APPENDIX "1"

1st Amendment,

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

This amendment has been interpreted in *Borough of Duryea, Pa. v. Guarnieri*, 564 U.S. 379 (2011) and *Martinez, supra.*

5th Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The analysis of substantive rights are limited to question previously raised or resolve and when "liberty" is interpreted precludes relief that failed to provide adequate notice. See *Timbs, supra*, at 690-92, 695.

10th Amendment

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

To enforce issues purported to have been raised in a state court as the breach of contract claims it must be established by the record and this Court as the USSC would review pure state law questions. See *No Waterworks v. L.A. Sugar*, 125 U.S. 18, 29 (1888).

Article I, Section 8, Clause 9.

To constitute tribunals inferior to the Supreme Court;

Established law must applied and follow the same way in every court. See

Molina-Martinez v. United States, 136 S.Ct. 1338, 1342, 1344, 1347-48 (2016); Compare, *Martin v. Hunter's Lessee,* 14 U.S. 304, 347-48 (1816) (*Martin*).

Art. I, Sect. § 18, Cl. 8,

Article 1, Section 8, Clause 18.

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

This provision was interpreted in *United States v Comstock*, 560 U.S. 126 (2010).

Article IV, Section §§ 1-2

Section 1.

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2.

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled,

be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Moor, supra has interpreted this provision under diversity jurisdiction.

Article VI, Section § 2

This Constitution and laws of the United States which shall be made in Pursuance thereof; and all treaties made, or which shall be made, under the Authority of the United States, shall be supreme Law of the Land; and the Judges in every state shall be bound thereby, any Thing in the Constitution or Laws of any State to the contrary notwithstanding.

Crosby and *Exceptional Child* interpreted this provision.

FEDERAL STATUTES

28 U.S.C. § 1291,

The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. The jurisdiction of the United States Court of Appeals for the Federal Circuit shall be limited to the jurisdiction described in sections 1292(c) and (d) and 1295 of this title.

(June 25, 1948, ch. 646, 62 Stat. 929; Oct. 31, 1951, ch. 655, §☐48, 65 Stat. 726; Pub. L. 85–508, §☐12(e), July 7, 1958, 72 Stat. 348; Pub. L. 97–164, title I, §☐124, Apr. 2, 1982, 96 Stat. 36.)

McCauley II interpreted this statute as nullifying review when, federal "not California" decisions are void.

28 U.S.C. § 1292,

Interlocutory Appeals

(a) Except as provided in subsections (c) and (d) of

this section, the courts of appeals shall have jurisdiction of appeals from:

(1)

Interlocutory orders of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, or of the judges thereof, granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions, except where a direct review may be had in the Supreme Court;

(2)

Interlocutory orders appointing receivers, or refusing orders to wind up receiverships or to take steps to accomplish the purposes thereof, such as directing sales or other disposals of property;

(3)

Interlocutory decrees of such district courts or the judges thereof determining the rights and liabilities of the parties to admiralty cases in which appeals from final decrees are allowed.

(b)

When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a

controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order.
The Court of Appeals which would have jurisdiction of an appeal of such action may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: Provided, however, That application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or the Court of Appeals or a judge thereof shall so order.

(c) The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction—

(1)

of an appeal from an interlocutory order or decree described in subsection (a) or (b) of this section in any case over which the court would have jurisdiction of an appeal under section 1295 of this title; and

(2)

of an appeal from a judgment in a civil action for

patent infringement which would otherwise be appealable to the United States Court of Appeals for

the Federal Circuit and is final except for an accounting.

(d)

(1)

When the chief judge of the Court of International Trade issues an order under the provisions of section 256(b) of this title, or when any judge of the Court of International Trade, in issuing any other interlocutory order, includes in the order a statement that a controlling question of law is involved with respect to which there is a substantial ground for difference of opinion and that an immediate appeal from that order may materially advance the ultimate termination of the litigation, the United States Court of Appeals for the Federal Circuit may, in its discretion, permit an appeal to be taken from such order, if application is made to that Court within ten days after the entry of such order.

(2)

When the chief judge of the United States Court of Federal Claims issues an order under section 798(b) of this title, or when any judge of the United States Court of Federal Claims, in issuing an interlocutory order, includes in the order a statement that a controlling question of law is involved with respect

to which there is a substantial ground for difference of opinion and that an immediate appeal from that order may materially advance the ultimate termination of the litigation, the United States Court of Appeals for the Federal Circuit may, in its discretion, permit an appeal to be taken from such order, if application is made to that Court within ten days after the entry of such order.

(3)

Neither the application for nor the granting of an appeal under this subsection shall stay proceedings in the Court of International Trade or in the Court of Federal Claims, as the case may be, unless a stay is ordered by a judge of the Court of International Trade or of the Court of Federal Claims or by the United States Court of Appeals for the Federal Circuit or a judge of that court.

(4)

(A)

The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction of an appeal from an interlocutory order of a district court of the United States, the District Court of Guam, the District Court of the Virgin Islands, or the District Court for the Northern Mariana Islands, granting or denying, in whole or in part, a motion to transfer an action to

the United States Court of Federal Claims under section 1631 of this title.

