

No.

19-633

IN THE SUPREME COURT OF THE UNITED
STATES

—oo—

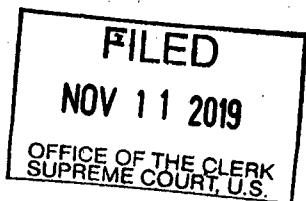
YI TAI SHAO, AKA Linda Shao
Petitioner - Appellant,

vs.

Tsan-Kuen Wang
Respondent- Appellee

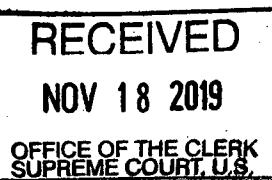
—oo—

On Petition For A Writ Of Certiorari To the
California Sixth District Court of Appeal regarding
its Opinion on June 4, 2019 in H040977 affirming
Superior Court of California, Santa Clara County
Judge Theodore Zayner's Order of March 14, 2014
made without a hearing on the Remittitur dated
January 27, 2012 in H035194, an appeal from
Judge Edward Davila's Order of September 2009
(S256743 denied review on August 14, 2019)



PETITION FOR WRIT OF CERTIORARI

YI TAI SHAO, ESQ. *In proper*
SHAO LAW FIRM, PC
4900 Hopyard Road, Ste. 100
Pleasanton, CA 94588-7101
Telephone: (408) 873-3888
FAX: (408) 418-4070
Email: attorneyshao@aol.com



QUESTIONS PRESENTED

The questions presented in this case are:

1. Does due process require reversal of California Sixth District Court of Appeal's Judgment of June 4, 2019 [hereinafter "June 4 2019's Judgment"] when the named Justice writing the Judgment does not exist?
2. Does due process require reversal of June 4 2019's Judgment as the Presiding Justice Mary J. Greenwood failed to disclose her conflicts in interest (She was discovered to be the wife of Judge Edward Davila who was the trial court judge for this appeal in 2009 when issues involved include judiciary corruptions)?
3. Does due process require reversal of June 4 2019's Judgment as the Sixth District Court of Appeal knowingly caused the records on appeal to be incomplete in missing material records filed by SHAO about Remittitur when the Remittitur Opinion of March 14, 2014 of Judge Theodore Zayner was made based entirely on written submission without trial except a hearing for the sole purpose to check on the submission status despite the missing records were named in the Notice of Designation of records?

4. Does due process require reversal of June 4 2019's Judgment as it issued an illegal 10-day oral argument waiver notice (App.55) and disallowed oral argument when Petitioner requested that on the 11th day (App.53)?
5. Should June 4 2019's Judgment (App.58-81) be reversed as the Sixth District Appellate Court fraudulently referenced two material records filed by SHAO to pretend they had reviewed and falsely stated that they had reviewed the entire records (e.g.,App.74,L.14) but these filings are not in the Records on Appeal as the Court specifically excluded these records from the records on appeal and denied SHAO's motion to "augment" these records that were identified in the Notice of Designation of Records?
6. Should the June 4 2019's Judgment be reversed for omitting from discussion all major issues of the appeal requested by Petitioner such as the child support order in the stipulated judgment of May 2008 was illegal for being well below the guideline support without participation of the child support agency in violation of California public policy codified in California Family Code §4065(c), the court's failure to refund

SHAO's \$10,000 undertaking since January 2012 and the bias and prejudice of Judge Zayner, Santa Clara County Court and the Sixth District Court of Appeal by blindly twisting the facts that legal authorities were indeed provided in the Opening Brief (E.g., OB, P.9 and P.22 for the legal authorities to change venue)?

7. Does due process require judges who are members of the American Inns of Court to disclose their social relationship with the interested third parties to the underlying family case who are members of the same chapter of the American Inns of Court and is an attorney for at least a Justice at the appellate court and for a Justice at California Supreme Court?
8. Does due process require removal of SHAO's appeals from the Sixth District Court of Appeal to a neutral venue where that court has failed to disclose its conflicts of interest, has had actual prejudice against SHAO in knowingly allowing the records on appeal to be incomplete after being repeated requested for 6 months in SHAO's seeking extension of filing Opening Brief, after the court had illegally allowed the trial court to delay preparing the records on appeal for 3 years in violation of California

Rules of Court Rules of Court Rule
8.122(D)(2), 8.124(g) and 8.130(f)(1)
(App.11&12), had a history of illegal dismissal
of this appeal on March 14, 2016
(App.120;Declaration of Meera
Fox, ¶31;App.85) and had caused a false docket
entry of Feb. 27, 2017(App.86&121
Declaration of Meera Fox, ¶31); with a
fraudulent notice purportedly from the
Appellate Unit of Santa Clara County Court,
and has dismissed or denied all SHAO's
appeals including systematically dismissed all
appeals in 2018 in the same scheme of avoiding
giving notice to SHAO (H040395, H042531)?

9. Does due process require the Appellate Court to disclose their attorney-client relationships, long term regular social relationship and colleague relationships with the interested third persons James McManis, Michael Reedy and McManis Faulkner and apply neutral standards to their resolution?
10. Does due process require SHAO's family court case be changed venue from Santa Clara County Superior Court, as the Court has had undisclosed conflicts of interest, has had systematically blocked SHAO's fundamental

right to access the court in an illegal way, had conspired with ex-Presiding Justice Conrad Rushing to dismiss two appeals (H040395 and H040977) on March 14, 2016 with false notices of March 12, 2016 being generated on Saturday by its Appellate Unit, had systematically altered the court's records and docket, disallowed SHAO to file motions with the Court on her existing divorce cases with a fraudulent and void prefiling vexatious litigant order (without supported by any opinion and was delayed entry into the docket until August 15, 2017, two years later), had blocked SHAO from accessing the docket of her family court case of 105FL126882 for many months, conspired with the Sixth District Court of appeal in causing a false docket entry on Feb. 27, 2017 in H040395 and H040977 and dismissed the child custody appeal of H040395 based on such fraudulent, non-existence notices dated 2/27/2017, and repeatedly refused to decide on the merits of Shao's motions to change venue?

11. Does due process require the trial court to hold an evidentiary hearing on a Remittitur that is asking the court to determine how much was

owed, when the trial court initially set up a trial but later cancelled it?

12. Shall Certiorari to be issued to safeguard Petitioner's fundamental right to appeal and access the court, to require the California State Courts to comply with Rule 8--- in producing all material documents as records on appeal and to cease issuing the illegal oral argument waiver notice?

13. Does due process require recusal of Chief Justice Tani Cantil Sakayue of California Supreme Court who had undisclosed conflicts of interest because of close regular social relationship with the interested third parties James McManis, Michael Reedy, Judge Theodore Zayner, Judge Patricia Lucas?

14. Does due process require the Court to reverse the judgment to change venue of the trial court on the issue that SHAO should be paid her property rights of the child support in arrears differences between what Wang actually paid and the guidelines from May 9, 2009 to December 2013 when such support was terminated by Santa Clara County Court when the All purpose judge was Judge Theodore Zayner, and the child support

should have owed SHAO but for the judiciary corruption when below child support payment is against California public policy?

15. Does due process require Santa Clara County Court to refund to SHAO the undertaking of \$10,000 paid to perfect the appeal of H035194 that was finalized in or about January 2012?

PARTIES TO THE PROCEEDING

Petitioner is Yi Tai Shao, aka Linda Shao
[“Shao”], an attorney licensed to practice law in
the State of California since 1996.

Respondent is Tsan-Kuen Wang, an engineer
manager at Intel.

Intel is a client to James McManis, Michael
Reedy and McManis Faulkner, LLP.

Interested third parties are James McManis,
Michael Reedy and McManis Faulkner, LLC
who had vital interest in seeing Shao lose on
her family law related cases in order to dismiss
SHAO’s complaint against them.

