

No. 17-613

IN THE
SUPREME COURT OF THE UNITED
STATES

—oOo—

Linda Shao,
Petitioner,

vs.

McManis Faulkner, LLP., James McManis,
Michael Reedy, Catherine Bechtel
Respondents.

—oOo—

On Petition For A Writ Of Certiorari
To California Court of Appeal Sixth Appellate
District (H040395) based on California Supreme
Court's Denial of July 19, 2017 (S242475)
(14-17063: denied rehearing on 5/16/2017)
(Related Case with this Court: No. 17-256 &
No. 17-82)

REQUEST FOR RECUSAL OF
CHIEF JUSTICE JOHN ROBERTS,
JUSTICE ANTHONY M. KENNEDY, JUSTICE
CLERENCE THOMAS, JUSTICE RUTH BADER
GINSBERG, JUSTICE STEPHEN G. BREYER,
JUSTICE SAMUEL A. ALITO, JUSTICE SONIA
SOTOMAYER, JUSTICE ELENA KEGAN AND 38
CLERKS

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DEC 19 2017

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SUPREME COURT, U.S.

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REQUEST FOR RECUSAL

Eight Justices and 38 Clerks at this Court have financial interests at the American Inns of Court that should be recused from deciding on the Petition for Writ of Certiorari as the major issues for the Petition involve the legality and function of the American Inns of Court. Question No. 2 for this Petition states:

“2. Should judges who are members of the American Inns of Court be required as a matter of due process to disclose their social relationship with lawyers who are members of the Inns of Court and who are appearing before the judges?”

Question No. 3 for this Petition states:

“3. Where the Appellate Court has potential conflicts of interests because of attorney-client relationships, long term regular social relationship and colleague relationships with a party, must the Appellate Court disclose potential conflicts of interest and apply neutral standards to their resolution?”

In addition, the second reason for granting certiorari of this Petition is under the heading of:

“B. Judges Who Are Members of The American Inns of Court Should Be Required As A Matter of Due Process to Disclose Their Social Relationship With Lawyers Who Are Members of the Inns of Court and Who Are Appearing Before These Judges” as shown in Pages 29 and 30 of the Petition.” (This Petition, P.10-12)

See Questions and Table of Contents for this Petition. Petitioner was unable to make this Request for Recusal earlier as Petitioner learned of the available procedure for making a Request for Recusal on November 27, 2017 and Petitioner was unaware of the undisclosed financial interests involving the American Inns of Court until

November 25, 2017 (A.126-128). Petitioner filed a Request for Recusal on December 8¹, 2017 in Petition No. 17-256. There are also new facts after filing the other Request for Recusal for Petition No. 17-256: Mr. Jeff Atkins, as a Clerk's Supervisor, refused to post the entire Request for Recusal on the court's website such that the electronic copy of the Recusal Request has only 44 pages, yet the complete file is 212 pages. (A.069-75) In addition, Santa Clara County Superior Court, as led by Presiding Judge Patricia Lucas, caused Judge Peter Kirwan, the President of the William A. Ingram American Inn of Court, to rule (A.184) on the matter of Shao v. McManis Faulkner, LLP, James McManis, Michael Reedy (112CV220571 pending with the County Court) in disregard of the direct conflicts of interest as Michael Reedy is the President-Elect of the same club (A.101). When Petitioner filed and served her Statement of Disqualification of both Judge Kirwan and Santa Clara County Superior Court, Santa Clara County Superior Court did not enter/record it into the docket. There was no filing of an answer by Judge Kirwan or the court, either. (Appendix #20, A.141-190) This request now follows for this Petition No. 17-613.

I. REASONS FOR THIS REQUEST

A. BACKGROUND FACTS

This Petition concerns the failure of California Courts to provide Petitioner an impartial tribunal to hear her case. The State Courts conspired to deprive Petitioner of her right to a fair hearing. They also deprived her of her

¹ The Request for Recusal was mailed on December 6, received by the Court on December 7, and actually filed on December 11 but Mr. Jeff Atkins put the date on the docket as December 8, 2017.

right to appeal to an unbiased tribunal, her right to jury trial, and her right to access to the courts. Such unlawful conspiracies are supported by an expert's declaration. See, Declarations of Meera Fox in this Petition, App.112-153; see also, A.077-109.

1. **Initial conspiracy to deprive Petitioner of custody of her child**

There is no case like this to have involved such egregious judiciary conspiracies²: a 5-year-old little child was judicially kidnapped by the court after being locked at the court for 3 hours on August 4, 2010. There was no evidentiary hearing, no notice and it was done during a Case Management Conference. The initial conspiracy was among the social workers, the family court's Family Court Services' then-supervisor (present Director) Sarah Scofield and screener Jill Sardeson, the family court judge Edward Davila, Respondent Tsan-Kuen Wang's attorney David Sussman and Respondent Wang. The kidnapping was done in a very traumatic situation such that the child cried out loud enough to enable the entire parking lot of the court to hear her screaming of "Father, You Liar!" before she was forcibly put into her father's car. The child was placed in the sole custody of her complained abuser against her expressed wishes and forcibly taken from Petitioner. On the next day, the child was observed having about 1.5 inches of purple eyebags,

² Meera Fox, Esq. declared in Paragraph 26 of her declaration which is App.121 and 122 in this Petition for Writ of Certiorari:

"Having reviewed her case in depth in preparation for trial I can attest that the ex parte communications, violations of her due process rights, **conspiracies to deprive her of custody without notice or a hearing** and the other improprieties and instances of judicial misconduct in not disclosing clear conflicts of interest that she referred to during the oral argument all actually took place in the past, and none were fantasy or fiction." [emphasis added]

spacing out, with her hands hidden in a coat but not in the long sleeves. Some evidence of the court's crime was published in shaochronology.blogspot.com. For 7 years, no court would help the child. See news in <http://www.prweb.com/releases/2013/12/prweb11442126.htm>; <http://zanonia4.rssing.com/browser.php?indx=3954680&item=915>; <http://www.prweb.com/releases/2015/02/prweb12519766.htm>

2. Conspiracies involving the interested parties McManis Faulkner, LLP., James McManis and Michael Reedy

Petitioner hired McManis Faulkner LLP, Michael Reedy and James McManis to challenge and seek to set aside the orders of Judge Edward Davila of August 4 and 5 of 2010 that deprived Petition of custody of her child. However, her attorneys chose to help the judiciary to cover up such conspiracy, in breach of their fiduciary duty owed to Petitioner. (A.079) Wang's counsel Mr. David Sussman thanked Michael Reedy for "keeping things quiet." See Petition No.17-82, page 4. After McManis Faulkner LLP learned of Petitioner's claim they had committed malpractice, they conspired with the judges and justices of the state courts of California to continue parental deprivation after the initial parental deprivation was set aside, based on their various relationships with the courts and judges. Such conspiracy was fully exposed on March 14, 2016, in the abrupt dismissal of the custody appeal by the Presiding Justice of California Sixth District Court of Appeal. After such exposure, these judges/justices openly deterred Petitioner from access to the courts, altered dockets, created false records, removed court files, and failed to accept her filings. See, A.077-109; this Petition, App.124-153.

All appeals were stalled by the courts involved in the conspiracy. The Santa Clara County Superior Court refused to prepare the records on appeal and disallowed the court reporters from filing hearing transcripts. For this custody appeal that is the subject of this Petition, the State Court proceeding, as manipulated by McManis Faulkner LLP, James McManis and Michael Reedy, has been stalled for more than 3.5 years. The subject of this appeal, the custody order, was signed by the present Presiding Judge Patricia Lucas of Santa Clara County Superior Court on November 4, 2013. The California Sixth District Court of Appeal further denied Petitioner's motion to prepare Records on Appeal herself. Thus far, Petitioner has been unable to prepare an Appellate Opening Brief due to the courts blocking her appeal.

As shown in Paragraph 31 of Declaration of Meera Fox (Petition, App.136; A.094):

"Any reasonable attorney or member of the public who knew of the sequence of events described above that occurred from March 12, 2016 through March 14, 2016 would believe that **there was a conspiracy** to dismiss Ms. Shao's appeals which involved at least Deputy Clerk of Court R. Delgado on behalf of Santa Clara County Superior Court, Justice Rushing at the California Sixth Appellate District Court of Appeal, and the firm of McManis Faulkner if not their attorneys. There is no other explanation for why R. Delgado would go in to work on a Saturday specifically for the sole purpose of creating false perjured documents to effect the specific relief required by McManis Faulkner to assert their collateral estoppel defense. There is no other explanation for why Justice Rushing would be expecting the falsified notices to arrive first thing that Monday morning and to explain how he had the appeals dismissed within 25 minutes of their receipt. There is no other explanation for why a presiding justice would be willing to violate an

appellant's due process rights by summarily dismissing her appeals without anyone filing a motion to dismiss and without providing her any notice, in direct violation of the rules of court." [emphasis added]

All appeals were stalled for more than 2 years (E.g., Petition No. 17-82, No. 17-256) as the State Courts deter appeal by refusing to allow the records/transcripts on appeal to be filed. This appeal was stalled for 3.5 years. The jury trial for the malpractice case against McManis Faulkner law firm has already been stayed for more than 2 years. See, Petition No. 17-256; A.189-90. Petitioner has been completely blocked access to the family court case since April 2016 as McManis Faulkner's buddy, Presiding Judge Patricia Lucas required Petitioner to get her preapproval before filing a motion (i.e., "Request for Order") and denied all applications. The family court had wantonly "de-filed" motions as soon as the civil court helped its attorney James McManis to get the vexatious litigant prefiling order without a statement of decision. The family court issued bench warrant based on Respondent frivolous and repeated Order to Show Cause re Contempt, which was eventually dismissed on June 17, 2016 when the court would protect Respondent from exposure of his mental disorders being entered into evidence.

Meera Fox, Esq. declared in Paragraph 17:
"17. Recently it also became very important to the firm of McManis Faulkner that Ms. Shao's appeals be dismissed. Not coincidentally, since that became an express priority of the McManis firm, the deputy clerk in charge of records for the appellate division has illegally created several forged and baseless notices of noncompliance and has illegally altered the docket of Ms. Shao's underlying cases many times. Such notices, when received at the appellate court have, within minutes of receipt, resulted in summary dismissals of the appeals despite there being

requirements that appeals cannot be dismissed without notice and a motion requesting dismissal. Some of these notices have to this date never been seen by anyone besides Justice Rushing and the deputy clerk of the lower court who keeps issuing them. They get noted in the dockets of the various cases and dismissals are issued by Justice Rushing, without the actual notice or non compliance or dismissal ever being served on the appellant or filed in the case files at either court.” (A.087, A.088)

California Sixth District Court of Appeal is watching this Court on how to decide the conspirators last attempt to dismiss the child custody appeal (H040395) with Petitioner’s motion pending for almost 5 months to reconsider its June 8, 2017’s Order. (A.133-140)

3. Recent discovery confirmed the appearance that parental deprivation was caused by McManis Faulkner, LLP, James McManis and Michael Reedy.

