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IN THE SUPREME COURT OF THE UNITED STATES

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Linda Shao Petitioner - Appellant,

vs.

Tsan-Kuen Wang, Respondent - Appellee.

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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)

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REQUEST FOR RECUSAL OF CHIEF JUSTICE JOHN G. ROBERTS,  
JUSTICE CLARENCE THOMAS, JUSTICE RUTH BADER  
GINSBURG, JUSTICE SAMUEL ALITO, JUSTICE STEPHEN  
BREYER, JUSTICE SONIA SOTOMAYER, JUSTICE ELENA KAGAN

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TO CHIEF JUSTICE JOHN G. ROBERTS, JUSTICE CLARENCE THOMAS, JUSTICE RUTH BADER GINSBURG, JUSTICE SAMUEL ALITO, JUSTICE STEPHEN BREYER, JUSTICE SONIA SOTOMAYER, JUSTICE ELENA KAGAN:

Petitioner respectfully requests recusal of Chief Justice John G. Roberts, Justice Clarence Thomas, Justice Ruth Bader Ginsburg, Justice Samuel Alito, Justice Stephen Breyer, Justice Sonia Sotomayer, Justice Elena Kagan based on actual prejudice suffered by Petitioner that these Justices apparently (1) have been actively involved in violation of 18 U.S.C. §1519 in repeatedly altering the court files filed by Petitioner including this Petition and in altering the docket of 17-613, (2) have repeatedly violated 18 U.S.C. §371 in directing the Clerk's Office not to file the Request for Recusal for 17-82, and in refusing to perform their Constitutionally-mandated duty in willfully declining to decide on any and all of the Requests for Recusal as well as the Motion filed by Amicus Curiae Mothers of Lost Children in 18-569, (3) have been involved in the illegal dismissal of appeal of the appeal case of 19-5014, and in the illegal *sua sponte* dismissal made by Judge Rudolph Contreras where these Justices were directly benefited.

Besides the aforementioned actual prejudice, Petitioner's request for recusal is also based on conflicts of interest where they have undisclosed relationship with the Interested Third Party James McManis, through the American Inns of Court, and their financial interest with the American Inns of Court.

This appeal was mishandled by California Sixth District Court of Appeal systematically as shown in 18-800, 18-569 and 18-344. This

appeal was illegally dismissed once by California Sixth District Court of Appeal (H040977) on March 14, 2016, the same date when the court dismissed the child custody appeal (H040395). 11 months later, California Sixth District Appellate Court again attempted dismissal by generating a false docket for both H040977 and H040395. Both appeals are from the same family court case of Shao v. Wang. As for the child custody appeal, despite the outrageous violation of due process where California Sixth District Court of Appeal dismissed with fraudulent forbearance of notices from the knowledge of Petitioner, these Justices refused to decide on the Requests for Recusal in 18-569 but went ahead to deny the Petition.

In April 2017, Expert witness Meera Fox, Esq. reviewed the evidence available that time and opined that the irregularities in the two appeals (H040395 and H040977) proved the illegal judiciary conspiracy at least among the prior Presiding Justice Conrad Rushing, the Appellate Unit of Santa Clara County Court and McManis Faulkner law firm if not the individual attorneys (James McManis and Michael Reedy). However, her opinion as shown on App. No. 100-150 of the Petition, was illegally removed by this Court from being the Court's Record.

According to the adverse inference presumed under the doctrine of spoliation of evidence, as will be discussed below, this Court's silent concealment of 151 pages of Appendix from this Petition and the history of recurrence systematically of identical acts on the Petitions 17-613, 18-344, 18-569 and 18-800, the adverse influence is presumed that these Justices' relationship with James McManis and his judiciary

conspirators, including the hackers that had shown been working closely with the three levels of involved California courts, have caused the repeated alteration of the court's records in violation of 18 U.S.C. §371, §1001, §1519, and §2071.

In addition, the questions certiorari conflicts with the Justices' financial interest and personal interest that requires these Justices to recuse themselves. See discussions below.

**I. ADVERSE INFERENCE PRESUMPTIONS BASED ON  
ALTERATION OF THE COURTS RECORDS UNDER THE  
DOCTRINE OF SPOILIATION OF EVIDENCE—  
CONCEALMENT OF 151 PAGES FROM THE APPENDIX OF  
THIS PETITION PROVES EXISTENCE OF THE SOURCE OF  
THE CONFLICTS OF INTEREST—FINANCIAL INTEREST  
RECEIVED DIRECTLY FROM THE AMERICAN INNS OF  
COURT AND INDIRECTLY FROM JAMES MCMANIS WHO  
HAS IN FACT MANIPULATED THE ENTIRE  
PROCEEDINGS FROM CALIFORNIA COURTS TO THIS  
COURT.**

**A. Adverse inference presumption under the Doctrine of  
Spoliation of Evidence**

In *Welsh v. US*(1988, 6<sup>th</sup> Cir.) 844 F.2d 1239, the court quoted National Ass'n of Radiation Survivors v. Turnage, 115 F.R.D. 543, at 557 (N.D.Cal. 1987), and held that where one party wrongfully denies another the evidence necessary to establish a fact in dispute, the court should *draw the strongest allowable inferences* in favor of the aggrieved

party (The court held that the missing specimen establishes a rebuttable presumption that the defendant was negligent in failing to discover the underlying disease process and that the negligence was the proximate cause of the decedent's demise). The court stated:

"That an adverse presumption may arise from the fact of missing evidence is a generally accepted principle of law that finds its roots in the 18<sup>th</sup> century case of chimney sweeper's boy who found a jewel ring, took it to a jeweler for appraisal, got back the ring minus the jewel, and brought an action trover. See *Armory v. Delamirie*, 1 Strange 505, 93 Eng. Rep. 664 (1722); see generally Stier, *Revisiting the Missing Witness Inference*, 44 Md. L. Rev. at 142 & n.22.

The vulnerable principle of *Armory v. Delamirie* remains good law. In transporting its wisdom to modern cases, the critical question for the courts has been not whether some kind of adverse consequences should flow from the fact of destruction of evidence, but rather how best to integrate the teaching of *Armory* into a coherent scheme of 20<sup>th</sup> century evidentiary principles that includes inferences, presumptions, and shifting burdens of production and persuasion. Compare *Nation-Wide Check Corp. v. Forest Hills Distributors, Inc.*, 692 F.2d 214, 216-20 (1<sup>st</sup> Cir. 1982) (adverse inference from document destruction sufficient to shift burden of tracing proceeds of money order sales) with *Stanojev v. Ebasco Services Inc.*, 643 F.2d 914, 923-24 & n.7 (2d Cir. 1981) (adverse inference from nonproduction of personnel records not sufficient to cure plaintiff's failure to make out *prima facie* age discrimination case).

As the *Nation-Wide Check* court explained, the policy rationales for this type of adverse inference are both evidentiary and deterrent. The evidentiary rational springs from the common sense notion that a party with notice of an item's possible relevance to litigation who proceeds nonetheless to destroy it is more likely to have been threatened by the evidence than a party in the same position who does not destroy it.

The fact of destruction satisfies the minimum requirement of relevance [under Fed.R.Evid. 401]: it has some tendency, however small, to make the existence of a fact at issue more probable than it otherwise would be... Precisely how the document might have aided the party's adversary, and what evidentiary shortfalls its destruction may be taken to redeem, will depend on the particular facts of each case. 692 F.2d at 218.

The second rational acts to deter parties from pretrial spoliation of evidence and "serves as a penalty, placing the risk of an erroneous judgment on the party that wrongfully created the risk." *Id.*

Destruction of potentially relevant evidence obviously occurs along a continuum of fault – ranging from innocence through the degrees of negligence to intentionality. The resulting penalties vary correspondingly. Some jurisdictions have created causes of action against intentional spoliators. See *Williams v. California*, 34 Cal.3d 18, 664 P.2d 137, 192 Cal.Rptr. 233 (1983); *Smith v. Superior Court*, 151 Cal.App.3d 491, 198 Cal.Rptr. 829 (1984); *Bondu v. Gurvich*, 473 So.2d 1307 (Fla.Dist.Ct.App. 1984); *see generally* Comment, *Spoliation: Civil Liability for Destruction of Evidence*, 20 U.Rich.L.Rev. 191 (1986) [emphasis added]

The doctrine places the burden of prejudicial effects upon the culpable spoliating party rather than the innocent nonspoliating party. See, *Welsh v. US*, *i.d.*; *Trevino v. Oretega* (1988) 969 SW2d 950.

#### **B. 18 USC §1519 endorsed the doctrine of spoliation of evidence**

18 USC §1519 provides that

"Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsified, or makes a false entry in any record, document, or

tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter of case, shall be fined under this title, imprisoned not more than 20 years, or both." [emphasis added]

In *Yates v. U.S.*, 135 S.Ct. 1074 (2015), Justice Ginsburg, as concurred by Chief Justice Roberts, Breyer and Sotomayor, held that 18 USC §1519 includes spoliation of documentary evidence, such as false records, false entry of documents.

C. The Clerk's Office has a statutory duty to file and maintain the records which cannot be curtailed by a court's local rule  
The webpage of Judicial Administration at  
<http://www.uscourts.gov/about-federal-courts/judicial-administration>,  
posts:

#### INDIVIDUAL COURTS

Day-to-day responsibility for judicial administration rests with each individual court. By statute and administrative practice, each court appoints support staff, supervises spending, and manages court records.

The chief judge of each court oversees day-to-day court administration, while important policy decisions are made by judges of a court working together. The clerk of court is the executive hired by the judges of the court to carry out the court's administrative functions. The clerk manages the court's non-judicial functions according to policies set by the court and reports directly to the court through the chief judge. Among a clerk's many functions are:

- Maintaining court records and dockets
- Sending official court notices and summonses
- Providing courtroom support services [*emphasis added*; see also, App.20-21 of Petition for Rehearing in 17-613]]

The Court's docket has been considered as the court's *records*. *E.g.*, *Mullis v. United States Bank Ct.*, 828 F.2d 1385 n9 (9th Cir. 1987). In *Critchley v. Thaler*, 586 F.3d, 318 (5th Cir. 2009) and in *Wickware v. Thaler*, 404 Fed. Appx. 856, 862 (5th Cir. 2010), the court held that the clerk has a ministerial duty to file and that a delay in filing constitutes a violation of Due Process. The clerk is not allowed to tamper with the court's records and refuse to record filing. See, e.g., *Kane v. Yung Won Han*, 550 F. Supp. 120 at 123 (New York 1982); see also, FRCP Rule 79(a)(1), (d) ; FRAP Rule 45(a)(2); 18 USC §2071. The clerk is required to maintain the docket and to record the activity that took place. FRAP Rule 45, FRCP Rule 79; *Jackson v. United States*, 924 A.ed 1016 (2007)

The Clerk must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local rule or practice. F.R.C.P. Rule 5(d)(4). Rule 79 requires a clerk to maintain the docket and filings of the court.

Moreover, the case laws have established that the clerk has no immunity for concealing record. In *Lowe v. Letsinger*, 772 F.2d 308 (1985, 7<sup>th</sup> Cir), the court denied the clerk's qualified immunity where the clerk, with acting separately and in concert with the judge and the attorney general to conceal the entry of a decision, when the typing the notice is a non-discretionary and ministerial work.

California Government Code §68150(c) that is on App.No. 5 of the Appendix of this Petition but was purged by this Court's Clerk's Office, states the policy that

“The standards or guidelines shall ensure that court records are created and maintained in a manner that ensures accuracy and preserves the integrity of the records throughout their maintenance. They shall also ensure that the records are stored and preserved in a manner that will protect them against loss and ensure preservation for the required period of time. Standards and guidelines for the electronic creation, maintenance, and preservation for the required period of court records shall ensure that the public can access and reproduce records with at least the same amount of convenience as paper records previously provided.” (emphasis added)

California Government Code §68150(d) that is on App.No. 5 of the Appendix of this Petition states that “No addition, deletions, or changes shall be made to the content of court records..’(App.No.5 of this Petition; emphasis added)

Any local rule or guideline that contradicts with the F.R.C.P. or statute is void.