Table of Contents

QUESTIONS PRESENTED	i
PARTIES TO THE PROCEEDING	viii
petition for writ of certiorari	1
OPINION BELOW.....	6
JURISDICTION.....	10
STATUTES INVOLVED (App.1-26)	10
STATEMENT OF THE CASE	12
A. Severe structural errors constituting	
violation of due process	12
B. Background information	17
a. Davila's parental deprival order was	
with ex parte communications from	
Sussman	18
b. Suspected ex parte communication	
between Zayner and Sussman	18
c. Remittitur was delayed and trial	
cancelled	21
d. McManis became SHAO's attorney but	
betrayed SHAO	21
e. Additional prejudice of Zayner	23
f. The Sixth District severely prejudiced	
SHAO's rights to appeal	32
g. File alterations were done as a	
conspiracy between the hacker, James	

McManis, Santa Clara County Court and Sixth District Appellate Court	33
h. repeated dismissal of appeals in violation of due process by ex-Presiding Judge Conrad Rushing in violation of Rule 8.57 (requiring noticed motion before dismissal)	35
i. Joint conspiracies of California courts to block SHAO's appeal by deterring records on appeal	36
j. All three levels of California courts as well as this Supreme Court avoid deciding on the merits of recusal requests.....	36
REASONS FOR GRANTING CERTIORARI: Rule 10 (b) and (c)	36
A. EXCEPTIONAL CIRCUMSTANCES OF EGREGIOUS DUE PROCESS VIOLATION .	37
1. No qualified Justice and lack of fair tribunal mandates reversal of June 4, 2019's Judgment	37
2. Justices, Judges that are or were represented by the interested third parties should be required to disclose such relationship and should all be disqualified and the case should be removed away from	

Santa Clara County Court and Sixth District Court of Appeal.....	38
3. Judges who are members of the William A. Ingram American Inn of Court Should be Required as a matter of due process to disclose their social relationship with lawyers who are members of the Inns of Court and Who are Appearing Before These Judges.....	41
4. Writ is necessary as there is important novel issue of whether the entire court should be disqualified when Presiding Judge or Justice or any Justices/Judges were involved with conflicts of interest and may extend applicability of recusal to appellate court.	44
5. Incomplete records on appeal constitute structural error in violation of due process that mandates reversal of the Judgment.....	46
6. Certiorari should be issued to direct the Sixth Appellate Court to cease its illegal practice in issuing the 10-day oral argument waiver notice	48
7. Significant substantive due process property rights are prejudiced that require a writ be issued	49
CONCLUSION	50

VERIFICATION..... 50

TABLE OF AUTHORITIES

Cases

Addleman, 139 Wn.2d at 753-54.	47
Amann v. Caccese (1996) 223 A.D.2d 663, 637 N.Y.S.2d 217.....	45
Burstein v. Greene (1978) 61 A.D.2d 827, 402 N.Y.S.2d 227.....	46
C.C.P. §397(b)	45
DeGeorge v. Superior Court (1974) 40Cal.App.3d 305, 312.....	37
Giometti v. Etienne (1934) 219 Cal.687 ..	39
Guarnieri, 131 S. Ct. at 2494; Primus, 436 U.S. at 426.....	47
In re Marriage of Comer, 14 Cal.4th at p.541, 59 Cal.Rptr.2d 155	49
Inquiry Concerning Harris 2005) 49 Cal.4th CJP Supp. 61.....	43
Knouse v. Nimocks (1937) 8 C.2d 482, 66 P.2d 438	37
Locada v. Deeds (1991) 498 US 430, overruled on other grounds by <u>Roe v.</u> <u>Flores-Ortega (2000) 528 US 470</u>	47

<u>Milazzo v. Long Is. Light. Co.</u> (1984) 106 A.D.2d 495, 483 N.Y.S.2d 33,.....	46
<u>Morton v. Wagner</u> (2007) 156 Cal.App.4 th 963, 968.....	4
<u>obinson v. Robinson</u>, 2017-Ohio-450 (Court of Appeals of Ohio, Fourth Appellate District, Meigs County, released on 1/31/2017)	47
<u>People v. Pena</u>, 32 Cal.4th 389 (2004) . 16, 49	
<u>People v. Rogers</u> (2006) 39 Cal.4th 826, 857-858.	47
<u>Pilla v. American Bar Association</u> (1976) 542 F.2d 56.	46
<u>Powell v. Anderson</u> (Min. 2003) 660 N.W.2d 107, 116-119.	38
<u>Richard v. Richard</u>, 146 Vt. 286, 288, 501 A.2d 1190, 1191 (1985)	43
<u>Rothwax v. Spicehandler</u> (1990) 161 A.D.2d 184, 554 N.Y.S.2d 882.	45
<u>Scott v. Kenyon</u> (1940) 16 C.2d 197, 105 P.2d 291	37
<u>Shalant v. Girardi</u> (2011) 51 Cal.4th 116. 29	
<u>Shalant v. Girardi</u> (2011) 51 Cal.4th 1164, 1173-74.	4
<u>Smith v. Sikorsky Aircraft</u>(C.D. Cal. 1976) 420 F. Supp. 661, 662.....	38

State v. Putnam (1996) 164 Vt. 558	43
Tumey v. Ohio (1927) 273 US 510	37
U.S. v. Jordan (1995) 49 F.3d 152, Ft. 18	45
Wechsler v. Superior Court (2014) 222 Cal.App.4th 384	42
Williams v. Pennsylvania (2016) 136 S.Ct. 1899	44
Statutes	
28 U.S.C. §2101(c)	10
28 USC §1257	10
28 USCS §455(b)	46
California Family Code §4065(c)	ii
California Government Code §6200	43
California Government Code §68150	43
Penal Code Sections §96.5, §182, §115, §132, §134, §470.....	44
Rules	
Rule 10 (b) and (c)	36
Rule 5-300 of California Rules of Professional Conduct	41
Rule 8.124(g) of California Rules of Court , 7	27
Rule 8.124(g)	27
Rule 8.57(a) of the California Rules of Court	31
US Sup. Ct. Rule 13.1 and 13.3	10

Treatises

13 Witkin Cal.Proc.Appeals §917.....37

Regulations

Cal. Code Jud. Ethics, canon.....42

Federal Judiciary Policy 3-3.646

Table of Appendix	App
APPENDIX No.1: INVOLVED STATUTES	1
1. Constitution, Article IV, §2:	1
2. Constitution, First Amendment:.....	1
3. Constitution, Fourteen Amendment§1:.....	1
4. 28 USCS §455 Disqualification of justice, judge, or magistrate [magistrate judge]:	2
5 Judicial Conference of the United States, Committee on Code of Conduct for United States Judges, Compendium of Selected Opinions §	
3.6-6[1] (Apr. 2013):.....	4
6. California Government Code §68150:.....	4
7. California Government Code §68151(a)(1)...	9
8. California Government Code §68151(a)(3).....	9
9. California Government Code §68152 (g)(16)... <td>9</td>	9
10. California Government Code §68152:.....	9
11. California Government Code § 68153:.....	10
12. California Rules of Court: Rule 8.122 (d) Clerk's transcript.....	10
13. California Rules of Court: Rule 8.124. (b)(4) and (g): Appendixes.....	12
14. California Rules of Court: Rule 8.130 (e)(1) and (f).....	12
15. California Rules of Court: Rule 8.256.Oral argument and submission of the cause.....	13

16. California Rules of Court: Rule 8.702.	
Appeals	14
17. Rule 5-300 Contact With Officials	16
18. California Code of Civil Procedure	
§397(b).....	17
§397 Cases in which venue may be changed...	17
19. California Penal Code §96.5	
OBSTRUCTION OF JUSTICE.....	17
20. California Government Code §6200 (willful destroy, falsify and alter records).....	18
21. California Penal Code §182.....	18
22. California Penal Code §115.....	19
23. California Penal Code §132.....	19
24. California Penal Code §134.....	20
25. California Penal Code §470 PC Forgery; Signatures or Seals; Corruption of Records.....	20
26. Guide to Judiciary Policy Vol.2 C: §620..	20
§620.25.....	20
§620.30.....	21
§620.35 (b).....	21
§620.45.....	22
§620.50.....	22
27. California Code of Judicial Conduct.....	23
a. CANON 2: A JUDGE SHALL AVOID IMPROPRIETY AND THE	

APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES	23
b. CANON 3: A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY.....	24
c. CANON 4 :A JUDGE SHALL SO CONDUCT THE JUDGE'S QUASI-JUDICIAL AND EXTRAJUDICIAL ACTIVITIES AS TO MINIMIZE THE RISK OF CONFLICT WITH JUDICIAL OBLIGATIONS	27
28. California Family Code §4065(c)and (d) 30	
APPENDIX No. 2: CA Supreme Court's ORDER DENYING REVIEW Filed on 8/14/2019.....	31
APPENDIX No. 3: Rehearing denied BY ca sIXTH dISTRICT apPELLATE cOURT on 6/25/2019 32	
APPENDIX No. 4: NOTICE OF ERRATA FILED ON 6/25/2019 WHEN REHEARING LATER IMMEDIATELY DENIED.....	33
Exhibit A to Notice of Errata	39
EXHIBIT B To Notice of Errata.....	40
EXHIBIT C to Notice of Errata	42