In addition to the expert’s declarations proving the existence of the corruptive judiciary conspiracies for both the initial parental deprivation and the later parental deprivation after the initial parental deprivation orders were set aside, there is additional evidence discovered that Judge Theodore Zayner was heavily involved in the civil malpractice case of Linda Shao v. McManis Faulkner, LLP., James McManis, Michael Reedy, and Catherine Bechtel (Case Number of 112CV220571 pending with Santa Clara County Superior Court, the client of McManis Faulkner, LLP. and James McManis). Five months ago, in July 2017, Petitioner discovered that Judge Theodore Zayner-- the all purpose judge for the family case at issue that had deterred child custody return in violation of due process and who has had undisclosed regular close social relationship with

McManis Faulkner, LLP, James McManis and Michael Reedy--- grabbed the court files of Linda Shao v. McManis Faulkner LLP, James McManis, Michael Reedy took the original deposition transcripts of James McManis and Michael Reedy, and lost Volume 5 of the court files. (A.141, A.162-66)

This demonstrated that Judge Zayner's irregular stalling of the child custody return and ignoring the imminent danger of mental disorder of Respondent Wang for five (5) years was to help McManis Faulkner, James McManis, and Michael Reedy on their only defense³ in the malpractice case.

As declared by Ms. Meera Fox in Paragraph 4 of her declaration (A.080 ¶4; Petition, App.125):

"Since being sued by Ms. Shao for his malpractice, it has become important to Mr. Reedy and the law firm of McManis Faulkner, for whom Mr. Reedy works, to ensure that Ms. Shao not regain custody of her child, since as long as she does not get her child back, they can argue that their failure to advocate for her did not cause the damage that she suffered. Not coincidentally, the judges who have denied Ms. Shao the return of her child ever since have been very close bedfellows with Michael Reedy and are two top executive members of his social "club," the William A. Ingram American Inn of Court."

4. Unambiguous court crimes continued to date by the state courts that cannot be stopped without this court's Certiorari

The judges and justices conspired to cover each other and the malpractice of their closely related attorneys

³ Ms. Fox declared in ¶16 that "the defendants' only defense requires the appeals to be dismissed or otherwise fail."
(A.087; this Petition, App. 131)

McManis Faulkner LLP and James McManis through the elite clubs of the American Inns of Court. By these connections they were able to maintain parental deprivation, disregard child safety, to initialize a wrongful prosecution proceeding with the unambiguous attempts to incarcerate Petitioner for a false contempt charge, to require Petitioner to disclose her residence in infringing her privacy rights in disregard of existence of numerous incidents to assassinate Petitioner, to block Petitioner's access to the court by enlisting Petitioner as a vexatious litigant and taking her family case completely off the court's website for about 8 months⁴, to deny change of venue in disregard of direct conflicts of interest and actual bias and prejudice against Petitioner.

All three levels of the State Courts where James McManis has been their attorneys, and have financial interests with the American Inns of Court that the law firm of McManis Faulkner, LLP have supported, have helped McManis Faulkner, LLP, James McManis, and Michael Reedy in allowing them to appear as a party in front of their client, Santa Clara County Court and to disallow change of venue of this family case to other courts. (A.077-109)

As discussed above, the conspiracies played by McManis

⁴ Eleven months after the courts' conspired dismissal of Petitioner's child custody appeal failed and the Court of Appeal could not but vacate the dismissal entered on March 14, 2016, another round of attempts to dismiss the custody appeal was discovered in late February where the docket for H040395 showed a repeated false Notice of Default when no such notice could be found in either the trial court or the Sixth Appellate Court. Simultaneously with such discovery, Petitioner discovered that her family case was removed from the court's website. The family court's clerk stated that it was removed to be a "confidential case." In November 2017, it was discovered that the family case was put back to allow public's access on the court's website of Santa Clara County Superior Court.

Faulkner law firm were discovered in March 2016 when they caused the malpractice case's jury trial to stay pending dismissal of the custody appeal on March 11, 2016, caused the trial court to file a false Default Notice regarding the custody appeal on March 12, 2016 (Saturday) and caused Presiding Justice Conrad Rushing at the Sixth Appellate Court to dismiss the appeal in violation of California Rules of Court.

In February 2017, they attempted to replay the dismissal. A false docket entry on 2/27/2017 in appeal case H040395 showed that there was a default notice on 2/24/2017. This alleged default notice was never filed and never mailed, and is not found in any court files. Then, another false default notice was issued dated March 14, 2017, apparently to replace the "ghost" notice of 2/24/2017. This Petition arises from a motion to strike the March 14, 2017 false notice and renewed motion to reverse and remand with instruction to change the court to an impartial venue. The motion is centered on the courts' joint efforts to deter the appeal, to create a false document, to create a false docket, to dismiss the appeal, to block fundamental rights to access the court, and to deter filing by Presiding Justice Conrad Rushing. These facts raised issues of apparent bias such that the courts or venue must be changed. (This Petition, App.15-105). The motion was filed on March 29, 2017⁵, with a Supplement (A.065-69; This Petition, App. 106-111) and Declaration of Meera Fox filed on May 10, 2017 (This Petition, App.112-153).

5. Procedural facts and irregularities in the proceeding of this Supreme Court

Petition for review was denied by California Supreme

⁵ App.15 of this Petition contains a typo for the year the motion was filed. It should be corrected from "2014" to "2017".

Court on July 19, 2017. This Petition was timely filed on October 17, 2017, which was docketed on October 24, 2017.

a. Alteration of the Court's docket

On the morning of October 25, 2017, this Court Clerk's supervisor, Jeff Atkins, directed the deputy clerk to alter the docket by changing "decision date" from "April 28, 2017" to "June 8, 2017." (A.065-69; Supplemental Appendix) It is apparent that someone was watching the filing by Petitioner and directed Mr. Atkins to do so. The Petition did not refer to the challenged decision as occurring on "June 8, 2017". Such information obtained by Mr. Atkins was apparently through extrajudicial relationship.

Mr. Atkins further instructed to de-file the Petition based on clear caption typing errors on App.14 and 15.

Petitioner asked and the deputy clerk agreed to use "Supplemental Appendix" to correct the error. Thus the Petition was not returned and Supplemental Appendix was filed on October 30, 2017. The "June 8, 2017" was altered back to "April 28, 2017" in early December 2017. The Court's docket has been considered as the court's records. E.g., *Mullis v. United States Bank Ct.*, 828 F.2d 1385 n.9 (9th Cir. 1987). The clerk is not allowed to tamper with the court's records and refuse to record filing. See, e.g., *Kane v. Yung Won Han*, 550 F. Supp. 120 at 123 (New York 1982).

b. Beyond assigned authorities, another supervisor Mr. Jordan Bickell caused a whirl-wind change of clerk's position by bringing in a Clerk Donald Baker who does not usually handle Amicus Curiae to replace one of the two regular Amicus Curiae clerks and deterred

**filing of the Amicus Curiae motion of
Mothers of Lost Children in Petition
No. 17-82**

Mr. Jordan Danny Bickell, a supervising Clerk, who never handled pre-Certiorari proceedings, and Donald Baker, a new clerk who usually does not handle Amicus Curiae motions, stepped in the normal proceeding to deter the filing of an Amicus Curiae in Petition No. 17-82.

Mr. Bickell is one of the 4 supervisors of this Clerk's Office who is not in charge of the proceeding before Certiorari and does not handle Amicus Curiae. Mr. Bickell does not handle the Amicus Curiae nor the Petition for Writ of Certiorari. In September 2017, in acting beyond his authority, he brought in a Deputy Clerk Donald Baker to review and deter filing of the amicus curiae motions. (A.062)

After receiving Petitioner's criticism about this irregularity in the Petition for Rehearing in No. 17-82, Mr. Bickell caused Mr. Donald Baker to replace one of the two amicus curiae clerks to become an amicus curiae clerk. (Request for Recusal in No. 17-256, App.079-80)

They tried to find any and all faults possible to deter filing of the Amicus Curiae Motion. Mr. Baker delayed two days then returned the filing by asking a table of contents to be included for the less than 10 pages' motion/brief, and asked the title of the motion to add "for leave" and "out of time." On September 24, 2017, when he responded to Petitioner that he and Mr. Bickell were reviewing the Amicus Curiae Motion and determined that there appeared to still have non-compliance. (A.063; Request for Recusal in No. 17-256, A.079)

On October 23, 2017, Petitioner telephoned Mr.

Donald Baker to inquire how come he did not file the Amicus Curiae motion in Petition 17-82. Mr. Baker transferred Petitioner's call to (202) 479-3263, and Mr. Bickell answered the phone. In fact, the telephone number of (202) 479-3263 is not a phone on Mr. Bickell's desk but belongs to Mr. Jeff Atkins, another supervising Clerk. Apparently Mr. Bickell was with Mr. Jeff Atkins. Mr. Bickell stated that he did not file the Amicus Curiae motion in Petition 17-82 as there were "too much deficiency", but he was unable to identify any deficiency. (A.063)

Simultaneously with the reprinting and refileing of the Amicus Curiae Motion in Petition No. 17-82, the identical motion was submitted for this Petition, Petition No. 17-256. Mr. Bickell filed that one but not the one for 17-82. Moreover, the Amicus Curiae motion in Petition No. 17-256 was later granted by this Court.

