

Joseph Zernik DMD PhD
Fax: (801) 998-0917 Email: jz12345@earthlink.net

“ Judge shall be faithful to the law...”

Cal Code Jud Ethics 3B(2)

“ The rule of law must never be confused with tyranny of the courts”
Anonymous

Dec 29, 2008

Jenna Moldawsky
jenna.moldawski@bryancave.com
John Amberg
<jwamberg@BryanCave.com>
[Modisett, Jeffrey A](#)
Managing Partner- Los Angeles
jamodisett@bryancave.com
Peter Van Cleve
Managing Partner – St. Louis
pdvancleve@BryanCave.com
BY Fax: (310) 576-2200

08-12-29. Demand to immediately withdraw filings that must be deemed upon review in violation of the law, and demand to cease and desist racketeering- RICO 18 USC § 1961–1968.

Lady and gentlemen:

In the most recent filing from Bryan Cave, LLP, under the signature of a junior attorney in your office, one finds evidence of continued racketeering – obstruction and perversion of justice, filing of false records in court, etc. Please accept this letter as a demand to withdraw the latest filing - a notice of motion and motion purportedly scheduled for January 13, 2009.

Separate demands are sent to a) the office of the clerk of LASC, and b) the office of Timothy Mayopoulos, General Counsel of Bank of America, who appear to collude in such conduct that must be deemed in violation of the California and the U.S. penal codes.

For reference, please find a copy of Bank of America General Counsel Outside Counsel Procedures at:

<http://inproperinla.com/08-12-11-boa-outside-counsel-procedures-s.pdf>

For reference, please find a copy of Ms Moldawsky’s notice of motion and motion and additional records at:

<http://inproperinla.com/09-01-13-moldawsky-notice-of-motion-sanctions-contempt.pdf>

Listed below are just some of the reasons for the statements above:

1. Att Moldawsky purportedly represents a corporate client, but she would not answer direct questions about its identity, neither has she filed any corporate disclosure in the past six months since BOA took over Countrywide, and since *Sandor Samuels* and *Angelo Mozilo* presumably ceased to be Countrywide employees.

- a. Please immediately provide verified statement including the exact identity of you client(s) with a corporate disclosure(s), whether Samuels and Mozilo are still employed by Bank of America, and/or any of its affiliates and/or subsidiaries, and whether or not you still represent the latter two gentlemen. Please include in such statement evidence of your authorization by General Counsel of Bank of America office.(e.g. Legal Matter #, BOA procedures, part II, page 2).
2. Please provide reference to the authority and legal foundation for the designation of your client as “Non-Party”.
3. In case you represent Bank of America or any of its affiliates and/or subsidiaries, please provide verified statement that you are familiar with your duty to report per Sarbanes-Oxley Act of 2002, § 307 (e.g. BOA procedures, part V,H, page 8).
4. Please provide certification by office of the Presiding Judge of the Court – Stephen Czuleger, or office of the Clerk of the Court, John Clarke, that case captioned *Samaan v Zernik (SC087400)*, is indeed a case of the *LA Superior Court* and the Superior Court of the State of California. The preponderance of the evidence, including but not limited to the fact that conduct such as your conduct in the past year and a half indicates that such case never was, and never will be a case of the Superior Court of California.
5. Please provide certification by office of the Presiding Judge, Stephen Czuleger, or the office of the Clerk of the Court, John Clarke, that such case was duly assigned to Judge Terry Friedman.
6. Please provide a copy, certified by office of the Presiding Judge, Stephen Czuleger, or the office of the Clerk, John Clarke, of the purported July 23, 2007 Order by Judge Connor.
7. Please provide adequate authentication of all evidence.
8. Please provide verified statements by Mozilo and Samuels regarding any purported harassment suffered by them and/or any communication received by them, as claimed by you in this pleading and/or in previous ones.
9. Please provide verified statement explaining the nature and the legal foundation of the recent monetary transaction where you received \$7,500 from Att David Pasternak.
10. Please provide verified statement explaining the nature and the legal foundation of any previous monetary transactions between you and Att David Pasternak related to this matter.
11. Exhibit A includes copy of a purported Minute Order date 7/23/07 purportedly as evidence for a purported court order. My data indicate that the copy you attached is false and deliberately misleading, the true date that such paper, whether legitimate or false, was entered is 7/24/07. Furthermore, the record you presented is missing the Clerk’s Certificate of Mailing and Notice of Entry, therefore invalid. The habit of the LA Superior Court to violate basic rights of Due Process such as notice and service is annually denounced by the California Council on Judicial Performance. Furthermore, the Register of Actions of the purported case shows that such purported hearing of Countrywide’s abusive motion was heard “off the record”, and was the result of a procedure on 7/6/07 that was out of compliance and in violation of the law, and was explicitly listed in the Register of Actions as “off the record”. Please provide certification by the office of Presiding Judge Stephen Czuleger and/or office of the Clerk of the Court John Clarke, together with a verified statement by one of these two providing the legal foundation and authentication of this record, which on its face is a misrepresented and misidentified legal record.
12. Exhibit B includes a Declaration by Att Boock, providing hearsay of phone conversations between Zernik and Randy Sparks, and between Zernik and Phillip Wertz, and between Zernik and numerous various others in the Legal Department of Bank of America. Please provide adequate evidence of these phone calls, that is not by hearsay, where Zernik was advised that Jenna Moldawsky is NOT authorized to represent Bank of America.