EXHIBIT D to Notice of Errata: evidence of direct involvement in this appeal by the Appellate Unit with the email of sccappeals@scscourt.org:.....	44
EXHIBIT E to Notice of Errata: two screenshots about hacker's activities.....	46
EXHIBIT F to Notice of Errata: another screenshot of hacker's activities	48
EXHIBIT G to Notice of Errata about Google's hacking into new gmail account without notice .	49
APPENDIX No. 5 The Attachment 01 and 04 to the Petition for Rehearing that were altered BY HACKER/COURTS.....	53
APPENDIX NO. 6 The SIXTH DISTRICT APPELLATE COURT's Illegal Oral argument waiver notice of May 6, 2019 THAT WAS BANNED BY CALIFORNIA SUPREME COURT ABOUT 15 YEARS AGO	57
APPENDIX No.7 H040977 Opinion/Judgment of June 4, 2019. .	60
APPENDIX NO. 8 Docket of H040977	84
APPENDIX No. 9: Declaration of Meera Fox on Judiciary Conspiracies (Filed WITH THE SIXTH DISTRICT APPEALLTE COURT on 4/27/2017) .	100
EXHIBIT A TO MS. FOX'S DECLARATION	129

EXHIBIT B TO MS. FOX'S DECLARATION	131
EXHIBIT C TO MS. FOX'S DECLARATION	132
EXHIBIT D TO MS. FOX'S DECLARATION	134
EXHIBIT E TO MS. FOX'S DECLARATION	136
EXHIBIT F TO MS. FOX'S DECLARATION	138
EXHIBIT H TO MS. FOX'S DECLARATION	143
APPENDIX No. 10: respondent's counsel David Sussman's admission of illegal night time ex parte communication on august 4, 2010, the date WHEN shao was illegally deprived of child custody by judge edward davila.....	147
APPENDIX No. 11: Orders of Judge Edward Davila filed on August 5, 2010, without any hearing, in response to David Sussman's ex parte communications.....	151
Date: 8/4/2010 Edward J. Davila, Judicial Officer	153
APPENDIX NO. 12: Temple Bar Scholars &Reports(American Inns of Court's website): Financial Conflicts of Interest of the Justices at the US Supreme Court for sponsoring gift solicitation of their clerks at the American Inns of Court	154
APPENDIX NO. 13: TEMPLE BAR SCHOLARSHIP webpage published by AMERICAN INNS OF COURT: GIFTS	

PROVIDED TO US SUPREME COURT
CLERKS BASED ON THEIR JUDICIARY
POSITION 164

APPENDIX No. 14: McManis Faulkner's news
RELEASE which shows the close relationship
between James McManis and Chief Justice
John G. Roberts; this news release was purged
from McManis Faulkner's website in late
January 2018 167

APPENDIX NO. 15: selected portion of the
deposition transcript of james mcmanis on july
20, 2015 169

P.42, Line 16 through P.43, Line 9: admission of
representing Santa Clara County Court 169

P.110, Lines 2-7: admission of having a client
Justice at California Supreme Court and at
California Sixth District Court of Appeal..... 170

APPENDIX No. 16: SELECTED PORTION of
the deposition transcript of the expert witness of
mcmanis faulkner, llp: carroll J. collins, iii, esq.

172

P. 120, Line 18 through P.121, Line 1 172

P. 122, Line 1-6..... 173

APPENDIX No. 17: Michael reedy was a
speaker for the american inns of court..... 174

APPENDIX No. 18: Letter to Judge patricia lucas asking a hearing date for a motion to change place of trial on shao v. mcmanis, et al., 2012-1-cv-220571 of june 22, 2017	175
APPENDIX No. 19 SHAO's 2013 application for her return of \$10,000 undertaking that was ignored by Judge theodore zayner.....	177

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a Writ of Certiorari issue to review the California Sixth District Court of Appeal's Judgment of June 4 2019 in the case number of H040977 ["June 4 2019's Judgment"] which affirmed Judge Theodore Zayner's decision of March 14, 2014 on a Remittitur dated January 27, 2012 (H035194), from the decision of Judge Edward Davila of September 2009, in complete ignoring *each and every* material issues on appeal raised by Petitioner, including modification of child support which caused Petitioner to lose her property rights of at lease \$150,000, ignoring to refund the undertaking of \$10,000 and ignoring the issues of the courts' conflicts of interest. The entire proceedings at the State Courts were made with structural errors in violation of due process in that:

(1) The June 4 2019's Judgment was written by a Justice that is not in existence;

(2) The Judgment was written by a Justice purportedly acting on behalf of the Presiding Justice of the Sixth District Court who has undisclosed conflicts of interest: Presiding Justice Mary J. Greenwood is the wife of the trial judge Edward Davila who had committed illegal *ex parte*

communications with Respondent's counsel, David Sussman;

(3) Petitioner was illegally blocked from oral argument by an illegal oral argument waiver notice which was disallowed by California Supreme Court since 2004;

(4) Nonconforming records on appeal: after blocking the records on appeal to be prepared for 3 years in violation of Rules 8.122, 8.124 and 8.130, when the records were eventually prepared, the court *knowingly* excluded material records filed by Petitioner from the records on appeal in violation of Rule 8.124(g) of California Rules of Court and further misrepresented in the Judgment that the records were completely reviewed by it (App.74: "Moreover, we have reviewed the entire record...);

(5) misleading facts were recited in the June 4 2019's Judgment that the court had reviewed the entire file, and that it blindly asserted that no legal authorities were provided for changing venue, when in fact, it is impossible to have the court reviewed the entire records as the court had repeatedly disregard of the records on appeal being incomplete¹, and further

¹ As shown in App.76, the Court stated that "the Court provided Shao multiple extensions to complete her opening brief", when in fact, the reason asking for extension has been that the records on

denied the records that were already designated to be “augmented” and legal authorities were provided in support of changing venue (Opening Brief, P.9 and P.22);

(6) Judge Theodore Zayner canceled the trial to be held on the Remittitur, with December 16, 2013 such that his decision was made without trial,

(7) In helping his long term buddies Michael Reedy and James McManis, Judge Theodore Zayner illegally took possession of the original deposition transcripts of the interested third parties James McManis and Michael Reedy on June 20, 2016 and removed them from the court’s files when the trial judge Honorable Derek Woodhouse was influenced to stay the jury trial. Zayner was suspected to have caused a non-clerk contractor to enter the docketing system of the court to alter the docket of the related case of *Shao v. McManis et al* (2012-CV-1-220571) by entering into the docket of the case on August 15, 2017 the fraudulent prefiling vexatious litigant order which was never supported by a statement of

appeal were incomplete in missing 3 files and the Court has delayed adjudication on SHAO’s Objection to the Records on Appeal filed on October 25, 2018 by more than 6 months.

decision² when it was backdated to show a filing date of June 16, 2015.

(8) This appeal, together with the child custody appeal (PWC³18-569;H040395), was illegally dismissed on March 14, 2016 with identical false

² A prefiling vexatious litigant order that is not supported by a statement of decision is void. See, *Morton v. Wagner* (2007) 156 Cal.App.4th 963, 968. On November 8, 2019, SHAO was informed that this docket entry was created only on August 15, 2017, two years later. When the original order declaring vexatious litigant was issued on June 16, 2015, there was no prefiling order mentioned there, yet, such decision was immediately misapplied to the family court case on June 25, 2015 to block SHAO from seeking discovery reopened (SHAO filed a motion to reopen discovery which should have been automatically reopened according to the Family Code). Then this prefiling vexatious litigant order that was not entered into the docket showed up. The Presiding Judge Rise Pichon issued an order of May 29, 2016 to require SHAO to seek preapproval of the Presiding Judge before filing a motion and supported Judge Weinstein's illegal forcible taking off SHAO's 4 motions (including change of venue) on April 29, 2016. Such application of a prefiling order to the existing family case was criticized by California Supreme Court as "ridiculous". See *Shalant v. Girardi* (2011) 51 Cal.4th 1164, 1173-74.

³ PWC refers to the Petition for Writ of Certiorari that was filed with this Supreme Court.

notice of March 12, 2016 generated by Santa Clara County Court despite March 12, 2016 was a Saturday.

(9) This appeal, together with the child custody appeal (18-569;H040395) was created a false docket entry of February 27, 2017 alleging a notice of default of February 24, 2017 when such notice was not in existence.

(10) In denying to rule on the issue of conflicts of interest mentioned in many of Petitioner's motions to change venue about the courts' attorney-client relationship, social relationship and collegian relationship with James McManis, Michael Reedy and McManis Faulkner, LLP, the court wrongfully denied a statutory compliant motion for judicial notice with false comment that SHAO did not provide any authorities.⁴

(11) When James McManis has unidentified Justice client(s) at California Supreme Court (App.171), Chief Justice Tani Cantil Sakayue, with

⁴ On October 15, 2019, when SHAO was overseas, Santa Clara County Court further silently dismissed the case of *Shao v. McManis et al* to release the court's own attorneys from this lawsuit, without changing venue with knowledge of direct conflicts of interest.

undisclosed conflicts of interest (Sakayue was the President for Justice Anthony M. Kennedy American Inn of Court, closely related to the William A. Ingram American Inn of Court where Michael Reedy is the President and Judge Theodore Zayner the President Elect), has consistently denied all appeals filed by Shao, ignored the gross injustice involved and refused to recuse herself. Her being Justice Kennedy's Chapter of Inn of Court's President could explain why Justice Kennedy has consistently denied SHAO's applications in an expeditious way and how the Constitution was completely shed by this Court in disregard of severe civil rights infringement in all of the Petitions filed by Shao including imminent danger to the minor caused by Wang's severe mental disease.