**D. Spoliation of evidence in this Petition created a presumption that these Justices are disadvantaged by non-concealment of the evidence, including evidence of their conflicts of interest and their conspiracy with James McManis, who is the leader of the hacker, California Sixth District Court of Appeal, Judge Theodore Zayner, Judge Patricia Lucas, Respondent’s counsel David Sussman, and Santa Clara County Court, and that they are part of the conspiracy and are active in concealing the evidence of conspiracies.**

There are totally 177 pages of Appendix, yet this Court only posted 26 pages as the Appendix for this Petition (App.31, App.32, App.60-83), and concealed 151 pages (App.1-30, App.33-59, and App.84-177) without a notice. This Court even removed all of the “Statutes Involved” that is

*necessary* to a Petition for Writ of Certiorari required by the Supreme Court Rules.

According to the analysis of *Welsh v. US*, these Justices were threatened by the evidence presented by the 151 pages and so directed the Clerk's Office to conceal them from being in the courts' records. The conflicts of interest for these Justices can be clearly seen by what this Court removed. The following appendixes were removed or concealed in this Petition from being the court's records:

(1) **Appendix 1 (from App. 1 through App.30): statutes, including those statutes of illegal alteration of court's records, illegal dismissal, Code of Judicial Conduct, Rule of Professional Conduct Rule 5-300 that will prove the function of American Inns of Court being illegal –**

According to *Welsh*, under the doctrine of spoliation of evidence, these Justices were threatened by exposure of the statutes as they had solicited Temple Bar Scholarship solicited for their clerks based on their judicial function, from the American Inns of Court in direct violation of the Guide to Judiciary Policies, §§620.25, 620.30, 620.35, 620.45, 620.50, 1020.30; in addition, these Justices were threatened by the exposure of Rule 5-300 of California Rules of Professional Conduct as Rule 5-300 establishes the illegality of the basic social function of American Inns of Court: providing ex parte communications platforms between the judiciary and the attorneys who are the members of the American Inns of Court, a private club with confidential membership, private socialized meal settings, private contacts through skits preparation, private mentorship including ex parte coaching on the cases of the attorneys who appear in the same court of the mentor judges.

(2) Appendix 4 (from App.33 through App. 52): “Notice of Errata” to the Petition for Rehearing which was filed on June 25, 2019; California Sixth District Court promptly denied rehearing on the same date after receipt of this Notice of Errata.

This is a ***necessary*** document for review, yet this Court concealed it from the record. These Justices are threatened with evidence of the conspiracy among the hacker, California courts and James McManis, that is, evidence of the hacker’s alteration of the filed court’s records at California Sixth District Court of Appeal to remove the trace of participation of the Appellate Unit of Santa Clara County Court on this appeal. The hacker further remove the email of [sccappeals@scscourt.org](mailto:sccappeals@scscourt.org) by altering the Sixth District Court of Appeal’s official emails at the court’s site and altered the same at Petitioner’s receiving email of [attorneyshao@aol.com](mailto:attorneyshao@aol.com) by hacking into Petitioner’s email.

This concealment presumes **existence of the hacking incidents and alteration of courts records**, which contradict the recent order of November 18, 2019 issued by the DC Circuit in 19-5014 where the DC Circuit denied existence of evidence of hacking by stating that appellant’s claims that “Google and Youtube engaged in hacking and surveillance activities against her at the behest of Chief Justice Roberts were properly dismissed as patently insubstantial” and dismissed the appeal without giving Petitioner a day in the Court. Please see--- **Petition for Rehearing of this Order was filed with the DC Circuit on December 13, 2019, #1820049.**

Such alterations of the Sixth District Court of Appeal’s official emails, and the Petition for Rehearing and Suggestion for En Banc at the Sixth District Court of Appeal prove existence of the conspiracies of the hacker, the Appellate Unit of Santa Clara County Court, Sixth District Court of Appeal and James McManis, as concluded by Attorney Meera Fox in Paragraph 31 of her declaration (Appendix 121-122).

Ms. Fox declared:

“Any reasonable attorney or member of the public who knew of the sequence of events described above that occurred from March 12 2016 through March 14, 2016 would believe that there was a conspiracy to dismiss Ms. Shao’s appeals which involved at least Deputy Clerk of Court R. Delgado on behalf of Santa Clara County Superior Court, Justice Rushing of the California Sixth Appellate District Court of Appeal, and the firm of McManis Faulkner if not their attorneys. There is no other explanation for why R. Delgado would go in to work on a Saturday specifically for the sole purpose of creating false perjured documents to effect the specific relief required by McManis Faulkner to assert their collateral estoppels defense. There is no other explanation for why Justice Rushing would be expecting the falsified notices to arrive first thing that Monday morning and to explain how he had the appeals dismissed within 25 minutes of their receipt. There is no other explanation for why a presiding justice would be willing to violate an appellant’s due process rights by summarily dismissing her appeals without anyone filing a motion to dismiss and providing her any notice, in direct violation of the rules of court.” (App. No.121-122 in the Petition in bookformat which are concealed at the US Supreme Court’s published records for this Petition.)

Ms. Fox’s declaration includes examination of this underlying case (H040977) and the child custody case (H040395). Both were dismissed on March 14, 2016, and then both were created a false docket entry of a “ghost” default notice on February 27, 2017, which could not be found in either Santa Clara County Court, nor California Sixth District Court. This Petition is regarding H040977 and Ms. Fox cited as evidence in her exhibit E as shown in App. No. 136, 140, 141, 142 of the Appendix of this Petition that were concealed by the Court.

Petitioner filed the Notice of Errata because the Attachment 01 and 04 attached to her Petition for Rehearing for the H040977 proceeding were altered and her emails received from California Sixth District Court of Appeal regarding Attachment 01 and 04 were also altered. This document presented evidence that the hacker who has been hacking into Petitioner's email was indeed conspired with the Appellate Unit of California Santa Clara County Court and has the power to enter into the system of California Sixth District Court of Appeal to alter the court's records and email notices.

There is no reason for this Court to remove the email of [sccappeals@scscourt.org](mailto:sccappeals@scscourt.org) but for the fact that at least the Chief Justice Roberts, who is in charge of the operation of the Clerk's Office of this Court, felt threatened by such exposure, which also suggests that this Court's alteration of records was a result of these Justices' conspiracies with California courts to hide the conspiracies as manipulated by James McManis.

Therefore, this Court's purging the Notice of Errata reasonably indicates at least the Chief Justice Roberts' active participation of the conspiracies among the hacker (identified to be Kevin L. Warnock, Esther Chung, Google, YouTube), California Sixth District Court of Appeal, Santa Clara County Court and James McManis's law firm, McManis Faulkner, LLP.

**(3) Appendix No. 5: "The Attachment 01 and 04 to the Petition for Rehearing that were altered by hacker/courts" in App.53-56**

See the discussion above in (2). The two pages of Attachment 01 and 04 proved existence of the hacker hacking into Petitioner's email, the hacker's power of altering the California Sixth District Court of Appeal's emails, and proves that the dismissal action of the Sixth District Court of Appeal was in conspiracy with the email owner of

sccappeals@scscourt.org who appeared to be Appellate Unit of Santa Clara County Court.

As already concluded by Ms. Meera Fox, James McManis's law firm unambiguously is the key conspirator. Under the doctrine of spoliation of evidence, the concealed records threatened these Justices as it exposed existence of internet hacking, such hacking's being fruits of the courts' crimes and this Court's participation in this conspiracy.

**(4) 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."**

See the discussion above in (2). This is a critical evidence for appeal.

Question No. 4 for this Petition asked this Court to issue certiorari about the issue:

"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 11<sup>th</sup> day (App.53)?"

This Courts' removing the critical evidence for appeal was presumed to have conspired with James McManis, California Sixth District Court of Appeal and Santa Clara County to cover up the conspiracies of California Sixth District Court of Appeal to interfere Petitioner's due process fundamental right to appeal.

This proves that there is at least reasonable public view that the Petitioner is impossible to have a fair decision by this Court when the involved Justices were not recused.

**(5) Appendix 9: Declaration of Meera Fox on Judiciary Conspiracies, filed with California Sixth District Court of Appeal on 4/27/2017 (App.100-146)**

See the discussion above in (2). This Court's concealing Meera Fox's declaration from the courts' records could have no other explanation but that these Justices are in conspiracy with the hacker, California Sixth District Court of Appeal, Santa Clara County Court and James McManis, McManis Faulkner, LLP.

**(6) Appendix 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." (App.No. 147-150)**

See the discussion above in (2). This court has no reason to remove this declaration from the court's records but to cover up Judge Edward Davila's ex parte communication and to assist the California judiciary as led by James McManis to maintain the child custody deprival of Petitioner. This Court has knowingly suppressed the illegal ex parte communication evidence of Judge Edward Davila and denied Petitioner's Petition 18-569 and further refused to decide the Motion of Amicus Curiae Mother of Lost Children and Request for Recusal with the clear intent to assist James McManis to maintain parental deprival of Petitioner.

This proves the fact that Petitioner cannot have a fair decision on her Petition for Writ of Certiorari in front of these Justices that were sued for being bias and prejudice against Petitioner in 1:18-cv-01233 RC at

the USDC for the District of Columbia, based on their relationship with the American Inns of Court and James McManis.

**(7) 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. (App. No. 151-153)**

See discussion in (2) and (6) above. This proves that these Justices at this Court are to cover up the fruit of the crimes of Judge Edward Davila in conspiracy with Respondent Wang's counsel David Sussman in feloniously depriving a lawful custodian parent's child custody. This indicates that these Justices are impossible to cast an unbiased vote regarding this Petition and that Petitioner is unable to have a fair decision in front of these Justices.

**(8) 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. (App. 154-166)**

See discussion above, this Court's purging this Appendix creates a presumption that these Justices are threatened by this document and provides the reason why these Justices would help the California courts in concealing the evidence of the crimes--- because of their financial interest that conflicts the position of this Petition that they should be required to recuse themselves from voting on this Petition.

**(9) Appendix No. 13 (App.No.164-166):** “Temple Bar Scholarship webpage published by American Inns of Court: Gifts provided to US Supreme Court Clerks based on their judiciary position; Temple Bar Scholarship—a gift illegally targeting at the judiciary position of the Clerks at the US Supreme Court.”

See discussion above, pursuant to *Welsh*, this Court’s purging this Appendix proves these Justice are threatened by this Temple Bar Scholarship receiving list as it released the names of the Justices that sponsoring their clerk for this illegal gift in violation of Guide to Judiciary Policy, and provides the reason why these Justices would help the California courts in concealing the evidence of the crimes--- their financial interest that conflicts the position of this Petition.

Under the doctrine of spoliation of evidence, this purging record creates a legal presumption that that the American Inns of Court’s function is illegal and these Justices were to cover up the illegality. Therefore, these Justices must be recused from voting on this Petition.

**(10) Appendix No. 14 (App.No. 167-168) :** “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 2019” (App.167-168)

See all discussions above. Under the doctrine of spoliation of evidence, according to *Welsh*, Chief Justice Roberts feels threatened by disclosure of this document in the Court’s records and there is a presumption that Chief Justice did conceal his conflicts of interest – his relationship with James McManis through the American Inns of Court but knowingly

voted against Petition 17-82, 17-613 and 18-800 where James McManis is a Respondent, in order to help James McManis and to conceal the conflicts of interest.

The concealment creates a rebuttal presumption that Chief Justice John G. Roberts's relationship with James McManis has caused Justice Roberts to conceal his conflicts of interest and denied all of Petitioner's Petitions filed in the past since 2011, after McManis was sued by Petitioner for their malpractice and breach of duty of loyalty, including Petition No. 11-11119, 14-7244, 14A677, 16A863, 17-82, 17-256, 17-613, 17-613, 18-344, 18-569 and 18-800. .

(11) Appendix No. 15 (App.No. 1169-173): "Selected Portion of the deposition transcript of James Mcmanis on July 20, 2015"

There is no more clear about these Justices' presumption of undisclosed relationship with James McManis. There is no reason for this Court to conceal or purge this record other than to protect James McManis.

When the Chief Justice John G. Roberts has a statutory responsibility to maintain the court's Clerk's Office to be in good order, there is clearly a public view that Chief Justice Roberts who has a presumption of having relationship with James McManis through the American Inns of Court is covering up his buddy's unethical violation of Rule 5-300 of California Rules of Professional Conduct. This may also explain why this Court removed the entire section of the Statutes involved from the Appendix even though the Statutes involved is necessary for a Petition for Writ of Certiorari.

