

No. S214058

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

PATRICIA J. BARRY

Plaintiff and Appellant,

v.

THE STATE BAR OF CALIFORNIA,

Defendant and Respondent.

SUPREME COURT
LODGED EXHIBITS

OCT 22 2013

Deputy

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

REQUEST FOR JUDICIAL NOTICE

Volume IV of IV

Exhibits DD-TT

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THE STATE BAR OF CALIFORNIA

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Attorneys for Defendant and Respondent
THE STATE BAR OF CALIFORNIA

REQUEST FOR JUDICIAL NOTICE

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

1. *Alexander, Jon v. State Bar, et al*, San Francisco Sup. Ct., Case No. CGC-12-525073, filed October 12, 2012 (Exs. A-B).
2. *Brown, James Earl v. Guitierrez, et al.*, Los Angeles Sup. Ct., Case No. BC369840, filed April 23, 2007 (Exs. C-D).
3. *Chavarela, Nicholas v. State Bar et al.*, Orange County Sup. Ct. Case No. 30-2009-00311346, filed October 4, 2009, Fourth Dist. Ct. of App. Case No. G043727 (Exs. E-F).
4. *Dickson, Lorraine v. State Bar, Board of Governors, Streeter, Kim, et al.*, Los Angeles Sup. Ct., Case No. BC470523, filed September 28, 2011(Exs. G-H).
5. *Dydzak, Daniel v. Dunn, Joseph, et al.*, Orange County Sup. Ct., Case No 30-2012-00558031, filed May 2, 2012 (Exs. I-J).
6. *Fletcher, Michael v. State Bar et al.*, Los Angeles Sup. Ct., Case No. BS129414, filed November 24, 2010 (Exs. K-L).
7. *Foley, Natalia v. State Bar, B. Rodriguez*, Los Angeles Sup. Ct., Case No. BC445288, filed September 9, 2010 (Exs. M-N).
8. *Gjerde, Sean v. State Bar, et al.*, Sacramento Co. Sup. Ct., Case No. 34-2012-00134070, filed October 19, 2012 (Exs. O-P).
9. *Gottshalk, Ronald v. Public Defender et al*, Orange County Sup. Ct., Case No. 30-2010-00359752-CU-NP-CJC, filed April 5, 2010 (Exs. Q-R).
10. *Henschel, Bradford v. State Bar, et al.*, Los Angeles Sup. Ct., Case No. BC379051, filed December 4, 2007, Second Dist. Ct. of App., Case Nos. B206984, B213595 (Exs. S-T).

11. *Joseph, Joel v. the State Bar of California*, Los Angeles Sup. Ct., Case No. SC103749, filed June 26, 2009, Second Dist. Ct. of App., Case No. B221236 (Exs. U-V).
12. *Kay, Philip E. v. State Bar, et al.*, San Francisco Sup. Ct., Case No. CGC-10-496869, filed February 16, 2010, First Dist. Ct. of App., Case No. A129515, Cal. Supreme Court Case No. S198578 (Exs.W-X).
13. *Kay, Philip E. v. State Bar, et al.*, San Francisco Sup. Ct., Case No. CGC-10-502372, filed August 6, 2010, First Dist. Ct. of App., Case Nos. A132643, A134111, A137989 (Exs. Y-Z).
14. *Kay, Philip E. v. State Bar, et al.*, San Francisco Sup. Ct., Case No. CGC-11-510717, filed May 4, 2011, First Dist. Ct. of App., Case Nos. A134205, A137989 (Exs. AA-BB).
15. *Kay, Philip E., Robin Kay, Chris Enos v. State Bar, et al.*, San Francisco Sup. Ct., Case No. CGC-11-514255, filed September 4, 2011 (Exs. CC-DD).
16. *Missud, Patrick v. State Bar of California*, San Francisco Sup. Ct., Case No. CGC-13-533811, filed September 3, 2013 (Ex. EE).
17. *Morris, Gregory A. v. State Bar of California, et al.*, San Francisco Sup. Ct., Case No. CGC-06-450766, filed November 29, 2006 (Exs. FF-GG).
18. *Morris, Gregory A. v. State Bar of California, et al.* San Francisco Sup. Ct., Case No. CGC-08-471504 (Exs. HH-II).
19. *Morrowatti, Nasrin v. State Bar of California*, Los Angeles Sup. Ct., Case No. BC 347921, filed February 23, 2006, Second Dist. Ct. of App., Case No. B196392 (Exs. JJ-KK).
20. *Oxman, Brian v. Chang, Alec, et al.*, Los Angeles Sup. Ct., Case No. BC516601, filed July 29, 2013 (Ex. LL).
21. *Scurrah, Robert v. State Bar et al.*, Orange County Sup. Ct., Case No. 30-2012-00595756, filed September 5, 2012 (Exs. MM-NN).
22. *Spadaro, Charlotte v. Phyllis Williams, The State Bar of California*, San Bernardino Co. Sup. Ct. , Case No. CIVRS1203310, filed April 30, 2012 (Ex. OO-PP).
23. *Taylor, Swazi v. State Bar*, Los Angeles Sup. Ct., Case No. BC476842, filed January 18, 2012 (Exs. QQ-RR).

