiff's name in association with the publication, letters, court filings, liens executed for medical persons, entities and persons who rely on such publications implied plaintiff's assistance or expressed that such writings were in fact the actions of plaintiff with his/its/their preparations and constituted the use of plaintiff's expertise and professional license status.

102. At all times herein mentioned, plaintiff was an attorney at law duly licensed to practice law in the State of California at 4988 North Figueroa Street, Highland Park, California 90042.

103. On or about December 15, 2001, defendants, and each of them, willfully, knowingly, oppressively, and maliciously conspired and agreed among themselves to dominate the practice of law in Los Angeles, and other cities of California, luring plaintiff and his licensed associate Frederick H.

Alschuler into the Wilshire Office to offer legal services to the Latino community through a telephone system used by Gutierrez and Gutierrez for 25 years.

104. Pursuant to such conspiracy, Francisco Gutierrez, a disbarred attorney who spoke fluent Spanish, would continue practicing law with his old Latino contacts, and use plaintiff's personation and identifying documents to obtain property from less educated Latino public members by practicing law by associating his sister, Estella, brother, Oscar, longtime associate Alberto, and brother-in-law, David, to file legal actions under forged signature of plaintiff and invade plaintiff's private CTA to launder money and property to runners and cappers and Latino medical clinics, and launder money to his wife, Lorraine, and mother, Irma and other family members because of his privately held belief that such "Latino" clients belonged to his family because of their ethnic background.

105. Pursuant to such conspiracy and agreement, plaintiff was to be targeted because he is a Black man, and defendants would loot, squander, and steal property of the Latino community and threaten plaintiff with imminent disbarment unless he went along with the fraudulent tax returns filed, and those not filed, on the part of the Gutierrez/Caballero Group as a result of their activities, and that defendant knew plaintiff would have no credibility with the California State Bar.

106. Plaintiff was denied police services, plaintiff has been disciplined by the State Bar for associating with defendant Francisco Gutierrez, continues to intimidate witnesses, and direct his longtime runners and cappers to target plaintiff for funds taken by defendant as late as January 7, 2007.

107. At all times herein mentioned, defendant, Francisco Gutierrez, associated other attorneys to work under the name and personation of James Earl Brown and Associates, APC, such as Rabecca Tapia, Cindy Carlson, Luis Tovar, and Oscar Gutierrez, who took instructions from Francisco Gutierrez knowing that defendant was invading plaintiff's privacy in the practice of law through such associates without plaintiff's knowledge or permission, concealed those facts from plaintiff in order to further the purposes or the Gutierrez/Caballero Group and shift blame, responsibility and fault for such enterprise to plaintiff, further invading plaintiff's rights of privacy.

108. That defendant, Francisco Gutierrez, personally used plaintiff's personal identity information and therefore personation of plaintiff by such acts as described without plaintiff's prior consent, or aided and abetted other defendants by laundering money indirectly by property purchases by

use of such funds, by settling claims, depositing checks of insurance companies, preparing, delivering mail, entering into the office to pick up checks from insurance companies in the name of James Earl Brown and Associates, sending letters to insurance companies or opposing counsel, failed to properly file tax returns for the property obtained by forged checks or monetary instruments, or filed false returns from such activity in order to invade the privacy of plaintiff.

109. The appropriation of plaintiff's personation as described was unauthorized and without prior consent of plaintiff or Frederick H. Alschuler, and the conduct so described hereinabove was intentionally committed by defendant as predatory acts against the Latino community in false light of blame and responsibility directed to plaintiff, a Black man, to invade plaintiff's privacy in reckless disregard of plaintiff's constitutional rights guaranteed to James Earl Brown by the 13th and 14th Amendments to the United States Constitution's Self-Executing provisions against involuntary servitude, and Article 1, section 1, liberty of contract, section 3, for access to courts, and rights of association as well as equal protection of the laws.

110. That plaintiff filed legal action against defendants in federal District Court Case Number CV-06-00008-GHK-(Ex) on January 3, 2006, under Title 18 U.S.C.S. §§ 161, 162, *et seq.*, for the actions taken hereinabove described, and because of the vexatious litigation in response to such complaint, plaintiff became ill after having to physically shut the office and answer the State Bar actions under stress, his federal action was closed for failure to prosecute (Exhibit 15).

111. Defendants and each of them, by invading plaintiff's privacy by identity theft, created Kozinski circumstances of vulnerabilities in plaintiff that has set up Francisco Gutierrez and his Gutierrez/Caballero Group as "dominance" over the exercise of plaintiff's rights, liberties and privileges and immunities of U.S. citizenship, thereby reducing plaintiff to "subservience" compelled to labor by means indirectly for the benefit of the Gutierrez/Caballero Group by legal compulsion and the threat of same, by threats, intimidation by runners and cappers directed at plaintiff or his employees seeking money these victims believe that plaintiff has taken.

112. As a proximate result of invasion of plaintiff's privacy because of plaintiff's race to effectuate the criminal enterprise as described hereinabove, plaintiff has suffered damages in the sum of $1,300,000 to date owing to the public, and that sum is continuing to grow as victims come forward to

report their losses against plaintiff.

113. As a proximate result of the wrongful acts of defendant, plaintiff in addition is entitled to recover a statutory penalty of $25,000, as provided in Civil Code § 52(b).

114. That as a proximate result of the acts of defendants and by the refusal of the Los Angeles Police Department to offer any police report upon plaintiff's request, plaintiff has been made to labor to make financial payments to private entities under legal orders of courts, plaintiff suffers a body attachment from the Probate Court, plaintiff is making payments under threat of physical harm to his employees and to himself and suffers a multiplicity of legal actions in violation of his rights against involuntary servitude.

115. As a further proximate result of the defendant's actions, plaintiff has suffered from State Bar disciplinary actions upon plaintiff's disclosure that the Los Angeles Police Department will not take action against defendants under Penal Code §§ 182.2, *et seq.*, 186.22, or under the City of Los Angeles Monell policy, a.k.a. the COMSTAT policy, including paying for police services.

That these consequences encourage frustrated members of the public who have no access to the courts, or who have been themselves sued by medical providers, to attack plaintiff and his employees, expose plaintiff to contempt and ridicule, loss of reputation and standing in the community, all of which caused plaintiff humiliation, embarrassment, hurt feelings for the public and for himself, mental anguish and suffering, all to his general damages in an amount according to proof.

116. As a further and proximate result of the invasion of privacy by defendant hereinabove described, plaintiff has suffered injury to his business and by the loss of his license to practice law as well as the chilling effect of current State Bar actions directed against plaintiff, all to his special damage in an amount according to proof.

117. In doing the acts described, defendants, and each of them, are guilty of oppression, fraud, and malice in that defendants, and each of them, did such acts with intent to injure plaintiff or with a willful and conscious disregard of plaintiff's rights as described, entitling plaintiff to punitive damages.

118. Defendant, Francisco Gutierrez, and each of his codefendants continue to commit the acts described hereinabove. Unless and until enjoined and restrained by order of this Court, because plaintiff has no adequate remedy at law for the injuries he continues to suffer and a judgment for monetary

damages alone will not end the invasion of plaintiff's privacy.

119. Defendants, by reason of the delay in the proceedings described hereinabove, have secreted property obtained by these activities, and plaintiff prays for the imposition of a constructive trust on property owned by defendants, for an equitable lien, or attachment order under § 3439.07 of the Uniform Fraudulent Transfer Act.

COUNT FOUR

(Complaint for Damages Under 42 U.S.C.S. § 1985(3),
For Violations of 42 U.S.C.S. §§ 1981, *et seq.*)

120. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, inclusive, by reference as though fully set forth herein, and alleges as follows:

121. This is an action brought under 42 U.S.C.S. § 1985(3) for conspiracy to violate §§ 1981(a) and (b) of that Title, to recover damages and equitable relief against Francisco Gutierrez for conspiracy to go into the Wilshire office and trespass into property of plaintiff, or by and through some other locations, for the purpose of depriving, directly and indirectly, plaintiff of equal privileges and immunities under the laws as described herein, and within the meaning of the self-executing provisions of the 13th and 14th Amendments to the United States Constitution. And, Francisco Gutierrez, by refusing to provide plaintiff's attorney-client contract (Exhibit 2) to the public seeking legal representation in order to further his class-based racial animus as described in paragraph 57 against plaintiff, and by issuing and uttering monetary instruments from plaintiff's CTA and OBA as described in paragraph 18 and exhibited in Exhibit 1, and transferring property by wire deprived plaintiff of his right to make and enforce contracts within the meaning of §§ 1981(a)(b), with Wells Fargo Bank and Bank of America, and prevented plaintiff of his right to sue, be a party to action in court, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens because plaintiff is a Black man; and intended to and did conspire with the Gutierrez/Caballero Group described herein by reference, to deprive James E. Brown of privileges and immunities of United States citizenship as described herein in violation of 42 U.S.C.S. § 1985(3).

122. Plaintiff is guaranteed to be subject to like punishments, pains, penalties, taxes, licenses, and exactions of every kind and to no other under subsection (a).

123. Plaintiff is entitled to make and enforce contracts with Wells Fargo Bank such as plaintiff's CTA, and Bank of America such as plaintiff's OBA for the benefit of Latino persons, their medical providers, private entities and governmental agencies, and plaintiff is entitled to the enjoyment of the benefits, privileges. terms and conditions of those contractual relationships under subsection (b), of 1981 of 42 U.S.C.S. Francisco Gutierrez violated these contract rights of plaintiff.

124. Pursuant to subsection (c) of 1981 of that title, these rights are protected against impairment by the racially discriminatory animus of the Gutierrez/Caballero Group.

125. That with the intent to deprive these public agencies of their just taxes, and with the intent to shift responsibility of such fraudulent tax activity to plaintiff because he is Black conspired to violate plaintiff's rights under subsection (a) of 1981 U.S.C.S. and subparagraph (b) of 1981, 42 U.S.C.S., and is liable for the impairment of plaintiff's rights as described in subsection (c) of that titled, and in § 1985(3) for the conspiracy to commit such acts against plaintiff, justifying compensatory, punitive and special damages, equitable relief and attorney's fees.

COUNT FIVE

(Complaint for Damages and Injunctive Relief for Violations of Plaintiff's Privileges and Immunities of Citizenship Protected by the Self-Executing Provisions of the 13th and 14th Amendments to the United States Constitution)

126. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, paragraphs 96 through 119, and paragraphs 121 through 125, inclusive, by reference as though fully set forth herein, and alleges as follows:

127. Plaintiff, by reason of the acts described herein by Francisco Gutierrez, has suffered subservience due to the identity theft and the circumstances of vulnerability created by defendant's identify theft as herein described, to make himself and his codefendants dominant, is entitled to compensatory damages for such oppressive conduct as well as equitable liens, attachment, and injunctive relief against the use of plaintiff's identity, under § 1985(3).

XVII.

SECOND CAUSE OF ACTION AGAINST LORRAINE CABALLERO GUTIERREZ

COUNT ONE

(Complaint for Damages Under Civil Code § 3333; Punitive Damages Under Code of Civil Procedure § 637.2 and Civil Code § 3294; Injunctive Relief Under Civil Code §§ 3422, 526 and 527; for Invasion of Privacy by Physical Intrusion Into Private Practice of Law of Plaintiff Under Civil Code § 52.1; and Interference With Right to Practice Profession Under Civil Code § 425.10)

128. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, paragraphs 96 through 119, paragraphs 121 through 125, and paragraphs 126 and 127, inclusive, by reference as though fully set forth herein, and alleges as follows:

129. That defendant, Lorraine Caballero Gutierrez, from approximately January 15, 2002 until the present, has used false personation of plaintiff, James Earl Brown, James E. Brown, or James Earl Brown and Associates, APC, in violation of Penal Code §§ 530.5, 531 and 532 without limitation, and knowingly and without plaintiff's consent, invaded plaintiff's right of privacy by issuing forged checks on plaintiff's CTA and OPA, or has uttered such false checks to a financial institution within the meaning of Penal Code § 470 as a "monetary instrument," and has issued, transferred, or cashed and used the property so obtained with Francisco Gutierrez as a money laundering scheme for the purpose of secreting the source of such funds.

130. That Lorraine Caballero Gutierrez, by transferring such monetary instruments to others for personal goods and services, or by uttering such monetary instruments to obtain money or property, or by laundering the property obtained by such use of monetary instruments, and by obtaining property by uttering such monetary instruments, or by issuing such bank drafts or checks to any person or persons not specifically authorized by plaintiff, has used plaintiff's personal identification information in a false personation of plaintiff which are the corporate tax identification number, signature, signature stamp, driver's license number, California State Bar number, Social Security number, Wells Fargo Bank and Bank of America checking account number of access, and date of birth without plaintiff's permission or prior consent, thereby invading plaintiff's privacy.

131. Defendant invaded plaintiff's right of privacy by holding, or aiding, assisting or abetting, Francisco Gutierrez out as an attorney entitled to practice law in the office of James Earl Brown and

Associates, APC, or knowingly benefitted Francisco Gutierrez's activities in so doing, in order to profit from the activities described as conspiratorial herein.

132. Defendant took such actions intentionally and to shift responsibility for such thefts to plaintiff because he is a Black man and was acting for the common enterprise of the Gutierrez/Caballero Group enterprise as described herein to invade plaintiff's privacy.

133. That at all times herein mentioned, Lorraine Caballero Gutierrez's conduct, and the conduct of those who aided and abetted Francisco Gutierrez, involved the appropriation of plaintiff's name, likeness and personality because the use of plaintiff's name in association with the publication, letters, court filings, liens executed for medical persons, entities and persons who rely on such publications implied plaintiff's assistance or expressed that such writings were in fact the actions of plaintiff with his/its/their preparations and constituted the use of plaintiff's expertise and professional license status.

134. At all times herein mentioned, plaintiff was an attorney at law duly licensed to practice law in the State of California at 4988 North Figueroa Street, Highland Park, California 90042.

135. Pursuant to such conspiracy, Francisco Gutierrez, a disbarred attorney who spoke fluent Spanish, would continue practicing law with his old Latino contacts, and use plaintiff's personation and identifying documents to obtain property from less educated Latino public members by practicing law by associating his sister, Estella, brother, Oscar, longtime associate Alberto, and brother-in-law, David, to file legal actions under forged signature of plaintiff and invade plaintiff's private CTA to launder money, defendant laundered funds to other Gutierrez and Caballero family members belonging to the public in furtherance of the conspiracy.

136. Pursuant to such conspiracy, plaintiff was to be targeted because he is a Black man, and defendant would loot, squander, and steal property of the Latino community and threaten plaintiff with imminent disbarment unless he went along with the fraudulent tax returns filed, and those not filed, on the part of the Gutierrez/Caballero Group as a result of their activities, and that defendant knew plaintiff would have no credibility with the California State Bar.

137. As a proximate cause of defendant's conduct, plaintiff was denied police services, and plaintiff has been disciplined by the State Bar for associating with defendants and such other pending

claims.

138. At all times herein mentioned, defendant, Francisco Gutierrez, associated other attorneys to work under the name and personation of James Earl Brown and Associates, APC, such as Rabecca Tapia, Cindy Carlson, Luis Tovar, and Oscar Gutierrez, who took instructions from Francisco Gutierrez knowing that defendant was invading plaintiff's privacy in the practice of law through such associates without plaintiff's knowledge or permission, Lorraine Caballero Gutierrez concealed those facts from plaintiff in order to further the purposes or the Gutierrez/Caballero Group and shift blame, responsibility and fault for such enterprise to plaintiff, further invading plaintiff's rights of privacy.

139. That defendant, Lorraine Caballero Gutierrez, personally used plaintiff's personal identity information and therefore personation of plaintiff by such acts as described without plaintiff's prior consent, or aided and abetted other defendants by laundering money indirectly by real property purchases by use of such funds, intentionally failed to properly file tax returns for the property obtained by forged checks or monetary instruments, or filed false returns from such activity at the direction of Francisco Gutierrez in order to invade the privacy of plaintiff.

140. The appropriation of plaintiff's personation as described was unauthorized and without prior consent of plaintiff or Frederick H. Alschuler, and the conduct so described hereinabove was intentionally committed by defendant as predatory acts against the Latino community in false light of blame and responsibility directed to plaintiff, a Black man, to invade plaintiff's privacy intending that such false personation used to aide and abet the criminal profiteering enterprise in violation of Penal Code §§ 26, 27 and 30-32, in reckless disregard of plaintiff's constitutional rights guaranteed to James Earl Brown by the 13th and 14th Amendments to the United States Constitution's Self-Executing provisions against involuntary servitude, and Article 1, section 1, liberty of contract, section 3, for access to courts, and rights of association as well as equal protection of the laws of the California Constitution.

141. That plaintiff filed legal action against defendants in federal District Court Case Number CV-06-00008-GHK-(Ex) on January 3, 2006, under Title 18 U.S.C.S. §§ 161, 162, *et seq.*, for the actions taken hereinabove described, and because of the vexatious litigation in response to such complaint, plaintiff became ill after having to physically shut the office and answer the State Bar actions under stress, his federal action was closed for failure to prosecute due to delays occasioned by medical

attention.

142. Defendants, and each of them, by invading plaintiff's privacy as identity theft, created Kozinski circumstances of vulnerabilities in plaintiff that has set up Francisco Gutierrez and his Gutierrez/Caballero Group as "dominance" over the exercise of plaintiff's rights, liberties and privileges and immunities of U.S. citizenship, thereby reducing plaintiff to "subservience" compelled to labor by means indirectly for the benefit of the Gutierrez/Caballero Group by legal compulsion and the threat of same, by threats, intimidation by runners and cappers directed at plaintiff or his employees seeking money these victims believe that plaintiff has taken.

143. As a proximate result of invasion of plaintiff's privacy because of plaintiff's race to effectuate the criminal enterprise as described hereinabove, plaintiff has suffered damages in the sum of $1,300,000 to date, and that sum is continuing to grow as victims come forward to report their losses against plaintiff.

144. As a proximate result of the wrongful acts of defendant, plaintiff in addition is entitled to recover a statutory penalty of $25,000, as provided in Civil Code § 52(b).

145. That as a proximate result of the acts of defendants and by the refusal of the Los Angeles Police Department to offer any police services upon plaintiff's request, plaintiff has been made to labor to make financial payments to private entities under legal orders of courts, plaintiff suffers a body attachment from the Probate Court, plaintiff is making payments under threat of physical harm to his employees and to himself and suffers a multiplicity of legal actions in violation of his rights against involuntary servitude.

146. As a further proximate result of the defendant's actions, plaintiff has suffered from State Bar disciplinary actions upon plaintiff's disclosure that the Los Angeles Police Department will not take action against defendants under Penal Code §§ 182.2, *et seq.*, 186.22, or under the City of Los Angeles' Monell policy, by reason of plaintiff's poverty and inability to pay.

147. That these consequences encourage frustrated members of the public who have no access to the courts by reason of their poverty, or who have been themselves sued by medical providers and have been compelled to attack plaintiff and his employees, expose plaintiff to contempt and ridicule, loss of reputation and standing in the community, all of which proximately caused plaintiff humiliation,

embarrassment, hurt feelings for the public and for himself, mental anguish and suffering, all to his general and punitive damages in an amount according to proof.

148. As a further and proximate result of the invasion of privacy by defendant hereinabove described, plaintiff has suffered injury to his business and by the loss of his license to practice law as well as the chilling effect of current State Bar actions directed against plaintiff, all to his special damage in an amount according to proof.

149. In doing the acts described, defendant is guilty of oppression, fraud, and malice in that defendant did such acts with intent to injure plaintiff or with a willful and conscious disregard of plaintiff's rights as described, entitling plaintiff to punitive damages.

150. Defendant Lorraine Caballero Gutierrez, and each of her codefendants continue to commit the acts described hereinabove. Unless and until enjoined and restrained by order of this Court, because plaintiff has no adequate remedy at law for the injuries he continues to suffer and a judgment for monetary damages alone will not end the invasion of plaintiff's privacy.

151. Defendant by reason of the delay in the proceedings described hereinabove, have secreted property obtained by these activities, and plaintiff prays for the imposition of a constructive trust on property owned by defendants, for an equitable lien, or attachment order under § 3439.07 of the Uniform Fraudulent Transfer Act.

COUNT TWO

(Complaint for Damages Under 42 U.S.C.S. § 1985(3),
For Violations of 42 U.S.C.S. §§ 1981, *et seq.*)

152. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, and paragraphs 129 through 152, inclusive, as though fully set forth herein, and alleges as follows:

153. This is an action brought under 42 U.S.C.S. § 1985(3) for conspiracy to violate §§ 1981(a) and (b) of that Title, to recover damages and equitable relief against Lorraine Caballero Gutierrez for conspiracy to go into the Wilshire office and trespass into property of plaintiff, or by and through some other locations, for the purpose of depriving, directly and indirectly, plaintiff of equal

privileges and immunities under the laws as described herein, and within the meaning of the self-executing provisions of the 3th and 14th Amendments to the United States Constitution.

154. And, Lorraine Gutierrez, by aiding and abetting Francisco Gutierrez in the acts described hereinabove by reference, in the unlawful practice of law, and also by uttering and cashing monetary instruments to transfer property from plaintiff's CTA and OBA, intended to and did interfere with plaintiff's rights to contract, intended to and did deprive plaintiff of his right to make and enforce contracts within the meaning of §§ 1981(a)(b), with Wells Fargo Bank and Bank of America; and intended to and did prevent plaintiff of his right to sue, be a party to action in court, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens because plaintiff is a Black man; intended to and did further a class-based racial animus as described in paragraph 57; intended to and did conspire with the Gutierrez/Caballero Group, described herein in violation of 42 U.S.C.S. § 1985(3).

155. Plaintiff is guaranteed to be subject to like punishments, pains, penalties, taxes, licenses, and exactions of every kind and to no other under subsection (a) of that Title.

156. Plaintiff is entitled to make and enforce contracts with Wells Fargo Bank such as plaintiff's CTA, and Bank of America such as plaintiff's OBA for the benefit of Latino persons, their medical providers, private entities and governmental agencies, and plaintiff is entitled to the enjoyment of the benefits, privileges, terms and conditions of those contractual relationships under subsection (b), of 1981 of that Title.

157. Pursuant to subsection (c) of 1981 of that title, these rights are protected against impairment by the racially discriminatory animus of the Gutierrez/Caballero Group.

158. That Lorraine Caballero Gutierrez, by doing the acts described by reference herein and by distributing of the monetary instruments of plaintiff's CTA, OBA, or wire transferring property from either, by uttering such monetary instruments to obtain property for personal use with the forged signature of plaintiff or by a stamp of such signature, or by transferring such monetary instruments to any financial institution as being a valid transfer of funds by plaintiff or by cashing such monetary instrument as laundering property, and by directly or indirectly obtaining property from the public, failed to report accurately the amounts so obtained to the Internal Revenue Service, the state Franchise Tax

Board, and the City of Los Angeles with the intent to deprive these public agencies of their just taxes and with the intent to shift responsibility of such fraudulent tax activity to plaintiff because he is Black conspired to violate plaintiff's rights under subsection (a) of 1981, 42 U.S.C.S. and subparagraph (b) of 1981 42 U.S.C.S., and is liable for the impairment of plaintiff's rights as described in subsection (c) of that titled, and in § 1985 3) for the conspiracy to commit such acts against plaintiff, justifying compensatory, punitive and special damages, equitable relief and attorney's fees.

COUNT THREE

(Complaint for Damages and Injunctive Relief for Violations of Plaintiff's Privileges and Immunities of Citizenship Protected by the Self-Executing Provisions of the 13th and 14th Amendments to the United States Constitution)

159. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, and paragraphs 153 through 158, inclusive, by reference as though fully set forth herein, and alleges as follows:

160. Plaintiff, by reason of the acts perpetrated by Lorraine Caballero Gutierrez, has suffered subservience due to the identity theft and the circumstances of vulnerability created by defendant's identify theft as herein described, and is entitled to compensatory damages for such oppressive conduct as well as equitable liens, attachment, and injunctive relief against the use of plaintiff's identity, and an order against transferring the property so obtained as a violation of the Uniform Fraudulent Transfer Act under § 1983(3) of 42 U.S.C.S.

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XVIII.

THIRD CAUSE OF ACTION AGAINST OSCAR GUTIERREZ

COUNT ONE

(Complaint for Damages Under Civil Code § 3333; Punitive Damages Under Code of Civil Procedure § 637.2 and Civil Code § 3294; Injunctive Relief Under Civil Code §§ 3422, 526 and 527; for Invasion of Privacy by Physical Intrusion Into Private Practice of Law of Plaintiff Under Civil Code § 52.1; and Interference With Right to Practice Profession Under Civil Code § 425.10)

161. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, paragraphs 153 through 158, and paragraphs 149 through 160 inclusive, by reference as though fully set forth herein, and alleges as follows:

162. That defendant, Oscar Gutierrez, from approximately January 15, 2002 until the present, has used false personation of plaintiff, James Earl Brown, James E. Brown, or James Earl Brown and Associates, APC, in violation of Penal Code §§ 530.5, 531 and 532 without limitation, and knowingly and without plaintiff's consent, invaded plaintiff's right of privacy by uttering forged checks on plaintiff's CTA and OBA or has uttered such false checks to a financial institution within the meaning of Penal Code § 470 as a "monetary instrument."

163. That Oscar Gutierrez, by transferring such monetary instruments to others for personal goods and services, or by uttering such monetary instruments to obtain money or property, or by laundering the property obtained by such use of monetary instruments, and by obtaining property by uttering such monetary instruments, or by issuing such bank drafts or checks to any person or persons not specifically authorized by plaintiff, has used plaintiff's personal identification information in a false personation of plaintiff which are the corporate tax identification number, California State Bar Number, signature, signature stamp, driver's license number, Social Security number, Wells Fargo Bank and Bank of America checking account number of access, and date of birth without plaintiff's permission or prior consent, thereby invading plaintiff's privacy.

164. Defendant invaded plaintiff's right of privacy by holding, or aiding, assisting or abetting, Francisco Gutierrez to hold himself out as an attorney entitled to practice law in the office of James Earl Brown and Associates, APC, or knowingly benefitted Francisco Gutierrez's activities in so doing, in

order to profit from the activities described as conspired herein and to benefit the Gutierrez/Caballero Group.

165. Plaintiff is informed and believes and therefor alleges that Defendant appeared as counsel on such legal actions knowing the same to be prepared under false impersonation of plaintiff and acting for the common enterprise of the Gutierrez/Caballero Group enterprise as described herein to invade plaintiff's privacy.

166. That at all times herein mentioned, Oscar Gutierrez's conduct, and the conduct of those who aided and abetted Francisco Gutierrez, involved the appropriation of plaintiff's name, likeness and personality because the use of plaintiff's name in association with the publication, letters, court filings, liens executed for medical persons, entities and persons who rely on such publications implied plaintiff's assistance or expressed that such writings were in fact the actions of plaintiff with his/its/their preparations and constituted the use of plaintiff's expertise and professional license status.

167. At all times herein mentioned, plaintiff was an attorney at law duly licensed to practice law in the State of California at 4988 North Figueroa Street, Highland Park, California 90042.

168. On or about December 15, 2001, defendants, and each of them, willfully, knowingly, oppressively, and maliciously conspired and agreed among themselves to dominate the practice of law in Los Angeles, and other cities of California, luring plaintiff and his licensed associate Frederick H. Alschuler into the Wilshire Office to offer legal services to the Latino community through a telephone system used by Gutierrez and Gutierrez for 25 years, but to be turned over the plaintiff and his associate.

169. Pursuant to such conspiracy, Francisco Gutierrez, a disbarred attorney who spoke fluent Spanish, would continue practicing law with his old Latino contacts, and use plaintiff's personation and identifying documents to obtain property from less educated Latino public members by practicing law by associating his sister, Estela, brother, Oscar, longtime associate Alberto, and brother-in-law, David, to file legal actions under forged signature of plaintiff and invade plaintiff's private CTA to launder money and property to runners and cappers and Latino medical clinics, and launder money to his wife, Lorraine, and mother, Irma and other family members because of his privately held belief that such "Latino" clients belonged to his family because of their ethnic background. And defendant laundered funds to other Gutierrez and Caballero family members belonging to the public.

170. Pursuant to such conspiracy and agreement, plaintiff was to be targeted because he is a Black man, and Francisco Gutierrez would loot, squander, and steal property of the Latino community and threaten plaintiff with imminent disbarment unless he went along with the fraudulent tax returns filed, and those not filed, on the part of the Gutierrez/Caballero Group as a result of their activities, and that defendant knew plaintiff would have no credibility with the California State Bar.

171. Plaintiff was denied police services, plaintiff has been disciplined by the State Bar for associating with defendants, defendant Francisco Gutierrez continues to intimidate witnesses, and direct his longtime runners and cappers to target plaintiff for funds taken by defendant as late as January 7, 2007, justifying compensatory and punitive damages against defendants.

172. At all times herein mentioned, defendant, Francisco Gutierrez, associated other attorneys to work under the name and personation of James Earl Brown and Associates, APC, such as Rabecca Tapia, Cindy Carlson, Luis Tovar, and Oscar Gutierrez, who took instructions from Francisco Gutierrez knowing that defendant was invading plaintiff's privacy in the practice of law through such associates without plaintiff's knowledge or permission, Oscar Gutierrez concealed those facts from plaintiff in order to further the purposes or the Gutierrez/Caballero Group and shift blame, responsibility and fault for such enterprise to plaintiff, further invading plaintiff's rights of privacy.

173. That defendant, Oscar Gutierrez, personally used plaintiff's personal identity information and therefore personation of plaintiff by such acts as described without plaintiff's prior consent, or aided and abetted other defendants by laundering money indirectly by real property purchases.

174. The appropriation of plaintiff's personation as described was unauthorized and without prior consent of plaintiff or Frederick H. Alschuler, and the conduct so described hereinabove was intentionally committed by defendant as predatory acts against the Latino community in false light of blame and responsibility directed to plaintiff, a Black man, to invade plaintiff's privacy intending that such false personation used to aide and abet the criminal profiteering enterprise in violation of Penal Code §§ 26, 27 and 30-32. in reckless disregard of plaintiff's constitutional rights guaranteed to James Earl Brown by the 13th and 14th Amendments to the United States Constitution's Self-Executing provisions against involuntary servitude, and Article 1, section 1, liberty of contract, section 3, for petition for redress and access to courts, and rights of association as well as equal protection of the laws,

under Section 7 of that same article of the California Constitution.

175. That plaintiff filed legal action against defendants in federal District Court Case Number CV-06-00008-GHK-(Ex) on January 3, 2006, under Title 18 U.S.C.S. §§ 161, 162, *et seq.*, for the actions taken hereinabove described, and because of the vexatious litigation in response to such complaint, plaintiff became ill after having to physically shut the office and answer the State Bar actions under stress, his federal action was closed for failure to prosecute.

176. Defendants, and each of them, by invading plaintiff's privacy as identity theft, created Kozinski circumstances of vulnerabilities in plaintiff that has set up Francisco Gutierrez and his Gutierrez/Caballero Group as "dominance" over the exercise of plaintiff's rights, liberties and privileges and immunities of U.S. citizenship, thereby reducing plaintiff to "subservience" compelled to labor by means indirectly for the benefit of the Gutierrez/Caballero Group by legal compulsion and the threat of same, by threats of violence and intimidation by runners and cappers directed at plaintiff or his employees seeking money these victims believe that plaintiff has taken.

177. As a proximate result of Oscar Gutierrez's invasion of plaintiff's privacy because of plaintiff's race to effectuate the criminal enterprise as described hereinabove, plaintiff has suffered damages as responsible to members of the public as described in the sum of $1,300,000 to date, and that sum is continuing to grow as victims come forward to report their losses against plaintiff.

178. As a proximate result of the wrongful acts of defendant, plaintiff in addition is entitled to recover a statutory penalty of $25,000, as provided in Civil Code § 52(b).

179. That as a proximate result of the acts of defendants and by the refusal of the Los Angeles Police Department to offer any police services upon plaintiff's request, plaintiff has been made to labor to make financial payments to private entities under legal orders of courts, plaintiff suffers a body attachment from the Probate Court, plaintiff is making payments under threat of physical harm to his employees and to himself, and suffers a multiplicity of legal actions in violation of his rights against involuntary servitude.

180. As a further proximate result of the defendant's actions, plaintiff has suffered from State Bar disciplinary actions upon plaintiff's disclosure that the Los Angeles Police Department will not take action against defendants under Penal Code §§ 182.2, *et seq.*, 186.22, or under the City of Los Angeles

Monell policy as described *infra*.

181. That these consequences encourage frustrated members of the public who have no access to the courts, or who have been themselves sued by medical providers, to attack plaintiff and his employees, expose plaintiff to contempt and ridicule, loss of reputation and standing in the community, all of which caused plaintiff humiliation, embarrassment, hurt feelings for the public and for himself, mental anguish and suffering, all to his general damages in an amount according to proof.

182. As a further and proximate result of the invasion of privacy by defendant hereinabove described, plaintiff has suffered injury to his business and by the loss of his license to practice law as well as the chilling effect of current State Bar actions directed against plaintiff, all to his special damage in an amount according to proof, and that defendant should be held liable for the entire sum and damages suffered by plaintiff.

183. In doing the acts described, defendant, and each of them, is guilty of oppression, fraud, and malice in that defendant did such acts with intent to injure plaintiff or with a willful and conscious disregard of plaintiff's rights as described, entitling plaintiff to punitive damages.

184. Defendant, Oscar Gutierrez, and each of his codefendants continue to commit the acts described hereinabove. Unless and until enjoined and restrained by order of this Court, because plaintiff has no adequate remedy at law for the injuries he continues to suffer and a judgment for monetary damages alone will not end the invasion of plaintiff's privacy.

185. Defendants by reason of the delay in the proceedings described hereinabove, have secreted property obtained by these activities, and plaintiff prays for the imposition of a constructive trust on property owned by this defendant, for an equitable lien, or attachment order under § 3439.07 of the Uniform Fraudulent Transfer Act, constructive trusts, injunctive relief, punitive damages, compensatory damages, and attorney's fees, for all sums to be received, jointly and severally.

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COUNT TWO

(Complaint for Damages Under 42 U.S.C.S. § 1985(3),
For Violations of 42 U.S.C.S. §§ 1981, *et seq.*)

186. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, paragraphs 153 through 158, paragraphs 159 through 160, and paragraphs 162 through 185, inclusive, by reference as though fully set forth herein, and alleges as follows:

187. This is an action brought under 42 U.S.C.S. § 1985(3) for conspiracy to violate §§ 1981(a) and (b) of that Title, to recover damages and equitable relief against Oscar Gutierrez for conspiracy to go into the Wilshire office and trespass into property of plaintiff, or by and through some other locations, for the purpose of depriving, directly and indirectly, plaintiff of equal privileges and immunities under the laws as described herein, and within the meaning of the self-executing provisions of the 13th and 14th Amendments to the United States Constitution.

188. And, Oscar Gutierrez, by aiding and abetting Francisco Gutierrez in the acts described hereinabove by reference, and in the unlawful practice of law, and also by uttering and cashing monetary instruments to transfer property from plaintiff's CTA and OBA, intended to and did interfere with plaintiff's rights to contracts, intended to and did deprive plaintiff of his right to make and enforce contracts within the meaning of §§ 1981(a)(b), with Wells Fargo Bank and Bank of America; and intended to and did prevent plaintiff of his right to sue, be a party to action in court, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens because plaintiff is a Black man; intended to and did further a class-based racial animus as described in paragraph 57 (XIII); intended to and did conspire with the Gutierrez/Caballero Group, described herein by reference, to deprive James E. Brown of his privileges and immunities of United States citizenship as described herein, in violation of 42 U.S.C.S. § 1985(3).

189. Pursuant to subsection (c) of 1981 of that title, these rights are protected against impairment by the racially discriminatory animus of the Gutierrez/Caballero Group.

190. That Oscar Gutierrez, by doing the acts described by reference herein and by distributing of the monetary instruments of plaintiff's CTA, OBA, or wire transferring property from either, by

uttering such monetary instruments to obtain property for personal use with the forged signature of plaintiff or by a stamp of such signature, or by transferring such monetary instruments to any financial institution as being a valid transfer of funds by plaintiff or by his permission or authorization, or by cashing such monetary instrument intended to shift responsibility of fraudulent tax activity to plaintiff because he is Black, conspired to violate plaintiff's rights under subsection (a) of 1981 U.S.C.S. and subparagraph (b) of 1981 of 42 U.S.C.S. and is liable for the impairment of plaintiff's rights as described in subsection (c) of that titled, and in § 1985(3) for the conspiracy to commit such acts against plaintiff.

COUNT THREE

(Complaint for Damages and Injunctive Relief for Violations of Plaintiff's Privileges and Immunities of Citizenship Protected by the Self-Executing Provisions of the 13th and 14th Amendments to the United States Constitution)

191. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, paragraphs 153 through 158, paragraphs 159 through 160, paragraphs 162 through 185, and paragraphs 187 through 190, inclusive, by reference as though fully set forth herein, and alleges as follows:

192. Plaintiff, by reason of the acts perpetrated by Oscar Gutierrez, has suffered subservience due to the identity theft and the circumstances of vulnerability created by defendant's identify theft as herein described, and is entitled to compensatory damages for such oppressive actions as well as equitable liens, attachment, and injunctive relief against the use of plaintiff's identity.

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XIV.

FOURTH CAUSE OF ACTION AGAINST ESTELLA GUTIERREZ

COUNT ONE

(Complaint for Damages Under Civil Code § 3333; Punitive Damages Under Code of Civil Procedure § 637.2 and Civil Code § 3294; Injunctive Relief Under Civil Code §§ 3422, 526 and 527; for Invasion of Privacy by Physical Intrusion Into Private Practice of Law of Plaintiff Under Civil Code § 52.1; and Interference With Right to Practice Profession Under Civil Code § 425.10)

193. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, paragraphs 153 through 158, paragraphs 159 through 160, paragraphs 162 through 185, paragraphs 187 through 190, and paragraphs 191 through 192, inclusive, by reference as though fully set forth herein, and alleges as follows:

194. That defendant, Estella Gutierrez, from approximately January 15, 2002 until the present, has used false personation of plaintiff, James Earl Brown, James E. Brown, or James Earl Brown and Associates, APC, in violation of Penal Code §§ 530.5, 531 and 532 without limitation, and knowingly and without plaintiff's consent, invaded plaintiff's right of privacy by uttering forged checks on plaintiff's CTA and OBA to a financial institution within the meaning of Penal Code § 470 as a "monetary instrument," and has cashed, transferred, and passed or delivered the property so obtained to Francisco Gutierrez or Lorraine Caballero Gutierrez as a money laundering scheme for the purpose of secreting the source of such funds.

195. That Estella Gutierrez, by transferring such monetary instruments to others for personal goods and services, or by uttering such monetary instruments to obtain money or property, and by laundering the property obtained by such use of monetary instruments, has used plaintiff's personal identification information in a false personation of plaintiff, which are the corporate tax identification number, signature, signature stamp, driver's license number, California State Bar number, Social Security number, Wells Fargo Bank and Bank of America checking account number of access, and date of birth without plaintiff's permission or prior consent, thereby invading plaintiff's privacy.

196. Defendant invaded plaintiff's right of privacy by holding and aiding, assisting or abetting, Francisco Gutierrez to hold himself out as an attorney entitled to practice law in the office of James Earl

Brown and Associates, APC, and knowingly benefitted Francisco Gutierrez's activities in so doing, in order to profit from the activities described as conspiratorial herein.

197. Defendant aided Francisco Gutierrez in filing legal actions as an attorney at law under plaintiff's law firm, or prepared legal complaints, served legal documents, or filed legal complaints, at the direction of Francisco Gutierrez, knowing the same to be prepared under false impersonation of plaintiff and acting for the common enterprise of the Gutierrez/Caballero Group enterprise as described herein to invade plaintiff's privacy.

198. That at all times herein mentioned, Estella Gutierrez's conduct, and the conduct of those who aided and abetted Francisco Gutierrez, involved the appropriation of plaintiff's name, likeness and personality because the use of plaintiff's name in association with the publication, letters, court filings, liens executed for medical persons, entities and persons who rely on such publications implied plaintiff's assistance or expressed that such writings were in fact the actions of plaintiff with his/its permission. These preparations constituted the use of plaintiff's expertise and professional license status in violation of plaintiff's 1st Amendment rights of privacy.

199. At all times herein mentioned, plaintiff was an attorney at law duly licensed to practice law in the State of California at 4988 North Figueroa Street, Highland Park, California 90042.

200. On or about December 15, 2001, defendants, and each of them, willfully, knowingly, oppressively, and maliciously conspired and agreed among themselves to dominate the practice of law in Los Angeles, and other cities of California, luring plaintiff and his licensed associate Frederick H. Alschuler into the Wilshire Office to offer legal services to the Latino community through a telephone system used by the Gutierrez and Gutierrez firm for 25 years, but to be turned over the plaintiff and his associate.

201. Pursuant to such conspiracy, Francisco Gutierrez, a disbarred attorney who spoke fluent Spanish, would continue practicing law with his old Latino contacts, and use plaintiff's personation and identifying documents to obtain property from less educated Latino public members by practicing law by associating his sister, Estella, brother, Oscar, longtime associate Alberto, and brother-in-law, David and others, to file legal actions under forged signature of plaintiff and invade plaintiff's private CTA to launder money and property to runners and cappers and Latino medical clinics, and launder money to his

wife, Lorraine Gutierrez, and mother, Irma Gutierrez, and other family members because of his privately held belief that such "Latino" clients belonged to his family because of their ethnic background. And defendants unlawfully laundered property to other Gutierrez and Caballero family members belonging to the public, as described.

202. Pursuant to such conspiracy and agreement, plaintiff was to be targeted because he is a Black man, and defendant would loot, squander, and steal property of the Latino community and threaten plaintiff with imminent disbarment unless he went along with the fraudulent tax returns filed, and those not filed, on the part of the Gutierrez/Caballero Group as a result of their activities, and that defendant knew plaintiff would have no credibility with the California State Bar.

203. Plaintiff was denied police services, as describe herein, and plaintiff has been disciplined by the State Bar for associating with defendants, defendant Estella Gutierrez continues to intimidate witnesses, and direct his longtime runners and cappers to target plaintiff for funds taken by defendant as late as January 7, 2007.

204. At all times herein mentioned, defendant, Francisco Gutierrez, associated other attorneys with the aid and encouragement of Estella Gutierrez, to work under the name and personation of James Earl Brown and Associates, APC, such as Rabecca Tapia, Cindy Carlson, Luis Tovar, and Oscar Gutierrez, who took instructions from Francisco Gutierrez, knowing that defendant was invading plaintiff's privacy in the practice of law through such associates without plaintiff's knowledge or permission, Estella Gutierrez concealed those facts from plaintiff in order to further the purposes or the Gutierrez/Caballero Group and shift blame, responsibility and fault for such unlawful enterprise to plaintiff.

205. That defendant, Estella Gutierrez, personally used plaintiff's personal identity information and therefore personation of plaintiff by settling claims, depositing checks of insurance companies, preparing and delivering mail, entering into the office to pick up checks from Francisco Gutierrez, going for mail, going to insurance companies to pick up checks in the name of James Earl Brown and Associates, sending letters to insurance companies or opposing counsel, cashed monetary instruments at the direction of Francisco Gutierrez, and failed to properly file tax returns for the property obtained by forged checks or monetary instruments, at the direction of Francisco Gutierrez.

206. The appropriation of plaintiff's personation as described was unauthorized and without prior consent of plaintiff or Frederick H. Alschuler, and the conduct so described hereinabove was intentionally committed by defendant as predatory acts against the Latino community in false light of blame and responsibility directed at plaintiff, a Black man.

207. That Estella Gutierrez intended such false personation used to aide and abet the criminal profiteering enterprise of the Gutierrez/Caballero Group in violation of Penal Code §§ 26, 27 and 30-32, was in reckless disregard of plaintiff's constitutional rights under the 13th and 14th Amendments to the United States Constitution's Self-Executing provisions against involuntary servitude, as well as Article 1, section 1, liberty of contract, Article 1, section 3, for access to courts, and rights of association, and Article 1, sections 6 and 7 as a denial of equal protection of the laws, and involuntary servitude.

208. That Estella Gutierrez, and each of her coconspirators, by invading plaintiff's privacy by identity theft, created Kozinski circumstances of vulnerabilities in plaintiff described hereinabove, that has set up Francisco Gutierrez and his Gutierrez/Caballero Group as "dominance" over the exercise of plaintiff's rights, liberties and privileges and immunities of United States citizenship, subjecting and reducing plaintiff to "subservience," compelled to labor by means indirectly for the benefit of the Gutierrez/Caballero Group through legal compulsion and the threat of same, by threats and intimidation by runners and cappers directed at plaintiff or his employees seeking money these victims believe that plaintiff has taken, justify compensatory and punitive damages.

209. As a proximate result of Estella Gutierrez and certain other associates and coconspirators who acted to invade plaintiff's privacy because of plaintiff's race, did so to effectuate the criminal enterprise as described hereinabove. Plaintiff has suffered damages and is responsible for the sum of $1,300,000 to date, and that sum is continuing to grow as victims come forward to report their losses against plaintiff to the California State Bar.

210. As a proximate result of the wrongful acts of defendant, plaintiff in addition is entitled to other elements of damage, is also entitled recover a statutory penalty of $25,000, as provided in Civil Code § 52(b).

211. That as a proximate result of the acts of defendant and by the refusal of the Los Angeles Police Department to offer any police services upon plaintiff's requests, plaintiff has been made to labor

to make financial payments to private entities under legal orders of courts, plaintiff suffers a body attachment from the Probate Court, plaintiff is making payments under threat of physical harm to his employees and to himself, and suffers a multiplicity of legal actions in violation of his rights against involuntary servitude.

212. As a further proximate result of the defendant's actions, plaintiff has suffered from State Bar disciplinary actions upon plaintiff's disclosure that the Los Angeles Police Department will not take action against defendants under Penal Code §§ 182.2, *et seq.*, 186.22, or under the City of Los Angeles Monell policy.

213. That these consequences encourage frustrated members of the public who have no access to the courts, or who have been themselves sued by medical providers, to attack plaintiff and his employees, expose plaintiff to contempt and ridicule, loss of reputation and standing in the community, all of which caused plaintiff humiliation, embarrassment, hurt feelings for the public and for himself, mental anguish and suffering, all to his general damages in an amount according to proof.

214. As a further and proximate result of the invasion of privacy by defendant hereinabove described, plaintiff has suffered injury to his business and by the loss of his license to practice law as well as the chilling effect of current State Bar actions directed against plaintiff, all to his special damage in an amount according to proof, and that defendant should be held liable for the entire sum and damages suffered by plaintiff.

215. In doing the acts described, defendant is guilty of oppression, fraud, and malice in that defendant did such acts with intent to injure plaintiff or with a willful and conscious disregard of plaintiff's rights as described, entitling plaintiff to an order that all employment agreements with defendant are void *ab initio* and that defendant is jointly and severally liable with all other defendants from all property taken or given, and compensatory and punitive damages.

216. Defendant, Estella Gutierrez, and each of her codefendants continue to commit the acts described hereinabove. Unless and until enjoined and restrained by order of this Court, because plaintiff has no adequate remedy at law for the injuries he continues to suffer and a judgment for monetary damages alone will not end the invasion of plaintiff's privacy.

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217. Defendants, by reason of the delay in the proceedings described hereinabove, have secreted property obtained by these activities, and plaintiff prays for the imposition of a constructive trust on property owned by this defendant, for an equitable lien, or attachment order under § 3439.07 of the Uniform Fraudulent Transfer Act.

COUNT TWO

(Complaint for Damages Under 42 U.S.C.S. § 1985(3),
For Violations of 42 U.S.C.S. §§ 1981, *et seq.*)

218. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, paragraphs 153 through 158, paragraphs 159 through 160, paragraphs 162 through 185, paragraphs 187 through 190, paragraphs 191 through 192, and paragraphs 194 through 217, inclusive, by reference as though fully set forth herein, and alleges as follows:

219. This is an action brought under 42 U.S.C.S. § 1985(3) for conspiracy to violate §§ 1981(a) and (b) of that Title, to recover damages and equitable relief against Estella Gutierrez for conspiracy to go into the Wilshire office and trespass into property of plaintiff, or by and through some other locations, for the purpose of depriving, directly and indirectly, plaintiff of equal privileges and immunities of citizenship under the laws as described herein, and within the meaning of the self-executing provisions of the 13th and 14th Amendments to the United States Constitution.

220. And, Estella Gutierrez, by aiding and abetting Francisco Gutierrez in the acts described hereinabove by reference, and in the unlawful practice of law, and also by uttering and cashing monetary instruments to transfer property from plaintiff's CTA and OBA, intended to and did interfere with plaintiff's rights to contract, intended to and did deprive plaintiff of his right to make and enforce contracts within the meaning of §§ 1981(a)(b), with Wells Fargo Bank and Bank of America; and intended to and did prevent plaintiff of his right to sue, be a party to action in court, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens because plaintiff is a Black man; intended to and did further a class-based racial animus as described in paragraph 57; intended to and did conspire with the Gutierrez/Caballero

Group, described herein by reference, to deprive James E. Brown of his privileges and immunities of United States citizenship as described herein, in violation of 42 U.S.C.S. § 1985(3).

221. Plaintiff is entitled to make and enforce contracts with Wells Fargo Bank such as plaintiff's CTA, and Bank of America such as plaintiff's OBA for the benefit of Latino persons, their medical providers, private entities and governmental agencies, and plaintiff is entitled to the enjoyment of the benefits, privileges, terms and conditions of those contractual relationships under subsection (b), of 1981 of that Title.

222. Pursuant to subsection (c) of 1981 of that title, these rights are protected against impairment by the racially discriminatory animus of the Gutierrez/Caballero Group, and defendant took such action based upon a racially discriminated motive against plaintiff.

223. That Estella Gutierrez, by doing the acts described by reference herein and by distributing of the monetary instruments of plaintiff's CTA, OBA, or wire transferring property from either, by uttering such monetary instruments to obtain property for personal use with the forged signature of plaintiff or by a stamp of such signature, or by verifying such monetary instruments to any financial institution as being a genuine transfer of funds by plaintiff, or by his permission or authorization, and by cashing such monetary instrument as laundering such cash back to Francisco Gutierrez, and by directly or indirectly obtaining property from the public, to private entities who provided medical services, and by ordering such monetary instruments, and by failing to report accurately the amounts so obtained to the Internal Revenue Service, the State Franchise Tax Board, and the City of Los Angeles, acted with the intent to deprive these public agencies of their just taxes, and with the intent to shift responsibility of such fraudulent tax activity to plaintiff because he is Black and conspired with codefendants to violate plaintiff's rights under subsection (a) of § 1985, and that plaintiff is entitled to compensatory damages for racially discriminating conduct, and punitive damages to judgment for equitable relief, injunctive relief against defendant, and imposition of equitable liens against her property.

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COUNT THREE

(Complaint for Damages and Injunctive Relief for Violations of Plaintiff's Privileges and Immunities of Citizenship Protected by the Self-Executing Provisions of the 13th and 14th Amendments to the United States Constitution)

224. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, paragraphs 153 through 158, paragraphs 159 through 160, paragraphs 162 through 185, paragraphs 187 through 190, paragraphs 191 through 192, paragraphs 194 through 217, and paragraphs 218 through 223, inclusive, by reference as though fully set forth herein, and alleges as follows:

225. Plaintiff, by reason of the acts perpetrated by Estella Gutierrez, has suffered subservience to the Gutierrez/Caballero Group proximately caused by circumstances of vulnerability created by identify theft as herein described, and plaintiff is entitled to compensatory and punitive damages for such oppressive conduct as well as equitable liens, attachment, and injunctive relief against further personal use of plaintiff's identity, and plaintiff is entitled to an order that defendants are jointly and severally liable for racially discriminating conduct under § 1985(3) of 42 U.S.C.S.

XV.

FIFTH CAUSE OF ACTION AGAINST IRMA GUTIERREZ

COUNT ONE

(Complaint for Damages Under Civil Code § 3333; Punitive Damages Under Code of Civil Procedure § 637.2 and Civil Code § 3294; Injunctive Relief Under Civil Code §§ 3422, 526 and 527; for Invasion of Privacy by Physical Intrusion Into Private Practice of Law of Plaintiff Under Civil Code § 52.1; and Interference With Right to Practice Profession Under Civil Code § 425.10)

226. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, paragraphs 153 through 158, paragraphs 159 through 160, paragraphs 162 through 185, paragraphs 187 through 190, paragraphs 191 through 192, paragraphs 194 through 217, paragraphs 218 through 223, and paragraphs 224 through 225, inclusive, by reference as though fully set forth herein, and alleges as follows:

227. That defendant, Irma Gutierrez, from approximately January 15, 2002 until the present, has used false personation of plaintiff, James Earl Brown, James E. Brown, or James Earl Brown and Associates, APC, in violation of Penal Code §§ 530.5, 531 and 532 without limitation, and knowingly and without plaintiff's consent, invaded plaintiff's right of privacy by uttering forged checks on plaintiff's CTA to a financial institution within the meaning of Penal Code § 470 as a "monetary instrument."

228. That Irma Gutierrez, by transferring such monetary instruments to others for personal goods and services, or by uttering such monetary instruments to obtain money or property, and by laundering the property obtained by such use of monetary instruments, has used plaintiff's personal identification information in a false personation of plaintiff, which are the corporate tax identification number, signature, signature stamp, driver's license number, California State Bar number, Social Security number, Wells Fargo Bank and Bank of America checking account number of access, and date of birth without plaintiff's permission or prior consent, thereby invading plaintiff's privacy.

229. Defendant invaded plaintiff's right of privacy by knowingly benefitting Francisco Gutierrez's activities in so doing in order to profit from the activities described as conspiratorial herein.

230. That at all times herein mentioned, Irma Gutierrez's conduct, and the conduct of those who aided and abetted Francisco Gutierrez, involved the appropriation of plaintiff's name, likeness and personality because the use of plaintiff's name in association with the publication, letters, court filings, liens executed for medical persons, entities and persons who rely on such publications implied plaintiff's assistance or expressed that such writings were in fact the actions of plaintiff with his/its consent. These preparations constituted the use of plaintiff's expertise and professional license status.

