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4 In Propria Persona

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6
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 IN AND FOR THE COUNTY OF ORANGE
9 CENTRAL JUSTICE CENTER
10

11 **JOHN DOE, individually,**

12 **Complainant,**

13 **vs.**

14
15 **DEREK W. HUNT, DAVID H. BRICKNER,**
16 **PETER J. POLOS, KIRK NAKAMURA,**
17 **GEOFFREY T. GLASS, JOHN F.**
18 **RYLAARSDAM, RAYMOND J. IKOLA,**
19 **RICHARD D. FYBEL, KATHLEEN**
20 **O'LEARY, STANLEY FELDSOTT,**
21 **MARTIN LEE, GLENN MONDO, JOHN**
22 **CLARK TEAL, FRANCESCA DIOGUARDI,**
23 **MAX B. JOHNSON, GEORGE KALLAS,**
24 **RICHARD CARLBURG, CATHRINE**
25 **LESNICK, REGINA ALCANTERA, JIMMY**
26 **PATOPOFF, CHARLES BAGBY, SHIRLEY**
27 **VOGT, JAMES P. MCINTYRE, MARK**
28 **NELSON, JAMES STRANG, LARRY**
WESTIN, TERRY HARNEY, BRUCE
RICHARDSON, GREGORY HEUSER,
KEITH WEBB, RICHARD FISH,
ELIZABETH A. MCINTYRE, AND DOES 1
THOUGH 900,

Defendants.

) **VERIFIED CRIMINAL COMPLAINT, and**
) **CALIFORNIA PENAL CODE §904**
) **DEMAND FOR EMPANELMENT OF A**
) **GRAND JURY.**

) [California Penal Code §§ 804, 806, 740, 808
) 904 & 948 Et Seq.]

) **RE: Orange County Superior Ct. Case Nos.:**
) **02CC12362, 05CC00011 and 05CC03849**

) **RE: District 4, Div. 3, Appellate Ct. Case**
) **Nos.: G032358, G035804, G036220, G036315,**
) **G037356, G037566 and G038315**

) [All exhibits to this Verified Criminal complaint
) are submitted under separate cover]

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28

1 **TO THE ABOVE ENTITLED COURT and APPROPRIATE AUTHORITIES:**

2 COMES NOW, Complainant above named, appearing specially before a judge of the State of
3 California, pursuant to *California Penal Code §806*, charges the named Government State Official
4 Defendants with crimes against Complainant while under Color of Official Right and certain Officers of
5 the Court and respective Citizen's as individuals and seeks the empanelment of a Grand Jury for the
6 purposes of investigating and indicting the above named Defendants for the overtly criminal
7 misconduct complained of in this criminal complaint, which is incorporated by this reference, as if fully
8 restated herein. *Any and all emphasis* employed herein may be construed to have been added.

9 **I. INTRODUCTION**

10 1.1 The criminal conduct complained of includes but is not limited to: (1) Conspiracy to
11 commencement of unlawful false legal proceedings pertaining to a malicious prosecution of false real
12 property claims; (2) Initiation and maintaining of unlawful false legal proceedings pertaining to a
13 malicious prosecution of false real property claims; (3) extortion of property under color of official
14 right in an on-going racketeering enterprise; (4) extortion activities which directly caused theft of
15 property; (5) Theft of personal property, (6) Robbery of personal property; (7) Common barratry for
16 exciting groundless judicial proceedings; (8) Fraud upon the courts; and (9) Perjury to the court through
17 false declarations for purposes of procuring judgments based on fraud upon the court and the theft of
18 property, etc..

19 **II PARTIES**

20 2.1 Defendants to this criminal complaint are as follows:

21 2.2 DAVID H. BRICKNER is a retired Superior Court Judge and California State
22 Employee for the County of Orange, in the State of California, with his principal business address
23 located at 700 Civic Center Drive West, Santa Ana, CA, 92701.

24 2.3 DEREK W. HUNT is a Superior Court Judge and California State Employee in the
25 County of Orange in the State of California, with his principal business address located at 700 Civic
26 Center Drive West, Department C09, Santa Ana, CA, 92701.

1 2.4 PETER J. POLOS is a Superior Court Judge and California State Employee in the
2 County of Orange, in the State of California, with his principal business address located at 700 Civic
3 Center Drive West, Department Santa Ana, CA, 92701.

4 2.5 KIRK NAKAMURA is a Superior Court Judge and California State Employee for the
5 County of Orange, in the State of California, with his principal business address located at 700 Civic
6 Center Drive West, Department Santa Ana, CA, 92701.

7 2.6 GEOFFREY T. GLASS is a Superior Court Judge and California State Employee for the
8 County of Orange, in the State of California, with his principal business address located at 700 Civic
9 Center Drive West, Department C33, Santa Ana, CA, 92701.

10 2.7 JOHN F. RYLAARSDAM is an Appellate Justice for the Fourth District Appellate
11 Court for Division Three and California State Employee in the State of California in the County of
12 Orange in the State of California. (<http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrictDiv3>)

13 2.8 RAYMOND J. IKOLA is an Appellate Justice for the Fourth District Appellate Court
14 for Division Three and California State Employee in the County of Orange, in the State of California.
15 (<http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrictDiv3>)

16 2.9 RICHARD D. FYBEL is an Appellate Justice for the Fourth District Appellate Court for
17 Division Three and California State Employee in the County of Orange in the State of California.
18 (<http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrictDiv3>)

19 2.10 KATHLEEN O'LEARY is an Appellate Justice for the Fourth District Appellate Court
20 for Division Three and California State Employee in the County of Orange in the State of California.
21 (<http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrictDiv3>)

22 2.11 STANLEY FELDSOTT is an active attorney at law (Bar No. 45128) and is a principal
23 of the Law Firm of FELDSOTT & LEE, with his principal business address located at 23161 Mill
24 Creek Drive, Suite 300, Hillside Plaza, Laguna Hills, CA, 92653. ([http://www.cahoalaw.com/stanley-
25 feldsott.htm](http://www.cahoalaw.com/stanley-feldsott.htm))

26 2.12 MARTIN LEE is an active attorney at law (Bar No. 58761) and is a principal of the Law
27 Firm of FELDSOTT & LEE, with his principal business address located at 23161 Mill Creek Drive,
28 Suite 300, Hillside Plaza, Laguna Hills, CA, 92653. (<http://www.cahoalaw.com/martin-lee.htm>)

1 2.13 GLENN MONDO is an inactive attorney at law (Bar No. 116048) and was a principal of
2 the Law Firm of WEULE, BALLARD & MONDO, and attorney in the Case No. 05CC00011 before
3 Judge Geoffrey T. Glass before becoming a commissioner for the Orange County Superior Court,
4 Central Justice Center, with his principal business address located at 700 Civic Center Drive West,
5 Department Santa Ana, CA, 92701.

6 2.14 JOHN CLARK TEAL, Jr. is an active attorney at law (Bar No. 58453) and an associate
7 with the Law Firm of KENRICK, JACKSON & KEARL, and the principal attorney in the Case of DOE
8 vs. Summers Et al. (No. 05CC00011) before Judge Geoffrey T. Glass, with his principal business
9 address located at 19800 MacArthur Blvd., Suite 270, Irvine, CA, 92612.

10 2.15 FRANCESCA DIOGUARDI is an active attorney at law (Bar No. 210212) and an
11 associate with the Law Firm of KULIK, GOTTESMAN, MOUTON & SIEGEL, LLP., and the
12 principal attorney in the DOE vs. FELDSOTT & LEE, Et al. (Case No. 05CC03849) and DOE vs.
13 Summers Et al. (No. 05CC00011) before Judge Peter J. Polos and Judge Geoffrey T. Glass, with her
14 principal business address located at Commerica Bank Building, 15303 Ventura Blvd., Suite 1400,
15 Sherman Oaks, CA, 91403.

16 2.16 MAX B. JOHNSON is an active attorney at law (Bar No. 53830), and is a homeowner
17 and member to the Greenbrook Fountain Valley Homeowners Association, of whom conspired to
18 commit a fraud upon the court by initiation of a false enforcement proceedings under the void judgment
19 of GEOFFERY T. GLASS, with his residence address 18174 Santa Sophia Circle, Fountain Valley,
20 California 92708.

21 2.17 GEORGE KALLAS is a homeowner and previous Board member to the Greenbrook
22 Fountain Valley Homeowners Association, of who authorized the filing of a false real property claim in
23 the name of the Greenbrook Fountain Valley Homeowners Association, with his residence address
24 18448 Santa Belinda Street, Fountain Valley, California 92708.

25 2.18 RICHARD CARLBURG is a homeowner and previous Board member to the
26 Greenbrook Fountain Valley Homeowners Association, of who authorized the filing of a false real
27 property claim in the name of the Greenbrook Fountain Valley Homeowners Association, with his
28 residence address 18230 Santa Laurretta Street, in Fountain Valley, California.

1 2.19 CATHRINE LESNICK is a homeowner and previous Board member to the Greenbrook
2 Fountain Valley Homeowners Association, of who authorized the filing of a false real property claim in
3 the name of the Greenbrook Fountain Valley Homeowners Association, with her residence address
4 18135 Santa Laurretta Circle, Fountain Valley, California 92708.

5 2.20 REGINA ALCANTERA is a homeowner and previous Board member to the
6 Greenbrook Fountain Valley Homeowners Association, of who authorized the filing of a false real
7 property claim in the name of the Greenbrook Fountain Valley Homeowners Association, with her
8 residence address 18438 Santa Belinda Street, Fountain Valley, California 92708.

9 2.21 JIMMY PATOPOFF is a homeowner and previous Board member to the Greenbrook
10 Fountain Valley Homeowners Association, of who authorized the filing of a false real property claim in
11 the name of the Greenbrook Fountain Valley Homeowners Association, with his residence address
12 18232 Santa Sophia Circle, Fountain Valley, California 92708.

13 2.22 CHUCK BAGBY is a homeowner and previous member to the Greenbrook Fountain
14 Valley Homeowners Association, of whom conspired in the filing of a false real property claim in the
15 name of the Greenbrook Fountain Valley Homeowners Association, with his previous residence address
16 located at xxxx ----- River Circle, in Fountain Valley, California, but where his new principal place of
17 residence is located at 17698 Santa Teresa Street, in Fountain Valley, California.

18 2.23 SHIRLEY VOGT is a homeowner and previous Board member to the Greenbrook
19 Fountain Valley Homeowners Association, of whom conspired in the authorized filing of a false real
20 property claim and continued in the false proceedings in the name of the Greenbrook Fountain Valley
21 Homeowners Association, with her residence address 8671 Shannon River Circle, Fountain Valley,
22 California 92708.

23 2.24 MARK NELSON is a homeowner and previous Board member to the Greenbrook
24 Fountain Valley Homeowners Association, of whom conspired in the authorized filing of a false real
25 property claim and continued in the false proceedings in the name of the Greenbrook Fountain Valley
26 Homeowners Association, with his previous residence address 18286 Santa Belinda Circle, Fountain
27 Valley, California 92708.

28

1 2.25 JAMES STRANG is a homeowner and previous Board member to the Greenbrook
2 Fountain Valley Homeowners Association, of whom conspired in the authorized filing of a false real
3 property claim and continued in the false proceedings in the name of the Greenbrook Fountain Valley
4 Homeowners Association, with his residence address 8692 Shannon River Circle, Fountain Valley,
5 California 92708.

6 2.26 JAMES MCINTYRE is a homeowner and previous Board member to the Greenbrook
7 Fountain Valley Homeowners Association, of whom conspired in the authorized filing of a false
8 contempt proceeding against Complainant and the real property claim and continued in the false
9 proceedings in the name of the Greenbrook Fountain Valley Homeowners Association, with his
10 residence previous address 18244 Santa Laretta Street, Fountain Valley, California 92708.

11 2.27 LARRY WESTIN is a homeowner and previous Board member to the Greenbrook
12 Fountain Valley Homeowners Association, of whom conspired in the authorized filing of a false
13 contempt proceeding against Complainant and the real property claim in the name of the Greenbrook
14 Fountain Valley Homeowners Association, with his residence address 8680 Shannon River Circle,
15 Fountain Valley, California 92708.

16 2.28 TERRY HARNEY is a homeowner and previous Board member to the Greenbrook
17 Fountain Valley Homeowners Association, of whom conspired in the authorized filing of a false
18 contempt proceeding against Complainant and the real property claim in the name of the Greenbrook
19 Fountain Valley Homeowners Association, with his residence address 18385 Santa Yolanda Circle,
20 Fountain Valley, California 92708.

21 2.29 BRUCE RICHARDSON is an inactive attorney at law (Bar No. 45823), and is a
22 homeowner and previous Board member to the Greenbrook Fountain Valley Homeowners Association,
23 of whom conspired in the unauthorized filing of unilateral second and third amendments to the
24 association governing documents to defraud a member of his rights under the governing documents and
25 personally absolve his liability in the case before the Orange County Superior Court (Case No.
26 05CC00011) and those of his friends by obtaining a judgment that takes Standing under the existing
27 governing documents away from Complainant to that action, with his residence address 8681 Rogue
28 River Avenue, Fountain Valley, California 92708.

1 2.30 GREGORY HEUSER is an inactive attorney at law (Bar No. 149798), and is a
2 homeowner and previous Board member to the Greenbrook Fountain Valley Homeowners Association,
3 of whom conspired in the unauthorized filing of unilateral second and third amendments to the
4 association governing documents to defraud a member of his rights under the governing documents and
5 personally absolve Board members liability in the case before the Orange County Superior Court (Case
6 No. 05CC00011) and those of his friends by obtaining a judgment based on a false declaration to take
7 Standing under the existing governing documents away from Complainant to that action, with his old
8 residence address 18264 Santa Joanana Circle, Fountain Valley, California 92708, with his new
9 residence located 204 Tanglewood Drive, Fredericksburg, Texas 78624.

10 2.31 KEITH WEBB is a homeowner and previous Board member to the Greenbrook
11 Fountain Valley Homeowners Association, of whom conspired in the unauthorized filing of unilateral
12 second and third amendments to the association governing documents to defraud a member of his rights
13 under the governing documents and personally absolve his liability in the case before the Orange
14 County Superior Court (Case No. 05CC00011) and those of his friends by obtaining a judgment that
15 takes Standing under the existing governing documents away from Complainant to that action, with his
16 residence address 18389 Santa Belinda Street, Fountain Valley, California 92708.

17 2.32 RICHARD FISH is a homeowner and previous Board member to the Greenbrook
18 Fountain Valley Homeowners Association, of whom conspired in the unauthorized filing of unilateral
19 second and third amendments to the association governing documents to defraud a member of his rights
20 under the governing documents and personally absolve his liability in the case before the Orange
21 County Superior Court (Case No. 05CC00011) and those of his friends by obtaining a judgment that
22 takes Standing under the existing governing documents away from Complainant to that action, with his
23 residence address 18298 Santa Joanana Circle, Fountain Valley, California 92708.

24 2.33 ELIZABETH A. MCINTYRE is a homeowner and previous member to the Greenbrook
25 Fountain Valley Homeowners Association, of whom conspired in the filing of a false real property
26 claim in the name of the Greenbrook Fountain Valley Homeowners Association, with her previous
27 residence address 18244 Santa Laurretta Street, Fountain Valley, California 92708.
28

1 2.34 PLAINTIFF DOE alleges upon information and belief, that various persons, individuals,
2 partnerships, corporations, and Associations, not named as defendants in this complaint, have
3 participated as co-agents in the conspiracy to the violations and charges alleged herein and have
4 performed acts and made statements in furtherance thereof, as DOE Defendants, and will amend this
5 complaint upon discovery of their identities.

6 **III FACTS & EXHIBITS**

7 The attached affidavit of fact and other exhibits are incorporated by this reference as if fully restated
8 herein:

9 **[FALSE PROCEEDING (ORANGE COUNTY SUPERIOR COURT CASE *GREENBROOK***
10 ***FOUNTAIN VALLEY HOMEOWNERS ASSOCIATION vs. DOE (Case No. 02CC12362)]***

11 3.1 On July 4, 2002, Complainant DOE, pursuant to his lawful rights to use and improve his
12 real property for his enjoyment, exercised those rights within his Community Association, pursuant to
13 *California Civil Code §1360(b)*, and installed a gate on his property, in which no restrictions existed
14 under the Greenbrook Homeowners Association community governing documents (*California Civil*
15 *Code §1351(j)*) and proceeded to use his property accordingly to his rights of ownership.

16 3.2 On July 10, 2002, GEORGE KALLAS, JIMMY PATOPOFF, RICHARD CARLBURG,
17 KATHY LESNICK, REGINA ALCANTERA, jointly based on agreement to conspire to commit
18 crimes against complainant issued a Board Directive on the advice of co-conspirators STANLEY
19 FELDSOTT and MARTIN LEE to move and institute false judicial proceedings and filed and served
20 complainant with a false real property claim (*California Code of Civil Procedure* §405.4) and false
21 damages claim based on a fabricated improvement and use violation under the Greenbrook
22 Homeowners Association community governing documents (*California Civil Code §1351(j)*), as
23 claiming that Complainant was trespassing upon his property for installing a gate and parking vehicles
24 on his property.

25 3.3 On July 22, 2002, hired attorneys STANLEY FELDSOTT and MARTIN LEE, as
26 authorized by GEORGE KALLAS, JIMMY PATOPOFF, RICHARD CARLBURG, KATHY
27 LESNICK, REGINA ALCANTERA, jointly based on agreement to conspire to commit to a crime of
28 conspiracy, instituted a false proceeding for a Temporary Restraining order (TRO) in the Superior

1 Court for the County of Orange, State of California with the malicious intent to vex and annoy DOE by
2 depriving him of the use and improvements of his real property, along with access and security to his
3 property for his use and enjoyment of same without any lawful purpose.

4 3.4 On July 24, 2002, hired attorneys STANLEY FELDSOTT and MARTIN LEE, as
5 authorized by GEORGE KALLAS, JIMMY PATOPOFF, RICHARD CARLBURG, KATHY
6 LESNICK, REGINA ALCANTERA, jointly based on agreement to conspire to commit to a crime of
7 conspiracy, by fabricating improvement and use violations under the Greenbrook Homeowners
8 Association community governing documents and filed a false real property claim without any legal
9 authority to do so (*California Code of Civil Procedure (CCP) §405.4*).

10 3.5 The lawsuit was filed by the Irvine law firm of FELDSOTT & LEE. The law firm and their
11 attorneys (hereinafter called "FELDSOTT") who took part in the conspiracy and fraudulently claimed
12 that Defendants John and Jane DOE were trespassing on an easement owned by the Association, and
13 damages occurred against the entire estate of the Association and further fabricated a use violation for
14 Complainant parking his trailer on the side yard of his property without Association approval. That
15 lawsuit also claimed that Defendants caused damages in an amount to be determined at trial. These
16 claims were all false and designed to generate legal fees to extort the personal and real property of
17 Complainant, as clearly demonstrated at the trial, where the trespass and damages claims were
18 unilaterally dismissed the day of trial and no evidence existed for any use or improvement restriction
19 under the governing documents to this day.

20 3.6 On August 25, 2002, STANLEY FELDSOTT without lawful authority recorded a Notice
21 of Lis Pendens with the Orange County Recorder's Office on Complainant's Title claiming a right to
22 title based on a false real property claim and caused Complainant significant damages.

23 3.7 On September 23, 2002, Complainant responded to the false claims with a Motion to strike,
24 pursuant to CCP §435 for filing a sham pleading based on the court's not having subject matter
25 jurisdiction and based on the law Civil Code §1354(c) requiring certification that any and all disputes
26 are required were brought to a form of Alternative dispute resolution prior to any judicial proceeding,
27 for which had not been made and Attorney Martin Lee filed a false certification after this Motion to
28

1 strike was made in the court to somehow meet the intent of the law, after filing the lawsuit, which
2 conflicts with the law.

3 3.8 On November 14, 2002, upon CLAIMANANT'S filing a Motion to expunge the Notice of
4 Lis Pendens and sanctions for filing and recording a fraudulent document, STANLEY FELDSOTT,
5 quickly withdrew the Lis Pendens from Complainant real property, based on the knowledge that it was
6 a false real property claim and this fact would be exposed to the court and sanctions were imminent.

7 3.9 On December 5, 2002, Judge Brickner without having subject matter jurisdiction refused to
8 dismiss a sham pleading upon COMPLAINANT'S Motion to strike, pursuant to *California Code of*
9 *Civil Procedure* §435, as based on a false claim and asserted unlawful subject matter jurisdiction over
10 the matter despite not having jurisdiction and allowed false claims and a sham pleading to proceed
11 knowing that the court lacked subject matter jurisdiction and judicial review was not applicable based
12 on the law CC §1354(c) for Plaintiff Association's failure to submit to a form of Alternative Dispute
13 Resolution, requiring any and all disputes being required to brought to arbitration prior to judicial
14 review.

15 3.10 The matter continued to Trial, as set for February 24, 2003.

16 3.11 On February 24, 2003, the day of trial, Judge Derek W. Hunt presiding, without having
17 subject matter jurisdiction refused to hear a Motion for Judgment on the Pleadings, thus violating
18 Complainant's Constitutional procedural due process rights to dismiss a sham pleading, as based on a
19 false claim and asserted subject matter jurisdiction over the matter despite not having jurisdiction and
20 allowed false claims and a sham pleading proceed with knowledge that the court lacked subject matter
21 jurisdiction and judicial review was not applicable based on the law CC §1354(c) requiring any and all
22 disputes being required to brought to arbitration prior to judicial review.

23 3.12 On February 24, 2003, and prior to the start of the trial STANLEY FELDSOTT unilaterally
24 dismissed his second and third causes of action against COMPLAINANT for a trespass and damages
25 due to trespass of COMPLAINANT using his land and claimed that the second and third causes of
26 action were put in the complaint in case COMPLAINANT had complied with the governing documents
27 in these proceedings.
28

1 3.13 Judge Derek W. Hunt presiding, without having subject matter jurisdiction and appearing
2 to be bias against COMPLAINANT granted the dismissal and even helped Attorney FELDSOTT to
3 change the remaining cause of action for a breach of contract because the allegations were not plead
4 correctly and unlawfully conducted a trial after ignoring Complainant’s Motion for Judgment on the
5 Pleadings, thus denying COMPLAINANT his due process and upon the matter being submitted, took
6 the matter under submission.

7 3.14 On February 24, 2003, Judge Derek W. Hunt presiding, without having subject matter
8 jurisdiction unlawfully conducted a trial after ignoring Complainant’s Motion for Judgment on the
9 Pleadings in denying COMPLAINANT his due process and took the matter under submission.

10 3.15 During trial and testimony of Board Member and conspirator George Kallas, he testified
11 knowing that the Greenbrook Fountain Valley Homeowners Association he did not have quasi-
12 jurisdiction over Complainant’s real property and with this admission validated that the judicial
13 proceeding was unlawful and false. (See Exhibit “6” as a true and correct copy of an excerpt of the trial
14 transcript of February 24, 2003, as evidence of the falsity)

15 3.16 On February 26, 2003, Judge Derek W. Hunt presiding, issued his statement of Decision
16 and ruled in favor of the GREENBROOK FOUNTAIN VALLEY HOMEOWNER ASSOCIATION
17 after willfully inserting the word “gate” into the governing documents to give the ASSOCIATION
18 jurisdiction, as contrary to law and fundamental public policy of contracting, pursuant to *California*
19 *Civil Code Sections* 1635-1663, into Declaration of CC&Rs to confer that the community Association
20 now had Quasi-Jurisdiction over Defendants John and Jane DOE to then assert subject-matter
21 jurisdiction over Complainant and ignored material testimony in favor of the DOEs’.

22 3.17 Judge HUNT’S inclusion of the word “gate” within the governing documents not only is a
23 violation of civil law, but constituted a fraud upon the court to willfully and deliberately obstruct justice
24 and resulted in the crime of extortion and theft to deprive Complainant of his constitutional rights for
25 which defiles the judicial functions of the court.

26 3.18 On June 17, 2003, while the matter was Notice for appeal and an automatic stay, pursuant
27 to *California Code of Civil Procedure* §916 was in effect, STANLEY FELDSOTT initiated another
28 false proceeding by filing and serving COMPLAINANT’S wife with a Order for appearance and

1 examination to enforce a cost award on the void judgment, in direct contradiction of the law that
2 resulted in another false proceeding in the same court.

3 3.19 On May 12, 2004, Judge Derek W. Hunt presiding, upon a post-trial motion for trial costs
4 by STANLEY FELDSOTT AND MARTIN LEE in the name of GREENBROOK FOUNTAIN
5 VALLEY HOMEOWNER ASSOCIATION, was granted by HUNT on an inflated attorney fee and cost
6 bill in the amount of \$30,500 and \$2,636.05 against John and Jane DOE on this void judgment as
7 procured by a fraud upon the court. Judge Derek W. Hunt committed extortion and allowed
8 FELDSOTT to deprived Complainant of \$36,632.86, plus interest in personal property and caused
9 damage to Complainant's property for removal of a gate worth in excess of \$4,000 based on a false real
10 property claim, in which he never had subject matter jurisdiction, in violation Complainant's
11 constitutional and statutory rights, as a matter of law.

12 3.20 On January 28, 2004, Justices Ikola, with concurrence by Fybel and Rylaarsdam, willfully
13 and deliberately ignored Statutory Law and California supreme court precedence in favor of
14 Complainant and affirmed a void judgment that was procured by a fraud upon the court, which
15 constitutes a conspiracy to the fraud upon the court.

16 3.21 In the January 28, 2004, Opinion of Justices Ikola, with concurrence by Fybel and
17 Rylaarsdam, the legal analysis of the justices analysis concluded that a "gate" was a "building" for
18 purposes of the while ignoring the numerous case precedence and statutory law and even the common
19 and fundamental definition of the word "gate" to give the Defendants quasi-jurisdiction over the false
20 real property claims and for the Court to Assert subject-matter jurisdiction over the case despite the fact
21 that the lower court lacked subject matter jurisdiction.

22 3.22 On or about May 11, 2004, Judge Derek W. Hunt presiding, upon a post-appeal motion for
23 appellate costs by STANLEY FELDSOTT AND MARTIN LEE in the name of GREENBROOK
24 FOUNTAIN VALLEY HOMEOWNER ASSOCIATION, was rubber-stamped by HUNT on an
25 inflated attorney fee and cost bill in the amount of \$11,000 against John and Jane DOE on this void
26 judgment as procured by a fraud upon the court. Judge Derek W. Hunt committed extortion and allowed
27 FELDSOTT to deprived Complainant of \$11,000 in personal property based on a false real property
28

1 claim in which he never had subject matter jurisdiction in violation Complainant's constitutional and
2 statutory rights as a matter of law.

3 3.23 On or about August 20, 2004, FELDSOTT on behalf of James P. McIntyre authority, of
4 whom is a neighbor and Director to the Association, while acting on behalf of the Association
5 authorized another false proceeding for contempt charges against Complainant and his wife for an
6 alleged refusal to remove other existing property from Complainant's property not subject to the
7 injunction ordered by HUNT, with Judge Kirk Nakamura presiding, over the false contempt
8 proceeding.

9 3.24 Under the fear of contempt to the void judgment Complainant acquiesced to the extortion
10 attempt and destroyed the existing structures due to fear of being deprived of their liberty and the
11 destruction of the real property result in a loss and expense of over \$5000.

12 3.25 After this matter during the time period of May, 2004, FELDSOTT under the authorization
13 of James McIntyre in the name of the Greenbrook Fountain Valley Homeowner Association,
14 FELDSOTT filed another false proceeding to seek recovery of attorney fees and costs he charged the
15 ASSOCIATION for the false contempt proceedings, in an amount in excess of \$16,000 before judge
16 HUNT.

17 3.26 Complainant had to incur a legal expense in excess of \$2500 to defend this false action.

18 3.27 Since the action was a new action, Complainant filed a Special Motion under California
19 Code of Civil Procedure sec. 425.16 and requested sanctions for a false proceeding and was advised by
20 HUNT to reconsider the motion.

21 3.28 At the hearing of both motions, HUNT in retaliation for filing for HUNT's disqualification
22 denied the Complainant special motion and granted MARTIN LEE's sanctions motion in the reduced
23 amount of \$2000 based on a false proceeding filed by FELDSOTT.

24 **[LAWFUL PROCEEDING (ORANGE COUNTY SUPERIOR COURT CASE, *DOE Et. al. vs.***
25 **FELDSOTT & LEE Et. al. (Case No. 05CC03849)]**

26 3.29 On March 3, 2005, Complainant filed a lawsuit based on thirteen causes of action for a
27 malicious prosecution of a false real property claim that was dismissed and terminated in
28

1 COMPLAINANT's favor and a statutory and common law enforcement action, pursuant to *California*
2 *Civil Code* §1354 and the governing documents themselves.

3 3.30 Attorney Defendants STANLEY FELDSOTT and MARTIN LEE filed a frivolous special
4 motion to strike the entire complaint based on the allegation that any petitioning whether lawful or
5 unlawful, before the court is constitutionally protected under *California Code of Civil Procedure*
6 §425.16.

7 3.31 Attorney Defendants STANLEY FELDSOTT and MARTIN LEE filed a false Declaration
8 declaring that their right to petitioning the court a false real property was constitutionally protected
9 activity, before the court is constitutionally protected under *California Code of Civil Procedure*
10 §425.16.

11 3.32 Judge PETER J. POLOS without legal basis granted Attorney Defendants STANLEY
12 FELDSOTT and MARTIN LEE frivolous special motion to strike the entire complaint and award them
13 their request for Attorney fees and costs in an amount in excess of \$16,000, even though they
14 represented themselves in pro per status.

15 3.33 Later on a motion to tax and strike those unlawful attorney fees Judge PETER J. POLOS
16 became aware of his error in awarding of attorney fees and strike the attorney fees, but failed to correct
17 his error in granting the special motion to strike.

18 3.34 Judge PETER J. POLOS committed judicial misconduct by willful and deliberate
19 constitutional violations by weighting the evidence before the court as contrary to the law and depriving
20 complainant of his procedural due process.

21 3.35 On June 3, 2008, Judge GEOFFREY T. GLASS heard a motion for post-appeal attorney
22 fees submitted by false Declaration of FRANCESCA DIOGUARDI and over objection that the
23 Declaration was false since none of the Defendants she represented paid any fees or costs and no
24 evidence existed before the court to prove such fees were ever paid by the Defendants, Judge Glass
25 stated the fees in the amount of \$40,375 were reasonable and granted the motion on a void judgment
26 procured by a fraud upon the court.

27 3.36 On June 3, 2008, Judge GEOFFREY T. GLASS heard a motion for post-appeal attorney
28 fees submitted by Declaration of JOHN BENNETT, however did not allow any oral argument

1 violating Complainant's due process rights and Judge Glass rubber-stamped the fee amount of
2 \$6,368.50 were Defendant Elizabeth McIntyre never submitted any Special Motion to strike under the
3 Anti-SLAPP Statute in this case to which fees could be awarded, as made on a void judgment procured
4 by a fraud upon the court.

