

FILED

JAN 22 2025

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

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16 Acton, CA 93510

3:25-CV-32
Crytzer/Poplin

17 IN THE UNITED STATES DISTRICT COURT
18 EASTERN DISTRICT OF TENNESSEE
19 KNOXVILLE DIVISION

20 MARYANN WATKINS
21 MICHAEL WATKINS
CHRISTOPHER BUNKER
TERESA BUNKER
ADAM BUNKER
CASEY BUNKER
22 MARCELLO HERNANDEZ
FRANK DOMINGUEZ
ELYSE SELVAGE
23 Plaintiffs,
24 vs.
25 UNITED STATES; COUNTY OF LOS
26 ANGELES CALIFORNIA; STATE
27 CALIFORNIA; LISA M. ROGAN in her
28 personal capacity and in her official capacity

Case No:

COMPLAINT

FOR PUBLICATION IN OFFICIAL
RECORDS.

DEMAND FOR JURY TRIAL

VERIFIED COMPLAINT

1 as officer of the California San Bernardino
2 Superior Court 213577; MARK K.
3 WORTHGE, Esq. (SBN 118435) in his
4 personal capacity and in his official capacity;
5 ALEXANDRIA K. HOBSON (SBN 303320)
6 in her personal capacity and in her official
7 capacity as an attorney; LITCHFIELD CAVO
8 LLP ; JEFFREY V. DUNN, Bar No. 131926,
9 in his official capacity and in his personal
10 capacity; DOMINIC W LANZA in his
11 personal capacity and in his official capacity as
12 judicial officer of the District of Arizona, with
13 a California state bar number of 225989;
14 CHRISTOPHER M. MOFFITT, Bar No.
15 255599, in his official capacity and in his
16 personal capacity; CHRISTINA ABBATE,
17 Bar No. 348276, in her official capacity and in
18 her personal capacity; BEST BEST &
19 KRIEGER LLP; DOLLY M. GEE as district
20 judge and administrative judge of Los Angeles
21 in her personal capacity and in her official
22 capacity 114493; FERNANDO L. AENLLE-
23 ROCHA, CORMAC J. CARNEY, DOUGLAS
24 F. MCCORMICK in their personal capacities
25 and in their official capacity as judicial officers
26 of the U.S. District Court for the Central
27 District of California 129515, 131898, 180415;
28 MICHELLE H. GILLECE, CANDICE
GARCIA-RODRIGO, DOUGLAS K. MANN
in their personal capacities and in their official
capacities as administrative officers of the
California probate court 226445, 249024,
157897; RICHARD R. CLIFTON, DANIEL
A. BRESS 2 judges of 9th circuit court of
appeal in their official capacity and in their
personal capacity; Circuit Judge MARY H.
MURGUIA in her personal capacity and in her
official; BOARD OF THE 9TH CIRCUIT who
heard the judicial misconduct hearing Judges
were not listed when the decision is made;
Defendant RANDAL P. HANNAH in his
personal capacity and in his official capacity as
an attorney 138778; PROBATE DIVISION,
COUNTY OF SAN BERNARDINO; ROSE
C. ROSADO in her personal capacity and in
her official capacity as an attorney 246664;

1 LINDSAY N. FRAZIER-KRANE in her
2 personal capacity and in her official capacity
3 as an attorney 241613; ZUMBRUNN LAW
4 CORPORATION; CUMMINGS,
5 MCLOREY, DAVIS & ACHO P.L.C.;
6 JENNEFER THURSTON as district Judge of
7 Fresno in her official capacity and in her
8 personal capacity; LYDIA KO as deputy
9 attorney general in her official capacity and in
10 her personal capacity ROZELLA A. OLIVER
11 as district magistrate Los Angeles in her
12 official capacity and in her personal capacity;
13 CHRISTINA A. SNIDER in her official
14 capacity and in her personal capacity;
15 WESLEY L HSU in his official capacity and
16 in his personal capacity; QUINTIN LUCAS in
17 his official capacity and in his personal
18 capacity; STEVE KIM in his official capacity
19 and in his personal capacity
20 Defendants.

21
22 The main theme of this case is Judges in their official capacity took money for their
23 decisions and were paid by the attorneys hired to protect the public entities as right on the record
24 with blatant disregard of the law and the constitution through bribery. Plaintiffs have been targeted
25 by their own government, deprived of property, life, and liberty through the court system, violating
26 constitutional rights at virtually every level. As stated in *Marbury v. Madison*, 5 U.S. 137 (1803),
27 “The very essence of civil liberty certainly consists in the right of every individual to claim the
28 protection of the laws, whenever he receives an injury.”

29 The facts before us reveal a chilling reality of systemic corruption, judicial misconduct that
30 rises to criminal, and the erosion of fundamental constitutional rights that strike at the very heart
31 of our American justice system.

32 Systemic Bias and Denial of Justice

33 The extreme political bias exhibited by ninth circuit courts against Plaintiffs as pro se
34 Litigants seeking redress against the very system that wronged them is a demonstrable fact. This
35 systematic bias violates the fundamental principle of equal justice under law, as affirmed in *Yick*
36 *Wo v. Hopkins*, 118 U.S. 356 (1886).

Criminal Acts and Abuse of Power

Perjury and fraud on the courts by judicial officers are criminal acts that fall outside the scope of judicial immunity. In Dennis v. Sparks, 449 U.S. 24 (1980), the Supreme Court held that judicial immunity does not extend to criminal behavior.

Judicial Corruption and Misconduct

Judges in Federal courts have been paid off, compromising the integrity of the judicial process. Overwhelming counts of perjury on record by the defendants have been documented, demonstrating a level of corruption that undermines the entire judicial system. As held in Pulliam v. Allen, 466 U.S. 522 (1984), judicial immunity does not bar prospective injunctive relief against a judicial officer acting in judicial capacity.

Administrative Failure and Negligence

Ninth Circuit Appellate judges and Board failure to act on reported misconduct falls under administrative functions. As established in *Forrester v. White*, 484 U.S. 219 (1988), administrative decisions by judges are not protected by absolute judicial immunity. The negligence in supervision and administration at federal levels directly implicates the government entities themselves.

JURISDICTONAL BASIS

1. Plaintiffs claim federal jurisdiction pursuant to Article III § 2 which extends the jurisdiction to cases arising under the U.S. Constitution. Article III § 2 was created by Congress for the exact reason that the States were becoming corrupt. Even in Roman times a Roman Citizen could appeal to Rome a higher power.
2. Plaintiffs bring this suit pursuant to Title 42 U.S. Code § 1983 for violation of certain protections guaranteed to them by the First, Fourth, Fifth, Eighth, Ninth and Fourteenth Amendments of the federal Constitution, by the defendants under color of law in his/her capacity as a Building Official of the county of Los Angeles.
3. The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States according to Title 28 Part IV, Chapter

85 § 1331 where there is a federal question.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(3), which allows a civil action to be brought in “any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action,” if there is no district in which the action may otherwise be brought under § 1391(b)(1) or (2). This case presents extraordinary circumstances that justify venue in the District of TENNESSEE:

- a. The events giving rise to this action occurred in the federal courts of California and Arizona. The Central and Eastern district of California and Arizona are being sued for systemic bias including clear evidence on the record of taking money for their decisions and other constitutional violations in this action and therefore that court would defend itself and not be an impartial forum for Plaintiffs as pro se to seek justice.

- b. The interconnected nature of the California federal judicial systems creates a real bias and conflicts of interest in any 9th circuit venue.
- c. There is no judicial district where this action could properly be brought under § 1391(b)(1) or (2) without compromising the integrity of the proceedings and Plaintiffs' rights to a fair and impartial adjudication of their claims.

5. **Further the US Supreme Court in *Felder v. Casey*, US 131 (1988) stated that you cannot require a Plaintiff to go back to the one doing the damage.**

6. Plaintiffs invoke this Court's authority to issue declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

7. This case raises issues of national significance. The actions of the Federal judges acting in absence of all jurisdiction and violating constitutional rights, threatens the fundamental balance of power between administrative courts and judicial courts enshrined in our legal system. If administrative courts are permitted to adjudicate common law claims and seize property without due process, it would undermine the supremacy of federal law and erode critical protections for individual rights nationwide. This case provides an opportunity for the federal courts to reaffirm

1 important limits on agency court jurisdiction and authority mainly Administrative
2 fraud. Resolving these issues is essential to preserving the proper role of the courts,
3 enforcing constitutional guarantees, and maintaining the clear interpretation and
4 application of the Supreme law across the country.

5 8. The District of Tennessee is an appropriate venue for this action, as it is removed from
6 the ninth circuit judicial system and the conflicts of interest and bias that would taint
7 proceedings in any ninth circuit.

8 9. Moreover, as People of the United States of America, Plaintiffs have a constitutional
9 right to having their claims heard impartially.

10 10. Plaintiffs also bring the matter pursuant to the Tom Bane Act under supplemental
11 jurisdiction: See California civil code 52.1: "(a) This section shall be known, and may
12 be cited, as the Tom Bane Civil Rights Act. (b) If a person or persons, whether or not
13 acting under color of law, interferes by threat, intimidation, or coercion, or attempts to
14 interfere by threat, intimidation, or coercion, with the exercise or enjoyment by any
15 individual or individuals of rights secured by the Constitution or laws of the United
16 States, or of the rights secured by the Constitution or laws of this state... (c) Any
17 individual whose exercise or enjoyment of rights secured by the Constitution or laws
18 of the United States, or of rights secured by the Constitution or laws of this state, has
19 been interfered with, or attempted to be interfered with, as described in subdivision (b),
20 may institute and prosecute in their own name and on their own behalf a civil action
21 for damages, including, but not limited to, damages, under Section 52, injunctive relief,
22 and other appropriate equitable relief to protect the peaceable exercise or enjoyment of
23 the right or rights secured, including appropriate equitable and declaratory relief to
24 eliminate a pattern or practice of conduct as described in subdivision (b)."

25 11. Plaintiffs bring the matter pursuant to rule 5.1 and 28 USC §2403, challenge of laws.

26 12. Plaintiffs bring the suit under the violation of right to property and life under the 9th
27 and 10th amendments which allow rights under common law.

28 13. Plaintiffs bring the suit under 9th and 10th amendments under enumeration clause.

Common law rights to property.

14. Plaintiffs bring the suit under the 1st amendment to constitution of rights specified.

PARTIES

15. Plaintiffs:

16. Maryann Watkins is an individual in the County of Tennessee.

17. Michael Watkins is an individual in the County of Tennessee.

18. Christopher Bunker is an individual in the County of Arizona.

19. Teresa Bunker is an individual in the County of Arizona.

20. Adam Bunker is an individual in the County of Arizona.

21. Casey Bunker is an individual in the County of Arizona.

22. Frank Dominguez herein is an individual in the County of Arizona.

23. Elyse Selvage herein is an individual in the County of California.

24. Marcello Hernandez herein is an individual in the County of Arizona.

25. Defendants:

26. County of Los Angeles California, 500 West Temple Street, Los Angeles, California
90012-2713.

27. Mark K. Worthge, Esq. (SBN 118435) Alexandria K. Hobson (SBN 303320) at
Litchfield Cavo LLP 2 North Lake Avenue, Suite 400 Pasadena, CA 91101

28. Richard R. Clifton, 95 Seventh Street, San Francisco California 94103.

29. Daniel A. Bress, 95 Seventh Street, San Francisco California 94103.

30. Mary H. Murguia, 95 Seventh Street, San Francisco California 94103

31. JEFFREY V. DUNN, Bar No. 131926 18101 Von Karman Avenue, Suite 200, Irvine, California 92614, (714) 240-1000.

California 92612.

32. CHRISTOPHER M. MOFFITT, Bar No. 25559 18101 Von Karman Avenue, Suite 1000, Irvine, California 92612.

33. CHRISTINA ABBATE, Bar No. 348276, 18101 Von Karman Avenue, Suite 1000,

1 Irvine, California 92612.

2 34. BEST BEST & KRIEGER LLP 18101 Von Karman Avenue, Suite 1000, Irvine,
3 California 92612

4 35. Defendant Rose C. Rosado is an individual in the State of California, 12277 Apple
5 Valley Road, #348, Apple Valley, CA 92308.

6 36. San Bernardino Probate Division is an administrative court in the State of California,
7 247 West Third Street, San Bernardino, CA 92415-0210

8 37. Lindsay N. Frazier-Krane is an individual in the State of California, 3801 University
9 Ave., Suite 560, Riverside, CA 92501.

10 38. Zumbrunn Law Corporation, a corporation, 14335 Park Ave, Victorville, CA 92392.

11 39. Defendant Randal P. Hannah is an individual in the State of California, 489 N. Central
12 Avenue, Upland, CA 91786.

13 40. Cummings, McClorey, Davis & Acho P.L.C., a professional limited liability company,
14 3801 University Avenue Suite 560 Riverside, CA 92501.

15 41. Fernando L. Aenlle-Rocha is an individual, United States Courthouse, 350 West 1st
16 Street, Los Angeles, CA, 90012.

17 42. Cormac J. Carney is an individual, United States Courthouse, 350 West 1st Street, Los
18 Angeles, CA, 90012.

19 43. Douglas F. McCormick is an individual in the State of California, 411 W. Fourth St.,
20 Santa Ana, CA 92701.

21 44. Dominic W. Lanza is an individual at 401 W. Washington St., Suite 130, Phoenix, AZ
22 85003-2118

23 45. Michelle H. Gilleece is an individual in the State of California, 17780 Arrow
24 Boulevard, Fontana, CA 92335.

25 46. Candice Garcia-Rodrigo is an individual in the State of California, 247 West Third
26 Street, San Bernardino, CA 92415-0210.

27 47. Defendant Lisa M. Rogan is an individual in the State of California, 247 West Third
28 Street, San Bernardino, CA 92415-0210.

1 48. Defendant Douglas K. Mann is an individual in the State of California, 247 West Third
2 Street, San Bernardino, CA 92415-0210.

3 49. The true names, identities and capacities of the parties herein sued as Roes 1 through
4 50, inclusive, whether individual, corporate or otherwise are unknown to Plaintiff.
5 Accordingly, Plaintiff sues such defendants by their fictitious names. Plaintiff will seek
6 leave to amend this Complaint to specify the true names and capacities of these
7 fictitiously named defendants when the same have been ascertained. Plaintiff is
8 informed and believes, and based thereon alleges, that all defendants sued herein as
9 Roes 1 through 50, inclusive, are in some manner responsible for the acts and omissions
10 alleged in this Complaint.

11 50. Plaintiff is informed and believes, and based thereon alleges, that at all times mentioned
12 herein, defendants, each of them, were the agents, servants, employees, representatives,
13 subsidiaries, owners, members and/or partners of each other and were acting within the
14 course and scope of such agency, service, employment, representation, association,
15 subsidiary relationship, ownership, membership or partnership and with the
16 knowledge, consent or authority of their principles, employers, associates, parent
17 corporation, members and/or partners in doing some or all of the acts alleged herein.

18 51. Plaintiff is informed and believes and thereon alleges that Defendants individually and
19 in their official capacities as State and Federal Actors as mentioned above worked
20 together to violate Plaintiffs civil rights and each one individually and all together did
21 partake in the conspiracy to fraud Plaintiff and to steal property owned by Plaintiff
22 including extortion AND ALL PLEADINGS BELOW.

23

24 **PREFACE:**

25

26 There are claims all over the county that the county can do what they want because they
27 have county counsel and own both the state and federal courts. The following notice was given to
28 the judges as sued herein.

**NOTICE TO THE HONORABLE JUDGES OF THE FEDERAL COURTS
OF CALIFORNIA:**

Plaintiff is a citizen who has unalienable rights. We the people have only contracted with the people of governance and given them limited powers to protect those rights through a written constitution. The constitution is written to limit government interference of those unalienable rights. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, Life, Liberty and the pursuit of Happiness." Definition of unalienable: "Impossible to take away or give up, not able to be transferred to another." The following notice was given to Judges.

Notice to Judges: To not require the county to answer challenges made, is obstruction of justice. **You will not be able to plead incompetence in a lawsuit against you, once noticed.** Plaintiff is challenging the ordinances as illegal according to law and the county has not answered this challenge at all in any way shape or form the Judges getting paid for their decision have ignored the challenge and dismissed on technicalities just like Art Hernandez said that they would.

See declaration of Michael Watkins attached here as exhibit A.

After the case had been removed to federal court, Plaintiffs notified the California Probate Court on many separate occasions of obstruction of justice for holding illegal hearings in which they drag Plaintiffs into the court against federal removal law which states: "*Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal and the State court shall proceed no further unless and until the case is remanded.*" 28 U.S. Code § 1446(d).

Plaintiffs noticed the California Probate court many times with the following notice: This court does understand the law. All that is required by a party is the notice of removal. Once the removal is filed. In the Federal Court and copy is filed in the state court the removal is effected and becomes an order to the state court that the case is no longer in the state court. Once the federal Court Remands the removal, the Remand Letter will be sent to the above-entitled court leaving no question whether the case is removed or not. The removal was stamped by the Federal court and

1 above entitled court has a copy. The following to witt:

2 28 U.S. Code § 1446(d)

3 “Promptly after the filing of such notice of removal of a civil action the defendant or
4 defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice
5 with the clerk of such State court, which shall effect the removal and the State court **shall proceed**
6 **no further** unless and until the case is remanded.” Emphasis added

7 For a state judge or commissioner to continue a case in the state court making rulings for a
8 Federal Court is Fraud on the Court the judge will come under the personal jurisdiction of that
9 court and in this case will be under the personal jurisdiction of the Federal case which will allow
10 him to be sued under the same pretense as the original judge is being sued. Any such officer of the
11 court can be sued in the Federal court and any such officer cannot enter a pleading of incompetence
12 once noticed which means you cannot say you didn’t know.

13 In the U.S., when an officer of the court is found to have fraudulently presented facts to the
14 court so that the court is impaired in the impartial performance of its legal task, the act, known as
15 “fraud upon the court”, is a crime deemed so severe and fundamentally opposed to the operation
16 of justice that it is not subject to any statute of limitation.

17 Officers of the court include: Lawyers, Judges, Referees, and those appointed; Guardian
18 Ad Litem, Parenting Time Expeditors, Mediators, Rule 114 Neutrals, Evaluators, Administrators,
19 special appointees, and any others whose influence are part of the judicial mechanism.

20 Once a judge is so noticed there can be no pleading in a lawsuit against them of
21 incompetence which means you cannot say you didn’t know.

22 WHEREFORE BY KEEPING THIS CASE ON CALENDAR THAT HAS BEEN
23 REMOVED AND BY PRESIDING OVER A CASE AT COMMON LAW INCLUDING TORTS
24 IN THIS ADMINISTRATIVE COURT IS IN COMPLETE ABSENCE OF ALL JURISDICTION
25 OF THIS COURT AND IS A CRIMINAL ACT.”

1
2
STATEMENT OF THE CASE

3 **52. Marcelo Specifically: 2:20-cv-0534-DMG-SK**

4 53. The Ninth Circuit Courts have now become an instrument of fraud and for the
5 deprivation of our Constitutional rights, with the judges deliberately acting completely
6 outside their jurisdiction. It is against this backdrop of clear and ongoing abuse that we
7 request this Court's consideration. Throughout the California court proceedings, Judge
8 Dolly M. Gee stated that the county is a foreign jurisdiction and has the right to make
9 law.

10 54. Can anyone believe that she is stating that the County of Los Angeles is a foreign
11 country and can make law. Should we have to explain that she is also stating that they
12 are outside the constitution, the same thing that Ann Hunter did, as Supervising Deputy,
13 was demoted for brazenly declaring the Contractors State License Board "CSLB" Court
14 a "separate power" outside constitutional authority and the Superior Court Judge before
15 that just dismissed the case by just denying the claim and it wasn't until on appeal that
16 the 3 judges stated that they looked for a writ of execution and didn't find one for CSLB
17 and overruled the lower court and the Supervising Deputy (Case No E032558,
18 California Appeals, 4th district). Judge Lude Vixen was removed from a case after
19 lying under oath and denying a fundamental right to self-representation (Case No.
20 J203684, San Bernardino, CA),

21 55. See Declaration of Michael Watkins exhibit A, where a county Supervisor stated how
22 the county pays off the Judges by hiring outside attorneys and then giving them the
23 money to pay the Judges off to dismiss on a technicality. He went on to say if someone
24 appeals to the ninth circuit court of appeals is more corrupt then the district courts and
25 they will dismiss on the same basis a technicality. This is just what happened here.

26 56. The Ninth Circuit Court of appeals threw the case out on a technicality stating that
27 Plaintiff had to go to the state first overriding 2 clear cases that the US Supreme court
28 had made. Felder v. Casey, US 131 (1988) where the supreme court stated that you

1 cannot send someone back to the state the same people doing the wrong, for a 1983
2 case. The latest property case by the US Supreme court goes to the heart of the above.
3 Knick v. Township of Scott, Pennsylvania, No. 17-647, 588 U.S. (2019) Chief Justice
4 John Roberts said, "property owners are entitled to the same rights in federal court that
5 other citizens have if they can prove that their constitutional rights have been violated".
6 In this case the idea was you had to exhaust all efforts in state court first for property
7 violations. The ninth circuit stated that Plaintiff had ridiculous claims when challenging
8 the laws and Judicial misconduct of the of the lower court judge. They were notified of
9 their fraud.

10 57. The ninth circuit board and circuit court ignored the blatant lies in the judicial
11 misconduct complaint and stated that they could not go against decision. Plaintiffs did
12 not challenge the decision but challenged lies and precedent, not the decision itself.
13 There were challenges to laws, challenges to lying under the oath, and not going by
14 Supreme court precedence by the district judge but not addressed by the ninth circuit
15 board. So, in effect the ninth circuit board is also lying under oath as a cover-up to the
16 criminal behavior of the lower court judge and wherefore are lying under oath
17 themselves, especially the 3 judges that claimed that Plaintiffs claims were ridiculous.
18 **So now any claims to the law or the constitution or not going by precedent or lying**
19 **under oath are ridiculous claims according to the ninth circuit.**

20 58. This is a dereliction of duty by the circuit board and judge for which the ninth circuit
21 court of appeals, 3 judges waited for their decision before making their decision and
22 just stated that Plaintiff had to go to the state first and threw the whole case not
23 addressing the 4th amendment claims or any of the violations of county officials
24 coming to his property with guns making up false accusations about building code
25 running him off of his property with guns or about the lower Judge lying under oath,
26 not going by precedent, not going by law, and obstruction of justice. Marcelo had
27 proved his case by Public Records Act requests "PRA requests" to the county and the
28 county admitted that they could not do what they did. **See excerpts from Marcelo's**

1 and other Plaintiffs excerpts below after the signature line.

2 **59. Specifically Frank Dominguez and Elyse Selvage: 2:23-cv-10523-CAS-SK**

3 60. The attorney for the County used Marcelo's case to tell the court that they had the right
4 to ignore the laws challenged and ignore the challenge to the Department of Building
5 and Safety and hear it later after the dismissal motion. The Judge went along with that
6 so they could skirt the constitution. This case is still going but already is going in the
7 same direction with the next step to dismiss Since they did the in Marcelo's case above.
8 It has always been that if there is a challenge to subject matter jurisdiction and laws
9 used has to go first. Frank has proved his case with PRA requests also same as Marcelo
10 with the county admitting they couldn't do what they did just like the Supervisor at the
11 county stated they would do, but the case is in for dismissal on technicalities.

12 **61. Watkins Specifically: 2:22-cv-02167-FLA-RAO 64.**

13 62. The case is against the county of Los Angeles same as above and is about laws not
14 promulgated and the agency is not authorized by the constitution same as the above
15 two cases.

16 63. In the Watkins case the Judge has gotten paid to dismiss the case on a technicality
17 stating she did not have hear the Motion to challenge subject matter jurisdiction even
18 though in the response the county admitted to the averments challenged by not
19 answering or evasive answers. She states that

20 64. Watkins is a certified building official and proved his case by PRA requests. The county
21 admitted that they could not do what they did but the Judge is dismissing on a
22 technicality again stating the case is dismissed and the motion to challenge Subject
23 Matter jurisdiction is mute. If she would have heard the challenge she would have to
24 rule the county broke the law by prosecuting Watkins with laws that don't exist and
25 decisions that were not law and the agency was not granted power by the constitution.

26 65. In Watkins case mentioned above when this challenge was made to the State Cour, they
27 ruled Since Watkins challenged the constitution they had to look at it and looked for a
28 writ of exhibition and did not find one so remanded the case that CSLB had against

Watkins to be dismissed (Case No E032558, California Appeals, 4th district). Here we have these cases Marcelo, Frank, and Watkins all 3 where the federal courts side stepped the motions to challenge subject matter jurisdiction and ruled them to be mute even though the law states that Subject Matter Jurisdiction has to be heard first for good reason,. In Franks State Case Frank made the same Motion to Challenged Subject Matter Jurisdiction and the case was dismissed the same week OAN00336-01. His state case was where the county brought him up on charges because they falsely claimed he was violating building code but he was not in violation at all. The county had held him 5 years stating he would have to do community services and other things but when the motion stated above was made they dropped the criminal case. Frank is suing in Federal court for malicious prosecution and the Federal court will not hear this same motion even though they know about Franks state case and they know that the county is not going by law but just what they make up at the time. Just more evidence that they are getting paid for their decisions. Subject Matter jurisdiction of the lower proceedings have to be heard first: ("Every federal appellate court has a special obligation to satisfy itself not only of its own jurisdiction, but also that of the lower courts in a cause under review, even though the parties are prepared to concede it")" New York Life Ins. Co. v. Deshotel, 142 F. 3d 873, 882 (5th Cir. 1998) So the Federal court was being challenged that the proceedings of the county were not legal and should not have been done. The Agency doing the lower proceedings was given judicial powers without authority and using laws not promulgated or just decisions of violations with no laws quoted. So if the district court would hear the motion then they would've had to rule that the Agency was braking the law and guilty of wrongdoing but by dismissing and making the motion mute they side stepped that the county proceedings did wrong doing to Plaintiffs. Instead dismissed on a technicality. They did this in all 3 cases and the appellate court just ignored and dismissed on a technicality in Marcelos case stating he had to go to the state first but still ignored the challenge.

66. The county personnel brag about owning courts and that they can do anything that they

1 want to. Plaintiff Michael worked for the county in the same offices in Alhambra as a
2 county supervisor. The personnel in these offices are now holding up the project.
3 Michael has heard many, many times this brag that they have county counsel, they own
4 both state and federal courts, so they can do anything they want. This county is a
5 monster and has people upset all over the county.

6 **67. Specifically Watkins other case: 1:21-cv-001348-NONE-SAB**

7 68. In this case the Judge lied under oath and she was complained about by Watkins for
8 lying in the district court to the judicial review board. She was paid by the State of
9 California and blatantly lied under oath and dismissed the case. The complaint was sent
10 to the Judicial Review Board and has never been addressed.

11 69. Here are some of the lies the judge told: The Judge stated that Plaintiffs did not have a
12 right to sue letter and stated it was futile to try get one now because time had passed
13 that Plaintiffs' could no longer get one. This was a lie under oath because Plaintiff
14 received one after she had stated that Plaintiffs' could not get one. Also the department
15 stated that the time was 4 years not 1. This was in her order to dismiss the case.

16 70. Next the Judge stated that in the order regarding the motion for reconsideration that
17 Plaintiffs had put in a request for the department but had not pursued it. Another lie
18 under oath. The Judge had been noticed and it is on the docket the right to sue letter.
19 The Judge knew there was no requirement to pursue with the department. Also
20 according to the department if you are going to sue on your own, you can just use the
21 right to sue letter.

22 71. The case is on appeal but the same Judges are looking at the case that dismissed on a
23 technicality basis in the Marcello case and have gotten paid to dismiss this case also as
24 their way of doing business.

25 **72. Specifically Watkins 3rd case: 2:22-cv-07286-FLA-RAO**

26 73. Here Watkins had trouble with the county of Los Angeles and decided to build a
27 manufactured home to get out from under the jurisdiction of the county. However HCD
28 tried to do the same thing as the county and stop Watkins from building a house for his

1 two children. Watkins has been successful building because after suing HCD the deputy
2 attorney general stated that HCD had lost there license from HUD to do the inspections
3 so Watkins could go directly to HUD. So Watkins did. Of course, this was after much
4 time and fighting in court.

5 74. The Judge is the same Judge in Watkins County case and is dismissing as we speak
6 because she has gotten paid by HCD to dismiss. The state government and county
7 governments are all doing the same in the Ninth Circuit they pay the judges to dismiss.

8 **75. Specifically Bunkers cases: 2:23-cv-09263-FLA-DFM, 2:24-cv-01491-DWL**

9 76. The Bunkers case is about Probate court trying to adjudicate tort claims. Rosado's
10 claim was that Bunkers took over the laptop in the last months when the deceased was
11 sick and changed the bank account designations to charities as a criminal act for which
12 Attorney Rosado wanted the Bunkers' house, their vehicles and every asset owned by
13 the Bunkers. The case was so simple because all that The Bunkers removed the state
14 case to the federal court and subpoenaed bank records proving that Rosado was lying
15 and committing fraud on the court in collusion with the probate judges by paying them
16 off for fraudulent orders. Rosado never offered a single shred of evidence or proof of
17 any of her accusations. Instead, she demands \$1,000,000 in damages against Bunkers
18 at the hands of administrative judges who accepted her bribes.

19 77. The Bunkers proved Rosado was lying beyond a shadow of a doubt, yet the California
20 Judges committed fraud on the court and have been caught on many counts of blatant
21 perjury on the record. They have been caught accepting bribes from Attorney Lindsey
22 Frazier-Krane who represents the administrative probate judges who continue to violate
23 federal removal law and the constitutional separation of powers by adjudicating
24 criminal torts in a probate court. The California judges have accepted money to order
25 that the Probate officers be dismissed from the case with prejudice. Even the other
26 opposing counsel told the federal court that this was a double standard.

27 78. The California Judge in the case dismissed stating that Probate could handle the case
28 even though he was going against precedent set by the Supreme court in Marshal v.

1 Marshal and Ankenbrandt v. Richards. He was then sued in Arizona and reversed
2 himself after the case was already on appeal but still stated that Bunkers could not sue
3 judges. Bunkers had an attorney who was setting them up with the probate judge and
4 apposing attorney to get well over \$400,000.00 in attorney fees. The Probate decision
5 was made on a secret ex-party hearing without notifying the Bunkers. The Arizona
6 Judge illegally dismissed the Bunkers' case again establishing that 9th Circuit district
7 courts are paid off and have zero accountability to be upholden to the rule of law.

8 **79. So, Plaintiffs cannot get any justice without taking up the suit in a court outside
9 the Ninth Circuit.**

10 80. First Cause of Action:

11 81. Judicial misconduct by lying under oath, going against precedent, taking bribes,
12 obstruction of justice, fraud on the court to taint their decisions.

13 82. Second Cause of Action:

14 83. Taking Bribes to dismiss the cases above on technicalities.

15 84. Third Cause of Action:

16 85. Attorney misconduct:

17 86. Misconduct by paying bribes to judges to dismiss cases on technicalities, obstruction
18 of justice, fraud on the court, lying under oath, and entering false documents as true.

19 87. Fourth Cause of Action:

20 88. Paying bribes to judges to dismiss cases on technicalities.

21
22 **PRAYER FOR RELIEF**

23
24 On the First Cause of Action

25 1. For money, lost income, lost profits, increased expense and carrying costs, injury to
26 economic credit in excess of \$20,000,000.00 as may be allowed by law according to proof;
27 2. For general damages pled in this cause of action and otherwise as may be allowed by law
28 according to proof.

On Second Cause of Action

3. For money, lost income, lost profits, increased expense and carrying costs, injury to economic credit in excess of \$20,000,000.00 as may be allowed by law according to proof;
4. Fear of government since the courts invaded his unalienable rights etc.

On Third Cause of Action

5. For money, lost income, lost profits, injury to economic credit in excess of \$20,000,000.00 as may be allowed by law according to proof. Fear of government since the courts invaded his unalienable rights etc.
6. For general damages pled in this cause of action and otherwise as may be allowed by law according to proof.

On Fourth Cause of Action

7. For money, lost income, injury to economic credit in excess of \$20,000,000.00 as may be allowed by law according to proof. Fear of government since the courts invaded his unalienable rights etc.
8. For general damages pled in this cause of action and otherwise as may be allowed by law according to proof.

On Fifth and Sixth Cause of Action

9. For money, lost income, lost profits, injury to economic credit in excess of \$20,000,000.00 as may be allowed by law according to proof. The damages would be time and lost profits that he would have had if the courts had not invaded their unalienable rights. Vexation and mental anguish because of invasion unalienable rights. Fear of government since the courts invaded his unalienable rights etc.
10. For general damages pled in this cause of action and otherwise as may be allowed by law according to proof

On Seventh Cause of Action

11. For money, lost income, lost profits, injury to economic credit in excess of \$20,000,000.00 as may be allowed by law according to proof. The time and lost profits that Plaintiffs would have had if the courts had not invaded their unalienable rights. Vexation and mental anguish that has led to bad health, the courts invaded the unalienable rights. Fear of government since the courts invaded unalienable rights etc.

12. For general damages pled in this cause of action and otherwise as may be allowed by law according to proof.

Additional Relief sought:

Issue declaratory relief as this Court deems appropriate and just. Declaratory relief in the form of the judges cannot be protected by judicial immunity since they purposely did not go by the law and because they took money for their decisions.

13. Issue an injunction prohibiting Defendants from continuing to violate Plaintiffs' constitutional rights;

14. Order a comprehensive review of all cases handled by the named judges in this complaint to identify and address patterns of misconduct and constitutional violations;

15. Refer the matter to appropriate authorities for investigation of criminal conduct by Defendants;

16. Vacate all orders made by Defendants that violated Plaintiffs' rights.

17. Order the United States and the State of California to conduct a systemic review of their judicial systems to identify and address structural issues that lead to constitutional violations;

18. Require Defendants to provide regular reports to the Court on their progress in implementing the ordered reforms;

19. Retain jurisdiction over this matter to ensure full compliance with the Court's orders;

20. Grant any other equitable relief that this Court deems just and proper to address the systemic failures and constitutional violations described in this cause of action.

1 21. Grant any other relief that this Court deems just and proper under the circumstances. Issue
2 other relief as this Court deems appropriate and just. Issue relief the Judges to be prosecuted
3 in a criminal court when this court is completed for not answering and for thinking they
4 are above the law.

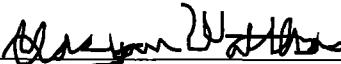
5 22. Award plaintiff his costs of litigation, lost wages, and loss of property.

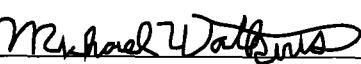
6 23. For punitive and exemplary damages as may be allowed by law on all causes of action
7 20,000,000.00.

8

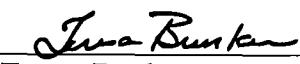
9 I have read the above complaint, and it is correct to the best of my knowledge.

10 Dated: January 17, 2025.

11 
12 Maryann Watkins

13 
14 Michael Watkins

15 
16 Christopher Bunker

17 
18 Teresa Bunker

19 
20 Adam Bunker

21 
22 Casey Bunker

23 
24 Marcelo Hernandez

25 
26 Frank Dominguez

27 
28 Elyse Selvage

Plaintiffs In Pro Se

EXCERPTS OF ALL THE CASES:

2 Plaintiff Marcelo's rights were violated when county code enforcement officers came to Plaintiff's
3 property without permission with guns. The property was being used by Plaintiff to plant to put
4 in a gate and to fence the property. Even though Plaintiff was not building anything County
5 officials made up false reports stating he was building something and then threatened to put
6 Plaintiff in jail. If a county official knowingly makes a crime by presenting false documents it
7 would be a crime of fraud and then when the county gets paid by forcing the person to pay or go
8 to jail, it is then extortion and fraud. Then when knowingly these documents are presented to the
9 court for the court to pretend that they are authentic this is now fraud on the court and obstruction
10 of justice. This type of fraud was prevalent in the Kings court before the great Magna Carta. The
11 attorneys that are now being sued herein to this case have tried to fraud the court by acting like the
12 documents authenticity are from sources that cannot be questioned. It was stated in the original
13 complaint that the county has proffered these documents true but are false documents. Plaintiffs
14 are appalled that these attorneys would present false documents as true and state that they are from
15 the county and cannot be questioned. This is a type of fraud on the court that goes beyond an
16 erroneous application and is criminal fraud on the court. So now Plaintiff sues these attorneys for
17 fraud and paying for the judges decision. This is the very reason that these county enforcement
18 personnel believe they can get away with all the other fraud and extortion that they are doing. We
19 proved at court proceedings that these county agents did in fact make up false reports and that they
20 did try to use them to extort money.

21 | FIFTH AMENDMENT:

22 The county did not have authority to make up the laws that they enforced against Plaintiff.

23 1. Violations were made with laws that were not promulgated.

24 2. The laws interrupted Plaintiffs property rights where Plaintiff could not use his property as

25 intended, wrongful intervention. A. He could not farm because it was called grading. B. He could

26 not practice his religion. C. He could not camp out because they said he was trying to build

27 something. D. He could not get together with his friends on the property because they said he was

1 trying to build something. E. They said that he could not have his trailer to pee in while he was
2 doing his farming because he could go home to pee.

3 3. Plaintiff was not building anything and knows that he would apply for a permit if he were
4 going to build anything.

5
6 3. There were and still are a water tank for planting, a shipping container to store tools in and
7 other such things for that purpose including water tanks, hoses and cords. The county calls these
8 things junk in their reports and name them "discarded items". Also Plaintiff had a trailer on the
9 premises to be able to stay over night to do more work.

10 4. Defendant saw that the property was not vacant and did not seek permission before entering
11 the property, better known as warrant if something was really being done wrong.

12 5. Defendants claimed that grading was taking place. Plaintiff stated to defendants that no
13 grading was taking place. Plaintiff also stated that top soil for planting is not grading. Plaintiff
14 also stated that he is allowed to be on his property to do planting and that it is zoned for agriculture.
15 Plaintiff also stated that if he were building according to county rules he can grade up to 50 cubic
16 yards without permit but that Plaintiff is not building anything. Plaintiff stated further that the rule
17 is not in the California building Code wherefore it must be a compelling reason when violating
18 Plaintiffs right for private property.

19 6. County personnel proceeded to write correction notices even though Plaintiff was not
20 building anything at the time and not doing any grading.

21 7. Next the same officials stated that there is no permit for a shipping container. Here again
22 Plaintiff stated there is no requirement in the Building Code and that there is no building going on
23 and further more it is for temporary use to plant which is what the property is zoned for.

24 8. Defendants also make a judgment there is a requirement for division of regional planning.
25 Here again Plaintiff is not building but growing something. The whole idea of Regional planning
26 is to make sure of set back requirements if you are building something permanent or semi
27 permanent on the property. Hence the Building department enforcement and planning department
28 enforcement for building something.

1 9. So even though Plaintiff is not building anything County officials wrote up false
2 documents. If a county official knowingly makes a crime by presenting false documents it would
3 be a crime of fraud and then when the county gets paid by forcing the person to pay or go to jail,
4 it is then extortion and fraud. Then when knowingly these documents are presented to the court
5 for the court to pretend that they are authentic this is now criminal fraud on the court and
6 obstruction of justice. This type of fraud was prevalent in the Kings court before the great Magna
7 Carta. The 5 attorneys that are now being added to the case have tried to fraud the court by acting
8 like the documents authenticity are from sources that cannot reasonably be questioned. It was
9 stated in the original complaint that the county has proffered these documents true but are false
10 documents. Plaintiff is appalled that these attorneys would present false documents as true and
11 state that they are from the county and cannot be questioned. This is a type of fraud on the court
12 that goes beyond an erroneous application and is criminal fraud on the court. So now Plaintiff
13 sues these attorneys for fraud. This is the very reason that these county enforcement personnel
14 believe they can get away with all the other fraud and extortion.

15 10. Question: Can the county pay outside attorneys to pay off Judges both in the District Court
16 and in the 9th circuit court of appeals to dismiss the case on a technicality by overriding the US
17 Supreme Court in Felder Verses Casey and state that Plaintiff had to go to the State first. Can a
18 building department enforce such things that are not under the building department as what is being
19 done here. Can a building department planning department enforce you from camping on the
20 property for enjoyment and planting trees and other plants either for food or for beautifying the
21 property or having horses and or having a guard to defend the property from invasion or stealing
22 the horses. Are we saying that we do not have any rights to enjoy the property, our own private
23 property? Can anyone take away those original guaranteed rights in the constitution through rule
24 making? The courts for ever have been supporting those rights since the foundation of this country
25 overturning rules that do just that. This is not a subdivision property but agricultural property 10
26 acres backed up to mountains beautiful for camping and just enjoy the atmosphere.

27 11. The conversation went back and forth and finally Plaintiff stated to these county personnel
28 that they owed him money for damages already done and demanded to talk to there representatives

1 in management and demanded 20 million dollars for damages with no avail. Instead county
2 personnel continued with their false paperwork and stated that they were indemnified by the county
3 and that they can do anything that they want to. This went on for some time.

4 12. When all Plaintiffs' actions failed to get a reasonable response Plaintiff noticed the
5 Building Official in charge that these people were committing these unlawful acts and gave the
6 Building Official 10 days to answer. The Building official did not answer and so Plaintiff filed
7 the original complaint for money within the 6 months of the original violation of these personnel.

8 13. Here the county Building Official would not answer and therefore committed a crime of
9 fraud on the US Constitution of American citizens and is committing the crime of extortion to steal
10 property and monies from Plaintiff. He should be prosecuted and individually liable besides being
11 officially liable. We request this court enter a criminal case against the Building Official and all
12 defendants for fraud and extortion after this case is finished.

13 14. The building Official was working under the direction of County Counsel and other
14 attorneys that work for the County who did nothing. Then County Counsel worked with the two
15 outside attorneys to commit fraud and extortion and pay off the judges.

16 15. It is being said all over the county that they do what they want because they have county
17 counsel and they own both the state and federal courts. And after what Plaintiff has seen so far it
18 is true.

19 ORDINANCES WERE NOT PROMULGATED AS DIRECTED BY THE OVERSIGHT
20 COMMISSION AND THE CONSTITUTION:

21 The below challenges were made in the district court and ninth circuit court of appeal and were
22 denied without any findings except calling Plaintiff names and dismissing on a technicality. They
23 would not answer the motions to challenge subject matter jurisdiction and therefore admitted that
24 the averments were true.

25 AND WHEREAS, if state offices have facts to support their presumptions of subject matter
26 jurisdiction TO MAKE THE ORDINANCES USED AGAINST Plaintiff in the case they must
27 show those facts here and now, otherwise, they are admitting they have no subject-matter
28 jurisdiction.

1 AND WHEREAS, upon making this aforesaid challenge, Plaintiff's state political trustees
2 are under a mandatory duty and obligation to answer Plaintiff's challenge.

3 AND WHEREAS, herein averments not traversed are admitted as true. Take notice that
4 evasive answers in a traverse are no valid traverse.

5 AS GROUNDS IN SUPPORT HEREIN, Plaintiff makes below numbered sworn
6 averments that the above-styled DBS had no standing to make a decision or otherwise prosecute,
7 in this case, for lack of jurisdictional prerequisites or any averments of a cause for each of these
8 complaints, but instead relies wholly on the recitation of mere naked ordinances. As made clear
9 from the political, material, and jurisdictional prerequisite averments, expressed in the above-
10 shown decision upon which invocation of the jurisdiction of the DBS can be established.

11 16. It is an undisputed fact that Plaintiff is holder of the inherent political power of the State of
12 California, (See Article 1, Section 1 of the Constitution of the State of California.) hence is a
13 sovereign state citizen and is a state political trustor and is a Citizen under 14th amendment to the
14 Federal Constitution.

15 17. It is an undisputed fact that as holder of the inherent political power the Plaintiff is entitled
16 to all the inalienable rights of said citizens pursuant to the common law of immemorial antiquity
17 which rights are antecedent to the people's creation of their state government, as an instrument of
18 their political trust wherein the people are the political beneficiaries and whereas said rights are
19 protected by the written instrument of their state political trust, and by and through the 14th
20 Amendment of the U.S. Constitution under the "equal protection of the laws" clause.

21 18. It is an undisputed fact that among those inalienable rights is the right of the Appellants to
22 unabridged, a.k.a. plenary, due process of law meaning due process of law which is neither
23 derogated or abrogated by law making or rule making.

24 19. It is an undisputed fact that said people, as political trustors, merely delegate certain of
25 their inherent political powers and authorities to their state political trustees, a.k.a. public office
26 holders.

27 20. It is an undisputed fact that the people create state public offices which are separated into
28 one of three departments, executive, legislative, or judicial pursuant to their common law political

1 Doctrine of Separation of Powers, but that the people also have inherent political power to create
2 state public offices having combined powers, however, in all such instances, the will of the people
3 to do so must be expressly declared in their California Constitution.

4 21. It is an undisputed fact that the people may create public offices having quasi executive,
5 quasi legislative, and quasi judicial powers or combinations of said powers, but such delegations
6 must be expressly declared in their California Constitution.

7 22. It is an undisputed fact of American jurisprudence that the aforesaid people of the State of
8 California can delegate no authorities or powers to their fellow citizens serving as political trustees
9 in offices of the aforesaid political trust which the people, themselves, do not possess.

10 23. It is an undisputed fact that the inalienable rights and liberties of the people of the State of
11 California are expressed in their entirety in said people's common law of immemorial antiquity
12 and said body of law constitutes their unwritten state constitution.

13 24. It is an undisputed fact that the inalienable rights and liberties of the people of the State of
14 California are not limited, abbreviated, or any manner diminished to only those rights expressly
15 declared in Article 2, styled as the Declaration of Rights, of the aforesaid written state constitution,
16 inasmuch as the people are, themselves, without power and authority to derogate or abrogate their
17 inalienable rights.

18 25. It is an undisputed fact that the aforesaid people of the State of California, have no inherent
19 political power or authority, themselves, to convert any of their inalienable rights or the inalienable
20 rights of their fellow citizens into privileges, or into crimes, or otherwise derogate or abrogate said
21 rights.

22 26. It is an undisputed fact that the members of the California state legislative, executive, and
23 judicial offices are offices of trust serving as political trustees of the aforesaid state political trust,
24 a.k.a. state government, hence have no authority to convert either their own inalienable rights or
25 the inalienable rights of their fellow citizens into privileges or into crimes, or otherwise derogate
26 or abrogate said rights.

