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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

9 ALKIVIADES DAVID, FILMON TV LTD.;) Case No. 2:24-cv-01665
10 FILMON TV INC.;)
11 ALKI DAVID PRODUCTION INC.;)
12 HOLOGRAM USA)
13 *Petitioners*)

14 -v-)

15 Los Angeles County Superior Court)
16 No. BC654017, Hon. Michelle Williams)
17 Los Angeles County Superior Court)
18 No. BC643099 Hon. Terry Green)
19 Hon. Christopher K. Lui)
20 Los Angeles County Superior Courts)
21 No. BC649025 Hon. Rafael A. Ongkeko)
22 California State Court of Appeals, Second District,)
23 Division Four.)
24 California State Court of Appeals, Second District,)
25 Division Two.)

26 *Respondents*)

27 Real Parties in Interest:

28 *Elizabeth Taylor*
Chasity Jones
Lauren Reeves
Mahim Khan

1 III. In *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U. S. 375, 377 (1994)
2 the Supreme Court announced, “the district courts of the United States, as we have
3 said many times, are courts of limited jurisdiction. They possess only that power
4 authorized by Constitution and statute,”. The Supreme Court further held that, “in
5 order to provide a federal forum for plaintiffs who seek to vindicate federal rights,
6 Congress has conferred on the district courts original jurisdiction in federal-question
7 cases — civil actions that arise under the Constitution, laws, or treaties of the United
8 States. 28 U. S. C. § 1331. In order to provide a neutral forum for what have come
9 to be known as diversity cases, Congress also has granted district courts original
10 jurisdiction in civil actions between citizens of different States, *between U. S.*
11 *citizens and foreign citizens*, or by foreign states against U. S. citizens. *Exxon Mobil*
12 *Corp. v. Allapattah Services, Inc.*, 545 U.S. 546, 552 (2005) “Because federal courts
13 are courts of limited jurisdiction, they possess original jurisdiction only as authorized
14 by the Constitution and federal statute.” *N.G. v. Downey Regional Medical Center*,
15 140 F. Supp. 3d 1036, 1038 (C.D. Cal. 2015)
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1 PROPER VENUE

2 IV. Petitioner DAVID has a current place of residence in the United
3 Kingdom. Petitioner seeks relief from this Court of proper jurisdiction under its
4 diversity of citizenship statute pursuant to 28 USCS § 1332 (a)(3), whereas DAVID
5 is an additional party to the actions under Coram non judice challenge in this Court
6 and is further a subject or otherwise citizen of a foreign state. The Respondents to
7 this action are all situated within the federal Central District of California, whereas
8 the United States District Court for the central District of California has original
9 diversity jurisdiction over the subject-matter and over the parties.
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13 RELATED CASES

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15 V. SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE
16 COUNTY OF LOS ANGELES CENTRAL DISTRICT LAUREN REEVES v.
17 HOLOGRAM USA INC ET AL, BC643099, December 07, 2016, Judge: Terry
18 Green;
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21 VI. SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE
22 COUNTY OF LOS ANGELES CENTRAL DISTRICT MAHIM KHAN v.
23 HOLOGRAM USA INC ET AL, BC654017, Gloria Allred (Attorney), Filed,
24 3/14/2017, Judge: Michelle Williams Court;
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1 VII. SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE
2 COUNTY OF LOS ANGELES CENTRAL DISTRICT, ELIZABETH TAYLOR /
3 CHASITY JONES v. ALKIVIADES DAVID ET AL, BC649025, Gloria Allred
4 (Attorney), Lisa Bloom (Attorney), Joseph Chora (Attorney), Filed: Feb 02, 2017,
5 Judge: Rafael A. Ongkeko, Judge: Yolanda Orozco;
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8 VIII. SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE
9 COUNTY OF LOS ANGELES CENTRAL DISTRICT, JANE DOE v.
10 ALKIVIADES DAVID, ET AL., Marguerita Nichols, BC643099 / 20STCV37498,
11 Filed Sep 30, 2020, Thomas Girardi (Attorney), Gloria Allred (Attorney), Judge
12 Christopher K. Lui;
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15 IX. CALIFORNIA STATE COURT OF APPEALS, SECOND
16 DISTRICT, DIVISION FOUR; TAYLOR v. DAVID, B285063;
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18 X. CALIFORNIA STATE COURT OF APPEALS, SECOND
19 DISTRICT, DIVISION TWO; KHAN v. DAVID, B305849, B308727;
20

21 ABOUT THE PARTIES

22 XI. ALKIVIADES DAVID, also known as “Alki” and known from
23 hereinafter as DAVID is a Petitioner. David is a billionaire businessman, a citizen
24 of the United Kingdom and, duly appointed Ambassador to the country of Antigua /
25 Barbuda, British Passport No, 537982155. David further suffers from an intermittent
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27

1 neural disorder that has been diagnosed and is cognizable as a disability for the
2 purpose and protections under the American Disability Act (ADA).
3

4 XII. FILMON TV LTD., known from hereinafter as, FILMON LTD, is a
5 Petitioner and a United Kingdom company doing business in the United States to
6 include the state of California and internationally.
7

8 XIII. HOLOGRAM USA., known from hereinafter as, HOLOGRAM, is a
9 Petitioner and a United Kingdom company doing business in the United States to
10 include the state of California and internationally.
11

12 XIV. FILMON TV INC., known from hereinafter as FILMON INC is a
13 Petitioner and a Delaware corporation, doing business internationally.
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15 XV. SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE
16 COUNTY OF LOS ANGELES CENTRAL DISTRICT, is a Respondent in this case
17 and has a place of business at 501 W 1st St., Los Angeles, CA 90012.
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19 XVI. CALIFORNIA STATE COURT OF APPEALS, SECOND DISTRICT
20 is a Respondent in this case and has a place of business at Ronal Regan State
21 Building, 300 S. Spring St. B-228, Los Angeles, CA 90013.
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CAUSES FOR WRIT TO ISSUE

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2 XVII. This action commences to collaterally attack the Judgments and Orders
3
4 of the SUPERIOR COURT FOR THE STATE OF CALIFORNIA, COUNTY OF
5
6 LOS ANGELES [and], subsequent appellate Judgment(s) and Mandates of the
7
8 COURT OF APPEALS OF THE STATE OF CALIFORNIA, SECOND
9
10 APPELLATE DISTRICT, DIVISIONS TWO and FOUR. Where the absence of
11
12 jurisdiction by the herein named state courts, and the product of extrinsic fraud on
13
14 the state courts committed by the REAL PARTIES OF INTEREST produced
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16 unlawful domestic and international debt collections which are *void ab initio*. “A
17
18 judgment rendered in violation of due process is void in the rendering State and is
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20 not entitled to full faith and credit elsewhere.” See - *Pennoyer v. Neff*, 95 U.S. 714,
21
22 732-733 (1878). See also - *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S.
23
24 286, 291 (1980).

19 XVIII. The use of *Coram non judice* was re-emphasized by Justice Scalia in
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21 *McIntyre v. Nicastro*, 564 U.S. 873(2011). See also - *Frank v. Mangum*, 237 U.S.
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23 309 (1915); *United States v. Bigford*, 365 F. 3d 859 (10th Cir 2004); *Drummond v.*
24
25 *Lynch*, 82 F. 2d 806 (5th 1936). Traditionally the proposition that the judgment of a
26
27 court absent of jurisdiction is void, has been embodied in the phrase “*coram non*
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judice” before a person not a judge. Meaning in effect, that the proceeding(s) in

1 question were not judicial proceedings, in that lawful judicial authority was absent,
2 and cannot therefore yield a valid judgment. American courts have invalidated, or
3 denied recognition to judgments that violate this common law principle under
4 Amendment V, and long before even the adoption of the United States Constitution's
5 Amendment XIV., and therefore, a judgment maybe attacked in a collateral
6 proceeding even in another jurisdiction on the basis that it has been rendered without
7 jurisdiction. *Burnham v. Superior Court of California*, 495 U.S. 604 (1990); See also
8 - *Dufree v. Duke*, 375 U.S. 106 (1963).

12 INTRODUCTION AND
13 SUMMARY OF THE CENTRAL ISSUE GERMANE

14 XIX. The Superior Courts of Los Angeles County, California; individual
15 California state court judges; and the California State Bar, have fallen prey to
16 corruption through social influence, cronyism, and personal enrichment from a cartel
17 of local lawyers spearheaded by former tort lawyer and now federal criminal
18 defendant Thomas Girardi.
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21 XX. The Petitioners in this matter have been deprived of tens of millions of
22 dollars both domestically and internationally, by California state court judges acting
23 in furtherance of corruptly vested interest in the outcome of each civil case
24 adjudicated by nexus or influence to Thomas Girardi. A fair trial in a fair tribunal is
25 a basic requirement of due process. Fairness of course requires an absence of actual
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27

1 bias in the trial of cases. But our system of law has always endeavored to prevent
2 even the probability of unfairness. In *Offutt v. United States*, 348 U.S. 11, 14 the
3 court acknowledged that “to this end no man can be a judge in his own case and no
4 man is permitted to try cases where he has an interest in the outcome. That interest
5 cannot be defined with precision. Circumstances and relationships must be
6 considered. This Court has said, however, that "every procedure which would offer
7 a possible temptation to the average man as a judge . . . not to hold the balance nice,
8 clear and true between the State and the accused, denies the latter due process of
9 law." *Tumey v. Ohio*, 273 U.S. 510, 532.
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14 XXI. The totality of constitutional due process deprivations imposed upon
15 the Petitioners by way of judicial corruption through the influences of Thomas
16 Girardi, divested each relevant California state court of jurisdiction over the
17 subject-matter and over the person of the Petitioner(s). (See Appendix 1- Pg 3,
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19

20 SWORN AFFIDAVIT OF RONALD GOTTSCHALK)

21 “I Ronald Gottschalk of Los Angeles County California,
22 formerly co-counsel with Tom Girardi in numerous cases. I can
23 solemnly swear that Gloria Allred and her daughter Lisa Bloom
24 and Joseph Chora and others have engaged with Tom Girardi
25 and others in a massive widespread scheme of insurance fraud
26 for decades. Against the Federal and State authorities. Pursuant
27 to 28 U.S.C. § 1746(1) I declare under penalty of perjury, and
28 under the laws of the United States of America that the above
statements are true and correct.
Sincerely Ronald Gottschalk”

1 OFFER OF PROOF

2 XXII. If subpoenaed and called upon to testify in an adjudicative hearing on
3 the merits to the claims for relief herein, Ronald Gottschalk would further
4 testify to wit-

5
6 "I was employed as an attorney by Thomas Girardi "Tom" and
7 his Los Angeles law firm. I worked with Tom for a period of 10
8 years." --- "There was a practice applied to all high dollar civil
9 lawsuits in the California state courts that were filed by Tom,
10 Gloria Allred and her daughter Lisa Bloom, the judges of which
11 were handpicked from the pool of influenced "Girardi judges".
12 If the cases landed in the court of someone who was not a Girardi
13 judge, The Girardi, Gloria Allred, Lisa Bloom syndicate would
14 file a motion to manipulate the state court system whereas the
case would be sent to another court that was presided over by a
Girardi judge."

15 XXIII. Mr. Gottschalk, further named Thomas Girardi in a Cross
16 Complaint to a civil lawsuit³ where many of the co-defendants were members
17 of the California Bar and state judiciary from San Diego County, California.
18 See - Appendix 2 at Cover page⁴. The relevance of MR. Gottschalk is to aid

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23 ³ Case No: 37-2008-00096159-CU-MC-CTL

24 ⁴ A court "may take notice of proceedings in other courts, both within and without the federal judicial
25 system, if those proceedings have a direct relation to matters at issue." *United States ex rel. Robinson*
26 *Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (quoting *St. Louis Baptist*
Temple, Inc. v. FDIC, 605 F.2d 1169, 1172 (10th Cir. 1979)).

1 Petitioners in presenting *prima facie* proof of wide spread corruption within
2 the California Bar and state judiciary to include but not limited to judges at
3 the Superior Court for The State of California, County of Los Angeles.
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5 XXIV. In the Cross Complaint of Mr. Gottschalk, Gottschalk
6 appropriately stated,
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8 “This is a continuation of a similar RICO Act fraud scheme that
9 was perpetrated by the principal attorneys in these related cases
10 and others, commonly referred to as the Judge Adams cases,
11 whereby multiple judges of the San Diego Superior Court were
12 convicted of major fraud and bribery and were removed from the
13 bench. More than 25 judges were incriminated in this RICO
14 fraud scheme by the Presiding Judge.” Pg 6 ¶ 5-12

15 XXV. *United States v. Frega*, 179 F.3d 793, 797 (9th Cir. 1999) is the case that
16 Mr. Gottschalk referred to in his statement, where attorney Patrick Frega and former
17 California Superior Court judges James Malkus and Dennis Adams were convicted for
18 conducting the affairs of the Superior Court through a pattern of racketeering activity
19 in violation of RICO, 18 U.S.C. § 1962(c).
20

21 XXVI. The case involved the federal indictment and convictions relating to
22 numerous bribes paid by Patrick Frega, a San Diego attorney, to three then Superior
23 Court judges, Dennis Adams, James Malkus, and Michael Greer. Over a period of
24 twelve years, Frega, together with Jim Williams, the owner of a San Diego car
25 dealership, purportedly gave more than \$100,000 in payments and benefits —
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1 ranging from automobiles, car repairs, money orders, an apartment, health club
2 memberships, and a queen-sized bed — to the judges or members of their families.
3
4 In exchange, Frega allegedly sought and received an unfair advantage in the cases
5 in which he was involved in the Superior Court.

6 **XXVII.** The operational and corrupt conduct of Thomas Girardi mirrors that of
7 Patrick Frega as recently stated and placed before a federal court by the Chicago
8 based Edelson Law Firm, who accused Girardi and other lawyers at his defunct firm
9 of running “*the largest criminal racketeering enterprise in the history of plaintiffs*
10 *law,*”.⁵

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13 **XXVIII.** The convictions of former California state court judges Dennis Adams,
14 James Malkus, and Michael Greer, did little or nothing to remedy the identically
15 corrupt conduct involving Thomas Girardi, and judges of the Superior Court for the
16 State of California, *County of Los Angeles*. In that, reasonable inferences may be
17 drawn based upon evidence presented today (and more than twenty-five years later),
18 that Thomas Girardi operated corruptly within the jurisdictions of both counties.
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27 ⁵ *Edelson v. Girardi*, 1:20-cv-07115, United States District Court for the Northern District of Illinois.

1 XXIX. On August 31, 2022, *The Los Angeles Times* reported that Thomas
2 Girardi had paid \$300,000 to Tricia Bigelo, who at the time of transfer sat on the
3 California Second District Court of Appeals. See – Appendix 3

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5 XXX. See also – Appendix 4, whereas on August 11, 2022, the *Above The Law*
6 news outlet reported, “Girardi had palsy-walsy relationships with retired and
7 current judicial officers, which many people in the legal community knew, but kept
8 quiet.” Id at pg 3 ¶ 3’

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11 XXXI. See also – Appendix 5

12 “Tom Girardi has been accused of using JAMS to defraud clients.
13 Girardi was a highly respected California attorney who spent
14 decades representing plaintiffs in class action lawsuits against
15 corporations. JAMS, previously known as Judicial Arbitration
16 and Mediation Services, is the largest private mediation and
17 arbitration company in the world with more than 400 former
18 judges and legal professionals serving as arbitrators and
19 mediators in California, Texas, New York, and other states.
20 JAMS has come under intense scrutiny from arbitration lawyers
21 and others in the legal community as several of the company’s
22 judges were accused of unethical conduct and corruption.”

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FACTS COMMON TO ALL CLAIMS FOR RELIEF

29 XXXII. For decades corrupt California based attorneys to include but not
30 limited to: THOMAS GARARDI; GLORIA ALLRED; LISA BLOOM; NATHAN
31 GOLDBERG; RENEE MOCHKATEL; DOLORES Y. LEAL, JOSEPH CHORA

1 and DANA COLE, known from hereinafter as the GIRARDI CARTEL, have
2 developed and operated various criminal fraud schemes in what is estimated by
3 relevant court filings and federal prosecutors to exceed \$1 billion USD, by
4 sophisticated means and influence.
5

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7 XXXIII. Girardi was once a top plaintiffs' tort attorney and Democratic
8 powerbroker who gained notoriety through the reality TV show "*Real Housewives*
9 *of Beverly Hills*" alongside his third wife, Erika.
10

11 XXXIV. The downfall of Girardi began in December 2020, and was in part
12 triggered by a federal judge's⁶ findings that he had misappropriated millions from
13 families of those killed in an Indonesian airplane crash.⁷
14

15 XXXV. After the collapse of his Wilshire Boulevard law firm, scores of clients
16 came forward attesting that they were swindled by Girardi, with support of those
17 claims coming by way of The Los Angeles Times News Outlet and documenting a
18 trail of misconduct and allegations going back decades.
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21 XXXVI. The Girardi Cartel further elicited the aid and assistance of non-attorney
22 co-participants in its schemes to defraud, to include but not limited to the REAL
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26 ⁶ United States District Judge Thomas Durkin, Northern District of Illinois

27 ⁷ Lion Air Flight JT 610, Case: 1:20-cv-07115 Document #: 197 Filed: 11/16/22

1 PARTIES OF INTEREST to the instant matter to-wit: ELIZABETH TAYLOR;
2 MAHIM KHAN; LAUREN REEVES; and CHASITY JONES.
3

4 XXXVII. Thomas Girardi openly boasted of his expansive web of corrupt control
5 in the Los Angeles County Courts. See - *Edelson v. Girardi*, 1:20-cv-07115, United
6 States District Court for the Northern District of Illinois.
7

8 “I get along great with all the judges, I can do some real
9 good sh*t. But I want to make sure you know we’d be
10 joined at the hip.”

11 *Thomas Girardi*

12 XXXVIII. In the instant case, the common purpose of the Girardi Cartel’s
13 fraudulent scheme was to swindle and or defraud illicit money from the Petitioners.

14 XXXIX. The Girardi Cartel targeted wealthy persons, corporations, and Trust
15 (both domestic and international).
16

17 XL. The *modus operandi* of the Girardi Cartel victimized celebrities and
18 business executives through a pattern of civil litigations facilitated by knowingly
19 false sexual misconduct related allegations.
20

21 XLI. In furtherance of the scheme to defraud, the Girardi Cartel, through
22 bribes and or industry favors (to include California state judicial and political favors
23 or support), acquired lucrative court induced monetary rulings, judgments, and
24 awards against the Petitioners. In other words, the civil cases were “fixed” by the
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27

1 Girardi Cartel in favor of its vested interest recipients and co-participant clients to
2 include but not limited to the Real Parties of Interest in this matter.
3

4 XLII. As an essential part of the corruption scheme Gloria Allred, Lisa
5 Bloom, and Thomas Girardi filed each of the civil lawsuits against the Petitioners in
6 the SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY
7 OF LOS ANGELES CENTRAL DISTRICT oppose to filing the lawsuits under the
8 appropriate federal district court's Diversity Jurisdiction, in that David was known at
9 all times to be a foreign national and citizen of the UNITED KINGDOM.⁸
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12 XLIII. The Girardi Cartel lacked corrupt influence within the UNITED
13 STATES DISTRICT COURTS, and accordingly acted to avoid said courts, arguably
14 due to the Federal Ninth Circuit's previous determination of Thomas Girardi's
15 propensity to defraud.
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20 ⁸ (a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy
21 exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—

22 (1) citizens of different States;

23 (2) citizens of a State and citizens or subjects of a foreign state, except that the district courts shall not
24 have original jurisdiction under this subsection of an action between citizens of a State and citizens or
25 subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are
26 domiciled in the same State;

27 (3) citizens of different States and in which citizens or subjects of a foreign state are additional parties;
and

28 (4) a foreign state, defined in section 1603(a) of this title, as plaintiff and citizens of a State or of different
States.

1 XLIV. In 2006, the Girardi Cartel swindled DOLE FRUIT COMPANY out of
2 \$500 million USD.
3

4 XLV. The federal appeals court found that the Girardi Cartel had willingly
5 executed a fraud upon the court in relation to *Dole* and voided the underlying civil
6 judgements and awards.⁹
7

8 XLVI. Moreover, DANA COLE, who at the outset of the litigation was
9 retained by the Petitioners to defend against the lawsuits of the Girardi Cartel, was
10 at all times relevant, married to NANCY COLE LOETERMAN, a known “Girardi
11 judge” within the Los Angeles County Superior Court system.
12

13 XLVII. At the time of Cole’s retainer as counsel for the Petitioners, Petitioners
14 were completely unaware that Dana Cole had a corrupt allegiance to the Girardi
15 Cartel or that his wife shared a corrupt nexus to the Girardi Cartel.
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18 XLVIII. Dana Cole, at all times relevant, was aware that David was a foreign
19 national but took no actions toward removal of the civil lawsuits into the federal
20 district courts under 28 U.S.C. § 1441.
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26 ⁹ *In re Girardi*, 611 Fed.3d 1027, 1039-1040 (2006)
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1 XLIX. Dana Cole further neglected to vigorously defend the lawsuits on behalf
2 of the Petitioners, but instead stayed the course and faithfully acted in the best
3 interest of the Girardi Cartel in pursuit of lucrative monetary judgments against the
4 Petitioners and against the best interest of his clients for his own self-enrichment.
5

6 L. Lauren Reeves is a non-attorney co-participant client to the Girardi
7 Cartel, and willfully acted together with Taylor, Khan, and Jones to defraud and to
8 benefit from proceeds derived from fraudulent activities.
9

10 LI. Reeves acquired one or more fraud induced civil lawsuit judgments or
11 awards in the aggregate amount of \$4,795,000.00 against the Petitioners.
12

13 LII. Elizabeth Taylor is a non-attorney co-participant client to the Girardi
14 Cartel and acted with the Girardi Cartel to acquire one or more fraud induced civil
15 lawsuit judgments or awards in the aggregate amount of \$11,000,000.00 against the
16 Petitioners.
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18 LIII. Mahim Khan is a non-attorney co-participant client to the Girardi Cartel
19 and acted in with the Girardi Cartel to acquire one or more fraud induced civil
20 lawsuit judgments or awards in the aggregate amount of \$58,250,000.00 against the
21 Petitioners.
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1 LIV. Chasity Jones is a non-attorney co-participant client to the Girardi
2 Cartel and acted with the Girardi Cartel to acquire one or more fraud induced civil
3 lawsuit awards in the aggregate amount of \$11,000,000.00 against the Petitioners.
4

5 LV. The recently discovered massive corruption as portrayed in numerous
6 domestic and international news platforms, layout in detail, vast schemes involving
7 the Girardi Cartel on a global scale. Further, the matter is still being investigated on
8 a regular basis.
9

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11 THE EXTRINSIC FRAUD ELEMENT

12 LVI. Extrinsic or collateral fraud, which is defined to be "actual fraud, such
13 that there is on the part of the person chargeable with it the *malus animus*, the *mala*
14 *mens* putting itself in motion and acting in order to take an undue advantage of some
15 other person for the purpose of actually and knowingly defrauding him." *Flood v.*
16 *Templeton*, 152 Cal. 148, 155 (Cal. 1907). Accordingly, federal courts have
17 consistently held that extrinsic fraud on a court is, by definition, not an error by that
18 court. It is, rather, a wrongful act committed by the party or parties who engaged in
19 the fraud. *Rooker-Feldman* therefore does not bar subject matter jurisdiction when
20 a federal plaintiff alleges a cause of action for extrinsic fraud on a state court and
21 seeks to set aside a state court judgment obtained by that fraud. See - *Kougasian v.*
22
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1 *TMSL, Inc.*, 359 F.3d 1136, 1141 (9th Cir. 2004) *See also - In re Murchison*, 349
2 U.S. 133, 136 (1955).