Under the doctrine of spoliation of evidence, clearly this court has a direct conflicts of interest in assisting James McManis to cover up his attorney-client relationship with Santa Clara County Court, California Sixth District Court of Appeal and California Supreme Court.

**(12) Appendix 16: Selected portion of the deposition transcript of the expert witness of McManis Faulkner: Carroll J. Collins, III, Esq.**

This is the evidence showing McManis's own expert Attorney Collin's admission during deposition about the public view that Santa Clara County Court is a client of McManis Faulkner LLP. and that there is attorney-client relationship between Santa Clara County Court and McManis Faulkner, LLP.

Yet when the firm and its partners, James McManis and Michael Reedy are sued as defendants for legal malpractice in *Shao v. McManis, et al.* (Petition 18-800), Santa Clara County Court persisted on refusing to change venue and further allowed a secret Prefiling Vexatious Litigant Order that was not mentioned in the statement of decision nor entered into docket (only entered into the docket on August 16, 2017, two years later) to be created in the civil legal malpractice case in order to be used at the family court to prevent changes of child custody and child support. Under the doctrine of spoliation of evidence, this Court's purging or concealing this record causes a presumption that this Court was covering up the judiciary corruption and egregious due process violations made by James McManis, the major donor of the American Inns of Court.

**(13) Appendix 17: "Michael Reedy was a speaker for the American Inns of Court" (App.No. 174)**

Petitioner made an argument that this News Release indicates the relationship of these Justices with Michael Reedy, President of William A. Ingram American Inn of Court of the American Inns of Court with the Justices at this Court when Petition 17-82 was pending.

. Under the doctrine of spoliation of evidence and *Welsh*, there is a presumption that Justices are threatened with the record which truly connected with James Mcmanis' partner, Michael Reedy and tried to cover up his relationship with the American Inns of Court and with these Justices.

**(14) 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" (App.175-76)**

There is no reason for this Court to conceal this evidence other than having been in conspiracy with James McManis to conceal Santa Clara County Court's Presiding Judge Patricia Lucas's illegal refusing to change venue when there is direct conflicts of interest, which was to help James McManis to locking in the case to be decided by James McManis's own client, Santa Clara County Court, regarding the legal malpractice lawsuit against McManis and to give favor to McManis, their major donor through the American Inns of Court, such as to conceal and suppress all judiciary corruptions played by McManis.

(15) Appendix No. 19: "SHAO's Application for her return of \$10,000 undertaking that was ignored by Judge Theodore Zayner."

There is no reason for this Court to purge this record, other than having been in conspiracy with Judge Theodore Zayner, who is now a President Elect of the William A. Ingram American Inn of Court of the American Inns of Court and in conspiracy with James McManis to harass Petitioner by robbing away her money. Pursuant to *Welsh*, under the doctrine of spoliation of evidence, such purging actually created a presumption of the above fact.

## CONCLUSION

Therefore, adverse inference presumptions as a matter of law are created from the documents concealed by this Court in this Petition which presume existence of the facts that these Justices have direct conflicts of interest in having conspired with James McManis, California Sixth District Court of Appeal and Santa Clara County court, Judge Edward Davila, Judge Patricia Lucas, the hacker, American Inns of Court and Respondent's attorney David Sussman to conceal every evidence disadvantageous to them and have the conflicts of interest deriving from their financial interest regarding the American Inns of Court. Therefore, these Justices must be recused as required by 28 U.S.C. §455.

**II. THE CONCEALING 151 PAGES OF APPENDIX IN THIS PETITION WERE INTENTIONAL AS SUCH PURGING HAVE BEEN SYSTEMATICALLY REPEATED AT LEAST 6 TIMES IN THE PAST IN PETITIONS 18-800, 18-569, 18-344, 17-613, 17-256, AND 17-82**

**A. “A continuum of fault” of “intentionality”**

As mentioned above, the *Welsh* court held that “Destruction of potentially relevant evidence obviously occurs along a continuum of fault – ranging from innocence through the degrees of negligence to intentionality. The resulting penalties vary correspondingly.”

- 1. Repeated irregularities in 7 Petitions supports the intentionality of this Court as supervised by Chief Justice Roberts.**

Such intentional purging is actually a crime for each instance; there have been at least 7 criminal acts of 18 U.S.C. §1519 at this Court in 17-82, 17-256, 17-613, 18-344, 18-569, 18-800 and the present Petition No. 19-639.

For example, as stated in Page 11 of the Petition for Rehearing in the case of 17-613:

Petitioner’s custody appeal (from Presiding Judge Patricia Lucas’ order) was stalled by such conspiracies for almost 4 years (H040395) and this Petition is to appeal from the appellate court’s denial of the motion to change place of appeal and trial and reverse Judge Lucas’s order. Santa Clara County Court, as led by Presiding Judge Lucas, has blocked Petitioner’s complete access to the family court (105FL126882) and civil court (112CV220571) and denied all motions to change place of trial. Presiding Judge Lucas even

removed the family case away from the Case Information of the court’s website (removed it to become “confidential file”) for about 8 months in 2017. (Petition, App.136, ¶31 of Meera Fox’s declaration about “conspiracies”)

The same irregularities were shown in this Court since September 2017, including delay filing, deterring filing, altering the dockets, creating false notice. On October 25, 2017, on the ensuing morning after this Petition was docketed, Supervising Clerk Jeff Atkins of this Court directed the docketing clerk to return the Petition, to alter the decision date from April 28, 2017 to June 8, 2017 and he said to the docketing clerk that “The Respondent should be “McManis Faulkner, LLP” only and not include James McManis and Michael Reedy.” This incident suggests that James McManis, the leading American attorney of the American Inns of Court and this Court’s admittee, has influenced Mr. Atkins and disrupted the Clerk’s Office’s function in violation of 18 USC §371.

In the same scheme, recently, California Sixth District Court of Appeal have not docketed two appeals of Petitioner, one was filed on October 30, 2017 in the family case (See App.28), and another was filed on January 17, 2018 (112CV220571)

17-256 was to appeal from the Ninth Circuit’s short Memorandum (1 page or so) in the federal case of Shao v. McManis Faulkner, LLP, James McManis and Michael Reedy, where the district court judge Honorable Lucy H. Koh dismissed the complaint based on defendants’ 12b motion and denied recusal by a footnote of the same dismissal order. The Ninth Circuit did not discuss the new facts of undisclosed relationship between USDC Judge Lucy H. Koh’s and James McManis.

On December 21, 2017, 3 days after “submission”, Judge J. Craig Wallace, the inventor of the function of the American Inns of Court, promptly denied the appeal in 15-16817 on December 21, 2017 with another extremely short Memorandum (App.32-37), by way of alleging that new facts should not be considered, in conflicts with the Ninth Circuit’s

long lasting rule to allow new facts in Reply stage for 12b dismissals. E.g., Orion Tire Corp. v. Goodyear Tire & Rubber Co., Inc., 268 F.3d 1133.

Sarcastically, while Petitioner's 28 USC §455 motion specify [sic: requested] to transfer appeal to a court without influence of the American Inns of Court, ...the designer of the American Inns of Court lead [sic: led] the appellate panel to deny appeal.

**2. Same scheme of irregularities was shown in each court where James McManis is a defendant**

In fact, the same irregularities of purging docket and court files, and deterrence of filing, typical disruption of the function of the Clerk's Office, and refusing to decide, have taken place in virtually *every* court where James McManis was sued, including

**a. At this Court, where the Petition for Rehearing and Requests for Recusal documented the irregularities:**

(1) 17-82: deterred filing of the Amicus Curiae motion of Mothers of Lost Children by delaying processing, creating false notice on problems of the Amicus Curiae motion, then refusing to file, not even returned the unfiled copies,

(2) 17-256: redacted the names of Respondents James McManis and Michael Reedy, concealed/removed the Appendix for the Request for Recusal, this Court filed to decide request for recusal

(3) 17-613—Supervising Clerk Jeff Atkins's instruction to deputy clerk about removal of the names of James McManis and Michael Reedy, alteration of the docket multiple times, de-filed the Amicus Curiae motion, concealed/removed the Appendix for

the two Requests for Recusal, and, this Court filed to decide request for recusal

(4) 18-344: returned unfiled the Request for Recusal, concealed/removed the Appendix for the re-filed Request for Recusal , this Court filed to decide request for recusal

(5) 18-569: The Clerk's Office refused to file the Request for Recusal received on November 20, 2019. As shown on Page 11 of 18-344's Petition for Rehearing filed on December 14, 2018, Petitioner documented:

"This Court's Clerk's Office failed to file Petitioner's two Requests for Recusal in 18-344 and 18-569 that the Court's Clerk's Office received on November 20, 2018. The one for 18-344 was returned to Petitioner but not that for 18-569—it was not shown on the docket as being filed nor returned."

It appeared that only after the Court received the Petition for Rehearing for 18-344 in latter of December 2018, then the Request for Recusal for 18-569 was entered into docket with removal of all appendix when there was about a month's delay for entry into the docket. As with all other Request for Recusal, this one was not decided. The court further refused to decide the Amicus Curiae motion.

The Appendixes attached to the Petition for Writ of Certiorari, and Petition for Rehearing were removed.

(6) 18-800: altered the docket, removed the names of James McManis and Michael Reedy, refused to file motion for judicial notice on the Amicus Curiae motion filed in 18-569 and failed to enter into the docket about the court's receipt of Amicus Curie, redacted the Appendix for Request for Recusal, Petition for

Writ of Certiorari, and Petition for Rehearing; , this Court filed to decide request for recusal

**b. California Supreme Court:**

The hacker interfered filing re Petition for Review the decision in 18-800. Following the US Supreme Court, California Supreme Courts' Chief Justice who was once the President of Anthony M. Kennedy American Inn of Court and closely related to the McManis Faulkner Law Firm where Michael Reedy is the President of the William A. Ingram American Inn of Court, also failed to decide all requests for recusal in 2017 until present.

**c. California Sixth District Court of Appeal:**

numerous dismissals without notice nor motions. Delayed 4 years in preparing records on appeal for the child custody appeal (H040395; 18-569), blocked the court reporter from filing the transcript for trial, and created false notices wrongfully accused Petitioner failed to prepare other reporter's transcript; delayed 3 years for H042531 (18-800) then failed to prepare crucial records on appeal and then fraudulently dismissed the appeal without notice. (H040395: 18-569) Creation of false notices (e.g., Fraudulent Notices of Noncompliance in H040395 and H040977 on a Saturday March 12, 2015 to effect dismissal on march 14, 2016, false dockets (e.g., 2/27/2017 false docket entry in H040395 and H040977)

**d. Santa Clara County Court:**

- (1) refused to file Judge Manoukian's recusal order of December 2, 2015;
- (2) failed to disclose the attorney-client relationship with James McManis;
- (3) Judge Theodore Zayner stole the original deposition transcripts of James McManis and Michael Reedy from the trial court's case file of Shao v. McManis Faulkner, LLP, et al in July 2016 and lost the Volume 5 of the court's file as documented in July 2017 by the Records Unit of Santa Clara County Court;
- (4) altered the court dockets for the divorce case and the docket for Shao v. Mcmanis,
- (5) silently created a Prefiling Vexatious Litigant Order and backdated its "filing" being June 16, 2015, and silently entered into the docket by a non-clerk on August 16, 2017 when Judge Patricia Lucas is the Presiding Judge of Santa Clara County Court,
- (6) blocked the public from accessing the docket of the family court case for many months from February 2017 until about July 2017, after Petitioner criticized such illegality in the court filing with California Sixth District Court of Appeal.
- (7) Recently Santa Clara County Court silently dismissed the case of Shao v. McManis in October 2019 when Petitioner was overseas without even reserving the hearing date at the Law and Motion department. According to the local rule 8c, McManis's lawyer Janet Everson should inform Petitioner of the hearing date

reserved for the motion; yet, there is no record of reservation of the hearing and Petitioner was unaware of such hearing being set. Then Santa Clara County Court and McManis rushed for filing of dismissal judgment. This is the second time of silent dismissal of this case at the trial court level. The first time was February 25, 2014 when Petitioner was overseas. Judge Carol Overton, a member of the William A. Ingram American Inn of Court, dismissed the case on the court's own motion. There was no disclosure of Judge Overton's long term social relationship with Michael Reedy, through the membership at the William A. Ingram American Inn of Court.