27 27. It is an undisputed fact that officers of the aforesaid state legislative body may represent to
28 have authority to create new classes of misdemeanor or felony crimes, but no laws which they may

1 enact can have the “force and effect of law” upon the aforesaid people if the provisions of said
2 laws derogate or abrogate the inalienable rights of the foresaid people.

3 28. It is an undisputed fact that the officers of the aforesaid California Legislature have no
4 authority to create new offices of government or delegate powers in them if that authority is not
5 expressly granted to the California Legislature by the people as their will and intent from
6 constitutional language delegating the legislative authority by enumeration of the office to be
7 created and by enumeration of the powers to be delegated, a.k.a. vested, in such legislatively
8 created offices which language can be found on the face of the California Constitution as in Article
9 4 section 9.

10 29. It is an undisputed fact that Article 1 of the Constitution of the State of California holds
11 primacy of position over all other articles of said constitution meaning that no provision of the
12 remaining articles of said constitution may confer authority to the government which would be in
13 derogation or abrogation of any provision of any Section of Article 1 of said constitution or in
14 derogation or abrogation of any of their inalienable rights pursuant to the people’s aforesaid
15 unwritten state constitution.

16 30. It is an undisputed fact that officers of the California legislature expressly created
17 administrative jurisdictions of expressly created, separate governing bodies, a.k.a. administrative
18 agencies.

19 31. It is an undisputed fact that the California Legislature created DBS.

20 32. It is an undisputed fact that the constitution of California allows for a subdivision of the
21 state into counties and cities.

22 33. It is an undisputed fact that DBS is an agency in Los Angeles County.

23 34. It is an undisputed fact that DBS is an agency under the California Legislatures oversight
24 according Administrative Procedures Act (APA).

25 35. It is an undisputed fact that the Building Standards Commission was created by California
26 Legislature as a part of the Title 24 laws of the California Statutes are evidence of administrative
27 laws enacted by the California Legislature with their intent that said laws be administered and
28

1 enforced by the DBS, hence form a single body of administrative law, hereinafter referenced as
2 DBS administrative Law.

3 36. It is an undisputed fact that Office of Planning and Research (OPR) formed Statutes known
4 as Planning, Zoning, and Development Laws are evidence of administrative laws enacted by the
5 California Legislature with their intent that said laws be administered and enforced by the DBS
6 hereinafter referenced as DBS administrative Law.

7 37. It is an undisputed fact that the California Legislature created the DBS, but that no authority
8 to create the DBS is granted to them as the will of the people for want of any expression in the
9 California Constitution showing the people's intent that the California Legislature create the DBS
10 nor any powers be delegated to said DBS, notwithstanding the language of Article 4, fails to
11 mention the DBS expressly, or who shall have delegated authority to create the DBS, or to
12 enumerate any powers to be delegated to the unnamed DBS or the unnamed DBS court.

13 38. It is an undisputed fact that DBS is not mentioned in the constitution under Cities and
14 Countys.

15 39. It is an undisputed fact that all the proceedings in the matter pertain to allegations by DBS
16 that the Plaintiff has violated provisions of DBS administrative law statutes as aforesaid.

17 40. It is an undisputed fact there must be a nexus between Plaintiff and the DBS before there
18 could even be a presumption that the aforesaid cited provisions of DBS administrative law statutes
19 might have the "force and effect of law" upon Plaintiff and no nexus can be shown if no rule can
20 be cited with the statute which identifies the nexus.

21 41. It is an undisputed fact that the Plaintiff is being prosecuted in the matter for alleged
22 violation of provisions of DBS administrative law as forenamed, but that the DBS is not
23 constitutionally authorized for want of constitutional language expressing the will of the people
24 that the California Legislature create said DBS or delegate powers to it and for this reason alone
25 the cited provisions in the case have no "force and effect of law" on Plaintiff.

26 42. It is and undisputed fact that the proceedings in the above stated action are *prima facie* a
27 violation of the Plaintiff's common law due process of law rights – which are antecedent to the
28 California Constitution and merely protected by said written constitution, inasmuch as said rights

1 cannot be derogated or abrogated by law making, rule making, or doctrine making which argue
2 that these due process of law rights may be diminished.

3 43. It is an undisputed fact that the aforesaid protected due process of law rights are being
4 violated in both form and substance in the proceeding, and that all proceedings in the case are
5 being conducted solely upon hearsay evidence,

6 44. presumptions of law and jurisdiction which upon challenge must be demonstrated.

7
8 After the above challenge was made Plaintiff went on with more challenges which the one above
9 and more challenges were done in both the federal district court and appellate courts. There was
10 no answer to the challenges. See below more challenges.

11 45. The grounds on which Plaintiff's challenge of subject-matter jurisdiction rests are several
12 and include the following counts:

13 46. COUNT ONE

14 THE DBS HAS NO AUTHORITY TO DENY THE ACCUSED THEIR
15 UNALIENABLE RIGHT TO PLENARY DUE PROCESS OF LAW, TO INCLUDE A
16 PROPER, DIRECT ANSWER TO THEIR DIRECT CHALLENGE OF SAID DBS'S
17 PRESUMPTION OF SUBJECT-MATTER JURISDICTION

18 Upon Petitioner's challenge now before the court, and until and unless there is an answer to said
19 challenge proving jurisdiction, the only authority of this court in this case is the authority to compel
20 DBS to vacate their DECISION and order them to pursue it no further. The aforesaid is a
21 fundamental of American jurisprudence arising from the fundamentals of American political
22 theory pursuant to which the people are sovereigns of their land, a.k.a. nation, a.k.a. community,
23 and their governments are their servants having sovereignty in matters of governance delegated by
24 the people in the second instance which they have power to delegate in the first instance wherein
25 at no time do their fellow citizens serving in official capacity pursuant to their political trusteeship
26 have authority to derogate or abrogate any of the unalienable rights of a citizen. It can only be a
27 political absurdity which leads to a legal absurdity to argue that the DBS had subject-matter
28

1 jurisdiction upon mere presumptions or by this court holding silent following a direct challenge of
2 said presumptions of jurisdiction.

3 The following rulings are not merely judicial opinions; they express political truisms as valid in
4 one state as in every state of the Union. Said rulings are acknowledgments of the foregoing political
5 facts inherent in American jural society regarding the inalienable right of the citizen to challenge
6 a court's subject-matter jurisdiction and the absolute duty and the obligation of the court to
7 properly answer the challenge; namely:

8 "Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court
9 lacks jurisdiction, the court has no authority to reach merits, but, rather should dismiss the action".

10 Melo v. U.S., 505F.2d 1026

11 "There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 F 2nd 215

12 "The burden shifts to the court to prove jurisdiction." Rosemond v. Lambert, 469 F 2d 416 "Court
13 must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Lantana v.
14 Hopper, 102 F. 2d 188; Chicago v. New York 37 F. Supp. 150. "Since jurisdiction is fundamental,
15 and it is jurisdiction alone that gives a court power to hear, determine, and pronounce judgment on
16 the issues before it, jurisdiction must be continuing in the court throughout the proceedings." Re.
17 Cavitt, 254 P. 599. "Since jurisdiction is fundamental to any valid judicial proceeding, the first
18 question that must be determined by a trial court in any case is that of jurisdiction." Dillion v.
19 Dillon, 187 P. 27. "Without subject-matter jurisdiction, all of the orders and judgments issued by
20 a judge are void under law, and are of no legal force or effect. In Interest of M. V., 288 Ill. App.
21 3d 300, 681 N.E.2d 532 (1st Dist. 1997) ("Every act of the court beyond that power is void")

22 ("Every federal appellate court has a special obligation to satisfy itself not only of its own
23 jurisdiction, but also that of the lower courts in a cause under review, even though the parties are
24 prepared to concede it") (citation omitted). If the district court lacked jurisdiction, "Our
25 jurisdiction extends not to the merits but merely for the purpose of correcting the error of the lower
26 court in entertaining the suit." New York Life Ins. Co. v. Deshotel, 142 F. 3d 873, 882 (5th Cir.
27 1998)

28

1 To fail to answer specifically and directly the individual averments of Plaintiff's aforesaid demand
2 is denial of their inalienable right to plenary due process of law and there can be no derogation or
3 abrogation of any citizen's inalienable rights. Rulings in American courts on this political fact,
4 hence fact of American jurisprudence, are as valid in one state or the nation as any other because
5 they are political, hence, legal, truisms meaning they are not only evidence of the law of the land,
6 they are the ruling courts' acknowledgment of the eternal law of the land and the mandatory duty
7 and obligation of every court in the nation. No political trustee is above the law of the land from
8 which it follows no political trustee is above his state and national organic law of the land, a.k.a.
9 the written constitutions, and nothing could be more fundamental to law than that no public official
10 can derogate or abrogate the inalienable rights of the citizens.

11 COUNT TWO

12 NO STATE POLITICAL TRUSTEE HAS POWER TO DEROGATE OR
13 ABROGATE THE INALIENABLE RIGHTS OF A STATE POLITICAL TRUSTOR

14 Notwithstanding all other arguments which may be raised, there can be no law making or rule
15 making by any state political trustee, a.k.a. public office holder, which derogate or abrogate the
16 inalienable rights of a holder of the inherent political power. There is no more fundamental rule
17 regarding political authority to govern or of laws of governance which are necessarily dependent
18 upon said political principle firstly than that the people's inalienable rights can neither be
19 derogated nor abrogated by their delegated political trustees serving in offices of governance
20 pursuant to their state and national political trusteeships. The courts have stated this self evident
21 fact on numerous occasions to include the following:

22 "Where rights secured by the constitution are involved, there can be no rule making or legislation
23 which would abrogate them." *Miranda v. Arizona*, 384 U.S. 436,491.

24 COUNT THREE

25 CALIFORNIA CONSTITUTION DOES NOT GRANT POWERS TO THE LEGISLATURE TO
26 FORM DBS BUT IN FACT PROHIBITS IT

27 California Statutes are upon their face and the face of the public record, intended by said legislature
28 to be from a body of administrative law under the statutorily created administrative jurisdiction of

1 the California Code of Regulaitons exclusively for its administration and enforcement by use of
2 legislative, executive, and judicial powers exercised within and without the agency, but that said
3 powers statutorily delegated to them are not within the powers of the California Legislature to
4 delegate as granted to said legislature by the will of the people by and through their California
5 Constitution and said presumption of legislative powers violates the letter and spirit of the
6 California Constitution.

7 Article 3, Section 3. The powers of state government are legislative, executive, and judicial.
8 *Persons charged with the exercise of one power may not exercise either of the others except as
9 permitted by this Constitution.

10 Not only does the will of the people deny the legislature create the Building Standards
11 Commission, Zoning commission or DBS under it's supervision but it also does not allow it to
12 Create any of the three agencies to be exercising judicial, legislative and executive powers, which
13 both the creating of DBS and creating them to exercise all three powers violates Article 3, Section
14 3 of the California Constitution.

15 The founding fathers of the Constitution knew that separation of powers and that each power of
16 government must be limited was important to prevent fraud and corruption. Since the Legislature
17 does not have the power to create another power or another government body and the legislature
18 created DBS to have all three powers, as the founding fathers imaged regarding fraud and
19 corruption, this is exactly what they did. The constitution was never changed and the people did
20 not create DBS. Changing the constitution would have required a vote of the people.

21 The DBS court was never voted on by the people as part of the judicial branch and is not a court
22 and has no powers under the constitution to make any decisions and especially money judgments.

23 It is an undisputed fact that the DBS was set up with both the Building Standards Commission and
24 the Office of Plainning and Research (OPR) to have oversight by the California Legislature but
25 that the legislature had no authority to make DBS another branch of government or a Judicial
26 Power Court. *As shown above the California Constitution can allow other powers and one person
27 can have power in more than one branch but only if allowed by the California constitution, but not
28 by the trustees (Legislature) who are only empowered to enforce the California Constitution. No

1 trustee has the right to make branches of government for which the people have held to themselves
2 that right in their constitution.

3
4 “While commissions created by Legislature may be empowered to determine questions of
5 administrative or ministerial character, Legislature is without authority to vest such commissions
6 with judicial powers.” Collier & Wallis v. Astor, 56P.2d 602; Dis. Ct. Appl, 2nd Dist. Calif. (1936),
7 Hearing 2nd S.C. (1936)

8 “Ministerial officers are incompetent to receive grants of judicial power from the legislature, their
9 acts in attempting to exercise such powers are necessarily nullities”. Burn v. Supreme Court. 140
10 Cal. 1.

11
12 COUNT FOUR

13 NO STATE POLITICAL TRUSTEE HAS POWER TO ENGAGE THE PLAINTIFF IN ANY
14 MANNER OF ADJUDICATION CONDUCTED AS AN
15 AD HOC SUMMARY PROCEEDING AS THE DBS DID

16 Plaintiff is a holder of the inherent political power of the State of California pursuant to the
17 people’s common law of immemorial antiquity and the unwritten constitution of the State of
18 California which political fact of primacy is evidenced at Article 1, Section 1 of the Constitution
19 of the State of California, his written state constitution. In said capacity, his so-called fundamental
20 rights are inalienable.

21 Pursuant to American political theory inherent in the American people’s aforesaid common law,
22 Petitioner’s inalienable rights are granted by no man, but instead are the gift of a sovereign Creator
23 to each and all of the American people. Among these inalienable rights is the right of all of the
24 American people’s to full, a.k.a. plenary, due process of law whenever summoned to defend in
25 either a civil matter or a criminal matter.

26 Pursuant to their inalienable rights to plenary due process of law, the people of the State of
27 California ordained and established a judicial department of their state government comprised of
28

1 judicial offices to be occupied by fellow citizens serving as political trustees to the people when
2 acting in official judicial capacities.

3 Within said judicial department the people establish courts having either a civil or a criminal
4 jurisdiction known to the people's common law. Said judicial officers are to conduct civil
5 proceedings and criminal proceedings pursuant to terms and conditions of the people's political
6 trust as set forth in their aforesaid written state constitution. And whereas said constitution is the
7 written and ratified document evidencing the terms and conditions of said political trust.

8 The sole purpose of the creation of said department is provide a regulated system of judicial courts
9 for every holder of the inherent political power to adjudicate disputes with fellow holders of said
10 power in civil matters and to defend against charges of criminal acts known to the people's
11 aforesaid common law.

12 All courts so created within said department are said to be judicial power courts meaning they owe
13 their charter and the basis for their authority to constitutional empowerment by and through the
14 people.

15 Therefore, it is a political absurdity, from which it follows that it is a legal absurdity, to argue that
16 any holder of the inherent political power of the State of California can be summoned to appear in
17 any court but a judicial power court of either the civil jurisdiction or the criminal jurisdiction
18 wherein are observed the inalienable, plenary due process of law rights of holders of the inherent
19 political power whether appearing as plaintiff or defendant in civil matters and defendant in
20 criminal matters.

21 It would be an exercise in pathetic legal metaphysical fallacies and ridiculous irrelevancy to argue
22 that court rulings must be evidenced in support of the foregoing. For what is said is drawn directly
23 from the *prima facie* facts of American political theory upon which the entire body of governing
24 principles and laws pertaining to the business of governing are dependent in their entirety.
25 Nevertheless the following court rulings are presented as representative of the political fact points
26 before stated, namely:

27 "All sovereign power is vested in the citizens of the state, who are limited only as expressed in the
28 Constitution. *State v. Shumaker*, 63 A. L. R. 218; 200 Ind. 716, 164 N.E. 408

1 "Where fundamental personal liberties are involved, they may not be abridged by the States simply
2 on a showing that a regulatory statute has some rational relationship to the effectuation of a proper
3 state purpose. Where there is a significant encroachment upon personal liberty, the State may
4 prevail only upon showing a subordinating interest which is compelling. *City of Carmel-By-The-*
5 *Sea, v. Young*, 466 P.2d 225, 232; 85 Cal. Rptr. 1 (1970)

6 "The 'liberty' guaranteed by the constitution must be interpreted in the light of the common law,
7 the principles and history of which were familiar and known to the framers of the constitution.
8 This liberty denotes the 'right of the individual to engage in any of the common occupations of
9 life, to locomote, and generally enjoy those rights long recognized at common law as essential to
10 the orderly pursuit of happiness by free men.' *Myer v. Nebraska*, 262 U.S. 390; *United States v.*
11 *Kim Ark*, 169 U.S. 649, 654.

12 "The rights of the individual are not derived from governmental agencies, either municipal, state,
13 or federal or even from the Constitution. They exist inherently in every man, by endowment of
14 the Creator, and are merely reaffirmed in the Constitution, and restricted only to the extent that
15 they have been voluntarily surrendered by the citizenship to the agencies of government. The
16 people's rights are not derived from the government, but the government's authority comes from
17 the people. The Constitution but states again these rights already existing, and when legislative
18 encroachment by the nation, state, or municipality invade these original and permanent rights, it is
19 the duty of the courts to so declare, and to afford the necessary relief". *City of Dallas, et al. v.*
20 *Mitchell*, 245 S.W. 944, 945-46 (1922) (emphasis added)

21 "Primacy of position in our state constitution is accorded the Declaration of Rights; thus
22 emphasizing the importance of those basic and inalienable rights of personal liberty and private
23 property which are thereby reserved and guaranteed to the people and protected from arbitrary
24 invasion or impairment from any governmental quarter. (emphasis added) The Declaration of
25 Rights constitutes a limitation upon powers of every department of the state government." *State*
26 *ex rel. Davis v. Sturart*, 64 A.L.R. 1307, 97 Fla. 69, 120 So 335. (emphasis added)

27 "Primacy of position" means no provision of any of the succeeding Articles of the California state
28 constitution may be interpreted as meaning that any power whatsoever has been conferred therein

1 to any office, which can only be occupied by a state political trustee, of the California state
2 government which may operate to derogate or abrogate any of the people's common law
3 inalienable rights. This same fact of life exists in each and every one of the aforesaid states.
4 It is *prima facie* evident from the record that the proceedings to which the undersigned/Plaintiff
5 appeared were ad hoc summary proceedings meaning not only are they in violation of Petitioner's
6 inalienable, plenary due process of law right. It is evident that those hearings were not conducted
7 in a civil jurisdiction known to the people's common law nor a criminal jurisdiction known to said
8 law because parties to the people's common law nor a criminal jurisdiction known to said law
9 because parties to the proceeding are following neither the Rules of civil Procedure nor the rules
10 of Criminal Procedure promulgated for the conduct of judicial proceedings according to plenary
11 due process of law requirements of the people. Neither was the DBS hearing conducted pursuant
12 to any promulgated rules for a summary proceeding known to the DBS or any other agency
13 creature of the aforesaid state legislature.

14 Wherefore, it is *prima facie* evident from the record that Plaintiff was summoned to appear in ad
15 hoc summary proceeding in the nature of a Star Chamber proceeding contrary to all delegation of
16 judicial powers authorized by the people to include their common law, their state constitutional
17 law and their national constitution.

18 When the courts would not answer then they all admitted it was true.

19 V.

20 ADMINISTRATIVE LAWS OF DBS

21 ARE NOT ENFORCEABLE LAW WHICH WAS ADMITED IN PUBLIC RECORDS
22 REQUEST DIRECTLY TO COUNTY WHICH THE COUNTY STATED THAT THEY WERE
23 NOT SENT TO SACRAMENTO AS REQUIED BY THE BUILDING CODE

24 It is an undisputed fact that the laws enacted by the Legislature empowering DBS have no force
25 or affect on Plaintiff since the Legislature was given power only to enforce the constitution and
26 has no power what so ever to create a power such as DBS, this fact was not disputed with any will
27 of the people in either of the lower hearings by quoting the constitution in any part that would
28 allow the Legislature to create powers such as the DBS.

1 It is an undisputed fact that the California Legislature created the two commissions that are
2 supposed to exercise authority over DBS The Building Standards Commission and Office of
3 Planning and Research (OPR). The OPR exercises oversight through planning, zoning and
4 development laws. It is an undisputed fact that Title 24 of the Code of Regulations of the
5 California Statutes are evidence of administrative laws enacted by the California Legislature with
6 their intent that said laws be administered and enforced by the DBS, hence form a single body of
7 administrative law, hereinafter referenced as DBS administrative Law.

8 It is and undisputed fact that the California Legislature created the DBS, but that no authority to
9 create the DBS is granted to them as the will of the people for want of any expression in the
10 California Constitution showing the people's intent that the California Legislature create the DBS
11 nor any powers be delegated to said DBS, notwithstanding the language of Article 4, fails to
12 mention the DBS expressly, or who shall have delegated authority to create the DBS, or to
13 enumerate any powers to be delegated to the unnamed DBS or the unnamed DBS court.

14 It is an undisputed fact that all the proceedings in the matter pertain to allegations by DBS that the
15 Plaintiff has violated provisions of DBS administrative law statutes as aforesaid.

16 It is an undisputed fact there must be a nexus between Plaintiff and the DBS before there could
17 even be a presumption that the aforesaid cited provisions of DBS administrative law statutes might
18 have the "force and effect of law" upon Plaintiff and no nexus can be shown if no rule can be cited
19 with the statute which identifies the nexus.

20 It is an undisputed fact that the Appellants are being prosecuted in the matter for alleged violation
21 of provisions of DBS administrative law as forenamed, but that the DBS is not constitutionally
22 authorized for want of constitutional language expressing the will of the people that the California
23 Legislature create said DBS or delegate powers to it and for this reason alone the cited provisions
24 in the case have no "force and effect of law" on Plaintiff.

25 If we could get beyond the constitution which in this case is a metaphysical falsehood and a
26 ridiculous irrelevancy we would get into the Administrative Procedures Act which was not followed
27 here either.

28

1 Now we come to the overriding fact that not only are these administrative laws but the local rules
2 or ordinances come under the same jurisprudence as the above sighted laws and way overstep any
3 boundaries that would be accepted under any jurisprudence application even if we could for the
4 moment get beyond the above mentioned facts we then get into the Administrative Procedures Act
5 (APA) which requires oversight by the Legislature. The ordinances go against a property owners
6 constitutional rights with their local ordinances. The local ordinances are enforced by DBS but
7 DBS has not complied with any of the Building Standards Commissions oversight requirements
8 for which the local ordinances are being used against Plaintiff and no rules were cited that explain
9 the Administrative Law. So if we go beyond what has been stated above and allow a presumption
10 that DBS could be made by the Legislature then we get into the fact of the Administrative
11 Procedures Act. (APA) which requires oversight by the Legislature. Here the Legislature must
12 exercise oversight on the Legislative creature Known as The Department of Public Works (DBS).
13 We have two Commissions that were set up to exercise authority over DBS 1. Building Standards
14 Commission. 2. Office of Planning and Research (OPR). The OPR exercises oversight through
15 planning, zoning and development laws. Listening to a you tube video put out by Building
16 Standards Commission of one of their motto's is that the code is not burdensome to the public.
17 Here we have an agency DBS that is out of control because the misuse of the ordinances that does
18 not exist as explained below. Here the agency comes out with guns and runs you off of your own
19 property and states you violated an ordinance that does not exist and scares you out of your wits.
20 The county admitted that they do not obey the law for setting up ordinances which was proved by
21 Public Record Request answers. This proves that their ordinances if you could get past the
22 constitution are not enforceable law.
23 County and Cities may enforce laws that are not in conflict with General Laws still they are an
24 agency of the Government and the Agencies with in there boundaries still have to conform to the
25 general laws. Cities and Counties are called agencies by the constitution and agencies in there
26 boundaries still must conform to general laws and have oversight by APA.

27

28

1 The Legislature set up two Commissions that are to exercise oversight of DBS 1. Building
2 Standards Commission, 2. Office of Planning and research. Below from each Commission the
3 language used is directed as oversight to DBS.

4 1. Let's look at the Building Standards Code, Code of Regulations Title 24 or California
5 Building Code (CBC) Volume I. CBC 1.1.8 put out by the Building Standards Commission. "The
6 provisions of this code do not limit the ... county governments to establish more restrictive and
7 reasonably necessary differences to the provisions contained in this code pursuant to complying
8 with Section 1.1.8.1."

9 Section 1.1.8.1.

10 1. The city, county, or city and county shall make express findings for each amendment, addition
11 or deletion based upon climatic, topographical or geological conditions.

12 2. The ... county shall file the amendments, additions or deletions expressly marked and identified
13 as to the applicable findings... shall file the amendments, additions or deletions, and the findings
14 with the California Building Standards Commission at 2525 Natomas Park Drive, Suite 130,
15 Sacramento, CA 95833.

16 First of all none of this was done for the ordinances that were used against Plaintiff and in fact the
17 county admitted that they don't send the ordinances to Sacramento as required. To top it off they
18 put them into the California building Code as amendments but they were not approved by
19 Sacramento Standards Commission or the Legislature.

20 Next, The California Planning and Zoning Law 65008 states, "(a) Any action pursuant to this title
21 by any city, county, and county, or other local government agency in this state is null and void if
22 it denies to any individual or group of individuals the enjoyment of residence, landownership,
23 tenancy, or any other land use in this state".....

24 The above law could be taken right out of the 4th amendment to the US Constitution.

25 As you can see DBS comes under The Building Standards Commission and it actually does
26 exercise oversight as it is supposed to be under the presumption that the Legislature has this
27 authority. However Planning and Zoning not so much except the above 65008 law. These
28 amendments are supposed to be sent to them also which are not being done by the county in either

1 case. So the free exercise of enjoyment of property without unnecessary intervention is the right
2 of Plaintiff guaranteed by the constitution and the above mentioned 65008 zoning law. Lets repeat
3 that law: “(a) Any action pursuant to this title by any city, county, and county, or other local
4 government agency in this state is null and void if it denies to any individual or group of individuals
5 the enjoyment of residence, landownership, tenancy, or any other land use in this state”.....

6 It is obvious in both cases above that these commissions are showing that the DBS may not enforce
7 laws against general laws meaning they may not just make ordinances up without APA oversight.
8 The latest property case by the US Supreme court goes to the heart of the above. Knick v. Township
9 of Scott, Pennsylvania, No. 17-647, 588 U.S. __ (2019)

10 Chief Justice John Roberts said, “property owners are entitled to the same rights in federal court
11 that other citizens have if they can prove that their constitutional rights have been violated”.

12

13 DBS as you can see just cannot make up a bunch of ordinances or enforce their ordinances if there
14 is no oversight and no nexus to DBS and the ordinances are not necessary to the empowerment of
15 free persons and or are burdensome to free persons. So let's just look at the ordinances that were
16 thrown at Plaintiff with guns!!! Coming with guns and throwing the person off his property and
17 scaring the wits out him, goes beyond burdensome and is tyrannical which goes against the general
18 laws of the state, constitution, and the laws of the land.

19 1. Unpermitted use: There has to be a nexus before DBS enforcement can be connected to
20 the property.

21 A. First you have to be building something. Plaintiff is not building anything so there is no
22 nexus. Under the building code CBC you may build several different buildings and use the
23 property without a permit. DBS cannot require a permit of use when Plaintiff is not building
24 anything. Any amendments to the Building Code must go to the Building Standards Commission
25 and as stated above this was not done. The county is trying to enforce ordinances that do not exist.
26 The agricultural land can be used just for farming that is exactly what it is zoned for.

27 B. The Zoning ordinances are not enforceable unless you are building something that creates
28 a nexus. Yes we cannot expect everyone to be an expert so here is the difference of Zoning and

1 Building: Zoning covers where the building can be built on the property and what can be built on
2 the property and Building covers how the structure can be built and planning makes sure when
3 plans are submitted that the building is in the right place on the property according to where it can
4 be placed on the property and that it meets what can be built on the property. Which means if you
5 are building something there is a nexus to DBS.

6 C. To enforce the ordinances you have to of had oversight protection for the citizen. None of
7 the ordinances has oversight protection by any commission as stated above if we are to be under
8 the presumption that these illegal creations are even allowed to be in the first place and that any
9 authority is granted them. Remember if they could be allowed there must be oversight protection
10 to the citizen and in this case it is the two commissions as stated above who were created to oversee
11 DBS.

12
13
14 1. There was no oversight and for that reason alone the ordinances are not promulgated law.
15 2. Plaintiff must be building something to create a nexus and there was no nexus which ordinances
16 are void for this reason alone also.

17 3. a. Also see Motion to vacate for want of rule. There are also no rules promulgated or stated as
18 required by APA that would explain any of their ordinances to create a nexus for this reason alone
19 the ordinances are void.

20 b. NO NEXUS SHOWING ORDINANCES COMPLY TO THE GENERAL PLAN.

21 There are no rules promulgated or stated that show that the ordinances comply to the general plan.
22 4. The ordinances violate the constitution of the United States in that Plaintiff is not able to farm
23 his land freely without burdensome intervention and the ordinances can be enjoined for that reason
24 alone. Remember they came with guns to harass Plaintiff and trespassed his property.

25 5. DBS has no compelling reason for enforcing a law that violates Plaintiff constitutional rights
26 and personal liberty to use and enjoy his property freely without burdensome ordinances that have
27 no compelling reason to be enforced and especially enforced with guns. For this reason alone the
28 ordinances can be enjoined.

1 "Where fundamental personal liberties are involved, they may not be abridged by the States simply
2 on a showing that a regulatory statute has some rational relationship to the effectuation of a proper
3 state purpose. Where there is a significant encroachment upon personal liberty, the State may
4 prevail only upon showing a subordinating interest which is compelling. City of Carmel-By-The-
5 Sea, v. Young, 466 P.2d 225, 232; 85 Cal. Rptr. 1 (1970)

6 Another US Supreme Court decision: "The Court held that such general government interests were
7 not sufficient to satisfy the compelling interest standard" Gonzales, Attorney General, et al v.
8 Espirita Uniao Do Vegetal et al No. 04-1084 (2006).

9 Another US Supreme Court decision: "...The compelling state interest...did not apply."
10 Wisconsin Right to life, Inc. Appellant v. Federal Election Commission

11 Another US Supreme Court decision: "...Villages interests... could not support the ordinances..."
12 Watchtower Bible & Tract Society of New York, Inc., et al v. Village of Stratton et al. No. 00-
13 1737(2002).

14
15 As you can the reasons for the ordinances to be void are many. Plaintiff has only named 5 reasons
16 above. There are more but require much more in-depth information.

17
18 HOW CAN YOU HAVE UNPERMITTED USE WHEN YOU ARE NOT BUILDING
19 ANHYTHING THAT REQUIRES A PERMIT IS UNEXPLAINABLE?

20 Also what should be noted here that the violations here are not nuisance violations except they
21 tried to make it that way citing junk that was not junk as explained above.

22
23 Knick v. Township of Scott, Pennsylvania, No. 17-647, 588 U.S.__(2019)
24 Chief Justice John Roberts said, "property owners are entitled to the same rights in federal court
25 that other citizens have if they can prove that their constitutional rights have been violated".

26
27 2. Trailers and Shipping containers have nothing to do with DBS because Plaintiff is not building
28 anything and so there is no nexus to DBS. For farm land or agriculture they are used all the time

1 since 1956 and further trailers come under HUD and there was no oversight for the ordinance so
2 ordinance does not exist and the ordinance was not sent for approval and no rules were
3 promulgated to explain the ordinance and they have been used for ages and in this case was used
4 to pee in while Plaintiff was working on his agriculture. Can you imagine that DBS wants you to
5 get a use permit every time you bring your trailer to the property to do some agriculture? No
6 violation

7 3. Junk has nothing to do with BDS. What the county called junk was being used for growing as
8 you can see as presented above an ordinance with no oversight done so ordinance does not exist
9 and since there is no building going on, no nexus and the ordinance was not sent for approval and
10 no rule was cited that explains the ordinance. No violation.

11 4. There is no nexus for grading since Plaintiff is not grading anything. Grading could be
12 connected to the DBS if Plaintiff were building anything and created a nexus. The county stated
13 that the violation was J103.1 (county grading code) which has never been sent to Sacramento as
14 required by The Building Standards Commission. So again they are enforcing an ordinance that
15 does NOT exist, there is no rule cited with it to explain it or statute that shows the legislatures
16 intent and ther is no nexus and not promulgated by law.

17 1. It is an undisputed fact that pursuant to said APA the executive head of each such state
18 agency creature must promulgate a publish rules or regulations making specific the intent of the
19 state agency to include what subjects and objects are expressly to be within said agency's
20 administrative jurisdictional authority.

21 2. It is an undisputed fact that absent the citing of a rule or regulation concurrent with the
22 citing of an administrative law provision which rule makes express the intent of said state
23 legislature with particular regard to the administrative law provision alleged to be violated then
24 said statutory citation can have no force and effect of law for want of a rule or regulation expressly
25 identifying the class of persons or things subject to said administrative law provision.

26 3. It is an undisputed fact that state and federal judges a.k.a. courts cannot make law nor can
27 it interpret the intent of the state legislature with respect to any body of administrative law, to
28 include in the instant case, the DBS law, if no rule or regulation has been promulgated and

1 published pursuant to the aforesaid California APA expressing the intent of the state legislature
2 regarding the allegedly violated provision of administrative law in the first place.

3 4. It is an undisputed fact that there are no rules/regulations published in the California
4 Regulations Code, naming any class of persons or things subject to the provisions of DBS was
5 cited in any charges or complaint made by Defendants against Plaintiff. Gov. Code § 11503
6 specifically states: "A hearing to determine whether a right, authority, license or privilege should
7 be revoked, suspended, limited or conditioned shall be initiated by filing an accusation. The
8 accusation shall be a written statement of charges which shall set forth in ordinary and concise
9 language the acts or omissions with which the respondent is charged, to the end that the respondent
10 will be able to prepare his defense. It shall specify the statutes and rules."

11 5. It is an undisputed fact that no rule or regulation promulgated and published by the
12 executive head of the Department of Building and Safety or the Building Official was cited in any
13 charges or complaint made by Defendants against Plaintiff naming any class of persons or things
14 subject to the provisions of DBS.

15 6. It is an undisputed fact that even when a rule or regulation can be produced in evidence,
16 parties have right to discovery related to all records associated with drafting and promulgation of
17 the rule or regulation, to include transcripts of meetings, hearings and all related documents
18 pertaining to drafting the rule or regulation, in order that effected parties may determine how and
19 whether proper legislative oversight was exercised and directives issued to ensure intent of the
20 legislature is faithfully expressed in said rule or regulation. None of the ordinances were sent to
21 the oversight Commissions for approval and no rule was stated showing what class of persons or
22 things are subject to the provisions. No rule was stated that explained the ordinances. It is an
23 undisputed fact that ordinances must comply with the general plan as the legislatures intent.

24 7. It is an undisputed fact that even when a rule or regulation can be produced in evidence,
25 parties have right to discovery related to all records associated with drafting and promulgation of
26 the rule or regulation, to include transcripts of meetings, hearings and all related documents
27 pertaining to drafting the rule or regulation, in order that effected parties may determine how and
28 whether proper legislative oversight was exercised and directives issued to ensure intent of the

1 legislature is faithfully expressed in said rule or regulation. No rule was stated that explained how
2 the ordinances are connected to the general plan.

3 8. Government Code section 65300.5 requires a General Plan to be “integrated and internally
4 consistent and compatible with state policies...” In Concerned Citizens of Calaveras County v.
5 Board of Supervisors of Calaveras County, (1985) 166 Cal.App. 3d 90, the County’s General Plan
6 was found internally inconsistent

7 9. In Friends of Aviara v. City of Carlsbad, (2012) 210 Cal. App. 4th 1103 the court found
8 that Housing Element Law’s requirement that a municipality set forth the means by which it will
9 “achieve consistency” with other elements of its general plan manifests a clear legislative
10 preference that municipalities promptly adopt housing plans which meet their numerical housing
11 obligations even at the cost of creating temporary inconsistency in general plans.

12 10. General Plan must not only be internally consistent but vertically consistent with other land
13 use and development approvals such as Specific Plans and the agency’s zoning and development
14 regulations. Citizens of Goleta Valley v. Board of Supervisors, (1990) 52 Cal. 3d, 553, 570.

15 11. Government Code section 65860(a), states, County or city zoning ordinances shall be
16 consistent with the general plan of the county or city by January 1, 1974. A zoning ordinance shall
17 be consistent with a city or county general plan only if both of the following conditions are met:
18 (1) The city or county has officially adopted such a plan. (2) The various land uses authorized by
19 the ordinance are compatible with the objectives, policies, general land uses, and programs
20 specified in the plan. In Lesher Communications, Inc. v. City of Walnut Creek, (1990) 52 Cal. 3d
21 531, 540, the California Supreme Court addressed the importance of vertical consistency in the
22 context of a land use initiative measure. The problem the Court faced, however, was the fact that
23 the measure created vertical inconsistency between Walnut Creek’s General Plan and Zoning
24 Regulations. After carefully looking at the language of the measure, the Court held that: (1) the
25 initiative was not offered as, and could not be construed as, an amendment to the city’s general
26 plan, and (2) since the initiative was inconsistent with the general plan in effect when the initiative
27 was adopted, the measure was invalid. In analyzing the effect of Government Code section
28 65860(c), the court stated:

1 A zoning ordinance that is inconsistent with the general plan is invalid when passed and one that
2 was originally consistent but has become inconsistent must be brought into conformity with the
3 general plan. The Planning and Zoning Law does not contemplate that general plans will be
4 amended to conform to zoning ordinances. The tail does not wag the dog. The general plan is the
5 charter to which the ordinance must conform. (emphasis added)

6 12. The county did not state any rule making reference to the ordinances were consistent with
7 general plan to make Plaintiff subject to it.

8

9 Gov. Code § 11503 specifically states: "A hearing to determine whether a right, authority, license
10 or privilege should be revoked, suspended, limited or conditioned shall be initiated by filing an
11 accusation. The accusation shall be a written statement of charges which shall set forth in ordinary
12 and concise language the acts or omissions with which the respondent is charged, to the end that
13 the respondent will be able to prepare his defense. It shall specify the statutes and rules." (emphasis
14 added)

15 13. The Due Process clause of the Fourteenth Amendment is inextricably intertwined with land
16 use law. Due process requires reasonable notice and an opportunity to be heard by an impartial
17 decision maker for administrative proceedings that affect liberty or property

18 14. Under the constitution Plaintiff has a right to use his land for farming freely without
19 burdensome intervention so why would he need a use permit since the property is already zoned
20 for farming and under the constitution there is the right to use the property without unnecessary
21 intervention.

22 As you can see since there was no oversight exercised (not promulgated by law) as required no
23 nexus, no rule or statute cited with the ordinances not promulgated by law and ordinances further
24 violates the constitution the above stated ordinances enforced were not enforceable law.

25 Planning and building come under something that is required to have a permit to enforce by DBS
26 and none of the restrictions above come under DBS because Plaintiff is not building anything no
27 nexus was created. Let's not be ridiculous if you are not building anything then your not
28 connecting to DBS for enforcement (no nexus).

1 Yes we cannot expect everyone to be an expert so here is the difference of Zoning and Building:
2 Zoning covers where the building can be built on the property and what can be built on the property
3 and Building covers how the structure can be built and planning makes sure when plans are
4 submitted that the building is in the right place on the property according to where it can be placed
5 on the property and that it meets what can be built on the property. Which means if you are
6 building something there is a nexus to DBS. AGAIN THE LAWS THAT ARE BEING
7 ENFORCED DON'T EXIST IF NOT PROMULGATED ACCORDING TO LAW WITHOUT A
8 NEXUS

9 America's founders understood clearly that private property is the foundation not only of
10 prosperity but of freedom itself. Thus through common law, and the constitution, they protected
11 property rights the rights of people to acquire, use, and dispose of property freely.

12 Under the fifth amendment there are two ways government can take property: Outright, by
13 condemning or through regulations that render the property useless for its owners intended use or
14 by enforcing regulations that don't exist or misconduct which renders the property useless. In
15 United States constitutional law, a regulatory taking is a situation in which a government regulation
16 limits the uses of private property to such a degree that the regulation effectively deprives the
17 property owners of economically reasonable use or value of their property to such an extent that it
18 deprives them of utility or value of that property, even though the regulation does not formally
19 divest them of title to it. It becomes harassment instead of enjoyment. Everyone has a dream to
20 have and enjoy property.

21 And the clincher is that you cannot just make up arbitrary ordinances without there being a
22 compelling reason and oversight exercised and further you cannot have your employees rendering
23 misconduct against the property owner. Here there is no compelling reason for using and
24 ordinance that is only connected to someone who is building something when is not building
25 anything.

26 "All sovereign power is vested in the citizens of the state, who are limited only as expressed in the
27 Constitution. State v. Shumaker, 63 A. L. R. 218; 200 Ind. 716, 164 N.E. 408

28

1 "Where fundamental personal liberties are involved, they may not be abridged by the States simply
2 on a showing that a regulatory statute has some rational relationship to the effectuation of a proper
3 state purpose. Where there is a significant encroachment upon personal liberty, the State may
4 prevail only upon showing a subordinating interest which is compelling. City of Carmel-By-The-
5 Sea, v. Young, 466 P.2d 225, 232; 85 Cal. Rptr. 1 (1970)

6 Jones v. City of Los Angeles, 211 Cal. 304{295 P.14} "Where a criminal statute or ordinance
7 causes irreparable damage to property rights, the injured party may attack its constitutionality in
8 an action to enjoin its enforcement." Sullivan v. San Francisco Gas etc. Co., 148 Cal. 368
9 [83P.156,7 Ann.Cas. 574, 3 L.R.A.N.S. 401];Los Angeles T. Ins Co. v. Los Angeles, 52 Cal.App.
10 152, 156[198 . 1001;San Diego T. Assn. v. East San Diego, 186 Cal. 252 [200 P.393,17A.L.R.
11 513]; Abbey Land etc. Co. v. San Mateo,167 Cal. 434, 438[139 P.1068, Ann. Cas.1915C 804,
12 52L.R.A.N.S. 50888].

13 In the 9th circuit when rights are violated a claim of municipal liability under section1983 is
14 sufficient to withstand a motion to dismiss even if the claim is based on nothing more than a bare
15 allegation that the individual officers conduct conformed to official policy, custom or practice.
16 Shah v County of Los Angeles,797 F.2d 743747 (9th cir.1986).(emphasis added)

17 If this court will not enjoin the above then Plaintiff request the 5th amendment taking clause. The
18 county has run Plaintiff off his land through its use of guns and its ridiculous ordinances that were
19 improperly interpreted and not law as stated above to be used with malice, no nexus, no oversight,
20 misconduct, and blatant use of force which has now rendered the property useless to what Plaintiff
21 bought the property for of growing things as the property is zoned for agriculture if this court does
22 not enjoin the ordinances and make appropriate orders below. Plaintiffs son and Plaintiff will not
23 return to the land since county has come with guns to violate and intimidate and harass him from
24 enjoying his land. Plaintiff is afraid for his life and the life of his family members. They came
25 with guns!!!!

26 IRRIPARABLE DAMAGE TO PLAINTIFF HAS OCCURRED.

1 47. Defendants worked together to extort monies and to steal the above mentioned property
2 tampering with evidence, falsifying documents, extortion, taking pay offs, simulation of process,
3 unclean hands and other forms of criminal obstruction of justice all for the purpose of stealing to
4 extort money and steal property. And even though it was admitted the courts are standing behind
5 them in the ninth circuit. The defendants not only violated law after law of the State Constitution
6 and statutes they in the process violated many federal laws in the process both of the federal
7 constitution and federal statutes.

8 48. Some points that should be made here are that the Building Official has been given the
9 capacity to interpret the Building code by California Law. However these individuals making
10 these decisions have had no training in the law or interpretation of the law at the code enforcement
11 level. So the Building Official who is made responsible by law was notified of the corruption who
12 fraudulently did not answer the challenge. American citizens have been elevated by the
13 constitution that those given official duties must answer to prove that they have the legal right to
14 enforce on the citizen their demands. Not to answer a holder of the political power by the Building
15 Official is fraud on citizens everywhere in America.

16 49. Defendants were noticed that they were violating the law and that they were proceeding in
17 their personal capacities not in their official capacities and hence were no longer protected under
18 qualified immunity doctrines. Defendants ignored the notices and warnings given by Plaintiff and
19 willfully continued in criminal violation against Plaintiffs rights.

20 50. By not addressing the challenges mad the Ninth Circuit Court of Appeals Admitted that
21 the above is true.

22
23 Frank Dominguez Specifically, Causes of Action omitted.

24 1. The facts are that Domingues is deprived of being able to use his private property by the
25 wrongful actions of Defendants under color of law as stated throughout the complaint. This means
26 the county held up construction of a home by refusing the permits wrongfully AND REQUIRING
27 EXACTIONS FOR A PERMIT.

28

1 2. A malicious prosecution happened when the county charged Plaintiff with criminal charges
2 because, out of fear after a fire, Plaintiff created pathways around the residence. The county
3 showed up with 4-5 vehicles entered the premises 2 vehicles had armed officers. At the time there
4 were about 5 people whom witnessed this. Daniel Geringer and Glenn Tong of the building and
5 safety department gave Plaintiff a violation charge and a court date. Filed Jan 4th, 2020.

6 3. Geringer made Plaintiff remove several pieces of equipment, a motor home, two storage
7 containers used for construction with a jail threat, yet he has allowed other property owners in the
8 same area to have the same type of heavy equipment even though they are not even doing any
9 construction on there property.

10 4. Even though Plaintiff told Geringer of many violations of other county officials doing
11 many more violations than what Plaintiff was accused of, he would nothing. Also Plaintiff gave
12 Geringer a list of the county officials including fire, police where they built entire structures with
13 no permits yet Geringer would do nothing. This constitutes Plaintiff being singled out grossly and
14 maliciously unfairly.

15 5. Further Hugo required a Conditional Use Permit for new construction when the house is
16 being repaired do to a fire that burned the house. Now they are trying to do the house as if it were
17 completely brand new construction. This is just malicious act to require Plaintiff spend an
18 additional funds.

19 6. Plaintiff has a whole file showing where county officials broke property owners as a
20 malicious act to acquire their property. He has over 30 of these.

21 7. At this time when they came in interrupted Plaintiff's religious worship. This is a violation
22 of the 4th amendment coming in without a warrant and RLUIPA a federal act that requires
23 jurisdictions to have as part of their zoning codes, which the county through a PRA request does
24 not have as part of their zoning code. They did not have a warrant and came uninvited using laws
25 that do not exist. They put Plaintiff Frank on probation giving him violations to complete that are
26 not violations of any law. Plaintiffs tried to comply with there wrongful acts of aggression but it
27 has been all this time and they keep asking for more things such as mentioned the paving of the
28

1 road. There is a PRA response that states that the county does not control private roads and that
2 the road they are requesting to be paved is a private road.

