

Timely response requested no later than Wed, July 16, 2008, 5:00pm

July 13, 2008

John Amberg
Jenna Moldawsky
Peter van Cleve
Bryan Cave, LLP
By email

**RE: REQUEST THAT BRYAN CAVE, LLP, AS A LAW FIRM CLARIFY ITS CURRENT POSITION
RELATIVE TO RACKETEERING IN *SAMAAN V ZERNIK* (SC087400)**

Mr Amberg, Ms Moldawsky, Mr van Cleve:

Surely you realize that Defendant Zernik would not have issued on Friday, July 11, 2008 the notice to cease and desist racketeering activity had he not amassed evidence that is overwhelming, and had he not have some of it already evaluated by independent experts. For example - major part of the evidence is related to Sustain - the court's case management system, which was installed some 25-30 years ago, and has been operated ever since as an instrument of fraud on the people of Los Angeles County (currently - 9.5 millions per the court's web site). Computer expert has reviewed the allegations that Sustain is a central instrument of the fraud at the LA Superior Court, and provided preliminary confirmation.

Samaan v Zernik is not a unique case. It is safe to assume that any case of specific performance of real property contracts in the LA Superior Court, or at least in the West District, is suspect, particularly if summary judgment was involved, and is likely to have been subject to same kind of racketeering. Defendant Zernik has started efforts to evaluate the scope of the racketeering. Preliminary evaluation strongly suggests that at least two additional examples have been identified of similar type of racketeering under the guise of legitimate court actions:

1. *Borchardt v <def>* (SC<>), filed 9/30/05.
2. *Manouchehr Galdjie v Barbara Kramer Darwish and David Darwish* (SC052737 consolidated with SC060217)

Overall, the racketeering may be characterized by running certain court cases "off the records" from before their inception, and perverting justice in such cases in order to rob litigants of their possessions, or for any other purpose desired by the racketeers - e.g. serve the interest of clients such as Countrywide.

Obviously, the California Constitution, California Code of Civil Procedure, California Government Code, California Rules of Courts, and a whole system of checks and balances are supposed to prevent such things from happening. But in the case of Los Angeles Superior Court, there was one additional overriding factor - a fraudulent case management system - Sustain, which was installed some 25-30 years ago, with no public oversight, and in violation of the law, and was designed already at that time as the foundation of the racketeering enterprise.

A. CONDUCT OF THE JUDICIARY RELATIVE TO RACKETEERING IN *SAMAAN V ZERNIK*

Defendant Zernik holds that upon review substantial differences will be found between the conduct of the various judges relative to the racket:

1. ***Patterns of Frauds and Predicated Acts by Judge Jacqueline Connor as Part of the Racketeering Enterprise***

Judge Connor is by far the sharpest of the judges encountered by Defendant in the last 2 years (about a dozen), and also it appears that she is the one most familiar with the nuances of the racketeering enterprise, possibly as a member of the "*inner circle*" of the racket. For that reason, her conduct, deviant from that of an honest judge as it was, had some special features, that were probably (unbelievably) considered by her as safeguards that would allow her to claim honesty upon investigation:

- a. Assignment Order of Judge Connor, as seen in the court file is dated Nov 1, 2005, and is a case a fraud and adulteration of court record. That order was issued on Jan 30, 2006, at a time that Judge Linda

Lefkowitz was neither Supervising Judge, nor Master of Calendar. In short - it is an invalid order. But the assignment order also shows Judge Connor's attention to details and careful planning of the racket. I hold that *Samaan v Zernik* was planned as a racketeering case even before the complaint was filed. The role of Countrywide in that pre-filing conspiracy is a major issue that remains to be ascertained. Given that the case was to be "off the record" I believe that it was not indexed (I am still denied access to litigation records, and cannot ascertain this fact), and therefore no assignment orders could be issued.