231. At all times herein mentioned, plaintiff was an attorney at law duly licensed to practice law in the State of California at 4988 North Figueroa Street, Highland Park, California 90042.

232. On or about December 15, 2001, defendants, and each of them, willfully, knowingly, oppressively, and maliciously conspired and agreed among themselves to dominate the practice of law in Los Angeles, and other cities of California, luring plaintiff and his licensed associate Frederick H. Alschuler into the Wilshire Office to offer legal services to the Latino community through a telephone system used by the Gutierrez and Gutierrez firm for 25 years, but to be turned over the plaintiff and his

associate.

233. Pursuant to such conspiracy of the Gutierrez/Caballero Group, Francisco Gutierrez, a disbarred attorney who spoke fluent Spanish, would continue practicing law with his old Latino contacts, and use plaintiff's personation and identifying documents to obtain property from less educated Latino public members by practicing law and associating his sister, Estella Gutierrez, brother, Oscar Gutierrez, longtime associate Alberto Cervantes, and brother-in-law, David Caballero, to file legal actions under forged signature of plaintiff and invade plaintiff's private CTA to launder money and property to runners and cappers and Latino medical clinics, and launder money to his wife, Lorraine Caballero Gutierrez, and mother, Irma Gutierrez, and other family members because of his privately held belief that such "Latino" clients belonged to his family because of their ethnic background.

234. Pursuant to such conspiracy and agreement, plaintiff was to be targeted because he is a Black man, and defendants would loot, squander, and steal property of the Latino community and threaten plaintiff with imminent disbarment unless he went along with the fraudulent tax returns filed, and those not filed, on the part of the Gutierrez/Caballero Group as a result of their activities, and that defendant knew plaintiff would have no credibility with the California State Bar or the Los Angeles Police.

235. Plaintiff was denied police services, plaintiff has been disciplined by the State Bar for associating with defendants; defendant Francisco Gutierrez continues to intimidate witnesses, and direct his longtime runners and cappers to target plaintiff for funds taken by defendant as late as January 7, 2007.

236. At all times herein mentioned, defendant, Francisco Gutierrez, associated other attorneys to work under the name and personation of James Earl Brown and Associates, APC, such as Rabecca Tapia, Cindy Carlson, Luis Tovar, Oscar Gutierrez and others, who took instructions from Francisco Gutierrez, knowing that Francisco Gutierrez was invading plaintiff's privacy in the practice of law through such associates without plaintiff's knowledge or permission, Irma Gutierrez concealed those facts from plaintiff in order to further the purposes or the Gutierrez/Caballero Group and shift blame, responsibility and fault for such unlawful enterprise to plaintiff, furthering invading plaintiff's rights of privacy.

237. That defendant, Irma Gutierrez, personally used plaintiff's personal identity information and therefore personation of plaintiff by such acts as described without plaintiff's prior consent, or aided and abetted other defendants by laundering money indirectly by property purchases by use of such funds, by entering into the office to pick up checks from Francisco Gutierrez in the name of James Earl Brown and Associates, cashing monetary instruments at the direction of Francisco Gutierrez, failed to properly file tax returns for the property obtained by forged checks or monetary instruments, at the direction of Francisco Gutierrez in order to invade the privacy of plaintiff.

238. The appropriation of plaintiff's personation as described was unauthorized and without prior consent of plaintiff or Frederick H. Alschuler, and the conduct so described hereinabove was intentionally committed by defendant as predatory acts against the Latino community in false light of blame and responsibility directed at plaintiff, a Black man, to invade plaintiff's privacy intending that such false personation used to aide and abet the criminal profiteering enterprise in violation of Penal Code §§ 26, 27 and 30-32 and in reckless disregard of plaintiff's constitutional rights under the 13th and 14th Amendments to the United States Constitution's Self-Executing provisions against involuntary servitude, as well as Article 1, section 1, liberty of contract, and Article 1, section 3, for liberty of contract and access to courts, Section 1 rights of association, and Article 1, section as equal protection of the laws.

239. That defendant, Irma Gutierrez, by invading plaintiff's privacy by identity theft, created Kozinski circumstances or vulnerabilities in plaintiff described hereinabove, that has set up Francisco Gutierrez and his Gutierrez/Caballero Group as "dominance" over the exercise of plaintiff's rights, liberties and privileges and immunities of United States citizenship, reducing plaintiff to "subservience," compelled to labor by means indirectly for the benefit of the Gutierrez/Caballero Group by legal compulsion and the threat of same, by threats and intimidation by runners and cappers directed at plaintiff or his employees seeking money these victims believe that plaintiff has taken their property.

240. As a proximate result of Irma Gutierrez's invasion of plaintiff's privacy because of plaintiff's race to effectuate the criminal enterprise as described hereinabove, Plaintiff has suffered damages and is entitled to judgment in the sum of $1,300,000 to date, on behalf of the 200, more or less members of the public and private enmities, and that sum is continuing to grow as victims come forward

to report their losses against plaintiff.

241. As a proximate result of the wrongful acts of defendant, plaintiff in addition is entitled to recover a statutory penalty of $25,000, as provided in Civil Code § 52(b), plaintiff is entitled to compensatory damages, special damages, and punitive damages.

242. That as a proximate result of Irma Gutierrez and the remaining acts of defendants and by the refusal of the Los Angeles Police Department to offer any police services upon plaintiff's requests, plaintiff has been made to labor to make financial payments to private entities under legal orders of courts, plaintiff suffers a body attachment from the Probate Court, plaintiff is making payments under threat of physical harm to his employees and to himself, and suffers a multiplicity of legal actions in violation of his rights against involuntary servitude.

243. As a further proximate result of the defendant's actions, plaintiff has suffered from State Bar disciplinary actions upon plaintiff's disclosure that the Los Angeles Police Department will not take action against defendants under Penal Code §§ 182.2, *et seq.*, 186.22, or under the City of Los Angeles Monell policy.

244. That these consequences and results encourage frustrated members of the public who have no access to the courts, or who have been themselves sued by medical providers to attack plaintiff and his employees, expose plaintiff to contempt and ridicule, loss of reputation and standing in the community, all of which caused plaintiff humiliation, embarrassment, hurt feelings for the public and for himself, mental anguish and suffering, all to his general damages in an amount according to proof.

245. As a further and proximate result of the invasion of privacy by defendant hereinabove described, plaintiff has suffered injury to his business and by the loss of his license to practice law as well as the chilling effect of current State Bar actions directed against plaintiff, all to his special damage in an amount according to proof.

246. In doing the acts described, defendants and each of them are guilty of oppression, fraud, and malice in that defendants did such acts with intent to injure plaintiff or with a willful and conscious disregard of plaintiff's rights as described, entitling plaintiff to punitive damages.

247. Defendant Irma Gutierrez, and each of her codefendants, continue to commit the acts described hereinabove. Unless and until enjoined and restrained by order of this Court, because plaintiff

has no adequate remedy at law for the injuries he continues to suffer and a judgment for monetary damages alone will not end the invasion of plaintiff's privacy.

248. Defendants, by reason of the delay in the proceedings described hereinabove, have secreted property obtained by these activities, and plaintiff prays for the imposition of a constructive trust on property owned by this defendant, for an equitable lien, or attachment order under § 3439.07 of the Uniform Fraudulent Transfer Act.

COUNT TWO

(Complaint for Damages Under 42 U.S.C.S. § 1985(3),
For Violations of 42 U.S.C.S. §§ 1981, *et seq.*)

249. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, paragraphs 153 through 158, paragraphs 159 through 160, paragraphs 162 through 185, paragraphs 187 through 190, paragraphs 191 through 192, paragraphs 194 through 217, paragraphs 218 through 223, and paragraphs 224 through 248, inclusive, by reference as though fully set forth herein, and alleges as follows:

250. This is an action brought under 42 U.S.C.S. § 1985(3) for conspiracy to violate §§ 1981(a) and (b) of that Title, to recover damages and equitable relief against Irma Gutierrez for conspiracy to go into the Wilshire office and trespass into property of plaintiff, or by and through some other locations, for the purpose of depriving, directly and indirectly, plaintiff of the equal privileges and immunities of citizenship under the laws as described herein, and within the meaning of the self-executing provisions of the 13th and 14th Amendments to the United States Constitution as well as within the meaning of 42 U.S.C.S. § 1985(3).

251. And, Irma Gutierrez, by aiding and abetting Francisco Gutierrez in the acts described hereinabove by reference, and in the unlawful practice of law, and also by uttering and cashing monetary instruments to transfer property from plaintiff's CTA and OBA, intended to and did interfere with plaintiff's rights to contract, intended to and did deprive plaintiff of his right to make and enforce contracts within the meaning of §§ 1981(a)(b), with Wells Fargo Bank and Bank of America; and

intended to and did, prevent plaintiff of his right to sue, be a party to action in court, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens because plaintiff is a Black man; intended to and did further a class-based racial animus as described in paragraph 57; intended to and did conspire with the Gutierrez/Caballero Group, described herein by reference, to deprive James E. Brown of his privileges and immunities of United States citizenship as described herein, in violation of 42 U.S.C.S. § 1985(3).

252. Plaintiff is entitled to make and enforce contracts with Wells Fargo Bank such as plaintiff's CTA, and Bank of America such as plaintiff's OBA for the benefit of Latino persons, their medical providers, private entities and governmental agencies, and plaintiff is entitled to the enjoyment of the benefits, privileges, terms and conditions of those contractual relationships under subsection (b), of 1981 of that Title.

253. Pursuant to subsection (c) of 1981 of that title, these rights are protected against impairment by the racially discriminatory animus of the Gutierrez/Caballero Group.

254. That Irma Gutierrez, by doing the acts described by reference herein and by distributing of the monetary instruments of plaintiff's CTA, OBA, by uttering such monetary instruments to obtain property for personal use with the forged signature of plaintiff or by a stamp of such signature, and by directly or indirectly obtaining property from the public, and by ordering such monetary instruments, and failing to report accurately the amounts so obtained to the Internal Revenue Service, the State Franchise Tax Board, and the City of Los Angeles, with the intent to deprive these public agencies of their just taxes, and with the intent to shift responsibility of such fraudulent tax activity to plaintiff because he is Black, conspired to violate plaintiff's rights under subsection (b) of § 1981, and is liable for the impairment of plaintiff's rights as described in subsection (c) of that title, and is in violation of § 1985(3) for the conspiracy to commit such acts against plaintiff because of plaintiff's race as described herein.

255. Plaintiff is entitled to an order against Irma Gutierrez that defendant is jointly and severally liable for all losses suffered by the public, that defendant's acts were done by and through class-based racial animus against plaintiff, entitles plaintiff to compensatory and punitive damages, attorney fees, a constructive trust, equitable lien, and an order against transfer of property in fraud of creditors.

COUNT THREE

(Complaint for Damages and Injunctive Relief for Violations of Plaintiff's Privileges and Immunities of Citizenship Protected by the Self-Executing Provisions of the 13th and 14th Amendments to the United States Constitution)

256. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, paragraphs 153 through 158, paragraphs 159 through 160, paragraphs 162 through 185, paragraphs 187 through 190, paragraphs 191 through 192, paragraphs 194 through 217, paragraphs 218 through 223, and paragraphs 224 through 255, inclusive, by reference as though fully set forth herein, and alleges as follows:

257. Plaintiff, by reason of the acts perpetrated by Irma Gutierrez, has suffered subservience to the Gutierrez/Caballero Group proximately caused by circumstances of vulnerability created by identity theft as herein described, and plaintiff is entitled to compensatory and punitive damages for such oppressive conduct as well as equitable liens, attachments, and injunctive relief against further personal use of plaintiff's identity, as well as an order that such conduct was discriminatory on a class-based racial animus under § 1985(3).

XVI.

SIXTH CAUSE OF ACTION AGAINST DAVID CABALLERO

COUNT ONE

(Complaint for Damages Under Civil Code § 3333; Punitive Damages Under Code of Civil Procedure § 637.2 and Civil Code § 3294; Injunctive Relief Under Civil Code §§ 3422, 526 and 527; for Invasion of Privacy by Physical Intrusion Into Private Practice of Law of Plaintiff Under Civil Code § 52.1; and Interference With Right to Practice Profession Under Civil Code § 425.10)

258. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, paragraphs 153 through 158, paragraphs 159 through 160, paragraphs 162 through 185, paragraphs 187 through 190, paragraphs 191 through 192, paragraphs 194 through 217, paragraphs 218 through 223, paragraphs 224 through 255, and paragraphs 256 through 257, inclusive, by reference as though fully set forth herein, and alleges as follows:

259. That defendant, David Caballero, from approximately January 15, 2002 until the present, has used false personation of plaintiff, James Earl Brown, James E. Brown, or James Earl Brown and Associates, APC, in violation of Penal Code §§ 530.5, 531 and 532 without limitation, and knowingly and without plaintiff's consent, invaded plaintiff's right of privacy by uttering forged checks on plaintiff's CTA and OBA. and has uttered false checks to a to a financial institution within the meaning of Penal Code § 470 as a "monetary instrument," and has cashed, transferred, and passed or delivered the property so obtained to Francisco Gutierrez or Lorraine Caballero Gutierrez as a money laundering scheme for the purpose of secreting the source of such funds.

260. That David Caballero, by transferring such monetary instruments to others for personal goods and services, or by uttering such monetary instruments to obtain money or property, or by laundering the property obtained by such use of monetary instruments, or by uttering such bank drafts or checks to any person or persons not specifically authorized by plaintiff, has used plaintiff's personal identification information in a false personation of plaintiff, which are the corporate tax identification number, signature, signature stamp, driver's license number, California State Bar number Social Security number, Wells Fargo Bank and Bank of America checking account number of access, and date of birth without plaintiff's permission or prior consent, thereby invading plaintiff's privacy.

261. Defendant invaded plaintiff's right of privacy by holding, or aiding, assisting or abetting, Francisco Gutierrez out as an attorney entitled to practice law in the office of James Earl Brown and Associates, APC, and knowingly benefitted Francisco Gutierrez's activities in so doing, in order to profit from the activities described as conspiratorial herein.

262. Defendant David Caballero served legal complaints, or filed legal complaints, at the direction of Francisco Gutierrez, knowing the same to be prepared under false impersonation of plaintiff and acting for the common enterprise of the Gutierrez/Caballero Group enterprise as described herein to invade plaintiff's privacy

263. That at all times herein mentioned, David Caballero's conduct, and the conduct of those who aided and abetted Francisco Gutierrez, involved the appropriation of plaintiff's name, likeness and personality because the use of plaintiff's name in association with the publication, letters, court filings, liens executed for medical persons, entities and persons who rely on such publications implied plaintiff's

assistance or expressed that such writings were in fact the actions of plaintiff with his/its consent. These preparations constituted the use of plaintiff's expertise and professional license status.

264. At all times herein mentioned, plaintiff was an attorney at law duly licensed to practice law in the State of California at 4988 North Figueroa Street, Highland Park, California 90042.

265. On or about December 15, 2001, defendant, and each of them, willfully, knowingly, oppressively, and maliciously conspired and agreed among themselves to dominate the practice of law in Los Angeles, and other cities of California, luring plaintiff and his licensed associate Frederick H. Alschuler into the Wilshire Office to offer legal services to the Latino community through a telephone system used by the Gutierrez and Gutierrez firm for 25 years, but to be turned over the plaintiff and his associate Frederick H. Alschuler.

266. Pursuant to the conspiracy described herein, Francisco Gutierrez, a disbarred attorney who spoke fluent Spanish would continue practicing law with his old Latino contacts, and use plaintiff's personation and identifying documents to obtain property from less educated Latino public members who sought legal services by practicing law and associating his sister, Estella Gutierrez, his brother, Oscar Gutierrez, longtime associate Alberto Cervantes, and his brother-in-law, defendant David Caballero, to file legal actions under forged signature of plaintiff and invade plaintiff's private CTA to launder money and property to his sister, Lorraine Caballero Gutierrez, and other family members because of his privately held belief that such "Latino" clients belonged to his family because of their ethnic background. And defendant laundered funds to others belonging to the public.

267. Pursuant to such conspiracy and agreement, plaintiff was to be targeted because he is a Black man, and defendant would loot, squander, and steal property of the Latino community and refuse to file tax returns filed as a result of his activities, and that defendant knew plaintiff would have no credibility with the California State Bar.

268. Plaintiff was denied police services, plaintiff has been disciplined by the State Bar for associating with defendants, and defendant Francisco Gutierrez continues to intimidate witnesses, and direct his longtime runners and cappers to target plaintiff for funds taken by defendant as late as January 7, 2007, as part of the identity theft scheme and operation.

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269. At all times herein mentioned, defendant, Francisco Gutierrez, associated other attorneys to work under the name and personation of James Earl Brown and Associates, APC, such as Rabecca Tapia, Cindy Carlson, Luis Tovar and Oscar Gutierrez, who took instructions from Francisco Gutierrez, knowing that defendant was invading plaintiff's privacy in the practice of law through such associates without plaintiff's knowledge or permission; David Caballero concealed those facts from plaintiff in order to further the purposes or the Gutierrez/Caballero Group and shift blame, responsibility and fault for such unlawful enterprise to plaintiff, furthering invading plaintiff's rights of privacy.

270. That defendant, David Caballero, personally used plaintiff's personal identity information and therefore personation of plaintiff by such acts as described without plaintiff's prior consent, or aided and abetted other defendants by laundering money indirectly by cashing said monetary instruments and transferring same to Francisco Gutierrez.

271. And at the direction of Francisco Gutierrez, defendant failed to properly file tax returns for the property obtained by forged checks or monetary instruments, at the direction of Francisco Gutierrez .

272. The appropriation of plaintiff's personation as described was unauthorized and without prior consent of plaintiff or Frederick H. Alschuler, and the conduct so described hereinabove was intentionally committed by defendant as predatory acts against the Latino community in false light of blame and responsibility directed at plaintiff, a Black man; defendant did such acts intending to invade plaintiff's privacy, intending that such false personation used to aide and abet the criminal profiteering enterprise of the Gutierrez/Caballero Group in violation of Penal Code §§ 26, 27 and 30-32, and in reckless disregard of plaintiff's constitutional rights under the 13th and 14th Amendments to the United States Constitution's Self-Executing provisions against involuntary servitude, and Article 1, section 1, liberty of contract, section 3, for access to courts, rights of association, section 7 for equal protection of the laws, and section 6 against involuntary servitude.

273. Defendants, and each of them, by invading plaintiff's privacy by identity theft, created Kozinski circumstances of vulnerabilities in plaintiff described hereinabove, that has set up Francisco Gutierrez and his Gutierrez/Caballero Group as "dominance" over the exercise of plaintiff's rights, liberties and privileges and immunities of United States citizenship, reducing plaintiff to "subservience"

compelled to labor by means indirectly for the benefit of the Gutierrez/Caballero Group by legal compulsion and the threat of same, by threats and intimidation by runners and cappers directed at plaintiff or his employees seeking money these victims believe that plaintiff has taken.

274. As a proximate result of David Caballero's invasion of plaintiff's privacy because of plaintiff's race to effectuate the criminal enterprise as described hereinabove, Plaintiff has suffered damages and lost the sum of $1,300,000 to date belonging to the public, and that sum is continuing to grow as victims come forward to report their losses against plaintiff.

275. As a proximate result of the wrongful acts of defendant, plaintiff in addition is entitled to recover a statutory penalty of $25,000, as provided in Civil Code § 52(b), plaintiff is further relief as follows:

276. That as a proximate result of acts of defendant and by the refusal of the Los Angeles Police Department to offer any police services upon plaintiff's requests, plaintiff has been made to labor to make financial payments to private entities under legal orders of courts, plaintiff suffers a body attachment from the Probate Court, plaintiff is making payments under threat of physical harm to his employees and to himself, and suffers a multiplicity of legal actions in violation of his rights against involuntary servitude, and is entitled to compensatory and punitive damages.

277. As a further proximate result of the defendant's actions, plaintiff has suffered from State Bar disciplinary actions upon plaintiff's disclosure that the Los Angeles Police Department will not take action against defendants under Penal Code §§ 182.2, *et seq.*, 186.22, or under the City's Monell policy.

278. That these consequences encourage frustrated members of the public who have no access to the courts, or who have been themselves sued by medical providers have been compelled to attack plaintiff and his employees, expose plaintiff to contempt and ridicule, loss of reputation and standing in the community, all of which caused plaintiff humiliation, embarrassment, hurt feelings for the public and for himself, mental anguish and suffering, all to his general damages in an amount according to proof.

279. As a further and proximate result of the invasion of privacy by defendant hereinabove described, plaintiff has suffered injury to his business, and by the loss of his license to practice law as well as the chilling effect of current State Bar actions directed against plaintiff, all to his special damage in an amount according to proof.

280. In doing the acts described, defendant is guilty of oppression, fraud, and malice in that defendant did such acts with intent to injure plaintiff, or with a willful and conscious disregard of plaintiff's rights, as described, entitling plaintiff to punitive damages.

281. Defendant and Francisco Gutierrez, and each of his codefendants, continue to commit the acts described hereinabove, and unless and until enjoined and restrained by order of this Court, defendants and each of them will continue said conduct. Plaintiff has no adequate remedy at law for the injuries he continues to suffer and a judgment for monetary damages alone will not end the invasion of plaintiff's privacy.

282. Defendant, by reason of the delay in the proceedings described hereinabove, has secreted property obtained by these activities, and plaintiff prays for the imposition of a constructive trust on property owned by defendant, for an equitable lien, or attachment order under § 3439.07 of the Uniform Fraudulent Transfer Act. Plaintiff is entitled to attorney fees, to punitive and compensatory damages, and such other and further relief as this Court deems just and proper.

COUNT TWO

(Complaint for Damages Under 42 U.S.C.S. § 1985(3),
For Violations of 42 U.S.C.S. §§ 1981, *et seq.*)

283. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, paragraphs 153 through 158, paragraphs 159 through 160, paragraphs 162 through 185, paragraphs 187 through 190, paragraphs 191 through 192, paragraphs 194 through 217, paragraphs 218 through 223, paragraphs 224 through 255, and paragraphs 256 through 282, inclusive, by reference as though fully set forth herein, and alleges as follows:

284. This is an action brought under 42 U.S.C.S. § 1985(3) for conspiracy to violate §§ 1981(a) and (b) pursuant to section (c) of that Title, to recover damages and equitable relief against David Caballero for conspiracy to go into the Wilshire office and trespass into property of plaintiff, or by and through some other locations, for the purpose of depriving, directly and indirectly, plaintiff of the equal privileges and immunities of citizenship under the laws as described herein, and within the

meaning of the self-executing provisions of the 13th and 14th Amendments to the United States Constitution.

285. And, David Caballero, by aiding and abetting Francisco Gutierrez in the acts described hereinabove by reference, and in the unlawful practice of law, and also by uttering and cashing monetary instruments to transfer property from plaintiff's CTA and OBA, intended to and did interfere with plaintiff's rights to contract, intended to and did deprive plaintiff of his right to make and enforce contracts within the meaning of §§ 1981(a)(b), with Wells Fargo Bank and Bank of America; and intended to and did, prevent plaintiff of his right to sue, be a party to action in court, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens because plaintiff is a Black man; intended to and did further a class-based racial animus as described in paragraph 57; intended to and did conspire with the Gutierrez/Caballero Group, described herein by reference, to deprive James E. Brown of his privileges and immunities of United States citizenship as described herein, in violation of 42 U.S.C.S. § 1985(3).

286. Plaintiff is entitled to make and enforce contracts with Wells Fargo Bank such as plaintiff's CTA, and Bank of America such as plaintiff's OBA for the benefit of Latino persons, their medical providers, private entities and governmental agencies, and plaintiff is entitled to the enjoyment of the benefits, privileges terms and conditions of those contractual relationships under subsection (b), of 1981 of that Title.

287. Pursuant to subsection (c) of 1981 of that title, these rights are protected against impairment by the racially discriminatory animus of the Gutierrez/Caballero Group, of which defendant is a member, and a person who acted with a discriminatory intent.

288. That David Caballero, by doing the acts described by reference herein and by distributing the monetary instruments from plaintiff's CTA and OBA to Francisco Gutierrez, by uttering such monetary instruments to obtain property for personal use, or use by Francisco Gutierrez, with the forged signature of plaintiff or by a stamp of such signature, and by verifying such monetary instruments to any financial institution as being a genuine transfer of funds by plaintiff or by his permission, or by cashing such monetary instruments as laundering such cash back to Francisco Gutierrez, and by directly or indirectly obtaining property from the public, to himself, and by ordering such monetary instruments,

and failing to report accurately the amounts so obtained to the Internal Revenue Service, the State Franchise Tax Board, and the City of Los Angeles, with the intent to deprive these public agencies of their just taxes, and with the further intent to shift responsibility of such fraudulent tax activity to plaintiff because he is Black, conspired to violate plaintiff's rights under subsection (3) of § 1985 and subparagraph (b) of § 1981, and is jointly and severally liable for the impairment of plaintiff's rights as described in subsection (c) of Title 42 U.S.C.S., and § 1985(3) of that title for the conspiracy to commit such acts against plaintiff.

COUNT THREE

(Complaint for Damages and Injunctive Relief for Violations of Plaintiff's Privileges and Immunities of Citizenship Protected by the Self-Executing Provisions of the 13th and 14th Amendments to the United States Constitution)

289. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, paragraphs 153 through 158, paragraphs 159 through 160, paragraphs 162 through 185, paragraphs 187 through 190, paragraphs 191 through 192, paragraphs 194 through 217, paragraphs 218 through 223, paragraphs 224 through 255, paragraphs 256 through 282, and paragraphs 283 through 288, inclusive, by reference as though fully set forth herein, and alleges as follows:

290. Plaintiff, by reason of the acts perpetrated by David Caballero, has suffered subservience within the meaning of the Slaughter House cases to the Gutierrez/Caballero Group proximately caused by the Kozinski circumstances of vulnerability created by identity theft as herein described, and plaintiff is entitled to compensatory, special and punitive damages, and for such oppressive conduct, equitable liens, attachments, attachments and injunctive relief as well as an order that such action was taken against plaintiff by a conspiracy based on a class-based racial animus under § 1985(3) of 42 U.S.C.S.

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XVII.

SEVENTH CAUSE OF ACTION AGAINST THE CITY OF LOS ANGELES

COUNT ONE

Complaint for Damages Under 42 U.S.C.S. § 1983)

291. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, paragraphs 153 through 158, paragraphs 159 through 160, paragraphs 162 through 185, paragraphs 187 through 190, paragraphs 191 through 192, paragraphs 194 through 217, paragraphs 218 through 223, paragraphs 224 through 255, paragraphs 256 through 282, paragraphs 283 through 288, and paragraphs 289 through 290, inclusive, by reference as though fully set forth herein, and alleges as follows:

292. This is an action brought under 42 U.S.C.S. § 1983 to recover damages against the City of Los Angeles (hereinafter the "City") for violation of 42 U.S.C.S. § 1983.

293. The City is, and at all times mentioned in this complaint was, a city within the County of Los Angeles, within the State of California with the capacity to sue and be sued.

294. The City was, at all times mentioned in this complaint, acting under color of State law within the meaning of Monell v. Department of Social Services, 436 U.S. 658 (1978) (hereinafter "Monell") in enacting and enforcing the strategy of law enforcement known as the COMSTAT (available online as LAPDonline.org) City policy.

295. The COMSTAT policy, its purpose, endorsement by City policymakers, and effect were reported to the Los Angeles Times as well as the Daily News on dates, not limited to, December 27, 2006, January 3, 2007, January 10, 2007, January 13, 2007, January 31, 2007, and February 6, 2007, herein attached as Exhibits as well as a policy of requiring victims to pay the police for services reported in Exhibit ___.

296. Plaintiff alleges that the COMSTAT policy is not legislation neutral on its face, but is a racial and ethnic legislation because it is aimed at the activities of Hispanic and African American "street gangs" residing in Hispanic and African American neighborhoods. As such, the COMSTAT policy is subject to strict scrutiny in evaluating its implementation.

297. That whereas the California State Legislature has findings in Penal Code § 186.21, acknowledging, *inter alia* that this legislation has no intent to interfere with the exercise of fundamental rights or petition for a redress of perceived grievances, but finds:

> . . .a crisis in California caused by violent street gangs . . . against peaceful citizens . . creating a clear and present danger to public order and safety . . . It is the intent of the Legislature in enacting this legislation to eradicate criminal activity by street gangs by focusing on patterns of criminal activity, by the list of crimes herein.

Crimes were committed against plaintiff as described hereinabove (see Exhibit 1) and are not listed in the COMSTAT policy.

298. That at all times herein mentioned, Detective Stella McNamara ("McNamara") acted under color of the City COMSTAT policy, and the City charter of the City of Los Angeles, State of California.

COMSTAT POLICY DOES NOT SUPPORT STATE LAW

299. That Penal Code § 186.25 providing for local laws preemption, provides, *inter alia*, that local governing bodies may adopt and enforce laws consistent with this Chapter relating to gangs and gang violence but only where local laws duplicate or supplement this Chapter, is contradicted by the COMSTAT policy.

300. Plaintiff alleges that the COMSTAT City policy neither supplements nor enforces the California State law chapters that it purports to supplement, as described in § 186.25, and therefore permits, encourages defendants in their conduct, and prevents plaintiff from enforcing the wrongful use of his privileges and immunities of citizenship as described herein under the criminal law in violation of the 13th and 14th Amendments to the United States Constitution, Article 1, Sections 3, 6 and 7 of the California Constitution, as well as 42 U.S.C.S. §§ 1981(a)(b).

THE LOS ANGELES POLICE DEPARTMENT REJECTS POLICE SERVICE TO PLAINTIFF

301. The denial of plaintiff's request for a police report was within two years of the filing of this complaint, on May 22 2006, and constitutes conduct in violation of the Equal Protection Clause of the United States Constitution.

302. McNamara's rejection of a police report requested by plaintiff of the criminal activities described hereinabove of the Gutierrez/Caballero Group, was because of an ethnic bias in favor of

defendants with whom she shares an ethnic identity and against their prosecution by plaintiff with whom she does not share an ethnic identity because plaintiff is a Black man (Exhibit _____).

303. McNamara's rejection of a police report requested by plaintiff of the criminal profiteering activities of the Gutierrez/Caballero Group was an exercise of discretion within her authority and within her official capacity as a detective of the forgery division, because the defendants were not within the class of identifiable "street gangs" targeted as Category I, and the crimes reported by plaintiff, were not within the class of crimes as Category I offenses, under the COMSTAT policy as her discretion dictated.

304. In addition, the Wilshire office was not in the targeted area of the City for implementation of police services under COMSTAT, and the plaintiff was not a member of the class of persons for whom the COMSTAT policy was designed to protect, as McNamara's official position permitted her to determine in denying minimal police services to plaintiff.

MCNAMARA ACTS WITHIN THE STATE ACTION REQUIREMENTS

305. Plaintiff alleges that the implementation of the COMSTAT policy by McNamara was the basis upon which McNamara arbitrarily, capriciously, and individously denied plaintiff the most minimal police services as a police report to clear his name of the identity theft by defendants by deliberately false statements that she did not understand plaintiff's claims, and by intentionally considering the race and ethnic background of the Gutierrez/Caballero Group in her decision to reject plaintiff's request for a report of the crimes.

306. By rejecting plaintiff's request for a police report, McNamara knew that the $950,000, claimed in plaintiff's RICO complaint and the checks provided to the police department forgery division would have to be paid by plaintiff because they were from his CTA and were property belonging to other members of the public, and these checks were reflecting the violations of plaintiff's privileges and immunities of United States citizenship, and other criminal violations of law described herein by reference; and yet after plaintiff repeatedly requested a police report of the theft of $950,000, from September 27, 2005, the request was rejected by McNamara on or about May of 2006 (Exhibits _____).

307. That Detective Stella McNamara apologized to plaintiff after plaintiff delivered the request the copies of plaintiff's CTA checks and OBA checks that demonstrated a pattern of racketeering activity, also the taped confession of Francisco Gutierrez, confessing to having forged plaintiff's name

on checks, a copy of the federal racketeering complaint alleging violations of California State Penal Code violations as well as Federal racketeering violations, all the personal information requested of Francisco Gutierrez, as well as a demand letter put to Francisco Gutierrez at McNamara's request pursuant to her "list" of acts for plaintiff to do as a condition precedent to, or that might result in, a police report of the theft, including but not limited to, getting a Certified Public Accounting Firm ("CPA firm"), to audit the ten books of checks, finding plaintiff's list of the lost unacceptable.

308. McNamara's statements that she did not understand were false.

309. That the request for a CPA audit would have cost plaintiff ten thousand dollars and was a pretext to delay, frustrated stall and prevent a police report. By the time such an audit was requested by McNamara in May of 2006, defendants had already removed from the Wilshire office all of the files of victims and other evidence of their criminal activity, including checks of the CTA and OBA, which would have been a necessary link with forgery to victims unknown to plaintiff, otherwise plaintiff's count of the losses would suffice as cause for investigation subject to what McNamara could have obtained by going to Francisco's home to retrieve evidence that Francisco Gutierrez and his group took from the office on Wilshire Boulevard in Los Angeles.

310. Since Francisco Gutierrez was armed with a loaded weapon, this kind of intervention was not possible for plaintiff.

CLASS-BASED ANIMUS

311. That on or about May of 2006, McNamara visited the Wilshire office and interviewed plaintiff, taped plaintiff's statements that he did not authorize Francisco to sign plaintiff's name on the CTA checks, and stated to plaintiff: "Well, I am Spanish-speaking too."

312. That plaintiff did not solicit whether McNamara was a Latina or of any other ethnicity, and could only infer that McNamara took offense at plaintiff's RICO complaint directed at Francisco Gutierrez's Gutierrez/Caballero Group's ethnic background and considered action by plaintiff an action based upon ethnicity of defendants named in the complaint.

313. That on or about May of 2006, approximately, plaintiff received a call from McNamara to retrieve his evidence of the criminal activities of the Gutierrez/Caballero Group and that the report of September 27, 2005, was just "preliminary," and that no report (nor any other police services) were

forthcoming from the City (herein the "Los Angeles Police Department").

314. That State Law, Penal Code §§182, *et seq.*, and 186.22, *et seq.*, are statutes neutral on their face and were rejected as grounds for a police report when requested by plaintiff to the Los Angeles Police Department.

PLAINTIFF IS SIMILARLY SITUATED

315. Plaintiff is an individual similarly situated with respect to the purpose(s) of the State and Federal law as well as the City's COMSTAT policy, and that the COMSTAT policy was adopted as policy for the City as reported on 50 web sites and in the Los Angeles Times articles, and is further implemented by Police Chief Bratton, in violation of the federal and state equal protection clauses.

316. The Police Commission, Police Chief Bratton, and support by the Honorable Mayor Antonio Villaraigosa, all of whom are policymakers within the meaning of Monell, makes COMSTAT the City policy.

PLAINTIFF COMPARES WITH CLASS OF ONE

317. That plaintiff, in comparison with a Class of One, that One being the victim of the street "shake down" as reported to the Times printed on February 6, 2007, to the Latino street vendors (hereinafter "shakedown victim"), who are not required to produce an audit of their losses as a condition precedent, plaintiff is subject to multiple "shakedowns" by the Gutierrez/Caballero Group indirectly by the 200 more or less members of the public, who are victims, poor and Latino, with no access to the courts, and by their runners and cappers directed to plaintiff by defendants.

318. Whereas the perpetrators in the shakedown article were poor Latino street vendors, plaintiff, a Black man, is in an office; whereas the perpetrators were masqueraded as police officers with guns who wrote tickets and confiscated cash from the street vendors under threat of arrest by citation, the Gutierrez/Caballero Group masqueraded as attorneys, under James Earl Brown and Associates, and confiscated money without knowledge or awareness of the immediate taking by plaintiff or the victims, there was no imminent violence or threat at the time of either such victimization, but is subsequently as fraught with racial violence thereafter between innocent parties to the fraud, and within the Category I target area of the City, Highland Park, where the plaintiff is located.

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319. That the distinction is without a difference other than plaintiff's race.

320. Plaintiff is subjected to a violation of his privileges and immunities of his United States citizenship, and the equal protection of laws as a proximate result of the COMSTAT policy, causing interracial strife against plaintiff.

321. That the COMSTAT policy, plaintiff is informed and believes, was established on or about December 2005 by a decision of the Los Angeles Police Commission and the Police Chief of the City of Los Angeles, based upon federal guidelines for which the City receives federal funds.

POLICY IS SUBJECT TO STRICT SCRUTINY

322. The COMSTAT policy is subject to "strict scrutiny" first, because it is imposed in low-income poorer classes, imposed within minority areas of the City, and imposed against Latino and Black groups; secondly, the policy impacts fundamental rights of the citizens of the City; and thirdly, the policy amounts to arbitrary and capricious selective enforcement as well as deliberate indifference to the equal protection rights of classes of persons victimized by the other crimes listed within § 186.2, but not listed as Category I offenses, in Target I areas of the City, by the specified 11 or 12 targeted Hispanic or African American gangs.

323. There is no rational relationship between where (location) the Category I crimes so listed in COMSTAT analysis as reflected in the Times articles are actually committed (begin), and where the Category I crimes so listed are actually effected or (occur) in the neighborhoods of poor Latinos and African Americans.

THE COMSTAT POLICY IS AN UNDERINCLUSIVE CLASSIFICATION

324. The COMSTAT policy is implemented by classifications of "suspect" areas and groups who only participate in the commissions of crimes, the genesis of which occur elsewhere, making such classifications impermissibly underinclusive under the Equal Protection Clause.

325. The COMSTAT policy makes no rational distinction behind the purpose of the policy of deterrence between those criminals who are underinclusively classified as "street gangs," such groups as the Gutierrez/Caballero Group, and their victims, such as plaintiff, who are underinclusively classified as persons who the policy is not designed to protect (such as plaintiff and the 200 more or less members of the public, private entities and public service agencies whose property was stolen by forgery as described

hereinabove).

THE COMSTAT POLICY DOES NOT DETER GANG ACTIVITY

326. That defendants, Gutierrez/Caballero Group, conspired to target plaintiff within the Northeast District of Los Angeles, but committed their forgeries in the Wilshire office under circumstances concealing the thefts by subterfuge, and had effects in the Target I areas where plaintiff is subject to "shakedowns," but denied police services as not within a class of persons for whom police services are offered in the form of a police report, is an unconstitutional policy for the reasons stated.

327. And, secondly, COMSTAT policy does not recognize or declare, as does Penal Code § 186.22, that it recognizes the fundamental rights of persons, the list of criminal violations as opposed to area and effects that create a clear and present danger to public safety and order against peaceful citizens by patterns of criminal gang activity in certain areas and leaves gang members or criminals outside of the areas undeterred because it does not get at the profitability of such activity outside of the target areas.

THE POLICIES OF LOS ANGELES' NEEDLESS CIVIL LITIGATION AND DENIES ACCESS TO THE COURTS

328. As a proximate result of the customs, practices and policies of the City of Los Angeles described in this cause of action, plaintiff has been subject to vulnerabilities and circumstances of involuntary servitude as described hereinabove, resulting in the loss of his business, his ability to attract investors because of such foreseeable consequences as a multiplicity of lawsuits coercing plaintiff to work for defendants as described in the Slaughter House Cases, as loss of support of his investors to operate the proposed rehabilitation center due to questions of his integrity and the California State Bar proceedings, the continued distraction, humiliation, harassment from the public and loss of his standing in the community, all entitling plaintiff to compensatory damages of twenty million dollars, or as proven at time of trial.

329. And, further, the aforementioned conduct of the City officials was intentionally committed by the City officials or in reckless disregard of the equal protection and privileges and immunities of citizenship of plaintiff, proximately causing injury and harm to plaintiff, entitling plaintiff to exemplary, special, punitive and compensatory damages, attorney's fees, under 42 U.S.C.S. § 1988, as well as declaratory relief.

COUNT TWO

(Complaint for Damages Under 42 U.S.C.S. § 1985(3),
For Violations of 42 U.S.C.S. §§ 1981, *et seq.*)

330. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, paragraphs 153 through 158, paragraphs 159 through 160, paragraphs 162 through 185, paragraphs 187 through 190, paragraphs 191 through 192, paragraphs 194 through 217, paragraphs 218 through 223, paragraphs 224 through 255, paragraphs 256 through 282, paragraphs 283 through 288, paragraphs 289 through 290, and paragraphs 291 through 329, inclusive, by reference as though fully set forth herein, and alleges as follows:

331. This is an action brought under 42 U.S.C.S. § 1985(3) for conspiracy to violate §§ 1981(a) and (b) pursuant to section (c) of that Title, and for equitable relief against the Los Angeles Police Department for conspiracy to go into the Wilshire office, or by and through some other locations, for the purpose of depriving, directly and indirectly, plaintiff of the equal protection of the laws and by depriving plaintiff of equal privileges and immunities under the laws as described herein, and within the meaning of the self-executing provisions of the 13th and 14th Amendments to the United States Constitution, subjecting plaintiff to circumstances of vulnerabilities and involuntary servitude as described hereinabove and incorporated by reference below.

332. That within the meaning of §§ 1981(a), plaintiff is a person within the jurisdiction of the United States with the same right in California to make and enforce contracts within the Latino Community, to file suits as an attorney on behalf of that ethnic class, to give evidence in criminal cases against those who violate rights of the public in the exercise of plaintiff's license to practice law, to be a party to a criminal suit for acts committed in violation of plaintiff's rights by those who violate federal law, and to the full and equal benefit of all laws, including, but not limited to, federal RICO statutes and California law cited therein, federal civil rights statutes, as well as the rights of association guaranteed by the First Amendment to the United States Constitution and the liberty of contract in the 14th Amendment, and for the full and equal benefit of all proceedings for the security of persons and of property as is enjoyed by White or Latino persons, including the Gutierrez/Caballero Group.

333. Plaintiff is guaranteed to be subject to like punishments, pains, penalties, taxes, licenses, and exactions of every kind and to no other under subsection (a) of 42 U.S.C.S. § 1981; and the intentional acts of the City of Los Angeles police's refusal to provide police services has subjected plaintiff to pains, punishments, and penalties created by the conditions of involuntary servitude created by identity theft and the position of subservience imposed upon plaintiff due to the class-based animus inflicted by the Gutierrez/Caballero Group and the class-based animus considered by McNamara and the Los Angeles Police Department against plaintiff.

334. Pursuant to subsection (c) of § 1981 of that title, these rights are protected against impairment by the racially discriminatory animus of the Gutierrez/Caballero Group as well as against impairment by McNamara acting under color of law of the COMSTAT policy.

335. And, further, the aforementioned conduct of McNamara and the forgery division was intentionally committed, or committed against plaintiff because he is Black and with a conscious disregard of plaintiff's constitutional rights, knowing that the conduct of the Gutierrez/Caballero Group would injure and harm plaintiff in the manner hereinabove described, withheld police services requested, resulting in such foreseeable injury entitling plaintiff to exemplary, punitive, special, and compensatory damages, injunctive relief and attorney's fees under 42 U.S.C.S. § 1988.

XVIII.

EIGHTH CAUSE OF ACTION AGAINST THE CALIFORNIA STATE BAR

(Complaint for Prospective Injunctive Relief Under 42 U.S.C.S. § 1981, *et seq.*)

336. Plaintiff incorporates paragraphs 1 through 74, paragraphs 75 through 82, paragraphs 83 through 95, and paragraphs 96 through 119, paragraphs 121 through 125, paragraphs 126 through 127, paragraphs 129 through 151, paragraphs 153 through 158, paragraphs 159 through 160, paragraphs 162 through 185, paragraphs 187 through 190, paragraphs 191 through 192, paragraphs 194 through 217, paragraphs 218 through 223, paragraphs 224 through 255, paragraphs 256 through 282, paragraphs 283 through 288, paragraphs 289 through 290, paragraphs 291 through 329, and paragraphs 330 through 335, inclusive, by reference as though fully set forth herein, and alleges as follows:

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337. This is an action brought under 42 U.S.C.S. § 1981 for prospective relief against the California State Bar and its officials (hereinafter the "Bar") and for violations of 42 U.S.C.S. § 1981(a) and the self-executing provisions of the 13th and 14th Amendments to the United States Constitution for interfering in the judicial process and punishing plaintiff in violation of federal law.

338. The Bar is, and at all times mentioned in this complaint was, a California State agency within the State of California, organized and existing under the laws of the State of California with the capacity to punish, discipline or disbar attorneys under Business and Professions Code §§ 6101, 6102.

339. The Bar and its officials Rose Melissa and Risamaria S. Sitton and Anthony Garcia were, at all times mentioned in this complaint, acting under color of State law within the meaning of Will v. Michigan Department of State Police, 109 S. Ct. 2304 (1989) (hereinafter the "Will Rule") in exacting and enforcing the strategy of law enforcement under Business and Professions Code §6100.

340. A conflict has arisen between the State Bar officials acting in their official capacities and investigating plaintiff for, *inter alia*, violating Business and Professions Code § 6105, lending his name to a non-attorney and/or committing an act involving, *inter alia*, moral turpitude, § 6106. Said actions against plaintiff that interfere with plaintiff's duties under Business and Professions Code § 6103 in the Trujillo case, and duty to account to the public for property taken under §§ 6067 and 6068 of that title.

341. At all times mentioned, the California State Bar, Rose Melissa, Risamarie C. Sitton and Anthony Garcia, attorney, were acting under color of Business and Professions Code § 6100.

342. That the Due Process Clause of the 14th Amendment protects plaintiff against substantive deprivations of property by malicious, irrational and plainly arbitrary action by the abuse of state power (Lake Owners Ass'n v. City of Simi Valley, 884 F.2d 1388 (9th Cir. 1989)).

343. Plaintiff has been practicing law since 1976 in the Northeast area of Los Angeles, first at 3203 North Main Street, Lincoln Heights until 1981, when the firm, Nizinski & Associates, moved to 4988 North Figueroa Street, Highland Park, Los Angeles, California 90042, and using CTA No. 0610-075-319 without adverse action from the Bar.

344. In 2001 plaintiff was invited to open a law office at the Wilshire office by Francisco Gutierrez as described herein, and in September 2003, plaintiff received a letter from the State Bar under Case Number 03003388 advising that Francisco Gutierrez was a disbarred attorney, a fact that we were

aware of. Plaintiff responded that Francisco was not hired, but worked on a case-by-case basis to clean up the mess left by Daniel Meza, describing Francisco's duties (Exhibit ____).

345. Federal statute 42 U.S.C.S. § 1981(a) states: "All persons with the jurisdiction of the United States shall have the same right in every State and Territory . . . ., and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other," and the State Bar actions against plaintiff substantially interfere with the prosecution of the action which is his right under federal law and his duty under state law (Exhibit ____, January 5, 2006 letter to the State Bar).

346. Having had no reply frm Rose Melissa, plaintiff and his associate, Fred Alschuler, made a complete inquiry of the reason for Francisco's disbarment, but felt that our retainer contract (Exhibit 1) and Fred's supervision and mine would suffice.

347. Apparently, Rose Melissa turned her investigation against plaintiff because on or about July of 2004, the children's councilor of Cypress Park informed plaintiff that Rose Melissa was investigating plaintiff's donation to Cypress Park of a $200.00 donation with plaintiff's CTA Account number 0610-075-319.

348. Plaintiff sometimes was pressed to make donations to clients and used his CTA Account number 0610-075-319 which had attorney's fees still remaining.

349. After plaintiff discovered the fraudulent activities of defendants described and incorporated herein by reference, and their misuse of CTA Account number 798-760-7400 and OBA Account number 03055-04258, on or about September 27, 2005, plaintiff and Fred ALschuler launched an investigation, and plaintiff filed legal action in Federal District Court, and notified the Bar on January 5, 2006 (see letter to the Bar misdated January 5, 2005, but in reality was sent January 5, 2006.

350. Plaintiff met with Rose Melissa, Investigator and Risamarie C. Sitton, attorney for the Bar monthly at their request, subsequent to the filing of the federal action (herein Exhibit ____), and no mention of public complaints of plaintiff's moral conduct arose in those investigations concerning CTA number 0610-075-319.

351. After plaintiff served the federal action on defendants in March of 2006, within the federal court's order to comply with service within 120 day and without any police services forthcoming to help plaintiff, plaintiff requested an extension of time from the federal court to amend the complaint

to comply with service on the United States Attorney for the Internal Revenue Service, serve Bank of America and Wells Fargo Bank as well as the California Attorney General, but the court denied plaintiff's request for an extension and ordered an amendment by mail in May or sometime unknown to plaintiff because such orders were removed by defendants.

352. Francisco began to remove files and materials from the office to set up practice elsewhere, and was intentionally disrupting employees hired by plaintiff to stabilize the office and discover the names of victims of the forgeries.

353. The federal court ordered plaintiff to file a first amended complaint which order never reached plaintiff because it was removed from the office, plaintiff had to close the office in June and began making preparations, both because Francisco continued to remove computers to set up business elsewhere to use plaintiff's name, and also because the landlord would not change the locks upon plaintiff's request after getting his $20,000 from plaintiff.

354. Plaintiff rented a very large truck and moved all of the furniture and some files from the office personally, becoming physically exhausted even while making accounting to Wells Fargo Bank and Bank of America on behalf of members of the public, the demands made from the various Superior Courts, and meeting with State Bar employees, the United States Attorney and the California Attorney General.

355. Plaintiff became physically sick from the chaos unfolding, reimbursed the GMAC check stolen by defendants, paid the landlord upon a three-day notice to pay rent for one whole year of back rent taken by defendants, and rejected offers of compromise that would leave Francisco Gutierrez free to continue defendants' operation just to be free from the threatened disbarment made by Francisco Gutierrez.

356. Francisco and his codefendants refused to stop the practice of law under plaintiff's name even after the September 27, 2005 report to the Los Angeles Police Department ("preliminary reports"), plaintiff could not get injunctive relief under a RICO action – not available – and defendants had weapons available, so plaintiff was required to close the office down and shut the phones off, which was done from June 1 to June 5, 2006, after which plaintiff reported to the Bar that McNamara refused to give plaintiff any police services, which prompted Risamarie C. Sitton to file a morals charge against

plaintiff in July, further preventing plaintiff from complying with the Federal Court order.

357. While plaintiff's employees complained of violent clients' actions against them subsequent to the move of all three offices, plaintiff had to go to the Veteran's Administration to seek medical attention subsequent to the meeting with the State Bar in July due to complications of his type II diabetes condition, plaintiff became weak, dizzy, and unable to focus (see Exhibit 21).

358. Plaintiff was reminded that his July 7, 2006 accounting was due in the Trujillo matter and he attempted research on the amendment ordered by the federal court (which was late), and the accounting ordered by the Superior Court in Trujillo. Plaintiff prepared an accounting from his home bed (after prostate surgery at the VA as well as treatment for anemia; see Exhibit 21).

359. The Superior Court date of July 7, 2006, was in conflict with the State Bar meeting scheduled on July 7, 2006 Plaintiff went to the Superior Court first and got to the State Bar office after the scheduled time of 10:00 a.m. When there, plaintiff filed the accounting on the Trujillo case to demonstrate the prior commitment not only under order of court but also under State Bar rules aforesaid mentioned.

360. Plaintiff thereafter received a letter from attorney Risamarie C. Sitton, that an action was filed against plaintiff for a moral turpitude charge on number CTA number 0610-075-319, herein case numbers 04-0-11346 and 04-0-15240.

361. That plaintiff met with Rose Melissa on March 21, 2007, and no mention was made of a public complaint against plaintiff's taking clients' property in 2004, and met again with Risamarie C. Sitton on March 22, 2007, and she informed plaintiff that the actions were filed because plaintiff was not "cooperating." Such statement of noncooperation was untrue.

362. Plaintiff's previous meeting with attorney Anthony Garcia, left plaintiff with information provided by Mr. Garcia that he had no information on public complaint concerning CTA number 0610-075-319 misappropriation of clients funds.

363. That an attorney's CTA involves First Amendment Rights, the abridgement of which requires strict scrutiny when government intervention is involved, and the government must be required to show a narrowly tailored remedy for public concern is required.

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364. That attorney Garcia states that he cannot take any action on the complaints filed as stated because the State Bar is investigating further charges with respect to CTA number 798-760-7400 which may involve other charges

365. That Risamarie C. Sitton and Rose Melissa entered into an agreement to file false charges against plaintiff alleging " moral turpitude" in July of 2006, was an abuse and arbitrary exercise of state power in violation of 42 U.S.C.S. § 1983's clearly established standards of due process.

366. That as a result of filing the aforesaid complaint, the State Bar proximately contributed to and caused plaintiff failure to obey the federal court's order to amend in violation of the rules of aforesaid; raised plaintiff's concern about his standing to represent the public; and proximately punished plaintiff for appearing in Department 5 to comply with the court's body attachment order to make an accounting as required by the rules of the aforesaid, and proximately caused further delay in amending the federal action, resulted in the closing of the case for failure to prosecute under F.R.C.P. Rule 41.

367. That the Bar officials proximately caused plaintiff's delay in accounting to Bank of America and Wells Fargo Bank on behalf of victims.

368. The State Bar actions proximately caused plaintiff to be subject to vulnerabilities of involuntary servitude by requiring plaintiff to reimburse victims of defendants on the basis of contracts negotiated by Alberto Cervantes without plaintiff's consent. See 42 U.S.C.S. § 1981(a).

369. The California State Bar, after having been served with Petitioner's RICO action on or about January 5, 2006, as well as the ten books of CTA and OBA checks demonstrating an extensive forgery by defendants, retaliated against plaintiff with "moral turpitude" charges because of his association with defendants in violation of his due process and equal protection rights guaranteed by the 13th and 14th Amendments as well as the 1st Amendment as hereinbelow described, falsely accusing Petitioner of taking clients' property, on the one hand, and enforcing agreements between victims of defendants and defendants, thereby depriving plaintiff of his right to contract guaranteed by § 1981(a)(b) of U.S.C.S., and in violation of his right against selective punishment under § 1981(1) of 42 U.S.C.S.