5 3.37 On June 3, 2008, Judge GEOFFREY T. GLASS heard Complainant's a motion to strike
6 post-appeal costs submitted by Memorandum of Costs bill by FELDSOTT for an appeal that was
7 dismissed and Judge Glass rubber-stamped the cost bill in the amount of \$2,424 were Defendant
8 Stanley Feldsott was never awarded appellant costs in this case to which costs could be awarded, as
9 made on a void judgment procured by a fraud upon the court.

10 3.38 Judge Glass in retaliation for attempting to disqualify him for prejudice and bias on three
11 occasions willfully and deliberately committed judicial misconduct and constitutional violations and
12 those crimes herein to deprive complainant of his property.

13 **[LAWFUL PROCEEDING (ORANGE COUNTY SUPERIOR COURT CASE, *DOE. vs. TOM***
14 **SUMMERS, Et. al. (Case No. 05CC00011)]**

15 3.39 On January 21, 2005, Complainant filed a Class action lawsuit based on numerous
16 violations of the governing documents and specifically those false and fabricated claims made against
17 Complainant after discovery of the violations in the initial false and frivolous lawsuit that the Board
18 members and individual Defendants were actually guilty of what they themselves fabricated against
19 Complainant.

20 3.40 On January 21, 2005, Complainant filed a Class action in case No. 05CC00011 for
21 purported violations of the governing documents against 148 community defendants for purposes of
22 removing such violations and damages as the result of such violations.

23 3.41 On or about April, 2005, Complainant's Complex action (case No. 05CC00011) was
24 deemed a non-complex and Complainant was denied Class action status and reassigned to non-complex
25 court.

26 3.42 On or about April, 2005, Defendant Glenn Mondo, the then attorney for the other
27 individual defendants submitted a motion on behalf of one client Max B. Johnson and party to the
28 action on behalf of approximately 132 clients he alleged were represented by him to postpone the

1 statutory requirements of making an appearance within the 30 days limit in having to respond to
2 Complainant's complaint. Defendant Geoffrey T. Glass granted the motion and subsequently granted
3 extensions to manipulate the procedural requirements, thus denying Complainant his legal discovery
4 rights since Complainant was unable to conduct any discovery until Defendants made a general
5 appearance like Max B. Johnson.

6 3.43 Defendant Geoffrey T. Glass at a case management conference then set the matter for trial
7 for July 14, 2006.

8 3.44 The Defendants upon a third amended complaint were required to submit their answers on
9 January 26, 2006, which amounted to over a year and Complainant was only allowed 4 months to
10 conduct discovery of over 146 parties to that action. Subsequently Counsels for the other Defendants
11 immediately inundated and place and undue burden of multiple discovery requests and Complainant
12 was denied a protective order.

13 3.45 During the period between January 21, 2005 and July 5, 2005, Complainant moved for a
14 continuance of the trial as necessary to complete discovery due to opposing counsel defiance and
15 scheduling issues that delayed discovery requests.

16 3.46 Defendant Geoffrey T. Glass denied all requests for a continuance and it became very
17 apparent that he was bias and prejudice against Complainant, of which Complainant believes was a
18 cover-up of Judge HUNT's fraud upon the court.

19 3.47 During the period between January 21, 2005 and July 5, 2005, Individual Defendants and
20 parties to this action, as advised by Counsel and Defendant STANLEY FELDSOTT and Defendants
21 Glenn Mondo and John C. Teal were all in a conspiracy and process of committing a fraud upon the
22 Court by amending the governing documents to change the very language of the provisions of the
23 Declaration of CC&Rs to absolve the personal liability and damages of the Defendants due to the fact
24 that they had complete control over the Greenbrook Fountain Valley Homeowners Association.

25 3.48 At sometime between May, 2005 and July, 2005, Defendant Glenn Mondo resigned as lead
26 counsel for the individual defendants and from the law firm of WEULE, BALLARD & MONDO and
27 acquired a commissioner position within the Orange County Superior Court for the County of Orange
28 and within the same Central Justice Center, in which he was pleading the defense before Judge Glass.

1 3.49 On July 5, 2005, Defendant and Party to the lawsuit Bruce Richardson signed and recorded
2 the second and third amendments to the CC&Rs to absolve his personal liability and that of all other
3 Defendants to defraud Complainant out of his Constitutional rights to petition the court and statutory
4 and contracting rights of the Declaration of CC&Rs.

5 3.50 On or about February, 2006, John Teal in a conspiracy with STANLEY FELDSOTT,
6 attorney for the GREENBROOK FOUNTAIN VALLEY HOMEOWNER ASSOCIATION and the
7 Defendant Board members and parties to this action moved the court for summary adjudication of the
8 case predicated on the unsupported and false declaration of GREGORY HEUSER that the violations
9 claimed were not violations any more due to the second and third amendments to the Declaration of
10 CC&Rs, which clearly constituted an attempt to procure a judgment based on a fraud upon the court by
11 officers of the court.

12 3.51 On July 10, 2006, Defendant Geoffrey T. Glass made a ruling in excess of his jurisdiction
13 on Defendants Motion for Summary Judgment and validated the fraud upon the court and made
14 retroactive the unlawful amended changes predicated on a false Declaration of Gregory Heuser
15 unsupported by any evidence to absolve the liability of 144 Defendants to the action in case No.
16 05CC00011 including his associate Directors on the Board RICHARD FISH, KEITH WEBB, BRUCE
17 RICHARDSON and JAMES MCINTYRE after Defendants in that action made a unilateral change to
18 the provisions of the CC&Rs to vary same violations being adjudicated in the action to obstruct justice.

19 3.52 During the October 2006, trial proceedings Complainant at various times had seen
20 Commissioner Mondo and John Teal together at the Court lunch room.

21 3.53 On January 21, 2007, Defendant Geoffrey T. Glass on a motion from Defendants for
22 Attorney Fees, as predicated on a false Declaration of JOHN TEAL, declared the named Defendants
23 prevailing parties on a mooted action for this unconscionable act and rubber-stamped Attorney JOHN
24 TEAL's legal cost bill in the amount in excess of \$311,000 against Complainant.

25 3.54 In or about March, 2007, Complainant filed an appeal of the Void Judgment and void order
26 for Attorney Fees, as procured by a Fraud upon the court.

27 3.55 In or about July, 2007, Attorney Max B. Johnson signed and submitted to the Court a false
28 Declaration for the purpose of committing the crimes of extortion, theft and robbery of the real and

1 personal property of Complainant, in the conspiracy to commit a fraud upon the Court, in the
2 procurement of a void judgment validated by Judge Geoffrey T. Glass upon validation of CC&R
3 amendment to take Complainant's standing to sue away from him in the lawful proceedings.

4 3.56 In or about March, 2007, Attorney JOHN TEAL's without regard for the law and automatic
5 stay of a initiated false proceedings to steal Complainant's house and commenced a unlawful levy with
6 the Orange County Sheriff's Department.

7 3.57 In or about August, 2007, a ruling was made by Temporary Judge Robin Brandis-Gibbs
8 sitting in for Judge Geoffrey T. Glass and made the proper ruling in law to stop the unlawful
9 proceedings that Judge Geoffrey T. Glass allowed to continue and perpetuate.

10 3.58 On September 9, 2008, an opinion was render by Justices Ikola, as concurred by O'Leary
11 and Fybel amounting to judicial contempt for both the State and Federal Constitutions affirming a
12 judgment procured by a criminal conduct and a fraud upon the court which should have been reversed
13 as void ab initio. Further, constitutes Judicial misconduct in an attempt to cover-up the previous
14 criminal activities of the lower court judges fraud upon the court. (A true and correct copy of the
15 Opinion Appellate case no. G031508, is attached as Exhibit "9" and reference herein.)

16 3.59 John Teal agreed to join the conspiracy with Defendants and Attorney Stanley Feldsott and
17 Martin Lee to defraud Complainant of his rights and property for deliberately pursuing an enforcement
18 knowing that a stay of enforcement is in effect pending the outcome of this appeal.

19 3.60 DOE filed a Notice of Appeal on February 26, 2007 and served such notice on counsel for
20 Defendants on the same date.

21 3.61 The Superior Court served the Notice of Filing –Notice of Appeal February 28, 2007 and
22 served such notice on counsel for Defendants on the same date.

23 3.62 On March 31, 2007, I received a Notice of Mailing Register of Actions for the record on
24 appeal from the Superior Court clerk's office and upon review had noticed a Notice of Undocumented
25 action by the Law firm of Weule & Ballard issued one Abstract of Judgment for \$311,885.32 including
26 certificate copy for the Recorders, by 120 Defendants.

27 3.63 On March 31, 2007, I went online to the County of Orange Clerk-Recorder Website for the
28 County of Orange and verified if such a recording of an Abstract of Judgment was in fact recorded and

1 discovered that it in deed had been recorded on March 2, 2007, under Document Number 2007-
2 00138653 by Defendants via their attorney of record JOHN TEAL.

3 3.64 On May 20, 2007, I received a Memorandum of Cost filed with the County of Orange
4 Clerk of the Central Justice Center for the County of Orange for an unlawful filing of costs for such
5 recorded abstract of judgment to slander Plaintiff's title.

6 3.65 On June 3, 2007, I was notified by a third-party that a Writ of Execution was issued by the
7 Superior Court issued to Defendants on May 25, 2007, while an automatic stay is in effect pending an
8 appeal pursuant to *California Code of Civil Procedure* §916, and an undertaking for a cost award is not
9 required by law.

10 3.66 On June 3, 2007, I was also notified by a third-party that my rental property was levied
11 against which appears to be Noticed on June 1, 2007, and a false Declaration was made by MAX B.
12 JOHNSON, while an automatic stay is in effect pending an appeal pursuant to *California Code of Civil*
13 *Procedure* §916, and an undertaking for a cost award is not required by law.

14 3.67 On August 13, 2007, Justices Fybel, O'Leary, Ikola willfully and deliberately ignored
15 Statutory Law and California supreme court precedence and even its own precedence to affirm a void
16 judgment that was procured by a fraud upon the court.

17 3.68 The matter concerning the appeal of *DOE v. Summers, Et al.* (Case no. 05CC00011) is
18 pending final resolution within the higher courts and Justices Ikola, O'Leary and Fybel are still assigned
19 to matter and complainant strongly believes that these Justices are extremely partial to Defendants and
20 the Attorneys representing their interest and extremely biased and prejudice against Complainant, as
21 exhibited in the statements written within the opinions by these Justices, to which a fair and impartial
22 review of these matters before the court, could never get a fair and impartial review. Complainant will
23 continue to be subject to ongoing criminal misconduct, as of the date of complaint.

24
25 **A. THE RACKETEERING SCHEME**

26 3.69 The Racketeering Scheme against homeowners by the Homeowner Association Attorneys,
27 as aided and abetted by the Judges/Justices that support them under Attorney fee statutes is as follows:
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- a. The racketeering Scheme within Homeowner Associations and Planned Developments. Planned Unit Developments and condominiums, as defined by California Civil Code §1351 et seq., are unregulated by the State. As a consequence of this unregulated area of real property developments, Law Firms and attorneys throughout the State have seized an opportunity to cash-in on these unregulated developments under a body of law commonly known as the California Davis-Stirling Act, as codified in *Civil code*, sections 1350 Et. Seq. (<http://www.leginfo.ca.gov/calaw.html>)
- b. The racketeering Scheme as founded by attorneys like Stanley Feldsott, as the initial founder and President of the Community Associations Institute date (<http://www.caionline.org/>) back to the early 1990's, including his cohort Martin Lee, which has grown in significant membership, have conspired among each other in this field of law and devised innovative techniques to support the attorneys on the legislative front and Judicial fronts to establish an unlawful enterprise to generate legal fees from the reserve funds of homeowner Associations, and homeowners themselves, as aided and abetted by Judges/Justices of the state courts.
- c. The scheme as devised by these lawyers and aided and abetted by the Superior Court judges and Justices of the Appellate Courts within this district is initiated in several ways where attorneys like Stanley Feldsott of the California Law firm of FELDSOTT & LEE (<http://www.cahoalaw.com/index.htm>) offer free seminars to Community Association Board members and their Management companies including respective association personnel. In exchange, the Law firm offers the Association board members the opportunity to retain their law firm for a nominal fee to have oversight of the Association operations. The land-mine is now set by the Attorneys with a low nominal fee (typically 10 hrs.) for advice on matters dealing with Association operations for unsuspecting members/homeowners.
- d. An investigation of this scheme over the preceding years has uncovered four of several primary ways in which these predator attorneys scheme to generate legal fees that tap the members Assessment funds or the homeowners pockets or home-equity or foreclosures is

1 (#1) assessment dues disputes, (#2) Architectural disapproval disputes (#3) unlawful
2 CC&R violations and (#4) unlawful unilateral rule changes to separate interest real
3 property to create CC&R violations.

4 **#1 – The late or no paid assessment scheme**

5 Knowing by court judgment statistics favoring Associations as seen from court records,
6 one of the ways the Attorneys launch their racketeering activities to generate legal fees
7 is to advise Board members that they have a duty to enforce the assessment dues policy
8 of the CC&Rs and advise that they will write collection letters and perform collections
9 on behalf of the Association under the nominal retainer. Typically, there are a certain
10 number of homeowners that may fall behind in assessments for one reason or another
11 and the Attorney advises the Board or management companies to issue letters of
12 violations. These letters demand the assessment, late fees and attorney fees. Distention
13 builds for one reason or another and a dispute arises where none existed before and
14 next the attorney moves for a Non-judicial foreclosure of the property which infuriates
15 the homeowner and a major lawsuit is born, just as the lawyer hopes to stirrup.

16 **#2 – The arbitrary and capricious Architectural disapproval scheme**

17 Another way to for the Attorneys to launch their racketeering activities is when a
18 dispute arises with regards to an improvement to the members/homeowners property
19 and the homeowner seeks architectural approval of the Association and homeowners
20 around the property don't like the improvement, despite the policy of having to follow
21 the architectural guidelines the homeowners is faced with 3 options, as follows: (1)
22 abandon the improvements; or (2) ignore the threats knowing that you are on solid legal
23 ground and proceed with the improvement if not restricted under the governing
24 documents or law itself; or (3) seek alternative dispute resolution or a lawsuit within
25 the court for a declaration of rights and injunction to prohibit any unlawful enforcement
26 as an equitable remedy to order the board to follow the governing documents and
27 approve the improvement. The attorney encourages the homeowner to file the lawsuit
28 by harassment letters and even threats of litigation.

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#3 – The false or fabricated violation scheme

Further another way for the Attorneys to launch their racketeering activities is to come into an association by way of an existing dispute between the Association Board and a member over an architectural issue or violation after the member has lawfully used his property in some manner and a board member or his friend involved in the dispute are advised by the attorney in a conspiracy to fabricate a CC&R violation against the member/homeowner and the Attorney advises that the Board member is shield from liability under the corporate code, as a volunteer Board member and should a lawsuit break-out where they are named in a lawsuit the Directors & Officers Liability Insurance will cover their legal defense.

#4 – The unilateral rule changes to separate interest real property to create CC&R violation scheme

Further another way for the Attorneys to launch their racketeering activities is to come into an association by way of small retainer for oversight of the operations and creating disputes between the Association Board and a member over advising the Board members to institute “common interest” rules and apply the rules to the “separate interest” properties and issue violations based on the unlawful rule changes to circumvent the amendment process of the CC&Rs that run with the separate interest land. The Attorney advises that the Board member can now enforce the rule change, as it is now appurtenant to the CC&Rs because it can be liberally construed by the liberal construing statute of the code to now be enforced, thus circumventing the amendment process of the governing documents and law itself. Once again the attorney advises that the Board is shield from liability under the corporate code, as a volunteer Board member and should a lawsuit break-out where they are named in a lawsuit the Directors & Officers Liability Insurance will cover their legal defense.

3.1 Unrenowned to a prospective homeowner going into a Planned Unit Development or other type of development, as defined in the Civil Code sections 1350, Et Seq. is the common law is stacked

1 against the homeowner, and in favor of the homeowner Association, because the Attorney has available
2 to him the reserve funds of the Association to support a prosecution or defense of any dispute.

3 3.2 The law firm then files a shakedown lawsuit knowing that Judges/Justices within the
4 district and/or State will typically find a way to rule in their favor, as seen by the absurd case
5 precedence and unpublished opinions regarding numerous void judgments and constitutional violations
6 within the court records. On the flip-side if an association Board refuses to permit any architectural
7 changes to a homeowner, than the homeowner is faced with filing a lawsuit and the Attorney have at
8 their arsenal a Motion to strike a sham complaint under Civil Code sec. 436, Special Motion to strike
9 under Civil Code sec. 425.16 claiming their right of free speech is being violated, and a summary
10 judgment motion under Civil Code sec. 437 to terminate a legitimate action. The majority of these
11 lawsuits are actions in equity seeking an injunction to prohibit or force something to done on the real
12 property. Under California Civil Code §1354 (the enforcement statute) as well as the Association
13 governing documents (defined CC§1351) the State legislature on behalf of the Attorney that are also
14 members to the CAI have seized the opportunity under these statutes to take peoples personal and real
15 property away by this statute alone or drain them financially in fighting a lawsuit generated by one of
16 the aforementioned schemes.

17 3.3 At the core of the Schemes is *California Civil code* section 1354 which reads:

18 (a) The covenants and restrictions in the declaration shall be enforceable equitable
19 servitudes, unless unreasonable, and shall inure to the benefit of and bind all owners
20 of separate interests in the development. Unless the declaration states otherwise,
21 these servitudes may be enforced by any owner of a separate interest or by the
22 association, or by both.

21 (b) A governing document other than the declaration may be enforced by the
22 association against an owner of a separate interest or by an owner of a separate
23 interest against the association.

23 (c) In an action to enforce the governing documents, the prevailing party shall be
24 awarded reasonable attorney's fees and costs.

24 3.4 Judges have wide discretion in the application of this statute and court records and statistics
25 have found that Judges/Justices within the State of California rule consistently against the homeowner
26 in these lawsuits ignoring the law that favors them and award the most unconscionable and outrageous
27 attorney fee and cost awards as judgments against homeowners for the most petty lawsuits, which are
28 typically frivolous and amount to tens of thousands of dollars on excessive and inflated legal bills that

1 are rubber-stamped by these Judges and affirmed on appeal. The Orange County court records alone are
2 loaded with these outrageous judgments. Even when the facts and law don't fit the judgment, the judge
3 still awards outrageous attorney fees, and the matters move to the Appellate courts. The appellate court
4 records, especially within the California Second and Fourth District court divisions are loaded with
5 these outrageous and unconscionable opinions affirming these lower court void judgments procured by
6 fraud in homeowner Association appeals. No justice is found there either and the Justices typically deny
7 the homeowner appeals and bury the homeowner opinions specifically in unpublished opinions, while
8 typically publishing the appeals affirmed in favor of the Associations, for which shield the Justices
9 crimes by placing the homeowner in the position of not likely getting California Supreme court review
10 on an unpublished opinion. This sends the message that it open-season on homeowners to pay the legal
11 fees and/or lose the equity in their homes or even worse their homes themselves to pay these absurd
12 legal fees over petty disputes (i.e. paint on your house, doing landscapes your association members
13 don't like, or using your property to park vehicles, or even leaving your garage door open to long)
14 created by the attorneys and validated by the judges.

15 3.5 Either way the Attorney or law firm is guaranteed to get fees generated for his unlawful
16 filings to shakedown a homeowner in a petty dispute. Board members are told by these attorneys that
17 they are immune to any liability as volunteer Board members and it is extremely unlikely that a Judge
18 will allow a member/homeowner from piercing the corporate veil since they are volunteer Board
19 members and if a Board members is sued personally the Association Insurance carrier will provide him
20 or her a free legal defense. An investigation of Homeowner Associations operations have uncovered
21 that the Board Members are unknowledgeable people that are on power trips and conduct business of
22 the community ultra virus and cause the disputes by failing to follow the law or the community
23 governing documents. The unethical and sham Attorneys for the Association Board typically take
24 advantage of this lack of knowledge and induce petty disputes into the court in a pattern of racketeering
25 to generate attorney fees. The court records in the Orange County Superior court and the Fourth District
26 court of appeal are littered with these bogus and void judgments with tens of thousands of dollars in
27 void judgments that amount to a clear pattern of criminal racketeering between the Orange county
28 Superior court judges like Derek W. Hunt, Geoffrey T. Glass, Peter J. Polos, and appellate judges

1 Raymond Ikola, Kathleen O'Leary, Richard Fybel and typically the same attorneys that are members of
2 the Community Associations Institute (CAI).

3 **A. HIGHLIGHTS OF THE CONVOLUTED SCHEME TO OBSTRUCT JUSTICE**

4 3.6 Once a Homeowner institutes a lawsuit he or she is confronted with a frivolous Motion to
5 dismiss (Demurrer) and a frivolous Motion to strike and even a Special motion to Strike under Civil
6 code of Procedure §425.16 by the Association Attorney, as a shotgun approach to get an early
7 termination of the proceeding. However, *California Civil Code* §1354 guarantees a Homeowner the
8 statutory right to petition to enforce the CC&Rs. However the Judges manipulate the law to frustrate the
9 proceedings, especially if a Pro Per Litigant pursues an enforcement of the CC&Rs and usually the
10 Judge will terminate the enforcement proceeding by a dismissal of the action without legal basis, as the
11 court records reflect despite the fact that the law and facts favor the homeowner.

12 3.7 The Obstruction of justice scheme against Complainant, as aided and abetted by the other
13 Judges/Justices involves manipulation of the procedural due process for discretionary rulings during
14 judicial proceedings after the Court refused to strike the sham pleadings and acknowledge the criminal
15 conduct. Judges frequently do not support their rulings with findings of fact and conclusions at law
16 during motion hearings and typically abuse their discretion. In each of these motions a homeowner
17 litigant is denied or refused the legal basis of the termination after requesting a Statement of Decision.

18 3.8 If the Homeowner Litigant survives the frivolous motions to strike and dismiss he or she is
19 then faced with a frivolous Summary Judgment motion prior to any discovery or very little discovery as
20 in the cases before these courts, and undoubtedly the frivolous summary Judgment motion is granted
21 and the case dismissed, as is shown by the court records.

22 3.9 California law requires that a response to a complaint be made in 30 days from service of
23 summons of the complaint. Judge Glass granted relief from this statutory requirement to more than 140
24 Defendants and allowed these Defendant to move to deprive Complainant's rights to Discovery and set
25 the trial date a year from the date of this relief and refused to allow complainant a continuance of the
26 trial date to conduct Discovery and refused Complainant a protective order from Discovery abuse from
27 these Defendants and their respective attorneys deliberately obstructing the ends of justice.
28

1 3.10 Due to the nature of the crimes initiated from the outset of the disputes and the trial of the
2 false real property claims by FELDSOTT & LEE the Defendant Judges/Justices have been trying to
3 cover-up the criminal acts committed in the on-going proceedings and have committed a fraud upon the
4 courts to obstruct justice by depriving Complainant his due process rights to a jury trial and rubber-
5 stamping unconscionable attorney fee bills based on false Declarations by Officers of the Court without
6 any supporting evidence to justify the billings required by the California Evidence Code and overruling
7 Complainant's objections.

8 **C. CALIFORNIA "COURTS OF APPEAL" JUSTICES AID AND ABET THE CONSPIRACY**
9 **AND FRAUD UPON THE COURT**

10 3.11 Plaintiff exercised appellate remedies specifically provided by California law, including
11 appeals filed with California's Fourth District Courts of Appeal in Santa Ana. Each of these appeals
12 were heard by Justices Raymond Ikola, Richard Fybel, Kathleen O'Leary, Rylaarsdam. Instead of
13 halting the constitutional and statutory violations at the lower court level based on criminal activities,
14 they embraced and affirmed each of them, protecting the judges and Attorneys who perpetrated the
15 violations, and criticized plaintiff DOE for exercising his due process remedies. Their tactics followed a
16 standard pattern:

- 17 a. They ignore the primary statutes and supreme case law supporting Complainant and
18 Homeowners.
- 19 b. Manipulate the legislature intent of the statute or case law to favor the Association.
- 20 c. They cherry pick and use their superfluous case law to do away with legitimate causes
21 of action.
- 22 d. Bury their misconduct and constitutional violations in unpublished opinions.

23 3.12 Even the appellate motions were simply ignored without addressing them, violating due
24 process remedies provided by California law and adding to the violations inflicted against Appellant.

25 3.13 For instance in Appeal No. G035804, consolidated with G036220, G036315, &
26 G03735, decided in the Forth District Court of Appeal, Division Three, as written by IKOLA, simply
27 ignored the motion to vacate a miscarriage of justice for violations of Complainant's constitutional
28 rights.

1 3.14 Also, in *Decker v. U.D. Registry. Inc.* (2003) 105 Cal.App.4th 1382, 1391 (*Decker*),
2 decided in the Forth District Court of Appeal, Division Three, as written by Richard J. Fybel set out a
3 clear, unwavering standard to guide future decisions with regards to a joinder not being a special motion
4 to strike. However, when it came to Complainant’s appeal the Justices decided it was Harmless error to
5 deprive Complainant his constitutional rights and awarded costs which amounted to the extortion of
6 Complainant’s personal property in excess of \$8,000, which is blatant misconduct and contrary to law.

7 3.15 Justices perpetuate Plaintiff’s suffering great and irreparable harm, as a result of the
8 unlawful and unconstitutional acts occurring in the California courts. These harms included, inter alia:

- 9 a. Loss of a lower interest rate on a refinance to Complainants residence, due in part to the
10 lis pendens filed on the properties that prevented mortgage from being refinanced;
- 11 b. Loss of income, as a result of frivolous motion hearings, and discovery tactics on the
12 sham pleadings;
- 13 c. Loss of credit worthiness due to intentional unlawful executions.
- 14 d. Great emotional stress.

15 **D. “FRAUD UPON THE COURT” BY OFFICERS OF THE COURT’S**

16 3.16 Defendants Attorney Glenn Mondo and John Teal working with Stanley Feldsott and
17 Martin Lee and the other Defendant Board members in control of the Association conspired and moved
18 to defraud Complainant by a unilateral amendment to the exact provisions of the CC&Rs to take
19 Plaintiff’s standing in the current lawsuit away and render the case moot with false declarations.
20

21 3.17 California Superior Court Judge Glass aided and abetted these illegal actions and commit
22 constitutional violations. Judge Glass upon Defendants motion for summary judgment and in his
23 statement of decision claimed that there were no triable issues based on the amendments to the CC&Rs
24 taking Complainant’s standing to sue away after the suit was filed and pending. Judge Glass validated
25 this fraud and unlawful conduct and in an unconscionable reasoning granted the summary judgment
26 motions to eviscerate Complainants liability claims against all Defendants. Judge Glass’s decision to
27 grant these motions has undermined the judicial systems and functions to seek the ends of justice, but
28 instead resulted in a miscarriage of justice, of who aided and abetted the fraud, constituting direct

1 violations. Judge Glass, as an officer of the court, has committed a fraud upon the Court among all
2 other constitutional violations, in violation of California Penal Code section 182(a).

3 3.18 The conduct by the Judge Glass, and Defendants attorneys Glenn Mondo and John Teal,
4 along with Stanley Feldsott and Martin Lee, was perpetrated in full view of the Court System,
5 constituted fraud of the worst type, and a gross violation of the rules of professional conduct for
6 attorneys. Rule 11-3 of the Rules of the Ninth Circuit district court states that attorneys must “practice
7 with the honest, care, and decorum required for the fair and efficient administration of justice; and
8 discharge the obligations owed to his or her clients and to the court.” That rule says “any violation of
9 this policy should be brought to the attention [of the] judge.” In this case, the disbarment conduct was
10 perpetrated in full view of Judge Jones, who embraced the attorney’s conduct!

11 **E. JUDICIAL TAKING OF CONSTITUTIONALLY PROTECTED PROPERTY**

12 3.19 Court records in Greenbrook vs. Teak et al, (Case no. 02CC12362) document that the
13 taking of plaintiff’s assets violated the most fundamental and primary due process protections under the
14 California State laws and both the California State Constitution and the Constitution of the United
15 States:

- 16
- 17 a. There was no Certification that a form of Alternative Dispute Resolution had been
18 conducted or denied by Complainant, in direct violation of California Civil code section
19 1354 to have legal standing in court;
 - 20 b. There was no hearing on the Complainant’s motion in limine for Judgment on the
21 Pleading;
 - 22 c. Judge Hunt entered a false statement in the Statement of Decision by falsely stating that
23 it did not strain the governing documents for the gate in question to be a building for the
24 Association to have jurisdiction. However, the law of contracts prohibits the inclusion of
25 any words or language that changes the meaning or intent of the governing documents
26 for the court to assert subject-matter jurisdiction. Anyone who inserts a fraudulent
27 statement in a document for purposes depriving another of his rights under law commits
28 a crime.

1 3.20 California Superior Court Judge Hunt aided and abetted these illegal actions resulting in
2 constitutional violations. Judge Hunt upon a false Declaration of Stanley Feldsott claimed that his client
3 the Greenbrook fountain Valley Homeowners Association was the prevailing party in its false real
4 property claim and entitled the Association to attorney Fees and costs. Judge Hunt knowingly and
5 willfully declared the Association prevailing party and awarded \$30,500 in Attorney fees and \$2400 in
6 costs. Judge Hunt’s decision to grant this motion undermined the judicial systems resulting in a
7 miscarriage of justice, of whom aided and abetted the fraud, resulting in direct violations occurring in
8 the lower courts. Judge Hunt had committed a fraud upon the Court in violation of California Penal
9 Code section 182(a).

10 **F. JUDICIAL CONTEMPT FOR SUPREME COURT PRECEDENCE AND**
11 **COMPLAINANT(S) CONSTITUTIONAL PROTECTIONS**

12 3.21 The Appellate Justices knowingly and deliberately ignored the jurisdictional challenges and
13 yet manipulated the intent and meaning of the several Supreme Courts decisions in violation of the
14 intent of the most fundamental and primary due process protections under the California State laws and
15 both the California State Constitution and the Constitution of the United States:

- 16 a. In all mentioned cases, Justices violated the Doctrine of Stare Decisis and applied
17 appellate case law over California Supreme Case law to formulate their opinions;
- 18 b. In *DOE vs. FELDSOTT & LEE* case, Justices use of the harmless error standard of
19 review instead of the substantial evidence standard of review or even the Abuse of
20 discretion review standard to apply an untimely joinder in place of a Motion to strike
21 an entire complaint is misconduct and a judicial contempt for the State and Federal
22 Constitutions.
- 23 c. In *DOE vs. FELDSOTT & LEE* case, Justices ignored the Supreme Court case of
24 *Flatley vs. Mauro* (2006) 39 C.4th 299, 46 C.R.3d 606, 139 P.3d 2, to apply the rule of
25 law to establish whether unlawful petition of the Court is constitutionally protected to
26 apply California Code of Civil Procedure §425.16 for a special Motion to strike an
27 entire complaint is misconduct and a judicial contempt for the State and Federal
28 Constitutions.