- b. Review of the Case History in Sustain (which is claimed by the Clerk's office to be the Register of Actions) reveals that many or most of the court's actions under Judge Connor were in fact "*off the record*". In fact she was making efforts to invalidate any of her own actions, so that upon review, according to this perverted reasoning there would not be a complete act of fraud, or a complete act of theft, or a complete act of obstruction. But Judge Connor kept it a secret from this litigant at least that any and all of her actions were with no validity at all and with no authority at all. The fact that she secretly created invalid records did not change the real world effect of her conduct.
- c. Judge Connor used a special "syntax of fraud", alone among the judges in *Samaan v Zernik*, in Case History report to register the actions, in a way that would look to the naive reader as legitimate registry, while in fact it was a record of extensive fraud. Defendant does not believe that Judge Connor developed the "*syntax of fraud*" herself. Defendant believes that it was developed soon after Sustain was installed, and was shared by all members of the "inner circle". In support of this hypothesis - Defendant was recently asked to review the records of some other judges of the LA Superior Court that were not at all involved in *Samaan v Zernik*, to try to decipher whether they participated in similar rackets. To Defendant's surprise, he easily found out that a record that was presented to him as coming from the Court of Judge Valerie Baker, who in Feb 2007, Defendant is told was promoted to Judge of the U.S. District Court, used in a given case exactly the same "syntax of fraud" used by Judge Connor. That finding also shows the strength of the analysis itself. It did not require any understanding of the legal proceedings themselves, only the manner of registration of actions.

Notice:

Defendant holds that this finding entails that simple computerized search, once access to Sustain is allowed to law enforcement, would be able to easily uncover cases that were subject to similar racketeering over the years, and obtaining better estimate of the scope of the racketeering enterprise. Concomitantly, Defendant holds that any attempt of the LA Superior Court to destroy records in Sustain must be deemed obstruction.

- d. Judge Connor was consistent in her determination not to create any valid records, and not to generate any valid judicial act, ruling, order, judgment that directly resulted in theft from Defendant Zernik.
- i. Fraudulent Judicial acts by Judge Connor, where validity was deliberately undermined by Judge Connor as part of deceptive schemes
1. On Jan 30, 2006, Initial Case Conference was to be held. But prior to Jan 30, 2006, the very first hearing where Judge Connor presided, Defendant's counsel received a notice of the Initial Case Conference, with a hand written comment on it - that Judge Connor requested that the Attorneys not submit any written case management briefs. The reason was never stated - that the Initial Case Conference was to be "off the record". But the end result clearly demonstrated that - and therefore there are no records in *Samaan v Zernik* of the parameters of litigation that are to be determined in such conference. Again, all these manipulations were done secretly, with no notice to Defendant, and therefore, they had no real world effect. In contrast, Judge Connor's conduct in open court on Jan 30, 2006 - initiating the fraudulent litigation of *Samaan v Zernik* harmed Defendant and is still harming Defendant.
 2. On Jan 30, 2006, the same day OSC in re: POS was to be heard. But review of the records fails to show what the hearing was like, or what the adjudication was.