370. Plaintiff is not the sole owner of the property deposited in plaintiff's Client Trust Account ("CTA") and the Office Business Account ("OBA"), Wells Fargo Bank and Bank of America respectively, but plaintiff is under a legal duty imposed by the Rules of Professional Conduct, Title 5.5,

§§ 6091, 6091.1, 6092, *et seq.*, to account for such property taken.

371. That a custom, policy, or practice of filing charges based upon a member's "non-cooperation" is a subjective policy and is in violation of the Due Process Clause and constitutes a violation of the *ex post facto* laws.

372. That a grant of "prospective relief" requires a state official to comply with the federal constitution operating against such officials in their personal capacity against arbitrary and capricious action of clearly established federal law. Freeman v. Blair, 862 F. 2d 1330, 1332 (1988).

373. State Bar actions put plaintiff in a conflict between pursuing his obligations under the Rules of Professional Conduct, on the one hand, or failure to "cooperate" on the other in the pursuit of investigations into plaintiff's conduct.

374. Plaintiff's own physical limitations due to his diabetic condition makes it impossible for plaintiff to answer to so many masters, and plaintiff is without an adequate remedy at law.

375. That unless enjoined by prospective relief, or abated, the State Bar will continue to interfere with the exercise of plaintiff's federal rights, and injure plaintiff in pursuing his duties under the State Bar rules as plaintiff promised both to the State Bar employees, and to the public, and pursuant to plaintiff's oath as an attorney.

376. Wherefore, plaintiff respectfully requests that an injunction issue against the State Bar, temporarily and subject to the outcome of this complaint, or an order abating such action issue forth with subject to the completion of this case.

WHEREFORE, plaintiff, James E. Brown, prays judgment on all counts, jointly and severally, as to each of the Eight Causes of Action, as follows:

FIRST CAUSE OF ACTION

Against Francisco Gutierrez as follows:

1. An order voiding *ab initio* any and all employment contract, directly or indirectly, between plaintiff and defendant, or any family member on whom defendant relied for the transfer of money, based upon fraud, enabling plaintiff to recover all money or property deposited in plaintiff's Client Trust Account ("CTA"), transferred from the CTA to plaintiff's Office Business Account

("OBA"), and thereafter to defendant by stamp, forged checks or bank draft, by wire, or any other means for any purpose in order to reimburse the public.

2. A judgment against defendant for the entire sum taken from plaintiff's CTA or OBA, plus interest, based upon conspiracy.

3. Injunctive relief against defendant, against the use of plaintiff's name and personal identification information.

4. A judgment against defendant for conspiracy to commit fraud against the public in plaintiff's name.

5. A judgment against defendant for violation of plaintiff's rights under 42 U.S.C.S. §§ 1981, *et seq.*, because of the actions taken by defendant motivated by a class-based racial animus, justifying compensatory and punitive damages.

6. Imposition of an equitable lien against any property of defendant and traceable to defendant based on a transfer to avoid creditors until such recovery is satisfied.

7. A judgment for violating plaintiff's privileges and immunities of United States citizenship and subjecting plaintiff to subservience and raising defendant to a position of dominance over plaintiff in violating the 13th and 14th Amendments to the United States Constitution and 42 U.S.C.S. § 1985(3) prohibition against involuntary servitude, justifying compensatory, special and punitive damages for such oppression.

8. A judgment against defendant for conspiring to hold Francisco Gutierrez out to practice law without knowledge and consent of plaintiff to defraud the public with specific intent to steal property and shift responsibility for the theft to plaintiff because he is a Black man, justifying punitive damages for oppression.

9. For an order against the transfer of property in fraud of creditors as well as an equitable lien on all property of defendant.

10. For punitive, compensatory and special damages as proven at trial.

11. For attorney's fees.

12. For any and further relief as this Court deems just and proper.

///

SECOND CAUSE OF ACTION

Against Lorraine Caballero Gutierrez as follows:

13. An order voiding *ab initio* any and all employment contract, directly or indirectly, between plaintiff and defendant, or any family member on whom defendant relied for the transfer of money, based upon fraud, enabling plaintiff to recover all money or property deposited in plaintiff's Client Trust Account ("CTA"), transferred from the CTA to plaintiff's Office Business Account ("OBA"), and thereafter to defendant by stamp, forged checks or bank draft, by wire, or any other means for any purpose in order to reimburse the public.

14. A judgment against defendant for the entire sum taken from plaintiff's CTA or OBA, plus interest, based upon conspiracy.

15. Injunctive relief against defendant, against the use of plaintiff's name and personal identification information

16. A judgment against defendant for conspiracy to commit fraud against the public in plaintiff's name.

17. A judgment against defendant for violation of plaintiff's rights under 42 U.S.C.S. §§ 1981, *et seq.*, because of the actions taken by defendant motivated by a class-based racial animus, justifying compensatory and punitive damages.

18. Imposition of an equitable lien against any property of defendant and traceable to defendant based on a transfer to avoid creditors until such recovery is satisfied.

19. A judgment for violating plaintiff's privileges and immunities of United States citizenship and subjecting plaintiff to subservience and raising defendant to a position of dominance over plaintiff in violating the 13th and 14th Amendments to the United States Constitution and 42 U.S.C.S. § 1985(3) prohibition against involuntary servitude, justifying compensatory, special and punitive damages for such oppression.

20. A judgment against defendant for conspiring to hold Francisco Gutierrez out to practice law without knowledge and consent of plaintiff to defraud the public with specific intent to steal property and shift responsibility for the theft to plaintiff because he is a Black man, justifying punitive damages for oppression.

21. For an order against the transfer of property in fraud of creditors as well as an equitable lien on all property of defendant.

22. For punitive, compensatory and special damages as proven at trial.

23. For attorney's fees.

24. For any and further relief as this Court deems just and proper.

THIRD CAUSE OF ACTION

Against Oscar Gutierrez as follows:

25. For an order voiding *ab initio* any and all employment contract, directly or indirectly, between plaintiff and defendant, or any family member on whom defendant relied for the transfer of money, based upon fraud, enabling plaintiff to recover all money or property deposited in plaintiff's Client Trust Account ("CTA"), transferred from the CTA to plaintiff's Office Business Account ("OBA"), and thereafter to defendant by stamp, forged checks or bank draft, by wire, or any other means for any purpose in order to reimburse the public.

26. A judgment against defendant for the entire sum taken from plaintiff's CTA or OBA, plus interest, based upon conspiracy.

27. Injunctive relief against defendant, against the use of plaintiff's name and personal identification information.

28. A judgment against defendant for conspiracy to commit fraud against the public in plaintiff's name.

29. A judgment against defendant for violation of plaintiff's rights under 42 U.S.C.S. §§ 1981, *et seq.*, because of the actions taken by defendant motivated by a class-based racial animus, justifying compensatory and punitive damages.

30. Imposition of an equitable lien against any property of defendant and traceable to defendant based on a transfer to avoid creditors until such recovery is satisfied.

31. A judgment for violating plaintiff's privileges and immunities of United States citizenship and subjecting plaintiff to subservience and raising defendant to a position of dominance over plaintiff in violating the 13th and 14th Amendments to the United States Constitution and 42

U.S.C.S. § 1985(3) prohibition against involuntary servitude, justifying compensatory, special and punitive damages for such oppression.

32. A judgment against defendant for conspiring to hold Francisco Gutierrez out to practice law without knowledge and consent of plaintiff to defraud the public with specific intent to steal property and shift responsibility for the theft to plaintiff because he is a Black man, justifying punitive damages for oppression.

33. For an order against the transfer of property in fraud of creditors as well as an equitable lien on all property of defendant.

34. For punitive, compensatory and special damages as proven at trial.

35. For attorney's fees.

36. For any and further relief as this Court deems just and proper.

FOURTH CAUSE OF ACTION

Against Estella Gutierrez as follows:

37. For an order voiding *ab initio* any and all employment contract, directly or indirectly, between plaintiff and defendant, or any family member on whom defendant relied for the transfer of money, based upon fraud. enabling plaintiff to recover all money or property deposited in plaintiff's Client Trust Account ("CTA"), transferred from the CTA to plaintiff's Office Business Account ("OBA"), and thereafter to defendant by stamp, forged checks or bank draft, by wire, or any other means for any purpose in order to reimburse the public.

38. A judgment against defendant for the entire sum taken from plaintiff's CTA or OBA, plus interest, based upon conspiracy.

39. Injunctive relief against defendant, against the use of plaintiff's name and personal identification information

40. A judgment against defendant for conspiracy to commit fraud against the public in plaintiff's name.

41. A judgment against defendant for violation of plaintiff's rights under 42 U.S.C.S. §§ 1981, *et seq.*, because of the actions taken by defendant motivated by a class-based racial animus,

justifying compensatory and punitive damages.

42. Imposition of an equitable lien against any property of defendant and traceable to defendant based on a transfer to avoid creditors until such recovery is satisfied.

43. A judgment for violating plaintiff's privileges and immunities of United States citizenship and subjecting plaintiff to subservience and raising defendant to a position of dominance over plaintiff in violating the 13th and 14th Amendments to the United States Constitution and 42 U.S.C.S. § 1985(3) prohibition against involuntary servitude, justifying compensatory, special and punitive damages for such oppression.

44. A judgment against defendant for conspiring to hold Francisco Gutierrez out to practice law without knowledge and consent of plaintiff to defraud the public with specific intent to steal property and shift responsibility for the theft to plaintiff because he is a Black man, justifying punitive damages for oppression.

45. For an order against the transfer of property in fraud of creditors as well as an equitable lien on all property of defendant.

46. For punitive, compensatory and special damages as proven at trial.

47. For attorney's fees.

48. For any and further relief as this Court deems just and proper.

FIFTH CAUSE OF ACTION

Against Irma Gutierrez as follows:

49. For an order voiding *ab initio* any and all employment contract, directly or indirectly, between plaintiff and defendant, or any family member on whom defendant relied for the transfer of money, based upon fraud, enabling plaintiff to recover all money or property deposited in plaintiff's Client Trust Account ("CTA"), transferred from the CTA to plaintiff's Office Business Account ("OBA"), and thereafter to defendant by stamp, forged checks or bank draft, by wire, or any other means for any purpose in order to reimburse the public.

50. A judgment against defendant for the entire sum taken from plaintiff's CTA or OBA, plus interest, based upon conspiracy.

51. Injunctive relief against defendant, against the use of plaintiff's name and personal identification information.

52. A judgment against defendant for conspiracy to commit fraud against the public in plaintiff's name.

53. A judgment against defendant for violation of plaintiff's rights under 42 U.S.C.S. §§ 1981, *et seq.*, because of the actions taken by defendant motivated by a class-based racial animus, justifying compensatory and punitive damages.

54. Imposition of an equitable lien against any property of defendant and traceable to defendant based on a transfer to avoid creditors until such recovery is satisfied.

55. A judgment for violating plaintiff's privileges and immunities of United States citizenship and subjecting plaintiff to subservience and raising defendant to a position of dominance over plaintiff in violating the 13th and 14th Amendments to the United States Constitution and 42 U.S.C.S. § 1985(3) prohibition against involuntary servitude, justifying compensatory, special and punitive damages for such oppression.

56. A judgment against defendant for conspiring to hold Francisco Gutierrez out to practice law without knowledge and consent of plaintiff to defraud the public with specific intent to steal property and shift responsibility for the theft to plaintiff because he is a Black man, justifying punitive damages for oppression.

57. For an order against the transfer of property in fraud of creditors as well as an equitable lien on all property of defendant.

58. For punitive, compensatory and special damages as proven at trial.

59. For attorney's fees.

60. For any and further relief as this Court deems just and proper.

SIXTH CAUSE OF ACTION

Against David Caballero as follows:

61. For an order voiding *ab initio* any and all employment contract, directly or indirectly, between plaintiff and defendant, or any family member on whom defendant relied for the transfer of

money, based upon fraud, enabling plaintiff to recover all money or property deposited in plaintiff's Client Trust Account ("CTA"), transferred from the CTA to plaintiff's Office Business Account ("OBA"), and thereafter to defendant by stamp, forged checks or bank draft, by wire, or any other means for any purpose in order to reimburse the public.

62. A judgment against defendant for the entire sum taken from plaintiff's CTA or OBA, plus interest, based upon conspiracy.

63. Injunctive relief against defendant, against the use of plaintiff's name and personal identification information.

64. A judgment against defendant for conspiracy to commit fraud against the public in plaintiff's name.

65. A judgment against defendant for violation of plaintiff's rights under 42 U.S.C.S. §§ 1981, *et seq.*, because of the actions taken by defendant motivated by a class-based racial animus, justifying compensatory and punitive damages.

66. Imposition of an equitable lien against any property of defendant and traceable to defendant based on a transfer to avoid creditors until such recovery is satisfied.

67. A judgment for violating plaintiff's privileges and immunities of United States citizenship and subjecting plaintiff to subservience and raising defendant to a position of dominance over plaintiff in violating the 13th and 14th Amendments to the United States Constitution and 42 U.S.C.S. § 1985(3) prohibition against involuntary servitude, justifying compensatory, special and punitive damages for such oppression.

68. A judgment against defendant for conspiring to hold Francisco Gutierrez out to practice law without knowledge and consent of plaintiff to defraud the public with specific intent to steal property and shift responsibility for the theft to plaintiff because he is a Black man, justifying punitive damages for oppression.

69. For an order against the transfer of property in fraud of creditors as well as an equitable lien on all property of defendant.

70. For punitive, compensatory and special damages as proven at trial.

71. For attorney's fees.

72. For any and further relief as this Court deems just and proper.

SEVENTH CAUSE OF ACTION

Against the City of Los Angeles as follows:

73. For a judgment against defendant for violating plaintiff's rights against racially discriminatory considerations in denial of police services based upon the City's COMSTAT policy, in violation of 42 U.S.C.S. § 1983.

74. For a judgment against defendant for arbitrarily and capriciously denying plaintiff police services based upon plaintiff's inability to pay to hire an auditing firm demanded by the police department as a condition precedent to obtaining a police report, justifying compensatory and punitive damages.

75. For a judgment against defendant, acting in conspiracy with others, to deny plaintiff the rights to enforce his contract rights, to give evidence, and for the security of property based upon his race and economic inability to pay for police services in violation of 42 U.S.C.S. §§ 1981, *et seq.*, justifying compensatory and punitive damages.

76. For a judgment against defendant, acting under color of state law and based upon a Monell policy, deprived plaintiff of his privileges and immunities of United States citizenship within the meaning of § 1985(3), proximately reducing plaintiff to subservience by denial of police services that create conditions of vulnerability that raise the Gutierrez/Caballero Group to dominance over plaintiff's rights, justifying punitive damages.

77. For attorney's fees.

78. For such other and further relief as this Court deems just and proper.

Against Detective Stella McNamara as follows:

79. For a judgment against defendant for violating plaintiff's rights against racially discriminatory considerations in denial of police services based upon the City's COMSTAT policy, in violation of 42 U.S.C.S. § 1983.

///

80. For a judgment against defendant for arbitrarily and capriciously denying plaintiff police services based upon plaintiff's inability to pay to hire an auditing firm demanded by the police department as a condition precedent to obtaining a police report, justifying compensatory and punitive damages.

81. For a judgment against defendant, acting in conspiracy with others, to deny plaintiff the rights to enforce his contract rights, to give evidence, and for the security of property based upon his race and economic inability to pay for police services in violation of 42 U.S.C.S. §§ 1981, *et seq.*, justifying compensatory and punitive damages.

82. For a judgment against defendant, acting under color of state law and based upon a Monell policy, deprived plaintiff of his privileges and immunities of United States citizenship within the meaning of § 1985(3), proximately reducing plaintiff to subservience by denial of police services that create conditions of vulnerability that raise the Gutierrez/Caballero Group to dominance over plaintiff's rights, justifying punitive damages.

83. For attorney's fees.

84. For such other and further relief as this Court deems just and proper.

EIGHTH CAUSE OF ACTION

Against the California State Bar as follows:

85. For a judgment against defendant for arbitrarily and capriciously retaliating against plaintiff by filing legal actions to harm and oppress plaintiff in violating plaintiff's legal rights under U.S.C.S. §§ 1981(a), justifying prospective injunctive relief and an injunction against punishing plaintiff in violation of federal law

86. For damages and such other and further relief as this Court deems just and proper.

Against Risamaric C. Sitton, State Bar Attorney, as follows:

87. For a judgment against defendant for arbitrarily and capriciously retaliating against plaintiff by filing legal actions to harm and oppress plaintiff in violating plaintiff's legal rights under U.S.C.S. §§ 1981(a), justifying prospective injunctive relief and an injunction against punishing plaintiff

in violation of federal law

88. For such other and further relief as this Court deems just and proper.

Against Rose Melissa, State Investigator, as follows:

89. For a judgment against defendant for arbitrarily and capriciously retaliating against plaintiff by filing legal actions to harm and oppress plaintiff in violating plaintiff's legal rights under U.S.C.S. §§ 1981(a), justifying prospective injunctive relief and an injunction against punishing plaintiff in violation of federal law.

90. For such other and further relief as this Court deems just and proper.

4/24/07

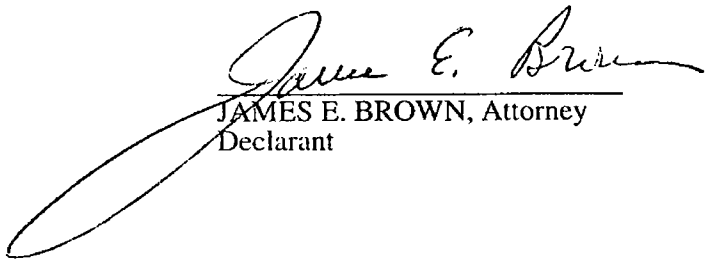
JAMES E. BROWN, Attorney
Declarant

VERIFICATION

I, JAMES E. BROWN, declare that I am a plaintiff in the above-entitled action. I have prepared the within complaint. I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe it to be true.

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

Executed on April 27, 2007, in the County of Los Angeles, State of California.



JAMES E. BROWN, Attorney
Declarant

SILVER & FIELD
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Mark E. Field (SBN 76384)
10975 Santa Monica Boulevard
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Attorneys for Defendants Oscar Gutierrez, Irma Gutierrez, Estella Gutierrez, Lawrence Silver, and Mark E. Field

FILED
LOS ANGELES SUPERIOR COURT
SEP 16 2008
JOHN A. CLARKE, CLERK
BY GLORIETTA ROBINSON, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CENTRAL DISTRICT -- STANLEY MOSK COURTHOUSE

JAMES EARL BROWN, an individual; JAMES EARL BROWN, personal representative of the Estate of Josephine Limon Trujillo; JAMES EARL BROWN, attorney for 200 more or less members of the public, private entities, and public agencies, Plaintiffs, v. FRANCISCO GUTIERREZ; LORRAINE CABALLERO GUTIERREZ; OSCAR GUTIERREZ; ESTELLA GUTIERREZ; IRMA GUTIERREZ; and DAVID CABALLERO, aka THE GUTIERREZ/CABALLERO GROUP; DETECTIVE STELLA McNAMARA AND THE LOS ANGELES POLICE DEPARTMENT; CITY OF LOS ANGELES; CALIFORNIA STATE BAR; LISAMARIE C. SITTON; ROSE MELISSA; and DOES 1-49, Inclusive, Defendants.	CASE NO. BC 369840 **NOTICE OF DISMISSAL OF ACTION** ACTION FILED: April 23, 2007 TRIAL DATE: None Set THE HONORABLE MEL RED RECANA, DEPARTMENT 45

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on September 15, 2008, the Court held a hearing on its Order to Show Cause regarding the failure of the parties to appear at the previously scheduled Status Conference. Mark E. Field of Silver & Field appeared on behalf of

defendants Oscar Gutierrez, Irma Gutierrez, Estella Gutierrez, Lawrence Silver, and Mark E. Field; and Frederick H. Alschuler appeared on behalf of Frederick H. Alschuler.

PLEASE TAKE FURTHER NOTICE THAT the Court had previously sustained Demurrers without leave to amend in favor of Oscar Gutierrez, Irma Gutierrez, Estella Gutierrez, Lawrence Silver, Mark E. Field, and Frederick H. Alschuler, and said parties were therefore dismissed by the Court.

DATED: September 15, 2008

SILVER & FIELD

By: Lawrence Silver / MEF

Lawrence Silver, California State Bar No. 68604, Attorneys for Defendants Oscar Gutierrez, Irma Gutierrez, and Estella Gutierrez, Lawrence Silver, and Mark E. Field

PROOF OF SERVICE BY MAIL

State of California)
County of Los Angeles)

I am employed in the County of Los Angeles, State of California. I am over the age of 18; my business address is 10975 Santa Monica Boulevard, Los Angeles, California 90025.

On September 15, 2008, I served the foregoing document described as:

NOTICE OF DISMISSAL OF ACTION

On the following persons by placing a true copy thereof in a sealed envelope with postage fully prepaid in the United States Mail at Los Angeles, California, addressed as follows:

James E. Brown
Law Offices of James E. Brown
4988 N. Figueroa Street
Los Angeles, CA 90042

James E. Brown
2800 Neilson Way
Suite 110
Santa Monica, CA 90404

Wendy Shapero
Deputy City Attorney
200 N. Main Street
Room 600 City Hall East
Los Angeles, CA 90012

Frederick H. Alschuler
Attorney at Law
10824 Kingsland Street
Los Angeles, CA 90034

Barry Johnson
Schuler & Brown
7100 Hayvenhurst Avenue
Suite 310
Van Nuys, CA 91406

Thomas George Key
13522 Newport Avenue, #201
Tustin, CA 92780-4212

The envelope was placed for collection and mailing on the above date at the above business address in accordance with the firm's ordinary business practices. I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the U.S. Postal Service. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business.

On September 15, 2008, at Los Angeles, California I declare under penalty of perjury that I am employed in the office of a member of the bar of this court at whose direction the service was made and that the facts contained herein are true and correct.

LEO HENRY

9889gtz.pld.wpd

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

OCT 14 2009

ALAN CARLSON, Clerk of the Court

BY: S. HERRERA-WILSON, DEPUTY

RICHARD C. GILBERT / SBN 85912
LAW OFFICES OF GILBERT & MARLOWE
950 West Seventeenth Street, Suites D & E
Santa Ana, California 92706-3573

Telephone: 714-667-1038
Fax: 714-667-2388

Attorney for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE - CENTRAL JUSTICE CENTER

30-2009

00311346

NICHOLAS CHAVARELA, Plaintiff, vs. THE STATE BAR OF CALIFORNIA; RUSSELL WEINER, an Individual, Defendants.	**CASE NO.:** COMPLAINT FOR: 1. LIBEL PER SE 2. VIOLATION OF PROCEDURAL DUE PROCESS RIGHTS UNDER THE UNRUH ACT

Plaintiff alleges:

1. Defendant STATE BAR OF CALIFORNIA ("STATE BAR") is, and at all times mentioned herein was, a California public corporation doing business within the jurisdiction of the County of Orange, California.

2. Defendant RUSSELL WEINER is, and at all times mentioned herein was, an individual doing business within the jurisdiction of the County of Orange, California.

3. At all times mentioned herein, Defendant WEINER possesed the title of "Interim Chief Trial Counsel," was the agent and employee of Defendant STATE BAR, and was acting in the course of such agency and employment.

//

4. Defendants caused to be published in the County of Orange and throughout the world, on the internet and in print media, statements about plaintiff that have caused Plaintiff to be held in public ridicule and distrust. Said statements have not been found to be true by any court.

FIRST CAUSE OF ACTION

(LIBEL PER SE)

5. Plaintiff incorporates by reference paragraphs 1 through 4, inclusive, as though fully set forth herein.

6. This complaint stems from a written public announcement made by Defendants, in which they make several remarks about Plaintiff which are injurious to Plaintiff in his practice as an attorney. These statements made by Defendants are based on mere allegations and are made without proof, findings of fact, or decision by any court.

7. On September 18, 2009, Defendants published or caused to be published, a public announcement on an internet website belonging to Defendant THE STATE BAR OF CALIFORNIA. The URL web address of the website is: www.calbar.ca.gov. The URL web address of the public announcement is: http://calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10144&n=96395. A copy of the public announcement is attached hereto as **Exhibit A.**

8. Defendants also published the above public announcement in the October 2009 issue of the "California Bar Journal: The Official Publication of the State Bar of California," commencing on its front page. This issue was released on both the internet and in print format. The URL web address of the article is: http://calbar.ca.gov/state/calbar/calbar_cbj.jsp?sCategoryPath=/Home/Attorney%20Resources/California%20Bar%20Journal/October2009&sCatHtmlPath=cbj/2009-10_TH_03_foreclosure.html&sCatHtmlTitle=Top%20Headlines. A copy of the article is attached hereto as **Exhibit B**.

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9. Throughout the public announcement, Defendants make statements about Plaintiff which smear his professional character, and make him out to be an attorney who cannot or should not continue to serve clients.

10. The very first sentence of the announcement states, "The State Bar of California, alarmed by the number of lawyers preying on vulnerable homeowners, today identified 16 attorneys who are under investigation for misconduct related to loan modification." It then goes on to name Plaintiff as one of the 16 attorneys. This statement is biased and prejudicial. It is made with the intent to persuade the reader that Plaintiff is a "lawyer preying on vulnerable homeowners."

11. Defendants then go on to state in the public announcement that they are "waiving investigation confidentiality in favor of public protection." This statement is inflammatory and without merit. This statement leads a reasonable reader to believe that the public must, for some reason, be protected from Plaintiff, or that Plaintiff somehow poses a threat to public safety. Again, such a statement is inherently prejudicial, and should shock the conscience of this court.

12. Defendants continue in the public announcement with their egregious statements related to Plaintiff's professional character. They say, "The number of attorneys using their law licenses to essentially take money from unwary but trusting consumers is astounding." Again, this statement is made in reference to Plaintiff.

13. Defendants also state, "Those attorneys being named by the State Bar have allegedly taken fees for promised services and then failed to perform those services, communicate with their clients or return the unearned fees." This statement is made in reference to Plaintiff.

14. Defendants' public announcement identitifies Plaintiff as an attorney who has received a "significant" number of complaints from clients. However, the announcement does not say how many complaints constitute a "significant" amount, or how many complaints Plaintiff has in relation to other attorneys being investigated. This intentional ambiguity furthers Defendants' goal of casting Plaintiff in a negative and offensive light.

15. Defendants' objectionable and offensive statements of Plaintiff are present throughout the entirety of the public announcement. Near the end of the announcement, Defendants state, "There are legitimate loan modification services and ethical attorneys that are providing the promised services for their clients." Defendants make this statement with the purpose of leading the reader to believe that Plaintiff does not fit the class described. In other words, Defendants are strongly implying, if not clearly stating, that Plaintiff did not offer "legitimate loan modification services," is not an "ethical attorney," and did not "provide promised services for his clients."

SECOND CAUSE OF ACTION

(VIOLATION OF PROCEDURAL DUE PROCESS RIGHTS UNDER THE UNRUH ACT)

16. Plaintiff incorporates by reference paragraphs 1 through 4, inclusive, as though fully set forth herein.

17. As a general rule, disciplinary investigations by Defendants are confidential until the time that formal charges are filed (Business and Professions Code § 6086.1(b)). The purpose of this rule seems evident: that Defendant STATE BAR and its members engage in self-regulation, and do not want an uninformed public to make an opinion or judgment of a member for the simple fact that he is being investigated. It is only after charges of misconduct are formally filed against a member, that the matter becomes no longer confidential.

18. It is therefore incomprehensible why Defendants chose to flout the spirit of B&P § 6086.1(b) by waiving confidentiality and releasing to the public the fact that Plaintiff has complaints filed against him and is being investigated by Defendant STATE BAR. Defendants' actions are counterintuitive to the purpose of the law.

19. In waiving confidentiality, Defendants have stripped Plaintiff of the procedural protections afforded to every attorney in California. These safeguards are in place to ensure that the rights of all interested parties are protected, including clients, attorneys, and the STATE BAR itself.

//

20. Defendants claim to have waived Plaintiff's right to confidentiality in favor of public protection, citing Business and Professions Code § 6086.1(b)(2) as authority. However, Defendants actions are misplaced and without merit.

21. Defendants claim that the interest in protecting the public outweighs Plaintiff's interest in confidentiality, yet Defendants fail to provide a scintilla of fact or finding to support this claim. No such information was provided to Plaintiff, and no such showing was made in Defendants' public announcement.

22. Defendants have failed to prove that preserving Plaintiff's confidentiality will cause harm to the public, or that it poses a threat to public safety.

23. Plaintiff has not engaged in the area of law at issue, mortgage workouts and loan modifications, since being restrained by court order on May 28, 2009. Defendants knew this before issuing their public announcement.

24. Since being restrined on May 28, 2009, Plaintiff has complied entirely with said order, and has made no effort to obtain any new clients or practice the area of the law concerning mortgage workouts and loan modifications in any way, shape or form. Defendants knew this before issuing their public statement.

25. Even assuming, arguendo, that the need to protect the public outweighs preserving Plaintiff's confidentiality regarding STATE BAR investigations, Defendants have still failed to comply with procedural requirements as required by statute.

26. B&P § 6086.1(d)(1) states that the Chief Trial Counsel may waive confidentiality concerning a complaint or investigation only "*after private notice to the member.*" Defendants failed to provide Plaintiff with such notice before issuing the public announcement, thus violating their procedural duty under the statute.

27. Defendants claim they sent to Plaintiff's counsel, Attorney Richard C. Gilbert, notice of their intent to waive Plaintiff's confidentiality by both mail and facsimile. However, this letter was dated September 17, 2009, only a single day before Defendants issued their scandalous and deprecating press release on the morning of September 18, 2009. In fact, counsel for plaintiff did not receive notice by mail until the afternoon of September 18,

2009, hours after the press release was issued. Furthermore, counsel for Plaintiff never received notice by facsimile.

28. This manner of service of notice by Defendants is nothing more than a thinly veiled, cheap shot at Plaintiff; an attempt to deny Plaintiff his Procedural Due Process rights. It is both disturbing and apalling. Defendants have effectively stripped Plaintiff of any opportunity to respond or object to Defendants' notice of waiver of confidentiality.

29. Upon learning of and reading Defendants' public announcement, Plaintiff's counsel immediately sent Defendants a letter by facsimile asking them to remove the statement from the STATE BAR website. This letter was sent in consideration of the objectionable statements made by Defendants, and the egregious and faulty manner in which it was issued. In this letter, Plaintiff's counsel also asked Defendant WEINER to recuse himself and his office from all related disciplinary matters involving Plaintiff, and to appoint an indpendent prosecutor to continue in his stead. This request was based on the conflict created by Defendants' behavior in issuing the press release. Plaintiff's counsel faxed this letter to Defendants on September 18, 2009 at 3:38pm. Please find attached as **Exhibit C** a copy of this letter, including a confirmation of its transmission via facsimile.

30. Receiving no response from Defendants, Plaintiff's counsel sent a second letter to Defendants by facsimile on September 24, 2009 at 1:17pm. A copy of this letter is attached as **Exhibit D**, and includes a confirmation of the transmission via facsimile. In this letter, Plaintiff's counsel conveys Plaintiff's intent to bring a civil action against Defendants for their tortious conduct. Plaintiff's counsel also renews his request that Defendants retract their statements regarding Plaintiff, and that Defendant WEINER recuse himself and his office from any STATE BAR investigations and possible disciplinary proceedings brought against Plaintiff.

31. As of the date of this complaint, Plaintiff's counsel has yet to receive any response from Defendants regarding the two letters mentioned above. Also, Defendants have failed to take any action to remove Plaintiff from the press release, which remains on the two websites (STATE BAR and "California Bar Journal") to this day. This includes, the

October 2009 issue of "California Bar Journal" containing the press release, which was mailed all over the world in print format.

32. Defendant WEINER'S actions amount to prosecutorial misconduct. He has knowingly, intentionally, and wrongfully waived plaintiff's right to confidentiality, at the expense of Plaintiff's right to a fair and impartial hearing.

WHEREFORE, Plaintiff prays judgment as follows:

FIRST CAUSE OF ACTION:

1. For compensatory damages in an amount to be proven at trial
2. For punitive damages
3. For costs of suit incurred herein
4. For attorney fees; and
5. For such other relief as the court deems just.

SECOND CAUSE OF ACTION:

1. For compensatory damages in an amount to be proven at trial
2. For punitive damages
3. For costs of suit incurred herein
4. For attorney fees; and
5. For such other relief as the court deems just.

Dated: October 9, 2009

RICHARD C. GILBERT, GILBERT & MARLOWE
Attorney for Nicholas Chavarela

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Attorneys for Defendants
THE STATE BAR OF CALIFORNIA and
RUSSELL WEINER

Exempt from Filing Fees
Pursuant to Government
Code Section 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

APR 29 2010

ALAN CARLSON, Clerk of the Court
BY G. HERNANDEZ

BY FAX

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE - CENTRAL JUSTICE CENTER

NICHOLAS CHAVARELA,

Plaintiff,

vs.

THE STATE BAR OF CALIFORNIA, RUSSELL WEINER, an individual,

Defendants,

Case No. 00311346

[PROPOSED] ORDER GRANTING DEFENDANTS THE STATE BAR OF CALIFORNIA AND RUSSEL WEINER'S SPECIAL MOTION TO STRIKE PLAINTIFF'S COMPLAINT UNDER CALIFORNIA'S ANTI-SLAPP STATUTE [C.C.P. §425.16]

Date: March 5, 2010
Time: 1:30 p.m.
Dept: C-12

The Honorable Jemoa Moberly

[~~PROPOSED~~] ORDER

Defendants The State Bar of California and Russell Weiner's Special Motion to Strike Plaintiff's Complaint Under California's Anti-SLAPP Statute, C.C.P. §425.16, came on for hearing in Department C-12 on March 5, 2010, the Honorable Jemoa Moberly presiding. Cherokee D.M. Melton appeared for Defendants but there was no appearance by counsel for Plaintiff, who submitted the matter on the papers.

Having considered the papers filed by the parties, and good cause appearing,

IT IS HEREBY ORDERED THAT:

Defendants' Special Motion to Strike Plaintiff's Complaint Under California's Anti-SLAPP Statute, C.C.P. §425.16 is GRANTED. Defendants have met their burden to show that the allegations of the Complaint relate to actions which constitute protected activity. The statements made by the State Bar and its decision to waive the confidentiality requirement concerning the State Bar's investigation of the Plaintiff relate to official proceedings; the proceedings of the State Bar are judicial in nature and any actions taken in those proceedings, and any statements made with regard to those proceedings, are protected activity. Civ. Code § 47(a); Gov't Code §§ 818.4, 821.2 and 821.6. The statements made by the State Bar were made in a forum open to the public and made in connection with an issue of public interest. They relate to the rights of free speech and petition.

Plaintiff has offered no evidence in support of his opposition and therefore failed to meet his burden to prove the probable validity of his claim. Further, Plaintiff's claims are subject to the Tort Claims Act and Plaintiff has admitted that he has failed to comply with the claims provisions which are a mandatory prerequisite to proceeding in this action.

DATED: 4/29/2010

Jemoa A. Moberly

HON. JEMOA A. MOBERLY
JUDGE OF THE SUPERIOR COURT

Approved as to form:

RICHARD C. GILBERT
Attorney for Plaintiff

PROOF OF SERVICE

I, Erin Murphy, declare that I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Kerr & Wagstaffe LLP, 100 Spear Street, Suite 1800, San Francisco, California 94105.

On, April 22, 2010, I served the following document(s):

[Proposed] Order Granting Defendants' Special Motion to Strike Plaintiff's Complaint Under California's Anti-SLAPP Statute (C.C.P. § 425.16)

Letter to Judge Moberly, dated April 22, 2010

on the parties listed below as follows:

Richard C. Gilbert
Diane J. Marlowe
Gilbert & Marlowe
950 W. 17th Street
Santa Ana, CA 92706

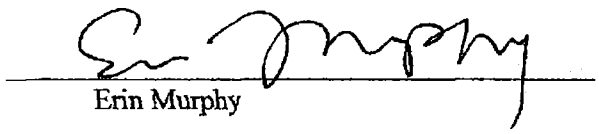
☒ **By first class mail** by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid and placing the envelope in the firm's daily mail processing center for mailing in the United States mail at San Francisco, California.

☐ **By facsimile machine** (FAX) by personally transmitting a true copy thereof via an electronic facsimile machine.

☐ **By Federal Express** or overnight courier.

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

Executed on April 22, 2010, at San Francisco, California.



Erin Murphy

Lorraine Dickson, Esq. SBN 220841
LAW OFFICE OF LORRAINE DICKSON & ASSOCIATES
9190 West Olympic Boulevard
Suite 257
Beverly Hills, California 90212
Telephone (310) 903-6554

Plaintiff, In Pro Per

CONFORMED COPY
ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

SEP 28 2011

John A. Clarke, Executive Officer/Clerk
BY Regena Juliano, Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

BC470523

LORRAINE DICKSON, an individual Plaintiff vs. STATE BAR OF CALIFORNIA, a public corporation; BOARD OF GOVERNORS OF THE STATE BAR OF CALIFORNIA, collectively; JOHN STREETER, in his official capacity, JAYNE KIM, in her official capacity, ALLAN GORDON, in his official capacity; ERIN JOYCE an individual and in her official capacity and DOES 1 THROUGH 50 inclusive, Defendants	CASE NO. : VERIFIED COMPLAINT FOR DAMAGES: 1. NEGLIGENCE (INCLUDING NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS) 2. NEGLIGENT MISREPRESENTATION 3. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS 4. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS DEMAND FOR JURY TRIAL

Plaintiff, LORRAINE DICKSON ("Plaintiff")makes the following allegations to Support this Complaint.

JURISDICTION &VENUE

1. This Court has personal jurisdiction over these Defendants as the principal place of

business and/or residences are located within the State of California and the County of Los Angeles.

2. Venue is proper in this County in accordance with section 395(a) of the California Code of Civil Procedure because (a) Defendants operate its principal place of business and/or residences in the Los Angeles County and (b) the injuries to Plaintiff occurred in Los Angeles County.

PLAINTIFF

3. Plaintiff, LORRAINE DICKSON is an at all times mentioned herein was, a citizen and resident of the State of California and of the County of Los Angeles. She was licensed to practice law by the State Bar of California in November 2002. Plaintiff is currently an active member of the State Bar of California.

DEFENDANTS

4. Defendant STATE BAR OF CALIFORNIA is a public corporation in the judicial branch of the State of California, incorporated under the laws of the State of California with its principal place of business in the State of California. The State Bar acts through Defendant THE BOARD OF GOVERNORS OF THE STATE BAR OF CALIFORNIA, which makes rules and regulates and operates the State Bar. Defendant JOHN STREETER is the current State Bar president, a member of the Board of Governors, and the State Bar's chief officer. Mr. Streeter is being sued in her official capacity.

5. Defendant JAYNE KIM is the Interim Chief Trial Counsel of the Office of the Chief Trial Counsel, the office within the State Bar which is the prosecutorial arm of the State Bar in attorney discipline and regulatory matters. The Office of the Chief Trial Counsel functions under the direction of the Chief Trial Counsel. Defendant ALLAN GORDON is the Assistant

Chief Trial Counsel and is being sued in that official capacity. Defendant ERIN JOYCE is a Deputy Trial Counsel of the Office of Chief Trial Counsel. Erin Joyce is being sued in her individual and official capacities.

6. The true names and capacities of DEFENDANTS named herein as DOES I through 50, inclusive, whether individual, corporate, associate, or otherwise, are unknown to Plaintiff, who therefore sue such defendants by such fictitious names. Plaintiff is informed and believes and thereon allege that each Defendant is and at all times mentioned, was the agent, employee, or representative of each other Defendant. Each Defendant, in doing the acts, or in omitting to act, as alleged in this Complaint, was acting within the scope of his or her actual or apparent authority or the alleged acts and omissions of each Defendant as agent subsequently were ratified and adopted by each other Defendant as principal. Plaintiff will amend this Complaint to show true names and capacities when they have been determined.

GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

7. Plaintiff is a solo practitioner attorney licensed to practice law within the State of California.

8. On May 5, 2010, the State Bar of California, Office of the Chief Trial Counsel ("OCTC"), led by Defendant JOYCE, issued a Notice of Disciplinary Charges ("NDC") against Plaintiff. The charges, which consist of two counts. Specifically, Counts One of the NDC allege violations Rules of Professional Conduct against Plaintiff, and Count Two alleges violations of the Business and Professions Code . The case number is 09-O-12845..

9. Plaintiff filed an Answer to the NDC.

10. Subsequent to the filing of the Answer to the NDC, Plaintiff and Defendant

JOYCE engaged pretrial conferences as prescribed by State Bar Court Rules and Procedures.

11. Defendant JOYCE made a settlement offer of a three month suspension to resolve the pending case as well as several outstanding complaints which were in an investigation stage. Plaintiff was hesitant to accept said offer. Defendant JOYCE was extremely persistent in trying to get Plaintiff to accept the offer and to sign a Stipulated Judgment.

12. On September 13, 2010, Plaintiff contacted Defendant JOYCE in an effort to resolve the pending matters and to provide Defendant JOYCE evidence of mitigation, namely, Plaintiff's history of domestic violence and prior miscarriages. Instead of resolution, Defendant JOYCE, even in light of the mitigation evidence presented, then increased the settlement offer from three months to four months.

13. From that point on, Defendant JOYCE'S behavior towards Plaintiff became egregious and erratic. On September 20, 2011, Plaintiff was contacted by the secretary of Judge Miles, Tammy Cleaver stating that the Status Conference set for that date would be rescheduled due to Judge Miles' illness. Defendant JOYCE accused Plaintiff of lying on Judge Miles and his secretary.

14. Defendant JOYCE then demanded and forced Plaintiff to sporadically come to the Office of the State Bar Office to "discuss the terms of the Stipulated Judgment" on September 20, 23 and 28. Defendant JOYCE told Plaintiff ""sign the Stipulation or there was no deal." Several of these dates were dates where Conferences with the Court were scheduled and had been rescheduled.

15. On September 20, 2011 due to the fact that Defendant JOYCE had accused me of lying on Judge Miles, Plaintiff contacted attorney Steve Strauss to represent Plaintiff. Plaintiff's counsel, Steve Strauss contacted Defendant JOYCE and was told by Defendant JOYCE that she would not agree to continue any trial dates that were set to allow Steve Strauss to get up to

speed on my case. Instead Defendant JOYCE demanded that Plaintiff "meet her later that day to discuss the Stipulation." Defendant JOYCE thereby thwarted Plaintiff's right to representation at every stage of the State Bar of California Discipline process and violated Plaintiff's rights to due process.

16. Plaintiff reluctantly met with Defendant JOYCE at the State Bar of California office in Los Angeles the afternoon of September 20, 2010. At that meeting Defendant JOYCE demanded that Plaintiff sign the Stipulated Judgment for a four month suspension. Defendant JOYCE was supposed to provide Plaintiff with the Stipulated Judgment on September 17, 2010 for Plaintiff's review. However, Defendant JOYCE'S secretary notified Plaintiff that the Stipulation would not be provided on that date. The first time Plaintiff was provided with a copy of the Stipulated Judgment was at the September 20, 2010. Plaintiff requested of Defendant JOYCE to have the Stipulated Judgment reviewed by Mr. Strauss and Defendant JOYCE told Plaintiff "sign the Stipulated Judgment now or there is no deal." Plaintiff reiterated her request to have the Stipulated Judgment, which she had seen for the first time that day reviewed by counsel and Defendant JOYCE refused. Feeling pressured and coerced by Defendant JOYCE to sign the Stipulated Judgment, Plaintiff reluctantly signed the Stipulated Judgment.

17. Plaintiff expressed her concern that she was bullied into signing the Stipulated Judgment by Defendant JOYCE to Judge Miles of the State Bar Court. Judge Miles ordered the parties to work on the language and terms of the agreement and the mitigation. Judge Miles voided the previously signed Stipulated Judgment.

18. On September 28, 2010, Defendant JOYCE called Plaintiff that morning and was very harsh conversation demanding that Plaintiff come to her office that day and sign the Stipulated Judgment. Plaintiff was so distraught and stressed by the conversation with

Defendant JOYCE that Plaintiff became nauseated and vomited on the side of the freeway.

19. Plaintiff arrived to meet Defendant JOYCE at the State Bar of California Los Angeles Office the afternoon of September 28, 2011. Once again Defendant Joyce tried to bully Plaintiff into signing a Stipulated Judgment that Defendant JOYCE had modified and Plaintiff had seen for the first time that day. Plaintiff told Defendant JOYCE that Plaintiff wanted to get an attorney to review the Stipulated Judgment. Once again Defendant JOYCE demanded that Plaintiff "sign the Stipulated Judgment today, or there is no deal." Plaintiff told Defendant JOYCE that Plaintiff had the right to counsel pursuant to California Business Code. The exchange between Plaintiff and Defendant JOYCE became a yelling match. Plaintiff stood up to leave began having chest pain and fell against the wall.

20. Plaintiff repeatedly asked Defendant JOYCE to get a doctor. Defendant JOYCE callously refused and told Plaintiff to "get up [off the floor] and sit down in the chair so we can get through the stipulation" and that she would get Plaintiff some water. Defendant JOYCE also in a careless tone stated "You have a five-year old, that's what happens when you work yourself up."

21. Plaintiff continuously asked for Defendant JOYCE to get a doctor. Plaintiff began vomiting. Defendant JOYCE finally called the paramedics. Defendant JOYCE told another employee of the State Bar to come in the room with her and Plaintiff as she said "I don't want to be left alone with her." Plaintiff was transported to Good Samaritan Hospital by paramedics from the Office of the State Bar. Representatives from the State Bar of California Office, took a statement from Defendant JOYCE, but no statement was ever taken from Plaintiff.

22. After just being transported by paramedics to the hospital, Defendant JOYCE sent Plaintiff an email demanding my attendance once again at the State Bar on September 29,

2010.

23. While at the hospital Plaintiff was told that she was pregnant. However, due to the stressful altercation with Defendant Joyce, Plaintiff's blood pressure was high and blood sugar level was also elevated. Plaintiff was discharged from Good Samaritan Hospital the night of September 28, 2010.

24. During the early morning on September 29, 2011 Plaintiff began to feel chest pains again and returned to the hospital.

25. On September 29, 2011 Plaintiff was admitted to the hospital as the ultrasound results showed the baby's heart rate was faint and that I was in the process of a miscarriage as a result of stress.

26. Defendant JOYCE as well as the State Bar Court were made aware of Plaintiff's hospitalization and medical condition, the miscarriage. Defendant JOYCE's insensitive responses was that if Plaintiff did not attend the hearing that was set for Friday Defendant JOYCE was going to "request the Court take my [Plaintiff's] default"

27. Plaintiff had surgery on October 1, 2010 to remove the fetus and was discharged from the hospital on October 2, 2010 with order of being on bed rest for several weeks.

28. Defendant JOYCE misrepresented to the Court what had taken place on September 28, 2010. Defendant JOYCE unbelievably accused Plaintiff of misrepresenting Plaintiff's physical condition and being on bed rest after documentation was presented from Plaintiff's doctors to Defendant JOYCE.

29. Defendant JOYCE although aware of Plaintiff's medical condition, insensitively continued to file motions and try to have the Court proceed with dates regarding this matter against Plaintiff. Furthermore, Defendant JOYCE then changed her settlement offer from four months to six months for no apparent reason while Plaintiff was convalescing.

30. Defendants State Bar of California, Board of Governors, STREETER, KIM and GORDON orchestrated, sanctioned and approved the removal of Defendant JOYCE from Plaintiff's case. Defendant JOYCE was removed from Plaintiff's case and replaced with Kimberly Belevedere for a short period of time after the September 28, 2011 Incident. Plaintiff believes Defendant JOYCE was removed from the case as a result of the September 28, 2011 Incident.

31. Defendants STATE BAR OF CALIFORNIA, BOARD OF GOVERNORS, STREETER, KIM and GORDON orchestrated, sanctioned and approved the reassignment of Defendant JOYCE to Plaintiffs case in November 2010.

32. As a result of the reassignment of Defendant Plaintiff submitted written claim and a complaint letter against Defendant JOYCE to DEFENDANT GORDON and JAYNE KIM's predecessor, James Towery on December 15, 2010. Defendant JOYCE intercepted the December 15, 2010 when it was delivered and personally took the letter to Allan Gordon. Although Defendant GORDON acknowledged receipt of the Complaint PLAINTIFF never received a response and Defendant JOYCE remained on Plaintiff's case.

33. Defendant JOYCE continued to recklessly make representations to the Court that Plaintiff made misrepresentations to the court. Defendant JOYCE threatened Plaintiff by stating to Plaintiff that she will get Plaintiff "disbarred one case at a time." Defendant JOYCE even indicated to Plaintiff after a December 10, 2010 Status Conference "You miscarried because of your high blood sugar." With no remorse of Defendant JOYCE's role in the September 28, 2010 incident.

34. Defendants STATE BAR OF CALIFORNIA, BOARD OF GOVERNORS, STREETER, KIM and GORDON orchestrated, sanctioned and approved the continued

assignment of Defendant JOYCE on Plaintiffs case and the failure to take any action.

35. As a result of the outrageous behavior and careless and reckless tactics of Defendant JOYCE Plaintiff has suffered intense emotional distress, which manifested in Defendant JOYCE being the proximate cause of the Plaintiff's miscarriage on September 28, 2011 and utter disruption of her life. Plaintiff has had to incur medical expenses, including a four day hospital stay and other expenses in her effort to cope with the manifestations of this distress. Plaintiff does not know at this point when this distress of disruption will dissipate.

FIRST CAUSE OF ACTION

NEGLIGENCE

(INCLUDING NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)

(AS TO ALL DEFENDANTS)

36. Plaintiff realleges an incorporates by reference, as though fully set forth herein, each and every allegation set forth in paragraphs 35 above.

37. Defendants make rules, regulate and operate the State Bar of California. Additionally Defendants that are apart of the Office of Chief Trial Counsel serve as prosecutorial arm of the State Bar in attorney discipline and regulatory matters. Accordingly, Defendants are the Law and Enforcement of attorney discipline and regulation. Defendants are charged with the duty of upholding and ensuring compliance with the laws they promulgate. In that charge is an inherent duty to ensure compliance with due process of the law and to operate within a standard of care within the discipline process that does not subject any person to medical injury or violate inalienable rights.

38. Defendants and Does 1 to 50 negligently and without due care and cause and

provocation caused Plaintiff to have a miscarriage on or about September 29, 2011 by sanctioning the conduct of Defendant JOYCE on September 28, 2011 thereby causing Plaintiff to suffer damages as alleged herein, including emotional distress.

39. Defendant JOYCE's refusal to immediately obtained medical attention for Plaintiff was reckless at the least. It is not an everyday occurrence that paramedics need to come to the State Bar. However, Defendant JOYCE trivialized Plaintiff's medical condition and diminished her role in causing the stress level of Plaintiff to elevate.

40. Defendant JOYCE owed Plaintiff the duty to operate within a standard of care that did not subject Plaintiff to medical injury or violation of inalienable right to counsel on September 28, 2011.

41. The acts and omissions against Plaintiff manifested an unreasonable risk of injury to Plaintiff As a direct and proximate cause of Defendants' negligence, Plaintiff suffered injuries and compensatory damages in an amount to be proven at trial.

SECOND CAUSE OF ACTION

NEGLIGENT MISREPRESENTATION

(AS TO ALL DEFENDANTS)

42. Plaintiff realleges an incorporates by reference, as though fully set forth herein, each and every allegation set forth in paragraphs 41 above.

43. Defendant JOYCE'S handling of Plaintiff's case was handled in a reckless manner, from impromptu meetings, variance in Stipulation terms, threats of suspension and disbarment. Defendant JOYCE was out of control in her handling of this case and the breaking

point was the September 28, 2011 incident.

44. Defendant JOYCE has made numerous representations in reckless disregard of the truth regarding the Plaintiff's case. Defendant JOYCE'S misrepresentations of Plaintiff's lies was below the duty of care that Defendant JOYCE had to Plaintiff and to the State Bar Court. Defendant JOYCE is held to a standard as an officer of the Court not to make misrepresentations to the Court. However, Defendant JOYCE made many misrepresentations of Plaintiff which were beyond reckless:

a. Defendant JOYCE accused Plaintiff of lying about Judge Miles being sick and rescheduling of the September 20, 2010 conference. Judge Miles secretary confirmed Plaintiff's story to Defendant JOYCE by telephone and through email.

b. Defendant JOYCE misrepresented the September 28, 2010 incident to the Court, representing it as if Plaintiff just became sick and had to go to the hospital by paramedics, not acknowledging Defendant JOYCE'S role in the September 28, 2010 incident.

c. Defendant JOYCE misrepresented to Judge Hohn that Judge Miles refused to sign a stipulated judgment. Judge Miles wanted the parties to work on the language of the Judgment since Plaintiff told Judge Miles that Defendant Miles had forced Plaintiff to sign the September 20, 2010 Stipulated Judgment .

d. Defendant JOYCE lied to the Court on November 24, 2010 that Plaintiff had not produced documents at Plaintiff's deposition. Defendant JOYCE was not at the deposition so had no personal knowledge of what was produced and the transcript reflected Plaintiff's compliance with Ms. Belevedere's requests.

45. Said misrepresentations erroneously painted Plaintiff in a negative light with the Court which caused the Court to make a decision contrary to the evidence presented, valuing the testimony of witnesses as credible when it was apparent that witnesses testified in contradiction to

the facts at trial. The acts and omissions against Plaintiff manifested an unreasonable risk of injury to Plaintiff As a direct and proximate cause of Defendants' negligence, Plaintiff suffered injuries and compensatory damages in an amount to be proven at trial.

THIRD CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(AS TO ALL DEFENDANTS)

46. Plaintiff realleges an incorporates by reference, as though fully set forth herein, each and every allegation set forth in paragraphs 35 above.

47. Defendant JOYCE engaged in extreme and outrageous conduct on September 28, 2010 toward Plaintiff with the intention to cause, or with reckless disregard for the probability of causing Plaintiff to suffer severe emotional distress and with wanton disregard for the injurious result to Plaintiff.

48. Defendant JOYCE'S refusal to obtain medical help for Plaintiff when Plaintiff was repeatedly requesting medical help and letting Defendant JOYCE know that Plaintiff needed assistance was cold and outrageous.

