

19-5238
No. _____

ORIGINAL

FILED

MAY 02 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Arthur Lopez — PETITIONER
(Your Name)

vs.

Irvine Company LLC, The, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Arthur Lopez
(Your Name)

P.O. Box 13081
(Address)

Newport Beach, CA 92658
(City, State, Zip Code)

949.467.0937
(Phone Number)

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JUL - 9 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- 1.) Should Plaintiff and the General Public Interest be permitted to pursue Relief from violations of the Fair Housing Act (1968) or Fair Employment and Housing Act through the Federal Courts' jurisdiction and have Applicable Tolling Doctrines/Laws/Rules of applicable Statute of Limitations permitted for the same without compromising relief awards?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- 1.) Irvine Company LLC, The
550 Newport Center Drive
Newport Beach, CA 92660
- 2.) The Irvine Company Apartment Communities, Inc.
550 Newport Center Drive
Newport Beach, CA 92660
- 3.) Newport Bluffs, LLC
550 Newport Center Drive
Newport Beach, CA 92660
- 4.) The Newport Bordeaux Apartments, LLC
550 Newport Center Drive
Newport Beach, CA 92660

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A -	Decision of the United States Court of Appeals for the Ninth Circuit - December 3 rd , 2018
APPENDIX B -	Decision of the United States District Court, Central District of California June 4, 2018 (Dismissing 2 of 3 causes of action)
APPENDIX C -	Decision of the United States District Court, Central District of California June 20, 2018 (Dismissing 3 rd cause of action)
APPENDIX D -	Decision of the United States District Court, Central District of California August 15 th , 2018 (Denying Motion for Reconsideration)
APPENDIX E -	California Code of Civil Procedure - CCP- 352.1(a)
APPENDIX F -	Continuing Violations Doctrine (Pegram v Honeywell, Inc, 361 F. 3d 272, 27. 5 th Cir. 2004)
APPENDIX G -	Fair Employment and Housing Act (Title 2 Code 12955-12957, 12925 - 12928, 12989.1)
APPENDIX H -	UNruh Civil Rights Act Section 51 of §12955 -
Appendix I -	Plaintiffs' ^{facial} Declaration in Support of Request for Reconsideration 7/20/18 (Modified Excerpt).
Appendix J -	Lease Agreement Copy November 19, 2014 through January 18, 2016.
Appendix K -	Combined Text of Federal and State Cases Combined Summary for Statement of the Case Purposes Only - Not Actual Complaints.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

United States Supreme Court - Conley v. Gibson 355 U.S. 41 (1957)

United States Supreme Court - Burnett v. Ghattan 468 U.S. 42 (1984)

- Appendix E { CA - Carlson v. Blatt (2001) 87 Cal. App. 4th 646, 649-650
- CA - Belton v. Bowens Ambulance Service (1999) 20 Cal 4th 928, 930-931 [§ 352.1 Is A Tolling Provision]
- CA - Rose v. Hudson (2007) 153 Cal. App. 4th 641, 656 [§ 352.1 Places 2yr. limit To Tolling due To Incarceration]
- Appendix F { CA - Cowell v. Palmer TWP., 263 F. 3d 286, 292 (3d Cir 2001) (Citing West v. Philadelphia Elec. Co.)
- Brenner v. Local 514, United Bhd of Carpenters and Joiners of Am. 927 F. 2d 1283, 1295 (3d Cir. 1991)
- Fair Housing Council, Inc v. Vill. of Olde St. Andrews, Inc. 210 Fed. Appx. 469, 2006 WL 3724128, at 11-12 (6th Cir. Dec. 15, 2006)
- Pegram v. Honeywell Inc., 361 F. 3d 272, 279 (S Cir. 2004)

STATUTES AND RULES

United States Constitution - Civil Rights ind. 1st and 14th Amendments

U.S. Title 42 U.S.C. § 3601 - 3619

U.S. Title 42 U.S.C. § 1983, 1985

U.S. Title 18 U.S.C. § 241, 243

U.S. Title 15 U.S.C. § 45 - section 5(a)

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix B + C to D to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was December 3rd, 2018.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including May 2nd, 2019 (date) on MARCH 14th, 2019 (date) in Application No. 18 A 921.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- United States Constitution - Civil Rights under the Fourteenth Amendment and First Amendment
- Fair Housing Act (1968) Title 42 U.S.C. § 3601-3619
- Civil Rights Act Title 42 U.S.C. § 1983 and 1985
- Unruh Act - Sect 51 (California) Appendix 'H'
- Fair Employment and Housing Act (California) (1959) Title 2 Code 12925-1292
12955-1295 Appendix 'G'
- Unfair & Deceitful Business Practices, - Business and Professions Code § 17200
Fraud
- Federal Trade Commission Act - Section 5 - Title 15 U.S.C 45-
Fraud - CA Civil Code § 1572 + § 1709
- "Continuing Violations Doctrine" (Pegram v. Herff, Inc., 361 F.3d 212, 219
Appendix 'F' 5th Cir 2000
- California Code of Civil Procedure - CCP 352.1(a) - Appendix 'E'

STATEMENT of the Case #1

(Statement of Facts)

Most honorable United States Supreme Court this case arises from the defendants' brazen acts of discrimination against a Latino (Mexican Heritage) Family, Male Gender Primary Caregiver Father and Familial Status which includes four minor children ages 11 down to 1 at the time the violations commenced.

To begin, the defendants systematically as a matter of policy refused to rent a Two Bedroom Apartment at all of its Newport Beach Communities to Plaintiff starting in 2013 for years citing the cause of not renting said apartment as the fact that Plaintiff had four children even though "Luke", who is Plaintiff's youngest child, was only a little over one year old! During this period of denying Plaintiff an apartment rental unlawfully due to his "Familial Status" as a continuing violation of CA and Federal Fair Housing Laws, Plaintiff was the Primary Caregiver of his four minor children ages 10, 8, 6 and 1 and was constantly harassed for tending to their every need 24 hours a day. Following a long stay at a Recreational Vehicle Complex, Plaintiff's ex-wife who is white caucasian and female was granted a two bedroom apartment rental at Defendants' Newport Bluffs LLC property by soliciting the rental without Plaintiff or the children initially by phone.