1 d. In *DOE vs. CARLBURG et al.* case, Justices manipulate the meaning and intent of the
2 Supreme Court case of *Nahrstedt v. Lakeside Village Condominium Assn.* (1994) 8
3 Cal.4th 361, 33 Cal.Rptr.2d 63; 878 P.2d 1275, to justify their absurd reasoning in
4 their opinion to redefine the "unless unreasonable" terminology of the Supreme court's
5 opinion to cover-up Judicial Officers' fraud upon the court and go against Legislative
6 intent of Civil Code section 1354, which has been successfully applied in numerous
7 published case opinions dictating the Courts endeavors to rule in favor of enforcement
8 of the covenants, conditions and restrictions contained in a recorded declaration within
9 common interest developments, until these cases involving Complainant and the
10 Greenbrook Fountain Valley Homeowners Association.

11 **G. VOID JUDGMENTS AND ORDERS ARE VOID FOREVER**

12
13 3.22 As a matter of controlling law, orders rendered without jurisdiction are forever void. Orders
14 rendered on the basis of such void orders are also void. Orders rendered through fraud upon the court
15 (by State judges) are also void. The May, 2003 orders signed in chambers, by Judge Hunt after
16 substituting the word "gate" within the governing documents of the Association Declaration to assert
17 subject-matter Jurisdiction and give quasi-jurisdiction to the Association on a false real property claim,
18 are void. Orders rendered while violating major constitutional protections and fundamental contract
19 laws, as call-out in the California Civil Code and numerous case law, are void:

20 a. There was no hearing on the Complainant's motion in limine for Judgment on the
21 Pleading:

22 It is a fundamental doctrine of law that a party to be affected by a personal judgment must
23 have his day in court, and an opportunity to be heard. *Renaud v. Abbott*, 116 US 277, 29 L
24 Ed 629, 6 S Ct 1194. Every person is entitled to an opportunity to be heard in a court of law
25 upon every question involving his rights or interests, before he is affected by any judicial
26 decision on the question. *Earle v McVeigh*, 91 US 503, 23 L Ed 398. A judgment of a court
27 without hearing the party or giving him an opportunity to be heard is not a judicial
28 determination of his rights. *Sabariego v Maverick*, 124 US 261, 31 L Ed 430, 8 S Ct 461,
and is not entitled to respect in any other tribunal.

An order that exceeds the judge's jurisdiction is a void order, and can be either ignored, or
attacked in any proceeding in any court where the validity of the judgment comes into issue.
(See *Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608; *Pennoyer v. Neff* (1877) 95 US 714,
24 L ed 565; *Thompson v. Whitman* (1873) 18 Wall 457, 21 1 ED 897; *Windsor v. McVeigh*

1 (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 S ct 343, 61 L
2 ed 608.

3 3.23 California Superior Court Judge Hunt aided and abetted these illegal actions and committed
4 constitutional violations. Judge Hunt had committed a fraud upon the Court in violation of California
5 Penal Code sections 532 and 182(a).

6 **H. JUDICIAL IMMUNITY IS ABSENCE AS A RESULT OF THEIR CORRUPT ACTS**
7

8 3.24 As a matter of controlling law, the defendant California judges/Justices have no judicial
9 immunity on the basis that they repeatedly, knowingly, deliberately, and viciously misused their judicial
10 positions and the courts in a corrupt and criminal manner, knowingly acting without jurisdiction,
11 knowingly violating clear and settled statutory law and constitutional rights. Never before has there
12 been documented such widespread and continuing judicial corruption of this nature. The gravity of the
13 judicial misconduct constitutes a landmark case. The absence of immunity, in cases far less startling, is
14 shown in such Supreme Court decisions as *Pulliam v. Allen*, 466 US 522., and *Harlow v. Fitzgerald*,
15 457 US 800; by the clear wording of federal civil rights and criminal statutes that clearly state they
16 apply to anyone, and on the basis that no such offenses have ever before been documented and brought
17 to the attention of the court. The corrupt judges listed in this complaint knowingly:

- 18 a. Knowingly and repeatedly acted without jurisdiction as described in this complaint, which
19 is a major judicial wrongdoing under law;
- 20 b. Deliberately and maliciously inflicted great and irreparable personal and financial harm
21 upon plaintiff by a corrupt misuse of their positions and the courts.
- 22 c. Knowingly and repeatedly violated long settled statutory laws and constitutional rights
23 and protections.
- 24 d. Obstructed justice, and aided and abetted the crimes against the United States that
25 plaintiff and his group of government whistleblowers sought to report under the federal
26 crime-reporting statute.
- 27 e. Feloniously retaliated against Complainant, for petitioned peremptory challenge and
28 challenges for cause for their disqualifications in case matters, as in accordance with law.

- 1 f. Feloniously retaliated against plaintiff for exercising due process remedies.
- 2 g. Aided and abetted, protected, and rewarded those who were violating the State and
- 3 federally protected rights stated in this complaint.
- 4 h. Engaged in a conspiracy and fraud to commit the wrongful acts stated in this complaint.
- 5 i. Knowingly and repeatedly misused their judicial position and the courts as a corrupt arm
- 6 of government.
- 7 j. Violated their duty and oath of office to uphold and protect the laws and Constitution of
- 8 the United States when massive violations of these protected were brought to them.

9 **I. STATUTES & AUTHORITIES RELATING TO UNDERLYING CRIMINAL ACTION**

10

11 3.25 *California Civil Code §1354*, which states in part: (c) At the time of filing a civil action by

12 either an association or an owner or a member of a common interest development solely for declaratory

13 relief or injunctive relief, or for declaratory relief or injunctive relief in conjunction with a claim for

14 monetary damages not in excess of five thousand dollars (\$5,000), related to the enforcement of the

15 governing documents, the party filing the action shall file with the complaint a certificate stating that

16 alternative dispute resolution has been completed in compliance with subdivision (b). The failure to file

17 a certificate as required by subdivision (b) shall be grounds for a demurrer pursuant to Section 430.10

18 of the Code of Civil Procedure or a motion to strike pursuant to Section 435 of the Code of Civil

19 Procedure ... (Prior to Revision in 2004)

20 3.26 *California Civil Code §1360(b)*, which states in part: (a) Subject to the provisions of the

21 governing documents and other applicable provisions of law, if the boundaries of the separate interest

22 are contained within a building, the owner of the separate interest may do the following: (b) Make any

23 improvements or alterations within the boundaries of his or her separate interest that do not impair the

24 structural integrity or mechanical systems or lessen the support of any portions of the common interest

25 development.

26 3.27 *California Civil Code §1351(j)* states: "Governing documents" means the declaration and

27 any other documents, such as bylaws, operating rules of the association, articles of incorporation, or

28 articles of association, which govern the operation of the common interest development or association.

1 3.28 **California Civil Code §1351(k) states:** "Planned development" means a development
2 (other than a community apartment project, a condominium project, or a stock cooperative) having
3 either or both of the following features:

4 (1) The common area is owned either by an association or in common by the owners of the
5 separate interests who possess appurtenant rights to the beneficial use and enjoyment of the
6 common area.

7 (2) A power exists in the association to enforce an obligation of an owner of a separate
8 interest with respect to the beneficial use and enjoyment of the common area by means of an
9 assessment which may become a lien upon the separate interests in accordance with Section
10 1367 or 1367.1.

11 3.29 **California Civil Code §1351(l) states:** "Separate interest" has the following meanings:

12 (1) In a community apartment project, "separate interest" means the exclusive right to
13 occupy an apartment, as specified in subdivision (d).

14 (2) In a condominium project, "separate interest" means an individual unit, as specified in
15 subdivision (f).

16 (3) In a planned development, "separate interest" means a separately owned lot, parcel,
17 area, or space.

18 (4) In a stock cooperative, "separate interest" means the exclusive right to occupy a portion
19 of the real property, as specified in subdivision (m).

20 Unless the declaration or condominium plan, if any exists, otherwise provides, if
21 walls, floors, or ceilings are designated as boundaries of a separate interest, the interior
22 surfaces of the perimeter walls, floors, ceilings, windows, doors, and outlets located
23 within the separate interest are part of the separate interest and any other portions of
24 the walls, floors, or ceilings are part of the common areas. The estate in a separate
25 interest may be a fee, a life estate, an estate for years, or any combination of the
26 foregoing.

27 3.30 **California Civil Code §1351(h) states:** "Declaration" means the document, however
28 denominated, which contains the information required by Section 1353.

 3.31 **California Civil Code §526(a)(3) states: (a) an injunction may be granted in the
following cases:**

 (1) When it appears by the complaint that the plaintiff is entitled to the relief demanded, and
the relief, or any part thereof, consists in restraining the commission or continuance of the act
complained of, either for a limited period or perpetually.

 (2) When it appears by the complaint or affidavits that the commission or continuance of
some act during the litigation would produce waste, or great or irreparable injury, to a party to
the action.

 (3) When it appears, during the litigation, that a party to the action is doing, or threatens, or is
about to do, or is procuring or suffering to be done, some act in violation of the rights of another
party to the action respecting the subject of the action, and tending to render the judgment
ineffectual. [Emphasis Added]

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3.32 California Code of Civil Procedure §425.16, states:

(a) The Legislature finds and declares that there has been a disturbing increase in lawsuits brought primarily to chill the valid exercise of the constitutional rights of freedom of speech and petition for the redress of grievances. The Legislature finds and declares that it is in the public interest to encourage continued participation in matters of public significance, and that this participation should not be chilled through abuse of the judicial process. To this end, this section shall be construed broadly.

(b) (1) A cause of action against a person arising from any act of that person in furtherance of the person's right of petition or free speech under the United States or California Constitution in connection with a public issue shall be subject to a special motion to strike, unless the court determines that the plaintiff has established that there is a probability that the plaintiff will prevail on the claim.

(2) In making its determination, the court shall consider the pleadings, and supporting and opposing affidavits stating the facts upon which the liability or defense is based.

(3) If the court determines that the plaintiff has established a probability that he or she will prevail on the claim, neither that determination nor the fact of that determination shall be admissible in evidence at any later stage of the case, or in any subsequent action, and no burden of proof or degree of proof otherwise applicable shall be affected by that determination in any later stage of the case or in any subsequent proceeding.

(c) In any action subject to subdivision (b), a prevailing defendant on a special motion to strike shall be entitled to recover his or her attorney's fees and costs. If the court finds that a special motion to strike is frivolous or is solely intended to cause unnecessary delay, the court shall award costs and reasonable attorney's fees to a plaintiff prevailing on the motion, pursuant to Section 128.5.

(d) This section shall not apply to any enforcement action brought in the name of the people of the State of California by the Attorney General, district attorney, or city attorney, acting as a public prosecutor.

(e) As used in this section, "act in furtherance of a person's right of petition or free speech under the United States or California Constitution in connection with a public issue" includes:

- (1) any written or oral statement or writing made before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law;
- (2) any written or oral statement or writing made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law;
- (3) any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest;
- (4) or any other conduct in furtherance of the exercise of the constitutional right of petition or the constitutional right of free speech in connection with a public issue or an issue of public interest.

(f) The special motion may be filed within 60 days of the service of the complaint or, in the court's discretion, at any later time upon terms it deems proper. The motion shall be scheduled by the clerk of the court for a hearing not more than 30 days after the service of the motion unless the docket conditions of the court require a later hearing.

(g) All discovery proceedings in the action shall be stayed upon the filing of a notice of motion made pursuant to this section. The stay of discovery shall remain in effect until notice of entry of the order ruling on the motion. The court, on noticed motion and for good cause shown, may order that specified discovery be conducted notwithstanding this subdivision.

(h) For purposes of this section, "complaint" includes "cross-complaint" and "petition," "plaintiff" includes "cross-complainant" and "petitioner," and "defendant" includes "cross-defendant" and "respondent."

(i) An order granting or denying a special motion to strike shall be appealable under Section 904.1.

1 (j) (1) Any party who files a special motion to strike pursuant to this section, and any party who
2 files an opposition to a special motion to strike, shall, promptly upon so filing, transmit to the
3 Judicial Council, by e-mail or facsimile, a copy of the endorsed, filed caption page of the motion
4 or opposition, a copy of any related notice of appeal or petition for a writ, and a conformed copy
5 of any order issued pursuant to this section, including any order granting or denying a special
6 motion to strike, discovery, or fees.

(2) The Judicial Council shall maintain a public record of information transmitted pursuant to
this subdivision for at least three years, and may store the information on microfilm or other
appropriate electronic media.

7 **3.33 The legislature has statutorily established the governing interpretation for all**
8 **contracting by private parties, as codified in Civil Code (CC) §§1635-1663.**

9 CC §1635. All contracts, whether public or private, are to be interpreted by the same rules,
except as otherwise provided by this Code.

10 CC §1636. A contract must be so interpreted as to give effect to the mutual intention of the
11 parties as it existed at the time of contracting, so far as the same is ascertainable
and lawful.

12 CC §1637. For the purpose of ascertaining the intention of the parties to a contract, if
13 otherwise doubtful, the rules given in this Chapter are to be applied.

14 CC §1638. The language of a contract is to govern its interpretation, if the language is clear
and explicit, and does not involve an absurdity.

15 CC §1639. When a contract is reduced to writing, the intention of the parties is to be
16 ascertained from the writing alone, if possible; subject, however, to the other
provisions of this Title.

17 CC §1641. The whole of a contract is to be taken together, so as to give effect to every part,
if reasonably practicable, each clause helping to interpret the other.

18 CC §1643. A contract must receive such an interpretation as will make it lawful, operative,
19 definite, reasonable, and capable of being carried into effect, if it can be done
without violating the intention of the parties.

20 CC §1644. The words of a contract are to be understood in their ordinary and popular sense,
21 rather than according to their strict legal meaning; unless used by the parties in a
22 technical sense, or unless a special meaning is given to them by usage, in which
case the latter must be followed.

23 CC §1646. A contract is to be interpreted according to the law and usage of the place where
it is to be performed; or, if it does not indicate a place of performance, according
24 to the law and usage of the place where it is made.

25 CC §1647. A contract may be explained by reference to the circumstances under which it
was made, and the matter to which it relates.

26 CC §1648. However broad may be the terms of a contract, it extends only to those things
27 concerning which it appears that the parties intended to contract.

28 CC §1649. If the terms of a promise are in any respect ambiguous or uncertain, it must be
interpreted in the sense in which the promisor believed, at the time of making it,
that the promisee understood it.

1 CC §1650. Particular clauses of a contract are subordinate to its general intent.

2 CC §1653. Words in a contract which are wholly inconsistent with its nature, or with the
3 main intention of the parties, are to be rejected.

4 CC §1654. In cases of uncertainty not removed by the preceding rules, the language of a
5 contract should be interpreted most strongly against the party who caused the
6 uncertainty to exist.

7 **3.34 California Health & Safety Code §18908 states: "Building"**

8 (a) "Building" means any structure used for support or shelter of any use or occupancy.
9 "Structure" means that which is built or constructed, an edifice or building of any kind or any
10 piece of work artificially built or composed of parts joined together in some definite manner,
11 except any mobilehome as defined in section 18008, manufactured home, as defined in section
12 18007, special purpose commercial coach, as defined in section 18012.5, and recreational
13 vehicle, as defined in section 18010.

14 **3.35 Officer of the Court Defined.** A judge is an officer of the court, as well as are all
15 attorneys. A state judge is a state judicial officer, paid by the State to act impartially and lawfully. A
16 federal judge is a federal judicial officer, paid by the federal government to act impartially and lawfully.
17 State and federal attorneys fall into the same general category and must meet the same requirements. A
18 *judge is not the court.* People v. Zajic, 88 Ill.App.3d 477, 410 N.E.2d 626 (1980).

19 **3.36 Fraud Upon the Court Defined.** Whenever any officer of the court commits fraud during
20 a proceeding in the court, he/she is engaged in "fraud upon the court". In Bulloch v. United States, 763
21 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to
22 the judicial machinery itself and is not fraud between the parties or fraudulent documents, false
23 statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is
24 attempted or where the judge has not performed his judicial function --- thus where the impartial
25 functions of the court have been directly corrupted."

26 3.37 **"Fraud upon the court"** has been defined by the 7th Circuit Court of Appeals to "embrace
27 that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by
28 officers of the court so that the judicial machinery can not perform in the usual manner its impartial task
of adjudging cases that are presented for adjudication." Kenner v. C.I.R., 387 F.3d 689 (1968); 7
Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further stated "a decision produced by
fraud upon the court is not in essence a decision at all, and never becomes final."

1 3.38 **"Fraud upon the court"** occurs whenever any officer of the court commits fraud before a
2 tribunal. A judge is not a court; he is under law an officer of the court, and he must not engage in any
3 action to deceive the court. *Trans Aero Inc. v. LaFuerga Area Boliviana*, 24 F.3d 457 (2nd Cir. 1994);
4 *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985) (fraud upon the court exists "where the
5 judge has not performed his judicial duties").

6 3.39 **The Supreme Court, In re Eugene Lee Armentrout et al., 99 Ill.2d 242, 75 Ill.Dec. 703,**
7 **457 N.E.2d 1262 (1983), stated that:** "Fraud encompasses a broad range of human behavior, including
8 " ' * * * anything calculated to deceive, * * * whether it be by direct falsehood or by innuendo, by
9 speech or by silence, by word of mouth or by look or gesture.' " (*Regenold v. Baby Fold, Inc.* (1977),
10 68 Ill.2d 419, 435, 12 Ill.Dec. 151, 369 N.E.2d 858, citing *People ex rel. Chicago Bar Association v.*
11 *Gilmore* (1931), 345 Ill. 28, 46, 177 N.E. 710; *In re Alschuler* (1944), 388 Ill. 492, 503-04; *Black's Law*
12 *Dictionary* 594 (5th ed. 1979).) Too, this court has previously disciplined lawyers even though their
13 fraudulent misconduct did not harm [99 Ill.2d 252] any particular individual. *In re Lamberis* (1982), 93
14 Ill.2d 222, 229, 66 Ill.Dec. 623, 443 N.E.2d 549."

15 3.40 **Void Judgments Defined. Black's Law Dictionary, Sixth Edition, page 1574 :** Void
16 judgment. One which has no legal force or effect, invalidity of which may be asserted by any person
17 whose rights are affected at any time and at any place directly or collaterally. *Reynolds v. Volunteer*
18 *State Life Ins. Co.*, Tex.Civ.App., 80 S.W.2d 1087, 1092. One which from its inception is and forever
19 continues to be absolutely null, without legal efficacy, ineffectual to bind parties or support a right, of
20 no legal force and effect whatever, and incapable of confirmation, ratification, or enforcement in any
21 manner or to any degree. Judgment is a "void judgment" if court that rendered judgment lacked
22 jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process.
23 *Klugh v. U.S., D.C.S.C.*, 610 F.Supp. 892, 901. See also Voidable judgment.

24 3.41 As a matter of law, as specifically CCP §526(a)(3) an injunction may be granted as meeting
25 the conditions specified in this part. The Parties to this action have done exacting what this statute has
26 be provisioned to prevent, such as rendering a judgment ineffectual after violating Plaintiff's rights to
27 due process and equal protection under law and the provisioning of the CC&Rs. Unilateral recording of
28 amendments to take standing to sue away from Plaintiff during this litigation and to render a judgment

1 ineffectual is not reasonable, but unlawful and violates long standing fundamental contracting policy .
2 The amendments can not be held to be valid, nor reasonable where the purpose does not benefit the
3 community as a whole, but to only benefit a limited class of the membership for the sole purpose of
4 absolving their liability specifically in this litigation.

5 3.42 As a matter of law, Complainant DOE in essence is allowed to lawfully use his land for any
6 lawful purpose not restricted by the governing documents. Since the governing documents fail to
7 regulate the “uses” or “improvements” to anything other than the Buildings upon it, Complainant DOE
8 was free to use his land accordingly to his use and enjoyment.

9 3.43 In *Flatley v. Mauro* (2006) 39 Cal.4th 299, the *California Supreme Court* set out a clear,
10 unwavering standard to guide future decisions with regards to unlawful petitioning. This is directly on
11 point with Complainant’s case where Defendants false petitioning of the court is not protected by the State
12 and federal Constitutions. However, when it came to Complainant’s appeal the Justice Defendants herein
13 decided to ignore this important case and violate the doctrine of *Staris Decis* and apply Appellate case law
14 to support their reasoning, which does not even apply to deprive Complainant his constitutional rights to
15 due process.

16 3.44 In *Decker v. U.D. Registry. Inc.* (2003) 105 Cal.App.4th 1382, 1391 (*Decker*), decided in
17 the Forth District Court of Appeal, Division Three, as written by Richard J. Fybel set out a clear,
18 unwavering standard to guide future decisions with regards to a joinder not being a special motion to
19 strike. However, when it came to Complainant’s appeal the Justice Defendants herein decided it was
20 Harmless error to deprive Complainant his constitutional rights to petition the court.

21 3.45 In *Zamos v. Stroud* (2004) 32 Cal.4th 958, 965, the California Supreme Court permitted a
22 malicious prosecution action to proceed (as arising out of a fraud action) assuming the other elements of
23 the tort are established, and held an attorney may be liable for malicious prosecution when he
24 *commences* a lawsuit properly but then *continues* to prosecute it after learning it is not supported by
25 probable cause of the underlying action.

26 3.46 In the Supreme Court case of *Nahrstedt v. Lakeside Village Condominium Assn.* (1994) 8
27 Cal.4th 361, 33 Cal.Rptr.2d 63; 878 P.2d 1275, the court explained in its discussion the following: As
28 we shall explain, the Legislature, in Civil Code § 1354, has required that courts enforce the covenants,

1 conditions and restrictions contained in the recorded declaration of a common interest development
2 "unless unreasonable." Clearly changes to the covenants, conditions and restrictions in the Greenbrook
3 Fountain Valley Homeowners Association case to absolve personal liability of violators is not
4 reasonable, but fraudulent for which constitutes crimes.

5 3.47 "Probable" is synonymous with "likely", and "probability" is synonymous with
6 "likelihood". (*Walbrook Insurance v. Liberty Mutual Insurance* (1992) 5 Cal.App.4th 1445, 1461, 7
7 Cal.Rptr.2d 513; see also Black's Law Dictionary (Rev.4th Ed. 1968) p.1364 ["probability" means
8 "likelihood"].) "A 'probable' consequence is one more likely to follow its cause than not..." (*Bastian v.*
9 *County of San Luis Obispo* (1988) 199 Cal.App.3d 520, 533, 245 Cal.Rptr. 78.)

10 3.48 Presiding Officer of the court's failure to recuse himself when obligated to do so violates
11 the Judicial Cannons of Judicial conduct. (See *In Re Scott* (1991) 52 Cal.Rptr. 201, 802 P.2d 985, 91
12 CDOS 450, 91 Daily Journal DAR 700)

13 3.49 **The Equal Protection Clause of the Fourteenth amendment to the Constitution of the**
14 **United States provides:**

15 "No State shall deny to any person within its jurisdiction the equal protection of its laws."
16 The Equal Protection Clause of the Fourteenth amendment to the Constitution of the United States,
17 as adopted in the California Constitution in Article I, Section provides in relevant part, as follows:
18 (a) A person may not be deprived of life, liberty, or property without due process of law or
19 denied equal protection of the laws; provided, that nothing contained herein or elsewhere in
20 this Constitution imposes upon the State of California or any public entity, board, or official
21 any obligations or responsibilities which exceed those imposed by the Equal Protection
22 Clause of the 14th Amendment to the United States Constitution with respect to the use of
23 pupil school assignment or pupil transportation. In enforcing this subdivision or any other
24 provision of this Constitution, no court of this State may impose upon the State of California
25 or any public entity, board, or official any obligation or responsibility with respect to the use
26 of pupil school assignment or pupil transportation, (1) except to remedy a specific violation
27 by such party that would also constitute a violation of the Equal Protection Clause of the 14th
28 Amendment to the United States Constitution, and (2) unless a federal court would be
permitted under federal decisional law to impose that obligation or responsibility upon such
party to remedy the specific violation of the Equal Protection Clause of the 14th Amendment
of the United States Constitution.

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V. VIOLATIONS OF CALIFORNIA CRIMINAL STATUTES

A. JUDGES/JUSTICES CRIMES

5.1 These crimes on the part of the Defendants and each of them are clearly proven by the facts and the exhibits attached under separate cover. The conduct complained of clearly fits into statutory language. All acts complained of by Officers of the Court shall be deemed to have been committed under color of official right, and committed knowingly, intentionally, and willfully, and with full and prior knowledge of the law and the facts applicable, relevant, and germane to the incident complained of. All paragraphs in this complaint shall be deemed to have been incorporated into each other paragraph. Allegations of violations of California criminal statutes are as follows:

COUNT I: Conspiracy to Commit any Crimes

CPC § 182(a).- If two or more persons conspire: (1) To commit any crime; (2) Falsely and maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime;(3) Falsely to move or maintain any suit, action, or proceeding.(4) To cheat and defraud any person of any property, by any means which are in themselves criminal, or to obtain money or property by false pretenses or by false promises with fraudulent intent not to perform those promises; (5) To commit any act injurious to the public health, to public morals, or to pervert or obstruct justice, or the due administration of the laws; (6) To commit any crime against the person of the President or Vice President of the United States, the Governor of any state or territory, any United States justice or judge, or the secretary of any of the executive departments of the United States.

5.2 On July 24, 2002, in the County of Orange, State of California, STANLEY FELDSOTT served Complaint with a summons and complaint commencing a false real property claims in violation of Penal code, § 182(a)(1).

5.3 On or around August, 2002, in the County of Orange, State of California, CLAIMANANT served a Motion to strike the sham complaint for violations of Civil code 1354 and for commencing a false real property claims in violation of Penal code, § 182(a)(1).

5.4 On or about and between March 2, 2005 and October 29, 2007, in the County of Orange, State of California, the crime of conspiracy to commit a crime, in violation of Penal code, § 182(a)(1), a felony, was committed by the Derek W. Hunt, Gefforey T. Glass and Peter Polos, who did conspire

1 together to commit crimes, in violation of sections 211, 518, and 594(a), of the penal code of the State
2 of California.

3
4 5.5 On or about and between March 2, 2005 and October 29, 2007, in the County of Orange,
5 State of California, the crime of conspiracy to commit a crime, in violation of Penal code, § 182(a)(1), a
6 felony, was committed by the Derek W. Hunt, Gefforey T. Glass and Peter Polos, who did conspire
7 together to commit a crime, violation of § 538.5, 530.5(a) and 502(c) of the penal code of the State of
8 California.

9 5.6 On August 22, 2007, Defendant GEOFFERY T. GLASS deprived Complainant of his
10 substantive and procedural due process rights to equal protection under law by terminating claims in a
11 scheme to commit a fraud upon the court and obstruct the ends of justice from allowing Complainant a
12 trial on the merits. This deprivation of rights and violation of equal protection under the law, therefore
13 constitutes a plain violation of 18 USC § 242 - Deprivation of rights.

14 **OVERT ACT 1:**

15 5.7 In furtherance of said conspiracy and to effect the illegal objects of thereof, the
16 following overt acts, among others, were committed in the State of California, in the County of Orange.

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18 5.8 (OA) That thereafter, at and in the county of orange, State of California, and in the
19 furtherance of the conspiracy and to effect its object, DEREK W. HUNT on or about February 24,
20 2004, knowingly and willfully signed a void judgment procured by a fraud upon the court against
21 Complainant to deprive him of his property without equal protection under law. Wherefore, a
22 WARRANT OF ARREST IS REQUESTED.

23 **OVERT ACT 2:**

24 5.9 (OA) That thereafter, at and in the county of orange, State of California, and in the
25 furtherance of the conspiracy and to effect its object, DEREK W. HUNT on or about May 12, 2004,
26 knowingly and willfully signed a void order for Attorney fees procured by a fraud upon the court
27 against Complainant to deprive him of his property without equal protection under law. Wherefore, a
28 WARRANT OF ARREST IS REQUESTED.

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OVERT ACT 3:

5.10 (OA) That thereafter, at and in the county of orange, State of California, and in the furtherance of the conspiracy and to effect its object, PETER J. POLOS on or about May, 2005, knowingly and willfully signed a void Judgment and order for dismissal of Complainant’s entire action and Attorney fees procured by a fraud upon the court against Complainant to deprive him of his property without equal protection under law. Wherefore, a WARRANT OF ARREST IS REQUESTED.

OVERT ACT 4:

5.11 (OA) That thereafter, at and in the county of orange, State of California, and in the furtherance of the conspiracy and to effect its object, GEOFFERY T. GLASS on or about June 3, 2008, knowingly and willfully made a ruling in an attorney fee hearing to grant and rubber-stamped Attorney fees to Defendants representing by FRANCESCA DIOGUARDI whereby the Defendants never incurred any attorney fees or costs in the litigation upon a false Declaration claiming \$40,375 to deprive Complainant out of his property without legal justification. (See Exhibit “19”) Wherefore, a WARRANT OF ARREST IS REQUESTED.

OVERT ACT 5:

5.12 (OA) That thereafter, at and in the county of orange, State of California, and in the furtherance of the conspiracy and to effect its object, DAVID BRICKNER on or about August, 2002, knowingly and willfully made a ruling in an Motion to strike a sham pleading to deny Complainant’s motion after clearly establishing facts and evidence that Civil code § 1354 required that alternative dispute resolution and certification of its completion be required before Judicial review and then asserted jurisdiction over Complainant to deprive Complainant out of his property without legal justification committing a fraud upon the court as predicated on a false real property claim. Wherefore, a WARRANT OF ARREST IS REQUESTED.

5.13 Further, attached and incorporated by reference are official reports and records of the Orange county court which the Complainant believes establishes probable cause for the arrest of

1 Defendant DEREK W. HUNT, PETER J. POLOS, & GEOFFERY T. GLASS for the above listed
2 crimes. Wherefore, a WARRANT OF ARREST IS REQUESTED.

3
4 5.14 As a result of the overt acts conducted by Defendants, Complainant hereby formally
5 charges:

6 **DAVID BRICKNER with:**

- 7 (1) knowingly and willfully depriving Complainant of his property without due process of
8 law, as guaranteed by the *California State Constitution*, Article 1 [Declaration of Rights],
9 Section 7, as based on a judgment that was procured by a Fraud upon the court, thus
10 constituting a void judgment.
11 (2) knowingly and willfully depriving Complainant of his property without due process of
12 law, as guaranteed by the *United States Constitution*, under the First Amendment, as
13 based on a judgment that was procured by a Fraud upon the court, thus constituting a void
14 judgment.
15 (3) conspiring with STANLEY FELDSOTT to commit the above offense against the United
16 States in order to defraud the Complainant, and acting to effect the object of the
17 conspiracy, in violation of CPC § 182(a). (one count);
18 (4) Defendants obtained personal property in the amount of \$47,000, by Complainants
19 consent upon the wrongful use of force and fear of contempt without the court having
20 subject matter jurisdiction over Complainant, in violation of CPC § 518-Extortion (one
21 count).