(8) Before the Prefiling Vexatious Litigant Order was created, when there is a declaration of vexatious litigant order only, the order was immediately used at the Family Court of Santa Clara County Court. Judge Joshua Weinstein immediately used that to block Petitioner from filing a motion, and even de-filed 4 motions on his own motion without any notice in 2017. Such misusing Prefiling Vexatious litigant order was expressly prohibited by a case law of *Shalant v. Girardi*, 51 Cal.4<sup>th</sup> 1164, 1173-74 (2011). The then Presiding Judge Rice Pichon (when Lucas was the Assistant Presiding Judge) sua sponte issued an order requiring Petitioner to make application of vexatious litigant with the Presiding Judge of the entire court and thus blocked Petitioner from filing a motion. The effect is to ensure permanent parental deprival to help McManis and Reedy and their law firm to assert lack of causation of Petitioners' damages from their malpractice. Santa

Clara County Court was fully appraised of the law in *Shalant*, but knowingly blocked Petitioner's reasonable access to the Court from May 2017 until present.

**e. The Ninth Circuit**

As shown in Petition for Rehearing in 17-256, and discussion above, the appeal was dismissed by the designer of the American Inns of Court without ruling on the 28 USC §455 motion either, when Judge Wallace is closely related to James McManis. All these court would deny change venue in order to harbor the judiciary corruptions directed by James McManis.

**f. The U.S.D.C. in the District of Columbia in the case of 1:18-cv-01233**

There were at least 28 irregularities as shown in ECF#142, with notably the following clear and convincing evidence of the common scheme of irregularities:

(1) Docket alteration and forged court's records--- the name of Chief Justice John G. Roberts was concealed for a month for the short form of the case name, when the case was delayed by 10 days to be docketed.

June 5, 2018's entry was silently removed and then, after August 1, 2018, it was put back after the court saw Petitioner's criticism stated in the motion to change venue. In addition, fraudulent docket entry of ECF#38, BJ Fadem's motion to dismiss which was sent directly into the chamber, with a false backing date of the signature of Judge Rudolph Contreras

without docketing the correct name of the motion. After seeing Petitioner's criticism, another entry of ECF#41 was created with a forged receipt stamp of the clerk's office that was not in existence in ECF#38.

- (2) The hacker deterred and blocked Petitioner from filing her Motion to Strike James McManis's motion to dismiss and Petitioner's supporting Declaration in September 2018. This proves the hacker was connected not only to California courts but to the USDC in District of Columbia.
- (3) Judge Rudolph Contreras refused to enter default when there were default pending against the 7 Justices of this Court and against himself. With such direct conflicts of interest, Judge Contreras held on the jurisdiction of the court and refused to change court in order to enter decisions to the favor of himself and to the Justices of this Court.
- (4) Within a day after the proof of service of Summons upon the hacker Kevin L. Warnock was filed, Judge Contreras dismissed the entire appeal *sua sponte*, in order to stall Petitioner's day in the court.

**g. The DC Circuit in 19-5014**

- (1) The Operation Manager of the DC Circuit silently took Petitioner's name from the CM/ECF list right before filing of the dispositive motion by the American Inns of Court, then put Petitioner back to allow the DC Circuit to issue an Order to

Show Cause granting relief of the American Inns of Court based on lack of Opposition of Petitioner. This is the same style of fraud committed by California Sixth District Court of Appeal in dismissing the child custody appeal (H040395; 18-569) and the vexatious litigant appeal (H042351; 18-800) to fraudulent disallowed Petitioner to receive notices such as to cause dismissal.

- (2) Granted the American Inns of Court's motion for summary affirmance even though the motion was made without notice.
- (3) Dismissed sua sponte the appeal, just like how Judge Contreras blocked Petitioner from accessing the court. These Justices' pending default was concealed from discussion. There were no analysis but simply conclusions not supported by evidence.
- (4) Refusing to decide all issues in the Amended Motion to Change Venue in #1791001, including the fact that three Justices at this Court are alumni judges of the DC Circuit. They are Chief Justice John G. Roberts, Justice Clarence Thomas and Justice Ruth Bader Ginsburg. The major ground of disqualification of the DC Circuit includes alteration of court's records by the hacker who had free access to the DC Circuit, just like how the hacker had free access to the USDC in District of Columbia and California courts. The altered court's records include "Temple Bar Scholars and Reports" in two documents, the Cover of ECF #41 about Judge Contreras's forged the Clerk's receipt of BJ Fadem's motion to dismiss which was not shown in the cover of ECF#38, and purging the docket page of 18-800. The purging

of 18-800, where Respondents are McManis Faulkner, LLP, McManis and Reedy indicate that the hacker worked closely with McManis Faulkner.

(5) Refusing to decide all issues in the Petition for Rehearing of July 31, 2019's Order. See 19-5014, #1820049 filed on December 13, 2019.

**3. The concealment of the clear and convincing evidence of the California courts' crimes in this Petition 19-639 is presumed to be made with intentionality**

As discussed above in I.D.(2) and (5) of this Request for Recusal, in this Petition 19-639, on or about November 20, 2019 when the docket was entered, this Court's Clerk's Office had concealed from the Court's website the pleading of "Notice of Errata in Attachment 01 and 04 of the Petition for Rehearing" (see 19-639, App.53-56, the court's email notice of 5/6/2019 & 5/17/2019) for this underlying appeal H040977, when this pleading is material to this proceeding.

As stated in the Notice of Errata, in altering Attachment 01 and 04, the hacker missed altering another court's notice, that is the Sixth Appellate Court's notice of June 4, 2019 as shown in App.44-45 of 19-639 where the email of sccappeals@scscourt.org was intact. The altered Attachment 01 (May 6, 2019's email of the Sixth Appellate Court to Petitioner) and 04 (May 17, 2019's email of the Sixth Appellate Court to Petitioner) are in App.53-56, where the email of the Appellate Unit of Santa Clara County, i.e., sccappeals@scscourt.org, was deleted by the

hacker both on the court's side, as well as on the email site of Petitioner ([attorneyshao@aol.com](mailto:attorneyshao@aol.com))

As discussed above, this concealment generates an adverse inference presumption of existence of the judiciary conspiracies including this Court and Chief Justice John G. Roberts as the supervising Justice of the Clerk's Office, to conceal the manipulation of the Appellate Unit of Santa Clara County Court involved in California Sixth District Court of Appeal's fraudulent dismissing the appeal of H040977 and existence of the fact that the hackers are closely connected to Santa Clara County Court, California Sixth Appellate Court, James McManis.

4. The fact that this hacker had close relationship with the courts is corroborated by the recent discovery that the person who entered into the docket of 2012-1-cv-220571, Shao v. McManis at Santa Clara County Court the prefiling vexatious litigant order of June 16, 2015 more than 2 years later was a contractor to Santa Clara Court and not a clerk.

On November 15, 2019 when the Petitioner went to the Record Unit and was informed by a clerk that the docket entry of prefiling vexatious litigant order of June 16, 2015 was entered on August 16, 2017 by a non-clerk contractor of Santa Clara County Court. This contractor could be the hacker that has clear authority of entering the database of the courts. In mid December 2019, Petitioner hired a professional server, County Process Server, trying to get the docket entry information but was rejected by the Clerk's Office's supervisor for

the Record Unit stating that such information was unable to be released.

**5. Respondent Wang appeared to have hired the hacker and actively participated in burglarizing the home of Petitioner.**

The hacker is possibly paid by Appellee Tsan-Kuen Wang as on September 8, 2019, the Petitioner found a bank receipt left on her table that does not belong to Petitioner when her residence has been burglarized numerous times. The Wells Fargo Bank receipt showed the name of customer being "Wang." See Exh.001.

**6. Police report of 2019-65103 was concealed**

WANG's bank receipt was included in the police report. A police report of 2019-65103 was opened by a Hayward policeman on September 9, 2019 (Exh.002) but immediately closed by Sergent DeCosta on September 12 2019 (Exh.002) when the policeman was off duty. After complaining to the City Manager, Sergent DeCosta showed up on September 13, 2019 (Exh.002, first entry; Exh.009) directing Petitioner to provide timelines and promised that she would include that in the report. Nevertheless, the police report simply disappeared after the timelines were provided as attached on September 13, 2019 (Exh.006-010) and September 16, 2019 (Exh.011-044). Hayward police stamped the receipt of these evidence (Exh.006 and 011).

The police department refused to provide the Report 2019-65103, which indicates that these California judiciary conspirators and

American Inns of Court that is manipulating all courts throughout the U.S. are influencing the Hayward police to close investigation on the receipt.

Then the police department actively altered the CAD dispatchment event reports data base to show that Petitioner was paranoid, which are inconsistent with the incidents list certified by the Police Department on September 13, 2019 where when evidence of crimes were included, the incident type would mark “Susp Circ” or “burglary”. There are totally 18 police events reports in 2018 and 2019 that contain evidence of crimes. (Exh.002-005)

In 2018 and 2019, there were multiple equipments used by the burglars discovered and tendered to the police department. (Exh.006-10) Yet, as the hacker had installed hot spots and surveillance system, Petitioner has been unable to be successful in establishing surveillance as all cameras were instantly destroyed by them who had installed surveillance inside Petitioner’s residence, before Petitioner.

The report of 2019-65103, if provided, will show 4 witnesses to discovery of the criminal instruments installed by the hackers/burglars including a new wi-fi dispatching equipment that was different from the old security system, to send signals from Petitioner’s home to outside that does not belong to Petitioner. See Exh.008 in the column for September 8, 2019. See also, Exh.016 for a copy of the wi-fi dispatching equipment installed by the hackers/burglars.

If this Court would not wantonly deny certiorari, the report would be able to show what Petitioner represented here.

If this Court, the highest judiciary of the U.S. continued helping the judiciary corruptions involved, this clear and convincing criminal evidence will be suppressed and gross injustice will continue. If that were the case, as this Petition has not been decided by this Court yet, there will be another presumption created under the Doctrine of Spoliation of Evidence that these Justices are in conspiracy with California judiciaries, the hackers as well as Respondent Tsan-Kuen Wang in concealing the evidence of the courts' crimes.

**7. The burglars had a history of hacking into Petitioner's computers and hard disc to delete at least 44,024 files as testified by an engineer**

Senior Engineer Johnathan Lo detected two hotspots at Petitioner's residence and helped Petitioner in recovering at least 44,024 files deleted by the hacker. (See 19-5014, #1791001, Pages 50-57; see also, Exh.038-44) Such evidence of crimes were provided to the DC Circuit on June 5, 2019 (19-5014. #1791001), yet the DC Circuit still blindly stated that no evidence was in existence. Thus, this court's same pattern of removal of files, alteration of dockets appeared to be part of the common scheme of judiciary conspiracies.

**8. These felons further burglarized Petitioner's car on December 14, 2019 including trespassing into two computers and opened the steering wheel of the car**

As discussed above, under the doctrine of spoliation of evidence, the police report threatened the California judiciary Appellees in 19-5014,

the hackers including Google, Youtube, Kevin L. Warnock, Esther Chung, Tsan-Kuen Wang, and American Inns of Court. The concealment of the police report is therefore presumed to be jointly influenced by these affected parties.

Without any leash, knowing Petitioner is working on this Recusal, these felons burglarized into Petitioner's car and hacked into two laptops and pried open the steering wheel which contains only wires on December 14, 2019. There were already reports of suspected poison incidents done by these felons, including causing green water and food poisoning.

WHEREFOR, the presumption of judiciary conspiracies with James McManis, the hackers, Respondent's counsel David Sussman, Respondent Tsan-Kuen Wang, Judge Patricia Lucas, Judge Theodore Zayner, Judge Edward Davila, Santa Clara County Court and California Sixth District Court of Appeal is corroborated by the repeated systematic violations of this Court in 18-800, 18-569, 18-344, 17-613, 17-256 and 17-82 such that "a continuum of fault" reaches the level of intentional, not mere negligence.