1 Eventually Plaintiff and his children were introduced
2 into the picture and although the defendant refused
3 to honor a lower advertised price from an online
4 forum for the same model unit and they also
5 withdrew acceptance of Plaintiff's family dog
6 which was only a few years old they permitted
7 Plaintiff to move in to the rental having received
8 all the monies demanded through their conversations
9 with Plaintiff's ex-spouse.

10 However, the hostilities ensued from the start
11 aside from renegeing on the lower rate and dog
12 they also made handling of payments and late charges
13 very ambiguous and refused to provide Payment
14 history detail that reflected the running itemization
15 of payment posting dates or late charge posting
16 dates. They verbally assured no late charge
17 would be assessed before five days after the
18 first of the month but later attempted to
19 recant. In addition, they interfered with
20 payments and payment arrangements made with
21 the utility company who was introduced as an
22 independent contractor but later attempted to
23 impose 3 Day Notices to vacate due to arrangements and payment
24 already made with 3rd party utility company. In fact,
25 they even issued 3 Day Notices to vacate when the
26 Rent Pymts had already been made days earlier.
27 Moreover, they misrepresented the payment received date routinely
28 posting dates much later than when received to tarnish Plaintiff's

1 Rental History and to trigger huge late charges.
2 Despite all of this harassment and fraudulent
3 bookkeeping Plaintiff sought to extend his
4 Apartment Rental as his Kids were enrolled
5 in local schools and the lease was due to expire
6 on or about January 18, 2016. However, the defendants then
7 proceeded to deny Plaintiff an Apartment Rental again
8 effective January 19, 2016 through this present day
9 citing this time the rental history they themselves
10 manipulated to negatively distort the Rental Payments
11 as untimely and citing 3-Day Notices that had been
12 issued without cause but rather by their very
13 own harassment and delayed posting schemes.
14 Therefore, despite having fulfilled all the rental
15 payments and having them issue a refund of
16 sorts for overpayments they continue to refuse
17 an apartment rental in violation of Federal and
18 State of California Fair Housing Law as stated as
19 Causes of Action on the Cover of the Complaints filed
20 and provided herein under Statement of Case #2.
21 Additionally the defendants issued a 60 Day Notice
22 To Terminate Tenancy on 11/18/15 - 60 Days prior to the
23 Lease Expiration Date. Consequently, Plaintiff filed
24 his Federal Civil Complaint with the U.S. District Court
25 on January 18, 2018 to avoid any applicable Statute of Limitations.
26 Moreover, Plaintiff has been held in Custody a total of
27 67 Days (11/22/15 - 11/24/15 and 1/12/16 - 2/7/16 and 9/12/16 - 10/18/16)
28 first 30 days due to a misdemeanor conviction on Appeal with this Court via

after Applying
to Renewal
8/15-11/15

Appendix K

a petition for writ of Certiorari Docket #18-8235 (Superior Court Case #15 HM12251), and the latter 37 Days due to the Malicious Prosecution / False Imprisonment / False Arrest which is the basis for an active U.S. Court of Appeals for the 9th Circuit Case #18-56452 (Hopez v. Newport Beach P.D. - District Court Case #17-00488 vsf/mrw) the Superior Court Case was dismissed and case closed by Order of Honorable Judge Robert Marmorek without a trial by the court's motion due to bogus charge and lack of Due Process / Evidence.

Now then this brings us to the U.S. District Court's Error in Dismissing Plaintiff's case under Case # SACV 18-00093-A.J. initially on June 4, 2018 the first two of three causes of action under the Fair Housing Act and Civil Rights Violations (42 USC §3601-3619 and 42 U.S.C. §1983 + 1985) Judge Andrew Guilford dismissed due to the court's error statute of limitations citing - See Appendix B (also see CA Statute of Limitations Codex - Appendix 'F', 'H' and 'E'). Moreover, Judge Andrew Guilford dismissed the 3rd cause of action under the Unfair Business Practice claim on June 20, 2018 (see Appendix 'C') for lack of Subject Matter Jurisdiction. These are all errors since the 2yr. statute of Limitations is not compromised for more than one factor. First, California Code 352.1(a) provides tolling for the number of days in custody of the statute of limitations which has been cited as two years. Consequently since Plaintiff was incarcerated 67 Days between 11/22/2015 and 10/18/16 and since Judge Andrew Guilford cited the 11/18/2015 "60 Day Notice

1 to terminate tenancy' as the last Discriminatory Act, it
2 is quite clear Plaintiff was at least 7 Days
3 early before the Statute of Limitations may have
4 expired in the context of Judge Andrew Guilford's
5 reasoning as stated in his June 4th, 2018

6 Granting of Defendant's Motion to Dismiss Plaintiff's
7 First Two Causes of Action for Statute of Limitations
8 overrun - see page 4 and 5 of Appendix B. Moreover,
9 the 3rd Cause of Action Dismissal is consequently
10 also an error since there is no lack of
11 Subject Matter Jurisdiction if the first
12 two Causes of action are not mistakenly
13 dismissed.

14 In addition, Plaintiff was not permitted to
15 amend his complaint to improve the amount
16 of facts so implied by the court as needed.
17 This is an error since Federal Rules of Civil
18 Procedure encourages the granting of leave to
19 amend.

20 Moreover, Plaintiff requested Reconsideration
21 of the Dismissal timely but was also
22 denied for reasons in error since Plaintiff
23 provided clear case law including decisions
24 and orders previously issued by U.S. District
25 Court Judge Valerie Fairbank from the same
26 district whereby she cited Reconsideration can be
27 extended by District court judges despite an Appeal
28 having been filed by in this case a Pro Se litigant.
See Appendix I.