OPINION BELOW

This appeal lasted totally 10 years regarding Judge Edward Davila's 9/25/2009's Order. The lengthy delay was contributed to the courts' deterrence of SHAO's right to access the court. On June 4, 2019, a non-existent Justice "Danner J." issued a non-published opinion in H040977, affirming Judge Theodore Zayner's decision made five years ago on March 14, 2014, with twisted facts stated in the Opinion including obviously misrepresenting that

all records were reviewed when it blocked SHAO's material pleadings designated in the notice to be included in the Records on Appeal, and further denied SHAO's motion to "augment" the records when the trial court knowingly provided non-conforming records on appeal in violation of Rule 8.124(g) of California Rules of Court (App.11). The court continued refusing to decide on the material issues on appeal, i.e., modification of child support that involved about \$150,000's property rights for support in arrears, the court's refusing to refund the undertaking of \$10,000, the issue of Wang's double recovery of costs, and the issues of the courts' conflicts of interest.

The only identifiable Justice was "Acting P.J." The Presiding Justice Mary J. Greenwood is the wife of Judge Edward Davila, the trial judge involved in the decision of 2009 in this appeal. On March 16, 2018, Greenwood dismissed two appeals (H045501 and H045502) simultaneously on March 16, 2018, with identical false ground of lack of Civil Case Information Sheet for both cases. H045501 is this family case which is underlying the civil case of H045502 (Petition for Writ of Certiorari 18-344), Shao v. McManis, et al. Justices acting for Presiding Justice Mary J. Greenwood had further

dismissed H042531 (PWC18-800) and H040395 (PWC18-569) with the same style of a silent dismissal by fraudulently blocking notices to SHAO.

SHAO filed Petition for Rehearing and Suggestion of En Banc on June 19, 2019. Then, SHAO discovered that the attachments 01-04 to the Petition for Rehearing were altered in the court's records in that the email address of Santa Clara County Appellate Unit sccappeals@scscourt.org, was removed from Attachment01 and Attachment04. The same alteration was made when the hacker hacked into SHAO's email that has been hacked by Kevin L. Warnock. Yet the hacker missed altering one email notice of June 4, 2019 (App.43).

Therefore, SHAO filed a Notice of Errata about this alteration of record. Immediately upon such electronic filing on June 25, 2019, the hacker altered the file (see the first page attached to the Petition for Review.) such that SHAO was unable to print out. As shown in the Attachment01 to the Petition for Review, the Court's e-filing site showed "The document could not be saved. The volume for a file has been externally altered so that the opened file is no longer valid."

Based on the doctrine of adverse inference, the hacker that was able to access the Sixth District

Appellate Court's efiling notice are presumed to have been working closely with both Santa Clara County Court and California Sixth District Court of Appeal to be able to enter into the court's efiling notice system to immediate delete Santa Clara County Court's Appellate Unit's email address from the court's records. As concurred by Attorney Meera Fox, who investigated the matters and concluded existence of judiciary conspiracies between the Appellate Unit of Santa Clara County Court and the Sixth Appellate District as led by McManis Faulkner law firm. (App.120,Declaration of Meera Fox,¶31)

Timely review was made in California Supreme Court on July 5, 2019, which was denied on August 13, 2019.

Chief Justice Cantil Sakayue, Presiding Justice Mary J. Greenwood, California Supreme Court, California Sixth District Court of Appeal, Judge Theodore Zayner, Judge Edward Davila, James McManis, Michael Reedy, McManis Faulkner, Justice Conrad Rushing, Appellate Unit supervisor Susan Walkner and clerk Rebecca Delgato are all named defendants in the case of 19-5014 pending appeal with the D.C. Circuit.

Facts on irregularities involved in this appeal are stated chronologically in Section A to "Statement of the Case."

JURISDICTION

California Supreme Court's order was entered August 13, 2019. Petitioner invokes this Court's jurisdiction under 28 USC §1257 as the decisions of the California courts rejected Petitioner's claims under the First and Fourteenth Amendments to the Constitution of the United States. The Petition is timely under 28 U.S.C. §2101(c) and US Sup. Ct. Rule 13.1 and 13.3.

STATUTES INVOLVED (APP.1-26)

1. Constitution, Article IV, §2
2. Constitution, First Amendment
3. Constitution, Fourteen Amendment§1
4. 28 USCS §455 Disqualification of justice, judge, or magistrate [magistrate judge]
5 Judicial Conference of the United States, Committee on Code of Conduct for United States Judges
Compendium of Selected Opinions § 3.6-6[1] (Apr. 2013)
6. California Government Code §68150
7. California Government Code §68151(a)(1)
9. California Government Code §68152 (g)(16)
10. California Government Code §68152

11. California Government Code § 68153
12. California Rules of Court: Rule 8.122 (d) Clerk's transcript
13. California Rules of Court: Rule 8.124. (b)(4) and (g): Appendixes
14. California Rules of Court: Rule 8.130 (e)(1) and (f)
15. California Rules of Court: Rule 8.256. Oral argument and submission of the cause
16. California Rules of Court: Rule 8.702. Appeals
17. Rule 5-300 Contact With Officials
18. California Code of Civil Procedure §397(b)
19. California Penal Code §96.5 OBSTRUCTION OF JUSTICE
20. California Government Code §6200 (willful destroy, falsify and alter records)
21. California Penal Code §182
22. California Penal Code §115
23. California Penal Code §132
24. California Penal Code §134
25. California Penal Code §470 PC Forgery; Signatures or Seals; Corruption of Records
26. Guide to Judiciary Policy Vol.2 C: §620
§620.25
§620.30
§620.35 (b)

§620.45

§620.50

27. California Code of Judicial ConductError!

Bookmark not defined.

**a. CANON 2: A JUDGE SHALL AVOID
IMPROPRIETY AND THE APPEARANCE OF
IMPROPRIETY IN ALL OF THE JUDGE'S
ACTIVITIES**

**b. CANON 3: A JUDGE SHALL PERFORM
THE DUTIES OF JUDICIAL OFFICE
IMPARTIALLY AND DILIGENTLY**

**c. CANON 4 :A JUDGE SHALL SO
CONDUCT THE JUDGE'S QUASI-JUDICIAL
AND EXTRAJUDICIAL ACTIVITIES AS TO
MINIMIZE THE RISK OF CONFLICT WITH
JUDICIAL OBLIGATIONS**

28. California Family Code §4065(c)&(d)

STATEMENT OF THE CASE

**A. Severe structural errors constituting
violation of due process**

**SHAO has been egregiously prejudiced by
California courts' court crimes in delaying this
appeal by about 10 years:**

**9/25/2009 Judge Edward Davila conducted the
hearing denying extension requested by SHAO.
Shao appealed (H35194).**

1/27/2012 Sixth Appellate Court's opinion was issued.

9/12/2012 When SHAO was to challenge the qualification of a fake forensic psychologist John Orlando who illegally practiced psychology, for the first time Judge Zayner wanted to handle Remittitur, by instructing Respondent's counsel, David Sussman, in ex parte, to file Case Management at issue memorandum to divert the custody issue away.

9/11/2013 Judge Zayner cancelled the trial and decided to have the Remittitur determined on paper submission only with a reviewing date of 12/16/2013.

12/16/2013 Judge Zayner denied SHAO's request for continuance and trial setting for Remittitur. The hearing was not a hearing on Remittitur but only to check the submission status.

4/21/2014 Notice of Appeal was filed⁵.

3/14/2016 Ex-Presiding Justice Conrad Rushing dismissed the appeal based on false Saturday notice of non-compliance of 3/12/2016 in violation of Rule 8.57.(App.120,Declaration of Meera Fox,¶31) The

⁵ The record of filing, however, was removed from the docket of the family court case.

dismissal(App.85), with evidence of courts' fraud, was vacated on 4/12/2016.

2/27/2017 A false docket entry was shown based on a purported notice of 2/24/2017 (App.84)which was not in existence.

5/24/2017 The court required the prior submission by SHAO of the hearing transcripts to be signed by the court reporters. (App.86-89)

8/1/2017 The Appellate Unit of Santa Clara County Court *filed its Records on Appeal*

9/6/2017 The court disputed SHAO's transcripts filed on 10/3/2014(App.133), about 3 years ago to be certified copies, and eventually accepting re-filing by SHAO(App.91)

10/30/2017 SHAO filed Objection to the Records on Appeal based on missing material records regarding Remittitur in violation of Rule 8.124 (App.93).

Until 4/30/2018 5 extensions were granted when SHAO requested extension based on the court's not yet ruled on SHAO's Objection to the Records on Appeal.