3 8. The violation charges were with ordinances not promulgated.

4 9. Frank was told violations would result in jail time probation and fines.

5 10. Plaintiff has complied with all purposed required processes involved in acquiring permits.

6 11. Including but not limited to Landscaping plan, pre-landscaping plan, irrigation plan,
7 indigenous plant list.

8 12. Plans for Temporary living permits have disappeared in the Epic LA website twice.

9 13. Resulting in threats of arrest do to non compliance. Plaintiff had to resend both times for
10 resubmission for the information to be put back into the system. Plaintiff had been told to remove
11 his heavy equipment even if needed in unincorporated communities.

12 14. If they weren't removed more arrest and jail time threats were made with laws that are not
13 promulgated. Frequent progress inspections have taken place since then. After five years,
14 Plaintiffs grading permits have been approved. Plaintiff's building permits have been approved,
15 however, new requirements placed upon Plaintiff from the fire department to pave a road through
16 to others property.

17 15. Fire access, the fire department is trying to force Plaintiff to pave the road not used by
18 Plaintiffs' house hold, a private road that extends to the neighbors whom live above and is their
19 only way in and out of their property. The road the fire department is proposing to be paved is a
20 shared easement between 255 west and Ave U Palmdale, an 244 west Ave U Palmdale. Plaintiff
21 has given all documents needed to prove said easement.

22 16. The last inspection, which was held at said property of 411 West Ave. U.

23 17. Plaintiffs have on a recording the DDA Walgren wanting to place violations on other
24 parcels Plaintiffs might own. Leading to another violation of the second parcel for not registering
25 it for agricultural use fast enough after making 6 trips to the Building and safety office going over
26 site plot maps before approval.

1 18. The next thing they want Plaintiff to get approval from the local neighbor hood even though
2 it's just a house that was already established. Just so the court knows they are asking for
3 conditional use permit. They are doing this with jail threats if Plaintiff refuses.

4 19. Next they are saying that he cannot build anywhere on his property because he moved dirt.

5 20. Next they want him to keep paying more permit since the county's A slowed down the
6 building process and caused the permits to expire.

7 21. Next they want new engineering because the plans expired.

8 22. Also they want Plaintiff to landscape the dessert.

9 23. Also they made him

10 24. move the motor home off of the property saying it was not allowed on agricultural land.
11 People that live on acreage have trailers all over the county. Also done with laws that don't exist.

12 25. Rights violations mentioned as individuals in the county doing the wrongs. The county's
13 individuals mentioned in this action are doing the wrong. They are continuing to hold up Plaintiff
14 with more of the same rights violations. "Note": Plaintiffs reserve the right to amend, Property
15 rights are the foundation of liberty. The right to own, enjoy, and put property to productive use is
16 a source of personal security, dignity, and prosperity, protecting the freedom of individuals to
17 shape their destiny is a constitutional right under both the state and federal constitutions. There are
18 four broad areas that are defined as property rights. the right to use the good (thing that is
19 owned), the right to earn an income from it, the right to transfer it to others, and the right to enforce
20 property rights.

21 26. Unfortunately, government officials often trample on individuals' property rights by taking
22 it without compensation and by unreasonable regulation or intrusion or using the regulations as
23 weapons for their own selfish interest or abuses their authority and uses regulations that do not
24 exist or interprets the regulations to fit their own selfish interest to use as a "weapon".

25 27. The following cases show that there has been an increase of property rights violations by
26 local government officials and shows there was a lack of interest to correct these violations by
27 some lower courts and had to be taken to the U.S. Supreme Court. They also show that property
28 owners have a right to enforce their property rights in court and now because of the Nicks case

1 below can go straight to Federal Court. *Nollan v. California Coastal Commission*, 483 U.S. 825
2 (1987) *Suitum v. Tahoe Regional Planning Agency*, 520 U.S. 725 (1997) *Palazzolo v. Rhode*
3 *Island*, 533 U.S. 606 (2001), is a United States Supreme Court case in which the Court held that a
4 claimant does not waive his right to challenge a regulation as an uncompensated regulatory taking
5 by purchasing property after the enactment of the regulation challenged.^[1] *Koontz v. St. Johns*
6 *River Water Management District*, 570 U.S. 595 (2013), is a United States Supreme Court case in
7 which the Court held that land-use agencies imposing conditions on the issuance of development
8 permits must comply with the "nexus" and "rough proportionality" standards of *Nollan v.*
9 *California Coastal Commission* and *Dolan v. City of Tigard*, even if the condition consists of a
10 requirement to pay money, and even if the permit is denied for failure to agree to the
11 condition. *[Knick v. Township of Scott, Pennsylvania*, No. 17-647, 588 U.S. ____ (2019), was a
12 case before the Supreme Court of the United States dealing with compensation for private property
13 owners when the use of that property is taken from them by state or local governments, under the
14 Due Process Clause of the Fifth Amendment to the United States Constitution. The immediate
15 question asks if private land owners must exhaust all state-offered venues for mediation before
16 seeking action in the federal courts. The case specifically addresses the Court's prior decision from
17 the 1985 case *Williamson County Regional Planning Commission v. Hamilton Bank of Johnson*
18 *City*, which had previously established that all state court venues must be exhausted first, but which
19 has since resulted in several split decisions among circuit courts. The Supreme Court ruled in June
20 2019 to overturn part of Williamson County that required state venue action be taken first, allowing
21 taking-compensation cases to be brought directly to federal court.^[1] The Takings Clause of the
22 United States Constitution provides that "private property [shall not] be taken for public use,
23 without just compensation." U.S. Const. amend. V. The Fourteenth Amendment to the United
24 States Constitution provides, in relevant part, that no state shall "deprive any person of life, liberty,
25 or property, without due process of law." U.S. Const. amend. XIV, § 1. Dedication of Land and
26 Payment of Fees. A requirement to dedicate land or pay for public improvements that the
27 approving agency seeks to exact as consideration for granting a permit can become a taking. Such
28 requirements are not limited by the Supreme Court case of *Nollan v. California Coastal Comm'n*.

1 (1987) 483 U.S. 825, holding that the exaction must have a “nexus” to the development, meaning
2 that the development has created the need for the exaction. Among other things, the nexus
3 requirement prevents an approving agency from imposing requirements intended to rectify pre-
4 existing conditions. And *Dolan v. City of Tigard* ((1995) 512 U.S. 374) requires that the exaction
5 be “roughly proportional” to the degree of impact the permitted project will impose. Thus,
6 exactions that have no nexus to the project being approved and/or that are not roughly proportional
7 to the degree of impact, violate the Fifth Amendment. The *Nollan* and *Dolan* cases have been
8 given added force by the recent decision of the United States Supreme Court in *Koontz v. St. Johns*
9 River Management District (2013) 568 U.S. ___, 133 S.Ct. 2587. In the *Dominguez* case to require
10 that *Dominguez* pave a road to rectify pre-existing conditions is a taking under the 5th amendment.

11 The following to witt:

12 28. Unconstitutional Conditions Doctrine. We have said in a variety of contexts that “the
13 government may not deny a benefit to a person because he exercises a constitutional right.”
14 (Citations) ... Those cases reflect an overarching principle, known as the unconstitutional
15 conditions doctrine, that vindicates the Constitution’s enumerated rights by preventing the
16 government or government officials from coercing people into giving them up. *Koontz*, 133 S.Ct.
17 at 2594. (c) Land Use Permit Process Vulnerable to “Extortion.” *Nollan* and *Dolan* “involve a
18 special application” of the doctrine that protects the Fifth Amendment right to just compensation
19 for property the government takes when owners apply for land-use permits. (Citations) Our
20 decisions in those cases reflect two realities of the permitting process. The first is that land-use
21 permit applicants are “especially vulnerable” to the type of coercion that the unconstitutional
22 conditions doctrine “prohibits” because the government often has broad discretion to deny a permit
23 that is worth far more than property it [the government] would like to take. By conditioning a
24 building permit on the owner’s deeding over a public right-of-way, for example, the government
25 can pressure an owner into voluntarily giving up property for which the Fifth Amendment would
26 otherwise require just compensation. (Citations) So long as the building permit is more valuable
27 than any just compensation the owner could hope to receive for the right-of-way, the owner is
28 likely to accede to the government’s demand, no matter how unreasonable. “Extortionate”

1 "demands" of this sort frustrate the Fifth Amendment right to just compensation, and the
2 "unconstitutional conditions doctrine" "prohibits" them. *Ibid.* (Emphasis added)

3 29. The Government Cannot Impose Mitigation that Does Not Meet Nexus and Rough
4 Proportionality Tests. ... Under *Nollan* and *Dolan* the government may choose whether and how
5 a permit applicant is required to mitigate the impacts of a proposed development, but it "may not"
6 leverage its legitimate interest in mitigation to pursue governmental ends that "lack" an essential
7 nexus and rough proportionality to those impacts. *Ibid.* (Emphasis added) (e) Extortionate
8 Demands for Property in the Land-Use Permitting Context Run Afoul of the Takings Clause Not
9 Because They Take Property but Because They Impermissibly Burden the Right Not to Have
10 Property Taken Without Just Compensation. As in other unconstitutional conditions cases in which
11 someone refuses to cede a constitutional right in the face of coercive pressure, the impermissible
12 denial of a governmental benefit is a "constitutionally cognizable injury". ... *Koontz*, 133 S.Ct.
13 at 2596. (f) Conferring a Benefit does Not Give Government the Right to Make Unconstitutional
14 Demands. [W]e have repeatedly rejected the argument that if the government need not confer a
15 benefit at all, it can withhold the benefit because someone refuses to give up constitutional rights.
16 (Citations) "[T]he government may not deny a benefit to a person on a basis that infringes his
17 constitutionally protected ... freedom of speech even if he has no entitlement to that benefit"
18 (Citations) (Emphasis added). *Ibid.* NOTE: This statement invokes the purpose of the
19 governmental action, not the impact of that action on a property owner. In other words, a permit
20 can be denied for legitimate reasons (such as environmental impacts, shortage of required
21 infrastructure to support the proposal, etc.), but it cannot be denied in the absence of such a
22 legitimate justification.

23 30. Next there is a brand new US Supreme court decision that enforces the same prior decisions
24 as mentioned above: 12, 2024, In *George Sheetz v. County of El Dorado*, No. 22-1074, the
25 Supreme Court unanimously reversed the decision of the Court of Appeal of California. The cases
26 before this one was 5 to 4 ruling but this one was 9 to 0. US Supreme Court keeps making the
27 same decisions regarding property based on the 9th and 10th amendments upholding the 5th
28 amendment.

1 31. WRONGFUL ACTS BY COUNTY OFFICIALS

2 32. The County of Los Angeles held up the permit to the property Dominguez by "exacting"
3 the Dominguez to pave the dirt road from Dominguez Property to the pavement through to other
4 people's property and require as mentioned above, requirements as law, but the laws were not
5 promulgated and maliciously prosecuting as a criminal in state criminal court. Malicious
6 prosecution. Once the challenge was brought to the state court of the laws the case was dismissed.
7 The DA stated that she would have never brought action against Frank. She pointed Tandler as
8 the guilty one for malicious prosecution.

9 33. Breach of duty of good faith and fair dealing including fraud including malicious
10 prosecutuion.

11 34. Grainger and Tong knew or should have known that the corrections were not corrections
12 and should have approved the plans. They breached the duty of good faith and fair dealing by not
13 accepting plans when it was demonstrated that the corrections that were called, were not
14 corrections but purposely misstated them as corrections. Also these two knew or should have
15 known that the county did not promulgate the laws that were used to do plan review but did
16 corrections anyway representing that they had promulgate laws to do plan check. They knew or
17 should have known that the corrections that they purposely stated were corrections in fact were
18 "not" corrections. Tandler and other defendants being sued herein knew or should have known
19 that the corrections were not corrections and that the laws were not promulgated law and should
20 not have maliciously prosecuted Plaintiff for laws not promulgated.

21 35. Defendants were to provide the services as a fiduciary responsibility. The following to
22 witt: Fraud of no service violates due process of law, and terminates the "intangible right to honest
23 services" ... 18 U.S.C. § 1346. "For the purposes of this term"sheme or artifice to defraud"includes
24 a scheme or artifice to deprive another of the intangible right of honest services." Fraud may be by
25 direct falsehood, or innuendo, or suppression of truth, ..., by speech or by silence, etc. Black's
26 Law Dict. 6th Ed. , p. 660

27 36. Upon information and belief, Defendants breached the implied covenant of good faith and
28 fair dealing arising out of the fiduciary responsibility by, unreasonably and in bad faith, failing to

1 provide the work that was a fiduciary responsibility, including threatening making fun of Plaintiff
2 bringing his plans to them. In committing the above referenced breach,

3 37. Defendants intended to and did vex, damage, annoy, and injure Plaintiff. Said conduct was
4 intentional, willful, and with conscious disregard of Plaintiff's rights, and was malicious,
5 oppressive and fraudulent under California Civil Code § 394, thereby entitling Plaintiff to punitive
6 and exemplary damages against Defendant.

7 38. Plaintiff is therefore entitled to recover and seek (a). an award of general damages and
8 other monetary damages, including all foreseeable consequential and incidental damages for
9 diminution in value, loss of use, and other incidental damages and out-of-pocket expenses, plus
10 interest, in an amount to be determined at trial; (b) punitive damages in an amount to be determined
11 at trial; (c) Plaintiffs costs of suit.

12 39. Negligence:

13 40. Under law, for a Plaintiff to show actionable negligence, he must show the existence of a
14 legal duty on Defendants part, Defendant breached that duty which caused the damage.

15 41. Defendant had a reasonable duty to approve Plaintiffs plans when Plaintiff had complied
16 with the requirements. Defendant breached that duty by not approving plans even though Plaintiffs
17 had complied with the requirements. They further breached the duty by representing that they
18 laws that were properly promulgated.

19 42. Intentional Infliction of emotional Distress

20 43. Defendants did the actions previously alleged with malice in that they intended to cause
21 injury by being rude, and not providing the services as of a fiduciary duty. They did not provide
22 a permit even though Plaintiffs had complied with the requirements. Further they maliciously sued
23 Plaintiff in state court for violations of Building Department law that was not even promulgated
24 law. Meaning it was not law. Fraud of no service violates due process of law, and terminates the
25 "intangible right to honest services". 18 U.S.C. § 1346. "For the purposes of this term"sheme or
26 artifice to defraud"includes a scheme or artifice to deprive another of the intangible right of honest
27 services." Fraud may be by direct falsehood, or innuendo, or suppression of truth, ..., by speech
28 or by silence, etc. Black's Law Dict. 6th Ed. , p. 660.

1 44. Plaintiffs are thus entitled to exemplary and punitive damages in an amount according to
2 proof at the time of trial.

3 45. Negligent Infliction of Emotional Distress:

4 46. By being rude to Plaintiffs and not going by any law and then prosecuting plaintiff in state
5 court as a criminal, they purposely intended to inflict emotional distress.

6 47. VIOLATION OF THE BAN ON TAKING UNDER THE 5TH AMENDMENT:
7 Defendants as mentioned above took Plaintiffs property by coercing Plaintiffs to do requirements
8 that they knew or should have known to be wrongful acts of taking property by holding Plaintiffs
9 from being able to use their property as intended.

10 48. Plaintiffs "took" the property of Plaintiffs under the taking clause of the 5th amendment
11 requiring Watkins to do requirements that he could not perform because they were already on the
12 plans, and BY DENYING A PERMIT. The following to witt: Koontz v. St Johns River Water
13 Management District and the brand new US Supreme court decision that enforces the same prior
14 decisions as mentioned above: 12, 2024, In George Sheetz v. County of El Dorado, No. 22-1074,
15 the Supreme Court unanimously reversed the decision of the Court of Appeal of California. The
16 decision was precedent-setting because it held, for the first time, that the ban on unjust land use
17 conditions extends not just to the seizure of real property without compensation, but also to
18 shakedowns for money and now is backed up by the new decision. Direct damages: Domenguez
19 couldn't use the property while the Defendants were holding it by not giving a permit, intentionally
20 not approving the plan, and knowing they did not have the promulgated law even to do plan check
21 but representing that they did. Many different costs "damages" as stated. Loss of monetary credit,
22 loss of a house to live in, loss of livelihood, stress etc.

23 49. SHAKE DOWN FOR MONEY: Defendants knew or should have known that the holding
24 of Plaintiffs plans was a shake down for money. Since they did not have promulgated law to do
25 the plan check they knew what they were doing was fraud and did it anyway. They also knew or
26 should have known that they were maliciously prosecuting Plaintiff as a criminal in state criminal
27 court.

1 50. This does not even take in to consideration that the neighbors could sue Dominguez since
2 the neighbors want the dirt road because they are also used as trails to ride their horses. The county
3 had a duty to follow the constitution under the amendments and not exact the above requirement
4 when it is unrelated to building and should have issued a permit without the exaction but took
5 Dominguez property from the intended use but violated Dominguez rights as stated by the
6 Supreme Court in the above cases. They caused the Dominguez pay more for cost of construction
7 which is a damage that is extortion and fraud according to the above mentioned cases and is a
8 taking under the 5th amendment according to the Supreme Courts decisions in the above
9 mentioned cases. The county cannot hold up a permit with no legitimate justification. And as stated
10 by the Supreme court is an injury to the permit applicant. The county has threatened and held up
11 the permit process illegally for more than 5 years of which the cost is still not completely known
12 to Plaintiffs and will not know since it is still going on. The county employees are being sued under
13 color of law for violations of the above exaction clauses as allowed by the following law: See
14 California civil code 52.1 "(a) This section shall be known, and may be cited, as the Tom Bane
15 Civil Rights Act. (b) If a person or persons, whether or not acting under color of law, interferes by
16 threat, intimidation, or coercion, or attempts to interfere by threat, intimidation, or coercion, with
17 the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or
18 laws of the United States, or of the rights secured by the Constitution or laws of this state... (c)
19 Any individual whose exercise or enjoyment of rights secured by the Constitution or laws of the
20 United States, or of rights secured by the Constitution or laws of this state, has been interfered
21 with, or attempted to be interfered with, as described in subdivision (b), may institute and prosecute
22 in their own name and on their own behalf a civil action for damages, including, but not limited
23 to, damages under Section 52, injunctive relief, and other appropriate equitable relief to protect the
24 peaceable exercise or enjoyment of the right or rights secured, including appropriate equitable and
25 declaratory relief to eliminate a pattern or practice of conduct as described in subdivision (b)."

26 51. Dominguez is challenging the county in that the county showed "deliberate indifference"
27 to the citizen "Dominguez" and played the place of the King of England, (which we the people
28 defeated), as in violation of due process of law by the 14th amendment in that they would not

1 answer in several challenges made to the county. Under the 14th amendment the county had a
2 duty to the citizen which they violated Dominguez rights by holding silence and not answering
3 when required as listed under the 14th amendment. This violated Plaintiffs' rights by holding up
4 the permit. The damages are increased cost of construction and intern increased Taxes that
5 Plaintiff would be required to pay.

6 52. 1978 case Monell v. Department of Social Services of City of New York, 436 U.S. 658
7 (thus the eponymous "Monell claim"). Specifically, to bring a successful claim under Monell the
8 plaintiff must show (1) the violation of a constitutional right (2) by an official act (3) that resulted
9 from a "government policy or custom." Mere allegations that a municipality has a policy or custom
10 that violated a plaintiff's rights are insufficient to hold a municipality liable under §1983, rather it
11 must be proven that the policy or custom not only caused the complained of constitutional
12 violation, but exhibits a "deliberate indifference" to citizens' rights. Dwares v. City of New York,
13 985 F.2d. 94, 100-101 (2d Cir. 1993).Plaintiffs can show a "governmental policy or custom"
14 sufficient to establish municipal liability under Monell in one of four ways. Plaintiffs can allege:(1)
15 the existence of a formal policy which is officially endorsed by the municipality; (2)actions taken
16 or decisions made by municipal officials with final decision making authority, which caused the
17 alleged violation of plaintiff's civil rights; (3) a practice so persistent and widespread that it
18 constitutes a custom of which constructive knowledge can be implied on the part of the
19 policymaking officials; or (4) a failure by policymakers to properly train or supervise their
20 subordinates, amounting to "deliberate indifference" to the rights of those who come in contact
21 with the municipal employees.Castanza v. Town of Brookhaven, 700 F.Supp.2d 277, 287
22 (E.D.N.Y. 2010); see also Bd. of Cty. Comm'rs of Bryan Cty., Okl. v. Brown, 520 U.S. 397 (1997);
23 Davis v.City of New York, 75 Fed. Appx. 827 (2d Cir. 2003).

24 53. A final policymaker's act may also make a municipality liable. To prevail on such a theory,
25 a person must prove—more likely than not—that: The final policymaker acted under color of state
26 law;The act deprived the person of particular federal or constitutional rights;The final policymaker
27 possessed final policymaking authority from the municipality's local governing body regarding
28 these acts;When the final policymaker engaged in these acts, she was acting as a final policymaker

1 for the defendant municipality; and The final policymaker caused the deprivation of the person's
2 rights; that is, the final policymaker's act was so closely related to the deprivation of the person's
3 rights as to be the "moving force" that caused the ultimate injury. This all laid out above.

4 54. Building and Safety not mentioned in the constitution as a power violated Plaintiffs rights
5 when using laws not promulgated and or not law but guidance used as law. The constitution does
6 not allow a non power to make law and then enforce without the the constitution stating how law
7 can be made. This gave the county carte blanche to do anything they want. The county brags they
8 can do anything they want which can be witnessed. So they did anything they wanted to and held
9 up Dominguez's property by not issuing a permit for many things and still have not issued a permit
10 for certain things. The permits that Dominguez have now is only because of the law suit herein.
11 In this process by holding silence the Building and Safety committed fraud. Also county officials
12 committed fraud in the process by using codes that are "not promulgated" for the purpose of raising
13 construction costs and purposely held up construction by requirements made up at the time. They
14 were working in their personal capacity and also in their official capacity not giving the service
15 required by there official capacity. Fraud of no service violates due process of law, and terminates
16 the "intangible right to honest services" promised to the People. 18 U.S.C. § 1346. "For the
17 purposes of this term"sheme or artifice to defraud"includes a scheme or artifice to deprive another
18 of the intangible right of honest services." Fraud may be by direct falsehood, or innuendo, or
19 suppression of truth, ..., by speech or by silence, etc. Black's Law Dict. 6th Ed. , p. 660: County
20 officials suppressed the truth and committed direct fraud Rule 5.1 Constitutional Challenge to
21 Statute.

22 55. (b) CERTIFICATION BY THE COURT. The court must, under 28 U.S.C. §2403, certify
23 to the appropriate attorney general that a statute has been questioned. Building and Safety
24 committed fraud and much damages to Plaintiffs using ordinances that don't exist as law since not
25 promulgated as required by law. Additionally the way in which the ordinances were used is being
26 challenged, AND THE CONSTITUTIONALLITY OF THE ORDINANCES. Plaintiffs request the
27 court to state once heard that these ordinances or lack of ordinances could not have been used
28

1 against Plaintiff to require them to get a permit and to enjoin them. There will be a Motion to
2 Challenge Subject Matter Jurisdiction and laws.

3 56. Ordinances, Codes, Guidelines, Decisions Challenged as unconstitutional: The code
4 enforcement made up a reports citing codes that were never promulgated. But worse than that, the
5 law is just decided by some department head that the law gives them jurisdiction without a nexus
6 to building and enforced by the building department. Also Zoning codes that do not meet the
7 general plan required by the state California and enforced.

8 57. Zoning codes that the county does not have in their Zoning as required by the Federal
9 Government under RULUPA. This is an act that requires the county to have in their Zoning laws
10 to protect religious rights of citizens. This violated Plaintiffs' religious rights because the county
11 officials interrupted Plaintiffs' religious worship. Dedication of Land and Payment of Fees. A
12 requirement to dedicate land or pay for public improvements that the approving agency seeks to
13 exact as consideration for granting a permit can "become a taking". *Nollan v. California Coastal*
14 *Comm'n.* (1987) 483 U.S. 825, holding that the exaction must have a "nexus" to the development,
15 meaning that the development has created the need for the exaction. Among other things, the
16 nexus requirement prevents an approving agency from imposing requirements intended to rectify
17 pre-existing conditions. And *Dolan v. City of Tigard* ((1995) 512 U.S. 374) requires that the
18 exaction be "roughly proportional" to the degree of impact the permitted project will impose.
19 Thus, exactions that have no nexus to the project being approved and/or that are not roughly
20 proportional to the degree of impact, violate the Fifth Amendment. The *Nollan* and *Dolan* cases
21 have been given added force by the recent decision of the United States Supreme Court in *Koontz*
22 *v. St. Johns River Management District* (2013) 568 U.S. ___, 133 S.Ct. 2587. The county's
23 exaction to require Plaintiffs to pave a road through other peoples property to obtain a permit is
24 considered by the US Supreme court to be a policy that violates the constitution and 1983 and is a
25 taking under the 5th amendment. Another decision by a department head not legal. The Los
26 Angeles County Plumbing Code, Section 218.0 defines potable water as: "Water which is
27 satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Health
28 Authority having jurisdiction." Emphasis added.

1 58. This gives cart-blanche to the health department to do what ever they want and is not
2 promulgated and regardless is unconstitutional and as you will see pointed out below, the rest of
3 the story, they tell lies about it right before your eyes and what they are calling law is referred to
4 as Guidlines. California constitution does not allow a law that gives this kind of authority to make
5 ordinances or decisions. The constitution only allows one law under one heading not one heading
6 that covers any ordinance or any decision that the department wants to do. CA Constitution art IV
7 § 9 SEC. 9. A statute shall embrace but one subject, which shall be expressed in its title. If a statute
8 embraces a subject not expressed in its title, only the part not expressed is void. Wherefore, the
9 county plumbing code as it is referred to is void for that reason alone where it says what ever the
10 Health Department determines.The following to witt: Here is the double, double talk and is
11 referred to as Guidance.HAULED WATER Based on guidance from the State Department of
12 Health Services, Environmental Health has determined that hauled water cannot provide water
13 which is satisfactory for drinking, culinary, and domestic purposes. Hauled water does not provide
14 the comparable level of public health protection as a permitted public water system or an approved
15 private on-site well... HAULED WATER "EXCEPTION" In the event that drought causes an
16 private on-site well to be unable to provide an adequate quantity of potable water to an existing
17 residence, Environmental Health will allow the use of hauled water as a potable water source...
18 You had to notice that they will allow it but they won't allow it. First it is unsanitary and then it
19 is allowed as sanitary. The water companies here certify that they only use potable water in there
20 trucks. So there you have it, as according to an engineer some county pen-head just decides and
21 then you have to do it to get a permit. Just because some department head decided.The ordinances,
22 or lack there of, or decisions by the deparment heads, guidance can be enjoined by this court's
23 authority and must be as unconstitutional. This is a falsehood by there actions and they are guilty
24 of deceit "fraud".

25 59. By making Judicial decisions for money the county violated due process of law. The
26 county here made a code violation with a decision for money using law that is either not law or
27 county policy or not promulgated law. This also constitutes challenge to there subject matter
28

1 jurisdiction the county is not allowed to make money judgments. Money judgments are only given
2 to the courts to make.

3 60. "While commissions created by Legislature may be empowered to determine questions
4 of administrative or ministerial character, Legislature is without authority to vest such
5 commissions with judicial powers." Collier & Wallis v. Astor, 56P.2d 602; Dis. Ct. Appl, 2nd
6 Dist. Calif. (1936), Hearing 2nd S.C. (1936) "Ministerial officers are incompetent to receive grants
7 of judicial power from the legislature, their acts in attempting to exercise such powers are
8 necessarily nullities". Burn v. Supreme Court. 140 Cal. 1.

9 61. When county officials make judicial decisions then we get into malicious prosecution
10 which is a violation of the 14th amendment to the constitution. The county did the above with
11 malice and did not have the right to make judicial decisions as stated above.

12 62. County Officials did cause damages by holding up Plaintiff's property by refusing to give
13 a permit under color of law and committed fraud and extortion as stated by the Supreme Court in
14 the above mentioned cases. They did this by the exaction of paving the road in 1 above, the
15 exaction of the making violations with laws that do not exist etc.

16 63. Plaintiffs' case in part mirrors the following Supreme Court case: Supreme Court of the
17 United States ï COY A. KOONTZ, JR., Petitioner, v. ST. JOHNS RIVER WATER
18 MANAGEMENT DISTRICT, Respondent: The morning of the hearing on his applications before
19 the District's Governing Board, Mr. Koontz was dealt a surprise by the District's staff. J.A. 103,
20 108- 09. The staff told him they would recommend denial of the permit applications unless, in
21 addition to the eleven-acre dedication, he agreed to finance the restoration and enhancement of at
22 least 50 acres of wetlands on District-owned property located miles away, by replacing culverts or
23 plugging ditches, and building a new road. J.A. 26, 103-04, 109. In other words, to obtain the
24 permits he needed to use his property, Mr. Koontz would have to agree to dedicate his money to
25 unrelated public improvements on the District's land. Pet. Cert. App. A-6; Pet. Cert. App. D4; J.A.
26 70-71, 122-23. Eager to avoid any delays and difficulties in obtaining the permits he needed to use
27 his property, Mr. Koontz agreed to the eleven-acre dedication of land. J.A. 29-30. But the
28 requirement that he finance work on the District's property was the straw that broke the camel's

1 back. J.A. 29-30, 107. To give away most of his land and to finance costly improvements to the
2 District's land miles away were too much for Mr. Koontz to bear and raised serious concerns about
3 the continued economic feasibility of his modest project. J.A. 29-30, 34-35, 100, 105. Adding
4 insult to injury, the District explained that it had discounted the mitigation value of the eleven-acre
5 dedication because it (wrongly) believed that Mr. Koontz had "already lost that [portion of his
6 land] due to regulation"—"it's no fun, but that's the facts of life." J.A. 39, 107. At the hearing
7 before the District's Governing Board, Mr. Koontz refused to acquiesce to the second exaction.
8 Pet. Cert. App. D-4. Consequently, the Board denied his permit applications. Id; J.A. 70-71. As
9 the District readily concedes, "the denials were based exclusively on the fact that [Mr. Koontz]
10 would not provide additional mitigation to off set impacts from the proposed project"—i.e.,
11 restoration and enhancement of the District's property. J.A. 70. Importantly, if Mr. Koontz had
12 acceded to this condition, "the exact project [he] proposed would have been permitted." J.A. 71.

13 64. In Plaintiffs' case "herein" County officials, (Janelle Stevenson, , Katheren Barger
14 defendants) denied Plaintiffs' permit for a house unless Dominguez would pave a road that runs
15 through to other property owners land. This requirement would be too much for any person
16 building a modest house to bear. AS STATED BY THE US SUPREME COURT THE COUNTY
17 STILL HAS TO COMPLY WITH THE NEXUS REQUIREMENT AS STATED IN THE
18 KOONTZ CASE ABOVE. THE ROAD THROUGH OTHER PEOPLES PROPERTY HAS NO
19 NEXUS TO Franks PROPERTY. The road is all dirt coming and going.

20 65. They used a form that stated the road had to be all weather which required pavement. The
21 land in question is agricultural land that the road runs to other property owners land. The argument
22 went on for many months. The community has been for more than 40 years with private dirt roads
23 throughout with no requirements for pavement. The individuals as mentioned above with
24 pernicious arbitrary new requirements wanted the Plaintiffs to update the community.

25 66. This violated constitutional rights by taking away Dominguez ability to use the land
26 as intended knowing that the county had no laws that required this community to have paved roads
27 and had never required it before in this community when Dominguez purchased the land. It also
28 was fraud since the service that was supposed to be given to Dominguez (citizens) to allow them

1 a permit without the pernicious requirement was not given as required by the government official
2 in his official capacity. They were therefore in their personal capacity. Fraud of no service violates
3 due process of law, and terminates the "intangible right to honest services" promised to the People.
4 18 U.S.C. § 1346. "For the purposes of this term"sheme or artifice to defraud"includes a scheme
5 or artifice to deprive another of the intangible right of honest services." Fraud may be by direct
6 falsehood, or innuendo, or suppression of truth, ..., by speech or by silence, etc. Black's Law Dict.
7 6th Ed. , p. 660: County officials suppressed the truth and committed direct falsehood by there
8 actions and are guilty of deceit "fraud".

9 67. Dominguez who is a Certified inspector requested documents in writing where they had
10 done this before. No documents were provided. Dominguez then requested in writing
11 interpretation of the requirement by the Building Official for the County. None was given. To
12 "not answer" is violation of a citizens right that there is accountability since citizens are given the
13 capacity of the King or sovereign in our form of government and those in office are accountable
14 as trustees to the citizen and cannot be given nobility and also is fraud for not providing services
15 as required by their position.

16 68. Fraud of no service violates due process of law, and terminates the "intangible right to
17 honest services" promised to the People. 18 U.S.C. § 1346. "For the purposes of this term"sheme
18 or artifice to defraud"includes a scheme or artifice to deprive another of the intangible right of
19 honest services." Fraud may be by direct falsehood, or innuendo, or suppression of truth, ..., by
20 speech or by silence, etc. Black's Law Dict. 6th Ed. , p. 660: County officials suppressed the truth
21 and committed direct falsehood by there actions and are guilty of deceit "fraud". Also by not
22 answering committed fraud by suppressing the truth by holding silent.

23 69. It would be an exercise in pathetic legal metaphysical fallacies and ridiculous irrelevancy
24 to argue that court rulings must be evidenced in support of the foregoing. For what is said is drawn
25 directly from the *prima facie* facts of American political theory upon which the entire body of
26 governing principles and laws pertaining to the business of governing are dependent in their
27 entirety. Nevertheless the following court rulings are presented as representative of the political
28 fact points before stated, namely:

1 70. See Article 1 § 9 Clause 8.1 “ No title of nobility shall be granted by the United States”.
2 “All sovereign power is vested in the citizens of the state, who are limited only as expressed in the
3 Constitution. State v. Shumaker, 63 A. L. R. 218; 200 Ind. 716, 164 N.E. 408“Where fundamental
4 personal liberties are involved, they may not be abridged by the States simply on a showing that a
5 regulatory statute has some rational relationship to the effectuation of a proper state purpose.
6 Where there is a significant encroachment upon personal liberty, the State may prevail only upon
7 showing a subordinating interest which is compelling. City of Carmel-By-The-Sea, v. Young, 466
8 P.2d 225, 232; 85 Cal. Rptr. 1 (1970)“The ‘liberty’ guaranteed by the constitution must be
9 interpreted in the light of the common law, the principles and history of which were familiar and
10 known to the framers of the constitution. This liberty denotes the ‘right of the individual to engage
11 in any of the common occupations of life, to locomote, and generally enjoy those rights long
12 recognized at common law as essential to the orderly pursuit of happiness by free men.” Myer v.
13 Nebraska, 262 U.S. 390; United States v. Kim Ark, 169 U.S. 649, 654. “The rights of the
14 individual are not derived from governmental agencies, either municipal, state, or federal or even
15 from the Constitution. They exist inherently in every man, by endowment of the Creator, and are
16 merely reaffirmed in the Constitution, and restricted only to the extent that they have been
17 voluntarily surrendered by the citizenship to the agencies of government. The people’s rights are
18 not derived from the government, but the government’s authority comes from the people. The
19 Constitution but states again these rights already existing, and when legislative encroachment by
20 the nation, state, or municipality invade these original and permanent rights, it is the duty of the
21 courts to so declare, and to afford the necessary relief”. City of Dallas, et al. v. Mitchell, 245 S.W.
22 944, 945-46 (1922)“Primacy of position in our state constitution is accorded the Declaration of
23 Rights; thus emphasizing the importance of those basic and inalienable rights of personal liberty
24 and “private property” which are thereby reserved and guaranteed to the people and protected from
25 “arbitrary invasion” or impairment from any governmental quarter. The Declaration of Rights
26 constitutes a limitation upon powers of every department of the state government.” State ex rel.
27 Davis v. Sturart, 64 A.L.R. 1307, 97 Fla. 69, 120 So 335.“Primacy of position” means no provision
28 of any of the succeeding Articles of the California state constitution may be interpreted as meaning

1 that any power whatsoever has been conferred therein to any office, which can only be occupied
2 by a state political trustee, of the California state government which may operate to derogate or
3 abrogate any of the people's common law inalienable rights. This same fact of life exists in each
4 and every one of the aforesaid states. This would also constitute fraud on citizens across the
5 country that a county government is now putting themselves as the new King, when we the people
6 made war against the King of England to take away the right of government to be the King and
7 replaced it with the citizen as King or sovereign. According to the laws just stated above this is a
8 form of fraud that goes beyond what is considered intolerable and excels to the level of a criminal
9 offense directly against the citizen's rights to expect their trustees for services as promised. Fraud
10 of no service violates due process of law, and terminates the "intangible right to honest services"
11 promised to the People. 18 U.S.C. § 1346. "For the purposes of this term"sheme or artifice to
12 defraud"includes a scheme or artifice to deprive another of the intangible right of honest services."
13 Fraud may be by direct falsehood, or innuendo, or suppression of truth, ..., by speech or by silence,
14 etc. Black's Law Dict. 6th Ed. , p. 660: County officials suppressed the truth and committed direct
15 falsehood by there actions and are guilty of deceit "fraud". They are also committing fraud by not
16 answering which is another suppression of the truth to hold silent.

17 71. To go further the preamble to the CA constitution states: "We the people of the State of
18 California, grateful to Almighty God for our freedom, in order to secure and perpetuate its
19 blessings, do establish this Constitution". The constitution is for the government to serve the
20 people. God agrees with this and states in Mark 10:42 "You know that those who are regarded as
21 rulers of the Gentiles lord it over them, and their high officials exercise authority over them. Not
22 so with you. Instead, whoever wants to become great among you must be your servant."

23 72. Dominguez when doing inspection was a servant to the citizen as required by law to help
24 the citizen with the law so their projects could get approved. 18 U.S.C. § 1346. The county
25 personnel are doing just the opposite to Dominguez and committing fraud by not providing the
26 service that is expected for the job that they have been given. This includes county counsel. Fraud
27 may be by direct falsehood, or innuendo, or suppression of truth, ..., by speech or by silence, etc.
28 Black's Law Dict. 6th Ed. , p. 660: County officials suppressed the truth and committed direct

1 falsehood by there actions and are guilty of deceit "fraud". They are also committing fraud by not
2 answering which is another suppression of the truth to hold silent. The truth here is the county
3 personnel named herein are all doing this criminal fraud and violation of Plaintiff's rights to his
4 property by not answering, by stating you can't have a permit until you do what we say, with no
5 law to back up what they say, by notice of erroneous code violation with no promulgated law for
6 the same. Telling Dominguez to get a permit for something they do not have a permit even listed
7 for, or no jurisdiction for. Now lets look at what the California Assembly states about
8 accountability:

9 73. "All Californians want government to be accountable. Tax dollars should be spent wisely
10 and government programs operated efficiently. As a co-equal branch of government, it is the
11 constitutional role of the Legislature to monitor state agencies as they implement new laws. Thus,
12 conducting oversight is every bit as important as passing legislation. A key way we can achieve
13 well-organized and effective oversight hearings is through training and the development of tools
14 to support this function. This power is well-established." In *Watkins v. United States* (1957), the
15 United States Supreme Court affirmed Congress' oversight power by stating that, "We start with
16 several basic premises on which there is general agreement. The power of the Congress to conduct
17 investigations is inherent in the legislative process. That power is broad. It encompasses inquiries
18 concerning the administration of existing laws as well as proposed or possibly needed statutes. It
19 includes surveys of defects in our social, economic or political system for the purpose of enabling
20 the Congress to remedy them. It comprehends probes into departments of the Federal Government
21 to expose corruption, inefficiency or waste." This all violated Dominguez property rights to hold
22 up the construction for many years to raise costs of construction and intern raise taxes. Dominguez
23 dream started several years earlier with no idea that the county would be so corrupt.

24 74. The PRA request answer by the county was signed which stated that the roads in question
25 are private roads. Also the requirement for an engineer to certify the road through the property
26 is not law nor did they quote a law. Fire as of this writing has not signed off even though they
27 have the response to the PRA request.

28

1 75. They know from prior responses that they have to sign off but have not. There you have it
2 the above individuals violated Dominguez' right to use their land and committed fraud and
3 extortion by running up the costs of construction by both holding up construction by abuse of there
4 positions which in turn extorts money through higher taxes since taxes are based on the cost of
5 construction. This is all through their dishonest abuse of their positions. The following to wit:
6 Fraud of no service violates due process of law, and terminates the "intangible right to honest
7 services" promised to the People. 18 U.S.C. § 1346. "For the purposes of this term"sheme or
8 artifice to defraud"includes a scheme or artifice to deprive another of the intangible right of honest
9 services." Fraud may be by direct falsehood, or innuendo, or suppression of truth, ..., by speech
10 or by silence, etc. Black's Law Dict. 6th Ed. , p. 660: County officials suppressed the truth and
11 committed direct falsehood by there actions and are guilty of deceit "fraud". They are also
12 committing fraud by not answering which is another suppression of the truth to hold silent.

13 76. There is another requirement the county makes people go to many different departments
14 for a house. This is a crime just to hold up the builder. There is no reason on the face of building
15 a house to go to several different departments just to hold up the builder. It is further violation of
16 a persons right to his property a terrible intrusion by the government which violates all
17 constitutional rights including the 4th 5th and 14th, 9th, 10th amendment for a person to be free
18 of unnecessary intrusion by the government. Note: Specific reason for violations of property rights,
19 fraud and extortion. Fraud of no service violates due process of law, and terminates the "intangible
20 right to honest services" promised to the People. 18 U.S.C. § 1346. "For the purposes of this
21 term"sheme or artifice to defraud"includes a scheme or artifice to deprive another of the intangible
22 right of honest services." Fraud may be by direct falsehood, or innuendo, or suppression of truth,
23 ..., by speech or by silence, etc. Black's Law Dict. 6th Ed. , p. 660: County officials suppressed
24 the truth and committed direct falsehood by there actions and are guilty of deceit "fraud". They
25 are also committing fraud by not answering which is another suppression of the truth to hold silent.

26 77. To require a standard that does not exist is both fraud and extortion as mentioned in both
27 cases and spelled out in detail above and is a violation of the Dominguez constitutional property
28 rights, guaranteed by both state and federal constitutions since it held up the construction of

1 Dominguez house cost damages of stress. The following to wit: Fraud of no service violates due
2 process of law, and terminates the "intangible right to honest services" promised to the People. 18
3 U.S.C. § 1346. "For the purposes of this term" scheme or artifice to defraud" includes a scheme or
4 artifice to deprive another of the intangible right of honest services." Fraud may be by direct
5 falsehood, or innuendo, or suppression of truth, ..., by speech or by silence, etc. Black's Law Dict.
6 6th Ed. , p. 660: County officials suppressed the truth and committed direct falsehood by their
7 actions and are guilty of deceit "fraud". They are also committing fraud by not answering which
8 is another suppression of the truth to hold silent.

9 78. There is no compelling reason for any of the above which violated Dominguez property
10 rights. In the regular world we would call the above wickedness or evil but the legal term here
11 would be county officials did the above with malice. The following to wit: "Where fundamental
12 personal liberties are involved, they may not be abridged by the States simply on a showing that a
13 regulatory statute has some rational relationship to the effectuation of a proper state purpose.
14 Where there is a significant encroachment upon personal liberty, the State may prevail only upon
15 showing a subordinating interest which is compelling. City of Carmel-By-The-Sea, v. Young, 466
16 P.2d 225, 232; 85 Cal. Rptr. 1 (1970)

17 79. Another US Supreme Court decision: "The Court held that such general government
18 interests were not sufficient to satisfy the compelling interest standard" Gonzales, Attorney
19 General, et al v. Espirita Uniao Do Vegetal et al No. 04-1084 (2006). Another US Supreme Court
20 decision: "...The compelling state interest...did not apply." Wisconsin Right to life, Inc.
21 Appellant v. Federal Election Commission

22 80. Another US Supreme Court decision: "...Villages interests... could not support the
23 ordinances..." Watchtower Bible & Tract Society of New York, Inc., et al v. Village of Stratton
24 et al. No. 00-1737(2002).

25 81. When the county officials just make up reasons for you to do something and will not answer
26 the citizen which is stated above they are making judicial decisions but are not authorized to do
27 so. The following to wit: "While commissions created by Legislature may be empowered to
28 determine questions of administrative or ministerial character, Legislature is without authority to

1 vest such commissions with judicial powers." Collier & Wallis v. Astor, 56 P.2d 602; Dis. Ct. Appl,
2 2nd Dist. Calif. (1936), Hearing 2nd S.C. (1936) "Ministerial officers are incompetent to receive
3 grants of judicial power from the legislature, their acts in attempting to exercise such powers are
4 necessarily nullities". Burn v. Supreme Court. 140 Cal. 1.

5 82. When county officials make judicial decisions then we get into malicious prosecution
6 which is a violation of the 4th amendment to the constitution. The county did the above with
7 malice and did not have the right to make judicial decisions as stated above.

8 83. Dominguez have PRA requests that shows the county does not do findings. which is
9 required by state law. County Counsel believes that the county owns the courts and does not
10 have to follow the law that requires the county to do findings for any new building code etc. In all
11 of this county council committed a felony under Penal Code 134 by presenting the law as settled
12 law. The language of California Penal Code 134 states that "every person guilty of preparing any
13 false or ante-dated book, paper, record, instrument in writing, or other matter or thing, with intent
14 to produce it, or allow it to be produced for any fraudulent or deceitful purpose, as genuine or true,
15 upon any trial, proceeding, or inquiry whatever, authorized by law, is guilty of a felony."
16 Remember attorneys and Judges are presumed to know the law.

17 84. In Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud
18 upon the court is fraud which is directed to the judicial machinery itself and is not fraud between
19 the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member
20 is corrupted or influenced or influence is attempted or where the judge has not performed his
21 judicial function --- thus where the impartial functions of the court have been directly corrupted."
22 Fraud, by definition, is an intentional perversion of truth. Fraud may be by direct falsehood, or
23 innuendo, or suppression of truth, ..., by speech or by silence, etc. Black's Law Dict. 6th Ed. , p.
24 660: A "fraud on the court" occurs when a prosecutor enters into the record a "false" or counterfeit
25 document, or when a prosecutor knowingly and intentionally misrepresents material fact OR law
26 to the court. A fraud on the court may also occur when a lower court forwards court documents
27 to appellate court for review, when the lower court (judge) knows that the record is incomplete or
28 inaccurate as a result of "Tampering with official records." See 18 Pa.C.S. § 4911.