3
4 LVII. In 2015, David engaged in a consensual relationship with MARY
5 RIZZO known from hereinafter as RIZZO. Rizzo worked as an employee at
6 Petitioner's Hologram USA.
7

8 LVIII. During a later time and in a period of romantic turmoil between David
9 and Rizzo, Rizzo began a subsequent romantic relationship with another co-
10 employee who encouraged her to employ the legal counsel of Gloria Allred for
11 bringing forth a workplace related lawsuit against David.
12

13
14 LIX. The lawsuit was settled under a strict Confidentiality Agreement for an
15 undisclosed amount.¹⁰

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17 LX. At a time uncertain but following the date of execution for the
18 Confidential Settlement Agreement, Gloria Allred confided in Elizabeth Taylor the
19 settlement amount that David had made with Rizzo.
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23

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25
26 ¹⁰ Like Kanye West, Chris Brown, Rose McGowen, Steve Wynn, Russel Brand, Curtis Jackson, Alan
27 Dershowitz, Prince Andrew, Paul Marciano, Kyle Hunter, Morgan Freeman, Kevin Spacey, Scott Baio, and
28 Bill Cosby, who had all been previously targeted by the Girardi Cartel using the same ploy, David also
choose to settle the case to avoid public scrutiny and related social negativities from the matter.

1 LXI. Taylor subsequently announced the confidential settlement amount during an
2 employee related dinner at Cafe Roma in Beverly Hills, California, where Jones,
3
4 Khan and others were present.

5 LXII. During this period Elizabeth Taylor and Mahim Khan decided to
6
7 likewise employ the legal representation of Gloria Allred to fraudulently engage in
8
9 copycat litigation for the purpose of acquiring money from David for themselves.

10 LXIII. According to Mary Rizzo, and supported by material evidence, (See -
11
12 Appendix 6 - TEXT MESSAGE EVIDENCE Pgs. 5-33) news of the confidential
13
14 settlement amount did in fact inspired the scheme by Taylor, Khan and Jones to
15
16 extort David for money by way of fraudulent lawsuit “settlements”... (See -
17
18 Appendix 6 Pg 12)

19 “Do you think your attorney will be ok if my attorney speaks to
20
21 him and that way you can’t talk about it and he will only speak
22
23 about what is legal and will not get you in any trouble” – “I don’t
24
25 think it will get that far...it will just be a settlement”

26 *Chasity Jones, Friday, Nov 18, 6:29PM*

27 and that each Real Party of Interest would testify for one another as needed in effort
28
29 to win their civil lawsuits or to acquire extortion monies by way of settlements.

30 (See – Appendix 6 at Pg 2)

31 TAYLOR: --- “All I need is Chasity and MK” --- “MK to say
32
33 he touched her boobs (which she told me she would say)” --- “Chasity to say
34
35 she was a witness to the headstand thing)”

1 LXIV. The conspiracy to extort and or defraud between Taylor, Khan, and
2 Jones manifested not because of any type of sexual misconduct involving David, but
3 in part, for reasons that each Real Party of interest was disgruntled due to the dollar
4 amount in salaries and or commissions that each Real Party of Interest was being
5 paid under the Petitioner's employ.
6

7
8 (See – Appendix 6 at Pg 5)

9 JONES: *“I hate Filmon!!” – “I’m quitting for sure! They only
10 paid me part of my commission and Alki agreed to pay me and Peter don’t
11 want to pay. Alki said he was going to make sure I get paid but this is not right
12 I have to fight for my money.”*

13 RIZZO: *“I can’t believe that. That company is ridiculous. It’s
14 funny how everyone has trouble getting paid there commissions but that never
15 was a problem for Jill in the UK. Makes you wonder.”*

16 (See – Appendix 6 at Pg 9)

17 JONES: *“That whok company is dirty”--- “They are trying to
18 go public and that not fair how he does me and people” --- “I’m going to call
19 and retract my statement from Barry Rotyman too ”¹¹*

20 (See – Appendix 6 at Pg 2)

21 TAYLOR: *This entire thing just sucks & all leads back to being
22 scared of Alki. Like we make 2,000 a month, it’s a joke. I already had a final
23 interview today. Lol”*
24
25
26

27 ¹¹ Chasity Jones represented to attorney Barry Rothman that she did not see anything alleged by Taylor.

1 LXV. The private text conversations between Mary Rizzo and
2 Chasity Jones on or about May 26, 2015, further reveals the extrinsic fraud
3 committed upon each of the state courts which is the underlying cause for the
4 instant Writ for collateral relief by error coram non judice.
5

6 LXVI. Moreover, Taylor and Khan's extortionate actions caused David to
7 threaten criminal charges as revealed by the May 7, 2016, text communication
8 between Rizzo and Jones.
9

10
11 (See – Appendix 6 at Pg 27)

12 JONES: *"He told me he was filing criminal charges against her."*

13 RIZZO: *"Damn. Poor Elizabeth. MK too?"*¹²

14 LXVII. These text messages were associated with the underlying civil lawsuits
15 but were corruptly disregarded by the state courts through acts and or influence of
16 Girardi Cartel members. The series of text message communications reveal the
17 extrinsic fraud in relevant parts:
18

19
20 (See – Appendix 6 at Pg 27)

21 RIZZO: *"You know what's crazy...I still have text from
22 Elizabeth saying all she needs is MK and you to talk."*

23 JONE: *"She asked me to help her case and kept calling me
24 over and over via text but I'm not sure if she told me to file against him or
25*

26
27 ¹² "MK" indicates the initials for Mahim Khan.

1 *not bc I wasn't paying attention to her.” --- “Yes I'm sure. Elizabeth prob*
2 *said we all seen it or something. Who knows.*

3 (See – Appendix 6 at Pg 25)

4 RIZZO: *“Yea she probably did. I never did tho.”*

5 JONES: *“Me either” --- “I never seen him touch her but she always*
6 *had something to say about everyone lol.”*

7 RIZZO: *“OMG she did! Lol” --- “She liked to gossip”*

8 JONES: *“Yep”*

9 RIZZO: *“Even about fake stuff”*

10 JONES: *“Lol yes”*

11 (See – Appendix at Pg 4)

12 JONES: *“I'm going to call the lawyer back. That what Alki get!!!!”*

13 RIZZO: *“Lol” --- “Yea I knew something was up when MK stopped*
14 *showing up.”*

15 JONES: *“I think I'm going to sue him too bc he deserves it by the way*
16 *he treat people and the things he do to people” --- “I'm going to call Elizabeth today*
17 *this afternoon”*

18 RIZZO: *“It's not just Elizabeth but MK and now you”*

19 JONES: *“Yes” --- “He's a loser!!!!”*

20 (See – Appendix 6 at Pg 9)

21 JONES: *“I'm going to sue Alki for harassment. I'm going to go*
22 *home and find another attorney today and go over all my notes I kept” ---*
23

1 LXVIII. Gloria Allred and Lisa Bloom encouraged Taylor, Khan, and Jones to
2 engage with the Girardi Cartel's common purpose. Whereas Gloria Allred would not
3 take Elizabeth Taylor's case unless Taylor recruited two more clients against the
4 billionaire David. The two clients were KHAN and JONES.

5
6
7 (See – Appendix 6 at Pg 2)

8 TAYLOR: *“No one is willing to be a witness now and Gloria
9 Allred won't take my case if not. If the tables were turned I would have you
10 girls back in a heartbeat. No questions asked. This entire thing just sucks &
11 all leads back to being scared of Alki. Like we make 2,000 a month, it's a
12 joke. I already had a final interview today. Lol” --- “All I need is Chasity
13 and MK” --- “MK to say he touched her boobs (which she told me she
14 would say)” --- “Chasity to say she was a witness to the headstand thing”*

15
16
17 (See – Appendix 6 at Pg 3)

18 TAYLOR: *“They told me I need mk, Carl, and Chasity
19 possibly inuk”--- “To call them personally”*

20
21
22 (See – Appendix 6 at Pg 22)

23 RIZZO: *“idk, MK probably made that up cuz she turned out to
24 always be lying...”*

25 LXIX. Extrinsic fraud is perpetrated where a party does not reveal the whole
26 truth, to the extent of his or her knowledge, In *re Sydney V.*, No. B216860, at *1 (Cal.
27 Ct. App. Apr. 14, 2010). Collateral relief should be granted on the grounds that
28 extrinsic fraud perpetrated by Lauren Reeves, Mahim Khan, Elizabeth Taylor, and
Chasity Jones acting in concert with the Girardi Cartel, prevented the Petitioners

1 from having a fair adversary hearing. See- *Ersheid v. Fernando*, No. B219368, at *1
2 (Cal. Ct. App. Dec. 3, 2010)
3

4
5 THE NEXUS TO INTERNATIONAL COURTS

6 LXX. JOSEPH CHORA is a lawyer and member of the California State Bar. Chora
7 has for many years performed the task of “Enforcer” for the Girardi Cartel.
8

9 LXXI. Further, Chora has and continues to act both domestically and
10 internationally to collect on the unlawful and fraud induced debts against the
11 Petitioners to include Public Offering processes and considerations.
12

13 LXXII. Chora has filed unlawful collection proceedings in multiple
14 jurisdictions within the United Kingdom to include but not limited to Greece, and
15 Switzerland. Accordingly, it shall be unlawful for any person employed by or
16 associated with any enterprise engaged in, or the activities of which affect, interstate
17 or foreign commerce, to conduct or participate, directly or indirectly, in the conduct
18 of such enterprise's affairs through a pattern of racketeering activity
19 [or] collection of unlawful debt." 18 U.S.C. § 1962(c). (Emp added)
20
21
22

23 LXXIII. The Girardi Cartel through Chora have acted to collect on unlawful and
24 fraudulently obtained debts by way of California Superior Court judgments and or
25 awards against the Petitioners to include but not limited to, international properties
26
27

1 either owned, sanctioned, or protected through diplomatic treaties and or
2 immunities.

3
4 LXXIV. The aforementioned domestic and international properties include but are
5 not limited to:

6
7 LXXV. 4 Wilton Pl., London, SW1X8RH;

8
9 LXXVI. 8D Ennismore Gardens, London SW7;

10
11 LXXVII. House of David Palio-Limani, Spetses Island, Greece 37 Wispillen
12 Strasse, Gstaad, Switzerland;

13
14 LXXVIII. 23768 Malibu Rd., Malibu, CA 90265;

15
16 LXXIX. 42045 Lupin Way, Lancaster, CA 93536.

17
18 LXXX. In all described real property matters, on June 9, 2023, LIONEL
19 HURST, Chief of Staff, OFFICE OF THE PRIME MINISTER ANTIGUA AND
20 BARBUDA, transmitted to ANTONY J. BLINKEN at the United States Department
21 of State, a formal communication from the Government of Antigua and Barbuda,
22 which in relevant parts represents to-wit: (See Appendix 7 - JUNE 9, 2003
23 COMMUNICATION.

24 “This property is reserved as an Embassy or high commission
25 extension. It serves as a diplomatic mission for Antigua and
26
27

1 Barbuda Government in the”¹³ (United Kingdom, Switzerland,
2 United States), “facilitating official engagements, promoting
3 bilateral cooperation, and serving the needs of our citizens
4 residing in or visiting” (United Kingdom, Switzerland, United
5 States).

6 “In accordance with international law and established
7 diplomatic practices, I kindly request the United States
8 Department of State to recognize and respect the diplomatic
9 immunity of these properties. This immunity extends to the
10 premise, furnishings, and assets contained therein, ensuring
11 their protection from any form of legal, administrative, or
12 lawenforcement action that may impede their diplomatic
13 functions.”

14 CONCLUSION

15 LXXXI. All actions of collection taken and or performed by Joseph Chora
16 against the above described real properties taken and or authorized by the Los
17 Angeles County Superior Courts relating to cases: No. BC654017 , Hon. Michelle
18 Williams; No. BC643099 Hon. Terry Green and Hon. Christopher K. Lui; No.
19 BC649025 Hon. Rafael A. Ongkeko; are *void ab initio* and accordingly stands in
20 clear violation of 28 U.S.C. § 1609 which provides that the property of a foreign
21 state held in the United States is immune from attachment, arrest and execution,
22

23
24
25
26 ¹³ Each listed property is referenced in its proper geographical country of location.
27

1 except as provided in § 1610 (property involved in commercial activity) and § 1611
2 (property of the foreign central bank or of the military).” See - *United States v.*
3 *PetroSaudi Oil Servs. (Venez.)*, 70 F.4th 1199, 1207 (9th Cir. 2023).

5 The corrupt conduct fostered by influence(s) of the Girardi Cartel has clearly
6 crossed international lines to encroach upon the diplomatic and sovereign
7 immunities of neighboring countries. The Supreme Court of the United States have
8 consistently recognized that foreign sovereign immunity "is a matter of grace and
9 comity on the part of the United States." *Verlinden B.V. v. Central Bank of*
10 *Nigeria*, 461 U.S. 480, 486, 103 S.Ct. 1962, 1967, 76 L.Ed.2d 81 (1983) ; *Schooner*
11 *Exchange v. McFaddon*, 7 Cranch 116, 136, 3 L.Ed. 287 (1812). In determining
12 whether to exercise jurisdiction over suits against foreign sovereigns, courts
13 traditionally "deferred to the decisions of the political branches ... on whether to
14 take jurisdiction over actions against foreign sovereigns." *Verlinden*, 461 U.S., at
15 486, 103 S.Ct. 1962.

16 Where the immunity of a foreign state and its properties rest beyond the reach
17 of California state courts, the federal district court is bound through diplomatic
18 treaties to nullify all actions of collection targeted at, and in relations to the above
19 described and relevant properties.

1 The District Court is further duty bound to void and or nullify all state court
2 judgements precured by extrinsic fraud and corruption such as the instant case.

3
4 PRAYER

5 LXXV WHEREFORE, Alkiviades David, Filmon TV LTD, Filmon TV INC,
6 Alki David Productions Inc, Hologram USA pray that a writ of Error Coram Non
7 Judice issue against the Los Angeles County Superior Court to nullify its orders,
8 judgments, awards, and proceedings there to, whereas said instruments are *void ab*
9 *initio*. Further, Alkiviades David, Filmon TV LTD, Filmon TV INC, Alki David
10 Productions Inc, Hologram USA, pray for this Court to grant such other relief as
11 may be required by law and just.
12
13
14

15
16 Dated this 29th day of February 2024.

17
18 

19 _____
20 Matthew Huzaineh
21
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27

1 Matthew Huzaineh
2 The Law Office of Matthew Huzaineh, P.C.
3 626 Wilshire Blvd., Suite 410
4 Los Angeles, CA 90017
5 (310) 362-1650
6 matt@huzlaw.com

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

9 ALKIVIADES DAVID; FILMON TV LTD.;) Case No. 2:24-cv-01665
10 FILMON TV INC.;)
11 ALKI DAVID PRODUCTION INC.;)
12 HOLOGRAM USA)
13 *Petitioners*)

14 -v-)

15 Los Angeles County Superior Court No.)
16 BC654017 Hon. Michelle Williams;)
17 Los Angeles County Superior Court No.)
18 BC643099 Hon. Terry Green;)
19 Hon. Christopher K. Lui;)
20 Los Angeles County Superior Court No.)
21 BC649025 Hon. Rafael A. Ongkeko;)
22 California State Court of Appeal, Second District,)
23 Division Four;)
24 California State Court of Appeal, Second District,)
25 Division Two)

26 *Respondents*)

27 Real Parties in Interest:

28 *Elizabeth Taylor*
Chasity Jones
Lauren Reeves
Mahim Khan

APPENDIX

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PETITIONER'S APPENDIX A1

- 99+ Compose
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- Inbox 111
- Starred
- Snoozed
- Meet
- Sent
- Drafts 5
- More
- Labels
- ALKI FILES 5

Fwd: John Doe statement 1 Inbox x X Print Share



Alki David <filmon...> Sun, Jan 22, 2023, 2:05 PM
to me

----- Forwarded message -----
 From: **ronald gottschalk** <randypotter5@gmail.com>
 Date: Sun, Jan 22, 2023 at 12:04 PM
 Subject: Fwd: John Doe statement 1
 To: <filmonpersonal@gmail.com>

yes

----- Forwarded message -----
 From: **Alki David** <filmonpersonal@gmail.com>
 Date: Sun, Jan 22, 2023 at 11:57 AM
 Subject: John Doe statement 1
 To: ronald gottschalk <randypotter5@gmail.com>

I Ronald Gottschalk of Los Angeles County California, formerly cocounsel with Tom Girardi in numerous cases.

I can solemnly swear that Gloria Allred and her daughter Lisa Bloom and Joseph Chora and others have engaged with Tom Girardi and others in a massive widespread scheme of insurance fraud for decades. Against the Federal and State authorities.

Pursuant to 28 U.S.C. § 1746(1) I declare under penalty of perjury, and under the laws of the United States of America that the above statements are true and correct.

Sincerely

AI

PETITIONER'S APPENDIX A2

1 RONALD GOTTSCHALK, ESQ., SBN 50625
2 GOTTSCHALK & ASSOCIATES
3 1160 S. Golden West Avenue, Suite #3
4 Arcadia, California 91007
5 Randypotter5@gmail.com
6 TEL: (626) 755-1688
7 FAX: (626) 371-0459

8 PHILIP A. PUTMAN, SBN 51368
9 LAW OFFICES OF PHILIP A. PUTMAN
10 3303 Harbor Blvd., Suite K-11
11 Costa Mesa, CA 92626
12 TEL: (714) 848-5297
13 FAX: (714) 963-8035

14 Co-Counsel for Cross Complainant, Ronald N. Gottschalk

15
16 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
17 **COUNTY OF SAN DIEGO**

18 INTERNATIONAL MEDICAL
19 RESEARCH, INCORPORATED, dba
20 BOTANICLAB,

21 Plaintiffs-in-Interpleader,

22 vs.

23 RONALD GOTTSCHALK; LAW
24 OFFICES OF RONALD GOTTSCHALK
25 & ASSOCIATES; VICTOR
26 COMERCHERO; BILL
27 COMERCHERO; LAFAYE
28 CAMPBELL; CARLA JACKSON; KEN
CORSETTI; FRANK J. MARA;
FRANCESCA MARA; MARIA
ROSSINI; JOSEPH ROSSINI; PAMELA
J. SCHOONMAKER; TARAS
WYBACZYNSKY; LAW OFFICES OF
MICHAEL C. DONOVAN; McKAGUE
& TONG LLP; MICHAEL LUSBY;
BRADLEY CORSELLO; HAGENS
BERMAN SOBOL SHAPIRO LLP;
DAVID MARKHAM; CLARK &
MARKHAM; NORMAN

CASE NO. 37-2008-00096159-CU-
MC-CTL

CROSS-COMPLAINT FOR
DAMAGES UNDER 42 USC
1395(y)(b)(2)(3)(7)(8) and 18 USC
1962; FOR DECLARATORY AND
INJUNCTIVE RELIEF AND FOR A
PETITION TO INSPECT AND
COPY MINUTE BOOKS OF THE
COURT CLERKS OF THE JUDGES
NAMED HEREIN PURSUANT TO
CALIFORNIA GOVERNMENT
CODE SECTION 69844 AND CCP
SECTION 1904.

DEMAND FOR JURY TRIAL

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1 BLUMENTHAL; BLUMENTHAL &
2 NORDREHAUG; MORRIS &
3 ASSOCIATES; OWEN, PATTERSON &
4 OWEN; GIRARDI & KEESE; DANIEL
5 S. GRUBER; HOWARD SNYDER;
6 HARRISON GAVIN LONG;
7 EXTRAACCESS SERVICES dba
8 CASEHOMPAGE.COM; KEMPER
9 INSURANCE COMPANY; SCIENTIFIC
10 BIO-LOGICS, INC.; HEALING EDGE;
11 STEVEN LITVAK; KIMBERLY
12 LITVAK; PROSTRATE CANCER
13 RESEARCH INSTITUTE; STANLEY
14 BROSMAN, M.D.; STEPHEN STRUM,
15 M.D.; AEGIS SCIENCES
16 CORPORATION; LIFE EXTENSION
17 FOUNDATION; and DOES 1-50,
18 inclusive,

Defendants-in-Interpleader.

13 RONALD GOTTSCHALK,

14 Cross Complainant,

15 v.