In addition to the irregularities stated in the Supplemental Appendix, new evidence further showed such deterrence of filing to be irregular as **Mr. Bickell has no power or authority over the Amicus Curiae at all.** (A.062). He is in charge of the briefing stage only after a certiorari was issued, yet he stepped in the field he was never in charge of in an apparent effort to deter filing. He further caused a whirl-wind change of personnel to replace an amicus curiae clerk with Donald Baker, in view of Petitioner's Petition for Rehearing for Petition No. 17-82. (A.063-64)

The clerk is not allowed to tamper with the court's records and refuse to record filing. See, e.g., *Kane v. Yung Won Han*, 550 F. Supp. 120 at 123 (New York 1982). Therefore, Mr. Bickell's deterring filing the Amicus Curiae motion in Petition No. 17-82 is unlawful.

c. Mr. Jeff Atkins refused to post the entire Request for Recusal in Petition No. 17-256

On November 25, 2017, for the first time, Petitioner learned of the financial interests of eight Justices and 38 clerks of this Court regarding all of the Petitions filed by Petitioner, i.e., No. 17-82, 17-256 and 17-613. On November 27, 2017, Petitioner learned of the proceeding of the Request for Recusal for the first time. (A.127) On December 6, 2017, Petitioner filed and served a Request for Recusal in Petition No. 17-256. The Supreme Court received the Request by 1-day's express mail at the morning of December 7, 2017. As No. 17-256 is already at the stage of Petition for Rehearing, this Request of Recusal is handled by Mr. Atkins. Mr. Atkins did not return any of Petitioner's phone calls and emails until late afternoon of December 8, 2017, when he said he was not sure if he would file the Request for Recusal that day. It was not filed. Petitioner repeatedly objected to such lack of filing and eventually in late afternoon of December 11, 2017, Mr. Atkins filed it and stated that he had filed it on December 8, 2017 but for unknown reason the court's website did not show this filing.

Only 44 pages out of 213 were posted on the website. (A.070) Petitioner inquired of Mr. Atkins why all pages were not on the website. Mr. Atkins alleged that there were too many pages. Yet, Petitioner, as an officer of the Court in the State of California, had emailed to him an Adobe searchable version of the Request for Recusal with condensed file size of only 10,024K. (A.072) Mr. Atkins admitted that there was no rule or regulation to allow him not to post the entire pleading.

On December 12, 2017, the U.S. District Court received the same Request for Recusal and filed the entire

pleading. Petitioner sent to Mr. Atkins the copy filed by the US District Court on December 13, 2017 and asked him to reconsider his arbitrary decision of not posting all pages of the Request for Recusal. Thus far, Mr. Atkins refused to take any action to correct and remained not posting the supporting evidence.

6. Judicially noticed facts by California Supreme Court

This Petition is made from California Supreme Court's denial of review. Yet, despite denying review, the California Supreme Court had **granted** Petitioner's motion for judicial notice without any reservation. See, Supplemental Appendix, App.14⁶ for California Supreme Court's Order of July 19, 2017. The Motion for Judicial Notice that was granted in full is shown in the Appendix of this Petition after App. 219.

Notably, the following facts were taken judicial notice of:

- (1) Judicial conspiracies directed by McManis Faulkner, LLP, James McManis, Michael Reedy, the direct conflicts of interests, demonstrated bias and prejudice of the State Courts against Petitioner, the state courts' unreasonable refusal to change venues, existence of conspiracies in parental deprivation⁷ and dismissing the underlying custody appeal (subject matter of this Petition), felonious court crimes of alterations of dockets⁸,

⁶ The case caption for the App.14 in this Petition contained typos and mistakenly used the caption of "Linda Shao v. McManis Faulkner, LLP, et al." when the corrected caption should be "Linda Shao v. Tsan-Kuen Wang." Thus, a Supplemental Appendix was filed to include the corrected App.14.

⁷ See, this Request for Recusal, Footnote 3 in Page 19. See also, A.094.

⁸ E.g., A.096(¶34), A.097 (¶36).

creating false notices, and continued shenanigans until present, as shown in its JN-1, which is the Declaration of Meera Fox. (A.077-109; this Petition, App.124-153)

- (2) There were repeated false notices of default or non-compliances issued by Santa Clara County Superior Court of California. (This Petition, App.78; A.095 (¶32), A.099 (¶44).
- (3) The dismissal by Presiding Justice Conrad Rushing (the California Sixth Appellate Court of Appeal) of the custody appeal on March 14, 2016 violated Rule 8.57 of California Rules of Court and was irregular. (A.093)
- (4) The Notice of Non-compliance of March 12, 2016, the basis for Justice Rushing's dismissal of the appeal on March 14, 2017, was not in the court file of the family case when Justice Rushing issued the dismissal order. (This Petition, App.82)
- (5) The Notice of Non-compliance of March 12, 2016 was irregularly made on Saturday. This was premised on false facts as all related court reporters' transcripts were received by the Courts years ago, except the trial transcripts which were paid in May 2014 and deterred from being filed by the courts or the court clerks. (This Petition, App. 75-78)
- (6) California Sixth District Court of Appeal and Santa Clara County Superior Court altered the dockets.
- (7) California Sixth District Court of Appeal and Santa Clara County Superior Court deterred appeals by failing to prepare the records on appeal and disallow the court reporters to file hearing transcripts.
- (8) Presiding Judge Patricia Lucas irregularly ruled on the custody trial as she issued an order to

dispose the trial evidence on 10/16/2013, when was 3 weeks prior to her issuance of the order. She issued the order on November 4, 2013, when is beyond the statutory 90 days after the trial which concluded on July 21, 2013.

- (9) McManis Faulkner, LLP, James McManis and Michael Reedy caused its client court, Santa Clara County Superior Court, to stay the jury trial in order to apply collateral estoppel of Judge Lucas's custody order, which contained about 5 pages of statements of facts not presented during the trial. (This Petition, App. 85-88)
- (10) In staying the jury trial of the malpractice case of Petitioner against them, on December 10, 2015, counsel for McManis Faulkner, LLP, James McManis and Michael Reedy, Ms. Janet Everson, has predicted dismissal of the custody appeal. (A.089; This Petition, App.89)
- (11) On March 11, 2016, when Judge Woodhouse actually signed off the order that was prepared by McManis Faulkner's attorney, the intent was to wait for the California Sixth District Court of Appeal to dismiss that appeal (This Petition, App. 93) which was consummated in the ensuing business day of the Court, i.e., March 14, 2016. This apparently caused the clerk to enter the courthouse on Saturday, March 12, 2016 to issue the false Notice of Non-compliance. (A.092)
- (12) Mr. James McManis admitted that Santa Clara County Superior Court was his client (A.027), about 25 judges, Clerk, courtroom clerks, court reporters, bailiffs at Santa Clara County Superior Court are/were his clients (A.032), that a Justice at the California Sixth District Court of Appeal was his client (A.034), and that a Justice at California Supreme Court was his client (A.033).

- (13) There is the appearance of bias based on the reasonable person standard that “Appellant cannot have a fair appeal at this Court of Appeal [referring to the California Sixth District Court of Appeal], nor a fair trial in Santa Clara County Superior Court.” (This Petition, App.94.a)
- (14) Michael Reedy, Esq. has had more than 10 years’ regular social relationship with Presiding Judge Patricia Lucas, Judge Theodore Zayner, Justice Patricia Bamattre-Manoukian. (This Petition, App.94.c.)
- (15) The custody appeal should be reversed and remanded as Judge Lucas failed to disclose her conflicts of interest in conducting the custody trial in July 2013. (This Petition, App.94.d.)
- (16) Change of place of appeal and trial is one of the Court’s duty without any need of a motion pursuant to Code of Judicial Conduct and People v. Ocean Shore R.R. (1938) 24 Cal.App.2d 420 at P.423.
- (17) There is the appearance of bias and prejudice as Judge Socrates Manoukian has made a factual finding on December 2, 2015 that “Upon review of the file in the above-entitled matter, this Court will recuse itself because a person aware of the facts might reasonably entertain a doubt that the Judge would not be able to be impartial.” (This Petition, App.95, 96)
- (18) Presiding Judge Patricia Lucas and Justice Patricia Bamattre-Manoukian are closely related to the California Supreme Court in that they were members of the Commission on Future of the Courts appointed by Chief Justice Tani G. Cantil-Sakauye of California Supreme Court. (This Petition, App.97 & 98)
- (19) Presiding Judge Patricia Lucas is closely

related to the California Supreme Court who is in charge of Civil and Small Claims Committee and Legislative Subcommittee of the Judicial Council of California. (This Petition, App.99)

- (20) Presiding Judge Patricia Lucas publicized her leadership at the William A. Ingram American Inn of Court. (This Petition, App. 101.)

It shocks the conscience to note that, with all of the above being taken judicial notice of, California Supreme Court did not grant review. Such denial review without stating a reason is likely caused by its conflicts of interest in order to help the interested parties McManis Faulkner law firm, James McManis and Michael Reedy based on its long term relationships with them as stated below.

7. Relationships of McManis Faulkner LLP, James McManis and Michael Reedy with the courts that formed conflicts of interest

The bias in issue concerns conflicts of interest arising because McManis Faulkner, LLP, James McManis and Michael Reedy, as interested third parties to this family court proceedings [hereinafter, "MF"], have manipulated the state courts in keeping parental deprivation of Petitioner for more than 6 years after the initial unconstitutional parental deprivation of August 4, 2010 was set aside and they have multiple relationships with California Sixth District Court of Appeal, Santa Clara County Court and this Court. Expert witness Attorney Meera Fox's declaration provides a concise description of how McManis Faulkner LLP law firm has manipulated this underlying family court proceeding of 105FL126882 and the appeal case of H040395, an appeal from Santa Clara County Court's Presiding Judge Patricia Lucas's November 4, 2013's continuous parental deprivation order. (A.077-109) As mentioned above, such order was

irregularly issued containing about 5 pages of facts not presented at the trial, which appeared to have been written by someone other than Judge Lucas.

The conflicts because of these relationships arise from:

RELATIONSHIP ONE: MF have regular social relationships with the judiciary through the American Inns of Court. This relationship also impacts this Court.⁹

- a. Michael Reedy has been an officer at the Executive Committee of the William A. Ingram American Inn of Court of the American Inns of Court and now a President-Elect of the Ingram Inn. (A.101)
- b. James McManis has been a Master at the San Francisco Intellectual Property American Inn of Court of the American Inns of Court for years. (A.057)
- c. Judge Lucy Koh, who dismissed this case, has had close social relationship with both Inns up to present. Judge Lucy Koh was a member of the Executive Committee of the William A. Ingram American Inn of Court, together with Michael Reedy for about four years from 2008 through 2011 (Request for Recusal in Petition No. 17-256, A.092, 095, 098, 099, 133), and then was a Master at the San Francisco Bay Area Intellectual Property American Inn of Court, together with James McManis. (Request for Recusal in Petition No. 17-256, A.099, A.100)
- d. In addition to such close regular social relationship, Judge Koh received gifts

⁹Eight Justices of this Court sponsored their clerks to accept gifts directly or indirectly from the Temple Bar Foundation and the American Inns of Court.