22 **DEREK W. HUNT with:**

- 23 (1) knowingly and willfully depriving Complainant of his property without due process of law,
24 as guaranteed by the *California State Constitution*, Article 1 [Declaration of Rights],
25 Section 7, as based on a judgment that was procured by a Fraud upon the court, thus
26 constituting a void judgment.
27 (2) knowingly and willfully depriving Complainant of his property without due process of law
28 as guaranteed by the Fourteenth Amendment to the United States Constitution provides

1 that no State shall deprive any person of life, liberty, or property without due process of
2 law.

3 (3) knowingly and willfully depriving Complainant of his property without due process of law,
4 as guaranteed by the *United States Constitution*, under the First Amendment, as based on a
5 judgment that was procured by a Fraud upon the court, thus constituting a void judgment.

6 (4) knowingly and willfully depriving Complainant of his property without due process of law
7 as guaranteed by the Fourteenth Amendment to the United States Constitution provides
8 that no State shall deprive any person of life, liberty, or property without due process of
9 law.

10 (5) conspiring with STANLEY FELDSOTT to commit the above offense against the United
11 States in order to defraud the Complainant, and acting to effect the object of the conspiracy,
12 in violation of CPC § 182(a). (one count);

13 (6) Defendants obtained personal property in the amount of \$47,000, by Complainants consent
14 upon the wrongful use of force and fear of contempt without the court having subject
15 matter jurisdiction over Complainant, in violation of CPC § 518-Extortion (one count).

16 (7) knowingly and willfully causing Complainant to destroy his property in direct violation of
17 law, as based on a judgment that was procured by a Fraud upon the court, in violation of
18 CPC § 594(a)-Vandalism (one count).

19 **PETER J. POLOS with:**

20 (1) knowingly and willfully depriving Complainant of his property without due process of
21 law, as guaranteed by the *California State Constitution*, Article 1 [Declaration of Rights],
22 Section 7, as based on a judgment that was procured by a Fraud upon the court, thus
23 constituting a void judgment.

24 (2) knowingly and willfully depriving Complainant of his property without due process of
25 law, as guaranteed by the *United States Constitution*, under the First Amendment, as
26 based on a judgment that was procured by a Fraud upon the court, thus constituting a void
27 judgment.

28

1 (3) knowingly and willfully depriving Complainant of his property without due process of
2 law as guaranteed by the Fourteenth Amendment to the United States Constitution
3 provides that no State shall deprive any person of life, liberty, or property without due
4 process of law.

5 (4) conspiring with STANLEY FELDSOTT to commit the above offense against the United
6 States in order to defraud the Complainant, and acting to effect the object of the
7 conspiracy, in violation of CPC § 182(a). (one count);

8 **KIRK NAKAMURA with:**

9 (1) knowingly and willfully depriving Complainant of his property without due process of law,
10 as guaranteed by the *California State Constitution*, Article 1 [Declaration of Rights],
11 Section 7, as based on a judgment that was procured by a Fraud upon the court, thus
12 constituting a void judgment.

13 (2) knowingly and willfully depriving Complainant of his property without due process of law,
14 as guaranteed by the *United States Constitution*, under the First Amendment, as based on a
15 judgment that was procured by a Fraud upon the court, thus constituting a void judgment.

16 (3) knowingly and willfully depriving Complainant of his property without due process of law
17 as guaranteed by the Fourteenth Amendment to the United States Constitution provides
18 that no State shall deprive any person of life, liberty, or property without due process of
19 law.

20 (4) conspiring with STANLEY FELDSOTT, and DEREK W. HUNT to commit the above
21 offense against the Complainant to defraud the Court, and acting to effect the object of the
22 conspiracy, in violation of CPC § 182(a) (one count);

23 (5) Defendants obtained personal property in the amount of \$500, by Complainant's consent
24 upon the wrongful use of force and fear of contempt without the court having subject
25 matter jurisdiction over Complainant, in violation of CPC § 518-Extortion (one count).

26 (6) knowingly and willfully causing Complainant to destroy his property in direct violation of
27 law, as based on a judgment that was procured by a Fraud upon the court, in violation of
28 CPC § 594(a)-Vandalism (one count).

1 **GEOFFREY T. GLASS with:**

- 2 (1) knowingly and willfully depriving Complainant of his property without due process of law,
3 as guaranteed by the *California State Constitution*, Article 1 [Declaration of Rights],
4 Section 7, as based on a judgment that was procured by a Fraud upon the court, thus
5 constituting a void judgment.
- 6 (2) knowingly and willfully depriving Complainant of his property without due process of law,
7 as guaranteed by the *United States Constitution*, under the First Amendment, as based on a
8 judgment that was procured by a Fraud upon the court, thus constituting a void judgment.
- 9 (3) knowingly and willfully depriving Complainant of his property without due process of law
10 as guaranteed by the Fourteenth Amendment to the United States Constitution provides
11 that no State shall deprive any person of life, liberty, or property without due process of
12 law.
- 13 (4) conspiring with GLENN MONDO, JOHN C. TEAL, and DEREK W. HUNT to commit the
14 above offense against the Complainant to defraud the Court, and acting to effect the object
15 of the conspiracy, in violation of CPC § 182(a) (one count);
- 16 (5) Defendants obtained personal property in the amount of \$500, by Complainant's consent
17 upon the wrongful use of force and fear of contempt without the court having subject
18 matter jurisdiction over Complainant, in violation of CPC § 518-Extortion (one count).

19 **JOHN F. RYLAARSDAM with:**

- 20 (1) knowingly and willfully depriving Complainant of his property without due process of
21 law, as guaranteed by the *California State Constitution*, Article 1 [Declaration of Rights],
22 Section 7, as based on a judgment that was procured by a Fraud upon the court, thus
23 constituting a void judgment.
- 24 (2) knowingly and willfully depriving Complainant of his property without due process of
25 law, as guaranteed by the *United States Constitution*, under the First Amendment, as
26 based on a judgment that was procured by a Fraud upon the court, thus constituting a void
27 judgment.
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- 1 (3) conspiring with STANLEY FELDSOTT, MARTIN LEE, and DEREK W. HUNT to
2 commit the above offense against the Complainant to defraud the Court, and acting to
3 effect the object of the conspiracy, in violation of CPC § 182(a) (one count);
- 4 (4) willfully extorting property of another under color of official right, in violation of 28
5 U.S.C. 530B (one count).
- 6 (5) knowingly and willfully issuing a void order depriving Complainant's personal property
7 in the amount of \$47,000, by Complainants consent upon the wrongful use of force and
8 fear of contempt without the court having subject matter jurisdiction over Complainant, in
9 violation of CPC § 518-Extortion (one count).
- 10 (6) knowingly and willfully causing Complainant to destroy his property in direct violation of
11 law, as based on a judgment that was procured by a Fraud upon the court, in violation of
12 CPC § 594(a)-Vandalism (one count).

13 **RAYMOND J. IKOLA with:**

- 14 (1) knowingly and willfully depriving Complainant of his property without due process of
15 law, as guaranteed by the *California State Constitution*, Article 1 [Declaration of Rights],
16 Section 7, as based on a judgment that was procured by a Fraud upon the court, thus
17 constituting a void judgment.
- 18 (2) knowingly and willfully depriving Complainant of his property without due process of
19 law, as guaranteed by the *United States Constitution*, under the First Amendment, as
20 based on a judgment that was procured by a Fraud upon the court, thus constituting a void
21 judgment.
- 22 (3) conspiring with STANLEY FELDSOTT, MARTIN LEE, PETER J. POLOS,
23 GEOFFERY T. GLASS and DEREK W. HUNT to commit the above offense against the
24 Complainant to defraud the Court, and acting to effect the object of the conspiracy, in
25 violation of conspiring with STANLEY FELDSOTT, MARTIN LEE, and DEREK W.
26 HUNT to commit the above offense against the Complainant to defraud the Court, and
27 acting to effect the object of the conspiracy, in violation of CPC § 182(a) (one count);
28

- 1 (4) willfully extorting property of another under color of official right, in violation of 28
2 U.S.C. 530B (one count).
- 3 (5) knowingly and willfully issuing a void order depriving Complainant's personal property
4 in the amount of \$47,000, by Complainants consent upon the wrongful use of force and
5 fear of contempt without the court having subject matter jurisdiction over Complainant, in
6 violation of CPC § 518-Extortion (one count).
- 7 (6) knowingly and willfully causing Complainant to destroy his property in direct violation of
8 law, as based on a judgment that was procured by a Fraud upon the court, in violation of
9 CPC § 594(a)-Vandalism (one count).

10 **KATHLEEN O'LEARY with:**

- 11 (1) knowingly and willfully depriving Complainant of his property without due process of
12 law, as guaranteed by the *California State Constitution*, Article 1 [Declaration of Rights],
13 Section 7, as based on a judgment that was procured by a Fraud upon the court, thus
14 constituting a void judgment.
- 15 (2) knowingly and willfully depriving Complainant of his property without due process of
16 law, as guaranteed by the *United States Constitution*, under the First Amendment, as
17 based on a judgment that was procured by a Fraud upon the court, thus constituting a void
18 judgment.
- 19 (3) conspiring with STANLEY FELDSOTT, MARTIN LEE, PETER J. POLOS,
20 GEOFFERY T. GLASS and DEREK W. HUNT to commit the above offense against the
21 Complainant to defraud the Court, and acting to effect the object of the conspiracy, in
22 violation of conspiring with STANLEY FELDSOTT, MARTIN LEE, and DEREK W.
23 HUNT to commit the above offense against the Complainant to defraud the Court, and
24 acting to effect the object of the conspiracy, in violation of CPC § 182(a) (one count);
- 25 (4) willfully extorting property of another under color of official right, in violation of 28
26 U.S.C. 530B (one count).
- 27 (5) knowingly and willfully issuing a void order depriving Complainant's personal property
28 in the amount of \$47,000, by Complainants consent upon the wrongful use of force and

1 fear of contempt without the court having subject matter jurisdiction over Complainant, in
2 violation of CPC § 518-Extortion (one count).

3 **RICHARD D. FYBEL with:**

- 4 (1) knowingly and willfully depriving Complainant of his property without due process of
5 law, as guaranteed by the *California State Constitution*, Article 1 [Declaration of Rights],
6 Section 7, as based on a judgment that was procured by a Fraud upon the court, thus
7 constituting a void judgment.
- 8 (2) knowingly and willfully depriving Complainant of his property without due process of
9 law, as guaranteed by the *United States Constitution*, under the First Amendment, as
10 based on a judgment that was procured by a Fraud upon the court, thus constituting a void
11 judgment.
- 12 (3) conspiring with STANLEY FELDSOTT, MARTIN LEE, PETER J. POLOS,
13 GEOFFERY T. GLASS and DEREK W. HUNT to commit the above offense against the
14 Complainant to defraud the Court, and acting to effect the object of the conspiracy, in
15 violation of conspiring with STANLEY FELDSOTT, MARTIN LEE, and DEREK W.
16 HUNT to commit the above offense against the Complainant to defraud the Court, and
17 acting to effect the object of the conspiracy, in violation of CPC § 182(a) (one count);
- 18 (4) willfully extorting property of another under color of official right, in violation of 28
19 U.S.C. 530B (one count).
- 20 (5) knowingly and willfully issuing a void order depriving Complainant's personal property
21 in the amount of \$47,000, by Complainants consent upon the wrongful use of force and
22 fear of contempt without the court having subject matter jurisdiction over Complainant, in
23 violation of CPC § 518-Extortion (one count).
- 24 (6) knowingly and willfully causing Complainant to destroy his property in direct violation of
25 law, as based on a judgment that was procured by a Fraud upon the court, in violation of
26 CPC § 594(a)-Vandalism (one count).
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1 **COUNT II: Obtaining property induced by force and fear under color of Official Right**

2 CPC §518. Extortion is the obtaining of property from another, with his consent, or the
3 obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or
4 under color of official right. [Emphasis added]

5 5.15 Under threatened use of force which induced fear in the Complainant, Defendants
6 HUNT, POLOS and GLASS demanded and obtained money from the Complainant's under a void order
7 as a condition to Complainant's not being subject to contempt of court and unlawful confinement. This
8 wrongful taking through threats of forced false imprisonment constitutes a plain violation of CPC §
9 518-Extortion.

10 5.16 Without lawful authority Defendants HUNT, POLOS and GLASS willfully and
11 unlawfully induced by wrongful use of force and fear of contempt void orders and void judgments in
12 these false Judicial Proceedings against Complainant for the purpose of extorting Complainant's
13 personal. This act constitutes a plain violation of CPC § 518 - Extortion.

14 5.17 As a result of the conducted by Defendants, Complainant hereby formally charges:

15 **DEREK W. HUNT with:**

- 16
- 17 1. willfully extorting property of another under color of official right, in violation of CPC
 - 18 §518 (one count).
 - 19 2. Defendants obtained personal property in the amount of \$47,000, by Complainants
 - 20 consent upon the wrongful use of force and fear of contempt without the court having
 - 21 subject matter jurisdiction over Complainant, in violation of CPC § 518-Extortion (one
 - 22 count).

23 **PETER J. POLOS with:**

- 24
- 25 3. willfully extorting property of another under color of official right, in violation of CPC
 - 26 §518 (one count).
 - 27 4. Defendants obtained personal property in the amount of \$47,000, by Complainants
 - 28 consent upon the wrongful use of force and fear of contempt without the court having

1 subject matter jurisdiction over Complainant, in violation of CPC § 518-Extortion (one
2 count).

3 **GEOFFREY T. GLASS with:**

4 5. willfully extorting property of another under color of official right, in violation of CPC
5 §518 (one count).

6 6. Defendants obtained personal property in the amount of \$47,000, by Complainants
7 consent upon the wrongful use of force and fear of contempt without the court having
8 subject matter jurisdiction over Complainant, in violation of CPC § 518-Extortion (one
9 count).

10 **COUNT III: Vandalism**

11 CPC § 594(a) - Every person who maliciously commits any of the following acts with respect
12 to any real or personal property not his or her own, in cases other than those specified by state
13 law, is guilty of vandalism:

14 (1) Defaces with graffiti or other inscribed material; (2) Damages; (3) Destroys.

15 Whenever a person violates this subdivision with respect to real property, vehicles, signs,
16 fixtures, furnishings, or property belonging to any public entity, as defined by Section 811.2 of
17 the Government Code, or the federal government, it shall be a permissive inference that the
18 person neither owned the property nor had the permission of the owner to deface, damage, or
19 destroy the property.

20 (b) (1) If the amount of defacement, damage, or destruction is four hundred dollars (\$400) or
21 more, vandalism is punishable by imprisonment in the state prison or in a county jail not
22 exceeding one year, or by a fine of not more than ten thousand dollars (\$10,000), or if the
23 amount of defacement, damage, or destruction is ten thousand dollars (\$10,000) or more, by a
24 fine of not more than fifty thousand dollars (\$50,000), or by both that fine and imprisonment.

25 5.18 Without lawful authority Defendants HUNT, and NAKAMURA willfully and
26 unlawfully and by threat of contempt forced the Complainant to destroy the gate and concrete pilasters
27 and block wall installed for in excess of \$4000. This act constitutes a plain violation of CPC § 594,
28 damages and destruction.

5.19 As a result of the conducted by Defendants, Complainant hereby formally charges:

1 **DEREK W. HUNT with:**

2 (1) Defendants were authorized by Derek W. Hunt upon a void order to vandalize
3 Claimant's personal property by removal of a "gate" that cost more than \$3000 by
4 wrongful use of force and fear of contempt without the court having subject matter
5 jurisdiction over Complainant, in violation of CPC § 594-Vandalism (one count).

6 **KIRK NAKAMURA with:**

7 (1) Defendants were authorized by Kirk Nakamura upon a void order to vandalize
8 Complainant's personal property by removal of a block wall and pilasters that cost more
9 than \$2000 by wrongful use of force and fear of contempt without the court having subject
10 matter jurisdiction over Complainant, in violation of CPC § 594-Vandalism (one count).

11 5.20 Further, attached and incorporated by reference are official reports and records of the
12 Orange county court which the Complainant believes establishes probable cause for the arrest of
13 Defendant PETER J. POLOS, for the above listed crimes. Wherefore, a WARRANT OF ARREST IS
14 REQUESTED.

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16 5.21 Further, attached and incorporated by reference are official reports and records of the
17 Orange county court which the Complainant believes establishes probable cause for the arrest of
18 Defendant GEFFERY T. GLASS, for the above listed crimes. Wherefore, a WARRANT OF ARREST
19 IS REQUESTED.

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B ATTORNEYS CRIMES

5.22 These crimes on the part of the Defendants and each of them are clearly proven by the facts and the exhibits attached under separate cover. The conduct complained of clearly fits into statutory language. All acts complained of by Attorney Defendants shall be deemed to have been committed as Officers of the Court and under their own free will, and committed knowingly, intentionally, and willfully, and with full and prior knowledge of the law and the facts applicable, relevant, and germane to the incident complained of. All paragraphs in this complaint shall be deemed to have been incorporated into each other paragraph. Crimes complained of are as follows:

COUNT I: Conspiracy to Commit Crimes

CPC § 182(a).- If two or more persons conspire: (1) To commit any crime; (2) Falsely and maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime;(3) Falsely to move or maintain any suit, action, or proceeding.(4) To cheat and defraud any person of any property, by any means which are in themselves criminal, or to obtain money or property by false pretenses or by false promises with fraudulent intent not to perform those promises; (5) To commit any act injurious to the public health, to public morals, or to pervert or obstruct justice, or the due administration of the laws; (6) To commit any crime against the person of the President or Vice President of the United States, the Governor of any state or territory, any United States justice or judge, or the secretary of any of the executive departments of the United States.

5.23 On July 24, 2002, in the County of Orange, State of California, STANLEY FELDSOTT as agreed to by CATHRINE LESNICK, GEORGE KALLAS, RICHARD CARLBURG and JIMMY PATOPOFF, served a Complaint with a summons commencing false real property claims in violation of Penal code, § 182(a)(1).

5.24 On or about August, 2002, in the County of Orange, State of California, CLAIMANANT served a Motion to strike the sham complaint for violations of Civil code 1354 and for commencing false real property claims, in violation of Penal code, § 182(a)(1).

5.25 These false representations under oath from these Defendants arise from a contrivance, a conspiracy by these Defendants to deprive DOE of his property and his privacy, when in fact the Defendants are wholly unable to prove and did not prove that a real property claim existed under the governing documents, to which the Judge Derek W. Hunt had to insert the word “gate” into the

1 governing documents to create subject-matter jurisdiction for the court and Quasi-Jurisdiction to the
2 Association to even try the matter, after ignoring the numerous laws that prohibit this misconduct. The
3 artifice of malicious prosecution of a false real property claim contrived by these Defendants, as aided
4 and abetted by Judge HUNT and affirmed by Justices John Rylaarsdam, Richard Fybel and Raymond J.
5 Ikola therefore constitutes a plain violation of CPC § 182(a)(3) [Conspiracy to Commit Crimes] and 18
6 U.S.C. §241 [Conspiracy of Rights]

7
8 5.26 With full knowledge that the Greenbrook Fountain Valley Homeowners Association
9 lacked standing to sue, Defendants STANLEY FELDSOTT and MARTIN LEE chose to commence a
10 false proceeding on a fabricated real property claim to obtain a judgment to vandalize property not
11 rightfully their own and steal personal property for monetary gain in the form of legal fees. This
12 misconduct on the part of Defendants constitutes a clear violation of California CPC 182(a)(3) [Falsely
13 to move or maintain any suit, action, or proceeding].

14 5.27 With full knowledge that GREENBROOK FOUNTAIN VALLEY HOMEOWNERS
15 ASSOCIATION lacked standing to sue, Defendants CATHRINE LESNICK, GEORGE KALLAS,
16 RICHARD CARLBURG and JIMMY PATOPOFF chose to commence a false action to obtain a
17 judgment and property not rightfully owed to GREENBROOK FOUNTAIN VALLEY
18 HOMEOWNERS ASSOCIATION. (See Ex. 2 hereto). This conduct on the part of these Defendants
19 constitutes a plain violation PENAL CODE § 186.1, 186.2(a)(6), 186.2(a)(16).

20 **OVERT ACT 1:**

21 5.28 In furtherance of said conspiracy and to effect the illegal objects of thereof, the
22 following overt acts, among others, were committed in the State of California, in the County of Orange.
23

24 5.29 (OA) That thereafter, at and in the county of orange, State of California, and in the
25 furtherance of the conspiracy and to effect its object, STANLEY FELDSOTT on or about February 24,
26 2004, entered a void judgment against Complainant do deprive him of his property without equal
27 protection under law. Wherefore, a WARRANT OF ARREST IS REQUESTED.
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OVERT ACT 2:

5.30 (OA) That thereafter, at and in the county of orange, State of California, and in the furtherance of the conspiracy and to effect its object, STANLEY FELDSOTT on or about July 22, 2002, instituted a false legal proceeding in the Orange County Superior court for a false real property claim to extort the personal property from Complainant in the form of obtaining Attorney fees. Wherefore, a WARRANT OF ARREST IS REQUESTED.

OVERT ACT 3:

5.31 (OA) That thereafter, at and in the county of orange, State of California, and in the furtherance of the conspiracy and to effect its object, STANLEY FELDSOTT on or about July 24, 2002, instituted a false recording of a Lis Pendens to the Real Property Title of Complainant claiming right to possession of his Title and placed an encumbrance on said title to extort the personal property from Complainant in the form of obtaining Attorney fees. Wherefore, a WARRANT OF ARREST IS REQUESTED.

OVERT ACT 3:

5.32 (OA) That thereafter, at and in the county of orange, State of California, and in the furtherance of the conspiracy and to effect its object, STANLEY FELDSOTT on or about July 24, 2002, maintained the false legal proceeding up to and including Trial of the false claims to the Real Property owned by Complainant and failed to provide any evidence of a right to title or violation under the governing documents to which its Client had subject-matter jurisdiction over the real property. Wherefore, a WARRANT OF ARREST IS REQUESTED.

OVERT ACT 4:

5.33 (OA) That thereafter, at and in the county of orange, State of California, and in the furtherance of the conspiracy and to effect its object, STANLEY FELDSOTT on or about February 24, 2004, engaged in further false legal proceedings to drive up the attorney fees on a sham pleading. Wherefore, a WARRANT OF ARREST IS REQUESTED.

1 5.34 Further, attached and incorporated by reference are official reports and records of the
2 Orange county court which the Complainant believes establishes probable cause for the arrest of
3 Defendant STANLEY FELDSOTT, for the above listed crimes. Wherefore, a WARRANT OF
4 ARREST IS REQUESTED.

5 5.35 As a result of the overt acts conducted by Defendants, Complainant hereby formally
6 charges:

7 **STANLEY FELDSOTT with:**

- 8 (1) knowingly and willfully using a false writing or document, knowing the same
9 to contain a materially false, fictitious or fraudulent statement or entry, in
10 violation of 18 U.S.C. 1001 (one count); see Exhibit "2";
11 (2) conspiring with Defendants to commit the above offense against the
12 Complainant in order to defraud the Complainant of his personal and real
13 property, and acting to effect the object of the conspiracy, in violation of CPC
14 sections 186.1, 186.2(a)(6), 186.2(a)(16) (one count); and,

15 **MARTIN LEE with:**

- 16 (1) knowingly and willfully using a false writing or document, knowing the same
17 to contain a materially false, fictitious or fraudulent statement or entry, in
18 violation of 18 U.S.C. 1001 (one count); see Exhibit "2";
19 (2) conspiring with Defendants to commit the above offense against the
20 Complainant in order to defraud the Complainant of his personal and real
21 property, and acting to effect the object of the conspiracy, in violation of CPC
22 sections 186.1, 186.2(a)(6), 186.2(a)(16) (one count); and,
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1 **JOHN TEAL with:**

2 (1) knowingly and willfully using a false writing or document, knowing the same
3 to contain a materially false, fictitious or fraudulent statement or entry, in
4 violation of 18 U.S.C. 1001 (one count);

5 (2) conspiring with Defendants to commit the above offense against the
6 Complainant in order to defraud the Complainant of his personal and real
7 property, and acting to effect the object of the conspiracy, in violation of CPC
8 sections 186.1, 186.2(a)(6), 186.2(a)(16) (one count); and,

9 **GLENN MONDO with:**

10 (1) knowingly and willfully using a false writing or document, knowing the same
11 to contain a materially false, fictitious or fraudulent statement or entry, in
12 violation of 18 U.S.C. 1001 (one count);

13 (2) conspiring with Defendants to commit the above offense against the
14 Complainant in order to defraud the Complainant of his personal and real
15 property, and acting to effect the object of the conspiracy, in violation of CPC
16 sections 186.1, 186.2(a)(6), 186.2(a)(16) (one count);

17 **FRANCESCA DIOGUARDI with:**

18 (1) knowingly and willfully using a false writing or document, knowing the same
19 to contain a materially false, fictitious or fraudulent statement or entry, in
20 violation of 18 U.S.C. 1001 (one count);

21 (2) conspiring with Defendants to commit the above offense against the
22 Complainant in order to defraud the Complainant of his personal and real
23 property, and acting to effect the object of the conspiracy, in violation of in
24 violation of CPC sections 186.1, 186.2(a)(6), 186.2(a)(16) (one count);

25
26 **COUNT I:** Criminal profiteering activity

27 CPC §186-186.8

28 186. This act may be cited as the "California Control of Profits of Organized Crime Act."

1 186.1. The Legislature hereby finds and declares that an effective means of punishing and
2 deterring criminal activities of organized crime is through the forfeiture of profits acquired and
3 accumulated as a result of such criminal activities. It is the intent of the Legislature that the
4 "California Control of Profits of Organized Crime Act" be used by prosecutors to punish and
5 deter only such activities.

6 186.2. For purposes of this chapter, the following definitions apply:

7 (a) "Criminal profiteering activity" means any act committed or attempted or any threat made
8 for financial gain or advantage, which act or threat may be charged as a crime under any of the
9 following sections:

10 (6) Extortion, as defined in Section 518.

11 (16) Grand theft, as defined in Section 487.

12 .

13 5.36 On July 24, 2002, in the County of Orange, State of California, STANLEY FELDSOTT
14 served Complaint with a summons and complaint commencing a false real property claims in violation
15 of Penal code, sections 186-186.8.

16

17 5.37 With full knowledge that GREENBROOK FOUNTAIN VALLEY HOMEOWNERS
18 ASSOCIATION lacked standing to sue, Defendants STANLEY FELDSOTT and MARTIN LEE chose
19 to commence a false action to obtain a judgment and property not rightfully owed to GREENBROOK
20 FOUNTAIN VALLEY HOMEOWNERS ASSOCIATION. (See Ex.2 hereto). This conduct on the part
21 of these Defendants constitutes a plain violation PENAL CODE SECTION 186.1, 186.2(a)(6),
22 186.2(a)(16).

23

24 5.38 With full knowledge that GREENBROOK FOUNTAIN VALLEY HOMEOWNERS
25 ASSOCIATION lacked standing to record amendments to the governing documents of the community
26 Association for purposes of absolving the liability of the Directors and certain homeowners in a
27 pending litigation to defraud a member of his rights, Defendants GLENN MONDO and JOHN C.
28 TEAL chose to initiate false proceedings to procure a judgment based on a fraud upon the court. This

1 conduct on the part of these Defendants constitutes a plain violation PENAL CODE SECTION 186.1,
2 186.2(a)(6), 186.2(a)(16).

3
4 5.39 With full knowledge that GREENBROOK FOUNTAIN VALLEY HOMEOWNERS
5 ASSOCIATION paid for the Directors and certain homeowners in the pending litigation, Defendant
6 Francesca Dioguardi chose to initiate false proceedings to procure attorney fees based on a fraud upon
7 the court. This conduct on the part of these Defendant constitutes a plain violation PENAL CODE
8 SECTION 186.1, 186.2(a)(6), 186.2(a)(16).

9 5.40 As a result of the acts conducted by Defendants, Complainant hereby formally charges:

10 **STANLEY FELDSOTT with:**

- 11 (1) knowingly and willfully using a false writing or document, knowing the same
12 to contain a materially false, fictitious or fraudulent statement or entry, in
13 violation of 186.1 (one count); see Exhibit "2";
- 14 (2) knowingly and willfully using a false writing or document, knowing the same
15 to contain a materially false, fictitious or fraudulent statement or entry, in
16 violation of 186.2(a)(6) (one count); see Exhibit "2"; and,
- 17 (3) knowingly and willfully using a false writing or document, knowing the same
18 to contain a materially false, fictitious or fraudulent statement or entry, in
19 violation of 186.2(a)(16) (one count); see Exhibit "2";

20 **MARTIN LEE with:**

- 21 (1) knowingly and willfully using a false writing or document, knowing the same
22 to contain a materially false, fictitious or fraudulent statement or entry, in
23 violation of 186.1 (one count); see Exhibit "2";
- 24 (2) knowingly and willfully using a false writing or document, knowing the same
25 to contain a materially false, fictitious or fraudulent statement or entry, in
26 violation of 186.2(a)(6) (one count); see Exhibit "2"; and,

1 (3) knowingly and willfully using a false writing or document, knowing the same
2 to contain a materially false, fictitious or fraudulent statement or entry, in
3 violation of 186.2(a)(16) (one count); see Exhibit “2”;

4 **JOHN TEAL with:**

5 (1) knowingly and willfully using a false writing or document, knowing the same
6 to contain a materially false, fictitious or fraudulent statement or entry, in
7 violation of 186.1 (one count);

8 (2) knowingly and willfully using a false writing or document, knowing the same
9 to contain a materially false, fictitious or fraudulent statement or entry, in
10 violation of 186.2(a)(6) (one count);

11 (3) knowingly and willfully using a false writing or document, knowing the same
12 to contain a materially false, fictitious or fraudulent statement or entry, in
13 violation of 186.2(a)(16) (one count);

14 **GLENN MONDO with:**

15 (1) knowingly and willfully using a false writing or document, knowing the same
16 to contain a materially false, fictitious or fraudulent statement or entry, in
17 violation of 186.1 (one count);

18 (2) knowingly and willfully using a false writing or document, knowing the same
19 to contain a materially false, fictitious or fraudulent statement or entry, in
20 violation of 186.2(a)(6) (one count);

21 (3) knowingly and willfully using a false writing or document, knowing the same
22 to contain a materially false, fictitious or fraudulent statement or entry, in
23 violation of 186.2(a)(16) (one count);

24 **FRANCESCA DIOGUARDI with:**

25 (1) knowingly and willfully using a false writing or document, knowing the same
26 to contain a materially false, fictitious or fraudulent statement or entry, in
27 violation of 186.1 (one count);

28

1 (2) knowingly and willfully using a false writing or document, knowing the same
2 to contain a materially false, fictitious or fraudulent statement or entry, in
3 violation of 186.2(a)(6) (one count);

4 (3) knowingly and willfully using a false writing or document, knowing the same
5 to contain a materially false, fictitious or fraudulent statement or entry, in
6 violation of 186.2(a)(16) (one count);

7 **COUNT II: Extortion - Obtaining property, with consent, induced by force and fear**

8 CPC §518. Extortion is the obtaining of property from another, with his consent, or the
9 obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or
10 under color of official right. [Emphasis added]

11
12 5.41 Without cause and without a lawful basis, Defendants HUNT, GLASS and POLOS
13 acted in concert to authorize the taking of the property of the Complainant under color of official right
14 by entering a void judgment, as procured by a fraud upon the Court, in which the court failed to have
15 subject matter jurisdiction over Complainant. This unlawful use of the court force to remove
16 Complainant property constitutes a robbery, coupled with the Defendants' demand for ransom or
17 attempt to otherwise extort money from Complainant, therefore constitutes a violation of CPC § 518
18 Extortion statute.