04/23/2018 SHAO filed a motion to reconsider the court's denial of extension as the Court had not ruled on SHAO's Objection to incomplete Records on Appeal(App.94).

05/03/2018 The court denied SHAO's motion to reconsider but instructed SHAO to file a motion to augment records on appeal.(App.95)

05/04/2018 The court denied SHAO's Objections to incomplete records on appeal where SHAO requested an order to require Santa Clara County Court to supplement the missing important records (Opposition to Declaration of Tsan-Kuen Wang and Objection to evidence)(App.95)

05/08/2018 Per the Court's instruction, SHAO filed a motion to augment records on appeal for the missing records.(App.95)

05/11/2018 The court denied SHAO's motion to augment records on appeal to include her important filings, the only filings regarding Remittitur.

06/06/2018 SHAO filed her Opening Brief and a separate Rule-compliant motion for judicial notice including a request to change venue. It includes Declaration of Meera Fox about actual bias and prejudice of the Sixth District Appellate Court with statement of history of granting judicial notice of this Declaration of Meera Fox by California Supreme Court in S242475 in July 2017.

5/6/2019 A 10-day oral argument waiver notice was sent via email(App.43). This notice was declared to be void and violation of due process 15

years ago by California Supreme Court in *People v. Pena*, 32 Cal.4th 389 (2004).

5/17/2019 The court issued an Order to waive oral argument. Petitioner contested the waiver to no avail.(App.53)

6/4/2019 A non-existent Justice issued the Judgment, with concurrence by another non-existent Justice and a Justice as acting P.J.

6/19/2019 SHAO filed Petition for Rehearing.

6/25/2019 Notice of Errata filed regarding alteration of court's records regarding email notices that the court and hacker that hacked into SHAO's email had removed the email address of the Appellate Unit of Santa Clara County, i.e., sccappeals@scscourt.org, from Attachment01 and 04 that were attached to Petition for Rehearing filed on 6/19/2019. On the same day when this court crime was exposed, the Court issued an Order denying rehearing by Justice Mihara as Acting Presiding Justice, and purported Justices "Danner J. and Duffy, J."

Presiding Justice Mary J. Greenwood never made a disclosure on her conflicts of interest.

After blocking the records on appeal to be prepared by about 3 years, when Santa Clara County Court's Appellate Unit involuntarily

produced the records on appeal, it fraudulently omitted from production the material filings of Petitioner regarding Remittitur, and the Sixth District Appellate Court further blocked such missing records to be included in the Records on Appeal.

As Judge Zayner cancelled the trial and decided on papers, these two pleadings are all that are from Petitioner regarding the Remittitur. Without the two records, Petitioner could not proceed appeal.

B. Background information

SHAO had 99.7% of child custody and later stipulated to a 50/50 shared child custody judgment in 2008 with case number of 105FL126882 pending with Santa Clara County Court. In 2009, SHAO disputed that WANG failed to comply with the stipulated judgment in failing to give her her share of his bonus income and stock option, that the stipulated child support in May 2008's Judgment was well below guideline was void in violation of public policy, that WANG's counsel, David Sussman, breached the trust in misusing her Social Security number to create the trust account without informing her, failing to distribute the sales

proceeds of the house in equal division, further damaging her credits by mishandling the trust. Judge Davila conducted the trial in September 2009. SHAO appealed with the case number of H035194. The Opinion H035194 was issued on Jan.27, 2012.

- a. Davila's parental deprival order was with ex parte communications from Sussman

On Aug. 4, 2010, Judge Davila illegally deprived SHAO of child custody at a case management conference without any notice nor evidentiary hearing, with admission of ex parte communications by Respondent's counsel David Sussman (App.144). Shao retained McManis Faulkner LLP without knowing their relationship with Santa Clara County Court. Judge Edward Davila went to the USDC in San Jose, with his seat succeeded by Judge Theodore Zayner.

- b. Suspected ex parte communication between Zayner and Sussman

The court issued opinion in H034195 on January 27, 2012; yet, Judge Zayner failed to take any action, until September 12, 2012 when he colluded with David Sussman by ex parte communication instructing Sussman to file the

At-Issue Memorandum, which was leaked out of Sussman's mouth at the end of the hearing(9/12/2012 transcript⁶,P.16:MR.SUSSMAN: Thank you, Your Honor. Thanks for your time. By the way, I thought your direction last week was very helpful." This is different from what Sussman declared in his Paragraph 3 as shown in App.144. A week prior was exactly the time Sussman filed a case management conference

⁶ Even though the transcripts were submitted to the trial court to be lodged with the Appellate court in October 2014, two years later, the Sixth District Appellate Court required the reporters' signatures and required Appellate to refile the transcripts, including this one. The June 4, 2019's Judgment contained conflicting statements. Despite having submitted twice of this transcript, as shown in App.63, the Court stated "**The record on appeal does not contain a reporter's transcript of this hearing.**" Yet, in denying change venue, the Court made inconsistent statement that

"Moreover, we have reviewed the entire record, including the reporter's transcripts from the December 16, 2013 hearing during which substantive issues relating to the remittitur were addressed and conclude they do not support her attacks on the trial court's fairness and impartiality." (App.74)

questionnaire. with a typo of "Remitter".(App.63, as stated by the Court's Order in its Page 3, the last two lines). Contrary to Sussman's declaration, there was no hearing for Judge Zayner nor a hearing to allow Sussman to appear before Zayner at the time of his filing the case management conference questionnaire. Yet the court disallowed a deposition over Sussman to take place.

It should be a more logical inference that Zayner taught Sussman to use Remittitur to revive the May 10, 2010's two discovery motions to counter SHAO's discovery of fraud of Orlando. Such inference is supported by Page 13 of 9/12/2012's transcript which reads:

MS. SHAO: Your Honor, the most important thing is custody.

THE COURT: You mean on the remittitur.

MR. SUSSMAN: On the remittitur, yeah.

Frankly, I've never run into it before and I have to think about it.

As Remittitur was not the idea of Sussman, he would make a typo on his Case Management Conference Questionnaire of "Remitter".

c. Remittitur was delayed and trial cancelled

Later, Judge Zayner cancelled the trial setting for Remittitur, but directed Wang to file his declaration, SHAO to oppose and he would decide on papers. Zayner issued his Decision, then SHAO appealed which is H040977.

d. McManis became SHAO's attorney but betrayed SHAO

The appeal process of H040977 was intertwined with the custody appeal. The shared custody stipulation in 2008 was prompted by Judge Edward Davila's judiciary corruption that took place as early as in June 2007, when he, Sussman and Sarah Scofield made a play at the Court on the day of emergency screening to reverse the screening to be against Shao based on Scofield's speech who was not a screener of the family case and did not meet Shao before, but made frivolous accusation against SHAO at the Court. (Opening Brief) The opposing counsel David Sussman later enlisted Sarah Scofield as Wang's witness for emergency screening in May 2010.

On the August 4, 2010's case management conference, the same league played again another conspiracy. Judge Davila ordered parental deprival

on the Case Management Conference. Such parental deprival was ordered over the objections of two minor's attorneys and Shao, and in contrary to the expressed wishes of the 5-year-old minor. They plotted to lure SHAO to bring in the minor to the court in that afternoon and locked the 5-year-old in the court for a good 3 hours. The ensuing date, this league based on undisputed ex parte communications, issued supervised visitation order and sibling separation order without a hearing. Davila ordered the minor to be placed under the sole custody of her identified abuser, Respondent Tsan-Kuen Wang.

Without knowing the conflicts of interest of McManis Faulkner, LLP about their relationship with Santa Clara County Court, SHAO retained that law firm in August 2010 trying to get back her custody. However, on the first day of appearance, her attorney Michael Reedy was called into the chamber of Judge Davila and conspired with Judge Davila and opposing counsel David Sussman, for an order to issue monetary sanction against SHAO, for an agreement that Reedy was not to defend SHAO, and not to file a motion to set aside the parental deprival orders of August 4 and 5, 2010.

e. Additional prejudice of Zayner

During 4 years' being this case's all purpose judge, Zayner, in apparent knowing Wang's mental disorder, willfully cancelled Judge Mary Ann Grilli's July 22, 2011's Order to conduct psychological evaluation of Wang and refused to set for trial until July 2013 in front of Judge Patricia Lucas. At that time, SHAO was unaware that Zayner, Lucas and Michael Reedy were closely socialized through the Ingram Inn for more than 10+ years where they had at least 14 meetings a year. Judge's membership is free and McManis law firm is a major donor of the Ingram Inn. As declared by Meera Fox, Esq., as critical to the defense of McManis law firm against SHAO's malpractice lawsuit, McManis misused their relationship with Santa Clara County Court's judges to ensure SHAO's permanent parental deprival. (App.100-103)

4 years later, on 9/15/2014, SHAO obtained discovery from the health insurance company of WANG that he had been treated with a very dangerous mental disorder about the time the minor complained of inhumane physical abuses by Wang in late July of 2010. Then Santa Clara County Court suppressed the CIGNA's subpoenaed

documents until June 17, 2016 when Judge Joshua Weinstein opened the subpoenaed documents knowing that Dr. Jeffrey Kline had provided declaration about severe mental disorder of Wang but knowingly disregarded it. The CIGNA records were in the court's file. SHAO was unaware of the attorney-client relationship(App.106,165-167, 168-69) between McManis and Santa Clara County Court until 2014.