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

DATED: October 21, 2013

KERR & WAGSTAFFE LLP

By



MICHAEL VON LOEWENFELDT
Attorneys for Respondent
The State Bar of California

MEMORANDUM OF POINTS AND AUTHORITIES

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

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

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

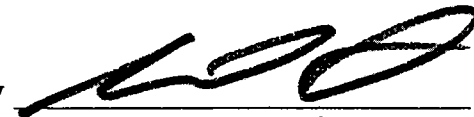
Based on the foregoing legal authority, and for the foregoing reasons, the State Bar respectfully requests this court to grant the motion for judicial notice.

DATED: October 2, 2013

Respectfully submitted,

KERR & WAGSTAFFE LLP

By



Michael von Loewenfeldt

Attorneys for Respondent
THE STATE BAR OF CALIFORNIA

DECLARATION OF DANIELLE LEE

I, Danielle Lee, hereby declare:

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


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

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

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

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

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



DANIELLE LEE

PROOF OF SERVICE

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

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


- **REQUEST FOR JUDICIAL NOTICE, VOLUME IV OF IV, EXHIBITS DD-TT**

on the parties listed below as follows:

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

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

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



Lisa Ramon

TABLE OF CASES

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

- L. *Fletcher, Michael v. State Bar et al.*, Los Angeles Sup. Ct., Case No. BS129414, dismissal minute order filed March 29, 2011.
- M. *Foley, Natalia v. State Bar, B. Rodriguez*, Los Angeles Sup. Ct., Case No. BC445288, Complaint filed September 9, 2010.
- N. *Foley, Natalia v. State Bar, B. Rodriguez*, Los Angeles Sup. Ct., Case No. BC445288, voluntary dismissal filed December 28, 2010, and minute order following voluntary dismissal filed February 14, 2011.
- O. *Gjerde, Sean v. State Bar, et al.*, Sacramento Co. Sup. Ct., Case No. 34-2012-00134070, Complaint filed October 19, 2012.
- P. *Gjerde, Sean v. State Bar, et al.*, Sacramento Co. Sup. Ct., Case No. 34-2012-00134070, Judgment of Dismissal following granting of special motion to strike filed April 11, 2013.
- Q. *Gottshalk, Ronald v. Daniels et al.*, Orange County Sup. Ct., Case No. 30-2010-00359752-CU-NP-CJC, Complaint filed April 5, 2010.
- R. *Gottshalk, Ronald v. Daniels et al.*, Orange County Sup. Ct., Case No. 30-2010-00359752-CU-NP-CJC, Notice of Dismissal filed August 22, 2011.
- S. *Henschel, Bradford v. State Bar, et al.*, Los Angeles Sup. Ct., Case No. BC379051, Second Dist. Ct. of App., Case Nos. B206984, B213595, Complaint filed December 4, 2007.
- T. *Henschel, Bradford v. State Bar, et al.*, Los Angeles Sup. Ct., Case No. BC379051, filed December 4, 2007, Second Dist. Ct. of App., Case Nos. B206984, B213595, order granting special motion to strike filed January 17, 2008.
- U. *Joseph, Joel v. the State Bar of California*, Los Angeles Sup. Ct., Case No. SC103749, Second Dist. Ct. of App., Case No. B221236, Complaint filed June 26, 2009.
- V. *Joseph, Joel v. the State Bar of California*, Los Angeles Sup. Ct., Case No. SC103749, Second Dist. Ct. of App., Case No. B221236 2009, Order sustaining demurrer without leave to amend October 27, 2009.