16 WILLIAM LOW, an individual; HIGGS
17 FLETCHER & MACK, LLP; THOMAS
18 EDWARD SHARKEY, an individual;
19 SAM BAXTER, an individual; STEVEN
20 SMITH, an individual; YOKA & SMITH;
21 JOHN NOONEN, an individual; BILL
22 COMERCHERO, an individual;
23 LAFAYE CAMPBELL, an individual;
24 The Estate of ANDY CAMPBELL;
25 CARLA JACKSON, an individual; KEN
26 CORSETTI, an individual; The Estate of
27 FRANK J. MARA; FRANCESCA
28 MARA, an individual; MARIA
ROSSINI, an individual; JOSEPH
ROSSINI, an individual; PAMELA J.
SCHOONMAKER, an individual; LAW
OFFICES OF MICHAEL C.
DONOVAN; McKAGUE & TONG LLP;
MICHAEL LUSBY, an individual;
HAGENS BERMAN SOBOL SHAPIRO
LLP; DAVID MARKHAM; CLARK &
MARKHAM; NORMAN
BLUMENTHAL, an individual;
BLUMENTHAL & NORDREHAUG;

1 STEVEN MORRIS, an individual;
2 WILLIAM LERACH, an individual; R.
3 JEFFERY WARD, an individual;
4 BOSCO, WARD, & CICCONI; OWEN,
5 PATTERSON & OWEN; GIRARDI &
6 KEESE; THOMAS V. GIRARDI, an
7 individual; HOWARD MILLER, an
8 individual; DANIEL S. GRUBER, an
9 individual; HOWARD SNYDER, an
10 individual; STEVEN BALL, an
11 individual; EXTRAACCESS SERVICES
12 dba CASEHOMPAGE.COM;
13 PROSTRATE CANCER RESEARCH
14 INSTITUTE; STANLEY BROSMAN,
15 M.D., an individual; STEPHEN STRUM,
16 M.D., an individual; MARK SCHOLTZ,
17 M.D., an individual; VICTOR
18 COMERCHERO, an individual; TARAS
19 WYBACZYNSKY, an individual;
20 MICHAEL DONOVAN, an individual;
21 MRS. MICHAEL BOLI, in her individual
22 capacity; MICHAEL BOLI, an
23 individual; DARON TONG, an
24 individual; MICHELE MILLER, an
25 individual; HONORABLE JOHN S.
26 MEYER, in his individual capacity;
27 HONORABLE RICHARD E. L.
28 STRAUSS, in his individual capacity;
HONORABLE LUIS VARGAS, in his
individual capacity; CANDACE
CHEELEY, an individual;
HONORABLE KENNETH SO, in his
individual capacity; HONORABLE
KEVIN A. ENRIGHT, in his individual
capacity; THE HONORABLE YURI
HOFMANN, in his individual capacity;
HONORABLE TIMOTHY TAYLOR, in
his individual capacity; HONORABLE
JOAN MARIE LEWIS, in her individual
capacity; THE JUDGES OF THE SAN
DIEGO COUNTY SUPERIOR COURT;
THE SUPERIOR COURT FOR THE
COUNTY OF SAN DIEGO; KIM
BELSHE, in her official capacity, as
Secretary of the Health and Human
Services Agency of the State of
California; KATHLEEN SEBELIUS, in
her official capacity as secretary of the
Federal Department of Health and Human
Services; DANIEL R. LEVINSON, in his
official capacity as Inspector General of
the Federal Department of Health and
Human Services; EDMUND G. BROWN,
JR., in his official capacity as Attorney
General of the State of California; ERIC

1 HOLDER, ATTORNEY GENERAL OF
2 THE UNITED STATES, in his official
3 capacity; THE CENTER FOR
4 MEDICARE AND MEDICAID
5 SERVICES; ARROWPOINT CAPITAL;
6 GOLDEN EAGLE INSURANCE
7 COMPANY; MONTICELLO
8 INSURANCE COMPANY; ILLINOIS
9 UNION INSURANCE COMPANY; and
10 LLOYDS OF LONDON and its
11 underwriters; ROYAL INSURANCE
12 COMPANY; ROYAL SUN ALLIANCE;
13 RLI INSURANCE COMPANY; SUN
14 ALLIANCE; ALLIANZ GLOBAL
15 RISKS U.S. INSURANCE COMPANY;
16 ARROWOOD INDEMNITY
17 COMPANY; SOPHIE CHEN, an
18 individual; JOHN CHEN, an individual;
19 ALEX CHEN, an individual; MICHAEL
20 LUSBY, an individual; CHIEF JUSTICE
21 RONALD GEORGE, in his
22 administrative capacity as Chairman of
23 the Judicial Council; PLATINUM
24 EQUITY; and DOES 1 through 1000,
25 inclusive,

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Cross Defendants.

18 Cross-Complainant RONALD GOTTSCHALK (hereinafter referred to as
19 “Gottschalk”) for himself alone files this cross complaint for damages, under 42
20 USC 1395(y)(b)(2)(3)(7)(8), the Medicare Secondary Payer Act, hereinafter
21 referred to as the “MSP”, and 18 USC 1962 et seq., the RICO Act, for declaratory
22 and injunctive relief, and for writ of mandate by the Chief Justice of the California
23 Supreme Court acting in his administrative capacity as Chairman of the California
24 Judicial Council and for a petition to the San Diego Superior Court and the judges
25 thereof including the judges named in this cross-complaint for inspection and
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1 copying of court records, pursuant to Section 69844 of the Government Code and
2 CCP Section 1904, as follows:
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4 PARTIES

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6 1. Cross-complainant RONALD GOTTSCHALK resides in the State of
7 California and has standing to bring this cross-complaint under the Medicare
8 Secondary Payer Act, 42 U.S.C. §1395 (y)(b)(3), which confers upon him status
9 based on a private claim for relief under the MSP and for declaratory and injunctive
10 relief and for a petition to inspect and copy court records against the San Diego
11 Superior Court and all of its judges for, inter alia, violation of the MSP and for
12 extra judicial ex parte communications with the named judges in these cases in
13 connection therewith. Gottschalk further has standing on the grounds that he is
14 jointly liable with the Defendants-in-Interpleader named in the Complaint in
15 Interpleader and others and with Does 1 through 400 for monies owed under the
16 MSP to Medicare in the sum in excess of \$50 million. The non-governmental
17 settling Cross-Defendants, and their counsel and insurers, named herein, with the
18 exception of Platinum Equity, are jointly and severally liable to Medicare under the
19 MSP for sums in excess of \$50 million in the underlying cases and in excess of
20 \$100 million in connection with their continuing RICO Act fraud scheme to
21 intentionally not pay the Medicare super priority liens in their other cases in concert
22 with opposing counsel and judges of the court in those cases in which the Judges
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1 previously discharged the obligations to Medicare, Medi-Cal and Medicaid without
2 subject matter jurisdiction and without affording these governmental agencies and
3 the persons set forth in this cross complaint on their behalf their due process rights.
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5 This is a continuation of a similar RICO Act fraud scheme that was perpetrated by
6 the principal attorneys in these related cases and others, commonly referred to as
7 the Judge Adams cases, whereby multiple judges of the San Diego Superior Court
8 were convicted of major fraud and bribery and were removed from the bench.
9

10 More than 25 judges were incriminated in this RICO fraud scheme by the Presiding
11 Judge. The attorneys and insurers in the investigated cases did not pay the Medicare
12 super priority liens to Medicare and the priority liens to Medi-Cal and Medicaid as
13 part of an overall scheme and pattern of corruption, bribery, and racketeering. The
14 California Judicial Council, the Federal Dept. of Health & Human Services, the
15 Center for Medicare and Medicaid Services, the U.S. Attorney, the Attorney
16 General of the State of California, and the State Bar of California, as well as
17 uniform statutory and case law, mandate the payment of the Medicare super priority
18 liens in mass tort cases and other tort cases, including the underlying cases. Despite
19 this uniform application of the law and complete preemption of the state court
20 interpleader case, the attorneys/insiders of this court have continued their RICO Act
21 fraud scheme to deprive Medicare, Medi-Cal, and Medicaid of over \$1 billion that
22 are due these government programs and agencies by resort to fraudulent and
23 collusive interpleader actions under CCP Section 386, which exclude each of these
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1 governmental insurance programs including Medicare, the IRS, and other
2 indispensable parties who have liens against the settlement proceeds, which cross-
3 complainant seeks to be deemed unconstitutional, as applied, for violation of the
4 due process rights of these government agencies and cross-complainant. The
5 mandates of the Judicial Council, the three esteemed settlement judges in these
6 cases, which were appointed by the Chief Justice in his administrative capacity as
7 the Chairman of the California Judicial Council, and the uniform law pertaining to
8 the "MSP" mandates that the Medicare super priority liens be enforced and not
9 discharged or enjoined, and that the state court has no subject matter jurisdiction
10 over Medicare and the IRS, without limitation. Despite this history of the "MSP",
11 the attorney/insiders of the court sued hereunder have engaged in extra judicial ex
12 parte communications with the judges named herein of the San Diego Superior
13 Court to prejudge and predetermine the interpleader cases to exclude, inter alia,
14 Medicare, the IRS, and other unnamed vendors who have liens on the settlement
15 proceeds from recovering any moneys based on the failure on the part of the
16 plaintiff to include them in the interpleader complaint, despite complete knowledge
17 of their existence, as they previously did in the Judge Adams cases, which is one of
18 the largest continuing corruption and racketeering cases against the administration
19 of justice and against the government medical insurance programs including
20 Medicare in U.S. judicial history. The President of the United States has authorized
21 Medicare task forces to, inter alia, enforce the rights of Medicare under the MSP.
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1 More than one billion is owed to Medicare by the law firms named in the cross-
2 complaint who have intentionally not reimbursed Medicare under the MSP even
3 though it is statutorily required. Plaintiff's counsel as an insider of this court has by
4 extra judicial ex parte communications and other unlawful acts sought to prevent
5 the enforcement of the right of Medicare and the other government insurance
6 programs in cases in which he is lead counsel and has improperly sought to relieve
7 his clients, himself, his law firm and the settling insurers of statutory liability in
8 excess of \$100,000,000.00 as more fully set forth below.

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12 FACTS COMMON TO ALL CLAIMS FOR RELIEF

13 2. Gottschalk incorporates by reference the facts in his Answer to the
14 Complaint in interpleader concurrently filed herewith.

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16 3. The Secretary of the California Department of Health, KIM BELSHE,
17 is sued herein in her official capacity as the Secretary of the Department of Health
18 and Human Services Agency of the State of California. The Attorney general of the
19 State of California, EDMUND G. BROWN, JR., is sued herein in his official
20 capacity. The Attorney General of the United States, ERIC HOLDER, is sued in his
21 official capacity and as the highest official over the Public Integrity Section of the
22 Justice Department. The Secretary of the Federal Department of Health and Human
23 Services, KATHLEEN SEBELIUS, is sued herein in her official capacity. The
24 Inspector General of HHS, DANIEL R. LEVINSON, is sued herein in his official
25 capacity. The CENTER FOR MEDICARE AND MEDICAID SERVICES,
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1 hereinafter referred to as CMS, is sued herein in its official capacity, and is the
2 recovery contractor for Medicare. Gottschalk alleges that each of these Cross
3 Defendants named in paragraph three are indispensable parties to the Complaint
4 and the Cross-Complaint and that each of the parties sued by Gottschalk other than
5 those named in paragraph three, and Platinum Equity, are liable to Medicare, the
6 IRS, and to Gottschalk under the MSP and also liable to Medicare under the MSP
7 in excess of \$100 million together with each of the settling parties, their attorneys,
8 former attorneys, directors, officers, and insurers without limitation, including the
9 IMR settling party and all other settling parties in the underlying litigation.
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13 FIRST CAUSE OF ACTION

14 FOR DAMAGES TO CROSS COMPLAINANT FOR CONSPIRACY TO
15 VIOLATE 42 U.S.C. 1395(y)(b)(3) OF THE MEDICARE SECONDARY PAYER
16 ACT AGAINST THE CROSS DEFENDANTS AND DOES 1-200 OTHER THAN
17 THE GOVERNMENTAL AGENCIES, PLATINUM EQUITY, AND FOR
18 INJUNCTIVE AND DECLARATORY RELIEF
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21 4. Gottschalk realleges and reincorporates by reference the allegations
22 set forth in 1 through 3 of this Cross Complaint.
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24 5. Gottschalk alleges that the individual named cross defendants, other
25 than the governmental Cross Defendants sued in their official capacity and
26 Platinum Equity, have strict liability to Gottschalk for double the amount of the
27 Medicare Reimbursement, paid by Medicare on behalf of the settling parties, in the
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1 related cases, as a private claim for relief pursuant to 42 USC 1395(y)(b)(3)(A), in
2 the approximate amount in excess of \$15,000,000.00.

3
4 6. Cross complainant does not know the true names and capacities of
5 cross defendants sued herein as DOES 1-200, inclusive, and therefore sues DOE
6 cross defendants by such fictitious names. Cross complainant will amend this cross
7 complaint to allege their true names and capacities when ascertained. Cross
8 complainant is informed and believes and thereon alleges that each of the
9 fictitiously named cross defendants is legally responsible in some manner for the
10 occurrences herein alleged, cross complainant's losses as herein alleged were
11 approximately caused by such wrongful acts. At all times herein mentioned, each
12 of the cross defendants, except the government agencies and DOES 1-200, were the
13 agent, representative, employee, and/or partner, and/or conspirator, and/or joint
14 venturer of each of the remaining cross defendants, and in doing the things herein
15 alleged was acting within the purpose, scope, and course of such agency,
16 partnership, and/or employment, and/or conspiracy, and/or joint venture.

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21 7. Gottschalk has standing under 42 USC 1395(y)(b)(3)(A) which allows
22 and provides for a private cause of action because Gottschalk was one of the former
23 counsel for the settling parties in state and federal court litigation.

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25 8. Cross Defendants and DOES 1-200, and each of them, entered into an
26 agreement and conspiracy to violate the MSP on a continuing basis, by which the
27 settling parties would intentionally not pay the Medicare super priority liens, would
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1 not reimburse Medicare for the medical expenses of the settling parties, and would
2 not notify Medicare of the settlements. In addition, the Cross Defendants, and
3 DOES 1-200, agreed that they would not reimburse the medical providers and
4 medical lienors and insurers for the medical expenses of the settling parties. Cross
5 Defendants acted in concert with each other and with DOES 1-200 and the sitting
6 judges in the interpleader cases for the express purpose of ensuring the Medicare
7 liens would not be paid to Medicare and to exclude Medicare from being a party to
8 the interpleader action, as part of a common plan and scheme to defraud Medicare
9 and the taxing authorities, which scheme began in the early 90's by these settling
10 counsel and their insurers. In the early 90's, multiple judges of this court were
11 convicted of multiple felonies, sentenced to prison, and removed from the bench
12 for, inter alia, engaging in the similar fraud scheme against Medicare, Medicaid,
13 and Medi-Cal, and the medical providers, medical lienors and their medical
14 insurers, commonly referred to as the Judge G. Dennis Adams' cases in which more
15 than 25 judges were incriminated in said fraud schemes by the Presiding Judge of
16 the court, who also directed the fraud scheme against Medicare and the other
17 governmental agencies. The San Diego Union Tribune, now owned by Platinum
18 Equity, played a major role in investigating the conduct of these multiple judges
19 concerning the similar fraud scheme, which included multiple extra judicial ex
20 parte communications to prejudge and predetermine the outcome of those similar
21 cases. Gottschalk seeks a constructive trust and an equitable lien on all monies that
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1 were paid to the settling parties and their attorneys that came from settlements, both
2 sub rosa and otherwise that were required to be paid to Medicare, the IRS, and the
3 medical providers and medical insurers and not to the settling parties and their
4 counsel, in whole or in part.
5

6 9. This cause of action arose on or about January 8, 2009, when certain
7 of the settling parties represented in sworn declarations and by their conduct that
8 they refused to pay the super priority Medicare liens and other medical liens and
9 sought the monies ONLY for themselves to the exclusion of Medicare to deprive
10 Medicare in excess of \$15,000,000.00 due it. Medi-Cal was deprived of over
11 \$2,000,000.00 from Cross Defendant Taras Wybaczynsky. The attorneys named
12 herein and the insurers for Plaintiff were the masterminds behind this continuing
13 fraud scheme, as they were in the Judge Adams cases together with other insiders of
14 the San Diego Superior Court.
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18 10. Plaintiff's counsel and cross defendant's counsel other than
19 Gottschalk told the settling parties that they would make sure the settlement monies
20 would go to the settling parties and not to Medicare, the IRS, and that the super
21 priority Medicare liens would not be paid from the proceeds of the settlement.
22 They further stated that plaintiff's counsel and cross defendant's counsel and other
23 counsel would and did intercede with the state court judges presiding over those
24 interpleader cases to prejudge and predetermine the outcome of the case and to have
25 the monies paid to the settling parties and their attorneys and not to Medicare and
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1 not to allow Medicare and Gottschalk to not litigate their claims in the Federal
2 Court under the MSP or to recover sums in excess of \$100 million that is owed to
3 Medicare in California by these Cross Defendants.
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5 11. Gottschalk seeks a Declaratory Decree, that each of the other Cross
6 Defendants-in-Interpleader are liable to Medicare under the MSP for sums to be
7 proven at trial, which is a minimum of \$50 million and potential liability in excess
8 of \$100 million plus penalties, interest and statutory damages for the failure to pay
9 the monies to be reimbursed to Medicare for the medical expenses incurred by the
10 settling parties in excess of \$50 million and to notify Medicare of the settlements
11 that took place in the underlying cases that resulted in millions of dollars of monies
12 being paid to the settling parties and their counsel and no monies paid to Medicare,
13 Medi-Cal, Medicaid, the IRS, or any other taxing agency or to the medical
14 providers and to the medical insurers by the settling parties. This was part of a
15 continuous RICO Act fraud scheme to defraud these government agencies and
16 persons such as Gottschalk, who sought to comply with his duties under the MSP to
17 have the settling parties and their legal representatives and their insurers comply
18 with the MSP. Gottschalk was required to withdraw as counsel for the settling
19 parties because, inter alia, he sought to comply with the settlement judge's direction
20 to reimburse Medicare under the MSP and pay the other statutory liens from the
21 final settlements, including the Medicare liens, the IRS liens, the vendor liens, the
22 medical provider liens, and medical insurer liens in these cases. Pursuant to this
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1 fraud scheme, the cross defendants herein recruited State Bar investigators acting
2 on their behalf, without subject matter jurisdiction, including Cross Defendant John
3 Noonen, to falsely state to the state court judges, other judges, and to government
4 agencies, acting on behalf of Plaintiff's counsel, William Low, in extra judicial ex
5 parte communications, that none of the settling parties were Medicare beneficiaries,
6 Medi-Cal beneficiaries, or had any outstanding medical liens for reimbursement to
7 their medical providers or medical insurers and that plaintiffs and their counsel and
8 insurers did not incur independent liability to Medicare, Medi-Cal, the IRS, and/or
9 the other lienors. Each of the judges in the interpleader cases and in the other cases
10 knew for a certainty that the statements being made to them by the State Bar
11 investigators, acting on behalf of the Plaintiff's counsel, William Low, were
12 intentionally false, and the investigators had no subject matter jurisdiction in any of
13 these interpleader cases or any other case in the state or federal court or before
14 government agencies. None of the judges reported these extra judicial ex parte
15 communications to Gottschalk, when they occurred. Noonen subsequently
16 disclosed same in the presence of Gottschalk and others. The State Bar
17 investigators were coached into these deliberate lies by the settling parties counsel,
18 William Low and his law firm and others, who directed their activities against
19 government agencies, the judges, and Gottschalk, without limitation. Each of the
20 judges had copies of the uniform law pertaining to the MSP and knew that the law
21 was totally in favor of Medicare and against the settling parties and their counsel
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1 and insurers and that the settling parties, their counsel and insurers, has strict
2 liability to Medicare and other government agencies for the monies advanced for
3 the medical care of the settling parties. Each of the Cross Defendants named herein
4 and DOES 1-200 participated in said agreement and conspiracy with knowledge of
5 the unlawful purpose thereof, and performed at least one overt act in support of the
6 conspiracy and agreement, to violate the MSP and the RICO Act. The Cross
7 Defendants and DOES 1-200 also participated in the agreement and conspiracy to
8 use Medicare funds to pay unlawful consideration and unjust rewards to Cross
9 Defendant Mrs. Boli, aka Victoria Henley, and her husband, Michael Boli, for the
10 purposes of prejudging and predetermining complaints against judges of the San
11 Diego Superior Court before the Commission on Judicial Performance, and
12 especially Mrs. Boli, who played an important role in the Judge Adams cases on
13 behalf of the insiders/attorneys of the San Diego Superior Court system and those
14 judges who were incriminated by the Presiding Judge in said corruption, and is
15 Executive Director of the Commission on Judicial Performance, who is in charge of
16 complaints against the state court judges and other judges involved in this RICO
17 Act fraud scheme. Mrs. Boli had an absolute conflict of interest in investigating
18 Judge Adams and other judges of the San Diego Court and other courts and had a
19 duty to recuse herself and inform the Chief Justice of such conflicting interest of
20 herself and her husband adverse to the administration of justice.

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28 12. Gottschalk also seeks a temporary restraining order and preliminary

1 injunction and permanent injunction barring any of the Cross Defendants from
2 seeking to be discharged from the statutory obligations to Medicare, the IRS, the
3 Franchise Tax Board, the state taxing authority, the medical providers, and medical
4 insurers, Gottschalk and other unpaid vendors who have liens against the
5 interpleaded funds in the state courts plus additional undisclosed settlements to the
6 settling parties. Gottschalk further seeks a temporary restraining order and
7 preliminary injunction and permanent injunction barring any of the Cross-
8 Defendants from receiving any monies from this court or any other court until the
9 liability of said Cross Defendants to Medicare, to the taxing authorities, medical
10 providers, medical insurers, the vendors, other lienors, and Gottschalk is paid. Said
11 injunctive relief is necessary because the Cross Defendants were and are engaged in
12 violations of the RICO Act and the MSP to violate the MSP, and to engage in a
13 pattern of, inter alia, bribery, mail fraud, wire fraud, bankruptcy fraud, and
14 obstruction of justice, witness tampering, fabrication of evidence and procurement
15 of fraudulent orders, without subject matter jurisdiction, without limitation, to, inter
16 alia, prevent recovery by Medicare, the taxing authorities, the vendors, the medical
17 providers, the medical insurers, and Gottschalk under their statutory liens and to
18 prevent recovery by Medicare in each of the cases of Cross Defendants and cross-
19 defendants which sum is believed to exceed \$1 billion or more in the aggregate in
20 Southern California, including from the insurers according to Medicare officials.