19 5.42 Under threatened use of force which induced fear in the Complainant, Defendants
20 HUNT, POLOS and GLASS demanded and obtained money from the Complainant's friend as a
21 condition to Complainant's release from unlawful confinement. This wrongful taking through threats of
22 forced false imprisonment constitutes a plain violation of CPC § 518 for Extortion.

23 5.43 Defendants FELDSOTT made false statements to subject Courts with the objective of
24 obtaining property from the Complainant not owed to them, valued in excess of \$38,000 as Attorney
25 fees and costs. Such false statements as these Defendants have made to the subject court, they have
26 committed a clear violation of CPC § 518 for Extortion

27
28 5.44 As a result of the conducted by Defendants, Complainant hereby formally charges:

1 **STANLEY FELDSOTT with:**

2 (1) Defendants obtained personal property in the amount of \$47,000, by
3 Complainants consent upon the wrongful use of force and fear of contempt
4 without the court having subject matter jurisdiction over Complainant, in
5 violation of CPC § 518-Extortion (one count).

6 **MARTIN LEE with:**

7 (1) Defendants obtained personal property in the amount of \$47,000, by
8 Complainants consent upon the wrongful use of force and fear of contempt
9 without the court having subject matter jurisdiction over Complainant, in
10 violation of CPC § 518-Extortion (one count).

11 5.45 Under threatened use of force which induced fear in the Complainant, Defendants
12 HUNT, POLOS and GLASS demanded and obtained money from the Complainant's friend as a
13 condition to Complainant's release from unlawful confinement. This wrongful taking through threats of
14 forced false imprisonment constitutes a plain violation of CPC § 518 Extortion.

15
16 **COUNT III: Robbery**

17 CPC § 211.- Robbery is the felonious taking of personal property in the possession of another,
18 from his person or immediate presence, and against his will, accomplished by means of force or
19 fear.

20 5.46 In the course of the conspiracy to maintain unlawful and false proceedings of
21 Complainant, Defendants Martin Lee and Stanley Feldsott caused the Sheriff to take and/or caused to
22 be taken from the Complainant his Recreational Vehicle worth over \$70,000 to satisfy the amount of
23 \$36,632.86 in personal property based on a void judgment entered and authorized by Judge Derek W.
24 Hunt at the hearing on May 11, 2004, against his will and under threat of force. Defendants' taking of
25 Complainant's personal property in the commission of a felony therefore constitutes a plain violation of
26 CPC § 211 Robbery.

27 5.47 Against Complainant's will and under threatened use of force by the Sheriff acting in
28 good faith compliance to writ of execution and levy upon a court judgment signed by Derek W. Hunt

1 by which induced fear in the Complainants, Complainant DOE was forced to pay by a certified
2 cashier's check the amount of \$36,632.86 to Defendants, as a condition to retain is personal property
3 levied upon and being confiscated by the Orange County Sheriff's department to satisfy a void
4 judgment, as procured by crimes in the court under color of Official Right. This wrongful taking of
5 personal property based on a void judgment procured by crimes, constitutes a plain violation of CPC §
6 211 for robbery.

7
8 5.48 As a result of the conducted by Defendants, Complainant hereby formally charges:

9 **STANLEY FELDSOTT with:**

- 10 (1) knowingly and willfully using a false writing or document known as a Writ of Execution
11 from the Orange County Superior Court, knowing the same to contain a materially false,
12 fictitious or fraudulent statement or entry, in violation of 18 U.S.C. 1001 (one count);
13 see Exhibit "18";
- 14 (2) felonious taking of personal property of Complainant against his will by means of force
15 and fear of contempt, based on a false real property claim, in violation of CPC § 211.

16 **MARTIN LEE with:**

- 17 (1) knowingly and willfully using a false writing or document known as a Writ of Execution
18 from the Orange County Superior Court, knowing the same to contain a materially false,
19 fictitious or fraudulent statement or entry, in violation of 18 U.S.C. 1001 (one count);
20 see Exhibit "18";
- 21 (2) felonious taking of personal property of Complainant against his will by means of force
22 and fear of contempt, based on a false real property claim, in violation of CPC § 211.

23
24 **COUNT III: Theft**

25 CPC § 153.- Every person who, having knowledge of the actual commission of a crime, takes
26 money or property of another, or any gratuity or reward, or any engagement, or promise thereof,
27 upon any agreement or understanding to compound or conceal such crime, or to abstain from
28 any prosecution thereof, or to withhold any evidence thereof, except in the cases provided for by
law, in which crimes may be compromised by leave of court, is punishable as follows:

1. By imprisonment in the state prison, or in a county jail not exceeding one year, where the
crime was punishable by death or imprisonment in the state prison for life;

- 1 2. By imprisonment in the state prison, or in the county jail not exceeding six months, where
2 the crime was punishable by imprisonment in the state prison for any other term than for
3 life;
3 3. By imprisonment in the county jail not exceeding six months, or by fine not exceeding one
4 thousand dollars (\$1,000), where the crime was a misdemeanor.

4 5.49 With full knowledge that by commencing a false proceeding, Defendants George Kallas,
5 Catherine Lesnick, Jimmy Patopoff, Regina Alcantera, and Richard Carlburg authorized Stanley
6 Feldsott and Martin Lee of the Law Firm FELDSOTT & LEE authorized in the name of Greenbrook
7 Fountain Valley Homeowner Association, by design fabricated a false easement violation under the
8 CC&Rs, to commence a false proceeding to obtain a judgment for the purpose of depriving the
9 Complainant DOEs of lawful use and enjoyment of their real property and cause the theft of their
10 personal property based on a false claim of damages for a trespass that never existed on their own
11 property. This wrongful and tortuous conduct on the part of Defendants, constitutes a clear violation
12 *California Penal Code (CPC) § 153 - Theft.*

13
14 5.50 Defendant STANLEY FELDSOTT's motivation for filing a false judicial proceeding is
15 founded in the baseless fabricated real property claim under the CC&Rs despite his full knowledge that
16 Complainant never violated any CC&R of any kind. With no ability to prove a real property claim
17 against Complainant, FELDSOTT lost sight of the truth due to greed to generate attorney fees, and
18 procured a judgment based on a fraud upon the court out of malice, and utterly without probable cause,
19 in plain violation of CPC § 153 - Theft.

20 5.51 Defendant STANLEY FELDSOTT used false Declarations to maliciously obtain
21 attorney fees and costs in each of the false judicial proceedings, thereby gaining unlawful order of the
22 court to steal Complainant's personal property, in plain violation of CPC § 153 - Theft.

23
24 5.52 Without lawful authority or cause to order to take the personal property of the
25 Complainant, Defendants HUNT, POLOS and GLASS acted to deprive the Complainant of his liberty,
26 forcing him into a cage under threat of physical force and bodily harm. This unlawful confinement of
27 the Complainant constitutes a plain violation of CPC §153 - Theft.

28

1 5.53 Defendants STANLEY FELDSOTT and MARTIN LEE made false representations to
2 the Courts that the Association paid them in excess of \$38,000 in legal fees to obtain this personal
3 property from Complainant by representing Greenbrook Fountain Valley Homeowners Association,
4 which lacked standing to sue upon a false proceeding. By doing so, these defendants have committed a
5 clear violation of California CPC 153 [Theft]. Obtaining property by false pretenses thus constituting
6 theft.

7 5.54 As a result of the conducted by Defendants, Complainant hereby formally charges:
8

9 **STANLEY FELDSOTT with:**

- 10 (1) knowingly and willfully pleading a false real property claim, knowing the same to be a
11 sham pleading containing materially false, fictitious or fraudulent allegations of a false
12 claim, in violation of CPC §153 (one count); see Exhibit “2”;
13 (2) conspiring with STANLEY FELDSOTT, GEORGE KALLAS, JAMES STRANG,
14 TERRY HARNEY, SHIRLEY VOGT, CHUCK BAGBY, MARK NELSON, REGINA
15 ALCANTRA to commit the above offense against the DOEs in order to defraud the
16 Complainant of his personal and real property, and acting to effect the object of the
17 conspiracy, in violation of §182(a) (one count);

18 **MARTIN LEE with:**

- 19 (1) knowingly and willfully pleading a false real property claim, knowing the same to be a
20 sham pleading containing materially false, fictitious or fraudulent allegations of a false
21 claim, in violation of CPC §182(a) (one count); see Exhibit “2”;
22 (2) conspiring with STANLEY FELDSOTT, GEORGE KALLAS, JAMES STRANG,
23 TERRY HARNEY, SHIRLEY VOGT, CHUCK BAGBY, MARK NELSON,
24 REGINA ALCANTRA to commit the above offense against the DOEs in order to
25 defraud the Complainant of his personal and real property, and acting to effect the
26 object of the conspiracy, in violation of §182(a) (one count);

27 **COUNT IV: Perjury**

28 CPC § 118a.- Perjury. Any person who, in any affidavit taken before any person authorized to
administer oaths, swears, affirms, declares, deposes, or certifies that he will testify, declare,
depose, or certify before any competent tribunal, officer, or person, in any case then pending or
thereafter to be instituted, in any particular manner, or to any particular fact, and in such
affidavit willfully and contrary to such oath states as true any material matter which he knows to
be false, is guilty of perjury. In any prosecution under this section, the subsequent testimony of

1 such person, in any action involving the matters in such affidavit contained, which is contrary to
2 any of the matters in such affidavit contained, shall be prima facie evidence that the matters in
such affidavit were false.

3 5.55 Without lawful authority Defendants HUNT, POLOS and GLASS willfully and
4 unlawfully and by threat of force and injury constrained and confined the Complainant for a period of
5 several hours. This act constitutes a plain violation of CPC § 118a - Perjury.

6
7 5.56 No Officer of the Court System within the County of Orange may use perjured
8 testimony to establish a claim upon which relief may be granted: *United States v. Agurs*, 427 U.S. 97,
9 103, and n. 8 (1976) (citing cases); *Giglio v. United States*, 405 U.S. 150, 153-154 (1972) (failure to
10 disclose Government agreement with witness violates due process); *Brady v. Maryland*, 373 U.S. 83, 87
11 (1963) ("suppression by the prosecution of evidence favorable to an accused upon request violates due
12 process where the evidence is material either to guilt or to punishment, irrespective of the good faith or
13 bad faith of the prosecution"); *Napue v. Illinois*, 360 U.S. 264 (1959) (failure of state to correct
14 testimony known to be false violates due process); *Pyle v. Kansas*, 317 U.S. 213, 215-216 (1942)
15 (allegations of the knowing use of perjured testimony and the suppression of evidence favorable to the
16 accused "sufficiently charge a deprivation of rights guaranteed by the Federal Constitution, and, if
17 proven, would entitle petitioner to release from his present custody"). But cf. *United States v. Johns*,
18 504 U.S. (1992) (prosecutor need not present exculpatory evidence in his possession to the grand jury).
19 KEVIN ALBRIGHT v. ROGER OLIVER, 114 S. Ct. 807, 127 L. Ed.2d 114, 62 U.S.L.W. 4078 (1994)

20 5.57 As a result of the conducted by Defendants, Complainant hereby formally charges:

21 **STANLEY FELDSOTT with:**

- 22 (1) knowingly and willfully pleading a false real property claim, knowing the same
23 to be a sham pleading containing materially false, fictitious or fraudulent
24 allegations of a false claim, in violation of § 118a - Perjury (one count); see
25 Exhibit "2";

26 **MARTIN LEE with:**

- 27 (1) knowingly and willfully pleading a false real property claim, knowing the same
28 to be a sham pleading containing materially false, fictitious or fraudulent

1 allegations of a false claim, in violation of § 118a - Perjury (one count); see
2 Exhibit "A";

3 (2) conspiring with STANLEY FELDSOTT, MARTIN LEE, GEORGE KALLAS,
4 JAMES STRANG, TERRY HARNEY, SHIRLEY VOGT, CHUCK BAGBY,
5 MARK NELSON, REGINA ALCANTRA to commit the above offense against
6 the DOEs in order to defraud the Complainant of his personal and real property,
7 and acting to effect the object of the conspiracy, in violation of §182(a) (one
8 count);

9 **COUNT IV: Vandalism**

10 CPC § 594(a) - Every person who maliciously commits any of the following acts with respect
11 to any real or personal property not his or her own, in cases other than those specified by state
12 law, is guilty of vandalism:

13 (1) Defaces with graffiti or other inscribed material; (2) Damages; (3) Destroys.

14 Whenever a person violates this subdivision with respect to real property, vehicles, signs,
15 fixtures, furnishings, or property belonging to any public entity, as defined by Section 811.2 of
16 the Government Code, or the federal government, it shall be a permissive inference that the
17 person neither owned the property nor had the permission of the owner to deface, damage, or
18 destroy the property.

19 (b) (1) If the amount of defacement, damage, or destruction is four hundred dollars (\$400) or
20 more, vandalism is punishable by imprisonment in the state prison or in a county jail not
21 exceeding one year, or by a fine of not more than ten thousand dollars (\$10,000), or if the
22 amount of defacement, damage, or destruction is ten thousand dollars (\$10,000) or more, by a
23 fine of not more than fifty thousand dollars (\$50,000), or by both that fine and imprisonment.

24 5.58 Without lawful authority Defendants HUNT, and NAKAMURA under official right
25 willfully and unlawfully and by threat of contempt forced the Complainant to destroy the gate and
26 concrete pilasters and block wall installed at his real property which was in excess of \$4000. This act
27 constitutes a plain violation of CPC § 594, damages and destruction.

28 5.59 As a result of the conducted by Defendants, Complainant hereby formally charges:

STANLEY FELDSOTT with:

- 1 (1) knowingly and willfully using a false writing or document, knowing the same to
2 contain a materially false, fictitious or fraudulent statement or entry, in violation
3 of 18 U.S.C. 1001 (one count);
4 (2) knowingly and willfully causing the destruction and damage to the real and
5 personal property, in violation of CPC §594(2)(3) (one count);

6 **MARTIN LEE with:**

- 7 (1) knowingly and willfully using a false writing or document, knowing the same to
8 contain a materially false, fictitious or fraudulent statement or entry, in violation
9 of 18 U.S.C. 1001 (one count);
10 (2) knowingly and willfully causing the destruction and damage to the real and
11 personal property, in violation of CPC §594(2)(3) (one count);

12 **B. BOARD MEMBERS AND INDIVIDUALS CRIMES**

13
14 5.60 These crimes on the part of the Defendants and each of them are clearly proven by the
15 facts and the exhibits attached under separate cover. The conduct complained of clearly fits into
16 statutory language. All acts complained of by Board Members and Individuals Defendants shall be
17 deemed to have been committed under their own free will, and committed knowingly, intentionally, and
18 willfully, and with full and prior knowledge of the law and the facts applicable, relevant, and germane
19 to the incident complained of. All paragraphs in this complaint shall be deemed to have been
20 incorporated into each other paragraph. Allegations of violations of California criminal statutes are as
21 follows:

22 **COUNT I: Conspiracy to Commit Crimes**

23 CPC § 182(a).- If two or more persons conspire: (1) To commit any crime; (2) Falsely and
24 maliciously to indict another for any crime, or to procure another to be charged or arrested for any
25 crime;(3) Falsely to move or maintain any suit, action, or proceeding.(4) To cheat and defraud any
26 person of any property, by any means which are in themselves criminal, or to obtain money or
27 property by false pretenses or by false promises with fraudulent intent not to perform those
28 promises; (5) To commit any act injurious to the public health, to public morals, or to pervert or
obstruct justice, or the due administration of the laws; (6) To commit any crime against the person
of the President or Vice President of the United States, the Governor of any state or territory, any
United States justice or judge, or the secretary of any of the executive departments of the United
States.

1 5.61 On or about July 10, 2002, in the County of Orange, State of California, JAMES
2 MCINTYRE, CHUCK BAGBY, ELIZABETH A. MCINTYRE circulated a petition within the
3 community and surrounding neighborhood that expressed false information and sought signature from
4 unsuspecting community members to support the Board members conspiracy to institution false legal
5 proceedings of false real property claims, in violation of Penal code, § 182(a)(1).

6 5.62 On or about July 10, 2002, at a Board meeting in the County of Orange, State of
7 California, CATHRINE LESNICK, GEORGE KALLAS, RICHARD CARLBURG and JIMMY
8 PATOPOFF all conspired and agreed to file a false legal proceeding against CLAIMANANT for false
9 real property claims in violation of California Law Civil code 1354(c) and for commencing a false real
10 property claims, in violation of Penal code, § 182(a)(1).

11 5.63 On or about August, 2002, in the County of Orange, State of California,
12 CLAIMANANT served a Motion to strike the sham complaint for violations of Civil code 1354 and for
13 commencing a false real property claims in violation of Penal code, § 182(a)(1).

14 5.64 On or about and between March 2, 2005 and October 29, 2007, in the County of Orange,
15 State of California, the crime of conspiracy to commit a crime, in violation of Penal code, § 182(a)(1), a
16 felony, was committed by the CATHRINE LESNICK, GEORGE KALLAS, RICHARD CARLBURG
17 and JIMMY PATOPOFF, who did conspire together to commit a crime, violation of § 538.5, 530.5(a)
18 and 502(c) of the penal code of the State of California.

19 5.65 All Defendants, STANLEY FELDSOTT, MARTIN LEE, GLENN MONDO, JOHN
20 CLARK TEAL, FRANCESCA DIOGUARDI, MAX B. JOHNSON, GEORGE KALLAS, RICHARD
21 CARLBURG, CATHRINE LESNICK, REGINA ALCANTERA, JIMMY PATOPOFF, CHARLES
22 BAGBY, SHIRLEY VOGT, JAMES P. MCINTYRE, MARK NELSON, JAMES STRANG, LARRY
23 WESTIN, TERRY HARNEY, BRUCE RICHARDSON, GREGORY HEUSER, KEITH WEBB,
24 RICHARD FISH, ELIZABETH A. MCINTYRE to these lawsuits had either full or partial control of
25 the Greenbrook Fountain Valley Homeowners Association in furtherance of said conspiracy and to
26 effect the illegal objects of thereof.
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OVERT ACT 1:

5.66 In furtherance of said conspiracy and to effect the illegal objects of thereof, the following overt acts, among others, were committed in the State of California, in the County of Orange.

5.67 (OA) That thereafter, at and in the county of orange, State of California, and in the furtherance of the conspiracy and to effect its object, filing a false real property claims in the Name of Greenbrook Fountain Valley Homeowners Association to procure a void judgment, as predicated on a fraud upon the court, as entered after February 24, 2003, against Complainant do deprive him of his property without equal protection under law. Wherefore, a WARRANT OF ARREST IS REQUESTED.

OVERT ACT 2:

5.68 (OA) That thereafter, at and in the county of orange, State of California, and in the furtherance of the conspiracy and to effect its object, theft of money in the amount of \$36,632.86 on or about May 12, 2004, predicated on a false legal proceeding in the Orange County Superior court for a false real property claim to extort the personal property from Complainant in the form of obtaining Attorney fees. Wherefore, a WARRANT OF ARREST IS REQUESTED.

OVERT ACT 3:

5.69 (OA) That thereafter, at and in the county of orange, State of California, and in the furtherance of the conspiracy and to effect its object, noticed a false document on or about August 10, 2002, and instituted a false recording of a Lis Pendens to the Real Property Title of Complainant claiming right to possession of his Title and placed an encumbrance on said title to extort the personal property from Complainant in the form of obtaining Attorney fees. Wherefore, a WARRANT OF ARREST IS REQUESTED.

OVERT ACT 3:

5.70 (OA) That thereafter, at and in the county of orange, State of California, and in the furtherance of the conspiracy and to effect its object, fraudulently amended the Declaration of CC&Rs on or about July 5, 2005, to absolve the personal liability of the Board members and certain individuals

1 with the community to take complainant's standing to enforce the Declaration of CC&Rs and deprive
2 him of his constitutional rights of due process. Wherefore, a WARRANT OF ARREST IS
3 REQUESTED.

4 **OVERT ACT 4:**

5 5.71 (OA) That thereafter, at and in the county of orange, State of California, and in the
6 furtherance of the conspiracy and to effect its object, filed false declarations claiming constitutionally
7 protected rights for filing false real property claims under the California Anti-SLAPP statute under
8 California Code of Civil Procedure § 425.16, to procure a judgment predicated on a fraud upon the
9 court. Wherefore, a WARRANT OF ARREST IS REQUESTED.
10

11 5.72 Further, attached and incorporated by reference are official reports and records of the
12 Orange county courts, which the Complainant believes establishes probable cause for the arrest of
13 Defendant STANLEY FELDSOTT, MARTIN LEE, GLENN MONDO, JOHN CLARK TEAL,
14 FRANCESCA DIOGUARDI, MAX B. JOHNSON, GEORGE KALLAS, RICHARD CARLBURG,
15 CATHRINE LESNICK, REGINA ALCANTERA, JIMMY PATOPOFF, CHARLES BAGBY,
16 SHIRLEY VOGT, JAMES P. MCINTYRE, MARK NELSON, JAMES STRANG, LARRY WESTIN,
17 TERRY HARNEY, BRUCE RICHARDSON, GREGORY HEUSER, KEITH WEBB, RICHARD
18 FISH, ELIZABETH A. MCINTYRE, for the listed crimes herein. Wherefore, a WARRANT OF
19 ARREST IS REQUESTED.
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21 5.73 Defendants CATHRINE LESNICK, GEORGE KALLAS, RICHARD CARLBURG and
22 JIMMY PATOPOFF, made false representations to this Court to obtain property from Complainant by
23 representing GREENBROOK FOUNTAIN VALLEY HOMEOWNER ASSOCIATION as a part with
24 standing to sue as it has in this case. By doing so. these Defendants have committed a plain violation of
25 PENAL CODE SECTION 182(a)(3), 182(a)(4), Conspiracy. Wherefore, a WARRANT OF ARREST
26 IS REQUESTED.

27 5.74 As a result of the overt acts conducted by Defendants, Complainant hereby formally
28 charges:

1 **GEORGE KALLAS with:**

- 2 (1) knowingly and willfully pleading a false real property claim, knowing the same to be a
3 sham pleading containing materially false, fictitious or fraudulent allegations of a false
4 claim, in violation of CPC §182(a) (one count); see Exhibit “2”;
- 5 (2) conspiring with STANLEY FELDSOTT, MARTIN LEE, GEORGE KALLAS,
6 JAMES STRANG, TERRY HARNEY, SHIRLEY VOGT, CHUCK BAGBY, MARK
7 NELSON, REGINA ALCANTRA to commit the above offense against the DOEs in
8 order to defraud the Complainant of his personal and real property, and acting to effect
the object of the conspiracy, in violation of §182(a) (one count); and

9 **CATHRINE LESNICK with:**

- 10 (1) knowingly and willfully pleading a false real property claim, knowing the same to be a
11 sham pleading containing materially false, fictitious or fraudulent allegations of a false
12 claim, in violation of CPC §182(a) (one count); see Exhibit “2”;
- 13 (2) conspiring with STANLEY FELDSOTT, MARTIN LEE, GEORGE KALLAS,
14 JAMES STRANG, TERRY HARNEY, SHIRLEY VOGT, CHUCK BAGBY, MARK
15 NELSON, REGINA ALCANTRA to commit the above offense against the DOEs in
16 order to defraud the Complainant of his personal and real property, and acting to effect
the object of the conspiracy, in violation of §182(a) (one count); and

17 **SHIRLEY VOGT with:**

- 18 (1) knowingly and willfully pleading a false real property claim, knowing the same to be a
19 sham pleading containing materially false, fictitious or fraudulent allegations of a false
20 claim, in violation of CPC §182(a) (one count); see Exhibit “2”;
- 21 (2) conspiring with STANLEY FELDSOTT, MARTIN LEE, GEORGE KALLAS,
22 JAMES STRANG, TERRY HARNEY, CHUCK BAGBY, MARK NELSON,
23 REGINA ALCANTRA to commit the above offense against the DOEs in order to
defraud the Complainant of his personal and real property, and acting to effect the
object of the conspiracy, in violation of §182(a) (one count); and

24 **BRUCE RICHARDSON with:**

- 25 (1) knowingly and willfully pleading a false real property claim, knowing the same to be a
26 sham pleading containing materially false, fictitious or fraudulent allegations of a false
27 claim, in violation of CPC §182(a) (one count);
- 28 (2) conspiring with STANLEY FELDSOTT, MARTIN LEE, GLENN MONDO, JOHN
CLARK TEAL, FRANCESCA DIOGUARDI, MAX B. JOHNSON, GEORGE

1 KALLAS, RICHARD CARLBURG, CATHRINE LESNICK, REGINA
2 ALCANTERA, JIMMY PATOPOFF, CHARLES BAGBY, SHIRLEY VOGT,
3 JAMES P. MCINTYRE, JAMES STRANG, LARRY WESTIN, TERRY HARNEY,
4 GREGORY HEUSER, KEITH WEBB, RICHARD FISH, ELIZABETH A.
5 MCINTYRE to commit the above offense against the DOEs in order to defraud the
6 Complainant of his personal and real property, and acting to effect the object of the
7 conspiracy, in violation of §182(a) (one count); and

7 **GREGORY HEUSER with:**

- 8 (1) knowingly and willfully pleading a false real property claim, knowing the same to be a
9 sham pleading containing materially false, fictitious or fraudulent allegations of a false
10 claim, in violation of CPC §182(a) (one count);
- 11 (2) conspiring with STANLEY FELDSOTT, MARTIN LEE, GLENN MONDO, JOHN
12 CLARK TEAL, FRANCESCA DIOGUARDI, MAX B. JOHNSON, GEORGE
13 KALLAS, RICHARD CARLBURG, CATHRINE LESNICK, REGINA
14 ALCANTERA, JIMMY PATOPOFF, CHARLES BAGBY, SHIRLEY VOGT,
15 JAMES P. MCINTYRE, MARK NELSON, JAMES STRANG, LARRY WESTIN,
16 TERRY HARNEY, BRUCE RICHARDSON, KEITH WEBB, RICHARD FISH,
17 ELIZABETH A. MCINTYRE to commit the above offense against the DOEs in order
18 to defraud the Complainant of his personal and real property, and acting to effect the
19 object of the conspiracy, in violation of §182(a) (one count); and

18 **RICHARD FISH with:**

- 19 (1) knowingly and willfully pleading a false real property claim, knowing the same to be a
20 sham pleading containing materially false, fictitious or fraudulent allegations of a false
21 claim, in violation of CPC §182(a) (one count);
- 22 (2) conspiring with STANLEY FELDSOTT, MARTIN LEE, GLENN MONDO, JOHN
23 CLARK TEAL, FRANCESCA DIOGUARDI, MAX B. JOHNSON, GEORGE
24 KALLAS, RICHARD CARLBURG, CATHRINE LESNICK, REGINA
25 ALCANTERA, JIMMY PATOPOFF, CHARLES BAGBY, SHIRLEY VOGT,
26 JAMES P. MCINTYRE, MARK NELSON, JAMES STRANG, LARRY WESTIN,
27 TERRY HARNEY, BRUCE RICHARDSON, GREGORY HEUSER, KEITH WEBB,
28 ELIZABETH A. MCINTYRE to commit the above offense against the DOEs in order
to defraud the Complainant of his personal and real property, and acting to effect the
object of the conspiracy, in violation of §182(a) (one count);

1 **JAMES P. MCINTYRE with:**

- 2 (1) knowingly and willfully pleading a false real property claim, knowing the same to be a
3 sham pleading containing materially false, fictitious or fraudulent allegations of a false
4 claim, in violation of CPC §182(a) (one count); see Exhibit “2”;
- 5 (2) conspiring with STANLEY FELDSOTT, MARTIN LEE, GLENN MONDO, JOHN
6 CLARK TEAL, FRANCESCA DIOGUARDI, MAX B. JOHNSON, GEORGE
7 KALLAS, RICHARD CARLBURG, CATHRINE LESNICK, REGINA
8 ALCANTERA, JIMMY PATOPOFF, CHARLES BAGBY, SHIRLEY VOGT,
9 MARK NELSON, JAMES STRANG, LARRY WESTIN, TERRY HARNEY,
10 BRUCE RICHARDSON, GREGORY HEUSER, KEITH WEBB, RICHARD FISH,
11 ELIZABETH A. MCINTYRE to commit the above offense against the DOEs in order
12 to defraud the Complainant of his personal and real property, and acting to effect the
13 object of the conspiracy, in violation of §182(a) (one count); and

12 **ELIZABETH A. MCINTYRE with:**

- 13 (1) knowingly and willfully pleading a false real property claim, knowing the same to be a
14 sham pleading containing materially false, fictitious or fraudulent allegations of a false
15 claim, in violation of CPC §182(a) (one count); see Exhibit “2”;
- 16 (2) conspiring with STANLEY FELDSOTT, MARTIN LEE, GLENN MONDO, JOHN
17 CLARK TEAL, FRANCESCA DIOGUARDI, MAX B. JOHNSON, GEORGE
18 KALLAS, RICHARD CARLBURG, CATHRINE LESNICK, REGINA
19 ALCANTERA, JIMMY PATOPOFF, CHARLES BAGBY, SHIRLEY VOGT,
20 JAMES P. MCINTYRE, MARK NELSON, JAMES STRANG, LARRY WESTIN,
21 TERRY HARNEY, BRUCE RICHARDSON, GREGORY HEUSER, KEITH WEBB,
22 RICHARD FISH, to commit the above offense against the DOEs in order to defraud
23 the Complainant of his personal and real property, and acting to effect the object of the
24 conspiracy, in violation of §182(a) (one count); and

23 **KEITH WEBB with:**

- 24 (1) knowingly and willfully pleading a false real property claim, knowing the same to be a
25 sham pleading containing materially false, fictitious or fraudulent allegations of a false
26 claim, in violation of CPC §182(a) (one count);
- 27 (2) conspiring with STANLEY FELDSOTT, MARTIN LEE, GLENN MONDO, JOHN
28 CLARK TEAL, FRANCESCA DIOGUARDI, MAX B. JOHNSON, GEORGE
KALLAS, RICHARD CARLBURG, CATHRINE LESNICK, REGINA

1 ALCANTERA, JIMMY PATOPOFF, CHARLES BAGBY, SHIRLEY VOGT,
2 JAMES P. MCINTYRE, MARK NELSON, JAMES STRANG, LARRY WESTIN,
3 TERRY HARNEY, BRUCE RICHARDSON, GREGORY HEUSER, RICHARD
4 FISH, ELIZABETH A. MCINTYRE to commit the above offense against the DOEs in
5 order to defraud the Complainant of his personal and real property, and acting to effect
6 the object of the conspiracy, in violation of §182(a) (one count); and

7 **COUNT III: Extortion - Obtaining property, with consent, induced by force and fear**

8 CPC §518. Extortion is the obtaining of property from another, with his consent, or the
9 obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or
10 under color of official right. [Emphasis added]

11
12 5.75 Defendants GEORGE KALLAS, JAMES STRANG, TERRY HARNEY, SHIRLEY
13 VOGT, CHUCK BAGBY, MARK NELSON, REGINA ALCANTRA made false statements to the
14 subject Court with the objective of obtaining property from the Complainant not owed to them, valued
15 in excess of \$400.00. Through such false statements as these Defendants have made to the subject Court
16 they have committed a plain violation of PENAL CODE § 518-527 Extortion.