1 85. To add to the above CA constitution Article 1V § 8(b)(1) states: "The legislature may
2 make no law except by statute and may enact statute except by bill. No bill may be passed unless
3 it is read by title on 3 days in each house....."

4 86. The legislature cannot set up other "powers" unless mentioned directly in the constitution.
5 The counties are set up by the legislature because it is mentioned in the constitution but the exact
6 agencies are not mentioned and cannot be set up by the legislature so are in name only. This
7 includes Building and Safety in the county and is in name only. However besides county
8 ordinances cannot conflict with state law and cannot have the affect of changing state law. They
9 also have to be part of the general plan. In PRA requests the response was that there were no
10 records that the ordinances adhered to the general plan and no findings were done in some cases
11 and they were quoted as building code but never went to the Building Standards Commission as
12 required by law if they want to make changes to the building code or any of Title 24. The
13 following to wit: The Legislature set up two Commissions that are to exercise oversight of DBS
14 and the county 1. Building Standards Commission, 2. Office of Planning and research. Below
15 from each Commission the language used is directed as oversight to DBS, Fire, Public Works etc.

16 87. Let's look at the Building Standards Code, Code of Regulations Title 24 or California
17 Building Code (CBC) 2019 Volume I. CBC 1.1.8, put out by the Building Standards Commission.
18 "The provisions of this code do not limit the ... county governments to establish more restrictive
19 and reasonably necessary differences to the provisions contained in this code pursuant to
20 complying with Section 1.1.8.1."

21 88. Section 1.1.8.1. 1.The city, county, or city and county shall make express findings for each
22 amendment, addition or deletion based upon climatic, topographical or geological conditions.
23 Emphasis added.2. The ... county shall file the amendments, additions or deletions expressly
24 marked and identified as to the applicable findings... shall file the amendments, additions or
25 deletions, and the findings with the California Building Standards Commission at 2525 Natomas
26 Park Drive, Suite 130, Sacramento, CA 95833.

27 89. There were no necessary reasons for changing the Building Code or Electrical based on
28 climatic, topographical or geological conditions for the ones claimed or misinterpreted or just

1 stated as a building or electrical requirement that was not even an ordinance or was just made up
2 by county personnel.

3 90. Planning and Zoning 65008 law. "(a) Any action pursuant to this title by any city, county,
4 and county, or other local government agency in this state is null and void if it denies to any
5 individual or group of individuals the enjoyment of residence, landownership, tenancy, or any
6 other land use in this state".....The county is denying Domiguez property rights and is in violation
7 of the above 65008 also.All the laws as mentioned above restrictions without law the county is in
8 violation of Dominguez property rights and Plaintiff's rights to services as required by the
9 constitution and law as pointed out in great detail above.

10 91. The hierarchy of law: Constitution, Acts, Treaties, Statutes, Regulation,
11 OrdinancesOrdinances are not law or are the lowest form of law and cannot be made except under
12 the conditions as mentioned above and are necessary. They cannot conflict with state law and
13 cannot be made unless adhered to the conditions that are set on the county to make them. The
14 county is not following the requirements for making ordinances and quote them as Building Code
15 fraudulently.

16 92. To add to the above CA constitution Article 1V § 8(b)(1) states: "The legislature may
17 make no law except by statute and may enact statute except by bill. No bill may be passed unless
18 it is read by title on 3 days in each house....." "Where fundamental personal liberties are involved,
19 they may not be abridged by the States simply on a showing that a regulatory statute has some
20 rational relationship to the effectuation of a proper state purpose. Where there is a significant
21 encroachment upon personal liberty, the State may prevail only upon showing a subordinating
22 interest which is compelling. City of Carmel-By-The-Sea, v. Young, 466 P.2d 225, 232; 85 Cal.
23 Rptr. 1 (1970) Jones v. City of Los Angeles, 211 Cal. 304{295 P.14} "Where a criminal statute or
24 ordinance causes irreparable damage to property rights, the injured party may attack its
25 constitutionality in an action to enjoin its enforcement." Sullivan v. San Francisco Gas etc. Co.,
26 148 Cal. 368 [83P.156,7 Ann.Cas. 574, 3 L.R.A.N.S. 401]; Los Angeles T. Ins Co. v. Los Angeles,
27 52 Cal.App. 152, 156[198 . 1001; San Diego T. Assn. v. East San Diego, 186 Cal. 252 [200
28 P.393,17A.L.R. 513]; Abbey Land etc. Co. v. San Mateo, 167 Cal. 434, 438[139 P.1068, Ann.

1 Cas.1915C 804, 52L.R.A.N.S. 50888].In the 9th circuit when rights are violated a claim of
2 municipal liability under section1983 is sufficient to withstand a motion to dismiss even if the
3 claim is based on nothing more than a bare allegation that the individual officers conduct
4 conformed to official policy, custom or practice. Shah v County of Los Angeles,797 F.2d 743747
5 (9th cir.1986).(emphasis added)

6 93. Government Code section 65860(a), states, County or city zoning ordinances shall be
7 consistent with the general plan of the county or city by January 1, 1974. A zoning ordinance shall
8 be consistent with a city or county general plan only if both of the following conditions are met:
9 (1) The city or county has officially adopted such a plan. (2) The various land uses authorized by
10 the ordinance are compatible with the objectives, policies, general land uses, and programs
11 specified in the plan. In *Lesher Communications, Inc. v. City of Walnut Creek*, (1990) 52 Cal. 3d
12 531, 540, the California Supreme Court addressed the importance of vertical consistency in the
13 context of a land use initiative measure. The problem the Court faced, however, was the fact that
14 the measure created vertical inconsistency between Walnut Creek's General Plan and Zoning
15 Regulations. After carefully looking at the language of the measure, the Court held that: (1) the
16 initiative was not offered as, and could not be construed as, an amendment to the city's general
17 plan, and (2) since the initiative was inconsistent with the general plan in effect when the initiative
18 was adopted, the measure was invalid. In analyzing the effect of Government Code section
19 65860(c), the court stated:

20 94. A zoning ordinance that is inconsistent with the general plan is invalid when passed and
21 one that was originally consistent but has become inconsistent must be brought into conformity
22 with the general plan. The Planning and Zoning Law does not contemplate that general plans will
23 be amended to conform to zoning ordinances. The tail does not wag the dog. The general plan is
24 the charter to which the ordinance must conform. (emphasis added).

25 95. Plaintiff still do not have a house because the county continues to break laws, site laws that
26 do not exist require a restriction without law, abuse their power cause damages by holding up
27 construction to keep the Dominguez out of a house, interpret laws for self seeking interest, refusing
28 to answer which all violated "Plaintiff's 1983 rights". Plaintiff is a Certified Building Inspector

1 and knows how the county is breaking the law. Also Plaintiff knows that the county personnel
2 say they can do anything that they want because they have county council and own both state and
3 federal courts and brag about using law that does not exist and then laugh about it.

4 96. We will prove at trial that these county agents did in fact make up false reports and that
5 they did try to use them to extort money and the court took money to go along with them.

6 97. As Plaintiffs would keep sending Plaintiff's plans they would keep asking for irrelevant
7 requirements:

8 98. County personnel proceeded to write a correction notice even though Plaintiff is not
9 required by any code to do what they required.

10 99. So even though Plaintiff is not doing anything against the Building Code County officials
11 wrote up false documents. If a county official knowingly makes a crime by presenting false
12 documents it would be a crime of fraud and then when the county gets paid by forcing the person
13 to pay or they will not approve their plans it becomes extortion. The Legislature set up two
14 Commissions that are to exercise oversight of DBS 1. Building Standards Commission, 2. Office
15 of Planning and research. Below from each Commission the language used is directed as oversight
16 to DBS, Fire, Public Works.

17 100. Let's look at the Building Standards Code, Code of Regulations Title 24 or California
18 Building Code (CBC) 2019 Volume I. CBC 1.1.8, put out by the Building Standards Commission.
19 "The provisions of this code do not limit the ... county governments to establish more restrictive
20 and reasonably necessary differences to the provisions contained in this code pursuant to
21 complying with Section 1.1.8.1."

22 101. Section 1.1.8.1. 1. The city, county, or city and county shall make express findings for each
23 amendment, addition or deletion based upon climatic, topographical or geological conditions. 2.
24 The ... county shall file the amendments, additions or deletions expressly marked and identified
25 as to the applicable findings... shall file the amendments, additions or deletions, and the findings
26 with the California Building Standards Commission at 2525 Natomas Park Drive, Suite 130,
27 Sacramento, CA 95833.

28

1 102. First of all none of this was done for the ordinances that were used against Plaintiff. Next,
2 The California Planning and Zoning Law 65008 states, “(a) Any action pursuant to this title by
3 any city, county, and county, or other local government agency in this state is null and void if it
4 denies to any individual or group of individuals the enjoyment of residence, landownership,
5 tenancy, or any other land use in this state”.....

6 103. See Administrative Procedures Arguments below line 30.

7 104. Question: Can a building department/fire department/public works enforce such things
8 that they do not have subject matter jurisdiction to enforce as what is being done here. Are we
9 saying that we do not have any rights to enjoy the property, our own private property? Can anyone
10 take away those original guaranteed rights in the constitution through rule making? The courts for
11 ever have been supporting those rights since the foundation of this country overturning rules that
12 do just that. This is not a subdivision property but agricultural property acres.

13 105. The conversation went back and forth and finally Plaintiff stated to these county personnel
14 that they owed him money for damages already done and demanded to talk to there representatives
15 in management and demanded 20 million dollars for damages with no avail. Instead county
16 personnel continued with their false paperwork and stated that they were indemnified by the county
17 and that they can do anything that they want to. This went on for some time.

18 106. When all Plaintiffs actions failed to get a reasonable response Plaintiff CONTINUED TO
19 notice the County Supervisor and County Council in charge that these people were committing
20 these unlawful acts and gave them 10 days to answer. They did not answer and so Plaintiff filed
21 this complaint for damages.

22 107. Here the county Supervisor in a quasi-judicial position would not answer and therefore
23 committed a crime of fraud on the US Constitution of American citizens and is committing the
24 crime of extortion to steal property and monies from Plaintiff. She should be prosecuted and
25 individually liable besides being officially liable.

26 108. Defendants worked together to extort monies and to steal the above mentioned property
27 tampering with evidence, falsifying documents, extortion, taking pay offs, simulation of process,
28 unclean hands and other forms of criminal obstruction of justice all for the purpose of stealing to

1 extort money and steal property to increase costs of construction and intern raise taxes. And even
2 though it was admitted the county is standing behind them. The defendants not only violated law
3 after law of the State Constitution and statutes they in the process violated many federal laws in
4 the process both of the federal constitution and federal statutes. Jim Bailey of fire even bragged
5 that he had lots of properties. Plaintiff believes stolen properties.

6 109. Some points that should be made here are that the County Supervisor is given quasi-judicial
7 powers but did nothing even with the information from the Public Record Requests that
8 demonstrated that the County had no standing to demand a certification to a dirt road that has been
9 there for 40 + years servicing all the houses in the area and Fire has used it the whole time and
10 they have no records of ever requiring it before. On top of that County Council wrote that the
11 county does not control private roads and does not require any tests of them.

12 110. American citizens have been elevated by the constitution that those given official duties
13 must answer to prove that they have the legal right to enforce on the citizen their demands. Not to
14 answer a holder of the political power by the Supervisor is fraud on citizens everywhere in
15 America.

16 111. Defendants were noticed that they were violating the law and that they were proceeding in
17 their personal capacities not in their official capacities and hence were no longer protected under
18 qualified immunity doctrines. Defendants ignored the notices and warnings given by Plaintiff and
19 willfully continued in criminal violation against Plaintiffs rights.

20 112. They are also violating the 5th amendment to the US constitution in that they have made
21 up laws so that Plaintiff cannot use the property for what is intended which is a taking under the
22 taking clause of the fifth amendment. Under the doctrine of regulatory takings created by the US
23 Supreme Court if a government entity takes by regulations or made up regulations in this case it
24 still comes under the taking clause and must pay just compensation. See: United States v.
25 Dickinson, 331 U.S. 745 (1947). Plaintiffs heard several times from county personnel that they
26 could do anything they want and who is going to sue them since county council owns both the
27 state and Federal courts. Plaintiffs also heard Hugo laugh about another case when he said, he was
28 there when they arrested him.

1 113. Defendants all of them have one thing or another to do with the criminal infringement of
2 Plaintiffs rights.

3 114. _____

4 115.

5 116. If you could prove that the legislature could set up Building and Safety, Building Standards
6 Commission and Planning Commission as part of government then you go to the oversight
7 required in Administrative Procedures Act.

8 117. It is an undisputed fact that the Code enforcement agency is a creature in the nature of
9 administrative agencies of said state legislature and as such said legislature must exercise
10 legislative oversight over said creature pursuant to a doctrinal presumption that said legislative
11 body may re-delegate powers delegated to it by the people of the State of California in the second
12 place inasmuch as said people alone hold the inherent political power to create offices of their state
13 government in the first place

14 118. It is an undisputed fact that the California State Legislature enacted the California
15 Administrative Procedures Act, hereinafter APA as part of its intent to exercise oversight and issue
16 directives to its state agency creatures created by it.

17 119. It is an undisputed fact that pursuant to said APA the executive head of each such state
18 agency creature must promulgate a publish rules or regulations making specific the intent of the
19 state agency to include what subjects and objects are expressly to be within said agency's
20 administrative jurisdictional authority.

21 120. It is an undisputed fact that absent the citing of a rule or regulation concurrent with the
22 citing of an administrative law provision which rule makes express the intent of said state
23 legislature with particular regard to the administrative law provision alleged to be violated then
24 said statutory citation can have no force and effect of law for want of a rule or regulation expressly
25 identifying the class of persons or things subject to said administrative law provision.

26 121. It is an undisputed fact that state judges and courts cannot make law nor can it interpret the
27 intent of the state legislature with respect to any body of administrative law, to include in the
28 instant case, the County Code Enforcement Law, if no rule or regulation has been promulgated

1 and published pursuant to the aforesaid California APA expressing the intent of the state legislature
2 regarding the allegedly violated provision of administrative law in the first place.

3 122. It is an undisputed fact that there are no rules/regulations published in the California
4 Regulations Code, naming any class of persons or things subject to the provisions of The County
5 Code Enforcement Agency was cited in any charges or complaint made by Defendants against
6 Plaintiffs. Gov. Code § 11503 specifically states: "A hearing to determine whether a right,
7 authority, license or privilege should be revoked, suspended, limited or conditioned shall be
8 initiated by filing an accusation. The accusation shall be a written statement of charges which
9 shall set forth in ordinary and concise language the acts or omissions with which the respondent is
10 charged, to the end that the respondent will be able to prepare his defense. It shall specify the
11 statutes and rules."

12 123. It is an undisputed fact that no rule or regulation promulgated and published by the
13 executive head of the agency was cited in any charges or complaint made by Defendants against
14 Plaintiff.

15 124. It is an undisputed fact that even when a rule or regulation can be produced in evidence,
16 parties have right to discovery related to all records associated with drafting and promulgation of
17 the rule or regulation, to include transcripts of meetings, hearings and all related documents
18 pertaining to drafting the rule or regulation, in order that effected parties may determine how and
19 whether proper legislative oversight was exercised and directives issued to ensure intent of the
20 legislature is faithfully expressed in said rule or regulation and this case there is no oversight done
21 as shown above.

22 125. The PRA request response by Mary C Wickam and Rorigo Castro Silva that the county
23 does not control private roads nor require tests of the them. Yet the county held Plaintiffs' plans
24 stating that a test (certification) of the road for weight of fire vehicles is required even though the
25 road has been used by fire vehicles for 40 + years and according to the engineer these roads were
26 certified by engineers many time but each time there is a new project they still want to require
27 another test.

28

1 126. For the foregoing reasons, the agency above mentioned did not establish subject-matter
2 jurisdiction over the Plaintiff by holding up Plaintiff's plans and on this ground alone the
3 administrative action initiated by said creature of the California state legislature must be vacated
4 with prejudice forthwith.

5 127. Now the county has been trying to take jurisdiction over equipment and required Plaintiff
6 to remove them. The equipment is necessary to keep the property and for agriculture and to finish
7 construction. As stated above the ordinances have to have oversight and are required to be sent
8 to Sacramento for oversight before they can be used as Building or Electrical Code in this case. If
9 the county had reasons when challenged they could have stated them. A request was sent to the
10 County Supervisor for interpretation by the Fire Marshal/Building Official which went
11 unanswered. Again it is fraud for the county Supervisor not to answer a holder of the political
12 power of the state "citizen".

13 128. The county is guilty of all the above which demonstrates that Plaintiffs have also satisfied
14 the requirements in: 1978 case Monell v. Department of Social Services of City of New York,
15 436 U.S. 658 (thus the eponymous "Monell claim"). Castanza v. Town of Brookhaven, 700
16 F.Supp.2d 277, 287 (E.D.N.Y. 2010); see also Bd. of Cty. Comm'rs of Bryan Cty., Okl. v. Brown,
17 520 U.S. 397 (1997); Davis v. City of New York, 75 Fed. Appx. 827 (2d Cir. 2003).

18 129. Lets take the undisputed road issue. The policy that the county used against Plaintiff was
19 an ordinance made by the county: "COUNTY OF LOS ANGELES FIRE DEPARTMENT FIRE
20 PREVENTION DIVISION ALL WEATHER ACCESS REQUIREMENTS All development
21 constructed within the jurisdiction of the County of Los Angeles Fire Department shall comply
22 with Sections 902 and 901.3 (fire apparatus access roads; timing of installation of fire protection
23 facilities, respectively) of the Los Angeles County Fire Code. For clarification purposes of Section
24 902.2.2.2, the term all-weather driving capabilities shall mean a surface that will support the
25 imposed loads of a fire apparatus during inclement weather, including normal rainfall. All weather
26 access roads shall be installed and made serviceable prior to and during the time of construction.
27 Permissible access road construction may include, but not be limited to the following: A. Three
28 inch (3") Type II A.C. pavement on four inch (4") crushed aggregate base. B. Six inch (6") Type

1 II A.C. pavement on native soil. C. Six inch (6") Portland cement concrete pavement on native
2 soil. D Four inch (4") crushed aggregate base (sand, gravel mix compacted to 95% or greater) with
3 the first layer of asphalt. Access road construction shall be governed by specifications as set forth
4 by the County of Los Angeles Department of Public Works, or modified as prepared by a State of
5 California registered civil engineer.” These are edicts or acts that can fairly be said to represent
6 official policy. But wait what is this above if not official policy? Also this is an ordinance that
7 has never been promulgated by the county. So here you have policy that was used with
8 “indifference” to the rights of Plaintiff since when challenged and sent to the county supervisors
9 went unanswered.

10 130. But that's not all There has been many PRA request about ordinances that were made by
11 the county and used against Plaintiffs that were not promulgated, did not meet the general plan,
12 that contradict with state law, that did not get sent to Sacramento, that did not have findings
13 required by law and the Legislature. The list goes on of the corruption by the county officials in
14 charge. Don't forget Plaintiff was an inspector and knows their secrets.

15 131. The county gave the above road ordinance to their personnel to use without designating the
16 areas that it could be used and wanted the property owner to rectify years of dirt roads to the current
17 standard on its own for other property.

18 132. This proves no training was given on the law on which areas in the county it could be used.
19 This form containing the above law from the county was addressed in the complaint. There was a
20 PRA request that the county finally did answer after the argument went on for ever with no answer
21 which after much damage fire has not signed off.

22 133. When Plaintiffs complained to Katheren Barger county supervisor did not answer and the
23 complaint was sent to the listed Building Official at the time who did not answer. This proves that
24 the Supervisors had an indifference to the citizen which intern caused the damage to Plaintiffs.

25 134. The Due Process clause of the Fourteenth Amendment is inextricably intertwined with land
26 use law. Due process requires reasonable notice and an opportunity to be heard by an impartial
27 decision maker for administrative proceedings that affect liberty or property interests. See Gov.
28 Code section 65905(a); Howitt v Superior Court (1992) 3 CA4th 1575. The actions taken and

1 decisions made by municipal officials with final decision making authority caused the violation
2 by not answering correcting the issue until that Plaintiffs had experienced much damages and made
3 a PRA request.

4 135. The Due Process clause of the Fourteenth Amendment is inextricably intertwined with land
5 use law. Due process requires reasonable notice and an opportunity to be heard by an impartial
6 decision maker for administrative proceedings that affect liberty or property interests. See Gov.
7 Code section 65905(a); Howitt v Superior Court (1992) 3 CA4th 1575.

8 136. Plaintiff experienced the county employees laughing about how they use these un-
9 promulgated ordinances and laws to hold up construction for the purpose of increasing cost and
10 which intern increases taxes.

11 137. The practice is so persistent because this is being done and is widespread to hold up
12 construction for the purpose of increasing cost which intern increases taxes which demonstrates
13 that knowledge can be implied on the part of policy making officials. Plaintiff has met many
14 people who have dealt with the county who want to go on for hours talking about the county of
15 their terrible experience about how the county tries to run up costs of a simple house. Plaintiff is
16 sorry he brought it up and has to find a way to change the subject and leave. Just look at the L.A.
17 weekly article “that is being submitted to this court already in other proceedings”, of all those
18 people who complained of the same type of indifference where the county came with guns and ran
19 them off of their property. Plaintiffs have demonstrated the violation of a constitutional right by
20 an official act that resulted from a government policy undisputed by Defendants for the road, the
21 removal of equipment, other violations that are not violations etc. 18 U.S.C. § 1346. “For the
22 purposes of this term”scheme or artifice to defraud”includes a scheme or artifice to deprive another
23 of the intangible right of honest services.”

24 138. Plaintiffs have demonstrated the official policy by the Supervisors to the constitutional
25 violation was a deliberate indifference to citizens rights by them, by them not answering when
26 challenged about the road, the well tests, unlawful soils tests, the shed, the flat trailer etc., by not
27 training their employees, for the purpose of running up costs to collect more taxes a “county wide
28 policy”.

1 139. The above cases and cases stated by defendants do not take into consideration Tom Bane
2 Civil Rights Act in California which makes the personnel liable under color of law and personally
3 even if they were not acting on the county's policy or custom were in or out of official capacity
4 which threatened the rights of Plaintiffs. So Plaintiff has the right to sue the actual officials as is
5 done now. Plaintiffs have alleged all 4 of the requirements in Monell above but only needed to
6 allege 1 to have a successful complaint against a Municipality according to Monell. Here it is
7 again: Monell v. Department of Social Services of City of New York, 436 U.S. 658 (thus the
8 eponymous "Monell claim"). Specifically, to bring a successful claim under Monell the plaintiff
9 must show (1) the violation of a constitutional right (2) by an official act (3) that resulted from a
10 "government policy or custom." Mere allegations that a municipality has a policy or custom that
11 violated a plaintiff's rights are insufficient to hold a municipality liable under §1983, rather it must
12 be proven that the policy or custom not only caused the complained of constitutional violation, but
13 exhibits a "deliberate indifference" to citizens' rights. Dwares v. City of New York, 985 F.2d. 94,
14 100-101 (2d Cir. 1993).

15
16 Specifically, Watkins case against the county:
17 1. Plaintiff's rights were violated when county Fire Plan Checker officers would not give a
18 permit for a Manufactured home on the property owned by the Trust at 32121 Quirk Road, Acton
19 California. The property had gotten all the approvals from the different agents of the county to
20 include Building and Safety, Health Department for the well and for the septic design, drainage,
21 GMED which reviews geotechnical plans, Fire Modification which reviews a site plan for added
22 plants etc. Remember this is just for a Manufacture Home which US Department of Housing and
23 Urban Development (HUD) restricts the States and so does the California Department of Housing
24 (HCD) restrict the county. First in the beginning Plaintiff Michael Watkins a Certified Building
25 Official (CBO) sent plans over to them which they just asked for a site plan which CBO gave them.
26 First thing Janelle Stevens in Fire stated to CBO that Plaintiff had to bring up all the roads in the
27 area. So CBO sent a PRA request to Kathryn Barger in an email and the response came back that
28 the roads in question are private roads and that the county does not control them. Then Watkins

1 sent and email to Kathryn Barger gave her 48 hrs to answer. Jim Bailey Janelle's supervisor who
2 had argued this for months earlier called CBO about 30 minutes later and stated they are not going
3 to make Plaintiff bring up all the roads in the vicinity, just the one on the Watkins property meaning
4 the fire access that Plaintiff would add. Note: Plaintiff is not adding any road. In CBO discussion
5 the road that has been there for 40 plus years would not have to have anything done with it because
6 it has served the area for all that time and the county has accepted it. Even though the easement
7 runs the road through the property it services all the houses built above Plaintiff's property and
8 below and Plaintiff is not changing it. Even though Michael was sent a requirement to pave the
9 road County Council took care of this because they forced fire to sign off when Watkins called
10 them after the PRA request. When calling Watkins said the PRA request that you signed stated
11 you don't require the road to be paved so why is fire not signing off. The response was we don't
12 know but they will. Then the county is requiring it to be certified by test "certification" even
13 though they could not find a single document that showed that a certification was ever required of
14 the roads in the area when given a Public Records Act request. Also County Council Mary C.
15 Wickam stated that the County does not control private roads and does not require them to be
16 tested when answering first PRA request. There are many houses built in the area and only a few
17 vacant parcels are left. Then they accepted the road with a sign off from an engineer. Then they
18 said that the part where the road connects to the driveway inside where the house would be built
19 and where the Fire Department would connect to the tanks had to be paved. So CBO stated ok we
20 will put a fire hydrant on the road. Then they accepted that. Then the fire inspector came to the
21 project and stated that he didn't like the fire hydrant on the road and said why can't we hook up
22 directly to the tank where CBO had already provided a connection for them. CBO told the
23 inspector that they wanted it paved. Inspector then informed CBO that he just needed a
24 certification from the engineer. So then CBO went got a certificate from the engineer for the
25 access to the tank hookup. Then Janelle stated that it was a change and sent a charge for it. Even
26 with new codes County Officials cannot make you go back on a road that the county has accepted
27 for years or require paved entrance when the county has accepted dirt for all the years in the area
28 that the property is in. Also there are set backs required by county planning and on the assessors

1 maps the roads are sectioned out for the county to pave the roads at some future date. The roads
2 have been there 40+ years but the county has never done their responsibility. CBO had to show a
3 30 ft set back for the road and a 50 ft set back for the house from the road before planning would
4 accept the plan. The 30 ft is so the county can some day pave the road.

5 2. Next they said that the manufactured home plans were not good enough that they would
6 need a full set of plans. When CBO complained to Jim Bailey, Immanuel plan checker stated that
7 since it was a manufactured home they would accept it. Then they stated that they just needed
8 CBO to change the site plan. CBO gave them what they asked for. Then they asked for notes to
9 be on the plan which CBO did that. Then they wanted the description of the land and an address.
10 CBO had given them already the Assessors Parcel Number (APN) and the county is the one who
11 assigns an address and it hadn't been assigned. It should be interjected here that the county
12 Building Department stated that they would assign an address right away. Then they stated that
13 they could not assign an address until there was a certificate of occupancy since it was a
14 Manufactured Home. CBO complained to Katheryn Barger again because fire and the other
15 agencies would not approve your plans until an address was assigned. Finally the county decided
16 to assign an address after Katheryn Barger got involved. Continuing on they wanted more
17 elevations which CBO gave them shot elevations. Then they stated they wanted a topographical
18 map. Then they stated all the plans had to be on one plan. Then they said that the elevations had
19 to be the same as on the topographical map even though these maps are loaded down off the
20 internet and are not an exact science. This type of tyranny has gone on for about 8 years and it is
21 not over with yet. Each department tried to not approve Plaintiff's plans but as CBO sent them
22 documents that showed it was out of there jurisdiction they finally gave in and approved Plaintiff's
23 plans. Tom Blake with GMED tried to state that the Geotechnical report did not meet standards.
24 Tom Blake hired by the county made a comparison to Bruin's reports, who is a competitor with
25 the report that Plaintiff got. County official gets kick backs from engineers and Architects that
26 they like. CBO asked him what standard? He did not answer and then CBO asked again what
27 standard? He did not answer again and was asked again which he finally answered and stated, "Of
28 course there is no standard". The Supervisor stated that Tom Blake cannot question the opinion

1 of the Geotechnical Engineer. However that is just what he did and then he wrote if there is no
2 compaction required the Geotechnical engineer had to test the upper 3 ft. Just as a side line since
3 CBO started in soils and was Branch Manager of PSI the largest testing, geotechnical engineering
4 and inspection company in the United States, Geotechnical Engineers make opinions on the soil
5 above and below each test as they are doing borings with blow counts and the like. So then rather
6 than argue the Geotechnical Engineer who did the report and who has had his Engineers certificate
7 for 40 years according to him and was worried about protecting it, he sent his workers to go back
8 to Plaintiff's property to take tests of the upper 3 ft. Then GMED had no choice but to stamp
9 Plaintiff's plans. If a county official knowingly makes a crime by presenting false documents it
10 would be a crime of fraud and then when the county gets paid by forcing the person to pay or they
11 will not approve their plans, it is then extortion and fraud. This type of fraud was prevalent in the
12 Kings court before the Great Magna Charta. The Defendants who are being sued herein are
13 obstructing justice. County officials claim that they do anything they want because they have
14 county council and they own California courts and the Federal courts. CBO was a county
15 Supervisor in the Inspection Services section of the county at Alhambra office for capitol projects.
16 The county wants you to sign off their own projects but when it comes to the home owner they
17 want to extort money. This is a type of fraud that goes beyond an erroneous application and is
18 criminal fraud. So now Plaintiff sues for fraud. The very reason that these county enforcement
19 personnel believe they can get away with all the fraud and extortion that they are doing is because
20 they believe that they can do anything that they want since they own the courts. We will prove at
21 trial that these county agents did in fact make up false reports and that they did try to use them to
22 extort money.

23 3. Another issue that the county would not listen to reason is the yield test on the well. The
24 county puts the requirement under the Health Department stating that trucked water is unsanitary.
25 They then use this as their compelling reason to require a yield test of the well which costs
26 \$5,000.00. The sanitary test on the water is only around \$300.00. We all know that Bottled water
27 by Sparklets for drinking is not considered unsanitary. Besides all the trucks that bring large tank
28 loads of water say on the truck potable water. My neighbor has been getting truck loads of water

1 for years to fill her tank. So they did not have a compelling reason even though at that time CBO
2 threatened a law suit.

3 4. "Where fundamental personal liberties are involved, they may not be abridged by the States
4 simply on a showing that a regulatory statute has some rational relationship to the effectuation of
5 a proper state purpose. Where there is a significant encroachment upon personal liberty, the State
6 may prevail only upon showing a subordinating interest which is compelling. *City of Carmel-By-*
7 *The-Sea, v. Young*, 466 P.2d 225, 232; 85 Cal. Rptr. 1 (1970). Emphasis added.

8 5. As CBO would keep sending Plaintiff's plans they would keep asking for irrelevant
9 requirements:

10 6. County personnel proceeded to write a correction notice even though Plaintiff is not
11 required by any code to do what they required.

12 7. Next the same officials stated that all the above requirements have to be accomplished.
13 Here again CBO stated there is no requirement in the Building Code/Fire Code and that the county
14 is preempted by HCD who does the plan check of a Manufactured Home and the inspection inside
15 the manufacture's plant. The home then comes with a certification from HCD for the fire
16 requirements and for fire sprinklers and the like. This is all done by both HCD and HUD and
17 stated on the HCD website they are preemptive laws over County and Cities.

18 8. After all this was accomplished where CBO was sent through tons of unnecessary
19 requirements that are not found in the Building Code/Fire Code and after CBO had given Fire
20 Public Records request for the certification of a dirt road, CBO asked for outstanding items Janelle
21 Stevenson stated that it was just the certification of the road and the fire development fees and the
22 plans would be approved. CBO asked her what justification that she still had for certification of
23 the road since Fire and County council stated that they did not have any such documents for the
24 roads, she said, "I am not at liberty to say". So then CBO sent an email requesting an answer
25 from County Council, Fire Marshal for fire plan check and the fire plan check engineer. They did
26 not answer to date.

27 9. So even though Plaintiff is not doing anything against the Building Code County officials
28 wrote up false documents. If a county official knowingly makes a crime by presenting false

1 documents it would be a crime of fraud and then when the county gets paid by forcing the person
2 to pay or they will not approve their plans it becomes extortion. The Legislature set up two
3 Commissions that are to exercise oversight of DBS 1. Building Standards Commission, 2. Office
4 of Planning and research. Below from each Commission the language used is directed as oversight
5 to DBS, Fire, Public Works.

6 10. Let's look at the Building Standards Code, Code of Regulations Title 24 or California
7 Building Code (CBC) 2019 Volume I. CBC 1.1.8, put out by the Building Standards Commission.
8 "The provisions of this code do not limit the ... county governments to establish more restrictive
9 and reasonably necessary differences to the provisions contained in this code pursuant to
10 complying with Section 1.1.8.1."

11 11. Section 1.1.8.1.

12 12. 1. The city, county, or city and county shall make express findings for each amendment,
13 addition or deletion based upon climatic, topographical or geological conditions.

14 13. 2. The ... county shall file the amendments, additions or deletions expressly marked and
15 identified as to the applicable findings... shall file the amendments, additions or deletions, and the
16 findings with the California Building Standards Commission at 2525 Natomas Park Drive, Suite
17 130, Sacramento, CA 95833.

18 14. First of all none of this was done for the ordinances that were used against Plaintiff.

19 15. Next, The California Planning and Zoning Law 65008 states, "(a) Any action pursuant to
20 this title by any city, county, and county, or other local government agency in this state is null and
21 void if it denies to any individual or group of individuals the enjoyment of residence,
22 landownership, tenancy, or any other land use in this state".....

23 16. See Administrative Procedures Arguments below line 30.

24 17. Question: Can a building department/fire department/public works enforce such things
25 that they do not have subject matter jurisdiction to enforce as what is being done here. Are we
26 saying that we do not have any rights to enjoy the property, our own private property? Can anyone
27 take away those original guaranteed rights in the constitution through rule making? The courts for
28

1 ever have been supporting those rights since the foundation of this country overturning rules that
2 do just that. This is not a subdivision property but agricultural property 7 acres.

3 18. The conversation went back and forth and finally CBO stated to these county personnel
4 that they owed him money for damages already done and demanded to talk to there representatives
5 in management and demanded 20 million dollars for damages with no avail. Instead county
6 personnel continued with their false paperwork and stated that they were indemnified by the county
7 and that they can do anything that they want to. This went on for some time.

8 19. When all CBO's actions failed to get a reasonable response Plaintiff CONTINUED TO
9 notice the County Supervisor and County Council in charge that these people were committing
10 these unlawful acts and gave them 10 days to answer. They did not answer and so Plaintiff filed
11 this complaint for damages.

12 20. Here the county Supervisor in a quasi-judicial position would not answer and therefore
13 committed a crime of fraud on the US Constitution of American citizens and is committing the
14 crime of extortion to steal property and monies from Plaintiff. She should be prosecuted and
15 individually liable besides being officially liable.

16 21. Defendants worked together to extort monies and to steal the above mentioned property
17 tampering with evidence, falsifying documents, extortion, taking pay offs, simulation of process,
18 unclean hands and other forms of criminal obstruction of justice all for the purpose of stealing to
19 extort money and steal property. And even though it was admitted the county is standing behind
20 them. The defendants not only violated law after law of the State Constitution and statutes they in
21 the process violated many federal laws in the process both of the federal constitution and federal
22 statutes. Jim Bailey of fire even bragged that he had lots of properties. Plaintiff believes stolen
23 properties.

24 22. Some points that should be made here are that the County Supervisor is given quasi-judicial
25 powers but did nothing even with the information from the Public Record Requests that
26 demonstrated that the County had no standing to demand a certification to a dirt road that has been
27 there for 40 + years servicing all the houses in the area and Fire has used it the whole time and
28

1 they have no records of ever requiring it before. On top of that County Council wrote that the
2 county does not control private roads and does not require any tests of them.

3 23. American citizens have been elevated by the constitution that those given official duties
4 must answer to prove that they have the legal right to enforce on the citizen their demands. Not to
5 answer a holder of the political power by the Supervisor is fraud on citizens everywhere in
6 America.

7 24. Defendants were noticed that they were violating the law and that they were proceeding in
8 their personal capacities not in their official capacities and hence were no longer protected under
9 qualified immunity doctrines. Defendants ignored the notices and warnings given by Plaintiff and
10 willfully continued in criminal violation against Plaintiffs rights.

11 25. They are also violating the 5th amendment to the US constitution in that they have made
12 up laws so that Plaintiff cannot use the property for what is intended which is a taking under the
13 taking clause of the fifth amendment. Under the doctrine of regulatory takings created by the US
14 Supreme Court if a government entity takes by regulations or made up regulations in this case it
15 still comes under the taking clause and must pay just compensation. See: United States v.
16 Dickinson, 331 U.S. 745 (1947). CBO heard several times from county personnel that they could
17 do anything they want and who is going sue them since county council owns both the state and
18 Federal courts. CBO was a former Supervisor of inspection for the County of Los Angeles in the
19 capitol projects section.

20 26. Defendants all of them have one thing or another to do with the criminal infringement of
21 Plaintiffs rights.

22 27. FEDERAL QUESTION

23 28. CAN COUNTY OFFICIALS VIOLATE CONSTITUTIONAL RIGHTS WITHOUT
24 PLAINTIFF DOING ANYTHING WRONG AND THEN INFRINGE ON PLAINTIFF'S
25 PROPERTY BY NOT ALLOWING PLAINTIFF TO PLACE A MANUFACTURED HOME ON
26 THE PROPERTY

27 29.

28

1 30. If you could prove that the legislature could set up Building and Safety, Building Standards
2 Commission and Planning Commission as part of government then you go to the oversight
3 required in Administrative Procedures Act.

4 31. It is an undisputed fact that the Code enforcement agency is a creature in the nature of
5 administrative agencies of said state legislature and as such said legislature must exercise
6 legislative oversight over said creature pursuant to a doctrinal presumption that said legislative
7 body may re-delegate powers delegated to it by the people of the State of California in the second
8 place inasmuch as said people alone hold the inherent political power to create offices of their state
9 government in the first place

10 32. It is an undisputed fact that the California State Legislature enacted the California
11 Administrative Procedures Act, hereinafter APA as part of its intent to exercise oversight and issue
12 directives to its state agency creatures created by it.

13 33. It is an undisputed fact that pursuant to said APA the executive head of each such state
14 agency creature must promulgate a publish rules or regulations making specific the intent of the
15 state agency to include what subjects and objects are expressly to be within said agency's
16 administrative jurisdictional authority.

17 34. It is an undisputed fact that absent the citing of a rule or regulation concurrent with the
18 citing of an administrative law provision which rule makes express the intent of said state
19 legislature with particular regard to the administrative law provision alleged to be violated then
20 said statutory citation can have no force and effect of law for want of a rule or regulation expressly
21 identifying the class of persons or things subject to said administrative law provision.

22 35. It is an undisputed fact that state judges and courts cannot make law nor can it interpret the
23 intent of the state legislature with respect to any body of administrative law, to include in the
24 instant case, the County Code Enforcement Law, if no rule or regulation has been promulgated
25 and published pursuant to the aforesaid California APA expressing the intent of the state legislature
26 regarding the allegedly violated provision of administrative law in the first place.

27 36. It is an undisputed fact that there are no rules/regulations published in the California
28 Regulations Code, naming any class of persons or things subject to the provisions of The County

1 Code Enforcement Agency was cited in any charges or complaint made by Respondents against
2 Petitioners. Gov. Code § 11503 specifically states: "A hearing to determine whether a right,
3 authority, license or privilege should be revoked, suspended, limited or conditioned shall be
4 initiated by filing an accusation. The accusation shall be a written statement of charges which
5 shall set forth in ordinary and concise language the acts or omissions with which the respondent is
6 charged, to the end that the respondent will be able to prepare his defense. It shall specify the
7 statutes and rules."

8 37. It is an undisputed fact that no rule or regulation promulgated and published by the
9 executive head of the agency was cited in any charges or complaint made by Defendants against
10 Plaintiff.

11 38. It is an undisputed fact that even when a rule or regulation can be produced in evidence,
12 parties have right to discovery related to all records associated with drafting and promulgation of
13 the rule or regulation, to include transcripts of meetings, hearings and all related documents
14 pertaining to drafting the rule or regulation, in order that effected parties may determine how and
15 whether proper legislative oversight was exercised and directives issued to ensure intent of the
16 legislature is faithfully expressed in said rule or regulation and this case there is no oversight done
17 as shown below.

18 39. The Legislature set up two Commissions that are to exercise oversight of DBS/Fire/Public
19 works etc. 1. Building Standards Commission, 2. Office of Planning and research. Below from
20 each Commission the language used is directed as oversight to DBS, Fire, Public Works.

21 40. Let's look at the Building Standards Code, Code of Regulations Title 24 or California
22 Building Code (CBC) Volume I. CBC 1.1.8 put out by the Building Standards Commission. "The
23 provisions of this code do not limit the ... county governments to establish more restrictive and
24 reasonably necessary differences to the provisions contained in this code pursuant to complying
25 with Section 1.1.8.1."

26 41. Section 1.1.8.1.

27 42. 1. The city, county, or city and county shall make express findings for each amendment,
28 addition or deletion based upon climatic, topographical or geological conditions.

1 43. 2. The ... county shall file the amendments, additions or deletions expressly marked and
2 identified as to the applicable findings... shall file the amendments, additions or deletions, and the
3 findings with the California Building Standards Commission at 2525 Natomas Park Drive, Suite
4 130, Sacramento, CA 95833.

5 44. First of all none of this was done for the ordinances that were used against Plaintiff.

6 45. Next, The California Planning and Zoning Law 65008 states, "(a) Any action pursuant to
7 this title by any city, county, and county, or other local government agency in this state is null and
8 void if it denies to any individual or group of individuals the enjoyment of residence,
9 landownership, tenancy, or any other land use in this state".....

10 46.

11 47. The PRA request response by Mary C Wickam and Rorigo Castro Silva stated that they
12 have made a diligent search an no documents were found and that the county does not control
13 private roads nor require tests of the them. Yet the county had held Plaintiffs' plans stating that
14 the road first had to be paved and then that a test (certification) of the road for weight of fire
15 vehicles is required even though the road has been used by fire vehicles for 40 + years and
16 according to the engineer these roads were certified by engineers many times but each time there
17 is a new project they still want to require another test.

18 48. For the foregoing reasons, the agency above mentioned did not established subject-matter
19 jurisdiction over the Plaintiff by holding up Plaintiff's plans and on this ground alone the
20 administrative action initiated by said creature of the California state legislature must be vacated
21 with prejudice forthwith.

22 49. Now the county has been trying to take jurisdiction over a flat trailer that has its own license
23 plate issued by the state of California and further are rejecting batteries that are being sold all over
24 the world and have not been rejected by any other government stating that the batteries have to
25 have a listing and quoting a code that is an county ordinance that is being quoted as and electrical
26 code. As stated above the ordinances have to have oversight and are required to be sent to
27 Sacramento for oversight before they can be used as Building or Electrical Code in this case.
28 Plaintiff has talked to the defense attorneys for the county and they stated that the county personnel

1 are now only stating that the trailer is only the connection to the solar panels has to be inspected
2 whereas before they had stated that they had jurisdiction because it was permanent power it had to
3 be inspected. Then they said they had jurisdiction to require an uplift engineering. Then they
4 quoted and ordinance that allowed them to require listing of the trailer. This was all done through
5 a teams meeting, emails, phone calls and finally Plaintiff sent a message to the defense attorneys
6 requesting, to mitigate further damages to Plaintiff the attorney as a member of the court has a
7 fiduciary responsibility to try to mitigate further damages by the county. The only thing that may
8 have helped unless county council and defense attorneys misunderstood the county is that now
9 they are just requiring an inspection of the attachment of the solar panels to the flat trailer but they
10 are refusing to do the inspection. There is much more to this story that will come out at trial. The
11 batteries are still an issue that has not been resolved at all. The battery company provided a
12 research report which is usually all that is needed but the county is using the phony ordinances as
13 a WEAPON to stop the construction of the house. The other thing that should be noticed here is
14 the batteries are not dangerous to the public and are the same type of batteries that are being placed
15 in electrical cars but are even safer type of lithium. Then to top it off the county sent a code
16 enforcement agent out to write up a violation with another phony ordinance. This was simple 4
17 solar panels with low wattage 12 volts to keep a battery charged in a motor home but is not even
18 being used at the time since Plaintiff installed panels on the motor home and it is self contained
19 electrically. The panels in question are on a shipping container that does not come under the
20 building jurisdiction either. So the county is using these ordinances that are not law to destroy
21 people and invade those sacred property rights. Michael Watkins was a supervisor in these same
22 offices and knows that there is a lot of wickedness going on toward property owners. The county
23 has property owners upset all over the county. Also as you will see the county was evasive with
24 some of the PRA requests and did not even answer one. The county is committing fraud using
25 ordinances for building and then stating that some of them are planning ordinances yet they write
26 you up for building such as the 12 volt solar panels. If you are one of their Architects or Engineers
27 that they are getting kick backs from them you have no problem.

28 50. FIRST CAUSE OF ACTION

1 51. (Theft by Extortion/Fraud simulation of process in violation to 4th 5th 9th 14 th
2 amendments and Irreparable damages to hold up Plaintiff' Plans and caused irreparable damage to
3 the Watkins family by keeping them out of a house to live in) Also the cost of housing has
4 skyrocketed since the house was held up. Also Plaintiff had to go with a much less house because
5 the house in price went up and they no longer make the original plan that Plaintiffs' chose.

6 52. Plaintiff refers to and incorporates herein by this reference as though fully set forth
7 paragraph 1 through 38 of this Complaint.

8 53. As stated above Defendants knowingly made up a false report and then held Plaintiff's
9 plans to extort money.

