

19-8841

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Moore - Petitioner

vs.

Orange County Social Services Agency (OCSSA), et. al.

- Respondents

On Petition for a Writ of Certiorari to the

California Court of Appeal

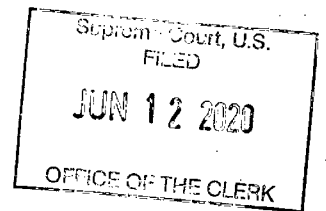
Fourth Appellate District, Division Three

PETITION FOR A WRIT OF CERTIORARI

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The Moore family made a prima facie case of nineteen (19) counts of fraud in the superior court of California. The fraud was perpetrated by government child protective service bureaucrats seeking to avoid liability for their horrific actions. The California court of appeals evaded protecting the fundamental constitutional human rights of the Moore family by making an error in determining that the basis of their appeal was constrained to a motion for reconsideration. This motion was not ever heard by the judge who made the ruling, nor was the courts analysis of *no new evidence* correct because the motion secured indisputable proof of new evidence. The reconsideration motion incorporated by reference the entire case, including proof of criminal conduct. Although it was convenient to the court to eliminate the entire case, the miscarriage of justice is egregious and must not stand.

As this petition is being written, cities are burning, looters are stealing, and riots can be seen in major cities throughout our country. The people are angry that our justice system does not work to protect the people from corrupt government agents. A government *for the people and by the people* has been lost because of the ever expanding bureaucracies that have become the new royalty in our country. Our executive branch will not prosecute government agents because it is not politically expedient. Our legislative branch writes unfair and unconstitutional laws such as government code 820.21 with its "malice" standard designed to protect the government; or public law 105-89 that provides federal funding for illegal government search and seizures. Such laws *by the government and for the government* get politicians elected into a lifetime career in politics.

The United States Constitution was written to limit government and protect the people, not the other way around. Here, it is important that our judicial system work to protect the people. Our judicial system is the last hope of the people of the United States of America to secure our fundamental constitutional human rights.

QUESTION(S) PRESENTED

Should the United States Supreme Court overturn a state case where serious United States Constitutional human rights have been violated by government social service agents using federal taxpayers' money? More specifically, the following enumerated list of due process and equal rights violations represents some of the most egregious governmental abuses.

- I. Institutional evasion of protecting the fundamental constitutional human rights of the Moore family.
- II. The arbitrary and non-uniform application of legal authorities, including the Rooker-Feldman doctrine, raises the issue of Fifth Amendment United States Constitution due process rights.
- III. The federal Adoption of Safe Families Act (ASFA) of 1997 funds the government oppression and exploitation of children without proof of a warrant in violation of the 4th amendment of the United States Constitution.
- IV. Government code 820.21 requires a "*malice*" standard for government agent liability. *The people* are not protected by this standard which raises the issue of equal protection.

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TABLE OF AUTHORITIES

CASES

Stephen v. Enterprise Rent-A-Car (1991) 235 Cal. App. 3d 806, 816, 1 Cal. Rptr. 2d 130 ; Graham v. Hansen (1982) 128 Cal. App. 3d 965, 970, 180 Cal. Rptr. 604; George Ball Pacific, Inc. v. Coldwell Banker & Co. (1981) 117 Cal. App. 3d 248, 253, 172 Cal. Rptr. 597; Martinez v Dept. of Transportation (2015) 238 Cal. App. 4th 559, 189 Cal. Rptr. 3d; Haluck v Ricoh electronics (2016) 2007 Cal. App. LEXIS 910

Re: misleading a jury is cause for reversal and retrial: Etzel v. Rosenbloom (1948) 83 Cal. App. 2d 75; Gee v. Fong Poy (1928) 88 Cal. App. 627; Los Angeles v. Decker (1977) 18 Cal. 3d 860

Re: reversal when fraud is presented to a jury about the life & character of a party: Dastagir v. Dastagir (1952) 109 Cal. App. 2d 809

UNITED STATES CONSTITUTION (USC)/CALIFORNIA

CONSTITUTION ARTICLE 1 DECLARATION OF RIGHTS (CC)

- USC 1st Amendment – (CC Article 1 § 1, 4) Freedom from religious prosecution
- USC 4th Amendment – (CC Article 1 § 10, 13, 24) Freedom from warrantless government search and seizures
- USC 5th Amendment – (CC Article 1 § 17) Freedom from government punishment without due process /unfair procedures
- USC 6th Amendment – (CC Article 1 § 7, 24) Due process right to confront accuser & know allegations
- USC 9th Amendment – (CC Article 1 § 1, 28) Right to privacy & Health care decisions
- USC 14th amendment § 1 (CC Article 1 § 1, 7, 10, 24) – Deprivation of life and liberty under color of state law & equal protection

PETITION FOR REVIEW WRIT OF CERTIORARI

TO THE HONORABLE JOHN ROBERTS, CHIEF JUSTICE, AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES OF AMERICA: Petitioner Gregory Moore, respectfully petitions for a writ of certiorari to review the unpublished opinion of the California Court of Appeal, Fourth Appellate District, Division three, filed on October 9, 2019. A copy of the Opinion is attached as Appendix A. The petition for rehearing was denied on November 5, 2019. California Supreme Court review was denied January 15, 2020 with remittitur issued January 16, 2020.

INTRODUCTION

The petitioner seeks federal Supreme Court review to decide important, recurring, and unsettled questions of law and policy relating to inconsistent application of constitutional human rights in the state of California. Established case law and Rules of Court were not uniformly applied by the court and as is reflected in the opinion.