**B. Existence of this Court's knowledge that the Clerk's Office should maintain the entire records and not to select partial of records to be published by this Court's Website is proven by the complete filing in the Petitions for Rehearing in 17-256 filed on November 22, 2017, in 17-613 filed on December 9, 2017, in 18-344 and 18-569 filed in 2018.**

Electronic filing and posting on the Court’s website of the filings only started in November 2017. The Court Clerk knew that they should file the entire pleading without removing any part of the Appendix, as such knowledge is shown by their complete filing of the Petition for Rehearing in 17-256 on November 22, 2017, in 17-613 on December 9, 2017, in 18-344 and 18-569.

The Petition for Rehearing in 18-800 however was removed the appendix. Petition 18-800 is an appeal from the vexatious litigant orders, including the mystic Prefiling Vexatious Litigant order where James McManis is one of the Respondents; as mentioned above, this order was not entered into the docket of 2012-1:cv-220571 (112cv220571) until August 16, 2017 by a “non-clerk contractor”.

**C. In contrast, the Clerk’s Office’s removal of the Appendix for the Petition for Rehearing 18-800 is apparently caused by intervention of James McManis pursuant to the adverse inference presumption under the doctrine of spoliation of evidence**

The appendix removed by this Courts’ Clerk apparently constitutes a threat to these Justices and to James McManis. The evidence concealed in the Petition for Rehearing for 18-800 includes:

App.10-11	James McManis's news showing his relationship with Chief Justice John G. Roberts
App.12-54	Bird view of court crimes--- Declaration of Meera Fox
App.55-62	Temple Bar Scholars & Reports
App.63-64	Present Program of Temple Bar Scholarship
App.65	“American Inns of Court Members Services”

**D. The Request for Recusal of 17-256 was withheld from filing by 4 days and then when eventually filed, Jeff Akins removed ALL appendix (supporting evidence for recusal) and filed it with a date of December 8, 2017**

Apparently these Justices were threatened by the appendixes to 17-256 as discussed above (where Petitioner asked recusal of only Justice Kennedy and Justice Ginsburg based on information available at that time), and then directed the clerk's office to conceal all Appendixes days later.

The Clerk's Office Supervisor Jeff Atkins withheld from filing of the Request for Recusal in 17-256 until December 11, 2017 with the date posted on December 8, 2017, stamped receipt date to be December 8, 2017, one day after the actual receipt date. He refused to post the mailing date as the date of filing. All evidence supporting recusal was actively concealed.

1. Story of how the Request for Recusal in 17-256 was withheld from filing and then filed with all appendixes removed (discussed in pages 13 and 14 of the Request for Recusal in 17-613)

The story was presented in Pages 13 and 14 of the Request for Recusal filed in 17-613 on December 19, 2017. Petitioner wrote:

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

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

Petitioner repeatedly objected to such lack of filing and eventually in late afternoon of December 11, 2017, Mr. Atkins filed it and stated that he had filed it on December 8, 2017 but for unknown reason the court's website did not show this filing. Only 44 pages out of 213 were posted on the website.

(A.070) Petitioner inquired of Mr. Atkins why all pages were not on the website. Mr. Atkins alleged that there were too many pages. Yet, Petitioner, as an officer of the Court in the State of California, had emailed to him an Adobe searchable version of the Request for Recusal with condensed file size of only 10,024K. (A.072) Mr. Atkins admitted that there was no rule or regulation to allow him not to post the entire pleading. On December 12, 2017, the U.S. District Court received the same Request for Recusal and filed the entire pleading.

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

[17-613, Request for Recusal, Pages 13-14; emphasis added]

**2. The Appendixes concealed from publication for the Request for Recusal in 17-256**

The List of Appendix at the beginning of the Request for Recusal in 17-256, indicated what this Court concealed:

## LIST OF APPENDIX

No.	Document name	pages
1	Temple Bar Scholarship recipients and sponsoring Justices of this Court	A.001-3
2	English & Irish Inns' Visits of the American Inns of Court—Respondent James McManis is active on this program which includes Temple Bar Scholarship	A.005-6
3	James McManis is an Honorary Bencher from the King's Inn in 2012, as the third American Honorary Bencher, the same honor as Chief Justice John Roberts	A.007-8
4	Admission of Respondent James McManis about his provision of free legal services to personal affairs of unidentified judges/justices and his representation of Santa Clara County Court in person	A.009-21
5	Declaration of Meera Fox, Esq., as an expert regarding judiciary conspiracy and corruptions played by Respondent McManis Faulkner law firm, including their attempts to dismiss the custody appeal (stalled for	A.023-56

	more than 3 years), to keep the case inside their kingdom of power, Santa Clara County Superior Court, to stall jury trial, and recent irregularities of 2017 in felonious alteration of dockets, creation of false records of the court and deterring filing	
	A: William A. Ingram American Inn of Court's 2016-17 Executive Committee roster	A.0047
	B: William A. Ingram American Inn of Court 2016-17 Executive Committee Meetings	A.0049
	C: William A. Ingram American Inn of Court 2016-17 Schedule of Inn Meetings	A.0050
	D. Notice of Designation of Court Reporter's Transcript and Clerk's Transcript for Appeal from 3/14/2014's Order, received by California Sixth Appellate Court on October 7, 2014	A.0051
	E. Court Reporter's Transcripts Deposited with the Court Pursuant to Rule 8.130(b)(3)	A.0052
	F. Email notification of dismissal of custody appeal on March 14, 2016 at 9:25 a.m. (Monday)	A.0053
	G. Notice of Appellant's Noncompliance filed on March 12, 2016 (Saturday)	A.0054
	H. Order to dismiss the custody appeal of March 14, 2016	A.0055

	dismiss the appeal by false notices)	
6	<p>A. The Ninth Circuit's News Release of September 19, 2016:</p> <ol style="list-style-type: none"> <li>1. Judge Wallace in the Ninth Circuit is a founder of the American Inns of Court</li> <li>2. The American Inns of Court used the site of the US Supreme Court for its November 5, 2016's conference</li> <li>3. Justice Alito who received 2 Temple Bar Scholarship awards for his clerks in 2017 held such a conference in 2016.</li> </ol> <p>B. Pages 2&amp;3: The American Inns of Court used the site of the US Supreme Court on October 21, 2017</p>	A057-60
7	Homepage of the website of the Anthony M. Kennedy American Inn of Court in Sacramento, California, as an affiliate to the American Inns of Court	A.061-62
8	Justice Kennedy received an award from the American Inns of Court which is presumably sponsored by leading attorney Respondent James McManis	A.063-64
9	The Ninth Circuit established Kennedy Learning Center	A.065-66
10	The Ruth Bader Ginsburg American Inn of Court	A.067-68

10	The Ruth Bader Ginsburg American Inn of Court	A.067- 68
11	Justice Kennedy has a history of denial of two Applications with super speed on the ensuing date of docketing, without waiting for the Opposition, nor disclosing the conflicts of interest	A.069- 71

12	The last membership disclosure of the American Inns of Court was in 2008 (selected pages)	A.073- 75
13	Recent Irregularities of this Court's Clerk's Office	A.077- 85
	First Page: Mr. Jordan Bickell acted beyond his authority in deterring filing of the Amicus Curiae Motion in Petition No. 17-82 in September 2017	A.078
	Second and third pages: excerpts from Petition for Rehearing of 17-82 describing how Mr. Bickell deterred filing	A.079- 80
	Supplemental Appendix to Petition for Writ of Certiorari in 17-613 about alteration of dockets and unusual watching filing	A.081- 85

14	<p>Selected pages of "Second Supplement to Motion for Judicial Notice" filed with the Ninth Circuit in support of Petition for Rehearing and Suggestion for En Banc: Evidence of the conflicts of interest of Judge Lucy Koh</p> <p>Evidence of the conflicts of interest of the Ninth Circuit</p> <p>[the evidence of conflicts of interest was suppressed by the Ninth Circuit]</p>	A.087-152
	Exh.J: Selected pages of Deposition of James McManis	A.109-112
	Exh. K: Declaration of David Sussman—admission of his calling the Court at the night of August 4, 2010 (parental deprival)	A.113-115
	Exh. M: The roster for Executive Committee in 2011: Judge Lucy Koh and Respondent Michael Reedy were both members of the Executive Committee of the William A. Ingram American Inn of Court.	A.116-118

	Exh. N: Relevant pages of Respondent Michael Reedy's deposition transcript	A.119-129
	Exh. cc: Judge Lucy Koh's Questionnaire for Judicial Nominees	A.131-139
	Exh. dd: Judge Lucy Koh was a speaker for the 2015's Symposium of the William A. Ingram American Inn of Court; Justice Kennedy was in 2004; Respondent James McManis was in 2003	A.140-142
	Exh. hh: selected page of the William A. Ingram American Inn of Court's Member's Handbook in 2016-17	A.143-146
15	Petitioner SHAO could not have made this Request earlier as she was unaware of the Request for Recusal proceeding until Nov. 27, 2017; in addition, Petitioner was unaware of the Court's financial interests of Temple Bar Scholarship until Nov. 25, 2017	A.147-150
16	Continuous prejudice where the State Court willfully ignored the direct conflicts of interest up to present that requires this Court to issue Certiorari:  Order of Judge Kirwan of December 4, 2017 in favor of Respondents where Judge Kirwan refused to recuse himself when he is the President of the William A. Ingram American Inn of Court and Respondent	A.151-171

Respondents where Judge Kirwan refused to recuse himself when he is the President of the William A. Ingram American Inn of Court and Respondent

Michael Reedy is the President-Elect (A.047) and Respondent is the attorney of Santa Clara County Court; **the Court disallowed Petitioner to file a motion to change place of trial without a formal motion to lift the stay when the stay was without any basis and was made impromptu by the Respondents in order to take time to dismiss the custody appeal.**

2. Presiding Judge Patricia Lucas' letter of March 8, 2017 ignoring the issue of repeated false notices as well as alteration of docket of the family court case and inviting Petitioner to make a complaint against her.

3. Judge Folan waited 3 weeks then issue an Order of November 21, 2017 with a false excuse that because the trial judge stayed all motions then the motion to change place of trial must be stayed, in contravention with Rule 3.543 of California Rules of Court. (A.157-58)

**E. Continual purging evidence—removing all appendix for the Request for Recusal of 17-613**

**1.a. Altering the decision date from April 28, 2017 to June 8, 2017 then altered again to April 28, 2017**

From the beginning, on the ensuing morning after the docketing clerk created a docket, on 10/25/2017, Jeff Atkins suddenly walked to the deputy clerk demanding de-filing based on his statement to the clerk that the date of decision should be “June 8, 2017” not “April 28, 2017”. (See above; Pages 2-3 in “Supplemental Appendix to Petition for Writ of Certiorari.” Filed on October 26, 2017 in 17-613.) As stated in Page 11 of Petition for Rehearing in 17-613, “This incident suggests that James McManis, the leading American attorney of the American Inns of Court and this Court’s admittee, has directly contacted and influenced Mr. Atkins to let him know the date of “June 8, 2017” and disrupted the Clerk’s Office’s function in violation of 18 U.S.C. §371.

This Court only altered the “June 8, 2017” back to “April 28, 2017” on November 27, 2017, more than a month after its docketing. See, P. 38 of Renewed Request for Recusal filed in 17-613 on or about February 1, 2018.

The story was presented to this Court in Supplemental Appendix, for 17-613 as below:

“II. THE DISPOSITION DATE IS NOT JUNE 8, 2017  
On October 25, 2017, Supervising Clerk Jeff Atkin directed a change to the docket of Petition No. 17-613 by replacing the disposition date of April 28, 2017 with June 8, 2017. This change is incorrect.

Petitioner's Motion to Strike the default notice of March 14, 2017 and her renewed motion to change place of appeal and trial and remand, was electronically filed with the California Sixth Appellate Court on March 29, 2017. Formal filing of this motion was delayed and it was "withheld from filing" by Presiding Justice Conrad Rushing until April, 28, 2017, (App. 217: Snapshot of Truefihing.com), the same date when Justice Rushing denied the motion. (App.13, App.203; see also the docket in App.211-216) The Petition for Review filed with California Supreme Court was signed by Petitioner on June 7, 2017. (App.202)

The California Supreme Court posted the filing date as June 12, 2017 on its docket. It denied Review on July 19, 2017. It granted the Motion for Judicial Notice (App.219-350), including, but not limited to, relevant pages of deposition transcript of James McManis (App.290-292), McManis Faulkner LLP's website showing Santa Clara County Superior Court being one of its clients (App.285-287) and Presiding Judge Patricia Lucas's letter of 3/8/2017 (App.272).