(B)

When a motion to transfer an action to the Court of Federal Claims is filed in a district court, no further proceedings shall be taken in the district court until 60 days after the court has ruled upon the motion. If an appeal is taken from the district court's grant or denial of the motion, proceedings shall be further stayed until the appeal has been decided by the Court of Appeals for the Federal Circuit. The stay of proceedings in the district court shall not bar the granting of preliminary or injunctive relief, where appropriate and where expedition is reasonably necessary. However, during the period in which proceedings are stayed as provided in this subparagraph, no transfer to the Court of Federal Claims pursuant to the motion shall be carried out.

(e)

The Supreme Court may prescribe rules, in accordance with section 2072 of this title, to provide for an appeal of an interlocutory decision to the courts of appeals that is not otherwise provided for under subsection (a), (b), (c), or (d).

(June 25, 1948, ch. 646, 62 Stat. 929; Oct. 31, 1951, ch. 655, §☐49, 65 Stat. 726; Pub. L. 85–508,

§☐12(e), July 7, 1958, 72 Stat. 348; Pub. L. 85–919, Sept. 2, 1958, 72 Stat. 1770; Pub. L. 97–164, §☐125, Apr. 2, 1982, 96 Stat. 36; Pub. L. 98–620, title IV, §☐412, Nov. 8, 1984, 98 Stat. 3362; Pub. L. 100–702, title V, §☐501, Nov. 19, 1988, 102 Stat. 4652; Pub. L. 102–572, title I, §☐101, title IX, §§☐902(b), 906(c), Oct. 29, 1992, 106 Stat. 4506, 4516, 4518.)

The BAP for the 6th Cir. recently interpreted this statute so as to cause review that advanced the proceedings, even if never resolved, before. *In re Linda J. Lane*, No. 18-8042 (6th Cir. BAP April 29, 2019).

28 U.S.C. § 1927,

Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct.
(June 25, 1948, ch. 646, 62 Stat. 957; Pub. L. 96–349, §☐3, Sept. 12, 1980, 94 Stat. 1156.)

The statute is worded so that, if plausibility is

lacking *F.D. Rich Co.* holds the filing party responsible where as California law and Eng would not. *F.D. Rich Co. v. United States ex rel Industrial Lumber Co.*, 417 U.S. 116, 129 (1974); Compare, *Eng v. Brown*, No. D071773 (March 22, 2018) (*Eng*).

42 U.S. C. §1981.

Equal rights under the law (a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

(b) "Make and enforce contracts" defined

For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c) Protection against impairment

The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

(R.S. §1977; Pub. L. 102–166, title I, §101, Nov. 21, 1991, 105 Stat. 1071.)

This statute applies to contract and breaches thereof. See *Patterson v. McLean Credit Union*, 491 U.S. 164, 171-72, 176-77 (1989) (*Patterson*).

42 U.S. C. § 1981a,
Damages in cases of intentional discrimination in employment (a) Right of recovery (1) Civil rights

In an action brought by a complaining party under section 706 or 717 of the Civil Rights Act of 1964 [42 U.S.C. 2000e–5, 2000e–16] against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) prohibited under section 703, 704, or 717 of the Act [42 U.S.C. 2000e–2, 2000e–3, 2000e–16], and provided that the complaining party cannot recover under section 1981 of this title, the complaining party may recover compensatory and punitive damages as allowed in subsection (b), in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent.

(2) Disability

In an action brought by a complaining party under the powers, remedies, and procedures set forth in section 706 or 717 of the Civil Rights Act of 1964 [42 U.S.C. 2000e–5, 2000e–16] (as provided in section
107(a) of the Americans with Disabilities Act of 1990
(42 U.S.C. 12117(a)), and section 794a(a)(1) of title 29, respectively) against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) under section 791 of title 29 and the regulations implementing section 791 of title 29, or who violated the requirements of section 791 of title 29 or the regulations implementing section 791 of title 29 concerning the provision of a reasonable accommodation, or section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112), or committed a violation of section 102(b)(5) of the Act, against an individual, the complaining party may recover compensatory and punitive damages as allowed in subsection (b), in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent.

(3) Reasonable accommodation and good faith effort

In cases where a discriminatory practice involves the provision of a reasonable accommodation pursuant to section 102(b)(5) of the Americans with Disabilities Act of 1990 [42 U.S.C. 12112(b)(5)] or regulations implementing section 791 of title 29, damages may not be awarded under this section where the covered entity demonstrates good faith efforts, in consultation with the person with the disability who has informed the covered entity that accommodation is needed, to identify and make a reasonable accommodation that would provide such individual with an equally effective opportunity and would not cause an undue hardship on the operation of the business.

(b) Compensatory and punitive damages (1) Determination of punitive damages

A complaining party may recover punitive damages under this section against a respondent (other than a government, government agency or political subdivision) if the complaining party demonstrates that the respondent engaged in a discriminatory practice or discriminatory practices with malice or with reckless indifference to the federally protected

rights of an aggrieved individual.

(2) Exclusions from compensatory damages Compensatory damages awarded under this section shall not include backpay, interest on backpay, or any other type of relief authorized under section 706(g) of the Civil Rights Act of 1964 [42 U.S.C. 2000e–5(g)].