While the parental deprival order of Davila was set aside, Judge Grilli illegally ordered to maintained the already set-aside parental deprival orders to be revived without an evidentiary hearing. Judge Zayner further cancelled evidentiary hearing and continued withholding child custody return to SHAO for many years.

Only until July 2013, then Zayner assigned the custody trial to Judge Patricia Lucas. Unknown to SHAO, both of them were closely related to Michael Reedy via the Ingram Inn, and James McManis has been the attorney of Santa Clara County Court and worked for the court for many years as a Special Master(App.107). More than 3 months after the trial, Judge Lucas issued the 11/4/2013's order to continue parental deprival based on a twisted theory that there was no

substantial changes of circumstances from August 4, 2010 the initial parental deprival that may justify change from Davila's parental deprival orders. Shao filed an appeal with the case number of H040395.

This appeal(H040977) came up about 6 months later the custody appeal. For both appeals, Santa Clara County Court refused to prepare the records on appeal for more than 3 years.

In late November 2015, regarding the malpractice lawsuit Shao filed against McManis, 112CV220571,McManis filed about 13 motions in limine all asked to apply collateral estoppel based on Judge Lucas's custody order. The trial judge denied all as the Lucas's order was pending appeal in H040395. McManis's attorney stayed the jury trial by alleging that the child custody appeal should be dismissed for lack of prosecution. On March 11, 2016, McManis's attorney mentioned again about dismissal of H040395. Within a day, on Saturday, March 12, 2016, Santa Clara County Court specifically arranged the clerk at the Appellate Unit to issue two false notices in order to dismiss both H040395 and H040977. As the first thing in the morning, in violation of Rule 8.54, both

appeals were dismissed by prior Presiding Justice Conrad Rushing based on the Saturday fraudulent notices that were made without any prior notice to SHAO. Upon exposure of the fraudulent conspiracy between McManis law firm, Rushing and Santa Clara County Court about the lengthy parental deprival of SHAO (App.118,¶31), Rushing vacated dismissal and reactivated both appeals.

10 months later, the conspiracy was re-played based on non-existent false notices that were shown on the dockets of H040395 and H040977 on Feb. 27, 2017. Rushing retired and Davila's wife Justice Mary J. Greenwood became the Presiding Justice of the Sixth District Court of Appeal in May 2018. Greenwood dismissed H045501, H045502 in April 2018 and H040395 in May 2018, without any notice to Shao. At the time of dismissal of H040395, the trial court had not prepared the records on appeal.(PWC18-569) After Shao filed with the US Supreme Court a Petition for Writ of Certiorari (18-569), Santa Clara County Court then eventually started prepared the records on appeal, after 3 years' delay.

Yet, the trial court purposely omitted from the records on appeal all filings made by SHAO, including SHAO's Objection and Opposition to

Wang's Declaration. Such omission was willful as the Court was requested extensions of SHAO's Opening Brief based on lack of complete records on appeal, the court denied SHAO's Objection to incomplete records on appeal filed on 10/30/2018 six months after filing, lured SHAO to file a motion to augment records and further denied it.

However, the June 4, 2019's Judgment misrepresented that the whole record was reviewed by the Sixth District Court of Appeal.(App.74 "Moreover, we have reviewed the entire records") and even cited the missing records of "Opposition" and "Objection" filed by SHAO as if they had reviewed when they specifically had excluded such records in violation of Rule 8.124(g). See App.64,first paragraph.

Based on lack of material records on appeal willfully excluded by the courts, SHAO filed the Opening Brief on June 6, 2018. These facts were all omitted from the June 4, 2019's Judgment.

Each of Zayner, Lucas, Santa Clara County Court and the Sixth District Court of Appeal denied recusal and avoid making decision on the merits about the relationship between McManis and the courts. McManis Faulkner and its attorneys are appearing in front of their own clients, Santa Clara

County Superior Court of California and the Sixth District without disclosing the direct conflict of interest.(MJN)

Expert witness Meera Fox, Esq. provides declaration on the intertwined situation of the two appeals. (MJN in H040977)

Notably, in June of 2015, McManis procured from his client, Santa Clara County Court, an order to declare Petitioner as a vexatious litigant and a prefiling Order with the later not even supported by an opinion of the trial court and not shown on the docket until about August 15, 2017. According to a court's clerk, it was not entered by any employee of the court but a "contractor." Yet, the docket entry was inserted after the Decision of June 16, 2015 to appear like it was entered into the docket at that time.

According to the trial court (Hon. Derek Woodhouse), Judge Zayner who was later moved to the civil court, illegally brought all court files of 112CV220571 into his chamber silently and removed the original deposition transcripts of James McManis and Michael Reedy from the court files of 112CV220571 on June 20 2016.

Within days of issuance of the original order that did not mention prefiling order, the vexatious

litigant order (not prefiling order) was used by Judge Joshua Weinstein to deter filing in the underlying family court case of 105FL126882 to block SHAO from deposing Respondent. Then, sensing the need to have prefiling order, it was backdated filing to be on June 16, 2015 but was not supported by a decision at all.

At that time Judge Lucas was Assistant Presiding Judge of Santa Clara County Court and the Presiding Judge was Rise Pichon. On 4/29/2016, without any notice nor motion, Judge Joshua Weinstein “cancelled” and “defiled” all Requests for Order filed by SHAO, including a motion to change venue, without any proof of service of such an order, either.

Afterwards, regarding the cancelled 4 motions, the docket of 105FL126882 was altered to change names of hearing officer for these motions from Weinstein to Judge Mary Ann Grilli.

On 5/29/2016, contrary to her prior instruction, Pichon issued an Order (H040395, 20170607PR_MJN_P.112-4) requiring Petitioner to seek preapproval of the Presiding Judge before filing a motion in 105FL126882, despite being fully aware that such order violated Shalant v. Girardi (2011) 51 Cal.4th 116.

Petitioner's expert for trial of 112CV220571, Meera Fox, Esq., provided two declarations (MJN, H040977) attested to existence of conspiracies of parental deprival (App.75,¶31) and the continuous conspiracy in the February 27, 2017's "more felonious tampering with court records" (App.76,¶32) by a false entry of docket of a "filed" "Default Notice of February 24, 2017" which in fact did not exist. Such fraudulent notices and dismissals took place to both H040395 (child custody appeal) and this appeal (App.85).

Ms. Fox also provide testimony about actual prejudice and bias of Sixth Appellate Court of Appeal's Appellate Panel that took place on 4/27/2017's oral argument in a related appeal of H039823 where Presiding Justice Conrade Rushing's snickered, nearly seething, threats and Justice Elia "bizzare" questions and improper comments of "fantacy and fiction" in her declaration made on April 30, 2017. (MJN,JN-1)

The docket of H040395 was altered to remove the May 10, 2017's filing of Ms. Fox's declaration.(MJN,JN-1)

The notorious fraudulent dismissal of H040395 and H040977 on March 14, 2016 exposed the fact that such bizarre lengthy parental deprival

is caused by judicial corruptions as manipulated by McManis Faulkner.

Ms. Meera Fox testified that

“These falsified and groundless notices of non compliance must have been created as a favor to McManis Faulkner, who needed the appeal dismissed in order to be able to assert their collateral estoppel defense in the malpractice trial of Shao v. McManis Faulkner.” (App.124,¶24)

Such prompt dismissals made by Presiding Justice Rushing were “illegal” as entered without any prior notice nor any motion to dismiss pending, as is required by Rule 8.57(a) of the California Rules of Court. (App.117,¶28)

The proximity of time sequence of the events suggested that such dismissal was *not coincidentally made*, especially when such dismissal was illegal per se. Ms. Fox declared a public view of conspiracy was in existence among Santa Clara County Superior Court, Presiding Justice Rushing and Respondents.(App.118-9,¶31):

“There is no other explanation for why R. Delgado would go in to work on a Saturday specifically for the sole purpose of creating false perjured documents to effect the

specific relief required by McManis Faulkner to assert their collateral estoppel defense. There is no other explanation for why Justice Rushing would be expecting the falsified notices to arrive first thing that Monday morning and to explain how he had the appeals dismissed within 25 minutes of their receipt. There is no other explanation for why a presiding judge would be willing to violate an appellant's due process rights by summarily dismissing her appeals without anyone filing a motion to dismiss and without providing her any notice, in direct violation of the rules of court."

f. The Sixth District severely prejudiced SHAO's rights to appeal

In violation of Rule 8.57 on 9/26/2016, the Sixth District dismissed H043851 based a false notice of the trial court and dismissed H042603 (modification of child custody based on WANG's dangerous mental disorder) based on lack of civil cover sheet; on March 14, 2016, dismissed both H040395 and this appeal.