13. Exhibit B further includes a purported Order, dated Feb 15, 2008, signed by Mr Terry B Friedman, falsely identifying him as a judge holding jurisdiction in a case falsely identified as a case of the Superior Court of the State of California, falsely captioned Samaan v Zernik (SC087400). Please provide certified copy of this record, together with a verified statement by either Presiding Judge Stephen Czuleger or Clerk of the Court John Clarke, that such is an authentic record of the State of California Superior Court, that case captioned Samaan v Zernik (SC087400) is indeed a case of the State of California Superior Court, and that Mr Terry Friedman held at that time jurisdiction over such matter.
14. Exhibit C include a purported Judgment RE: Contempt, dated March 7, 2008, signed by Mr Terry B Friedman, please provide evidence as in #13 above.
15. Exhibit D includes a record including an email dated Nov 12, 2008. It is obvious that this is an adulterated record, and the top part of it was deleted. Please provide the full and complete record with adequate authentication and full legal foundation.
16. Exhibit F includes a copy of an email from John Amberg regarding representation, that is neither verified, nor authenticated, and is missing the supporting documentation to provide it with legal foundation. Please provide the necessary evidence.
17. Exhibit H includes an adulterated copy of an email record dated Dec 9, 2008, regarding the payment of \$7,500. Again, the top portion of this record was deleted. Please provide the complete record with adequate authentication and foundation.
18. Exhibit I includes an adulterated computer record – copy of an email dated Dec 9, 2008 regarding the fraudulent copy of a real estate purchase agreement produced in subpoena by Countrywide and filed in court by Att Mohammad Keshavarzi. Again, the top portion of this record was deleted. Please provide the complete record with adequate authentication and foundation.
19. Exhibit K includes a copy of a letter dated December 3, 2008, addressed to Mr Kenneth Lewis and Ms Teresa Brenner, Demand to mitigate damages and for corrective actions. Please provide adequate authentication and legal foundation.
20. Exhibit L of the current pleading includes copy of a fax transmission addressed to Mr Mayopoulos, and bearing fax header imprints suggesting it came from the office of Mr Mayopoulos. Please provide adequate verification by Mr Mayopoulos.
21. Exhibit M of the current pleading includes copy of a fax transmission that appears stamped: “Received”, and handwritten marked – “12/9/08 AWL, refer: Exec Relations, via fax BOA 804-264-2082”. It appears that such record was received in an office located in the State of Virginia, possibly the office of Amy Woods Brinkley, Global Risk Executive, Bank of America Corporation, and Member of the Board of Directors. Please provide adequate verification by Ms Brinkley or whomever was the source of such record.
22. Exhibit N of the current pleading includes copy of an email transmission, dated Dec 16, 2008, that could come from one of a large number of individuals. Please provide adequate verification by whomever was the source of such record.
23. Exhibit N of the current pleading further includes copy of a letter dated Dec 12, 2008. Please provide adequate verification .
24. Exhibit N of the current pleading further includes copy of an email by Att Todd Book, dated Dec 9, 2008. Please provide adequate verification.
25. Exhibit N of the current pleading further includes copy of a letter by Att Moldawsky dated Dec 11, 2008. Please provide adequate verification.

26. Exhibit N of the current pleading further includes copy of Proof of Service that is unverified. Please provide verification, authentication, and the legal foundation.
27. Exhibit N of the current pleading further includes copy of a proposed order, naming Judge Terry Friedman as the purported signer. Please provide verification, authentication, and adequate legal foundation.



Joseph Zernik

CC:

J STEPHEN CZULEGER
Presiding Judge of the Court of Los Angeles
By email
By fax
JOHN A CLARKE
Clerk of the Superior Court of Los Angeles
By email
By fax
TERRY B FRIEDMAN
Judge of the Superior Court of Los Angeles
By email
By fax