- W. *Kay, Philip E. v. State Bar, et al.*, San Francisco Sup. Ct, Case No. CGC-10-496869, First Dist. Ct. of Appeal, Case No. A129515, California Supreme Court, Case No. S198578, Complaint filed February 16, 2010.
- X. *Kay, Philip E. v. State Bar, et al.*, San Francisco Sup. Ct, Case No. CGC-10-496869, First Dist. Ct. of Appeal, Case No. A129515, California Supreme Court, Case No. S198578, order sustaining demurrer and taking special motion to strike off calendar filed July 29, 2010.
- Y. *Kay, Philip E. v. State Bar, et al.*, San Francisco Sup. Ct., Case No. CV 10-502372, First Dist. Ct. Appeal, Case Nos. A132643, A134111, A137989, Complaint filed August 6, 2010.
- Z. *Kay, Philip E. v. State Bar, et al.*, San Francisco Sup. Ct., Case No. CV 10-502372, First Dist. Ct. Appeal, Case Nos. A132643, A134111, A137989, order sustaining demurrer filed September 20, 2011.
- AA. *Kay, Philip E. v. State Bar, et al.*, San Francisco Sup. Ct., Case No. CGC-11-510717, First Dist. Ct. Appeal, Case Nos. A134205, A137989, Complaint filed May 4, 2011.
- BB. *Kay, Philip E. v. State Bar, et al.*, San Francisco Sup. Ct., Case No. CGC-11-510717, First Dist. Ct. Appeal, Case Nos. A134205, A137989, order sustaining demur filed August 5, 2011.
- CC. *Kay, Philip E., Robin Kay, Chris Enos v. State Bar et al.*, San Francisco Sup. Ct., Case No. CGC-11-514255, Complaint filed September 14, 2011.
- DD. *Kay, Philip E., Robin Kay, Chris Enos v. State Bar et al.*, San Francisco Sup. Ct. , Case No. CGC-11-514255, voluntary dismissal filed February 17, 2012.
- EE. *Missud, Patrick v State Bar of California*, San Francisco Sup. Ct., Case No. CGC-13-533811, First Amended Complaint filed September 3, 2013.
- FF. *Morris, Gregory A. v. State Bar of California, et al.*, San Francisco Sup. Ct., Case No. CGC 06-450766, fifth Amended Complaint filed

October 9, 2009.

- GG. *Morris, Gregory A. v. State Bar of California, et al.*, San Francisco Sup. Ct., Case No. CGC 06-450766, order sustaining demurrer filed May 18, 2010.
- HH. *Morris, Gregory A. v. State Bar of California, et al.*, San Francisco Sup. Ct., Case No. CGC 08-471504, Complaint filed January 29, 2008.
- II. *Morris, Gregory A. v. State Bar of California, et al.*, San Francisco Sup. Ct., Case No. CGC 08-471504, order dismissing entire action filed January 12, 2009.
- JJ. *Morrowatti, Nasrin v. State Bar of California, et al.*, Los Angeles Sup. Ct., Case No. BC 347921, Second Dist. Ct. Appeal, Case No. B196392, Complaint filed February 23, 2006.
- KK. *Morrowatti, Nasrin v. State Bar of California, et al.*, Los Angeles Sup. Ct., Case No. BC 347921, Second Dist. Ct. Appeal, Case No. B196392, minute order sustaining demurrer filed November 17, 2006.
- LL. *Oxman, Brian v. Chang, Alec, et al.*, Los Angeles Sup. Ct., Case No. BC516601, Complaint filed July 29, 2013.
- MM. *Scurrah, Robert v. State Bar et al.*, Orange County Sup. Ct., Case No. 30-2012-00595756, Complaint filed September 5, 2012.
- NN. *Scurrah, Robert v. State Bar et al.*, Orange County Sup. Ct. , Case No. 30-2012-00595756, Minute order sustaining demurrer filed August 27, 2013.
- OO. *Spadaro, Charlotte v. Phyllis Williams, The State Bar of California*, San Bernardino Co. Sup. Ct., Case No. CIVRS1203310, Complaint filed April 30, 2012.
- PP. *Spadaro, Charlotte v. Phyllis Williams, The State Bar of California*, San Bernardino Co. Sup. Ct., Case No. CIVRS1203310, order sustaining demurrer filed October 3, 2013.
- QQ. *Taylor, Swazi v. State Bar*, Los Angeles Sup. Ct., Case No. BC476842, Complaint filed January 18, 2012.