49. Defendant JOYCE'S comments to Plaintiff during the September 28, 2010 meeting to "get up [off the floor] and sit down in the chair so we can get through the stipulation" and "You have a five-year old, that's what happens when you work yourself up."

50. Defendant JOYCE'S only attempt to help Plaintiff was to get some water for Plaintiff, not to call 911. Defendant JOYCE is not a medical doctor nor was she equipped to determine that all Plaintiff needed was some water to continue on. In fact, the paramedics had to tell Defendant JOYCE NOT to give Plaintiff water when there are chest pains.

51. Defendant JOYCE'S further disregard for Plaintiff's condition was outrageous, of sending a letter requesting Plaintiff to return to the State Bar Office on September 29, 2010 after

being taken away by paramedic on the afternoon of September 28, 2010

52. As a result of Defendant JOYCE's conduct, Plaintiff had a miscarriage less than 24 hours from meeting with Defendant JOYCE. Plaintiff was unable to work for over a month. As a direct and proximate cause of aforementioned outrageous acts of Defendants, Plaintiff has suffered severe emotional distress. Defendants' acts were intentional and done with malicious and oppressive intent. Plaintiff is entitled to general and compensatory damages in amounts to be proven at trial.

53. Defendant JOYCE and Does 1 through 50 engaged in unlawful conduct with malice, oppression or fraud. As such, Plaintiff is entitled to recover punitive damages from Defendants and DOES 1 through 50 in an amount according to proof.

54. In perpetrating the above described acts and omissions, Defendant JOYCE is an individual and employee of the Defendants STATE BAR OF CALIFORNIA and BOARD OF GOVERNORS which, at all relevant times herein, a governmental agency of the State of California, and Defendants STREETER, KIM AND GORN were, at all relevant times herein, its agents/employees. Thus, defendants' above-described acts and omissions constitute cognizable state action under color of state law.

55. Defendants STATE BAR OF CALIFORNIA, BOARD OF GOVERNORS, STREETER, KIM and GORDON orchestrated, sanctioned and approved the actions of Defendant JOYCE against Plaintiff on September 28, 2010. Defendants and Does 1 through 50 engaged in sanctioning, approving or failing to take action regarding Defendant JOYCE's September 28, 2010 actions constitutes unlawful conduct with malice, oppression or fraud. As such, Plaintiff is entitled to recover punitive damages from Defendants and DOES 1 through 50 in an amount according to proof.

FOURTH CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(AS TO ALL DEFENDANTS)

56. Plaintiff realleges an incorporates by reference, as though fully set forth herein, each and every allegation set forth in paragraphs 1 through 35 above.

57. Defendant JOYCE engaged in extreme and outrageous conduct, of demanding Plaintiff to attend impromptu meetings wherein Defendant JOYCE demanding Plaintiff to sign a Stipulated Judgment, toward Plaintiff with the intention to cause, or with reckless disregard for the probability of causing Plaintiff to suffer severe emotional distress and with wanton disregard for the injurious result to Plaintiff.

58. Defendant JOYCE'S overall handling of Plaintiff's case was outrageous. Not only did Defendant JOYCE engage in the practice of bullying, threatening and demanding that Plaintiff have impromptu meetings with her at the State Bar Offices on at least three occasions to sign a Stipulated Judgment document, September 20, 23 and 28, 2011. It was also Defendant JOYCE'S practice to provide the document only at the time of the meeting and demanding that Plaintiff sign the document "now" or "today". It is egregious for Defendant JOYCE to want Plaintiff to sign a document that Plaintiff had not had time to review or to seek counsel regarding the ramifications. Every time Plaintiff requested the time to allow for such review by counsel, Defendant JOYCE would threaten to take the deal off the table. Said pressure was evidenced by the Plaintiff signing of the September 20, 2011 Stipulated Judgment which was later voided by Judge Miles after the Court was made aware of Defendant JOYCE'S tactics.

59. Additionally, it was Defendant JOYCE'S practice that whenever Plaintiff would be worn down by Defendant JOYCE'S threats and tactics to agree to accept terms of a settlement, Defendant JOYCE would change the terms of the settlement from three months suspension to

four months suspension. Then Defendant JOYCE'S without any reason changed the terms for four months when Plaintiff was hospitalized to six months and right before trial to a ridiculous one year suspension. All evidence of Defendant JOYCE'S attempt to strong arm Plaintiff into to getting a deal from Plaintiff. Plaintiff believes that Defendant JOYCE was overly aggressive and egregious because Defendant JOYCE wanted to resolve the case before the end of the year for statistical reasons.

60. Defendant JOYCE was aware on September 13, 2011 that Plaintiff had been the victim of domestic violence over a period of 5 years and had suffered physical and emotional injury as a result. However, Defendant JOYCE took an overly aggressive approach of dealing with Plaintiff.

61. Every meeting with Defendant JOYCE caused Plaintiff great stress and usually resulted in Plaintiff being in tears due to Defendant JOYCE'S harsh and threatening nature.

62. As a direct and proximate cause of aforementioned outrageous acts of Defendants, Plaintiff has suffered severe emotional distress. Defendants' acts were intentional and done with malicious and oppressive intent. Plaintiff is entitled to general and compensatory damages in amounts to be proven at trial.

63. Defendants and Does 1 through 50 engaged in unlawful conduct with malice, oppression or fraud. As such, Plaintiff is entitled to recover punitive damages from Defendants and DOES 1 through 50 in an amount according to proof.

64. In perpetrating the above described acts and omissions, Defendant JOYCE is an individual and employee of the Defendants STATE BAR OF CALIFORNIA and BOARD OF GOVERNORS which, at all relevant times herein, a governmental agency of the State of California, and Defendants STREETER, KIM AND GORN were, at all relevant times herein, its agents/employees. Thus, defendants' above-described acts and omissions constitute cognizable

state action under color of state law.

65. Defendants STATE BAR OF CALIFORNIA, BOARD OF GOVERNORS, STREETER, KIM and GORDON orchestrated, sanctioned and approved the actions of Defendant JOYCE against Plaintiff in her handling of Plaintiff's case and treatment of Plaintiff. Said actions violated Plaintiff's right to due process.

66. Defendants and Does 1 through 50 engaged in sanctioning, approving or failing to take action regarding Defendant JOYCE's September 28, 2010 actions constitutes unlawful conduct with malice, oppression or fraud. As such, Plaintiff is entitled to recover punitive damages from Defendants and DOES 1 through 50 in an amount according to proof.

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Prayer

WHEREFORE, the Plaintiff seeks judgment as follows:

a. For general damages according to proof;

b. For medical expenses and related items of expense according to proof;

c. For loss of earnings and other economic or pecuniary damages, according to proof;

d. For punitive and exemplary damages according to proof;

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e. For costs of suit;

f. For attorney's fees;

g. For prejudgment interest;

h. For such other and further relief as the Court deems proper.

DATED: September 27, 2011

LAW OFFICES OF LORRAINE DICKSON & ASSOCIATES

By: _____
Lorraine Dickson, Esq.
In Pro Per

VERIFICATION

I, LORRAINE DICKSON, am the plaintiff in the above-entitled action. I have read the VERIFIED COMPLAINT FOR DAMAGES and know the contents thereof. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

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

DATED: 9/27/11

LORRAINE DICKSON

COPY

STARR BABCOCK (63473)
LAWRENCE C. YEE (84208)
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Attorneys for Defendants
THE STATE BAR OF CALIFORNIA, BOARD OF GOVERNORS OF THE STATE BAR OF CALIFORNIA, JON STREETER, JAYNE KIM, ALAN GORDON and ERIN JOYCE

ORIGINAL FILED
APR 10 2012
LOS ANGELES SUPERIOR COURT

Exempt from Filing Fees Pursuant to Government Code Section 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

LORRAINE DICKSON, Plaintiff, v. THE STATE BAR OF CALIFORNIA, BOARD OF GOVERNORS OF THE STATE BAR OF CALIFORNIA, JON STREETER, in his official capacity, JAYNE KIM, in her official capacity, ALAN GORDON, in his official capacity, ERIN JOYCE, individually and in her official capacity, AND DOES 1 THROUGH 50 INCLUSIVE. Defendants.	Case No. BC470523 **[~~PROPOSED~~] JUDGMENT OF DISMISSAL WITH PREJUDICE** Date: February 20, 2012 Time: 8:30 a.m. Dept: 48 The Honorable Elizabeth Allen White

The Special Motion to Strike Plaintiff's Complaint filed by Defendants The State Bar of California, State Bar Board of Governors, Jon Streeter, Jayne Kim, Alan Gordon and Erin Joyce, having been granted by this Court after hearing on February 21, 2012,

IT IS HEREBY ORDERED:

JUDGMENT of dismissal with prejudice is entered in favor of The State Bar of California, State Bar Board of Governors, Jon Streeter, Jayne Kim, Alan Gordon and Erin Joyce.

Dated: APR 10 2012

Elizabeth Allen White

Honorable Elizabeth Allen White
JUDGE OF THE SUPERIOR COURT

APPROVED AS TO FORM

_____

LORRAINE DICKSON, PLAINTIFF PRO SE

DATED:_____

PROOF OF SERVICE

I, Charlene J. Foster, hereby declare: that I am over the age of eighteen years and am not a party to the within above-entitled action, that I am employed in the City and County of San Francisco, that my business address is The State Bar of California, 180 Howard Street, San Francisco, CA 94105.

On March 27, 2012, I served copies of on the party listed below:

Lorraine Dickson
Law Offices of Lorraine Dickson & Associates
9190 West Olympic Blvd., Suite 257
Beverly Hills, CA 90212
Ldickson4@hotmail.com

☒ **By first class mail** by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid and placing the envelope in the office's daily mail processing center for mailing in the United State mail at San Francisco, California.

☐ **By facsimile machine** (FAX) by personally transmitting a true copy thereof via an electronic facsimile machine to the facsimile number listed above.

☒ **By electronic mail** by personally transmitting a true copy thereof via an electronic mail service connected to the internet, addressed to the email address listed above.

☐ **By Federal Express** or overnight courier.

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

Charlene J. Foster

Charlene J. Foster

DANIEL D. DYDZAK
PLAINTIFF IN PRO PER
4265 MARINA CITY DRIVE
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

CENTRAL JUSTICE CENTER

DANIEL D. DYDZAK, Plaintiff, Vs. JOSEPH LAWRENCE DUNN, aka JOE DUNN, MARK TORRES-GIL, JAMES E. TOWERY, JOSEPH STARR BABCOCK, aka STARR BABCOCK, RACHEL GRUNBERG, ALEC Y. CHANG, aka ALEC CHANG, THOMAS V. GIRARDI, aka THOMAS GIRARDI, HOWARD B. MILLER, aka HOWARD MILLER, HOWARD DICKSTEIN, aka HOWARD LAWRENCE DICKSTEIN, JUDY JOHNSON, JEANNINE ENGLISH, TANI CANTIL-SAKAUYE, MING W. CHIN, MARVIN A. BAXTER, GOODWIN LIU, CAROL A. CORRIGAN, JOYCE L. KENNARD, KATHRYN M. WERDEGAR, CHARLES SCHWAB, DAVID WERDEGAR ERIC M. GEORGE, RONALD M. GEORGE, ALAN I. ROTHENBERG, ROBERT A. HAWLEY, SUPREME COURT OF CALIFORNIA, aka CALIFORNIA SUPREME COURT, STATE OF CALIFORNIA, LAWRENCE YEE, aka LARRY YEE, CARLOS MORENO, previously sued as DOE 1, MATTHEW WERDEGAR, previously sued as DOE 2, HOWARD RICE NEMEROVSKI CANADY FALK & RABKIN,	CASE NO. 30-2012-00558031 ASSIGNED TO HON. GREGORY MUNOZ, DEPT. C13 VERIFIED FIRST AMENDED COMPLAINT FOR DAMAGES AND EQUITABLE RELIEF 1. INVASION OF PRIVACY 2. VIOLATION OF CALIFORNIA CIVIL CODE SECTION 1708.8 3. DECLARATORY RELIEF TO DECLARE IN RE ROSE UNCONSTITUTIONAL AS VIOLATING CALIFORNIA CONSTITUTION'S RIGHT TO JURY TRIAL 4. DECLARATORY RELIEF TO DECLARE IN RE ROSE UNCONSTITUTIONAL AS VIOLATING CALIFORNIA CONSTITUTION'S RIGHTS TO DUE PROCESS AND EQUAL PROTECTION OF LAWS 5. DECLARATORY RELIEF TO DECLARE ORDER DENYING MOTION FOR FRAUD UPON THE COURT VOID AB INITIO, AGAINST CALIFORNIA GOVERNMENT CODE, AND CALIFORNIA JUDICIAL CANONS OF ETHICS 6. DECLARATORY RELIEF TO DECLARE WERDEGAR COMMITTED FRAUD UPON THE COURT TOWARDS DYDZAK

previously sued as DOE 3, ARNOLD & PORTER, previously sued as DOE 4, SARAH L. OVERTON, previously sued as as DOE 5, HOLLY J. FUJIE, previously sued as DOE 6, WILLIAM C. VICKREY, previously sued as DOE 7, RONALD G. OVERHOLT, previously sued as DOE 8, BET TZEDEK LEGAL SERVICES, previously sued as DOE 9, DAVID J. PASTERNAK, previously sued as DOE 10, SANDER ELI SAMUELS, previously sued as DOE 11, WILLIAM A. WARDLAW, previously sued as DOE 12, and DOES 13 through 100, Inclusive, Defendants.	AGAINST CALIFORNIA GOVERNMENT CODE AND CALIFORNIA JUDICIAL CANONS OF ETHICS 7. CONSPIRACY (BETWEEN CHARLES SCHWAB AND DAVID WERDEGAR) 8. CONSPIRACY (BETWEEN ALAN I. ROTHENBERG, RONALD M. GEORGE AND ERIC GEORGE) 9. CONSPIRACY (BETWEEN MATTHEW WERDEGAR AND HOWARD RICE, NEMEROVSKI, CANADY, FALK & RABKIN) 10. CONSPIRACY (BETWEEN MATTHEW WERDEGAR AND ARNOLD & PORTER) 11. CONSPIRACY (BETWEEN OVERTON, RONALD M. GEORGE AND ERIC GEORGE) 12. DECLARATORY RELIEF TO DECLARE STATE DISBARMENT ORDER NULL AND VOID, ULTA VIRES AND VOID AB INITIO, DUE TO FRAUD UPON THE COURT OR EXTRINSIC FRAUD, AGAINST CALIFORNIA GOVERNMENT CODE AND CALIFORNIA JUDICIAL CANONS OF ETHICS 13. DECLARATORY RELIEF TO DECLARE STATE DISBARMENT ORDER NULL AND VOID, ULTRA VIRES AND VOID AB INITIO AS VIOLATING CALIFORNIA CONSTITUTION'S RIGHT TO JURY TRIAL

	)14. DECLARATORY RELIEF TO RETURN PROPERTY)15. DECLARATORY RELIEF (AGAINST CALIFORNIA SUPREME COURT, RONALD M. GEORGE, CANTIL-SAKAUYE, VICKREY AND OVERHOLT))16. CONSPIRACY (BETWEEN WARDLAW, ROTHENBERG, RONALD M.GEORGE AND ERIC GEORGE))17. VIOLATION OF RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (RICO) [18 U.S.C. Section 1962(b)])18. VIOLATION OF RICO [18 U.S.C. Section 1962©])19. VIOLATION OF RICO [18 U.S.C. Section 1962(d)])20. DECLARATORY RELIEF TO DECLARE STATE BAR ACT UNCONSTITUTIONAL AND ULTRA VIRES AS DENYING FUNDAMENTAL RIGHTS TO JURY TRIAL, DUE PROCESS AND EQUAL PROTECTION OF LAWS)21. EMBEZZLEMENT BY FIDUCIARY)22. RESTITUTION AND CONSTRUCTIVE TRUST)) **UNLIMITED CIVIL**

DEMAND FOR JURY TRIAL

AMOUNT DEMANDED EXCEEDS $25,000.00

COMES NOW Plaintiff, DANIEL D. DYDZAK ("DYDZAK"), In Pro Per, and alleges as follows:

PRELIMINARY ALLEGATIONS

1. Plaintiff is, and at all times herein mentioned was, a resident of the County of Los Angeles, State of California.

2. Plaintiff is informed and believes, and thereon alleges, that Defendant, JOSEPH LAWRENCE DUNN, aka JOE DUNN ("DUNN"), is, and at all times herein mentioned was, a resident of the County of Orange, State of California. Defendant DUNN is being sued herein in his individual capacity, and therefore enjoys no government immunity from liability for his misconduct and actions herein alleged.

3. Plaintiff is informed and believes, and thereon alleges, that Defendant MARK TORRES-GIL ("TORRES-GIL") is, and at all times herein mentioned was, a resident of the County of San Francisco, State of California. Defendant TORRES-GIL is being sued herein in his individual capacity and therefore enjoys no government immunity from liability for his misconduct and actions herein alleged.

4. Plaintiff is informed and believes, and thereon alleges, that Defendant JAMES E. TOWERY ("TOWERY") , is, and at all times herein mentioned was, a resident of the County of Santa Clara, State of California. Defendant TOWERY is being sued herein in his individual capacity and therefore enjoys no government immunity from liability for his misconduct and actions herein alleged.

5. Plaintiff is informed and believes, and thereon alleges, that Defendant, JOSEPH STARR BABCOCK, aka STARR BABCOCK ("BABCOCK"), is, and at all times herein mentioned was, a resident of the County of San Francisco, State of California. Defendant BABCOCK is being sued herein in his individual capacity and therefore enjoys no government immunity from liability for his misconduct and actions herein alleged.

6. Plaintiff is informed and believes, and thereon alleges, that Defendant RACHEL GRUNBERG ("GRUNBERG") is, and at all times herein mentioned was, a resident of the County of San Francisco, State of California. Defendant GRUNBERG is being sued herein in her individual capacity and therefore enjoys no government immunity from liability for her misconduct and actions herein alleged.

7. Plaintiff is informed and believes, and thereon alleges, that Defendant ALEC Y. CHANG, aka ALEC CHANG ("CHANG") is, and at all times herein mentioned was, a resident of the County of Santa Clara, State of California. Defendant CHANG is being sued herein in his individual capacity and therefore enjoys no government immunity from liability for his misconduct and actions herein alleged.

8. Plaintiff is informed and believes, and thereon alleges that Defendant THOMAS V. GIRARDI, aka THOMAS GIRARDI ("GIRARDI"), is, and at all times herein mentioned was, a resident of Los Angeles County, State of California. Defendant GIRARDI is being sued herein in his individual capacity and therefore enjoys no government immunity from liability for his misconduct and actions herein alleged.

9. Plaintiff is informed and believes, and thereon alleges, that Defendant HOWARD B. MILLER, aka HOWARD MILLER ("MILLER"), is, and at all times herein mentioned was, a resident of Los Angeles County, State of California. Defendant MILLER is being sued herein in his individual capacity and therefore enjoys no government immunity from liability for his misconduct and actions herein alleged.

10. Plaintiff is informed and believes, and thereon alleges, that Defendant HOWARD DICKSTEIN, aka HOWARD LAWRENCE DICKSTEIN ("DICKSTEIN"), is, and at all times herein mentioned was, a resident of the County of Sacramento, State of California. Defendant DICKSTEIN is being sued herein in his individual capacity and therefore enjoys no government immunity from liability for his misconduct and actions herein alleged.

11. Defendant JEANNINE ENGLISH ("ENGLISH"), upon information and belief, is, and was at all times herein mentioned, a resident of the County of Sacramento, State of California. Plaintiff is further informed and believes, and thereon alleges, that Defendant ENGLISH is, and at all times herein mentioned was, the wife of Defendant DICKSTEIN.

12. Defendant ENGLISH is being sued herein in her individual capacity. She therefore enjoys no government immunity from liability for her misconduct and actions herein alleged.

13. Plaintiff is informed and believes, and upon such information and belief alleges, that Defendant JUDY JOHNSON ("JOHNSON") is, and at all times herein mentioned was, a resident of the County of San Francisco, State of California. Defendant JOHNSON is being sued herein in her individual capacity, and therefore enjoys no government immunity from liability for her misconduct and actions herein alleged.

14. Plaintiff is informed and believes, and thereon alleges, that ROBERT A. HAWLEY ("HAWLEY") is, and at all times herein mentioned was, a resident of the County of San Francisco, State of California. Defendant HAWLEY is being sued herein in his individual capacity. He therefore enjoys no government

immunity from liability for his misconduct and actions herein alleged.

15. Plaintiff is informed and believes, and thereon alleges, that Defendant TANI CANTIL-SAKAUYE ("CANTIL-SAKAUYE") is, and at all times herein mentioned was, a resident of the County of San Francisco, State of California. Defendant CANTIL-SAKAUYE is, and was at all times relevant hereto, the Chief Justice of Defendant, SUPREME COURT OF CALIFORNIA, aka CALIFORNIA SUPREME COURT ("SUPREME COURT"). Defendant CANTIL-SAKAUYE is being sued herein for equitable and declaratory relief, due to violation of DYDZAK's civil, constitutional and legal rights, as herein alleged. Said Defendant is not being sued herein for monetary damages.

16. Plaintiff is informed and believes, and thereon alleges, that Defendants MING W. CHIN, MARVIN A. BAXTER, GOODWIN LIU, CAROL A. CORRIGAN, JOYCE L. KENNARD and KATHRYN M. WERDEGAR (collectively "ASSOCIATE JUSTICES") are, and were at all times herein mentioned, associate justices of Defendant SUPREME COURT. Furthermore, upon information and belief, Defendant ASSOCIATE JUSTICES are, and were at all times herein mentioned, residents of the County of San Francisco, State of California.

17. Defendant CARLOS MORENO ("MORENO") is, and was at all times herein mentioned, a former Associate Justice of Defendant SUPREME COURT, and a member of Defendant ASSOCIATE JUSTICES at all times relevant hereto. Upon information and belief, Defendant CARLOS MORENO is, and was at all times herein mentioned, a resident of the County of San Francisco, State of California.

18. Defendant MORENO was previously designated in this

action as a fictitious party, DOE 1, and his identity has now been ascertained for the purposes of being a named Defendant in this litigation in place and stead of said DOE Defendant. Plaintiff is informed and believes, and thereon alleges, that Defendant MORENO is, and was all times herein mentioned, aware of the unlawful actions and conduct herein alleged.

19. Defendant ASSOCIATE JUSTICES are being sued herein for declaratory and equitable relief and not monetary damages. Plaintiff is informed and believes, and thereon alleges, that Defendant ASSOCIATE JUSTICES, in concert with Defendant CANTIL-SAKAUYE, Defendant DAVID WERDEGAR ("DW"), Defendant RONALD M. GEORGE ("RONALD GEORGE"), Defendant ALAN I. ROTHENBERG ("ROTHENBERG"), Defendant ERIC M. GEORGE ("ERIC GEORGE"), Defendant CHARLES SCHWAB ("SCHWAB") and the other named Defendants, are "covering up" the unlawful actions and violation of DYDZAK's civil, constitutional and legal rights, as herein alleged and described.

20. Plaintiff is informed and believes, and thereon alleges, that Defendant SCHWAB is, and at all times herein mentioned was, a resident of the County of San Francisco, State of California. Defendant SCHWAB, a Fortune 500 executive, is, and was at all times herein mentioned, well-known in U.S. business circles and among investors for his various stock and financial services companies.

21. Plaintiff is informed and believes, and thereon alleges, that Defendant DW is, and at all times herein mentioned was, an individual and prominent medical doctor residing in the County of San Francisco, State of California. Upon further

information and belief, Defendant DW is, and was at all times herein mentioned, the long-time spouse and financial advisor/ partner of Defendant KATHYRN M. WERDEGAR.

22. Defendant DW is being sued herein in his individual capacity for general and punitive damages as a result of his violating DYDZAK's legal rights. Such unlawful actions by Defendant DW have caused, and continue to cause, Plaintiff major injuries, pain and suffering and severe emotional distress, as herein alleged.

23. Plaintiff is informed and believes, and upon such information and belief alleges, that Defendant ERIC M. GEORGE ("ERIC GEORGE") is, and was at all times herein mentioned, a resident of Los Angeles County, State of California.

24. Plaintiff is informed and believes, and thereon alleges, that Defendant RONALD M. GEORGE ("RONALD GEORGE") is, and was at all times herein mentioned, a resident of Los Angeles County, State of California. While previously the 27th Chief Justice of Defendant SUPREME COURT for many years, Defendant RONALD GEORGE retired on or about January 3, 2011.

25. In the Third, Fourth, Twelfth, Thirteenth, Fifteenth, Twenty-First and Twenty-Second Causes of Action herein Defendant RONALD GEORGE is being sued by Plaintiff for equitable and declaratory relief and not monetary damages.

26. In the Eighth, Eleventh and Sixteenth Causes of Action herein, Defendant RONALD GEORGE is being sued in his individual capacity **after** he retired from the bench. Therefore, Defendant RONALD GEORGE enjoys no judicial immunity in this action with

respect to those causes of action, and is personally liable in damages for his unlawful actions and conduct towards DYDZAK, as herein alleged and described.

27. With respect to the Seventeenth, Eighteenth and Nineteenth Causes of Action, Defendant RONALD GEORGE is liable for all damages, penalties, and legal and equitable relief set forth and provided for in the Racketeer Influenced and Corrupt Organizations Act (RICO), as alleged herein. Defendant RONALD GEORGE's unlawful RICO actions are, and were at all times herein mentioned, either administrative and/or in his individual capacity, and he therefore enjoys no judicial immunity for such actions.

28. Plaintiff is informed and believes, and thereon alleges, that Defendant ALAN I. ROTHENBERG ("ROTHENBERG") is, and at all times herein mentioned was, a resident of Los Angeles County.

29. Plaintiff is informed and believes, and thereon alleges, that STEPHEN V. WILSON ("WILSON") is, and at all times herein mentioned was, an individual residing in the County of Los Angeles, State of California. While WILSON is a long-time federal judge of the United States District Court for the Central District of California, he is a material witness in this litigation.

30. Plaintiff is informed and believes, and thereon alleges, that WILSON is, and was at all times herein mentioned, engaged in unlawful, **non-judicial** and tortious actions taken in his individual capacity to harm and injure DYDZAK, as herein alleged and described.

31. Plaintiff is informed and believes, and thereon alleges, that AUDREY B. COLLINS ("COLLINS") is, and at all times herein mentioned was, an individual residing in the County of Los Angeles, State of California. While COLLINS is a long-time federal judge of the United States District Court for the Central District of California, COLLINS is a material witness in this litigation. At all times relevant hereto, upon information and belief, COLLINS engaged in unlawful, **non-judicial** and tortious actions taken in her individual capacity to harm and injure DYDZAK, as herein alleged and described.

32. Plaintiff is informed and believes, and thereon alleges, that LYDIA ALEXIS YURTCHUK ("YURTCHUK") is, and was at all times herein mentioned, an individual residing in the County of Los Angeles, State of California. YURTCHUK is, and was at all times herein mentioned, a material witness in this litigation and an attorney employed by the United States of America.

33. At all times relevant hereto, WILSON, COLLINS and YURTCHUK herein acted, and continue to act, in their individual capacities or administratively towards DYDZAK. Their tortious, illegal acts done to DYDZAK are and were **outside** the ambit and parameters of their respective federal employment.

34. Plaintiff is informed and believes, and thereon alleges, that Defendant HOLLY J. FUJIE ("FUJIE") is, and was at all times herein mentioned, an individual residing in the County of Los Angeles, State of California. FUJIE was previously designated in the original Complaint as DOE 6, and now is a named Defendant in the 14th Cause of Action herein for the

purposes of equitable relief.

35. Defendant FUJIE has recently been appointed as a Los Angeles Superior Court Judge. However, her unlawful, wrongful and bad faith actions towards DYDZAK, as herein alleged, were taken in her individual capacity, not as a judge or attorney, and not in any manner whatsoever connected, directly or indirectly to any civil litigation in which she was involved. Defendant FUJIE is also clearly a material witness to the unlawful actions herein alleged, being a former State Bar President and close friend to many of the Defendants named herein. FUJIE therefore enjoys no judicial immunity from being sued as a defendant in the Fourteenth Cause of Action herein.

36. Plaintiff is informed and believes, and thereon alleges, that Defendant SUPREME COURT is, and was at all times herein mentioned, the highest-level court, jurisdictionally, in the State of California. Upon further information and belief, Defendant SUPREME COURT is, and was at all times herein mentioned, a valid legal or government entity, exact form unknown, same being organized and existing by virtue of the California Constitution and other applicable statutory authority of the State of California. Plaintiff will seek leave to amend this First Amended Complaint to set forth the exact identity and capacity of Defendant SUPREME COURT when same are ascertained.

37. Plaintiff is informed and believes, and thereon alleges, that Defendants DUNN , TORRES-GIL, TOWERY, BABCOCK, GRUNBERG, CHANG, GIRARDI, MILLER, DICKSTEIN, JOHNSON, ERIC GEORGE, ROTHENBERG and HAWLEY are, and were at all

times herein mentioned, attorneys duly licensed to practice law before all the Courts of the State of California.

38. Plaintiff is informed and believes, and upon such information and belief alleges, that Defendant STATE OF CALIFORNIA is, and was at all times herein mentioned, a legal or government entity, exact status unknown, which is and was created by the Constitution of the State of California and other applicable statutory and legislative authority. In such capacity, Defendant STATE OF CALIFORNIA has and does promulgate and enforce laws to protect the citizens of said state with respect to their health, safety and welfare. One of said statutes is the Business and Professions Code, certain provisions of which deal with the regulation and licensing of attorneys in California and are known as the State Bar Act.

39. Plaintiff will seek leave to amend this First Amended Complaint to set forth the exact identity and capacity of Defendant STATE OF CALIFORNIA when same are ascertained.

40. Furthermore, Defendant STATE OF CALIFORNIA is being sued herein for equitable and declaratory relief, and not monetary damages, with respect to the Twentieth Cause of Action.

41. Plaintiff has ascertained the true name and capacity of the Defendant previously sued as fictitious DOE 2, an individual and attorney by the name of MATTHEW WERDEGAR ("MATTHEW"). By virtue of this First Amended Complaint, and for the purposes of this lawsuit, Defendant MATTHEW is being named as a defendant in place and stead of DOE 2. Plaintiff is informed and believes, and thereon alleges, that Defendant MATTHEW is, and was at all times relevant hereto,

aware of the unlawful actions and conduct herein alleged.

42. Upon information and belief, Defendant MATTHEW is, and was at all times herein mentioned, a resident of the County of San Francisco, State of California, the son of Defendant DW and Defendant KATHRYN M. WERDEGAR, and an attorney practicing with the politically connected and State Bar-favored San Francisco law firm, KEKER & VAN NEST.

43. Plaintiff is informed and believes, that Defendant HOWARD RICE NEMEROVSKI CANADY FALK and RABKIN ("HOWARD RICE") was until on or about January 1, 2012, a major establishment and State Bar-connected law firm in existence for over 50 years with an office in San Francisco, California and major clients such as Defendant SCHWAB. This Defendant was previously designated in the lawsuit as fictitious Defendant DOE 3. By virtue of this First Amended Complaint and for the purposes of this litigation, Defendant HOWARD RICE is now a named Defendant in place and stead of DOE 3.

44. Plaintiff is informed and believes, and thereon alleges, that Defendant HOWARD RICE is, and was at all times herein mentioned, responsible and liable for tortious conduct towards Plaintiff, as herein alleged and described.
At all times relevant hereto, HOWARD RICE is and was implicated and involved in major misconduct and corruption towards DYDZAK and in illegal Bar-related activities. Defendant HOWARD RICE recently dissolved in large part due to the aforesaid unlawful actions and widespread exposure of its corruption and attorney malfeasance in the media.

45. Plaintiff has discovered the identity of the Defendant

previously designated as fictitious DOE 4, in this lawsuit, to wit, Defendant ARNOLD & PORTER. By virtue of this amended pleading and for the purposes of this lawsuit, Plaintiff designates Defendant ARNOLD & PORTER as a named Defendant herein in place and stead of DOE 4.

46. Plaintiff is informed and believes, and thereon alleges, that Defendant ARNOLD & PORTER ("ARNOLD") is, and was at all times herein mentioned, a long-time major law firm, with offices throughout the United States and elsewhere. Plaintiff is informed and believes, and thereon alleges, that Defendant ARNOLD, although a distinct legal entity from Defendant HOWARD RICE, acquired most of the clients, assets and liabilities, good will and attorney practices of Defendant HOWARD RICE when the latter law firm was dissolved, effective on or about December 31, 2011.

47. Upon information and belief, Defendant ARNOLD is, and was at all times herein mentioned, knowledgeable about the corrupt and unlawful practices and conduct of Defendant HOWARD RICE towards DYDZAK. Defendant HOWARD RICE's win-at-all-costs, unsavory and disreputable reputation has been prominently featured in the media and known to the legal community in California, especially in the last decade. From on or about January 1, 2012, Defendant ARNOLD has condoned and engaged in similar unlawful and tortious actions towards DYDZAK hereinafter alleged and described. In particular, Defendant ARNOLD and Defendant HOWARD RICE have illegally acted with the WERDEGARS to injure and harm Plaintiff, as hereinafter alleged.

48. Plaintiff has discovered the identity and capacity of the Defendant previously designated as fictitious Defendant DOE 5 in the original Complaint, to wit, Defendant SARAH L. OVERTON ("OVERTON"). By virtue of the First Amended Complaint, and for the purposes of this litigation, Defendant OVERTON is now a named Defendant in place and stead of DOE 5.

49. Plaintiff is informed and believes, and thereon alleges, that Defendant OVERTON is, was at all times herein mentioned, a resident of Riverside County, State of California, and an attorney licensed to practice law in the State of California.

50. Plaintiff is informed and believes, and thereon alleges, that Defendant OVERTON has unethically engaged in illegal, ex parte and extrajudicial communications and fraudulent activity to injure DYDZAK, as hereinafter alleged. Furthermore, Defendant OVERTON's modus operandi is, and was at all times herein mentioned, towards DYDZAK and in other matters involving judicial and attorney misconduct and corruption over the last ten years or more to "cover up" such illicit activity. In particular, Defendant OVERTON is, and was at all times herein mentioned, well aware of the money-laundering activities by Defendant GEORGES and Defendant ROTHENBERG, and misappropriation and mishandling of vast sums of money by certain members of the California judiciary, Judicial Council and Administration of the California Courts (AOC) such as Defendants DUNN and JOHNSON, but has failed to report same.

51. Defendant OVERTON is, and was at all times herein mentioned, beholden to Defendant GIRARDI and others in the Bar

establishment, in order to garner inflated, undeserved and lucrative attorney's fees for herself and her Riverside law firm, Cummings, McClorey, Davis & Acho ("CMDA"). Rather than the AOC and Judicial Council using the office of the Attorney General of California to represent California judges in legal cases, and thereby save the State of California taxpayer monies, they use the Michael Clayton-like, wink-and-nod manipulator, Defendant OVERTON.

52. Plaintiff is informed and believes, and thereon alleges, that, adding to her unsavory reputation, Defendant OVERTON has a history of even illegally communicating ex parte with certain disqualified judges, Defendant RONALD GEORGE, Defendant GIRARDI and Appellate Justice Huffman to rig and affect the outcome of legal cases. Furthermore, upon information and belief, Defendant OVERTON unethically and unlawfully has a history of never disclosing any conflicts of interest she has in representing California judges.

53. Plaintiff is informed and believes, and thereon alleges, that two AOC insiders—Michael M. Roddy and Kim Turner—have assisted Defendant OVERTON in the past in unlawful activities involving litigation in which Defendant OVERTON was involved. Upon information and belief, Roddy, the head administrator or clerk of the San Diego Superior Court, is, was at all times herein mentioned, a staunch supporter of Defendant OVERTON--altering and distorting court dockets in cases in which she represented judges and having improper ex parte communications and contacts with her. Roddy is, and was at all times herein mentioned, responsible for much of the massive,

illegal spending by the AOC, including construction overbilling for new court facilities, and a willing participant in the defective CCMS computer system and debacle. For her part, Kim Turner, the head clerk or administrator in the Superior Court of Marin County, has, upon information and belief, assisted Defendant OVERTON in having illegal ex parte communications and contacts to affect the outcome of cases in Marin County, including but not limited to the well-publicized Deloitte litigation involving CCMS overspending and corruption. Upon further information and belief, Turner has been accused of of taking bribes, and illegal file shredding and distortion of dockets.

54. Because the "powers that be", including Defendant DUNN, Defendant CANTIL-SAKAUYE and Defendant RONALD GEORGE, know that Defendant OVERTON is willing to be one of their co-conspirators in the cover-up of judicial and attorney misconduct and the aforesaid misappropriation of funds, the AOC and Judicial Council would rather hand her and CMDA exorbitant legal fees than use the office of the Attorney General of California, as herein alleged, especially in litigation against judges on the bench of the Los Angeles Superior Court.

55. Upon information and belief, Defendant OVERTON is desirous of obtaining an eventual *political* appointment to the Riverside judiciary, either at the state or federal level. To procure favor with Defendant SUPREME COURT and State Bar of California, and players involved in selecting judges such as Defendants GIRARDI and ERIC GEORGE, Defendant OVERTON will protect and has protected in the past the judiciary at all

costs. This is so even when Defendant OVERTON has been aware of unethical conduct by a California judge whom she represents or has conflicts of interest in representing a California judge.

56. In the recent past, upon information and belief, even when disqualified and a party to litigation, Defendant OVERTON has unethically represented Superior Court, Court of Appeal and California Supreme Court judges and had improper ex parte communications and contacts with individuals such as attorneys BETH JAY, LYDIA YURTCHUK and BRET BIANCA to "rig" the outcome of lawsuits in the California judicial system, including, without limitation, DYDZAK's state bar case and litigation by DYDZAK in the federal courts.

57. Plaintiff is informed and believes, and thereon alleges, that, maliciously and oppressively, Defendant OVERTON, in conspiracy with Defendant DUNN, Defendant BABCOCK, BETH JAY, YURTCHUK and others, has further harmed and damaged Plaintiff by having a bogus collection agency ruin his credit and pursue him for invalid disciplinary costs, when she knows there is no enforceable judgment against him, Plaintiff contests his illegal disbarment and he has been denied the right to a jury trial pertaining thereto, as hereinafter alleged.

58. Upon information and belief, on or about April 5, 2012, Plaintiff discovered that Defendant MATTHEW and his law firm, KEKER & VAN NEST, represent and have represented, as co-counsel in various litigation, many major corporate and individual clients who are also clients of Defendants HOWARD RICE and ARNOLD. Moreover, Defendant MATTHEW and KEKER & VAN NEST have benefitted financially from their close personal and

professional friendships with HOWARD RICE and ARNOLD attorneys and their mutual clients. This includes, without limitation, Defendant MATTHEW's involvement in prior litigation in the Northern District Federal Court representing the Plaintiff with attorney BERNARD A. BURK of Defendant HOWARD RICE, Shloss v. Sweeney (Case No. C063718 JW HRL).

59. Plaintiff is informed and believes, and thereon alleges, that Defendants KATHRYN M. WERDEGAR, DW and MATTHEW are aware, and were aware at all times relevant hereto, that MATTHEW's past and ongoing salary, professional fees, financial benefits, substantial fees, benefits and payments from being co-counsel with Defendants HOWARD RICE and ARNOLD in various litigation, as herein alleged, created and creates an actual bias and conflict of interest, or the appearance of same, with regard to Defendant KATHRYN WERDEGAR making rulings in DYDZAK's state bar case, as herein alleged. Under the applicable canons of judicial ethics in the State of California, as well as pertinent sections of the California Government Code, a judge cannot hear and adjudicate a case if there are parties or witnesses involved or other circumstances where he/she or a close family member will or could benefit financially, directly or indirectly. This situation raises the issue of the impartiality of the judge.

60. Upon information and belief, Defendants KATHRYN WERDEGAR, MATTHEW and DW know, and knew at all times herein mentioned, that attorneys from Defendant HOWARD RICE, including Defendant MATTHEW's friend and and co-counsel, BERNARD A. BURK,

improperly communicated with State Bar Judge Donald F. Miles and used their considerable influence and contacts with state bar agents/employees such as prior Chief Trial Counsel, SCOTT DREXEL and former senior State Bar prosecutor VICTORIA MOLLOY, to get DYDZAK "politically" disciplined and disbarred, as hereinafter alleged. Upon further information and belief, Defendants KATHRYN WERDEGAR, MATTHEW and DW conveniently chose to ignore that Associate Justice WERDEGAR had a bias and conflict of interest, or appearance of same, towards DYDZAK since Defendant MATTHEW was clearly benefitting financially from his association and professional work with Defendant HOWARD RICE and, subsequently, with Defendant ARNOLD.

61. Furthermore, as a licensed California attorney, Defendant MATTHEW had an ethical and professional obligation, and has an ongoing ethical and professional obligation, to report the aforesaid bias and conflict of interest, or the appearance of same, of his mother-jurist towards Plaintiff. Defendant MATTHEW ethically, too, has and had a duty as an attorney to advise Defendant KATHRYN WERDEGAR to disqualify herself in any case involving DYDZAK, including the state bar disciplinary matter herein alleged, and notify the rest of Defendant SUPREME COURT that all of its Orders and rulings against DYDZAK were ultra vires and void ab initio due to her aforesaid bias and conflict of interest or the appearance of same. Moreover, Defendant MATTHEW, given his superior knowledge and professional and ethical obligations as an attorney, was required to move that Defendant KATHRYN M. WERDEGAR's actions and rulings against DYDZAK be reviewed by a special prosecutor.

62. Plaintiff is ignorant of the true names and capacities of the Defendants sued in the Complaint and the First Amended Complaint as DOES 13 through 100, inclusive, and therefore sues these Defendants by such fictitious names. Plaintiff will amend this First Amended Complaint to allege their true names and capacities when same are ascertained. Plaintiff is informed and believes, and thereon alleges, that each of the fictitiously named Defendants is responsible in some manner for the occurrences herein alleged, and that Plaintiff's injuries as herein alleged were proximately caused by the misconduct and unlawful actions herein alleged.

63. Plaintiff is informed and believes, and thereon alleges, that at all times herein mentioned each of the Defendants was the agent and employee of each of the other Defendants, and in doing the things hereinafter alleged, was acting within the course and scope of such agency and employment.

64. Plaintiff was admitted to the practice of law in the State of California on or about December 17, 1985. DYDZAK practiced law with distinction in various state and federal courts throughout California for approximately twenty-three and a half years. Due to major prosecutorial, attorney and judicial misconduct, Plaintiff was summarily and illegally disbarred by Defendant SUPREME COURT with one-line "Petition denied" language on or about May 12, 2010.

65. One of the key factors leading to DYDZAK's illegal disbarment was the unethical and unlawful conduct of the State Bar judge presiding over DYDZAK's disciplinary proceedings. In

recommending his disbarment, this judge, one Donald F. Miles, had improper and unethical ex parte, extrajudicial communications with attorneys from Miles' former law firm, San Francisco-based Howard, Rice, Nemerovski, Canady, Falk & Rabkin ("HOWARD RICE"), to frame Plaintiff and "rig" the result. DYDZAK had sued Miles' friend and former partner, attorney Bernard A. Burk, and Charles Schwab's company, a former Miles' client. Despite this obvious conflict of interest and bias, Defendant SUPREME COURT refused to intervene, grant review on the merits, and reverse DYDZAK's disbarment Order.

66. Another key factor leading to DYDZAK's illegal disbarment were the unlawful, unethical actions of former State Bar President, Defendant ROTHENBERG, to get Plaintiff prosecuted in the first place. DYDZAK had successfully sued Rothenberg in Beverly Hills Superior Court, and obtained a favorable settlement for his then clients, Anthony Rogell and Hughes Rogell Heritage, a California corporation. This case was Hughes Rogell Heritage v. First Century Bank, Alan Rothenberg et al., LASC Case No. SC085434, heard and adjudicated in the Beverly Hills courthouse.

67. Shortly before the settlement, Defendant ROTHENBERG threatened DYDZAK at the latter's office after ROTHENBERG's deposition by almost hitting DYDZAK and stating: "I'm going to get you." DYDZAK subsequently found out that this statement referred to Defendant ROTHENBERG's substantial influence with Scott Drexel, the Chief Trial Counsel, and State Bar hierarchy.

68. Plaintiff is informed and believes, and thereon alleges, that Defendant ROTHENBERG retaliated against Plaintiff

by using his political influence as "State Bar royalty" and a State Bar "insider" by communicating with Drexel and the Office of Enforcement to persuade it to file disciplinary charges against DYDZAK. Thereafter, the Chief Trial Counsel's Office in its disciplinary charges fabricated evidence, distorted and twisted evidence and facts, and misstated the law, including invading federal court jurisdiction, in order to unfairly prosecute DYDZAK.

69. One of the State Bar prosecutors, Eli Mortgenstern, even admitted to DYDZAK that the charges against him were "political". In or about late 2007, Mortgenstern indicated that he had his marching orders from higher-ups to prosecute Plaintiff and pursue DYDZAK on any client grievance or complaint, even if completely meritless.

70. In disbarring DYDZAK, Defendant SUPREME COURT did not allow DYDZAK oral argument and a written decision on the merits and assessed significant disciplinary costs against him of over $ 15,000.00. The subject disbarment Order is, and was at all times herein mentioned, patently against the Equal Protection and Due Process Clauses of the California and United States Constitutions and the Supremacy Clause.

71. Neither the Clerk of Defendant SUPREME COURT, nor Defendant RONALD GEORGE, nor the State Bar of California ever showed or produced to Plaintiff the original or a true and correct copy of the actual signed disbarment Order re: DYDZAK.

72. DYDZAK found out after his disbarment from credible sources and witnesses that Beth Jay, Esq., the personal attorney for Defendants CANTIL-SAKAUYE and RONALD GEORGE at the

Defendant SUPREME COURT, had unethically and unlawfully placed certain "politically disfavored" attorneys such as DYDZAK on a "hit list" for severe discipline, including disbarment. Moreover, DYDZAK learned after his disbarment that Ms. Jay had illegally, unethically met weekly with the then Chief Trial Counsel of the State Bar of California, Scott Drexel, to "frame" certain disliked attorneys in the disciplinary process, including DYDZAK. Drexel was subsequently fired for abusing his position.

73. The aforesaid credible sources and witnesses also put DYDZAK on notice that Defendant SUPREME COURT does not even consider or read any of the briefs submitted by aggrieved attorneys in disciplinary cases, rubber-stamps the recommendations of the Review Department of the State Bar Court, and has unconstitutionally never granted review since its majority holding in In re Rose (2000) 22 Cal.4th 430 ["ROSE DECISION"]. The majority decision thereof was authored by Defendant RONALD GEORGE.

74. By this action, inter alia, DYDZAK seeks to have the ROSE DECISION declared void, unconstitutional and ultra vires in its application and usage towards DYDZAK and attorneys similarly situated since 2000 and continuing to the present, as alleged and set forth in the Third and Fourth Causes of Action of this First Amended Complaint. Furthermore, DYDZAK's Disbarment Order is void and should be set aside, as there was "fraud upon the court" or "extrinsic fraud", as alleged herein.

75. Plaintiff is informed and believes, and thereon alleges, that Defendants MILLER and GIRARDI are, and were at all

times herein mentioned, well-known attorneys and politically connected "power brokers" within the California State Bar hierarchy and in legal and judicial circles. Similarly, FUJIE, until her recent appointment as a judge to the Los Angeles Superior Court, was a long-time practicing attorney, a former State Bar President and politically connected.

76. Plaintiff is informed and believes, and thereon alleges, that Defendants RONALD GEORGE, ERIC GEORGE and others, by and through their "banker", Defendant ROTHENBERG, were involved in the theft, misappropriation, misuse, conversion and money-laundering of taxpayers monies and bar funds belonging to the State of California, California Bar Foundation, State Bar of California, California Judicial Council and California Administration of the Courts (AOC). DYDZAK did not discover this information until in or about mid-July, 2011, when he happened to peruse and research various media sources and public records related to Defendant ERIC GEORGE, 1st CENTURY BANK, Defendant ROTHENBERG and 1st CENTURY BANCSHARES, INC.

77. In or about mid-July, 2011, certain witnesses also came forward and advised DYDZAK also about the startling and illegal financial improprieties and conduct, as alleged and described in Paragraph 76 herein.

78. Upon information and belief, Defendant FUJIE is, and was at all times herein mentioned, well cognizant of the aforesaid financial corruption and misuse of funds before, during the period and after she was President of the State Bar of California from 2008-2009. Nevertheless, upon further

information and belief, while she was State Bar President and afterwards, Defendant FUJIE, in order to gain personal advantage and influence and benefit her law firm, turned a blind eye to and acquiesced in the laundering, conversion, kickbacks and misappropriation of taxpayer, AOC, Judicial Council, state bar foundation and state bar monies, as herein alleged. In derogation of her ethical and professional duties and responsibilities as an attorney, Defendant FUJIE did not report the financial transgressions and misconduct by Defendant RONALD GEORGE and others, including, without limitation, said unlawful conduct by state bar employees and individuals connected to the California Judicial Council and AOC, such as Defendant JUDY JOHNSON.

79. Plaintiff is informed and believes, and upon such information and belief alleges, that, flagrantly acquiescing in and continuing the cover-up of the aforementioned financial mismanagement and conversion, FUJIE is presently Vice-President of the California Bar Foundation with ARNOLD managing partner, Douglas Winthrop. Winthrop was previously a partner or director of Defendant HOWARD RICE. Defendant FUJIE's ongoing participation with the Foundation is unethical and unlawful. FUJIE is no longer an attorney but a sitting Los Angeles Superior Court Judge. She cannot therefore be involved in California Bar activities except for CEB educational purposes or as a speaker at a seminar on legal topics. Upon further information and belief, Defendant FUJIE also unethically and illegally sits on a commission or administrative body with

Defendants GIRARDI and ERIC GEORGE selecting judges for the Los Angeles Superior Court—a clear conflict of interest since she is now a judge of said Court. As well, Defendant FUJIE is actively a member of the Chancery Club, raising ethical concerns and conflicts of interests now that she is a sitting judge.

80. Plaintiff is informed and believes, and thereon alleges, that Defendants ERIC GEORGE and GIRARDI, were able to influence and vote for Defendant FUJIE's appointment to the bench because of her acquiescence to the aforementioned unlawful activities, which activities these Defendants condoned.

81. When DYDZAK informed Defendant FUJIE about the misconduct of State Bar Judge Miles towards him in or about mid-2009, Defendant FUJIE blew him off in a curt telephone conversation and advised him she could do nothing about the matter. Defendant FUJIE further stated that her tenure as State Bar President would soon be ending. Defendant FUJIE claimed she had no influence with the Board of Governors of the State Bar of California to inquire into Miles' misconduct.

82. DYDZAK did not know at the time of this conversation that Defendant FUJIE was part of the ongoing cover-up of the financial corruption rampant in the State Bar hierarchy and the money-laundering and conversion of taxpayer, judicial council and bar funds by Defendants RONALD GEORGE, ERIC GEORGE and ROTHENBERG, as herein alleged. DYDZAK further did not know at the time of his conversation with Defendant FUJIE that Defendant FUJIE was and is close, intimate friends with Defendants RONALD GEORGE, ERIC GEORGE, ROTHENBERG, GIRARDI and MILLER through her

bar activities and her involvement with Bet Tzedek, the predominantly jewish legal and charity organization, and the downtown LA legal fraternity, the Chancery Club.

83. Like Defendant FUJIE, Defendant MILLER turned a blind eye to the illegal financial shenanigans and misconduct alleged above while he was State Bar President for the term 2009-2010. When DYDZAK attempted to talk to Defendant MILLER a few months after his conversation with Defendant FUJIE about the misconduct of State Bar Judge MILES, Defendant MILLER arrogantly stated to him:"I can't talk to you" and hung up the phone.

84. Plaintiff is informed and believes, and thereon alleges, that Defendant MILLER is, and was at all times herein mentioned, intimate friends with Defendant FUJIE, Defendants GIRARDI, RONALD GEORGE, ERIC GEORGE and ROTHENBERG, and heavily involved in Defendant BET TZEDEK . Defendant MILLER is and was a member of the Chancery Club. Moreover, like Defendant FUJIE, Defendant MILLER has and had no interest in assisting DYDZAK with respect to the irregular and illegal bar proceedings against Plaintiff, because said Defendant was and is part of the cover-up of the unlawful financial dealings of the GEORGES and ROTHENBERG, as herein alleged.

85. Moreover, Plaintiff is informed and believes, and thereon alleges, that Defendant ERIC GEORGE and Defendant MILLER's law firm, GIRARDI and KEESE, have been and are co-counsel on many legal cases and therefore Defendant MILLER has a vested interest in keeping the GEORGES happy and not upsetting the lucrative and influential apple cart that benefits him and

Defendant GIRARDI.

86. Plaintiff is informed and believes, and thereon alleges, that Defendant GIRARDI rigged the election for the State Bar Presidency for his partner, Defendant MILLER, in or about 2009, through influence peddling and bribes, in complicity with Defendants DUNN and FUJIE, to ensure that Defendant MILLER was elected unopposed. Upon further information and belief, all other candidates dropped out of the race, and Defendant MILLER became State Bar President by unopposed acclamation.

87. Plaintiff is informed and believes, and thereon alleges, that Defendants GIRARDI and MILLER, operating through the law firm GIRARDI & KEESE based in Los Angeles and San Bernardino, have for years engaged in the following unlawful and unethical conduct, without limitation: (a) money laundering, conversion and misappropriation of client and Bar funds; (b) giving financial incentives, illegal contributions and kickbacks to certain attorneys and judges to influence the outcome of cases and the selection of judges for the state judiciary; (c) free jet airfare, expensive meals and hotel/tourist junkets to California state bar officials and judges, such as Defendant RONALD GEORGE, Scott Drexel, Defendant FUJIE and Defendant DUNN; and (d) had and have improper, extrajudicial communications and contacts with individuals such as Sarah Overton, Esq., Beth Jay, Drexel, Defendant ERIC GEORGE, Defendant RONALD GEORGE, Defendant ROTHENBERG, A. Howard Matz, Stephen V. Wilson, Margaret Morrow and Mariana Pfaelzer to affect the prosecution and outcome of disciplinary cases.