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28 13. Gottschalk seeks damages under the MSP pursuant to 42 U.S.C. 1395

1 (y)(b)(3) to be proved at trial and also seeks indemnification and contribution and to
2 hold Gottschalk free and harmless by the Cross-Defendants, and each of them
3 jointly and severally, for their conspiracy, agreement, and violation of the MSP, and
4 their fiduciary duties to pay the liens of Medicare, the taxing authorities, the
5 medical providers, the medical insurers, the vendors, and other lienors, without
6 limitation.
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9 SECOND CAUSE OF ACTION FOR RELIEF

10 FOR DAMAGES TO CROSS COMPLAINANT UNDER THE RICO ACT, 18
11 USC 1961, et seq. AGAINST CROSS DEFENDANTS MICHAEL LUSBY,
12 MICHAEL DONOVAN, DARON TONG, MICHELE MILLER, R. JEFFERY
13 WARD, MICHAEL BOLI, MRS. MICHAEL BOLI, VICTOR COMERCHERO,
14 TARAS WYBACZYNSKY, WILLIAM LOW, STEVEN SMITH, THOMAS
15 SHARKEY, NORMAN BLUMENTHAL, AND DOES 201-400
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20 14. Cross complainant re-alleges and reincorporates by reference the
21 allegations set forth in 1 – 13 of this Cross Complaint.
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23 15. At all times cross defendants and DOES 201-400 named in this cause of
24 action above were individual persons and an enterprise within the meaning of 18
25 USC Sections 1961(4), 1962(c) who associated with and/or participated in the
26 conduct of said enterprise's affairs doing business in the form of an association in
27 fact.
28

1 16. Between 2007 and the present, cross defendants and DOES 201-400,
2 in their individual capacity, conducted, participated in, conspired to engage in, or
3 aided and abetted the continuing and ongoing conduct of the affairs of that
4 enterprise together with others, through a pattern of racketeering activity as
5 defined in 18 USC Sections 1961(1), 1961(5), and 1962(c).
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8 17. Cross Defendants' pattern of racketeering activity consisted of more
9 than two acts of obstruction of justice, intimidation of witnesses, Medicare fraud,
10 fraud under the MSP, bankruptcy fraud, bank fraud, fabrication of documents,
11 spoliation of evidence, wire fraud, bribery, and extortion of cross complainant,
12 among other predicate acts. These Rico offenses all occurred after the effective
13 date of the Rico Act and more than two such acts occurred within 10 years of one
14 another, thereby damaging the plaintiff and his rights to his business affairs and
15 are continuing.
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18 18. At all relevant times, the enterprises, and the defendants alleged above
19 were engaged in, and their activities affected both interstate and foreign
20 commerce, regulated by the commerce of the US Constitution and the laws and
21 regulations enacted under that authority and the laws pertaining to the MSP and
22 the Medicare reimbursement.
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25 19. All of the predicate acts above described were conducted and related.
26 Those acts established a pattern of racketeering activity, within the meaning of 18
27 USC Section 1962(c), in that their common purpose was, inter alia, to obstruct
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1 and subvert the administration of justice for their personal unjust enrichment and
2 for the unjust enrichment of the Cross Defendants by defrauding cross
3 complainant, Medicare and other government insurance programs, including, but
4 not limited to the medical providers, medical insurers and the IRS.

6 20. All of the predicate acts described above were continuous so as to
7 form a pattern of racketeering activity in which the cross defendants engaged in
8 over a substantial period of time; or as such predicate acts have become the
9 defendants' normal, usual and regular manner of conducting their business and
10 association in fact.
11

13 21. Cross complainant was injured in his business and his property and is
14 entitled to treble damages sustained in an amount to be proven at trial, for costs of
15 this lawsuit, including reasonable attorneys as appropriate.
16

17 22. As more fully set forth above, the cross defendants and DOES 201-400
18 conducted an enterprise through the use of a pattern of Racketeering activity,
19 which they conducted in the State of California, in violation of 18 USC 1962(c).
20 Cross Defendants and DOES 201-400 conspired with others to violate subsections
21 (a), (b) and (c), and thereby violated 18 USC 1962(d).
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25 THIRD CAUSE OF ACTION BY CROSS COMPLAINANT AGAINST
26 CROSS DEFENDANTS, THE SAN DIEGO SUPERIOR COURT AND
27 ALL JUDGES THEREOF, INCLUDING THE HONORABLE KENNETH
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1 SO, IN HIS INDIVIDUAL CAPACITY; THE HONORABLE JOHN S.
2 MEYER, IN HIS INDIVIDUAL CAPACITY; THE HONORABLE
3 RICHARD E.L. STRAUSS, IN HIS INDIVIDUAL CAPACITY; THE
4 HONORABLE LUIS VARGAS, IN HIS INDIVIDUAL CAPACITY AND
5 AS A DISQUALIFIED JUDGE; THE HONORABLE TIMOTHY
6 TAYLOR, IN HIS INDIVIDUAL CAPACITY; THE HONORABLE JOAN
7 MARIE LEWIS, IN HER INDIVIDUAL CAPACITY AND AS A
8 DISQUALIFIED JUDGE; THE HONORABLE KEVIN A ENRIGHT, IN
9 HIS INDIVIDUAL CAPACITY; THE HONORABLE YURI HOFMANN,
10 IN HIS INDIVIDUAL CAPACITY; CANDACE CHEELY, IN HER
11 INDIVIDUAL CAPACITY; AND DOES 401-600, FOR A PETITION TO
12 INSPECT AND COPY OFFICIAL RECORDS OF THE CLERK'S
13 MINUTE BOOKS, INCLUDING THE CALENDAR CLERK'S AND THE
14 COURTROOM CLERK'S OF EACH OF THE JUDGES OF THE SAN
15 DIEGO SUPERIOR COURT PURSUANT TO GOVERNMENT CODE
16 SECTION 69844 AND CCP SECTION 1904, AND FOR
17 DECLARATORY AND INJUNCTIVE RELIEF

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24 23. Cross complainant realleges and reincorporates by reference paragraphs 1
25 13 as if set forth fully herein.

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27 24. Cross defendants and each of them had a duty to comply with the
28 requirements of the MSP and not to discharge settling plaintiffs, their counsel and

1 insurers without the payment of the Medicare super priority liens and repayment to
2 Medicare of the medical expenses of the settling parties. Cross defendants had a
3 clear, present, and ministerial duty to enforce the MSP and to deny a discharge to
4 the plaintiffs, their counsel and insurers and failed to do so, acting in concert with
5 the settling parties to violate the MSP, without limitation.
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8 25. Medicare and cross complainant do not have a plain, speedy, and
9 adequate remedy in the ordinary course of law other than the relief sought by this
10 petition.
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12 26. Cross defendant the Honorable Luis Vargas and Honorable Joan Marie
13 Lewis, including their staff, were disqualified by the Chief Justice of the California
14 Supreme Court in these cases. Despite the disqualification, they continued to have
15 extra judicial ex parte communications with the other judges and with the settling
16 parties counsel, John Noonan, and others, acting on behalf of Plaintiff, to prejudge
17 and predetermine the outcome of the cases adverse to Medicare and Gottschalk. As
18 a result of these extra judicial ex parte communications by the disqualified judges
19 and their staff, all of the interpleader judges are disqualified as a matter of law, and
20 their orders are void ab initio, based on well established California law, including
21 all orders made adverse to Medicare and Gottschalk. Additionally, as a result, all
22 judges of the San Diego Superior Court must be disqualified because they have a
23 direct interest in the outcome of the litigation, as did the judges in the Judge Adams
24 cases.
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1 27. The interpleader cases and the underlying cases thereto parallel the Judge
2 Adams cases. Preparatory to the Judge Adams cases, including his criminal
3 conviction for multiple felonies, the San Diego Union Tribune and others sought
4 access to the minute books of the clerks, including the calendar clerks, that were
5 assigned to the judges being investigated by the media and others in connection
6 with their relationship with attorneys that improperly influenced their judicial
7 conduct, including by extra judicial ex parte communications to prejudice and
8 predetermine the outcome of cases, and to preclude recovery of tens of millions of
9 dollars due Medicare by the settling parties, their counsel, and their insurers. Cross
10 Complainant is informed and believes, and thereon alleges, that the minute books of
11 the clerks were provided to the San Diego Union Tribune and others after the Court
12 of Appeals issued a writ of mandate to the Presiding Judge. Thereafter, the
13 Presiding Judge testified before a Federal Grand Jury that more than 25 judges of
14 the San Diego Superior Court had conspired and agreed with the Presiding Judge,
15 Judge Adams, and other judges to perpetrate a similar fraud scheme against
16 Medicare, Medi-Cal, the medical providers and medical insurers, coupled with
17 multiple attorneys including major players in the interpleader cases, including
18 Plaintiff's counsel and his firm.

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25 28. Cross Complainant seeks access to the minute books of the calendar
26 clerks and court clerks for each of the judges sued herein, which should show
27 further violations of the MSP and support the causes of actions sued herein
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1 29. Gottschalk and the media, including the Platinum Equity, the owners of
2 the San Diego Union Tribune, and the government agencies in this case have
3 standing to seek inspection of such records, including the minute books of the
4 clerks to these judges, especially since three esteemed jurists were appointed by the
5 Chief Justice of the California Supreme Court to act as settlement judges in these
6 cases, including the Presiding Judge of the Los Angeles Superior Court, and others,
7 who stated to Plaintiff's counsel and all other counsel and insurers that the MSP
8 must be paid in these cases prior to any monies being paid to the settling parties.
9 This directive is uniform throughout the judiciary, except pertaining to the judges
10 who have conspired and agreed with Plaintiff's counsel and his co-counsel to
11 continually defraud Medicare in multiple cases, and especially in the San Diego
12 Superior Court, and other courts where the attorneys are insiders. Plaintiff's
13 counsel, William M. Low is an insider, in part, because his father was a former
14 judge of the San Diego Superior Court and continues to have improper access to the
15 judges improperly assigned these cases, including by extra judicial ex parte
16 communications by himself and with his proxies.

17 30. Gottschalk has a constitutional and statutory right to inspect and copy
18 these records, as do the governmental entities, such as Medicare, the attorney
19 generals, and the media, as these are official records of the court which will provide
20 evidence in support of the causes of action sued herein.

21 31. There is further good cause to inspect and copy these records in that
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1 Plaintiff's counsel and other counsel in these cases played a major role in the Judge
2 Adams cases, including the Medicare fraud scheme. Further, one of the calendar
3 clerks advised Cross Complainant that the minutes in their court also includes the
4 names of the attorneys and others who had extra judicial ex parte communications
5 with the court, which is a central issue in these cases, and which would compel the
6 Presiding Judge or the Chief Justice of the California Supreme Court to disqualify
7 all judges of the San Diego Superior Court in these cases, as was done in the Los
8 Angeles Superior Court in these underlying cases.

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12 32. Cross Complainant seeks declaratory relief that he is entitled to immediate
13 access to inspect and copy these minute books of the court clerks of each of the
14 judges of the San Diego County Superior Court including but not limited to those
15 named in this cross complaint, and that these minute books of the court clerks are
16 official court records and governed by Government Code Section 69844 and CCP
17 Section 1904. Cross Complainant further seeks an order from the Presiding Judge
18 that these minute books of each of these judges shall be provided by the San Diego
19 County Superior Court without limitation.

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23 33. Cross Complainant seeks injunctive relief that the Presiding Judge further
24 orders each of the judges of the San Diego County Superior Court and their clerks,
25 including the calendar clerk, to preserve and protect the originals of the minutes of
26 their court, and all other official records, against destruction, loss, or spoliation, as
27 occurred in the Judge Adams cases in concert with the former Presiding Judge and
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1 other judges who were removed from the bench. The RICO fraud scheme in this
2 case is similar to the RICO fraud scheme in the prior Judge Adams cases and
3 emanates therefrom involving major players/insiders of the San Diego Superior
4 Court in those cases.
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7 34. Cross-complainant further seeks a Declaratory Order to adjudge and
8 decree that C.C.P. Section 386 pertaining to interpleader cases is unconstitutional
9 on its face and as applied where the interpleader seeks to prevent the recovery by
10 Medicare, MediCal and Medicaid of its super priority and priority liens and to
11 obtain a wrongful discharge of Plaintiff, its counsel and insurers of their substantial
12 statutory liabilities to these government programs including Medicare and to
13 discharge the rights of persons such as cross-complainant who has standing to
14 enforce his own private claim for relief under the MSP and to require the settling
15 parties, their counsel and insurers to reimburse Medicare program for all monies
16 paid out on behalf of the settling parties and for statutory liabilities of more than
17 twice the amount of that reimbursement under 42 U.S.C. 1395(y)(b)(2),(3),(7) and
18 (8). Such declaratory judgment is necessary to deem the C.C.P. 386
19 unconstitutional as applied to these government insurance programs and the rights
20 of cross-complainants thereunder because the continuing fraud scheme emanating
21 from the Judge Adams cases has not been abated by insider attorneys of the San
22 Diego Superior Court in substantially all of the cases involving said insider
23 attorneys. Additionally those insider attorneys of the court have sought to punish
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1 any attorney, such as cross-complainant, who brings to the attention of the court,
2 the deliberate failure of these attorneys to pay the statutory obligations to pay
3 Medicare, MediCal and Medicaid, even though all of the attorneys have strict
4 liability to such government insurance programs in connection therewith and
5 payment of those obligations is required under uniform, California and Federal law,
6 including the mandates of the California Judicial Council to judges to enforce the
7 rights of these government insurance programs under the MSP and not to
8 wrongfully discharge them occurred in the cases of the San Diego Superior Court
9 involving these insider attorneys and those acting in concert with them
10 commencing from the early 90s to date.
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14 FOURTH CAUSE OF ACTION

15 BY CROSS COMPLAINANT AGAINST CHIEF JUSTICE RONALD GEORGE,
16 IN HIS ADMINISTRATIVE CAPACITY AS CHAIRMAN OF THE
17 CALIFORNIA JUDICIAL COUNCIL FOR PROSPECTIVE DECLARATORY
18 AND INJUNCTIVE RELIEF AND DOES 401-500, INCLUSIVE
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21 35. Cross Complainant re-alleges and reincorporates by reference
22 paragraphs 1-34, as if set forth fully herein.
23

24 36. The Chief Justice is being sued herein in his administrative capacity as
25 Chairman of the California Judicial Council and not in his judicial capacity. Cross
26 complainant seeks a writ of mandate from the Chief Justice directing that the
27 Presiding Judge of the San Diego Superior Court and each judge thereof comply
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1 with the statutory mandates under federal law to enforce the federal rights of
2 Medicare, MediCal and Medicaid, to be reimbursed for the medical expenses paid
3 out on behalf of settling Plaintiffs, and the IRS and those acting under the MSP in
4 mass tort cases and the mandates of the California Judicial Council in connection
5 with the enforcement of these federal rights. Cross-complainant further seeks a writ
6 of mandate directing that the San Diego Superior Court, the Presiding Judge and
7 each Judge thereof may not discharge the statutory rights of Medicare, MediCal and
8 Medicaid without their participation in such interpleader cases including the
9 liability of Plaintiff, its counsel and insurers and those acting in concert with them.
10 Such writ of mandate is necessary because the San Diego Superior Court and the
11 Judge named herein have continually wrongfully discharged the statutory
12 obligations of the settling parties in interpleader actions to Medicare, MediCal and
13 Medicaid and others including the strict statutory liability of attorney insiders, their
14 clients and insurers as was done in the Judge Adams cases prior to his removal
15 from the bench. The San Diego Superior Court and the judges sued herein have
16 acted in concert with the attorneys insiders to do so in these interpleader cases as
17 well. The principal attorneys in these interpleader cases were also primary actors in
18 the Judge Adams cases and that RICO Act fraud scheme has continued after Judge
19 Adams was removed from the bench by the California Supreme Court.

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27 37. Cross Complainant is informed and believes and on such information
28 and belief hereby alleges that the California Judicial Council, of which Chief

1 Justice George is the Chairman, has mandated the payment of the government
2 insurance liens of Medicare, Medi-Cal, and Medicaid. The repayment of those
3 government liens including the Medicare Super Priority Liens were also previously
4 mandated by the State Bar in its ethics opinion as late as 2008 and in its opinions in
5 the State Bar Court and by uniform statutory and case law both state and federal
6 making the attorneys fiduciaries for the repayment of those monies prior to
7 payment of any monies to the settling parties. Those repayments to Medicare,
8 Medi-Cal, and Medicaid are uniformly required and the attorneys are deemed to be
9 fiduciaries as a matter of law to pay them including the Defendant's settling -
10 counsel. The cross defendants named herein the Second Cause of Action for RICO
11 Act violations are insiders of the San Diego Superior Court and charter members of
12 the so-called good old boys club or directly associated with them. They include
13 William Low, Thomas Sharkey, Michael Donovan, and their respective law firms,
14 without limitation, who have continuously utilized improper extra judicial ex parte
15 communications with the judges in these underlying cases, the interpleader cases,
16 and with disqualified judges to seek to prejudge and predetermine the outcome of
17 these interpleader cases adverse to Medicare, Medi-Cal, and Medicaid. Further,
18 they have intentionally excluded them from the interpleader cases by means of
19 extrinsic fraud and have violated their due process rights and those of the U.S.
20 government agencies and contractors charged with the enforcement of the "MSP"
21 and the reimbursement of moneys paid by these government medical insurance
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1 programs on behalf of the settling plaintiffs. Medicare officials have indicated that
2 the amount of such strict liability reimbursement due to Medicare under the MSP in
3 Southern California alone by these insider attorneys acting in violation of the MSP
4 is in excess of \$1 billion.
5

6 38. As a direct result of the failure on the part of the judges of the San
7 Diego Superior Court named in the Third Cause of Action, acting in concert with
8 William Low, Esq., a consummate insider of the San Diego Superior Court whose
9 father was a former judge of that court, the rights of Medicare, Medi-Cal, and
10 Medicaid in the related cases have been arbitrarily denied without affording them
11 their due process rights to be heard prior to the disbursement of the settlement
12 moneys and the discharge of the parties, their counsel and insurers, represented by
13 William Low, Esq. and the other settling counsel. William Low has sought by
14 unlawful means to discharge the statutory obligations of his client, himself, his law
15 firm and the insurers, for sums in excess of \$100,000,000.00 by inter alia engaging
16 in extra judicial ex parte communications with the court and using surrogates on his
17 behalf. Each of the judges of the San Diego Superior Court know from the Judicial
18 Council and from retired Judge David Rothman, and from the three settlement
19 judges appointed by the Chief Justice in these cases and as a result of the aftermath
20 of the Judge Adams cases that the statutory rights of Medicare, MediCal and
21 Medicaid cannot be discharged by attorney insiders of the court including without
22 the participation of those government agencies in the interpleader cases and the
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1 statutory rights under the MSP be preserved and not discharged. Each of the
2 esteemed judges appointed by the Chief Justice warned the attorneys in the
3 interpleader cases that they had to reimburse Medicare under the MSP in
4 connection with these mass tort settlements as well as to repay the liens of
5 Medicare, Medicaid and MediCal. Each of the attorneys sued herein have
6 intentionally disregarded the mandates of the settlement judges appointed by the
7 Judicial Council and the mandates of the Judicial Council itself to enforce and pay
8 the statutory rights of Medicare, MediCal in connection with the settlements of
9 mass tort cases.
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13 39. Instead of such repayment by these insider attorneys, they conspired
14 with Mr. and Mrs. Michael Boli a.k.a Victoria Henley to use Medicare trust funds
15 and other monies to be repaid to Medicare to make unlawful payments and to
16 provide unlawful consideration to the Boli's to seek to prejudge and predetermine
17 the outcome of complaints against judges of the San Diego Superior Court and
18 other judges in the Commission of Judicial Performance of which Mrs. Boli is the
19 executive director.
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22 40. The Chief Justice, in his administrative capacity as Chairman of the
23 Judicial Council, has intervened multiple times in these related cases to confirm the
24 disqualification of judges and to appoint successor judges as temporary judges of
25 the Los Angeles Superior Court. Certain of the judges sued herein were confirmed
26 to be disqualified by Chief Justice George. The judges were disqualified because
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1 they had, inter alia, actual conflicts of interest, financial interests that they did not
2 disclose in connection with the parties or their counsel, engaged in extra judicial ex
3 parte communications with plaintiff's counsel to seek to prejudge and predetermine
4 the outcome of these interpleader cases and agreed not to enforce the MSP in
5 connection with these interpleader cases or to allow the government insurance
6 programs to participate therein in concert with the insider attorneys. A writ of
7 mandate by the Chief Justice is required at this time to preserve the orderly
8 administration of justice in these interpleader cases and to enjoin the San Diego
9 Superior Court from intentionally ignoring and violating the "MSP" and to
10 discharge the plaintiffs, their insider attorneys, and insurers for their strict liability
11 under the MSP in excess of \$100 million and those acting in concert with them.
12 This is one of the most flagrant cases of official corruption against the
13 administration of justice and the California Judicial Council by those insider
14 attorneys and the judges who have acted in concert with them to avoid strict
15 statutory liability under the "MSP" as occurred in multiple cases involving the same
16 insider attorneys. These settling parties and their attorney insiders conspired and
17 agreed with disqualified Judge Luis Vargas and other judges in these cases to
18 submit over 60 fraudulent orders to dismiss the settling plaintiffs' cases with
19 prejudice for alleged willful discovery order violations when the purpose of seeking
20 such orders was to provide fabricated orders that the settling plaintiffs recovered no
21 moneys and thereby avoid the super priority liens of Medicare and the priority liens
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1 of Medi-Cal and Medicaid, in the related cases, without limitation. After one of the
2 defense attorneys broke with Mr. Low and disclosed the existence of the 60 or more
3 fraudulent orders that were knowingly submitted to Judge Vargas to commit fraud
4 on the government insurance programs, cross complainant and others, the partial
5 settlement for millions of dollars was disclosed. However, none of the settling
6 parties, their counsel or insurers notified Medicare, Medi-Cal, and Medicaid in the
7 related cases of the settlements and refused to name them as defendants in the
8 interpleader cases or to pay them any of the moneys due these government
9 insurance programs in the tens of millions of dollars in the collective cases that they
10 had settled.
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14 41. Cross-complainant further seeks a writ of mandate removing the
15 judges of the San Diego Superior Court from this case and reappointing judges of
16 the Superior Court of Orange County as was originally contemplated by the Chief
17 Justice with direction that the Judges assigned to these interpleader cases be
18 required to enforce the federal rights of Medicare and Gottschalk under the MSP
19 and to afford the Federal Government agencies and Gottschalk their due process
20 rights to litigate their claims and liens under the MSP and the statutory rights of
21 Medicare, Medicaid and MediCal to be repaid from the proceeds of settlement and
22 directly from the settling parties, their counsel and insurers for the entire
23 reimbursement of monies paid by them.
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28 42. As a direct result of this fraud scheme to wrongfully seek discharge of