- RR. *Taylor, Swazi v. State Bar*, Los Angeles Sup. Ct., Case No. BC476842, judgment of dismissal filed August 23, 2012.
- SS. *Viriyapanthu, Paul v. The State Bar of California, Viveros*, Orange County Sup. Ct., Case No. 30-2010-00418393, Complaint filed October 15, 2010.
- TT. *Viriyapanthu, Paul v. The State Bar of California, Viveros*, Orange County Sup. Ct., request for dismissal filed April 1, 2011.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 Philip E. Kay
 736 43rd Ave.
 San Francisco, CA 94121
 TELEPHONE NO: 415-387-6622 FAX NO (Optional):
 E-MAIL ADDRESS (Optional):
 ATTORNEY FOR (Name):

FILED
 FOR COPIES OF
 SUPERIOR COURT
 COUNTY OF SAN FRANCISCO
 2012 FEB 17 AM 10:41
 CLERK OF THE COURT
 BY: *[Signature]*
 DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
 STREET ADDRESS: 400 McAllister St.
 MAILING ADDRESS:
 CITY AND ZIP CODE: San Francisco, CA 94121
 BRANCH NAME:

PLAINTIFF/PETITIONER: Robin A. Kay, et al.
 DEFENDANT/RESPONDENT: State Bar, et al.

REQUEST FOR DISMISSAL
 Personal Injury, Property Damage, or Wrongful Death
 Motor Vehicle Other
 Family Law Eminent Domain
 Other (specify): interference economic advantage

CASE NUMBER:
 CGC-11-514255

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

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

on (date):
 on (date):

2. (Complete in all cases except family law cases.)

Court fees and costs were waived for a party in this case. (This information may be obtained from the clerk. If this box is checked, the declaration on the back of this form must be completed).

Date: Feb. 17, 2012

Philip E. Kay
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

[Signature]
 (SIGNATURE)

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

Attorney or party without attorney for:
 Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

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

Date:
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

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

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

(To be completed by clerk)

- 4. Dismissal entered as requested on (date):
- 5. Dismissal entered on (date): as to only (name):
- 6. Dismissal not entered as requested for the following reasons (specify):
- 7. a. Attorney or party without attorney notified on (date):
- b. Attorney or party without attorney not notified. Filing party failed to provide
 a copy to be conformed means to return conformed copy

Date: Clerk, by _____, Deputy

PLAINTIFF/PETITIONER: Robin A. Kay, et al. DEFENDANT/RESPONDENT: State Bar, et al.	CASE NUMBER: CGC-11-514255
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Declaration Concerning Waived Court Fees

The court has a statutory lien for waived fees and costs on any recovery of \$10,000 or more in value by settlement, compromise, arbitration award, mediation settlement, or other recovery. The court's lien must be paid before the court will dismiss the case.

1. The court waived fees and costs in this action for *(name)*:
2. The person in item 1 *(check one)*:
 - a. is not recovering anything of value by this action.
 - b. is recovering less than \$10,000 in value by this action.
 - c. is recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3. All court fees and costs that were waived in this action have been paid to the court *(check one)*: Yes No

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

Date: 17 February 2012

Philip E. Kay

(TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)

▶ 
(SIGNATURE)

1 Patrick Missud, SBN 219614
2 91 San Juan Ave.
3 San Francisco, CA, 94112
4 415-584-7251 ph/fax
5 missudpat@yahoo.com
6 **Engineer; BSME, MSCE, CSLB IE, GC 697370;**
7 **FBI Informant and Qui-Tam Relator;**
8 *Attorney in Pro-Per and good standing*

**ENDORSED
FILED**
Superior Court of California
County of San Francisco

SEP 03 2013

CLERK OF THE COURT
BY: ROSSALY DE LA VEGA
Deputy Clerk

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN FRANCISCO
10 UNLIMITED JURISDICTION
11 **Publicized Jury Trial Demanded**

12 PATRICK A. MISSUD
13 Plaintiff,

Case No.: CGC-13-533811

14 vs.

**FIRST AMENDED COMPLAINT FOR
CCP §43 ET SEQ. DEFAMATION AND
INTERFERENCE WITH A FEDERAL
INFORMANT**

15 STATE BAR OF CALIFORNIA;
16 DOES 1-100
17 Defendants

18 **I. INTRODUCTION**

19 On July 1, 2013 the State Bar of California [\$\$Bar\$\$] published to its website its
20 Decision and Order [D&O] putting Federal Informant-Engineer Missud: BSME; MSCE; CSLB
21 IE; GC; and simpleton's JD for which only an ability to simultaneous chew gum and walk are all
22 that are required to obtain, on "Involuntary Disbarment."