In addition, the Sixth District dismissed H037820's custody appeal on 5/21/2014 with a new

issue not discussed at oral argument in violation of Government Code, without giving chance of rebuttal.

Justice Patricia Bamattre-Manoukian, without disclosing her relationship with Reedy, also summarily denied SHAO's Petition for Writ of Habeas Corpus twice, one in 2011 in H037833, and another on 4/13/2015 regarding WANG's dangerous mental illness in H042166.

In or about May 2017, Presiding Justice Mary J. Greenwood took over and dismissed the appeals of H045501, H045502. A series of appeals were dismissed with the same scheme of fraudulent notices in 2018 (PWC18-344, 18-569,18-800). Now with this last one of H040977 pending with the Sixth District Court, the court issued an illegal 10-days' waiver of oral argument notice and ordered submission before the full 10 days were passed.

Likewise, this appeal was denied with all irregularities stated above.

g. File alterations were done as a conspiracy between the hacker, James McManis, Santa Clara County Court and Sixth District Appellate Court

On June 19, 2019, SHAO filed Petition for Rehearing. In creating the bundle on the old site

of Truefiling.com, SHAO created of a new contact for Santa Clara County Court based on notices from the Sixth District in H040977. SHAO then discovered that the email notices issued from the Sixth District Court that she attached to the Petition for Rehearing as Attachment01 and 04 were altered both in the court's record of Petition for Rehearing as well as in the Sixth District's prior emails sent to her email address of attorneyshao@aol.com. The alteration was to remove Santa Clara County Court's email of sccappeals@scscourt.org from the Sixth District's own truefiling notices issued in the past. Interesting enough, these emails for recipients of service were then completely removed from the new notice of acceptance of filing of the Petition for Rehearing on June 19, 2019. (App.40) While the hacker removed the Santa Clara County Court's email of sccappeals@scscourt.org from some email notices of the Sixth District Court of Appeal, the June 4, 2019's email was missed from alteration and retained as evidence of such alterations.(App.42)

On June 25, 2019, SHAO filed a Notice of Errata about the alteration of the records. Immediately after filing, when SHAO tried to

download the submitted Notice of Errata just filed from the court's site, the court's site showed that the file "could not be saved. The volume for a file has been externally altered so that the opened file is no longer valid." (Petition for Review, Attachment01.)

h. repeated dismissal of appeals in violation of due process by ex-Presiding Judge Conrad Rushing in violation of Rule 8.57 (requiring noticed motion before dismissal)

The Sixth District Appellate Court has repeatedly dismissed appeals without notice in the past 3 years, including dismissing H040395 and H040977 (this appeal) on March 14, 2016, dismissing H042603 (challenging denial of change of child custody based on discovery of Respondent's severe and dangerous mental disease) on 9/25/2016 without notice, dismissing H043851 based on false Notice of Non-compliance on 9/26/2016, blocking appeal on H043665, dismissing H045501 and H045502 without notice on 3/16/2018, dismissing H040395 again on 5/10/2018 by concealing notice and dismissing H042531 on July 10, 2018. All these violated Rule 8.57 of California Rules of Court.

i. Joint conspiracies of California courts to block SHAO's appeal by deterring records on appeal

As of the time of dismissal of the child custody appeal, for about 4 years, Santa Clara County Court has not prepared a page of records on appeal but fraudulently dismissed the appeal with false accusation.(18-569) For this appeal, when eventually prepared after 3 years without records on appeal, the courts jointly blocked complete records on appeal.

j. All three levels of California courts as well as this Supreme Court avoid deciding on the merits of recusal requests.

SHAO filed Petition for Writ of Certiorari No. 18-344 challenging Judge Folan's last order avoiding deciding on the merits about SHAO's motion to change venue based on the conflicts of interest. No courts are willing to respond to any of the more than a dozen motions for change venues.
REASONS FOR GRANTING CERTIORARI:
RULE 10 (B) AND (C)

A. EXCEPTIONAL CIRCUMSTANCES OF EGREGIOUS DUE PROCESS VIOLATION

1. No qualified Justice and lack of fair tribunal mandates reversal of June 4, 2019's Judgment

In Tumey v. Ohio (1927) 273 US 510, the U.S. Supreme Court held that an order or judgment made by an unfair tribunal must be reversed and remanded regardless of the contents of that judgment or order, as this is a structural error of due process.

The interests of justice require disqualification of a judge in order to prevent the power to punish held by the judge from becoming an "instrument of oppression". *DeGeorge v. Superior Court* (1974) 40Cal.App.3d 305, 312.

When there is no qualified Justice, the purported decision is void and California Supreme Court may take the cause over. See, 13 Witkin Cal.Proc.Appeals §917; *Knouse v. Nimocks* (1937) 8 C.2d 482, 66 P.2d 438; *Scott v. Kenyon* (1940) 16 C.2d 197, 105 P.2d 291

Here, the justice wrote the June 4, 2019's Judgment is unidentifiable. Mary J. Greenwood failed to disclose her conflicts of interest. Moreover,

California Supreme Court's Chief Justice also has regular social relationship with James McManis and Michael Reedy through the American Inns of Court and also failed to disclose the conflicts of interest. McManis is a leading attorney of American Inns of Court.(App.163) Reedy was a speaker for American Inns of Court(App.170) and now the President of the William A. Ingram American Inn of Court of the American Inns of Court. Judge Zayner is now the President Elect of the Ingram Inn.

Reversal is thus mandated.

2. Justices, Judges that are or were represented by the interested third parties should be required to disclose such relationship and should all be disqualified and the case should be removed away from Santa Clara County Court and Sixth District Court of Appeal

Where a judge has been represented by attorneys or law firms appearing before the judge, disqualification is required under the objective standard of the appearance of bias unless other facts dispel that appearance of bias.

Smith v. Sikorsky Aircraft(C.D. Cal. 1976) 420 F. Supp. 661, 662; Powell v. Anderson (Min. 2003) 660 N.W.2d 107, 116-119.

In *Smith*, the judge disqualified himself from hearing a case involving his own attorney as a party because **the attorney's prior representation of the judge** in both a personal and judicial capacity. The Court rested its decision squarely on the objective standard that since one party was the judge's own counselor, the judge's "impartiality might reasonably be questioned."

In *Powell*, the Minnesota Supreme Court adopted an objective disqualification standard and applied a four-factor test: (1) The extent of the attorney-client relationship, (2) the nature of the relationship, (3) the frequency, volume and quality of the contacts with the attorney or law firm, and (4) any special circumstances "that might either enhance or limit (1) the importance of the attorney or firm to the judge and/or (2) the appearance of impropriety to the public." 660 N.W.2d at 118.

In *Giometti v. Etienne* (1934) 219 Cal.687, this Court held that "without express legislative exception, appellate judges must be deemed subject to the same rules applicable to judges personally."

Here, the McManis Faulkner law firm as attorney for Santa Clara County Court and unidentified judges/justices has appeared as a defendant before

the Santa Clara County Court and the Sixth District Appellate Court.

Presiding Justice Mary J. Greenwood and almost all Justice at the Sixth District Court of Appeal were employed by Santa Clara County, who are therefore at least a client of James McManis as being an attorney for Santa Clara County Court. All judges at the Santa Clara County Court have attorney client relationship with James McManis as they are employee of Santa Clara County Court who is the client of James McManis.

James McManis testified that there was a Justice at California Supreme Court being his client.

As testified by Meera Fox, Esq., the courts were working against SHAO hard on her family court case for the benefit of James McManis, Michael Reedy and McManis Faulkner, LLP. This extraordinary situation mandates the orders made by Santa Clara County Court to be vacated.

3. Judges who are members of the William A. Ingram American Inn of Court Should be Required as a matter of due process to disclose their social relationship with lawyers who are members of the Inns of Court and Who are Appearing Before These Judges

This issue is very important as almost all courts have judges who are members of an American Inn of Court. Based on a review of the testimony of Michael Reedy, President of the William A. Ingram American Inn of Court, the social networking function presents potential ethical concerns threatening the integrity of the courts, which may be in direct contravention of Rule 5-300 of California Rules of Professional Conduct, which establishes in Subdivisions (A) that "A member shall not directly or indirectly give or lend anything of value to a judge, official, or employee of a tribunal" and in (B) that an attorney shall not directly or indirectly communicate privately with a judge or its employee that has the power to recommend a decision.