88. Upon information and belief, Defendants MILLER and

GIRARDI were able to gain such influence by virtue of their being former members of the Judicial Council, their major friendships, professional relationships and association and financial ties with Defendant FUJIE, Defendant RONALD GEORGE, Defendant CANTIL-SAKAUYE, Defendant ROTHENBERG, Howard Rice operatives, JEROME FALK and DOUGLAS WINTHROP, Defendant ERIC GEORGE and several members of the state and federal judiciary, especially in Los Angeles County, State of California.

89. Upon further information and belief, at all times herein mentioned, Defendants MILLER and GIRARDI are and were extremely active in State Bar and California Bar Foundation matters, and influencing certain judges and bar officials from their base at the GIRARDI & KEESE law firm and from the "establishment" Chancery Club in downtown Los Angeles. Defendants MILLER and GIRARDI, upon information and belief pending discovery, place their monies in and have bank accounts at Defendant ROTHENBERG's entities, 1st CENTURY BANK and 1st CENTURY BANCSHARES, INC. Defendants MILLER and GIRARDI are, and were at all times herein mentioned, close to Defendants WILSON and MATZ through their legal work and activities with jewish charities in Los Angeles and elsewhere.

90. Upon reasonable information and belief, approximately a year and a half ago, Defendant GIRARDI bragged to a shocked female attorney, Michelle Spiritos, in his Los Angeles office that he could rig and influence state bar disciplinary cases due to his friendships and political and financial connections to the State Bar of California, the Chief Trial Counsel's Office, and certain members of the state and federal judiciary. After

making such a representation, Defendant GIRARDI proceeded to show such influence by calling federal judge Margaret Morrow and Scott Drexel directly, ostensibly to discuss a state bar matter or function.

91. Ms. Spiritos recently indicated to Plaintiff in or about early April, 2012, that she did not like Defendant GIRARDI on a personal level and that he had unethical practices, was an inferior attorney and braggart, had questionable accounting practices, and was being sued for malpractice in various cases for negligence and misappropriation of funds by former clients. Nonetheless, Michelle Spiritos advised DYDZAK that she reluctantly went along with dealing with Defendant GIRARDI, because he was a politically connected and established, big-name presence in the Los Angeles and San Bernardino legal communities and his firm was routinely involved in complex litigation. Ms. Spiritos was hopeful she could use his influence with the State Bar of California to have her husband's status as a California attorney restored to active from presently inactive. Ms. Spiritos advised Plaintiff that she was particularly irked that Defendant GIRARDI was behind her husband's name being forged to settlement documents in a major multi-district lawsuit monitored by a Minnesota federal judge. She gave the impression to DYDZAK that Defendant GIRARDI had ripped her and her husband off for attorney's fees on the aforesaid litigation, a class-action she claimed they had initiated.

92. Upon information and belief, in another telling event, in early 2012, Defendant GIRARDI and his law firm got hit with a major malpractice verdict of several million dollars from a Los

Angeles Superior Court jury over their mishandling of a major personal injury case. However, the trial judge declared a mistrial and set aside the verdict. Upon information and belief, through Defendant GIRARDI's and MILLER's influence and political clout with the Los Angeles judiciary, this trial judge subsequently was given a judicial appointment to the prestigious "complex litigation" division of the L.A. Superior Court on Commonwealth Avenue.

93. Major press coverage and public records show that Defendant GIRARDI was recently disciplined and publicly reprimanded by the Ninth Circuit Court of Appeals for unprofessional conduct involving overseas litigation against the DOLE companies. Defendant GIRARDI was also exposed with attorney Jerome Falk for unethically using his influence to not be disciplined by the State Bar of California, along with attorney Walter Lack. The then Chief Trial Counsel for the State Bar of California, Defendant TOWERY, was embarrassed in press coverage that he did not ethically reveal a conflict of interest which existed between Falk, who had been picked by the State Bar as special investigator or prosecutor, and Defendant GIRARDI. This revelation led in part to Defendant TOWERY's hasty decision to resign as Chief Trial Counsel after only one year of service in that position.

94. Plaintiff is informed and believes, and thereon alleges, that, at all times relevant hereto, Defendants MILLER and GIRARDI, Defendant ROTHENBERG, HOWARD RICE operatives, Kenneth Hausmann, Bernard A. Burk, Sean Selegue, Jerome Falk and Douglas Winthrop had improper and unethical communications and

contacts with Scott Drexel, Beth Jay, Donald F. Miles, Stephen V. Wilson, A. Howard Matz, and others to ensure that DYDZAK was severely disciplined and disbarred in the State of California and certain federal courts.

95. Plaintiff is informed and believes, and thereon alleges, that Defendant BET TZEDEK is, and was at all times herein mentioned, used as a vehicle by Defendants ROTHENBERG, ERIC GEORGE and RONALD GEORGE to money-launder and hide certain of the misappropriated and converted sums by the GEORGES, since Defendant BET TZEDEK has major bank accounts in Defendant ROTHENBERG's financial institutions, 1st CENTURY BANK and 1st CENTURY BANCSHARES, INC.

96. Plaintiff is informed and believes, and thereon alleges, that Defendant FUJIE, her former law firm, BUCHALTER, NEMER, Defendants GIRARDI and MILLER, Defendant ERIC GEORGE, Margaret Morrow, Mariana Pflazer, Jerome Falk, A. Howard Matz, Stephen V. Wilson and Defendant RONALD GEORGE, have, and had at all times relevant hereto, bank accounts and other financial holdings at Defendant ROTHENBERG's financial institutions, FIRST CENTURY BANK and 1st CENTURY BANCSHARES, INC. Upon information and belief, the accounts controlled by Defendants ERIC GEORGE and RONALD GEORGE contain unlawful monies and funds converted and misappropriated from the taxpayers of California, the State Bar Foundation, the AOC and the State Bar of California.

97. Upon information and belief, because Defendants ERIC GEORGE and RONALD GEORGE are, and were at all times herein mentioned, beholden to their banker, Defendant ROTHENBERG, to hide and process their illicit and stolen monies, as herein

alleged, and are further 10 percent or more equity owners of ROTHENBERG's financial entities, clearly Defendant RONALD GEORGE had no incentive to be fair and impartial towards DYDZAK with respect to any rulings by him in DYDZAK's state bar proceedings. As well, Plaintiff is informed and believes, and thereon alleges, that Defendant ERIC GEORGE has been since 2008 a director of 1st CENTURY BANCSHARES, INC. with major stock therein, per public and SEC documents and BANCSHARES' own public records. The GEORGES were, upon information and belief, original investors in or about 2004. Also noteworthy, upon information and belief, Defendant ERIC GEORGE's law partners, Allan Browne and Peter Ross, were original investors in Defendant ROTHENBERG's bank entities in or about 2004.

98. Plaintiff is informed and believes, and thereon alleges, that Defendants RONALD GEORGE and ERIC GEORGE have converted and allowed the conversion and misappropriation of millions of dollars of taxpayer funds and monies of the State of California, California Bar Foundation and AOC. For example, in a transaction or transactions implicating Defendant DUNN in financial misconduct along with the GEORGES, approximately $ 780,000.00 or more was misappropriated through the sham, non-profit entity, CaliforniaALL. Upon information and belief, Defendant RONALD GEORGE, while Chief Justice of Defendant SUPREME COURT, used his control and supervision of the Judicial Council and AOC as a means to garner California taxpayer monies and surreptitiously convert and misappropriate vast sums to his own personal use, enrich persons who allowed such illicit agenda, such as Defendant ERIC GEORGE, ran up major bills on his

expense accounts out of AOC funds for his own personal use, and used Defendant ROTHENBERG and his bank entities for the purpose of the aforementioned fraudulent and nefarious scheme.

99. Defendant ERIC GEORGE is, and was at all times herein mentioned, no stranger to being affiliated with shady characters and engaging in misconduct. Plaintiff is informed and believes, that, in or about 2007, he and his partners, Allan Browne and Peter Ross, were associated and partners with disgraced New York attorney, Mark Dreier, out of offices in Santa Monica and Century City. Dreier, of 60 Minutes fame, perpetrated a 380 Million Dollar, Madoff-like Ponzi scheme involving stolen hedge fund monies, was disbarred and received a twenty year jail sentence. Defendant ERIC GEORGE was well aware of Dreier's machinations. In another recent incident, in or about 2009, Defendant ERIC GEORGE was implicated with the Los Angeles Sheriff's Department in condoning its illegally obtaining the private and confidential telephone records of TMZ founder, Harvey Levin. And in most recent events, as reported by the media, a company has filed a major malicious prosecution claim against Defendant ERIC GEORGE and his law firm for alleging "meritless, corrupt and false allegations of theft" re: Guess, Inc. co-founder, Georges Marciano.

100. Defendants ROTHENBERG, GIRARDI, MILLER, FUJIE and Jerome Falk benefited from their "cozy" relationship with Defendant RONALD GEORGE. For example, Defendants GIRARDI and ROTHENBERG were, at various times, members of the Judicial Council and appointed by Defendant RONALD GEORGE. FUJIE recently

got appointed to the Los Angeles Superior Court. Falk and other HOWARD RICE attorneys received preferential rulings from Defendant SUPREME COURT under GEORGE's tenure. Falk received significant fees as a special prosecutor in the Girardi and Walter Lack disciplinary matter before the Ninth Circuit Court of Appeals, without divulging conflicts of interest. Defendants GIRARDI and MILLER have, and had at all times herein mentioned, influence as to which California attorneys get appointed to the federal and state judiciary. In fact, Defendant GIRARDI likes to spread the word that he, of Italian-American heritage, is akin to a "Godfather" bestowing favors--for instance, his and his wife's large contributions to judicial nominees and politicians such as Senator Patrick Leahy of the Judiciary Committee.

101. Plaintiff is informed and believes, and thereon alleges, that Defendant ERIC GEORGE has hidden and laundered substantial amounts of illicit funds and monies for his father, Defendant RONALD GEORGE, through 1st CENTURY BANK and 1st CENTURY BANCSHARES, INC., with ROTHENBERG's unlawful blessing, supervision and assistance. Upon further information and belief, Defendant ERIC GEORGE has been amply rewarded by Defendant ROTHENBERG for such conduct by receiving income, stock ownership, dividends and directorship status with his bank, 1st CENTURY BANK and/or 1st CENTURY BANCSHARES, INC.

102. Plaintiff is informed and believes, and thereon alleges, that much of the aforementioned income and other financial incentives to Defendant ERIC GEORGE came about in the fall of 2008 onward, whilst Plaintiff was bringing up the issue

of Defendant ROTHENBERG's misconduct towards him and litigating in the State Bar Court, Defendant SUPREME COURT and federal courts to save his California bar license and his standing as a federally licensed attorney in a number of jurisdictions. Until approximately July, 2011, DYDZAK did not know, upon information and belief, about the extensive influence-peddling and improper ex parte communications and contacts between Defendant CANTIL-SAKAUYE, Defendant RONALD GEORGE, Defendant ERIC GEORGE, Stephen V. Wilson, A. Howard Matz, Beth Jay, Defendant ROTHENBERG, Defendant GIRARDI, Defendant MILLER, Defendant FUJIE, Scott Drexel and others to obstruct that process. These individuals are, and were at all times herein mentioned, well aware that Defendant RONALD GEORGE should not have ruled on matters involving DYDZAK'S disciplinary case because he and his son, ERIC, had financial interests and other factors adverse to DYDZAK, demonstrating his bias and conflicts of interest towards DYDZAK or the appearance of same. The breach of judicial ethics by Defendant RONALD GEORGE and attorney ethics by Defendant ERIC GEORGE are obvious.

103. Plaintiff is further informed and believes, and thereon alleges, that much of the AOC funds and monies converted by Defendant RONALD GEORGE resulted because he was never or not sufficiently audited while Chief Justice of Defendant SUPREME COURT. Moreover, upon information and belief, during Defendant GEORGE's tenure, and continuing to the present under the watch of Defendant CANTIL-SAKAUYE, the monies from criminal fines and traffic fines in the Los Angeles Superior Court illegally and

improperly find their way into AOC coffers, are not properly accounted for and audited, and were illegally siphoned off by Defendant GEORGE, with the knowing participation of Defendants ROTHENBERG, ERIC GEORGE and GIRARDI.

104. At all times relevant hereto, Plaintiff is informed and believes, and thereon alleges, that Defendant ERIC GEORGE was used as a conduit and "front" to transfer Defendant RONALD GEORGE's illicit gains to him in the form of major ownership, funds and stock in 1st CENTURY BANK and 1st CENTURY BANCSHARES, INC. Upon further information and belief, much of Defendant ERIC GEORGE's holdings in 1st CENTURY BANK and 1st CENTURY BANCSHARES, INC. are in fact the ill-gotten and unlawful funds converted and misappropriated by Defendant RONALD GEORGE, as herein alleged. Major financial irregularities with respect to California taxpayer monies overseen by Defendants RONALD GEORGE and CANTIL-SAKAUYE, mainly through the AOC, have recently been highlighted in newspapers such as the Sacramento Bee and media blogs such as the Leslie Brodie Report.

105. Upon information and belief, an Independent Alliance of Superior Court Judges ("ALLIANCE"), numbering 400 or more California judges, along with numerous members of the California Legislature, have pushed for legislation that control of the financial strings of the AOC and Judicial Council be taken away from Defendant CANTIL-SAYAUYE and Defendant SUPREME COURT. The subject bill has been passed by the California Assembly (AB 1208), but is being held up in the Senate by Darrell Steinberg, a law school friend of Defendant CANTIL-SAYAUYE and an ally of

Defendant DUNN. The final passage of this financial reform bill into law has been unduly delayed in the California Senate, through extensive and unbecoming lobbying by Defendant CANTIL-SAKAUYE. To "hold onto the money", she unconvincingly claims the California Legislature is interfering with Defendant SUPREME COURT's Separation of Powers. Upon information and belief, she has promised Steinberg her efforts to get him appointed to the Court of Appeal in the future if he obstructs passage of AB 1208 into law. By contrast, ALLIANCE is aware of the aforesaid financial corruption and mismanagement of funds, and has strongly voiced its ongoing dissatisfaction with the disturbing situation.

106. Plaintiff is informed and believes, and thereon alleges, that Defendant DUNN has benefited tremendously and financially from the misappropriation and laundering of AOC funds, knowing full well and turning a blind eye to the misconduct of the GEORGES and ROTHENBERG herein alleged.

107. Defendant DUNN has the full support of Defendant CANTIL-SAKAUYE in this cover-up. Upon information and belief, Defendant CANTIL-SAKAUYE tolerates the situation and does not want an independent, thorough and fair audit by the State of California or Governor Jerry Brown's office because it would reveal the widespread financial corruption and conversion by the GEORGES and ROTHENBERG, as herein alleged. Moreover, upon information and belief, Defendant CANTIL-SAKAUYE may herself have concerns about an independent, thorough and fair audit by the State of California or Governor Jerry Brown's office because

she is possibly sending suspect monies to the Philippines, her ancestral homeland, through an influential and connected financial advisor or middleman in Beverly Hills, California. Upon information and belief, this advisor or middleman is the same person whom Imelda and Ferdinand E. Marcos used to illegally move around funds absconded from the Philippines government and people.

108. Plaintiff is informed and believes, and thereon alleges, that Defendant DUNN was a former Senator in the state legislature and received campaign benefits, contributions and lobbying fees related to the State Bar of California for maintaining the corrupt "status quo." As presently Executive Director of the State Bar of California, he is also allowed to continue his law practice in Anaheim at the same time, picking up tremendous lobbyist and attorney's fees to hide the financial mismanagement and conversion of AOC, state bar and taxpayer funds, as herein alleged. In addition, being an active practicing attorney and Executive Director at the same time raises ethical and conflict of interest implications.

109. Defendant DUNN is, and was at all times herein mentioned, well aware of the unlawful disbarment of DYDZAK. While he marginally cleaned up shop to look politically correct and ridded the Chief Trial Counsel's office of certain unethical and unscrupulous state bar attorneys implicated in misconduct in DYDZAK's disciplinary proceedings, such as Victoria Molloy and Russell Weiner, he did nothing at all to assist DYDZAK in being reinstated as an attorney in the State of California despite

demand therefor by Plaintiff.

110. Like Defendant DUNN, Defendants CANTIL-SAKAUYE, RONALD GEORGE, ERIC GEORGE, ROTHENBERG, BABCOCK and others, who have benefitted career-wise, politically and financially, from not disrupting the illicit, now entrenched state of affairs set in motion by Defendant RONALD GEORGE over a decade ago, as herein alleged, fear the AOC and Judicial Council being abolished or taken over by the Legislature. They fear what a thorough, fair and independent audit would reveal.

111. Upon information and belief, Defendant RONALD GEORGE would never allow reputable, honest accountants to fully access and review AOC monies he handled while Chief Justice for the administration of the California judiciary. Defendant CANTIL-SAKAUYE, upon information and belief, apparently continues in this vein of non-access to financial records.

112. Plaintiff is informed and believes, and thereon alleges, that Defendant CANTIL-SAKAUYE owes her ascendancy as Chief Justice to Defendant RONALD GEORGE. Other qualified candidates for Chief Justice were passed over, because Defendant RONALD GEORGE knows, and knew at all times herein mentioned, that Defendant CANTIL-SAKAUYE would not expose his mismanagement, conversion and misappropriation of funds, as herein alleged. Now, ALLIANCE judges have justifiably revolted against her and her business-as-usual cover up. Defendant CANTIL-SAKAUYE fears losing her financial clout and having exposed the financial mismanagement, conversion and misappropriation of government and taxpayer funds by Defendant

RONALD GEORGE and others, as herein alleged.

113. The injustice done to Plaintiff does not end with the machinations and unlawful conduct of Defendant RONALD GEORGE, ERIC GEORGE and others, as hereinbefore alleged. Defendants SCHWAB and DW, in complicity with Defendant KATHRYN WERDEGAR, have also injured Plaintiff and entered DYDZAK's life path, to his severe damage and detriment.

114. Plaintiff is informed and believes, and thereon alleges, that Defendant SCHWAB is, and was at all times herein mentioned, active in the CHARLES SCHWAB FOUNDATION and has himself and through this Foundation and other related companies made major financial and charitable contributions in the San Francisco-Bay area. Upon information and belief, these contributions include major monies paid to and benefiting his long-time friends Defendants KATHRYN WERDEGAR and DW, her husband-doctor.

115. In or about mid-February, 2012, upon information and belief, Plaintiff first discovered that Defendant DW's Institute on Aging, a major medical center and facility in San Francisco, receives, and has received at all times relevant hereto, millions of dollars in contributions and monies from Defendant SCHWAB over the last ten (10) years or more, including in or about May, 2010. Until very recently, whereby Defendant DW is alleged to have retired from said Institute on Aging, Plaintiff is informed and believes, and thereon alleges, that Defendant DW was long-time CEO thereof and received considerable income, stock and other financial benefits and incentives, directly or indirectly, from Defendant SCHWAB or his Foundation, including

in or about May, 2010. The aforesaid financial consideration and monies benefitted both Defendant DW and Defendant KATHYRN M. WERDEGAR, including in or about May, 2010. Another starting financial conflict of interest for Defendants DW and Defendant KATHRYN M. WERDEGAR, upon information and belief, is that the Institute on Aging is an entity funded by and associated with Mount Zion Hospital in the Bay area. Upon information and belief, Mount Zion Hospital has been a client of Defendant HOWARD RICE and is now a client Defendant ARNOLD & PORTER.

116. Plaintiff is informed and believes, and thereon alleges, that Defendants SCHWAB, DW and KATHRYRN M. WERDEGAR were aware in or about May, 2010, and at all other times relevant hereto, that Defendant SCHWAB's financial contributions and monies to Defendant DW also clearly benefited Defendant KATHYRN M. WERDEGAR. Upon information and belief, Defendants SCHWAB, DW and Defendant KATHRYN M. WERDEGAR discussed and were also aware in or about May, 2010, and at all other times relevant hereto, that DYDZAK's disciplinary proceedings were pending for adjudication and consideration by Defendant SUPREME COURT. These Defendants, and each of them, were further cognizant that Defendant DW's financial dealings with Defendant SCHWAB created an ethical and judicial conflict of interest for Defendant KATHRYN M. WERDEGAR. This conflict arose because DYDZAK had previously represented one Shanel Stasz in LASC litigation, had sued CHARLES SCHWAB & CO., one of SCHWAB's prior attorneys, Bernard A. Burk, and the Estate and Living Trust of SCHWAB's co-founder, Hugo Quakenbush. Defendant KATHRYN WERDEGAR, in not disqualifying herself in DYDZAK's disciplinary

case, for bias and conflict of interest, or the appearance of same, violated her oath as a judge and aided and abetted both Defendants DW and SCHWAB to injure Plaintiff.

117. Plaintiff is informed and believes, and thereon alleges, that Defendant SCHWAB was well aware that DYDZAK knew through representing Stasz that he had committed major SEC violations which could lead to his civil and/or criminal prosecution. Defendant SCHWAB further knew, upon information and belief, that DYDZAK had incriminating information about his hidden-from-view homosexuality which could prove embarrassing to him in social and financial circles. As well, Defendant SCHWAB further detested Ms. Stasz because he had earlier incurred significant legal fees and costs fighting her litigation against her ex-fiancé, the late Hugo Quakenbush, and co-founder of CHARLES SCHWAB & CO. Upon information and belief, Defendant SCHWAB had in fact contributed to Stasz's receiving a major settlement in said litigation. Further, upon information and belief, by fueling monies to the Werdegar couple through his Foundation or related companies, under the guise of contributions to the Institute on Aging, Defendant SCHWAB knew that Defendant KATHRYN M. WERDEGAR could and would be influenced and compromised in ruling on DYDZAK's proceedings in Defendant SUPREME COURT. Thus, Defendant SCHWAB yielded his financial support to and relationship with the Werdegars and Bar-connected attorneys at HOWARD RICE, such as Jerome Falk, Bernard A. Burk and Douglas Winthrop, to assist him in destroying DYDZAK's legal career.

118. In or about mid-February, 2012, upon information and belief, Plaintiff discovered that Defendant SCHWAB's attorneys at MORRISON & FOERSTER ("M&F") in San Francisco gave, and continue to give, considerable financial support, monies and contributions to Defendant DW and his Institute on Aging. Plaintiff is further informed and believes, and thereon alleges, that this financial support, monies and contributions have benefited Defendant DW and his wife, creating another conflict of interest and bias for Defendant KATHYRN M. WERDEGAR towards DYDZAK. Since Defendant SCHWAB, behind the scenes, had earlier used his influence and financial clout to get DYDZAK disciplined and disbarred, through his attorneys at HOWARD RICE, Defendant WERDEGAR has, and had at all times herein mentioned, a bias and conflict of interest, or the appearance of same, in ruling on DYDZAK's disciplinary matters before Defendant SUPREME COURT.

119. Upon recently discovered information in or about the latter part of April, 2012, M & F apparently has a Foundation that may also have given monies to the Institute on Aging. Discovery on this point will be conducted in the within litigation.

120. Upon information and belief, the failure by Defendant KATHRYN M. WERDEGAR to disclose her and her husband's financial relationship and friendship with Defendant SCHWAB and her friendships and relationship with HOWARD RICE and Morrison & Foerster attorneys, Defendant SCHWAB's main counsel in numerous legal matters, is, and was at all times herein mentioned, an

ethical breach of the highest order towards DYDZAK, especially since Defendant SUPREME COURT was called upon to consider and adjudicate several writs and a motion to reopen his disciplinary case from in or about November, 2008 to on or about February 15, 2012.

121. In particular, Defendants KATHRYN M. WERDEGAR, CANTIL-SAKAUYE and the other Associate Justices of Defendant SUPREME COURT perpetrated a "fraud upon the court" or "extrinsic fraud" in not reopening DYDZAK's disciplinary case (Case No. S179850) and reinstating him as an attorney when the misconduct of Defendant RONALD GEORGE and his financial conflicts of interest with Defendant ERIC GEORGE and ROTHENBERG were brought to their attention on or about January 11, 2012. Because of their relationship and close friendship with Defendant RONALD GEORGE, Defendant SUPREME COURT should have referred this reinstatement motion to seven (7) independent, Article VI judges of the Court of Appeal.

122. A true and correct copy of the "Fraud Upon the Court" Reinstatement Motion is marked and attached hereto as Exhibit "A" and made a part hereof by reference. Exhibit "A" was filed on the docket of Defendant SUPREME COURT on or about January 11, 2012.

123. Exhibit "A" was UNOPPOSED by the State Bar of California.

124. On or about January 23, 2012, DYDZAK submitted a proposed Order. A true and correct copy of said proposed Order is marked and attached hereto as Exhibit "B" and made a part

hereof by reference.

125. After a number of filed requests by DYDZAK for a ruling forthwith, Defendant SUPREME COURT denied the Motion on or about February 15, 2012, without any explanation nor reasoned decision or Order, and without affording DYDZAK oral argument. The language on the pleading was: "The motion to reopen the disciplinary proceeding filed on January 11, 2012 is denied."

126. The aforesaid 2/15/2012 Order is, and was at all times herein mentioned, invalid, unconstitutional and void ab initio, inter alia, because Defendant SUPREME COURT covered up the corruption and misconduct of Defendant RONALD GEORGE, violated due process, involved Associate Justice WERDEGAR who should have disqualified herself, and was not a signed and dated Order by Defendant CANTIL-SAKAUYE.

127. On or about May 12, 2010, the date that DYDZAK was summarily and illegally disbarred, Plaintiff was assessed purported disciplinary costs of $ 15,209.31. At all times herein mentioned, at no time whatsoever, and continuing to the present, Defendant SUPREME COURT and the State Bar of California did not provide DYDZAK with a cost bill nor itemization pertaining to said claimed costs which he could contest. As the costs of $15,209.31 constitute a penal or criminal fine, and DYDZAK contends his disbarment is unlawful, DYDZAK is, and was at all times herein mentioned, entitled to a jury trial under both the U.S. and California Constitutions to contest said costs. Further, DYDZAK contends that, under well-established precedent, the standard of proof in such jury trial would be "beyond a reasonable doubt".

128. On or about February 15, 2012, Plaintiff received correspondence from an alleged agency or entity entitled California Combined Courts Judicial Recovery Unit ("CCCJRU"), alleging that $ 15,209.31 was owed either to it or their purported referring client, State Bar of California. Said correspondence made no required reference that this is an attempt to collect a debt and that Plaintiff has a certain amount of statutory time to contest the debt.

129. On or about February 17, 2012, after several phone calls to 877-892-0324 which were repeatedly not answered, Plaintiff reached an individual, identifying herself as a Ms. Marlowe. She claimed that CCCJRU was a legitimate collection agency located in Colorado. Ms. Marlowe refused to give her full legal name to Plaintiff. DYDZAK advised her that his review of Secretary of State records with the State of Colorado revealed that no such entity existed, either as a company, partnership, corporation or fictitious business person. Plaintiff further advised her that it appeared that CCCJRU was engaged in fraudulent and deceptive collection practices, that he contested the purported debt, and that there was no "Default Judgment" against him, as represented in the aforementioned correspondence. Ms. Marlowe grew irritated at these statements and would not speak to Plaintiff further about the matter.

130. On or about February 17, 2012, DYDZAK subsequently found out that the fraudulent moniker, CCCJRU, is apparently a front for Wakefield & Associates, a collection agency based out of the State of Colorado. Plaintiff left two messages with representatives or employees of Wakefield & Associates to

contact him to discuss the purported debt. In bad faith and unlawfully, these messages were not returned.

131. Plaintiff contends that the alleged debt is not a default judgment. He further contends that CCCJRU and Wakefield & Associates have engaged in unfair debt collection practices under the Fair Debt Collection Practices Act ("FDCPA").

132. Plaintiff is informed and believes, and thereon alleges, that from May 12, 2010, and continuing to the present, Defendants GEORGE, MORENO, CANTIL-SAKAUYE, KENNARD, BAXTER, WERDEGAR, CHIN, LIU, CORRIGAN and SUPREME COURT, and each of them, in concert with Defendant OVERTON, have knowingly perpetrated a financial scam and assessed and adopted the illegal collection practices of the purported cost assessment against DYDZAK to injure him financially, cause him emotional distress and trauma, ruin his credit rating and otherwise violate his civil and constitutional rights. Said Defendants knew, or should have known, upon reasonable inquiry and investigation, that CCCJRU is not a valid legal entity, that the State Bar of California and Defendant SUPREME COURT has and had no legal right to pursue costs against DYDZAK in view of his illegal disbarment, and that DYDZAK was denied his fundamental constitutional right to contest this criminal or penal fine in front of a jury.

132. Plaintiff is informed and believes, and thereon alleges, that on or about February 21, 2012, an improper, unlawful and baseless search and seizure ["FISHING EXPEDITION SEARCH AND SEIZURE"], without any reasonable or probable cause, was conducted by agents and officers of the Yolo County District

Attorney's office. FISHING EXPEDITION SEARCH AND SEIZURE was effectuated upon a male writer, journalist, investigative reporter and researcher ("JOURNALIST"), exact identity unknown. Upon further information and belief, JOURNALIST is, and was at all times herein mentioned, a man of great principle, ethics, integrity and spirituality, living in said County and working for, writing for and associated with the Leslie Brodie Report ("LBR") and other related publications and journalistic blogs, disseminated primarily on the Internet. LBR writings and research materials, emails and documents from sources, are, and were at all times herein mentioned, clearly privileged and protected by the Reporter's Shield statutes of California and other applicable law.

133. A true and correct copy of the Search Warrant and Affidavit pertaining to the foregoing is marked and attached hereto as Exhibit "C" and incorporated by reference herein.

134. Plaintiff is informed and believes, and thereon alleges, that LESLIE BRODIE ("LB") is, and was at all times herein mentioned, a well-respected journalist and reporter based out of London, England, whose articles and publications are widely distributed and disseminated, primarily on the World Wide Web, not only to the California public but an international audience of millions. Upon information and belief, JOURNALIST is but one of several journalists and writers writing articles and providing information to LB and LBR.

135. LBR is of particular interest to attorneys, judges and others in the legal arena and concerned with the fair administration of justice, because many of its writings are

devoted to subjects, such as judicial and attorney corruption, the workings of Defendant SUPREME COURT, the State Bar of California, the California Bar Foundation, the Judicial Council, the California Legislature, profiles on jurists and attorneys, and the results of litigation, with behind-the-scenes coverage which is often not reported by traditional media outlets. As a result of such scrutiny and investigative reporting, LBR has sometimes been, regrettably, the subject of hostile and antagonistic reactions from persons being profiled for their unlawful and unethical actions, including high-level government officials and attorneys. Upon information and belief, LB and LBR aim to disclose misconduct and illegal actions by jurists, attorneys and individuals who betray the public trust and act not judiciously. Plaintiff is informed and believes, and thereon alleges, that LBR coverage has contributed to the resignation or firing of key persons from the judiciary and State Bar of California, including, without limitation, Defendant RONALD GEORGE and Defendant JOHNSON.

136. Plaintiff is informed and believes, and thereon alleges, that JOURNALIST was improperly detained at his Yolo County residence on the day of the FISHING EXPEDITION SEARCH AND SEIZURE. His personal computer was confiscated and all his LBR work product and confidential and privileged journalist and reporter writings and materials were seized. JOURNALIST informed Plaintiff shortly after the raid by some five or six personnel that all of Plaintiff's written communications and emails to him and LBR, as well as DYDZAK's written work product, such as court pleadings and private, privileged writings and comments to LB

and other third parties and persons [hereinafter collectively "DYDZAK PRIVATE & PRIVILEGED COMMUNICATIONS"], had been illegally seized. JOURNALIST was upset that this event had taken place, and apologized to DYDZAK and others that their privacy rights had been compromised and violated. JOURNALIST further notified DYDZAK that his computer, emails and materials, including DYDZAK PRIVATE AND PRIVILEGED COMMUNICATIONS, have not been returned to him, LBR or LB. To date, even though it has been a numbers of months since the raid, JOURNALIST has not been arrested, arraigned, charged with any purported or actual infraction, misdemeanor or felony, or directed to report to law enforcement or the District Attorney's Office of Yolo County. No criminal charges, upon information and belief, have been filed against JOURNALIST, LB or LBR.

137. Plaintiff is informed and believes, and thereon alleges, that the FISHING EXPEDITION SEARCH AND SEIZURE was nothing more than a blatant, unlawful, unfounded, unjustified and capricious exercise by the complainants identified on Exhibit "C" to identify the sources of JOURNALIST, LB and LBR and illegally obtain their protected work product and materials. These persons are Defendants ENGLISH, HAWLEY, BABCOCK, DUNN, TOWERY, GIRARDI, DICKSTEIN, MILLER, CHANG, JOHNSON, YEE, TORRES-GIL and GRUNBERG and FUJIE [collectively "PRIVACY OFFENDERS"]. Evidently, PRIVACY OFFENDERS have, and had at all times herein mentioned, the misguided, malevolent and wrongful aim of shutting down the LBR by gaining access to confidential and privileged materials, intimidating sources and scaring

JOURNALIST and LB from exercising their legitimate First Amendment rights. Plaintiff has even been advised that the aforementioned individuals have, and had at all times relevant hereto, the untenable notion that Plaintiff was one of the masterminds behind LBR, when LB is and was a legitimate reporter and journalist. The reality is that DYDZAK's privacy and constitutional rights have been egregiously violated by the FISHING EXPEDITION SEARCH AND SEIZURE, as herein alleged.

138. At all times herein mentioned, Plaintiff had an expectation of privacy, especially with respect to his confidential emails to LB. Some of his emails contained privileged litigation strategy and critical statements about defendants he is or was suing, clearly not intended for pubic consumption. The illegal seizing and disclosure of DYDZAK's emails and work product undermine the exercise of his legal remedies and further have the damaging effect of offending his First Amendment and privacy rights.

139. The PRIVACY OFFENDERS have been featured on LBR and its related blogs and sites,articles related to their misconduct, ethical lapses, and fraudulent behavior. Plaintiff is informed and believes, and thereon alleges, that in the past few months, for instance, LBR has reported:

(a) Defendant HAWLEY will not investigate Defendant DUNN on an ethics complaint submitted by LR and falsely claims that the Office of the Chief Trial Counsel has not received it.

(b) Senator John McCain has reported on the troubling,

questionable 26 million dollars in fees charged by Defendant DICKSTEIN to the Thunder Valley Casino.

© Defendant DICKSTEIN and his wife, Defendant ENGLISH, reportedly have conflicts of interest with respect to the Hoover Commission.

(d) Defendant ENGLISH falsely claimed that LB filed a complaint against her with the California Board of Accountancy.

(e) The State Bar of California did not process an ethics complaint against Defendant TOWERY and Jerome Falk, because of their favored, special status with the Bar.

(f) Defendant GIRARDI and his firm were hit with a multimillion dollar malpractice verdict when they mishandled a major personal injury case. This case is now being retried.

(g) Defendants GIRARDI, MILLER and DUNN were involved in the sham charity, CaliforniaALL, where $780,000 or more is reported misappropriated or missing from CA Bar Foundation monies. There then was a cover up by State Bar attorney Jill Sperber pertaining thereto. See Exhibit "D" pertaining to DUNN.

(h) There are reports of money-laundering and overbilling re: Defendant DICKSTEIN related to 18.6 million disappearing from Thunder Valley Casino.

(i) Defendant DUNN's Voice of OC is an on-line publication which was illegally established with California Bar Foundation monies, with the assistance of Defendant GIRARDI and James Brosnahan, a Morrison & Foerster attorney (see Exhibit "D").

(j) Defendants MILLER, GIRARDI and DUNN were all involved in the formation of the sham entity CaliforniaALL, and $780,000 or more is not accounted for in the records of the

California Bar Foundation and the IRS has been ignored thereto.

(k) Defendants BABCOCK, HAWLEY, DUNN, YEE, TORRES-GIL and GRUNBERG are all actively involved in hiding the corruption and incompetence of the State Bar hierarchy, covering up the money-laundering and misappropriation of funds from the AOC and California Bar Foundation, and not disclosing the improper political prosecution of individuals such as DYDZAK. LB has exposed that they tolerate and encourage the OCTC's fabrication and distortion of evidence, inflating disciplinary charges, improper ex parte communications, and multiple due process violations.

Given that PRIVACY OFFENDERS are mostly attorneys plus one judge, it is even more shocking that they would violate the Rule of Law and DYDZAK's privacy rights. Clearly, their motivation towards Plaintiff, aside from damaging him directly, was and is to quash any public disclosure of their misdeeds, continue their pattern of enriching themselves and keeping their employment, with no regard to due process.

140. Plaintiff is informed and believes, and thereon alleges, that Defendant RONALD GEORGE since his retirement from the bench has engaged in improper, extrajudicial communications/ contacts with Beth Jay, Defendant TANI CANTIL-SAKAUYE, Defendant ROTHENBERG and Defendant ERIC GEORGE to ensure that Exhibit "A" was not granted and that DYDZAK was not reinstated to the State Bar of California, despite his "fraud upon the court", as herein alleged. Upon information and belief, this includes conspiring with Defendant ROTHENBERG and Defendant ERIC GEORGE to have them communicate and interact with judges such as William F. Fahey,

Mariana Pfaelzer, Margaret Morrow, Audrey B. Collins, A. Howard Matz and Stephen V. Wilson to affect the outcome of DYDZAK's past and present litigation. DYDZAK has credible evidence and information that Defendant ROTHENBERG is best friend and professionally connected to Judge Stephen V. Wilson. Margaret Morrow, an influential federal District Judge, is friends with the GEORGES and Defendant ROTHENBERG. Federal judge Pfaelzer likewise is friends of the GEORGES and Defendant ROTHENBERG. Pending further discovery, upon information and belief, several, if not all of, these state and federal judges, have financial interests in and accounts with 1st CENTURY BANK and/or its holding company, 1st CENTURY BANCSHARES, INC. Certain of these judges, upon further information and belief, belong with Defendants ROTHENBERG and ERIC GEORGE to the Chancery Club in downtown Los Angeles and socialize with them on a regular basis.

141. Plaintiff is informed and believes, and thereon alleges, that federal judges Audrey B. Collins and Stephen V. Wilson, and their support staff, have actively assisted in "ghostwriting" Orders for the Seattle Judge, John C. Coughenour, who was specially assigned by Chief Judge Alex Kozinski of the Ninth Circuit Court of Appeals to hear and adjudicate DYDZAK V. TANI CANTIL-SAKAUYE et al. Moreover, upon information and belief, these federal judges and their support staff have engaged, and continue to engage in, improper, ex parte and extrajudicial communications concerning DYDZAK, even though they have been disqualified and are parties in the above-referenced

litigation. Upon information and belief, they were influenced to do so because of the GEORGES' and ROTHENBERG's influence over and communications with them. Collins has a history of obstructing the filing and placing of pleadings on PACER with regard to Plaintiff.

142. Plaintiff is informed and believes, and thereon alleges, that in or about November, 2008, and continuing to the present, Defendants SCHWAB and DW communicated concerning DYDZAK and his state bar proceedings before Defendant SUPREME COURT. Furthermore, Plaintiff is informed and believes, and thereon alleges, that the financial dealings between Defendants SCHWAB and Defendant DW, and their close friendships and relationships with HOWARD RICE and M & F attorneys, created a conspiracy between them to harm DYDZAK, as herein alleged.

143. The financial abuses and financial mismanagement of the AOC have been highlighted in recent media stories. On or about April 17, 2012, Judicial Council Watcher, a prominent journalistic blog devoted to writing about issues affecting the California judiciary and legislature, pointed out that the cancelled computer software program promoted by the AOC cost more than a million dollars per state judge. Under the AOC's mismanagement, it was reported that construction costs for new court buildings in California averaged $ 1700 a square foot.

144. Plaintiff has ascertained the true names and capacities of fictitious DOES 7 and 8 named in the original Complaint, Defendants, WILLIAM C. VICKREY ("VICKREY") and RONALD G. OVERHOLT ("OVERHOLT"). By virtue of this First Amended Complaint, and for the purposes of this lawsuit, VICKREY and

OVERHOLT are named parties herein in place and stead of DOES 7 and 8, respectively.

145. Upon information and belief, Defendants VICKREY and OVERHOLT are, and were at all times herein mentioned, residents of the County of San Francisco, State of California. Defendants VICKREY and OVERHOLT are being sued herein in their individual and administrative capacities, and enjoy no government immunity, quasi-judicial or otherwise, from liability for their wrongful actions, as herein alleged.

146. Defendants VICKREY and OVERHOLT are, and were at all times herein mentioned, known in certain circles by the fanciful description, "Lone Ranger and Tonto." Upon information and belief, Defendants VICKREY and OVERHOLT aided and abetted Defendants RONALD GEORGE, ERIC GEORGE and others to steal AOC and other California government and taxpayer monies for their and said other dishonest individuals' personal use and unjust enrichment. Informed sources indicate that Defendants VICKREY and OVERHOLT, with Defendants RONALD GEORGE, ERIC GEORGE and others, entered into unlawful actions and racketeering activity to egregiously loot, misuse, convert and misappropriate multi-millions of dollars from the AOC and monies allocated and mandated by the California Legislature to be used only for the California court system. Upon information and belief, greedy and sycophant Defendants VICKREY and OVERHOLT were able to pad their expense accounts, "live it up" and illegally charge numerous personal expenses to the AOC because of their control and supervision of AOC bank accounts and high-level influence and

relationships with Defendants RONALD GEORGE, TANI CANTIL-SAKAUYE and other individuals in the AOC and on the California Judicial Council. Not surprisingly, Defendants VICKREY and OVERHOLT, in complicity with Defendants RONALD GEORGE, TANI CANTIL-SAKAUYE and others, have obstructed and never allowed a reasonable, fair and honest audit of AOC funds and monies at any time.

147. Plaintiff has discovered the true identity and capacity of the Defendant designated as DOE 9 in the original Complaint, to wit, BET TZEDEK LEGAL SERVICES ("BET TZEDEK"). By virtue of this First Amended Complaint, and for the purposes of this lawsuit, Defendant BET TZEDEK is named as a party in place and stead of DOE 9.

148. Plaintiff is informed and believes, and thereon alleges, that Defendant BET TZEDEK is, and was at all times herein mentioned, a non-profit corporation organized and existing under and by virtue of the laws of the State of California.

149. Plaintiff is informed and believes, and thereon alleges, that Defendant BET TZEDEK is, and was at all times herein mentioned, operating in the County of Los Angeles, State of California, with its principal place of business on Fairfax Avenue in the City of Los Angeles.

150. Defendant BET TZEDEK is, and was at all times herein mentioned, known by its self-proclaimed and self-serving title, House of Justice in Hebrew. Defendant BET TZEDEK is, and was at all times herein mentioned, a predominantly jewish organization purporting to give legal advice and services to lower-income,

elder and disadvantaged individuals. Defendant BET TZEDEK ostensibly claims, and claimed at all times herein mentioned, to be of noble character, design and operation, with the purpose of assisting less-advantaged and have-nots. It is, and was at all times herein mentioned, funded and assisted by many individuals and entities, including, without limitation, establishment law firms such as O'Melveny & Myers, Latham & Watkins, and Manatt Phelps, Defendant ROTHENBERG and Defendant 1st CENTURY BANK, financial management firms such as Freeman, Spogli, and prominent jurists such as Defendant MORENO and Chief Judge Alex Kozinski of the Ninth Circuit Court of Appeals. Defendant ERIC GEORGE is, and was at all times relevant hereto, active in its affairs and a member of its Board of Directors.

151. Plaintiff is informed and believes, and thereon alleges, that Defendant BET TZEDEK was formed more than thirty-five years ago. Upon further information and belief, Defendant BET TZEDEK, under the guise of being politically correct, uses its influence, "old boy and girl network" and relationships and communications (often impermissibly ex parte) among its members, to unlawfully subtly and often not-so-subtly influence, rig and affect the outcome of lawsuits in front of certain judges of the Los Angeles Superior Court, the United States District Court and the Ninth Circuit Court of Appeals. "Wink and nod" financial donations, gala events with ethically dubious and significant judicial contributions, bribes, money-laundering, kickbacks, case referrals to certain favored banks, financial consultants and law firms, such as attorney appointments to class actions, elder abuse cases, guardianships and

conservatorships, and the manipulation of case assignments to BET TZEDEK-inclined and biased judges, are de riguer and commonplace practices. Not by coincidence, many of Defendant BET ZDEK's major operatives, such as Defendants ERIC GEORGE and FUJIE, also exert their influence with BET-TZEDEK inclined and biased judges through the closed doors and secret meetings of the Chancery Club and, to a lesser extent, through the Beverly Hills Bar Association and Century City Bar Association. The unlawful influence and contacts of the BET-TZEDEK operatives even seeps into State Bar affairs and prosecutions through improper, unethical contacts with individuals, such as Defendant TOWERY and Defendant JEANNE ENGLISH pushing agendas such as the FISHING EXPEDITION SEARCH AND SEIZURE. When past litigants such as Dr. Joseph Zernik, himself jewish, dare to point out the illegal financial corruption, conflicts of interest and bias issues posed by the BET TZEDEK organization, and further publicize its inordinate influence on the Los Angeles judiciary, these litigants are portrayed as vexatious nut cases barking up the wrong tree.

152. Plaintiff is informed and believes, and thereon alleges, that, at all times relevant hereto, Defendant BET TZEDEK has received, and continues to receive, substantial payments and monies from the State Bar of California and California Bar Foundation. Apparently, said State Bar and Foundation refuse to publicly reveal the extent, dates and amounts of such payments and monies. Upon further information and belief, these payments and monies have been and are given in large part, because of the influence and instructions of

Defendants RONALD GEORGE, ERIC GEORGE, ROTHENBERG, GIRARDI, MILLER and FUJIE, ARNOLD & PORTER, attorney Douglas Winthrop and others. Ultimately, Defendant BET TZEDEK is *rewarded* by these payments and monies, because it is, and was at all times herein mentioned, involved in money-laundering, racketeering activities and other unlawful actions, as herein alleged, and set forth with more particularity in the RICO Causes of Action herein.

153. Plaintiff has discovered the identity and capacity of the party previously designated in the original Complaint as fictitious Defendant DOE 10, namely one DAVID J. PASTERNAK ("PASTERNAK"). Plaintiff is informed and believes, and upon such information and belief alleges, that Defendant DAVID J. PASTERNAK ("PASTERNAK") is, and was at all times herein mentioned, an individual and attorney residing in Los Angeles County, State of California.

154. By virtue of this First Amended Complaint, and for the purposes of this lawsuit, Defendant PASTERNAK is substituted as a named party in place and stead of previously identified Doe 10.

155. Plaintiff is informed and believes, and thereon alleges, that at present and, at all times relevant hereto, Defendant PASTERNAK is and was a director and officer of Defendant BET TZEDEK and was one of the masterminds engaged in the unlawful actions, racketeering and money-laundering activities of said Defendant to benefit and enrich himself, BET TZEDEK and others such as Defendants RONALD GEORGE, ERIC GEORGE and ROTHENBERG, as herein alleged and described. Upon information and belief, Defendant PASTERNAK fully supported and

ratified and is, and was at all times herein mentioned, aware and part of the illicit scheme and agenda to launder and profit from major converted and misappropriated AOC monies, unreported State Bar funds and contributions of BET TZEDEK donors. Upon further information and belief, Defendant PASTERNAK did so to ensure that that certain illicit monies were doled out to judges and attorneys to protect the financial interests and powerful influence of the GEORGES, GIRARDI and MILLER, ROTHENBERG, FUJIE and others. Defendant PASTERNAK also did so in order that he could enrich himself, influence the receiving of lucrative Receiverships from federal and state judges for himself and his Century City law firm, and cement his position as an attorney power broker in the L.A. hierarchy.

156. Plaintiff has ascertained the identity and capacity of the fictitious defendant previously designated as DOE 11 in the original Complaint, to wit, SANDOR ELI SAMUELS ("SAMUELS"). By virtue of the First Amended Complaint, and for the purposes of this litigation, Defendant SAMUELS replaces and is substituted in the place and stead of DOE 11.

157. Plaintiff is informed and believes, and thereon alleges, that Defendant SAMUELS is, and was at all times herein mentioned, an individual residing in the County of Los Angeles, State of California. Plaintiff is further informed and believes, and thereon alleges, that Defendant SAMUELS is, and was at all times herein mentioned, duly admitted as a California licensed attorney.

158. Upon information and belief, Defendant SAMUELS is, and was at all times herein mentioned, embroiled in major

malfeasance and corporate corruption while Chief Legal Counsel of Countrywide Financial Corporation ("COUNTRYWIDE"). Defendant SAMUELS helped create through COUTRYWIDE the subprime mortgage crisis, housing bubble and financial chaos and meltdown, which was well-documented at the end of the Bush presidency and the beginning of the Obama Administration.

159. Upon information and belief, Defendant SAMUELS came close to being indicted for SEC insider trading and securities fraud on a massive scale. Former COUNTRYWIDE CEO Angelo Monzilo, SAMUELS' partner in crime, was charged by the SEC, but worked out a settlement. Both Monzilo and Defendant SAMUELS reportedly walked away from the COUNTRYWIDE debacle with hundreds of millions in their pockets. Many individuals had their homes foreclosed upon and suffered tremendous financial losses due to Monzilo's and Defendant SAMUELS' fraudulent actions steering the ship at COUNTRYWIDE.

160. After COUNTRYWIDE collapsed, Defendant SAMUELS became short-lived associate General Counsel of Bank of America. Allegations of fraud and violations against shareholders were leveled at Bank of America after it acquired COUNTRYWIDE. Despite his disreputable reputation by now, Defendant SAMUELS went on to become President and CEO of Defendant BET ZTEDEK, where he had been on the Board of Directors since in or about 2004.

161. Upon information and belief, Defendants FUJIE, PASTERNAK, ROTHENBERG, RONALD GEORGE and ERIC GEORGE pushed hard that Defendant SAMUELS become the President and CEO, because Defendant FUJIE's Buchalter law firm had garnered tremendous

legal fees from being associated with him and PASTERNAK, ROTHENBERG and the GEORGES knew that Defendant SANDERS was and is adept at unlawful racketeering, insider trading, money-laundering, misappropriation of and hiding illicit funds and assets.

162. Plaintiff is informed and believes, and thereon alleges, that Defendant SAMUELS used his position on the Board of Directors of Defendant BET TZEDEK, and then as President/CEO thereof, to fully support and commit and assist in the aforementioned unlawful misappropriation of AOC funds and the money-laundering and racketeering activities herein alleged.

163. Plaintiff has discovered the identity and capacity of the fictitious Defendant previously designated in the original Complaint as fictitious Defendant, DOE 12, to wit, Defendant WILLIAM M. WARDLAW ("WARDLAW"). By virtue of this First Amended Complaint, and for the purposes of this lawsuit, Defendant WARDLAW replaces and is substituted in place and stead of DOE 12.

164. Plaintiff is informed and believes, and thereon alleges, that Defendant WARDLAW is, and was at all times herein mentioned, a resident of Los Angeles County, State of California. Plaintiff is further informed and believes, and thereon alleges, that Defendant WARDLAW is, and at all times herein mentioned was, a California licensed attorney and married to Ninth Circuit federal judge, KIM M. WARDLAW ("JUDGE WARDLAW").

165. Plaintiff is informed and believes, and thereon alleges, that Defendant WARDLAW, along with JUDGE WARDLAW, are

long-time friends and legal and business acquaintances of Defendant ROTHENBERG. Upon information and belief, they know Defendant ROTHENBERG and his wife extremely well through their membership at the Chancery Club in downtown Los Angeles, doing legal work with him on cases, and banking with and placing their personal monies in his financial entities, 1st CENTURY BANK and 1st CENTURY BANCSHARES, INC. Pending further discovery, the WARDLAWS may even be contributing founders of ROTHENBERG's bank entities.

166. Plaintiff is informed and believes, and thereon alleges, that Defendant WARDLAW is and has been for years also very involved with Defendant ROTHENBERG in political fund-raising. Defendant WARDLAW is, and was at all times relevant hereto, such a friend and professional acquaintance of Defendant ROTHENBERG that they have served together on the Board of Directors of LA INC.

167. Plaintiff is informed and believes, and upon such information and belief alleges, that the WARDLAWS also know extremely well and are intimate with numerous other attorneys and judges, such as Defendants RONALD GEORGE, ERIC GEORGE, GIRARDI, MILLER, FUJIE. Upon further information and belief, the WARDLAWS are, and were at all times herein mentioned, close friends and acquaintances of many federal District Judges and appellate judges such as Alex Kozinski, Richard Paez, Margaret Morrow, Mariana Pfaelzer, Audrey Collins, Stephen V. Wilson and A. Howard Matz. They know many of the foregoing individuals through their active participation in the Chancery Club and

Defendant BET ZTEDEK. Defendant WARDLAW's employer, Freeman, Spogli and Co. is, and was at all times herein mentioned, actively involved in supporting Defendant BET ZTEDEK, along with O'Melveny & Myers, their former employer. Upon information and belief, many of Freeman, Spogli's clients bank with Defendant ROTHENBERG through referrals and introductions by Defendant WARDLAW.

168. Plaintiff is further informed and believes, and thereon alleges, that Defendant WARDLAW and JUDGE WARDLAW are long-time friends and legal advisors to Defendant CHARLES SCHWAB, his Foundation and related companies through doing legal work for him over the years at O'Melveny & Myers. The WARDLAWS were practicing attorneys there for many years. Upon further information and belief, the WARDLAWS knew Defendant ROTHENBERG well in his days at Manatt Phelps and Latham & Watkins, and were co-counsel with them in many legal matters.

169. In 2011, JUDGE WARDLAW was part of a panel of Ninth Circuit Judges who impermissibly ruled on the appeal, DYDZAK V. GEORGE et al. (11-55143). This appeal was summarily, illegally dismissed, without allowing DYDZAK oral argument and not requiring all interested parties to brief the issues of law and fact. Unconstitutionally and unlawfully, JUDGE WARDLAW and other Ninth Circuit Judges would not allow Plaintiff to file a timely presented motion to disqualify her and the rest of the panel. Furthermore, JUDGE WARDLAW and other Ninth Circuit Judges unlawfully would not permit DYDZAK to file a timely presented

motion/petition for rehearing en banc, along with several other timely presented pertinent and legitimate pleadings presented to the Clerk of the 9th Circuit, Molly C. Dwyer. JUDGE WARDLAW thereby committed acts of obstruction of justice and violated her sacred oath as a federal appellate judge. JUDGE WARDLAW further denied DYDZAK by said obstructionist acts procedural and substantive due process and access to the courts allowed by the First Amendment.