23 Since then, several judge\$, arbi-*traitors*, and even clients referred to the defamatory
24 publication which cast unfavorable light on FI Missud, damaged his reputation, and injured him
25 financially. The truth of these matters is an absolute defense for all parties, and all self-
26 authenticating facts, legal pleadings, official transcripts, orders, and rulings, are now or will soon
27 be registered and exposed in this case which will also be decided by federal authorities and 314
28 Million Americans, all of whom are monitoring the Bar'\$ real-time implo\$ion.

1 Patrick Missud, SBN 219614
2 91 San Juan Ave.
3 San Francisco, CA, 94112
4 415-584-7251 ph/fax
5 missudpat@yahoo.com
6 **Engineer; BSME, MSCE, CSLB IE, GC 697370;**
7 **FBI Informant and Qui-Tam Relator;**
8 *Attorney in Pro-Per and good standing*

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO
11 UNLIMITED JURISDICTION
12 **Publicized Jury Trial Demanded**

13 PATRICK A. MISSUD
14 Plaintiff,

Case No.: CGC-13-533811

15 vs.

**FIRST AMENDED COMPLAINT FOR
CCP §43 ET SEQ. DEFAMATION AND
INTERFERENCE WITH A FEDERAL
INFORMANT**

16 STATE BAR OF CALIFORNIA;
17 DOES 1-100
18 Defendants

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27 authenticating facts, legal pleadings, official transcripts, orders, and rulings, are now or will soon
28 be registered and exposed in this case which will also be decided by federal authorities and 314
Million Americans, all of whom are monitoring the Bar's\$ real-time implo\$ion.

1 **II. FACTS AND CLAIMS**

2 The defendants' D&O was rigged because plaintiff Missud, who's been a Federal
3 Informant for four years, exposed corrupt Member\$, and corrupt Member\$ turned corrupt
4 judge\$. This First Amended Complaint and supporting documents prove every cause of action
5 and claim below. The self-authenticating exhibits include official court transcripts, orders,
6 rulings, federal records, USPS POS's,, and judicial admissions. They were all submitted into
7 evidence for the defendant's rigged Trial 12-O-10026-LMA, and now have to be acknowledged
8 and considered by this \$uperior Court and it\$ dozen\$ of 18 USC §201 Corrupt judge\$.

9 All exhibits without exception are the very same ones positively admitted, registered and
10 referenced by Bar Court judge Armendariz in her D&O, propriety of which is at issue herein.
11 Her and the Bar'\$ fraudulent and malicious allegations in the D&O will hereafter be compared
12 with all of the official court and government records which were already distributed to
13 syndicated media, consumer groups, and federal authorities like Washington DC's Public
14 Corruption Unit which has jurisdiction to indict corrupt public officials as done with former
15 judge\$ turned convicted felon\$ Conohan, Ciavarella, Porteus, Limas, Conn, Maloney, LeFevour,
16 Olsen, In Pennsylvania, Louisiana, Texas, Chicago, New Jersey, etc. The stark contrast
17 between the official court and government records, and D&O will prove beyond criminal
18 standards that the defendants rigged their Trial to conceal their own state and federal crime\$.

19 Over three dozen transcripts and related court orders must now be considered for this case
20 which exposes the California Bar, it\$ Member\$, and it\$ all-too-many corrupt Member\$ turned
21 corrupt 'judicially-immune' judge\$. Statements therein include damning, inculpatory
22 admission\$ made by \$uperior Court judge\$ Wick, Busch, Mahoney, Woolard, Giorgi, Alvarado,
23 Feinstein, Miller, Cheng, Kahn, Karnow, Alvarado, McDonald, Nichols, Lee, ... ; Appellate
24 judge\$ McGuinness, Pollak, Jenkins, Kline, Haerle, Lambden, Richman,; Federal judge\$
25 Armstrong, Benitez, Hamilton, Chen, Ryu, Gould, Clifton, Bybee, among many, many
26 others. Their judicial fraud is now pled to heightened standards as if in federal court under
27 FRCP Rule-9 to guarantee indictment\$ and life-long incarceration for their corruption.

28 **A. Judicial Racketeering Schemes**

There are four general racketeering schemes that judges from coast to coast partake in.
All RICO schemes are already very well documented, one of which even by the United States
Supreme Court. The RICO schemes are detailed and "**Labeled**" as such:

1 1. Caperton v. A.T. Massey Energy Company; and Citizen\$-United corporate "Donation\$"
2 which buy court opinion\$. In *Caperton*, Massey's CEO Blankenship 'donated' \$3 Million to
3 judge Benjamin's election campaign, *and* for his swing-vote in overturning an adverse \$50
4 Million jury verdict. It was later discovered that Blankenship also secretly wine-and-dined
5 judge 'Spike' Maynard far, far away on the French Riviera for thi\$ 2nd appellate ju\$lice's
6 corporate-favoring decision. \$COTU\$ said that there was only an 'appearance of corruption,'
7 but that the two West Virginia appellate-judicial-felon\$ hadn't actually committed 18 USC
8 §§201 Corruption, 1962 Racketeering, or 2381 Treason.