8.

Page Number

1 This then brought Plaintiff to the U.S. Court of
2 Appeals for the Ninth Circuit who also
3 erred by summarizing that violations of
4 Fair Housing for Discriminatory reasons of protected
5 classes as Frivolous without permitting a
6 review of the total evidence and dismissing the
7 appeal despite obvious errors by the District
8 Court - see United State Supreme Court
9 *Burnett v. Grattan* 468 U.S. 42 (1984) where
10 the court held the importance of the violation/deprivation
11 of Civil Rights as paramount to arguments pertaining
12 to technicalities under the label of Statute of Limitations.
13 Please Take Judicial Notice of U.S. Court of Appeals 9th Cir. #18-55748 where counsel is volunteer judge who
14 For all these reasons and for the facts ^{misrepresented facts causing State Case} ^{To Be Dismissed}
15 offered in the attached Statement of Facts ^{He is also counsel}
16 Plaintiff respectfully seeks this court's ^{in this case.}
17 granting of this Writ of Certiorari Petition.
18

19
20 Humbly and Respectfully submitted,

21
22 Arthur Lopez

May 2nd, 2019

23
24 ARTHUR Lopez

Statement of the Case (continued)
(Excerpt from Reconsideration Request of 7/20/18 - Modified
for Purposes of Statement of the Case only)
Pages 10-17

Honorable United States District
Court for the Central District of California
please accept Plaintiff's Good Cause
Declaration in support of this Request
for Reconsideration of the court's
June 20th, 2018 - June 29th, 2018 -
June 4th, 2018^o tentative June 4th, 2018 - Ruling
June 6th, 2018 Order Dismissal due
to Court Error, with all due respect.

To begin, with respect to Plaintiff's
Fair Housing Act Title 42 U.S.C. § 3601-
3619 Cause of Action, the court's
determination that this should be barred
by the relevant Statute of Limitations
(See Pg 5 of June 4th, 2018^o Tentative Ruling
Section 4.2 "Fair Housing Claims" Line 11-12)
is in error for a few reasons/facts.
First, Plaintiff filed this case on
January 18, 2018^o on the 2 yr. anniversary
of the defendant's last discriminatory
event, since Plaintiff was notified in writing
on November 18th, 2015^o that: "60 Day
Notice to Terminate Tenancy" - Line 1 (Pg 21
exh. 'c' of original complaint filing). Please
Take Notice That Within Sixty (60) Days
after the service on you of this Notice
you are hereby required to quit, vacate,

remove, surrender, and deliver up possession
of the above described premises to landlord."
This is significant since it provides
written confirmation of the defendant's
discriminatory event being carried through
January 18, 2016 (denying Plaintiff of an
apartment rental after this date ~~January 19, 2016~~)
and moreover a violation of 42 U.S.C. Code
§ 3604 and California's Applicable Fair Employment
and Housing Act (CA Govt Code Title 2
Code 12955-57 and as the Forum State
would have apply California's Code 12959.1
(of the Fair Employment and Housing Act) which
states "An aggrieved person may commence
a civil action in court not later than
two years after the occurrence or the
termination of an alleged discriminatory
housing practice". Moreover, as
the Forum state California's qualified
authority exceptions to the applicable
2 yr. statute of limitations (CA Personal Injury
Forum State Guideline in Federal jurisdiction)
in the State of California includes Tolling/
suspension under Code of Civil Procedure
(CCP) Section 352.1(a) which permits
and mandates tolling of the limitations
(1.) until release from incarceration or
(2.) for two years (Carlson v. Blatt (2001))

1 87 Cal. App 4th 646, 49-50; see also
2 Belton v. Bowers Ambulance Service (1999)
3 20 Cal. 4th 928, 30-31 [§ 352.1 is a tolling
4 provision]. Now then having stated this
5 foundation of law - Plaintiff is eligible
6 for tolling under Forum State of California-CCP
7 3052.1 ~~tolling~~ provision since Plaintiff
8 was subjected to a Malicious prosecution
9 by the Newport Beach Police Department's
10 officer Josh Vincelot which included a
11 false arrest and false imprisonment of 37 days
12 from September 12, 2016 through October
13 10th, 2016 and is currently in Federal
14 Civil Litigation under Case # 2:06-cv-01700-JVB
15 and involved the ultimate Dismissal of (11/12/16)
16 the Charges and closing of the Pegasus Charge
17 Case by Most Honorable Superior Court Judge
18 Robert Shannon on or about October 12, 2016
19 after reviewing the prosecution's evidence and
20 considering all the facts without having
21 to go through a trial (see ex. 'a')
22 In addition Plaintiff is involved in
23 an appeal process for two misdemeanor
24 convictions which resulted in a total
25 of 30 days of custody during the following
26 dates: 3 days: November 22, 2015 - November
27 24, 2015 and 27 Days between January 12, 2016 -
28 February 7, 2016 (approx. dates). Therefore, has

1 endured 67 days of incarceration and
2 thus 67 days of applicable tolling
3 for this case and since the
4 Unjustified discriminatory 60-Day
5 Notice to Quit Vacate issued by
6 defendants on November 18, 2015 and
7 Plaintiff's filing of this case was
8 on January 18, 2018 there is
9 absolutely no reasonable question
10 that Plaintiff has more than met
11 the applicable Statute of Limitations
12 for the Forer State of California and
13 thus also the Federal Jurisdiction
14 standard and applied Statute of Limitation
15 for cases involving Causes of Action
16 under the protection of not only the
17 Federal Housing Act Title 42 U.S.C.
18 § 3601-3619 but also the State of
19 California's Fair Employment and Housing
20 Act Cal Govt Code Title 2 Code of
21 Housing Discrimination 12955-12957 and
22 12980-12989.3 and as such should
23 not be barred from litigating this
24 case and specifically the Causes of
25 Action cited under these Housing Act
26 protections and respectfully requests
27 this Court to reverse its earlier
28 ruling(s) related to this subject matter.