- indirectly from MF who are the major financial supporters of the two Inns. She was invited to be a key speaker at the William A. Ingram American Inn of Court's Symposium of 2015 and multiple smaller events. (A.046; Request for Recusal in Petition No. 17-256, A.133, A.136) She was also invited to speak at San Francisco Bay Area Intellectual Property American Inn of Court as well. (Request for Recusal in Petition No. 17-256, A.100, A.103, A.135)
- e. The entire Ninth Circuit supported the two Inns and the American Inns of Court. Judge Koh was about to enter the Ninth Circuit as a judge. More than 10 recent News Releases about the American Inns of Court are posted on the Ninth Circuit's website. Judge J. Cliff Wallace is one of the founders of the American Inn of Court. (A.006; Request for Recusal in Petition No. 17-256, A.058)
 - f. Justice Anthony M. Kennedy has an American Inn of Court in Sacramento, California. (A.042)
 - g. Justice Kennedy received a gift indirectly from the Respondents in 2004 when he was invited as a key speaker at the annual Symposium of the William A. Ingram American Inn of Court. (A.046; Request for Recusal in Petition No. 17-256, A.142) James McManis and Judge Lucy Koh were both speakers at a Symposium. (A.046; Request for Recusal in Petition No. 17-256, A.094, A.100, A.141, A.142)
 - h. The Ninth Circuit, in full support of the American Inns of Court, recently announced on its website on November 1, 2107 a

- “Kennedy Learning Center”. (Request for Recusal in Petition No. 17-256, A.066)
- i. The Ninth Circuit refused to consider *En Banc* new evidence of the conflicts of interest arising from the relationships between Respondent and Judge Lucy Koh, deviating from its long-standing policy.¹⁰

¹⁰ Memorandum (subject of Petition for Writ of Certiorari in Petition No. 17-256) stated that “We do not consider arguments of facts that were not presented to the district court. See *Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999)”. See the Memorandum in Petition for Writ of Certiorari, App.8-9. Yet, Smith actually does not apply to a dismissal from a Rule 12(b) motion.

The *only* new facts the Ninth Circuit “do not consider” were presented by a Motion for Judicial Notice filed on October 8, 2015, regarding Judge Koh’s conflicts of interest where she did not disclose her social relationship with Michael Reedy through the William A. Ingram American Inn of Court, her close working relationship with James McManis at the U.S. District Court and at the Santa Clara County Court, and the facts that Judge Koh’s former employer, the Santa Clara County Superior Court, is James McManis’s client and that about 25 judges of the Santa Clara Superior Court, whether this included her or not, were Mr. McManis’s clients.

Such “Memorandum” conflicts with the Ninth Circuit’s policy to consider new facts, even if raised the first time in the Reply Brief, where the appeal involves a ruling on a motion under Rule 12(b) and the new facts demonstrate a basis for filing a viable amended complaint. See, e.g., *Orion Tire Corp. v. Goodyear Tire & Rubber Co.* (2001, 9th Cir.) 268 F.3d 1133, 1137. Similarly, in *NRDC v. EPA* 464 F.3d 1 (D.C. Cir. 2006), the District of Columbia

RELATIONSHIP TWO: The Interested Third Party James McManis's leading role in causing reciprocity of visits by U.S. Supreme Court clerks to England/Ireland through England/Ireland's Inns as an Honorary Benchers (Request for Recusal in Petition No. 17-256, App.001-6), when in fact, such relationship was awarded by the American Inns of Court (See below).

Such relationship was established by late Chief Justice Warren Burger. (Request for Recusal in Petition No. 17-256, App.006) The American Inns of Court assumed the operation of the British Temple Bar Foundation. (A.008) The American Inns of Court obtained the privilege of using the site of the Supreme Court up to present. There was a conference of October 21, 2017 held at the Supreme Court by Justice Elena Kagan. (Request for Recusal in Petition No. 17-256, A.059-60). Justice Kagan's clerk is rewarded for a free trip to England in 2017. (Request for

Circuit allowed new facts to be raised the first time at the rehearing stage for purposes of determining standing. Issues of bias should not be rejected simply because not presented to a lower court initially. Bias goes to the heart of the impartial administration of justice and is a matter that should not be foreclosed by a mechanical application of procedural rules. The failure to address bias contributes to the impression of bias and unfairness. In devoting less than two pages in its Memorandum (Petition of Writ of Certiorari in 17-256, App.8&9), the Ninth Circuit gave the appearance of trying to avoid inquiry into the relationships between Judge Koh and Respondent McManis Faulkner law firm that were relevant to the evaluation of Judge Koh's impartiality in granting Respondents' Rule12(b)(6) motion that was on appeal to the Circuit court.

Recusal in Petition No. 17-256, A.002).

The Interested Party, James McManis, is presumably a strong financial supporter for the American Inns of Court, based on the fact that James McManis is a leading American attorney at the American Inns of Court, and an **Honorary Bench**er of the Honorable Society of King's Inns in Dublin Ireland since 2012, which was promoted by late Chief Justice Warren E. Burger. (A.008)

Chief Justice John Roberts is one of the two Honorary Benchers before 2012. Respondent James McManis is the third Honorary Bench

Eight Justices of this Court, and 38 clerks who were or are working for them, received gifts with financial interests from the Inns, as discussed below. (Request for Recusal in Petition No. 17-256, A.001-4) The clerks include those who reviewed Petitioner's Petitions No. 17-82, No. 17-256 this year as well as Petitioner's prior Petitions No. 11-11119 (2012), No.14-7244 (2014). None of them disclosed this conflict of interest. Justice Kennedy, who had sponsored 5 free trips for his clerks (A.002-4), and received gifts indirectly from Respondents through the Ingram Inn in 2004, denied two applications

of No. 14-A677¹¹ and No. 16-A683¹², *with super speed* on

¹¹ On September 15, 2014, through a subpoena duces tecum to CIGNA Health Insurance Company with the underlying family case of In re Marriage of Linda Yi Tai Shao and Tsan-Kuen Wang, Petitioner SHAO received about 275 pages' insurance claims records of Mr. Wang's psychological services with affidavit of CIGNA's custodian of record. It revealed that Wang has had 5 DXM-TR-IV mental disorders, including one that is extremely dangerous which may harm his surrounding two children of the marriage any time. Judge Theodore Zayner knowingly disregarded such evidence and suppressed it. He was later discovered to be a long term close friend to the Interested Third Parties Michael Reedy and McManis Faulkner, LLP through the William A. Ingram American Inn of Court where they have been meeting together at least 14 times/meals a year for more than 10 years as they are all in the Executive Committee. Respondents' prime objective is to keep SHAO parental deprivation in order to assert their only defense against SHAO's lawsuit, this underlying lawsuit. Based on this imminent danger, SHAO filed a Petition for Writ of Habeas Corpus, which was denied by Justice Patricia Bamattre-Manoukian at the Sixth Appellate District of California Court of Appeal, a justice friend to the Interested Third Party Michael Reedy for more than 10 years where Judge Zayner, Justice Bamattre-Manoukian and the Interested Third Party Michael Reedy are all members of the Executive Committee of the William A. Ingram American Inn of Court for more than 10 years with at least 14 meetings a year.

Thus, SHAO applied for immediate relief with this Court. It is under the jurisdiction of Justice Kennedy, who has relationship with Respondents through the Anthony M. Kennedy American Inn of Court and the William A. Ingram American Inn of Court. Justice Kennedy again denied the Application for Stay promptly without giving any reason.

¹² Justice Kennedy further promptly denied Petitioner's Application for extension of her time to file a Petition for Writ

the ensuing date following docketing, without disclosing his conflicts of interest. (A.051-53)

A reasonable person reviewing the Application No.

16A683 made with good cause would find an appearance of bias in that Justice Kennedy should have known that the judiciary relationship with the American Inns of Court was a main subject for the intended Petition but failed to recuse himself.

Petitioner also recently learned that the Temple Bar Association was assigned to the American Inns of Court since 1996, as published recently on the homepage of the American Inns of Court. Therefore, all these alleged Honorary Becher are actually controlled by the American Inns of Court. (A.008)

RELATIONSHIP THREE: Attorney-client relationship---- James McManis/McManis Faulkner, LLP represents Santa Clara County Superior Court and multiple *unidentified* judges of that court, of the California court of appeal, Sixth Appellate District (whose rulings are the subjects of Petitions No. 17-82 and No. 17-613) and of the California Supreme Court for a lengthy period of time. All judges at the District Court in Northern California in San Jose are from Santa Clara County Superior Court of California, including Judge Lucy Koh. Mr. McManis admitted such facts in his deposition of July 20, 2014. (Request for Recusal in 17-256, A.020)

RELATIONSHIP FOUR: Collegial relationship where Respondent James McManis has been appointed as a judicial Special Master (Request for Recusal in 17-256, A.031), including providing counseling to the judiciary on

of Certiorari in Application No. 16-A683 where she did not receive the California Supreme Court's Order and had good cause for an extension. (A.053) It is a related Petition to Petition No. 17-613.

using Special Masters, at multiple state and federal courts, including, but not limited to, Santa Clara County court and the US District Court in Northern California.

B. FINANCIAL INTERESTS OF JUSTICES AND CLERKS THAT REQUIRE RECUSAL

As mentioned in the beginning of this pleading, Question No. 2 and No. 3 concern the apparent bias created by joint judicial and attorney involvement with the American Inns of Court and Discussion B. in the Petition is directly on this issue. The Clerks who may recommend grant or denial of this Petition for Writ of Certiorari have financial interests or received financial benefits from the American Inns of Court and therefore have direct conflicts of interest and should be recused.

The recommended Justices for these clerks who in turn tendered gifts to their clerks by way of the gifts of the American Inns of Court, should be considered to have financial interests and should be recused as well.

Therefore, pursuant to 28 USC §455, Petitioner may request recusal and hereby respectfully requests recusal of Chief Justice John G. Roberts, Justice Anthony M. Kennedy, Justice Clarence Thomas, Justice Ruth Bader Ginsburg, Justice Stephen G. Breyer, Justice Samuel A. Alito, Justice Sonia Sotomayer, Justice Elena Kagan and also request recusal of the clerks who had received financial benefits of the American Inns of Court for their trips to English/Irish, including

- (1) Christopher Dipompeo, Kate Heinzelman, David Zachary Hudson, Joshua Hawley, who received free gifts of six weeks of traveling to and touring in England and Ireland from the American Inns of Court's Temple Bar Scholarship based on the

applications of Chief Justice John G. Roberts in or about 2008, 2011, 2012.