1 plaintiff, William Low and his law firm, and each of the insurers named
2 herein from their liability to Medicare, Medi-Cal, Medicaid in the related
3 cases, and cross complainant for sums in excess of \$100 million, cross
4 complainant seeks injunctive relief from the Chief Justice to stay any
5 discharge of the settling parties and their counsel until the rights of
6 Medicare, Medi-Cal, and Medicaid in the interpleader cases and cross
7 complainant are determined. Cross Complainant further seeks the Chief
8 Justice to remove the case from the San Diego Superior Court and appoint a
9 new judge who is mandated to enforce the rights of the federal government
10 agencies and Medicare under the "MSP" in interpleader cases emanating out
11 of the San Diego Superior Court, and to enforce the uniform law under the
12 "MSP" in favor of Medicare. No appellate court has ever ruled against
13 Medicare under the current "MSP" statute. 42 USC 1395(y)(b)(7) and (8)
14 confirm that when a personal injury plaintiff receives Medicare benefits for
15 treatment of injuries, Medicare rights to recover those payment trumps
16 everybody else's rights. Thus, under the "MSP" Medicare can get its money
17 either from the plaintiff or the settling defendants, their attorneys and
18 insurers, even when the defendants have already paid the settling plaintiffs.
19 Additionally, Medicare can recover payments from the settlement proceeds,
20 from the plaintiff, or can get them from the defense side, even if the plaintiff
21 has already been paid. If the government goes to court to recover or if a
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1 cross complainant sues on cross complainants behalf, under 42 USC
2 1495(y)(b)(3), the settling defendants can actually end up paying three times,
3 including being awarded twice the benefit amount paid out by Medicare on
4 behalf of each settling party. The judges of the San Diego Superior Court
5 named in this cross-complaint, acting in concert with William Low and other
6 insiders of the court, have intentionally ignored the "MSP", and allowed the
7 insiders of the court not to name these indispensable parties as defendants in
8 the interpleader cases and have agreed not to enforce the uniform law under
9 the MSP, including the super priority rights of Medicare, as was done in the
10 Judge Adams cases prior to his removal from the San Diego Superior Court
11 bench. As a result, cross complainant further seeks the Chief Justice appoint
12 a special master or a special prosecutor to investigate the obstruction of the
13 administration of justice in connection with the fraud scheme against
14 Medicare in these interpleader cases by the insiders of the court and their
15 payment of unlawful payments of moneys and other unlawful consideration
16 to Mr. and Mrs. Boli, aka Victoria Henley, Esq., for the purposes of
17 prejudging and predetermining the outcome of complaints filed and to be
18 filed against certain San Diego Superior Court judges and other judges.
19 Cross complainant further seeks the Chief Justice to issue a writ of mandate
20 to the Presiding Judge of the San Diego Court on behalf of each of the judges
21 thereof, that the statutory rights of Medicare, Medi-Cal, and Medicaid, and
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1 cross complainant must be preserved and not discharged in the interpleader
2 cases, and that each of these government programs and their attorneys are
3 entitled to seek the settlement funds and other funds due them under federal
4 statutes or to remove these cases to the U.S. District Court, pursuant to the
5 federal preemption doctrine which governs disputes with Medicare,
6 Medicaid and the IRS and the IRS. Cross complainant further seeks a
7 temporary restraining order, preliminary injunction, and permanent
8 injunction from the Chief Justice enjoining the cross defendants from being
9 discharged without reimbursement of the super priority liens of Medicare,
10 the priority liens of Medi-Cal and Medicaid in the interpleader cases, and
11 that the liens of cross complainant under the "MSP" and not be discharged.
12 The Chief Justice should issue such orders because any such discharge of
13 federal government agencies is void ab initio for lack of subject matter
14 jurisdiction and the failure of the settling parties and their insider attorneys to
15 serve said government agencies and to name them in the interpleader cases
16 as indispensable parties prior to seeking their discharge as they wrongfully
17 did in the Judge Adams cases and multiple other cases thereafter to avoid the
18 payment of over \$1 billion of monies due Medicare.
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28 PRAYER FOR RELIEF

- 1 1. For damages by Gottschalk under the MSP in an amount to be proved
2 at trial.
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4 2. For indemnification and contribution and to hold Gottschalk free and
5 harmless from the Cross Defendants' violation of the MSP, and their
6 fiduciary duties to pay the liens of Medicare, the taxing authorities, the
7 vendors, medical providers, and medical insurers, without limitation.
- 8
9 3. For a temporary restraining order, preliminary injunction and
10 permanent injunction enjoining the Cross Defendants from recovering any
11 monies from settlements or being paid any of the interpleaded funds or any
12 other funds from the settling parties, and their insurers until the rights of
13 Medicare, the taxing authorities, the vendors, the medical providers, the
14 medical insurers, and Gottschalk are determined by this court and paid.
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16
17 4. For treble damages under the RICO Act and for attorney fees to co-
18 counsel.
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20 5. For an order directing the San Diego Superior Court, and each judge
21 thereof, including those named in this complaint, to enforce the MSP in all
22 settlements involving Medicare beneficiaries.
- 23
24 6. For referral by the Attorney General to the Public Integrity Section of
25 the Justice Department and for appointment of a special master to investigate
26 the massive fraud scheme in Southern California against Medicare, Medi-
27 Cal, Medicaid in the related cases and Defendant, without limitation, by
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1 settling plaintiffs, their counsel and insurers in these cases and in other mass
2 tort cases and for recovery of over \$100 million due Medicare.

3
4 7. The petition for access, inspection, and copying of the minutes of the
5 clerks of each of the judges of the San Diego County Superior Court
6 including those named in the cross complaint is granted by the Presiding
7 Judge, coupled with an order to preserve and protect the original minutes of
8 the clerks of each of these judges from destruction, loss, or spoliation,
9 without limitation.

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12 8. For a declaratory judgment that CCP Section 386 is unconstitutional
13 on its face and as applied to the federal government insurance programs of
14 Medicare, Medi-Cal, and Medicaid in the related cases and those persons
15 suing under the "MSP."

16
17 9. For a temporary restraining order, preliminary injunction, and
18 permanent injunction enjoining the cross defendants from discharging the
19 settling plaintiffs, its counsel, and insurers and the other settling parties
20 without the reimbursement of the super priority liens of Medicare, the
21 priority liens of Medi-Cal and Medicaid in the related cases, and the liens of
22 cross complainant under the "MSP."

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24
25 10. For a stay of proceeding pending a determination by the probate court
26 that Mrs. Meco should be removed as the administrator of the Estate of Paul
27 Meco and surcharged and Michael Lusby, Esq. and others be disqualified for
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1 *engaging in the intentional spoliation of Paul Meco's Last Will and*
2 *Testament and his Trust and other estate planning documents in order to*
3 *fraudulently and corruptly claim in the probate court that Mr. Meco died*
4 *intestate, without a will, and did not leave substantial assets to his first*
5 *family, including Cynthia Allen and Judith Wendt.*

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7
8 11. That the Court issue an OSC re contempt for Mr. Lusby's fraudulent
9 representations to the Court, to Mr. Greenman, and to others, outside of the
10 presence of cross complainant, that Mr. Meco was not a Medicare
11 beneficiary and was not a Medicare recipient, even though Mr. Lusby knew
12 to a certainty that Meco was on Medicare and had Medicare liens against
13 him in the millions of dollars for reimbursement of medical expenses in
14 excess of \$5 million, as represented by Mr. Meco himself, and which was the
15 principal subject matter of the mediation before the settlement judges
16 appointed by the Chief Justice and the mediator demanded by Mr. Low on
17 behalf of IMR. As a result of the probate proceeding to remove Mrs. Meco
18 as the administrator, the Court deem that Mrs. Meco and the Estate of Paul
19 Meco has no standing in connection with the interpleader case, which should
20 be stayed, including the discharge of the plaintiff from liability to Medicare,
21 Gottschalk, and Cynthia Allen and Judith Wendt, without limitation.
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27 12. For such other equitable relief as deemed just and proper.

28 JURY DEMAND

1 Cross-Complainant Ronald Gottschalk hereby requests a trial by jury on all
2 claims so triable.
3

4
5 DATED: July 20, 2009

Respectfully submitted,

6
7 GOTTSCHALK & ASSOCIATES

8
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PETITIONER'S APPENDIX A3



CALIFORNIA

A judge's affair with Tom Girardi, a beachfront condo and a \$300,000 wire from his firm



An oceanfront condominium building in Santa Monica where then-Justice Tricia Bigelow bought a unit in 2015. Tom Girardi was having an extramarital affair with Bigelow and he wired her \$300,000 from a client trust account at the time she closed on the property. (Christina House/Los Angeles Times)

BY HARRIET RYAN, MATT HAMILTON

AUG. 31, 2022 5 AM PT

Tricia Bigelow, then a presiding justice of a state appeals court in downtown Los Angeles, wanted a weekend place at the beach.

She found an ocean-front condominium in a prime area of Santa Monica in 2015 and embarked on a luxurious makeover later described in a rental listing: custom kitchen cabinets, high-end

appliances, a built-in wine fridge, a soaking tub and furnishings in an elegant nautical theme.

To pay the substantial price tag, she did not have to rely on her judicial salary alone. Tom Girardi, the powerful attorney with whom she was having an affair, wired her \$300,000 in the week she closed on the Ocean Avenue property, according to financial records filed in a state court lawsuit.



CALIFORNIA

The legal titan and the 'Real Housewife': The rise and fall of Tom Girardi and Erika Jayne

Dec. 17, 2020

The wire did not come from Girardi's personal bank account, but rather from a trust account containing settlement money for clients of his Wilshire Boulevard law firm, Girardi Keese. At the time of the transfer to Bigelow, the account held funds owed to cancer victims and other residents of a polluted Inland Empire community, who had sued cement manufacturers in Riverside Superior Court in 2008, according to the state court records.

To this day, many of the victims have not received their full settlements, according to bankruptcy claims from dozens of former clients and their relatives.

"We never got a dime," said Michelle Ganz, a claimant in the bankruptcy case whose mother, Sandi, lived near one of the cement plants and died of lung cancer. "We did everything they said we needed to, and they just never paid out."

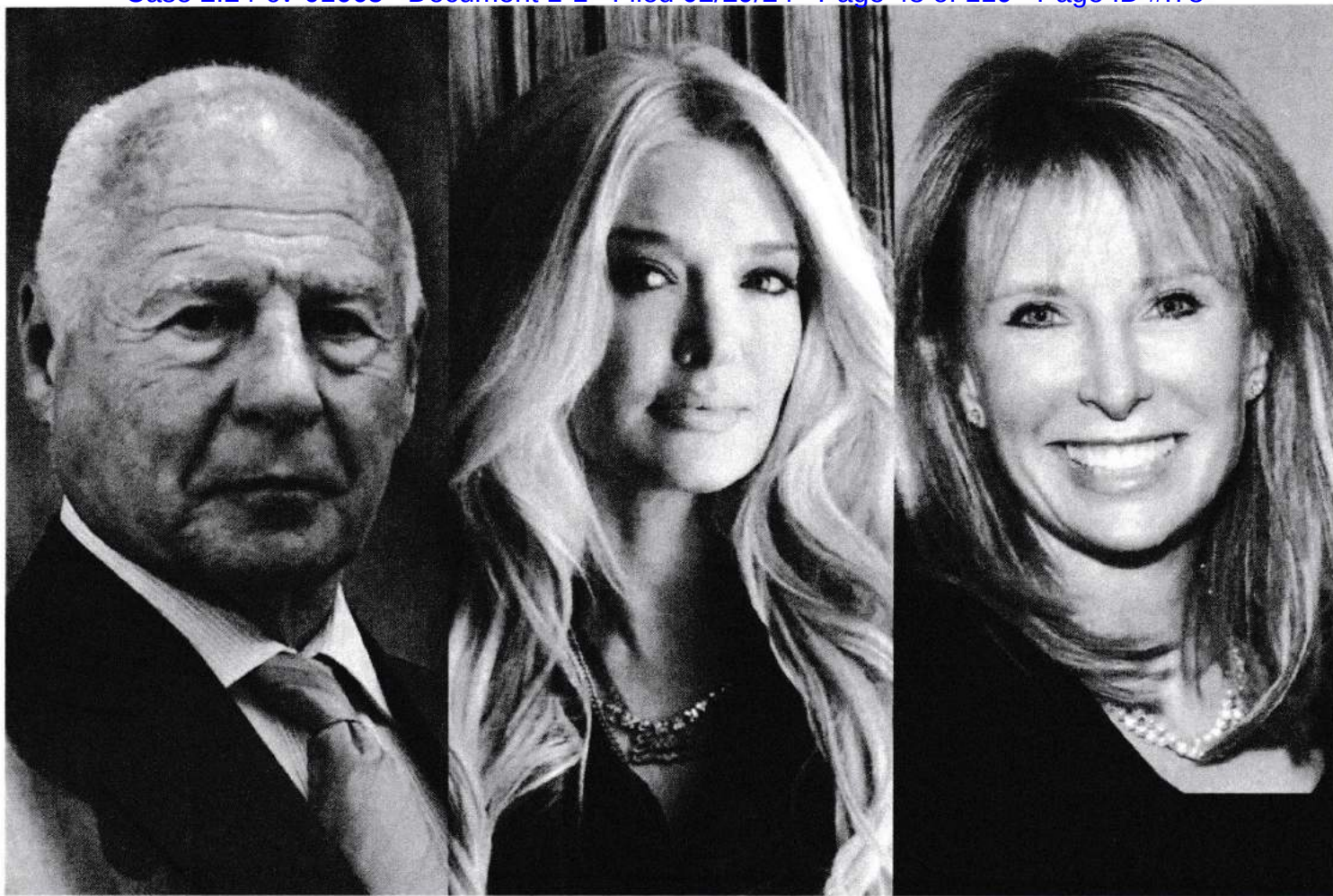


CALIFORNIA

Prominent retired justice returns gifts from disgraced lawyer Tom Girardi, her ex-boyfriend

Aug. 19, 2022

Bigelow retired last year from the Second District Court of Appeal. In response to questions from The Times, her attorney Alan Jackson wrote in an email that the \$300,000 transfer "was NOT marked as coming from a [Girardi Keese] trust account" and that she had no reason to suspect he was drawing on client funds.



From L-R, Tom Girardi, Erika Girardi, Tricia Bigelow. (AP)

ADVERTISEMENT

Girardi, once one of California's most well-connected and prominent attorneys, misappropriated millions of dollars of client funds over a period of decades, according to a State Bar review and bankruptcy filings. The money appears to have helped underwrite the opulent lifestyle he and his

wife, Erika, displayed on “Real Housewives of Beverly Hills” and the lavish parties and dinners he hosted for the legal community.

The wire transfer to Bigelow reveals he also used client money at least once during their four-year extramarital romance. The jurist had a \$212,274 salary and a reputation so sterling that at one point she was tapped to oversee the education of all new state judges.

Jackson, Bigelow’s lawyer, said in emails that Girardi “never shared anything with her regarding the source of any gifts.” Earlier this month, after receiving an inquiry from The Times, the justice returned what she said were all the presents she ever received from the disgraced lawyer.



CALIFORNIA

‘Shocking’ Tom Girardi scandal shows need for legal reforms, California chief justice says

Aug. 9, 2022

Jackson handed the gifts over to a bankruptcy trustee working to compensate cheated clients and other Girardi creditors. But he has declined to identify the gifts publicly or place a dollar value on them.



Tom and Erika Girardi on "Real Housewives of Beverly Hills" (Bravo)

Girardi, 83, has been diagnosed with Alzheimer's disease and is under a court-ordered conservatorship. The trustee for the bankruptcy of Girardi Keese, Elissa Miller, did not respond to a request for comment. In a court filing Tuesday, she disclosed that "a former 'friend'" of Girardi recently turned over jewelry with an estimated value of less than \$15,000.

The items included 1.75-carat diamond earrings, a Bulgari pearl and diamond necklace, a Cartier gold and diamond necklace and a Tiffany heart-shaped gold and diamond necklace that the trustee and Bigelow believed the law firm purchased, according to the trustee's court filing.

The date of the return coincides with the timeframe in which Bigelow's lawyer gave Miller, the trustee, the items. Miller asked the bankruptcy court for permission to auction off the jewelry.



CALIFORNIA
FOR SUBSCRIBERS

Tom Girardi's epic corruption exposes the secretive world of private judges

Aug. 4, 2022

She had previously told the bankruptcy judge that she plans to investigate “numerous transfers” of firm assets to “third parties,” and has secured a court order to sell the \$750,000 diamond stud earrings apparently purchased with client money for Girardi’s now-estranged wife.

Shortly after the firm’s 2020 collapse, Erika Girardi began pointing a finger of blame at Bigelow, posting now-deleted screenshots on Instagram suggesting her husband had paid for shopping sprees and cosmetic surgery for the justice.

But the \$300,000 gift appears to have taken even the reality TV star by surprise, according to a partial transcript of her deposition filed in court. Erika Girardi was shown bank records of the transfer to Bigelow while giving sworn testimony Aug. 4 in a lawsuit brought by attorneys who say they were swindled out of fees in the Inland Empire cement pollution case.

“F— me,” she exclaimed, prompting her attorney to warn her against using profanities. Asked whether her husband had ever mentioned the transfer to her, she replied, “No way. No way.”



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Unraveling the mystery of Erika Jayne’s \$800K diamond earrings — and Tom Girardi’s finances

Aug. 4, 2022

Erika Girardi urged one of the lawyers questioning her to put Bigelow under oath as well, saying, “I’m very upset that you haven’t noticed her depo.” The attorney, Ronald Richards, replied during the deposition that he was gathering evidence about Bigelow now that she was no longer on the bench.

“I wasn’t going to do it when she was a justice. I’m not suicidal,” Richards said, according to the deposition transcript.

Richards said in an interview Tuesday that after Bigelow returned the gifts this month, he called off his investigation: “It became a total non-issue.”



Tom Girardi on "The Real Housewives of Beverly Hills" (Bravo)

Bigelow and Girardi began their affair in 2012, according to her lawyer. At the time, Girardi had been married to his wife for a dozen years and Bigelow was engaged to a retired L.A. City Fire captain.

Though the justice had previously handled cases involving Girardi's firm, she started recusing herself from matters concerning him or lawyers who worked for him as their friendship grew close and then became romantic, according to her attorney and a conflict of interest list she provided the appellate court clerk.

State officials, including judges, are generally barred from receiving gifts that exceed \$500 and are required to annually disclose smaller gifts publicly. But there is an exception for people in a "dating relationship," according to state ethics guidelines. Bigelow did not report the jewelry or the money from Girardi, according to a review of her financial disclosures.

In the spring of 2015, Bigelow was on the hunt for a seaside property. Earlier that year, some \$20 million had been deposited in the Girardi Keese trust account at Torrey Pines Bank on behalf of

thousands of clients in the Inland Empire cement cases, court records show.

Though attorneys are required to “promptly” distribute settlement funds to clients, Girardi did not. Records show Girardi Keese moved millions of dollars into the firm’s operating account and “to pay off older debts of the firm,” according to a filing by attorneys trying to recoup their share of the cement case settlement. By November 2015, with only a fraction of the clients receiving any money at all, there was just \$411,000 left in the trust account.

In the intervening period, Bigelow made a successful offer of \$715,000 for a top-floor, one-bedroom condominium at the corner of Montana and Ocean avenues in Santa Monica. On the day she signed her mortgage documents in June 2015, she received the \$300,000 wire from Girardi Keese’s trust account at Torrey Pines Bank, according to property records filed in L.A. County and bank records filed in court.

The condominium complex has a pool and a roof deck and is steps from the beach. Her fiancé at the time, Terrance Manning, said in an interview that Bigelow presented the apartment as a getaway for the two of them.

“She had talked about [how] we’d still live in La Cañada and we could go down there on weekends,” Manning recalled. “It really never worked out, nor did our relationship.”

He later learned she was having an affair with Girardi, who he knew only as a close friend of hers. He said he never noticed expensive gifts and did not inquire about the source of the money she used for the down payment.

“She had been a career lady, and I figured she had that income,” said Manning, who noted he is now “very happily married” to someone else.

The relationship between Bigelow and Girardi ended in September 2016, according to her attorney, and she married another lawyer two years later.

From 2015 onward, the clients from the Inland Empire case kept pressing Girardi for their money – with minimal result.

“Everybody was waiting. There was always some excuse,” said Wiley Shepherd, 74, who attributes his colon and rectal cancer to toxic exposure from nearby cement plants.