10 54. By making a false report knowingly to harass Plaintiff to not be able to use his property as
11 stated above for the purpose of getting money is extortion. Further by not answering of the
12 Supervisor when noticed or requiring the Building Official/Fire Official of such violation proves
13 that it is intentional to commit fraud and extort money from Plaintiff. To simulate process by the
14 Supervisor not answering she may not make a pleading of incompetence. If they are not guilty she
15 could have easily answered. Each and every one of the aforementioned defendants each and all of
16 them violated there duties of office. All of the defendants were parties to the conspiracy to extort
17 moneys and steal property through extortion. They were paid monies and/or promised monies,
18 granted favors, promised future favors, received promotions, promised future promotions, took
19 bribes, promised future bribes, received kickbacks, promised future kickbacks, received certain
20 protections, promised future protections, received all manner of compensations and future
21 compensations. Relying on their knowing, wanton, malicious and willful falsification of the
22 record. Defendants wantonly, maliciously, and willingly take and maintain action against Plaintiffs
23 under color of law and not under color of law with intent to criminally fraudulently deceive
24 Plaintiffs into believing they had subject matter jurisdiction to steal Plaintiff's property and monies
25 with intent to Plaintiffs irreparable harm, damage, and injury with willful intent to take Plaintiffs'
26 property and liberty through extortion. All of this was done in the clear absence of subject matter
27 jurisdiction and a simulation of process.

28 55. SECOND CAUSE OF ACTION

1 56. (Theft Violation of the 14th Amendment and Fraud/Extortion)

2 57. Plaintiffs refers to and incorporates herein by this reference as though fully set forth
3 paragraph 1 through 41 of this Complaint.

4 58. The Supervisor did not answer when challenged even though she was given 10 days to
5 answer and wherefore backed up the code enforcement personnel in Fire Plan check area!

6 59. The first and 14th amendment of the Federal Constitution gives the citizen the right of due
7 process of law and the equal protection of the laws to defend against the state invasion to take
8 property or said monies.

9 60. Each and everyone of the afore mentioned defendants each all of them violated the 14th
10 amendment due process rights by the Supervisor not answering. She is now the one who has also
11 made the false reports because she did not answer.

12 61. As a result of the fraudulent conduct of defendants as herein alleged, Plaintiffs' have
13 suffered, and continues to suffer, actual damages in the nature of loss of lively hood and income
14 that Plaintiffs' could have earned. In addition Plaintiff has endured undue stress, mental anguish,
15 undue hardship and irreparable damage including lost use of the property.

16 62. The alleged conduct of defendants, their agents, employees and otherwise as herein alleged
17 were intentionally false promises, misrepresentations inclusive of deceit and or concealment of
18 material facts known to the defendants with the intention on the part of defendants of thereby
19 depriving Plaintiff of assets or legal rights or otherwise causing injury. The same was despicable
20 conduct that subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's
21 civil rights, constituting oppression, fraud and/or malice as defined by the 14th amendment to the
22 Federal Constitution.

23 63.

24 64. THIRD CAUSE OF ACTION

25 65. (Fraud/Extortion and violation of the 4th and 5th amendment in taking of the property
26 belonging to Plaintiff keeping Plaintiff from providing a house for two young children and
27 affecting livelihood)

28 66.

1 67. Plaintiffs refers to and incorporates herein by this reference as though fully set forth
2 paragraph 1 through 47 of this Complaint.

3 68. Defendants have held up Plaintiff's plans so Plaintiff may not provide a home for two
4 young children to live in.

5 69. Even though government officials are there to protect the citizens, but by these officials
6 coming in and violating Plaintiffs rights by falsifying documents to require Plaintiff certify a road
7 when the county has no records showing that it was ever required before on the roads in the area
8 and county council stated that the county does not control private roads and does not require tests
9 of them as stated above is beyond erroneous applications but is criminal behavior. As herein
10 alleged, Court Defendants promised Plaintiff that defendants would protect the rights of all
11 citizens. Specifically promised to protect the citizen's rights. The forth amendment gives rights
12 of people to be free in their persons, houses, papers, and effects...

13 70. By enforcing requirements that do not exist and holding up plans keeping Plaintiff from a
14 house for two young children is also a violation of the 5th amendment under the taking clause by
15 regulatory taking.

16 71. The courts must get involved in such evil if not the evil will become even more evil. At
17 the time defendants made the promises to all citizens, defendants had no intention of performing
18 on them. The truth, known to defendants but unknown to Plaintiff was that Defendants knew each
19 other and conspired to harm Plaintiff. Defendants conspired to take away Plaintiff's rights to his
20 monetary property and to his lively hood.

21 72. As a result of the fraudulent conduct of defendants as herein alleged, Plaintiff has suffered,
22 and continues to suffer, actual damages in the nature of loss of lively hood and income that Plaintiff
23 could have had. Plaintiff suffers irreparable damage to loss of property.

24 73. The alleged conduct of defendants, their agents, employees and otherwise as herein alleged
25 were intentionally false promises, misrepresentations inclusive of deceit and or concealment of
26 material facts known to the defendants with the intention on the part of defendants of thereby
27 depriving Plaintiff of assets or legal rights or otherwise causing injury and the infringement of
28 property rights. The same was despicable conduct that subjected Plaintiff to cruel and unjust

1 hardship in conscious disregard of Plaintiff's rights, constituting oppression, fraud and/or malice
2 as defined by the fourth amendment to the Federal Constitution.

3 74.

4 75. FOURTH CAUSE OF ACTION

5 76. (Abuse of process a violation of the 9th and 14th amendment to take property and
6 livelihood)

7 77.

8 78. Plaintiffs refers to and incorporates herein by this reference as though fully set forth
9 paragraph 1 through 54 of this Complaint

10 79. Defendants made a false report so Plaintiff could not have a home for two young children.

11 80. Defendants simulate process by falsifying documents. Defendants prosecute Plaintiff with
12 no valid reason except there own self-seeking interest. Defendants secretly and purposely intended
13 to steal monetary funds and infringe on Plaintiff's property. Therefore Defendants prosecute
14 Plaintiff an abuse of process wherein plaintiff was not served and no jury trial was allowed or
15 offered before taking away lively hood.

16 81. The alleged conduct of defendants, their agents, employees and otherwise as herein alleged
17 were intentionally false promises, misrepresentations inclusive of deceit and or concealment of
18 material facts known to the defendants with the intention on the part of defendants of thereby
19 depriving Plaintiff of assets or legal rights or otherwise causing injury. The same was despicable
20 conduct that subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff,
21 constituting oppression, fraud and/or malice as defined by the 9th amendment to the Constitution
22 of the United States.

23 82. As a result of the fraudulent conduct of defendants as herein alleged, Plaintiff has suffered,
24 and continues to suffer, actual damages of interruptions and loss of property. Plaintiff has
25 suffered, and continues to suffer, actual damages of his rights to a use of his property taken away,
26 among other damages in a sum, the full extent of which is presently unknown and which will be
27 established at time of trial according to proof.

28 83.

1 84. FIFTH CAUSE ACTION

2 85. (Exceeding Jurisdiction a violation of the 14th amendment)

3 86. Plaintiffs refers to and incorporates herein by this reference as though fully set forth
4 paragraph 1 through 59 of this Complaint.

5 87. County personnel exceeded their jurisdiction when they knew what the rule of law was and
6 even quoted it and then did not go by it. "An act done in complete absence of all jurisdiction
7 cannot be a judicial act". Piper v. Pearson, id. 2 Gray 120. It is no more than the act of a private
8 citizen, pretending to have judicial power which does not exist at all. In such circumstances, to
9 grant absolute immunity is contrary to the public policy expectation that there shall be a Rule of
10 Law. It is also against the fact that this country was founded on the rule of law. It totally violates
11 the property rights jurisdiction laws that states a person will be safe on there property. Defendants
12 held Plaintiff's property from providing a home for two young children by reports that they knew
13 were false and not according to law.

14 88. "Where fundamental personal liberties are involved, they may not be abridged by the States
15 simply on a showing that a regulatory statute has some rational relationship to the effectuation of
16 a proper state purpose. Where there is a significant encroachment upon personal liberty, the State
17 may prevail only upon showing a subordinating interest which is compelling. City of Carmel-By-
18 The-Sea, v. Young, 466 P.2d 225, 232; 85 Cal. Rptr. 1 (1970)

19 89. Another US Supreme Court decision: "The Court held that such general government
20 interests were not sufficient to satisfy the compelling interest standard" Gonzales, Attorney
21 General, et al v. Espirita Uniao Do Vegetal et al No. 04-1084 (2006).

22 90. Another US Supreme Court decision: "...The compelling state interest...did not apply."
23 Wisconsin Right to life, Inc. Appellant v. Federal Election Commission

24 91. Another US Supreme Court decision: "...Villages interests... could not support the
25 ordinances..." Watchtower Bible & Tract Society of New York, Inc., et al v. Village of Stratton
26 et al. No. 00-1737(2002).

27 92.

28

1 93. Defendants prosecute Plaintiff with no valid reason except there own self-seeking interest.
2 Defendants secretly and purposely intended to steal property. Therefore Defendants prosecute
3 Plaintiff an abuse of process wherein no jury trial is allowed or offered before taking away lively
4 hood and no meeting was set up with Supervisors to discuss what was being done even request
5 were made several times.

6 94. The alleged conduct of defendants, their agents, employees and otherwise as herein alleged
7 were intentionally false promises, misrepresentations inclusive of deceit and or concealment of
8 material facts known to the defendants with the intention on the part of defendants of thereby
9 depriving Plaintiff of assets or legal rights or otherwise causing injury and the infringement of the
10 above mentioned property. The same was despicable conduct that subjected Plaintiff to cruel and
11 unjust hardship in conscious disregard of Plaintiff, constituting oppression, fraud and/or malice as
12 defined by the 14th amendment to the Constitution of the United States.

13 95. As a result of the fraudulent conduct of defendants as herein alleged, Plaintiff has suffered,
14 and continues to suffer, actual damages in the nature of lost livelihood and use of property for
15 which it is intended to be used for.

16 96.

17 97.

18 98. SIXTH CAUSE OF ACTION

19 99. (Obstruction of Justice violation of due process 14th amendment & fraud including taking
20 property by simulation of process)

21 100. Plaintiff refers to and incorporates herein by this reference as though fully set forth
22 paragraph 1 through 63 of this Complaint.

23 101. The hearings on the matter were a simulation of process since the County and County
24 Building Official/Fire Official or the County Supervisor did not answer. As a result of the
25 fraudulent conduct of defendants as herein alleged, Plaintiff has suffered, and continues to suffer,
26 actual damages in the nature of lost livelihood and does not have a house to live in. Under the
27 constitution of California and the 14th amendment of the Constitution of the United Sates Plaintiff
28 has a right to be free from government intervention without due process of law. California

1 Constitution Article I § 1 and Article I § 3 (b) (4) and the 14th amendment of the Federal
2 Constitution gives Plaintiff the right to protect his property from invasion without due process of
3 law by filing this law suit. Plaintiff was not provided due process of law to have the case heard by
4 the Federal courts where the cases belong or even a hearing was not allowed. Fire personnel were
5 given absolute power with no way to challenge their decisions. Even after they were proved
6 wrong by a Public Records request they still simulate process. Plaintiffs' rights were violated and
7 Plaintiff was railroaded. The second sentence of section 1 the Fourteenth Amendment states: "No
8 state shall deprive any person of life, liberty, or property, without due process of law.

9 102. Article 1, Section 7(a), Constitution of the State of California that states; A person may not
10 be deprived of life, liberty, or property without due process of law or denied equal protection of
11 the laws. Also Postal Telegraph Cable Co. v. Newport, 247 U.S., 464, 476 (1918); Baker v. Baker,
12 Eccles and Co., 242 U.S. 294, 403 (1917); Louisville & Nashville RR v. Schmidt, 177 U.S. 230,
13 236 (1900) A state may not, consistent with the due process clause, enforce a judgment against a
14 party named in the proceeding without having given him an opportunity to be heard sometime
15 before final judgment is entered. Proceedings in which due process must be observed. While due
16 notice and a reasonable opportunity to be heard to present one's claim or defense have been
17 declared to be two fundamental conditions almost universally prescribed in all systems of law
18 established by civilized countries. Twining v. New Jersey, 211 U.S. 78, 110 (1908); Jacob v.
19 Roberts, 223 U.S. 261, 265 (1912).

20 103. "All sovereign power is vested in the citizens of the state, who are limited only as expressed
21 in the Constitution. State v. Shumaker, 63 A. L. R. 218; 200 Ind. 716, 164 N.E. 408

22 104. "Where fundamental personal liberties are involved, they may not be abridged by the States
23 simply on a showing that a regulatory statute has some rational relationship to the effectuation of
24 a proper state purpose. Where there is a significant encroachment upon personal liberty, the State
25 may prevail only upon showing a subordinating interest which is compelling. City of Carmel-By-
26 The-Sea, v. Young, 466 P.2d 225, 232; 85 Cal. Rptr. 1 (1970)

27 105. "The 'liberty' guaranteed by the constitution must be interpreted in the light of the common
28 law, the principles and history of which were familiar and known to the framers of the constitution.

1 This liberty denotes the ‘right of the individual to engage in any of the common occupations of
2 life, to locomote, and generally enjoy those rights long recognized at common law as essential to
3 the orderly pursuit of happiness by free men.” Myer v. Nebraska, 262 U.S. 390; United States v.
4 Kim Ark, 169 U.S. 649, 654.

5 106. “The rights of the individual are not derived from governmental agencies, either municipal,
6 state, or federal or even from the Constitution. They exist inherently in every man, by endowment
7 of the Creator, and are merely reaffirmed in the Constitution, and restricted only to the extent that
8 they have been voluntarily surrendered by the citizenship to the agencies of government. The
9 people’s rights are not derived from the government, but the government’s authority comes from
10 the people. The Constitution but states again these rights already existing, and when legislative
11 encroachment by the nation, state, or municipality invade these original and permanent rights, it is
12 the duty of the courts to so declare, and to afford the necessary relief”. City of Dallas, et al. v.
13 Mitchell, 245 S.W. 944, 945-46 (1922)

14 107. “Primacy of position in our state constitution is accorded the Declaration of Rights; thus
15 emphasizing the importance of those basic and inalienable rights of personal liberty and private
16 property which are thereby reserved and guaranteed to the people and protected from arbitrary
17 invasion or impairment from any governmental quarter. The Declaration of Rights constitutes a
18 limitation upon powers of every department of the state government.” State ex rel. Davis v. Sturart,
19 64 A.L.R. 1307, 97 Fla. 69, 120 So 335.

20 108. “Primacy of position” means no provision of any of the succeeding Articles of the
21 California state constitution may be interpreted as meaning that any power whatsoever has been
22 conferred therein to any office, which can only be occupied by a state political trustee, of the
23 California state government which may operate to derogate or abrogate any of the people’s
24 common law inalienable rights. This same fact of life exists in each and every one of the aforesaid
25 states and is guaranteed by the United States Constitution.

26
27 Watkins other case specifically
28

1 1. Plaintiffs Michael Watkins (MW) and Maryann Watkins (MAW) rights were violated
2 when MW had worked for and in the capacity of Union Inspector of Record (casual employee
3 which means that you can only work for 9 months and then take off for 3 months and then come
4 back) under Defendants.

5 2. Then latter Plaintiff was moved to contract at the request of Edward Milam.

6 3. This however took away union retirement. The reason as Edward Milam explained to
7 Plaintiff MW we can't afford for you to be gone for 3 months so we need you to move over to
8 contract. Then latter after working approximately 3 years in this capacity Defendants approached
9 MW to take a job with ISS of CDCR in the same capacity as an employee. MW was working at
10 the Vanuys Airport a division of LAX under the City of Los Angeles. Here Plaintiff was making
11 85 dollars per hour according to contract.

12 4. Plaintiff asked Edward Milam what they were offering? Answer by Edward Milam:

13 CONTRACT:

14 5. We will make sure that you do not have far to drive.

15 6. We will provide you with a state car in Wasco close to where you stayed as when you were
16 under contract in Lost Hills.

17 7. We will give you permanent status in one year.

18 8. You will get CAL PERS retirement system.

19 9. You will get the full employee package that includes days off with pay and paid vacation.
20 Also so many leave days.

21 10. You will be able to buy back your time as a casual employee that you already worked for
22 the state to add to the CAL PER's retirement.

23 11. You will be able to work as long as you want to build more retirement.

24 12. Plaintiff accepted their offer and moved the trailer north 2 hrs after a two week notice to
25 the contracted company and also MAW who is a nurse also put in her two week notice with
26 resignation. Then as mentioned above MW and MAW moved their family to an RV park in Lost
27 Hills California.

28

1 13. Before moving during the interview process MW asked what kind of guarantee MW would
2 have. Defendant Edward Milam and William Westin stated to MW that Plaintiff has worked with
3 us for 3 years and we have the authority to make this happen and we will make it happen, you
4 don't have to worry. Joe Banuelos was used to reassure Plaintiff along the way that everything
5 was going to work out and stated see they got you a car so you don't have to drive very far just
6 like they promised. He would state every time that MW would take time off, see you are getting
7 time off with pay. He would continue to remind MW of the benefits of working as an employee.

8 14. MW was getting the prevailing wage rate before from the state as required as a casual and
9 under contract the full amount of prevailing wage plus extra money since MW was required to
10 provide his own tools and car the amount at the time was \$85.00 dollars per hour for contract when
11 MW worked for the State previously under contract. MW was providing out of town housing and
12 out of town expenses.

13 15. These 3 defendants continued to make promises until MW was an employee for a year.
14 Two months before the end of the year Plaintiff reminded Edward Milam of the permanent status
15 promised. Edward Milam stated that he would put it in right away and reminded Plaintiff again
16 that Plaintiff could buy back his time as a casual and that Plaintiff is on his way to getting
17 retirement.

18 16. Latter MW asked Edward Milam if the permanent status had been approved and Edward
19 Milam stated that it had been approved that it was just a formality and Plaintiff would get it in
20 writing at the end of the year.

21 17. After the year was up Plaintiff asked William Westin if he had gotten the approved
22 permanent status in writing and he stated no because of covid 19 but we will approve it and we
23 got you approved for another year. He also stated to remind him because he has a meeting every
24 Wednesday and he will bring it up until permanent status is granted.

25 18. Later he said, why do they give me these types of positions. However we can get you
26 permanent where someone retires and we can give you their number.

27 19. Plaintiff sent a demand letter for the amount that Plaintiff would have had, had he worked
28 under contract since they broke the employee contract.

1 20. From: Watkins, Michael Michael.Watkins@cdcr.ca.gov
2 21. Sent: Wednesday, March 24, 2021 12:25 PM
3 22. To: Westin, William@CDCR <William.Westin@cdcr.ca.gov>; Spain, John@CDCR
4 <John.Spain@cdcr.ca.gov>; Milam, Edward@CDCR <Edward.Milam@cdcr.ca.gov>; McCall,
5 Jim@CDCR <Jim.McCall@cdcr.ca.gov>; Haight, Marty@CDCR <Marty.Haight@cdcr.ca.gov>;
6 Barringer, Guy@CDCR <Guy.Barringer@cdcr.ca.gov>
7 23. Subject: Permanent Status
8 24. Where are we with permanent status? I am at a loss. When you work as a contractor then
9 the Union pay is required since the work comes under prevailing wage requirements. Both you
10 and Edward Milam encouraged me to take the job which was temporary/permanent. I questioned
11 that and your statements were that you determine that it goes to permanent status after a year. Now
12 you are stating that because of Coved 19 you cannot do that since I am over the age of 65. Now
13 you are telling me to wait because you will be able to still put me on permanent status during this
14 year. Here is the Loss. The promise was that I would receive CAL PERS. Under contract,
15 retirement is included in the 85 dollars an hour that RMA pays. Vacation Pay is also included in
16 that. Just for the first year 85 dollars an hour is \$176,000.00. \$176,000.00-\$57,000 = \$119,000.00.
17 I have worked over a year so there is more that is owed unless you put me into permanent status.
18 25. Then Defendant Edward Milam stated that Plaintiff will have to go to Corcoran to pick up
19 the state car when doing inspections for them. MW let him know and let William Westin that it is
20 now a two hour drive round trip which is a further breach of the employee contract since they
21 already breached the contract by not giving permanent status after a year. See email below. Then
22 Plaintiff sent a copy of the law suit that would be filed. He then canceled that after receiving a
23 draft of the law suit. He took the car about a month later when there was a determination to let
24 Plaintiff go or go out on leave.
25 26. From: Milam, Edward@CDCR <Edward.Milam@cdcr.ca.gov>
26 27. Sent: Thursday, April 15, 2021 10:23 AM
27 28. To: Watkins, Michael <Michael.Watkins@cdcr.ca.gov>; Banuelos, Joe@CDCR
28 <Joe.Banuelos@cdcr.ca.gov>

1 29. Cc: Westin, William@CDCR <William.Westin@cdcr.ca.gov>; Jones, Aaron@CDCR
2 <Aaron.Jones@cdcr.ca.gov>

3 30. Subject: Relocation of State Vehicle 19606 Assigned for ISS UsI sent a calendar invite for
4 this. Mike, state vehicle 19606 will be stored at CSP-C beginning Monday April 19th. The 3 of us
5 will use the 2 vehicles from that pool as needed out of the CSP-C office with no one assigned to
6 either exclusively. Be certain you both correctly utilize the log when using the vehicle(s) and I will
7 facilitate turning in the logs to vehicle maintenance each month. Joe will provide Mike a ride back
8 to his personal vehicle at WSP after the car is delivered to CSP-C. Joe your remaining day should
9 be administrative duties at CSP-C.

10 31. Ed Milam

11 32. Regional Manager

12 33. Inspection Services Section - Central

13 34. Facility Planning, Construction & Management Division

14 35. California Department of Corrections & Rehabilitation

15 36. California State Prison-Corcoran

16 37. 4001 King Avenue

17 38. Corcoran, Ca. 93212

18 39. From: Watkins, Michael

19 40. Sent: Thursday, April 15, 2021 12:51 PM

20 41. To: Milam, Edward@CDCR <Edward.Milam@cdcr.ca.gov>; Westin, William
21 <William.Westin@cdcr.ca.gov>

22 42. Cc: Spain, John@CDCR <John.Spain@cdcr.ca.gov>; McCall, Jim@CDCR
23 <Jim.McCall@cdcr.ca.gov>; Haight, Marty@CDCR <Marty.Haight@cdcr.ca.gov>; Flynn,
24 Mark@CDCR <Mark.Flynn@cdcr.ca.gov>; Blim, Marianne <marianne.blim@cdcr.ca.gov>;
25 Kipp, Tammy@CDCR <Tammy.Kipp@cdcr.ca.gov>; Luo, Ming@CDCR
26 <Ming.Luo@cdcr.ca.gov>

27 43. Subject: RE: Relocation of State Vehicle 19606 Assigned for ISS Use

28 44. Hi Ed,

1 45. This is a further breach of our agreement. You agreed if I took the Job I would have use
2 of a state vehicle from Wasco so my drive would be very little. I might add you kept this agreement
3 for one year and approximately 3 months so far. I will have to send you an invoice for the extra
4 drive which is one hour drive each way. Also as stated in another email recently there is already
5 a breach without permanent status I cannot collect California retirement plan and cannot buy a
6 house in the area. As you all know I am working out of town with no reimbursement from the
7 state. There is a two hour drive back home one way every week. The loss thus far is approximately
8 \$115,000.00.

9 46. Then William retaliated with emails by stating that it was absurd and that there were no
10 guarantees that Plaintiff's employment would continue. Then started sending emails to Plaintiff
11 with threats that Plaintiff was misquoting William, that others were complaining about Plaintiff's
12 inspection and called for a meeting and threatened Plaintiff that Plaintiff had to comply with the
13 meeting. It should be noted here that he had not complained about Plaintiff previously and Plaintiff
14 had done nothing wrong and did not misquote William. Also he had not complained in the 3 years
15 that Plaintiff had worked for them. So then Plaintiff sent many emails to managers and the like
16 about the wrong doing of Defendants including the director of CDCR with a copy of the law suit
17 that would be filed.

18 47. Plaintiff was then put under another manager named Guy Barringer to continue to do
19 inspections. However they had already made it so that Plaintiff could not do inspections by
20 rejecting Plaintiff at the prison and threatening Plaintiff stating that Plaintiff cannot come in to the
21 prison again with allergies even though Plaintiff had been there the whole time with allergies
22 although not rejected or threatened about the allergies. Guy Barringer noticed Plaintiff that
23 Plaintiff was scheduled to do an inspection. Plaintiff emailed Guy a copy of the rejection and a
24 copy of the highlighted part of the notice to all employees where the nurse threatened Plaintiff to
25 self diagnose and not to come in if Plaintiff had any symptoms or Plaintiff would be in trouble.
26 Guy Stated, that's on them. So the day of the schedule Plaintiff had symptoms and so he did not
27 come in. Next then Guy took it up to his Superiors. Then after the termination letter Guy stated
28 that Plaintiff is required to come in and get his final check to drop off computers and other property

1 to him. He stated we got you approved to come in with your allergies. When Plaintiff refused to
2 come in, since Plaintiff had already moved the travel trailer back to his property in Acton and it is
3 a approximately a 3 hour drive from Acton back, he was going to call the Highway Patrol because
4 Plaintiff had State property. Plaintiff then stated go a head Plaintiff is not obligated to drive all
5 the way back if not being compensated. Further Plaintiff stated that if he would send a Label and
6 a package that Plaintiff would then send the items back. After many emails back to them they
7 finally sent the package and a label. Did you pick that up, they got Plaintiff approved to come in
8 with allergies yet before that Plaintiff was threatened not to come in. This is explained in more
9 detail below in 30.

10 48. Now it is clear that Defendants never intended to comply with their agreement and that
11 they just wanted MW to pay into the retirement pool. It is clear that Defendants made these
12 promises but they never had intention of keeping them. It is clear that Defendants induced
13 Plaintiffs to believe they would keep the agreement but had no intentions to comply with the
14 agreement.

15 49. The state of California saved, by the above trickery of Defendants, approximately
16 140,000.00 plus the amount that they would have to pay RMA. RMA is the company that got the
17 state contract to provide inspectors for prevailing wage projects. The state of California benefited
18 by the trickery not having to pay prevailing wages and contract amount to RMA. Further in 1974
19 the Federal Government made the Employee Retirement Income Security Act of 1974 (ERISA) to
20 limit the time of vesting to 3 years. The reason that the act was made was because entities such as
21 the state of California who do not pay into social security because they have there own retirement
22 plan were abusing the rule. The rule behind allowing these types of entities to do their own
23 retirement was because if they followed the basic plan so that there retirement plan would be able
24 to take the place of social security requirements then it would be acceptable. So there needs to be
25 another act because these entities all over the country are abusing these principles. If you pay into
26 social security there is no vesting period you get credit for every dollar paid in. Many cities and
27 unions still abuse this privilege by hiring someone and then when it is time to be vested making it
28 difficult or impossible to get vested. So then all the dollars that are paid in are kept by the entity.

1 In this case they did the Plaintiffs out of prevailing wages, they did the Plaintiffs out of their
2 retirement. This has happened to MW a few times. When MW was very young MW was in the
3 decorating union. The business agent in Pasadena California liked MW and said stick close to him
4 and he will make sure MW would get vested. He then died. However MW did get in over 5 years
5 and then could no longer go up and down ladders as was required as a paper hanger because of
6 two operations to the right knee and had to go into a less strenuous occupation as an Inspector. So
7 there is another 5 years of retirement lost because this was before ERISA. This happened for a
8 city also. Plaintiffs will also interject here that the Business Agent also told MW out right that
9 they take measures so that a lot of the union personnel will not get vested. However in the City of
10 Los Angeles MW was a Commercial Building Inspector "employee" and every dollar paid in was
11 accounted for. You can leave it in or transfer to a 401K. MW did transfer the retirement earned,
12 into a 401K, after leaving the City of Los Angeles.

13 50. Why this dialogue, because it is a real concern and now MW is looking at another loss of
14 income and retirement because the above mentioned trickery. This time MAW is also out this
15 income and retirement and the income that she was making before the move with these promises,
16 promises, promises that Defendants had no intension of keeping.

17 51. This is also being challenged herein that the ability for an entity to not pay cal pers dollars
18 paid in for the time worked is a violation of the constitution. The constitution guarantees equal
19 justice to all. This is a very unjust practice that is still being done even though the Federal
20 Government made ERISA. ERISA did not solve the issue. "The rights of the individual are not
21 derived from governmental agencies, either municipal, state, or federal or even from the
22 Constitution. They exist inherently in every man, by endowment of the Creator, and are merely
23 reaffirmed in the Constitution, and restricted only to the extent that they have been voluntarily
24 surrendered by the citizenship to the agencies of government. The people's rights are not derived
25 from the government, but the government's authority comes from the people. The Constitution
26 but states again these rights already existing, and when legislative encroachment by the nation,
27 state, or municipality invade these original and permanent rights, it is the duty of the courts to so

28

1 declare, and to afford the necessary relief". City of Dallas, et al. v. Mitchell, 245 S.W. 944, 945-
2 46 (1922)

3 52. To top it off because MW was not happy with their trickery Defendants wrongfully
4 terminated Plaintiff MW. First they required MW to do a an inspection and then rejected MW at
5 the Prison that he was supposed to do the inspection saying that because he was sneezing that he
6 could not go in. Also the RN threatened MW saying that if he came in again to the prison sneezing
7 that he would be in trouble. She highlighted the notice to all employees where it stated to self
8 diagnose and if you have symptoms to not come into the prison. MW had been doing inspections
9 earlier with allergies and was not questioned. Next they requested a letter from MW's doctor.
10 Then when that was provided to them they had Shelly Friend in the department call MW who
11 threatened MW that he would have to go without pay until the condition would be mitigated or
12 would have to quit working. MW has had allergies all his life so the condition would never be
13 mitigated. So here the person was going against MW's right to work and get paid for it or go on
14 disability. It is against the law for a person of the state to declare a disability and then state you
15 cannot get compensated for it. So Plaintiffs had retained a Firm OPTIMUM EMPLOYMENT
16 LAWYERS to handle this part of the law. However since the intimidation by the attorney generals
17 office they are no longer representing in that part of the case. Plaintiff was terminated and the
18 reason that was given in the termination letter was the email that I sent to Shelly Friend who was
19 stating that I had to go on leave without pay. See exhibit A Termination Letter.

20 53. michael watkins <the_inventorinc@yahoo.com>

21 54. To:Celine

22 Cooper,kathleen.Allison@cdcr.ca.gov,John.Spain@cdcr.ca.gov,Edward@CDCR

23 Milam,William@CDCR Westin,Marianne

24 Blim,Dean.Borg@cdcr.ca.gov,Tammy.kipp@cdcr.ca.govHide

25 55. Mon, Jul 12, 2021 at 12:03 PM

26 56. Hi Shelly,

27 57. It was nice to talk to you today.

28 58. Notice:

1 59. 1. I am not requesting reasonable accommodation.
2 60. 2. Allergies are not a disability.
3 61. 3. Allergies are not stopping me from going into the prison.
4 62. 4. Your prison restrictions are the only thing that is stopping me from going into the
5 prison so this is the responsibility of the people who are making the restrictions to solve the matter
6 and is on them as Guy Barriger stated to me.
7 63. 5. You are not to handle this and do not have my consent to handle it as a disability
8 because it isnot. I have been working with allergies for most of my life.
9 64. 6. I was handed a rejection signed by the RN because I had Coved like symptoms and
10 she gave me the CDC requirement to self-evaluate highlighted and then stated that I would be in
11 trouble if I came in again with symptoms even though I told her they were allergies.
12 65. 7. It was Guy Barringer who required the letter from the Doctor stating that I had
13 allergies and was following direction from John Spain and William Westin.
14 66. 8. The doctors letter is because of the rejection that occurred at the prison.
15 67. 9. I have been working mostly at home with VPN card approximately one year and 3
16 months because of Coved and had no allergy symptoms and still was scheduled inside the prison
17 very little during the whole time.
18 68. 10. John Spain is William Westin's Supervisor and William is Guy Barringer's
19 Supervisor.
20 69. 11. If you pursue this any further as reasonable accommodation for a disability then we
21 will take this up to higher levels within the department.
22 70. 12. If you have reason that your department is to handle this issue then you are to explain
23 them here and now legally. The director of your department is to be given this notice before any
24 further communication to me. The notice above is a legal notice and it will be used against you in
25 a court of law "Federal Court" if you pursue it any further. The Supervisors at Inspection Services
26 are responsible to take the restrictions to the proper place. Thanks again for your help in this
27 matter.
28

1 71. The claim form was presented to the state. The time has passed for the state to respond
2 and has not. See form presented with the 3rd amended complaint.

3 72. Statement of law on that form is entered herein for wrongful termination. Wrongful
4 Termination and Retaliation in Violation of Labor Code 232.5; 1102.5; 12940(h); and Public
5 Policy; Disability Discrimination in Violation of Government Code 12940(a); Failure to Prevent
6 Discrimination in Violation of Government Code 1940(k); Failure to Provide a Reasonable
7 Accommodation in Violation of Government Code 12940(m).

8 73. Added to all of the above is the fact that CDCR held up the treatment for Plaintiff's knee
9 injury and refused to have an evaluation done. According to the attorneys who are handling the
10 case against State Fund when asked, how can State Fund take directions from CDCR without an
11 evaluation from a doctor. The doctor in charge of treatment stated to Plaintiff that he would
12 recommend surgery for the knee. The treatments took a lot of the pain away. Now the knee is still
13 popping and is not all the way healed. The state sent Plaintiff to a shrink and the shrink said he
14 was going to recommend Plaintiff to be seen by a doctor for that purpose. To this day somehow
15 State Fund is taking direction from CDCR and has refused to have Plaintiff evaluated so that
16 Plaintiff could continue the treatment. Talking to the attorney handling State Fund, stated to
17 Plaintiff that Plaintiff could sue for this fraud by CDCR but they do not handle that kind of law.
18 They are only dealing with State Fund directly. So CDCR is sued herein for this fraud since they
19 have not allowed for evaluation and have required State Fund to deny the claim according to State
20 Fund in a letter to Plaintiff.

21 74. FIRST CAUSE OF ACTION

22 75. (Breach of agreement)

23 76. Plaintiffs to and incorporates herein by this reference as though fully set forth paragraph 1
24 through 32 of this Complaint.

25 77. Each and every one of the aforementioned defendants each and all of them violated
26 Plaintiff's rights and encompasses all Defendants and allows no exceptions for qualified immunity
27 of their respective offices. All of the defendants were parties to the conspiracy to induce Plaintiff
28 to work without retirement and now without close proximity to the state vehicle. Relying on their

1 knowing, wanton, malicious and willful falsification of promises. Defendants wantonly,
2 maliciously, and willingly take and maintain action against Plaintiffs under color of law and not
3 under color of law with intent to criminally fraudulently deceive Plaintiffs into believing they
4 would fulfill the agreement to Plaintiffs irreparable harm, damage, and injury with willful intent
5 to take Plaintiffs' property and liberty. All of this was done in the clear absence of protecting
6 Plaintiff's rights and a simulation of process to use Plaintiff without the agreed compensation.

7 78. SECOND CAUSE OF ACTION

8 79. (Violation of the 14th Amendment and Challenge of Constitutional equal justice)

9 80. Plaintiffs refer to and incorporates herein by this reference as though fully set forth
10 paragraph 1 through 34 of this Complaint

11 81. The first and 14th amendment of the Federal Constitution gives the citizen the right of due
12 process of law and the equal protection of the laws to defend against the invasion to take property
13 belonging to him to freely work without threats.

14 82. Also Plaintiffs are challenging the right for the state to be able to take money paid in to the
15 retirement plan because someone is not vested as violating the equal justice and equality and
16 fairness that the constitution guarantees. Also for violation of Plaintiffs right to have treatment for
17 the job injury as stated above and according to State Fund in a letter of denial to Plaintiff stating
18 that CDCR is requiring them to deny the claim.

19 83. Each and everyone of the afore mentioned defendants each and all of them violated the
20 14th amendment due process rights by not keeping there promises and threatening Plaintiff and
21 then terminating without cause.

22 84. As a result of the fraudulent conduct of defendants as herein alleged, Plaintiff has suffered,
23 and continues to suffer, actual damages in the nature of loss of lively hood and income that
24 Plaintiffs' could have earned. In addition Plaintiff has endured undue hardship and irreparable
25 damage by threats including loss of compensation and wrongful termination.

26 85. The alleged conduct of defendants, their agents, employees and otherwise as herein alleged
27 were intentionally false promises, misrepresentations inclusive of deceit and or concealment of
28 material facts known to the defendants with the intention on the part of defendants of thereby

1 depriving Plaintiff of assets or legal rights or otherwise causing injury and to use Plaintiff but not
2 to compensate as agreed. The same was despicable conduct that subjected Plaintiff to cruel and
3 unjust hardship in conscious disregard of Plaintiff's civil rights, constituting oppression, fraud
4 and/or malice as defined by the 14th amendment to the Federal Constitution.

5 86. THIRD CAUSE OF ACTION

6 87. (Bate and Switch Fraud, Fraud)

7 88. Plaintiffs refers to and incorporates herein by this reference as though fully set forth
8 paragraph 1 through 40 of this Complaint

9 89. As herein alleged, Defendants promised Plaintiff that defendants would protect the rights
10 of Plaintiff. Specifically promised to keep agreements made. Plaintiff was used without agreed
11 compensation. Plaintiff was promised as stated above and then switched and are not doing what
12 they agreed to and then made threats to Plaintiff and followed up with wrongful Termination. Also
13 CDCR commits fraud for requiring somehow that State Fund deny the claim according to State
14 Fund.

15 90. At the time defendants made the promises to Plaintiffs, defendants had no intention of
16 performing on them. The truth, known to defendants but unknown to Plaintiffs was that
17 Defendants knew each other and conspired to harm Plaintiff. Defendants conspired to take away
18 Plaintiff's rights to his monetary property and to his lively hood and used Plaintiff without agreed
19 compensation.

20 91. As a result of the fraudulent conduct of defendants as herein alleged, Plaintiff has suffered,
21 and continues to suffer, actual damages in the nature of loss of lively hood and income that Plaintiff
22 could have had. Plaintiff suffers irreparable damage.

23 92. The alleged conduct of defendants, their agents, employees and otherwise as herein alleged
24 were intentionally false promises, misrepresentations inclusive of deceit and or concealment of
25 material facts known to the defendants with the intention on the part of defendants of thereby
26 depriving Plaintiff of assets or legal rights or otherwise causing injury. The same was despicable
27 conduct that subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's
28 rights, constituting oppression, fraud and/or malice as defined by the the Federal Constitution.

1 93. FORTH CAUSE OF ACTION

2 94. (Taking a way livelihood, Violation of labor Codes, Wrongful Termination, Fraud not
3 allowing for treatment of Plaintiff's knee)

4 95. Plaintiff refers to and incorporates herein by this reference as though fully set forth
5 paragraph 1 through 45 of this Complaint

6 96. State employees are required to comply with general law and the laws of the Constitution
7 of the United States.

8 97. Plaintiff's rights were violated when Defendants made promises and had no intention of
9 keeping them and then violated several labor codes in the process including Wrongful Termination
10 and Retaliation in Violation of Labor Code 232.5; 1102.5; 12940(h); and Public Policy; Disability
11 Discrimination in Violation of Government Code 12940(a); Failure to Prevent Discrimination in
12 Violation of Government Code 1940(k); Failure to Provide a Reasonable Accommodation in
13 Violation of Government Code 12940(m). Also requiring State Fund to deny Plaintiffs claim and
14 stop treatment.

15 98. "All sovereign power is vested in the citizens of the state, who are limited only as expressed
16 in the Constitution. State v. Shumaker, 63 A. L. R. 218; 200 Ind. 716, 164 N.E. 408 "The 'liberty'
17 guaranteed by the constitution must be interpreted in the light of the common law, the principles
18 and history of which were familiar and known to the framers of the constitution. This liberty
19 denotes the 'right of the individual to engage in any of the common occupations of life, to
20 locomote, and generally enjoy those rights long recognized at common law as essential to the
21 orderly pursuit of happiness by free men.' Myer v. Nebraska, 262 U.S. 390; United States v. Kim
22 Ark, 169 U.S. 649, 654.

23 99. "The rights of the individual are not derived from governmental agencies, either municipal,
24 state, or federal or even from the Constitution. They exist inherently in every man, by endowment
25 of the Creator, and are merely reaffirmed in the Constitution, and restricted only to the extent that
26 they have been voluntarily surrendered by the citizenship to the agencies of government. The
27 people's rights are not derived from the government, but the government's authority comes from
28 the people. The Constitution but states again these rights already existing, and when legislative

1 encroachment by the nation, state, or municipality invade these original and permanent rights, it is
2 the duty of the courts to so declare, and to afford the necessary relief". City of Dallas, et al. v.
3 Mitchell, 245 S.W. 944, 945-46 (1922)

4 100. "Primacy of position in our state constitution is accorded the Declaration of Rights; thus
5 emphasizing the importance of those basic and inalienable rights of personal liberty and private
6 property which are thereby reserved and guaranteed to the people and protected from arbitrary
7 invasion or impairment from any governmental quarter. The Declaration of Rights constitutes a
8 limitation upon powers of every department of the state government." State ex rel. Davis v. Sturart,
9 64 A.L.R. 1307, 97 Fla. 69, 120 So 335.

10 101. "Primacy of position" means no provision of any of the succeeding Articles of the
11 California state constitution may be interpreted as meaning that any power whatsoever has been
12 conferred therein to any office, which can only be occupied by a state political trustee, of the
13 California state government which may operate to derogate or abrogate any of the people's
14 common law inalienable rights. This same fact of life exists in each and every one of the aforesaid
15 states and is guaranteed by the United States Constitution.

16 102. As a result of the fraudulent conduct of defendants as herein alleged, Plaintiff has suffered,
17 and continues to suffer, actual damages in the nature of loss of lively hood and income that Plaintiff
18 should have had. Plaintiff suffers irreparable damage.

19 103. The alleged conduct of defendants, their agents, employees and otherwise as herein alleged
20 were intentionally false promises, misrepresentations inclusive of deceit and or concealment of
21 material facts known to the defendants with the intention on the part of defendants of thereby
22 depriving Plaintiffs of assets or legal rights or otherwise causing injury. The same was despicable
23 conduct that subjected Plaintiffs to cruel and unjust hardship in conscious disregard of Plaintiff's
24 rights, constituting oppression, fraud and/or malice as defined by the Federal Constitution.

25 104. The judges were all paid by the attorneys mentioned to protect the public entities as a
26 standard way of doing business in the 9th circuit which is the thrust of the suit herein.

27
28 Watkins HCD case

1 Plaintiff's rights were violated when the Department of Housing and Community Development of
2 the state of California (HCD) in Riverside CA office held up Plaintiffs plans for no reason with an
3 added fee and gave corrections that were not corrections. The property where the manufactured
4 home is being erected is at 32121 Quirk Road, Acton California in the county of Los Angeles. The
5 property has gotten all the approvals from the county of Los Angeles for the building of the
6 manufactured home which came under their jurisdiction. First in the beginning Plaintiff a Certified
7 Building Official (CBO) sent plans by email to see what was needed. Sal Poidomani plan reviewer
8 (PR) responded with there has to be a separation shown for each separate part of the manufactured
9 home gave several other things that were already on the plans. CBO went back to the engineer for
10 the separation of the 3 units triple wide that was not shown at the roof line. CBO drew a new plan
11 that the engineer stamped. Also electrical calculations were added to the plan. Then the plans
12 were submitted in person. Then the PR made several corrections that he had not asked for before
13 and stated that the plans were not "up to the detail required". And the specific corrections, that he
14 stated were corrections, but were not corrections since they were on the plan already were given
15 to CBO again. Then CBO could see that this was not going to get resolved this way so CBO talked
16 to Matthew Weise. He was supposed to be over all the building according to him and was Sal's
17 supervisor. He said he would look into it. He then stated the same thing that of the PR, and stated
18 that the plans were not to the required detail. CBO stated to him that, the response does not mean
19 anything nor would it mean anything to an engineer or an architect, then it went around and around
20 with him until he stated something specific. He stated that the floor joists were not on the plan. I
21 told him the floor joist are the 4x4 joist shown and called out on the plan. So they were both lying
22 because they were and are on the plan. CBO was "threatened" by, "Clayton Homes a large
23 Manufacturer of manufactured homes who own several other Manufacturers", that they would see
24 that CBO would never make it through the plan check process. So then Weise said he would set
25 up an appointment with Sal's supervisor Kevin in Riverside and stated that he would tell them to
26 make their corrections specific. He also stated he would tell Sal to email CBO the corrections with
27 the specifics. Sal did not. CBO brought a witness to the meeting. CBO requested that Kevin
28 leave Sal out of the room so we could talk peacefully since Sal had been very rude to CBO before.

1 But Kevin retorted in a rude way no, he is going to stay. Then Kevin went into a fit, stating he did
2 not care how many certifications that CBO had he would hear and make a report. It should be
3 interjected here that no report ever came out. CBO then set right next to Kevin and opened the
4 plans so Kevin could see that the separation that Sal called as a correction was actually there. He
5 did not want to see it. CBO then stated that when a correction is made the Plan Checker has to be
6 specific otherwise it doesn't mean anything to anybody including engineers and architects. Sal
7 raised his voice then and threatened that he did not have to give CBO anything and that CBO had
8 to get his plans approved through him or Plaintiff will never get approval to build. Then Kevin
9 handed the new one that was supposed to be specific and ended the meeting. The new corrections
10 were not specific either called out the same things that were already on the plan.

11 The truth is the Plan Checker is required to put things in concise language and is required to quote
12 any rules or regulations that directly and specifically have to be complied with. The following to
13 witt:

14 Gov. Code § 11503 specifically states: "A hearing to determine whether a right, authority,
15 license or privilege should be revoked, suspended, limited or conditioned shall be initiated by
16 filing an accusation. The accusation shall be a written statement of charges which shall set
17 forth in ordinary and concise language the acts or omissions with which the respondent is
18 charged, to the end that the respondent will be able to prepare his defense. It shall specify the
19 statutes and rules." (emphasis added)

20 So the corrections were not in concise language and were not corrections at all, but called out
21 Corrections, that were not corrections with a couple of corrections specific that were meaningless.
22 "Where fundamental personal liberties are involved, they may not be abridged by the States simply
23 on a showing that a regulatory statute has some rational relationship to the effectuation of a proper
24 state purpose. Where there is a significant encroachment upon personal liberty, the State may
25 prevail only upon showing a subordinating interest which is compelling. *City of Carmel-By-The-
26 Sea, v. Young*, 466 P.2d 225, 232; 85 Cal. Rptr. 1 (1970). Emphasis added.