170. JUDGE WARDLAW should have disqualified herself and not ruled, because she had an actual bias and conflicts of interest towards Plaintiff or the appearance of same, per the holding of Caperton v. AT Massey Coal Co., 129 S.Ct. 2252 (2009) and pursuant to 28 U.S.C. Section 455. At the time she considered and ruled upon the aforesaid appeal, and after this time, JUDGE WARDLAW knew that the appeal created conflicts of interest for her, including, without limitation, evidentiary and misconduct issues concerning her friends and acquaintances, Defendants RONALD GEORGE, ERIC GEORGE, ROTHENBERG, CHARLES SCHWAB, Audrey Collins, Stephen V. Wilson and A. Howard Matz.

171. Plaintiff is informed and believes, and thereon alleges, that between on or about January 4, 2011, and continuing to the present, Defendant WARDLAW has had numerous improper, unethical and unlawful communications and contacts with JUDGE WARDLAW, ROTHENBERG, RONALD GEORGE, ERIC GEORGE and others discussing DYDZAK. This was done by Defendant WARDLAW, upon further information and belief, to unconscionably interfere with and unlawfully influence DYDZAK's efforts and legal

procedures to be reinstated as a licensed California attorney and to affect the outcome and result of DYDZAK V. GEORGE. It was also done, upon further information and belief, as a favor to the aforesaid individuals in order to unjustly enrich himself, his wife and family, cover up the money-laundering and racketeering activities of the GEORGES and ROTHENBERG, protect their financial interests and solidify his role as a power-broker in the Los Angeles legal, banking and financial communities.

172. Plaintiff is also informed and believes, and thereon alleges, that Defendant WARDLAW did the foregoing to please his wife, the Democratic fund-raising crowd, Defendant BET TZEDEK, and influence President Obama nominating JUDGE WARDLAW to the U.S. Supreme Court if an opening arose.

173. Moreover, Plaintiff is informed and believes, and thereon alleges, that many of Defendant WARDLAW's and JUDGE WARDLAW's friends, business clients and professional acquaintances placed and do place their monies in ROTHENBERG's bank entities, including campaign contributions to Senators Feinstein and Boxer of California. Defendant WARDLAW also wanted to please Defendant ROTHENBERG and the GEORGES by giving them banking business lost by First Cal Bank when he initiated litigation against that financial institution and other defendants in Los Angeles Superior Court, Wardlaw v. First Cal Bank et al. (LASC Case No. BC 470182). Of note, this lawsuit has ended up in front of predominantly jewish judges in the complex litigation court house on Commonwealth Avenue in Los Angeles,

who apparently have strong ties to Defendants BET TZEDEK, ROTHENBERG and Defendant GIRARDI. DYDZAK has suffered tremendous general and punitive damages because of Defendant WARDLAW's actions, as herein alleged. The exact amount of said damages is unknown at this time but will be ascertained at or before trial, according to proof.

FIRST CAUSE OF ACTION

(INVASION OF PRIVACY)

(AGAINST DEFENDANTS DUNN, TORRES-GIL, TOWERY, BABCOCK, GRUNBERG, CHANG, GIRARDI, MILLER, DICKSTEIN, JOHNSON, ENGLISH, HAWLEY, and YEE)

174. Plaintiff refers to, and incorporates as though fully set forth herein, the preceding Paragraphs and allegations of the First Amended Complaint.

175. Plaintiff is informed and believes, and thereon alleges, that Defendants DUNN, TORRES-GIL, TOWERY, BABCOCK, GRUNBERG, CHANG, GIRARDI, MILLER, DICKSTEIN, JOHNSON, ENGLISH, HAWLEY and YEE, and each of them, knew, or reasonably should have known, that their unlawful complaints about the JOURNALIST, LBR and LB, and causing the baseless and unfounded FISHING EXPEDITION SEARCH AND SEIZURE, would result in DYDZAK's privileged and confidential personal emails, work product and other writings being seized. This is so since a number of articles had appeared on LBR about DYDZAK and the unlawful actions taken against him by State Bar Judge Donald F. Miles,

Defendant SUPREME COURT, Defendant ROTHENBERG, Defendant RONALD GEORGE, Defendant ERIC GEORGE, the State Bar of California and HOWARD RICE.

176. Moreover, Danielle A. Lee, an attorney in the State Bar's Office of General Counsel, and a colleague of Defendants DUNN, TORRES-GIL, TOWERY, BABCOCK, YEE, HAWLEY and GRUNBERG, had indicated in the past to DYDZAK that LB was a reporter in Northern California and that DYDZAK was involved in providing information to LBR. Lee further indicated her extreme irritation that LBR was doing articles about unethical actions by State Bar judges, attorneys and others who were insiders, agents or employees with the State Bar of California.

177. As well, Plaintiff is informed and believes, and thereon alleges, that an attorney or representative of the Yolo County District Attorney's Office recently advised a female third party that LB did not exist and that DYDZAK was a key writer, researcher and contributor for and to LBR.

178. The aforesaid Defendants, and each of them, purposely intruded upon the solitude and seclusion of DYDZAK's person and private affairs by their acts of invasion of privacy, as herein alleged.

179. As a direct, legal and proximate result of the invasion of privacy by the aforesaid Defendants, and each of them, Plaintiff has suffered, and continues to suffer, harm to his interest in privacy from the invasion of his solitude and seclusion. Plaintiff has also suffered physical and mental pain

and anguish, including severe emotional distress. The foregoing has caused him general and special damages, according to proof at or before trial.

180. The actions of the aforesaid Defendants, and each of them, in invading Plaintiff's right of privacy were done with malice and oppression. Therefore, DYDZAK is entitled to an award of punitive damages, according to proof.

SECOND CAUSE OF ACTION

(VIOLATION OF CALIFORNIA CIVIL CODE SECTION 1708.8)

(AGAINST DEFENDANTS DUNN, TORRES-GIL, TOWERY, BABCOCK, GRUNBERG, CHANG, GIRARDI, MILLER, DICKSTEIN, JOHNSON, ENGLISH, HAWLEY AND YEE)

181. Plaintiff refers to, and incorporates as though fully set forth herein, Paragraphs 1 through 180, inclusive, of the First Amended Complaint.

182. In invading Plaintiff's right of privacy, as herein alleged, Defendants DUNN, TORRES-GIL, TOWERY, BABCOCK, GRUNBERG, CHANG, GIRARDI, MILLER, DICKSTEIN, JOHNSON, ENGLISH, HAWLEY and YEE, and each of them, violated C.C. 1708.8, including, without limitation, subsection (b) thereof.

183. Said Defendants, and each of them, knew, or reasonably should have known, that there was no reasonable or probable cause for their complaints against JOURNALIST and the search warrant in question, and that they had misused their positions as attorneys to wrongfully, unlawfully and "politically" go after LB, LBR and JOURNALIST. In particular, Defendants TOWERY

DUNN and DICKSTEIN have, and had at all times herein mentioned, political and legal clout with the Yolo County District Attorney's Office to influence it to carry out its bogus, unlawful and ill-conceived FISHING EXPEDITION SEARCH AND SEIZURE, as herein alleged. Defendant TOWERY's wife also, upon information and belief, impermissibly and illegally used her influence as a senior District Attorney in Santa Clara County to persuade the Yolo County District Attorney's Office to pursue LB, LBR and JOURNALIST, without justification and against the California Shield Law, as herein alleged. To date, JOURNALIST's computer and materials have not been returned, showing the extreme bad faith and illegal actions of the aforesaid Defendants in invading Plaintiff's right of privacy.

184. As a direct, legal and proximate result of the violation of C.C. Section 1708.8, Plaintiff has suffered general and special damages, according to proof. Pursuant to C.C. Section 1708.8(d), the aforesaid Defendants, and each of them, are liable for up to three times any general and special damages awarded.

185. Plaintiff is also entitled to an award of punitive damages, subject to proof according to C.C. Section 3294. Since the aforesaid Defendants, and each of them, acted with malice and oppression, punitive damages are warranted.

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THIRD CAUSE OF ACTION

(DECLARATORY RELIEF TO DECLARE IN RE ROSE UNCONSTITUTIONAL AS VIOLATING CALIFORNIA CONSTITUTION'S RIGHT TO JURY TRIAL)

(AGAINST DEFENDANTS SUPREME COURT, RONALD GEORGE, MORENO, CANTIL-SAKAUYE, CHIN, BAXTER, LIU, CORRIGAN, KENNARD AND WERDEGAR)

186. Plaintiff refers to, and incorporates as though fully set forth herein, Paragraphs 1 through 185, inclusive, of the First Amended Complaint.

187. An actual controversy has arisen and now exists between Plaintiff and the above-referenced Defendants, and each of them, concerning their respective rights and duties as to the following contentions:

(1) Plaintiff contends, and said Defendants dispute, that the ROSE DECISION be declared void, unconstitutional and ultra vires in its application towards DYDZAK and attorneys similarly situated since 2000 and continuing to the present, because it denies them the right to a jury trial pursuant to Article I, Section 16 of the California Constitution.

(2) Plaintiff contends, and said Defendants dispute, that the ROSE DECISION be declared void, unconstitutional and ultra vires in its application towards DYDZAK and attorneys similarly situated since 2000 and continuing to the present, because it unlawfully assesses a criminal or penal fine against disciplined attorneys, such as the $ 15,209.31 illegally assessed against DYDZAK, without allowing them the right to a jury trial pursuant to Article I, Section 16 of the California Constitution.

188. A judicial declaration is necessary and appropriate at this time under the circumstances in order that Plaintiff may ascertain his rights and duties as to the two contentions set forth in Paragraph 187 above.

189. Plaintiff is entitled to have a judicial declaration that his right to a jury trial has been violated and the ROSE DECISION is void, unconstitutional and ultra vires, as hereinbefore alleged.

FOURTH CAUSE OF ACTION

(DECLARATORY RELIEF TO DECLARE IN RE ROSE UNCONSTITUTIONAL AS VIOLATING CALIFORNIA CONSTITUTION'S RIGHTS TO DUE PROCESS AND EQUAL PROTECTION OF LAWS)

(AGAINST DEFENDANTS SUPREME COURT, RONALD GEORGE, MORENO, CANTIL-SAKAUYE, CHIN, BAXTER, LIU, CORRIGAN, KENNARD AND WERDEGAR)

190. Plaintiff refers to, and incorporates, as though fully set forth herein, Paragraphs 1 through 189, inclusive, of the First Amended Complaint.

191. An actual controversy has arisen and now exists between Plaintiff and the above-referenced Defendants, and each of them, concerning their respective rights and duties as to the following contentions:

(1) Plaintiff contends, and said Defendants dispute, that the ROSE DECISION be declared void, unconstitutional and ultra vires in its application towards DYDZAK and attorneys similarly

situated since 2000 and continuing to the present, because it denies them the right to due process pursuant to Article I, Sections 1 and 7 of the California Constitution.

(2) Plaintiff contends, and said Defendants dispute, that the ROSE DECISION be declared void, unconstitutional and ultra vires in its application towards DYDZAK and attorneys similarly situated since 2000 and continuing to the present, because it denies them the right to equal protection of laws pursuant to Article I, Section 7 of the California Constitution.

192. A judicial declaration is necessary and appropriate at this time under the circumstances in order that Plaintiff may ascertain his rights and duties as to the two contentions set forth in Paragraph 191 above.

193. Plaintiff is entitled to have a judicial declaration that his rights to due process and equal protection of laws have been violated and that the ROSE DECISION is void, unconstitutional and ultra vires, as hereinbefore alleged.

FIFTH CAUSE OF ACTION

(DECLARATORY RELIEF TO DECLARE ORDER DENYING MOTION FOR FRAUD UPON THE COURT VOID AB INITIO, AGAINST CALIFORNIA GOVERNMENT CODE, AND AGAINST CALIFORNIA JUDICIAL CANONS OF ETHICS)

(AGAINST DEFENDANTS SUPREME COURT, CANTIL-SAKAUYE, CHIN, BAXTER, LIU, CORRIGAN, KENNARD AND WERDEGAR)

194. Plaintiff refers to, and incorporates, as though fully set forth herein, Paragraphs 1 through 193, inclusive, of the

First Amended Complaint.

195. An actual controversy has arisen and now exists between Plaintiff and the above-referenced Defendants, and each of them, concerning their respective rights and duties as to the following contentions:

(1) Plaintiff contends, and said Defendants dispute, that the Order denying the Motion for Fraud upon the Court (Exhibit "A") is and was void ab initio because these Defendants cannot ethically condone and cover up the judicial misconduct, bias and financial conflicts of interest of Defendant RONALD GEORGE.

(2) Plaintiff contends, and said Defendants dispute, that said Defendants, and each of them, themselves committed a "fraud upon the court" or "extrinsic fraud" and violated their oaths as judges to be fair and impartial in not granting unopposed Exhibit "A".

(3) Plaintiff contends, and said Defendants dispute, that Defendant CANTIL-SAKAUYE and attorney Beth Jay engaged in improper, ex parte communications and contacts with Defendant RONALD GEORGE to affect the outcome of Exhibit "A" and denial of same.

(4) Plaintiff contends, and said Defendants dispute, that the subject Order is and was invalid and void, because there is no signed and dated Order by Defendant CANTIL-SAKAUYE, showing there was not even a vote by Defendant SUPREME COURT re: the Motion.

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(5) Plaintiff contends, and said Defendants dispute, that DYDZAK's rights to due process and equal protection of laws was violated by the summary Order, since there was no written, reasoned Order on the merits and no oral argument provided to Plaintiff by Defendant SUPREME COURT.

(6) Plaintiff contends, and said Defendants dispute, that Defendant RONALD GEORGE violated the California Government Code, including, without limitation, Section 81002© and Section 87100 thereof, by not disqualifying himself with regard to DYDZAK's disciplinary proceedings and not disclosing his financial conflicts of interest with Defendants ERIC GEORGE and ROTHENBERG and his and his son's financial stakes in ROTHENBERG's bank entities.

(7) Plaintiff contends, and said Defendants dispute, that Defendant RONALD GEORGE violated the California Code of Judicial Ethics towards DYDZAK, including, without limitation, Canons 1, 2, 3 and 4 thereof.

(8) Plaintiff contends, and said Defendants dispute, that they themselves violated their oath as judges pursuant to the California Code of Judicial Ethics, including, without limitation, Canons 1, 2,3 and 4 thereof, by ruling on Exhibit "A" as they should have disqualified themselves and appointed seven (7) independent, impartial and fair Article VI judges for said adjudicatory task.

196. A judicial declaration is necessary and appropriate at this time under the circumstances in order that Plaintiff may

ascertain his rights and duties as to the eight contentions set forth in Paragraph 195 above.

197. Plaintiff seeks in equity a judicial declaration as to the foregoing contentions.

SIXTH CAUSE OF ACTION

(DECLARATORY RELIEF TO DECLARE WERDEGAR COMMITTED FRAUD UPON THE COURT TOWARDS DYDZAK AGAINST CALIFORNIA GOVERNMENT CODE AND CALIFORNIA JUDICIAL CANONS OF ETHICS)

(AGAINST DEFENDANT KATHRYN M. WERDEGAR)

198. Plaintiff refers to, and incorporates, as though fully set forth herein, Paragraphs 1 through 197, inclusive, of the First Amended Complaint.

199. An actual controversy has arisen and now exists between Plaintiff and Defendant KATHRYN M. WERDEGAR concerning their respective rights and duties as to the following contentions:

(1) Plaintiff contends, and said Defendant disputes, that she committed a "fraud upon the court" or "extrinsic fraud" towards DYDZAK by making several rulings related to his state bar disciplinary case and not divulging her actual bias and financial conflicts of interest, or the appearance of same, as herein alleged.

(2) Plaintiff contends, and said Defendant disputes, that Defendant KATHRYN M. WERDEGAR violated the California Government

Code, including, without limitation, Section 81002© and Section 87100 thereof, by not disqualifying herself with regard to DYDZAK's disciplinary proceedings and not disclosing her financial conflicts of interest with Defendants SCHWAB and DW, as herein alleged.

(3) Plaintiff contends, and said Defendant disputes, that Defendant KATHRYN M. WERDEGAR violated the California Code of Judicial Ethics towards DYDZAK by not disclosing her actual bias and financial conflicts of interest, or the appearance of same, as alleged herein.

(4) Plaintiff contends, and said Defendant disputes, that Defendant KATHRYN M. WERDEGAR and her husband have had improper and unlawful ex parte, extra judicial communications about DYDZAK with Defendant SCHWAB and his attorneys, as herein alleged.

(5) Plaintiff contends, and said Defendant disputes, that Defendant KATHRYN M. WERDEGAR violated her oath as a California judge and committed "extrinsic fraud" or "fraud upon the court", when she did not disqualify herself from ruling on DYDZAK's state bar case due to Defendant-son MATTHEW's benefitting financially from his professional and personal relationship with Defendants HOWARD RICE and ARNOLD, including, without limitation, Defendant MATTHEW's friendship and professional relationship with attorney BERNARD A. BURK.

(6) Plaintiff contends, and said Defendant disputes, that Defendant KATHRYN M. WERDEGAR violated the California Government Code, including, without limitation, Sections 81022© and 87100 thereof, when she unethically and illegally ruled on DYDZAK's

state bar case without disqualifying herself and disclosing Defendant MATTHEW's financial dealings and benefits arising from his professional and personal relationship with Defendants HOWARD RICE and ARNOLD.

200. A judicial determination is necessary and appropriate at this time under the circumstances in order that Plaintiff may ascertain his rights and duties as to the six contentions set forth in Paragraph 199 above.

201. Plaintiff seeks in equity a judicial declaration as to the foregoing contentions.

SEVENTH CAUSE OF ACTION

(CONSPIRACY BETWEEN CHARLES SCHWAB AND DAVID WERDEGAR)

(AGAINST DEFENDANTS SCHWAB AND DAVID WERDEGAR)

202. Plaintiff refers to, and incorporates as though fully set forth herein, Paragraphs 1 through 201, inclusive, of the First Amended Complaint.

203. In or about November, 2008, and continuing to the present, Defendants SCHWAB and DW knowingly and willfully conspired and agreed among themselves to injure DYDZAK, as herein alleged. DYDZAK did not become aware of such conspiracy until in or about mid-February, 2012, as herein alleged. The conspiracy consisted, in particular, of the overt act of Defendant DW receiving income and financial benefits, directly or indirectly, from Defendant SCHWAB as a form of bribery, unconscionable windfall and influence-peddling, so as: (i) aid in destroying DYDZAK's marriage, legal career and reputation;

(ii) cause DYDZAK emotional anguish and distress and make him destitute; (iii) unlawfully influence Defendant KATHYRN WERDEGAR to disbar DYDZAK and not rule in favor of DYDZAK on any of his writs before Defendant SUPREME COURT in his disciplinary proceedings; and (iv) ensure that DYDZAK was not reinstated as a duly licensed and active attorney of the State Bar of California.

204. Defendants SCHWAB and DW did the acts and things herein alleged pursuant to, and in furtherance of, the conspiracy and above-alleged agreement. Defendant KATHRYN WERDEGAR knowingly cooperated in the conspiracy, since it is, and was at all times herein mentioned, in her financial interests to do so.

205. As a direct, legal and proximate result of the wrongful and unlawful acts herein alleged, Plaintiff has suffered general damages, in an amount unknown at this time but according to proof at or before trial.

206. The conspiracy alleged herein was done maliciously, fraudulently and to oppress DYDZAK. Plaintiff is therefore entitled to exemplary or punitive damages, according to proof.

EIGHTH CAUSE OF ACTION

(CONSPIRACY BETWEEN ALAN I. ROTHENBERG, RONALD M. GEORGE AND ERIC GEORGE)

(AGAINST DEFENDANTS ROTHENBERG, RONALD GEORGE AND ERIC GEORGE)

207. Plaintiff refers to, and incorporates as though fully set forth herein, Paragraphs 1 through 206, inclusive, of the

First Amended Complaint.

Plaintiff is informed and believes, and thereon alleges, that Defendants ROTHENBERG, RONALD GEORGE and ERIC GEORGE are, and were at all times herein mentioned since 2004, substantial, original and ongoing investors, equity owners, shareholders and/or directors in ROTHENBERG's bank entities, 1ST CENTURY BANK and 1st CENTURY BANCSHARES, INC. These financial entities, with the full knowledge, consent and authorization of Defendants ROTHENBERG, RONALD GEORGE and ERIC GEORGE, and each of them, were established and set up to illicitly and fraudulently money-launder monies converted from the AOC and other sources, as hereinbefore alleged. Defendants ROTHENBERG, RONALD GEORGE and ERIC GEORGE had a major retaliatory and vindictive incentive to injure and damage Plaintiff, given that he had successfully sued FIRST CENTURY BANK and Defendant ROTHENBERG in the aforesaid HUGHES ROGELL litigation, costing Defendant ROTHENBERG and FIRST CENTURY BANK tremendous settlement monies, attorney's fees and costs. Clearly, the ROTHENBERG-GEORGES Defendants could not have been pleased that DYDZAK's professional services and efforts as an attorney had resulted in a financial detriment and loss to them.

208. From January 4, 2011, and continuing to the present, Defendants ROTHENBERG, RONALD GEORGE and ERIC GEORGE knowingly and willfully conspired and agreed among themselves to injure DYDZAK, as herein alleged. DYDZAK did not become aware of such conspiracy until in or about mid-July, 2011, as herein alleged. The conspiracy consisted, in particular, of the overt act of

these Defendants agreeing to retaliate against DYDZAK for injuring them financially and having previously sued "their" bank and "their banker" in the HUGHES ROGELL lawsuit. These Defendants also agreed among themselves to injure DYDZAK because they were angered that the lawsuit had embarrassed Defendant ROTHENBERG and exposed them to scrutiny, possible regulatory review, and possible discovery of their money-laundering activity and conversion of AOC and other government funds, as herein alleged. Plaintiff is further informed and believes, and thereon alleges, that Defendants RONALD GEORGE, ERIC GEORGE and ROTHENBERG, and each of them, also conspired among themselves to obstruct justice, use their influence and have improper ex parte contacts and communications to ensure that DYDZAK was not reinstated as a licensed and active California attorney.

209. The above conspiracy caused, and continues to cause, Plaintiff destruction of his legal career and reputation, severe emotional distress, pain and suffering, great economic loss and harm to his finances, and undue and illegal violation of his civil and constitutional rights.

210. Defendants ROTHENBERG, RONALD GEORGE and ERIC GEORGE did the acts and things herein alleged pursuant to, and in furtherance of, the conspiracy and above-alleged agreement.

211. As a direct, legal and proximate result of the wrongful and unlawful acts herein alleged, Plaintiff has suffered general damages. The exact amount of such damages is unknown at this time but will be ascertained at or before trial, according to proof.

212. The conspiracy alleged herein was done maliciously,

fraudulently and to oppress DYDZAK. Plaintiff is therefore entitled to exemplary or punitive damages, according to proof.

213. In committing the above-referenced conspiracy, Defendants ROTHENBERG and ERIC GEORGE knew that their actions in injuring Plaintiff, as herein alleged, constituted unfair, unlawful and fraudulent acts contrary to the California Business & Professions Code, Sections 17200 et seq. For his part, the aforementioned conspiracy by Defendant RONALD GEORGE--presently a private, allegedly retired citizen--in concert with Defendants ROTHENBERG and ERIC GEORGE, is blatantly unlawful, reprehensible, unwarranted and an affront to rights and privileges guaranteed Plaintiff by the California and U.S. Constitution. This includes the inalienable due process right afforded DYDZAK to not be unfairly deprived of liberty, his profession and the pursuit of happiness.

NINTH CAUSE OF ACTION

(CONSPIRACY BETWEEN MATTHEW WERDEGAR AND HOWARD RICE NEMEROVSKI CANADY FALK & RABKIN)

(AGAINST DEFENDANTS MATTHEW WERDEGAR AND HOWARD RICE)

214. Plaintiff refers to, and incorporates as though fully set forth herein, Paragraphs 1 through 213, inclusive, of the First Amended Complaint.

215. In or about January, 2007, and continuing to on or about December 31, 2011, Defendant MATTHEW and Defendant HOWARD RICE knowingly and willingly conspired and agreed among themselves to injure DYDZAK, as herein alleged. The conspiracy consisted, in particular, of the overt act of Defendant MATTHEW

receiving income and financial benefits from HOWARD RICE clients as a form of bribery, unconscionable windfall, and influence-peddling, so as to: (i) aid in destroying DYDZAK's marriage, legal career and reputation; (ii) cause DYDZAK emotional anguish and distress and make him destitute; (iii) unlawfully influence Defendant KATHRYN M. WERDEGAR to disbar DYDZAK and not rule in favor of DYDZAK on any of his writs before Defendant SUPREME COURT in his disciplinary proceedings; and (iv) ensure that Plaintiff was not reinstated as a duly licensed and active California attorney. DYDZAK did not become aware of such conspiracy until on or about April 5, 2012.

216. Defendant HOWARD RICE knew that being co-counsel with Defendant MATTHEW and KEKER & VAN NESS on various litigation was an improper and unethical form of influence-peddling, financial incentives and bribery to affect Defendant MATTHEW, Defendant DW and Defendant KATHRYN WERDEGAR and ensure that the latter would rule against DYDZAK in his state bar case, as herein alleged. The fact that Defendant KATHRYN WERDEGAR unethically and unlawfully did not disqualify herself vis-à-vis DYDZAK and the further fact that Defendant MATTHEW did not advise Defendant KATHRYN WERDEGAR to disqualify herself thereto are and were wrongful and illegal conduct contrary to applicable California law, including, without limitation, pertinent sections of the California Government Code, the California Code of Judicial Ethics and the California Business & Professions Code.

217. Plaintiff is informed and believes, and thereon

alleges, that Defendant MATTHEW discussed with Bernard A. Burk, Esq., other HOWARD RICE attorneys, and his parents on various dates between 2007 and December, 2011, DYDZAK's state bar case and other issues involving the subject matter of Donald F. Miles, HOWARD RICE and CHARLES SCHWAB and those three parties' complicity in framing DYDZAK and causing Plaintiff's illegal disbarment. Plaintiff will be conducting discovery as to the exact dates and details of those discussions. However, because Defendant MATTHEW and his parents wanted to continue the lucrative cash flow to the Werdegar family—i.e., income from HOWARD RICE clients, CHARLES SCHWAB and his Foundation—they ignored the ethical dilemmas and violations towards Plaintiff at issue.

218. Defendants MATTHEW and HOWARD RICE did the acts and things herein alleged pursuant to, and in furtherance of the conspiracy and above-alleged agreement. Defendants KATHRYN WERDEGAR and DW knowingly cooperated in the conspiracy, since it is, and was at all times herein mentioned, in their family's financial interests to do so.

219. As a direct, legal and proximate result of the wrongful and unlawful acts herein alleged, Plaintiff has suffered general damages, in an amount unknown at this time but according to proof at or before trial.

220. The conspiracy alleged herein was done maliciously, fraudulently and to oppress DYDZAK. Plaintiff is therefore entitled to exemplary or punitive damages, according to proof.

221. In committing the above-referenced conspiracy,

Defendant MATTHEW and Defendant HOWARD RICE attorneys knew that their actions in injuring DYDZAK, as herein alleged, constituted unfair, unlawful and fraudulent acts contrary to the California Business & Professions Code, Sections 17200 et seq.

TENTH CAUSE OF ACTION

(CONSPIRACY BETWEEN MATTHEW WERDEGAR AND ARNOLD & PORTER)

(AGAINST DEFENDANTS MATTHEW WERDEGAR AND ARNOLD & PORTER)

222. Plaintiff refers to, and incorporates as though fully set forth herein, Paragraphs 1 through 221, inclusive, of the First Amended Complaint.

223. On or about January 1, 2012, and continuing to the present, Defendant MATTHEW and Defendant ARNOLD knowingly and willfully conspired and agreed among themselves to injure DYDZAK.

224. Plaintiff did not become aware of this conspiracy until April 5, 2012.

225. Plaintiff is informed and believes, and thereon alleges, that Defendant MATTHEW has discussed with Defendants DW, KATHRYN M. WERDEGAR and numerous ARNOLD attorneys, including, without limitation, Kenneth Hausmann, Sean Selegue, Douglas Winthrop, John "Jack" Quinn and Jerome Falk, DYDZAK's disciplinary case and other issues pertaining to Plaintiff's allegations of attorney and judicial misconduct, as herein alleged. Said discussions, upon information and belief, occurred

from on or about January 1, 2012, and continue to the present. Discovery will be conducted as to the exact nature and dates of such discussions.

226. Defendant ARNOLD and Defendant MATTHEW agreed with one another that he and his law firm would work as co-counsel with Defendant ARNOLD on cases and legal matters involving ARNOLD clients, to both their financial benefit.

227. Defendant ARNOLD knew that being co-counsel with Defendant MATTHEW and KEKER & VAN NESS on various litigation was an improper and unethical form of influence-peddling, financial incentives and bribery to affect Defendant MATTHEW, Defendant DW and Defendant KATHRYN M. WERDEGAR and ensure that the latter would rule against DYDZAK in his state bar case, including with respect to ruling on Exhibit "A" on or about February 15, 2012, as herein alleged. Certain principals of Defendant ARNOLD, such as Jerome Falk, Sean Selegue and Kenneth Hausmann, had a retaliatory vendetta towards DYDZAK because he and his former client, Shanel Stasz, had helped expose their prior misconduct.

228. Moreover, Plaintiff is informed and believes, and thereon alleges, that Defendant ARNOLD attorney, Jack Quinn, is, and was at all times herein mentioned, an extremely close friend and intimate confidant of Defendant ROTHENBERG, the GEORGES, Judge Margaret Morrow and Defendant GIRARDI. Upon information and belief, Quinn wanted to help the GEORGES destroy and injure DYDZAK and hide their illegal activities. Giving Defendant MATHEW and KEKER & VAN NESS a lot of joint legal work and referrals through Defendant ARNOLD ensured that Defendant

KATHRYN M. WERDEGAR would be biased towards Plaintiff and not rule in DYDZAK's favor on being reinstated as a licensed California attorney.

229. Plaintiff is informed and believes, and thereon alleges, that Defendant ARNOLD's client, Defendant SCHWAB, wanted to injure DYDZAK in his livelihood and yield his influence and pocket book in order that DYDZAK would not regain his Bar license.

230. Upon information and belief, Defendant MATTHEW's receiving income and financial benefits and incentives from Defendant ARNOLD and its clients are, and were at all times herein mentioned, an overt act of conspiracy--tantamount to bribery and influence-peddling--influencing him and his family members, Defendants DW and KATHRYN M. WERDEGAR, to injure Plaintiff, affect Plaintiff's emotional tranquility and continue to make Plaintiff destitute and unable to practice law.

231. Plaintiff is informed and believes, and thereon alleges, that Defendant KATHRYN M. WERDEGAR knows, and knew at all times herein mentioned, that ARNOLD operatives had wrongfully caused injury to Plaintiff and that ARNOLD attorneys does and did work for Defendant SCHWAB. She is, and was at all times herein mentioned, aware, upon further information and belief, that Defendant MATTHEW and his law firm worked, and continue to work, as co-counsel on cases and legal matters with Defendant ARNOLD and have received substantial income and fees from that employment. Notwithstanding this knowledge, Defendant KATHRYN M. WERDEGAR unethically and unlawfully did not

disqualify herself vis-à-vis DYDZAK, and to date has not disqualified herself pertaining thereto. She should have disqualified herself on her own motion and moved that Defendant SUPREME COURT reverse and set aside any ruling concerning DYDZAK in which she participated.

232. The further fact that Defendant MATTHEW did not advise Defendant KATHRYN M. WERDEGAR to disqualify herself is and was wrongful and illegal conduct on his part. Defendant MATTHEW should have requested the appointment of a special prosecutor to investigate the ethical breaches and conflicts of interest by Defendant KATHRYN M. WERDEGAR towards Plaintiff.

234. Defendants MATTHEW and ARNOLD did the acts and things herein alleged pursuant to, and in furtherance of the conspiracy and above-alleged agreement. Defendants KATHRYN WERDEGAR and DW knowingly cooperated in the conspiracy, since it is, and was at all times herein mentioned, in their family's financial interests to do so.

235. As a direct, legal and proximate result of the wrongful and unlawful acts herein alleged, Plaintiff has suffered general damages, in an amount unknown at this time but according to proof at or before trial.

236. The conspiracy alleged herein was done maliciously, fraudulently and to oppress DYDZAK. Plaintiff is therefore entitled to exemplary or punitive damages, according to proof.

237. In committing the above-referenced conspiracy, Defendant MATTHEW and Defendant ARNOLD attorneys knew that their actions in injuring DYDZAK, as herein alleged, constituted unfair, unlawful and fraudulent acts contrary to California

Business & Professions Code, Sections 17200 et seq.

ELEVENTH CAUSE OF ACTION

(CONSPIRACY BETWEEN OVERTON, RONALD M.GEORGE AND GIRARDI)

(AGAINST DEFENDANTS OVERTON, RONALD GEORGE AND GIRARDI)

238. Plaintiff refers to, and incorporates as though fully set forth herein, Paragraphs 1 through 237, inclusive, of the First Amended Complaint.

239. Plaintiff is informed and believes, and thereon alleges, that in or about January and February, 2012, Defendants OVERTON and DUNN had improper, unethical ex parte communications and contacts with attorney Beth Jay, Defendants CANTIL-SAKAUYE, RONALD GEORGE and Defendant GIRARDI to affect the outcome of Exhibit "A". Upon further information and belief, Defendants OVERTON and DUNN advised and instructed them to not reinstate DYDZAK as a licensed California attorney, notwithstanding DYDZAK's clear showing of the GEORGES' financial biases and conflicts of interest towards him.

240. Upon information and belief, Defendants CANTIL-SAKAUYE, RONALD GEORGE and GIRARDI did want to see DYDZAK reinstated as a licensed California attorney. They bore personal animus and antagonism towards DYDZAK due to his exposing judicial misconduct, the misconduct of State Bar attorneys and officials, the corruption and mismanagement of the AOC, the wrongful acts of Defendant ROTHENBERG and the money-laundering activities of the GEORGES and Defendant ROTHENBERG, as herein

alleged.

241. The unlawful actions by Defendant OVERTON towards DYDZAK in or about January and February, 2012, as alleged in this Eleventh Cause of Action, were done and taken by her in an individual capacity and *not* as an attorney representing any party or government entity. Thus, Defendant OVERTON enjoys no immunity, quasi-judicial or otherwise, and is liable for conspiracy with others, as herein alleged.

242. Defendants RONALD GEORGE, ERIC GEORGE, DUNN, OVERTON, CANTIL-SAKAUYE and ASSOCIATE JUSTICES are, and were at all times herein mentioned, improperly and unethically influenced due to the financial generosity and perks offered on a regular basis by Defendant-Godfather GIRARDI and Defendant-Banker ROTHENBERG. For instance, Defendants ROTHENBERG and GIRARDI, showing their blatant and unethical influence-peddling, have each recently funded free wine-and-dine meals, free transportation, and other benefits to the GEORGES and Defendant SUPREME COURT. These included an expensive Paul Anka farewell party for Defendant RONALD GEORGE and sponsoring and paying for recent receptions for the Supreme Court Justices at the Beverly Hills Bar Association and the Italian-American Association of Lawyers.

243. Plaintiff is informed and believes, and thereon alleges, that Defendant RONALD GEORGE, nicknamed King George by many of his peers, is no stranger to "freebies". Illustrations: Defendant RONALD GEORGE has travelled frequently on Defendant Girardi's jet without charge. Defendant RONALD GEORGE has also

used without charge the Boeing 757 of businessman RON BURKLE, known as Air F-k One, and four other BURKLE planes at his disposal, with party girls on board. And Defendant RONALD GEORGE was well known to illegally pad free restaurant tabs, hotel and travel costs, and other expenditures on the government nickel with former AOC Directors, Defendants VICKREY, and OVERHOLT, and other AOC employees. Appellate Judge RICHARD D. HUFFMAN, Defendant RONALD GEORGE's second in command at the Judicial Council for years, regularly used to get free trips on BURKLE planes, a questionable ethical practice.

244. As a motivating factor behind the conspiracy, Defendants CANTIL-SAKAUYE, OVERTON, GIRARDI, DUNN and ROTHENBERG did not want DYDZAK to be reinstated as a licensed California attorney in retaliation for DYDZAK having relayed and contributed truthful and accurate information and evidence to LESLIE BRODIE and JOURNALIST which shed them in a negative light.

245. Upon information and belief, Defendants OVERTON and DUNN in or about January and February, 2012, devised an illegal scheme, with other instigators, to pursue DYDZAK through a bogus collection entity, as hereinbefore alleged. Said Defendants, and each of them, also hatched the plan, with other instigators, to seize emails and other private and privileged communications between DYDZAK, JOURNALIST and LBR, as herein alleged. It is surely no coincidence that the denial of Exhibit "A", the illegal raid on JOURNALIST, and the illegal collection activities hereinbefore alleged and referenced, all occurred during the time period of the aforesaid

illegal ex parte communications and contacts. At all times herein mentioned Defendants RONALD GEORGE, GIRARDI, CANTIL-SAKAUYE, DUNN, OVERTON and Beth Jay, Esq., jointly and severally, supported the illegal collection activities against DYDZAK and the seizure of his confidential emails and communications with JOURNALIST and LBR.

246. Defendants OVERTON and DUNN owe their income, financial security, influence and employment by and large to Defendants GIRARDI, CANTIL-SAKAUYE and RONALD GEORGE. Further, Defendants OVERTON and DUNN are, and were at all times herein mentioned, part and parcel of the cover-up of the conversion and mismanagement of AOC and California Bar Foundation funds, as herein alleged.

247. Defendant GIRARDI had and has a vested, illegal interest in harming and retaliating against DYDZAK, as herein alleged, since he is, and was at all times herein mentioned:

(i) A major friend, professional acquaintance and financial ally of the GEORGES and Defendant ROTHENBERG;

(ii) Co-counsel with Defendant ERIC GEORGE in many cases which benefits him financially and influence-wise;

(iii) Cover-up artist for the money-laundering activities of the GEORGES and ROTHENBERG;

(iv) A coveted, senior State Bar insider with Defendant ROTHENBERG and influential ally of the GEORGES, using his Michael-Clayton fixers, Defendants DUNN and OVERTON, when the opportunity arises to quash perceived enemies such as Plaintiff.

(v) A power-broker covering up judicial and attorney misconduct, when it suits his ends and personal goals, to garner

illicit profits and monies for himself and procure favor and influence with Defendant CANTIL-SAKAUYE and the other members of Defendant SUPREME COURT.

(vi) An investor and depositor, upon information and belief, in Defendant ROTHENBERG's bank entities.

248. In or about January and February, 2012, Defendants RONALD GEORGE, OVERTON and GIRARDI knowingly and willfully conspired and agreed among themselves to injure DYDZAK.

249. The conspiracy consisted, in particular, of the overt act of said Defendants harming Plaintiff in order to cover up the illegal actions of Defendants ROTHENBERG, RONALD GEORGE and ERIC GEORGE in engaging in RICO and money-laundering activities and retaliating against DYDZAK, as herein alleged. This has caused Plaintiff emotional distress, pain and suffering, loss of earnings, destroyed his legal career, and impermissibly influenced Defendant SUPREME COURT to not reinstate DYDZAK as a licensed California attorney, despite good cause therefor and as set forth in Exhibit "A".

250. Defendants OVERTON, GIRARDI and RONALD GEORGE did the acts and things herein alleged pursuant to, and in furtherance of the conspiracy of the above-alleged agreement.

251. As a direct, legal and proximate result of the wrongful and unlawful acts herein alleged, Plaintiff has suffered general damages, in an amount unknown at this time but according to proof at or before trial.

252. The conspiracy alleged herein was done maliciously, fraudulently and to oppress DYDZAK. Plaintiff is therefore entitled to exemplary or punitive damages, according to proof.

TWELFTH CAUSE OF ACTION

DECLARATORY RELIEF TO DECLARE STATE DISBARMENT ORDER NULL AND VOID, ULTRA VIRES AND VOID AB INITIO DUE TO FRAUD UPON THE COURT OR EXTRINSIC FRAUD, AGAINST CALIFORNIA GOVERNMENT CODE, AND CALIFORNIA JUDICIAL CANONS OF ETHICS

(AGAINST DEFENDANTS SUPREME COURT OF CALIFORNIA, RONALD GEORGE, CANTIL-SAKAUYE, KATHRYN M. WERDEGAR, CHIN, BAXTER, LIU, CORRIGAN, KENNARD AND MORENO)

253. Plaintiff refers to, as though fully set forth herein, Paragraphs 1 through 252, inclusive, of the First Amended Complaint.

254. An actual controversy has arisen and now exists between Plaintiff and the above-referenced Defendants, and each of them, concerning their respective rights and duties as to the following contentions:

(1) Plaintiff contends, and said Defendants dispute, that the California Disbarment Order entered against him by Defendant SUPREME COURT on or about May 12, 2010 ("Disbarment Order"), and fully ratified, endorsed and accepted by all of said Defendants, is, and was at all times herein mentioned, null and void, ultra vires and void ab initio due to "fraud upon the court" or "extrinsic fraud"--to wit, unlawful and of no effect in law and fact because of the actual biases and conflicts of interest, or appearance of same, of Defendants RONALD GEORGE and KATHRYN M. WERDEGAR, as herein alleged.

(2) Plaintiff contends, and said Defendants dispute, that the Disbarment Order is, and was at all times herein mentioned, null and void, ultra vires and void ab initio, because Defendants RONALD GEORGE and KATHRYN M. WERDEGAR violated the California Government Code, including, without limitation, Section 81002© and Section 87100 thereof, by not disqualifying themselves with regard to DYDZAK's disciplinary proceedings and not disclosing their financial conflicts of interest, as herein alleged.

(3) Plaintiff contends, and said Defendants dispute, that the Disbarment Order is, and was at all times herein mentioned, null and void, ultra vires and void ab initio, because Defendants RONALD GEORGE and KATHRYN M. WERDEGAR violated the California Code of Judicial Ethics towards DYDZAK, including, without limitation, Canons 1, 2, 3 and 4 thereof.

(4) Plaintiff contends, and said Defendants dispute, that they violated their oath as judges pursuant to the California Code of Judicial Ethics, including, without limitation, Canons 1, 2, 3 and 4 thereof, by entering the Disbarment Order against DYDZAK, not disqualifying themselves, and by "covering up" the ethical breaches and violations of Defendants RONALD GEORGE and KATHRYN M. WERDEGAR, as herein alleged.

(5) Plaintiff contends, and said Defendants dispute, that the Disbarment Order should be reversed, rescinded and set aside forthwith and retroactively as of August 8, 2008, the date of DYDZAK's inactive status as a California attorney, based upon

his showing of "fraud upon the court" or "extrinsic fraud" and the violations of the California Government Code and California Code of Judicial Ethics, as herein alleged.

255. A judicial determination is necessary and appropriate at this time under the circumstances in order that Plaintiff may ascertain his rights and duties as to the five contentions set forth in Paragraph 254 above.

256. Plaintiff seeks in equity a judicial declaration as to the foregoing contentions.

THIRTEENTH CAUSE OF ACTION

(DECLARATORY RELIEF TO DECLARE STATE DISBARMENT ORDER NULL AND VOID, ULTRA VIRES AND VOID AB INITIO AS VIOLATING CALIFORNIA CONSTITUTION'S RIGHT TO JURY TRIAL)

(AGAINST DEFENDANTS SUPREME COURT OF CALIFORNIA, RONALD GEORGE, CANTIL-SAKAUYE, KATHRYN M. WERDEGAR, CHIN, BAXTER, LIU, CORRIGAN, KENNARD AND MORENO)

257. Plaintiff refers to, and incorporates as though fully set forth herein, Paragraphs 1 through 256, inclusive, of the First Amended Complaint.

258. The above-referenced Defendants, and each of them, have illegally pursued DYDZAK for $ 15,209.31 on or about February 15, 2012, through the fraudulent and bogus entity, CCCJRU, as herein alleged. This collection activity was done by said Defendants with the unlawful and malicious complicity, involvement and urging of Defendants RONALD GEORGE, OVERTON, DUNN and Beth Jay, as herein alleged. These actions

were taken to harm Plaintiff, ruin his credit, cause him emotional distress and pain and suffering, and hamper his efforts and remedies to be reinstated as a licensed California attorney.

259. An actual controversy has arisen and now exists between Plaintiff and the above-referenced Defendants, and each of them, concerning their respective rights and duties as to the following contention, to wit:

Plaintiff contends, and said Defendants dispute, that the Disbarment Order by Defendant SUPREME COURT, fully ratified, endorsed and accepted by all of said Defendants, is, and was at all times herein mentioned, null and void, ultra vires and void ab initio, since the criminal or penal fine of $ 15,209.31 assessed in connection therewith denied DYDZAK the right to a jury pursuant to Article I, Section 16 of the California Constitution.

260. A judicial declaration is necessary and appropriate at this time under the circumstances in order that Plaintiff may ascertain his rights and duties as to the contention set forth in Paragraph 259 above.

Plaintiff seeks in equity a judicial declaration as to the foregoing contention.

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FOURTEENTH CAUSE OF ACTION

DECLARATORY RELIEF TO RETURN PROPERTY

(AGAINST DEFENDANTS DUNN, TORRES-GIL, TOWERY, BABCOCK, GRUNBERG, CHANG, GIRARDI, MILLER, DICKSTEIN, JOHNSON, ENGLISH, HAWLEY, FUJIE AND YEE)

261. Plaintiff refers to , and incorporates as though fully set forth herein, Paragraphs 1 through 260, inclusive, of the First Amended Complaint.

262. On or about February 21, 2012, the unlawful FISHING EXPEDITION SEARCH AND SEIZURE occurred due to the efforts of and at the instigation of PRIVACY OFFENDERS. DYDZAK PRIVATE AND PRIVILEGED COMMUNICATIONS were seized, and have not been returned to him to date. Upon information and belief, since on or about February 21, 2012, PRIVACY OFFENDERS have been in possession and had control of DYDZAK PRIVATE AND PRIVILEGED COMMUNICATIONS.

263. As retaliation for DYDZAK assisting LBR and other media sources in exposing the corruption and misconduct of the AOC, the State Bar of California, and various judges and attorneys, as herein alleged, PRIVACY OFFENDERS wanted illegal access to JOURNALIST's LBR's and LB's privileged work product materials and sources, including DYDZAK PRIVATE AND PRIVILEGED COMMUNICATIONS. PRIVACY OFFENDERS know and knew, as trained, long-time attorneys and a judge, that the FISHING EXPEDITION AND SEARCH AND SEIZURE has, and had at all times herein mentioned,

no basis in fact and law under either state or federal law. PRIVACY OFFENDERS are, and were at all times relevant hereto, aware that an individual's emails and computer-generated private communications and materials cannot be unlawfully taken and perused, since such conduct violates the common law and statutory rights of privacy under California law. In addition, PRIVACY OFFENDERS know, and knew at all times herein mentioned, under applicable law that no police searches are allowed which aim at uncovering confidential sources/information or seizing information and private communications developed during newsgathering activities. California Penal Code, Section 1524(g); Evidence Code 1070; Art. 1, Section 2(b) of California Constitution; Privacy Protection Act, 42 USC 2000aa et al.

264. An actual controversy has arisen and now exists between Plaintiff and the above-referenced Defendants, and each of them, concerning their respective rights and duties as to the following contention, to wit:

Plaintiff contends, and said Defendants dispute, that DYDZAK PRIVATE AND PRIVILEGED COMMUNICATIONS are his property, that they wrongfully possess said property, and that he is entitled to return of the property forthwith in the interests of justice and equity and pursuant to California Civil Code Sections 2223-24.

265. A judicial declaration is necessary and appropriate at this time under the circumstances in order that Plaintiff may ascertain his rights and duties as to the contention set forth in Paragraph 264 above.

266. Plaintiff seeks in equity a judicial declaration as to

the foregoing contention.

FIFTEENTH CAUSE OF ACTION

DECLARATORY RELIEF

(AGAINST DEFENDANTS SUPREME COURT OF CALIFORNIA, RONALD GEORGE, CANTIL-SAKAUYE, VICKREY AND OVERHOLT)

267. Plaintiff refers to, and incorporates as though fully set forth herein, Paragraphs 1 through 266, inclusive, of the First Amended Complaint.

268. At all times relevant hereto, Defendants SUPREME COURT, RONALD GEORGE, CANTIL-SAKAUYE, VICKREY and OVERHOLT are and were aware of the misuse, misappropriation, money-laundering activity and conversion of substantial funds and monies from the California Administration of the Courts (AOC), as herein alleged. Said Defendants, and each of them, have failed and refused to account for and return the converted and misappropriated funds and monies to either the AOC or the State of California. Upon information and belief, said Defendants, and each of them, converted and misappropriated AOC funds and monies, as herein alleged.

269. Plaintiff has been injured by the aforesaid unlawful actions, in that said Defendants have retaliated against him for discovering and exposing these actions, as herein alleged.

270. The above-referenced Defendants do not have, and have not had at all times herein mentioned, any immunity--judicial immunity, quasi-judicial immunity or otherwise—because the acts

of misuse, conversion, misappropriation complained of and alleged were done in an administrative and individual capacity and taken to unlawfully enrich and profit them.

271. An actual controversy has arisen and now exists between Plaintiff and the above-referenced Defendants concerning their respective rights and duties as to the following contentions:

(1) Plaintiff contends, and said Defendants dispute, that he has been injured by their unlawful and wrongful actions in misusing, converting and misappropriating AOC funds.

(2) Plaintiff contends, and said Defendants dispute, that these Defendants should be ordered to conduct an independent, fair and reasonable audit and accounting of the misused, converted and misappropriated AOC funds, and provide the results thereof to the California Legislature, the Alliance Judges and Controller of the State of California.

(3) Plaintiff contends, and said Defendants dispute, that the AOC should be dissolved and declared unconstitutional due to its misuse, conversion and misappropriation of funds and its harming of Plaintiff and betrayal of the public trust, which practices were condoned, ratified and facilitated by said Defendants.

(4) Plaintiff contends, and said Defendants dispute, that the converted and misappropriated funds and monies from the AOC should be returned to the State of California, by and through the Controller, John Chiang, or returned to the individual court

districts by the Legislature.

(5) Plaintiff contends, and said Defendants dispute, that the within Court should order appropriate restitution, penalties and interest of any AOC funds and monies misappropriated and converted by the aforesaid Defendants and each of them.

(6) Plaintiff contends, and said Defendants dispute, that the within Court should order a Receiver, accountant or other duly qualified person or entity to manage, oversee and ensure that any AOC funds and monies misappropriated and converted by the aforesaid Defendants, and each of them, are collected and accounted for.

272. A judicial determination is necessary and appropriate at this time under the circumstances in order that Plaintiff may ascertain his rights and duties as to the six contentions set forth in Paragraph 271 above.

273. Plaintiff seeks in equity a judicial declaration as to the foregoing contentions.

SIXTEENTH CAUSE OF ACTION

(CONSPIRACY)

(AGAINST DEFENDANTS WARDLAW, ROTHENBERG, RONALD M. GEORGE AND ERIC GEORGE)

274. Plaintiff refers to, and incorporates as though fully set forth herein, Paragraphs 1 through 273, inclusive, of the First Amended Complaint.

275. On or about January 4, 2011, and continuing to the present, Defendants WARDLAW, ROTHENBERG, RONALD GEORGE and ERIC GEORGE knowingly and willfully conspired and agreed among

themselves to injure Plaintiff, as herein alleged.

276. Defendants WARDLAW, ROTHENBERG, RONALD GEORGE and ERIC GEORGE did the acts and things herein alleged pursuant to, and in furtherance of, the conspiracy and above-entitled agreement. Said Defendants had, upon information and belief, contacts and communications with each other discussing how to injure DYDZAK, including, without limitation, unlawfully influencing and speaking with JUDGE WARDLAW and having her rule against Plaintiff in the Ninth Circuit case, DYDZAK V. GEORGE et al., to protect all of their financial interests, hide ROTHENBERG's and the GEORGES' illegal money-laundering and racketeering activities and their misconduct towards Plaintiff, as herein alleged.

277. As a direct, legal and proximate result of the wrongful and unlawful acts herein alleged, Plaintiff has suffered general damages, in an amount at this time but according to proof at or before trial.

278. The conspiracy alleged herein was done maliciously, fraudulently and to oppress DYDZAK. Plaintiff is therefore entitled to exemplary or punitive damages, according to proof.

SEVENTEENTH CAUSE OF ACTION

(VIOLATION OF RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (RICO), 18 U.S.C. SECTIONS 1961(5), 1962(b), ACQUISITION AND MAINTENANCE OF AN INTEREST IN AND CONTROL OF AN ENTERPRISE ENGAGED IN A PATTERN OF RACKETEERING ACTIVITY)

(AGAINST DEFENDANTS RONALD M. GEORGE, ERIC GEORGE, ROTHENBERG, OVERHOLT, VICKREY, BET TZEDEK, SAMUELS AND PASTERNAK)

279. Plaintiff refers to, and incorporates as though fully

set forth herein, Paragraphs 1 through 278, inclusive, of the First Amended Complaint.

280. This is a cause of action brought under the RICO laws promulgated in 18 U.S.C. Sections 1961-1968. Plaintiff is informed and believes, and thereon alleges, that this Superior Court has concurrent jurisdiction to entertain and adjudicate the instant RICO cause of action. Tafflin v. Levitt, 493 U.S. 455 (1990).

281. Plaintiff is informed and believes, and thereon alleges, that the above-referenced Defendants, and each of them (collectively "RICO Defendants"), have engaged, and continue to engage in, violation of 18 U.S.C. Sections 1961(5) and 1962(b), to wit, the acquisition and maintenance of an enterprise engaged in a pattern of racketeering activity.