He received about \$20,000 from the settlement in 2018, but questioned the years it took for payment and the small amount relative to what he endured.

“That money did not belong to the attorneys,” Shepherd said. “That money belonged to the victims.”

Bigelow, according to her lawyer, had “a long record of always being a staunch advocate of victims of crime and she’s focused on doing her part to make sure at least in this case the victims are made whole.”

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Harriet Ryan

Harriet Ryan is an investigative reporter for the Los Angeles Times. Since joining the paper in 2008, she has written about high-profile people, including Phil Spector, Michael Jackson and Tom Girardi, and institutions, including USC, the State Bar of California, the Catholic Church, the Kabbalah Centre and Purdue Pharma, the manufacturer of OxyContin. Ryan won the Pulitzer Prize for Investigative Reporting

Case 2:24-cv-01665 Document 1-1 Filed 02/29/24 Page 55 of 119 Page ID #:85
with colleagues Matt Hamilton and Paul Pringle in 2019. She and Hamilton won the Collier Prize for State Government Accountability in 2023. She previously worked at Court TV and the Asbury Park Press. She is a graduate of Columbia University.



Matt Hamilton

Matt Hamilton is a reporter for the Los Angeles Times. He won the 2019 Pulitzer Prize for investigative reporting with colleagues Harriet Ryan and Paul Pringle and was part of the team of reporters that won a Pulitzer Prize for its coverage of the San Bernardino terrorist attack. A graduate of Boston College and the University of Southern California, he joined The Times in 2013.

**PETITIONER'S
APPENDIX A4**

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Pushing Private Judging Out Of The Shadows?

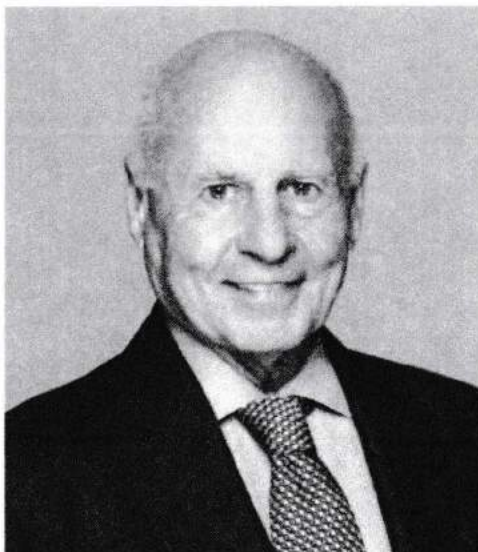
There's no question that some of these private judges will be wiping off reputational mud based on what's been revealed in the Girardi investigation.

By JILL SWITZER on August 11, 2022 at 12:46 PM

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SHARES



Thomas Girardi



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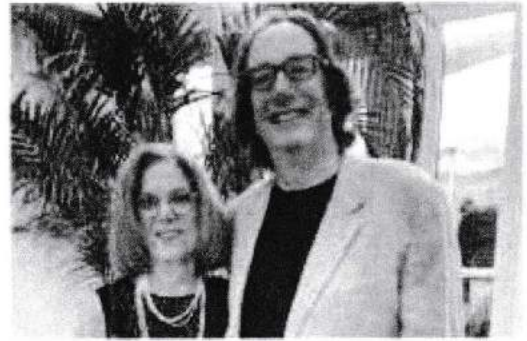
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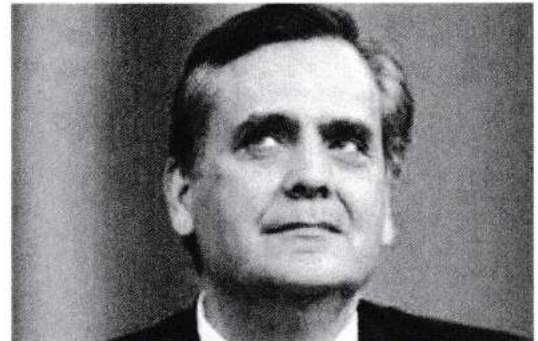
A4

world of private judging. The front-page headline of Sunday's Los Angeles Times was "Tom Girardi's epic corruption and a shrouded legal specialty." Every lawyer who engages in ADR, whether as counsel for a party or as a neutral, should read this cautionary tale. Written by the two Times reporters who broke the original Girardi story a while ago that set the legal community atwitter, this story has Girardi driving the bus over several JAMS private judges.

An apt description for private judging, "a shrouded legal specialty." Cloaked in more secrecy than Harry Potter's invisibility cloak, private judging has grown exponentially since its explosive development in the 1980s. Retired justices and judges, as well as attorneys, are hired to resolve cases, function as discovery referees, and, among other things, parcel out settlement funds due to plaintiffs often from mass tort settlements. There's little, if any, accountability for how decisions are made, how funds are distributed, and how much plaintiffs' attorneys receive in fees as their portions of recoveries.



RIP Lew Rose, Early Internet Pioneer Who Went On To Lead Major Law Firm



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From THOMSON REUTERS

The bankruptcy of Girardi's law firm, Girardi Keese, is now starting to blow at the doors of this "shrouded legal specialty." It's not pretty, especially for the retired judges that Girardi hired to oversee settlement disbursements. And although it's unlikely that any of them had actual knowledge about Girardi's gigantic Ponzi schemes, there's no question that some of them will be joining off-reputational mud based on what's

Girardi may have dementia now, he certainly didn't when he was stealing from clients for decades.

One JAMS retired appellate justice, John K. Trotter Jr., was appointed to oversee the proper distribution of \$66 million in a diabetes drug settlement. However, Girardi repeatedly diverted settlement funds, including, but not limited to, the purchase of a ginormous pair of diamond earrings for his wife, Erika Jayne, one of the wives on the reality TV show, "The Real Housewives of Beverly Hills." Girardi wrote checks on this account ostensibly for "costs," but really, how often are costs in round numbers, such as \$1,000,000? You tell me. Sometimes he would write multiple checks for seven figures in the same week. Over the succeeding years, Girardi siphoned off more than \$15 million for supposed "expenses."

Girardi had no hesitation in throwing Trotter under the bus when it served his purposes. Here was a retired justice who had a stellar career while on the bench, who was one of the pioneers in the field of dispute resolution, being blamed for Girardi's misdeeds. Does the old saw "You lie down with dogs; you get up with fleas" apply here? Girardi had palsywalsy relationships with retired and current judicial officers, which many people in the legal community knew, but kept quiet.

Now the Chief Justice of the California Supreme Court Tani Cantil-Sakauye has weighed in. She is retiring and will not stand for another 12-year term in November; however, she had some choice words about the conduct reported in the LA Times story.



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From THOMSON REUTERS

The chief justice said the revelations about the private judges who worked for Girardi were “shocking.” She acknowledged that “there are not enough safeguards regarding the business of private judging.” No argument there.

What’s just as shocking is how previously well-regarded private judges could be caught up in Girardi’s frauds. Another JAMS retired justice, who had sat on the California Supreme Court, Edward Panelli, was involved in distributing settlement funds for elderly women who alleged they got cancer from a menopause drug. The plaintiffs believed that Girardi had not paid them all they were entitled to from the settlement. Girardi threw Panelli under the bus and said that he had ordered a “hold back” of a million dollars. Although Girardi lied about that, Panelli did not tell either the trial court or the clients until forced to testify under subpoena that Girardi had lied about the “hold back.” Not a pretty picture and a blot on the reputation of this retired Supreme Court justice.

So, now what? Cantil-Sakauye suggested that the Legislature take a good hard look at this sorry mess. Private judges are lawyers, once again state bar licensees, and given the antipathy that the Legislature has for the bar, this area might be ripe for some sort of regulation.

But what really gave me pause were comments by the former dean of the Santa Clara University Law School in the second LA Times article. And I quote:

“A longtime critic of the private judging industry, former Santa Clara University School of Law Dean Gerald F. Uelmen, said it seems reasonable to regulate the private judging industry, but advocates should expect strong opposition from sitting judges, some of whom see private judging — with its cushy salaries — as a retirement plan. After years of working — for just barely reasonable

Uelmen. "A lot of them are eager to retire and move on to that richer realm – so I think part of the opposition will be from judges who want to do it and see it as a just reward for all their years of hard work." Hard work? Isn't that what judges and lawyers are paid to do?

"Just barely reasonable compensation"? Wait, what? Another example of the elitist attitude that permeates our profession. Judicial salaries, pensions, benefits – we should all be so lucky – and then the cherry on top is the money that they rake in from private judging. There oughta be a law.



Jill Switzer has been an active member of the State Bar of California for over 40 years. She remembers practicing law in a kinder, gentler time. She's had a diverse legal career, including stints as a deputy district attorney, a solo practice, and several senior in-house gigs. She now mediates full-time, which gives her the opportunity to see dinosaurs, millennials, and those in-between interact – it's not always civil. You can reach her by email at oldladylawyer@gmail.com.

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**PETITIONER'S
APPENDIX A5**

Archive for category: Arbitration

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Tom Girardi Indicted for Embezzlement

Disgraced California lawyer Tom Girardi was indicted for embezzlement by a federal grand jury. The charges stem from allegations that Girardi engaged in highly unethical and illegal behavior, which included [using private judges](https://www.taulersmith.com/jams-private-judges-accused-of-corruption/) affiliated with the national arbitration company JAMS to steal millions of dollars



<https://www.taulersmith.com/tom-girardi-used-jams-to-defraud-clients/> from his clients. The U.S. Department of Justice (DOJ) announced the felony charges against Girardi after the grand jury formally indicted him. U.S. Attorney Martin Estrada observed that Girardi “preyed on the very people who trusted and relied upon him the most—his clients—and brought disrepute upon the entire legal profession.”

For more information about Tom Girardi’s indictment and his connection with JAMS, keep reading this blog.

Who Are Tom Girardi and Erika Jayne?

Tom Girardi used to be a well-respected attorney. For many years, the prominent Los Angeles lawyer was known for being a dogged defender of the powerless as they filed class action lawsuits against corporations. As the founder of California law firm Girardi & Keese, he represented plaintiffs in a number of high-profile cases, including Brian Stow’s civil suit against Major League Baseball. Stow was the San Francisco Giants fan who sustained severe injuries during an attack at a Los Angeles Dodgers game. Girardi also represented the

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years. After the split, the couple listed their Pasadena home for sale at a price of \$13 million. Jayne has also been accused of illegally using funds meant for Girardi's clients to cover her own personal expenses, including the purchase of expensive diamond earrings.

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Federal Grand Jury in California Indicts Tom Girardi on Wire Fraud Charges

As a plaintiff's attorney in California, Tom Girardi was responsible for negotiating settlements in mass tort lawsuits. Instead of sending the settlement funds to his clients, however, Girardi allegedly deposited the money into law firm accounts that he later accessed for his own personal use. A federal grand jury in California has now indicted Girardi on charges that he embezzled \$15 million from clients over a period of 10 years, resulting in the DOJ bringing formal charges against him for five counts of wire fraud. If Girardi is convicted of wire fraud, he could be sentenced to 20 years in federal prison.

Martin Estrada, the United States Attorney for the Central District of California, issued a statement about the case after the [grand jury indictment was announced \[https://www.justice.gov/usao-cdca/pr/grand-jury-charges-disbarred-plaintiffs-lawyer-tom-girardi-wire-fraud-allegedly\]](https://www.justice.gov/usao-cdca/pr/grand-jury-charges-disbarred-plaintiffs-lawyer-tom-girardi-wire-fraud-allegedly). Estrada said that Girardi is "accused of engaging in a widespread scheme to steal from clients and lie to them to cover up the fraud."

FBI Acting Assistant Director in Charge Amir Ehsaei also weighed in on the charges against Girardi. Ehsaei said that the disgraced attorney "created a mirage over several years in order to disguise the fact that he was robbing clients of large sums of money...to fund his lavish lifestyle." Ehsaei observed that Girardi's alleged theft came at the expense of clients who were enduring significant hardships of their own as they desperately awaited settlement funds to cover medical bills and other expenses. The clients' unfamiliarity with the legal process made it possible for Girardi to take advantage of them.

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United States Magistrate Judge Karen L. Stevenson ordered a mental competency hearing

[<https://www.reuters.com/legal/legalindustry/lawyer-tom-girardi-face-competency-review-after-not-guilty-plea-2023-02-06/>] to determine whether Girardi is fit to stand trial on the criminal charges. In the meantime, Girardi's bond was set at \$250,000 and he was released to the custody of his brother Robert Girardi. The next hearing will occur in the U.S. District Court for the Central District of California.

The Girardi Keese law firm is no longer operational, having declared bankruptcy with more than \$100 million in total debt. Additionally, Girardi was disbarred as a result of the alleged embezzlement and cannot act as an attorney in California. He has been living at the Belmont Village Senior Living Facility in Burbank, CA.

Erika Jayne and Others Accused of Business Fraud with Tom Girardi

Also criminally charged along with Tom Girardi is Christopher Kamon, who served as the chief financial officer of Girardi's law firm for more than a decade. According to law enforcement officials, Kamon was the person who handled financial accounting for the firm. Federal prosecutors believe that Kamon committed wire fraud offenses by embezzling client funds for personal expenses.

Additionally, Girardi's son-in-law David Lira has been accused of fraud in connection with the Girardi & Keese firm. A federal grand jury in Chicago issued an indictment against both Girardi and Lira on charges filed by the U.S. Attorney's Office. They have been accused of stealing more than \$3 million in settlement funds from clients whose families were killed in the 2018 Boeing Lion Air Flight 610 crash in Indonesia.

Erika Jayne Sued for Fraud

A civil suit has also been filed that accuses Tom Girardi's estranged wife, reality TV star Erika Jayne, of participating in the illegal fraud scheme. The trustee overseeing the bankruptcy of Girardi's law firm



has denied having any knowledge of Girardi's alleged embezzlement of client funds.

JAMS Mediators Allegedly Helped Tom Girardi Embezzle Money from Clients

According to the Department of Justice, Tom Girardi was able to get away with embezzling client funds by placing onerous requirements on clients to access their settlement money. For example, Girardi often told clients that they needed to get authorizations from JAMS judges in order to receive the funds. The JAMS private judges were overseeing the lawsuit settlements and had control over how and when the funds were distributed. Many of these judges had personal relationships with Girardi, creating an obvious conflict of interest for the alternative dispute resolution company.

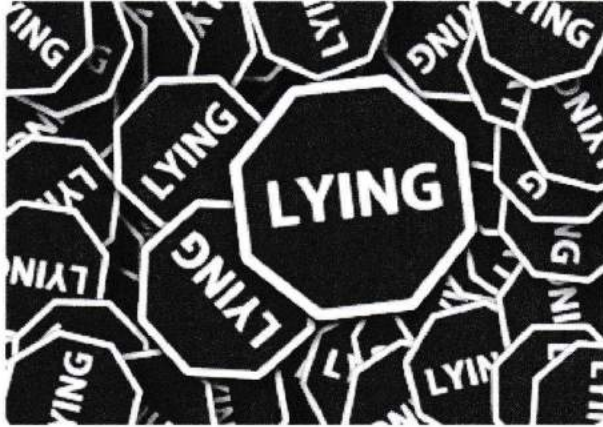
Over the years, there have been many other instances of JAMS judges being biased in favor of certain litigants and showing favoritism in their rulings [<https://www.taulersmith.com/tauler-smith-investigating-claims-against-jams/>]. In fact, several JAMS mediators and arbitrators benefited financially from their involvement in Girardi's fraud by charging as much as \$1,500 per hour for their work on his cases. Beyond that, JAMS reportedly made millions of dollars by providing mediators to oversee Girardi's settlements.

Contact the Los Angeles Arbitration Attorneys at Tauler Smith LLP

Tauler Smith LLP is a California law firm that helps individuals, small business owners, and others bring class action lawsuits against JAMS. If you were involved in an arbitration or mediation that was administered by JAMS, you may have a legal claim against the company for the way they handled your case. Call 310-590-3927 [<tel:3105903927>] or email us [<https://www.taulersmith.com/contact/>] today to discuss your options with one of our experienced Los Angeles arbitration attorneys.

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Corruption



JAMS is a private arbitration firm based out of Irvine, California. John Trotter helped to start the company, and today he remains one of the principals and a profit-

earning shareholder. Trotter and other JAMS private judges have been accused of corruption for allegedly helping attorneys commit fraud and steal millions of dollars from clients. The absence of government regulation of the private arbitration industry has made it possible for unethical lawyers to take advantage of their clients and for big companies to abuse the arbitration system [<https://www.taulersmith.com/tauler-smith-investigating-claims-against-jams/>].

For more information about the corruption allegations against the JAMS private judges, keep reading this blog.

No Government Regulation of JAMS Private Judges

JAMS typically uses retired judges to serve as arbitrators and mediators in legal disputes, including business conflicts, contract disputes, intellectual property claims, personal injury claims, and civil rights actions. The former judges who administer cases are known as "JAMS Neutrals," which is ironic because they are often anything but neutral.

A major problem with the JAMS private arbitration system is that the cases are decided behind closed doors [<https://www.taulersmith.com/tauler-smith-investigating-claims-against-wework/>] and with little or no scrutiny. For instance, private

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~~Government oversight of the private judging industry.~~

[<https://www.latimes.com/california/story/2022-08-09/chief-justice-calls-for-new-regulation-of-private-judging-in-light-of-girardi-scandal>]

so that litigants are protected.

JAMS Founder John Trotter Accused of Helping Disgraced Lawyer Swindle Clients

John K. Trotter was a retired California Appellate Justice with an unimpeachable record. Trotter began his legal career as a plaintiffs' attorney in Orange County, and then moved on to the L.A. County Superior Court bench and later to the California Appellate Court bench. He eventually helped to start JAMS. At one point, the National Law Journal called Trotter "the most influential attorney" for Alternative Dispute Resolution (ADR)

[<https://www.law.com/nationallawjournal/almID/1202487838029/>] in the entire United States. Now, there are numerous questions being asked about Trotter's role with JAMS, including whether he helped others use the private arbitration system to defraud participants.

John Trotter & Tom Girardi

John Trotter and JAMS have come under scrutiny in recent years for conflicts of interest in cases involving regular JAMS clients. In one extreme example, JAMS allegedly helped California attorney Tom Girardi steal millions from his clients

[<https://www.taulersmith.com/tom-girardi-used-jams-to-defraud-clients/>]. During his illustrious legal career, Girardi earned a reputation as a dogged defender of people who had been victimized by large corporations. In litigation involving aerospace company Lockheed Martin, he represented hundreds of workers who had contracted cancer and other illnesses on the job. After securing a massive settlement on behalf of his clients, Girardi enlisted multiple JAMS judges to fairly distribute the funds. The judges were tasked with determining exactly how much money each worker would get based on their specific injuries.

John Trotter served as the "special referee" who oversaw the distribution of settlement money to Girardi's clients in another major



however, Girardi diverted the money to his personal accounts.

Moreover, while this fraud was happening, Trotter and JAMS did nothing to stop it.

In addition to having the final say on how funds were distributed in Girardi's lawsuit settlements, Trotter also oversaw a \$13-billion trust meant for the victims of Northern California wildfires. Any withdrawals from the settlement fund were supposed to reimburse the attorneys for legal costs related to the case, not for personal expenses. This is where it became apparent that Girardi's relationship with JAMS judge Trotter was problematic. While Trotter approved millions of dollars in withdrawals for Girardi, he approved just \$600,000 in withdrawals by another law firm that worked on the case. Moreover, this wasn't the only time that a JAMS private judge has been accused of showing favoritism to one party over another.

JAMS Judge Jack Tenner Allegedly Signed False Documents to Defraud Litigants

One of the JAMS judges in the Lockheed Martin case was Jack Tenner, a respected jurist who spent a decade serving on the Los Angeles County Superior Court bench. As an attorney, Tenner had fought against racial discrimination in the city. While serving as a mediator in the Lockheed litigation, Tenner allegedly helped Tom Girardi cheat clients by signing false documents on L.A. County Superior Court letterhead. Those documents directed Comerica Bank to release millions of dollars to Girardi. Later, when Girardi came under fire from clients who questioned what he was doing with their money, Tenner explicitly supported the attorney. In a letter to the plaintiffs, Tenner said that he had personally approved all settlements and legal fees.

JAMS Judge Edward Panelli Accused of Corruption

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that allegedly caused cancer in elderly women when many of the plaintiffs started asking questions about why they had yet to receive their portion of the \$17 million settlement, Girardi said that he withheld the funds because of an order issued by Panelli. Girardi then refused to turn over financial records, as was required under California law.

Girardi's claim that Panelli was forcing him to withhold funds from the cancer survivors turned out to be a lie. In fact, Panelli had no legal authority over the case because no court had ever appointed him to oversee the settlement. Moreover, Panelli had only spent around 20 hours working on the case. (For which JAMS billed the law firm \$78,000, with another \$50,000 payment being made directly to Panelli. This amounted to a \$5,000 per hour pay rate.) To make matters worse, Panelli – even in his limited capacity – never instructed Girardi to hold back the money. A California magistrate judge later evaluated Panelli's actions and concluded that the JAMS judge was culpable in the fraud because he had "rubber-stamped" all of the unlawful payouts to Girardi.

In the Prempro case, Girardi even tried to use Panelli to stop a lawsuit filed by the plaintiffs. When the clients sued Girardi, he argued that the case should be transferred from federal court to a private arbitration with Panelli making the final ruling. Not only did Girardi fight back against subpoenas and court orders, but so too did JAMS. After Girardi's clients filed lawsuits to ensure transparency and so that they could finally get their settlement funds, JAMS spent months pushing back in court.