(3) Limitations The sum of the amount of compensatory damages awarded under this section for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, and the amount of punitive damages awarded under this section, shall not exceed, for each complaining party—

(A)

in the case of a respondent who has more than 14 and fewer than 101 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $50,000; **(B)**

in the case of a respondent who has more than 100 and fewer than 201 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $100,000; and

///

(C)

in the case of a respondent who has more than 200 and fewer than 501 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $200,000; and

(D)

in the case of a respondent who has more than 500 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $300,000.

(4) Construction

Nothing in this section shall be construed to limit the scope of, or the relief available under, section 1981 of this title.

(c) Jury trial If a complaining party seeks compensatory or punitive damages under this section—

(1) any party may demand a trial by jury;

and

(2) the court shall not inform the jury of the limitations described in subsection (b)(3).

(d) Definitions As used in this section:

(1) Complaining party The term "complaining party" means—

(A) in the case of a person seeking to bring an action under subsection (a)(1), the Equal Employment Opportunity Commission, the Attorney General, or a person who may bring an action or proceeding under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) in the case of a person seeking to bring an action under subsection (a)(2), the Equal Employment Opportunity Commission, the Attorney General, a person who may bring an action or proceeding under section 794a(a)(1) of title 29, or a person who may bring an action or proceeding under title I of the Americans with Disabilities Act of 1990 [42 U.S.C. 12111 et seq.].

(2) Discriminatory practice

The term "discriminatory practice" means the discrimination described in paragraph (1), or the discrimination or the violation described in paragraph (2), of subsection (a).

(R.S. §1977A, as added Pub. L. 102–166, title I, §102, Nov. 21, 1991, 105 Stat. 1072.)

This statute applies to define discrimination. See *Patterson*; Circuit City.

42 U.S.C. § 1983,

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

(R.S. § 1979; Pub. L. 96–170, §1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104–317, title III, §309(c), Oct. 19, 1996, 110 Stat. 3853.)

This statute allows Constitution relief to be raised within it. *Borough of Duryea, Pa. v. Guarnieri*, 564 U.S. 379 (2011).

42 U.S.C. § 1396a

(a)CONTENTS A State plan for medical assistance must—

(1)

provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them;

(2)

provide for financial participation by the State equal to not less than 40 per centum of the non-Federal share of the expenditures under the plan with respect to which payments under section 1396b of this title are authorized by this subchapter; and, effective July 1, 1969, provide for financial participation by the State equal to all of such non-Federal share or provide for distribution of funds from Federal or State sources, for carrying out the State plan, on an equalization or other basis which will assure that the lack of adequate funds from local sources will not result in lowering the amount, duration, scope, or quality of care and services available under the plan;

(3)

provide for granting an opportunity for a fair hearing before the State agency to any individual whose claim for medical assistance under the plan is denied or is not acted upon with reasonable promptness;

(4)

provide (A) such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods, and including provision for utilization of

professional medical personnel in the administration and, where administered locally, supervision of administration of the plan) as are found by the Secretary to be necessary for the proper and efficient operation of the plan, (B) for the training and effective use of paid subprofessional staff, with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency, (C) that each State or local officer, employee, or independent contractor who is responsible for the expenditure of substantial amounts of funds under the State plan, each individual who formerly was such an officer, employee, or contractor, and each partner of such an officer, employee, or contractor shall be prohibited from committing any act, in relation to any activity under the plan, the commission of which, in connection with any activity concerning the United States Government, by an officer or employee of the United States Government, an individual who was such an officer or employee, or a partner of such an officer or employee is prohibited by section 207 or 208 of title 18, and (D) that each State or local officer, employee, or independent contractor who is responsible for selecting, awarding, or otherwise obtaining items and services under the State plan shall be subject to safeguards against conflicts of interest that are at least as stringent as

the safeguards that apply under chapter 21 of title 41 to persons described in section 2102(a)(3) of title 41;

(5)

either provide for the establishment or designation of a single State agency to administer or to supervise the administration of the plan; or provide for the establishment or designation of a single State agency to administer or to supervise the administration of the plan, except that the determination of eligibility for medical assistance under the plan shall be made by the State or local agency administering the State plan approved under subchapter I or XVI (insofar as it relates to the aged) if the State is eligible to participate in the State plan program established under subchapter XVI, or by the agency or agencies administering the supplemental security income program established under subchapter XVI or the State plan approved under part A of subchapter IV if the State is not eligible to participate in the State plan program established under subchapter XVI;

(6)

provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

(7)provide—

(A)safeguards which restrict the use or disclosure of information concerning applicantsand recipients to purposes directly connected with—

(i)

the administration of the plan; and

(ii)

the exchange of information necessary to certify or verify the certification of eligibility of children for free or reduced price breakfasts under the Child Nutrition Act of 1966 [42 U.S.C. 1771 et seq.] and free or reduced price lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.], in accordance with section 9(b) of that Act [42 U.S.C. 1758(b)], using data standards and formats established by the State agency; and

(B)that, notwithstanding the Express Lane option under subsection (e)(13), the State may enter into an agreement with the State agency administering the school lunch program established under the Richard B. Russell National School Lunch Act under which the Stateshall establish procedures to ensure that—