9 <http://www.scotusblog.com/case-files/cases/caperton-v-a-t-massey-coal-company-inc-et-al/>

10 The above ties into the D&O in the following way- ever since 2009 (in regards to Nevada
11 Supreme Court Appeal A56502), until SCOTUS Writ 12-9412 (in Conference September 30th
12 and seeking review of A60563), FI Missud confirmed that Nevada's Supreme Court [N\$C] is
13 indeed 'juiced' and the 8th most beholden state supreme court to the corporate special interests
14 which bankroll that high-court'\$ pricey Benjamin-like judicial elections:

15 <http://articles.latimes.com/2006/jun/08/nation/na-vegas8> and

16 <http://www.reviewjournal.com/news/elections/nevada-ranks-8th-supreme-court-election-fundraising> .

17 As a matter of fact (per official court transcripts, orders, rulings, minutes, the docket,
18 USPS records, fax transmissions, emails, screen snapshots, ... no less), Missud couldn't get
19 Nevada's highest judge\$ to even honor their very own NRS, NRAP, SRCR, Judicial Canons,
20 Foreclosure Mediation Rules, or plenary/preemptory federal rules. The N\$C was bought by D.R.
21 Horton Inc. (aka "DHI" which is Nevada's & America's largest residential builder presently
22 worth \$9 Billion on the NYSE), to ignore that Missud specifically identified 80 Nevada families
23 targeted for financial predation, bait-and-switch interests rates, antitrust bundling of loans to
24 home sales, predatory lending, and financial extortion to name but a few lucrative crimes worth
25 Billions to the Fortune-500 Company.

26 2. In Re: Chicago's Operation Greylord, Impeachment of Federal Judge Thomas Porteu\$; Recent
27 Indictment of Texas judge Lima\$; and "Secret Payoffs" between judge\$, attorney\$, and firm\$.

28 Ever since the late 70's "Operation Greylord" until last week's sentencing of Texas judge Abel
29 Limas, Washington's Public Corruption Unit has been very busy gathering information on

1 corrupt officials and judges who sell their supposedly 'officially and judicially-immune'
2 decisions to the highest bidder:
3 http://www.fbi.gov/news/stories/2004/march/greylord_031504 and
4 <http://www.fbi.gov/sanantonio/press-releases/2013/former-judge-abel-limas-gets-72-months-in-prison-for-taking-bribes> and
5 <http://abcnews.go.com/Politics/senate-convicts-crooked-federal-judge-thomas-porteous/story?id=12347138> and
6 http://www.ask.com/wiki/List_of_United_States_state_officials_convicted_of_federal_corruption_offenses?o=2800&qsrc=999&ad=doubleDown&an=apn&ap=ask.com and
7 http://www.ask.com/wiki/List_of_United_States_federal_officials_convicted_of_corruption_offenses?o=2800&qsrc=999&ad=doubleDown&an=apn&ap=ask.com and
8 http://www.ask.com/wiki/Category:Impeached_United_States_federal_judges?o=2800&qsrc=999&ad=doubleDown&an=apn&ap=ask.com and
9 <http://www.mysanantonio.com/news/local/article/Ex-judge-is-headed-for-prison-4749344.php>

10
11
12
13
14 The tie-in to this case naming the Bar is as such- while California Private Attorney
15 General Missud doesn't have direct proof of judicial payoffs, he's amassed hundreds of official
16 court records/documents catching judge\$ in blatant lie\$, ignoring crystal-clear laws, and
17 di\$mi\$\$ing diamond-hard evidence dispositive to corporate and other \$pecial interest\$. When a
18 judge say\$ that up is down, left is right, or that fire's cold, you know that a \$ecret payoff\$ been
19 made. Dozens of such examples of illegal judicial favoritism are also featured on September
20 30th when SCOTUS Writ 12-10006 comes up "in Conference."

21 3. In Re: Federal Incarceration of Judge\$ Turned Convicted Felon\$ Conahan and Ciavarella;
22 Financial Conflicts; and "Kickbacks."