3. On Jan 30, 2006, same day Defendant's demurrer on statute of frauds was heard, and in open court Judge Connor overruled it.
But review of the records show that she made considerable effort to invalidate her decision in that regard, by creating another record that she granted the demurrer, and yet another one that she vacated her ruling to overrule the demurrer.
Again, all these manipulations were done secretly, with no notice to Defendant, and therefore, they had no real world effect. In contrast, Judge Connor's conduct in open court on Jan 30, 2006 - overruling the demurrer on statute of frauds was the opening move in the fraud by Countrywide, Samaan, and Sheppard Mullin, that centered on the fraudulent contract record, purportedly faxed by Parks to Countrywide on Monday, Oct 25, 2004, 5:03pm, but in fact is a key evidence for Samaan's and Countrywide's fax fraud.
4. On April 26, 2007, Judge Connor ruled in open court sanctions against Defendant, totaling over \$2,000.
But she make sure to secretly invalidate that record: she never issued the required signed order, and she created a fabricated record of a telephonically held motion for reconsideration on July 9 2007, where she reversed the order on Sanctions.
Again, all these manipulations were done secretly, with no notice to Defendant, and therefore, they had no real world effect. In contrast, Judge Connor's conduct in open court on April 26, 2007 was the basis for the deceitful demand for payment by Sheppard Mullin, and fraud against Defendant to the tune of over \$2,000.
5. On July 6, 2007 Judge Connor held an ex parte hearing for Countrywide, at a time that the court was dark "off the record", for a gag order disguised as a Protective Order. Her conduct on that day from A to Z was in violation of the law - willful misconduct. At the end of that proceeding she continued the matter to July 23, 2007.
But she make sure to secretly invalidate that record: She issued a cryptic minute order that fraudulently stated that the application was denied, when in fact it was continued. She also made sure to record that the proceeding was off the record.
Again, all these manipulations were done secretly, with no notice to Defendant, and therefore, they had no real world effect. In contrast, Judge Connor's conduct in open court on July 6, 2007. and later on July 23, 2007, amounted to abuse of Defendant's Free Speech rights, and was instrumental in propagating the fraud by Countrywide in Samaan v Zernik.
6. On July 23, 2007 Judge Connor presided on "off the record" hearing of Countrywide's motion continued from July 6, 2007. In open court she stated that she was going to issue an Protective Order as requested by Countrywide.
But she make sure to secretly invalidate that record: She left in court file two proposed orders marked DENIED in red across the page, and an unsigned proposed stipulation and an order. She wrote no order, signed no order and had no order entered and noticed as required by law.
Again, all these manipulations were done secretly, with no notice to Defendant, and therefore, they had no real world effect. In contrast the frauds by Judge Connor in July 2007 served as the basis for additional frauds by Judge Terry Friedman in Jan-March 2008, that caused substantial harm to Defendant.
7. On Aug 9, 2007, Judge Connor ran a fraudulent Summary Judgment hearing, where she accepted all frauds by Countrywide as the truth in the matter, and abdicated her duties as trier of facts to examine that the evidence complied with California Evidence Code. At that time there was also on calendar a motion on Sept 10, 2007 for sanctions per CCP 128.7 against Att Keshavarzi for filing in court countrywide's fraudulent records with his signature. And yet, Judge Connor fraudulently ruled that the there was no disputable material fact.
But she make sure to secretly invalidate that record: She never had the Judgment by Court properly served, and nedver had it entered at all.
Again, all these manipulations were done secretly, with no notice to Defendant, and therefore, they had no real world effect. In contrast, Judge Connor's conduct in open court on August 9, 2007 was the basis for the deceitful and fraudulent conduct by other judges that followed her in Samaan v Zernik.

8. On Aug 30, 2007, Judge Connor ran Case Management Conference, and announced in open court that she was going to issue the very same day an order appointing Retired Judge Gregory O'Brien Escrow Referee.
But she make sure to secretly invalidate that record: She never issued a valid order appointing retired Judge Gregory O'Brien escrow referee. Instead she secretly issued an invalid two sentence minute order that seemed to be either written under the influence, or by a person who had no command of English grammar.
Again, all of these manipulations were done secretly, with no notice to Defendant, and therefore, they had no real world effect. In contrast, Judge Connor's conduct in open court on August 30, 2007 was the basis for the deceitful and fraudulent conduct by other judges that followed her in *Samaan v Zernik* - Judge Segal purportedly appointed a receiver as a reaction to Zernik's failure to cooperate with Retired Judge O'Brien.
9. On Sept 11, 2007, after her disqualification on Sept 10, 2007, Judge Connor fraudulently issued a minute order including a ruling that there was no fraud in Countrywide's records. Such minute order was issued by Judge Connor at a time that she had no authority at all.
But she make sure to secretly invalidate that record: She wrote in the very same order that she stayed the ruling in view of her disqualification - a statement that undermines the validity of the whole minute order, and reflects the fraud in that court record.
Again, all of these manipulations were done secretly, with no notice to Defendant, and therefore, they had no real world effect. In contrast, Judge Connor's entry of fraudulent minute order on Sept 11, 2007 was quoted by Att. Keshavarzi as evidence that there was no fraud in Countrywide's records.

ii. *Multiple alternative litigation realities under Judge Connor*

As a result of the schemes described above, under Judge Connor, one can identify at least 4 alternative litigation realities that were vastly different from each other.