(i)

a child receiving medical assistance under the State plan under this subchapter whose family income does not exceed 133 percent of the poverty line (as defined in section 9902(2) of this title, including any revision required by such section), as determined without regard to any expense, block, or other income disregard, applicable to a family of the size involved, may be certified as eligible for free lunches under the Richard B. Russell National School Lunch Act and free breakfasts under the Child Nutrition Act of 1966 without further application; and

(ii)
the State agencies responsible for administering the State plan under this subchapter, and for carrying out the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), cooperate in carrying out paragraphs (3)(F) and (15) of section 9(b) of that Act [42 U.S.C. 1758(b)];

(8)
provide that all individuals wishing to make application for medical assistance under the plan shall have opportunity to do so, and that such assistance shall be furnished with reasonable promptness to all eligible individuals;

Shewry interpreted this statute. *Shewry v. Arnold*, 22 Cal. Rptr. 3d 488, 492 [125 Cal. App.4 186] (2004); also see *Ringer*, *supra*.

28 U.S.C. § 2101, Supreme Court; time for appeal or certiorari; docketing; stay (a)

A direct appeal to the Supreme Court from any decision under section 1253 of this title, holding unconstitutional in whole or in part, any Act of Congress, shall be taken within thirty days after the entry of the interlocutory or final order, judgment or decree. The record shall be made up and the case docketed within sixty days from the

time such appeal is taken under rules prescribed by the Supreme Court.

(b)

Any other direct appeal to the Supreme Court which is authorized by law, from a decision of a district court in any civil action, suit or proceeding, shall be taken within thirty days from the judgment, order or decree, appealed from, if

interlocutory, and within sixty days if final. **(c)** Any other appeal or any writ of certiorari intended to bring any judgment or decree in a civil action, suit or proceeding before the Supreme Court for review shall be taken or applied for within ninety days after the entry of such judgment or decree. A justice of the Supreme Court, for good cause shown, may extend the time for applying for a writ of certiorari for a period not exceeding sixty days.

(d)

The time for appeal or application for a writ of certiorari to review the judgment of a State court in a criminal case shall be as prescribed by rules of the Supreme Court.

(e)

An application to the Supreme Court for a writ of certiorari to review a case before judgment has been rendered in the court of appeals may be made at any time before judgment.

(f)

In any case in which the final judgment or decree of any court is subject to review by the Supreme Court on writ of certiorari, the execution and enforcement of such judgment or decree may be stayed for a reasonable time to enable the party aggrieved to obtain a writ of certiorari from the Supreme Court. The stay may be granted by a judge of the court rendering the judgment or decree or by a justice of the Supreme Court, and may be conditioned on the giving of security, approved by such judge or justice, that if the aggrieved party fails to make application for such writ within the period allotted therefor, or fails to obtain an order granting his application, or fails to make his plea good in the Supreme Court, he shall answer for all damages and costs which the other party may sustain by reason of the stay.

(g)

The time for application for a writ of certiorari to review a decision of the United States Court of

Appeals for the Armed Forces shall be as prescribed by rules of the Supreme Court.

(June 25, 1948, ch. 646, 62 Stat. 961; May 24, 1949, ch. 139, §106, 63 Stat. 104; Pub. L. 98–209, §10(b), Dec. 6, 1983, 97 Stat. 1406; Pub. L. 100–352, §5(b), June 27, 1988, 102 Stat. 663; Pub. L. 103–337, div. A, title IX, §924(d)(1)(C), Oct. 5, 1994, 108 Stat. 2832.)

This statute governs the time for file this certiorari and is not jurisdiction as the day of the act is not included. See *Union Nat. Bank v. Lamb,* 337 U.S. 38, 40-41 no. 6 (1949).

CALIFORNIA

CCP § 340.6 (a)

CHAPTER 3. The Time of Commencing Actions Other Than for the Recovery of Real Property [335 - 349.4]

(Chapter 3 enacted 1872.)

340.6.

(a) An action against an attorney for a wrongful act or omission, other than for actual fraud, arising in the performance of professional services shall be commenced within one year after the plaintiff discovers, or through the use of reasonable diligence should have discovered, the facts constituting the wrongful act or omission, or four years from the date of the wrongful act or omission, whichever occurs first. If the plaintiff is required to establish his or

her factual innocence for an underlying criminal charge as an element of his or her claim, the action shall be commenced within two years after the plaintiff achieves post conviction exoneration in the form of a final judicial disposition of the criminal case. Except for a claim for which the plaintiff is required to establish his or her factual innocence, in no event shall the time for commencement of legal action exceed four years except that the period shall be tolled during the time that any of the following exist:

(1) The plaintiff has not sustained actual injury.

(2) The attorney continues to represent the plaintiff regarding the specific subject matter in which the alleged wrongful act or omission occurred.

(3) The attorney willfully conceals the facts constituting the wrongful act or omission when such facts are known to the attorney, except that this subdivision shall toll only the four-year limitation.

(4) The plaintiff is under a legal or physical disability which restricts the plaintiff's ability to commence legal action.