Furthermore, under California Law the
Limitations' period begins when the last
essential element to the cause of action
occurs, (Neel v. Magana, Olney, Levy,
Cathcart and Gelfand (1971) 6 Cal 3d 176, 187;
Howard Jarvis Tax Payers Assn. v. City of
La Habra (2001); Norgart v. Upjohn Corp. (1999)
21 Cal 4th 383, 397, 25 Cal 4th 809, 815;
Fox v. Ethicon Endo Surgery, Inc. (2005)
35 Cal 4th 797, 806). Generally speaking,
a cause of action accrues at the time
when the Cause of Action is complete
with all of its elements. Therefore,
Plaintiffs' prior to November 18, 2015, cited
violations by the defendants in the
complaint, going back to 2013 with
respect to apartment rental denials
at various defendant properties/apartment
communities due to Plaintiff's protected
classes including Familial Status, Male
Gender, Mexican Heritage-Hispanic Race
also qualify for tolling under the
Accrual Rule since Plaintiff not
only ultimately was deemed eligible
for apartment rental at Defendant's
Newport Bluffs LLC property in 2014
but then was also then discovered
the additional elements such as

1 defendant's common practice of delaying
2 of posting of Rent payments to trigger
3 exorbitant unlawful late charges and fees,
4 and manipulating of Plaintiff's rental
5 history to then use as a pretext
6 to not renew or permit an apartment
7 rental which did not become evident
8 in writing until the issuance of the
9 November 18, 2015 60 Day Notice
10 to Quit Vacate, terminate Residency
11 which took hold effective January 19, 2016.
12 The tolling of the p^lor violations is
13 also justified and permitted through the
14 ~~Delayed~~ Discovery Rule (Nogart v. Upjohn Co.
15 (1999) 21 Cal 4th 383, 397). Hence all
16 of the cited violations under the
17 protections provided by the Fair Housing
18 Acts are very much within the
19 applicable statute of limitations of
20 the Forum State of California and
21 as such the same @ the Federal
22 Jurisdiction since the applied
23 limitations are drawn from the
24 Forum State.

25 Moreover, the United States Court of
26 Appeals, for the Third Circuit in Cowell,
27 263 F. 3d at 293 (Citing Delaware State
28 College v. Ricks, 449 U.S. 250, 258, 101 S.Ct

1 The State of California also has a Civil Rights Act
2 in the Unruh Civil Rights Act - which covers all of Business
3 and is codified as CA Civil Code Section 51. Therefore,
4 Plaintiff's Civil Rights claims, resulting from
5 defendant's custom of depriving Plaintiff
6 of his U.S. Constitutional Civil Rights,
7 are very much actionable in Civil
8 litigation, and if permitted by this
9 court to have Plaintiff granted his
10 opportunity to amend his complaint for the
11 first time as permitted under
12 Federal Rules of Civil Procedure Rule 15
13 (a)(2) - "Other amendments. In all other
14 cases, a party may amend its pleading
15 only with the opposing party's written consent or
16 the court's leave. The court should freely
17 give leave when justice so requires," the
18 matter of the applicable statute under
19 Federal Jurisdiction may be amended to
20 reflect the California Unruh Civil Rights
21 Act - Section 51

22 III. Lastly, under the June 20th, 2018
23 Order Dismissing For Lack of Subject
24 Matter, Plaintiff refers this court
25 to the issue addressed in the I
26 element related to the Tolling of
27 the Statute of Limitations since
28 the Fair Housing Act should not be
barred for this case was filed timely
given not only Plaintiff's 67 day imprisonment,

1 But also the Continuing Violations Doctrine
2 and various other applicable tolling
3 provisions to the Statute of Limitations described here
4 Now then Plaintiff also asserts the
5 civil application permitted by the
6 Unfair-Deceptive Business Practices provisions
7 within the Federal Trade Commission Act
8 which also permits Civil Penalties.
9 Therefore, Plaintiff respectfully petitions
10 this court to reverse the dismissal of
11 this case for lack of subject matter
12 jurisdiction since not only is the
13 Fair Housing Act Title 42 U.S.C. § 3601-3619
14 jurisdictional subject matter and timely filed
15 with the applicable tolling provisions cited
16 herein but also the Civil Rights claims actionable
17 under the Unruh Civil Rights Act - Section 54
18 which may be amended to the complaint with
19 this court's granting Plaintiff leave to
20 amend under Federal Rules of Civil Procedure
21 Rule 15(a)(2), and finally the Unfair-Deceptive
22 Business Practices also actionable, under the Federal
23 Federal Trade Commission Act - See Truth in Lending/RI
24 United States District Court, Central District
25 of California - Jeremiah Johnson v General Mills,
26 Inc. and Yoplait U.S.A., Inc. Case # 8:10-cv-00061,
27 Lanham Act cases, United States Supreme
28 Court - Pom Wonderful LLC v. The Coca-Cola Company
573 U.S. - (2014).

1 Plaintiff provided names, dates, events and
2 specific defendant communities participating
3 in these discriminatory acts and also
4 has provided documentation as evidence
5 supporting these claims without ambiguity
6 and are undisputed all within the
7 complaint filed which includes 29 pages.
8 In addition, the complaint included facts
9 sufficient to state a claim upon which
10 relief may be granted for the defendant's
11 harassment (a violation of CA Code 12955(f)),
12 unlawful fees (Unfair / Deceptive Business Practices),
13 unlawful late charges, delaying the posting
14 of Plaintiff's rent payments triggering of
15 enormous unlawful late charges and
16 fees, unlawful issuance of 3-Day
17 Verate Notices without merit
18 or justification other to harass, unlawful
19 manipulation and harming of Plaintiff's
20 Rental History with malicious intent
21 to then utilize as an excuse to not
22 rent an apartment in the future at
23 any of defendant's properties.
24 In summary, Plaintiff being required to
25 provide a statement (short and plain)
26 statement of the facts constituting the
27 cause of action and provide the demand
28 for relief sought under both California
Code of Civil Procedure 425.10 and Federal Rules

1 of Civil Procedure 3(a)(1)(2)(3) and Plaintiff
2 having sufficiently provided and met these
3 requirements respectfully requests defendant's
4 Demurres should be overruled (Denied).