- (2) Thomas G. Spranking, Charles Harker Rhodes IV, David W. Denton, Jr., Ishan K. Bhabha, James Yarbrough Stern, Brett Gerry, Stephanos Bibas, who received free gifts of six weeks of traveling to and touring in England and Ireland from the American Inns of Court's Temple Bar Scholarship, based on the applications of Justice Anthony M. Kennedy, in or about 1998, 2001, 2011, 2012, 2013, 2016 and 2017.
- (3) Merisa C. Maleck, Jennifer M. Bandy, Michelle S. Stratton, William R. Peterson, Henry C. Whitaker, Adam K. Mortara, Neomi Rao, , who received free gifts of six weeks of traveling to and touring in England and Ireland from the American Inns of Court's Temple Bar Scholarship, based on the sponsorship of Justice Clarence Thomas in or about 2002, 2003, 2005, 2011, 2012, 2015 and 2016.
- (4) Daniel A. Rubens, Nathan Rehn, Benjamin J. Beaton, Amy Bergquist, Issac Jared Lidsky, Zachary D. Tripp, Rebecca Gabrielle Deutsch, Michael Wang, who received free gifts of six weeks of traveling to and touring in England and Ireland from the American Inns of Court's Temple Scholarship, based on the sponsorship of Justice Ruth Bader Ginsburg in or about 1996, 2006, 2008, 2009, 2011, 2012, 2013 and 2014.
- (5) Maritza U.B. Okata, Alexander Reinert, Russel Robinson, Jenny Martinez, who received free gifts of six weeks of traveling to and touring in England and Ireland from the American Inns of Court's

Temple Bar Scholarship, based on the sponsorship of Justice Stephen G. Breyer, in or about 1999, 2001, and 2003.

- (6) J. Joel Alicea, Alex Potapoy, Barbara A.S. Grieco, Megan M. Dillhoff, Kyle Douglas Hawkins, Andrew Stephen Oldham, who received free gifts of six weeks of traveling to and touring in England and Ireland from the American Inns of Court's Temple Scholarship, based on the sponsorship of Justice Samuel A. Alito, in or about 2009, 2014, 2015, 2016 and 2017.
- (7) Candice Chiu, who received free gifts of six weeks of traveling to and touring in England and Ireland from the American Inns of Court's Temple Scholarship, based on the sponsorship of Justice Sonia Sotomayer in or about 2012.
- (8) Gerald J. Cedrone, David J. Zimmer, who received free gifts of six weeks of traveling to and touring in England and Ireland from the American Inns of Court's Temple Scholarship by the sponsorship of Justice Elena Kagan in or about 2013 and 2017.

Petitioner Yi Tai Shao respectfully requests recusal of all of the above-named Justices and clerks as they received substantial financial benefits from the American Inns of Court in sponsoring their 38 clerks at the American Inns of Court. See, https://home.innsofcourt.org/AIC/Awards_and_Scholarships/Temple_Bar_Scholarships/Temple_Bar_Scholars_and_Reports.aspx (Year 1996 through 2017); see also, A.002-3.

Many of the 38 aforementioned clerks who received 4 weeks of free travel expenses and stipends from the American Inns of Court are believed to have reviewed the related Petition for Writ of Certiorari in No. 17-82 and

17-256 and should have known of existence of conflicts of interest, but they failed to recuse themselves.

The following table shows the grave influence of the American Inns of Court over the US Supreme Court by way of provision of substantial financial benefits:

Names of Justices who have sponsored their clerks' receiving gifts from the American Inns of Court	Clerks sponsored by the Justices and received gifts from American Inns of Court		
Chief Justice John G. Roberts sponsored 4 gifts from the American Inn of Court		Christopher DiPompeo	2012
		Kate Heinzelman	2011
		David Zachary Hudson	2011
		Joshua Hawley	2008
Justice Anthony M. Kennedy sponsored 7 gifts from the American Inn of Court		Thomas G. Spranking	2017
		Charles Harker Rhodes IV	2016
		David W. Denton, Jr.	2013

		Ishan K. Bhabha	2012	
		James Yarbrough Stern	2011	
		Brett Gerry	2001	20
		Stephanos Bibas	1998	
Justice Clarence Thomas sponsored 7 gifts from the American Inn of Court		Merisa C. Maleck	2016	
		Jennifer M. Bandy	2015	
		Michelle S. Stratton	2012	
		William R. Peterson	2011	
		Henry C. Whitaker	2005	
		Adam K. Mortara	2003	
		Neomi Rao	2002	
Justice Ruth Bader Ginsburg sponsored 8 gifts from the American		Daniel A. Rubens	2014	
		Nathan Rehn		

Inns of Court			2013	
		Benjamin J. Beaton	2012	
		Amy Bergquist	2011	
		Isaac Jared Lidsky	2009	
		Zachary D. Tripp	2008	
		Rebecca Gabrielle Deutsch	2006	
		Michael Wang	1996	
Justice Stephen G. Breyer sponsored 4 gifts from the American Inns of Court		Maritza U.B. Okata	2003	
		Alexander Reinert	2001	
		Russell Robinson	2001	
		Jenny Martinez	1999	
Justice Samuel A. Alito sponsored 6 gifts from the American Inns of Court		J. Joel Alicea	2017	
		Alex Potapov	2017	

		Barbara A.S. Grieco	2016	
		Megan M. Dillhoff	2015	
		Kyle Douglas Hawkins	2014	
		Andrew Stephen Oldham	2009	
Justice Sonia Sotomayer		Candice Chiu	2012	
Justice Elena Kegan		Gerard J. Cedrone	2017	
		David J. Zimmer	2012	

Justice Alito received two gifts for his clerks in 2017, which is close in time to his being the Justice who sponsored the conference of the American Inns of Court at the Supreme Court on November 5, 2016, at the same time the Ninth Circuit announced on September 19, 2016 that Judge J. Clifford Wallace would receive the 2016 American Inns of Court A. Sherman Christensen Award. Justice Kegan received a gift for her clerk in 2017 when Justice Kegan held the American Inns of Court's meeting on October 21, 2017.

1. **Receipt Of The Financial Benefits Alone Created Actual Bias Or The Appearance Of Bias as The Eight**

Justices And Clerks Are Unlikely To Be Impartial In Determining If The Relationship Between The American Inns Of Court And The Financially Sponsoring Attorneys.

A reasonable person would believe that by receiving gifts from the Inns of Court with a value of at least \$7,000 for each clerk, the beneficiaries are unlikely to be impartial, as required by 28 USC §455(a), when the issues of the Petition for Writ of Certiorari are directly related to the very function of the American Inns of Court that may prejudice independence of the Justices.

2. The Financial Benefits Are Closely Related To James McManis Who is the Interested Third Party to this Proceeding as he should be one of the "leading member of the American Bar" that supported the Temple Bar Scholarship.

According to the American Inns of Court, "The Temple Bar Foundation was created in 1991 by the Right Honorable Lord Denning of Whitchurch, former Master of the Rolls, and Chief Justice of the United States Warren E. Burger to strengthen ties between **leading members of the English and American bars.**"¹³(Request for Recusal in Petition No. 17-256, A.006) In fact, as shown in the newly released video published on the homepage of the American Inns of Court, the Temple Bar Foundation was assumed by the American Inns of Court as early as

¹³ See such posting at http://home.innsofcourt.org/AIC/Awards_and_Scholarships/Temple_Bar_Scholarships/AIC/Awards_and_Scholarships/Temple_Bar_Scholarships/Temple_Bar.aspx?hkey=1df4d433-b273-4c76-a96b-357ecb5921e9

in 1996. (A.008) Therefore, **the funding should be majorly, if not entirely, from “the leading members of the American Bar” after 1996.** And, Mr. McManis should be one of the leading members of the American Bar.

As having discussed above, the interested third party James McManis is a **“leading member”** of this Supreme Court, a leading member of the San Francisco Bay Area Intellectual Property American Inn of Court, a strong financial supporter for that Inn, the William A. Ingram American Inn of Court and, presumably, the American Inns of Court. There is no doubt that James McManis is heavily involved in the international reciprocity relationship of the American Inns of Court by being the third of the United States to receive the Honorary Benchers from the Kings’ Inns. See Request for Recusal in No. 17-256, A.008. There is no doubt that James McManis is one of the **“leading member of the American Bar”** that supported the Temple Bar Foundation.

On the current website of McManis Faulkner, LLP, it published a news release with copyright of 2017 as below: “James McManis, founding partner of **leading** Northern California trial firm McManis Faulkner, has been elected, **by unanimous vote**, an honorary benchers of the Honorable Society of King’s Inns, Dublin, Ireland. The oldest institution of legal education in Ireland, the Honorable Society of King’s Inns is comprised of benchers, barristers and students. The benchers include all the judges of Ireland’s Supreme and High Courts as well as a number of elected barristers. Prior to the election of McManis and two other Fellows of the International Academy of Trial Lawyers (Tom Girardi and Pat McGroder), the only Americans so honored were U.S. Supreme Court Chief Justice John Roberts and Justice Antonin Scalia. Election as an honorary benchers

is the highest accolade that the Inn can confer.” (A.022)

There is no doubt that James McManis is one of the leading attorneys from the US that supported the Temple Bar Foundation as he had achieved the highest honor by the Inns of Court, led by the Kings Inn. In fact, Mr. McManis received this highest honor from the American Inns of Court as the Temple Bar Foundation was in fact assigned to the American Inns of Court in 1996. There is little doubt that Respondent McManis Faulkner LLP donated substantial funds to support the Temple Bar Foundation, or Respondent James McManis is impossible to get the unanimous votes for the highest honor of the Inns.

3. It Is Unlikely For Chief Justice John Roberts To Vote For Shao's Petitions To Oppose His Another Honorary Benchers, Respondent James McManis

Chief Justice John Roberts did not recuse himself and did not disclose his relationship with James McManis. Justice Roberts is the first or second American Honorary Benchers and James McManis is the third leading American received the same “highest” honor, an honor awarded by the American Inns of Court, **the true owner behind the scene.** It is impossible for Chief Justice John Roberts to be ignorant of James McManis and ignorant of the fact that SHAO's Petitions involve James McManis.

4. The Financial Benefits Received By The Eight Justices And 38 Clerks Will Reasonably Appear To Affect Their Positions In Denying All Petitions Of Yi Tai Shao Where Challenges Were or are Made By Shao Regarding Bias Arising From Associations With The

American Inns Of Court

A reasonable person would believe that the relationship between this Court and the Temple Bar Scholarship which is factually owned by the American Inns of Court is such to affect consideration of Petitioner's Petitions. James McManis has been an Honorary Bencher of the Honorable Society of King's Inns which is substantially related to the Temple Bar Scholarship, the American Inns of Court and the Inns' relationships with this Court. As discussed above, Mr. McManis and Chief Justice Roberts are in fact awarded by the American Inns of Court and by receiving such "highest honor" of the Inns, there is a public view that Mr. McManis is no doubt to be influential of the American Inns of the Court and this Court.