(b) In an action based upon an instrument in writing, the effective date of which depends upon some act or event of the future, the period of limitations provided for by this section shall commence to run upon the occurrence of that act or event.

(Amended by Stats. 2009, Ch. 432, Sec. 2. (AB 316) Effective January 1, 2010.)

CCP § 410.60,

Section 410.60. (Added by Stats. 1969, Ch. 1610.)
Cite as: Cal. Civ. Proc. Code §410.60.

In an action against a corporation which has forfeited its charter or right to do business, or has dissolved, the court in which the action is pending has jurisdiction over all the trustees of such corporation and of its stockholders or members from the time summons is served on one of the trustees as provided by Chapter 4 (commencing with Section 413.10).

CCP § 430.10,

ARTICLE 1. Objections to Pleadings [430.10 - 430.90]
(Article 1 added by Stats. 1971, Ch. 244.)

430.10.

The party against whom a complaint or cross-complaint has been filed may object, by demurrer or answer as provided in Section 430.30, to the pleading on any one or more of the following grounds:

(a) The court has no jurisdiction of the subject of the cause of action alleged in the pleading.

(b) The person who filed the pleading does not have the legal capacity to sue.

(c) There is another action pending between the same parties on the same cause of action.

(d) There is a defect or misjoinder of parties.

(e) The pleading does not state facts sufficient to constitute a cause of action.

(f) The pleading is uncertain. As used in this subdivision, "uncertain" includes ambiguous and unintelligible.

(g) In an action founded upon a contract, it cannot be ascertained from the pleading whether the contract is written, is oral, or is implied by conduct.

(h) No certificate was filed as required by Section 411.35.

(i) No certificate was filed as required by Section 411.36.

(Amended by Stats. 1993, Ch. 456, Sec. 3. Effective January 1, 1994.)

CBPC § 6067.

6067. Every person on his admission shall take an oath to support the Constitution of the United States and the Constitution of the State of California, and faithfully to discharge the duties of any attorney at law to the best of his knowledge and

ability. A certificate of the oath shall be indorsed upon his license.

California Welfare and Institution Code

Cal. Welf & Inst. Code § 10962

The applicant or recipient or the affected county, within one year after receiving notice of the director's final decision, may file a petition with the superior court, under the provisions of Section 1094.5 of the Code of Civil Procedure, praying for a review of the entire proceedings in the matter, upon questions of law involved in the case. Such review, if granted, shall be the exclusive remedy available to the applicant or recipient or county for review of the director's decision. The director shall be the sole respondent in such proceedings. Immediately upon being served the director shall serve a copy of the petition on the other party entitled to judicial review and such party shall have the right to intervene in the proceedings.

(a) If regulations require a public or private agency to write a position statement concerning the issues in question in a fair hearing, or if the public or private agency chooses to develop that statement, not less than two business days before the date of a hearing provided for pursuant to this chapter, the public or private agency shall make available to the applicant for, or recipient of, public social services

requesting a fair hearing, a copy of the public or private agency's position statement on the forthcoming hearing. The public or private agency shall make the copy available to the applicant or recipient at the county welfare department or via United States mail, or, upon request, through electronic means. Except as provided in subdivision (c), if the applicant or recipient requests a position statement to be delivered through electronic means, the position statement shall be delivered through secure electronic means if required by state or federal privacy laws. A public or private agency shall be required to comply with this section only if the public or private agency has received a 10-day prior notice of the date and time of the scheduled hearing. (b) If the public or private agency does not make the position statement available not less than two business days before the hearing or if the public or private agency decides to modify the position statement, the hearing shall be postponed upon the request of the applicant or recipient, if an applicant or recipient agrees to waive the right to obtain a decision on the hearing within the deadline that would otherwise be applicable under regulations. A postponement for reason of the public or private agency not making the position statement available within not less than two business days shall be deemed a postponement for good cause for purposes of determining eligibility to

any applicable benefits pending disposition of the hearing.

(c) (1) A public or private agency shall not be required to make a copy of its position statement available to an applicant or recipient through electronic means if the agency submits a report by December 31 of each year to the State Department of Social Services that includes both of the following: (A) The barriers the agency has identified that substantially impede or prohibit the electronic provision of hearing documents.

(B) The steps the agency is taking to address these barriers.

(2) This subdivision shall become inoperative on the date that the statewide electronic case management system administered by the State Department of Social Services becomes operational and has the capacity to provide position statements to claimants through secure electronic means.

(Amended by Stats. 2016, Ch. 522, Sec. 1. Effective January 1, 2017.)

Cal. Welf Code § 10952.5

(a) If regulations require a public or private agency to write a position statement concerning the issues in question in a fair hearing, or if the public or private agency chooses to develop that statement,

not less than two business days before the date of a hearing provided for pursuant to this chapter, the public or private agency shall make available to the applicant for, or recipient of, public social services requesting a fair hearing, a copy of the public or private agency's position statement on the forthcoming hearing. The public or private agency shall make the copy available to the applicant or recipient at the county welfare department or via United States mail, or, upon request, through electronic means. Except as provided in subdivision (c), if the applicant or recipient requests a position statement to be delivered through electronic means, the position statement shall be delivered through secure electronic means if required by state or federal privacy laws. A public or private agency shall be required to comply with this section only if the public or private agency has received a 10-day prior notice of the date and time of the scheduled hearing.