5
6 (b) Defendant's Demurres as to the Complaint
7 being barred by the Statute of Limitations
8 should be overruled as this false and
9 untrue. To begin this case I was initially
10 filed in the Federal Jurisdiction on
11 January 18th, 2018 and remained active
12 in the District court until after this
13 State court action was filed ON
14 June 18th, 2018. Moreover, the most
15 recent act of discrimination in denying
16 Plaintiff an apartment rental on
17 January 19th, 2016 (prior lease term ended
18 January 18th, 2016) and was in writing in form
19 of a "November 18, 2015 - "60 Day Notice"
20 "To Terminate Tenancy" - It states on line
21 1 (Page 21 - exhibit of original complaint filing) "Please take
22 Notice That Within Sixty 60 Days after
23 the service on you of this notice, you
24 are hereby required to quit, vacate,
25 remove, surrender, and deliver up possession
26 of the above described premises to landlord."
27 This is significant since it provides written
28 confirmation of the defendant's discriminatory
19.

Defendants Discriminatory

events being carried through January 18th, 2016 and the present day
(denying Plaintiff of apartment rental after this date) and moreover California Fair Employment and Housing Act - CA Govt Code Title 2 (code § 12989.1 clearly states that violations under this Fair Employment and Housing Act under "Housing Discrimination" may as an aggrieved person may commence a civil action in court not later than two years after the occurrence or the termination of an alleged discriminatory housing practice, ... Now then, Plaintiff having filed and initiated his Civil proceedings on January 18th, 2018 satisfies this prerequisite to the day since Plaintiff was compelled to move out after January 18th, 2016 in violation of CODE 12955 (12950-12989.3-12900-12996) (see exh. a).

Moreover, Defendants Demurrer as to time barred should also be overruled since this is false and untrue for additional authority under qualified exceptions to the Statute of Limitations by the State of California Code of Civil Procedure (CCP) section 352.1(d) which tells / suspends the statute of limitations until release from incarceration or (2) for two years (Carlson v. Blatt (2001) 87 Cal. App. 4th 1446, 49-50;

1 see also *Belton v. Bowers Ambulance Service* (1990) 20 Cal.
2 4th 928, 30-31 [§ 352.1 is a telling provision].
3 Having stated this foundation of Law - Plaintiff
4 was subjected to a malicious prosecution by the
5 Newport Beach Police Department's officer Josh Vincent
6 which resulted in the false arrest and false
7 imprisonment of Plaintiff from September 12, 2016
8 through October 18, 2016 Cal + et al of (37) days
9 until Honorable Superior Court Judge Robert D. Hannon
10 Dismissed the ^{Bayer} Charge and Dismissed the Case
11 without a trial being necessary. In addition,
12 Plaintiff is currently involved in an appeal
13 process for two misdemeanor convictions
14 which resulted in a total of 30 days
15 of custody during the following dates
16 39 Days Between November 22, 2015 - November 21, 2015
17 and (27) days Between January 12, 2016 - February
18 7, 2016 (approx two months). Therefore, Plaintiff
19 has accumulated (67) days of telling
20 applicable to the two year statute of limitations
21 on the events described herein, (see ex. b).
22 Furthermore, under California Law the limitations
23 period begins when the "last essential
24 element" to the cause of action occurs,
25 *Neel v. Magana, Olney, Levy, Cathcart*
26 *and Belland* (1971) 6 Cal. 3d 176, 187; *Howard*
27 *Jarvis Tax Bayers Assn. v. City of La Habra* (2001);
28 *Norgait v. Upjohn Co.* (1999) 21 Cal 4th 383, 397

1 25 Cal 4th 809, 815; Fox v. Ethicon Endo Surgery, Inc.
2 (2005) 35 Cal. 4th 797, 806). Generally,
3 speaking, a cause of action accrues
4 at the time when the Cause of Action
5 is complete with all of its elements.
6 An exception to the Statute of Limitation
7 is also the delayed discovery rule (Hogart
8 v. Upjohn Co. (1999) 21 Cal 4th 383, 397).
9 All of these telling authorities are
10 very much applicable since the
11 defendants scheme to deprive
12 Latino, Mexican Heritage, Male, Father
13 of four beautiful babies Familial Status
14 of an apartment rental in Newport Beach,
15 over several years for unlawful
16 reasons, excuses and false deceptive practices
17 ultimately were revealed through the
18 ongoing harassment, misrepresentation
19 collectively by a host of employees
20 from top to bottom. Plaintiff "Lopez"
21 minority as well as African Americans
22 and other non-white ethnic groups are
23 segregated away from the Newport Beach
24 and Irvine Communities as part of the
25 Master Planning that is perpetrated by
26 the defendants in violation of the California
27 Unruh Act, Ca. Civil Code Section 51 (et seq)
28 Therefore, Plaintiff's complaint having

22.

Page Number

1 provided various specific violations of Plaintiff's
2 Civil Rights and Housing Rights from 2013
3 through 2016 is more than justified
4 in applying Tolling on the statute of
5 limitations for all the discriminatory
6 acts of the defendants described under
7 California's "Discovery" laws, see also
8 *Teitelbaum v. Borders*, 1962 206 Cal. App.
9 2d 634, 639 - "Aggrieved Parties generally
10 need not know the exact manner in which
11 their injuries were "affected", nor the
12 identities of all parties^{to} who may have
13 played a role therein."