This Petition involves multiple efforts of the state courts to conspire to dismiss this appeal that has been stalled for 3 years, with repeated false notices of default. The first such notice was on March 12, 2016, irregularly issued on Saturday, in which Justice Rushing dismissed the appeal by order of March 14, 2016. This occurred within 25 minutes of the Appellate Court's opening and without a notice of his intended action. This dismissal was later vacated and the appeal reactivated.

About one year later, on February 27, 2017, a false docket entry of default was made without any paper. Another false Default Notice of March 14, 2017 was also put on the docket. This latter notice is the subject of this Petition. After March 14, 2017 entry, there is another false notice of April 25, 2017. This notice was incorporated in the Order of June 8, 2017, but that Order of June 8, 2017 is still pending a motion to reconsider (the entry

in the docket erroneously mentioned the March 14, 2017 Notice, when the pending motion to reconsider concerned the April 25, 2015 Notice of Non-compliance.) Therefore, the disposition date for this Petition is not June 8, 2017 but April 28, 2017.”

[17-256, Petition for Rehearing, App.40-41, Emphasis added]

**1.b. Jeff Atkins's instruction of removal of the names of James McManis and Michael Reedy as Respondents in 17-613 indicates this Court's conflicts of interest with James McManis and Michael Reedy that requires recusal, or at least investigation.**

In addition to altering the date of decision, on the morning of October 25, 2017, Jeff Atkins further directed the docketing clerk never put the names of James McManis and Michael Reedy but only McManis Faulkner, LLP. It is clearly someone is manipulating this court's proceeding that Petitioner cannot have an impartial decisions. See P.37 of Renewed Request for Recusal filed in 17-613 on or about February 1, 2018.

**1.c. Jeff Atkins removed all appendixes for both the Request for Recusal filed during the Petition for Writ for Certiorari proceeding and the Renewed Request for Recusal filed during the Petition for Rehearing proceeding.**

An overview of the contents of the Appendixes that these Justices felt threatened, according to the doctrine of spoliation of evidence, are all about Temple Bar Scholarship--- substantial value of gifts and financial interests received from American Inns of Court and their relationship with the American Inns of Court as well as with James McManis and Michael Reedy. The following Appendixes were removed from the Renewed Request for Recusal filed in 17-613:

1	Temple Bar Scholarship recipients and sponsoring Justices of this Court	A.001-4
2	<p>The Temple Bar Foundation was assumed by the American Inns of Court in 1996; the direct benefit received by the clerks who have power to make recommendations to the Court and indirect benefit to the sponsoring Eight Justices require recusal.</p> <p>Snapshots of new video released on the homepage of the website of the American Inns of Court. After the Request for Recusal was filed, <b>the video was removed from the website.</b></p>	A.005-10
3	<p>The American Inns of Court's function is in contravention with Rule 5-300 of California Rules of Professional Conduct and Canon 4(c) of Code of Judicial Conduct for US Judges: "American Inns of Court Member Services" video---</p> <p>"This is the only organization that I know that the lawyers and judges belong to the trial bar have a chance to meet outside of the courtroom in a social setting and really able to establish the rapport," said Manuel Sanchez.</p> <p><b>Attorney Sanchez's video was removed completely from the internet.</b>  <b>Estimated removal time to be in late January 2018. (Petitioner has a copy of the video; any one interested may request for a copy.)</b></p>	A.011-16

4	<p>The reciprocal international relationship influenced the American Inns of Court to an extent to give award for a special project to acknowledge that the Declaration of Independence of the USA is “illegal.”</p>	A.017 -18
5	<p>Reciprocity agreement of the American Inns of Court and the Inns of Court of England and Ireland where James McManis is an active contributor. This international travel program is a major function/expenditure of the American Inns of Court</p>	A.019 -020
6	<p>James McManis is undoubtedly the “leading attorney” for the international program as he is the 3rd leading American obtaining the highest honor of an Honorary Bencher in 2012, after Chief Justice John Roberts</p> <p><b>This page was removed from McManis Faulkner’s website after filing the Request for Recusal. This page can be found at <a href="http://shaochronology.blogspot.com">shaochronology.blogspot.com</a></b></p>	A.021
7	<p>Admission of James McManis on July 20, 2015 about his provision of "pro bono" legal services to unidentified judges/justices clients regarding their personal affairs. Who are these unidentified judges/justices clients?</p> <p>The deposition transcript of James McManis was taken judicial of by California Supreme Court in its Order of July 19, 2017 (App.14 of this Petition/Supplemental</p>	A.023 -36

8	<p><b>THE EIGHT JUSTICES HAVE ALLOWED AMERICAN INNS OF COURT TO OPERATE ITS BUSINESS ON THE SITE OF THE US SUPREME COURT</b></p> <p>A. News release of the Ninth Circuit on 9/19/2016</p> <p>B. The American Inns of Court used the Supreme Court's site for its Conference on October 21, 2017. Justice Kegan held the conference. Her clerk obtained Temple Bar Scholarship from the American Inns of Court in 2017.</p>	A.037 -40
	<p>Justice Anthony M. Kennedy's direct conflicts of interest in this Petition where the function of American Inns of Court is at Issue.</p>	A.041 -42
10	<p><b>EVIDENCE OF JUSTICE ANTHONY M. KENNEDY'S CONFLICTS OF INTEREST--</b></p> <p>- RECEIVED GIFT/AWARD FROM THE AMERICAN INNS OF COURT WHERE JAMES McMANIS'S LAW FIRM IS A MAJOR SPONSORING ATTORNEY</p> <p>Members' Handbook showing the function</p>	A.043 -50

	being "social"	
11	<p><b>EVIDENCE OF ACTUAL PREJUDICE TO PETITIONER--JUSTICE KENNEDY'S SUPER SPEEDY DENIAL OF TWO APPLICATIONS IS LIKELY RESULTED FROM THE CONFLICTS OF INTEREST</b></p> <p>Justice Kennedy has a history of denial of two applications of Petitioner with super speed-- both on the ensuing day of "docketing" (filing date plus mailing time) when he was the sole decision-maker.</p>	A.051-53
12	The last membership disclosure by an American Inn of Court--was in 2008 (selected pages). After 2008, the members are secret, whether judges or attorneys, except the officers' names.	A.055-57
13	The Ruth Bader Ginsburg American Inn of Court	A.058-59
14	<p><b>EVIDENCE OF ACTUAL PREJUDICE FROM THE CONFLICTS OF INTEREST--</b></p> <p>Recent irregularities in this Court's Clerk's Office</p>	A.061-76
15	<p><b>EVIDENCE OF RISK OF FURTHER INJUSTICE THAT MAY CAUSE IF THE COURT DID NOT GRANT CERTIORARI</b></p> <p>Declaration of Meera Fox, Esq.</p>	A.077-110
	A: William A. Ingram American Inn of Court's 2016-17 Executive Committee roster	A.102

Declaration of Meera Fox, Esq.

A: William A. Ingram American Inn of  
Court's 2016-17 Executive Committee roster

A.102

	B: William A. Ingram American Inn of Court 2016-17 Executive Committee Meetings	A.103
	C: William A. Ingram American Inn of Court 2016-17 Schedule of Inn Meetings	A.104
	D. Notice of Designation of Court Reporter's Transcript and Clerk's Transcript for Appeal from 3/14/2014's Order, received by California Sixth Appellate Court on October 7, 2014	A.105
	E. Court Reporter's Transcripts Deposited with the Court Pursuant to Rule 8.130(b)(3)	A.106
	F. Email notification of dismissal of custody appeal on March 14, 2016 at 9:25 a.m. (Monday)	A.107
	G. Notice of Appellant's Noncompliance filed on March 12, 2016 (Saturday)	A.108
	H. Order to dismiss the custody appeal of March 14, 2016	A.109
	I. Appellant's Default Notice of March 14, 2017 (repeated attempt to dismiss the appeal by false notices)	A.110
16	Gross injustice will result if certiorari for were not issued. The Ninth Circuit has used its less than 2 pages' Memorandum to suppress the evidence of Judge Lucy Koh's conflicts of interest with McManis Faulkner	A111-124

16	<p>Gross injustice will result if certiorari for were not issued. The Ninth Circuit has used its less than 2 pages' Memorandum to suppress the evidence of Judge Lucy Koh's conflicts of interest with McManis Faulkner law firm.</p>	A111-124
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	--List of Executive Committee of the William A. Ingram American Inn of Court in 2012	
	--Selected deposition transcripts of Michael Reedy	
17	A. 135: Petitioner was unaware of the available proceeding of Request for Recusal at this Court until November 27, 2017 A. 136-138: Another Attorney who Petitioner never met informed Petitioner of the direct conflicts of interests of Eight Justices and 38 Clerks at this Court on November 25, 2017	A.125-129
18	1. The Sixth Appellate Court's Order of April 28, 2017, the subject of this Petition 2. A. 129: California Supreme Court granted the motion for judicial notice in support of the Petition for Review without any reservation	A.130-132
19	Evidence of risk of gross injustice will result if certiorari were not issued--- <b>The docket of H040395</b>	A.133-140
20	Evidence of risk of gross injustice if certiorari were not issued to grant these Petitions, 17-256, 17-613 and 17-82	A.141-190
	evidence of exposure of McManis Faulkner's attorney's ex parte communication with the trial judge ---Judge Derek Woodhouse.	A.153
	Presiding Judge Patricia Lucas refused to correct the docket removal of 105FL126882, the repeated false Notices, and invited Shao to make a complaint.	A.159

correct the docket removal of 105FL126882, the repeated false Notices, and invited Shao to make a complaint.

	Judge Theodore Zayner took the court files and lost Volume 5-- proving his relationship with this civil case in denying custody return to SHAO.	A.160-67
	McManis Faulkner's own expert admitted to the public view that MF is appearing in front of its own client.	A.168-177
	Judge Folan's Order retracting from her tentative decision (A.179)	A.181-82
	Judge Woodhouse's written order to stay jury trial over the objections of SHAO on 3/11/2016	A.189-90
21	Declaration of Michael Bruzzone—Evidence of loss of public confidence	A.189-190
22	ABA's News Release: Paragraph 3 shows that Chief Justice John Roberts is an Honorary Bencher of the Middle Temple, who is directly involved in the Temple Bar Scholarship Program	191-92
23	News release of 4/27/2012 published by McManis Faulkner—Michael Reedy was a key speaker of the American Inns of Court in 2012.	193-194
24	News release of 10/21/2017 published by McManis Faulkner—“The Supreme Court Hosts The American Inns of Court Celebration of Excellence”: It was hosted by Justice Kegan and Michael Reedy was invited	195-196
25	Irregularity of the Clerk's Office in de-filing the Amicus Curiae Motion and altering the docket entry: The docket of 17-613 before and after the “de-filing” and emails with	197-203

25	Irregularity of the Clerk's Office in de-filing the Amicus Curiae Motion and altering the docket entry: The docket of 17-613 before and after the "de-filing" and emails with Donald Baker which caused the correction	197-203
26	Irregularities continue—an email showing an appeal that was filed on October 30, 2017 has not been docketed by the appellate court for 3 months.	204-205
27	Supervising Clerk Jeff Atkins persisted on not posting the Appendix attached to Requests for Recusal—which apparently was instructed by James McManis and/or American Inns of Court as they purged the evidence	206-214
28	Jeff Atkins disallowed filing of a motion to vacate the January 8, 2018's order in 17-256 and will return filing if Petitioner presented it to the Clerk's Office	215-218

3. This Courts' Clerk's Office's de-filing of the Amicus Curiae Mothers for Lost Children's motion in 17-613 on December 9, 2017, corroborated the illegal operation of this Clerk's Office and supports existence of the "intentionality" as well as existence of the conflicts of interest derived from the Justices' relationship with James McManis and Michael Reedy

40 sets of amicus curiae motion for 17-613 that were mailed on November 17, 2017 were received by the Court on November 20, 2017 but were delayed filing by Mr. Donald Baker until 12/9/2017.