(b) If the public or private agency does not make the position statement available not less than two business days before the hearing or if the public or private agency decides to modify the position statement, the hearing shall be postponed upon the request of the applicant or recipient, if an applicant or recipient agrees to waive the right to obtain a decision on the hearing within the deadline that would otherwise be applicable under regulations. A postponement for reason of the public or private agency not making the position statement available within not less than two business days shall be deemed a postponement for good cause for purposes

of determining eligibility to any applicable benefits pending disposition of the hearing.
(c) (1) A public or private agency shall not be required to make a copy of its position statement available to an applicant or recipient through electronic means if the agency submits a report by December 31 of each year to the State Department of Social Services that includes both of the following:
(A) The barriers the agency has identified that substantially impede or prohibit the electronic provision of hearing documents.
(B) The steps the agency is taking to address these barriers.
(2) This subdivision shall become inoperative on the date that the statewide electronic case management system administered by the State Department of Social Services becomes operational and has the capacity to provide position statements to claimants through secure electronic means.
(Amended by Stats. 2016, Ch. 522, Sec. 1. Effective January 1, 2017.)

FEDERAL RULES OF CIVIL PROCEDURE

Rule 10. Form of Pleadings

28 CAPTION; NAMES OF PARTIES. Every pleading must have a caption with the court's name, a title, a file number, and a Rule 7(a) designation. The title of the complaint must name all the parties; the title of other pleadings, after naming the first party on each side, may refer generally to other parties.

29 Rule 18. Joinder of Claims

(a) IN GENERAL. A party asserting a claim, counterclaim, crossclaim, or third-party claim may join, as independent or alternative claims, as many claims as it has against an opposing party.

(b) JOINDER OF CONTINGENT CLAIMS. A party may join two claims even though one of them is contingent on the disposition of the other; but the court may grant relief only in accordance with the parties' relative substantive rights. In particular, a plaintiff may state a claim for money and a claim to set aside a conveyance that is fraudulent as to that plaintiff, without first obtaining a judgment for the money.

NOTES

(As amended Feb. 28, 1966, eff. July 1, 1966; Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 30, 2007, eff. Dec. 1, 2007.)

APPENDIX "2"

SUPREME COURT OF THE UNITED STATES

OFFICE OF THE CLERK

WASHINGTON, DC 20543-0001

August 19, 2019

Robert L. Jarrett
103 4th St., #302
Los Angeles, CA 90012

RE: Jarrett v. State Bar of California
CASC No. 5254851

Dear Mr. Jarrett:

Returned are copies of the petition for a writ of certiorari in the above-entitled case postmarked on August 6,2019 and received on August 9, 2019, which fails to comply with the Rules of this Court.
You must pay the $300 docket fee.
The petition and appendix must be in booklet format and on paper that measures 6 1/8 by 9 ll4 inches. Rule 33.1(a).
The petition must bear a suitable cover consisting of heavy paper, front and back. Rule 33.1(e).
The text of the petition and appendix must be typeset in a Century family (e.g., Century Expanded, New Century Schoolbook, or Century Schoolbook) 12-point type

with 2-point or more leading between lines. The typeface of footnotes must be l0-point or larger with 2-point or more leading between lines. Rule 33.1(b).

Kindly correct the petition and appendix so that it complies in all respects with the Rules of this Court and return it to this Office promptly so that it may be docketed.

Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

Enclosed are a copy of the Rules of the Court and memorandum concerning the preparation of a paid petition in booklet format.

V/hen making the required corrections to a petition, no change to the substance of the petition may be made.

In addition to the forty copies of the booklet-format petition and appendix, you must also submit one copy of the documents on 8 ½ by 11-inch paper. Rule 33.1(f).

You must submit a certificate stating that the petition complies with the word limitation. The certificate must state the number of words in the document and must be separate from the petition. Rule 33.1(h). If the certificate is signed by a person other than a member of the Bar of this Court, the counsel of record, or the unrepresented party, it must contain a notraized affidavit or declaration in compliance with 28 U.S.C. 1746.

Sincerely, Scott S. Harris
Lisa Nesbitt
(202) 479-3038

APPENDIX "3"

FILED MAY 15, 2019

Jorge Navarrete Clerk of Court

s254851

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re the Accusation of ROBERT L. JARRETT, JR.,

Against an Attorney

The petition is denied.

CANTIL.SAKAUYE

Chíef Justice

APPENDIX "4"

IN RE THE ACCUSATION OF ROBERT L.

JARRETT JR.

OFFICE OF GENERAL COUNSEL
The State Bar of California
180 Howard Street,
San Francisco, CA 94105
415-538-2575

Personal and Confidential Complaint Review Unit

January 25, 2019

Robert Jarrett Jr.
103 W 4th Street #302
Los Angeles, CA 90013

RE: Case No. L 8-20900
Respondent(s): Parjack Ghaderi, Kamala Harris, Jonathan Rich, Richard Waldow

Dear Mr. Jarrett Jr.,

The Complaint Review Unit received your correspondence on November !3, zoj.g, requesting reconsideration of the decision to close your complaint. An attorney reviewed all the information provided and has determined that there is not a sufficient basis to recommend reopening your complaint.