14 Now therefore Plaintiff respectfully submits
15 to this court that all actionable violations
16 herein described within the complaint meet
17 all statute of limitation provisions and
18 all tolling provisions described are applicable
19 to the events described and where, the
20 denial of an apartment rental effective
21 January 19, 2016^{through the present} as described by the
22 defendants November 18, 2015 60 Day Notice
23 in itself is within the standard
24 2yr. statute of limitations and a
25 foreseeable act under not only the
26 California Employment and Housing Act (the
27 Code §12955-12957, 12980-12989, 3 (12900-12996)),
28 and also Unfair / Deceptive Business Practice - Business

23.

Page Number

and move
out demand
after 11/18/16
===

1 and Professions Code (16000-18,001) [17200-17210]
2 Rental so all Civil Rights Acts State and Federal
3 including the Unruh Act Section 51
4 (Unruh Civil Rights Act See ex. C). Moreover,
5 since California law authorizes the
6 suspension of the Statute of Limitations
7 under the exceptions described herein, for
8 incarceration time (107 days in this case),
9 "accrual" to the last essential element
10 to the cause of action" and discovery (delayed) rule,
11 Plaintiff's complaint and causes of action
12 are compliant entirely to the applicable
13 limitation period and as such respectfully
14 submits to this court defendants demands / District
15 for time barred should be overruled since COURT
16 Facts related to defendants violations of the Fair Dismissal
17 California's Fair Employment and Housing Act (42 USC 3601-3619
18 under CA Govt. Code Title 2 Code 12955-12957
19 and others are described throughout the complaint
20 including the repeated denial of an apartment
21 rental from 2013 and through January of 2016 and through the
22 due to Plaintiff's Familial Status (Plaintiff's present
23 18 mo. old boy, this fourth minor child as reason
24 not to make a 2 bedroom apartment for rent), and his
25 Mexican roots - Hispanic Race / Heritage, and male
26 gender all of which violate 42 U.S.C. 3601-3619.
27
28

- For Statement of the Case
Purposes Only - Excerpts and

IV. STATEMENT OF FACTS

cont.

(Summary-Combined)
(Complaint Text
for Federal
and State Cases)

This case is brought against
defendants, The Irvine Company Apartment
Communities, Inc.; Newport Bluffs LLC;
Irvine Company LLC, The; Newport
Bordeaux Apartments LLC by Plaintiff,
Arthur Lopez for deprivation of his
rights as provided under the Fair Housing
Act - 42 U.S.C. 3604 and 42 U.S.C. 1985+1983.
Plaintiff who was born February 7, 1967

in Los Angeles, California is of Mexican
Hispanic Heritage/Race and is the
father of four children for whom he was
the primary caregiver of during the period
defendants' unlawful acts occurred.

In fact, the following complaint details will
describe how the defendants conspired to
interfere with Plaintiff's rights as a matter

of standard business practice due to his
race, sex & familial status by refusing
to rent apartments, discriminate in
the terms, conditions and privileges of
rental of an apartment dwelling over a
period of 3-4 years. The most recent
lease with defendants Newport Bluffs LLC,

The Irvine Company
Apartment
Communities, Inc.,

25.

Page Number

Irvine Company LLC
Newport
and Bordeaux Apartments
LLC

1. Would have been January 18, 2016 effectively,
2. since Plaintiff had sought to
3. occupy and make effective apartment
4. rental on January 19, 2016. Unfortunately,
5. Defendants collectively conspired to
6. deprive Plaintiff and his family of Fair
7. Housing by denying an apartment rental
8. despite apartment units being available.
9.

10. Defendants also as a matter of standard
11. business practice discriminated against
12. Plaintiff in the terms, conditions and
13. privileges of rental apartment dwelling
14. due to the same protected classes of
15. sex/gender (male), race, familial
16. status.

17. In fact, Plaintiff was told his
18. family pet ~~dog~~ would not be permitted
19.

20. Despite other tenants being allowed
21. to keep their dogs indoors. Additionally,
22. advertised pricing online would not be
23. honored despite presenting documentation
24. confirming lower price and instead higher
25. rate would be quoted in person, and imposed,
26. through leasing agents @ Leasing Office.
27. Defendant Newport Bluffs LLC also harassed
28. Plaintiff by issuing unjustified fees and
29. notices to harm 26.

1 plaintiff contacted by phone and in
2 person the office of Chairman/owner
3 Donald Bren @ 550 Newport Blvd;
4 Newport Beach, CA 92660 and also
5 discussed these serious issues with staff
6 @ "The Irvine Company Apartment Communities, Inc."
7 and General Manager Brent Christanson @
8 Newport Bluffs LLC and also Mgr. @
9 Newport Bordeaux Apartments LLC. All
10 were made aware of the serious nature
11 of the defendants' unlawful policies, protocols,
12 standard operating procedures that are in
13 violation of Fair Housing Act protections.
14 Plaintiff also notified Federal and State
15 authorities, CA Dept. of Fair Employment and
16 Housing - Case # D600341 - Inv. Nor. Moreno
17 661-3950-2562.

18
19 In addition to these unlawful acts, defendants.
20 "The Irvine Company Apartment Communities, Inc." (I.A.C.),
21 Newport Bluffs, LLC and an additional
22 (I.A.C.) property named Promontory Point
23 located @ 200 Promontory Drive West, Newport
24 Beach, CA 92660 - 866.828-7310 all
25 refused to permit Plaintiff to rent apartment (2 Bdr room)
26 dwelling for his family due to his familial
27 status citing his 18 month old son as an
28 impediment since Plaintiff had 3 other minor children
(ages 11, 8, 7).

28.

Page Number

1 Plaintiff has suffered tremendously along
2 with his family as a result of defendant's
3 discrimination against Plaintiff due to
4 his male gender (being the primary caregiver
5 of his 4 minor children), hispanic-mexican
6 race (Lopez last name), familial status
7 (having four children, including Baby Locke
8 only 18 mos to 4 yrs old during the period described).