27 12. As CBO would keep sending Plaintiff's plans they would keep asking for irrelevant
28 requirements: Yet there were no statutes that were required.

1 13. PR proceeded to write a correction notice even though Plaintiff is not required by any code
2 to do what PR required. Here there was no requirement for the Solar to be designed by an electrical
3 engineer yet PR required it with no law quoted. There was correction that CBO was required to
4 draw isometric drawings. There was no code quoted that required that. In the first corrections he
5 asked to show where the FAU was but it was already shown. He asked for the plan to show how
6 that structure went to the footings this was already shown. The footings are the part that goes
7 under the jurisdiction of the county of Los Angles and is already stamped by the county. The
8 engineer wrote on the plans no change to the footings that were already approved by the county
9 and of course put his stamp on it.

10 14. Next the same officials stated that all the above requirements have to be accomplished.
11 Here again CBO stated there is no requirement in any of the codes you required to do these things.

12 15. When all CBO's actions failed to get a reasonable response Plaintiff CONTINUED TO
13 notice the Supervisor in charge that these people were committing these unlawful acts and gave
14 them 10 days to answer. They did not answer and so Plaintiff filed this complaint for damages.

15 16. Here the Supervisor in a quasi-judicial position would not answer and therefore committed
16 a crime of fraud on the US Constitution of American citizens and is committing the crime of
17 extortion to steal property and monies from Plaintiff. We request this court enter a criminal case
18 against the Supervisor and others listed above for fraud and extortion after this case is finished.

19 17. Defendants worked together to extort monies and to steal the above mentioned property
20 tampering with evidence, falsifying documents, extortion, taking pay offs, simulation of process,
21 unclean hands and other forms of criminal obstruction of justice all for the purpose of stealing to
22 extort money and steal property. And even though it was admitted the HCD is standing behind
23 them. The defendants not only violated law after law of the State Constitution and statutes they in
24 the process violated many federal laws in the process both of the federal constitution and federal
25 statutes.

26 18. Some points that should be made here are that the Supervisor is given quasi-judicial powers
27 but did nothing even with all the information given.

28

1 19. American citizens have been elevated by the constitution that those given official duties
2 must answer to prove that they have the legal right to enforce on the citizen their demands. Not to
3 answer a holder of the political power by the Supervisor is fraud on citizens everywhere in
4 America.

5 20. Defendants were noticed that they were violating the law and that they were proceeding in
6 their personal capacities not in their official capacities and hence were no longer protected under
7 qualified immunity doctrines but continued to threaten Plaintiff. Defendants ignored the notices
8 and warnings given by Plaintiff and willfully continued in criminal violation against Plaintiffs
9 rights.

10 21. Defendants all of them have one thing or another to do with the criminal infringement of
11 Plaintiffs rights.

12 FEDERAL QUESTION

13 CAN HCD OFFICIALS VIOLATE CONSTITUTIONAL RIGHTS WITHOUT PLAINTIFF
14 DOING ANYTHING WRONG AND THEN INFRINGE ON PLAINTIFF'S PROPERTY BY
15 FRAUDULENTLY NOT GIVING PLAINTIFFS A PERMIT

16
17 22. If you could prove that the legislature could set up HCD Building and Safety, Building
18 Standards Commission and Planning Commission as part of government then you go to the
19 oversight required in Administrative Procedures Act.

20 It is an undisputed fact that the Code enforcement agency is a creature in the nature of
21 administrative agencies of said state legislature and as such said legislature must exercise
22 legislative oversight over said creature pursuant to a doctrinal presumption that said legislative
23 body may re-delegate powers delegated to it by the people of the State of California in the second
24 place inasmuch as said people alone hold the inherent political power to create offices of their state
25 government in the first place

26 23. It is an undisputed fact that the California State Legislature enacted the California
27 Administrative Procedures Act, hereinafter APA as part of its intent to exercise oversight and issue
28 directives to its state agency creatures created by it.

1 24. It is an undisputed fact that pursuant to said APA the executive head of each such state
2 agency creature must promulgate a publish rules or regulations making specific the intent of the
3 state agency to include what subjects and objects are expressly to be within said agency's
4 administrative jurisdictional authority.

5 25. It is an undisputed fact that absent the citing of a rule or regulation concurrent with the
6 citing of an administrative law provision which rule makes express the intent of said state
7 legislature with particular regard to the administrative law provision alleged to be violated then
8 said statutory citation can have no force and effect of law for want of a rule or regulation expressly
9 identifying the class of persons or things subject to said administrative law provision.

10 26. It is an undisputed fact that state judges and courts cannot make law nor can it interpret the
11 intent of the state legislature with respect to any body of administrative law, to include in the
12 instant case, the HCD Code Enforcement Law, if no rule or regulation has been promulgated and
13 published pursuant to the aforesaid California APA expressing the intent of the state legislature
14 regarding the allegedly violated provision of administrative law in the first place.

15 27. It is an undisputed fact that there are no rules/regulations published in the California
16 Regulations Code, naming any class of persons or things subject to the provisions of HCD Code
17 Enforcement Agency was cited in any charges or complaint made by Defendants against Plaintiffs.
18 Gov. Code § 11503 specifically states: "A hearing to determine whether a right, authority, license
19 or privilege should be revoked, suspended, limited or conditioned shall be initiated by filing an
20 accusation. The accusation shall be a written statement of charges which shall set forth in ordinary
21 and concise language the acts or omissions with which the respondent is charged, to the end that
22 the respondent will be able to prepare his defense. It shall specify the statutes and rules."

23 28. It is an undisputed fact that no rule or regulation promulgated and published by the
24 executive head of the agency was cited in any charges or complaint made by Defendants against
25 Plaintiff.

26 29. It is an undisputed fact that even when a rule or regulation can be produced in evidence,
27 parties have right to discovery related to all records associated with drafting and promulgation of
28 the rule or regulation, to include transcripts of meetings, hearings and all related documents

1 pertaining to drafting the rule or regulation, in order that effected parties may determine how and
2 whether proper legislative oversight was exercised and directives issued to ensure intent of the
3 legislature is faithfully expressed in said rule or regulation and this case there is no oversight done
4 as shown above.

5 For the foregoing reasons, the agency above mentioned did not establish subject-matter
6 jurisdiction over the Plaintiff by holding up Plaintiff's plans and on this ground alone the
7 administrative action initiated by said creature of the California state legislature must be vacated
8 with prejudice forthwith. Also the agency HCD is not allowed by the constitution nor did the
9 Legislature have the authority to set up another power and give them all 3 powers unless
10 specifically stated in the constitution. The following to witt: California constitution article 4 SEC
11 8 (b) (1) The legislature may make no law except by statute and may enact no statute except by
12 bill. SEC 9 A statute shall embrace but one subject, which shall be expressed in its title. Other
13 powers may be set up but by express language in the constitution. There is no express language
14 in the California constitution that allows the Legislature to create the Agency of HCD.

15 30. If the HCD had reasons when challenged they could have stated them.

16 FIRST CAUSE OF ACTION

17 (Extortion/Fraud simulation of process in violation to 4th 5th 9th 14 th amendments and
18 Irreparable damages to hold up Plaintiff' Plans and caused irreparable damage to the Watkins
19 family by keeping them out of a house to live in)

20 31. Plaintiff refers to and incorporates herein by this reference as though fully set forth
21 paragraph 1 through 29 of this Complaint

22 32. As stated above Defendants knowingly made up a false report and then held Plaintiff's
23 plans to extort money.

24 33. By making a false report knowingly to harass Plaintiff to not be able to use his property as
25 stated above for the purpose of getting money is extortion. Further by not answering of the
26 Supervisor when noticed or requiring the Building Official of such violation proves that it is
27 intentional to commit fraud and extort money from Plaintiff. To simulate process by the
28 Supervisor not answering may not make a pleading of incompetence. If they are not guilty he

1 could have easily answered. Each and every one of the aforementioned defendants each and all of
2 them violated there duties of office. All of the defendants were parties to the conspiracy to extort
3 moneys and steal property through extortion. They were paid monies and/or promised monies,
4 granted favors, promised future favors, received promotions, promised future promotions, took
5 bribes, promised future bribes, received kickbacks, promised future kickbacks, received certain
6 protections, promised future protections, received all manner of compensations and future
7 compensations. Relying on their knowing, wanton, malicious and willful falsification of the
8 record. Defendants wantonly, maliciously, and willingly take and maintain action against Plaintiffs
9 under color of law and not under color of law with intent to criminally fraudulently deceive
10 Plaintiffs into believing they had subject matter jurisdiction to steal Plaintiff's property and monies
11 with intent to Plaintiffs irreparable harm, damage, and injury with willful intent to take Plaintiffs'
12 property and liberty through extortion. All of this was done in the clear absence of subject matter
13 jurisdiction and a simulation of process.

14 **SECOND CAUSE OF ACTION**

15 (Violation of the 14th Amendment and Fraud/Extorsion)

16 34. Plaintiffs refers to and incorporates herein by this reference as though fully set forth
17 paragraph 1 through 32 of this Complaint.

18 35. The Supervisor did not answer when challenged even though he was given 10 days to
19 answer and wherefore backed up the code enforcement personnel and is part of the threat.

20 36. The first and 14th amendment of the Federal Constitution gives the citizen the right of due
21 process of law and the equal protection of the laws to defend against the state invasion to take
22 property or said monies.

23 37. Each and everyone of the afore mentioned defendants each all of them violated the 14th
24 amendment due process rights by the Supervisor not answering and threatening Plaintiff. He is
25 now the one who has also made the false reports because he did not answer.

26 38. As a result of the fraudulent conduct of defendants as herein alleged, Plaintiffs' have
27 suffered, and continues to suffer, actual damages in the nature of loss of lively hood and income

28

1 that Plaintiffs' could have earned. In addition Plaintiff has endured undue stress, mental anguish,
2 undue hardship and irreparable damage including lost use of the property.

3 39. The alleged conduct of defendants, their agents, employees and otherwise as herein alleged
4 were intentionally false promises, misrepresentations inclusive of deceit and or concealment of
5 material facts known to the defendants with the intention on the part of defendants of thereby
6 depriving Plaintiff of assets or legal rights or otherwise causing injury. The same was despicable
7 conduct that subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's
8 civil rights, constituting oppression, fraud and/or malice as defined by the 14th amendment to the
9 Federal Constitution.

10

11 **THIRD CAUSE OF ACTION**

12 (Fraud/Extortion and violation of the 4th and 5th amendment in taking of the property belonging
13 to Plaintiff keeping Plaintiff from providing a house for two young children and livelihood)

14

15 40. Plaintiffs refers to and incorporates herein by this reference as though fully set forth
16 paragraph 1 through 39 of this Complaint.

17 41. Defendants are holding up Plaintiff's plans so Plaintiff may not provide a home for two
18 young children to live in.

19 42. Even though government officials are there to protect the citizens, but by these officials
20 coming in and violating Plaintiffs rights by falsifying documents to require Plaintiff to make
21 corrections that are not corrections as stated above is beyond erroneous applications but is criminal
22 behavior. As herein alleged, Court Defendants promised Plaintiff that defendants would protect
23 the rights of all citizens. Specifically promised to protect the citizen's rights. The forth amendment
24 gives rights of people to be free in their persons, houses, papers, and effects...

25 43. By enforcing requirements that do not exist and holding up plans keeping Plaintiff from a
26 house for two young children is also a violation of the 5th amendment under the taking clause by
27 regulatory taking.

1 44. The courts must get involved in such evil if not the evil will become even more evil. At
2 the time defendants made the promises to all citizens, defendants had no intention of performing
3 on them. The truth, known to defendants but unknown to Plaintiff was that Defendants knew each
4 other and conspired to harm Plaintiff. Defendants conspired to take away Plaintiff's rights to his
5 monetary property and to his lively hood.

6 45. As a result of the fraudulent conduct of defendants as herein alleged, Plaintiffs have
7 suffered, and continues to suffer, actual damages in the nature of loss of lively hood and income
8 that Plaintiff could have had. Plaintiff suffers irreparable damage to loss of property.

9 46. The alleged conduct of defendants, their agents, employees and otherwise as herein alleged
10 were intentionally false promises, misrepresentations inclusive of deceit and or concealment of
11 material facts known to the defendants with the intention on the part of defendants of thereby
12 depriving Plaintiff of assets or legal rights or otherwise causing injury and the infringement of
13 property rights. The same was despicable conduct that subjected Plaintiff to cruel and unjust
14 hardship in conscious disregard of Plaintiff's rights, constituting oppression, fraud and/or malice
15 as defined by the fourth amendment to the Federal Constitution.

16

17 FOURTH CAUSE OF ACTION

18 (Abuse of process a violation of the 9th and 14th amendment to take property and livelihood)

19

20 47. Plaintiffs refers to and incorporates herein by this reference as though fully set forth
21 paragraph 1 through 46 of this Complaint

22 48. Defendants made a false report so Plaintiff could not have a home for two young children.

23 49. Defendants simulate process by falsifying documents. Defendants prosecute Plaintiff with
24 no valid reason except there own self-seeking interest. Defendants secretly and purposely intended
25 to steal monetary funds and infringe on Plaintiff's property. Therefore Defendants prosecute
26 Plaintiff an abuse of process wherein plaintiff was not served and no jury trial was allowed or
27 offered before taking away lively hood.

1 50. The alleged conduct of defendants, their agents, employees and otherwise as herein alleged
2 were intentionally false promises, misrepresentations inclusive of deceit and or concealment of
3 material facts known to the defendants with the intention on the part of defendants of thereby
4 depriving Plaintiff of assets or legal rights or otherwise causing injury. The same was despicable
5 conduct that subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff,
6 constituting oppression, fraud and/or malice as defined by the 9th amendment to the Constitution
7 of the United States.

8 51. As a result of the fraudulent conduct of defendants as herein alleged, Plaintiff has suffered,
9 and continues to suffer, actual damages of interruptions and loss of property. Plaintiff has
10 suffered, and continues to suffer, actual damages of his rights to a use of his property taken away,
11 among other damages in a sum, the full extent of which is presently unknown and which will be
12 established at time of trial according to proof.

13
14 FIFTH CAUSE ACTION

15 (Exceeding Jurisdiction a violation of the 14th amendment)

16 52. Plaintiffs refers to and incorporates herein by this reference as though fully set forth
17 paragraph 1 through 51 of this Complaint.

18 HCD personnel exceeded their jurisdiction when they knew what the rule of law was and even
19 quoted it and then did not go by it. "An act done in complete absence of all jurisdiction cannot be
20 a judicial act". Piper v. Pearson, id. 2 Gray 120. It is no more than the act of a private citizen,
21 pretending to have judicial power which does not exist at all. In such circumstances, to grant
22 absolute immunity is contrary to the public policy expectation that there shall be a Rule of Law.
23 It is also against the fact that this country was founded on the rule of law. It totally violates the
24 property rights jurisdiction laws that states a person will be safe on there property. Defendants
25 held Plaintiff's property from providing a home for two young children by reports that they knew
26 were false and not according to law.

27 "Where fundamental personal liberties are involved, they may not be abridged by the States simply
28 on a showing that a regulatory statute has some rational relationship to the effectuation of a proper

1 state purpose. Where there is a significant encroachment upon personal liberty, the State may
2 prevail only upon showing a subordinating interest which is compelling. City of Carmel-By-The-
3 Sea, v. Young, 466 P.2d 225, 232; 85 Cal. Rptr. 1 (1970)

4 Another US Supreme Court decision: "The Court held that such general government interests were
5 not sufficient to satisfy the compelling interest standard" Gonzales, Attorney General, et al v.
6 Espiritu Uniao Do Vegetal et al No. 04-1084 (2006).

7 Another US Supreme Court decision: "...The compelling state interest...did not apply."
8 Wisconsin Right to life, Inc. Appellant v. Federal Election Commission

9 Another US Supreme Court decision: "...Villages interests... could not support the ordinances..."
10 Watchtower Bible & Tract Society of New York, Inc., et al v. Village of Stratton et al. No. 00-
11 1737(2002).

12

13 53. Defendants prosecute Plaintiff with no valid reason except there own self-seeking interest.
14 Defendants secretly and purposely intended to steal property. Therefore Defendants prosecute
15 Plaintiff an abuse of process wherein no jury trial is allowed or offered before taking away lively-
16 hood and no meeting was set up with Supervisors to discuss what was being done even request
17 were made several times.

18 54. The alleged conduct of defendants, their agents, employees and otherwise as herein alleged
19 were intentionally false promises, misrepresentations inclusive of deceit and or concealment of
20 material facts known to the defendants with the intention on the part of defendants of thereby
21 depriving Plaintiff of assets or legal rights or otherwise causing injury and the infringement of the
22 above mentioned property. The same was despicable conduct that subjected Plaintiff to cruel and
23 unjust hardship in conscious disregard of Plaintiff, constituting oppression, fraud and/or malice as
24 defined by the 14th amendment to the Constitution of the United States.

25 55. As a result of the fraudulent conduct of defendants as herein alleged, Plaintiff has suffered,
26 and continues to suffer, actual damages in the nature of lost livelihood and use of property for
27 which it is intended to be used for.

28

1
2 SIXTH CAUSE OF ACTION

3 (Obstruction of Justice violation of due process 14th amendment & fraud including taking property
4 by simulation of process)

5 56. Plaintiff refers to and incorporates herein by this reference as though fully set forth
6 paragraph 1 through 55 of this Complaint.

7 57. The hearings on the matter were a simulation of process since HCD's PR and Supervisor
8 did not answer. As a result of the fraudulent conduct of defendants as herein alleged, Plaintiff has
9 suffered, and continues to suffer, actual damages in the nature of lost livelihood and does not have
10 a house to live in. Under the constitution of California and the 14th amendment of the Constitution
11 of the United States Plaintiff has a right to be free from government intervention without due
12 process of law. California Constitution Article I § 1 and Article I § 3 (b) (4) and the 14th
13 amendment of the Federal Constitution gives Plaintiff the right to protect his property from
14 invasion without due process of law by filing this law suit. Plaintiff was not provided due process
15 of law to have the case heard by the Federal courts where the cases belong or even a hearing was
16 not allowed. HCD PR personnel were given absolute power with no way to challenge their
17 decisions. Even after they were proved wrong they still simulate process. Plaintiffs' rights were
18 violated and Plaintiff was railroaded. The second sentence of section 1 the Fourteenth Amendment
19 states: "No state shall deprive any person of life, liberty, or property, without due process of law.
20 Article 1, Section 7(a), Constitution of the State of California that states; A person may not be
21 deprived of life, liberty, or property without due process of law or denied equal protection of the
22 laws. Also Postal Telegraph Cable Co. v. Newport, 247 U.S., 464, 476 (1918); Baker v. Baker,
23 Eccles and Co., 242 U.S. 294, 403 (1917); Louisville & Nashville RR v. Schmidt, 177 U.S. 230,
24 236 (1900) A state may not, consistent with the due process clause, enforce a judgment against a
25 party named in the proceeding without having given him an opportunity to be heard sometime
26 before final judgment is entered. Proceedings in which due process must be observed. While due
27 notice and a reasonable opportunity to be heard to present one's claim or defense have been
28 declared to be two fundamental conditions almost universally prescribed in all systems of law

1 established by civilized countries. *Twining v. New Jersey*, 211 U.S. 78, 110 (1908); *Jacob v.*
2 *Roberts*, 223 U.S. 261, 265 (1912).

3 "All sovereign power is vested in the citizens of the state, who are limited only as expressed in the
4 Constitution. *State v. Shumaker*, 63 A. L. R. 218; 200 Ind. 716, 164 N.E. 408

5 "Where fundamental personal liberties are involved, they may not be abridged by the States simply
6 on a showing that a regulatory statute has some rational relationship to the effectuation of a proper
7 state purpose. Where there is a significant encroachment upon personal liberty, the State may
8 prevail only upon showing a subordinating interest which is compelling. *City of Carmel-By-The-*
9 *Sea, v. Young*, 466 P.2d 225, 232; 85 Cal. Rptr. 1 (1970)

10 "The 'liberty' guaranteed by the constitution must be interpreted in the light of the common law,
11 the principles and history of which were familiar and known to the framers of the constitution.
12 This liberty denotes the 'right of the individual to engage in any of the common occupations of
13 life, to locomote, and generally enjoy those rights long recognized at common law as essential to
14 the orderly pursuit of happiness by free men.' *Myer v. Nebraska*, 262 U.S. 390; *United States v.*
15 *Kim Ark*, 169 U.S. 649, 654.

16 "The rights of the individual are not derived from governmental agencies, either municipal, state,
17 or federal or even from the Constitution. They exist inherently in every man, by endowment of
18 the Creator, and are merely reaffirmed in the Constitution, and restricted only to the extent that
19 they have been voluntarily surrendered by the citizenship to the agencies of government. The
20 people's rights are not derived from the government, but the government's authority comes from
21 the people. The Constitution but states again these rights already existing, and when legislative
22 encroachment by the nation, state, or municipality invade these original and permanent rights, it is
23 the duty of the courts to so declare, and to afford the necessary relief". *City of Dallas, et al. v.*
24 *Mitchell*, 245 S.W. 944, 945-46 (1922)

25 "Primacy of position in our state constitution is accorded the Declaration of Rights; thus
26 emphasizing the importance of those basic and inalienable rights of personal liberty and private
27 property which are thereby reserved and guaranteed to the people and protected from arbitrary
28 invasion or impairment from any governmental quarter. The Declaration of Rights constitutes a

1 limitation upon powers of every department of the state government.” State ex rel. Davis v. Sturart,
2 64 A.L.R. 1307, 97 Fla. 69, 120 So 335.

3 “Primacy of position” means no provision of any of the succeeding Articles of the California state
4 constitution may be interpreted as meaning that any power whatsoever has been conferred therein
5 to any office, which can only be occupied by a state political trustee, of the California state
6 government which may operate to derogate or abrogate any of the people’s common law
7 inalienable rights. This same fact of life exists in each and every one of the aforesaid states and is
8 guaranteed by the United States Constitution.

9 I.

10 INTRODUCTION

11 This case presents a grave miscarriage of justice perpetrated by judicial officers and attorneys who
12 have breached their oaths, violated clearly established law, and weaponized the legal system itself
13 against the Plaintiffs. [See 18 U.S.C. § 242: “Whoever, under color of any law... willfully subjects
14 any person... to the deprivation of any rights, privileges, or immunities secured or protected by the
15 Constitution or laws of the United States... shall be fined under this title or imprisoned.”] The
16 Defendants' motion to dismiss relies on a web of lies, half-truths, and deliberate misrepresentations
17 aimed at depriving this Court of its rightful jurisdiction and the Plaintiffs of their day in court.
18 Haines v. Kerner, 404 U.S. 519, 520-21 (1972), Erickson v. Pardus, 551 U.S. 89, 94 (2007),
19 Johnson v. Reagan, 524 F.2d 1123, 1125 (9th Cir. 1975).

20 Defendants' counsel, Lindsay Frazier-Krane, begins by falsely claiming her perjurious statements
21 are “undisputedly true.” [18 U.S.C. § 1621 criminalizing perjury; Hazel-Atlas Glass Co. v.
22 Hartford-Empire Co., 322 U.S. 238, 246 (1944): “tampering with the administration of justice...
23 involves far more than an injury to a single litigant. It is a wrong against the institutions set up to
24 protect and safeguard the public.”; Chambers v. Nasco, Inc., 501 U.S. 32 (1991).]

25 She then invokes a litany of inapplicable legal doctrines as protections to ward off judicial scrutiny
26 of her and her clients' criminal acts and misconduct:

1 • The Rooker-Feldman doctrine [Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544
2 U.S. 280, 284 (2005): "Rooker-Feldman is a narrow doctrine", "the Rooker-Feldman doctrine
3 applies only to federal actions brought by 'state-court losers'"].

4 • Younger abstention [Younger v. Harris, 401 U.S. 37 (1971) "Circumstances fitting within
5 the Younger doctrine, we have stressed, are 'exceptional'; they include, as catalogued in NOPSI,
6 'state criminal prosecutions,' 'civil enforcement proceedings,' and 'civil proceedings involving
7 certain orders that are uniquely in furtherance of the state courts' ability to perform their judicial
8 functions"].

9 • The probate exception [Marshall v. Marshall, 547 U.S. 293, 308 (2006): "the probate
10 exception reserves to state probate courts the probate or annulment of a will and the administration
11 of a decedent's estate... it does not bar federal courts from adjudicating matters outside those
12 confines"].

13 Krane asserts "absolute immunity" shields her clients from liability for their criminal acts and
14 deprivation of Plaintiffs rights, ignoring the long-established standard that such immunity does not
15 extend to actions taken in the clear absence of all jurisdiction [Sevier v. Turner, 742 F.2d 262;
16 Bradley v. Fisher, 80 U.S. 335, 351 (1871): "where there is clearly no jurisdiction over the subject-
17 matter any authority exercised is a usurped authority"]. She fraudulently claims the Anti-Injunction
18 Act bars Plaintiffs' claims, disregarding Congress's express authorization of injunctive relief in
19 civil rights cases under 42 U.S.C. § 1983 [Mitchum v. Foster, 407 U.S. 225, 242 (1972): "§ 1983
20 is an Act of Congress that falls within the 'expressly authorized' exception of the Anti-Injunction
21 Act"]. And she attempts to cloak herself and her co-conspirators in the Noerr-Pennington doctrine
22 and the Arizona litigation privilege, using these as shields for criminal conduct that no privilege
23 can or should protect [California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508, 513
24 (1972): sham activities are not protected; Walker Process Equipment, Inc. v. Food Machinery &
25 Chemical Corp., 382 U.S. 172, 177 (1965); McDonald v. Smith, 472 U.S. 479, 485 (1985): "The
26 right to petition is guaranteed; the right to commit fraud is not"].

27 Krane's arguments are not merely wrong on the law; they are a deliberate attempt to mislead this
28 Court and cover up the egregious constitutional violations and criminal acts detailed in Plaintiffs'

1 amended complaint [18 U.S.C. § 1001 criminalizing false statements; Chambers v. NASCO, Inc.,
2 501 U.S. 32, 44 (1991): courts have inherent power to "fashion an appropriate sanction for conduct
3 which abuses the judicial process"]. The extraordinary fact pattern presented here - of probate
4 judges openly violating due process [Goldberg v. Kelly, 397 U.S. 254, 267 (1970): "The
5 fundamental requisite of due process of law is the opportunity to be heard at a meaningful time
6 and in a meaningful manner"], federal judges engaging in perjury and what displays as bribery [18
7 U.S.C. § 201 criminalizing bribery of public officials], attorneys conspiring to commit fraud on
8 the court - is not one that can be dismissed on a technicality. It demands a full airing of the evidence
9 and a vindication of Plaintiffs' rights [Bell v. Hood, 327 U.S. 678, 684 (1946): "where federally
10 protected rights have been invaded, it has been the rule from the beginning that courts will be alert
11 to adjust their remedies so as to grant the necessary relief"].

12 The shamelessness of the fraud and misconduct, and the complicity of judicial officers up to and
13 including magistrate and district court judges, exhibits a rot that extends to the highest levels of
14 the California federal court system [42 U.S.C. § 1985(2): prohibiting conspiracy to obstruct
15 justice]. The record reflects a court in a state of systemic failure, where perjury and bribery have
16 become business as usual and the fundamental rights of litigants - especially pro se plaintiffs - are
17 routinely trampled in service of an engineered game [Haines v. Kerner, 404 U.S. 519, 520 (1972):
18 pro se complaints should be held "to less stringent standards than formal pleadings drafted by
19 lawyers"].

20 In their amended complaint, refiled concurrently with this opposition, Plaintiffs have laid out in
21 detail the lies, fraud, and criminality that have infected these proceedings from the outset [Dennis
22 v. Sparks, 449 U.S. 24, 28-29 (1980): private parties who corruptly conspire with a judge act
23 "under color of state law" for § 1983 purposes]. Plaintiffs have provided clear and convincing
24 evidence of judicial misconduct rising to the level of impeachable offenses. Plaintiffs have
25 documented a collusion to deprive them of their property and constitutional rights under color of
26 law [Lynch v. Household Finance Corp., 405 U.S. 538, 552 (1972): "rights in property are basic
27 civil rights"]. And they have shown how the California federal court, through malfeasance, has
28

1 utterly failed in its duty to provide a fair and impartial tribunal [Ward v. Village of Monroeville,
2 409 U.S. 57, 61-62 (1972): “trial before an unbiased judge” is essential to due process].
3 This case cries out for the intervention of an independent judicial authority - for a court that will
4 cut through the thicket of lies and misdirection, restore the rule of law, and hold accountable those
5 who have so grossly betrayed the public trust [Marbury v. Madison, 5 U.S. 137, 163 (1803): “The
6 government of the United States has been emphatically termed a government of laws, and not of
7 men”]. This Court must not shrink from its constitutional duty to hear Plaintiffs’ claims and
8 remedy the grievous wrongs done to them.

9 The motion to dismiss is a shameless attempt to evade that reckoning. It is perjury and fraud upon
10 the court, dressed up in the tattered robes of legal argument [Hazel-Atlas Glass Co. v Hartford-
11 Empire Co., 322 U.S. 238 (1944): “The public welfare demands that the agencies of public justice
12 be not so impotent that they must always be mute and helpless victims of deception and fraud”].
13 Plaintiffs urge this Court to see it for what it is, and to deny it in the clearest and most forceful
14 terms. The Defendants’ misconduct has already survived too long under cover of darkness. It is
15 time to drag it into the light.

16 II.

17 BACKGROUND OF THE CASE

18 This matter began when defendant Attorney Rose C. Rosado, aiding her clients Defendants Joseph
19 Buccinio and Joseph Mauro to steal from Plaintiffs and charities, filed a petition for probate (see
20 Exhibit A) in the San Bernardino Probate Court. They secured a secret Ex Parte hearing on
21 November 8, 2022 (see Exhibit B), without ever notifying the Bunkers (see Exhibit C). At this
22 secret Ex Parte hearing, they accused Plaintiffs of criminal actions and alleged that “the neighbors”
23 (without ever mentioning names), had stolen the decedent’s laptop and changed all the pay-on-
24 death beneficiaries from Buccinio to Bunkers (later found to be various charities by bank records).
25 Shockingly, defendant Michelle Gilleece granted their petition (see Exhibit D) and appointed
26 Buccinio and Mauro as special administrators and granted them Plaintiffs property, all without
27 requiring that the accused parties, be notified or given a chance to defend themselves against the
28 criminal accusations. This is unheard of.

1 This is a blatant ongoing violation of Plaintiffs' right to due process and violated California Rules
2 of Court Rule 3.1203 and San Bernardino Local Rule 731. Judge Gilleece should have denied the
3 petition outright as it was clear another party was criminally accused but not allowed to participate
4 (let alone the fact that it was a criminal accusation in an administrative court).

5 Armed with this illegal order by defendants Gilleece, Rosado and her clients went on a rampage
6 filing a will contest based on tort allegations and a lawsuit requesting damages for alleged criminal
7 conduct. They even placed a lien on the Bunkers' home.

8 Rosado and her clients' allegations and claims to the probate court are completely outside of
9 probate administrative scope and jurisdiction. See Marshall, 547 U.S. 293 (2006). Further, since
10 removing this case to federal court, we have faced a clear pattern of obstruction of justice and
11 complete refusal to follow all law by the Probate Judges. Despite acknowledging on the probate
12 court docket that the probate case is removed, the probate judges have held four separate hearings
13 (see Exhibit E) in violation of 28 U.S.C. § 1446(d), which states that upon removal, "the State
14 court shall proceed no further unless and until the case is remanded." The probate judges were
15 noticed in our notices of obstruction of justice and they knew they were breaking federal and state
16 law and still proceeded to illegally continue the case. Defendant Candice Garcia-Rodrigo, rather
17 than setting a status conference as required by local rules when notified of the removal, simply set
18 another hearing date to continue the case illegally. Judge Douglass K. Mann continued this pattern,
19 proceeding on March 14, 2024 despite our notice of obstruction of justice reminding him the case
20 was in federal court (see Exhibit F).

21 On June 11, 2024, Judge Mann held yet another proceeding. When we questioned why he wasn't
22 following San Bernardino Superior Court Rules (Rule 420), he stated that civil rules didn't apply
23 to him because "this is the probate court." He admitted that the administrative probate court is
24 separate from the Superior court and doesn't abide by California Superior Court civil laws (See
25 five declarations in support, Exhibit G).

26 The Defendant probate judges and their council's insistence that the probate case is "ongoing" in
27 the probate court is a strategic lie intended to deceive this Court and further their illegal actions.

28 The Probate docket for the June 11 hearing states "Reason for continuance: Removed to Federal

1 court.” (see Exhibit H) The Probate Judges are knowingly acting in complete absence of their
2 administrative probate jurisdiction.

3 Defendant McCormick accepted the lies from eight attorneys in the California case that it is an
4 “ongoing” case in the probate court and then ruled that the federal court does not have jurisdiction
5 because of that. He then lied in his proposed order (Dkt. 84) stating it was an “ongoing” case. He
6 knew it was a lie. He knows that a case removed to federal court is an impossibility to be ongoing.
7 All eight attorneys knew this but still fostered this lie.

8 Next, they all knew that the probate case was about criminal allegations but frantically state that it
9 is not, ruling to abstain from allowing the case in federal court not following precedent by the
10 Supreme court in Marshall, 547 U.S. 293 (2006) and Ankenbrandt v. Richards, 504 U.S. 689
11 (1992) that state that the probate court is not the forum for criminal or tort accusations. They all
12 know that the federal court holds jurisdiction for these torts but are lying to keep Plaintiffs from
13 having the case heard.

14 Defendant McCormick and Previous Judge Carney also ruled that probate can handle torts because
15 they are a “Superior Court” knowing that probate is not a Superior court, and they also know that
16 the Legislature does not have authority to make them a judicial court of record. Probate is not
17 mentioned in the constitution and is not given any power except for administrative hearings.
18 Further as mentioned above, probate judge Douglas K. Mann admitted on June 11th 2024 that
19 Probate is not a Superior civil court and does not go by Superior Court requirements stipulated in
20 the constitution of California. There is no right to a jury trial allowed in the probate court. The lie
21 was fostered by all eight attorneys and repeated by Defendants McCormick and Fernando.

22 To top it off the former district judge Defendant Carney accepted the magistrate’s report without
23 any findings. The reason there were no findings is because there is no excuse for the probate
24 judges’ actions. They are all lying under oath which forms fraud on the court and obstruction of
25 justice, constituting misconduct in office by Defendant Cormac J. Carney and a violation of his
26 oath of office.

27 All these attorneys are guilty of misconduct and a violation of their oath. Further they are fostering
28 the lie that the probate court did nothing wrong in furthering the criminal accusations (that

1 Plaintiffs changed bank accounts to beneficiaries) when Plaintiffs have proved that this was false
2 by subpoenaed bank records. Yet another lie that they all fostered trying to get themselves off the
3 hook.

4 Had it not been for Defendant Attorney Rose C. Rosado working in collusion with the Probate
5 judges and Randal P. Hannah to steal from the Plaintiffs, they would not have to be in federal court
6 right now with a "laundry list" of defendants.

7 The Probate Court and California District court has now become an instrument of fraud and for
8 the deprivation of Plaintiffs due process rights, with the judges deliberately acting completely
9 outside their jurisdiction. It is against this backdrop of clear and ongoing abuse that we move this
10 Court to obey the law and Constitution. Plaintiffs' Amended Complaint, which Judge Dominic W.
11 Lanza has thus far refused to allow them to file, provides a more detailed account of this
12 background and additional facts and information.

13 III.

14 **LEGAL ARGUMENT**

15 The Supreme Court in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945) established that
16 personal jurisdiction must not offend "traditional notions of fair play and substantial justice." This
17 very principle compels jurisdiction in Arizona, for as the Court emphasized in *Burger King Corp.*
18 v. *Rudzewicz*, 471 U.S. 462 (1985), jurisdictional rules must not be applied to make litigation "so
19 gravely difficult and inconvenient that a party unfairly is at a severe disadvantage in comparison
20 to his opponent." Forcing Plaintiffs back to a forum where judges have engaged in documented
21 fraud would manifestly violate this principle. The Court's declaration in *Ward v. Village of*
22 *Monroeville*, 409 U.S. 57 (1972) that "trial before an unbiased judge" is essential to due process
23 takes precedence over procedural barriers. As Justice Frankfurter articulated in *Joint Anti-Fascist*
24 *Refugee Committee v. McGrath*, 341 U.S. 123, 172 (1951), "fairness can rarely be obtained by
25 secret, one-sided determination of facts decisive of rights." Most fundamentally, the Court held in
26 *Armstrong v. Exceptional Child Center, Inc.*, 575 U.S. 320 (2015) that federal courts have inherent
27 equitable power to prevent constitutional violations. To use *International Shoe's* "substantial
28 justice" requirement to deny access to the only unbiased forum would, as the Court warned in

1 Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 246 (1944), make courts "helpless
2 victims of deception and fraud." The Constitution cannot tolerate such a result.
3 The fundamental right to a fair and impartial tribunal stands at the apex of constitutional
4 guarantees, superseding procedural barriers. As Chief Justice Marshall articulated in *Marbury v.*
5 *Madison*, 5 U.S. 137, 163 (1803), "a law repugnant to the Constitution is void, and that courts, as
6 well as other departments, are bound by that instrument." This principle takes on particular urgency
7 when state courts and federal judges engage in conduct that corrupts the very foundation of judicial
8 process, leaving litigants with no forum capable of providing constitutionally mandated due
9 process.

10 The Supreme Court's ruling in *Ward v. Village of Monroeville*, 409 U.S. 57, 61-62 (1972)
11 established that "trial before an unbiased judge" is essential to due process, a right so fundamental
12 that it cannot be defeated by procedural technicalities. When an entire judicial system demonstrates
13 bias through fraud on the court and criminal conduct, the Constitution demands access to an
14 independent tribunal. As the Court held in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S.
15 238, 246 (1944), fraud on the court "involves far more than an injury to a single litigant. It is a
16 wrong against the institutions set up to protect and safeguard the public." This institutional
17 corruption triggers constitutional protections to provide substantial justice that override procedural
18 technicalities.

19 The Supreme Court's declaration in *Bell v. Hood*, 327 U.S. 678, 684 (1946) that "where federally
20 protected rights have been invaded, it has been the rule from the beginning that courts will be alert
21 to adjust their remedies so as to grant the necessary relief" takes on special significance when
22 judicial officers themselves engage in constitutional violations.

23 The fact that constitutional rights cannot be defeated by procedural barriers finds strong illustration
24 in *Ex parte Young*, 209 U.S. 123 (1908), where the Court held that state officials - including judges
25 - who act unconstitutionally are "stripped of their official character." This stripping of official
26 character dissolves traditional jurisdictional barriers.

27 The Supreme Court's seminal decision in *United States v. Will*, 449 U.S. 200 (1980) established
28 the "Rule of Necessity" - when judges in a system are potentially biased, an alternative forum must

1 be found to prevent a failure of justice. This constitutional principle takes precedence over
2 "personal jurisdiction" procedural technicalities, which the Court has consistently held must yield
3 when necessary to prevent constitutional violations. As articulated in *Mullane v. Central Hanover*
4 *Bank & Trust Co.*, 339 U.S. 306 (1950), constitutional rights cannot be defeated by the limitations
5 of any particular procedural scheme.

6 The Supreme Court's ruling in *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286 (1980)
7 that "A judgment rendered in violation of due process is void in the rendering State and is not
8 entitled to full faith and credit elsewhere" takes on particular relevance when state courts act
9 entirely without jurisdiction while systematically violating constitutional rights. As the Court
10 emphasized in *Mitchum v. Foster*, 407 U.S. 225, 242 (1972), federal courts have both the power
11 and duty to intervene "between the States and the people, as guardians of the people's federal
12 rights."

13 The constitutional requirement for an independent tribunal becomes absolute when, as here, both
14 state courts and federal judges in one jurisdiction demonstrate systematic bias through documented
15 fraud on the court and criminal conduct. Chief Justice Marshall's declaration in *Cohens v. Virginia*,
16 19 U.S. 264 (1821) that "We have no more right to decline the exercise of jurisdiction which is
17 given, than to usurp that which is not given" becomes a constitutional mandate when no other
18 forum can provide the fair tribunal that due process requires.

19 The Court's holding in *Armstrong v. Exceptional Child Center, Inc.*, 575 U.S. 320 (2015) that
20 federal courts have inherent equitable power to enjoin unlawful executive action applies with even
21 greater force to enjoining unlawful judicial action where the court had no jurisdiction and violated
22 clear constitutional rights. This power stems directly from the Supremacy Clause and cannot be
23 defeated by caselaw doctrines of jurisdiction or venue. As the Court established in *Sprint*
24 *Communications, Inc. v. Jacobs*, 571 U.S. 69, 77 (2013), federal courts have a "virtually
25 unflagging obligation" to exercise their jurisdiction when constitutional rights are at stake.

26 THE CASE IS NOT IN THE 9TH CIRCUIT:

27 Defendants misrepresent the status of this lawsuit, falsely claiming it is pending in the 9th Circuit.
28 In reality, Defendant Judge McCormick reversed his initial order attempting to dismiss Plaintiffs'

1 claims with prejudice. He acknowledged that he would have to allow Plaintiffs to amend their
2 complaint and add new defendants. However, Judge McCormick then committed further fraud by
3 stating under oath that the two current probate judge defendants should be dismissed with
4 prejudice, and that two additional probate judges, not yet parties to the case, should be
5 preemptively barred from being added. The only plausible explanation for Judge McCormick's
6 fraudulent statements and lies under oath is that he was bribed by the probate judges, while the
7 other attorneys failed to offer sufficient payoffs. Of course, the other attorney complained that they
8 should have been gotten off the case with the judges.

9 THIS COURT HAS JURISDICTION:

10 Krane helps out Plaintiffs' case by demonstrating the clear fraud on the court acted out by the
11 judges of the California court system. Krane states "the California District Court issued an order
12 granting the remaining motions to dismiss based upon the Rooker-Feldman doctrine, Younger
13 abstention doctrine, Noerr-Pennington doctrine, and violation of Rule 8." (Attorney Newcomb
14 actually objected to this order. She basically said that the Magistrate is applying a double standard
15 by letting the Probate judges go but making her and the others stay. Defendant McCormick is so
16 tangled in his web of lies that he hasn't made the decision for almost 60 days.)

17 KRANE AND TEAM LIE ABOUT ROOKER-FELDMAN

18 First, Krane stated to Plaintiffs and family over the phone in a meet and confer that the Rooker-
19 Feldman Doctrine did not apply (Exhibit Declarations). She knows she is committing perjury on
20 the record. The Supreme Court made it very clear that the Rooker-feldman doctrine is a very
21 narrow doctrine. Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280, 284 (2005)
22 "The Rooker-Feldman doctrine...is confined to cases of the kind from which the doctrine acquired
23 its name: cases brought by state-court losers.."; Skinner v. Switzer, 562 U.S. 521, 532 (2011) "[If]
24 a federal plaintiff presents an independent claim, it is not an impediment to the exercise of federal
25 jurisdiction that the same or a related question was earlier aired between the parties in state court."

26 KRANE AND TEAM LIE ABOUT YOUNGER ABSTENTION

27

28

1 It's amusing that Krane and her enablers use the phrase "the probate action is "active"" to refrain
2 from using the lie "ongoing". Of course, it serves the same purpose to lie and commit fraud on the
3 court all the same. But it is humorous.

4 As to the Younger abstention, Defendants know it cannot apply any way you look at it. Everyone
5 knows Probate is not allowed to adjudicate torts or criminal accusations as the probate court has
6 attempted to in this case (in absence of all jurisdiction making the entire probate case and all orders
7 null and void as they defy the Constitution).

8 The Supreme Court ruled in Sprint Commc'ns, Inc. v. Jacobs, 571 U.S. 69 "Circumstances fitting
9 within the Younger doctrine, we have stressed, are 'exceptional'; they include, as catalogued in
10 NOPSI, 'state criminal prosecutions,' 'civil enforcement proceedings,' and 'civil proceedings
11 involving certain orders that are uniquely in furtherance of the state courts' ability to perform their
12 judicial functions.'";

13 So by applying Younger to this case, Defendants are in fact admitting that the Probate judges were
14 acting in absence of their jurisdiction and deciding tort claims. Of course, Younger cannot apply
15 to a probate administrative court and presents no bar to the jurisdiction of this federal court over
16 the case:

17 "Federal courts, it was early and famously said, have 'no more right to decline the exercise of
18 jurisdiction which is given, than to usurp that which is not given.'"; "This Court has cautioned, a
19 federal court's 'obligation' to hear and decide a case is 'virtually unflagging.' Colorado River Water
20 Conservation Dist. v. United States, 424 U.S. 800, 817, 96 S.Ct. 1236, 47 L.Ed.2d 483 (1976).
21 Parallel state-court proceedings do not detract from that obligation."

22 THE SUPREME COURT BARS PROBATE COURTS FROM TORT CASES

23 The U.S. Supreme Court's decision in *Marshall v. Marshall*, 547 U.S. 293 (2006), prohibits probate
24 courts from adjudicating tort claims. This ruling clarifies the constitutional limits of probate court
25 jurisdiction and firmly establishes that tort claims fall outside their purview. By reaffirming the
26 principles set forth in *Ankenbrandt v. Richards*, 504 U.S. 689 (1992) and clarifying the original
27 intent of the Constitution, the Court decisively removes tort claims from the realm of probate court
28 authority.

1 First, the Court separates tort claims from probate matters. It states that Vickie's claim "does not
2 involve the administration of an estate, the probate of a will, or any other purely probate matter."

3 This clear delineation places tort claims outside the realm of probate court jurisdiction and
4 authority.

5 Second, the Court directly challenges probate courts' competency to handle tort claims. It declares
6 that "Trial courts, both federal and state, often address conduct of the kind Vickie alleges. State
7 probate courts possess no 'special proficiency' ... in handling such issues." This statement is not
8 merely suggestive; it is a direct repudiation of probate courts' ability to adjudicate tort claims.