The social association through the Inns of Court presents potential conflicts of interest. For example, there were at least 14 times of year for meal time

between Reedy and Judge Zayner and Judge Lucas who issued parental deprival of SHAO for years. Whether or not requiring disqualification in all cases, due process requires this association must be disclosed where a fellow member is a party or interested party appearing before the judges who are members of the Inn. Only with such disclosure can litigants determine if the risk of bias exists and seek disqualification.

In Wechsler v. Superior Court (2014) 222 Cal.App.4th 384, the Court held that mere an officiant for a wedding requires disclosure but no disqualification and implied that disqualification is required for personal or social relationship with the attorney. The Court stated that "Following Carter, we conclude that when a judge has no personal or social relationship with the attorney and the judge's only role at the wedding is that of an officiant, disclosure is required (Cal. Code Jud. Ethics, canon 3(E)(2)(a))."

Id at P. 387.

Nevertheless, the above holding in Wechsler suggests that if there is social relationship between the judge and the attorney, disqualification is actually required.

In *State v. Putnam* (1996) 164 Vt. 558, the Vermont Supreme Court required disqualification of an Administrative Judge for failure to disclose “social relationship with a party” and reversed the judge’s decision. See also, *Richard v. Richard*, 146 Vt. 286, 288, 501 A.2d 1190, 1191 (1985)

In *Inquiry Concerning Harris* 2005) 49 Cal.4th CJP Supp. 61, the court considered the failure to disclose a social relationship he had with an attorney appearing before him.

Clearly, McManis,Reedy and their firm have used their significant influence over the judges they are closely socialized for many years on the Inn of Court social scene to stall and predetermine all SHAO’s suits since the date Reedy first committed malpractice by agreeing with the court not to follow his client’s express directions to expose the court’s illegal ex parte removal of custody, and have its illegal orders overturn.

Such influence has gone extreme as it caused the court to commit crimes in altering the court’s dockets and notices, which should constitute the court’s records according to California Government Code in violation of California Government Code §68150, 68151(a)(1), 68151(a)(3), and 68152 (App.8-10), California Government Code §6200, and

Penal Code Sections §96.5, §182, §115, §132, §134, §470. (App.19-20) Such irregularities has repeatedly took place for years which were discussed in each and every Petitions filed with this Court. Eg., 17-82, 17-256, 17-613, 18-344, 18-569, 18-800 and this Petition.

With large numbers of members of this private club throughout the U.S., Judges who are members of the Inns of Court should be required to disclose their social relationship with the attorney-members who are appearing in front of them, to satisfy the due process.

4. Writ is necessary as there is important novel issue of whether the entire court should be disqualified when Presiding Judge or Justice or any Justices/Judges were involved with conflicts of interest and may extend applicability of recusal to appellate court.

A Presiding Justice's conflicts of interest should justify recusal of the entire court, since that Presiding Justice has enormous influence over his entire court. In Williams v. Pennsylvania (2016) 136 S.Ct. 1899, when the involved Justice was Pennsylvania's Chief Justice, the entire court was

disqualified. See also, *Liljeberg v. Health Servs. Acquisition Corp.* (1988) 486 U.S. 847

In *U.S. v. Jordan* (1995) 49 F.3d 152, Ft. 18, the 5th Circuit's majority stated in Footnote 18 that :

“The public may not look favorably upon a system that allows one colleague to pass on the impartiality of another colleague who works closely with the questioned judge. As discussed supra, judges sitting in review of other judges do not like to cast aspersions, especially upon colleagues in the same district with whom they work so intimately and confer so frequently.”

C.C.P. §397(b) authorizes a change of venue to ensure litigants an impartial trial.

Such change of venue may be expanded to include any judges or justices that have direct conflicts of interest. New York State cases require changing venue to avoid impropriety when a judge has conflict of interests. See, e.g., *Amann v. Caccese* (1996) 223 A.D.2d 663, 637 N.Y.S.2d 217 [the plaintiff was the daughter of the Court of Claims Judge/Acting Supreme Court Justice], *Rothwax v. Spicehandler* (1990) 161 A.D.2d 184, 554 N.Y.S.2d 882 [the plaintiff was a Supreme Court Justice]),

Milazzo v. Long Is. Light. Co. (1984) 106 A.D.2d 495, 483 N.Y.S.2d 33, [the plaintiff was a law secretary to two Justices where the action commenced]) or Burstein v. Greene (1978) 61 A.D.2d 827, 402 N.Y.S.2d 227 [the plaintiff was the spouse of a Supreme Court Justice].

Federal Judiciary Policy 3-3.6 (App.2) authorizes removal of an entire district when a judge is sued.

Moreover, such change of venue should include the appellate court level. 28 USCS §455(b) provides that in appropriate circumstances a litigant may move to disqualify the individual appellate judge, or all levels of appellate judges, or an entire court. See, Pilla v. American Bar Association (1976) 542 F.2d 56.

**5. INCOMPLETE RECORDS ON APPEAL
CONSTITUTE STRUCTURAL ERROR
IN VIOLATION OF DUE PROCESS
THAT MANDATES REVERSAL OF THE
JUDGMENT.**

California Supreme Court has held that the due process and equal protection clause of the Fourteenth Amendment of the Constitution requires the states to provide sufficient records for

adequate and efficient review and points to be argued. E.g., People v. Rogers (2006) 39 Cal.4th 826, 857-858.

This affects right to access the courts. The right to appeal and the right to have access to the courts are fundamental rights under the First Amendment which must be protected.

Guarnieri, 131 S. Ct. at 2494; Primus, 436 U.S. at 426; Addleman, 139 Wn.2d at 753-54.

Structural error includes deterrence of right to appeal. See, Locada v. Deeds (1991) 498 US 430, overruled on other grounds by Roe v. Flores-Ortega (2000) 528 US 470.

It is especially important in family court case. In Robinson v. Robinson, 2017-Ohio-450 (Court of Appeals of Ohio, Fourth Appellate District, Meigs County, released on 1/31/2017), the court held that the right to access the court for divorce proceedings was a substantial right that the United States Constitution entitled a person to enforce or protect. Here, the three documents that are missing are all essential. The first minutes order will be able to show that a Remittitur requiring new facts finding requires a trial and Judge Zayner has unreasonably canceled the trial setting and refused to hold a hearing to allow examination and oral examination,

especially when Appellant contests that Respondent's Counsel ignored and never produced to her legible copies of their written submission as contained in Respondent's Declaration and that many requests for reimbursement are either unreasonable, getting double benefits, or irrelevant. (R.181-205)

As mentioned above, the Opposition and Objection to Declaration of Tsan-Kuen Wang are all that Petitioner filed in response to the Remittitur that are crucial records for an Opening Brief as Petitioner is not allowed to cite facts outside of the records on appeal.

The facts stated in this Petition established the willfulness of the Sixth District Appellate Court's knowing deterring appeal to be meaningful. Thus, the resulting Order should be reversed.

6. Certiorari should be issued to direct the Sixth Appellate Court to cease its illegal practice in issuing the 10-day oral argument waiver notice

As mentioned above, the 10-day oral argument waiver invitation notice was not what was stated in Rule 8.256, but had been declared to be void and violation of due process 15 years ago by California

Supreme Court in *People v. Pena*, 32 Cal.4th 389 (2004).

Yet, California Sixth District Court of Appeal and the Supreme Court disregarded such illegal practice. Therefore, a writ is necessary to cease the illegal practice.

7. Significant substantive due process property rights are prejudiced that require a writ be issued

A parent's interest in support in arrearages owed is not just statutory but the judgment is a vested property right protected by the California Constitution. *In re Marriage of Comer*, 14 Cal.4th at p.541, 59 Cal.Rptr.2d 155.

The public policy of California disallowed child support to be below the guideline support when the child support agency was not involved in the child support stipulation. Any such order violates due process and is void. California Family Code §4065(c).

The clear bias and prejudice of the courts have repeatedly ignored such substantive due process that involves the property interest of Petitioner and has refused to rule on her motion to modify support since September 2009 when the child support was at least \$3000 below child support guideline.

Father only paid \$600 a month up to 2013 which

caused financial difficulty of Petitioner when the guideline support should be at least \$5,000 a month before May 2013 when the son reached majority. The involved prejudice on property loss to Petitioner on support in arrears was estimated at least \$150,000.

The courts further unreasonably disregarded the return of the undertaking of \$10,000.

(App.173-74) when the remittitur was issued in January 2012, 7 years ago. The integrity of the courts should not tolerate robbery of the court.

CONCLUSION

For the foregoing reasons, Petitioners request that certiorari be issued.

VERIFICATION

I swear under penalty of perjury under the law of the U.S. that the foregoing is true and accurate to the best of my knowledge and made in good faith.

Dated: November 11, 2019

Respectfully submitted,

/s/ Yi Tai Shao

Yi Tai Shao