1. **Open Court Reality** - What was seen and heard in open court by Defendant and his counsel.
For example: Based on such reality, a) Judge Connor issued sanctions on Zernik on April 26, 2007, b) Judge Connor entered Aug 9, 2007 Judgment by Court on Aug 9, 2007, c) Judge Connor issued order appointing Gregory O'Brien Escrow Referee on Aug 30, 2007.
2. **Paper Court File Reality** - What was included in the paper court file, in violation of basic procedures of file serve and enter. Defendant and his counsel were entirely denied access to paper court file from Oct 2005 until Aug 2, 2007, and after that were allowed very limited access until Judge Connor's 2nd disqualification on Sept 10, 2007. One can reliably assume that most of the details of this reality were open and available to Plaintiff and her Counsel. The Paper Court File Reality was sufficient to establish that none of the judges except for Connor had valid Re-assignment order, and therefore had no valid authority to preside in *Samaan v Zernik*.
For example: Based on such reality, a) no valid sanctions were ever set by Judge Connor on April 26, 2007, b) no valid order assigning Gregory O'Brien escrow referee was issued on Aug 30, 2007.
3. **Electronic Court File Reality** - What was written and entered in electronic court file, and was not seen by litigants and counsel, only by court personnel.
For example - with access to electronic court file data it was possible for all court personnel, including Judges Segal and Friedman to ascertain that: a) Judge Connor's assignment order was fraud, b) the Aug 9, 2007 Judgement by Court was never entered in Book of Judgments.
4. **Inner Circle Reality** - Zernik assumes that certain details of the machinery of the fraud in *Samaan v Zernik*, which involved critical elements at the foundation of the Racketeering Enterprise, were known only by those who are part of the Inner Circle, such as: Judge Gerald Rosenberg, Judge William McCoy, Judge Linda Lefkowitz, Judge Connor, Judge Valerie Baker, possibly some at the California Court of Appeal, 2nd District.
For example: Judges Segal and Friedman surely knew that they did not have valid

assignment orders, and therefore had no valid authority. They surely also knew that the Aug 9 2007 Judgment by Court was never entered. Therefore, they engaged in willful misconduct in their judicial acts in *Samaan v Zernik*. However, Defendant doubts that these two judges knew that: a) no assignment order could possibly be issued, and b) the Aug 9, 2007 Judgment by Court could not possibly be entered.

- iii. *Denying Defendant's and his Counsel's access to paper court file, and deliberate violation of the basic rules of serve file and enter, were essential for the fraud under Judge Connor, but not necessarily under other judges.*

Since the fraud under Judge Connor was much more complex, and involved the consistent attempts to generate invalid judicial acts, it was essential that Defendant and his counsel never see even the paper court file. Therefore - Defendant and his counsel would be guided by the Open Court reality, while Judge Connor felt vindicated, since she generated an alternative fraudulent reality in paper court file.

2. *Patterns of Frauds and Predicated Acts by Judge John Segal as Part of the Racketeering Enterprise*

- a. Judge Connor disqualified in time to avoid any execution of the fraudulent Aug 9, 2007 Judgment by Court. Eventually that job was left for Judge Segal to handle. Who seemed to have no hesitation in engaging in such fraud and racketeering.
- b. Judge Segal had no Assignment Order, was disqualified, etc, - in short had no valid legal authority to preside in *Samaan v Zernik*. No judge could possibly have authority to preside in *Samaan v Zernik*, since it was a case of fraud by the court from before its inception.
- c. Judge Segal knew all along that the Aug 9, 2007 Judgment by Court was never entered. Therefore, almost any of the judicial acts of Judge Segal must be deemed willful misconduct, possibly of criminal intent and outcome - ;law enforcement will have to determine such details.
- d. Judge Segal, in contrast with Judge Connor, took no precautions to avoid abuse of his judgeship by signing orders and pressing for their execution by Receiver Pasternak, although he knew perfectly well that he was engaging in fraud, deceit, and broad daylight theft of real property and other assets of Defendant Zernik. Defendant believes that Judge Segal, and Judge Friedman after him did not understand all the fine nuances of Judge Connor fraudulent conduct, and they concluded from her conduct that they were within their rights to sign orders and issue rulings that affected theft of Defendant's property and other possessions.
- e. Judge Segal, in contrast with Judge Connor, never utilized the "off the record" proceeding method.