Other JAMS Judges, Arbitrators, and Mediators Allegedly Helped Tom Girardi Steal Settlement Funds

John Trotter, Jack Tenner, and Edward Panelli were not the only JAMS judges accused of [helping Tom Girardi scam his clients](https://www.latimes.com/california/story/2022-08-04/tom-girardi-erika-corruption-private-judges) [<https://www.latimes.com/california/story/2022-08-04/tom-girardi-erika-corruption-private-judges>]. One former judge allegedly signed a fake court order that allowed Girardi to secure \$3.5 million from a

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Contact the California Arbitration Lawyers at Tauler Smith LLP

Tauler Smith LLP is a law firm with experience handling legal disputes that require mediation and arbitration in California, Texas, and New York. Our experienced arbitration lawyers also represent small business owners in class action lawsuits against JAMS. If your case is being administered by JAMS, it is very important that you contact one of our attorneys immediately. [Call us \[tel:3105903927\]](tel:3105903927) or [send an email \[https://www.taulersmith.com/contact/\]](https://www.taulersmith.com/contact/).

How Tom Girardi Used JAMS to Defraud Clients

Tom Girardi has been accused of using JAMS to defraud clients. Girardi was a highly respected California attorney who spent decades representing



plaintiffs in class action lawsuits against corporations. JAMS, previously known as Judicial Arbitration and Mediation Services, is the largest private mediation and arbitration company in the world with more than 400 former judges and legal professionals serving as arbitrators and mediators in California, Texas, New York, and other states. JAMS has come under intense scrutiny from arbitration lawyers and others in the legal community as several of the company's judges were [accused of unethical conduct and corruption \[https://www.taulersmith.com/jams-private-judges-accused-of-corruption/\]](https://www.taulersmith.com/jams-private-judges-accused-of-corruption/).

To learn more about the fraud allegations against Tom Girardi and the JAMS private judges, keep reading this blog.

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was one of the lawyers responsible for the case that later inspired the acclaimed movie *Erin Brockovich*. As an attorney for residents of Hinkley who got cancer from local drinking water, Girardi helped to secure a \$333-million settlement.

Girardi's law firm eventually collapsed as more and more evidence came to light that he had swindled his clients out of millions of dollars [<https://www.latimes.com/california/story/2022-08-04/tom-girardi-erika-corruption-private-judges>]. In 2022, Girardi lost his license to practice law in California and his law firm filed for bankruptcy.

Tom Girardi Stole Money from Clients

When a corporation gets sued in a contract dispute, employment claim, consumer action, or some other type of legal dispute, they often rely on JAMS to make sure that the case is handled behind closed doors with an arbitrator or mediator instead of a judge. Additionally, it is not uncommon for retired judges with JAMS to be asked to administer large settlements in mass tort cases. In Girardi's cases, the JAMS judges failed to notice and/or take action when Girardi stole millions from the parties. This is just one of several instances of JAMS private judges with a huge conflict of interest [<https://www.taulersmith.com/tauler-smith-investigating-claims-against-jams/>] in the cases they oversee.

A forensic accountant who examined law firm finances determined that Girardi was using his clients' settlements "like a slush fund." An audit of Girardi's financial accounts reportedly showed that he had stolen money from his clients and given it to companies and individuals who had no connection to any of his cases. Even when Girardi claimed that the money was spent on "expert witnesses," the withdrawals were suspicious. For example, one withdrawal of \$450,000 for an expert witness in a case against Lockheed Martin was "confidentially" approved by a JAMS judge.

Erika Jayne

TAULER SMITH

LLP

For example, bankruptcy court records indicated that Girardi gave \$750,000 to M.M. Jewelers for the purchase of a pair of diamond earrings for his reality TV star wife. He did this shortly after gaining access to the settlement funds, and he reportedly classified the purchase as a case expense. A federal bankruptcy judge, Barry Russell, later said that Girardi's use of client money to buy expensive jewelry "clearly was a crime" along the lines of theft or embezzlement.

At other times, Girardi took from his clients' settlement funds to pay himself. Records showed that he would often write several million-dollar checks to his firm in the same week. In one case, Girardi withdrew more than \$15 million. Girardi claimed that this money was for his "costs" of representing the plaintiffs, but the amounts and pattern of the withdrawals from the settlement suggested that it was fraud.

JAMS Private Judges Accused of Helping Tom Girardi Cheat Clients

Tom Girardi was able to get away with his deceit because he used private judges affiliated with JAMS. The JAMS private judges have wide latitude and wield substantial power in legal disputes precisely because there is basically zero government oversight of the private arbitration industry. California Supreme Court Chief Justice Tani Cantil-Sakauye reacted to the revelations about Girardi's conduct by calling it "shocking." Cantil-Sakauye commented further on JAMS by observing that there are currently not enough safeguards [<https://www.latimes.com/california/story/2022-08-09/chief-justice-calls-for-new-regulation-of-private-judging-in-light-of-girardi-scandal>] to ensure that private judges remain fair and impartial. For instance, the retired judges are not subject to supervision by the Commission on Judicial Performance (CJP), an independent California agency tasked with investigating complaints of judicial misconduct.

Many of the JAMS private judges had impeccable reputations prior to joining the arbitration company, which allowed Tom Girardi to establish credibility even as he misappropriated money from his

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Los Angeles Times investigation of Girardi's fraud, the JAMS arbitrators "occupy a secretive corner of the legal world." The private arbitration industry is almost entirely unregulated, which exposes parties to significant risks.

JAMS Profited from Tom Girardi's Lawsuits

Private arbitration is a lucrative industry, and there can be plenty of financial incentives for the JAMS judges, arbitrators, and mediators to rule a certain way. In the aftermath of the revelations about the massive scale of Tom Girardi's fraud and theft, many questions have been raised about whether the legal system has enough safeguards to protect litigants against predatory attorneys and unethical arbitrators when the JAMS Alternative Dispute Resolution (ADR) service is used. That's because there can be a conflict of interest for JAMS arbitrators and mediators. This was especially true in Girardi's cases, which involved Girardi paying the JAMS private judges up to \$1,500 an hour.

In one of Girardi's biggest lawsuits, he represented patients who claimed that a large drug company's diabetes medication, Rezulin, had caused serious health problems, including liver failure. That case resulted in a \$66 million settlement on behalf of the plaintiffs, many of whom desperately needed the money to cover their medical expenses. Girardi convinced the victims to allow a JAMS mediator to oversee the settlement and to supposedly ensure that the funds were distributed in the right amounts and to the right individuals. For this service, JAMS received a \$500,000 cut of the proceeds.

What Did JAMS Judges Do to Earn Their Fees?

JAMS also received a \$500,000 fee for handling the Lockheed Martin settlement that Girardi secured, an enormous figure that was kept secret from clients. When a bankruptcy court requested a full accounting of exactly what John Trotter and the other JAMS judges had done to earn that fee, the arbitration company refused to provide invoices.

Girardi eventually filed for bankruptcy, which has made it even more difficult for those he had deceived and stolen from to get the money



Conflicts of Interest when JAMS Oversees Legal Disputes

In addition to the obvious conflict of interest that exists anytime a company pays a JAMS judge [<https://www.taulersmith.com/tauler-smith-investigating-claims-against-wework/>] to arbitrate a dispute or oversee a settlement, there were other less obvious conflicts with Tom Girardi. For instance, Girardi reportedly arranged for several JAMS judges to go on a Mediterranean cruise after they ruled in his cases. Although Edward Panelli later claimed that his attendance at the event did not affect his "impartiality as a jurist or neutral," his actions as a JAMS private judge suggested otherwise.

Carousel Lawsuit

In one high-profile case, Girardi represented 1,500 residents of Carousel, a housing development located just outside Los Angeles. The clients were suing an oil company and a real estate developer allegedly responsible for polluted soil that caused widespread cancer and other health issues. After reaching a settlement with the defendants, Girardi specifically requested that JAMS and John Trotter serve as special master to determine how the funds should be divided among the plaintiffs.

After more than two years, many of the clients still had not been paid. When one of the clients requested information about Girardi's accounting practices, Girardi once again placed the blame on Trotter and JAMS. When that same client sued Girardi, the attorney insisted that the lawsuit be moved from a courtroom into private arbitration. As usual, Girardi wanted the arbitration handled by JAMS. The perception was likely that a JAMS private judge would show favoritism and rule in Girardi's favor.

Contact the California Arbitration Lawyers at Tauler Smith LLP

Are you one of the parties in an arbitration being administered by JAMS? Is your case being overseen by a JAMS private judge? The California and Texas arbitration lawyers at Tauler Smith LLP can help you. Our legal team represents small business owners and individuals in arbitration, mediation, and other types of alternative

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Tauler Smith Investigating Claims Against JAMS



The California business fraud lawyers at Tauler Smith LLP are investigating claims against JAMS after concerns were raised about the arbitration company's relationship with WeWork

[\[https://www.taulersmith.com/tauler-smith-investigating-claims-against-wework/\]](https://www.taulersmith.com/tauler-smith-investigating-claims-against-wework/). In WeWork arbitrations administered by JAMS, prior case results were known only by JAMS and WeWork. These case results were never shared with WeWork's opponents, who are mostly small businesses. Neither WeWork nor JAMS would seem to have an interest in sharing information

[\[https://www.taulersmith.com/tom-girardi-used-jams-to-defraud-clients/\]](https://www.taulersmith.com/tom-girardi-used-jams-to-defraud-clients/) with WeWork's opponents because doing so could lead to less fees for JAMS. It is wrong for JAMS to operate so obliquely. As an administrator of justice, they need to be held to a higher standard.

To learn more about the claims against JAMS, keep reading this blog.

WeWork Uses JAMS Arbitration Services

JAMS is the world's largest private provider of Alternative Dispute Resolution (ADR) services. As the name suggests, Alternative Dispute Resolution is an alternative to traditional litigation that allows parties to resolve their legal dispute without needing to go to court for a trial. Sometimes, a contract will *require* two parties to use ADR services, which is what happens in the standard WeWork contract: the small business owners who sign a lease with WeWork have no

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[<https://www.taulersmith.com/intellectual-property/>], personal injury, product liability, and real estate. One of JAMS' biggest clients appears to be WeWork, which uses JAMS to administer arbitrations anytime a dispute arises with one of WeWork's tenants. When a small business owner signs a lease agreement with WeWork, it typically includes a pre-dispute contract that requires the parties to use arbitration if a dispute arises. The effect of these forced arbitration clauses in WeWork contracts is to have the parties waive their right to a jury trial. A WeWork contract typically stipulates that the arbitration will be administered by JAMS, and the decisions rendered by JAMS arbitrators are final and legally binding on the parties.

JAMS Won't Disclose Data About Arbitrations Involving WeWork

Does JAMS have a conflict of interest in WeWork arbitrations? JAMS touts its ability to resolve legal and business disputes with "impartial" dispute resolution services administered by "neutral" arbitrators and mediators. The former legal professionals who administer JAMS arbitrations are known as "JAMS Neutrals." As their title indicates, these individuals are supposed to provide fair, *unbiased* decisions. But there are questions about JAMS' relationship with its biggest client – WeWork – and this has raised concerns about the fairness and impartiality [<https://www.taulersmith.com/jams-private-judges-accused-of-corruption/>] of the JAMS arbitrators in these cases.

Significantly, JAMS refuses to disclose information that might show they are colluding with WeWork in arbitration. Law firm Tauler Smith LLP [<https://www.taulersmith.com/>] recently requested disclosures from JAMS about WeWork and WeWork affiliates. JAMS responded by refusing to provide the requested information because it supposedly "goes beyond legal and ethical disclosure requirements for arbitrators and would violate JAMS confidentiality obligations to other litigants."

Thus far, JAMS has only provided data about the number of arbitrations with respect to *one* WeWork company: the one with a



mediation. To such, JAMS failed to address the problem identified by the business fraud lawyers at Tauler Smith LLP: that WeWork could have an unfair advantage in any JAMS-administered dispute. If JAMS administers 1,000 cases in which WeWork is one of the parties, and WeWork has won all 1,000 of these cases, why wouldn't JAMS tell the parties about this?

Why Is JAMS Sharing Relevant Case Information Only with WeWork?

JAMS has refused to share relevant case information with WeWork's opponents in arbitration due to what JAMS claims is a confidentiality requirement. But JAMS is allowing this information to be shared with WeWork affiliates. This has created an information imbalance that severely disadvantages the small business owners being sued by WeWork. While JAMS declines to provide specific case information to the other parties in these claims, the fact is that WeWork already has access to this information and can share with its affiliates that are involved in other disputes administered by JAMS. This means that only one side of the dispute – and not the other side – can share information with itself, know the outcomes of other cases, and share information with its affiliates. This results in an unfair advantage for WeWork in any arbitration overseen by JAMS.

If WeWork and its affiliates (i.e., WeWork shell entities) account for a significant number of JAMS cases administered in the New York market, it could be evidence of many incentives that are created by JAMS' administration of WeWork disputes. For example, JAMS would have an incentive to litigate all WeWork cases separately so that only WeWork (and JAMS) has relevant information about outcomes. If WeWork knows that arbitrators are ruling in WeWork's favor 100% of the time and awarding attorney's fees every single time based on an identical contract, WeWork's legal counsel could overbill, constantly brief unnecessary issues, file pre-trial briefs, and file post-trial briefs knowing that these requests will be granted. Further, the small business owner respondents in these cases will not have access to this information because they are not allowed to see it.

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violating federal antitrust laws [<https://www.ftc.gov/advice-guidance/competition-guidance/guide-antitrust-laws/antitrust-laws>] like the Sherman Act because WeWork appears to be getting preferential treatment from JAMS. The fact is that WeWork and its affiliates are repeat customers of JAMS, not the small businesses that are typically on the other side of a dispute with WeWork.

The actions taken by JAMS with respect to its relationship with WeWork do not appear to be a fair or reasonable way to administer justice. Any system of justice should treat litigants equally. In the complaint being prepared against JAMS, the California business fraud attorneys at Tauler Smith LLP allege that their clients' due process rights have been violated because it would be manifestly unjust to collect arbitration fees from thousands of small businesses and force them to go to a hearing to defend themselves when the end result is already known to the other party in advance.

Contact the California Business Fraud Lawyers at Tauler Smith LLP

If you are a small business owner who has been forced to go into an arbitration administered by JAMS, you should speak with an experienced California business fraud lawyer immediately. The Tauler Smith LLP legal team includes attorneys who have extensive experience with professional negotiation, mediation, and alternative dispute resolution. Call [<tel:3105903927>] or email us [<https://www.taulersmith.com/contact/>] to schedule a free consultation about your case.

Tauler Smith Investigating Claims Against WeWork

Law firm Tauler Smith LLP [<https://www.taulersmith.com/>] is investigating claims against WeWork and JAMS over misconduct in hundreds of arbitrations [<https://www.taulersmith.com/tauler-smith-investigating-claims-against-jams/>] initiated by WeWork against small businesses. The unprecedented number of arbitrations (enforcing

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stemming from
COVID-19)
generates massive
revenue and
incentives for JAMS,



ARBITRATION
AGREEMENT

creating a conflict of interest [<https://www.taulersmith.com/tom-girardi-used-jams-to-defraud-clients/>] that is not disclosed to small businesses being pursued by WeWork through JAMS. Neither JAMS nor WeWork discloses to any of these small businesses the nature of the parties' pecuniary relationship, such as the amount WeWork pays to JAMS every year. Beyond that, neither JAMS nor WeWork discloses prior case outcomes to the small businesses pursued by WeWork, even though WeWork uses identical contracts and identical legal theories in these cases.

Only WeWork and JAMS know case outcomes, but small business opponents defending claims brought by WeWork do not. This places WeWork at a massive advantage since only they have access to certain information, including how JAMS has interpreted the identical contract on multiple occasions. The result is a process that is unfair to small business defendants. It is a process that benefits only WeWork and JAMS by perpetuating WeWork's ability to pursue its members and by giving JAMS the continued ability to collect fees from hundreds of disputes.

To learn more about the possible legal claims against WeWork and JAMS, keep reading this blog.

WeWork Sued Small Business Owners for Rent During COVID Pandemic

WeWork is a company that provides coworking spaces to businesses. WeWork uses an identical "Membership Agreement," but not as a lease of space; rather, it is for the provision of services. This allows WeWork to argue that legal protections ordinarily afforded to tenants do not apply to WeWork members. WeWork then argues that landlord-tenant law is applicable



[<https://www.sec.gov/>]. WeWork's accounting procedures have come under public scrutiny over the last several years. The COVID-19 pandemic and the arbitrations WeWork initiated with JAMS potentially provide a means for WeWork to double-book revenue if they apply deceptive accounting methods.

Tauler Smith LLP is also investigating whether WeWork uses private arbitration to protect itself from revealing misconduct that is of concern to the public. Since WeWork structures all of its contracts to be private, only WeWork and JAMS know how and why JAMS has been ruling favorably for WeWork. Moreover, since the cases go through arbitration instead of going through the courts, the small businesses do not know the prior results. This puts the small businesses at an even greater disadvantage in the proceedings. Arbitration is often used for business conflicts that involve contract disputes. WeWork requires anyone who signs a lease with the company to agree in advance to use arbitration for any legal disputes. Even being a part of an arbitration can cost a small businesses significant money. WeWork arbitrations are administered by JAMS, an arbitration company that also provides mediation and Alternative Dispute Resolution (ADR) services.

Tauler Smith LLP Investigates Relationship Between WeWork and Arbitration Company JAMS

Tauler Smith LLP is now investigating a possible legal claim against JAMS stemming from the arbitration company's lucrative and ongoing relationship with WeWork. It has been reported that WeWork may be the largest tenant/landlord in all of New York City, and it is believed that WeWork has pursued hundreds (if not thousands) of claims against its members using only one arbitration company: JAMS. This would mean that JAMS has received millions of dollars from WeWork. JAMS is therefore incentivized to side with WeWork in every case, creating a conflict of interest that is not disclosed. Based on our preliminary investigation, no WeWork member has ever won a JAMS-arbitrated dispute against WeWork.

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as the work it gives to JAMS. Tauler Smith LLP has obtained a list of 36 company names and/or addresses for WeWork affiliates that have been involved in arbitrations administered by JAMS:

- 18691 Jamboree Rd., Irvine, CA 92612
- 1601 Vine St., Los Angeles, CA 90028
- 8305 Sunset Blvd., Los Angeles, CA 90069
- 8687 Melrose Ave., Los Angeles, CA 90069
- 4041 MacArthur Blvd., Newport Beach, CA 92660
- 600 B St., San Diego, CA 92101
- 71 Stevenson St., San Francisco, CA 94105
- 535 Mission St. 14th Floor, San Francisco, CA 94105
- 3001 Bishop Dr., San Ramon, CA 94583
- 255 Giralda Ave. Floor 5, Coral Gables, FL 33134
- 78 SW 7th St., Miami, FL 33130
- 765 W. Peachtree St. NW #4, Atlanta, GA 30308
- 31 St. James Ave. 6th Floor, Boston, MA 02116
- 200 Portland St., Boston, MA 02114
- 625 Massachusetts Ave., Cambridge, MA 02139
- 1330 Lagoon Ave., Minneapolis, MN 55408
- 10845 Griffith Peak Dr. #2, Las Vegas, NV 89135
- 12 E. 49th St., New York, NY 10017
- 115 Broadway, New York, NY 10006
- 185 Madison Ave., New York, NY 10016
- 199 Water St., New York, NY 10038
- 222 Broadway 19th Floor, New York, NY 10038
- 300 Park Ave. 12th Floor, New York, NY 10022
- 401 Park Ave. S. 10th Floor, New York, NY 10016
- 500 7th Ave., New York, NY 10018
- 524 Broadway, New York, NY 10012
- 880 3rd Ave., New York, NY 10022
- 1115 Broadway, New York, NY 10010



-
- WeWork
 - WeWork Companies, Inc.
 - WeWork Companies LLC
 - WeWork Management LLC

How Much Money Does JAMS Make from Its Relationship with WeWork?

JAMS has thus far dismissed any concerns about impartiality or failure to disclose [<https://www.taulersmith.com/jams-private-judges-accused-of-corruption/>] in WeWork cases without providing the data requested. A representative for JAMS stated that the company “administers approximately 15,000 cases per year” and “no single party or law firm significantly impacts JAMS’ total revenue.” The millions of dollars flowing to JAMS from WeWork provides a natural incentive for JAMS to continue ruling favorably for WeWork – which is easy because it is the same “Membership Agreement” being interpreted in each arbitration. Moreover, since JAMS and WeWork refuse to share with small business defendants any relevant information about past rulings, the small businesses remain unaware of the full nature of the WeWork-JAMS relationship. The small businesses will then fight the arbitration and pay JAMS even more fees, only to inevitably lose in front of a JAMS-provided arbitrator. There is no reason for JAMS to be fair because it is not in their financial interests.

JAMS would appear to have an incentive to rule in WeWork’s favor not just because of the many disputes they are currently arbitrating, but also because of all the future business that WeWork will continue to send their way. In other words, JAMS may want to keep WeWork happy because JAMS collects fees on every arbitration, and WeWork sends them a lot of business that generates fees.

Contact the California Business Fraud Lawyers at Tauler Smith LLP

Are you a small business owner who is being pursued by WeWork through JAMS? If so, you may have a possible legal claim against both

+1-310-590-3927

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<https://www.taulersmith.com/contact>

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**PETITIONER'S
APPENDIX A6**



Elizabeth



+1 (904) 294-3882

To call them personally

Your attorney?

Gloria Allred (the celebrity attorney)
DONT TELL A SOUL

What the hell how did you get here, lol I even know who that is

Called her office

I just need inuk and Chasity

I'm sure you will

I honestly hope so

Jun 3, 2015, 4:04 PM

of the following:

You were engaged in a legally protected activity -- such as filing a complaint with the Equal Employment Opportunity Commission or formally complainin



Attachments

A6 -1





Elizabeth 

+1 (904) 294-3882

No one is willing to be a witness now and Gloria Allred won't take my case if not. If the tables were turned I would have you girls back in a heartbeat. No questions asked. This entire thing just sucks & all leads back to being scared of Alki. Like we make 2,000 a month, it's a joke. I already had a final interview today lol

All I need is Chasity and MK

MK to say he touched her boobs (which she told me she would say)

Chasity (to say she was a witness to the headstand thing)

And just call her office. That's it & both of them are scared of losing their jobs

I can't stop crying

Alki is suing me first

Elizabeth





~~Chasity~~



+1 (904) 294-3882

Elizabeth

Jun 2, 2015, 3:19 PM

Have you ever been a witness to alki doing anything? Or you?