17 5.76 As a result of the conducted by Defendants, Complainant hereby formally charges:

18 **JAMES P. MCINTYRE with:**

19 (4) willfully extorting property of another induced by wrongful force and fear, in violation
20 of CPC § 518 (one count).

21 (5) Defendants obtained personal property in the amount of \$47,000, by Complainants
22 consent upon the wrongful use of force and fear of contempt without the court having
23 subject matter jurisdiction over Complainant, in violation of CPC § 518-Extortion (one
24 count).

25 **ELIZABETH A. MCINTYRE with:**

26 (4) willfully extorting property of another induced by wrongful force and fear, in violation
27 of CPC § 518 (one count).
28

1 (5) Defendants obtained personal property in the amount of \$47,000, by Complainants
2 consent upon the wrongful use of force and fear of contempt without the court having
3 subject matter jurisdiction over Complainant, in violation of CPC § 518-Extortion (one
4 count).

5
6 **COUNT IV: Common Barratry**

7 CPC § 158.- Common barratry is the practice of exciting groundless judicial proceedings, and
8 is punishable by imprisonment in the county jail not exceeding six months and by fine not
9 exceeding one thousand dollars (\$1,000).

10 5.77 On July 23, 2002, Defendant Feldsott, McIntyre, Carlburg, Lesnick, Patopoff, Alcantara,
11 Kallas, initiated a judicial proceeding upon Complainants by filing and serving a order to show cause
12 for a Temporary Restraining Order upon Complainants with the corrupt and malicious intent to vex and
13 annoy Complainants, that was denied,

14 5.78 On July 24, 2002, Defendant Feldsott, McIntyre, Carlburg, Lesnick, Patopoff, Alcantara,
15 Kallas, initiated another judicial proceeding upon Complainants by filing and serving a civil complaint
16 upon Complainants with the corrupt and malicious intent to vex and annoy Complainants, which two of
17 the three causes of action were dismissed on the day of trial.

18 5.79 On July 24, 2004, Defendant Feldsott, McIntyre, Carlburg, Lesnick, Patopoff, Alcantara,
19 Kallas, initiated another judicial proceeding upon Complainants by filing and serving a civil complaint
20 upon Complainants with the corrupt and malicious intent to vex and annoy Complainants, which two of
21 the three causes of action were dismissed on the day of trial.

22 5.80 Defendants McIntyre, have acted in concert in bringing three (3) groundless judicial
23 proceedings, with corrupt and malicious intent to vex and annoy against two innocent California State
24 Citizens while possessive of full personal knowledge of said innocents of any civil violations, for the
25 purpose of exciting judicial proceedings that they know to be wholly groundless, in violation of CPC §
26 158 common Barranty, a misdemeanor.
27
28

1 Vehicle worth over \$70,000 to satisfy an amount of \$36632.86 in personal property to be taken from
2 him based on a void judgment entered and authorized by Judge Derek W. Hunt at the hearing on May
3 11, 2004, against his will and under threat of force. Defendants' taking of Complainant's personal
4 property in the commission of a felony therefore constitutes a plain violation of CPC § 211- Robbery.
5 (See Exhibit 18)

6
7 5.85 Against Complainant's will and under threatened use of force by the Sheriff acting in
8 good faith compliance to writ of execution and levy upon a court judgment signed by Derek W. Hunt
9 by which induced fear in the Complainants, Complainant DOE was forced to pay by a certified
10 cashier's check the amount of \$36632.86 to Defendants, as a condition to retain is personal property
11 levied upon and being confiscated by the Orange County Sheriff's department to satisfy a void
12 judgment, as procured by crimes in the court under color of Official Right. This wrongful taking of
13 personal property based on a void judgment, as procured by crimes, constitutes a plain violation of CPC
14 § 211 for robbery. (See Exhibit 18)

15 5.86 Without lawful authority Defendants willfully and unlawfully caused the Orange County
16 sheriff to felonious take \$36632.86 in lieu of Complainant's Motorhome valued at more than \$70,000
17 against his will, as accomplished by the use of force and fear of bodily injury. This act constitutes a
18 plain violation of CPC § 211 – Robbery.

19 5.87 As a result of the conducted by Defendants, Complainant hereby formally charges:

20 **JAMES P. MCINTYRE with:**

- 21 (1) felonious taking of personal property of Complainant against his will by means of
22 force and fear of contempt, based on a false real property claim, in violation of CPC
23 § 211. see Exhibit "18"; and,
24

25 **GEORGE KALLAS with:**

- 26 (2) felonious taking of personal property of Complainant against his will by means of
27 force and fear of contempt, based on a false real property claim, in violation of CPC
28 § 211. see Exhibit "18"; and,

1 **CATHRINE LESNICK with:**

2 (3) felonious taking of personal property of Complainant against his will by means of
3 force and fear of contempt, based on a false real property claim, in violation of CPC
4 § 211. see Exhibit “18”; and,

5 **REGINA ALCANTERA with:**

6 (4) felonious taking of personal property of Complainant against his will by means of
7 force and fear of contempt, based on a false real property claim, in violation of CPC
8 § 211. see Exhibit “18”; and,

9 **JIMMY PATOPOFF with:**

10 (5) felonious taking of personal property of Complainant against his will by means of
11 force and fear of contempt, based on a false real property claim, in violation of CPC
12 § 211. see Exhibit “18”; and,

13 **RICHARD CARLBURG with:**

14 (6) felonious taking of personal property of Complainant against his will by means of
15 force and fear of contempt, based on a false real property claim, in violation of CPC
16 § 211. see Exhibit “18”; and,

17
18 **COUNT VI: Fraud**

19 CPC § 532 (a) Every person who knowingly and designedly, by any false or fraudulent
20 representation or pretense, defrauds any other person of money, labor, or property, whether real
21 or personal, or who causes or procures others to report falsely of his or her wealth or mercantile
22 character, and by thus imposing upon any person obtains credit, and thereby fraudulently gets
23 possession of money or property, or obtains the labor or service of another, is punishable in the
24 same manner and to the same extent as for larceny of the money or property so obtained.

25 (b) Upon a trial for having, with an intent to cheat or defraud another designedly, by any false
26 pretense, obtained the signature of any person to a written instrument, or having obtained from
27 any person any labor, money, or property, whether real or personal, or valuable thing, the
28 defendant cannot be convicted if the false pretense was expressed in language unaccompanied
by a false token or writing, unless the pretense, or some note or memorandum thereof is in
writing, subscribed by or in the handwriting of the defendant, or unless the pretense is proven
by the testimony of two witnesses, or that of one witness and corroborating circumstances.
This section does not apply to a prosecution for falsely representing or personating another,
and, in that assumed character, marrying, or receiving any money or property.

1 532a. (1) Any person who shall knowingly make or cause to be made, either directly or
2 indirectly or through any agency whatsoever, any false statement in writing, with intent that it
3 shall be relied upon, respecting the financial condition, or means or ability to pay, of himself, or
4 any other person, firm or corporation, in whom he is interested, or for whom he is acting, for
5 the purpose of procuring in any form whatsoever, either the delivery of personal property, the
6 payment of cash, the making of a loan or credit, the extension of a credit, the execution of a
7 contract of guaranty or suretyship, the discount of an account receivable, or the making,
8 acceptance, discount, sale or endorsement of a bill of exchange, or promissory note, for the
9 benefit of either himself or of such person, firm or corporation shall be guilty of a public
10 offense.

11 (2) Any person who knowing that a false statement in writing has been made, respecting the
12 financial condition or means or ability to pay, of himself, or a person, firm or corporation in
13 which he is interested, or for whom he is acting, procures, upon the faith thereof, for the benefit
14 either of himself, or of such person, firm or corporation, either or any of the things of benefit
15 mentioned in the first subdivision of this section shall be guilty of a public offense.

16 (3) Any person who knowing that a statement in writing has been made, respecting the
17 financial condition or means or ability to pay of himself or a person, firm or corporation, in
18 which he is interested, or for whom he is acting, represents on a later day in writing that the
19 statement theretofore made, if then again made on said day, would be then true, when in fact,
20 said statement if then made would be false, and procures upon the faith thereof, for the benefit
21 either of himself or of such person, firm or corporation either or any of the things of benefit
22 mentioned in the first subdivision of this section shall be guilty of a public offense.

23 (4) Any person committing a public offense under subdivision (1), (2), or (3) shall be guilty
24 of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000), or by
25 imprisonment in the county jail for not more than six months, or by both such fine and
26 imprisonment. Any person who violates the provisions of subdivision (1), (2), or (3), by using
27 a fictitious name, social security number, business name, or business address, or by falsely
28 representing himself or herself to be another person or another business, is guilty of a felony
and is punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in
the state prison, or by both such fine and imprisonment, or by a fine not exceeding two
thousand five hundred dollars (\$2,500) or by imprisonment in the county jail not exceeding one
year, or by both such fine and imprisonment.

(5) This section shall not be construed to preclude the applicability of any other provision of
the criminal law of this state which applies or may apply to any transaction.

21 5.88 With full knowledge that Greenbrook Fountain Valley Homeowner Association lacked
22 standing to sue, under the governing documents (*California Civil Code* §1351(j)), commonly known as
23 the Declaration of Covenants, Conditions & Restrictions (CC&Rs), Defendants George Kallas,
24 Catherine Lesnick, Jimmy Patopoff, Regina Alcantera, and Richard Carlburg authorized Stanley
25 Feldsott and Martin Lee of the Law Firm FELDSOTT & LEE to commence a false proceeding to obtain
26 a judgment for the purpose of depriving the Complainant DOEs of lawful use and enjoyment of their
27 real property and cause the theft of their personal property based on a false claim of damages for a
28

1 trespass that never existed on their own property. This wrongful and tortuous conduct on the part of
2 Defendants, constitutes a clear violation California Penal Code (CPC) § 532 - Fraud.

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4 5.89 Defendants George Kallas, Catherine Lesnick, Jimmy Patopoff, Regina Alcantera, and
5 Richard Carlburg authorized Stanley Feldsott and Martin Lee of the Law Firm FELDSOTT & LEE
6 authorized in the name of Greenbrook Fountain Valley Homeowner Association, by design fabricated a
7 false easement violation under the CC&Rs, to commence a false proceeding to obtain a judgment for
8 the purpose of depriving the Complainant DOEs of lawful use and enjoyment of their real property and
9 cause the theft of their personal property based on a false claim of damages for a trespass that never
10 existed on their own property. This wrongful and tortuous conduct on the part of Defendants,
11 constitutes a clear violation California Penal Code (CPC) § 532 - Fraud.

12 5.90 Defendants Bruce Richardson, Keith Webb, Gregory Heuser, Richard Fish, and James
13 McIntyre authorized Stanley Feldsott and Martin Lee of the Law Firm FELDSOTT & LEE authorized
14 in the name of Greenbrook Fountain Valley Homeowner Association, by design fabricated a false
15 easement violation under the CC&Rs, to commence a false proceeding to obtain a judgment for the
16 purpose of depriving the Complainant DOEs of lawful use and enjoyment of their real property and
17 cause the theft of their personal property based on a false claim of damages for a trespass that never
18 existed on their own property. This wrongful and tortuous conduct on the part of Defendants,
19 constitutes a clear violation California Penal Code (CPC) § 532 - Fraud.

20 5.91 Complainant hereby formally charges:

21 **GEORGE KALLAS with:**

- 22 (1) Knowledge and design, to falsely and fraudulently represented to the Orange County
23 Court that the Greenbrook Fountain Valley Homeowner Association had standing to
24 initiate a legal proceeding under the community governing documents for purposes of
25 destroying Complainant's real property and defraud him of his money and property
26 which was procured in the name of the Association, based on a false real property
27 claim, in violation of CPC § 532 - Fraud.
28

1 **CATHRINE LESNICK with:**

2 (2) Knowledge and design, to falsely and fraudulently represented to the Orange County
3 Court that the Greenbrook Fountain Valley Homeowner Association had standing to
4 initiate a legal proceeding under the community governing documents for purposes of
5 destroying Complainant's real property and defraud him of his money and property
6 which was procured in the name of the Association, based on a false real property
7 claim, in violation of CPC § 532 - Fraud.

8 **SHIRLEY VOGT with:**

9 (3) Knowledge and design, to falsely and fraudulently represented to the Orange County
10 Court that the Greenbrook Fountain Valley Homeowner Association had standing to
11 initiate a legal proceeding under the community governing documents for purposes of
12 destroying Complainant's real property and defraud him of his money and property
13 which was procured in the name of the Association, based on a false real property
14 claim, in violation of CPC § 532 - Fraud..

15 **BRUCE RICHARDSON with:**

16 (4) Knowledge and design, to falsely and fraudulently represented to the Orange County
17 Court that the Greenbrook Fountain Valley Homeowner Association had standing to
18 initiate a legal proceeding under the community governing documents for purposes of
19 destroying Complainant's real property and defraud him of his money and property
20 which was procured in the name of the Association, based on a false real property
21 claim, in violation of CPC § 532 - Fraud..

22 **GREGORY HEUSER with:**

23 (5) Knowledge and design, to falsely and fraudulently represented to the Orange County
24 Court that the Greenbrook Fountain Valley Homeowner Association had standing to
25 initiate a legal proceeding under the community governing documents for purposes of
26 destroying Complainant's real property and defraud him of his money and property
27 which was procured in the name of the Association, based on a false real property
28 claim, in violation of CPC § 532 - Fraud.

1 **RICHARD FISH with:**

2 (6) Knowledge and design, to falsely and fraudulently represented to the Orange County
3 Court that the Greenbrook Fountain Valley Homeowner Association had standing to
4 initiate a legal proceeding under the community governing documents for purposes of
5 destroying Complainant's real property and defraud him of his money and property
6 which was procured in the name of the Association, based on a false real property
7 claim, in violation of CPC § 532 - Fraud.

8 **JAMES P. MCINTYRE with:**

9 (7) Knowledge and design, to falsely and fraudulently represented to the Orange County
10 Court that the Greenbrook Fountain Valley Homeowner Association had standing to
11 initiate a legal proceeding under the community governing documents for purposes of
12 destroying Complainant's real property and defraud him of his money and property
13 which was procured in the name of the Association, based on a false real property
14 claim, in violation of CPC § 532 - Fraud.

15 **KEITH WEBB with:**

16 (8) Knowledge and design, to falsely and fraudulently represented to the Orange County
17 Court that the Greenbrook Fountain Valley Homeowner Association had standing to
18 initiate a legal proceeding under the community governing documents for purposes of
19 destroying Complainant's real property and defraud him of his money and property
20 which was procured in the name of the Association, based on a false real property
21 claim, in violation of CPC § 532 - Fraud..

22 **JOHN TEAL with:**

23 (9) Knowledge and design, to falsely and fraudulently represented to the Orange County
24 Court that the Greenbrook Fountain Valley Homeowner Association had standing to
25 initiate a legal proceeding under the community governing documents for purposes of
26 destroying Complainant's real property and defraud him of his money and property
27 which was procured in the name of the Association, based on a false real property
28 claim, in violation of CPC § 532 - Fraud.

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COUNT VII: Theft

CPC §484. (a) Every person who shall feloniously steal, take, carry, lead, or drive away the personal property of another, or who shall fraudulently appropriate property which has been entrusted to him or her, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or real or personal property, or who causes or procures others to report falsely of his or her wealth or mercantile character and by thus imposing upon any person, obtains credit and thereby fraudulently gets or obtains possession of money, or property or obtains the labor or service of another, is guilty of theft. In determining the value of the property obtained, for the purposes of this section, the reasonable and fair market value shall be the test, and in determining the value of services received the contract price shall be the test. If there be no contract price, the reasonable and going wage for the service rendered shall govern. For the purposes of this section, any false or fraudulent representation or pretense made shall be treated as continuing, so as to cover any money, property or service received as a result thereof, and the complaint, information or indictment may charge that the crime was committed on any date during the particular period in question. The hiring of any additional employee or employees without advising each of them of every labor claim due and unpaid and every judgment that the employer has been unable to meet shall be prima facie evidence of intent to defraud.

5.92 With full knowledge that Greenbrook Fountain Valley Homeowner Association lacked standing to sue, under the governing documents (*California Civil Code* §1351(j)), commonly known as the Declaration of Covenants, Conditions & Restrictions (CC&Rs), Defendants George Kallas, Catherine Lesnick, Jimmy Patopoff, Regina Alcantera, and Richard Carlburg authorized Stanley Feldsott and Martin Lee of the Law Firm FELDSOTT & LEE to commence a false proceeding to obtain a judgment for the purpose of depriving the Complainant DOEs of lawful use and enjoyment of their real property and cause the theft of their personal property based on a false claim of damages for a trespass that never existed on their own property. This wrongful and tortuous conduct on the part of Defendants, constitutes a clear violation California Penal Code (CPC) § 484 - Theft.

5.93 Defendants George Kallas, Catherine Lesnick, Jimmy Patopoff, Regina Alcantera, and Richard Carlburg authorized Stanley Feldsott and Martin Lee of the Law Firm FELDSOTT & LEE authorized in the name of Greenbrook Fountain Valley Homeowner Association, by design fabricated a false easement violation under the CC&Rs, to commence a false proceeding to obtain a judgment for the purpose of depriving the Complainant DOEs of lawful use and enjoyment of their real property and cause the theft of their personal property based on a false claim of damages for a trespass that never

1 existed on their own property. This wrongful and tortuous conduct on the part of Defendants,
2 constitutes a clear violation California Penal Code (CPC) § 484 - Theft.

3
4 5.94 Complainant hereby formally charges:

5 **GEORGE KALLAS with:**

- 6 (1) knowingly and willfully pleading a false real property claim, knowing the same
7 to be a sham pleading containing materially false, fictitious or fraudulent
8 allegations of a false claim, in violation of CPC § 484 - Theft (one count); see
9 Exhibit "1";

10 **CATHRINE LESNICK with:**

- 11 (1) knowingly and willfully pleading a false real property claim, knowing the same
12 to be a sham pleading containing materially false, fictitious or fraudulent
13 allegations of a false claim, in violation of CPC § 484 - Theft (one count); see
14 Exhibit "1";

15 **REGINA ALCANTERA with:**

- 16 (1) knowingly and willfully pleading a false real property claim, knowing the same
17 to be a sham pleading containing materially false, fictitious or fraudulent
18 allegations of a false claim, in violation of CPC § 484 - Theft (one count); see
19 Exhibit "1";

20 **RICHARD CARLBURG with:**

- 21 (1) knowingly and willfully pleading a false real property claim, knowing the same
22 to be a sham pleading containing materially false, fictitious or fraudulent
23 allegations of a false claim, in violation of CPC § 484 - Theft (one count); see
24 Exhibit "1";

25 **JAMES MCINTYRE with:**

- 26 (1) knowingly and willfully pleading a false real property claim, knowing the same
27 to be a sham pleading containing materially false, fictitious or fraudulent
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allegations of a false claim, in violation of CPC § 484 - Theft (one count); see Exhibit "1";

JIMMY PATOPOFF with:

- (1) knowingly and willfully pleading a false real property claim, knowing the same to be a sham pleading containing materially false, fictitious or fraudulent allegations of a false claim, in violation of CPC § 484 - Theft (one count); see Exhibit "1";

COUNT IV: Vandalism

CPC § 594(a) - Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism:

- (1) Defaces with graffiti or other inscribed material; (2) Damages; (3) Destroys.

Whenever a person violates this subdivision with respect to real property, vehicles, signs, fixtures, furnishings, or property belonging to any public entity, as defined by Section 811.2 of the Government Code, or the federal government, it shall be a permissive inference that the person neither owned the property nor had the permission of the owner to deface, damage, or destroy the property.

- (b) (1) If the amount of defacement, damage, or destruction is four hundred dollars (\$400) or more, vandalism is punishable by imprisonment in the state prison or in a county jail not exceeding one year, or by a fine of not more than ten thousand dollars (\$10,000), or if the amount of defacement, damage, or destruction is ten thousand dollars (\$10,000) or more, by a fine of not more than fifty thousand dollars (\$50,000), or by both that fine and imprisonment.

5.95 Without lawful authority Defendants HUNT, and NAKAMURA willfully and unlawfully and by threat of contempt forced the Complainant to destroy the gate and concrete pilasters and block wall installed for in excess of \$4000. This act constitutes a plain violation of CPC § 594(a), damages and destruction.

5.96 Complainant hereby formally charges:

GEORGE KALLAS with:

- (2) knowingly and willfully pleading a false real property claim, knowing the same to be a sham pleading containing materially false, fictitious or fraudulent allegations of a false

1 claim, to damage and destroy Complainant's personal and real property in violation of
2 CPC §594(a) (one count); see Exhibit "2"; and,

3 **CATHRINE LESNICK with:**

4 (3) knowingly and willfully pleading a false real property claim, knowing the same to be a
5 sham pleading containing materially false, fictitious or fraudulent allegations of a false
6 claim, to damage and destroy Complainant's personal and real property in violation of
7 CPC §594(a) (one count); see Exhibit "2"; and,

8 **JIMMY PATOPOFF with:**

9 (4) knowingly and willfully pleading a false real property claim, knowing the same to be a
10 sham pleading containing materially false, fictitious or fraudulent allegations of a false
11 claim, to damage and destroy Complainant's personal and real property in violation of
12 CPC §594(a) (one count); see Exhibit "2"; and,

13 **REGINA ALCANTERA with:**

14 (5) knowingly and willfully pleading a false real property claim, knowing the same to be a
15 sham pleading containing materially false, fictitious or fraudulent allegations of a false
16 claim, to damage and destroy Complainant's personal and real property in violation of
17 CPC §594(a) (one count); see Exhibit "2"; and,

18 **RICHARD CARLBURG with:**

19 (6) knowingly and willfully pleading a false real property claim, knowing the same to be
20 a sham pleading containing materially false, fictitious or fraudulent allegations of a
21 false claim, to damage and destroy Complainant's personal and real property in
22 violation of CPC §594(a) (one count); see Exhibit "2"; and,

23 **JIMMY PATOPOFF with:**

24 (7) knowingly and willfully pleading a false real property claim, knowing the same to be
25 a sham pleading containing materially false, fictitious or fraudulent allegations of a
26 false claim, to damage and destroy Complainant's personal and real property in
27 violation of CPC §594(a) (one count); see Exhibit "2"; and,

28 **JAMES MCINTYRE with:**

(8) knowingly and willfully pleading a false real property claim, knowing the same to be a
sham pleading containing materially false, fictitious or fraudulent allegations of a false
claim, to damage and destroy Complainant's personal and real property in violation of
CPC §594(a) (one count); see Exhibit "2"; and,

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- (1) knowingly and willfully pleaded a false real property claim, knowing the same to be a sham pleading containing materially false, fictitious or fraudulent allegations of a false claim, in violation of CPC §118(a) (one count); see Exhibit “2”;
- (2) knowingly and willfully provided under oath false verification to a false proceeding, knowing the same to be materially false, fictitious or fraudulent allegations of a false claim, in violation of CPC §118(a) (one count); see Exhibit “2”;

JIMMY PATOPOFF with:

- (1) knowingly and willfully pleaded a false real property claim, knowing the same to be a sham pleading containing materially false, fictitious or fraudulent allegations of a false claim, in violation of CPC §118(a) (one count); see Exhibit “2”;

REGINA ALCANTERA with:

- (1) knowingly and willfully pleaded a false real property claim, knowing the same to be a sham pleading containing materially false, fictitious or fraudulent allegations of a false claim, in violation of CPC §118(a) (one count); see Exhibit “2”;

RICHARD CARLBURG with:

- (1) knowingly and willfully pleaded a false real property claim, knowing the same to be a sham pleading containing materially false, fictitious or fraudulent allegations of a false claim, in violation of CPC §118(a) (one count); see Exhibit “2”;

JAMES MCINTYRE with:

- (1) knowingly and willfully pleaded a false real property claim, knowing the same to be a sham pleading containing materially false, fictitious or fraudulent allegations of a false claim, in violation of CPC §118(a) (one count); see Exhibit “2”;
- (2) knowingly and willfully provided under false declaration to a false proceeding, knowing the same to be materially false, fictitious or fraudulent allegations of a false claim, in violation of CPC §118(a) (one count); see Exhibit “2”;

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VI. MANDATORY NOTICE OF FOREIGN (FEDERAL) LAW

6.1 Complainant hereby places California prosecutorial authorities on Mandatory Notice as to the essential elements of certain Federal Criminal Provisions which appear to have been violated through the conduct of Defendants and each of them both joint and severable.

18 U.S.C. § 241- Conspiracy against Rights. If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured— They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 U.S.C. § 242- Deprivation of Rights under Color of Law. Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 U.S.C. § 876- Mailing threatening communications. **a)** Whoever knowingly deposits in any post office or authorized depository for mail matter, to be sent or delivered by the Postal Service or knowingly causes to be delivered by the Postal Service according to the direction thereon, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person, and containing any demand or request for ransom or reward for the release of any kidnapped person, shall be fined under this title or imprisoned not more than twenty years, or both. **(b)** Whoever, with intent to extort from any person any money or other thing of value, so deposits, or causes to be delivered, as aforesaid, any communication containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined under this title or imprisoned not more than twenty years, or both. **(c)** Whoever knowingly so deposits or causes to be delivered as aforesaid, any communication with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined under this title or imprisoned not more than five years, or both. If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both. **(d)** Whoever, with intent to extort from any

1 person any money or other thing of value, knowingly so deposits or causes to be delivered, as
2 aforesaid, any communication, with or without a name or designating mark subscribed thereto,
3 addressed to any other person and containing any threat to injure the property or reputation of
4 the addressee or of another, or the reputation of a deceased person, or any threat to accuse the
5 addressee or any other person of a crime, shall be fined under this title or imprisoned not more
6 than two years, or both. If such a communication is addressed to a United States judge, a
7 Federal law enforcement officer, or an official who is covered by section 1114, the individual
8 shall be fined under this title, imprisoned not more than 10 years, or both.

9
10 18 U.S.C. § 880- Receiving the proceeds of extortion. A person who receives, possesses,
11 conceals, or disposes of any money or other property which was obtained from the commission
12 of any offense under this chapter that is punishable by imprisonment for more than 1 year,
13 knowing the same to have been unlawfully obtained, shall be imprisoned not more than 3 years,
14 fined under this title, or both.

15
16 18 U.S.C. § 1341- Frauds and Swindles. Whoever, having devised or intending to devise any
17 scheme or artifice to defraud, or for obtaining money or property by means of false or
18 fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter,
19 give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious
20 coin, obligation, security, or other article, or anything represented to be or intimated or held out
21 to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice
22 or attempting so to do, places in any post office or authorized depository for mail matter, any
23 matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to
24 be deposited any matter or thing whatever to be sent or delivered by any private or commercial
25 interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes
26 to be delivered by mail or such carrier according to the direction thereon, or at the place at
27 which it is directed to be delivered by the person to whom it is addressed, any such matter or
28 thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the
violation affects a financial institution, such person shall be fined not more than \$1,000,000 or
imprisoned not more than 30 years, or both.

18 U.S.C. § 1951- Interference with commerce by threats or violence. (a) Whoever in any way
or degree obstructs, delays, or affects commerce or the movement of any article or commodity
in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens
physical violence to any person or property in furtherance of a plan or purpose to do anything
in violation of this section shall be fined under this title or imprisoned not more than twenty
years, or both.

(b) As used in this section—

(1) The term “robbery” means the unlawful taking or obtaining of personal property from the
person or in the presence of another, against his will, by means of actual or threatened force, or
violence, or fear of injury, immediate or future, to his person or property, or property in his
custody or possession, or the person or property of a relative or member of his family or of
anyone in his company at the time of the taking or obtaining.

(2) The term “extortion” means the obtaining of property from another, with his consent,
induced by wrongful use of actual or threatened force, violence, or fear, or under color of
official right.

(3) The term “commerce” means commerce within the District of Columbia, or any Territory or
Possession of the United States; all commerce between any point in a State, Territory,
Possession, or the District of Columbia and any point outside thereof; all commerce between
points within the same State through any place outside such State; and all other commerce over
which the United States has jurisdiction.

1 (c) This section shall not be construed to repeal, modify or affect section 17 of Title 15,
2 sections 52, 101–115, 151–166 of Title 29 or sections 151–188 of Title 45.

3 18 U.S.C. § 1957- Engaging in monetary transactions in property derived from specified
4 unlawful activity. (a) Whoever in any way or degree obstructs, delays, or affects commerce or
5 the movement of any article or commodity in commerce, by robbery or extortion or attempts or
6 conspires so to do, or commits or threatens physical violence to any person or property in
7 furtherance of a plan or purpose to do anything in violation of this section shall be fined under
8 this title or imprisoned not more than twenty years, or both.

9 (b) As used in this section—

10 (1) The term “robbery” means the unlawful taking or obtaining of personal property from the
11 person or in the presence of another, against his will, by means of actual or threatened force, or
12 violence, or fear of injury, immediate or future, to his person or property, or property in his
13 custody or possession, or the person or property of a relative or member of his family or of
14 anyone in his company at the time of the taking or obtaining.

15 (2) The term “extortion” means the obtaining of property from another, with his consent,
16 induced by wrongful use of actual or threatened force, violence, or fear, or under color of
17 official right.

18 (3) The term “commerce” means commerce within the District of Columbia, or any Territory or
19 Possession of the United States; all commerce between any point in a State, Territory,
20 Possession, or the District of Columbia and any point outside thereof; all commerce between
21 points within the same State through any place outside such State; and all other commerce over
22 which the United States has jurisdiction.

23 (c) This section shall not be construed to repeal, modify or affect section 17 of Title 15,
24 sections 52, 101–115, 151–166 of Title 29 or sections 151–188 of Title 45.