282. 18 U.S.C. Section 1962(b) states that "it shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce."

283. Since 2004 and continuing to the present, upon information and belief, RICO Defendants, and each of them, have engaged and engage, inter alia, in numerous acts of obstruction of justice (18 U.S.C. Sections 2, 1503); money-laundering (18 U.S.C., Sections 2, 1956); concealment of money-laundering and mail fraud (18 U.S.C., Sections 2, 1341, 1346); wire fraud in transferring and negotiating illegally gotten funds and monies (18 U.S.C. Sections 2, 1343, 1346); bank fraud in defrauding its

customers and investors (18 U.S.C. 1344); and conversion of funds and monies of the State of California, as herein alleged.

284. Since 2004 and continuing to the present, upon information and belief, RICO Defendants, and each of them, have engaged and engage, inter alia, in securities and commodities fraud (18 U.S.C. 1348), including, without limitation, the following:

(1) Deceptive and fraudulent practices in the stock and commodity markets;

(2) Insider trading;

(3) Providing false and misleading information on financial statements;

(4) Providing false and misleading information on SEC filings;

(5) Acts of embezzlement of funds;

(6) Stock manipulation and schemes;

(7) Misrepresenting information to bank regulatory agents;

(8) Misrepresenting information to state and federal tax authorities and auditors.

285. RICO Defendants, and each of them, did the foregoing, directly and indirectly, through interests in and control of a RICO enterprise of individuals managing, investing and participating in, overseeing and supervising the following entities: Los Angeles-based 1st CENTURY BANK, 1st CENTURY BANCSHARES, INC. ("BANCSHARES"), a Delaware Corporation and bank holding company, and BANCSHARES' subsidiary, 1st CENTURY BANK NATIONAL ASSOCIATION. Upon information and belief, RICO Defendants have used and use these financial and banking

entities in order to engage in secret and illegal kickbacks, deposit illicitly gained government and AOC funds into personal bank accounts, commit and participate in fraudulent audits and accountings, had Defendant RONALD GEORGE unlawfully transfer government funds to his son, ERIC GEORGE, improperly taken and not refunded TARP monies, manipulated the stock and value of BANSHARES on NASDAQ, and done other illegal acts to injure Plaintiff, the State of California, the United States of America, and the public at large. In fact, Defendant ROTHENBERG's bank entities were formed, capitalized and created by RICO Defendants, and each of them, with the intent of carrying out, and the actual carrying out, of unlawful RICO activities, to unjustly enrich themselves and harm Plaintiff, the State of California, the United States of America and the public at large, as herein alleged.

286. Since 2004 and at various places, such as San Francisco, Los Angeles, New York, Washington, D.C. and Wilmington, RICO Defendants did acquire and maintain, directly and indirectly, an interest in and control of a RICO enterprise of individuals who were associated in fact and who did engage in, and whose activities did affect, interstate and foreign commerce, all in violation of 18 U.S.C. Sections 1961(4), (5), (9) and 1962 (b).

287. Within the past ten years, RICO Defendants, and each of them, engaged in and did cooperate, jointly and severally, in the commission of two or more RICO predicate acts which are itemized in the RICO laws at 18 U.S.C. Sections 1961(1)(A) and (B), and did so in violation of the RICO law at 18 U.S.C.

1962(b) (Prohibited Activities).

288. Plaintiff alleges that the RICO offenses and violations by the aforementioned Defendants, and each of them, were done in a manner which they calculated and premeditated intentionally to threaten continuity, i.e., a continuing threat of their respective racketeering activities, in violation of 18 U.S.C. 1962(b), as herein alleged.

289. Plaintiff is informed and believes, and thereon alleges, that between 2004, and continuing to the present, Defendant RONALD GEORGE has conducted, participated in, engaged in, conspired to engage in, or aided and abetted the conduct of the affairs of the RICO enterprise through a pattern of racketeering activity within the meaning of 18 U.S.C. Sections 1961(1), 1961(5) and 1962(b). This pattern of racketeering activities, among various predicate acts, without limitation, consists and consisted of Defendant RONALD GEORGE investing in and hiding monies in Defendant ROTHENBERG's bank entities to money-launder AOC converted funds, without disclosing same on disclosure forms required of him while he was Chief Justice of the California Supreme Court and afterwards; acquiring with his son, Defendant ERIC GEORGE, a 10 percent or more interest in Defendant ROTHENBERG's bank entities without making the necessary financial disclosures; converting with the other RICO Defendants TARP bail-out monies provided by the U.S. government and misrepresenting that they were unable to reimburse the U.S. Treasury for same; using illicitly gained government monies for

his and his family's personal use and benefit and transferring same in off-shore accounts and bogus corporations or family trusts, without the necessary disclosures; failing to disclose to banking regulators and tax authorities at the state and federal level his equity, tacit stock ownership and investment and involvements with ROTHENBERG's bank entities and report and pay appropriate taxes thereto; engaging in wire, mail and securities fraud by transferring unlawfully obtained monies out of state and outside the United States into offshore accounts and by keeping the BANCSHARES' stock artificially low or manipulated to affect its value to stockholders of BANCSHARES and trading on NASDAQ; retaliating against Plaintiff and disbarring Plaintiff by not disclosing his bias and conflicts of interest due to his financial dealings in the RICO enterprise; influencing the giving of certain interest-free and low-interest loans on commercial and residential real estate to affect court rulings and his manipulation of the Los Angeles judiciary at both the state and federal levels; obtaining common stock, preferred stock, certificates of deposit, available-for-sale (AFS) and held-to-maturity (HTM) securities through and regarding BANCSHARES without reporting or disclosing same to the IRS and Franchise Tax Board; using Defendant BET TZEDEK to assist in the aforesaid illegal activities and money-laundering, with the advice and participation of Defendants BET TZEDEK, SAMUELS and PASTERNAK.

290. Plaintiff is informed and believes, and thereon alleges, that between 2004, and continuing to the present, Defendant ERIC GEORGE has conducted, participated in, engaged

in, conspired to engage in or aided and abetted the conduct of the affairs of the RICO enterprise through a pattern of racketeering activity within the meaning of 18 U.S.C. Sections 1961(1), 1961(5) and 1962(b). This pattern of racketeering activities, among various predicate acts, without limitation, consists and consisted of Defendant ERIC GEORGE, in collusion and conspiracy with his father, investing in and hiding monies in ROTHENBERG's bank entities to money-launder AOC converted funds, and without disclosing same on disclosure forms required of him; acquiring with Defendant RONALD GEORGE a 10 percent or more interest in Defendant ROTHENBERG's bank entities without making the necessary financial disclosures; doing rigged and dishonest audits of Defendant ROTHENBERG's bank entities to hide ill-gotten gains; converting with the other RICO Defendants TARP bail-out monies provided by the U.S. government and misrepresenting that they were unable to reimburse the U.S. Treasury for same; using illicitly gained government monies for his and his family's personal use and benefit and transferring same into off-shore accounts and bogus corporations or family trusts, without the necessary disclosures; failing to disclose to banking regulators and tax authorities at the state and federal level his equity, tacit stock ownership and investments and involvements with ROTHENBERG's bank entities and report and pay appropriate taxes thereto; engaging in wire, mail and securities fraud by transferring unlawfully obtained monies out of state and outside the United States into offshore accounts and by keeping BANCSHARES' stock artificially low or manipulated to affect its value to stockholders of BANCSHARES and trading on

NASDAQ; retaliating against Plaintiff and using his influence with Defendant ROTHENBERG on his father to disbar DYDZAK in order to cover up his illegal RICO activities; influencing the giving of interest-free loans and low-interest loans on commercial and residential real estate to affect certain court rulings and his manipulation of the Los Angeles judiciary at both the state and federal levels; as part of the selection committees for the appointment of federal and state judges in California voting with Defendant FUJIE for future judges who could be manipulated and influenced to benefit the RICO Defendants and not disturb the money-laundering, acts of conversion, and unspoken power and influence-peddling structure put in place by Defendants RONALD GEORGE, GIRARDI, MILLER, FUJIE, BET TZEDEK, SAMUELS and PASTERNAK; obtaining common stock, preferred stock, certificates of deposit, AFS and HTM securities through and regarding BANCSHARES without reporting or disclosing same to the IRS and Franchise Tax Board; serving as a director and head of the Audit Committee of 1st Century Bank in order to hide the RICO Defendants' illegal actions, including the conversion and money-laundering of government funds by Defendant RONALD GEORGE and himself; assisting Defendant ROTHENBERG in money-laundering activities for the RICO Defendants by insisting that they buy securities with Defendant ROTHENBERG's bank entities and place their savings, ill-gotten gains, bank accounts and financial holdings with said entities; and using Defendant BET TZEDEK to assist and participate in the aforesaid illegal activities and money-laundering, through being an influential Director on the Board of Directors of BET TZEDEK

and through the advice and involvement of Defendants SAMUELS and PASTERNAK.

291. Plaintiff is informed and believes, and thereon alleges, that between 2004, and continuing to the present, Defendant ROTHENBERG has conducted, participated in, engaged in, conspired to engage in, or aided and abetted the conduct of the affairs of the RICO enterprise through a pattern of racketeering activity within the meaning of 18 U.S.C. Sections 1961(1), 1961(5) and 1962(b). This pattern of racketeering activities, among various predicate acts, without limitation, consists and consisted of Defendant ROTHENBERG investing in and hiding illicit monies in his bank entities to money-launder AOC converted funds, and without disclosing same on disclosure forms required of banking, tax and SEC authorities; not making the necessary financial disclosures, himself personally and on behalf of his bank entities, to the IRS, Franchise Tax Board, SEC and regulatory agencies; setting up with bank entities with the assistance and participation of the RICO Defendants, with the intention of carrying out, and in fact carrying out, illegal money-laundering, conversion of government funds, advising and allowing the fraudulent commingling of personal and stolen government funds by the GEORGES and others; Defendant ROTHENBERG acquiring substantial illegal equity, stock ownership and interest in his bank entities from stolen government and AOC funds to unjustly enrich himself and the other RICO Defendants, without making the necessary disclosures; Defendant ROTHENBERG converting with the other RICO Defendants TARP bail-out monies provided by the U.S. government and misrepresenting that they

are and were unable to reimburse the U.S. Treasury for same; using illicitly gained banking fees and stolen government monies for his and his family's personal use and benefit and transferring same to off-shore accounts and bogus, shell corporations or family trusts, without the necessary disclosures; failing to disclose to banking, SEC and tax authorities his full equity, stock ownership and investments and involvements in his bank entities and accurately and honestly report and pay appropriate taxes and regulatory fees thereto; engaging in wire, mail and securities fraud by transferring unlawfully obtained monies out of state and outside the United States into offshore accounts and by keeping the BANCSHARES' stock artificially low or manipulated to affect its value to shareholders thereof and trading on NASDAQ; advising and using his relationships and influence on Defendant RONALD GEORGE, Defendant GIRARDI, Scott Drexel and Appellate judge HUFFMAN to put DYDZAK on an enemies list and ensure Plaintiff was disbarred out of retaliation and vindictiveness and due to DYDZAK's coming "too close to the bone" in discovering the money-laundering, corrupt acts and other unlawful conduct by him, the GEORGES and the other RICO Defendants; not disclosing the fraudulent and unlawful giving of interest-free and low-interest loans on commercial and residential real estate to affect court rulings and cement his influence as a power-broker and ally of the GEORGES when dealing with the Los Angeles judiciary; obtaining preferential unlawful common stock, preferred stock, dividends, stock splits, certificates of deposit, AFS and HTM securities through and regarding BANCSHARES without disclosing same to the

IRS, Franchise Tax Board; giving "freebies" such as underwriting and paying for expensive lunches, dinners and Bar-related functions to Defendant SUPREME COURT in order to unduly and illegally influence them to cover up the misconduct and corruption of the RICO Defendants; and using Defendant BET TZEDEK to assist in the RICO illegal activities and money-laundering, with the advice and participation of Defendant BET TZEDEK, SAMUELS and PASTERNAK.

292. Plaintiffs are informed and believe, and thereon allege, that between 2004, and continuing to the present, Defendants OVERHOLT and VICKREY have known about, accepted, ratified and condoned the racketeering and unlawful actions of Defendants RONALD GEORGE, ERIC GEORGE and ROTHENBERG, as set forth with specificity herein. Upon further information and belief, Defendants OVERHOLT and VICKREY converted AOC funds for their own personal use, and impermissibly commingled personal funds and ill-gotten government funds into their own personal bank accounts.

293. In addition, upon information and belief, Defendants OVERHOLT and VICKERY received kickbacks, bribes and financial incentives, free trips, free transportation, free extravagant meals, free golf and tennis excursions, free hotel accommodations, and excessive salary and bonuses, due to their fraudulently converting AOC funds, illegally siphoning off monies meant for the California CCMS computer system, and unlawfully allowing and aiding Defendant RONALD GEORGE in converting and misappropriating multi-millions of dollars of AOC and other government monies. Defendants OVERHOLT and VICKREY

covered up with Defendants GEORGE, Defendant SUPREME COURT and DUNN the massive conversion and misappropriation of state bar funds by Defendant JOHNSON. Defendants OVERHOLT and VICKREY did not report the unlawful actions of the GEORGES and ROTHENBERG to the Attorney General of California or the Governor of California. They were and are ethically required to do so. In fact, Defendants OVERHOLT and VICKREY vigorously resisted, as upper senior management of the AOC and directors thereof, Defendant RONALD GEORGE being audited because they did not mind engaging in criminal and racketeering activity themselves, enjoying the illegal perks and tainted stolen monies, as hereinbefore alleged. Defendants OVERHOLT and VCIKREY shut their mouths, seeking and unfairly receiving unjust enrichment for their unscrupulous oath of silence and harming the taxpayers of California and the United States and the reputation of the California judiciary. Not concerned about the local courts' budgetary problems and the rank-and-file court staff and clerks being laid off, Defendants OVERHOLT and VICKRY stole with impunity with the GEORGES and ROTHENBERG, disgracefully knowing, like imprisoned Bernie Madoff, "a good thing when they see it".

294. Plaintiffs are informed and believe, and thereon allege, that, despite Defendant CANTIL-SAKAUYE's and Defendant SUPREME COURT's knowledge about the misconduct of Defendants OVERHOLT and VICKREY, the latter continue to receive inflated, considerable unlawful monies, consultant fees, salary and monies from the AOC and State of California. In fact, it is falsely claimed they are both "retired". Although JODY PATEL is

now ostensibly the interim administrative Director of the AOC, Plaintiff is informed and believed, and thereon alleges, that Defendants OVERHOLT and VICKREY are still coming into work to AOC executive offices at Golden Gate Avenue in San Francisco, also commonly known as the "Crystal Palace", and managing the AOC behind the curtains. Upon further information and belief, OVERHOLT's and VICKREY's ongoing conduct of "calling the shots" is at the direction of Defendants RONALD GEORGE, CANTIL-SAKAUYE, DUNN and others, in order that RICO Defendants' activities be covered up and that the illegal money train continues to roll from AOC coffers.

295. Shockingly, Defendant CANTIL-SAKAUYE and Defendant SUPREME COURT have not demanded from either Defendants OVERHOLT or VICKREY return of any converted funds by them. This indifference to remedying corruption is part and parcel of the continuing cover-up of the racketeering activities of the RICO Defendants.

296. Plaintiff is informed and believes, and thereon alleges, that Defendants OVERHOLT and VICKREY also supported, with the other RICO Defendants, illegal payments, freebies and kickbacks by Defendant GIRARDI and others to former Chief Trial Counsel DREXEL in order to influence him to effectuate the aforesaid unlawful "enemies list" agenda of Defendant RONALD GEORGE and Appellate Justice HUFFMAN.

297. Upon information and belief, Defendant GEORGE, Beth Jay and HUFFMAN discussed destroying DYDZAK's legal career, because Defendant RONALD GEORGE was angered that he had sued Defendant ROTHENBERG and 1st CENTURY BANK and exposed the

misconduct of ROTHENBERG in stealing valuable Hollywood memorabilia from DYDZAK's client, Anthony Rogell. Defendant GEORGE was also concerned and angered that DYDZAK had discovered his and his son's unethical and criminal activity with Defendant ROTHENBERG and others, as herein alleged.

298. Upon information and belief, showing the mindset of the RICO Defendants to continue pilfering AOC coffers and consolidate power and influence, they have enlisted Defendant DUNN, the would-be, successor-in-waiting to Defendant CANTIL SAKAUYE on Defendant SUPREME COURT, to keep J. Edgar Hoover-like files on various disfavored attorneys, judges, judicial and government employees. These files, apparently located at the Senator Law Firm in Newport Beach, are kept with the intention of digging up dirt on the personal, business and professional affairs of said disfavored persons.

299. Defendant DUNN is a perfect player to go along with the RICO activities herein alleged. Defendant DUNN has not cleaned up the misconduct of the State Bar bureaucracy towards DYDZAK or others similarly situated. Upon information and belief, DUNN's quest for power and money continues unabated. He has plans, ambitions to become the new AOC chief and then use his leverage and political connections to be appointed as Chief Justice of Defendant SUPREME COURT in approximately five years. Defendant DUNN is aware that Defendant CANTIL-SAKAUYE, since at or about the time she ascended to the California Supreme Court, has assembled a team of advisors and attorneys about transferring questionable funds to off-shore shelters and

financial havens. Upon information and belief, DUNN himself has received illegal campaign contributions from Defendant GIRARDI and others and illegal gaming revenue from Defendant DICKSTEIN.

300. Defendant DUNN is unfortunately continuing the legacy of Jurist Richard D. HUFFMAN in condoning illegal activity and the conversion of AOC funds. HUFFMAN is not liked by many rank-and-file court employees and by many of the California Alliance Judges for good reason. Until his forced, recent resignation from the Judicial Council, HUFFMAN was the hatchet man for Defendant RONALD GEORGE and, upon information and belief, did not blink even once at the massive misappropriation and theft of funds from the AOC, construction project kickbacks, and the lack of independent auditing of the AOC and Defendants RONALD GEORGE, OVERHOLT and VICKREY and other high-level AOC officials. Any judge who opposed Defendant RONALD GEORGE's policies or questioned his authority was told he or she would be relegated to legal Siberia, and not enjoy the perks, such as new chambers furniture and free expense-paid trips to San Francisco and elsewhere to hail, pay homage to and hold court with the former Chief Justice.

301. Upon information and belief, now-fired DREXEL received illegal financial incentives and bribes from Defendant GIRARDI and others to pursue disciplinary cases against DYDZAK and other disfavored attorneys on the hit list. Associate Justice HUFFMAN, assisted by BETH JAY, did the bidding of any attorney DREXEL, Defendants GIRARDI, ROTHENBERG and RONALD GEORGE wanted put out of commission. Plaintiff and other

disfavored attorneys were put on this enemies list to eliminate them from the profession or to be severely disciplined. Lower-level and junior Bar prosecutors, such as Eli Mortgenstern and Augustus Hernandez, know and knew that, if they want to advance their careers with the State Bar, they are and were instructed to aggressively pursue attorneys on the enemies list. State Bar Judges, which the Addington Report revealed engaged in improper ex parte communications with state bar officials and attorneys on a regular basis, were told that they if they did not rule in favor of the Bar, with its next to 100 percent conviction rate, they risked having their administrative contracts not renewed. Upon information and belief, Mr. Mortgenstern unethically recently told State Bar Judge Richard A. Honn in a bar disciplinary matter that, if he ruled in favor of the Bar, the State Bar would put in a good word for him when his administrative contract came up for renewal.

302. Recent press reports have alleged that former California Governor, Arnold Schwarzenegger, was blackmailed into nominating Defendant CANTIL-SAKAUYE to be appointed Chief Justice of Defendant SUPREME COURT due to Defendant RONALD GEORGE's hard-arm tactics and influence, through his emissary, Defendant MILLER. These reports claim that Defendant MILLER convinced Schwarzenegger to so appoint Defendant CANTIL-SAKAUYE, because otherwise Defendants MILLER and GIRARDI would have used their media contacts to reveal that there had been approximately 150 JAMS settlements of sexual harassment lawsuits involving the actor-politician. This helps explain why Defendant CANTIL-SAKAUYE is not willing to do anything about Defendant OVERHOLT's

and Defendant VICKREY's RICO activities, as herein alleged.

303. Defendants OVERHOLT and VICKREY have also unconscionably supported the RICO Defendants' use of senior Bar investigator, Tom Layton, to illegally gather detrimental, "dirt" information, and engage in unlawful law enforcement-like activities, against their perceived enemies such as Plaintiff. Defendant GIRARDI pays Layton handsomely on the side for such activity.

304. For example, unjustified, brutal physical beatings of journalist-activist Erin Baldwin were allegedly done in the presence of and at the instigation of Layton in a Southern California county jail. This was in retaliation for Baldwin exposing Bar, judicial and attorney misconduct on her blogs.

305. The FISHING EXPEDITION SEARCH AND SEIZURE was a plan conceived and supported by Layton, the other RICO Defendants, Defendants DUNN, TOWERY, GIRARDI, MILLER, FUJIE, DICKSTEIN, BABCOCK, HAWLEY, ENGLISH and others, as herein alleged. This was done to injure Plaintiff, LB, LBR and JOURNALIST. Defendant DUNN and others wanted to find out LBR's sources from Plaintiff, the AOC, the State Bar bureaucracy and elsewhere, and with the obvious aim of attempting to shut down the LESLIE BRODIE REPORT and obstruct freedom of speech. There are Big Brother echoes of George Orwell's 1984.

306. Upon information and belief, the Yolo County District Attorney, Jeff Reisig, did the illegal FISHING EXPEDITION SEARCH AND SEIZURE, prompted by, among others, Layton, Defendant DICKSTEIN, Defendant TOWERY's wife in the Santa Clara District Attorney's Office and Stephen Wagstaffe, the District Attorney

of San Mateo County. Defendants DICKSTEIN and ENGLISH, with their illegal ownership interests in Indian gaming with Defendant GIRARDI and politician Bill Lockyer, obviously did not like what has been written about them and their circle on LBR.

307. Plaintiff is informed and believes, and thereon alleges, that Layton has discussed FISHING EXPEDITION SEARCH AND SEIZURE with attorneys James M. Wagstaffe and Michael Von Loewenfeldt of Kerr & Wagstaffe, both influential Bar-insider attorneys. Mr. Wagstaffe has been accused of providing young female companionship and setting up relationships with attractive female attorneys to senior judges and Bar officials, so that his law firm can influence rulings and generate tremendous professional fees for Bar defense matters. Upon further information and belief, the aforementioned attorneys fully supported, ratified and helped conceive the FISHING EXPEDITION SEARCH AND SEIZURE. It is alarming that these attorneys would help perpetuate the unlawful and unethical conduct exemplified by the FISHING EXPEDITION SEARCH AND SEIZURE.

308. Plaintiff is informed and believes, and thereon alleges, that between 2004 and continuing to the present, Defendants BET TZEDEK, SAMUELS and PASTERNAK have conducted, participated in, engaged in, conspired to engage in, or aided and abetted the conduct of the affairs of the RICO enterprise through a pattern of racketeering activity within the meaning of 18 U.S.C. Sections 1961(1), 1961(5) and 1962(b). This pattern of racketeering activities, among various predicate acts, consists and consisted of said Defendants investing in and hiding monies

in Defendant ROTHENBERG's bank entities to money-launder converted AOC funds for the GEORGES and other illicit monies, without disclosing same on disclosure forms required by the IRS and Franchise Tax Board; acquiring preferential shares and ownership in ROTHENBERG's bank entities, to the prejudice of other shareholders; converting with Defendants ROTHENBERG, ERIC GEORGE and RONALD GEORGE TARP bail-out monies provided by the U.S. government and misrepresenting that they were unable to reimburse the U.S. treasury for same; using straw persons to buy or foreclose upon residential and commercial real estate, masterminding and initiating lawsuits through these straw persons in Los Angeles Superior Court, using Defendant PASTERNAK as a receiver and preferred BET TZEDEK judges, in order to enrich themselves and victimize the unsuspecting property owners; steering lawsuits to BET TZEDEK-favored law firms and judges, and getting financial incentives and kickbacks for so doing; failing to disclose and report to banking regulators and tax authorities the full extent of their income, investments and interests from the ROTHENBERG's banking entities and pay sufficient and fair taxes thereto; using BET TZEDEK's status as a charitable, non-profit entity or corporation to avoid paying taxes and revealing ill-gotten gains ; transferring BET TZEDEK funds and committing wire and mail fraud thereto by sending unlawfully obtained monies and profits out of state and outside the United States into offshore accounts; assisting in manipulating and keeping BANCSHARES' stock artificially low and under the radar to affect its value to stockholders and trading on NASDAQ; retaliating against DYDZAK and influencing his

disbarment by Defendant RONALD GEORGE because he had prejudiced their financial interests by previously suing Defendant ROTHENBERG in various litigation; influencing the giving of interest-free and low-interest loans on commercial and residential real estate to affect court rulings and their manipulation of the Los Angeles judiciary at both the state and federal levels; obtaining common stock, preferred stock, certificates of deposit, stock splits, dividends, certificates of deposit, AFS and HTM securities through and regarding BANCSHARES without reporting or disclosing same to the IRS and Franchise Tax Board; and using Defendant BET TZEDEK to assist in the illegal activities and money-laundering of the GEORGES and ROTHENBERG, with the advice and participation of Defendants SAMUELS, PASTERNAK and ERIC GEORGE.

309. Plaintiff requests that this Honorable Court find that the RICO Defendants, and each of them, have actively engaged in RICO violations; that they be required to account for all gains, profits and advantages derived from their several acts of racketeering activity; that they pay to Plaintiff treble damages, under authority of 18 U.S.C. 1964, for any gains, profits or advantages attributable to all violations of 18 U.S.C. 1962(b), according to proof; that they pay to Plaintiff all damages sustained by him caused by RICO Defendants' several violations of 18 U.S.C. `1962(b) and illegal interference with his legal career and standing as an attorney, according to proof; that Plaintiff be awarded all reasonable costs of suit, according to proof; that the damages, gains, profits and advantages caused by said Defendants' racketeering

activity and interference with DYDZAK's legal rights be deemed to be held in constructive trust, for the benefit of Plaintiff, his heirs and assigns; and that the Court award other such relief as warranted in the premises.

EIGHTEENTH CAUSE OF ACTION

(VIOLATION OF RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (RICO), 18 U.S.C. SECTIONS 1961(5), 1962©, CONDUCT AND PARTICIPATION IN A RICO ENTERPRISE THROUGH A PATTERN OF RACKETEERING ACTIVITY)

(AGAINST DEFENDANTS RONALD GEORGE, ERIC GEORGE, ROTHENBERG, OVERHOLT, VICKREY, BET TZEDEK, SAMUELS AND PASTERNAK)

310. Plaintiff refers to, and incorporates as though fully set forth herein, Paragraphs 1 through 309, inclusive, of the First Amended Complaint.

311. This cause of action is brought under the RICO laws, as hereinbefore alleged, and this Superior Court has jurisdiction to entertain and adjudicate same, as hereinbefore alleged.

312. Plaintiff is informed and believes, and thereon alleges, that the RICO Defendants have engaged and continue to engage in violation of 18 U.S.C. Section 1961(5) and 1962©, to wit, conduct and participation in a RICO enterprise through a pattern of racketeering activity.

313. The RICO statute provides that it "shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or

indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt." 18 U.S.C. Section 1962©.

314. The RICO statute provides for a private cause of action to any person who has been injured in his business or property by reason of a qualifying enterprise's affairs through a pattern of RICO acts such as mail or wire fraud. 18 U.S.C. Section 1964©.

315. Since 2004 and continuing to the present, RICO Defendants have engaged in numerous RICO acts and statutory violations, as hereinbefore alleged and described. Said Defendants did associate with a RICO enterprise of individuals who were associated in fact and who engaged in, and whose activities did affect, interstate and foreign commerce.

316. Furthermore, all the above-referenced Defendants did conduct and/or participate, either directly or indirectly, in the conduct of the affairs of said RICO enterprise through a pattern of racketeering activity, all in violation of 18 U.S.C. Sections 1961(4), (5), (9) and 1962©.

317. Within the past ten years, RICO Defendants, and each of them, engaged in and did cooperate, jointly and severally, in the commission of two or more RICO predicate acts which are itemized in the RICO laws at 18 U.S.C. Sections 1961(1)(A) and (B), and did so in violation of the RICO law at 18 U.S.C. 1962(C) (Prohibited activities).

318. Plaintiff alleges that the RICO offenses and violations by the aforementioned Defendants, and each of them, were done in a manner which they calculated and premeditated

intentionally to threaten continuity, i.e., a continuing threat of their respective racketeering activities, in violation of 18 U.S.C. 1962©, as herein alleged.

319. Plaintiff requests that this Honorable Court find that the RICO Defendants, and each of them, have actively engaged in RICO violations; that they be required to account for all gains, profits and advantages derived from their several acts of racketeering activity; that they pay to Plaintiff treble damages, under authority of 18 U.S.C. 1964, for any gains, profits or advantages attributable to all violations of 18 U.S.C. 1962©, according to proof; that they pay to Plaintiff all damages sustained by him caused by RICO Defendants' several violations of 18 U.S.C. 1962© and illegal interference with his legal career and standing as an attorney, according to proof; that Plaintiff be awarded all reasonable costs of suit, according to proof; that the damages, gains, profits and advantages caused by said Defendants' racketeering activity and interference with DYDZAK's legal rights be held in constructive trust, for the benefit of Plaintiff, his heirs and assigns; and that the Court award such other relief as warranted in the premises.

NINTHTEENTH CAUSE OF ACTION

(VIOLATION OF RACKETEERING INFLUENCE AND CORRUPT ORGANIZATIONS ACT (RICO), 18 U.S.C. SECTIONS 1961(5), 1962(d)), CONSPIRACY TO ENGAGE IN A PATTERN OF RACKETEERING ACTIVITY)

(AGAINST DEFENDANTS RONALD GEORGE, ERIC GEORGE, ROTHENBERG, OVERHOLT, VICKREY, BET TZEDEK, SAMUELS AND PASTERNAK)

320. Plaintiff refers to, and incorporates as though fully set forth herein, Paragraphs 1 through 319, inclusive, of the First Amended Complaint.

321. This is a cause of action brought under the RICO laws, as hereinbefore alleged. Plaintiff is informed and believes, and thereon alleges, that this Superior Court has concurrent jurisdiction to entertain and adjudicate the instant RICO cause of action, as hereinbefore alleged.

322. Plaintiff is informed and believes, and thereon alleges, that the above-referenced Defendants, and each of them, have engaged and continue to engage in violation of 18 U.S.C. Sections 1961(5) and 1962(d), to wit, conspiracy to engage in a pattern of racketeering activity.

323. The RICO statute recites at 18 U.S.C. Section 1962(d) that "It shall be unlawful for any person to conspire to violate any of the provisions of subsections (a), (b) or (c) of this section."

324. In taking the unlawful actions and engaging in the misconduct herein alleged contrary to 18 U.S.C. Section 1962(a), (b) and (c), RICO Defendants, and each of them, conspired to engage in a pattern of racketeering activity. Such conspiracy caused and continues to cause injury and damage to Plaintiff, the State of California, the United States of America, and both U.S. and California taxpayers. Such conspiracy further has caused and continues to cause damage to the reputation of the legal profession in California, the AOC, State Bar of California and California judiciary, including Defendant SUPREME COURT.

325. Since 2004 and continuing to the present, RICO

Defendants, and each of them, have engaged in numerous RICO and statutory violations, as hereinbefore alleged. Moreover, RICO Defendants, and each of them, conspired to acquire and maintain an interest in a RICO enterprise engaged in a pattern of racketeering activity, in violation of 18 U.S.C. Sections 1962(b) and (d).

326. All RICO Defendants also did conspire to conduct and participate in said RICO enterprise through a pattern of racketeering activity in violation of 18 U.S.C. Sections 1962© and (d), as well as 18 U.S.C. Sections 1961(4), (5) and (9).

327. Within the past 10 years, RICO Defendants, and each of them, did cooperate, jointly and severally, in the commission of two or more RICO predicate acts which are itemized at 18 U.S.C. Sections 1961(1)(A) and (B), in violation of 18 U.S.C. 1962(d).

327. Plaintiff alleges that the RICO offenses and violations by the aforementioned Defendants, and each of them, were done in a manner which they calculated and premeditated intentionally to threaten continuity, i.e., a continuing threat of their respective racketeering activities, in violation of 18 U.S.C. Section 1962(d), as herein alleged.

328. Plaintiff requests that this Honorable Court find that the RICO Defendants, and each of them, have actively engaged in RICO violations; that they be required to account for all gains, profits and advantages derived from their several acts of racketeering activity; that they pay to Plaintiff treble damages, under authority of 18 U.S.C. 1964, for all gains, profits or advantages derived from their several acts of

racketeering activity; that they pay to Plaintiff treble damages, under authority of 18 U.S.C. 1964, for any gains, profits or advantages attributable to all violations of 18 U.S.C. 1962(d), according to proof; that they pay to Plaintiff all damages sustained by him caused by RICO Defendants' several violations of 18 U.S.C. 1962(d) and illegal interference with his legal career and standing as an attorney, according to proof; that Plaintiff be awarded all reasonable costs of suit, according to proof; that the damages, gains, profits and advantages caused by said Defendants' racketeering activity and interference with DYDZAK's legal rights be deemed to be held in constructive trust, for the benefit of Plaintiff, his heirs and assigns; and that the Court award such other relief as warranted in the premises.

TWENTIETH CAUSE OF ACTION

(DECLARATORY RELIEF TO DECLARE STATE BAR ACT UNCONSTITUTIONAL AND ULTRA VIRES AS DENYING FUNDAMENTAL RIGHTS TO JURY TRIAL, DUE PROCESS AND EQUAL PROTECTION OF LAWS)

(AGAINST DEFENDANT STATE OF CALIFORNIA)

329. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1 through 328, inclusive, of the First Amended Complaint.

330. An actual controversy has arisen and now exists between Plaintiff and Defendant State of California concerning their respective rights and duties as to the following contention:

(1) Plaintiff contends, and said Defendant denies, that the

State Bar Act (California Business & Professions Code, Section 6000 et seq. is, and was at all times herein mentioned, since 2000 and continuing to the present, unconstitutional and ultra vires, on its face and as it is applied and enforced to DYDZAK and attorneys similarly situated, in that said Act violates constitutional, due process and equal protection rights and privileges secured and guaranteed by the California and U.S. Constitutions, including, without limitation, rights and privileges under the 5th, 6th and 14th Amendments.

(2) Plaintiff contends, and said Defendant denies, that Plaintiff and attorneys similarly situated cannot obtain fair and impartial pretrial, trial and post-trial disciplinary proceedings in the State Bar Court, Review Department, and Defendant SUPREME COURT because of constitutional violations in the State Bar Act, such as defective default procedures, the lack of a jury trial, insufficient discovery provisions, non-adherence to basic evidentiary rules of procedure, the lack of any meaningful review, oral argument and reasoned decision in Defendant SUPREME COURT, and the lack of any meaningful mechanism or rules to challenge prosecutorial misconduct, the fabrication of evidence and improper invasion of federal jurisdiction by state authorities.

(3) Changes and amendments to the State Bar Act from 2000 onward are, and were at all times herein mentioned, ultra vires, unconstitutional and void since they were not passed and approved by the California Legislature.

(4) The State Bar Act is, and was at all times herein mentioned, ultra vires, unconstitutional and void, since it does

not allow a California-licensed attorney in the disciplinary system:

(i) To invoke his right of self-incrimination;

(ii) The right to a jury trial, with proof beyond a reasonable doubt in order to contest penal fines;

(iii) To seek review from a decision or Order from the *administrative,* so-called State Bar Court before an Article VI Judge of the Superior Court or Court of Appeal, even when constitutional and civil rights are violated or a state bar judge is incompetent to act or rule by reason of bias/conflict of interest.

331. A judicial declaration is necessary and appropriate at this time under the circumstances in order that Plaintiff may ascertain his rights and duties as to the contentions set forth in Paragraph 330 above.

332. Plaintiff hereby seeks a judicial declaration that the State Bar Act has been unconstitutional and ultra vires since 2000 and continuing to the present, as herein alleged.

TWENTY-FIRST CAUSE OF ACTION

EMBEZZLEMENT BY FIDUCIARY

(AGAINST DEFENDANTS SUPREME COURT OF CALIFORNIA, RONALD GEORGE, CANTIL-SAKAUYE, OVERHOLT AND VICKREY)

333. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1 through 332, inclusive, of the First Amended Complaint.

334. At all times relevant hereto, by virtue of their positions and employment in the government and public sector of

California, Defendants SUPREME COURT, RONALD GEORGE, CANTIL-SAKAUYE, OVERHOLT and VICKREY, had and have a fiduciary relationship with Plaintiff and other Californians, whereby AOC and other government funds were and are entrusted to their supervision, control, management and oversight.

335. Plaintiff is informed and believes, and thereon alleges, that these Defendants have over the course of many years, before and on the date of the filing of the original Complaint, and continuing to the present, fraudulently appropriated and converted AOC and other government monies and funds for their personal use, control and enjoyment Same was unlawfully accomplished in order to unjustly enrich themselves, and further done against the applicable civil and criminal laws of the State of California and United States of America.

336. Plaintiff seeks equitable relief as follows:

(i) That the embezzled AOC and other government funds by the aforesaid fiduciary Defendants, and each of them, be accounted for by them;

(ii) That an independent and fair accountant or Receiver be appointed to audit and oversee these Defendants with respect to such accounting;

(iii) That any embezzled AOC funds and other government monies be returned and remitted forthwith to either the State of California, the Controller of the State of California, the Legislature, or placed under the supervision and administration of the Alliance of California Judges, in the discretion of the Court;

(iv) That any returned embezzled AOC funds and monies include legal interest thereon, from the date or dates of embezzlement as determined by the Court in the interests of justice and equity;

(v) That the Court order such other relief as it deems appropriate in the premises to ensure that embezzled AOC and other government funds are returned and remitted forthwith, as prayed.

337. Plaintiff has been injured due to the aforesaid embezzlement, as herein alleged. However, Plaintiff only seeks equitable relief and costs incurred with respect to this Twenty-First Cause of Action in order to uphold his legal rights and remedies.

TWENTY-SECOND CAUSE OF ACTION

(RESTITUTION AND CONSTRUCTIVE TRUST)

(AGAINST DEFENDANTS SUPREME COURT OF CALIFORNIA, RONALD GEORGE, CANTIL-SAKAUYE, OVERHOLT AND VICKREY)

338. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1 through 337, inclusive, of the First Amended Complaint.

339. The above-referenced Defendants have profited from their wrongful and fraudulent acts, as described above and as hereinbefore alleged. To permit said Defendants to retain any of the monies and proceeds from their wrongful and unlawful conduct would allow them to profit from their own wrongdoing and to be unjustly enriched at the expense of Plaintiff and others.

340. To avoid unjust enrichment, the above-referenced Defendants, and each of them, should be required and ordered to make restitution of the converted and embezzled AOC funds and monies, return any profits arising therefrom, and pay legal interest on any such sum as adjudged by the Court. Furthermore, the aforementioned restitution should be ordered given to either the State of California, the Legislature thereof, the Controller of the State of California, or the Alliance of California Judges, in the interests of justice and equity and in the discretion of the Court.

341. Plaintiff further requests that any restitution ordered should be held in constructive trust by a Receiver, reputable accounting firm or financial management company, with a required surety or bond, until disbursed by equitable Order of the Court, as prayed.

342. Although Plaintiff has been injured, as herein alleged, the Twenty-Second Cause of Action for Restitution and Constructive Trust seeks equitable relief only, in order to uphold his legal rights and remedies.

WHEREFORE, Plaintiff prays judgment against Defendants as follows:

ON FIRST CAUSE OF ACTION FOR INVASION OF PRIVACY

1. For general and special damages, according to proof;
2. For punitive damages, according to proof;
3. For costs of suit incurred herein; and
4. For such other further relief as adjudged warranted in the premises.

ON SECOND CAUSE OF ACTION FOR VIOLATION OF CALIFORNIA CIVIL CODE SECTION 1708.8

1. For general and special damages, according to proof;

2. For three (3) times the amount of any general and special damages awarded, pursuant to C.C. Section 1708.8, according to proof;

3. For punitive damages, according to proof;

4. For costs of suit incurred herein; and

5. For such other further relief as adjudged warranted in the premises.

ON THIRD, FOURTH, FIFTH, SIXTH, TWELFTH, THIRTEENTH, FOURTEENTH, FIFTEENTH, AND TWENTIETH CAUSES OF ACTION FOR DECLARATORY RELIEF

1. For a judicial declaration as to the rights and duties of the respective parties, as prayed and according to proof;

2. For costs of suit incurred herein; and

3. For such other further relief as adjudged warranted in the premises.

ON SEVENTH, EIGHTH, NINTH, TENTH, ELEVENTH AND SIXTEENTH CAUSES OF ACTION FOR CONSPIRACY

1. For general damages, according to proof;

2. For punitive damages, according to proof;

3. For costs of suit incurred herein; and

4. For such other further relief as adjudged warranted in the premises.

ON SEVENTEENTH, EIGHTEENTH AND NINTEENTH CAUSES OF ACTION FOR VIOLATION OF RICO

1. For general damages, according to proof;

2. For appropriate statutory remedies and damages, as alleged and prayed , according to proof;

3. For RICO remedies, relief and damages, as alleged and prayed, according to proof;

4. For RICO treble damages, as alleged and prayed, according to proof;

5. For costs of suit incurred herein; and

6. For such other relief as the Court deems just and proper in the premises.

ON TWENTY-FIRST CAUSE OF ACTION FOR EMBEZZLEMENT BY FIDUCIARY

1. For equitable and legal relief, as alleged and prayed, according to proof;

2. For return of any embezzled monies and funds;

3. For an accounting pertaining thereto;

4. For an appointment of an independent Receiver or Accountant to supervise, oversee and review said accounting;

5. For legal interest on any monies and funds found to be embezzled by the fiduciary Defendants, from the date or dates of embezzlement as determined and adjudged by the Court, according to proof;

6. For costs of suit incurred herein; and

7. For such other further relief as adjudged warranted in the premises.

ON TWENTY-SECOND CAUSE OF ACTION FOR RESTITUTION AND CONSTRUCTIVE TRUST

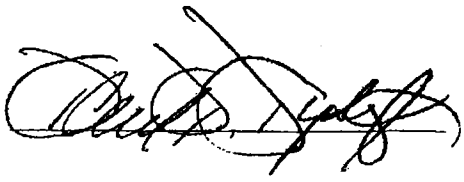
1. For equitable and legal relief, as alleged and prayed, according to proof;

2. For restitution and imposition of a constructive trust, as prayed and according to proof;

3. For the appointment of an independent and reputable Receiver, accounting firm or financial management company to supervise, oversee and hold any restitution in constructive trust, until same is disbursed by equitable Order of the Court, as prayed.

4. For legal interest on any restitution ordered, as determined by the Court, in the interests of justice and equity and according to proof; and

5. For such other further relief as adjudged warranted in the premises.

Dated: May 1, 2012 BY: 

DANIEL D. DYDZAK
Plaintiff In Pro Per

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I have read the foregoing VERIFIED FIRST AMENDED COMPLAINT FOR DAMAGES AND EQUITABLE RELIEF and know its contents. I am the Plaintiff in this action. I have carefully reviewed the pleading and the matters therein are true and correct to the best of my knowledge except as to those matters which are stated on information and belief. As to those matters I believe them to be true.

Executed on May 1, 2012, at Marina del Rey, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DANIEL D. DYDZAK
DECLARANT AND PLAINTIFF IN PRO PER

EXHIBIT "A"

DANIEL DAVID DYDZAK
RESPONDENT IN PRO PER
4265 MARINA CITY DRIVE, SUITE 407W
MARINA DEL REY, CA 90292
TELEPHONE: (310) 867-1289

IN THE SUPREME COURT OF CALIFORNIA

In the Matter of	)	SUPREME COURT CASE NO. S179850
	)	
DANIEL D. DYDZAK,	)	
	)	MOTION TO REOPEN
	)	DISCIPLINARY CASE DUE
No. 121857,	)	TO FRAUD UPON THE COURT
	)	AND REVERSE AND SET ASIDE
	)	VOID DISBARMENT ORDER;
A Member of the State Bar	)	MEMORANDUM OF POINTS
	)	AND AUTHORITIES;
	)	DECLARATION OF DANIEL
	)	DAVID DYDZAK; EXHIBITS
	)	
		[ORAL ARGUMENT REQUESTED]

Pursuant to Rule 8.54 of the California Rules of Court and other applicable law, Respondent DANIEL DAVID DYDZAK ("DYDZAK") moves to reopen his disciplinary case due to fraud upon the court and reverse and set aside his void Disbarment Order filed 5/12/2010 by the Supreme Court of California. A true and correct copy of the Disbarment Order is found in the docket of said Supreme Court, marked and attached hereto as Exhibit "A" and made a part hereof by reference.

MEMORANDUM OF POINTS AND AUTHORITIES

I

A VOID ORDER OR JUDGMENT CAN BE SET ASIDE AT ANY TIME PURSUANT TO C.C.P. SECTION 473(d) AND OTHER APPLICABLE LAW WHEN THERE IS FRAUD UPON THE COURT

It is well established in state law and federal law that a void judgment or order can be set aside at any time. See, for example, C.C.P. Section 473(d) and Heidary v. Yadollahi (2002) 99 Cal.App. 4th 857, 862.

In the disciplinary case at bar, which resulted in the illegal and draconian measure of disbarment against DYDZAK, the retired Chief Justice of the State of California, Ronald M. George, failed to reveal his and his family's past, present and ongoing relationship, friendship and financial ties to Alan I. Rothenberg, First Century Bank and 1st Century Bancshares, Inc. Mr. Rothenberg was behind Mr. Dydzak's disciplinary proceedings, illegally communicating ex parte with Scott Drexel and threatening to "get him" during the period DYDZAK successfully sued him and his bank in Los Angeles Superior Court on behalf of Hughes Rogell Heritage and Anthony Rogell (LASC Case No. SC085434). The Rogell litigation settled confidentially. Not only was and is Rothenberg a close friend of George, Rothenberg was former State Bar President and appointed by George to the Judicial Council. Ronald M. George and Eric George, Esq. invested in the bank, Ronald M. George likely had or has bank accounts at First Century, and Eric George was given a lucrative directorship and has an approximate 10% ownership

share in First Century Bank or 1st Century Bancshares, Inc. Attorney Eric George is presently in charge of the audit committee of First Century. SEC and other public records reveal Eric George got this directorship shortly before the California Supreme Court received various writs concerning the disciplinary proceedings involving DYDZAK from 2008 onward. The Canons of Ethics governing judges in California do not allow a judge to rule on a case or proceeding where the judge in question has direct or indirect financial ties and interests or where a family member has such ties and interests. Alan I. Rothenberg and Eric George are long-time members of the downtown legal establishment club, the Chancery Club and friends and major professional players together. Ronald M. George, Eric George, Alan Rothenberg, and First Century Bank are all involved in Bet Tzedek and have been for years. Ronald M. George should not have signed a disbarment Order against DYDZAK given his bias and conflict of interest, or appearance of same, towards him. The Disbarment Order was and is therefore void

ab initio.

Furthermore, in derogation of his obligation to be fair and impartial towards DYDZAK, Ronald M. George gave favorable treatment to Howard Rice cases because of that now defunct firm's connections with him and the State Bar of California. Eric George and Eric George's law firm worked with Howard Rice on the Winnie the Pooh litigation which benefited Eric George. Ronald M. George did not disqualify himself despite knowledge of the foregoing. DYDZAK clearly disclosed the misconduct of Howard Rice in his disciplinary proceedings, but at no time did Ronald M. George disclose his and his son's ties to Howard Rice benefiting his family financially.

A decision marked by bias is void. See Gibson v. Berryhill, 411 U.S. 564 (1973) [judge or trier of fact incompetent to act where showing of bias].

Clearly, when a judge does not reveal a friendship, financial relationship or other factors showing a bias or conflict of interest, or appearance of same, and

issues orders or judgments affected thereby, he/she perpetrates a "fraud upon the court." Honesty and intellectual integrity are essential components of judicial character. "No fraud is more odious than an attempt to subvert the administration of justice." Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944).

Fraud upon the court makes the order void ab initio at any time. Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920).

II
THE DISBARMENT ORDER SHOULD BE REVERSED AND SET ASIDE DUE TO MISCONDUCT OF DONALD F. MILES WHICH WAS NEVER ADDRESSED BY THE CALIFORNIA SUPREME COURT

Reopening of this disciplinary case is also warranted due to the misconduct of various State Bar Judges in the voluminous record, particularly the misconduct of State Bar Judge, Donald F. Miles. In his decision filed August 5, 2008, recommending DYDZAK's disbarment, Miles unethically did not divulge his

preexisting relationship with Bernard Burk, Esq., Howard Rice and Charles Schwab companies which adversely affected his partiality and decision-making process. Miles subsequently unethically and illegally ruled on his own disqualification, which is not allowed by the state bar rules of procedure.

State Bar Judge, Donald F. Miles, had unethical, ex parte communications with partners/directors of the San Francisco-based Howard, Rice law firm at the time Miles came out with his decision recommending DYDZAK's disbarment. In particular, there were improper ex parte communications with attorneys Bernard Burk, Kenneth Hausman and Sean Selegue, and possibly others. Attorneys are not permitted to have improper ex parte communications with a judge. Cal. Rules of Professional Conduct, 5-300(B)(5).

In 2008, DYDZAK was handling litigation for one Shanel Stasz, the ex-fiancé of Hugo Quakenbush, the co-founder of the Schwab companies. Ms. Stasz had incriminating information concerning both illegal actions of Howard Rice and

Charles Schwab, including significant SEC violations. At the time of trial and after trial, Miles never divulged his conflict of interest and his previously being a long-time managing partner of Howard Rice. Miles used to represent Charles Schwab & Co., and Howard Rice used its influence on Miles in harming DYDZAK to protect itself, its partner Bernard A. Burk, and its Fortune 500 client, Charles Schwab and related companies.

Recent events show that the Howard Rice law firm has dissolved, is mired in corruption associated with misconduct of the California State Bar, and that Bernard Burk, Esq. has been terminated from the firm. The acquiring law firm, Arnold & Porter, obviously did not want to keep on board an unethical attorney, Bernard Burk, having illegal communications with Donald F. Miles to affect the outcome of DYDZAK's disciplinary proceedings in State Bar Court.

III
THE APPLICATION OF JUDICIAL ETHICS MANDATES THAT DYDZAK'S DISBARMENT ORDER BE REVERSED

Former Chief Justice George's failure to divulge his actual bias and conflict of interest, or appearance of same, re DYDZAK was a breach of judicial ethics of the highest degree. See en toto California Code of Judicial Ethics, Caperton v. A.T. Massey Coal Co., 129 S.Ct. 2252 (2009); 28 U.S.C. Sec. 455(a).

The judicial ethical rules extend to financial situations where a close family member is involved.

The Georges have a financial stake in First Century Bank and are tight with Rothenberg. Eric George owns stock and gets directorship fees in First Century and his family are original investors in the bank from 2003. His law firm does business with Rothenberg and Howard Rice clients. Ronald M. George benefits from these relationships, and they create an actual bias or appearance of bias towards DYDZAK.

California Gov. Code Section 81002(c) states:

"Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided."

Similarly, California Gov.Code Section 87100 states:

"No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to Influence a government decision in which he knows or has reason to know he has a financial interest."

Since Ronald M. George personally signed and dated DYDZAK's state Disbarment Order--despite the above facts and information recently gleaned--same is void for bias or the appearance of same.

Bloomberg Businessweek reports that Eric M.George is director and acting chairperson of audit committee of 1st Century Bancshares, Inc. as of January 3, 2012 (See Exhibit "B"). Yahoo Finance shows that director Eric M. George has

substantial stock in said company as of January 3, 2012 (see Exhibit "C"). 1st Century Bankshares, Inc. is the holding company for First Century Bank, according to the New York Times Business section as of January 3, 2012 (see Exhibit "D"). Reuters.com reports Eric M. George's substantial investment in and relationship with 1st Century Bancshares, Inc. (see Exhibit "E"). The website of 1st Century Bank shows that Eric M. George is a director and "insider" with the bank (see Exhibit "F"). Ronald M. George has known of Eric M. George's involvement with the bank since its founding in 2003. While DYDZAK was bringing up the misconduct of Rothenberg and Howard Rice in 2008 onward contesting Miles' decision, the Georges were benefiting financially from their friendships and professional relationships with Rothenberg, First Century and Howard Rice.

IV
PROSECUTORIAL MISCONDUCT WARRANTS REOPENING OF THIS CASE AND THE REVERSAL OF DYDZAK'S DISBARMENT ORDER

The prosecutorial misconduct in this case warrants reopening and the reversal of the Disbarment Order against DYDZAK.

Among the most glaring:

(1) Beth Jay, Esq., personal lawyer to Chief Justice Ronald M. George, used to impermissibly and unethically have regular, weekly ex parte meetings with former Chief Trial Counsel Scott Drexel, Esq. to determine the outcome of attorney disciplinary cases. Respondent knows of at least two witnesses who will testify to same.

(2) DYDZAK was placed on a "hit list" with other plaintiff's attorneys disliked by the Bar establishment.

(3) Politically connected, influential Bar insiders, such as Thomas Girardi, Esq. and Alan Rothenberg, Esq. would dictate to Bar officials what attorneys they wanted targeted.

(4) Alan Rothenberg, Esq. communicated with Scott Drexel, Esq. to get

DYDZAK disciplined and prosecuted.

(5) Other lawyers have been targeted for prosecution by the Bar. For instance, a prominent sexual harassment attorney, renowned for substantial jury verdicts, was targeted by Bar officials at the instigation of Thomas Girardi, Esq., who is partner with a former State Bar President, Howard Miller.

(6) Girardi, Rothenberg, Ronald M. George, and Eric George are all close, intimate friends.

(7) Girardi has bragged to other attorneys that he can use his connections and influence to get attorneys disciplined by the California State Bar.