9 Third, the Court issues a clear prohibition: "Texas may not reserve to its probate courts the
10 exclusive right to adjudicate a transitory tort." This statement, coupled with the declaration that
11 "Under our federal system, Texas cannot render its probate courts exclusively competent to
12 entertain a claim of that genre," leaves no room for interpretation. The Court bars tort claims from
13 probate courts.

14 The Court's reasoning is grounded in the fundamental nature of tort claims that must not be held
15 to specialized (administrative) courts. By prohibiting states from limiting the adjudication of such
16 claims to probate courts, the Court removes these claims from probate court jurisdiction.

17 Furthermore, Justice Stevens' concurring opinion, calling for the probate exception to be given "a
18 decent burial," reinforces the Court's intent to severely limit probate court authority.

19 Krane misrepresents the record by stating: "Plaintiffs allege that probate courts do not have
20 jurisdiction over probate actions that include allegations of wrongdoing" Of course, she states it
21 this way to confuse the court as she must assume all judges are idiots to believe a blatant falsehood
22 like that. Plaintiffs stated clearly that the probate court does not have jurisdiction over TORT
23 CLAIMS. Everyone knows that! This is why Krane worded it "wrongdoing". They all know tort
24 claims are not admitted in probate administrative hearings yet they make sure to leave out the true
25 facts and what Plaintiffs actually said. Instead, Krane and the probate judges present perjury and a
26 deliberately false picture.

27 JUDICIAL DEFENDANTS CAN'T HIDE BEHIND A BLANKET OF IMMUNITY

28

1 The foundation of the Justice System in the United States of America: "Ubi jus ibi remedium."
2 "For every wrong, the law provides a remedy" or "where there is a right, there is a remedy."
3 Therefore, no immunity or privilege "doctrine" can shield a lawbreaker from their violations of
4 constitutional rights even if that criminal be a state or federal judge.
5 "Since *Ex parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908), it has been settled that
6 the Eleventh Amendment provides no shield for a state official confronted by a claim that he had
7 deprived another of a federal right under the color of state law. *Ex parte Young* teaches that when
8 a state officer acts under a state law in a manner violative of the Federal Constitution, he 'comes
9 into conflict with the superior authority of that Constitution, and he is in that case stripped of his
10 official or representative character and is subjected in his person to the consequences of his
11 individual conduct. The State has no power to impart to him any immunity from responsibility to
12 the supreme authority of the United States.' *Scheuer v. Rhodes* 8212 914, 72
13 8212 1318, 416 U.S. 232, 94 S.Ct. 1683, 40 L.Ed.2d 90 (1974).
14 In *Rankin v. Howard*, 633 F.2d 844 (1980) the Ninth Circuit Court of Appeals reversed an Arizona
15 District Court dismissal based upon absolute judicial immunity, finding that both necessary
16 immunity prongs were absent.
17 "Where there is no jurisdiction, there can be no discretion, for discretion is incident to jurisdiction."
18 *Piper v. Pearson*, 2 Gray 120, cited in *Bradley v. Fisher*, 13 Wall. 335, 20 L.Ed. 646 (1872)
19 "A judge must be acting within his jurisdiction as to subject matter and person, to be entitled to
20 immunity from civil action for his acts." *Davis v. Burris*, 51 Ariz. 220, 75 P.2d 689 (1938)
21 "... the particular phraseology of the constitution of the United States confirms and strengthens the
22 principle, supposed to be essential to all written constitutions, that a law repugnant to the
23 constitution is void, and that courts, as well as other departments, are bound by that instrument."
24 *Marbury v. Madison*, 1 Cranch 137 (1803)
25 "No judicial process, whatever form it may assume, can have any lawful authority outside of the
26 limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it
27 beyond these boundaries is nothing less than lawless violence." *Ableman v. Booth*, 21 Howard
28 506 (1859)

1 "The courts are not bound by an officer's interpretation of the law under which he presumes to
2 act." Hoffsomer v. Hayes, 92 Okla 32, 227 F 417.

3 There can be no privilege nor immunity for actions taken knowingly violating the peoples' rights.
4 This principle is firmly rooted in constitutional law, statutory provisions, and a long line of
5 Supreme Court precedents:

6 Perjury: There is no immunity or privilege to lie under oath to the court.

7 - 18 U.S.C. § 1621 criminalizes perjury in federal proceedings.

8 - United States v. Dunnigan, 507 U.S. 87 (1993): The Supreme Court upheld sentence
9 enhancement for defendants who commit perjury.

10 - Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944): The Supreme Court
11 established that fraud on the court can lead to the setting aside of judgments, even years after they
12 were entered.

13 - Chambers v. NASCO, Inc., 501 U.S. 32 (1991): The Court affirmed the inherent power of
14 federal courts to sanction bad-faith conduct, including fraud on the court.

15 Theft and bribery:

16 - 18 U.S.C. § 201 criminalizes bribery of public officials and witnesses.

17 - United States v. Brewster, 408 U.S. 501 (1972).

18 There is NO immunity for rights violations:

19 - Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971): Established that federal
20 officers can be held personally liable for constitutional violations.

21 - 42 U.S. Code § 1983.

22 - The Tom Bane Civil Rights Act provides additional protection against rights violations:
23 California Civil Code § 52.1, known as the Tom Bane Civil Rights Act, allows for civil action
24 against individuals who interfere with a person's constitutional or legal rights through threats,
25 intimidation, or coercion. - This act applies to both private individuals and those acting under color
26 of law. - It provides remedies including damages, injunctive relief, and other equitable relief to
27 protect the exercise of rights secured by federal or state constitutions and laws. The Tom Bane Act
28 is in conjunction with federal civil rights under supplemental jurisdiction.

1 - Owen v. City of Independence, 445 U.S. 622 (1980): The Court held that municipalities
2 have no immunity from liability under 42 U.S.C. § 1983 for their constitutional violations.

3 - Harlow v. Fitzgerald, 457 U.S. 800 (1982): While establishing qualified immunity, the
4 Court affirmed that it does not protect officials who violate clearly established statutory or
5 constitutional rights.

6 It is clear from law and Supreme court precedent that there is no such thing as "absolute" immunity.
7 No person in "this country is so high that he is above the law. No officer of the law may set that
8 law at defiance with impunity. All the officers of the government, from the highest to the lowest,
9 are creatures of the law and are bound to obey it." United States v. Lee, 106 U.S. 196 (1882)
10 Eleventh Amendment immunity cannot protect judges either. "Any person acting under color of
11 state law who deprives another of Constitutional rights may be sued in federal court." Monroe v.
12 Pape, 365 U.S. 167 (1961).

13 "When a state officer acts under a state law in a manner violative of the Federal Constitution, he
14 comes into conflict with the superior authority of that Constitution, and he is stripped of his official
15 or representative character." Ex parte Young, 209 U.S. 123 (1908).

16 "No man in this country is so high that he is above the law. No officer of the law may set that law
17 at defiance with impunity. All officers of the government, from the highest to the lowest, are
18 creatures of the law, and are bound to obey it." United States v. Lee, 106 U.S. 196 (1882).

19 "Judicial immunity is not absolute...and does not apply where a judge acts in the clear absence of
20 jurisdiction." Stump v. Sparkman, 435 U.S. 349 (1978). "A judge is liable for injury caused by a
21 ministerial act; to have immunity the judge must be performing a judicial function." Ex parte
22 Virginia, 100 U.S. 339 (1880).

23 The judges in our case have acted criminally completely outside their jurisdiction and that is
24 already proven and will be further evidenced. The Court has no authority to dismiss certain
25 defendants based on fraudulent immunity claims.

26 28 U.S.C. § 2283 ANTI-INJUNCTION ACT CANNOT APPLY:

27 The Anti-Injunction Act's limitations on federal court power are not absolute, especially and
28 specifically in cases involving civil rights under 42 U.S.C. § 1983. The Supreme Court definitively

1 established in *Mitchum v. Foster*, 407 U.S. 225 (1972) that "federal courts have power to enjoin
2 state court proceedings when called upon to do so in §1983 actions," holding unequivocally that
3 "§1983 is an Act of Congress that falls within the 'expressly authorized' exception of the Anti-
4 Injunction Act." The Court's reasoning went beyond mere statutory interpretation, emphasizing
5 that "the very purpose of § 1983 was to interpose the federal courts between the States and the
6 people, as guardians of the people's federal rights."

7 This exception extends beyond just §1983 cases, as the Court has established a broader framework
8 for identifying "expressly authorized" exceptions. In *Vendo Co. v. Lektro-Vend Corp.*, 433 U.S.
9 623 (1977), the Court clarified that explicit reference to the Anti-Injunction Act is not required.
10 Instead, "the test is whether an Act of Congress, clearly creating a federal right or remedy
11 enforceable in a federal court of equity, could be given its intended scope only by the stay of a
12 state court proceeding." This principle is reinforced by *Porter v. Warner Holding Co.*, 328 U.S.
13 395 (1946), which established that "unless otherwise provided by statute, all the inherent equitable
14 powers of the District Court are available for the proper and complete exercise of that jurisdiction."
15 Modern jurisprudence has consistently reinforced federal courts' authority to intervene when
16 necessary to protect federal rights. In *Sprint Commc'n's, Inc. v. Jacobs*, 571 U.S. 69 (2013), the
17 Court emphasized that "federal courts are obliged to decide cases within the scope of federal
18 jurisdiction," and that abstention remains "the exception, not the rule." This builds upon the
19 foundational principle established in *Ex parte Young*, 209 U.S. 123 (1908), that state officials
20 acting unconstitutionally are "stripped of [their] official or representative character." The Court's
21 decision in *Dombrowski v. Pfister*, 380 U.S. 479 (1965) directly addressed the tension between
22 federal intervention and state sovereignty, acknowledging that "when federal courts sit to enforce
23 constitutional rights, they necessarily act in tension with the principle of comity," but concluding
24 that "this congressional command to enforce constitutional rights necessarily overrides the
25 principle of comity."

26 This jurisprudential framework creates a clear path for federal courts to enjoin state proceedings
27 not only in this present §1983 case but in any case where Congress has created specific federal
28 rights that require federal court protection for their full realization. As established in *Patsy v. Board*

1 of Regents, 457 U.S. 496 (1982), Congress intended these protections to be "independent" of state
2 remedies. When state proceedings threaten to frustrate congressional intent or nullify federal
3 protections, federal courts not only have the power but the obligation to intervene. This
4 understanding transforms the Anti-Injunction Act from an absolute barrier into a carefully
5 calibrated instrument that balances federalism concerns with the paramount necessity of protecting
6 federal rights through federal court oversight.

7 When a state probate court acts entirely without jurisdiction (as the probate court did in this case
8 by attempting to adjudicate criminal torts without due process), the Younger abstention, probate
9 exception, Anti-Injunction Act and all other bars give way. As established in *World-Wide
10 Volkswagen Corp. v. Woodson*, 444 U.S. 286 (1980): "A judgment rendered in violation of due
11 process is void in the rendering State and is not entitled to full faith and credit elsewhere."

12 More specifically, 42 U.S.C. § 1983 states: "Every person who, under color of any statute,
13 ordinance, regulation, custom, or usage, of any State...subjects, or causes to be subjected, any
14 citizen of the United States...to the deprivation of any rights, privileges, or immunities secured by
15 the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or
16 other proper proceeding for redress."

17 The Supreme Court further clarified in *Pulliam v. Allen*, 466 U.S. 522 (1984) that judicial
18 immunity does not bar prospective injunctive relief against a judge acting in clear absence of
19 jurisdiction. When a state court acts completely without jurisdiction and violates fundamental
20 constitutional rights, federal courts retain the power to intervene under § 1983.

21 Additionally, as stated in *Armstrong v. Exceptional Child Center, Inc.*, 575 U.S. 320
22 (2015), federal courts have inherent equitable power to enjoin unlawful executive action. This
23 same principle applies to enjoining unlawful judicial action where the state court had no
24 jurisdiction and violated clear constitutional rights.

25 KRANE ADMITS TO PURJURY BY CONTENDING SHE HAS IMMUNITY FROM IT
26 The Supreme Court has explicitly held that Noerr-Pennington immunity "does not protect baseless
27 litigation conducted with criminal intent." *California Motor Transport Co. v. Trucking Unlimited*,
28 404 U.S. 508, 513 (1972). The Court emphasized that "fraudulent" conduct and "proof that the

1 litigation was baseless" falls outside Noerr-Pennington protection. Professional Real Estate
2 Investors v. Columbia Pictures, 508 U.S. 49, 60-61 (1993).

3 Regarding litigation privilege, the Supreme Court of Arizona has held that it explicitly
4 "does not protect an attorney from liability for his own fraudulent conduct." Safeway Ins. Co. v.
5 Guerrero, 210 Ariz. 5, 11 (2005). The court emphasized that "if an attorney commits fraud during
6 litigation, neither Noerr-Pennington immunity nor the litigation privilege will protect that
7 conduct." Id. at 12.

8 Furthermore, In Nix v. Whiteside, 475 U.S. 157, 173 (1986), the Court held that a lawyer's duty
9 of loyalty is "limited to legitimate, lawful conduct compatible with the very nature of a trial as a
10 search for truth." The Court emphasized: "Although counsel must take all reasonable lawful means
11 to attain the objectives of the client, counsel is precluded from taking steps or in any way assisting
12 the client in presenting false evidence or otherwise violating the law. Moreover, accepted norms
13 require that a lawyer disclose his client's perjury and frauds upon the court."

14 The Court reinforced this in United States v. Stringer, 535 F.3d 929, 937 (2008), quoting earlier
15 precedent that "[w]e need not hold that all perjured testimony must always be corrected by
16 counsel... [but] that the client's perjury is the same injury to the justice system whether the client
17 is a plaintiff, a defendant, or a witness."

18 This frames the key point: attorneys' ethical obligations and First Amendment protections both
19 stop at the point of knowingly presenting false statements. As the Court succinctly put it in Nix:
20 "An attorney's ethical duty to advance the interests of their client is limited by an equally solemn
21 duty to comply with the law and standards of professional conduct." 475 U.S. at 168.

22 **PLAINTIFFS' AMENDED COMPLAINT CONTAINS**

23 **VALID CLAIMS FOR RELIEF**

24 Krane's accusation that Plaintiffs' complaint fails to state a claim upon which relief can be granted
25 is clearly false based on the detailed and thorough amended complaint provided. The amended
26 complaint comprehensively addresses the supposed deficiencies and states numerous valid claims
27 for relief.

1 First, the amended complaint provides extensive factual allegations supporting each of the causes
2 of action. It details the specific unconstitutional and illegal actions taken by the various defendants,
3 the resulting harms to Plaintiffs, and the legal bases for liability. This level of factual specificity is
4 more than sufficient to meet the pleading standards and show that the claims are plausible on their
5 face.

6 Second, the amended complaint asserts multiple federal claims under 42 U.S.C. § 1983 for the
7 violation of Plaintiffs' constitutional rights under color of law. It also raises claims under 42 U.S.C.
8 § 1985(3) for conspiracy to interfere with civil rights. These federal questions and many others
9 indisputably provide a basis for subject matter jurisdiction in federal court.

10 Third, the prayer for relief extensively details the remedies sought for each cause of action,
11 including injunctive relief, declaratory relief, compensatory and punitive damages, and other
12 appropriate measures. This clearly shows that the complaint seeks relief that can be granted by the
13 court.

14 Plaintiffs amended complaint refiled concurrently addresses all arguments by Defendants
15 regarding the specific claims. The amended complaint is included as further opposition to the
16 Motion to Dismiss.

17 **PRO SE PLAINTIFFS HAVE RIGHT TO AMEND:**

18 The federal courts have consistently upheld and protected the rights of pro se litigants to amend
19 their pleadings, establishing a clear precedential framework that strongly favors allowing
20 amendments. The Supreme Court set a foundational principle in *Haines v. Kerner*, 404 U.S. 519
21 (1972), holding that pro se complaints must be held to "less stringent standards than formal
22 pleadings drafted by lawyers." This was powerfully reaffirmed in *Erickson v. Pardus*, 551 U.S. 89
23 (2007), where the Court emphasized that pro se documents must be "liberally construed" and that
24 technical requirements should not bar legitimate claims.

25 The Circuit Courts have extensively developed these principles, protecting pro se litigants'
26 amendment rights. The Ninth Circuit's decision in *Lopez v. Smith*, 203 F.3d 1122 (9th Cir. 2000)
27 recognized that courts should grant leave to amend even when no formal request has been made
28 by the pro se plaintiff. The court emphasized that pro se plaintiffs must receive clear notice of their

1 complaints' deficiencies and be given a "reasonable opportunity" to amend unless such amendment
2 would be futile. Similarly, in *Gomez v. USAA Federal Savings Bank*, 171 F.3d 794 (2d Cir. 1999),
3 the Circuit court held that district courts should not dismiss pro se complaints without granting
4 leave to amend, requiring courts to explain deficiencies and provide an opportunity to cure them.
5 The D.C. Circuit has gone even further in protecting pro se amendment rights. In *Richardson v.*
6 *United States*, 193 F.3d 545 (D.C. Cir. 1999), the court established that judges have an affirmative
7 responsibility to consider whether a pro se complaint could be cured by amendment. The court
8 emphasized that leave to amend should be freely given when justice requires, and that dismissal
9 with prejudice is a particularly harsh remedy that should be avoided when dealing with pro se
10 litigants.

11 District courts have provided additional guidance on implementing these principles. In *Donald v.*
12 *Cook County Sheriff's Dept.*, 95 F.3d 548 (7th Cir. 1996), the court outlined the extensive duties
13 of district judges in guiding pro se plaintiffs through the amendment process, including explaining
14 what additional facts would be needed to sustain their claims. The Ninth Circuit's decision in
15 *Eldridge v. Block*, 832 F.2d 1132 (9th Cir. 1987) documented the standard of "extreme liberality"
16 in granting leave to amend.

17 Courts must not only liberally construe pro se pleadings but must also provide clear notice of any
18 deficiencies and grant opportunities to amend. Multiple amendments may be needed in pro se
19 cases, and technical defects must not bar amendment. Courts have an affirmative duty to help pro
20 se litigants through the amendment process, and dismissal should not even be considered at this
21 stage.

22 These principles align with the fundamental purpose of Federal Rule of Civil Procedure 15(a),
23 which provides that leave to amend should be "freely given." When viewed collectively, these
24 cases create a nearly insurmountable presumption in favor of allowing pro se litigants to amend
25 their pleadings, establishing that the denial of such opportunity should be extremely rare.

26 This action exposes a grave constitutional breach within our judicial system. The San Bernardino
27 County Probate Court has knowingly exceeded its jurisdictional bounds by harboring tort claims
28 masquerading as probate matters. The Supreme Court in *Marshall v. Marshall*, 547 U.S. 293 (2006)

1 explicitly prohibited probate courts from adjudicating tort claims, yet this administrative court
2 continues to do so in brazen violation of the constitutional law. See Stern v. Marshall, 131 S. Ct.
3 2594, 180 L.Ed. 2d 475, 564 U. S. 462 (2011). (See U.S. Const. amend. VI, U.S. Const. amend.
4 VII)

5 The claims advanced by Attorney Rose C. Rosado in the probate court are not matters of estate
6 administration but rather sham tort actions seeking damages against Plaintiffs - claims that the
7 probate court has no authority to hear (there is NO trial by jury held by the San Bernardino
8 Probate Division). The Supreme Court unequivocally stated in Stern v. Marshall, 564 U.S. 462
9 (2011) that such matters must be adjudicated by Article III courts, not administrative tribunals.
10 Yet, the California probate court persists in asserting jurisdiction it does not possess, seizing
11 Plaintiffs' property valued at over \$380,000 through secret ex parte hearings all without notice or
12 due process.

13 The State of California bears direct liability for these constitutional violations through its creation
14 and maintenance of an unconstitutional probate court system that systematically violates citizens'
15 rights. Under the Tom Bane Civil Rights Act (California Civil Code § 52.1), the state is
16 accountable when its agents interfere with or attempt to interfere with constitutionally protected
17 rights through threat, intimidation, or coercion. Here, California has established and continues to
18 operate a probate court system that routinely adjudicates tort claims without jurisdiction, denies
19 citizens their Seventh Amendment right to jury trials, and seizes property without due process - all
20 in direct violation of the Supreme Court's holdings in both Marshall, Stern, and many others.

21 The State of California bears direct liability for these constitutional violations through its deliberate
22 failure to prevent its probate courts from systematically violating Plaintiffs' rights. Under the Tom
23 Bane Civil Rights Act (California Civil Code § 52.1), the state is accountable when its agents
24 interfere with or attempt to interfere with constitutionally protected rights through threat,
25 intimidation, or coercion. Here, California knowingly permits and facilitates its San Bernardino
26 probate court to adjudicate tort claims without jurisdiction, denies Plaintiffs' Seventh Amendment
27 right to jury trials, and seizes their property without due process - all in direct violation of the
28 Constitution and the Supreme Court's clear prohibitions in Marshall v. Marshall, 547 U.S. 293

1 (2006) and Stern v. Marshall, 564 U.S. 462 (2011). The Supreme Court has consistently held that
2 states cannot shield unconstitutional actions behind sovereign immunity when they knowingly
3 permit constitutional violations to persist. See Ex parte Young, 209 U.S. 123 (1908); Monell v.
4 Department of Social Services, 436 U.S. 658 (1978). California's deliberate indifference to these
5 ongoing constitutional violations, despite maintaining direct supervisory authority over its probate
6 courts, renders the state directly liable for the systematic deprivation of Plaintiffs' fundamental
7 rights.

8 The Supreme Court has consistently held that states cannot shield unconstitutional actions behind
9 sovereign immunity. See Ex parte Young, 209 U.S. 123 (1908); Monell v. Department of Social
10 Services, 436 U.S. 658 (1978). Furthermore, when a state creates a court system that systematically
11 violates constitutional rights, it must be held directly liable under 42 U.S.C. § 1983. See Monell v.
12 Department of Social Services, 436 U.S. 658 (1978) (establishing that local governments can be
13 sued for constitutional violations resulting from their policies or customs). California's deliberate
14 structuring of its probate courts to adjudicate matters beyond their constitutional authority,
15 combined with its ongoing failure to prevent such constitutional violations despite clear Supreme
16 Court precedent, renders the state directly liable for the resulting violations of Plaintiffs'
17 fundamental rights.

18 Of great consequence is the criminal conduct of District Judge Fernando L. Aenlle-Rocha and
19 Magistrate Judge Douglas F. McCormick in their illegal handling of this matter. Despite clear
20 Supreme Court precedent barring administrative probate courts from adjudicating constitutional
21 claims and tort actions, these federal judicial officers have demonstrated a pattern of knowingly
22 lying under oath and knowingly misapplying legal doctrines including Rooker-Feldman, Eleventh
23 Amendment immunity, absolute judicial immunity, and Younger abstention - doctrines that are
24 plainly inapplicable to the present case:

25 • Magistrate McCormick and the District Judge lied under oath (Dkts. 84, 89, 123, 127)
26 stating that Plaintiffs failed to oppose "the Judicial Officers' motion to dismiss." The record clearly
27 shows Plaintiffs did in fact oppose with motions to amend along with amended complaints (Dkts.
28 58, 66. "...RESPONSE TO DEFENDANT'S MOTION TO DISMISS")

1 This misrepresentation was manufactured for no other reason than to justify a dismissal while
2 completely avoiding the merits of Plaintiffs' constitutional claims.

3 • Magistrate McCormick and the District Judge lied under oath and committed fraud on the
4 court stating that "absolute" judicial immunity shields the probate "judges" from suit. The
5 Supreme Court has explicitly held that judges who knowingly act without jurisdiction are not
6 protected by immunity. The probate officers did not merely exceed their jurisdiction - they acted
7 in its complete absence:

8 o The probate officers held secret ex parte hearings on criminal accusations without notice
9 to the accused parties, in direct violation of the most basic principles of due process.

10 o They continued to issue orders after the case was properly removed to federal court, in
11 brazen defiance of 28 U.S.C. § 1446(d).

12 o Most egregiously, they attempted to adjudicate tort claims in an administrative probate
13 court, despite the Supreme Court's clear holding in Marshall and Stern that probate courts
14 completely lack such authority as they are not an Article III court. The probate court does not
15 provide trial by jury as required in tort cases requesting damages such as was filed against Plaintiffs
16 in the probate court.

17 o These actions were not mere errors in judgment but deliberate violations of clearly
18 established law. As the Supreme Court held in Forrester v. White, 484 U.S. 219 (1988), judicial
19 immunity protects judicial decision-making, not lawless conduct under color of office.

20 o The Supreme Court has consistently affirmed that judicial immunity is not absolute when
21 a judge acts in complete absence of jurisdiction. This bedrock principle exists to prevent precisely
22 what has occurred here - the use of judicial office as a shield for actions that are, in essence, private
23 conduct improperly cloaked in judicial garb.

24 The gravity of this principle was eloquently stated by the Supreme Court in Bradley v. Fisher, 80
25 U.S. 335 (1871): "Where there is no jurisdiction, there can be no discretion, for discretion is
26 incident to jurisdiction." This foundational principle recognizes that judicial immunity cannot
27 extend to actions taken without any colorable claim to jurisdiction, as such acts are by definition
28 outside the judicial role. See Mireles v. Waco, 502 U.S. 9, 11-12 (1991) (judicial immunity is

1 overcome when judge acts "in complete absence of all jurisdiction"); see also *Forrester v. White*,
2 484 U.S. 219, 227 (1988) (immunity protects judicial decision-making, not all acts by judges).
3 Courts across the country have consistently recognized various circumstances where judges act
4 outside their judicial capacity and therefore lose immunity protection. See *Morrison v. Lipscomb*,
5 877 F.2d 463 (6th Cir.1989) (finding no judicial immunity for state court judge who issued
6 administrative order declaring moratorium on certain writs); see also *Sevier v. Turner*, 742 F.2d
7 262 (6th Cir.1984) (holding juvenile court judge's initiation of criminal prosecution constituted
8 nonjudicial acts outside immunity protection); see also *Harris v. Harvey*, 605 F.2d 330 (7th
9 Cir.1979) (determining judge's improper communications to press and instigation of criminal
10 proceedings as part of racial campaign were not protected judicial acts).

11 This principle applies with particular force when judges knowingly act outside their jurisdiction.
12 See *Rankin v. Howard*, 633 F.2d 844, 849 (9th Cir. 1980) ("When a judge knows that he lacks
13 jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction,
14 judicial immunity is lost."); see also *Ashelman v. Pope*, 793 F.2d 1072 (9th Cir. 1986) (immunity
15 lost when judge acts in "clear absence of all jurisdiction"); see also *King v. Love*, 766 F.2d 962,
16 966 (6th Cir. 1985) (finding judges can be liable when acting without any jurisdictional basis).

17 The Supreme Court has emphasized that judicial immunity cannot shield actions taken completely
18 outside the scope of judicial authority. See *Dennis v. Sparks*, 449 U.S. 24, 29 (1980) (judicial
19 immunity does not extend to criminal behavior or actions taken in complete absence of
20 jurisdiction); see also *Pulliam v. Allen*, 466 U.S. 522 (1984) (judicial immunity does not bar
21 prospective injunctive relief against judicial officers); see also *Gregory v. Thompson*, 500 F.2d 59
22 (9th Cir. 1974) (judge's use of physical force to remove person from courtroom was nonjudicial
23 act outside immunity).

24 Courts have particularly stressed that administrative or ministerial acts by judges are not protected.
25 See *Ex parte Virginia*, 100 U.S. 339, 348 (1879) (selection of jurors is a ministerial act outside
26 judicial immunity); see also *Richardson v. Koshiba*, 693 F.2d 911 (9th Cir. 1982) (judge's acts in
27 evaluating fitness of judicial candidates were administrative, not judicial); see also *Lynch v.*
28

1 Johnson, 420 F.2d 818 (6th Cir. 1970) (serving on board that handles fiscal matters is
2 administrative act outside immunity).

3 The standard that judges acting without jurisdiction are “mere trespassers” has deep historical roots
4 in American jurisprudence. See *Davis v. Burris*, 51 Ariz. 220, 75 P.2d 689 (1938) (“A judge must
5 be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from
6 civil action for his acts.”); see also *Bradley v. Fisher*, 13 Wall. 335, 20 L.Ed. 646 (1872) (“Where
7 there is no jurisdiction at all, there can be no protection.”); see also *Piper v. Pearson*, 2 Gray 120
8 (“The courts are not bound by an officer’s interpretation of the law under which he presumes to
9 act.”).

10 This limitation on judicial immunity serves a crucial constitutional purpose. As the Supreme Court
11 explained in *Marbury v. Madison*, 5 U.S. 137 (1803), “the particular phraseology of the
12 constitution of the United States confirms and strengthens the principle, supposed to be essential
13 to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well
14 as other departments, are bound by that instrument.” The principle was forcefully reiterated in
15 *Ableman v. Booth*, 21 Howard 506 (1859): “No judicial process, whatever form it may assume,
16 can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom
17 it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless
18 violence.” Emphasis added.

19 • Magistrate McCormick and the District Judge lied under oath (Dkts. 123, 127) by stating
20 that the Rooker-Feldman doctrine and Younger abstention apply to the present case. This
21 represents a logical impossibility, as these doctrines are mutually exclusive. Also, the use of the
22 “probate exception” by the Magistrate and Fernando is clearly fraud on the court. This
23 contradictory reasoning is a deliberate attempt to obstruct justice rather than a legitimate
24 application of law. McCormick and Fernando go directly against Supreme Court precedent:

25 o *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 284 (2005): “Rooker-
26 Feldman is a narrow doctrine”, “the Rooker-Feldman doctrine applies only to federal actions
27 brought by ‘state-court losers.’”

1 o Younger v. Harris, 401 U.S. 37 (1971) "Circumstances fitting within the Younger doctrine,
2 we have stressed, are 'exceptional'; they include, as catalogued in NOPSI, 'state criminal
3 prosecutions,' 'civil enforcement proceedings,' and 'civil proceedings involving certain orders that
4 are uniquely in furtherance of the state courts' ability to perform their judicial functions.'"
5 Emphasis added (No mention of administrative, agency, or non-Article III courts).

6 o Marshall v. Marshall, 547 U.S. 293, 308 (2006): "the probate exception reserves to state
7 probate courts the probate or annulment of a will and the administration of a decedent's estate... it
8 does not bar federal courts from adjudicating matters outside those confines."

9 Plaintiffs have noticed the Court numerous times of these Constitutional laws and Supreme Court
10 precedent.

11 Magistrate McCormick and the District Judge's orders (Dkts. 78, 84, exhibit a complete departure
12 from binding Supreme Court authority, Federal law, and the Constitution. District Judge Fernando
13 and Magistrate McCormick hold no special authority above the law and the constitution. In fact,
14 they are servants of the Constitution and have sworn to uphold it ("No man in this country is so
15 high that he is above the law. No officer of the law may set that law at defiance with impunity. All
16 the officers of the government, from the highest to the lowest, are creatures of the law and are
17 bound to obey it. It is the only supreme power in our system of government, and every man who
18 by accepting office participates in its functions is only the more strongly bound to submit to that
19 supremacy and to observe the limitations which it imposes upon the exercise of the authority which
20 it gives." United States v. Lee, 106 U.S. 196 (1882)). Yet as clearly seen by the record, these
21 judges have made a reputation for violating their judicial oaths.

22 What legitimate explanation exists for a federal judge to commit fraud upon the court, lie under
23 oath, and directly contradict Supreme Court precedent? The record shows none. The only plausible
24 explanation for these extraordinary departures from judicial duty is the substantial financial
25 incentives – thanks to Rosado.

26 Attorney Rose C. Rosado's role is central to this collusion. The pattern of judicial decisions
27 consistently favoring her and her alliance's positions, despite their clear conflict with all
28 established law, proves improper influence and bribery. Her fraud of securing an extraordinary

1 amount of property through secret ex parte proceedings, maintain control over assets despite
2 removal to federal court, and obtain fraudulent rulings in clear violation of Supreme Court
3 precedent cannot be explained by ordinary advocacy.

4 The systematic nature of these violations - spanning multiple courts and involving multiple judicial
5 officers - indicates coordination that transcends mere coincidence. When judges at both state and
6 federal levels consistently violate clear law, ignore jurisdictional limits, and make false statements
7 on the record, all while substantial attorney fees (of up to \$1,000,000) for Rosado hang in the
8 balance, the proof of financial inducement becomes vivid.

9 Let this serve as notice that the constitutional violations detailed herein represent an unprecedented
10 assault on fundamental rights that strikes at the very heart of our constitutional order. The Supreme
11 Court has repeatedly emphasized that federal courts not only have the power, but the solemn duty
12 to intervene when state actors flagrantly violate constitutional rights. See *Cooper v. Aaron*, 358
13 U.S. 1 (1958). A judge's oath to uphold the Constitution is not merely ceremonial - it is a sacred
14 covenant with the American people.

15 When judicial officers knowingly disregard binding Supreme Court precedent and turn a blind eye
16 to ongoing constitutional violations, they strip themselves of their judicial character and act as
17 private citizens engaged in unauthorized conduct. See *Bradley v. Fisher*, 80 U.S. 335 (1871). The
18 gravity of these violations and the ongoing deprivation of fundamental rights demand immediate
19 adjudication. To do otherwise would constitute not just an abdication of judicial duty, but an active
20 participation in the dismantling of constitutional protections that form the bedrock of our legal
21 system. The eyes of the Nation are upon this Court.

22 This amended complaint contains additional defendants who have harmed and wronged Plaintiffs.
23 This amended complaint and all claims are supported by factual content and attached exhibits.
24 This is the first time Plaintiffs have been allowed by the court to amend their complaint even
25 though Plaintiffs requested three times in good faith (Dkts. 52, 58, 66). Instead, the court spent its
26 time finding ways to strategically dismiss all Plaintiffs' claims (See proof above, also Dkt. 129).

27 STATEMENT OF THE CASE

28 36. THIS IS A PROPERTY RIGHTS CASE.

1 37. PLAINTIFFS REQUEST THIS COURT TO ADJUDICATE TORTS AS REQUIRED BY
2 FEDERAL LAW. THIS CASE IS NOT AN ADMINISTRATIVE MATTER.

3 38. Defendants Rosado, Buccinio, and Mauro filed a common law case in California Probate
4 Court, aiming to seize the Plaintiffs' property. They falsely accused Plaintiffs of torts.

5 39. Defendant California Probate court, lacking all jurisdiction, continue to violate Plaintiffs'
6 rights and have seized their property.

7 40. Defendant California Probate Court held an Ex Parte hearing without notifying the accused
8 (Plaintiffs). The Probate Court then ordered the seizure of Plaintiffs' property, giving it to Buccinio
9 and Mauro.

10 41. The probate case is removed to federal court as the probate court lacks all jurisdiction to
11 proceed on a common law case requesting damages against Plaintiffs.

12 42. PLAINTIFFS' CONSTITUTIONAL PROPERTY RIGHTS HAVE BEEN
13 EGREGIOUSLY VIOLATED. These rights, fundamental to liberty and personal security,
14 encompass the right to use, earn income from, transfer, and enforce ownership of property. Further
15 facts and evidence presented below.

16 43. DEFENDANTS HAVE DELIBERATELY AND UNLAWFULLY IMPEDED
17 PLAINTIFFS' ABILITY TO EXERCISE CONTROL OVER THEIR RIGHTFUL ASSETS. This
18 interference persists through baseless accusations and unlawful legal maneuvers. Further facts and
19 evidence presented below.

20 44. THE ACTIONS OF DEFENDANTS CONSTITUTE A DIRECT ASSAULT ON
21 PLAINTIFFS' CONSTITUTIONALLY PROTECTED PROPERTY RIGHTS. Defendants
22 continue to obstruct the lawful dispersal of assets, depriving Plaintiffs of their right to use and
23 benefit from their property. Further facts and evidence presented below.

24 45. THE PROBATE COURT'S ACTIONS, INCLUDING HOLDING EX PARTE
25 HEARINGS WITHOUT NOTICE AND PROPERTY SEIZURE ORDERS, WERE EXECUTED
26 WITHOUT JURISDICTION AND IN DELIBERATE VIOLATION OF DUE PROCESS. These
27 proceedings have compounded the infringement of Plaintiffs' fundamental rights. Further facts
28 and evidence presented below.

1 46. PLAINTIFFS DEMAND THIS COURT TAKE IMMEDIATE ACTION TO RECTIFY
2 THESE SEVERE VIOLATIONS OF FEDERAL LAW AND RESTORE PLAINTIFFS'
3 PROPERTY RIGHTS. Swift adjudication is imperative to prevent further harm and to uphold the
4 constitutional protections afforded to all citizens regarding their lawful property.

5 47. DUE TO THE EGREGIOUS NATURE OF THESE VIOLATIONS, ALL DEFENDANTS
6 INCLUDING THE STATE OF CALIFORNIA MUST BE SEVERELY SANCTIONED TO THE
7 FULLEST EXTENT PERMITTED BY LAW. Such sanctions are necessary to address the gravity
8 of the misconduct, deter future violations, and preserve the of integrity of the judicial process.
9 Further facts and evidence presented below.

10 FEDERAL QUESTION

11 48. DOES THE CONSTITUTION OF THE UNITED STATES PERMIT THE FLAGRANT
12 VIOLATION OF PLAINTIFFS' FUNDAMENTAL RIGHTS, THE PERPETRATION OF
13 FRAUD, AND THE COMMISSION OF THEFT WITH IMPUNITY?

14 49. Defendants have trampled upon Plaintiffs' constitutional right to due process, engaged in
15 deliberate fraudulent activities, and committed brazen theft of Plaintiffs' property. In the name of
16 justice and the sanctity of our nation's laws, we move this court to take swift and decisive action
17 to hold defendants accountable for their unconscionable criminal acts.

18 50. NOTICE: The only reason Magistrate McCormick or District Judge Fernando would allow
19 the other Defendants such as Rosado and Hannah to be dismissed is because they are being paid
20 by the opposing attorneys. If these federal judges were not paid off by Krane and Overton, the
21 Judicial defendants would be included in this complaint. But McCormick and Fernando appear to
22 have decided money over justice.

23 NATURE OF THE CASE

24 1. This matter began when, unbeknownst to Plaintiffs, defendant Joseph Buccinio and
25 defendant Joseph Mauro through their attorney, defendant Rose C. Rosado, filed a petition for
26 probate in the San Bernardino Probate Court. They secured an ex parte hearing on November 8,
27 2022, without ever notifying us. At this secret ex parte hearing, they accused us of criminal actions,
28 alleging that "the neighbors" (without ever mentioning our names), had stolen the decedent's

1 laptop and changed all the pay-on-death beneficiaries from Buccinio to someone else (later found
2 to be various charities).

3 2. Shockingly, defendant probate court of California granted their petition and appointed
4 Buccinio and Mauro as special administrators and granted them our property, all without requiring
5 that we, the accused parties, be notified or given a chance to defend ourselves against the criminal
6 accusations. This is unheard of. This was and continues to be a blatant violation of our 14th
7 Amendment right to due process and violated California Rules of Court and San Bernardino Local
8 Rules. The Probate court should have denied the petition outright as it was clear another party was
9 criminally accused but not allowed to participate.

10 3. Armed with this illegal order, Rosado and her clients went on a rampage filing a will
11 contest based on tort allegations and a lawsuit requesting damages for alleged criminal conduct.
12 They placed a lien on our home.

13 4. Rosado and her clients' allegations and claims to the probate court are completely outside
14 of probate administrative scope and jurisdiction. See Marshall, 547 U.S. 293 (2006).

15 5. Further, since removing this case to federal court, we have faced a clear pattern of
16 obstruction of justice and complete refusal to follow all law by the San Bernardino Probate
17 Division. Despite acknowledging on the probate court docket that the probate case is removed, the
18 California Probate court has held five separate hearings in violation of 28 U.S.C. § 1446(d), which
19 states that upon removal, "the State court shall proceed no further unless and until the case is
20 remanded." The probate judges were noticed in our notices of obstruction of justice and they knew
21 they were breaking federal and state law and still proceeded to illegally continue the case.

22 6. The CA Probate court, rather than setting a status conference as required by local rules
23 when notified of the removal, simply set another hearing date to continue the case illegally. The
24 California Probate court then furthered this pattern, proceeding on March 14, 2024 despite our
25 notice of obstruction of justice reminding probate that the case is in federal court.

26 7. On June 11, 2024, the probate court held yet another proceeding. When we questioned why
27 probate wasn't following San Bernardino Superior Court Rules (Rule 420), the court stated that
28 rule didn't apply because "this is the probate court." The Probate court agency admitted that the

1 administrative court is separate from the Superior court and doesn't abide by California Superior
2 Court laws.

3 8. The oppositions' insistence that the probate case is "ongoing" in the CA probate court is a
4 strategic lie intended to deceive this Court and further their illegal actions and theft of Plaintiffs
5 property. The Probate docket for the June 11 hearing states "Reason for continuance: Removed to
6 Federal court."

7 9. The California Probate court is knowingly acting in absence of their administrative
8 jurisdiction and in brazen defiance of this Court's jurisdiction.

9 10. Magistrate McCormick accepted the lies from eight attorneys in the California federal case
10 that it is an ongoing case in the probate court and then ruled that the federal court does not have
11 jurisdiction because of that. He then lied in his proposed order stating it was an "ongoing" case.
12 He knew it was a lie. He knows that a case removed to federal court is an impossibility to be
13 ongoing. All 8 attorneys knew this but still fostered this lie.

14 11. Next, they all knew that the probate case asserted criminal allegations but assert that it is
15 not, ruling to abstain from allowing the case in federal court not following precedent by the
16 Supreme court in Marshall, 547 U.S. 293 (2006) and Ankenbrandt v. Richards, 504 U.S. 689
17 (1992) that state that the probate court is not the forum for criminal or tort accusations. They all
18 knew that the federal court holds jurisdiction for these accusations but are lying to keep us from
19 having our case heard.

20 12. Magistrate McCormick also ruled that probate can handle torts because they are a "Superior
21 Court" knowing that probate is not a Superior court, and they also know that the Legislature does
22 not have authority to make probate a judicial court of record. Probate is not mentioned in the
23 constitution and is not given any power except for administrative hearings. Further as mentioned
24 above, the probate court admitted on June 11th 2024 that Probate is not a civil court and does not
25 go by Superior Court requirements stipulated in the constitution of California. There is no right to
26 a jury trial allowed in the probate court. The lie was fostered by all eight attorneys and repeated
27 by Defendant magistrate Douglas F. McCormick. To top it off the former district judge Cormac
28 J. Carney accepted the magistrate's report without any findings.

1 13. The reason there were no findings is because there is no excuse for the probate court's
2 actions. These defendants are all lying under oath which forms fraud on the court and obstruction
3 of justice, constituting misconduct in office by Defendants McCormick, and a violation of their
4 oath of office.

5 14. The attorneys are guilty of misconduct and a violation of their oath.

6 15. Further they are fostering the lie that the probate court did nothing wrong in furthering the
7 criminal accusations (that Plaintiffs changed bank accounts to beneficiaries) when Plaintiff have
8 proved that this was false by subpoenaed bank records. Yet another lie that they all fostered trying
9 to get themselves off the hook.

10 16. The California probate court acted criminally in persistent, intentional violation of
11 Plaintiffs' constitutional rights while acting in complete absence of jurisdiction in service of the
12 scheme to steal the Bunker's house and property by Defendants Rosado, Buccinio, Mauro. This
13 scheme is being furthered by the probate court and the attorneys Lindsay N. Frazier Krane, Randal
14 P. Hannah, Patrik Johansson, Andrew J. Waxler, Jennifer E. Newcomb, Rose C. Rosado, David
15 D. Samani, Sarah L. Overton, and their respective firms.

16 17. The California Courts have now become an instrument of fraud and for the deprivation of
17 our Constitutional rights, with the probate court deliberately acting completely outside its
18 jurisdiction. It is against this backdrop of clear and ongoing abuse that we move this Court to
19 consider the merits. Throughout the California court proceedings, the California Probate Court has
20 been weaponized to adjudicate criminal accusations and tort claims, matters clearly beyond its
21 jurisdiction and capabilities. Every action taken by the Probate Court in this matter has been in
22 complete absence of all jurisdiction and we the Plaintiffs challenge this federal court to find the
23 constitutional grounds for a probate court to decide criminal tort cases requesting damages.

24 18. This coordinated abuse of the probate system has resulted in the unlawful seizure of the
25 Plaintiffs' property valued at over \$380,000, the threat of losing their current home and all their
26 assets, and severe emotional distress.

27 19. Furthermore, these defendants knowingly lie under oath that Rooker-Feldman doctrine
28 applies here, which the Supreme Court has explicitly limited to "state court losers" in Lance v.

1 Dennis, 546 U.S. 459 (2006) and Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S.
2 280 (2005). They know that NO final judgment was rendered in the probate court prior to removal.
3 Similarly, their lie under oath about the Younger Abstention is criminal, and it tries to rely on the
4 false premise of "ongoing" state proceedings. The Supreme Court's rulings in Marshall v. Marshall,
5 547 U.S. 293 (2006) and Ankenbrandt v. Richards, 504 U.S. 689 (1992) clearly establish that
6 probate courts lack jurisdiction over tort claims, rendering the California probate court's attempts
7 to adjudicate such matters null and void. By doubling down on these lies, the defendants are not
8 only lying under oath but also committing fraud upon this court, and going against established
9 Supreme Court precedent.

10 20. Magistrate McCormick lied under oath stating that the Plaintiffs filed a lawsuit "in
11 connection with an ongoing state probate matter." McCormick knew the probate case was NOT
12 ongoing as the case was properly removed to federal court. (Order Dkt. 78, 84) Also, a court case
13 cannot be ongoing where the court's jurisdiction is challenged.

14 21. Magistrate McCormick lied under oath, committed fraud on the court, and went against the
15 Constitution of the United States of America stating that "there is no separate probate court in
16 California." McCormick knew that the Probate division of California does not grant a trial by jury
17 and therefore is NOT a court of record and has NO judicial powers. McCormick knowingly
18 violated the 7th amendment to the constitution.

19 22. Magistrate McCormick lied under oath, committed fraud on the court and went against the
20 Supreme Court stating that "the underlying probate action involves a will contest, and thus the
21 probate court has jurisdiction..." McCormick knew that the probate case was about tort claims
22 which the probate court as an administrative court has no jurisdiction to decide according to the
23 Constitution of the United States of America and Marshall v. Marshall, 547 U.S. 293 (2006) and
24 Ankenbrandt v. Richards, 504 U.S. 689 (1992).