23 Some judge\$ even have *direct financial conflicts* with corporations to which they funnel
24 lucrative busin\$\$ through their 'courts of law:'

25 <http://www.fbi.gov/philadelphia/press-releases/2011/former-pennsylvania-county-president-judge-michael-conahan-sentenced> and
26 <http://www.fbi.gov/philadelphia/press-releases/2011/former-pennsylvania-county-president-judge-and-juvenile-judge-mark-ciavarella-sentenced-to-28-years-in-prison>

27
28 The tie-in of "kick-backs" to this case is two-fold: In a 1st under-lying case, Qui-Tam Relator Missud discovered \$uperior Court judge Woolard funneling a targeted litigant to her

1 retired court colleague Gene McDonald working at JAM\$. That's where McDonald rigged an
2 award to pay himself and employer JAM\$ \$450/hr by judicially foreclosing on the targeted
3 litigant's condominium. In a 2nd arbitration, Superior Court judge Mahoney illegally compelled
4 a 3rd party into judicial arbitration at ADR Services [ADR\$] where his colleague Michael
5 Carbone worked. Carbone likewise rigged an award to favor \$24 Billion Allstate Insurance
6 which did business at ADR\$ 234 lucrative time\$. When Carbone's ½ million dollar rigged-order
7 came before judge Woolard, she yet again ignored all the fraud to favor only the deep pocket\$.

8 Note that SCOTUS Writ 12-9981 was filed by the 2nd arbitration's target. It's also in
9 Conference on September 30th and proves to criminal standards that Superior Court judge\$ are
10 part of a RICO ring whereby they illegally compel rigged arbitrations to benefit themselves and
11 the corporate ADR firms that already employ their colleagues; and at which they all aspire to
12 work once retired with big fat pensions paid for by the very public which they seek to fleece.

13 4. In Re: The National Arbitration Forum's "Rigged Arbitration\$" in Two States, and to
14 Benefit Deep-Pocket\$, Corporation\$, and Repeat Bu\$ine\$\$ Entitie\$. In 2009 the NAF was
15 banished from California & Minnesota after exposed as illegally favoring credit card companies,
16 banks, and credit servicers to the detriment of consumers, the Constitution, and Bill of Rights.
17 The quasi-judicial, secretive, alternative dispute resolution forum relied on the FAA's non-
18 reviewability clauses to steal 100'\$ of millions of dollars under the cover of 'arbitral-immunity.'
19 http://www.ask.com/wiki/National_Arbitration_Forum?o=2800&qsrc=999&ad=doubleDown&a
20 [n=apn&ap=ask.com](http://www.businessweek.com/bwdaily/dnflash/content/jul2009/db20090714_952766.htm) and
21 http://www.businessweek.com/bwdaily/dnflash/content/jul2009/db20090714_952766.htm and
22 http://www.nytimes.com/2009/07/20/business/20credit.html?_r=0 and
23 <http://www.sfcityattorney.org/index.aspx?page=178> .

24 In *three* independent arbitrations at JAM\$, ADR\$, and the San Mateo County Bar
25 Association [MCBA], federally-protected Whistle-Blower Missud exposed judicial/arbitral
26 RICO rings which railroad results in the exact same way as did the NAF to benefit the repeat-
27 business corporations and other special interests with which they have financial tie\$.

28 'Rigged Arbitrations' relates to this case 533811 in the following way- the two JAM\$
and ADR\$ riggings described above in paragraph 3, are further bolstered by a 3rd fraudulent Fee
Arbitration #13-04 proving way-beyond criminal standards that three MCBA arbi-*traitors*, two
of whom are Bar Member\$, ignored 6 other Member\$' *ongoing* targeting of a California citizen

1 for a million-dollar fraud. At least 8 corrupt Member\$ are conspiring in real-time to orchestrate
2 and further million-dollar fraud targeting a member of the public who's supposed to be protected
3 from such criminal activities by the Bar. Sadly for 38 Million Californians, the Member-run Bar
4 provides cover for it\$ own Member\$' criminal act\$, namely stealing from the masses.

5 Know that SCOTUS Writ 12-9413 features two dozen Member\$ caught in such criminal
6 acts which include filing frivolous unsupported suits, and alleging bogu\$ claims for quick ca\$h
7 payouts in the form of extorted \$ettlement\$. At least 6 such larcenous\$ \$cheme\$ were detailed
8 to the Bar in-person, before it\$ entire Task Force, which did nothing but a\$\$i\$t Member\$'
9 financial predation of California's \$itizenry.