The Complaint Review Unit will recommend reopening a complaint when there is significant new evidence or when we determine there is good cause to recommend that the matter be reopened. The State Bar Court is authorized to impose or recommend disciplinary sanctions only if there is clear and convincing evidenceto establish that the attorney has committed a violation of the Rules of Professional Conduct or the State Bar Act. Therefore, the Complaint Review Unit will not recommend that a matter be reopened unless there is a reasonable possibility that a disciplinary violation can be proven by clear and convincing evidence.
ln your complaint, you assert that Parjack Ghaderi, an attorney with Los Angeles County Counsel's office, filed motion(s)to dismiss and requests for judicial notice (furu), and one of the RJN included personal information that should have been redacted. This was brought to district court's attention and to date, the court has not ruled on the redaction issue. you assert that the motion(s) to dismiss do not deny that Mr. Ghaderi, Kamala Harris, a former California Attorney General and Richard Waldow, an attorney with Los Angeles County Counsel,s office, knew Jonathan Rich, an attorney with the California Attorney General office, made changes to an opposition to ex parte application after the filing was accepted and that Mr. Ghaderi, Ms.
San Francisco Office
180 Howard Street
San Francisco, CA 94105
Los Angeles Office

845 S. Figueroa Street
Los Angeles, CA 90017
Robert Jarrett Jr.
Harris and Mr. Waldow failed to report Mr. Rich's conduct. Moreover, you assert that Mr. Rich failed to include complainant's change of address, on personal service and made changes to his opposition to the ex parte application after filing such opposition related to February 11, 2011, was a court holiday, which Mr. Rich did not discuss in the conference. You assert that Mr, Rich did not report certain judicial discrimination to Commission on Judicial Performance. Lastly, you assert that Mr. Ghaderi and Mr. Rich used proofs of service that violated the law and involve moral turpitude.

By a letter dated August 14,201.8, the Office of Chief Trial Counsel ("OCTC") closed your complaint on the grounds that you had not stated sufficient specific facts that could establish a disciplinary violation against Mr. Ghaderi, Ms. Harris, Mr. Waldow and Mr. Rich.

You request review of OCTC's decision to close your complaint, in which you generally reiterate your complaint, pose a. number of questions that seem unrelated to the specific facts of your complaint and do not provide any new facts. Your request for review does not establish a good cause to recommend that this matter be reopened and you have not provided specific and credible facts that would establish a violation of the professional rules. As explained by OCTC, mere speculation or allegations of misconduct are not sufficient to warrant a disciplinary

investigation. ln order to bring disciplinary charges against an attorney, facts must exist that establish a reasonable possibility that a disciplinary violation can be proven by clear and convincing evidence' ln your request for review of OCTC's decision to close your complaint, you do not provide specific facts or new facts that would establish a violation of professional rules by Mr. Ghaderi, Ms. Harris, Mr. Waldow and Mr. Rich to re-open your complaint. We have accordingly determined your complaint was properly closed.

lf you disagree with this decision, you may file an accusation against the attorney with the California Supreme Court. A copy of the applicable rule is enclosed. (See Rule 9.1-3, subsections (d) through (f), California Rules of Court.) lf you choose to file an accusation, you must do so within 60 days of the date of the mailing of th¡s letter. Together with your accusation, you should provide the Supreme Court (1) a copy of this letter and (2) a copy of the original closing letter from the Office of Chief Trial Counsel.

The State Bar cannot give you legal advice or representation. lf you have not already done so, you may wish to consult with an attorney for advice regarding any other remedies which may be available to you. Attorneys can be located by contacting a lawyer referral service certified by the State Bar in your area. You may obtain a list of State Bar certified lawyer referral services by calling the State Bar at 866-442-2529 or by visiting the State Bar website at:

Sincerely,

Complaint Review Unit
Enclosure

APPENDIX "5"

THE STATE BAR OF CALIFORNIA

OFFICE OF CHIEF TRIAL COTINSEL

INTAKE UNIT Melanie J. Lawrence, Interim Chief

Trial Counsel

845 SOUTH FIGUEROA STREET,

LOS ANGELES, CALIFORNIA 90017.2515

TELEPHONE: (213) 76s-1000

FAX: (213) 765-l 168

http ://www. calbar. ca. gov

August 14, 2018

Robert Jarrett Jr.
103 4th Street #302
Los Angeles, CA 90013

RE Inquiry Number: Responclents:
18-20900
Parjack Ghaderi
Kamala Harris
Richard Waldow
Jonathan Rich