i. Fraudulent Judicial acts by Judge Segal, where Defendant's basic civil rights were violated or possessions subjected to theft by the Court

1. From Oct 5 to Dec 4, 2007 - Presiding in *Samaan v Zernik* with no valid authority at all.
2. Oct 11, 2007 - fraudulently offering to Att Keshavarzi to file for appointment of receiver, purportedly to enforce Aug 9, 2007 Judgment by Court, purportedly to react to lack of cooperation of Defendant Zernik with referee O'Brien.
3. Nov 5, 2007 - fraudulently ruling to hear Motion for Appointment of Receiver with 4 day notice.
4. Various dates - Fraudulently denying Zernik's repeated applications for "Due Process of the Law" and to set bond and stay execution of purported judgment.
5. <date> - Denying Zernik's motion for new trial.

6. Nov 9, 2007 - fraudulently issuing Order Appointing Pasternak Receiver.
7. Nov 14, 21, 2007 - fraudulent proceeding and order fraudulently aimed at intimidation, retaliation, and harassment of Defendant Zernik and theft of his property.

ii. Multiple alternative litigation realities under Judge Segal

The former three realities listed under Judge Connor were effective under Judge Segal. Defendant holds that Judge Segal was not member of the "Inner Circle" and does not know the full details of the machinery of the racketeering enterprise.

Under Judge Segal it was not as critical to deny Defendant and Counsel access to court file.

Under Judge Segal the fraud was blatant and overt, compared to fraud under Judge Connor until about Aug 2007.

For example, Judge Segal would side with Att Keshavarzi in court that Defendant refused to cooperate with enforcement of Aug 9, 2007 Judgment, then sign an order that fails to rely on Aug 9, 2007 judgment. Overall, Judge Segal's conduct never left room for a doubt that he did not consider the Aug 9, 2007 Judgment by court a valid court record that was the basis for execution that he was purportedly undertaking. An exchange in that respect on Nov 21, 2007 (see transcript) clarifies this fraudulent pattern in Judge Segal's conduct in the courtroom.

3. Patterns of Frauds and Predicated Acts by Judge Terry Friedman as Part of the Racketeering Enterprise

Judge Connor disqualified in time to avoid any fraudulent execution of the fraudulent Aug 9, 2007 Judgment by Court. Eventually that job was left for Judge Segal and Judge Friedman to engage in.

- a. Judge Friedman had no Assignment Order, was disqualified, etc, - in short had no valid legal authority to preside in *Samaan v Zernik*. No judge could possibly have authority to preside in *Samaan v Zernik*, since it was a case of fraud by the court from before its inception.
- b. Judge Friedman knew all along that the Aug 9, 2007 Judgment by Court was never entered. Therefore, almost any of the judicial acts of Judge Friedman must be deemed willful misconduct, possibly of criminal intent and outcome - ;law enforcement will have to determine such details.
- c. Judge Friedman, in contrast with Judge Connor, took no precautions to avoid abuse of his judgeship by signing orders and pressing for their execution by Receiver Pasternak, although he knew perfectly well that he was engaging in fraud, deceit, and broad daylight theft of real property and other assets of Defendant Zernik. Defendant believes that Judge Friedman after him did not understand all the fine nuances of Judge Connor fraudulent conduct, and that he concluded from her conduct that he was within their rights to sign orders and issue rulings that affected theft of Defendant's property and other possessions. This discrepancy in understanding and conduct is most noticeable in relationship to the non-existent July 23, 2007 gag order disguised as Protective Order to benefit Countrywide.
- d. Judge Friedman, in contrast with Judge Connor, never utilized the "off the record" proceeding method.