(8) Eli Mortgenstern, one of the prosecutors in DYDZAK's case, indicated that he would pursue any client grievance against Petitioner, even if without merit. He fabricated evidence, such as conversations that did not take place between Ms. Thronson and DYDZAK. He deliberately omitted favorable exculpatory evidence to DYDZAK.

(9) Mr. LaFlamme was not produced as a complainant-witness during the bar proceedings. Mortgenstern admitted that the LaFlamme allegations were untenable, but that he was pressured by superiors to bring the allegations.

(10) A "fired" attorney with the State Bar, Janet Hunt, distorted the law and facts, and fabricated the charge, that DYDZAK engaged in the unauthorized practice of law in federal court. The State Bar of Calfornia knew that DYDZAK had paid his regular membership dues, she had agreed to the extension of an assessment in writing and verbally, and DYDZAK appeared in the Central District of California where he was duly licensed at all relevant times.

(11) Drexel and other state bar prosecutors used to meet regularly with State Bar Judge Remke and other judges to discuss the outcome of cases. The Addington Report sets forth how unscrupulous bar prosecutors would discuss unethically and ex parte legal issues and attorneys being prosecuted with state bar judges, without the attorneys' knowledge.

(12) The attorneys and support staff working for the enforcement unit of the State Bar of California impermissibly assist the state bar judges as well in drafting materials and decisions against attorneys in the disciplinary system.

(13) The State Bar targets sole practitioners and leaves corrupt, politically connected, insurance defense and government attorneys alone. For example, Thomas Girardi is never disciplined by the Bar even though he has a history of misappropriating monies from clients, is being sued in a number of major malpractice suits, and has been disciplined by the 9th Circuit. This is because he is a close confidant and friend of Ronald and Eric George, connected to the California Bar and its Foundation, and active with the Judicial Council. Another example: the bar complaint against Alan Rothenberg for stealing valuable Hollywood memorabilia against two of DYDZAK's former clients was summarily closed, without investigation.

(14) Staff for the State Bar of California impermissibly draft disciplinary

Orders for the California Chief Justice to sign. The California Supreme Court does not even draft its own attorney disciplinary orders.

Prosecutorial misconduct is a basis for dismissing a criminal case, and state bar prosecutors are bound by the same ethical considerations and standards. Berger v. United States, 295 U.S. 78 (1935). In the United States Supreme Court, Smith v. Cain (10-8145) is pending on issues of prosecutorial misconduct, such as the wrongful withholding of evidence. Moreover, it is noteworthy that all the senior Bar attorneys involved in DYDZAK's disciplinary case have been fired or dismissed by the State Bar of California, following allegations of prosecutorial misconduct and abuse of their positions. Attorney Bernard A. Burk, Miles' close friend, was fired by a disgraced law firm, Howard Rice, after decades of service. Howard Rice is no longer since January 1, 2012. This is small consolation to DYDZAK, who has not been able to practice law since August 8, 2008--despite the egregious and illegal circumstances outlined in the record of this case.

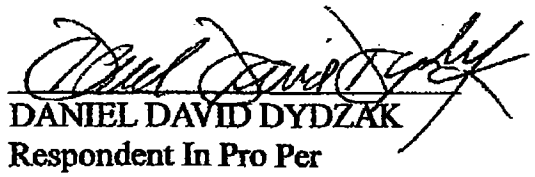
DYDZAK is a decent, caring human being who handled thousands of legal matters without incident for approximately 23 and a half years. The California Disbarment Order filed May 12, 2010, is unfair, unsupportable, and should be set aside in the interests of justice.

V
CONCLUSION

The case should be reopened. The Disbarment Order against DYDZAK should be reversed in the interests of justice, based upon good cause and a showing of fraud upon the court. Costs assessed should be reversed. DYDZAK should be restored to active status forthwith as a California attorney, and the State Bar of California should be ordered to make appropriate deletions and corrections to his state bar record as ordered by this Court. Expedited ruling on this important Motion is requested in view of the ongoing harm and prejudice to DYDZAK's constitutional and civil rights. Notice to counsel has been given telephonically

that DYDZAK intended to bring this Motion, and they have not responded in any manner whatsoever.

Dated: January 6, 2012 Respectfully Submitted,



DANIEL DAVID DYDZAK
Respondent In Pro Per

DECLARATION OF DANIEL DAVID DYDZAK

I, DANIEL DAVID DYDZAK, DECLARE:

1. I am the Respondent in the above-captioned case, an adult over eighteen years old, and a resident of Los Angeles County, State of California.

2. The facts herein are personally known to this Declarant and true and correct. If called as a witness thereto, I could and would competently testify thereto under oath.

3. On January 1, 2011, I left voice mail messages with Danielle A. Lee, Esq. and Sarah Overton, Esq. that I would file a motion to set aside my Disbarment Order based upon fraud upon the court. Since that time, I have emailed and attempted to speak several times to Ms. Overton about various legal issues, including this motion and a pending federal lawsuit. She has unprofessionally never returned any phone calls, messages or the recent email. I have thus met and conferred prior to filing the instant motion.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed on January 6, 2012, at Marina del Rey, California.

DANIEL DAVID DYDZAK
DECLARANT

EXHIBIT A

CALIFORNIA APPELLATE COURTS
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Court data last updated: 01/06/2012 01:05 PM

Case Summary Docket Briefs
Disposition Parties and Attorneys

Docket (Register of Actions)

DYDZAK ON DISCIPLINE
Case Number S179850

Date	Description	Notes
01/27/2010	Record of State Bar discipline filed	recommendation: disbarment. *7 volumes.
04/01/2010	Petition for writ of review filed	Petitioner: Dydzak, Daniel David Attorney: Daniel David Dydzak under CRC 8.25(b)
04/01/2010	Forma pauperis application filed	
04/20/2010	Response by State Bar filed	Non-Title Respondent: State Bar of California Attorney: Danielle A. Lee
05/03/2010	Reply to State Bar response filed	Petitioner: Dydzak, Daniel David Attorney: Daniel David Dydzak crc 8.25 (b)
05/12/2010	Petition for writ of review denied; disbarred	The petition for writ of review is denied. The court orders that Daniel David Dydzak, State Bar Number 121857, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. Daniel David Dydzak must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.
05/21/2010	Order filed	The order filed on May 12, 2010, is amended as to the State Bar case numbers to read; "S.B.C. Nos. 04-O-14383/06-O-10960."
06/01/2010	Received:	notice from the Supreme Court of United States, dated May 27, 2010; petition for writ of certiorari was

-22-
-164-

		filed May 24, 2010,and placed on the US Supreme Court docket on May 27, 2010, under No. 09-11066.
06/04/2010	Received:	service copy of notice that petition is filed under US Supreme Court # 09-11066.
07/26/2010	Note: Mail returned (unable to forward)	states name does not exist; return to sender.
10/07/2010	Received:	from the Supreme Court of the United States, Office of the Clerk, dated October 4, 2010, a notice that the petition for writ of certiorari filed under case# 09-11066, was denied.

Click here **to request automatic e-mail notifications about this case.**

-23-

-165-

EXHIBIT B

Bloomberg Businessweek

FINANCIALS SECTOR | COMMERCIAL BANKS INDUSTRY

January 03, 2012 5:37 PM ET

1ST CENTURY BANCSHARES INC (FCTY:NASDAQ CM)

LAST **$3.55** USD CHANGE TODAY +0.01 0.28% VOLUME **13.8K** FCTY On Other Exchanges

As of 5:20 PM 01/3/12 All times are local (Market data is delayed by at least 15 minutes).

Snapshot News Charts Financials Earnings People Ownership Transactions Options

Overview Board Members Committees

BOARD MEMBERS AFFILIATED WITH ERIC M. GEORGE *

Eric M. George
Director and Acting Chairperson of Audit Committee

Age	Total Annual Compensation
42	–

Alan I. Rothenberg
1st Century Bancshares, Inc.

Board Affiliations
1st Century Bancshares, Inc.
1st Century Bank, National Association

Robert A. Moore
1st Century Bancshares, Inc.

Board Affiliations
1st Century Bancshares, Inc.
1st Century Bank, National Association

Jason P. DiNapoli
1st Century Bancshares, Inc.

Board Affiliations
1st Century Bancshares, Inc.
1st Century Bank, National Association

Lewis N. Wolff
Wolff DiNapoli LLC

Board Affiliations
1st Century Bancshares, Inc.
1st Century Bank, National Association

-25-

-167-

EXHIBIT C

Tue, Jan 3, 2012, 6:14PM EST - U.S. Markets closed

Dow [illegible], Nasdaq [illegible]

1st Century Bancshares, Inc. (FCTY)

At [illegible] EST: 3.68 [illegible]

Insider Roster

Get Insider Roster for: GO

-27-

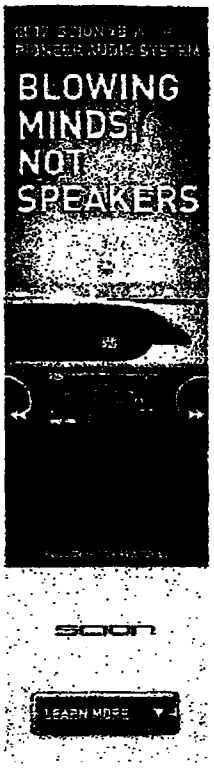
-169-

Insider Holders*

Individual/Entity	Most Recent Trans.	Shares Owned as of Trans. Date
ANDERSON WILLIAM S. Director	Acquisition (Non Open Market) Nov 18, 2010	60,462 Nov 18, 2010
BROOKS DAVE Director	Acquisition (Non Open Market) Nov 17, 2011	124,041 Nov 17, 2011
DINAPOLI JASON PHILIP Officer	Acquisition (Non Open Market) Nov 17, 2011	212,028 Nov 17, 2011
GEORGE ERIC M Director	Acquisition (Non Open Market) Nov 17, 2011	19,225 Nov 17, 2011
LEVY ALAN D. Director	Acquisition (Non Open Market) Nov 17, 2011	48,333 Nov 17, 2011
MANNING PAUL EDWIN Officer	Acquisition (Non Open Market) May 15, 2010	9,591 May 15, 2010
MOORE ROBERT ALLEN Director	Acquisition (Non Open Market) Nov 17, 2011	38,475 Nov 17, 2011
PRESSMAN BARRY D. Director	Acquisition (Non Open Market) Nov 17, 2011	90,725 Nov 17, 2011
ROTHENBERG ALAN I Officer	Sale Nov 21, 2011	344,091 Nov 21, 2011
SATENBERG BRADLEY STEVEN Officer	Acquisition (Non Open Market) May 15, 2011	40,000 May 15, 2011
WATT NADINE I Director	Acquisition (Non Open Market) Nov 17, 2011	29,141 Nov 17, 2011
WOLFF LEWIS Director	Acquisition (Non Open Market) Nov 17, 2011	74,191 Nov 17, 2011
ZAX STANLEY R Director	Acquisition (Non Open Market) Nov 17, 2011	30,283 Nov 17, 2011

View Transactions for Insiders & Institutional Holders

* Insider roster data is derived solely from the last 24 months of Form 3 & Form 4 SEC filings.



-28-

-170-

Search for share prices

Search for share prices

Get Quotes

Tue, Jan 3, 2012, 6:06PM EST - U.S. Markets closed

Dow [illegible] Nasdaq [illegible]

1st Century Bancshares, Inc. (FCTY)

At 3:59PM EST: 3.55 [illegible]

FCTY

Insider Transactions

Get Insider Transactions for: GO

AsOfDate

Net Share Purchase Activity

Insider Purchases - Last 6 Months

	Shares	Trans
Purchases	N/A	0
Sales	N/A	0
Net Shares Purchased (Sold)	N/A	0
Total Insider Shares Held	944.98K	N/A
% Net Shares Purchased (Sold)	0%	N/A
Net Institutional Purchases - Prior Qtr to Latest Qtr	-29-	
	-171-	

	Shares
Net Shares Purchased (Sold)	(93,211)
% Change in Institutional Shares Held	(11.82%)

Data provided by Thomson Financial

Insider Transactions Reported - Last Two Years

Date	Insider	Shares	Type	Transaction	Value*
Nov 21, 2011	ROTHENBERG ALAN I Officer	3,000	Indirect	Sale at $3.43 per share.	10,290
Nov 18, 2011	ROTHENBERG ALAN I Officer	5,000	Direct	Purchase at $3.51 per share.	17,550
Nov 17, 2011	GEORGE ERIC M Director	5,263	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 17, 2011	LEVY ALAN D. Director	5,263	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 17, 2011	BROOKS DAVE Director	5,263	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 17, 2011	DINAPOLI JASON PHILIP Officer	30,000	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 17, 2011	WATT NADINE I Director	5,263	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 17, 2011	MOORE ROBERT ALLEN Director	5,263	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 17, 2011	PRESSMAN BARRY D. Director	5,263	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 17, 2011	ZAX STANLEY R Director	5,263	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 17, 2011	WOLFF LEWIS Director	5,263	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 17, 2011	ROTHENBERG ALAN I Officer	30,000	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
May 23, 2011	DINAPOLI JASON PHILIP Officer	11,168	Direct	Disposition (Non Open Market) at $4 per share.	44,672
May 16, 2011	ZAX STANLEY R Director	25,000	Direct	Purchase at $4.06 per share.	101,499
May 15, 2011	SATTENBERG BRADLEY STEVEN Officer	15,000	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Jan 27, 2011	ZAX STANLEY R Director	N/A	Direct	Statement of Ownership	N/A
Nov 18, 2010	LEVY ALAN D. Director	4,762	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 18, 2010	ANDERSON WILLIAM S Director	4,762	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 18, 2010	WATT NADINE I Director	4,762	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 18, 2010	GEORGE ERIC M Director	4,762	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 18, 2010	BROOKS DAVE Director	4,762	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 18, 2010	PRESSMAN BARRY D. Director	4,762	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 18, 2010	WOLFF LEWIS Director	4,762	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Nov 16, 2010	MOORE ROBERT ALLEN Director	4,762	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
Sep 17, 2010	ROTHENBERG ALAN I Officer	14,500	Indirect	Disposition (Non Open Market) at $0 per share.	N/A
Sep 17, 2010	ROTHENBERG ALAN I Officer	14,500	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
May 15, 2010	DINAPOLI JASON PHILIP Officer	30,000	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
May 15, 2010	MANNING PAUL EDWIN	4,000	Direct	Acquisition (Non Open Market) at $0 per share.	N/A

30-
-172-

	Officer				
May 15, 2010	SATENBERG BRADLEY STEVEN Officer	25,000	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
May 15, 2010	ROTHENBERG ALAN I Officer	30,000	Direct	Acquisition (Non Open Market) at $0 per share.	N/A
May 14, 2010	DINAPOLI JASON PHILIP Officer	27,924	Direct	Disposition (Non Open Market) at $4 per share.	111,696
May 14, 2010	MANNING PAUL EDWIN Officer	1,979	Direct	Disposition (Non Open Market) at $4 per share.	7,916

Data provided by EDGAR Online

* = Where indicated, some values are estimates.
[1]= Potential proceeds estimated by the filer.
[2]= Estimated based on the average of multiple prices reported.
[3]= Multiple dates reported. Most recent date shown.

Currency in USD.

All Major Holders – Insider Roster

-31-
-173-

EXHIBIT D

BUSINESS > COMPANIES > 1ST CENTURY BANCSHARES INC.

1st Century Bancshares Inc.

FCTY: Nasdaq; Financials/Banks

AT CLOSE
AFTER HOURS

Company Information

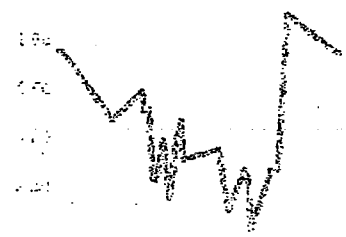
1st Century Bancshares, Inc. (Bancshares) is a bank holding company that operates through its subsidiary, 1st Century Bank, National Association (the Bank). The Bank is a full service commercial bank. The Bank's primary focus is relationship banking to family and closely held middle market businesses, professional service firms, and high net worth individuals, real estate investors and entrepreneurs. The Bank also provides a range of banking services to meet the financial needs of the local residential community, with an orientation primarily directed toward owners and employees of its business client base.

1st Century Bancshares Inc.
1875 Century Park East Suite 1400 Los Angeles CA 90067
Phone: +1 (310) 270-9500
Fax: +1 (310) 270-9599

Web site

Price Chart

1 day | 5 day | 3 month | 1 year | 5 year



Data delayed at least 15 minutes
View historical chart »

Stock Snapshot

Today's open	$3.59
Friday's close	$3.54
52-week range	
52-week high	$4.90
52-week low	$3.35
Market capitalization	32.0M
Avg. volume (10-day)	9.0K
Shares outstanding	9.0M

FCTY does not pay dividends

Key Fundamentals

P/E ratio	n.a.
Earnings per share	-$0.20
Revenue	$11.7M
Profit margin	-15.10%

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Orde Choos Guara www.

Try Z Power

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-175-

EXHIBIT E

People:

1st Century Bancshares Inc (FCTY.O)

Related Topics: STOCKS STOCK SCREENER MARKET DATA FINANCIALS BANKS

OVERVIEW NEWS KEY DEVELOPMENTS PEOPLE CHARTS FINANCIALS OPTIONS ANALYSTS RESEARCH PULSE

FCTY.O on Consolidated Issue Dated on NASDAQ Capital Market	Price Change (% chg)	Prev Close	Day's High	Volume	52-wk High
3.55USD 3:59pm EST	[illegible]	$3.54	[illegible]	13,800	[illegible]
		Open	Day's Low	Avg. Vol	52-wk Low
		$3.59	[illegible]	10,126	[illegible]

SEARCH STOCKS

Enter company name or Symbol

SUMMARY

Name	Age	Since	Current Position
Alan Rotenberg	71	2007	Chairman of the Board, Chief Executive Officer
Jason DiNapoli	42	2009	President, Chief Operating Officer, Corporate Secretary, Director
Bradley Satenberg	40	2009	Chief Financial Officer, Executive Vice President
Alan Levy	72	2010	Lead Independent Director
Dave Brooks	75	2007	Independent Director
Joseph Digango	84	2007	Independent Director
Eric George	42	2008	Independent Director
Robert Moore	68	2010	Independent Director
Barry Pressman	67	2007	Independent Director
Nadine Wolf	42	2008	Independent Director
Lewis Wolff	75	2007	Independent Director
Stanley Zax	73	2011	Independent Director

» Insider Trading

BIOGRAPHIES

Name	Description

BASIC COMPENSATION

Name	Fiscal Year Total
Alan Rotenberg	372,569
Jason DiNapoli	403,880
Bradley Satenberg	330,872
Alan Levy	–
Dave Brooks	–
Joseph Digango	–
Eric George	–
Robert Moore	–
Barry Pressman	–
Nadine Wolf	–
Lewis Wolff	–
Stanley Zax	–

As Of 30 Dec 2010

OPTIONS COMPENSATION

Name	Options	Value

-35-

-177-

Alan Rothenberg Mr. Alan I. Rothenberg is Chairman of the Board, Chief Executive Officer of 1st Century Bancshares Inc., since September 2007. He is Chairman of the Board of Directors of 1st Century Bank, N.A. (subsidiary of 1st Century Bancshares, Inc.); retired partner of Latham & Watkins; mediator and arbitrator and a consultant to corporations; Chairman of Premier Partnerships, a sports and entertainment marketing and consulting firm; Director on the Board of California Pizza Kitchen (NASDAQ:CPKI); former Director on the Boards of Zenith National Insurance Corp. (NYSE:ZNT) and Arden Realty, Inc. (NYSE:ARI); and former President of the Los Angeles Board of Airport Commissioners. Mr. Rothenberg, through his years of leadership and management experience as an executive in the banking and legal industries, has developed certain knowledge and skills that benefit 1st Century Bancshares in the areas of financial analysis, risk assessment, real estate transactions, compliance and strategic planning. Mr. Rothenberg also provides 1st Century Bancshares management and leadership skills to execute strategic initiatives and manage 1st Century Bancshares' business risks.

Jason DiNapoli Mr. Jason P. DiNapoli is President, Chief Operating Officer, Corporate Secretary, Director of 1st Century Bancshares Inc. He is Current President, Chief Executive Officer, Director and Corporate Secretary of 1st Century Bank, N.A. (subsidiary of 1st Century Bancshares, Inc.); former Executive Vice President and former Senior Vice President, 1st Century Bank, N.A.; and Vice President Finance, J P DiNapoli Companies Inc. Mr. DiNapoli, through his leadership and management experience as an executive in the banking industry, has developed certain knowledge and skills that benefit 1st Century Bancshares in the areas of financial analysis, risk assessment, compliance, asset/liability management, strategic planning and growth initiatives. Mr. DiNapoli also provides an knowledge of the daily operations of 1st Century Bancshares and management and analytical skills.

Bradley Satzenberg Mr. Bradley S. Satzenberg is Chief Financial Officer, Executive Vice President of 1st Century Bancshares Inc., since December 2008. He is Current Executive Vice President & Chief Financial Officer of 1st Century Bank, N.A. (subsidiary of 1st Century Bancshares, Inc.); former Managing Director and Deputy Chief Financial Officer of Imperial Capital Bancorp, Inc.

Alan Levy Mr. Alan D. Levy is Lead Independent Director of 1st Century Bancshares Inc. He is Director since September 2007. He is Chairman of the Board and Chief Executive Officer of Tishman International Companies. Mr. Levy, through his years of management experience as an executive in the real estate industry, has developed certain knowledge and skills that benefit 1st Century Bancshares in the areas of real estate transactions, real estate evaluation and strategic planning.

Dave Brooks Mr. Dave Brooks is Independent Director of 1st Century Bancshares Inc., since September 2007. He is Retired Owner, President and Chief Executive Officer of Mera Escrow Company of Beverly Hills; current owner, officer and director of Canon Escrow and Sciight Escrow; owner of M.A.R.A., Inc. and its subsidiaries; and appears as witness in connection with escrow litigation. Mr. Brooks, through his years of experience as an executive in the real estate industry, has developed certain knowledge and skills that benefit 1st Century Bancshares in the areas of real estate evaluation and risk assessment and management.

Joseph Digange Mr. Joseph J. Digange is Independent Director of 1st Century Bancshares Inc., since September 2007. He is Retired President, Chief Operating Officer and Director of former Western Bank. Mr. Digange, through his years of management experience as an executive in the banking industry, has developed certain knowledge and skills that benefit 1st Century Bancshares in the areas of internal audit, asset/liability management and long- and short-term growth initiatives.

Eric George Mr. Eric M. George is Independent Director 1st Century Bancshares Inc., since May 2008. He is Partner of Browne Woods George LLP; Member of Federal and State Judicial Selection Advisory Committees; and Director on the Boards of Brotman Medical Center, Inc. and Bet Tzedek. Mr. George, through his years of legal and transaction related experience, has developed certain knowledge and skills that benefit 1st Century Bancshares in the areas of financial analysis, risk assessment and management and compliance.

Robert Moore Mr. Robert A. Moore is Independent Director of 1st Century Bancshares Inc. He is Former Executive Vice President & Chief Credit Officer of 1st Century Bank, N.A. (subsidiary of 1st Century Bancshares, Inc.); and former Executive Vice President and Chief Credit Officer of City National Bank, N.A. Mr. Moore, through his years of experience as a chief credit officer in the banking industry, has developed certain knowledge and skills that benefit 1st Century Bancshares in the areas of credit risk assessment, lending and strategic planning.

Barry Freeman Dr. Barry D. Freeman, M.D., is Independent Director of 1st Century Bancshares Inc., since September 2007. He is Physician, Radiologist, Chairman of the Department of Imaging, Cedars-Sinai Medical Center. Dr. Freeman, through his years of experience in management and medicine, has developed certain knowledge and skills that benefit 1st Century Bancshares in the areas of financial analysis, risk assessment, internal audit, asset/liability management, and strategic planning.

Nadine Watt Ms. Nadine I. Watt is Independent Director of 1st Century Bancshares Inc., since May 2008. She is President of Watt Plaza Twin Towers, Inc.; Director of Marketing at Watt Companies; former Vice President of Watt Gordon Associates; Membership co-chair for the Los Angeles Business Council; Executive Committee for Los Angeles Real Estate and Construction council for the City of Hope; Director on the Boards of Brentwood School and California Science Center; and former Director on the Board of Best Buddies California. Ms. Watt, through her years of experience as an executive in the real estate industry and her involvement on a variety of boards, has developed certain knowledge and skills that benefit 1st Century Bancshares in the areas of financial analysis, risk assessment and management, real estate transactions, real estate evaluation and strategic planning.

Lewis Wolff Mr. Lewis N. Wolff is Independent Director of 1st Century Bancshares Inc., since September 2007. He is Chairman and Chief Executive Officer of Wolff Urban Development, LLC; Chairman and Chief Executive Officer of Wolff Urban Management, Inc.; Owner of the Oakland Athletics; Co-Chairman of the Board of Sunstone Hotel Investors, Inc. and Director on the Board of Sunstone Hotel Investors, Inc. (NYSE:SHO). Mr. Wolff, through his years of management experience as an executive in the real estate industry and board experience, has developed certain knowledge and skills that benefit 1st Century Bancshares in the areas of financial analysis, risk assessment and management, real estate evaluation and strategic planning.

Stanley Zax Mr. Stanley R. Zax is Independent Director of 1st Century Bancshares Inc., since January 2011. He is Chairman and President of Zenith National Insurance Corp.; Director on the Boards of Prostate Cancer Foundation, Center for the study of The Presidency & Congress, Ford Theatre and Kennedy Wilson; former Director on the Board and Audit Committee of Wynn Resorts Ltd. (NYSE: WYNN); and former Director on the Board of Sequa Corp. Mr. Zax, through his years of experience in the insurance industry, has developed certain knowledge and skills that will benefit 1st Century Bancshares in the areas of financial analysis, risk management, and asset liability planning.

-36-

Alan Rothenberg	0	0
Jason DiNapoli	0	0
Bradley Satzenberg	0	0
Alan Levy	0	0
Dave Brooks	0	0
Joseph Digange	0	0
Eric George	0	0
Robert Moore	0	0
Barry Freeman	0	0
Nadine Watt	0	0
Lewis Wolff	0	0
Stanley Zax	0	0

INSIDER TRADING

Name	Shares Traded	Price
ROTHENBERG ALAN I	3,009	$3.43
ROTHENBERG ALAN I	6,000	$3.51
LEVY ALAN D	5,263	$0.00
GEORGE ERIC M	3,357	$0.00
ROTHENBERG ALAN I	30,200	$0.00
ZAX STANLEY R	5,263	$0.00
BROOKS DAVE	5,263	$0.00
MOORE ROBERT ALLEN	5,263	$0.00
FREEMAN BARRY D	5,263	$0.00
DINAPOLI J PHILIP	30,000	$0.00
WATT NADINE I	5,263	$0.00
WOLFF LEWIS N	5,263	$0.00
DINAPOLI J PHILIP	11,158	$4.00
ZAX STANLEY R	25,000	$4.08
SATZENBERG BRADLEY	15,000	$0.00
LEVY ALAN D	4,762	$0.00
GEORGE ERIC M	4,762	$0.00
BROOKS DAVE	4,762	$0.00
FREEMAN BARRY D	4,762	$0.00
WOLFF LEWIS N	4,762	$0.00
ANDERSON WILLIAM S	4,762	$0.00
WATT NADINE I	4,762	$0.00
MOORE ROBERT ALLEN	4,762	$0.00
ROTHENBERG ALAN I	14,898	$0.00
ROTHENBERG ALAN I	14,506	$0.00

▸ Full list on Insider Trading

Related Topics: STOCKS STOCK SCREENER MARKET DATA FINANCIALS BANKS

SEARCH STOCKS

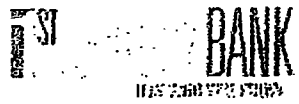
Login or register Company name or Symbol Latest Item My Wire Recent Companies

-178-

-31-

-179-

EXHIBIT F



ERIC M. GEORGE
Partner
Browne, Woods & George

Eric George is a partner at the law firm of Browne Woods George LLP. Prior to joining the firm in 2000, Mr. George served as Counsel to the U.S. Senate Judiciary Committee, and prior to that as Deputy Legal Affairs Secretary to the Governor Pete Wilson. In addition to his business litigation practice, Mr. George is active in California state and federal judicial selection. Among other memberships, Mr. George serves as a board member of Bet Tzedek, a premier legal services organization dedicated to providing free legal assistance to indigents throughout the Los Angeles area. Mr. George has regularly been named one of the top 100 California Attorneys by the Daily Journal, and recognized by Los Angeles Magazine as a "Super Lawyer."

-39-
-181-

CERTIFICATE/PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my service address is 4265 Marina City Drive, Suite 407W, Marina del Rey, CA 90292. On January 9, 2012, I served the following:

MOTION TO REOPEN DISCIPLINARY CASE DUE TO FRAUD UPON THE COURT AND REVERSE AND SET ASIDE VOID DISBARMENT ORDER; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF DANIEL DAVID DYDZAK; EXHIBITS

by placing a true copy thereof in a sealed envelope addressed as follows:

SARAH OVERTON, ESQ.
CUMMINGS, MCCLOREY ET AL.
3801 UNIVERSITY AVENUE
SUITE 500
RIVERSIDE, CA 92501

DANIELLE A. LEE, ESQ.
OFFICE OF GENERAL COUNSEL
THE STATE BAR OF CALIFORNIA
180 HOWARD STREET
SAN FRANCISCO, CA 94105

[X] (BY MAIL) I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service pursuant to which practice correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. That with postage thereon fully prepaid, the envelope was either deposited in the United States Postal Service or placed for collection and mailing on the above date following the ordinary business practices.

[ ] (BY FAX) I faxed a copy of the above entitled document to the interested party at the above service address.

[X] (State of California) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 9, 2012, at Marina del Rey, California.

PERRY F. CARAVELLO

EXHIBIT "B"

DANIEL DAVID DYDZAK
RESPONDENT IN PRO PER
4265 MARINA CITY DRIVE, SUITE 407W
MARINA DEL REY, CA 90292
TELEPHONE: (310) 867-1289

RECEIVED
JAN 23 2012
CLERK SUPREME COURT

IN THE SUPREME COURT OF CALIFORNIA

In the Matter of	)	SUPREME COURT CASE NO. S179850
	)	
DANIEL D. DYDZAK,	)	[PROPOSED] ORDER
	)	
	)	
No. 121857,	)	
	)	
	)	
A Member of the State Bar	)	
	)	
	)	
	)	
	)	

GOOD CAUSE APPEARING, and no opposition having been filed, IT IS ORDERED that the Motion by Respondent, DANIEL DAVID DYDZAK, to Reopen Disciplinary Case Due to Fraud upon the Court and Reverse and Set Aside Void Disbarment Order is granted.

The Disbarment Order of DANIEL DAVID DYDZAK (State Bar No. 121857) is reversed and set aside retroactively as of August 8, 2008. Any disciplinary costs assessed in the above-captioned case are reversed.

IT IS FURTHER ORDERED that DANIEL DAVID DYDZAK is reinstated as an active member of the State Bar of California retroactively as of August 8, 2008, and that he pay membership dues for 2012 within thirty (30) days of the date of this Order to the State Bar of California.

Dated: January ___2012

TANI CANTIL-SAKAUYE
CHIEF JUSTICE

CERTIFICATE/PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my service address is 4265 Marina City Drive, Suite 407W, Marina del Rey, CA 90292. On January 21, 2012, I served the following:

[PROPOSED] ORDER

by placing a true copy thereof in a sealed envelope addressed as follows:

SARAH OVERTON, ESQ.
CUMMINGS, MCCLOREY ET AL.
3801 UNIVERSITY AVENUE
SUITE 500
RIVERSIDE, CA 92501

DANIELLE A. LEE, ESQ.
OFFICE OF GENERAL COUNSEL
THE STATE BAR OF CALIFORNIA
180 HOWARD STREET
SAN FRANCISCO, CA 94105

[X] (BY MAIL) I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service pursuant to which practice correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. That with postage thereon fully prepaid, the envelope was either deposited in the United States Postal Service or placed for collection and mailing on the above date following the ordinary business practices.

[ ] (BY FAX) I faxed a copy of the above entitled document to the interested party at the above service address.

[X] (State of California) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 21, 2012, at Marina del Rey, California.

Jim Lane

JIM LANE

EXHIBIT "C"

SEARCH WARRANT NO. 12-56

STATE OF CALIFORNIA - COUNTY OF YOLO

SEARCH WARRANT AND AFFIDAVIT
(AFFIDAVIT)

Bruce D. Naliboff, being sworn, says that on the basis of the information contained within this Search Warrant and Affidavit and the attached and incorporated Statement of Probable Cause, consisting of 3 pages, are true and that based thereon he/she has probable cause to believe and does believe that the property described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below.
Wherefore, affiant requests that this Search Warrant be issued.

I declare under penalty of perjury that the information contained in this Search Warrant and Affidavit with the attached and incorporated Statement of Probable Cause is true and correct.

Executed on February 21, 2012 at Woodland, California.

_____, NIGHT SEARCH REQUESTED: YES( ) NO(✓)
(Signature of Affiant)

Reviewed by: _____
(Deputy District Attorney)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN, OR PEACE OFFICER IN THE COUNTY OF YOLO: Proof by Affidavit having been made before me by Bruce D. Naliboff, that there is probable cause to believe that the property described herein may be found at the location(s) set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "X"(s) in that it:

____ Was stolen or embezzled.
✓ Was used as a means of committing a felony.
✓ Is possessed by a person with the intent to use it as a means of committing a public offense, or is possessed by another to whom he/she may have delivered it for the purpose of concealing it or preventing its discovery.
✓ Tends to show that a felony has been committed or that a particular person has committed a felony.

YOU ARE THEREFORE COMMANDED TO SEARCH:
All attics, basements, rooms, garages, outbuildings, storage sheds, garbage cans and containers located within the property boun Yolo County, California. Further described
The num
is on the north side of the street.

Vehicle: gistered to Simon Levi.

FOR THE FOLLOWING PROPERTY:
All written or recorded information concerning Jeannine English, Robert Hawley, Starr Babcock,

Joseph Dunn, James Tewery, Thomas Girardi, Howard Dickstein, Howard Miller, Alec Chang, Hollie Fujie, Judy Johnson, Larry Yee, Mark Torres-Gil, and Rachel Grunberg. Including but not limited to written notes, reports or electronic information and property.

The terms "records," "information," and "property" includes all of the foregoing items of evidence in whatever form and by whatever means that may have been created or stored , including records, whether stored on paper, hard drives, compact discs, dvd's, thumb drives, external hard drives or other storage devices.
Investigating officers are authorized, at their discretion, to seize all "computer systems," "computer program or software," and "supporting documentation" as defined by Penal Code section 502, subdivision (b), including any supporting hardware, software, or documentation that is necessary to use the system or is necessary to recover digital evidence from the system and any associated peripherals that are believed to contain some or all of the evidence described in the warrant, and to conduct an off site search of the seized items for the evidence described. Investigating officers and those agents acting under the direction of the investigating officers are authorized to access all computer data to determine if the data contains "property," "records," and "information" as described above. If necessary, investigating officers are authorized to employ the use of outside experts, acting under the direction of the investigating officers, to access and preserve computer data. The investigating officer has 140 days from the date of seizure to determine if the seized computer systems and associated peripherals contain some or all of the evidence described in the warrant. If no evidence of criminal activity is discovered relating to the seized computer systems and associated peripherals, the system will be returned promptly.

AND TO SEIZE IT IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. This Search Warrant and Incorporated Affidavit was sworn to and subscribed before me this 21st day of February, 2012, at [illegible] A.M./P.M. Wherefore, I find probable cause of the issuance of this Search Warrant and do issue it.

NIGHT SEARCH APPROVED [illegible]

Judge of the Superior Court

Executed by: _____ Date/Time: _____

Peace Officer

EXHIBIT "D"

The Leslie Brodie Report

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James Brosnahan, John Keker, Jon Streeter, Keker & Van Nest, Pierce O'Donnell

Dr. Michael Ledeen of The Foundation for Defense of Democracies Hereby Asked to Opine on Alleged Prima Facie Showing of Money Laundering Involving James Brosnahan (John Keker, Who Prosecuted Oliver North, Presently in Background Via Proxy as Cleaner)

Posted by Leslie Brodie · 2012/03/28 · Leave a Comment
Filed Under John Keker, Keker & Van Nest

Dr. Michael Ledeen of The Foundation for Defense of Democracies Hereby Asked to Opine on Alleged Prima Facie Showing of Money Laundering Involving James Brosnahan (John Keker, Who Prosecuted Oliver North, Presently in Background Via Proxy as Cleaner)

Part 1

Pierce O'Donnell — a Democratic Party operative associated with the Girardi Syndicate — has been found guilty of a "serious crime" which involves misrepresentation, fraud, deceit or the use of dishonesty by funneling illegal campaign contributions to former Sen. John Edwards

-193-

EL PASO NATURAL GAS/SEMPRA ENERGY CRISIS AND RELATED LITIGATION

Joe Dunn, Thomas Girardi, James Brosnahan, Pierce O'Donnell, Joe Cotchett, CPUC's Geoffrey Brown, Howard Rice's Jerome Falk, and Walter Lack.

U.S. Chief Judge Audrey Collins of the Central District of California quickly ordered O'Donnell — former co-counsel in the El Paso Natural Gas/Sempra litigation — suspended from practicing law before any federal court located in the district. He has been assigned a federal prison ID # 49097-112. It is how he will be known for as long as he is behind bars when he begins his 60 days prison sentence on May 7, 2012.

As was reported HERE earlier, O'Donnel is still under extreme scrutiny in connection with the strong prima facie showing by which money which was "laundered" through and/or misappropriated from the California Bar Foundation was used to launch "Voice of OC" — a newly-created online publication which State Bar of California Executive-Director Joe Dunn had launched with the help of Democratic Party operatives Thomas Girardi of Girardi & Keese and James Brosnahan of Morrison & Foerster.

(For more about this story, please see HERE and HERE and HERE. About CaliforniaALL –sham non -profit entity allegedly used to execute and mask the plan, please see HERE.)

O'Donnell has been involved in countless legal proceedings involving his numerous acts of misconduct, described briefly below:

1. Criminal proceedings in the Los Angeles County Superior Court relating to unlawful contributions to James Hahn.

2. State Bar of California Court proceedings relating to his conviction of crimes involving moral turpitude in the Los Angeles County Superior Court.

3. State Bar of California alternative proceedings relating to his mental illness (O'Donnell failed to comply with the conditions of the program and his participation was terminated).

4. Administrative proceedings advanced by both the City of Los Angeles and the State of California.

5. State Bar of California Court proceedings relating to his attempt to mislead a Nevada state court.

Separately,and as was reported HERE earlier, Petitioner Pierce O'Donnell is asking Judge Thomas Anderle of the Santa Barbara County Superior Court for "legal separation" from spouse Dawn O'Donnell.

Part 2

-194-

As public service to the community, The Leslie Brodie Report publishes* a complaint filed with the Internal Revenue Service ("IRS") against Orange County's Nonprofit Investigative News Agency DBA Voice of OC, below:

Internal Revenue Service
Exempt Organizations Unit
1100 Commerce St.
Dallas, TX 75242-1198

Re: A referral for noncompliance with tax laws against exempt organization "Orange County's Nonprofit Investigative News Agency" (dba "Voice of OC"):

PRELIMINARY STATEMENT:

In lieu of using IRS Form 13909 (Tax-Exempt Organization Referral Form), please consider this communication a formal complaint (referral) against an Orange County, California not-for-profit entity known as "Orange County Nonprofit Investigative News Agency," which operates an online publication under the name "Voice of OC" (located at www.voiceofoc.org).

On September 1, 2011, Orange County's Nonprofit Investigative News Agency and Voice of OC (collectively, "Voice of OC") were duly served with a request for production of IRS Form 990, Form 990 Schedule A, and Form 1023. (See Exhibit 1.) To date, this request to produce Voice of OC's tax returns has been ignored, despite the clear mandate by the Internal Revenue Service to fully comply with such requests within 30 days. As such, reluctantly, the undersigned makes this referral.

INTRODUCTION OF ACTORS:

1. Mr. Joe Dunn in his role as the creator of online publication "Voice of OC" – Orange County's Nonprofit Investigative News Agency.

2. Mr. Joe Dunn in his role as Trustee of the UCI Foundation (an entity which obtained funds from a separate charitable entity known as CaliforniaALL (FEIN Number 51-0656213).

3. Mr. Joe Dunn in his role as Executive Director of the State Bar of California – an entity which also controls and maintains a foundation known as the California Bar Foundation. The California Bar Foundation very quietly transferred close to $780,000 to CaliforniaALL.

4. Mr. Joe Dunn in his role as a politician and business partner of Martha Escutia, who was involved in matters relating to utility companies operating in California.

5. Ms. Gwen Moore – a former Assembly member in the California legislature. Ms. Moore has "clout" over the CPUC and utility companies. Ms. Moore presently serves as a member of the State Bar of California Board of Governors; she has previously been the subject of an FBI sting operation.

6. Mr. Geoffrey Brown – a former commissioner with the CPUC and former board member of the California Bar Foundation. During his tenure as a board member of the California Bar Foundation, a hush-hush transfer of $780,000 was made to CaliforniaALL. Subsequent to this transfer, Mr. Brown abruptly quit his position as board member.

7. Mr. Thomas Girardi of Los Angeles-based law firm Girardi & Keese. Mr. Girardi helped Joe Dunn to establish the Voice of OC, and was a member of its board of directors. Recently, he abruptly quit that position. Mr. Girardi is a well-known donor to the Democratic Party and, in particular, to California Senator Barbara Boxer.

8. Mr. Howard Miller of Los Angeles-based law firm Girardi & Keese. Mr. Miller was a member of both the State Bar of California Board of Governors and the California Bar Foundation board of directors when the "hush-hush" transfer of $780,000 from California Bar Foundation to CaliforniaALL took place.

9. Mr. James Brosnahan of Morrison & Foerster – Mr. Brosnahan represents utility companies. He – along with Thomas Girardi – helped Mr. Joe Dunn create the Voice of OC, the subject of this complaint. Like Mr. Girardi, Mr. Brosnahan also served as member of Voice of OC's board of directors, and recently also abruptly quit his position.

10. Ms. Susan Mac Cormac of Morrison & Foerster – Ms. Mac Cormac was part of the legal team that created the legal entity known as CaliforniaALL.

11. Mr. Victor Miramontes – a resident of San Antonio, TX and business partner of former HUD Secretary Henry Cisneros. Mr. Miramontes was the chairman of CaliforniaALL.

12. Ms. Ruthe Catolico Ashley – a former employee of McGeorge School of Law who later served as a "Diversity Officer" at CalPERS. Ms. Ashley also served as member of the State Bar of California Board of Governors, and came up with the idea to create CaliforniaALL during a meeting with Sarah Redfield and Peter Arth, Jr. (the assistant to CPUC President Michael Peevey). After CaliforniaALL came into existence, Ms. Ashley, after a simulated search, was selected to serve as CaliforniaALL's executive director.

13. Ms. Sarah Redfield – a visiting professor at McGeorge School of Law and a member of the State Bar of California Committee. Ms. Redfield was chosen to serve as the "interim executive director" for CaliforniaALL, and later also allegedly served as a consultant to CaliforniaALL. For her services, Ms. Redfield was paid for the year of 2008 close to $160,000 as an "independent contractor." Even though CaliforniaALL was housed pro bono at the law offices of DLA Piper in Sacramento, there is an entry on CaliforniaALL's tax return for close to $16,000 for "occupancy."

14. Ms. Judy Johnson – the former Executive Director of the State Bar of California. For the past 8 years, she has been secretly serving as the president of an entity with a misleading name ("California Consumer Protection Foundation"). This entity absorbed close to $30 million in class action cy pres awards, as well as fines and settlements imposed by the CPUC on utility companies. This entity forwarded those funds to mostly questionable ACORN-like entities. On its website, CCPF claims that it has available information on all grantees going back 10 years. Not so. The information is scattered and extremely difficult to ascertain. In fact, a whole year is missing (2002). During that year, incidentally, CCPF awarded funds to the real ACORN as well as to Eric Moore of Educate LA, who is presumably related to Gwen Moore. Ms. Johnson used her position as executive director of the State Bar of California (which is supposed to supervise and discipline lawyers) as "clout" to obtain cy pres awards from the settlement of class actions prosecuted and defended by countless law firms.

15. Mr. Jeffrey Bleich of Munger Tolles & Olson – presently the U.S. ambassador to Australia and a close friend of President Barack Obama. Mr. Bleich served as member of the BOG when

CaliforniaALL was conceived. He is mentioned only in reference because Verizon Communications (which heavily contributed to CaliforniaALL) is a client of Munger Tules & Olson.

FACTUAL BACKGROUND:

In approximately 2007, Ruthe Catolico Ashley — an attorney from Sacramento and a member of the State Bar of California Board of Governors — was employed by CalPERS as a "Diversity Officer." Prior to her employment with CalPERS, Ms. Ashley was employed as a diversity officer at McGeorge School of Law in Sacramento. While at McGeorge, Ms. Ashley met diversity expert Sarah Redfield.

In April 2007, Ashley, along with Sarah Redfield, met Peter Arth at a restaurant in San Francisco. During that meeting the idea to create CaliforniaALL was conceived. Eventually, CalPERS, CPUC, and the State Bar of California endorsed in principle the creation of CaliforniaALL – a Section 501(c)(3) entity that would raise funds to be used to support a more diverse workforce in California.

Papers were filed with both state and federal agencies to allow CaliforniaALL to operate as a tax exempt entity. Victor Miramontes listed himself as Chairman of the Board, and Sarah E. Redfield served as CaliforniaAll's interim-executive director for a period of 6 months. Serving as CaliforniaALL's legal counsel was Susan Mac Cormac of Morrison & Foerster.

California Attorney General RCT reflects that CaliforniaALL obtained its "Charity" status on March 14, 2008 (FEIN Number 510656213). The address for CaliforniaALL is listed as 400 Capitol Mall, Suite 2400, Sacramento, California. This is actually the address of DLA Piper, where CaliforniaALL resided pro bono.
In June 2008, after a "nationwide search" and aided by a pro bono head-hunting firm in its search for a permanent CEO, CaliforniaALL, not surprisingly, hired Ruthe Catolico Ashley as its chief executive officer.

Also not surprisingly, Ruthe Catolico Ashley abruptly exited CaliforniaALL in September 2009 – the same month Joe Dunn launched his non-profit online publication "Voice of OC."

CaliforniaALL was abruptly dissolved in June 2010.

CaliforniaALL's 990 returns for 2008 list Sarah Redfield of Orono, Maine as an "independent contractor." Her job description is listed as "Program Director." and she was paid $157,763. It is unknown to the undersigned whether Redfield paid self-employment taxes or any other applicable state income taxes, either in California or Maine. (Incidentally, Redfield falsely states on her resume that she was part of a "curriculum committee" with SAL-UCI, an entity associated with UCI and the UCI Foundation where CaliforniaALL forwarded funds. In addition, Redfield falsely stated that she "launched" SAL-UCI, an entity that was already in existence from 2005.)

In its brief existence from 2008 to 2010, CaliforniaALL collected close to $2 million from utility companies (AT&T, PG&E, Verizon, Sempra), including a sub rosa "hush-hush" contribution of $769,247 from the State Bar of California Foundation.

To date, data collected by the undersigned shows that CaliforniaALL (which was supposed to forward most of those funds) transferred between $300,000 to $400,000 to the UCI Foundation (where Joe Dunn serves as trustee), spent an unknown amount to honor Gwen Moore at a lavish dinner held at a luxury hotel in Sacramento, paid for other incidental expenses such as salaries, and subsequent to moving out from the offices of DLA Piper to a more modest location , paid for a UPS Store mail box

slot in Citrus Heights. (Later, CaliforniaALL relocated its base to the loft of one Larrisa Parecki in Sacramento.)

Between 2001 and 2007, Geoffrey Brown served as a Commissioner with the CPUC. From 2006 to 2009, Brown served as a director of the State Bar of California Foundation. In 2008, California Bar Foundation quietly transferred $769,247.00 to CaliforniaALL. CaliforniaALL never acknowledged receipt of the $769,247.00 from the Cal Bar Foundation in any of its publications, although it did acknowledge the transfer on its IRS tax returns. Likewise, California Bar Foundation never acknowledged the largest grant it ever bestowed in its newsroom, the California Bar Journal, or similar publications; it did, however, recognize the transfer on its IRS returns, and in a 2 by 2 inch blurb in its annual report.

Several months ago, the undersigned asked the State Bar of California Board of Governors to examine the suspicious circumstances surrounding CaliforniaALL (i.e. the hush hush transfer, etc.). While simply presenting facts similar to the above, Geoffrey Brown immediately, as though bitten by a snake, threatened to file legal action against the undersigned even though the communication with the BOG was absolutely privileged and justified, and only made mention of Brown in passing.

The undersigned has met Brown casually once or twice, and was highly impressed with his modest and genteel nature. A group conversation transpired and Brown immediately, without even being asked, volunteered to help and assist. This however, can and will not serve to bar the mentioning of his name as part of the overall description of events (such as in this communication). Such tactics would be unfair to the other individuals and the proper administration of justice. Nevertheless, it should be noted that the undersigned possesses not even a scintilla of evidence that demonstrating that Brown somehow pocketed any money unlawfully or engaged in any other unlawful activities, other than the convenient circumstances described above.

Due to unsettling circumstances involving the State Bar of California (such as the highly secretive control of CCPF by Judy Johnson, the refusal of the State Bar of California to disclose amounts it transfers to Bet Tzedek, a Los Angeles-based entity, the amounts it obtains from "voluntary contributions," and, in particular, circumstances surrounding CaliforniaALL, Joe Dunn, and the Voice of OC), the undersigned asked Voice of OC to produce its tax returns for the past 3 years.

Specifically, the following circumstances surrounding Voice of OC have caused concerns:

1. Senator Martha Escutia, Chair of the Senate Committee on Energy, Utilities and Communications (EU&C) also participated in meetings with the CPUC concerning diversity. She is a founding member of The Senators (Ret.) firm, LLP, as is Joe Dunn.

2. The fact that some individuals and entities involved in the creation of CaliforniaALL and the subsequent transfer of $769,247.00 from the Cal Bar Foundation to CaliforniaALL, were also involved in assisting Joe Dunn with the creation of "Voice of OC" to wit – on one hand Morrison & Foerster's Susan Mac Cormac as legal counsel for CaliforniaALL; Girardi & Keese's Howard Miller in his capacity as BOD member of Cal Bar Foundation, as well as BOG members who voted to endorse CaliforniaALL and consider it to have been a partner of the State Bar of California. On the other hand Morrison &Foerster's James Brosnahan and Girardi & Keese's Thomas Girardi as part of helping Joe Dunn with the establishment of Voice of OC.

3. CaliforniaALL was to transfer funds forward. It did so by awarding approximately $300,000 in grants to the UCI Foundation, where Joe Dunn serves as trustee and chair of the Audit Committee. It

appears that CaliforniaALL preselected UCI Foundation, making a prior simulated request for proposal (RFP) by Sarah Redfield that led to the grant – a sham process.

4. In September 2009, Ruthe Ashley abruptly exited CaliforniaALL. That same month, Joe Dunn publicly launched his online publication, "Voice of OC." (as though Ashley's mission had been completed).

5. The recent abrupt departure of Thomas Girardi and James Brosnahan from 'Voice of OC" (as though they were fleeing the scene with guilty consciences).

As such, several months ago, on September 1, 2011, the Voice of OC was duly served with a request for production of IRS Form 990, Form 990 Schedule A, and Form 1023. (See Exhibit 1 attached) Additionally, said request was delivered to Joe Dunn.

To date, this request to produce Voice of OC's tax returns has been ignored, despite the clear mandate by the Internal Revenue Service to fully comply with such requests. As such, reluctantly, the undersigned filed this complaint.

As such, I urge you to investigate this matter to determine whether Voice of OC who ignored the request to produce said tax returns violated IRS rules and regulations. I ask that you impose appropriate sanctions against any and all involved, if supported by the results of your investigation.

I look forward to your response. Please feel free to contact me if you have any questions or need additional information.

Part 3

Please see @:

http://tinyurl.com/7anaewa

AND @:

http://californiaall.posterous.com/

-199-

- Judges summarize the contents of the Grant Thornton Report – and question its conclusions 2012/03/26
  March 25, 2012 Dear Members and Others, . On Thursday, March 22, the Judicial Council posted the latest Grant Thornton report concerning CCMS. The Council will discuss this report and make a decision regarding the future of CCMS at a special meeting next Tuesday, March 27. Alliance directors Judge Kent Hamlin of Fresno and Judge Mike Hayes from [...]
  Judicial Council Watcher
- California Court Case Management System Deployment Options ? : None of the Above 2012/03/25
  Enclosed is a report to the Judicial Council on California Case Management System Deployment Options. Prepared by the Administrative Office of the Courts IT Director Mark Dusman, it is being submitted as an option list of recommendations of the CCMS Internal Committee (One of the five committees – though this committee is staffed by muppets....) I [...]
  Judicial Council Watcher
- Alliance Budget Analysis & The Consequences of Fiscal Mismanagement 2012/03/22
  Happy honking seals being fed red herring by someone performing the Miss America wave. Don't ask us how these things pop onto paper as having any relational value to current events because we don't know. They just materialize and then we try to explain. Be it a justice that doesn't know shit about software development [...]
  Judicial Council Watcher
- Tani has taken the podium to deliver the State of the Judiciary speech... 2012/03/19
  The moment she mentions something meaningful, we'll post it. .....and with the introduction of her family we now know who wears the pants. Speech adjourned at 21 minutes. It the interests of equal time we'd like to give the opposition a platform. Filed under: Judicial Council of California
  Judicial Council Watcher
- ACJ – Assembly Committee Slams the brakes on CCMS 2012/03/16
  March 15, 2012 Dear Members and Others: Yesterday was an interesting day in Sacramento. As we promised you, several Alliance directors were present at the Joint Assembly Budget Committee meeting on CCMS. The State Auditor updated the committee on her perspective, concluding that while the Council/AOC have made some progress in the areas of greatest [...]
  Judicial Council Watcher

The Leslie Brodie Report

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-201-