Ten days later, on 12/19/2017, upon receipt of Petitioner's Request for Recusal, the docket entry of 12/9/2017 was altered from "filing" the amicus curiae motion to "not accept for filing". Someone apparently directed Donald Baker to "de-file" the motion.

On December 19, 2017, Petitioner emailed to Mr. Donald Baker the case law that his conduct is not covered by any immunity and constituted a crime. Mr. Baker then put the amicus curiae motion back to this Court's on-line docket of 17-613, after requiring Mr. Katzenbach to re-e-file the motion. Then Mr. Baker put down on the docket of 17-613 a corrected filing date of the motion as 11/17/2017. (See App.195 and Page 40 for the Renewed Request for Recusal filed in 17-613.)

**F. Intentional deterrence of filing of the motion of the Amicus Curiae Mothers of Lost Children in 17-82 supports the intentionality of this Court's spoliation of evidence.**

As presented in the Petition for Rehearing in 17-82 in Pages 4 and 5, someone was able to influence the Court to make whirlwind change of personnel to use a clerk called Donald Baker to replace one of the clerks who had handled Amicus Curiae for many years. Before September 20, 2017, there were two clerks for Amicus Curiae for years, Ms. Cathy Taiz and Ms. Denise McMerny. Yet, the Amicus Curiae motion filed by Mothers of Lost Children were not handled by either of them.

On September 6, 2017, Supreme Court's Clerk's Office received motion of Amicus Curiae of Mothers of Lost Children for 17-82, and 17-

256. At that time 17-82 was set for conference 19 days later on September 25, 2017. Another Clerk's Supervisor Danny Jordan who had not handled pre-certiorari proceeding brought a Donald Baker to interfere with the Petitioner's case of 17-82 (regarding the court's denial of modification of child custody). Jordan and Baker delayed processing until 8 days later for the purpose to stall filing the motion in the child custody case of 17-82. As testified by Meera Fox, Esq., the most important task of McManis was to ensure parental deprival in order to assert his defense of lack of causation.

Baker sent a rejection letter on September 14, 2017, 8 days after receipt, and returned all to the Amicus Curiae counsel, Mr. Katzenbach, who received the returned copies on September 18, 2017. Baker and Jordan picked on the fault of the 10 pages of motion, to require a Table of Contents to be added and require adding the wording of "for leave" on the cover. Mr. Katzenbach did not anticipate the returns as there were full discussion with Ms. Taiz before submission for filing and Ms. Taiz did not state any of these requirements when she was made known to have 10 pages. Within a day, expeditious reprinting was done and re-mailed on September 19, 2019. Yet, Baker and Jordan knowingly blocked filing on 17-82 to let the conference denied the Petition without the benefit of the Amicus Curiae motion.

When being challenged on why there was no filing of the Amicus Curiae motion in 17-82 and there was neither any return of the Amicus Curiae motion, Baker just transferred the call to Jordan who falsely criticized that being "many" problems. Such falsity is proven by the fact that the same motion was granted in 17-256.

After receiving Petitioner's criticism for acting beyond jurisdiction, Jordan caused McMerny to be replaced by Baker on or about September 20, 2017.

When Mr. Katzenbach re-filed the Amicus Curiae motion, in his letter of September 19, 2017, he wrote:

“Based on conversations with the Clerk’s Office, we had the understanding that our initial filing was in an appropriate format.

It is our understanding that the Petition in Case No. 17-82 is set for conference on September 25, 2017. It is our hope that the motion could be submitted prior to the conference.”

The intention to block Amicus Curiae motion's being filed in the child custody case of 17-82 was obvious as Mr. Jeff Atkins had the authority to continue the Conference Date but he knowingly declined (App.17 in Petition for Rehearing of 17-82), knowing the delay of Baker and Jordan's unlawful returns of the motion was for the sole purpose of blocking the Amicus Curiae motion of Mothers of Lost Children from being entered into consideration in 17-82.

**G. These Justices knowingly failed to decide on the Amicus Curiae motion of Mothers of Lost Children in 18-569, the child custody appeal case, as well as each and every Requests for Recusal filed in 17-256, 17-613, 18-344, 18-569 and 18-800, in addition to its refusing to file in 18-344 and holding on filing in 17-256 by a month, corroborated the intentionality of this Court in spoliation of evidence and constitutes ground of disqualification**

In State v. Allen, 2010 WI 10 at Page 35 (2010), Wisconsin Supreme Court researched the history of the US Supreme Court's ruling on disqualification motion and stated:

"An examination of recusal practice at the United States Supreme Court reveals that even while the Court has, as a matter of tradition or general practice, left recusal decisions to individual justices, the Court appears always to have retained jurisdiction over recusal motions and maintained the authority to guarantee a fully qualified panel of justice. At least once, the members of the Court have, by majority vote, curtailed another sitting justice (Justice William O. Douglas) from participation in the court's decision."

According to Wisconsin Supreme Court's research about this Court's practice on recusal requests, the decision of recusal has been left to the hands of the Justice that is asked to be recused.

Justice Rehnquist issued a lengthy opinion in *Laird v. Tatum*, 409 U.S. 824 (1972) regarding a request for recusal of himself. Other requests for recusal were denied without stating a reason, but every recusal was decided, except those filed by Petitioner. E.g., *Earnest v. U.S. Attorney for the S. Dist. Of Alabama*, 474 U.S. 1016 (1985) (J. Powell).

No justice ever refused to decide on recusal except in Petitioner's Requests for Recusal. These Justices named in this Request have created the history of lack of decision on the Requests for Recusal in the Petitions filed by Petitioner. Such discriminative practice constitutes a violation of the First Amendment of the Constitution.

Moreover, for this first time in 226 years' history, this Court failed to decide the Amicus Curiae Motion of Mothers of Lost Children in 18-569

on 1/7/2019 when Amicus Curiae motion is well-recognized to be material to this Court's decision on whether to grant certiorari.

Petition 18-569 is regarding the child custody appeal from Santa Clara County Court's Presiding Judge Patricia Lucas's order of November 4, 2013, the very order that James McManis set as the first priority to cause the order to become final judgment in order to apply collateral estoppels in the malpractice case, as testified by Attorney Meera Fox. (19-639 Petition, App.102)

This Court knowingly failed to decide on the Amicus Curiae motion when the child custody is directly at issue.

A refusal to rule on matters is a serious violation of judicial duty. *Inquiry Concerning Freedman* (Cal. Comm. Jud. Perf. 2007) 49 Cal.4<sup>th</sup> CJP Supp. 223 (censure for judge not promptly ruling in cases); *mardikian v. Commission on Judicial Performance* (1985) 40 Cal.3d 473, 477. The court has a duty to decide recusal (O'Hair v. Hill, 641 F.2d 307 (5th Cir. 1981) in ft.1, which is "absolute" (Corner v. Murphy Oil USA, 607 F.2d 1049, 1057 (5th Cir. 2010)) and is Constitutionally imposed (National Education Assoc. v. Lee County Board of Public Instruction, 467 F.2d 477 (5th Cir. 1972)) The determination of the issues presented by the Request for Recusal is necessary prior to any substantive ruling on the merits of the Petition as required by 28 USC§455. *Caperton v. A. T. Massey Coal Company*, 556 US 868 (2009). Such systematic obstruction of the Court's function in maintaining regular function of the Clerk's Office and in maintaining the fundamental duty to rule, has constituted a conspiracy to

impair, obstruct or defeat the lawful function of the highest judicial department of the government of the U.S. that constitutes violations of 18 U.S.C. §371. See, *Tanner v. United States*, 483 U.S. 107 at P.128 where this Court held that:

“the fraud covered by the statute “reaches ‘any conspiracy for the purpose of impairing, obstructing or defeating the lawful function of any department of Government.”

**H. Continuance of the fault in that all appendixes of the Request for Recusal in Petitions 17-256, 17-613, 18-344, 18-569, 18-800 were removed.**

All appendixes to the Requests for Recusal in 17-256, 17-613, 18-344, 18-569, 18-800 were concealed. Such concealment apparently was willful as there were twice that the Clerk’s Office refused to file or enter into the docket the Requests for Recusal., as well noted by Petitioner in the Supplemental Appendix filed with this Court in 17-613 on October 30, 2019 All appendixes these Justices felt threatened in 19-639 Petition for Writ of Certiorari were concealed, as discussed above.

In Petition 18-800, just like this Petition (19-639), this Court also silently purged the Appendix to the Petition for Writ of Certiorari from 202 pages to retain only 35 pages. **The necessary portions for a Petition for Writ of Certiorari including Involved Statues, and selected orders that were clear products of judicial corruptions were also concealed, such as in (1), (3), (9), (10), (11) and (12).** The following records were all purged and the files identical to the purged files in this Petition are heighted with bold and underlines:

(1) Involved Statutes from App. No. 1-19, where Petitioner cited California Penal Code Sections 115, 132, 134, 470, 182, 278.5 and 96.5 for the conspired court crimes committed by California courts when James McManis is or was the attorney of Santa Clara County Court and the court repeatedly refused to transfer the case out in order to hide the judicial corruption of Judge Edward Davila, Judge Theodore Zayner and Judge Patricia Lucas (Assistant Presiding Judge and Presiding Judge from 2012 until present)

(2) Appendix #2: “CA 6<sup>th</sup> Court of Appeal’s E-notice At 3:34 p.m. of July 3, 2-18 regarding acceptance of Shao’s objection/motion to strike stay AND motion to augment record to the court’s registered normal email of [attorneyshao@aol.com](mailto:attorneyshao@aol.com) which defrauded SHAO into believing that the court may take 15 days per Rule 8.54(b)(1) tp decode pm SJAP’s motion without knowing that the California Sixth District Court of Appeal has secretly issued an order 13 minutes ago to set July 9, 2018 as the due date to file Opening Brief knowing that SHAO would definitely missed the unnoticed due date in order to create a fraudulent excuse to dismiss this appeal.”

(3) Appendix #3: “SECRET Order of July 3, 2018—this appeal should have never been dismissed as THE COURT HAD ACKNOLWEDGED THAT SHAO had filed a “Request for Judicial Notice in Support of Opening Brief”—the reason of waiting without immediate filing the Opening Brief simultaneously with Request for Judicial Notice was to follow the instruction of the

Deputy Clerk Beth Miller to wait and see the Court's ruling on the issue of missing material records on appeal."

(4) Appendix #6: The clear and convincing evidence that the Court switched emails *within 13 minutes* on July 3, 2018, where it *induced SHAO into* believing that the court would issue order 15 days after the notice of acceptance of filing pursuant to Rule 8.54(b)(1) of California Rules of Court by sending the notice of acceptance of filing to the registered email of SHAO, but concealed the important notice on due date for appeal by sending to SHAO's extinct email 13 minutes before sending the notice of acceptance (see App.#2 in App.13); SHAO was unaware that when she received the notice of acceptance of filing, the same had already been denied 13 minutes prior.

(5) Appendix #7: The clerk did not deny the conspiracy to block SHAO from knowing the new due date for filing her Opening Brief

(6) Appendix #9: Re 7/30/2018's Order: Notice of "Acceptance of filing" on motion to vacate dismissal."

(7) Appendix#10; "Re 7/30/2018's Order: In violation of Rule 8.54(b)(1), the Court of Appeal denied the motion to vacate dismissal within 5 minutes of acceptance for filing.