C. CHIEF JUSTICE JOHN ROBERTS SHOULD BE RECUSED

In addition to the financial interests of or relating to Chief Justice John Roberts, Justice Roberts presents an appearance of bias because he should have preexisting personal knowledge of James McManis as both Chief Justice Roberts and James McManis received the same highest honor of the Inns closely in time.

D. JUSTICE ANTHONY M. KENNEDY SHOULD BE RECUSED

Justice Kennedy has an appearance of bias as

- (1) Justice Kennedy has a chapter of an American Inn of Court in his name, creating an appearance of bias in considering the Petition which asserted the ethical issue of the function of the American Inns of Court(A.042; Request for Recusal in No. 17-256, A.062), having 12 regular meetings a year for the secret members of the Inn (Petition

for Rehearing of No. 17-256, App. 7-8);

- (2) Justice Kennedy has had profound relationship with the American Inns of Court, and received Lowels F. Powell, Jr. Award from the American Inns of Court (A.044; Request for Recusal in No. 17-256, A.064);
- (3) Justice Kennedy received a gift indirectly or directly from Respondents by being a speaker at the Symposium of William A. Ingram American Inn of Court in 2004 that is financially supported by McManis Faulkner, LLP. and Michael Reedy has been the officer there and is the President-Elect. Judge Lucy Koh and Respondent James McManis were speakers for a Symposium as well. (A.046; Request for Recusal in No. 17-256, A.142);
- (4) Justice Kennedy has profound relationship with the Ninth Circuit Court of Appeal (Request for Recusal in No. 17-256, A.066) apparently because of the American Inns of Court, where the Ninth Circuit recently established the "Kennedy Learning Center".
- (5) Justice Kennedy is further closely related to the Ninth Circuit when both promote the American Inns of Court. The Ninth Circuit recently established "Kennedy Education Center."
- (6) The Ninth Circuit has promoted Judge Koh's being nominated to be a judge there, who is also closely related to the American Inns of Court, and with its less than 2 pages' "Memorandum", it knowingly suppressed the evidence about Judge Koh's conflicts with interest and her relationship

with James McManis, McManis Faulkner, LLP.

- (7) Justice Kennedy has shown the actual prejudice against Petitioner by exerting super speed to deny two applications that were made with good cause by Petitioner, as discussed above.

**E. JUSTICE GINSBURG SHOULD BE
RECUSED BASED ON DIRECT CONFLICTS
OF INTEREST**

Justice Ginsburg has an American Inn of Court in her name and she actively participated. (A.059) A reasonable person would believe that Justice Ginsburg could not be impartial in reviewing the Petitions as she has a chapter of such Inn in her own name and would not acknowledge the ethical issue involved with having an Inn of Court in her name.

**F. RECENT IRREGULARITIES AT THIS
COURT'S CLERK'S OFFICE CREATE AN
APPEARANCE OF BIAS**

This Court has been in full support of the American Inns of Court. The Ninth Circuit Court of Appeal promoted the American Inns of Court and published a news release on September 19, 2016 that this Court provided a site for the meeting of the American Inns of Court when Justice Alito was the Justice who would tender an award to Judge Wallace from the Inns. Justice Alito has two clerks obtained the free trips in 2017. In 2017, Justice Kegan held the conference of the American Inns of Court at this Court and her clerk obtained the luck as well in 2017. As McManis Faulkner has received the highest honor from the Kings Inn, and appeared to be one of the leading member of American Bar to support the Temple Bar Foundation/Scholarship, when it is the major financial supports of two Chapters of the Inns, McManis Faulkner law firm is no doubt extremely

influential at this Court.

All of the Petitions for Writ of Certiorari filed by Petitioner this year, including this one, discussed the deprival of Petitioner's fundamental rights to access the court, to appeal, and to jury trial as Respondents had manipulated the State Courts by deterring filings and altering dockets. The same scheme of irregularities took place at the US Supreme Court in the recent two months since September of 2017.

As have discussed above, the irregularities include

(1) Supervisor Jordan Bickell's stepping in, in exceeding his authority and power, to bring in a clerk new to Amicus Curie, and deterred filing of the well-drafted Amicus Curie motion of Mothers of Lost Children in Petition No. 17-82, while the same motion was granted in Petition No. 17-256.

(2) Supervisor Jeff Atkins's alteration of docket of 17-613. The docket was altered back to "April 28, 2017" in recent week. Mr. Atkin attempted to de-file this Petition. Such attempt took place on the ensuing morning immediately after the docketing was entered, which indicates someone was watching for Petitioner's filing.

(3) Supervisor Jeff Atkin was closely connected to Supervisor Bickell to allow him to step into the authority of Mr. Atkin, as Mr. Atkin is in charge of Petition for Writ of Certiorari and Amicus Curie and Mr. Bickell has no authority on these pre-Certiorari proceedings. On October 23, 2017 when Petitioner called Donald Baker to inquire why he did not file the Amicus Curiae Motion in Petition NO. 17-82, Mr. Baker transferred Petitioner's call to Mr. Bickell by way of using Mr. Atkin's extension.

(4) Supervisor Jeff Atkin refused to post the entire Request for Recusal without any supporting legal authority to allow him to cut off 171 pages from posting, when he eventually filed the Request for Recusal. While Mr. Atkins used to be extremely efficient, he delayed filing of Request for Recusal in Petition NO. 17-256 until December 11, 2017 and backed the date to be December 8, when he received the Request for recusal on December 7. (A.061-75)

**G. THE AMERICAN INNS OF COURT ARE
UNLIKE TRADITIONAL BAR
ASSOCIATIONS BUT ARE SOCIAL CLUBS
THAT PROVIDE FOR SECRET EX PARTE
COMMUNICATIONS BETWEEN
FINANCIALLY STRONG ATTORNEYS AND
JUDGES**

**1. As A Social Club, Common Membership
Of Judges And Attorneys Representing
Parties Creates The Appearance Of Bias.**

The American Inns of Court have changed their character as bar associations as they made the membership directory confidential from disclosure for all Inns of Court after sometime in 2008. Their practice of Temple Bar Scholarship and pupillage groups also violated Rule 5-300¹⁴ of California Rules of Professional

¹⁴ Rule 5-300 Contact With Officials:

(A) A member shall not directly or indirectly give or lend anything of value to a judge, official, or employee of a tribunal unless the personal or family relationship between the member and the judge, official, or employee is such that gifts are customarily given and exchanged. Nothing contained in this rule shall prohibit a member from contributing to the campaign fund of a judge running for election or confirmation pursuant to

Conduct by allowing ex parte contacts and gifts. The Petition for Writ of Certiorari has been reviewed based on the opinion of the clerks of the Justices, except Justice Gorsuch. Therefore, contacting the clerks and making gifts to the clerks violate Rule 5-300(c) as they have the power of making recommendations to the Justices.

One major members' benefits, as shown in the video of "American Inns of Court Membership Benefits" that has been posted on the Youtube, Attorney Manuel Sanchez stated "This is the only organization that I know that **the lawyers and judges belong to the trial bar have a chance to meet outside of the courtroom in a social setting and really able to establish the rapport.**" (A.011) The business and prosperity of the American Inns of Court is built on the attorneys' benefit to meet the judges in person to establish the "rapport," in

applicable law pertaining to such contributions.

(B) A member shall not directly or indirectly communicate with or argue to a judge or judicial officer upon the merits of a contested matter pending before such judge or judicial officer, except:

- (1) In open court; or
- (2) With the consent of all other counsel in such matter; or
- (3) In the presence of all other counsel in such matter; or
- (4) In writing with a copy thereof furnished to such other counsel; or
- (5) In ex parte matters.

(C) As used in this rule, "judge" and "judicial officer" shall include law clerks, research attorneys, or other court personnel who participate in the decision-making process. (Amended by order of Supreme Court, operative September 14, 1992.)

violation of Rule 5-300 of California Rules of Professional Conduct.

The American Inns of Court lost all tributes as a bar association further because of the secret membership. The last publication of a directory for all chapters of the Inns is an archive of the membership of San Francisco Bay Intellectual Property American Inn of Court, made in 2008. (A.055; Request for Recusal in Petition No. 17-256, A.072-74.)

The Handbook for the William A. Ingram American Inn of Court states:

“The schedule for the monthly meetings (not the dinner meetings) is to gather at 5:30 for **socializing** and hors d’oeuvres. After administrative announcements, the formal program by a Pupillage Group commences at 6:00 p.m. and ends at 7:00 p.m. After the program ends, there is further **socializing**.” [Request for Recusal in Petition No. 17-256, A.146, emphasis added]

Its current meeting schedule states clearly the social function of its Inn meetings:

“Inn meeting, except as noted below, are scheduled on the second Wednesday of each month, with **socializing** at 5:30 p.m., and the program beginning at 6:00 p.m.” (Request for Recusal in No. 17-256, A.050)

These confidential social functions are the characteristic of a **social private club**. While the American Inns of Court might once have been equivalent or similar to a bar association, they are now more like an exclusive private club. Membership or association in such a private social club with regular private contacts with the judges/justices creates an appearance of bias where attorneys who are members of the Inns appear before judges who are also members or associated with the Inns.

**2. The Ninth Circuit And Eight Justices of
This Court Both Sponsored The Private
Clubs Without Reservation**

Ninth Circuit's published in its News Release of September 19, 2016 that:

"Justice Wallace will receive the prestigious A. Sherman Christensen Award... The award will be presented at the 2016 American Inns of Court Celebration of Excellence to be held at the U.S. Supreme Court on November 5, 2016.

Justice Wallace was influential in developing the idea of the American Inns of Court and advocated enthusiastically for its establishment.(A.006) He accompanied Chief Justice Warren Burger on the 1977 Anglo-American Legal Exchange and served as keynote speaker at the organizational dinner of the first Inn of Court in Provo, Utah. Judge Wallace served as a regular adviser to Judge A. Sherman Christensen, for whom the award is name. Judge Wallace urged attendees to form the Inn to help address trial inadequacy by attorneys. He wrote an article on the topic that was published March 1982 in the ABA Journal.....

The American Inns of Court, a national organization with 360 chapters and more than 130,000 active and alumni members.... An inn is an amalgam of judges, lawyers.... More information is available at <http://home.innsofcourt.org>." (Request for Recusal in Petition No. 17-256, A.058)

The American Inns of Court used this Court to hold meetings up to present. (A.037-039; Request for Recusal in Petition No. 17-256, A.059-60)

II. LAW AND ARGUMENTS

A. LAW REQUIRES RECUSAL OF THE EIGHT JUSTICES AND 38 CLERKS OF THIS COURT

28 USC § 455 applies to members of **Supreme Court**, Courts of Appeals, district judges, federal magistrates, and bankruptcy judges. See, Pilla v American Bar Asso. (1976, CA8 Minn) 542 F2d 56, 58.