9 In fact, Plaintiff has gone through a
10 Divorce and his family unit disrupted
11 premeditatively. For these reasons
12 Plaintiff would seek Pain and Suffering
13 damages along with attorney's fees and costs.

14 Defendant's unlawful sinister acts to
15 conspire to interfere with Plaintiff's civil
16 rights, to Fair Housing - Rental, privileges
17 are actionable for the recovery of damages
18 under the Fair Employment Housing Act and Unruh Act and as
19 such is Humbly and respectfully requested
20 to the full extent of California Law.

21 40 Federal
22 Plaintiff respectfully requests court take
23 judicial notice of ~~Appendix~~ "K", which
24 reflects a copy of the full amount of
25 the May Rent in the amount of \$2635.00
26 payable in Certified funds from Federally
27 chartered Schools First Federal Credit Union
28 delivered to defendant Newport Bluffs LLC

30.

Page Number

42 U.S.C. §1985
+ 1983
+ 3601
3619

1 Resident Services Staff with initials displayed
2 as "received 5/2/15" and also exhibit "B"
3 which reflects Defendant Newport Bluffs
4 LLC Three Day Notice to Pay Rent or
5 Surrender Possession & Notice to Perform
6 Covenant or Deliver Possession of Premises
7 dated 5/5/2015 delivered to Mexican
8 Heritage Plaintiff on "Cinco De Mayo"
9 via personal delivery to the front door
10 residence of the "Lopez Family".
11 Plaintiff submits these as clear and
12 irrefutable evidence and confirmation
13 of defendant's unrelenting discrimination,
14 harassment of Plaintiff and his
15 family since the full rent due
16 for May was paid timely and yet
17 a notice to vacate was presented
18 with malice on the Cinco De Mayo annual
19 celebration commemorated by the Mexican
20 Heritage on full knowledge rent had
21 already been satisfied days in advance.

22
23 Please take Judicial Notice this action was
24 initially filed in the United States Central
25 District Court on January 18, 2018 and
26 has been in litigation actively ever since.
27 Moreover, Plaintiff seeks to preserve CA State
28 Statute Causes of Action and therefore files in this jurisdiction.

31.

Page Number

Moreover, Plaintiff having filed the initial case in the federal district court on January 18, 2018 on the 2nd year anniversary of the defendants' last discriminatory act which occurred on January 19, 2016, provides the authority to tolling of the applicable Statute of Limitations for this court's filing of this case on June 18, 2018 under the Alternative Second Claim Tolling Rule since Plaintiff having several legal remedies (ie the Fair Housing Act/Federal Trade Commission Act/Title 42, etc.), "reasonably and in good faith," "timely" (within the Statute of Limitations) pursued one of them but believing the second "similar" claim is unnecessary or can't be filed until the first remedy is pursued; and the defendant is not prejudiced because the first claim alerts the defendant to begin investigating the facts which form the basis for the second factually similar claim, see *Collier v. City of Pasadena* (1983) 142 Cal App. 3d 917, 924-926; *Myers v. County of Orange* (1970) 6 CA3d 626, 634. Secondly, as the Forum State, California's qualified authority exceptions to the 2 yr. Statute of Limitations include Tolling/Suspension under Code of Civil Procedure C.C.P. Section 352.1(a) which permits and mandates Tolling of the limitations

(1) until release from incarceration or
(2) for two years [Carlson v. Blatt (2001)]
87 Cal App 4th 646, 49-50; see also
Belton v. Bowers Ambulance Service (1999)
20 Cal 4th 928, 30-31 & 352.1 is a tolling
provision. Now then, Plaintiff having
been maliciously prosecuted by the
defendant in District Court Case # SACV
17-00488 VBF (MRW) was compelled to remain
in custody for 37 days between 9/12/16-10/18/16.
In addition, Plaintiff was ordered to
30 days in custody in January of 2016
for a misdemeanor conviction which
remains on Appeal but Plaintiff fulfilled
the 30 days incarceration on February 6th of 2016.
Therefore, Plaintiff has accumulated
67 days of Tolling allowance and as
such I then also filed this case
within 2 yrs and 60 days of another
of the defendants discriminatory violation
which occurred on November 18, 2015
issuing a ⁶⁰⁹⁹ Notice to Vacate-Terminate
Tenancy in violation of 42 U.S. Code § 3604, 3601-3619.

Third, under California Law-Forum
State - the limitations period begins
when the last essential element
to the cause of action occurs

1 C. Neal v. Magana, Olney, Levy,
2 Cathcart and Helfand (1971)
3 6 Cal 3d 176, 187; Howard Jarvis
4 Tax Payers Assn. v. City of Los
5 Angeles (2001); Norgart v. Upjohn Co (1999),
6 21 Cal 4th 383, 397 25 Cal 4th 809, 815
7 Fox v. Ethicon Endo Surgery, Inc (2005)
8 35 Cal 4th 797, 806). Generally speaking,
9 a cause of action accrues at the
10 time when the cause of action is
11 complete with all of its elements.
12 Therefore, all Pre - November 2015
13 violations by the defendants - apartment
14 rental denials qualify for tolling
15 under the Accrual Rule.

17 Fourth, since Plaintiff discovered
18 the defendants' scheme of delaying
19 posting of payments for rent received
20 by many days up to a week to
21 trigger exorbitant late charges and
22 tarnish Plaintiff's Rental history
23 to bar renewal of lease until
24 the end of 2015 Tolling for
25 earlier violations is also qualified
26 under the Delayed Discovery Rule
27 (Norgart v. Upjohn Co (1999) 21 Cal 4th
28 383, 397)

Therefore for all the reasons cited above related to permitted Tolling parameters all of the Plaintiff's cited violations by the defendants are actionable and not in conflict with any statute of limitations as prescribed by the Forum State of California.

