

“ 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

Added 10-12-08 –incomplete.

9 b) California Court of Appeal, 2nd District: Dockets, Computers, etc

A. The Court of Appeal, like the LASC keeps double books, in violation of the law.¹

Obviously the online reports that are titled “Docket (Register of Actions)” are not a “Register”. There were several indications for that:

1) Enumeration

Any Register of Actions that has no ID numbers to the individual items registered in it, is a suspect. As the name Register suggests, the essence of this instrument is in enumeration of the actions. And the reason for that is as a safeguard for integrity of the court.

What reason does an honest court have to create a double book register with no numbers to the items?

There are no numbers to the items.

2) Logical Structure

A Register of Actions is expected to have some minimal logical rules in it, meant to facilitate compliance, beyond a plain text table. For example – some relationship between a motion and its adjudication. Such logical rule would require that each motion to be separately listed, and related to its adjudication, or completion of the event.

- a. My request to the justices of the Court of Appeal to act upon their duties per the California Code of Ethics and take corrective action, since they were fully informed through half a dozen petitions of the violations by the LA Sup Ct judges, remained unadjudicated for over a month. When I called the clerk about it, he insisted that it was adjudicated within a day or two of the filing (this phone call was not entered in the Register). I insisted it was not, and that there was no indication of an adjudication in th Docket, that is the register. Eventually a day or two later, it was denied. But the mere possibility of such conversation shows that the Register does not function as such. There is no way to clearly detect which are the pending actions.
- b. In the Register as it is, the apparent rules are only the following two:
 - i. The lines are represented chronologically, and
 - ii. The left column is reserved for the date but not in future actions, where the date is the second column from left). It appears tat there is an attempt to give logical meaning to the columns, but the efforts are inconsistent.
- c. Reference to missing item. There was another, specific, data entry elated issue.

3) The public is denied access to the true register, which is kept hidden, just like Sustain.

Combined, all the above reasons and my experience with LASC, made it clear to me that the online Docket is not use by the court as a docket, and that most likely the Court has a second docket, hidden from the public. Therefore, upon a visit to the Clerk’s office on Dec 6, 2007, I made a comment to the clerk about data entry, and added that I concluded that there must be an alternative docket used by the court. To my surprise he admitted that much on the spot, and I managed to get the copy shown in the appendix.

¹ App 07-12-06 Double Register Books in Cal Court of Appeal includes a copy of the register used by the California Court of Appeal, but hidden from the public, and the respective docket provided online.

With the one small sample that I have, I cannot determine any specific differences between the two records. However, keeping double books is diametrically contrary to both the spirit and the letter of the law.

What need does an honest court have for secret double books?

B. The Cal Court of Appeal, like the LA Sup Ct and the U.S. Dist Ct, LA, did its best to eliminate the mention of corporate parties in the case.

Whereas my phone calls were entries in the “register”, the correspondence between the court and Countrywide was eliminated, and never docketed, even after I requested so. And countrywide, who asked for a standing, was never listed at all.

For unclear reasons, I never received either paper or email notifications of various actions by the court. I did register several times for email notification, but the messages, albeit registered as coming, never did. But the full court order did come by mail. It is difficult to find consistent explanation for that.

C. Email Notifications strongly suggest further bad faith play with Books of Court of Cal Court of Appeal, 2nd District²

March 1, 2008 Notice of duplicate Email notifications, with a series of email notices that were never received, neither by mail nor by email, and the printout of notifications on 2/19/08 on Appeal #2 (B204544), suggest that there was some foul play with indexing in the court of appeal as well. It must be noted that the California Court of Appeal, like the LA Sup Ct, refused to allow me access to inspect and to copy the Books of Court.

D. Dockets of Appeals include entries that are inexplicable under the assumption of honesty³

Appeal #1

1. *Feb 20, 2008 Appeal #1.*

2. *dafdda*

Appeal #2 B204544

3. *February 20, 2008: Early-*

(i) *Only two (2) parties listed: Zernik & Samaan*

(ii) *Captioned Samaan v Zernik*

(iii) *Four (4) cross referenced cases listed*

(iv) *Trial Court Judge: Segal, John*

(v) *Trial Court Judgment Date: 11/09/2007*

4. *March 1, 2008: Before consolidation –*

(vi) *Only two parties listed: Zernik & Samaan*

[March 28, 2008 Consolidation Order registered].

[April 7, 2008 Per email notification the transfer of docket entries took place].

[Sept 3, 2008 Dismissal]

5. *October 11, 2008: Well after consolidation and vacating the original number-*

² App 08-10-12 Email Notifications – provides data from California Court of Appeal computers, that were presumably sent, but never received, and record transactions that are inexplicable relative of the case at hand.

³ App 08-10-10 Dockets of Cal Appeals and Petitions.

- (vii) *Only two parties listed: Zernik & Samaan;*
- (viii) *Trial Court Judge: Segal, John*
- (ix) *Trial Court Judgment Date: 11/09/2007*
- (x) *Email notifications show inexplicable transactions on 2/19/08, suggest duplicate use of case number.*

Consolidated Appeal

6. April 24, 2008:

7. May 16, 2008:

8. May 24, 2008: Soon after it became clear that I know that judgment was never entered
First to include a total of three (3) Trial Court Listings:

- i) Connor- "Judgment date" 8/9/08,
- ii) Connor - "judgment date" None
- iii) Segal - "judgment date" None

9. June 7, 2008:

[Aug 14, 2008 - Default on filing Opening Brief]

10. Aug 19, 2008: Listing off parties, denied until now, is done with no notice to parties.

- i) *First to eliminate erroneous listing of Att Shulkin:*
 - ii) *Shulkin listed correctly - for Coldwell Banker*
 - iii) *Pasternak listed correctly as party.*
- *Motions requesting the same in previous couple of months were denied all times with no explanation at all.*
 - *In phone call with the clerk on Aug 29, 2008, I asked him for any explanation for this sudden change of mind of the court with no motion, and entries with no notice to parties. He answered: "As far as I am concerned, this is the way it was listed all along...". My understanding of his comment was that he did not realize that I was regularly saving the web pages with time stamps.*

[Sept 3, 2008 – Dismissal]

11. Sep 14, 2008: *Remittitur calendared for Nov 3, 2008, with no notice at all.*