28 USC § 455 states, in relevant part, that:

(a) Any justice.... of the United States shall disqualify himself in any proceeding in which **his impartiality might reasonably be questioned**.

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

.....

(4) He knows that he, individually ..., has a **financial interest** in the subject matter in controversy or in a party to the proceeding, or **any other interest that could be substantially affected by the outcome of the proceeding**;

(5) He....

(iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding....

(c) A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household.

(d) For the purposes of this section the following words or phrases shall have the meaning indicated:

(1) "proceeding" includes pretrial, trial, **appellate review**, or other stages of litigation;

...

(4) "financial interest" means ownership of a legal or **equitable interest**, however small, or a relationship as director, adviser, or other **active participant in the affairs of a party**...[emphasis added]

In *Lijeberg v. Health Servs. Acquisition Corp.*, 486 US 847, at 850 (1988), this Court held that when a federal judge has conflicts of interest, the judge should have recused himself pursuant to 28 USC §455 60 where a reasonable person would expect that judge knew of circumstances creating an appearance of partiality, notwithstanding the judge was not actually conscious of those circumstances. to have been aware of the circumstances of conflict of interests, even if the judge was not conscious of the circumstances creating the appearance of impropriety.

The basis of such bias and prejudice of the Eight Justices and Clerks is extra-judicial, based on their extrajudicial relationship and financial interests with the private club of the American Inns of Court. The Temple Bar Scholarship supported by Temple Bar Foundation is in fact owed by the American Inns of Court and supported by "the leading member of the American Bar" after 1996. They have received a disguised gifts from the American Inns of Court and therefore are improper to decide or recommend a decision of the Justices regarding the issues of the American Inns of Court, a main issue of this Petition.

In addition, as the interested third party James McManis received the highest honor of the Kings Inn, based on

reciprocity function of the American Inns of Court as the American Inns of Court who assumed the function of the Temple Bar Foundation (A.005, A.008), it is evident that MF and James McManis are one of the leading financial supporters of one of the major function of the American Inns of Court or the American Inns of Court, and have likely contributed to the gifts to the judiciary at least indirectly.

The Eight Justices and 38 clerks who are financially interested in the American Inns of Court should have a public view of potential bias and prejudice in handling this Petition when a main issue of this Petition is centered on attorney – judge's relationship through the American Inns of Court.

As discussed above, actual prejudice has been demonstrated by the Court's denial of Petitions for Writ of Certiorari in No. 17-82 and 17-256 and the Petition for Rehearing of No. 17-82. They should not have participated in the voting for these Petitions. The recent irregularities of the Clerk's office as having discussed above suggest that the conflicts of interest do exist when the great majority of the Justices and Clerks have direct conflicts of interest. The only explanation for these irregularities, including deterring filing of the Amicus Curiae motion in Petition No. 17-82, refusing to post the entire Request for Recusal in No. 17-256, and alteration of docket in this Petition with extrajudicial information, is existence of the undisclosed conflicts of interest.

In addition, Justice Kennedy's super speedy denial of two applications of 14A677 and 16A863 when he was the sole decision maker in charge of California area, could also be explained by his direct conflicts of interest. (A.51-A.53)

As Justice Neil M. Gorsuch is not requested to be recused, the rule of necessity does not apply¹⁵ because there is a **Justice who has no direct financial interest is available.**

B. THE SUBSTANTIAL RISK OF INJUSTICE, THE RISK OF FURTHER INJUSTICE IN OTHER CASES, AND RISK OF LOSS OF THE PUBLIC'S CONFIDENCE OF INTEGRITY OF THIS COURT MANDATE VACATION OF THE DENIAL OF REHEARING OF PETITION NO. 17-82 ON NOVEMBER 27, 2017 AND THE DENIAL OF PETITION OF WRIT OF CERTIORARI IN NO. 17-256 AND THAT CERTIORARI BE ISSUED IN THIS PETITION

In Liljeberg v. Health Services Acquisition Corp. (US 1988) 486 US 847 , this Court held that vacatur is a proper remedy to an order made in violation of Rule 60(b)(6). At Page 864, this Court further stated that

“in determining whether a judgment should be vacated for a violation of § 455 (a), it is appropriate to consider the **risk of injustice to the parties in the particular case, the risk that the denial of relief will produce injustice in other cases, and the risk of undermining the public's confidence in the judicial process.** We must continuously bear in mind that "to

¹⁵ The rule of necessary only applies when no judge lacking some basis of disqualification is available. The rule of necessity discussed in the US v. Will, 449 US 200 (1980) does not apply. It is factually distinguished from this case. US v. Will concerned a legislative change to reduce without discrimination, the federal judges' cost of living. In this case, the conflicts of interest derive from a private club's gifts to the Justices and their clerks, which are, in part, supported by the interested third party McManis Faulkner LLP law firm.

perform its high function in the best way 'justice must satisfy the appearance of justice.'" *In re Murchison*, 349 U.S. 133, 136, 99 L. Ed. 942, 75 S. Ct. 623 (1955)"

In *Voit v. Superior Court* (6th District, 2011) 201 Cal.App.4th 1285, the California Sixth Appellate Court held that whether a motion had legal merit was a determination to be made by a judge, not by the clerk's office and that the clerk's office has a ministerial duty to file a pleading. Where the decision not to file was made by the clerk, decision should be reversed because it violated due process.

**1. Actual injustice in denial of
Petitions in 17-82, in 17-256 and in
the current proceeding in 17-613**

There is no dispute that Mr. Bickell has no authority to handle the amicus curiae motion. Yet, without disclosing the conflicts of interests, while the Clerk's Supervisor Mr. Jordan Bickell stepped in to deter filing of the Amicus Curie motion in Petition No. 17-82, the certiorari was voted to be denied.

There is no dispute that the clerk's office has no basis to refuse to file the amicus curiae motion in Petition 17-82 as the identical motion was "granted" in 17-256 already. Similarly, it is obvious that someone caused Mr. Jeff Atkins to direct the deputy clerk to alter the docket entry on "the date of decision" from 4/28/2017 to 6/8/2017 on the next day morning following the docketing.

There is no authority to allow Mr. Atkins to cut off the pages for posting. Not a court ever done so. Both the US District Court in Northern California and the 9th Circuit posted the entire Request for Recusal in 17-256. (A.076) Petition for Rehearing in 17-256 also has Appendix and the entire pleading was posted two weeks prior.

These events created the danger of a public perception

that the justices' conflicts of interest may have caused these irregularities.

2. Substantial Risk of loss of public confidence

There is a danger of loss of public confidence in this Court because this Court's acceptance of gifts from a private club of the American Inns of Court. The Supreme Court's mingling with the private club has lead all courts to accept similar gifts. Attorney Manuel Chavez stated the unique benefit for being a member of the American Inns of Court was to have "rapport" and to meet the judges "outside of the courtroom in a social setting." (A.011) Such conducts that have been encouraged by Eight Justices of this Court are in contravention with Rule 5-300 of California Rules of Professional Conduct. Its subdivision(c) also disallowed the same gifts and contacts with the clerks. (See Footnote 13 of this Request for Recusal in P.53)

The public lost its confidence in the entire U.S. courts because of the judiciary's accepting gifts and contacts with secret attorney members. Another attorney commented the same by email in A.128 and 129. In addition, there is another person Michael Bruzzone who contacted the Petitioner regarding the injustice suffered by him because of the cozy relationship between McManis Faulkner, LLP, James McManis and Michael Reedy and Santa Clara County Superior Court as well as California Sixth District Court of Appeal. See Declaration of Michael Bruzzone in A.192-193.

Moreover, while the paperwork is handled by the Clerk's Office, when the Clerk's Office has betrayed its ministerial duty to file and to maintain the integrity of

the dockets multiple times, and when this court's proceedings are all closed and not open to the public, the public has little confidence that the Amicus Curiae motion, and the two Petitions of 17-82 and 17-256 were presented or ever reviewed by any Justices.

3. The court's denial of certiorari will cause risk of further injustice in the custody appeal (H040395) and the appeal from the vexatious litigant orders in Shao v. McManis Faulkner (H042531) in the state court of Santa Clara county.

b. Substantial risk of further injustice in the custody appeal will result for a denial of certioraris

California Sixth District Court of Appeal is watching how the US Supreme Court will react to the court crimes they have done in H040395. Santa Clara County Court is watching how the US Supreme Court will react to their failure to put on the docket of the filed Verified Statement of Disqualification on December 5, 2017 and failure to react.

Denial of certiorari in this Petition will cause the state courts to keep re-issuing false notices in order to dismiss the custody appeal in H040395 after February 27, 2017. The motion that caused this Petition was to strike the 5th false notice for the purpose of dismissing the appeal, when was issued on March 14, 2017. After that, there was another false Notice of Non-compliance dated April 25, 2017. That one was decided negatively on June 8, 2017 and pending reconsideration. The reconsideration raised the same issue of court crimes and new evidence of

the direct conflicts of interest of Santa Clara County Superior Court and California Sixth Appellate Court to decide this family case and appeal. The motion to reconsider June 8, 2017's Order was pending for almost 5 months since July 20, 2017; the California Sixth Appellate Court appeared to wait to see this Court's decision. (A.133, A.140) The same issues of lack of impartial courts are raised in the motion of reconsideration.

As mentioned above, no appeal like this involves such strong evidence of the court's conflicts of interests and court crimes in the Sixth Appellate Court's alteration of the docket of this H040395 case, Santa Clara County Court's alteration of the dockets of 105FL126882 and the related case of 112CV220571, conspiracy of dismissal, deterring appeal by knowingly denying Petitioner's right to appeal by tolerating the Santa Clara County Court's refusing to prepare records on appeal, deterring the court reporter from filing trial hearing transcripts, delaying filing pleadings by the courts, and denying Petitioner's motion to change the way of producing records by allowing Petitioner to prepare herself.

Meera Fox's declaration, after filed and entered into the docket of H040395 on May 10, 2017, was immediately removed from the docket on May 11, 2017. (A.138; This Petition, App.239 (entry of docket on May 10, 2017; App.241, the entry was removed on May 11, 2017) The child custody order that the judicial conspirators and McManis Faulkner Law Firm tried to dismiss is the custody deprivation order of Presiding Judge Patricia Lucas made on November 4, 2013, who was a prior President of the William A. Ingram American Inn of Court. For already 3.5 years, Judge Lucas, who led Santa Clara County Court, has directed the Appellate Unit to deter

Petitioner's appeal from her Order of 2013. The court reporter was threatened not to file the hearing transcripts, and the Appellate Unit was directed not to prepare the records on appeal.