Fifth, the United States Court of Appeals, for the Third Circuit in *Cowell*, 263 F.3d at 293 (citing *Delaware State College v. Ricks*, 449 U.S. 250, 258, 101 S.Ct. 498, 66 C. Ed. 2d 431 (1980); cited the Continuing Violations Doctrine as an equitable exception to the timely filing requirement. If the conduct of a defendant is part of a continuing practice, an action is timely so long as the last act evidencing the continuing practice falls within the limitations period; in such an instance, the court will grant relief for the earlier related acts that would otherwise be time barred. The Third Circuit Court of Appeals also has outlined three 35. factors for courts to consider:

1) Subject Matter - whether the violations constitute the same type of discrimination, tending to connect them in a continuing violation;
2) Frequency - whether the acts are recurring; 3) Degree of Perseverance - whether the act had a degree of permanence. Here violations @ multiple defendant properties / Denying Apartment

to the most recent apartment rental denial in 2016 for the same reasons and for the manipulated payment of rent history by delaying the posting of the payment as a matter of policy and by harassing Plaintiff with unjustified 3-Day and 60-Day Notices to Quit/Vacate. As such the continuing violations doctrine warrants the tolling/suspension of the Statute of Limitations for all of the events described in the complaint.

In addition, the "Continuing Violations Doctrine" in Civil Rights cases has also applied, see Virginia Hospital Association v. Baliles 868 F. 2d 653 - United States Court of Appeals, Fourth Circuit No. 88-1306 whereby the Court found defendants ongoing Constitutional violations caused the Statute of Limitations would not have begun to run until the violation ended. Also see Palmer v. Board of Education of City of Chicago, 603 F.2d 1271, United State Court of Appeals, Seventh Circuit, "series of wrongful acts" "create a series of claims" finding the lawsuit timely.

Finally, the Continuing Violations Doctrine also applies in "False Imprisonment" for

360

Page Number

1 it constitutes a pure continuing violation,
2 and as such generally, as a rule, a false
3 imprisonment accrues for limitations purposes
4 only when the prisoner is released, *Donaldson v.*
5 *O'Connor*, 493 F.2d 507, 529 (5th Cir 1974).

6 In closing, one simple methodology recognizes
7 a continuing violation when a plaintiff alleges
8 a series of continual unlawful acts that
9 extends into the limitations period prior to suit,
10 *Ward v. Caulk*, 650 F.2d 1144, 1147
11 (9th Cir 1981); see also *Nat'l Adver. Co. v.*
12 *City of Raleigh*, 947 F.2d 1158, 1166 (4th Cir 1991);
13 *Perez v. Laredo Junior Coll.*, 706 F.2d 731,
14 733-34 (5th Cir 1983); cf. *S.E.C. v. Caserta*,
15 75 F.Supp.2d 79, 89 (E.D.N.Y. 1999) (noting
16 that a continuing violation exists "when a violation
17 occurring outside the limitations period is so
18 closely related to other violations which are not
19 time-barred as to be viewed as part of a
20 continuing practice for which recovery should
21 be had for all violations");

22 The doctrine relieves a plaintiff of a limitations
23 bar if he can show a series of related
24 acts to him, one or more of which falls
25 within the limitations period; see
26 *Pegram v. Honeywell, Inc.*, 361 F.3d 272, 279
27 (5th Cir 2004). See *Burnett v. Shattuck*
28 468 U.S. 42 (1984) - U.S. Supreme Court No. 83-264.

Defendants having displayed and having deprived Plaintiff of an apartment rental from 2013 and most recently in 2016 demonstrates clearly a pattern of violations identical in nature of the discrimination for Familial Status, Male Gender, Hispanic-Race/Mexican-Heritage and then harassing Plaintiff regularly between 11/2014 - 01/2018 with unjustified 3-Day and 60 Day Notices to Quit/Vacate qualify as clear related violations as such all warrant tolling under the Continuing Violations Doctrine / Accrual / Delayed Discovery / and Imprisonment Exception PROVISIONS of the Statute of Limitations.

Lastly Department of Fair Employment and Housing Complaint remains in investigation in 2018 and as such Administrative Delays in Process also extend Limitations Period.

Resigned 5/1/19

Arthur Lopez
ARTHUR LOPEZ

38.

Page Number

REASONS FOR GRANTING THE PETITION

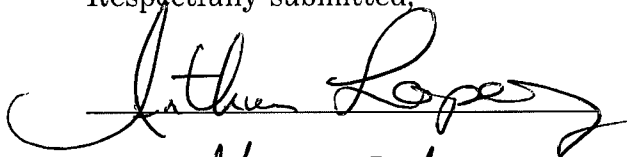
This Petition Should Be Granted To Eliminate the barriers that exist in Newport Beach, California and surrounding communities like Irvine, California, preventing Mexican Heritage - Hispanic / Latino ^(only 2.88% Mexican-Latino in a county where Hispanics are 35%) with children from renting apartments at the most affordable / non-inflated price and be free of harassment, discrimination, fraud, disturbance and harm physically and economically including the negative manipulation of payment history and rental history.

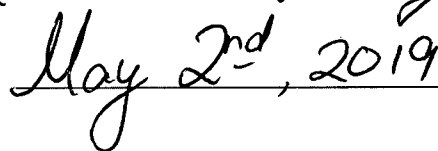
Moreover, minorities as described above and African Americans ^(.53%) must not be barred from Rental Housing due to Familial status nor due to their Race, Gender or Religion and through the Fraudulent schemes of administrative staff and unlawful processes such as delaying of rental payments' posting and more significantly the false payment "received" date to negatively impact tenants who are targeted by their ^{schem} to furnish rental history ^{and} to later use as a false pretext for refusing apartment rental.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, reading "Nathan Lopez", written over a horizontal line.

Date: A handwritten date "May 2nd, 2019" written in cursive script, with the day and month in a larger, more decorative font.