Dear Mr. Jarrett:
The State Bar's Offrce of Chief Trial Counsel has reviewed your complaint against Parjack Ghaderi, Kamala Harris, Richard Waldow and Jonathan Rich to determine whether there are sufficient grounds to prosecute a possible violation of the State Bar Act and/or Rules of Professional Conduct.
You state that Mr. Ghaderi is an attorney at the Los Angeles County Counsel's office. Ms. Harris was the Califomia Attorney General. Mr. Waldow is an attorney at the Los Angeles County Counsel's office. Mr. Rich is an attorney at the California Attorney General's office. You filed a federal civil lawsuit against the DHCS in approximately 2011. You allege that a request for judicial notice contained
personal information that should have been redacted. You brought this to the court's attention, but the
court has not made any ruling yet. You also allege that a motion to dismiss filed by an opposing party does not deny that Mr. Ghaderi, Ms. Harris, and Mr. Waldow knew Mr. Rich made changes to an opposition to ex parte application after the filing was accepted. Mr. Rich also did not notify other parties of your change of address. You allege Mr. Ghaderi did not deny a change of address was served
r.vith pleadings. Mr. Rich filed a motion to declare you a vexatious litigant, whìch was granted in 201 1.
You believe Mr. Ghaderi, Ms. Harris, and Mr. Waldow were required to report certain conduct of Mr.

Rich to the court or State Bar. You believe proofs of service used by Mr. Ghaderi and Mr. Rich violated the law and involve moral turpitude.
Based on our evaluation of the information provided, we are closing your complaint. It is misconduct for an attorney to fail to support the Constitution and laws of the United States and of the State of California. Here, however, there are insufficient specific facts alleged to support the conclusion that Mr. Ghaderi, Ms. Harris, Mr. Waldow, or Mr. Rich violated this rule. In order to investigate allegations of attorney misconduct, the State Bar needs specific facts which, if proved, would establish a violation of
the attorney's ethical duties. ConcluSions based on speculation and not supported by facts are insufficient to warrant investigation. You have not presented evidence that Mr. Ghaderi, Ms. Harris, Mr. Waldow, or Mr. Rich have violated the Constitution or laws of the United States or California, or otherwise acted unethically. You also have not provided any court order or other authority requiring Mr. Ghaderi, Ms. Harris, Mr. Waldow, or Mr. Rich to report any conduct to the court or State Bar. Thus, we have determined that your complaint does not present facts to support your allegations.

For these reasons, the State Bar is closing this matter.

If you have new facts and circumstances that you believe may change our determination to close your complaint, you may submit a written ,tut"-".rt with the n"*info.*-ution to the Intake unit for revierv'

If you have any questions about *ri. p.oå"ï;;;; ;"y call Deputy Trial Counsel Drew Aresca at (213) 7 65_136g. If you reave a voice *"rrugál u" ,ír" to ciearly identiiy the lawyer complained of, the inquiry number assigned, and your t"l.;ir;;;;-ber including the area code. v/e should return your call within two business days'.

If you are not aware of new facts or circumstances but otherwise disagree with the decision to close your complaint, you may submit a request for review by the state Bar's complaint Review unit' which will review your complaint and the Intake units decision to cross the complaint. The complaint Review unit may reopen your complaint if-it determines that your complaint was inappropriately closed or that you presented new, significant evidence to support your complaint' 1.o request review by the Complaint Review unit, you must submit your request in writing, together with any new evidence you wish to be considered, post-marked within 60 days of the date of this letter to:

The State Bar of California
Complaint Review Unit
Office of General Counsel
180 Howard Street
San Francisco, CA 94105-1617

We would appreciate if you would complete a short, anonymous survey about your experience with filing your compraint. while your r".på.rr", to the survey witt not change the outcome of the complaint you filed against ttre attorney,ih. State Bar will use your answers to help improve the services we

provide to the p"Ufi". itt" *u.y can be found at http://bit'ly/StateBarSurveyl '

Thank you for bringing your concerns to the Attention of the State Bar.

Very truly yours,

Drew Aresca
Deputy Trial Counsel DA

PROOF OF SERVICE

I declare I am a party to this proceeding, over the age of 18 years and my mailing address is 103 W. 4th Street Los Angeles, California 90013 and on October 17, 2019 the date of mailing, I caused service by prepaid first class U.S. mail in a sealed envelope on the dates mentioned herein the document or documents set forth below to be delivered:

CORRECTED PETITION FOR WRIT OF CERTIORARI

Service was made on the last known address or addresses of the interested parties mentioned below:

DEPARTMENT OF JUSTICE
c/o SOLICITOR GENERALS OFFICE
950 Pennsylvania Avenue, N.W.
WASHINGTON, DC. 20530-0001 (3 petitions)

Office of the California Attorney General
1300 "I" Street
Sacramento, California 95814-2919 (3 petitions)

CLERK OF THE COURT
GENERAL COUNSEL
Office of the State Bar
180 Howard Street
San Francisco, California 94105
(3 petitions)

State Bar of California
845 South Figueroa Street
Los Angeles, California 90017 (3 petitions)

OFFICE OF THE COURT CLERK
CALIFORNIA SUPREME COURT
350 McAllister Street Room 1295
San Francisco, California 94102-4797 (3 petitions)

OFFICE OF THE CLERK
UNITED STATES SUPREME COURT
1 First Street, N.E.
Washington, D.C. 20543 (40 petitions and one 8 1/2 by 11 petition)

I declare under penalty of perjury under the laws of the United States of America that the aforesaid is true, and correct. Executed this 17th of October, 2019 in Los Angeles, California.

Robert L. Jarrett Jr.
ROBERT L. JARRETT, JR.