

No. 19-359

IN THE SUPREME COURT OF THE UNITED STATES

THE LAW OFFICES OF NINA RINGGOLD  
AND ALL CURRENT CLIENTS THEREOF  
on their own behalves and all similarly  
situated persons,  
*Petitioners,*

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On Petition For Writ Of Mandamus To The  
United States Court Of Appeals For The Ninth Circuit And To A Lower  
Court Judge Acting As A Single-Judge District Court

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DECLARATION IN SUPPORT OF  
EMERGENCY APPLICATION FOR STAY AND INJUNCTION PENDING  
DISPOSITION OF PETITION FOR WRIT OF MANDAMUS; PENDING  
FILING AND DISPOSITION OF RELATED PETITIONS FOR WRIT OF  
CERTIORARI; AND FOR ISSUANCE OF A CERTIFICATE OF NECESSITY BY  
THE CIRCUIT JUSTICE

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## **DECLARATION OF NINA RINGGOLD**

I, Nina Ringgold, declare:

1. The facts alleged herein are within my personal knowledge and I know these facts to be true. If called as a witness I could and would testify competently to the matters stated herein.

2. I hereby authenticate and declare that the Appendix, Vol 1-4, Exhibit 1-40, are true and correct copies of the original court filed documents. The documents in the accompanying Appendix relate to the Emergency Application For Stay And Injunction Pending Disposition of the Petition for Mandamus; Pending filing and Disposition of Related Petitions for Writ of Certiorari; and for Issuance of a Certificate of Necessity by the Circuit Justice.

3. All of the applicants are persons involved in or associated with the class action case under the Voting Rights Act and California Political Reform Act. (See Appendix “App” 15) (“VRA Case”).

4. Applicants have submitted a proposed order which summarizes the relief sought.

5. Applicants are seeking a stay and injunction with respect to each state and federal case identified in the Attachment 1 to the application and the proposed order pending the filing and disposition of the petitions.

6. On this emergency application applicants are requesting that Justice Elena Kagan present a certificate of necessity to the Chief Justice of the United States so that he may designate and assign a three-judge court outside the state of California under 28 U.S.C. § 292 and 294 to handle the

issues arising in the voting rights case and determine disposition of the cases which involve challenges to Section 5 of California Senate Bill x211. As discussed in the emergency application there are substantial reasons for the requested intercircuit assignment. Applicants contend that this issue can and should be resolved by this application to avoid needless delay and prejudice and due to local prejudice and valid showings of retaliation and attempted intimidation.

7. The stay and injunction sought aids in this court's jurisdiction pending filing and disposition of the intended joint petition for a writ of certiorari and lessens the continuing irreparable harm. Applicants have shown the existence of pervasive bias and local prejudice as to persons and entities who are involved in or associated with the VRA case and as to persons who have reasonably and in good faith attempted to raise challenges to section 5 of SBX2 11 and to implement a special judicial election in time for the 2020 General Election. Also, the motions show substantial irregularities concerning the involvement of judges in cases when they have a general or financial interests in section 5 of SBX211 or the VRA case and irregularities concerning random and neutral assignment judicial procedures. Applicants have made a sufficient showing that public confidence would be enhanced by the requested intercircuit assignment by this court. After the California Supreme Court filed an admission of disqualifying interests, applicants are of the view that the court has essentially deferred decision to this court. (App. 2241-246). In any event, whatever the reason, applicants urgently need the relief sought.

8. The application and accompanying appendix demonstrates that applicants have first sought relief in the lower courts and have attempted exhaustive efforts of obtain a stay and injunction.

9. Applicants are reasonably raising important issues concerning an indisputably involuntary waiver of federal rights expressed in the uncodified provision of section 5 of SBX 2 11. The government entities and persons who benefit from the retroactive immunity provision of section 5 of SBX2 11 are allowed to violate the rights of the citizens of the State of California and citizens of other states who are involved in legal proceedings in the State of California. Applicants have not been provided with the mandatorily required disclosures and they have not provided their consent as required under California Constitution Article VI § 17 and § 21. They are being involuntarily forced to waive rights under the United States Constitution and federal law pertaining to racial equality in proceedings in which no official court reporter is available. Litigants who are engaged in proceedings without disclosure and consent and who discover the existing unconstitutional condition, are specifically subjected to injury and retaliation if they object. What is now being called reform is without effective and informed input from the citizens of State of California and court users on issues that impact their fundamental rights. Applicants, attorneys, and members of the public who have sufficient knowledge and attempt to address the issue of needed reform suffer retaliation, blacklisting, and targeted harm.<sup>1</sup>

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<sup>1</sup> Although the state court receives both state, county, and federal funds it

10. Applicants do not consent to participate in the proceedings of the state court and refuse to act as if there does not exist an involuntary waiver and impairment of their federal rights. They have never received disclosure of the public employment and office of the individual presiding in their case or of the super immunity provision of section 5 of SBX2 11. They have never provided written consent as required by law and the California Constitution and if disclosure were made they would not consent. See Rooney v. Vermont Investment Corporation, 10 Cal.3d 351 (Cal. 1973), People v. Tijerina, 1 Cal.3d 41 (Cal. 1969) (lack of authority and power to act as temporary judge without written stipulation of the parties to the proceeding). Disclosure is not made at the commencement of the proceedings. (i.e. such as in the federal court on assignment to a magistrate judge). Pending implementation of a special judicial election or other method to fill judicial vacancies of office and restoration of official court reporting services and/or policies, court users are trapped in existing court proceedings after enactment of section 5 of SBX2 11. There has not been identification of the appropriate method for a party to terminate the proceedings without prejudice to existing legal rights. (i.e. by tolling the

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does not have a grievance procedure consistent with federal or state law. When applicants have attempted to lodge grievances they have been met with further penalties and retaliation based on their association with the VRA case. Grievances that have been raised included but are not limited the lack of court reporters while barring cameras and other recording devices; the failure to comply with the Limited English Proficiency Plan and access to court interpreters; discrimination and retaliation; ADA access and compliance; the amount and nature of filing fees, processing of appeals; and handling of case and records management. Despite substantial grievances, the state court does not have an adequate or functioning grievance procedure.

statute of limitations to re-file in a different jurisdiction or forum).

11. The requested stay and injunction is needed because applicants are subjected to immediate, continuing irreparable harm when there is not an adequate remedy based on the claims of Eleventh Amendment immunity and the super immunities under section 5 of SBX2 11.

12. The requested stay and injunction is also necessary because there has been a effort to prevent members of the voting rights case from having access to legal representation.

13. The requested stay and injunction is also necessary because independently as shown by the references in Attachment 1 there is a lack of jurisdiction because there has not been an effective remand order by removals made in the listed proceedings.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in Los Angeles, California on October 14, 2019.

s/ Nina R. Ringgold