i. Fraudulent Judicial acts by Judge Friedman, where Defendant's basic civil rights were violated or possessions subjected to theft by the Court

1. From Dec 7, 2007 - Presiding in *Samaan v Zernik* with no valid authority at all.
2. Jan 11, 2008 - refusal to acknowledge friendship with Samuels, refusal to enter statement on the record in this regard.
3. Jan 11, 2008 - fraudulent ruling that July 23, 2007 non-existent order by Judge Connor was **"in full force and effect"**.

4. Jan 30, 2008 - denying Defendant's ex parte for release of funds, then secretly voiding his own minute order.
5. Feb 15, 2008 - using *ex post facto* ruling of Jan 11, 2007, set sanctions against Zernik exceeding \$16,000 relative to conduct prior to Jan 11, 2008
6. March 3, 2008 - refusal to continue OSC hearing on March 7, 2008.
7. March 7, 2008 - OSC Contempt against Zernik, failure to keep his duties as trier of facts in such bench trial, and basing his judgment on false evidence and false previous rulings of self.
8. March 19, 2008 - Strike and Answer of March 12, 2008 disqualification - then secret invalidation of the same order.

ii. Multiple alternative litigation realities under Judge Segal

Paper court file reality still was routinely different from electronic court file reality, but the fraud by this time was crude. It was obvious to all involved that there was no honesty in Judge Friedman's acts, e.g. - refusal to acknowledge his friendship with Samuels and refusal to enter statement on the record in this regard, as required by California Code of Judicial Ethics.

Notice: Even when litigation got to such abysmal level of daily overt fraud in the courtroom, other courts found it reasonable to defend the racket, and denied requests for protection by Defendant Zernik:

1. *California Court of Appeal, 2nd District* - refused to grant any of Defendant's Zernik's petitions regarding Judge Friedman's conduct.
2. *U.S. District Court, Riverside* - March 21, 2008 Minute Order by the Hon Virginia Phillips:
 - vindicated the racket relative to the theft of Defendant's property, while artfully circumventing the "entry of Judgment",
 - falsely ruled that Defendant, who filed per section 1983 was required to exhaust state court remedies,
 - vindicated Judge Friedman's violations of disqualification procedures
 - refused to stop the sanctions and OSC re: Contempt pursuant to ex post facto ruling by Judge Friedman relative to July 23, 2007 non-existent order by Judge Connor.
3. *U.S. District Court, Los Angeles* - resorted to dishonest conduct in the clerk's office and in docketing to undermine Plaintiff's complaint.
4. *U.S. Court of Appeal 9th Circuit* -
 - Zernik's filings disappeared and fail to appear in the docket
 - the two orders issued by the 9th Circuit Court of Appeal June 25, and June 26, 2008, are inexplicable.

Needless to say - the *California Commission on Judicial Performance* never even tried to project a serious attempt to objectively review complaints.

In sum: Samaan v Zernik acutely demonstrates the inability of the judiciary to regulate itself.

B. CONDUCT OF LAW FIRMS RELATIVE TO RACKETEERING IN SAMAAAN V ZERNIK

Defendant holds that upon review substantial differences would be found in the culpability of the various law firms and attorneys who participated in proceedings in *Samaan v Zernik*. Such law firms include, but are not limited to:

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| a. Att Jay Stein | Att Jay Stein |
| b. Sheppard Mullin | Att Mohammad Keshavarzi an Att Paul Malingagio |
| c. Bryan Cave, LLP | Att John Amberg and Att Jenna Moldawsky |
| d. Buchalter Nemer, LLP | Att Michael Wachtell and Att Richard Ormond |
| e. Sullivan Workman and Dee | Att Charles Cummings |
| f. Green and Marker, LLP | Att Richard Green |