25 23. McCormick lied under oath, committed fraud on the court, and went against Supreme Court
26 Precedent by stating that the probate case regarding tort claims is barred from federal jurisdiction
27 because of "the probate exception and the Rooker- Feldman doctrine". McCormick knew or should
28 have known that the Supreme Court, who ruled at least twice on the issue in Ankenbrandt v.

1 Richards, 504 U.S. 689 (1992) and Marshall v. Marshall, 547 U.S. 293 (2006), ruled that the
2 federal court must decide tort claims even if they are related to probating a will or administering
3 an estate. McCormick went directly against the Supreme court by stating that The Rooker-Feldman
4 doctrine precludes federal court review of the probate court proceedings. Lance v. Dennis, 546
5 U.S. 459 (2006), Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280 (2005) The
6 probate case was removed to federal court and no party had lost and no final judgment was made.

7 24. McCormick lied under oath and committed fraud on the court stating that Plaintiffs did not
8 oppose. (Dkt. 84) He then goes on to admit that Plaintiffs did oppose with their motions (Dkts. 51,
9 58, 66). McCormick lied under oath and committed fraud on the court stating “Plaintiffs’
10 allegations against Judge [...] and Judge [...] concern their judicial acts in the Probate Action.”
11 (Dkt. 84). Plaintiffs made it clear that the probate judges acted without jurisdiction. McCormick
12 lied that Plaintiffs allegations were regarding the judges’ “judicial acts”. They are administrative
13 officers.

14 25. McCormick lied under oath, committed fraud on the court, and went against Supreme Court
15 precedent stating that “absolute judicial immunity” bars all claims against probate judges (Dkt 84).
16 McCormick knew or should have known that when a judge knows that he lacks jurisdiction, or
17 acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity
18 is lost. Rankin v. Howard, (1980) 633 F.2d 844, cert den. Zeller v. Rankin, 101 S.Ct. 2020, 451
19 U.S. 939, 68 L.Ed 2d 326, “Where there is no jurisdiction, there can be no discretion, for discretion
20 is incident to jurisdiction.” Piper v. Pearson, 2 Gray 120, cited in Bradley v. Fisher, 13 Wall. 335,
21 20 L.Ed. 646 (1872). A judge must be acting within his jurisdiction as to subject matter and person,
22 to be entitled to immunity from civil action for his acts. Davis v. Burris, 51 Ariz. 220, 75 P.2d 689
23 (1938). “... the particular phraseology of the constitution of the United States confirms and
24 strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant
25 to the constitution is void, and that courts, as well as other departments, are bound by that
26 instrument.” Marbury v. Madison, 1 Cranch 137 (1803). “No judicial process, whatever form it
27 may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or
28 judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less

1 than lawless violence." Ableman v. Booth, 21 Howard 506 (1859). "The courts are not bound by
2 an officer's interpretation of the law under which he presumes to act." Hoffsomer v. Hayes, 92
3 Okla 32, 227 F 417.

4 26. Judge Carney went along with all McCormick's lies and fraud and perpetuated them
5 through his orders (Dkts. 87, 89). Carney also lied under oath and committed fraud on the court
6 stating that the federal "case arises from an ongoing state-court probate action." Carney knew or
7 should have known that the probate case was NOT ongoing and was properly removed to federal
8 court. Judge Carney went against Supreme Court precedent and lied under oath citing Est. of
9 Kraus, 184 Cal. App. 4th 103, 114, and In re Baglione's Est., 417 P.2d683 (Cal. 1966) (Federal
10 Dkt. 87). Carney knew he was using these ruling out of context, and even if he wasn't, his
11 conclusion is in direct assault of the Supreme Court's rulings in Ankenbrandt v. Richards, 504
12 U.S. 689 (1992) and Marshall v. Marshall, 547 U.S. 293 (2006) and the Constitution. A federal
13 district judge must go by Supreme Court precedent. Instead, Carney commended McCormick's
14 lies and perpetuated fraud on the court.

15 27. Carney lied under oath and committed fraud on the court stating that "the action in the state
16 court is simply a probate action." Carney knew or should have known that a tort lawsuit was filed
17 in the California probate court alleging criminal conduct of plaintiffs of which the probate court
18 does not have jurisdiction. Carney spat in the face of the Supreme Court and twisted the clear
19 ruling of Marshall v. Marshall, 547 U.S. 293 (2006) by citing a quote clearly out of context (Dkt.
20 87). Carney states that the federal court is "barred by the probate exception." Carney knew or
21 should have known the Supreme Court ruled that federal courts MUST decide torts even if they
22 are related to probate matters Marshall v. Marshall, 547 U.S. 293 (2006). Carney perpetuated all
23 McCormick's lies and fraud on the court (Dkt. 89) stating that he "accepts the findings,
24 conclusions, and recommendations of the United States Magistrate Judge."

25 28. Judge Fernando went along with all McCormick and Carney's lies and fraud and
26 perpetuated them through his orders (Dkts. 107, 108). Fernando also lied under oath and committed
27 fraud on the court stating that the federal "case arises from an ongoing state-court probate action."
28 (Dkt. 107) Fernando knew or should have known that the probate case was NOT ongoing and was

properly removed to federal court. Fernando lied under oath and committed fraud on the court by reiterating McCormick's lies and fraud by stating the "Magistrate Judge ("Report") was issued regarding the MTD [Motions to Dismiss], recommending the action be dismissed with prejudice as to the Judicial Defendants based on three independently sufficient reasons: (1) Plaintiffs did not oppose the MTD; (2) judicial immunity bars the claims." Fernando knew that Plaintiffs opposed the MTD. Fernando also knew that McCormick's lie under oath of "absolute" judicial immunity goes against supreme court precedent. Fernando knew that a judge is not protected when his acts are done in the absence of all jurisdiction.

29. Fernando lied under oath and committed fraud on the court when he said that he needed case law to know if a conflict of interest was created by McCormick's wife being in a similar position as the probate court judges McCormick continues to defend stating "Plaintiffs, however, cite no case law in support of that contention and otherwise fail to establish how it is grounds for disqualification." (Dkt. 108) Fernando lied under oath and committed blatant misconduct in office by name calling, telling Plaintiffs they were "judge shopping." (Dkt. 108) All McCormick and Carney's lies and fraud were perpetuated through Fernando's orders and statements to the court (Dkt. 107, 108).

30. Through a coordinated abuse of judicial power, fraud upon the court, and manipulation of legal processes, the Defendants - a group of federal judges, the San Bernardino Probate Division, attorneys, and private individuals - have actively deprived Plaintiffs of their property, threatened their home, and are attempting to strip them of all their assets. These ongoing violations have already caused substantial damage to Plaintiffs and threaten to leave them destitute. This misconduct strikes at the very foundation of due process, equal protection under the law, and the integrity of our judicial system, turning what should be instruments of justice into weapons of oppression against the Plaintiffs.

31. At its core, this case is about the protection of fundamental constitutional rights:

- a. The right to be free from deprivation of property without due process of law.
- b. The right to equal protection under the law.
- c. The right to access the courts and have claims fairly adjudicated.

1 d. The right to a jury trial.

2 e. The right to be free from conspiracy to interfere with civil rights.

3 32. The Defendants' actions represent stark violations of 42 U.S.C. § 1983 and 42 U.S.C. §

4 1985(3), as they have acted under color of law to deprive the Plaintiffs of their constitutional rights:

5 f. The Probate Court, acting in complete absence of all jurisdiction, violated the Plaintiffs'

6 rights and seized their property through a series of unlawful actions:

7 i. Holding secret, ex parte hearings without notice to Plaintiffs, violating due process.

8 ii. Evidently taking money for orders from Attorney Rose C. Rosado.

9 iii. Issuing orders outside their jurisdiction based on false statements and hearsay, depriving

10 Plaintiffs of property rights without a fair hearing.

11 iv. Conspiring to present false evidence to the court, amounting to fraud upon the court.

12 g. Federal judges, acting entirely outside their jurisdiction, compounded these violations and

13 committed criminal acts by:

14 i. Lying under oath and committing perjury.

15 ii. Committing fraud on the court.

16 iii. Manifestly taking money for orders.

17 iv. Denying Plaintiffs their constitutional right to a jury trial in a common law case.

18 v. Obstructing Plaintiffs' access to California courts for redress of grievances including

19 criminal acts by California probate courts.

20 h. Attorney Randal P. Hannah violated his ethical obligations, conspiring with opposing

21 counsel Rose C. Rosado to lawfare against his own clients.

22 33. The real-world impact to Plaintiffs because of these constitutional violations is severe and

23 ongoing:

24 i. The Defendants have seized control of property that rightfully belongs to the Plaintiffs.

25 j. They have placed a malicious lien on Plaintiffs' home.

26 k. The Defendants are actively pursuing legal action to seize all of the Plaintiffs' assets, and

27 are even demanding double that amount, which would leave the Plaintiffs completely destitute.

28

1 34. This coordinated attack on the Plaintiffs' civil rights and economic security represents a
2 gross abuse of power that strikes at the heart of what it means to have a fair and impartial judicial
3 system in the United States of America. It demonstrates how unchecked criminal conduct can
4 destroy lives and undermine the very foundations of justice.

5 35. Plaintiffs now demand this California Federal Court as a sworn guardian of the
6 Constitution, seeking compensatory and punitive damages, as well as declaratory and injunctive
7 relief to address these systemic abuses of power in and by California defendants and probate courts.
8 This case demands the full attention of the Nation to restore the rule of law, to hold accountable
9 those who have abused their positions of authority, and to reaffirm the bedrock principle that no
10 one - not even a federal district judge - is above the law.

11 STATEMENT OF FACTS

12 51. On October 24, 2022, Richard Bochicchio (hereinafter "Decedent") passed away. Decedent
13 was a long-time friend and neighbor of the Bunker family for over 30 years. The Bunker family,
14 including their now eleven children, had developed a close relationship with Decedent over the
15 years (Exhibit J).

16 52. On October 25, 2022, the day after Decedent's death, Plaintiff Christopher Bunker emailed
17 a copy of Decedent's will to Defendant Joseph Buccinio (Exhibit C).

18 53. Upon receiving this information, Defendant Buccinio spoke with Christopher Bunker and
19 threatened him, stating, "You better destroy the will or I'll sue you to hell!" (Exhibit B).

20 54. On or before October 27, 2022, Defendants Buccinio and Mauro presented the most recent
21 and true will to Attorney David J. Greiner (Exhibit D), demonstrating their knowledge of its
22 existence and contents.

23 55. Despite this knowledge, on November 2, 2022, Defendants Buccinio and Mauro, enabled
24 by their attorney, Defendant Rose C. Rosado, filed a petition for probate in the San Bernardino
25 Probate Court using an outdated, revoked, and false will (Exhibit E).

26 56. On November 8, 2022, Defendant Rosado secured an ex parte hearing before the California
27 Probate Court without ever notifying the Plaintiffs (Exhibit M). This action violated California
28

1 Rules of Court Rule 3.1203 and San Bernardino Local Rule 731, which require notice to all parties
2 before an ex parte hearing.

3 57. At this secret ex parte hearing, Defendants Buccinio, Mauro, and Rosado accused Plaintiffs
4 of criminal actions, craftily alleging that “the neighbors” (without ever mentioning Plaintiffs’
5 names) had stolen the Decedent’s laptop and changed all the pay-on-death beneficiaries from
6 Buccinio to Plaintiffs (later found to be various charities) (Exhibit E).

7 58. Shockingly, the California Probate Court granted their petition (Exhibit Z) and ordered that
8 Buccinio and Mauro be appointed as special administrators, granting them Plaintiffs’ property.
9 Defendant California Probate Court permitted an ex parte attachment without ever giving Plaintiffs
10 (the accused) notice of the proceeding. Plaintiffs were never notified or given a chance to defend
11 themselves against the tort and criminal accusations.

12 59. Armed with this illegal order by the California Probate Court, Defendant Rosado and her
13 clients Buccinio and Mauro went on a rampage, filing a will contest based on tort allegations and
14 a lawsuit demanding payment for the alleged torts.

15 60. In April 2023, Defendant Rosado filed a lien on the Bunkers’ home, which was not part of
16 the Decedent’s estate. Rosado falsely claimed that a \$100,000 gift from the Decedent was used to
17 purchase the Bunkers’ family home. However, bank statements and escrow papers prove that the
18 Bunkers’ home was purchased through the proceeds of the sale of a previous home and a mortgage
19 (Exhibit N).

20 61. Bank records prove that Decedent had designated charities as beneficiaries of the bulk of
21 his estate as far back as 2016, long before he grew ill and long before he died (Exhibit G). Only
22 one account had been designated by the Decedent to Christopher and Teresa Bunker.

23 62. Defendants Buccinio and Mauro have further lied about the Plaintiffs to the court and
24 committed fraud when they stated Adam Bunker used Decedent’s funds to purchase himself a car
25 from Greiner Buick GMC (Exhibit H). In fact, the car was purchased by the Decedent through car
26 salesman Dave Lang as a birthday gift to Adam Bunker (Exhibit I).

27 63. On December 6, 2022, Plaintiffs retained Defendant Randal Hannah as their attorney.
28 Hannah filed a Petition for Probate on December 12, 2022. However, Hannah denied Plaintiffs

1 multiple requests to challenge the ex parte hearing and orders and refused to take any action to
2 have them overturned, despite Plaintiffs' repeated requests.

3 64. On multiple court dates, Hannah whispered to Rosado about Plaintiffs case that Hannah
4 was actively sabotaging to get a payout from Rosado.

5 65. Hannah would talk with Rosado alone in the hallways of the probate courts many times
6 and would never allow Plaintiffs to know what was said.

7 66. In May 2023, Hannah prepared a response to the lawsuit that included a statement having
8 the Bunkers falsely state they all were beneficiaries, which would have falsely incriminated them.

9 (Exhibit P)

10 67. During a July 2023 hearing, Hannah told the Bunkers to "prepare to lose the case," despite
11 overwhelming evidence (later easily obtained by Plaintiffs through subpoenaed bank records
12 proving Rosado and her clients were lying to the probate court) against the lies and illegal actions
13 taken against Plaintiffs.

14 68. Hannah told the Plaintiffs "Banks don't just give out those records."

15 69. From July to November 2023, during a critical period, Hannah refused to gather crucial
16 evidence such as bank statements, medical records, and witness depositions, despite Plaintiffs'
17 repeated requests.

18 70. On November 8, 2023, the California Probate Court held a hearing after the case had been
19 removed to federal court. When asked by Plaintiff if the court had a copy of the removal notice,
20 the court responded that it couldn't find the case. The probate court also admitted to not reading
21 the notice of obstruction of justice filed by Plaintiffs.

22 71. Despite being informed of the case's removal to federal court, the California Probate Court,
23 in clear absence of all jurisdiction, set another hearing date in violation of federal law, specifically
24 28 U.S.C. § 1446(d). (Exhibit X)

25 72. On January 12, 2024, the California Probate Court held another hearing and set yet another
26 hearing date, continuing to act without jurisdiction. (Exhibit X)

27 73. Plaintiffs informed Defendant Morgan Laine Baxter, Executive Officer of Operations of
28 the San Bernardino court, sending her a detailed letter explaining the illegal actions taken by the

1 CA Probate court. Defendant Baxter replied to Plaintiffs via email stating she would inform the
2 presiding judge of this conduct. (Exhibit Q)

3 74. Upon new information and belief, Defendant Baxter breached her duty as Executive
4 Officer of Operations, never informing the presiding judge of the complete criminal conduct of the
5 Probate officers and instead remained silent at the request of Rose C. Rosado.

6 75. Defendant Baxter had a duty to report the criminal conduct she was made aware of to the
7 proper authorities. However, there being no reply or action taken by either Morgan Baxter or the
8 presiding judge when such criminal misconduct of officers under thier supervision is proof that
9 Morgan Baxter failed in her duty to take proper action or inform the proper channels of the probate
10 court's complete lack of all jurisdiction over tort claims that were attempting to be adjudicated by
11 administrative probate officers.

12 76. Subsequently, the California Probate court continued to keep hearings on the calendar
13 despite being fully aware of the case's removal to federal court and receiving a notice of
14 obstruction of justice from Plaintiffs.

15 77. The State of California has knowingly permitted its probate court to conduct unauthorized
16 seizures of property and adjudicate tort claims completely outside their limited administrative
17 jurisdiction, in direct violation of the Supreme Court's holdings in *Marshall v. Marshall*, 547 U.S.
18 293 (2006) and *Stern v. Marshall*, 564 U.S. 462 (2011). Through its supervisory structure and
19 oversight of the probate court system, California knows that its probate court adjudicated tort
20 claims without jurisdiction and seized property through secret ex parte proceedings without due
21 process. The State maintains direct authority over its probate courts yet has established no
22 safeguards or procedures to prevent them from acting outside their constitutional limits. Despite
23 the clear jurisdictional boundaries established by the Supreme Court prohibiting probate courts
24 from adjudicating tort claims, California continues to permit and facilitate these unauthorized
25 proceedings. This systematic failure to prevent known constitutional violations makes California
26 directly liable for the ongoing deprivation of Plaintiffs' fundamental rights. The State's deliberate
27 indifference has fostered a system where probate courts routinely exceed their jurisdiction, conduct
28

1 secret ex parte hearings, and seize property without due process - all while operating under
2 California's direct supervision and authority.

3 78. Throughout these proceedings, Defendants David Samani, Patrik Johansson, Andrew
4 Waxler, Jennifer Newcomb, Sarah Overton, and Lindsey Frazier-Krane, as attorneys representing
5 various parties, made false statements to the federal court regarding the nature of state court
6 proceedings, obstructing justice and perpetuating fraud upon the court.

7 79. These attorneys filed motions to dismiss, oppositions, and replies that contained statements
8 in direct violation of facts and federal law, knowingly misrepresenting the jurisdictional status of
9 the California San Bernardino probate case to the federal court.

10 80. In their motions and pleadings they have stated that the federal court does not have
11 jurisdiction due to various inapplicable doctrines such as Rooker-Feldman, Younger abstention,
12 the "probate exception" among others:

13 a. Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280, 284 (2005): "Rooker-
14 Feldman is a narrow doctrine", "the Rooker-Feldman doctrine applies only to federal actions
15 brought by 'state-court losers.'"

16 b. Younger v. Harris, 401 U.S. 37 (1971) "Circumstances fitting within the Younger doctrine,
17 we have stressed, are 'exceptional'; they include, as catalogued in NOPSI, 'state criminal
18 prosecutions,' 'civil enforcement proceedings,' and 'civil proceedings involving certain orders that
19 are uniquely in furtherance of the state courts' ability to perform their judicial functions.'"

20 c. Marshall v. Marshall, 547 U.S. 293, 308 (2006): "the probate exception reserves to state
21 probate courts the probate or annulment of a will and the administration of a decedent's estate... it
22 does not bar federal courts from adjudicating matters outside those confines."

23 81. In their opposition to Plaintiffs' motion to vacate (Dkt. 98), Defendants Sarah L. Overton
24 and Lindsay N. Frazier-Krane, stated: "Here, however, there has been no separate, final judgment
25 entered in this case." This statement directly contradicts their previous assertion in Dkt. 97, where
26 they declared: "Moreover, the order on the Defendant probate judges' motion to dismiss is a final
27 order."

28

1 82. Defendants, David Samani, Patrik Johansson, Andrew Waxler, Jennifer Newcomb, Sarah
2 Overton, and Lindsey Frazier-Krane, made false statements to this court regarding the applicability
3 of the Rooker-Feldman doctrine and Younger abstention. They claimed these doctrines barred
4 federal jurisdiction despite knowing there was NO final state court judgment and no legal ongoing
5 state proceedings. These attorneys filed motions containing statements in direct violation of the
6 law, knowingly misrepresenting the jurisdictional status of the case. Their actions constitute a
7 deliberate attempt to obstruct justice and deprive this court of its rightful jurisdiction over the
8 matter. Notably, the Rooker-Feldman doctrine and Younger abstention are mutually exclusive and
9 cannot both apply simultaneously to the present case.

10 83. They all stated that the probate case was "ongoing" even though the probate case was
11 properly removed to this federal court. The effect of these attorney's blatant LIES and PERJURY
12 manifested in Magistrate Douglas McCormick and the previous district judge Carney following
13 along to repeat this lie in their respective spurious orders.

14 84. All these attorneys lied stating the Rooker-feldman doctrine barred the lawsuit which is
15 even reiterated by Magistrate Douglas McCormick in Order Dkt. 94.

16 85. Defendant Lindsey Frazier-Krane admitted that the Rooker-feldman doctrine is
17 inapplicable (see Exhibit Y) and yet continued to shove the argument down the throat of this court.

18 86. The law firms employing these attorneys - Zumbrunn Law Corporation, Lewis Brisbois
19 Bisgaard & Smith LLP, Kaufman Dolowich Voluck LLP, and Cummings, McClorey, Davis &
20 Acho P.L.C. - are vicariously liable for their employees' actions and complicit in their
21 misrepresentations to the court.

22 87. As a result of Defendants' actions, Plaintiffs have been stripped of their property valued at
23 approximately \$380,000.

24 88. Defendants' actions have caused Plaintiffs severe emotional distress, financial hardship,
25 and ongoing threats to their current home and assets.

26 89. All Defendants continue to litigate the case in the Probate court to steal the Bunker
27 Family's remaining assets.

28

1 90. This coordinated attack on Plaintiffs' civil rights and economic security represents a gross
2 abuse of power and a complete absence of jurisdiction that strikes at the heart of what it means to
3 have a fair and impartial judicial system in the United States of America.

4 FIRST CAUSE OF ACTION

5 (Violation of Fundamental Rights Under Color of Law - 42 U.S.C. § 1983)

6 91. Plaintiffs reallege and incorporate by reference paragraphs 1 through 90 as though fully set
7 forth herein.

8 92. At all times referred herein, the California San Bernardino administrative probate division
9 and its officers were acting under color of law.

10 93. At all times referred herein, Defendant Morgan Laine Baxter acted under color of law as
11 Deputy Court Executive Officer of Operations of the San Bernardino court system.

12 94. On November 8th 2022, the San Bernardino administrative probate division held an Ex
13 Parte hearing without giving Plaintiffs (the accused) notice. Plaintiffs were completely unaware of
14 the proceedings held by the probate court behind their backs (see Exhibit M).

15 95. The secret Ex Parte hearing included an attachment submitted by Defendants Rose C.
16 Rosado, Buccinio, and Mauro accusing Plaintiffs of stealing Decedent's laptop and changing all
17 beneficiary designations. They accused Plaintiffs of attempting to steal all the funds (which was
18 impossible since the majority of the beneficiary designations were to various charities as proved
19 by bank records). They requested that Plaintiffs property be handed over to Buccinio and Mauro
20 and that all bank accounts be frozen (see Exhibit E).

21 96. During the secret Ex Parte hearing, the Defendant California probate court ordered that
22 Plaintiffs Christopher Bunker and Teresa Bunker's property be seized and given to Defendants
23 Joseph Buccinio and Joseph Mauro. This was done without any notice to Plaintiffs (see Exhibit
24 M) and is a blatant violation of due process.

25 97. The California probate court as an administrative court knew or should have known that
26 probate cannot adjudicate tort accusations or common law accusations (probate denies 7th
27 amendment trial by jury). The probate court and it's officers also knew or should have known that
28

1 an Ex Parte hearing should NEVER be conducted until ALL parties are notified, especially the
2 accused.

3 98. The California probate court acted in absence of all jurisdiction and knowingly violated
4 Plaintiffs rights to due process by holding the secret Ex Parte hearing and adjudicating torts to help
5 steal Plaintiffs property.

6 99. Defendant California probate court and its officers' actions, particularly in holding a secret
7 ex parte hearing on November 8th, 2022, deprived Plaintiffs of multiple constitutional rights
8 protected under the United States Constitution. Specifically:

9 a. Fourteenth Amendment Due Process: By conducting the hearing without notice to
10 Plaintiffs and in their absence, the California probate court violated Plaintiffs' right to procedural
11 due process, denying them the opportunity to be heard at a meaningful time and in a meaningful
12 manner before being deprived of their property.

13 b. Fifth Amendment (as applied to the states through the Fourteenth Amendment): The
14 seizure of Plaintiffs' property without due process of law, as ordered by the California probate
15 court, violated Plaintiffs' right to property as protected by the Fifth Amendment.

16 c. Fourth Amendment (as applied to the states through the Fourteenth Amendment): the
17 California probate court's order to seize Plaintiffs' property, issued without probable cause or any
18 opportunity for Plaintiffs to contest the accusations, was in direct violation of the Fourth
19 Amendment.

20 100. These constitutional violations directly resulted from the California probate court's actions
21 under color of law, causing Plaintiffs to suffer loss of property, violation of their fundamental
22 rights, and ongoing legal and financial damages. The Defendant California probate court and it's
23 officers knew or should have known that its actions were in clear violation of these well-
24 established constitutional rights.

25 101. Since legally removing the probate case to federal court on pursuant to 28 U.S.C. § 1446,
26 Plaintiffs have faced a clear pattern of obstruction of justice and complete refusal to follow all law
27 by the California probate court. Despite acknowledging on the probate court docket that the
28 probate case is removed, the probate court has held four separate hearings (see Exhibit E) in

1 violation of 28 U.S.C. § 1446(d), which states that upon removal, “the State court shall proceed
2 no further unless and until the case is remanded.” The CA Probate court was noticed in our notices
3 of obstruction of justice and they knew they were breaking federal and state law and still proceeded
4 to illegally continue the case.

5 102. The California probate court held a hearing on December 15, 2023 after the removal was
6 filed before this court and a copy was filed in the probate court. The California probate court was
7 asked by Plaintiffs if it had a copy of the removal and it said, it couldn’t find the case. Then the
8 California probate court was asked if it had read the notice of obstruction of justice, it said, “no”.
9 The California probate court was adjudicating without even reading what was before the court.
10 Plaintiffs read the California probate court a part of the obstruction of justice. The California
11 probate court refused to abide by the law and instead set another hearing date in violation of federal
12 law, and in direct opposition to the Constitution.

13 103. The California probate court held another secret hearing on January 12, 2024 without
14 notifying Plaintiffs of said hearing and instead of taking the case off calendar the probate court set
15 another hearing date!

16 104. The California probate court’s actions, particularly in holding hearings on December 15
17 2023, January 12 2024, March 14 2024, June 11 2024, October 15 2024 after the case had been
18 removed to federal court, and not noticing them, constituted violations of Plaintiffs’ constitutional
19 rights. Specifically:

20 a. Fourteenth Amendment Due Process: By proceeding with hearings after the case’s removal
21 to federal court, California probate court violated Plaintiffs’ right to procedural due process. The
22 California probate court deliberately ignored the legal effect of the removal (28 U.S. Code § 1446
23 (d)), depriving Plaintiffs of their right to have their case heard in the proper forum.

24 b. Fifth Amendment (as applied to the states through the Fourteenth Amendment): the
25 California Probate court’s persistence in adjudicating a case over which she had no jurisdiction
26 violated Plaintiffs’ property rights without due process of law. The decisions made in these illegal
27 probate proceedings violated Plaintiffs’ property rights and were upheld by the State of California
28 and it’s Probate court.

1 c. First Amendment Right to Petition: By refusing to acknowledge the case's removal and
2 continuing to set hearing dates, the California Probate court denied Plaintiffs their right to petition
3 the federal government for a redress of grievances, as guaranteed by the First Amendment. This
4 was done to make it appear that the probate case was ongoing to prevent this Court's jurisdiction
5 which is a legal impossibility.

6 d. Seventh Amendment Right to Jury Trial: Probate proceedings are administrative in nature
7 and by continuing to adjudicate the tort case after its removal to federal court, the California
8 Probate court infringed upon Plaintiffs' right to have the common law case heard in a forum where
9 their Seventh Amendment right to a jury trial is upheld.

10 105. Furthermore, California Probate court and it's officers' actions highlight the illegal nature
11 of probate courts operating outside the constitutional protections of civil proceedings, including
12 the right to a jury trial. By insisting on keeping the case within the probate court's jurisdiction after
13 its legal removal, California Probate court deprived Plaintiffs of the opportunity to have their case
14 heard in a forum that upholds these constitutional protections.

15 106. Moreover, Defendant California Probate court's admission that it had not read Plaintiffs
16 notice of obstruction of justice and its refusal to abide by federal law (28 U.S.C. § 1446(d))
17 demonstrate a willful and knowing violation of Plaintiffs' rights. The California Probate court
18 actions caused Plaintiffs to suffer ongoing constitutional rights violations, property loss, and the
19 necessity of defending against unauthorized proceedings, resulting in both financial damages and
20 the deprivation of constitutional rights. As a California Probate court which was noticed by
21 Plaintiffs, the California probate court knew or should have known that its actions were in clear
22 violation of these well-established constitutional rights.

23 107. Defendant Morgan Laine Baxter was contacted by Plaintiffs to correct the illegal keeping
24 of the probate case on calendar as it continues to deprive Plaintiffs of their constitutional right to
25 due process.

26 108. Plaintiffs noticed the presiding judge (via Defendant Baxter) by sending her a detailed letter
27 of the illegal actions taken by the Probate court through Morgan Baxter's email and by USPS
28 return receipt. Baxter stated that the presiding judge had received the letter. The presiding judge

1 has the authority to administratively remove the case from the courts calendar acknowledging that
2 the case is now under Federal Jurisdiction and that the probate court never had authority to proceed
3 with it. The removal document and the obstruction of justice document were attached for the
4 presiding judge through Morgan Baxter to easily see the unlawfulness of the California Probate
5 court's harboring of the case.

6 109. The presiding judge did not take it off calendar. Instead, the probate hearing illegally
7 remained on calendar and Plaintiffs due process rights continued to be violated and their property
8 stolen. Morgan Baxter was fully informed and then went silent. Plaintiffs never received another
9 email regarding the status of her duty to report the information provided by Plaintiffs. Based on
10 information and belief the inaction of the presiding judge was caused by Morgan Laine Baxter's
11 abdication of duty as Executive Officer of Operations to properly inform of and carry out her
12 administrative duties.

13 110. Defendant Baxter, in her capacity as Deputy Court Executive Officer of Operations, bears
14 significant responsibility for the ongoing violations of Plaintiffs' constitutional rights through her
15 deliberate inaction and failure to fulfill her duties of properly notifying the presiding judge. Despite
16 being fully informed of the case's removal to federal court and the illegal proceedings conducted
17 by the probate court, Defendant Baxter chose to ignore her administrative obligations and instead
18 hid the full details of the matter from the presiding judge by request of Defendant Rosado, thereby
19 becoming complicit in and exacerbating the following constitutional violations:

20 a. Fourteenth Amendment Due Process: By failing to take administrative action to remove
21 the illegally continued probate case from the court's calendar, Defendant Baxter knowingly
22 allowed and aided the perpetuation of proceedings that violated Plaintiffs' right to procedural due
23 process. Her inaction aided and motivated the continuation of a case in probate court that clearly
24 had no jurisdiction, depriving Plaintiffs of their right to be heard in the proper forum.

25 b. Fifth Amendment (as applied to the states through the Fourteenth Amendment): Defendant
26 Baxter's refusal to properly inform to intervene and halt the unauthorized probate proceedings
27 directly violated Plaintiffs' property rights without due process of law. Her silence and inaction
28

1 allowed for the continuation of orders violating Plaintiffs' property interests by the probate court
2 lacking all jurisdiction.

3 c. First Amendment Right to Petition: By disregarding Plaintiffs' detailed communication
4 about the case's removal and the ongoing illegal proceedings, Defendant Baxter denied Plaintiffs
5 their First Amendment right to petition for redress of grievances. Her failure to act on this
6 information obstructed Plaintiffs' attempts to seek remedy through proper administrative channels.

7 d. Seventh Amendment Right to Jury Trial: Defendant Baxter's inaction in fully informing
8 the presiding judge for the removing of the probate case from the court's calendar after its removal
9 to federal court contributed to the ongoing deprivation of Plaintiffs' right to a jury trial for tort
10 claims and civil matters, as guaranteed by the Seventh Amendment.

11 111. Moreover, Defendant Baxter's deliberate disregard of her administrative duties to her
12 superior (and thereby to Plaintiffs), despite being fully informed of the situation, demonstrates a
13 conscious disregard for the rule of law and the constitutional rights of the Plaintiffs. As the
14 Executive Officer of Operations, Defendant Baxter had both the authority and the obligation to
15 inform the presiding judge, to intervene and prevent the ongoing constitutional violations. Her
16 failure to do so was not mere negligence, but a willful abdication of her responsibilities that directly
17 contributed to the continued infringement of Plaintiffs' rights. This inaction caused Plaintiffs to
18 suffer prolonged legal uncertainty, property loss, and the necessity of defending against
19 unauthorized proceedings, resulting in both financial damages and the sustained deprivation of
20 constitutional rights. Defendant Baxter, being informed by plaintiffs, knew or should have known
21 that her failure to act would result in these ongoing violations of well-established constitutional
22 rights and federal law.

23 112. The California Probate court continued on with its pattern of violating Plaintiffs' rights to
24 due process, holding an illegal hearing on March 14, 2024 despite Plaintiffs' notice of obstruction
25 of justice reminding the California Probate court the case was in federal court (see Exhibit F).

26 113. On June 11, 2024, the California Probate court held yet another illegal proceeding. When
27 Plaintiffs questioned why the probate court wasn't following San Bernardino Superior Court Rules
28 (Rule 420), the court responded that the rule didn't apply to it because "this is the probate court."

1 The San Bernardino Probate division admitted that it is separate from the Superior court and
2 doesn't abide by California Superior Court laws (See four declarations in support, Exhibit G).

3 114. The California Probate court's actions, particularly in proceeding with hearings on March
4 14, 2024, and June 11, 2024, after the case had been removed to federal court, constituted severe
5 violations of Plaintiffs' constitutional rights and resulted in the continued unlawful seizure of their
6 property. Most egregiously, California Probate court's statement that "this is the probate court" in
7 response to why it wasn't following San Bernardino Superior Court Rules is a critical admission
8 that probate court was and is adjudicating outside the bounds of constitutional protections afforded
9 in judicial proceedings of which the probate court is an administrative court. Specifically:

10 a. Fourteenth Amendment Due Process: By continuing proceedings after the case's removal
11 to federal court and admitting that probate court rules differ from superior court rules, the
12 California Probate court knowingly violated Plaintiffs' right to procedural due process. It
13 deliberately ignored both the legal effect of the removal and the constitutional requirements for
14 adjudicating torts, depriving Plaintiffs of their right to be heard in a proper judicial forum.

15 b. Fifth Amendment (as applied to the states through the Fourteenth Amendment): The
16 California Probate court's persistence in adjudicating a case over which it had no jurisdiction in
17 the face of it's admission that the probate court doesn't operate under civil rules, directly violated
18 Plaintiffs' property rights without due process of law. The probate court's actions resulted in the
19 continued illegal seizure and transfer of Plaintiffs' property, a clear violation of the Fifth
20 Amendment's protections against uncompensated takings.

21 c. Seventh Amendment Right to Jury Trial: By explicitly stating that probate court is different
22 from superior court and doesn't follow the same rules, the California Probate court admitted to
23 operating in a forum that denies Plaintiffs their Seventh Amendment right to a jury trial for the tort
24 accusations which manufactured the entire probate case. This admission underscores the
25 unconstitutional nature of using an administrative probate court to adjudicate tort claims and
26 property rights, which are matters of common law requiring the right to a jury trial.

27 d. First Amendment Right to Petition: The California Probate court's refusal to acknowledge
28 the case's removal and its insistence on applying separate "probate court" rules to a case at

1 common law denied Plaintiffs their right to petition for redress of grievances in a constitutionally
2 appropriate forum.

3 115. Moreover, California Probate court's explicit admission that probate court operates under
4 different rules than superior court is a tacit acknowledgment of the probate court's administrative,
5 rather than judicial, nature. This admission proves that the San Bernardino Probate division
6 knowingly presided over proceedings that lacked the constitutional protections required for
7 adjudicating property rights and tort claims. These actions not only violated Plaintiffs'
8 constitutional rights but also resulted in the unlawful seizure and transfer of Plaintiffs' property
9 through an administrative process masquerading as a judicial one.

10 116. The gravity of the California Probate court actions is compounded by it's position as an
11 administrative court. The probate court's willful disregard for federal removal law, coupled with
12 its admission of operating outside judicial procedures, demonstrates a flagrant abuse of power,
13 acting outside all jurisdiction, and a knowing violation of Plaintiffs' constitutional rights. These
14 actions caused Plaintiffs to suffer continued substantial property loss, ongoing violations of their
15 constitutional rights, and the necessity of defending against unauthorized proceedings, resulting in
16 both significant financial damages and the deprivation of fundamental constitutional protections.

17 117. The California Probate court has acted outside of it's scope of jurisdictional authority as
18 defined by Constitution of the United States of America.

19 118. The U.S. Supreme Court has established that judges are not immune from suit for actions
20 taken in complete absence of all jurisdiction (Bradley v. Fisher, 80 U.S. 335 (1871); Stump v.
21 Sparkman, 435 U.S. 349 (1978)).

22 119. Probate courts in California are limited jurisdiction courts. Their jurisdiction does not
23 extend to adjudicating tort claims or common law matters.

24 120. The Defendants actions in adjudicating tort claims and property rights violated Article III
25 of the U.S. Constitution, which vests judicial power in courts established by Congress, not
26 administrative bodies.

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1 121. The Seventh Amendment guarantees the right to a jury trial in civil matters where the value
2 in controversy exceeds twenty dollars. The State of California and its probate court's actions
3 denied Plaintiffs this right.

4 122. The Fifth and Fourteenth Amendments prohibit deprivation of property without due
5 process of law. By conducting *ex parte* hearings and proceeding after removal to federal court, the
6 State of California and it's probate court's violated these constitutional protections.

7 123. 28 U.S.C. § 1446(d) explicitly states that upon removal, "the State court shall proceed no
8 further unless and until the case is remanded." The State of California probate court's continued
9 proceedings after removal directly contravened this federal statute.

10 124. The California probate court's statement that probate court rules differ from superior court
11 rules (Exhibit G) indicates an acknowledgment of operating outside the bounds of judicial
12 proceedings.

13 125. The actions taken by the Defendants fall outside any reasonable interpretation of probate
14 court jurisdiction as defined by California law and federal constitutional principles. As such, these
15 actions were taken in their personal capacity, not as judicial officers acting within their jurisdiction.

16 126. The facts presented demonstrate that the Defendants knowingly acted completely outside
17 their jurisdictional limits, violating specific constitutional rights and federal statutes. These actions
18 do not qualify for any immunity under the Constitution and established Supreme Court precedent.

19 127. The probate division in California is distinct from the superior court system. This fact was
20 explicitly acknowledged by the probate court itself, which stated that probate court does not follow
21 superior court rules (Exhibit G).

22 128. California probate courts operate under the Probate Code, not the rules governing superior
23 courts.

24 129. The California probate code does not provide for a jury trial:

25 California Probate Code - Section 825:

26 "Except as otherwise expressly provided in this code, there is
27 no right to a jury trial in proceedings under this code."

1 130. The probate court's jurisdiction is limited to administering estates and probating wills. See
2 Marshall v. Marshall, 547 U.S. 293 (2006). Any attempt by the Probate Code to extend this
3 jurisdiction to adjudicating torts or ordering monetary payments between parties would be
4 unconstitutional.

5 131. The U.S. Supreme Court, in Marshall v. Marshall, 547 U.S. 293 (2006), explicitly ruled
6 that probate courts cannot adjudicate tort claims. The Court stated: "We reject the view that the
7 probate exception extends to all matters that would be subject to the probate court's jurisdiction
8 under state law."

9 132. Marshall v. Marshall further clarified that federal courts have jurisdiction over tort claims
10 even when they are related to an estate matter. The Court held: "The probate exception does not
11 bar federal courts from adjudicating matters outside those confines and otherwise within federal
12 jurisdiction."

13 133. The Constitution of the United States, particularly Article III and the Seventh Amendment,
14 reserves the adjudication of common law matters, including the torts as presented to the probate
15 court, to courts where the right to a jury trial is preserved.

16 134. Any action by the probate court to adjudicate torts or order monetary payments beyond the
17 simple administration of an estate is a direct violation of these constitutional principles and the
18 Supreme Court's ruling in Marshall v. Marshall and Stern v. Marshall, 564 U.S. 462 (2011).

19 135. The probate court's attempt to adjudicate tort claims, order payments between parties, and
20 seize property is not merely completely outside of its authority and jurisdiction under the US and
21 California Constitutions, but a fundamental violation of the separation of powers and due process
22 rights guaranteed by the U.S. Constitution.

23 136. Given these facts, the actions of the California Probate court and Morgan Baxter in
24 attempting/furthering to adjudicate tort claims and adjudicate matters requesting monetary
25 payments within the probate court setting were taken entirely outside their jurisdiction as defined
26 by both California law and federal constitutional principles.

27 THE SUPREME COURT BARS
28 PROBATE COURTS FROM TORT CASES

1 137. The U.S. Supreme Court's decision in *Marshall v. Marshall*, 547 U.S. 293 (2006), prohibits
2 probate courts from adjudicating tort claims. This ruling clarifies the constitutional limits of
3 probate court jurisdiction and firmly establishes that tort claims fall outside their purview. By
4 reaffirming the principles set forth in *Ankenbrandt v. Richards*, 504 U.S. 689 (1992) and clarifying
5 the original intent of the Constitution, the Court decisively removes tort claims from the realm of
6 probate court authority. Also see *Stern v. Marshall*, 564 U.S. 462 (2011).

7 138. First, the Court separates tort claims from probate matters. It states that Vickie's claim
8 "does not involve the administration of an estate, the probate of a will, or any other purely probate
9 matter." This clear delineation places tort claims outside the realm of probate court jurisdiction
10 and authority.

11 139. Second, the Court directly challenges probate courts' competency to handle tort claims. It
12 declares that "Trial courts, both federal and state, often address conduct of the kind Vickie alleges.
13 State probate courts possess no 'special proficiency' ... in handling such issues." This statement is
14 not merely suggestive; it is a direct repudiation of probate courts' ability to adjudicate tort claims.

15 140. Third, the Court issues a clear prohibition: "Texas may not reserve to its probate courts the
16 exclusive right to adjudicate a transitory tort." This statement, coupled with the declaration that
17 "Under our federal system, Texas cannot render its probate courts exclusively competent to
18 entertain a claim of that genre," leaves no room for interpretation. The Court bars tort claims from
19 probate courts.

20 141. The Court's reasoning is grounded in the fundamental nature of tort claims that must not
21 be held to specialized (administrative) courts. By prohibiting states from limiting the adjudication
22 of such claims to probate courts, the Court removes these claims from probate court jurisdiction.

23 142. Furthermore, Justice Stevens' concurring opinion, calling for the probate exception to be
24 given "a decent burial," reinforces the Court's intent to severely limit probate court authority.

25 143. The actions of Defendants, as detailed above, constitute a clear and persistent pattern of
26 deliberate violation of Plaintiffs' constitutional rights. Each Defendant, acting under color of law,
27 knowingly violated well-established constitutional principles and federal statutes, causing direct
28 harm to Plaintiffs.

1 144. As pro se litigants, Plaintiffs have diligently pursued their rights through proper legal
2 channels, including timely filing notices of removal, objections to jurisdiction, and notices of
3 obstruction of justice. Despite these efforts, Defendants have continued their unlawful actions,
4 demonstrating a willful disregard for the rule of law and Plaintiffs' constitutional protections.

5 145. The violations of Plaintiffs' civil rights by Defendants were not mere oversights or errors
6 in judgment, but rather calculated and coordinated efforts to deprive Plaintiffs of their property
7 and constitutional rights. This systematic abuse of power strikes at the heart of the protections
8 guaranteed by the United States Constitution and federal law.

9 146. Plaintiffs have suffered, and continue to suffer, significant damages as a result of
10 Defendants' actions. These damages include, but are not limited to, loss of property, emotional
11 distress, financial hardship, and ongoing deprivation of constitutional rights. As pro se litigants
12 seeking justice, Plaintiffs demand that this Court recognize the gravity of these constitutional
13 violations and provide declaratory and injunctive relief as well as other relief as the court deems
14 proper.

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DECLARATION OF MICHAEL D. WATKINS

I, MICHAEL D. WATKINS, affirm and declare as follows:

On or about, 10/2006 to 11/2008 I was a Project Inspector in Inspection Services for the County of Los Angeles.

Art Hernandez was the main supervisor of our Inspection Services Unit. Art Sandavol was an employee under Art Hernandez and was one of my supervisors.

At the time, County PM Logan Frame was pushing Inspection Services for substantial completion of the Palmdale Fire Station project.

Hernandez sent Sandavol out to the Palmdale Fire Station project. Sandoval asked me to sign off correction items that I had issued for the project prior to the work being corrected. One of the correction items was a natural gas line that posed a dangerous condition. Sandoval stated that the County will indemnify you. He went on to try to convince me that I could do anything that I wanted to regardless of Building and Fire Life Safety Codes because the County indemnifies its Inspectors.

I asked Sandoval, can I get that in writing? He smiled and walked off.
I declare under the penalty of perjury under the law of the State of California that the foregoing is true and correct and that this declaration was executed on 10-2-2024.



Michael D Watkins, Declarant

DECLARATION OF MICHAEL W. WATKINS

I, MICHAEL W. WATKINS, affirm and declare as follows:

On or about, 10/06 to 11/08 I was a supervisor in inspection services for the County of Los California. My direct Supervisor was Art Hernandez.

Art and I would go to breakfast or lunch on many occasions depending on the schedule for the day.

Art had asked me on several occasions to become an employee instead of a contract Supervisor.

I started asking questions about the job. He stated on several occasions that as an employee for the county I would be able to do anything I wanted to, he stated no one can tell you how to do your work. I then asked him what if someone sues the county. He stated that we have county council and opposing attorneys are intimidated because if they sue the county they could loose their bar license to be an attorney. I then asked him, what if someone in prose sues the county. He stated you don't have to worry about that prose's never get any where. If they start to sue, the county hires outside attorneys who pay the Judges off. I then asked how do they do that? The county hires attorneys and pays them exorbitant fees so they have the money to pay the judge. I then asked, what if they appeal the case. He stated, are you kidding the 9th circuit is more corrupt then the district courts, the judges there are easier to pay off.

I declare under the penalty of perjury under the law of the State of Tennessee that the foregoing is true and correct and that this declaration was executed on 1-20-2025.



Michael Watkins, Declarant