No nothing like what you said he did to you



I don't know about anyone else tho

But the banana thing what was that?

Ohh lol that was way back when he asked if I wanted a banana but tbh that's when I was new so I don't know if it was sexual or not

Ok non important lol

Haha yea I wish I had something to help

At least you have mk

They told me I need mk, Carl, and Chasity possibly inuk

To call them personally



Message

3





chasitycjones@yahoo.com

They called me yesterday

I'm going to call the lawyer back.
That's what Alki get!!!!

Lol

Yea I knew something was up when
MK stopped showing up

I think I'm going to sue him too bc
he deserves it by the way he treat
people and things he do to people

I'm going to call Elizabeth today this
afternoon

Yea if he posted that, it looks like
he's may be worried

Yes

It's not just Elizabeth but MK and
now you lol

Yes

He is a loser!!!!



Message





Chasity



1 (323) 613-4566

May 26, 2016, 5:30 PM

I hate FilmOn!!

I'm quitting for sure! They only paid me a part of my commission and Alki agreed to pay me and Peter don't want to pay. Alki said he was going to make sure I get paid but this is not right I have to fight for my money.

I can't believe that...that company is ridiculous...isn't it funny how everyone has trouble getting paid their commissions but that never was a problem for Jill in the UK...makes you wonder

Why

Right!!

Alki should have paid you in full once the deal closed, that's what he did for Nuzzy

She paid herself



Message





Chasity



1 (323) 613-4566

Jul 13, 2016, 9:49 AM

Can you please give me Chasity's number? I need to make her aware of something. Thank you. Hope you're doing well. From Elizabeth!!! 🙄🙄🙄

No

I don't want to talk to her.

There is nothing in this world that she can do to me...

I don't ever want to talk to her and please tell her that! There is nothing!!!!!! In this world that she calculus ever do to me and tell her that too!!! And I will file a restraining order against her today if she don't leave me alone. Matter of fact I think I am bc she is crazy and should move on... She is a prostitute and I don't have time with her shit! My mom have stage 4 cancer and one of my fiend just lost her husband and two kids over the weekend in a car accident. I don't give a fuck!! What Elizabeth is



1MB 5:00 PM

6





Chasity



1 (323) 613-4566

There is nothing in this world that she can do to me...

I don't ever want to talk to her and please tell her that! There is nothing!!!!!! In this world that she calculus ever do to me and tell her that too!!! And I will file a restraining order against her today if she don't leave me alone. Matter of fact I think I am bc she is crazy and should move on... She is a prostitute and I don't have time with her shit! My mom have stage 4 cancer and one of my fiend just lost her husband and two kids over the weekend in a car accident. I don't give a fuck!! What Elizabeth is saying and if she call me I will curse her out and beat her ass with bullshit! In not in the mood! At all

Tell her I said I don't give a fuck about her or her fucking case!

Yea I wasn't gonna give her your number, just thought you should know. You know how she can be so sneaky, i don't even know if lma respond and if I do, I'm gonna say I



iMessage

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1 (323) 613-4566

Wed, Nov 16, 11:59 AM

What happened with you case? Did you win?

Wed, Nov 16, 3:19 PM

Well the only thing I'm allowed to say is that it's been resolved / I can get into a mess if I say anything more

Oh ok

Yea lol...were you able to find out about your pay

Wed, Nov 16, 5:51 PM

Do you mind if I can have your attorneys number?

Thu, Nov 17, 12:41 PM

Hey girl, so my attorney is a criminal law attorney so I'm not sure if he would be the right one. Is it for work or for something else. I asked him and he said he could recommend someone else for you if it's not criminal. He just really took my case



Chasity



1 (323) 613-4566

Wed, Nov 16, 5:51 PM

Do you mind if I can have your attorneys number?

Thu, Nov 17, 12:41 PM

Hey girl, so my attorney is a criminal law attorney so I'm not sure if he would be the right one. Is it for work or for something else. I asked him and he said he could recommend someone else for you if it's not criminal. He just really took my case because it was through a family friend

Ok. I'm going to sue Alki...for harassment. I'm going to go home and find another attorney today and go over all my notes I kept

That whok company is dirty

They are trying to go public and that not fair how he does me and people

I'm going to call and retract my statement from Barry Rotyman too



Message

9





Chasity



1 (323) 613-4566

Did people witness it

What? My lawsuit?!

Or just in general

Kevin was there

General lawsuits

That's sick

I really can't believe that

As long as there are witnesses it helps your case

How he thinks it's all a joke and can get away with it just cuz he has money

Right

Damn I'm sorry you have to go through that again

I know right

Did he touch you or was it just verbal inappropriate



1 message





1 (323) 613-4566

Did you retract your statement that you signed for Barry Rotyman?

I need to retract that statement

What should I do?

Hey Mary, do you mind if I ask you what amount you settled for?

I'm here baby

Sorry that was for khlo'e lol

Fri, Nov 18, 6:29 PM

Hey I really wish I could talk about my case but I'm really not allowed to say anything at all, I could get into some serious mess legally if I were to talk about anything at all about the case...that's why I was saying if I'm subpoena, then I'll be legally able to speak I believe

Ok

Do you think your attorney will be ok if my attorney speaks to him and



Message





Chasity



1 (323) 613-4566

Ok

Do you think your attorney will be ok if my attorney speaks to him and that way you can't talk about it and he will only speak about what is legal and will not get you in any trouble

I don't think it will get that far...it will just be a settlement

He should be able to look it up himself, once a lawsuit is filed, any attorney can look it up. Have you talked with this attorney yet?

Yes today. I'll tell him to look it up

He said he is submitting everything on Monday

That's awesome, so he took your case

That's huge

Yes he did and he said he will get a settlement bc it's so many pending



Message

12





Chasity



1 (323) 613-4566

Mon, Nov 28, 7:28 AM

Good morning Girly, how was holiday? Are you ready for Christmas?

I meet with my attorney last week and he filed paperwork for my case last week. I told him that you couldn't talk to him about your case but he wanted to see if he could just talk to him in general... not about your case at all. Can you please talk to him this week about me? It will be fast and he is just trying to get my case together. If there is any problems which he said it will not hurt you in any way or anything you signed...it's just to help me. He said he don't think we will be going to trial or nothing just a settlement. Thank you

Mon, Nov 28, 11:43 AM

Hi Chasity, I'm so happy you were able to file a case. As much as I want to help you, I'm not allowed to speak on anything regarding filmon or Alki. Even things in general about how it was working there. That's



message

13





Chasity



1 (323) 613-4566

your case at all. Can you please talk to him this week about me? It will be fast and he is just trying to get my case together. If there is any problems which he said it will not hurt you in any way or anything you signed...it's just to help me. He said he don't think we will be going to trial or nothing just a settlement. Thank you



Mon, Nov 28, 11:43 AM

Hi Chasity, I'm so happy you were able to file a case. As much as I want to help you, I'm not allowed to speak on anything regarding Timon or Aiki. Even things in general about how it was working there. That's part of what I agreed to when everything was resolved. Trust me, I would do everything I could to help you, but if you do settle, you'll understand why I can't speak on anything at all because I think you'll have to sign something saying you won't speak about anything at all if you settle

Ok. Thank you



Message





Chasity



1 (323) 613-4566

Wed, Jan 11, 1:22 PM

Hey girl, so I kind of have bad news... for some reason Alki's attorney thinks I have talked to you about my case, which I haven't, and they contacted my lawyer now and it's a big mess. my attorney has told me to lay low right now, so I promise we will hang out, just until my attorney says I'm okay



Oh wow

He prob got scared bc I'm suing him and my lawyer is not being quiet about it. I'm so 😡 mad. I was looking forward to seeing you. He knows he is wrong

Do you know what they think we are talking about? That's crazy!! I can't believe him

Yea I know, I told my attorney that I haven't told you anything because I'm not allowed to, idk what they are trying to do. I told my attorney we had dinner plans and he told me just for now to stay low, I'm really



1 (323) 613-4566





1 (323) 613-4566

Yea I know, I told my attorney that I haven't told you anything because I'm not allowed to, idk what they are trying to do. I told my attorney we had dinner plans and he told me just for now to stay low, I'm really sorry cuz I wanted to see you!

I told him even if we were just hanging out? And he said yea cuz if they ask or find out, they can use that against me and say why would we be hanging out and I not tell you anything about my case, so I just have to be careful, it sucks cuz I thought I was past all this and I know you're going through a lot and I wanted to be there for you

Yes it sucks.

I don't understand why you can talk to me if it's something outside of your case. It doesn't make no sense.

I know...it's cuz if they even ask if we were hanging out, they can say that...



inVstage

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Chasity



1 (323) 613-4566

I know... it's cuz if they even ask if we were hanging out, they can say that...

In you agreement I'm sure it did not state that you can't talk to me or other things outside of your case.

But your agreement don't say not to talk to me

Technically I can be sued if I told anyone about my case...and if Barry thinks I did say something, he can use me hanging out with you to help build his case

Exactly, I know...

But since you have a lawsuit against him, it looks like we are conspiring

My attorney said not forever, just for the time being...

The problem with this is that we are going to go to court I think like trial so that would be bad for him bc what if we have to subpoena everyone. He is wrong to try to stop



Message





1 (323) 613-4566

The crazy thing is my attorney pulled your case and read your whole case and he talked to your attorney a few times so I'm not sure why he would say that. I know he wants to be safe so maybe that's it. I'm not sure

Yea my attorney told me but the thing is, they are trying to say how would you have even known about my case if I didn't tell you, but every single person there knew! Like come on, everyone knows how he is and how he had multiple cases

My attorney talked to your attorney before so he was aware and that was last year and then all of a sudden.

I knew about your case from Carl Dawson and many people at Filmon knows not you.



And it makes me so mad too cuz I heard through the grapevine that Alki was making fun of my lawsuit with him, so actually he's the one talking about my lawsuit!



iMessage

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chastity



1 (323) 613-4566

And it makes me so mad too cuz I heard through the grapevine that Alki was making fun of my lawsuit with him, so actually he's the one talking about my lawsuit!!

And he's not allowed to just like I'm not

It makes me so mad

Yes he was making fun in front of me and Kevin

Are you serious?

What did he say?

I want to see if it's the same thing I heard

I was told that you settled and that you settled for 500k

Alki said that?

No everyone at FilmOn said it

Wth





Chasity



I was told that you settled and that you settled for 500k

Alki said that?

No everyone at FilmOn said it

With

Alki told carl I think or somebody bc I knew you settled a long time ago

Alki was making fun of getting sued. I'm not sure what you settled for but I know it was over 100,000.

What did you hear?

If I tell my attorney this, will you say that you told me?

That you heard Alki making fun of my case and saying that we settled?

If you don't want to, it's okay. It just isn't fair that I'm over here not saying anything and he's over there making fun of my case and saying we settled



Messages





Chasity



1 (323) 613-4566

Yea cuz when I said it I said it was another female with me, this was before I even filed

Yes I heard you had proof

lol from who?

Filmon

My attorney read your case. He is going to get Alki for sure. Another thing Carl knows what happened bc he was very detailed about you and Alki

Alki told him

But what Alki said isn't true, unless he admitted to what he did

What did he tell him

Please ask your attorney if you can talk to me and write a statement of what happened to me from Alki and please let her know I will write a statement of what he said in front of me





Chasity



+1 (310) 804-9536

iMessage
Oct 13, 2015, 8:49 PM

I called that attorney Larry ring and he wants me to come in and sue Alki. He said he might just settle and give me money after he send a letter stating I'm suing him. I'm just not sure if I want to sue or not. What do you think? I prob get money but if I come back I can't sue or Wil be scared lol



Damn yea idk

That's what I was gonna say about coming back...

You should ask Elizabeth what happened with hers when you talk to her

Before you tell her you aren't testifying for her 😊

She never called me back.

What's in Dubai?

Idk, Mk probably made that up cuz she turned out to always be lying



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Message





Chasity



+1 (310) 804-9536

Nov 10, 2015, 5:00 PM

I think Alki is weird. I think he acts weird when I'm around. It's uncomfortable. I feel like he doesn't like me or feel strange when he is around. I was going to talk to him about fergie but don't feel comfortable

Oh, in the morning can you take me to get a cake down the street? Jeff will have my car

Nov 11, 2015, 8:20 AM

Hey yea we can go

Is Benjamin coming today?

Nov 12, 2015, 2:34 PM

Good thing I wasn't single and went out with this guy...we have nothing in common 😊

Lol are you at lunch with him now



No we are at the studio lol



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Send Message





Chasity



+1 (310) 804-9536

Nov 23, 2015, 8:27 AM

I'm not coming to work. I'm so unhappy. I have to call Carl and make something up bc my life with jeff is horrible.



Omg I'm so sorry... I'm at my doctors appt but I will call you after

I hope you're okay...

No I'm not. I hate this life with him and I have to get out of it

Everyday we argue and I feel so stupid

Are you home or are you with him now

I'm here at this apartment but I'm about to drive home.

I don't want to marry him. I don't want kids. I don't want a man. I'm so stupid to even try anymore with him

Nov 23, 2015, 9:50 AM



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Chasity



+1 (310) 804-9536

Yes, I'm not sure. Elizabeth prob said we all seen it or something. Who know

Yea she probably did, I never did tho

Me either

How is she gonna go to court with no proof? She kind of set herself up to look dumb

Poor girl

I never seen him touch her but she always had something to say about everyone lol

Omg she did! Lol

She liked to gossip

Yep

Even about fake stuff

Lol yes



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Cnacity



+1 (310) 804-9536

Did they ask you if Elizabeth ask you to file too or to help her case?

Yea but I said no because she didn't



She knew I never saw anything



Ok. They ask me too

I think cuz maybe she can get in trouble

Like they will use it against her

But she asked MK for help and MK jumped on

Right Alki told me that today.

And is getting money

She ask me for help for sure

What that they are using that against her?

Yes

He told me he was filing criminal



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Chasity



She ask me for help for sure

What that they are using that against her?

Yes

He told me he was filing criminal charges against her

Damn poor Elizabeth

MK too?

No

You know what's crazy... I still have a text from Elizabeth sayind all she needs is MK and you to talk

She ask me to help her case and begged me to help her and kept calling me over and over via text but I'm not sure if she told me to file against him or not bc I wasn't paying attention to her



Lol





Chasity

+1 (310) 804-9536

Mar 7, 2016, 8:35 AM

I'm not coming to work.

Are you okay?

I I'm quoting my job

Whattttt

I hope you're okay

I'm really depressed. I'm going to try to come to work

I'm really sorry! Is everything okay with your mom?

She has been sick

I know it's hard...

Is she taking the oil yet?

Yes she started yesterday

That's good, that will really help her appetite



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Chasity



+1 (310) 804-9536

Mar 8, 2016, 12:59 PM

I left. I don't care if I get fired . I'm going home

I'll call you later

Ok I'm coming back. I'm not going to let him make me mad

Ok are you okay?

Yes I'm ok

I just need to learn how to ignore him

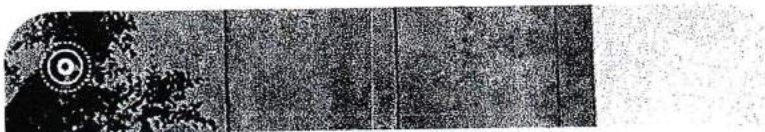
Mar 9, 2016, 9:09 AM

I have to drop off khlo'e laptop. She forgot it. I'll be in right after if anyone ask

If not lol I'll see you soon

Ok I will let him know

Mar 12, 2016, 10:07 AM



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PETITIONER'S APPENDIX A7



GOVERNMENT OF ANTIGUA AND BARBUDA
Office of the Prime Minister

*Queen Elizabeth Highway
St. John's
Antigua and Barbuda*

*Tel. (268) 460-5100
Fax. (268) 462-3225
pmsecretariat@ab.gov.ag*

June 09, 2023

The Honorable Antony J. Blinken
Secretary of State
United States Department of State
2201 C St NW
Washington, DC 20520
United States

Dear Secretary Blinken:

I hope this letter finds you well. I am writing to formally assert diplomatic immunity for several properties owned by the Government of Antigua and Barbuda in the United States and abroad. These properties serve as diplomatic missions, representing the interests of Antigua and Barbuda and facilitating the diplomatic relations between the nations.

The following properties, along with their expanded descriptions and valuations, are recognized as diplomatic missions of Antigua and Barbuda:

1. Property at 4 Wilton Pl., London, SW1X8RH

This property is reserved as an Embassy or high commission extension. It serves as an official representation of the Antigua and Barbuda Government in the United Kingdom, fostering diplomatic relations and promoting cultural and economic ties.

2. Property at 8D Ennismore Gardens, London SW7

This property is reserved as an Embassy or high commission extension. It serves as a diplomatic mission for Antigua and Barbuda, providing a platform for official interactions and promoting bilateral cooperation with the United Kingdom.

3. House of David Palio-Limani, Spetses Island, Greece

This property is reserved as an Embassy or high commission extension. It serves as a diplomatic mission, representing Antigua and Barbuda in Greece and facilitating diplomatic engagements and cultural exchanges between the two nations.

4. Property at 37 Wispillen Strasse, Gstaad, Switzerland

This property is reserved as an Embassy or high commission extension. It serves as an official representation of the Antigua and Barbuda Government in Switzerland, promoting diplomatic relations and supporting the interests of our nation and its citizens.

5. Property at 23768 Malibu Rd., Malibu, CA 90265

This property is reserved as an Embassy or high commission extension. It serves as a diplomatic mission for Antigua and Barbuda Government in the United States, facilitating official engagements, promoting bilateral cooperation, and serving the needs of our citizens residing in or visiting the United States.

6. Property at 42045 Lupin Way, Lancaster, CA 93536

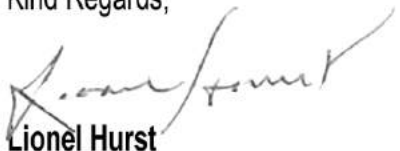
This property also serves as a diplomatic mission for Antigua and Barbuda Government in the United States. It plays a crucial role in representing our nation and promoting our interests, as well as providing assistance to our citizens within the jurisdiction.

In accordance with international law and established diplomatic practices, I kindly request the United States Department of State to recognize and respect the diplomatic immunity of these properties. This immunity extends to the premises, furnishings, and assets contained therein, ensuring their protection from any form of legal, administrative, or law enforcement action that may impede their diplomatic functions.

I trust in the continued cooperation and friendship between our nations, and I look forward to further strengthening our diplomatic ties for the mutual benefit of our people.

Thank you for your attention to this matter.

Kind Regards,



Lionel Hurst

Chief of Staff, Office of the Prime Minister
Antigua and Barbuda

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) ALKIVIADES DAVID; FILMON TV LTD.; FILMON TV INC.; ALKI DAVID PRODUCTION INC.; HOLOGRAM USA	DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) Los Angeles County Superior Court No. BC654017 Hon. Michelle Williams; Los Angeles County Superior Court No. BC643099 Hon. Terry Green Hon.; Christopher K. Lui; Los Angeles County Superior Courts No. BC649025 Hon. Rafael A. Ongkeko; California State Court of Appeals, Second District, Division Four; California State Court of Appeals, Second District, Division Two
(b) County of Residence of First Listed Plaintiff <u>foreign</u> (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant <u>LOS ANGELES</u> (IN U.S. PLAINTIFF CASES ONLY)
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. The Law Office of Matthew Huzaineh, P.C. 626 Wilshire Blvd., Suite 410 Los Angeles, CA 90017 (310) 362-1650	Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 2. U.S. Government Defendant <input type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES -For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input checked="" type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>PTF <input type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input checked="" type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input checked="" type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	PTF <input checked="" type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.)

<input checked="" type="checkbox"/> 1. Original Proceeding	<input type="checkbox"/> 2. Removed from State Court	<input type="checkbox"/> 3. Remanded from Appellate Court	<input type="checkbox"/> 4. Reinstated or Reopened	<input type="checkbox"/> 5. Transferred from Another District (Specify)	<input type="checkbox"/> 6. Multidistrict Litigation - Transfer	<input type="checkbox"/> 8. Multidistrict Litigation - Direct File
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V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 All-Writs Act, 42 USCS § 1988(a) – This action attacks the Judgments and Orders of the L.A. County Superior Court and, subsequent appellate Judgment(s) and Mandates of the California Court of Appeal, due to the absence of jurisdiction by the State courts, and the product of extrinsic fraud.

VII. NATURE OF SUIT (Place an X in one box only).

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 530 General	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 140 Negotiable Instrument	TORTS PERSONAL INJURY	<input checked="" type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	SOCIAL SECURITY
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 485 Telephone Consumer Protection Act	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	LABOR	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 444 Employment Accommodations	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 896 Arbitration		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation	
<input type="checkbox"/> 950 Constitutionality of State Statutes			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<p>QUESTION A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.</p>	<p align="center">STATE CASE WAS PENDING IN THE COUNTY OF:</p> <input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo <input type="checkbox"/> Orange <input type="checkbox"/> Riverside or San Bernardino	<p align="center">INITIAL DIVISION IN CACD IS:</p> Western Southern Eastern
---	--	---

<p>QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If "no," skip to Question C. If "yes," answer Question B.1, at right.</p>	<p>B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →</p> <p>B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →</p>	<p><input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Continue to Question B.2.</p> <p><input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.</p>
--	---	--

<p>QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If "no," skip to Question D. If "yes," answer Question C.1, at right.</p>	<p>C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →</p> <p>C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →</p>	<p><input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Continue to Question C.2.</p> <p><input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.</p>
--	---	--

QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>D.1. Is there at least one answer in Column A? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →</p>	<p>D.2. Is there at least one answer in Column B? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓</p>
--	--

QUESTION E: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, C, or D above: →	WESTERN

QUESTION F: Northern Counties?

Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? Yes No

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

IX(a). IDENTICAL CASES: Has this action been previously filed in this court? NO YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court? NO YES

If yes, list case number(s): _____

Civil cases are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT):  DATE: February 29, 2024

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))