10 FI Missud's exposure of Bar Member\$ and Member\$ turned judicial-felon\$ are the
11 rea\$on why the Bar rigged it\$ D&O. The Bar wanted to disbar federally-protected Missud so
12 that SCOTUS could then invoke Rule-8 and ignore four Writs coming up in Conference on
13 September 30th: 12-9412, 9413, 9981, and 10006. Know that SCOTUS already denied review of
14 Writs 12-7817 & 8191 because they also proved Bar Member, and Ciavarella-Olsen-Lima\$-like
15 judicial corruption to Operation-Greylord 'criminal standards.'

16 The following discussion which implicates an additional 60 corrupt, \$cheming judge\$,
17 makes reference to the above well-known and nationally exposed schemes by their **Labels**:
18 **"Donation\$, Secret Payoff\$, Kickbacks, and Rigged Arbitration\$"**

19 **B. Officially Recorded Bar Court Lies/Admi\$\$ion\$ to Railroad the D&O**

20 Bar Court Judge Lucy Armendariz lied in her D&O at pages 1 and 2: "This court finds by
21 clear and convincing evidence that respondent is culpable of alleged misconduct... the following
22 findings of fact are based on respondent's response to the NDC and the testimony and evidence
23 presented at trial." Nothing could be farther from the truth. For instance....

24 Armendariz and Bar Counsel Dennings repeatedly lied about not receiving multiple
25 responses to the NDC served on them numerous verifiable times by several alternative means
26 including tracked USPS mail, email, personal service, registration in PACER, and automated
27 service on the Bar's attorneys of record- Overton and Randolph. Armendariz then based her
28 D&O in lies proffered by Dennings' three impeached Bar witnesses covering-up their own
corruption, rather than considering Missud's thousands of pages of reliable, self-authenticating,
and FRE Rule-803 court and government documents.

1 **C. Official Self-Authenticating: SF Superior, Clark County, and 9th District Court**
2 **Transcripts; State and Federal Court Orders, Dockets, Rulings, Minutes, USPS Records,**
3 **Verifiable Emails.....**

4 Court transcripts, orders, and a wide variety of reliable government records from Nevada
5 to California, and County to Circuit Courts indelibly and forever record judicial corruption.

6 Armendariz had no authority to ignore any of them. Their ultra-damning content which
7 Armendariz blatantly ignored is briefly and verifiably described as such:

8 **1. \$9 Billion D.R. Horton's [DHI] "Secret Payoff\$ and Donation\$" to Conceal Multi-**
9 **Billion-Dollar, 27-State Predatory Lending, Mortgage Fraud, Extortion, and Racketeering**
10 **8-30-06; Superior Court case CGC-05-447499;** Judge Diane Wick thought it was cute that DHI's
11 defense attorney knowingly scheduled an ex-parte motion to quash discovery of the company's
12 27-state predatory lending while Federal Informant Missud was out of town. She even said that
13 it was "nice to see Marquez again" on his way out the door. Wick thusly saved DHI Billion\$ in
14 disgorgeable RICO proceeds and laid the groundwork for the forthcoming \$4 Trillion Mortgage
15 Meltdown 2 ½ years later in November 2008.

16 **9-13-06; CGC-05-447499;** Judge Peter Busch ignored the discovery of 12 families identified as
17 DHI predatory lending victims, and was tickled to remind FI Missud that once DHI wa\$
18 dimi\$\$ed from this case that he could no longer present evidence of the looming Mortgage
19 Meltdown caused in-great-part by DHI.

20 **10-4-07; 9th District C:07-2625;** Federal Judge Sandra Armstrong was elated to cancel oral
21 argument on the eve of the hearing because she knew that FI Missud was bringing additional
22 copies of the *Betsinger* full faith and credit decision finding DHI liable for bait and switch
23 predatory lending throughout Nevada. By eliminating any possibility of a court transcript,
24 Armstrong could also ignore the fact that Missud's was bombed on a night that his websites
25 garnered 1200+/- 'hits,' and that Americans were educated about DHI's predatory lending which
26 would eventually contribute to \$4 Trillion in home-equity losses just one year hence.

27 **2-11-10; 9th District C:10-2015 dockets to #39;** Federal Judge Roger Hunt thought he should rig
28 Bevers' case on behalf of \$9 Billion DHI, because if DHI's predatory lending were ever
exposed, then that would prove why Nevada is the Country's foreclosure capitol. Hunt then
saddled Bevers with DHI's co\$t\$ of \$uit to send a very clear message to any other DHI-
defrauded mortal that if the powerful corporate 'citizen' were ever again hailed into court to