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6.2 One needn't press their imagination to envision Defendants landing within the elements
of any one of these Federal statutes listed above, and this fact is fortified greatly based on the validity of
this complaint. For Defendants to bring False proceedings to obtain literally hundreds of thousands of
dollars in attorney fees and costs, in mere equity suits over petty issues, and the attorneys involving
Public Officials in their scheme against parties of whom did absolutely nothing unlawful or owe
nothing, to become victims of shake-down lawsuits for the sole purpose of generating legal fees and
costs, just because the legislature provisioned enforcement statutes with attorney fee recovery or legal
recovery provisions are incorporated within covenants that run with the land, is clearly a violation of
State and Federal laws alike.

1 **VII. AFFIDAVIT OF PROBABLE CAUSE**

2 **A. California Orange County Superior Court Case (Docket #02CC12362)**

3 7.1 Complainant’s documentation (under separate cover) shows Defendants
4 STANLEY FELDSOTT and MARTIN LEE have used their [respect]ive offices to contrive and
5 execute false claims and false declarations without probable cause and with the intent to
6 wrongfully and unlawfully deprive the Complainant of rights and property which are
7 unquestionably his own.

9 7.2 This conspiracy and contrivance is underway at present and has damaged
10 Complainant and unduly threatens his liberty and property in a Herculean fashion, yet is borne
11 of a sprint to molest the Complainant until he is convinced he must give-up and leave
12 California to secure his safety.

14 7.3 On July 24, 2002, the Attorney for the Greenbrook Fountain Valley Association,
15 STANLEY FELDSOTT and MARTIN LEE filed a malicious and false proceeding in the Orange
16 county Superior court claiming three causes of action.

<u>Cause of Action</u>	<u>Theory of Recovery</u>
First	Injunction restraining purported violation of CC&Rs, Part 1, ¶2 (“Improvement” violation (i.e. Gate Installation))
Second	Injunction restraining purported violation of CC&Rs, Part 1, ¶14, as to trespass to easement (“Use” violation (i.e. RV Parking)) ¹
Third	Damages for trespass to easement (i.e. RV Parking)

23 7.4 Exhibit “1” attaches as a letter from previous Association Counsel to the *Greenbrook*
24 *Fountain Valley Homeowner Association* advising the Defendant Board members that Board members
25 did not have a legal architectural committee under the Declaration in which to justify a legal action
26 against Complainant’s use and/or improvements to his property.

27 _____
28 ¹ Easement never existed on the property. Further, Stanley Feldsott served Notice of Lis Pendens that was recorded on July 24, 2002, and subsequently withdrawn on November 14, 2002, but not before damages incurred as a result of the loss to refinance the property at a reduced interest rate.

1 7.5 A true and correct copy of said document is attached as Exhibit “1” and incorporated
2 by reference, as if set forth fully herein.

3 7.6 Exhibit “1” shows that STANLEY FELDSOTT also knew or should have known of
4 the *Greenbrook Fountain Valley Homeowner Association* legal position and yet still advised the Board
5 members to initiate false legal proceeding.

6 7.7 Exhibit “1” also appears to have been signed by one “SHELDON GOODMAN” an
7 Officer of the Court.

8 7.8 Exhibit “1” demonstrates that Defendants knowingly and deliberately with reckless
9 disregard of complainant’s rights commenced a false proceeding with the intent to commit the crimes
10 stated herein in the name of the *Greenbrook Fountain Valley Homeowner Association*.

11 7.9 Exhibit “2” attaches as the false pleading by Stanley Feldsott, as the “complaint” and
12 dated July 14, 2002, entitled in *Greenbrook Fountain Valley Homeowner Association vs. DOE* et al.
13 (O.C.S.C. Case No. 02CC12362).

14 7.10 Exhibit “2” attaches an Exhibit “A” - Declaration of CC&Rs.

15 7.11 Exhibit “2” attaches and Exhibit “B” - Grant Deed.

16 7.12 A true and correct copy of said document is attached, as Exhibit “2” and incorporated
17 by reference, as if set forth fully herein.

18 7.13 Exhibit “2” makes the following false allegations: (1) “Injunctive Relief for
19 purported violations of CC&Rs; (2) “Trespass to Easement; **and** (2) “Damages due to trespass.”

20 7.14 After carefully examining Exhibit “2”, and its attached exhibits, Complainant then
21 realized that the purported exhibit “A”, to the Document was not a true copy of the Recorded
22 Declaration of CC&Rs.

23 7.15 Exhibit “A” of Exhibit “2” also does not regulate or restrict gates within the
24 community, but only regulates “Buildings” or “out-buildings” (i.e. the home itself) [See Health &
25 Safety code 18908 for definition of Buildings, which does include gates] and JUDGE HUNT willfully
26 and deliberately, and with false intent incorporated the word “gate” within the meaning of Exhibit “A”
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1 to clearly violate statutory and fundamental laws of contracting and thus committed a fraud upon the
2 court.

3 7.16 Exhibit "2" also appears to have been verified by previous Board member to the
4 Greenbrook Homeowner Association, known as Cathrine Lesnick in verifying that the allegations are
5 true and correct that she had authorization to bring a real property claim against Complainant in the
6 name of the *Greenbrook Fountain Valley Homeowner Association*. However, the complaint is vague
7 and fails to state any cause of action with any particularity to which the relief was granted.
8

9 7.17 Exhibit "2" also appears to not have been certified by any previous Board member to the
10 *Greenbrook Fountain Valley Homeowner Association*, nor attorney of record in direct violation of
11 *California Civil Code* §1354 (as of 2002).

12 7.18 Exhibit "2" should have been stricken by Judge Larry Brickner upon Claimant's motion
13 in accordance with law, pursuant to *California Civil Code* §1354.

14 7.19 Exhibit "2" also appears to have been signed by one "Stanley Feldsott" an Attorney
15 and Officer of the Courts.

16 7.20 There is no Certification of ADR anywhere in Exhibit "2" as required by law.

17 7.21 In Complainant's professional experience, a proper certification of ADR is required
18 prior to commencing any legal proceeding in a court of law, and Exhibit "2" does not bear the required
19 certification by the California Legislature.

20 7.22 Exhibit "2" bears evidence of being a fraudulent document, on its face, in part,
21 because an Owner of real property can never be a trespasser of his own property by law and the gate
22 complained of within the exterior real property of Complainant's property within a planned unit
23 Development (*California Civil Code section 1351(j)*) is not the type of an improvement restriction as
24 regulated by this Association, for which a legal proceeding can be maintained by Defendants.
25

26 7.23 Exhibit "3" attaches as the Notice of Lis Pendens recorded in the Orange County
27 Records Office against Complainant's title based on the false proceeding in the Case of *Greenbrook*
28 *Fountain Valley Homeowner Association vs. DOE et al.* (O.C.S.C. Case No. 02CC12362).

1 7.24 A true and correct copy of said document is attached as Exhibit “3” and incorporated
2 by reference, as if set forth fully herein.

3 7.25 Exhibit “3” shows that STANLEY FELDSOTT recorded an unlawful notice of
4 pendency of a false real property claim that the *Greenbrook Fountain Valley Homeowner Association*
5 had a right to the title of Claimant’s real property in the false legal proceeding.

6 7.26 After carefully examining Exhibit “3”, Complainant then realized that the purported
7 exhibit “3”, demonstrates a fraudulent document to place a cloud on Complainant’s title for purposes of
8 causing damage.

9 7.27 Exhibit “3” also appears to have been signed by one “STANLEY FELDSOTT” an
10 Officer of the Court.

11 7.28 Exhibit “3” should never have been recorded since the Greenbrook Association never
12 had right to Complainant’s title.

13 7.29 Exhibit “3” bears evidence of being a fraudulent document, on its face, in part,
14 because the law only allows a notice of pendency of a legal action to noticed, if there is a right to title to
15 the property in question by law (*California Code of Civil Procedure, section 405.5*), for which a Notice
16 of legal proceeding can not be maintained by Defendants.

17 7.30 Exhibit “3”, demonstrates that it was a fraudulent document, to defraud Complainant
18 of his property in direct violation of CPC §182(a), CPC §484, CPC §532 & CPC §594(a).

19 7.31 Exhibit “4” attaches as the Withdraw of Notice of Lis Pendens as recorded in the
20 Orange County Recorders Office after Complainant filed a motion in the court for an order to expunge
21 the Notice of Lis Pendens based on the false proceeding in the Case of *Greenbrook Fountain Valley*
22 *Homeowner Association vs. DOE et al.* (O.C.S.C. Case No. 02CC12362).

23 7.32 A true and correct copy of said document is attached as Exhibit “4” and incorporated
24 by reference, as if set forth fully herein.

25 7.33 Exhibit “4” shows that STANLEY FELDSOTT withdraw the unlawful notice of
26 pendency of a false real property claim in the false legal proceeding.
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1 7.34 Exhibit “4” also appears to have been signed by one “STANLEY FELDSOTT” an
2 Officer of the Court.

3 7.35 Exhibit “4” should never have been recorded since the Greenbrook Association never
4 had right to Complainant’s title.

5 7.36 Exhibit “4” bears evidence of being a fraudulent document, on its face, in part,
6 because the law does not allows the recordation of a notice of pendency of a legal action if there is no
7 right to title to the property in question by law (*California Code of Civil Procedure, section 405.5*), for
8 which a Notice of legal proceeding can not be maintained by Defendants.

9 7.37 Exhibit “4”, demonstrates that it was a fraudulent document, to defraud Complainant
10 of his property in direct violation of CPC §182(a), CPC §484, CPC §532 & CPC §594(a).

11 7.38 Exhibit “5” attaches as an Excerpt of Trial Transcript attesting to a false real property
12 claim by Stanley Feldsott based on his statement at trial that he “only put there if a defendant brings
13 himself into compliance”.

14 7.39 A true and correct copy of said document is attached as Exhibit “4” and incorporated
15 by reference, as if set forth fully herein.

16 7.40 Exhibit “5” shows that STANLEY FELDSOTT initiated a false real property claim
17 and a false legal proceeding with the intent to deprive Complainant of his personal and real property for
18 financial gain.

19 7.41 Exhibit “5” also appears to have been stated by “Stanley Feldsott” an Officer of the
20 Court admitting there was no cause of action at the time of filing the false proceeding.

21 7.42 After carefully examining Exhibit “5”, Complainant then realized that the purported
22 exhibit “5”, demonstrates that it was a false proceeding to defraud Complainant of his property in direct
23 violation of CPC §182(a), CPC §484, CPC §532 & CPC §594(a).

24 7.43 Exhibit “5” should have been the evidence to the court that the court lacked subject-
25 matter jurisdiction at trial and the entire case dismissed on Complainant’s motion for judgment on the
26 pleadings, which was ignored by Judge HUNT willfully and deliberately.
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1 7.44 Exhibit “6” attaches as an Excerpt of Trial Transcript attesting to no jurisdiction to a
2 real property claim by George Kallas.

3 7.45 A true and correct copy of said document is attached as Exhibit “6” and incorporated
4 by reference, as if set forth fully herein.

5 7.46 Exhibit “6” shows that STANLEY FELDSOTT initiated a false real property claim
6 and a false legal proceeding with the knowledge that the Board Member George Kallas new that the
7 Association did not have any jurisdiction on Complainant’s real property nor right to title.

8 7.47 After carefully examining Exhibit “6”, Complainant then realized that the purported
9 exhibit “5”, demonstrates that it was a false proceeding to defraud Complainant of his property in direct
10 violation of CPC §182(a), CPC §484, CPC §532 & CPC §594(a).

11 7.48 Exhibit “6” also appears to have been stated by “George Kallas” an authorizing
12 director of the Association to file a cause of action for a false proceeding.

13 7.49 Exhibit “6” should have been the evidence to the court that the court lacked subject-
14 matter jurisdiction at trial and the entire case dismissed on Complainant’s motion for judgment on the
15 pleadings which was ignored by Judge HUNT willfully and deliberately.

16 7.50 Exhibit “7” attaches as an Opinion Affirming a false real property by the California
17 Court of Appeal, 4th District, Division three whereby the Justices committed a fraud upon the court and
18 aided and betted the crimes of the Defendants.

19 7.51 A true and correct copy of said document is attached as Exhibit “7” and incorporated
20 by reference, as if set forth fully herein.

21 7.52 Exhibit “7” shows that JUSTICES IKOLA, FYBEL and RYLAARSDAM ignored
22 the facts and evidence from the record that a false real property claim and a false legal proceeding was
23 commenced and maintained with the intent to deprive Complainant of his personal and real property for
24 financial gain.

25 7.53 After carefully examining Exhibit “7”, Complainant then realized that the purported
26 exhibit “7”, demonstrates a willful and deliberate intent to cover-up a crime committed by an Officer of
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1 the Court to commit a fraud upon the court and to defraud Complainant of his property in direct
2 violation of CPC §182(a), CPC §484, CPC §532 & CPC §594(a).

3 7.54 Exhibit "7" also appears to have been prepared and signed by "Raymond Ikola" with
4 concurrence by FYBEL and RYLAARSDAM, as an Officers of the Court.

5 7.55 Exhibit "7" should have reversed the void judgment and void orders in the interest of
6 justice and dismissed the action as a miscarriage of justice due to the court's lack of subject-matter
7 jurisdiction on Complainant's motion for judgment on the pleadings which went ignored by Judge
8 HUNT willfully and deliberately.

9 7.56 Complainant was informed that Board Member George Kallas sought legal advice
10 from Attorney Sheldon Goodman to accept Complainant's request for ADR and choose to ignore the
11 request and instead search for an Attorney of whom would teach Complainant a lesson and cause injury
12 by commencing a malicious and false proceeding to injury and deprive Complainant of the use and
13 enjoyment of his property.

14 7.57 Complainant witnessed a document signed by George Kallas, Richard Carlburg,
15 Cathrine Lesnick, Jimmy Patopoff and Regina Alcantera, attesting to an agreement to conspire to
16 initiate a false and malicious legal proceeding.

17 7.58 George Kallas, Richard Carlburg, Cathrine Lesnick, Jimmy Patopoff and Regina
18 Alcantera are also named Defendants in a civil lawsuit (O.C.S.C. No. 05CC00011) by Complainant, in
19 which subsequent Board Members Richard Fish, Keith Webb, Bob Richardson Gregory Heuser as
20 named defendants specifically used their power and influence on the Board to change the specific
21 governing Documents and the provisions allegedly claimed in that suit to absolve their personal
22 liability.

23 7.59 Defendants did not have any standing to bring a lawsuit against Complainant, nor did
24 the Attorney Stanley Feldsott or Martin Lee have a right to advise or represent the Greenbrook Fountain
25 Valley Homeowners Association before the California Superior Court for the State of California, or any
26 other courts, for that matter with regards to Complainant's property.
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1 **B. California Orange County Superior Court Case (Docket #05CC03849)**

2 7.60 On March 3, 2005, the Complainant filed a lawsuit claiming thirteen causes of action.

<u>Cause of Action</u>	<u>Theory of Recovery</u>
3 First	Malicious Prosecution Of A False Real Property Claim
4 Second	Abuse Of Process,
5 Third	Slander Of Title
6 Fourth	Intentional Infliction Of Emotional Distress
7 Fifth	Negligent Infliction Of Emotional Distress
8 Sixth	Violation Of The California Constitution: Invasion Of Privacy
9 Seventh	Breach Of Fiduciary Duty
10 Eighth	Breach Of Declaration Of Covenants, Conditions & Restrictions
11 Ninth	Anticipatory Breach Of Declaration Of Covenants, Conditions & Restrictions
12 Tenth	Breach Of Implied Covenant Of Good Faith And Fair Dealing
13 Eleventh	Declaratory Relief
14 Twelveth	Injunctive Relief
15 Thirteenth	Accounting

16 7.61 Plaintiff-Appellant (herein after referred to as DOEs') filed suit in the Superior Court
17 (herein as "OCSC") against thirteen (13) Association Defendants and two (2) Attorneys for the
18 Association pleading a first and primary cause of action for Malicious prosecution with supporting
19 allegations of Defendants, excluding the Attorney Defendants, conspiracy to commit the Malicious
20 prosecution. Also, a related secondary cause of action for Slander to title based on recordation of a Lis
21 Pendens for the false "real property" claim. The remaining tort causes of action are simply various other
22 theories, with some additional facts, on which DOEs sought to recover damages relating to the same
23 general circumstances giving rise to the Malicious prosecution and Slander to title. The facts are all
24 related to the series of events in the underlying action that led to Appellant's present action after obtaining
25 a favorable termination and released of liability from the second and third causes of action in the
26 underlying action after Association's unilateral dismissal by Defendant Stanley Feldsott and the Court.
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1 7.62 Additionally, seven (7) causes of action based on enforcement of the governing
2 documents (CC §1351(j)) were filed against all other defendants, for various unlawful activities during
3 the period of fiscal year 2002-2005.

4 7.63 Argument on Special Motions to Strike was held on April 27, 2005, regarding Attorney
5 Respondents and on August 31, 2005, for all other Respondents, Thereafter, the trial court granted the
6 special motions under CCP §425.16 as to all causes of action in both hearings as to Respondents herein.

7 7.64 Entry of Order and Judgment of dismissal as to the Attorney Respondents was filed on
8 May 17, 2005, and September 13, 2005, for the other Defendants.

9 7.65 In March, 2005, Defendant Stanley Feldsott and Martin Lee filed a false Declaration
10 to their frivolous special motion, pursuant to California Code of civil Procedure 425,16, declaring under
11 penalty of perjury that they prevailed in the false real property claim they dismissed in the *Greenbrook*
12 *Fountain Valley Homeowners Association v. DOE et. al.* case.

13 7.66 On April 27, 2005 and August 31, 2005, Judge Peter J. Polos deprived Complainant of
14 his California Constitutional rights to petition the court for redress of his grievances as to all causes of
15 action and to all Defendants to that action, by granting a Frivolous special motion, pursuant to California
16 Code of civil Procedure 425,16, based upon a false declaration by Defendants Stanley Feldsott, predicated
17 on the false real property claim for a false proceeding dismissing a Trespass to easement and damages.

18 7.67 Defendants Stanley Feldsott and Martin Lee knew at the time the proceeding was false
19 and at the time of commencing such proceeding and maintained the false proceeding up to and continuing
20 through trial until unilaterally dismissing the false claims on the day of trial.

21 7.68 The document recorded by STANLEY FELDSOTT and MARTIN LEE was authorized
22 by Defendants GEORGE KALLAS, CATHRINE LESNICK, REGINA ALCANTERA, JIMMY
23 PATOPOFF and RICHARD CARLBURG.

24 7.69 The lawsuit is premised upon Attorney Respondents and Respondents, including those
25 that conspired with all Respondents for the maintenance and failure to prosecute a fabricated “real
26 property” claim, with a unilateral voluntary dismissal of those claims in the underlying action and a
27 conspiracy in conducting a selective, discriminatory and malicious enforcement directed at DOEs, while
28

1 ignoring their own violations and over one-hundred (100) actual easement violations existing within the
2 community during the pendency of the underlying litigation.

3 7.70 In that conspiracy, Defendants agreed to do various things with the Board Members,
4 including providing photographs of DOE’s property, circulating a petition to litigate based on falsities and
5 misrepresentations of the DOEs’, and deliberately devised a scheme to fabricated an easement violation to
6 their real property to deprive them of the “use” of their property in order to accommodate the desires of
7 their personal friends and neighbors.

8 7.71 Separate existence of the Association does not exist within Greenbrook and Defendants
9 and each of them are acting in conflict of interest to its members as “alter-egos” of the corporation. The
10 DOEs’ have been unjustly denied their right to procedural due process by the trial court’s upon dismissal
11 of a legitimate complaint.

12 7.72 Upon the remitter from the *California Court of Appeal, 4th District, Division Three,*
13 *Appellate Case* (Docket # G035804 consolidated with G036220, G036315, G037356, and Docket #
14 G038315 consolidated with G037566, Defendant Francesca Dioguardi filed a Declaration declaring
15 under penalty of perjury that the Defendants RICHARD CARLBURG, GEORGE KALLAS,
16 CATHERINE J. LESNICK, JIMMY PATOPOFF, REGINA ALCANTERA, SHIRLEY VOGT,
17 JAMES STRANG, MARK NELSON, JAMES P. MCINTYRE, JAMES BAY, and CHUCK BAGBY,
18 were entitled to attorney fees they never incurred, nor paid in direct violation of the law.

19 7.73 To the best of Complainant’s current information, knowledge, and belief, the
20 evidence of an insurance policy with the Greenbrook Fountain Valley Homeowners Association
21 submitted to the contrary that Francesca Dioguardi committed perjury by submitting a false declaration
22 to the court to commit the crime of theft against Complainant.

23 7.74 Defendants RICHARD CARLBURG, GEORGE KALLAS, CATHERINE J.
24 LESNICK, JIMMY PATOPOFF, REGINA ALCANTERA, SHIRLEY VOGT, JAMES STRANG,
25 MARK NELSON, JAMES P. MCINTYRE, JAMES BAY, and CHUCK BAGBY, have not paid nor
26 incurred any attorney fees or costs in this case or any appeal, for which recovery under statute is
27 allowed.
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1 **C. California Orange County Superior Court Case (Docket #05CC00011)**

2 7.75 On January 21, 2005, the Complainant filed a lawsuit claiming five causes of action.

<u>Cause of Action</u>	<u>Theory of Recovery</u>
3 First	Injunction
4 Second	Declaratory Judgment
5 Third	Injunction
6 Fourth	Declaratory Judgment
7 Fifth	Breach of Fiduciary Duty

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9 7.76 On or about July 10, 2006, Judge Geoffrey T. Glass entered a minute order and a
10 statement of decision in which he validated Defendants amendment changes to the governing documents
11 to take Complainant's standing to sue in the present judicial proceedings away contrary to statutory law
12 and the State and Federal Constitutions by and in direct violation of California Statute *California Civil*
13 *code §526* to obstruct justice.

14 7.77 Judge Geoffrey T. Glass further made a ruling to grant Defendants summary judgment
15 and absolve the Defendants liability in all causes of action before the court, denying Complainant's
16 constitutional procedural due process and proceeded to allow a trial based on Complainant's damages
17 after eviscerating the liability claims and making it retroactive.

18 **D. California Court of Appeal, 4th District, Division Three, Appellate Case (Docket # G032358)**

19 7.78 In Complainants case, Justice Ikola willfully and deliberately ignored a Supreme court
20 precedence in the opinion of *Flatley v. Mauro* (2006) 39 Cal.4th 299 with regards to a Special Motion to
21 strike matter to decide in favor of attorneys Stanley Feldsott and Martin Lee and the Law Firm of
22 KULIK, GOTTESMAN, MOUTON & SIEGEL, LLP., when the case precedence clearly and
23 unequivocally established the rule of law governing that the Appellate and trial courts are to determine
24 whether the petitioning of legal proceeding is lawful or unlawful to determine whether the statute is
25 applicable or not in the first order. In the present cases a false proceeding is constitutionally protected
26 and therefore the courts were required to dismiss the motion of Defendants as frivolous.

27 7.79 Records have also revealed that these same law firms with regards to Homeowner
28 Associations disputes

1 7.80 Exhibit “8” attaches as an Opinion Affirming willful and deliberate State and U.S.
2 Constitutional Violations by the California Court of Appeal, 4th District, Division three, whereby the
3 Justices denied Homeowner-DOE rights to petitioning the Government for redress of grievances
4 resulting in a fraud upon the court and aided and betted the crimes of the Defendants.

5 7.81 A true and correct copy of said document is attached as Exhibit “8” and incorporated
6 by reference, as if set forth fully herein.

7 7.82 Exhibit “8” shows that JUSTICES IKOLA, FYBEL and O’LEARY ignored the facts
8 and substantial evidence from the record that a false real property claim and a false legal proceeding
9 was commenced and maintained with the intent to deprive Complainant of his personal and real
10 property for financial gain.

11 7.83 After carefully examining Exhibit “8”, Complainant then realized that the purported
12 exhibit “8”, demonstrates a willful and deliberate intent to cover-up a crime committed by an Officer of
13 the Court to commit a fraud upon the court and to defraud Complainant of his property in direct
14 violation of CPC §182(a), CPC §484, CPC §532 & CPC §594(a).

15 7.84 Exhibit “8” also appears to have been prepared and signed by “Raymond Ikola” with
16 concurrence by FYBEL and O’LEARY, as an Officers of the Court.

17 7.85 Exhibit “8” should have reversed the void judgment and void orders in the interest of
18 justice and dismissed the action as a miscarriage of justice due to the court’s willful and deliberate
19 misconduct to denial of constitutional rights by Judge POLOS resulting in a fraud upon the court and
20 aided and betted the crimes of the Defendants.

21 7.86 With full knowledge of Complainant’s innocence, Defendants IKOLA, FYBEL and
22 O’LEARY, as Officers of the Court willfully and deliberately chose to ignore Complainant’s
23 constitutional rights, governing statutory law and case precedence favoring Complainant under color of
24 official right to aid and abet the crimes stated herein in the racketeering scheme to extort Complainant’s
25 property in the form.
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1 7.87 Justice Fybel in Exhibit “8” deliberately ruled against his own precedence in case
2 precedence of *Decker v. U.S. Registry* to find in favor of the Defendants and against Complainant in
3 stating in the opinion that Judge Peter Polos’s error was harmless to deny constitutional rights of
4 Complainant.

5 7.88 This harmless error resulted in Judge Glass ignoring the fact that Defendant Elizabeth
6 McIntyre never filed a Special Motion under CCP section 425.16 and a joinder in arguments of the other
7 Defendants motion which is contrary to precedence established by this appellate court.

8 **D. California Court of Appeal, 4th District, Division Three, Appellate Case (Docket # G035804**
9 **consolidated with G036220, G036315, G037356, and Docket # G038315 consolidated with**
10 **G037566)**

11 7.89 Exhibit “9” attaches as an Opinion Affirming willful and deliberate State and U.S.
12 Constitutional Violations by the California Court of Appeal, 4th District, Division three, whereby the
13 Justices denied Homeowner-DOE rights to petitioning the Government for redress of grievances
14 resulting in a fraud upon the court and aided and betted the crimes of the Defendants.

15 7.90 A true and correct copy of said document is attached as Exhibit “9” and incorporated
16 by reference, as if set forth fully herein.

17 7.91 Exhibit “9” shows that JUSTICES IKOLA, FYBEL and O’LEARY ignored the facts
18 and evidence from the record that a false real property claim and a false legal proceeding are not
19 proceedings that are constitutionally protected and do not fall within the ambit of the Anti-SLAPP
20 statute, California Code of Civil Procedure section 425.16 to deprive Complainant of his substantive
21 and procedural due process rights to have a trial on the merits of his case and not to be deprived of his
22 personal and real property for financial gain.

23 7.92 After carefully examining Exhibit “9”, Complainant then realized that the purported
24 exhibit “8”, demonstrates a willful and deliberate intent to commit a fraud upon the court and to defraud
25 Complainant of his property in direct violation of CPC §182(a), CPC §484, CPC §532 & CPC §594(a).

26 7.93 Exhibit “9” also appears to have been prepared and signed by “Raymond Ikola” with
27 concurrence by FYBEL and O’LEARY, as an Officers of the Court.
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1 7.94 Exhibit “9” should have reversed the void judgment and void orders in the interest of
2 justice and dismissed the action as a miscarriage of justice due to the court’s willful and deliberate
3 misconduct to denial of constitutional rights by Judge POLOS resulting in a fraud upon the court and
4 aided and abetted the crimes of the Defendants.

5 7.95 Justice Fybel ruled against his own precedence of *Decker v. U.S. Registry* to find in favor
6 of the Defendants and stated that Judge Peter Polos’s error was harmless.

7
8 **E. California Court of Appeal, 4th District, Division Three, Appellate Case (Docket # G038315**
9 **consolidated with G037566)**

10 7.96 Exhibit “10” attaches as California Court of Appeal, 4th District, Division 3, Opinion
11 Affirming a State and U.S. Constitutional Violation denying Homeowner-Warburton rights to lawfully
12 petition the Government for redress of grievances, as predicated on a false Real property claim.

13 7.97 A true and correct copy of said document is attached as Exhibit “10” and
14 incorporated by reference, as if set forth fully herein.

15 7.98 Exhibit “10” shows that JUSTICES IKOLA, FYBEL and RYLAARSDAM have
16 acted in a pattern of racketeering to deprive other homeowners of their substantive and procedural due
17 process rights to have a trial on the merits of their case and to be deprived them of personal and real
18 property.

19 7.99 After carefully examining Exhibit “10”, Complainant then realized that the purported
20 exhibit “10”, demonstrates a willful and deliberate intent to commit a fraud upon the court in direct
21 violation of CPC §182(a), CPC §484, CPC §532 & CPC §594(a).

22 7.100 Exhibit “10” also appears to have been prepared and signed by “Raymond Ikola”
23 with concurrence by Richard Fybel and O’Leary, as Officers of the Court.

24 7.101 Exhibit “10” should have reversed the void judgment and void orders in the interest
25 of justice and reinstated the action as a matter of law and Complainants’ constitutional rights to due
26 process.
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1 7.102 Exhibit "11" attaches as an **Opinion Affirming a State and U.S. Constitutional**
2 **Violation denying Homeowner-Doyle rights to petitioning the Government for redress of**
3 **grievances, as predicated on a false Real property claim.**

4 7.103 A true and correct copy of said document is attached as Exhibit "11" and
5 incorporated by reference, as if set forth fully herein.

6 7.104 Exhibit "11" shows that JUSTICES IKOLA, FYBEL and RYLAARSDAM have
7 acted in a pattern of racketeering to deprive other homeowners of their substantive and procedural due
8 process rights to have a trial on the merits of their case and to be deprived them of personal and real
9 property.
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11 7.105 After carefully examining Exhibit "11", Complainant then realized that the purported
12 exhibit "9", demonstrates a willful and deliberate intent to commit a fraud upon the court in direct
13 violation of CPC §182(a), CPC §484, CPC §532 & CPC §594(a).

14 7.106 Exhibit "11" also appears to have been prepared and signed by "Raymond Ikola"
15 with concurrence by Richard Fybel and O'Leary, as Officers of the Court.

16 7.107 Exhibit "11" should have reversed the void judgment and void orders in the interest
17 of justice and reinstated the action as a matter of law and Complainants' constitutional rights to due
18 process.
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20 7.108 Exhibit "12" attaches as a California Court of Appeal, 4th District, Division 3,
21 **Opinion Affirming a State and U.S. Constitutional Violation denying Homeowner-Doyle rights to**
22 **petition the Government for redress of grievances, as predicated on a false Real property claim.**

23 7.109 A true and correct copy of said document is attached as Exhibit "12" and
24 incorporated by reference, as if set forth fully herein.

25 7.110 Exhibit "12" shows that JUSTICES IKOLA, FYBEL and ARONSON have acted in a
26 pattern of racketeering to deprive other homeowners of their substantive and procedural due process
27 rights to have a trial on the merits of their case and to be deprived them of personal and real property.
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1 7.111 After carefully examining Exhibit "12", Complainant then realized that the purported
2 exhibit "12", demonstrates a willful and deliberate intent to commit a fraud upon the court in direct
3 violation of CPC §182(a), CPC §484, CPC §532 & CPC §594(a).