(8) Appendix#11 Trial court's Order in the morning of June 16, 2015's ex parte application setting

(9) Appendix#12 Trial court's Order of June 16, 2015 filed at 10:56 a.m. by Judge Folan's Clerk Lorna Delacruz, immediately followed the short 10 minutes only's hearing (Judge Maureen Folan

disallowed additional time for Shao to argue and present evidence, in violation of due process)

- (10) Appendix#12a Proof of Service filed the same time
- (11) Appendix#13 Mysterious prefiling order which was backdated to be filed on June 16, 2015 at 3:03 p.m. when the envelop showed June 18, 2018 [sic: 2015] and received by Shao on or about June 24, 2015. The document in #13 provides circumstantial evidence ethat this order that was not entered the docket until after July 2017, more than 2 years later was done about June 24, 2015.
- (12) Appendix#13a Backdated proof of service for the prefiling order that was made at a different time than that shown on the prefiling order itself.
- (13) Appendix#14 Docket sheet of H042531
- (14) Order of 10/31/2011, 3+ months after the hearing of 7/22/2011 that ILLEGALLY maintained the vacated orders of August 4 and 5 of 2011 [sic: 2010] to be valid, after granting SHAO's motion to set aside these orders. This order is the subject of California 6<sup>th</sup> District appeal case of H037820 and petition No. 14-7244"
- (15) Page 43 of Jill sardeson's deposition transcript admitting to ex parte communications between Respondent's attorney David Sussman and Judge Edward Davila, that caused the supervised visitation order and sibling separation order (Addendum to August 4, 2010's Order) to be filed WITHOUT A HEARING ON AUGUST 5, 2010

(16) Appendix #17. David Sussman's admission of illegal night time ex parte communication on August 4, 2010, the date Shao was illegally deprived of child custody.

(17) Appendix#18 Order filed on August 5, 2010, without any hearing, and the supervised visitation order was signed at the night of August 4, 2010 in response to David Sussman's voice mail (see#10 above)—subject of petition for Writ of Certiorari, No. 111119 [sic:11-11119]

(18) Appendix#19 P.10 of August 4, 2010's transcript stated the child's wishes to be with her mother, SHAO and complained abuse.

See more of abuse at shaochronology.blogspot.com/2014/01/evidence. Over the objections of all three attorneys, except David Sussman, Judge Edward Davila forced separated the 5 year old from her mother and her brother who stood up to protect her.

(19) Appendix#20 order Staying Civil Trial in 112cv220571 that was filed on 3/11/2016

(20) Appendix#21 Shao's Supplemental filed on 7/19/2018 California Supreme Court had granted judicial notice on 7/25/2018: evidence of court's fraud in dismissing this custody appeal  
Supplemental to motion for judicial notice tha was filed on June 19, 2018

(21) Appendix #22 The Court was made known on 3/22/2018 that Petitioner had to create another e-filing account at the truefiling

because she was unable to access her extinct email of  
attorneylindashao@gmail.com

(22) Appendix#23 Beth Miller was made known that Petitioner's inability to access to the original registered email of attorneylindashao@gmail.com caused a new account to be created by a new email on 3/27/2018

(23) Appendix#24 Beth Miller also communicated with petitioner on 4/25/2018 via the registered email of attorneyshao@aol.com

(24) Appendix#25 Truefiling's website account showed the serving email is attorneyshao@aol.com, not attorneylindashao@gmail.com

(25) Appendix#26 Same Scheme of conspiracy on dismissing the child custody appeal by defrauding Shao that her motion to vacate dismissal was accepted for filing by sending to the correct email address without knowing the court's silent denial that was sent by the court willfully to the extinct email

(26) Appendix#27 California Supreme Court has granted judicial notice in its July 25, 2018's Order—motion for judicial notice filed on June 19, 2018, which include (1) the lawsuit of 1:18-CV-01233-RC, (2) James McManis's Deposition transcript, (3) Declaration of Meera Fox, (4) Declaration of Mei-Ying Hu filed on 8/4/2010  
Regarding the minor's complaint about Father's physical abuses  
Exhibit 1: relevant pages of certified deposition transcript of James McManis on July 20, 2015

Exhibit 2: Declaration of Meera Fox filed in H039823 on 4/24/2017 and also as being Exhibit A to her second declaration filed in H040395 on May 10, 2017

Exhibit 3: Declaration of Michael Buzzone which is relevant to show the “cozy” relationship between McManis Faulkner LLP and the Justices at California Sixth District Court of Appeal

Exhibit 4: Declaration of Mei-Ying Hu, a teacher at Happy Childhood in Cupertino, that was filed on August 4, 2010 with the underlying family case, on the day of parental deprival

Exhibit 5 is the second declaration of Meera Fox filed with California Sixth District Court of Appeal in this appeal on May 10, 2017

Exhibit 6 is Dr. Jeffrey Kline’s Declaration about decoding the mental illness of Wang, that was filed with Santa Clara County Court on December 18, 2014, yet the Court kept suppressing the evidence, for the hidden purpose of assisting James McManis and Michael Reedy to cause permanent parental deprival.

(27) Appendix#28 Declaration of Meera Fox filed with Cal.6<sup>th</sup> Dist. Court of Appeal on 4/27/2017 in H039823

(28) Appendix#29 Selected pages of the First Amended Complaint in 1:18-cv-220571

(29) Appendix#30 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

(30) Appendix#31 Temple Bar Scholarship-a gift illegally targeting at the judiciary position of the Clerks at the US Supreme Court

(31) Appendix#32 McManis Faulkner's News Release: close relationship with Chief Justice John G. Roberts- purged in late January or early February 2018

(32) Appendix#33: News release of McManis Faulkner on October 21, 2017: Pending adjudication of Petition No. 17-256 where James McManis and Michael Reedy were Respondents, Michael Reedy was invited to the American Inns of Court's annual meeting at the US Supreme Court where Justice Kagan was hosting the event.

(33) Appendix#34: McManis Faulkner's news release of 04/27/2012 which publicized that Michael Reedy was a feature speaker for the American Inns of Court.

(34) Appendix#35: Declaration of Michael Bruzzone—evidence of lack of public confidence

(35) Appendix#36 Relevant pages of the case docket of 1:18-cv-01233-RC showing the alterations of the case docket at the USDC in the D.C.

(36) Appendix#37 Letter of the US Supreme Court showing rejection of filing of Request for Recusal in 18-344

(37) Appendix#38: Selected pages of deposition transcript of James McManis taken on 7/20/2015

(38) Appendix#39: Selected portion of deposition transcript of Carroll J. Collins, III, Esq., expert witness of McManis Faulkner

law firm, which proved existence of public view that Santa Clara County Court is a representative client of McManis Faulkner, LLP.

(39) Appendix 40A: Evidence that Judge Theodore Zayner misused his being a civil supervising judge, to take the trial court's files of Shao v. McManis into his chamber on 7/20/2016

(40) Appendix 40B: Evidence that the trial courts records of Shao v. McManis, after being checked out into Judge Zayner's chamber, has lost Volume 5 and original deposition transcripts of James McManis and Michael Reedy that were lodged with Santa Clara County Court in November 2015 for the jury trial.

### **III. ADVERSE PRESUMPTION OF CONFLICTS OF INTEREST THAT MANDATES RECUSAL**

As analyzed in details above under Section I, these Justices do have presumption of conflicts of interest by directly receiving financial interest from the American Inns of Court (Petition 19-639, App.154-163) and indirectly from James McManis, the leading attorney who is closely related to Chief Justice John G. Roberts (Petition 19-639, App.167-68) and relationship with Michael Reedy (App.174).

Caperton v. A. T. Massey Coal Company, 556 US 868 (2009) has similar facts where the main issue is "whether the Fourteenth Amendment was violated when one of the majority justices refused' to recuse himself due to receiving large campaign contributions." The court held that absent recusal, the judge would review a judgment of his biggest donor, which was "a serious objective risk of actual bias that required recusal." See,

also, Canon 3(c)(1) of Code of Conduct for the U.S. Judges. This Court in Caperton held that actual bias is not necessary and proof of actual effect on the consideration of the Petitions is not necessary, even if such proof were possible.

Any reasonable person knowing all of the facts as stated above will believe that Petitioner is unable to receive unbiased votes from these Justices as they have conflicts of interest in deciding this Petition.

There are 15 questions asking for Certiorari:

In concealing App.55, it is unlikely that these Justices could decide without bias on Question #4 on illegality of the oral argument waiver notice.

In having financial interest with the American Inns of court, it is unlikely for these Justices to vote fairly on Questions #7, #8 and #13 for this Petition.

In knowingly concealing James McManis's deposition transcript admitting to his attorney-client relationship with Santa Clara County Court, there is a public view that Petitioner cannot get certiorari in Question #9 and #10.

#### **IV. ACTUAL PREJUDICE MANDATES RECUSAL**

While actual prejudice is not required for recusal, Petitioner has already suffered actual prejudice:

- A. The Clerks' Office has at least 7 times in purging court's records, as discussed above. In this Petition, 151 pages of Appendix were concealed.**
- B. This court as led by Chief Justice Roberts has failed to decide the Amicus Curiae motion of Mothers of Lost Children in 18-569.**
- C. This Court as led by Chief Justice Roberts has discriminated against Petitioner in failing to decide 7 Requests for Recusal.**
- D. The dismissal of the DC Circuit Case of 19-5014 and the USDC in DC's case of 1:18-cv-01233 are likely caused by Chief Justice John G. Roberts, Justice Clarence Thomas and Justice Ruth Bader Ginsburg who are alumni judges of the DC Circuit**  
Judge Rudolph Contreras's sua sponte dismissal order of January 17, 2019, did not mention any names of these Justices even though there were default requests pending since October 19, 2018 against these Justices. The DC Circuit's sua sponte dismissal order of November 17, 2019 did not mention a major ground of changing venue, i.e., the undisputed fact that three Justices of this Court are alumni Judges of the DC Circuit and Chief Justice Roberts made a finding on October 10, 2018 that such relationship would create conflicts of interest, yet there was no discussion at all on this, even after Petitioner filed a Petition for Rehearing of the July 31, 2019 Order based on the same ground—lack of stating all relevant facts on this issue.

Judge Contreras allowed Attorney General to file an Interpleader without the need to apply for an order which violated the rules of procedure and the Attorney General's Interpleader was regarding these Justices. In the beginning of the complaint of 1:18-cv-01233, Judge

Contreras held up docketing by 10 days until being pushed by the third party server but concealed the name of the first defendant, Chief Justice Roberts.

Therefore, any reasonable person knowing the facts would believe that the dismissal of 19-5014 and 1:18-cv-01233 are at least caused by Chief Justice John G. Roberts, Justice Clarence Thomas and Justice Ruth Bader Ginsburg.

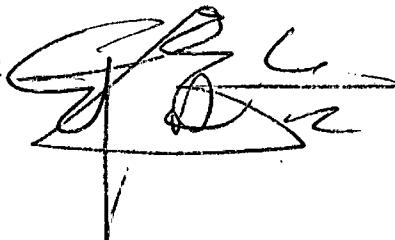
The 19-5014 is still pending with the DC Circuit, thus, there is direct conflicts of interest for these 7 Justices to vote on this Petition. Petitioner respectfully moves recusal of the 7 Justices who are Appellees in 19-5014.

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: December 16, 2019

/s/ Yi Tai Shao

Yi Tai Shao

A handwritten signature in black ink, appearing to read "Yi Tai Shao", is written over a stylized, decorative flourish.

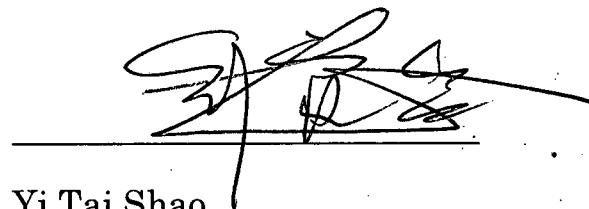
**VERIFICATION/AFFIDAVIT FOR THE REQUEST FOR RECUSAL  
(19-639) AND CERTIFICATE OF GOOD FAITH**

I, Yi Tai Shao, swear under the penalty of perjury under the laws of the U.S. that all the facts stated in the Renewed Request for Recusal of the seven Justices and the attached 44 pages of evidence are all true and accurate to her best knowledge.

I, Yi Tai Shao hereby certify that this Request for Recusal is presented in good faith and not for any other purposes and well supported by the prevailing laws and rules.

Respectfully submitted,

Dated: December 16, 2019

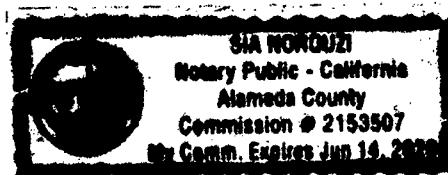


Yi Tai Shao

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Sia Norouzi/Notary  
SIA NOROUZI, Notary  
12/16/2019

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