On April 29, 2016, after exposure of the conspiracies on March 14, 2016, in violation *Shalanti v. Girardi* (2011) 51 Cal.4th 1164 at 1173-74, Santa Clara County Superior Court bluntly and openly cancelled all filings, or "defiled" all motions filed by Petitioner without a notice nor a hearing, in her existing family court case, with the excuse that McManis Faulkner obtained a prefiling vexatious litigant order against the Petitioner in the civil case of 112CV220571.

Judge Lucas and Judge Zayner, long term friends of Michael Reedy and McManis Faulkner LLP, through the William A. Ingram American Inn of Court, have collaborated to stall child custody return to Petitioner for 6 years, after the initial parental deprivation orders were set aside. (See the judiciary conspiracy declared by Meera Fox, Esq., Petitioner's expert witness, in A.077-109) In 2017, Judge Lucas removed the family case from the public/Petitioner's access (A.156), when simultaneously there was a false docket entry *silently* shown on the custody appeal of the Sixth Appellate Court (H040395) about a default notice but no such notices were in any court's files. (A.68, A.96-97) Respondents' judicial clients and friends at the State Court generated numerous repeated false notices with the dire attempt to dismiss this custody appeal, an appeal stalled by them for already 3.5 years. (A.077-109)

It is noteworthy that Judge Lucas refused to make corrections in response to Petitioner's asking her to allow public/Petitioner's access to her family case on the court's

website and to direct the Appellate Unit to cease issuing false Notices of Appellant's Default/Non-compliance. Judge Lucas arrogantly invited Petitioner to file a complaint against her with California Committee of Judicial Performance. (A.158)

Since September 2015, they used a fraudulently procured child support order trying to suspend Petitioner's bar license repeatedly for already more than 5 times without any notice. Petitioner and her daughter's substantive due process rights were severely prejudiced already more than 7 years.

If Certiorari were not issued for this Petition, it is foreseeable that further injustice for *perpetual* parental deprivation and prejudice to the liberty and life of Petitioner will be caused at the state courts *without a leash*. Presiding Judge Patricia Lucas openly invited a complaint against her as she has propounded relationships with California Supreme courts and has been supported by this largest legal gang. Santa Clara County Sheriffs' Office has declined to prosecute any crimes committed by Respondent for the reason that they have conflicts of interest and were instructed not to touch the court's decision and not to investigate any issue of court crimes. As testified by Mr. McManis, his pro bono clients include bailiffs who are working at Santa Clara County Sheriffs' Office.

When the State Bar of California received the deposition transcript of James McManis, they opened an investigation, which was "suspended" shortly thereafter and the case worker was removed. It is not hard to imagine Mr. McManis's judicial friends and client at the Supreme Court would be likely involved to cause the "suspension" of the State Bar's prosecution. Mr.

McManis himself is on California State Bar as an official. A.022 posted Mr. McManis's bio where he alleged that he was recently appointed to the newly established Task Force on Admissions Regulation Reform by the California State Bar.

If Certiorari were not issued, it is foreseeable that the Sixth Appellate Court will dismiss the custody appeal by illegal methods in order to please Mr. James McManis who has hold many confidences of many judges/justices by handling their personal affairs and have given them many financial benefits. The vexatious litigant orders illegally procured by McManis Faulkner without a statement of decision in violation of due process will be uphold by the courts that have received benefits from McManis Faulkner through the American Inns of Court. There will be no law other than the attorneys/judges gang at the American Inns of Court.

- c. Right to jury trial, fair tribunal, and right to appeal from the unlawful vexatious litigant orders are risking further injustice if the denials in 17-82 and 17-256 were not vacated as the Eight Justices and 38 Clerks of this Court failed to disclose the conflicts of interests when they should have noticed from reading the Petitions for Writ of Certiorari and Petitions for Rehearing.

This Court's votes to deny certiorari in 17-256 and 17-82 must be corrected because of the undisclosed conflicts of interest.

For years, the American Inns of Court formed like a strong legal gang. The public has regarded Santa Clara County Superior Court to be a "no law zone". The William A. Ingram American Inn of Court became the justice in the geographic area of Santa Clara County in California. The leading attorney, James McManis, has become the law. McManis Faulkner's judicial friends and clients have helped to confine the case of Shao v. MCManis Faulkner, James McManis, Michael Reedy to be adjudicated by their client, Santa Clara County Superior Court. And, the California Sixth District Court of Appeal is trying hard repeatedly to dismiss the custody appeal, i.e., Petitioner's appeal from the custody decision of Presiding Judge Patricia Lucas at Santa Clara County Superior Court of November 4, 2013. The appeal is pending for more than 4 years without any progress other than the fact that the courts jointly wanted to created false notices in order to effectuate dismissal, and to achieve the purpose of perpetual parental deprivation without further changes on child custody, in complete disregard of the child safety issue caused by Respondent's dangerous mental disorder.

The interested parties MF appear in front of their own clients, Santa Clara County Superior Court, California Sixth District Court of Appeal and California Supreme Court and won the "Super Lawyer" honors. Money donations in the extrajudicial relationship has dominated the result of justice.

Their clients/bedfellows in the state courts continue allowing the court's attorney to appear in front of the court as a party and refused to transfer venue when Petitioner has suffered prejudiced to her fundamental rights to have access to the court to an extreme.

From its own client court, MF obtained an infamous vexatious prefiling order against Petitioner when it was not supported by a statement of decision, in violation of

due process. See Morton v. Wagner (2007) 156

Cal.App.4th 963, 968: a prefiling vexatious litigant order must be included in the statement of decision.

Besides the infamous vexatious prefiling order issue that unfairly restricted Petitioner's litigation privilege and has forced Petitioner to pay attorneys fees in order to pursue her rights, the jury trial was confined by MF's client to be in Santa Clara County Court and has been stayed more than 2 years when there was no legal ground for such stay and such stay was not even done by a motion but simply based on an impromptu oral request of McManis Faulkner's attorney.

On the 12th motion to change place of trial, Judge Maureen Folan who initially issued the vexatious prefiling order for the benefit of MF, withdrew her participation of the conspiracy but still denied the motion on pure procedural ground—that is, “Ms. Shao did not secure an order from Judge Woodhouse after the April 28, 2017 hearing, permitting a partial lifting of the stay he ordered” (A.182). This excuse is very strenuous as it is in contravention with Rule 3.543 of California Rules of Court where the coordinated judge, i.e., Case Management Judge, has the power to transfer court and manage the case. Immediately followed the hearing of April 28, 2017, the case was removed from the trial judge, Judge Woodhouse, such that it was impossible to make any request to be made in front of the original trial judge after April 28, 2017 to expressly allow a filing of a 397b motion to change place of trial. Therefore, the ground of denial is not logical.

Judge Folan withdrew from her tentative decision (A.179) but issued this procedural denial before she was permanently transferred away from the civil court. (A.181-83)

Petitioner's being denied her fundamental right to jury trial and access the court will continue to more injustice

because Santa Clara County Court disallowed any hearings to be made in front of Judge Woodhouse (the original trial judge who stayed the jury trial and ordered no more new motions to be filed; see A.166) nor Judge Folan regarding modifications of their orders, but another CMC judge, in contravention with the laws and principles for a motion to reconsider.

The county court knowingly let Judge Peter H. Kirwan to take over, in disregard of Judge Kirwan's conflicts of interest. Judge Kirwan is the President of the William A. Ingram American Inn of Court and Michael Reedy is the President-Elect of the same Inn.

On December 4, 2017, Judge Kirwan refused to recuse himself, insisted on ruling on behalf of Judge Woodhouse (A.152), and denied Petitioner's application to allow filing of a motion to change the place of trial, despite he was reminded by Petitioner of such conflicts of interests as The prefiling order violates the due process because Judge Folan's statement of decision did not discuss a prefiling order at all. See, *Morton v. Wagner* (2007) 156 Cal.App.4th 963, 968 (A Prefiling Vexatious Litigant Order requires a Statement of Decision, or violates the due process.)

WHEREFOR, Petitioner respectfully request recusal of the eight Justices and 38 clerks, reversal of the denial of rehearing in 17-82, grant the Petition for Rehearing in No. 17-256 and issue certiorari for the Petition for Writ of Certiorari of 17-613, 17-256 and 17-82.

III. REQUEST FOR JUDICIAL NOTICE

Petitioner respectfully requests the Court to take judicial notice of the existence of the facts and evidence stated in the pleadings that are in the court's files:

1. Petition for Recusal in Petition No. 17-256, which is referenced in many times in this Request for

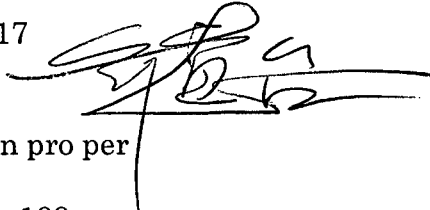
Recusal and will be discussed in the same conference of January 5, 2018.

2. Petition for Rehearing in Petition No. 17-256, which will be discussed in the same conference of January 5, 2018.
3. Petition for Writ of Certiorari of No. 17-82, which is referenced above.
4. Petition for Rehearing of No. 17-82, which is referenced above, and relevant to the issue that Mr. Jordan Bickell deterred the filing of the Amicus Curiae motion.
5. Petition for Writ of Certiorari of No. 17-613 which is this Petition.

IV. AFFIDAVIT OF PETITIONER

I, Yi Tai Shao, swear under the penalty of perjury under the laws of the United States that the foregoing facts are true (except those based on information, regarding which I believe is true as well) and the appendix are true copy as the original, to the best of my knowledge.

Dated: December 15, 2017



Yi Tai Shao, Petitioner in pro per
SHAO LAW FIRM, PC
4900 Hopyard Road, Ste. 100
Pleasanton, CA 94588-7101
Telephone: (408) 873-3888
Fax: (408) 418-4070
Email: attorneylindashao@gmail

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Alameda }

On 12/15/17 before me, James H. Baqleh, Notary Public
(Here insert name and title of the officer)

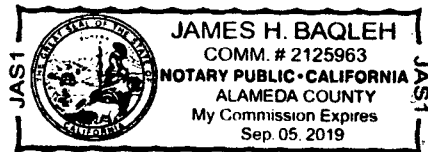
personally appeared Linda-Yi-tai Shao,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Request for Recusal
(Title or description of attached document)

case # 17-613
(Title or description of attached document continued)

Number of Pages _____ Document Date _____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
☐ Corporate Officer

- _____
(Title)
☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

**Additional material
from this filing is
available in the
Clerk's Office.**