4 7.112 After carefully examining Exhibit "12", Complainant then realized that the purported
5 exhibit "12", shows that Derek W. Hunt was the same judge that committed the willful and deliberate
6 fraud upon the court in direct violation of CPC §182(a), CPC §484, CPC §532 & CPC §594(a) against
7 Complainant demonstrating a pattern of racketeering to defraud other homeowners of there property as
8 well using the same tactics employed in Complainant's case.

9 7.113 Exhibit "12" also appears to have been prepared and signed by "ARONSON" with
10 concurrence by FYBEL and IKOLA, as Officers of the Court, in aiding and abetting the fraud upon the
11 court.

12 7.114 Exhibit "12" should have reversed the void judgment and void orders in the interest
13 of justice and reinstated the action as a matter of law and Complainants' constitutional rights to due
14 process.

15 7.115 Exhibit "13" attaches as a California Court of Appeal, 4th District, Division 3,
16 Opinion Affirming a State and U.S. Constitutional Violation denying Homeowner-Doyle rights to
17 petitioning the Government for redress of grievances, as predicated on a false Real property claim.

18 7.116 A true and correct copy of said document is attached as Exhibit "13" and
19 incorporated by reference, as if set forth fully herein.

20 7.117 Exhibit "13" shows that JUSTICES IKOLA, FYBEL and ARONSON have acted in a
21 pattern of racketeering to deprive other homeowners of their substantive and procedural due process
22 rights to have a trial on the merits of their case and to be deprived them of personal and real property.

23 7.118 After carefully examining Exhibit "13", Complainant then realized that the purported
24 exhibit "13", shows that Judge Derek W. Hunt of the Orange County Central Justice Center was the
25 same Judge that appears committed the willful and deliberate fraud upon the court in direct violation of
26 CPC §182(a), CPC §484, CPC §532 & CPC §594(a) against Complainant demonstrating a pattern of
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1 racketeering to defraud other homeowners of their property as well using the same tactics employed in
2 Complainant's case.

3 7.119 Exhibit "13" also appears to have been prepared and signed by "ARONSON" with
4 concurrence by FYBEL and IKOLA, as Officers of the Court, in aiding and abetting the fraud upon the
5 court.

6 7.120 Exhibit "13" should have reversed the void judgment and void orders in the interest
7 of justice and reinstated the action as a matter of law and Complainants' constitutional rights to due
8 process.

9 7.121 Exhibit "14" attaches as a California Court of Appeal, 4th District, Division 3,
10 **Opinion Affirming a State and U.S. Constitutional Violation protecting Homeowner-McMahon**
11 **rights to petitioning the Government for redress of grievances, as predicated on a false Real**
12 **property claim.**

13 7.122 A true and correct copy of said document is attached as Exhibit "14" and
14 incorporated by reference, as if set forth fully herein.

15 7.123 Exhibit "14" shows that JUSTICES IKOLA, SILLIS and RYLAARSDAM have
16 acted in a pattern of racketeering to deprive other homeowners of their substantive and procedural due
17 process rights to have a trial on the merits of their case and to be deprived them of personal and real
18 property.

19 7.124 After carefully examining Exhibit "14", Complainant then realized that the purported
20 exhibit "14", demonstrates a willful and deliberate intent to commit a fraud upon the court in direct
21 violation of CPC §182(a), CPC §484, CPC §532 & CPC §594(a).

22 7.125 Exhibit "14" also appears to have been prepared and signed by "Raymond Ikola"
23 with concurrence by SILLIS and RYLAARSDAM, as Officers of the Court, in aiding and abetting the
24 fraud upon the court.
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1 7.126 Exhibit “14” after careful examination of the case should have reversed as a void
2 judgment and void orders in the interest of justice and reinstated the action as a matter of law due to
3 clear constitutional rights violation and misconduct.

4 7.127 Exhibit “15” attaches as a California Court of Appeal, 4th District, Division 3,
5 **Opinion Affirming a State and U.S. Constitutional Violation denying Homeowner – McMahon’s**
6 **rights to petitioning the Government for redress of grievances, as predicated on a false Real**
7 **property claim.**

8 7.128 A true and correct copy of said document is attached as Exhibit “15” and
9 incorporated by reference, as if set forth fully herein.

10 7.129 Exhibit “15” shows that JUSTICES IKOLA, SILLIS and RYLAARSDAM have
11 denied another homeowner of their constitutional rights demonstrating a clear pattern of racketeering to
12 deprive them of their “property” without substantive and procedural due process of law guaranteed by
13 the State and U.S. Constitutions.

14 7.130 After carefully examining Exhibit “15”, Complainant then realized that the purported
15 exhibit “15”, demonstrates a willful and deliberate intent to commit a fraud upon the court in direct
16 violation of CPC §182(a), CPC §484, CPC §532 & CPC §594(a).

17 7.131 Exhibit “15” also appears to have been prepared and signed by “Raymond Ikola”
18 with concurrence by SILLIS and RYLAARSDAM, as Officers of the Court, in aiding and abetting the
19 fraud upon the court.

20 7.132 Exhibit “15” should have reversed the void judgment and void orders in the interest
21 of justice and reinstated the action as a matter of law and Complainants’ constitutional rights to due
22 process.

23 7.133 Exhibit “16” attaches as a California Court of Appeal, 4th District, Division 3,
24 **Opinion Affirming a State and U.S. Constitutional Violation denying Homeowner – McMahon’s rights**
25 **to petitioning the Government for redress of grievances, as predicated on a false Real property claim.**
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1 7.134 A true and correct copy of said document is attached as Exhibit “16” and
2 incorporated by reference, as if set forth fully herein.

3 7.135 Exhibit “16” shows that JUSTICES IKOLA, O’LEARY and BEDSWORTH have
4 denied another homeowner of their constitutional rights demonstrating a clear pattern of racketeering to
5 deprive them of their “property” without substantive and procedural due process of law guaranteed by
6 the State and U.S. Constitutions.

7 7.136 After carefully examining Exhibit “16”, Complainant then realized that the purported
8 exhibit “16”, demonstrates a willful and deliberate intent to commit a fraud upon the court in direct
9 violation of CPC §182(a), CPC §484, CPC §532 & CPC §594(a).

10 7.137 Exhibit “16” also appears to have been prepared and signed by “Raymond Ikola”
11 with concurrence by Bedsworth and O’Leary, as Officers of the Court.

12 7.138 Exhibit “16” should have reversed the void judgment and void orders in the interest
13 of justice and reinstated the action as a matter of law and Complainants’ constitutional rights to due
14 process.
15

16 7.139 Exhibit “17” attaches as a California Court of Appeal, 4th District, Division 3,
17 Opinion Affirming a State and U.S. Constitutional Violation denying Homeowner rights to petitioning
18 the Government for redress of grievances, as predicated on a false Real property claim.

19 7.140 A true and correct copy of said document is attached as Exhibit “17” and
20 incorporated by reference, as if set forth fully herein.

21 7.141 Exhibit “17” shows that FELDSOTT and LEE have demonstrate a pattern of
22 racketeering to deprive other homeowners of their substantive and procedural due process rights and
23 personal and real property since at least before 1996.

24 7.142 Exhibit “18” attaches as Writ of Execution and Sheriff’s levy against Complainants
25 for a false real property claim and false proceedings, as predicated on a Fraud upon the Court.
26

27 7.143 A true and correct copy of said document is attached as Exhibit “18” and
28 incorporated by reference, as if set forth fully herein.

1 7.144 Exhibit "18" shows that Defendants and Stanley Feldsott in a conspiracy with
2 Defendants have committed a robbery and theft to deprive Complainant of his personal property,
3 predicated on a false real property claim, using the courts to commit the crimes as stated herein.

4 7.145 After carefully examining Exhibit "18", Complainant then realized that the purported
5 exhibit "18", demonstrates a willful and deliberate intent to commit a crimes to defraud Complainant of
6 his property in direct violation of CPC §182(a), CPC §484, CPC §532 & CPC §594(a).

7 7.146 Exhibit "18" also appears to have been authorized on behalf Judge Derek W. Hint, as
8 an Officer of the Court.

9 7.147 Exhibit "19" attaches as a Minute ORDER from Judge Geoffery T. Glass awarding
10 Appellate Attorney Fees on a False Declaration of Franseca Dioguardi where no Attorney Fees were
11 ever paid by Defendants to that Appeal and Appeal Costs to STANLEY FELDSOTT and MARTIN
12 LEE for a dismissed appeal after State and U.S. Constitutional Violation denying Homeowner rights to
13 petitioning the Government for redress of grievances, as predicated on a false Declarations, as on a
14 Fraud upon the Court.

15 7.148 Complainant has moved to disqualify Judge Geoffery T. Glass on three separate
16 occasions pursuant to the law and he refuses to recuse himself and willfully and deliberately intends to
17 use his position under color of law and as an officer of the court to knowingly cause undue damage and
18 harm to Complainant, as due to his obvious prejudice against Complainant.

19 7.149 A true and correct copy of said document is attached as Exhibit "19" and
20 incorporated by reference, as if set forth fully herein.

21 7.150 Exhibit "19" shows that Judge Geoffery T. Glass have acted in a pattern of
22 racketeering and commit a fraud upon the court to deprive Complainant of his personal and real
23 property where no statutory or case precedence authorizes him to do so.

24 7.151 After careful examination of the Declaration of Francesca Dioguardi in support of
25 Exhibit "19", Complainant determined that the billing submitted by Francesca Dioguardi in the amount
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1 of \$40,360 was a billing paid by the Greenbrook Fountain Valley Homeowners Association
2 underwriting Insurance carrier instead of the Defendants.

3 7.152 After further examination of Exhibit “19”, Complainant then realized that the
4 purported exhibit “19”, demonstrates a willful and deliberate intent to commit a fraud upon the court
5 and to defraud Complainant of his property in direct violation of CPC §182(a), CPC §484, CPC §532
6 & CPC §594(a).

7 7.153 Exhibit “19” also appears to have been prepared on behalf Judge Geoffery T. Glass,
8 as an Officer of the Court.

9 7.154 Exhibit “19” should have denied any attorney fees on a void judgment and void
10 orders in the interest of justice, as a matter of law.

11 7.155 Appellate Attorney Fees on a False Declaration of Francesca Dioguardi where no
12 Attorney Fees were ever paid by Defendants to that Appeal and Appeal Costs to STANLEY
13 FIELDSOTT and MARTIN LEE for a dismissed appeal after State and U.S. Constitutional Violation
14 denying Homeowner rights to petitioning the Government for redress of grievances, as predicated on a
15 false Declarations, as on a Fraud upon the Court.

16 7.156 Upon research of the public records of opinions from the California Court of Appeal, 4th
17 District, Division three has revealed that numerous unpublished opinions bear evidence of a pattern of
18 outrageous and unconscionable affirmations of blatant Constitution violations being committed by the
19 Justices of this district in terminating citizens rights in favor of Homeowner Associations and the same
20 attorneys. The exhibits herein represent just a few of the numerous unpublished opinions affirming void
21 judgments against homeowners that are exemplary of a pattern of racketeering, with the majority of this
22 opinions being written by Justice Raymond Ikola, of whom is clearly prejudice against Homeowners and
23 in favor of Associations, as seen from the statements written in these opinions.

24 7.157 Further, based on my research and in my belief, ninety percent or more of the appeals
25 decided in this Appellate Fourth District court, Division Three are in favor of the Associations and not
26 because the facts and/or law favors them, as being written by Justice Raymond Ikola.
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1 7.158 Further, based on my research and in my belief, ninety percent or more of the appeals
2 decided in this Appellate Fourth District Court, Division Three, are decided in favor specific Law Firms
3 such as FELDSOTT & LEE, PETERS & FRIEDMAN, Law Firm of KULIK, GOTTESMAN, MOUTON
4 & SIEGEL, LLP., FIORE & ASSOCIATES, because the justices have membership in the Community
5 Association Institute (CAI) [www.cai.org] for Homeowners Associations.

6 7.159 Further, based on my research and in my belief, a clear pattern of racketeering is evident
7 in these Community Associations cases, as based on the racketeering schemes identified herein above and
8 clearly based on the unconscionable and outrageous attorney fee and cost awards given in the most petty
9 community violations and the misconduct of the judges named herein is the reason that these lawsuits are
10 being filed in these courts throughout the State of California.

11 7.160 Further, based on my research and in my belief, ninety percent or more of the orange
12 County superior court judges and attorneys are aware of the facts that the Appellate court Justices, as
13 specifically Raymond Ikola, within the Appellate Fourth District court will decide appeals in there favor
14 regardless of the fraud or racketeering schemes, as demonstrated in numerous unpublished and published
15 opinions over the years from this district court.

16 7.161 For all of the reasons stated above, Plaintiff believes that sufficient probable cause exists
17 to charge the above named individuals with the State and federal crimes enumerated above.

18 7.162 This concludes Complainant's AFFIDAVIT OF PROBABLE CAUSE in the above
19 entitled matter, at the present time.

20 7.163 Complainant reserves His fundamental Right to amend this VERIFIED CRIMINAL
21 COMPLAINT, at times and places of His own choosing.

22 7.164 I, JOHN DOE, being duly sworn, upon oath, state that I have good reason to believe and
23 do believe and charge that before the making of this Complaint, that the following facts are known to me
24 or were told to me by other reliable persons, and form the basis for my belief that the Defendants
25 committed the crimes herein, within Orange County, California.

26 7.165 For all of the reasons stated above, Plaintiff believes that sufficient probable cause exists
27 to charge the above named individuals with the State and Federal crimes enumerated above.

28

1 **VIII. DEMAND FOR EMPANELMENT OF GRAND JURY**

2 8.1 Complainant has proven probable cause for his allegations of criminal misconduct
3 against the Defendants, their conduct demeaning California’s courts to commit a fraud upon the court is
4 despicable and outrageous. Absent a firm finding that Complainant’s three void judgments and theft of
5 his personal property and destruction of real property is an unlawful excuse for what was initiated by
6 individual defendants and the Attorneys and perpetuated by the Officers of the Court for the lawful
7 installation of a gate on his property is unconscionable considering that Defendants are now attempting
8 to cover up the egregious misconduct of Judge Brickner and HUNT that was perpetuated by the
9 Appellate Justice Ikola or for asking HUNT to articulate the grounds for his failure to recuse himself,
10 was justified and satisfies Complainant’s due process rights. Defendants HUNT, POLOS and GLASS
11 must be deemed to be utterly without lawful authority when absconding with the Complainant and
12 demanding money for never violating a California Statute or provision under the community governing
13 documents, which had to be paid by an acquaintance of the Complainant.

14 8.2 How are the crimes alleged invalid, how exactly does these Defendants’ conduct not
15 meet the essential elements of the statutes under which Complainant has sought charges? In the absence
16 of cogent rebuttal of Complainant’s allegations of felonious misconduct under California statutes, can
17 he be rightfully accused of being, or rightfully deemed outright, to be “incompetent”? No; Defendants
18 are guilty.

19 8.3 Complainant sees just cause and substantial public interest in empanelling a Grand
20 Jury, and he hereby requests that such take place at the earliest possible convenience.

21 **IX. REQUEST FOR INVESTIGATION**

22 9.1 Complainant hereby invokes the federal criminal statute at 18 U.S.C. 1504, to wit:

23 Nothing in this section shall be construed to prohibit the communication of a request to
24 appear before the grand jury.

25 9.2 Complainant specifically requests a formal investigation by a lawfully convened State
26 grand jury into the charges made herein.

27 **X. CONCLUSION**

28 10.1 Complainant’s authorities and evidence on the record require either that the Defendants
(California State Judges) prove Complainant’s due process rights exclude rights to purge contempt or to
allocute, that it prove that Complainant had no lawful excuse, or that it act as the law requires and move
to cause criminal charges of the kind alleged herein to be brought against Defendants HUNT, POLOS

1 and GLASS in the mere service of the Public's best interest. The People of California will either see
2 these Defendants stripped of their offices, their benefits, their liberty and their pensions, or they will
3 watch as their servants ignore the law, placing their fellows in crime above the law of the People.

4 10.2 If the provisions allegedly violated are to mean anything, if the Declaration of Rights in
5 California's Constitution is to mean anything, this Court must provide remedies for constitutional and
6 statutory violations. These remedies should include injunctions, compensatory and penal sanctions, the
7 tools courts traditionally have used to bring about compliance by allowing through its judgment the
8 distraint provided for by such laws as are within any respective subject matter jurisdiction.² Defendants
9 hereto are hereby placed on notice of their 5th Amendment rights against incriminating themselves; no
10 other notice will be provided.

11 10.3 Complainant therefore requests that the Defendant(s) be dealt with according to law.
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28 ² See *Widgeon v. Eastern Shore Hospital*, 300 Md. 520, 479 A.2d 921 (1984); *Fenton v. Groveland
Community Services District*, 135 Cal.App.3d 797, 185 Cal.Rptr. 758 (1982).

1 **XI. VERIFICATION**

2 11.1 The statements contained in this affidavit are based on my personal knowledge, as well
3 as information provided to me by other homeowners and individuals that are victims of the racketeering
4 activities within these courts. I have not included in this affidavit each and every fact and circumstance
5 known to me, but only those facts that I believe to be sufficient to establish probable cause that on July
6 10, 2002 and continuing to this date, past and present Board members GEORGE KALLAS,
7 CATHRINE LESNICK, JIMMY PATOPOFF, RICHARD CARLBURG and REGINA ALCANTARA
8 and members JAMES P. MCINTYRE, ELIZABETH A. MCINTYRE, and CHUCK BAGBY to the
9 Greenbrook Fountain Valley Homeowners Association unlawfully conspired with Attorneys Stanley
10 Feldsott and Martin Lee to fabricate violations under the community governing documents and moved
11 the Orange County Superior Court with false proceedings regarding an unlawful real property claim, in
12 direct violation of California Penal Code, §182(a) and other false proceedings to extort and steal
Complainant’s personal and real property with false declarations of Attorney fees and costs that other
defendants never paid, resulting to perjury, in violation of CPC §118(a).

13 11.2 I, JOHN DOE, Complainant hereto, do hereby declare under penalties of perjury under
14 the laws of the state of California that the foregoing accounting of facts are true and correct to the best
15 of my knowledge. I hereby declare that the exhibits attached hereto are true and correct, they are
16 authentic, and they have not knowingly been misrepresented in any way.

17 11.3 To the best of Complainant’s current information, knowledge, and belief, **I believe**
18 Defendants have violated California State law, and Federal Laws, as alleged above, and it is my intent
19 herewith to seek criminal charges against Defendants and each of them for the purposes of having them
20 sanctioned to the full extent of the law.

Executed this ___ day of September, 2008.

21 Signed: _____

22 JOHN DOE, Affiant/Complainant

23 The above affirmation was SUBSCRIBED and duly SWORN to before me this ___ day of
24 _____, 2008 by JOHN DOE.

25 I, _____, am a Notary under license from the State of California whose
26 Commission expires _____, and be it known by my hand and my Seal as follows:

27 _____
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Notary signature

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PROOF OF SERVICE

I, JOHN DOE, *Sui Juris*, hereby certify, under penalty of perjury, under the laws of the **United States of America**, without the “**United States**” (federal government), that I am at least 18 years of age, a Citizen of ONE OF the United States of America, and that I personally served the following document(s):

VERIFIED CRIMINAL COMPLAINT:

[*California Penal Code* §§ 804, 806, 740, 808 904 & 948 Et Seq.]

RE: Superior Ct. Case Nos.: 02CC12362, 05CC00011 and 05CC03849

RE: Appellate Ct. Case Nos.: G032358, G035804, G036220, G036315, G037356, G037566 and G038315

by placing one true and correct copy of said document(s) in first class United States Mail, with postage prepaid and properly addressed to the following:

Supreme Court of California
Attn: Clerk of the Court
350 McAllister Street
San Francisco, CA 94102-4797

Foreperson
California Grand Jury
Superior Court for Orange County
Central Justice Center, Dept. C01
700 Civic Center Drive West,
Santa Ana, CA 92701

California Court of Appeal, County of Orange
Fourth District, Division Three
Attn: Clerk of the Court
925 N. Spurgeon Street
Santa Ana, CA 92701

Orange County Sheriff
Attention: Criminal Investigation Division
550 N. Flower Street
Santa Ana, CA 92703

Superior Court for Orange County
Central Justice Center,
Clerk of Court: Attention: Supervisor of the
Criminal Unit
700 Civic Center Drive West
Santa Ana, CA, 92701

Orange County Sheriff
Attention: West Division
8141 13th Street
Westminster, CA 92683

Judge Nancy Weiben Stock, (supervising)
Superior Court for Orange County
Central Justice Center, Dept. C01
700 Civic Center Drive West,
Santa Ana, CA 92701

California Commission on Judicial Performance
Attn: Judicial Complaints Office
455 Golden Gate Avenue, Suite 14400
San Francisco, CA 94102

PROOF OF SERVICE Continued

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Office of the California Attorney General
Attn: California Bureau of Investigation
P.O. Box 944255
Sacramento, CA 94244-2250
via fax: (213) 894-6436

California State Bar
Office of the Chief Trial Counsel/Intake
Attn: Scott J. Drexel
1149 South Hill Street
Los Angeles, CA 90015-2299

Office of the District Attorney
Attn: Tony Rackauckas
401 Civic Center Drive
Santa Ana, CA 92701

Orange County Register
Attn: Editor
625 N. Grand Ave.
Santa Ana, CA 92701

Dated: September __, 2008

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Exhibit "1":

"Greenbrook Fountain Valley Homeowners Association Attorney Opinion Letter advising the Board Members to submit to Alternative Dispute Resolution (ADR) as required by California Civil Code 1354 prior to commencement of any legal proceedings"

[Evidence obtained at a Board Meeting on July 24, 2002, after commencement of false proceedings for false Real property claims]

**Orange County Superior Court
Central Justice Center of California
(Docket No. 02CC12362)**

April 29, 2002

(True and Correct photocopy)

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Exhibit "2":

"False Real Property Complaint"

**Orange County Superior Court
Central Justice Center of California
(Docket No. 02CC12362)**

July 24, 2002

(True and Correct photocopy)

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Exhibit “3”:

“Notice of Lis Pendens”

**Orange County Superior Court
Central Justice Center of California
(Docket No. 02CC12362)**

July 24, 2002

(True and Correct photocopy)

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Exhibit “4”:

“Withdraw of Notice of Lis Pendens”

**Orange County Superior Court
Central Justice Center of California
(Docket No. 02CC12362)**

November 26, 2002

(True and Correct photocopy)

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Exhibit "5":

"Excerpt of Trial Transcript attesting to a false real property claim by Stanley Feldsott"

**Orange County Superior Court
Central Justice Center of California
(Docket No. 02CC12362)**

February 24, 2003

(True and Correct photocopy)

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Exhibit “6”:

“Excerpt of Trial Transcript attesting to no jurisdiction to a real property claim by George Kallas”

**Orange County Superior Court
Central Justice Center of California
(Docket No. 02CC12362)**

February 24, 2003

(True and Correct photocopy)

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Exhibit "7":

**"Opinion Affirming a false real property filed by California Court of Appeal, 4th District, Division
Three - DOEs"**

**Orange County Superior Court
Central Justice Center of California
(O.C.S.C. Docket No. 02CC12362)**

Judge: Derek W. Hunt

Attorneys: LAW FIRM OF FELDSOTT & LEE

**California Court of Appeal,
4th District, Division three
(Appellate Docket No. G032358)**

Justices: IKOLA, FYBEL & RYAARSDAM

January 28, 2004

(True and Correct photocopy)

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Exhibit "8":

"Opinion Affirming a State and U.S. Constitutional Violation denying Homeowner-DOE rights to petitioning the Government for redress of grievances, as predicated on a false Real property claim"

**Orange County Superior Court
Central Justice Center of California
(O.C.S.C. Docket No. 05CC03849)**

Judge: Peter J. Polos

Attorneys: LAW FIRM OF FELDSOTT & LEE

Attorneys: LAW FIRM OF KULIK, GOTTESMAN, MOUTON & SIEGEL

Attorneys: LAW FIRM OF BENNETT & BENNETT

**California Court of Appeal,
4th District, Division three
(Docket No. G035804, Consolidated with G036220, G036315, & G037356)**

Justices: IKOLA, FYBEL & O'LEARY

Date: August 13, 2007

(True and Correct photocopy)

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Exhibit “9”:

“Opinion Affirming a State and U.S. Constitutional Violation denying Homeowner-DOE rights to petitioning the Government for redress of grievances, as predicated on a Fraud upon the Court”

Orange County Superior Court

Central Justice Center of California

(O.C.S.C. Docket No. 05CC00011)

Attorneys: LAW FIRM OF WUELLE & BALLARD

Attorneys: LAW FIRM OF KULIK, GOTTESMAN, MOUTON & SIEGEL

Attorneys: LAW FIRM OF BENNETT & BENNETT

California Court of Appeal,

4th District, Division three

(Docket No. G038315)

Justices: IKOLA, FYBEL & O’LEARY

Date: September 9, 2008

(True and Correct photocopy)

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Exhibit "10":

"Opinion Affirming a State and U.S. Constitutional Violation denying Homeowner-Warburton rights to petitioning the Government for redress of grievances, as predicated on a false Real property claim"

**Orange County Superior Court
Central Justice Center of California
(O.C.S.C. Docket No. 00CC05661)**

Judge: Derek W. Hunt

Attorneys: LAW FIRM OF FELDSOTT & LEE

**California Court of Appeal,
4th District, Division three
(Docket No. G037197)**

Date: June 29, 2007

(True and Correct photocopy)

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Exhibit "11":

"Opinion Affirming a State and U.S. Constitutional Violation denying Homeowner-Warburton rights to petitioning the Government for redress of grievances, as predicated on a false Real property claim"

**Orange County Superior Court
Central Justice Center of California
(O.C.S.C. Docket No. 00CC05661)**

Judge: Derek W. Hunt

Attorneys: LAW FIRM OF FELDSOTT & LEE

**California Court of Appeal,
4th District, Division three
(Docket No. G037197)**

Date: June 29, 2007

(True and Correct photocopy)

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Exhibit "12":

"Opinion Affirming a State and U.S. Constitutional Violation denying Homeowner-Doyle rights to petitioning the Government for redress of grievances, as predicated on a false Real property claim"

**Orange County Superior Court
Central Justice Center of California
(O.C.S.C. Docket No. 03CC02348)
Judge: Derek W. Hunt
Attorneys: LAW FIRM OF FIORE, RACOBS & POWERS**

**California Court of Appeal,
4th District, Division three
(Docket No. G034081)
Justices: IKOLA, FYBEL & ARONSON
Date: September 30, 2005**

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Exhibit "13":

"Opinion Affirming a State and U.S. Constitutional Violation denying Homeowner-Doyle rights to petitioning the Government for redress of grievances, as predicated on a false Real property claim"

**Orange County Superior Court
Central Justice Center of California
(O.C.S.C. Docket No. 06CC02391)**

Judge: Derek W. Hunt

Attorneys: LAW FIRM OF KULIK, GOTTESMAN, MOUTON & SIEGEL

**California Court of Appeal,
4th District, Division three
(Docket No. G037161)**

Justices: IKOLA, FYBEL & ARONSON

Date: June 13, 2007

(True and Correct photocopy)

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Exhibit "14":

"Opinion Affirming a State and U.S. Constitutional Violation denying Homeowner-McMahon rights to petitioning the Government for redress of grievances, as predicated on a false Real property claim"

**Orange County Superior Court
Central Justice Center of California
(O.C.S.C. Docket No. 05CC11632)**

Judge: Gregory Munoz

Attorneys: LAW FIRM OF PETERS & FREEDMAN

**California Court of Appeal,
4th District, Division three
(Docket No. G037871)**

Justices: IKOLA, SILLIS & RYLAARSDAM

Date: February 14, 2008

(True and Correct photocopy)

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Exhibit "15":

"Opinion Affirming a State and U.S. Constitutional Violation protecting Homeowner-McMahon rights to petitioning the Government for redress of grievances, as predicated on a false Real property claim"

**Orange County Superior Court
Central Justice Center of California
(O.C.S.C. Docket No. 06CC01968)**

Judge: Gregory Munoz

Attorneys: ATTORNEY JEFFERY PRATT, IN PRO PER

**California Court of Appeal,
4th District, Division three
(Docket No. G037871)**

Justices: IKOLA, SILLIS & RYLAARSDAM

Date: February 14, 2008

(True and Correct photocopy)

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Exhibit "16":

"Opinion Affirming a State and U.S. Constitutional Violation denying Homeowner-McMahon rights to petitioning the Government for redress of grievances, as predicated on a false Real property claim"

**Orange County Superior Court
Central Justice Center of California
(O.C.S.C. Docket No. 01CC14684)**

Judge: Clay M. Smith

Attorneys: LAW FIRM OF PETERS & FREEDMAN

**California Court of Appeal,
4th District, Division three
(Docket No. G038622)**

Justices: IKOLA, O'LEARY & BEDSWORTH

Date: May 23, 2008

(True and Correct photocopy)

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Exhibit "17":

"Opinion Affirming a State and U.S. Constitutional Violation denying Homeowner rights to petitioning the Government for redress of grievances, as predicated on a false Real property claim"

Orange County Superior Court

Central Justice Center of California

(S.C. Docket No. SCV270485)

Judge: Jeffrey L. Giarde

Attorneys: LAW FIRM OF FIORE, RACOBS & POWERS

Attorneys: LAW FIRM OF FELDSOTT, LEE & FEINBERG

California Court of Appeal,

4th District, Division two

(Docket No. E015526)

Justices: WARD, HOLLENHORST & MCKINSTER

Date: December 12, 1996

(True and Correct photocopy)

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Exhibit "18":

"Writ of Execution and Sheriff's levy against Complainants predicated on a false real property claim and false proceedings"

**Orange County Superior Court
Central Justice Center of California
(Docket No. 02CC12362)**

May 12, 2004

(True and Correct photocopy)

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Exhibit "19":

"Minute ORDER from Judge Geoffery T. Glass awarding Appellate Attorney Fees on a False Declaration of Franseca Dioguardi where no Attorney Fees were ever paid by Defendants to that Appeal and Appeal Costs to STANLEY FELDSOTT and MARTIN LEE for a dismissed appeal after State and U.S. Constitutional Violation denying Homeowner rights to petitioning the Government for redress of grievances, as predicated on a false Declarations"

**Orange County Superior Court
Central Justice Center of California
(O.C.S.C. Docket No. 05CC03849)**

Judge: Peter J. Polos

Judge: Geoffery T. Glass

Attorneys: LAW FIRM OF FELDSOTT & LEE

Attorneys: LAW FIRM OF KULIK, GOTTESMAN, MOUTON & SIEGEL

Attorneys: LAW FIRM OF BENNETT & BENNETT

**California Court of Appeal,
4th District, Division three
(Docket No. G035804, Consolidated with G036220, G036315, & G037356)**

Justices: IKOLA, FYBEL & O'LEARY

Date: June 3, 2008

(True and Correct photocopy)