Not reversing the decision in the Moore vs. OCSSA case would set a dangerous precedent by tacitly endorsing wrongful government conduct that undermines the fundamental human right of children to be with their parents. Multiple instances of perjury, fabrication of evidence, intentional omission of exculpatory evidence, and attorney misconduct is all over the record in the Moore vs. OCSSA case.

If the opinion stands as is, it is really an indictment for how far gone our constitutional freedoms are to be free from government abuse and oppression. Unless there is a reversal, this Court will be sending a message to government agencies such as OCSSA that it is okay to commit criminal acts including numerous felonies against United States citizens. In addition, this Court fails to act, it will be showing OCSSA that they will get paid by the federal government to commit their crimes against the United States citizens.

The Moore family was completely destroyed by OCSSA's malicious and despicable conduct. OCSSA even admitted to their wrongdoing when they wrote to the court and stated that had not the Appellant father litigated the return of the Appellant son, he would have been released in the beginning. If this is true, then we have more than one problem. It means that besides OCSSA corruption, government abuse and oppression; we have problems with a broken court system that would allow a then 3-year-old child to needlessly suffer in seven (7) forced government "placements" for a year and a half (547 days).

To date, OCSSA has not paid one penny in recompense to the Moore family they harmed. No family should have to live in fear of their children being seized by the government without notice or without cause. No citizen should have to spend their life savings to force the government to obey constitutional law. No citizen should have to pay for the government bureaucratic expenses to commit criminal acts such as fabricating evidence, forgery, perjury or subordination of perjury. It is horrifying that our country has come to this. The United States has jurisdiction because it is federal rights in question; and through the 14th Amendment of the United States Constitution because of due process and equal protection violations in state court.

As the final arbiter of the law, this Court is charged with ensuring the American people the promise of equal justice under law and, thereby, also functions as guardian and interpreter of the Constitution. If a reversal and remand in state court is not ordered, the Appellant will alternatively ask for a remand to federal court for a proper trial.

JURISDICTION STATEMENT

The California Court of Appeals remittitur was issued on January 16, 2020 after review in the California Supreme Court was denied the previous day. The Covid-19 crisis automatically extended timely filing by 60 days. The United State Supreme Court has jurisdiction pursuant to 28 U.S. Code § 1254 (1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Note: Not only were the Appellants fundamental federal constitutional human rights violated. Additionally, the Appellants fundamental state constitutional human rights were violated. See map of how United States constitution violations correspond with California constitution violations in table of authorities.

SAFEGUARDS OF LIBERTY

United States Constitution (USC) Amendments 1, 2, and 3:

USC First Amendment (1791) - Prohibits the government from obstructing the exercise of certain individual freedoms such as the freedom of religion. Here, Orange County Social Service Agency (OCSSA) violated this fundamental constitutional human right when they wrongfully and without cause banned the Appellant father from public service through his church. E.g.: When OCSSA removed the Appellant father by force from the children's center while he was training new volunteers.

The Free Exercise Clause guarantees a person's right to hold whatever religious beliefs he or she wants, and to freely exercise that belief. OCSSA violated this fundamental constitutional human right when they forced the Appellant child out of a church service Sunday school program, against the wishes of the Appellant child and Appellant father. This disrupted the church service and embarrassed the Appellants, while destroying the good and well deserved reputation of the Appellant father. OCSSA did this under threat that the Appellant son would be further subjected to government abuse & oppression.

The Establishment Clause - Prevents the federal government from creating an official national church or favoring one set of religious beliefs over another. OCSSA violated this fundamental constitutional human right when they accused and condemned the Appellant father of being a Christian minister based on his history as a Christian missionary and child advocate. Christian advocates for children do so on a voluntary basis, whereas OCSSA does it for money. This is a direct conflict of separation of Church & State. The State should not be

competing with the Churches for services & attacking Christians at taxpayer's expense.

OCSSA falsely claimed that "*ministers are liars*" thus condemning the Appellate father by association. OCSSA presented atheism as the national standard when they forced the Appellant child into atheism for the 547 days that he was detained, abused, emotionally tortured by unnecessary forced separation from his loving family, and physically tortured by caning his legs when trying to escape OCSSA. Also, the foster mother in the Appellant son's 7th failed placement mocked the Moore family when she said "*Where is your God now? If there is a God, why do I have custody of your child?*" This challenge to the Appellant father and son is especially egregious. Through this agent, OCSSA was mocking God and attacking the core of the Appellant's faith. Under God's laws, this is blasphemy and a high offense. The government had no right to seize the Appellant child from his God loving Christian home and then force him into the homes of atheists.

The foster mother described how the Appellant son screamed for his daddy and would cry to sleep every night. She gave him, a then 3-year-old child, sleeping pills. It was in state care that the Appellant child experienced emotional torture, physical abuse and depravity for the first time. Here is a short list from numerous examples: 1) The repeated crying and wailing of the Appellant son demanding to come home to his father. 2) The Appellant son's head being cracked open by OCSSA while he was screaming for his daddy. 3) The Appellant son's legs being beaten by OCSSA for trying to escape across the street. 4) The Appellant son's separate dining from the foster family and being treated like an animal compared to other family members. 5) Deprivation of hot meals in foster "care" and being told hot meals are for adults. Here, taxpayers were paying the foster family money for healthy foods while the foster mother was serving cold cereal meals three times a day and pocketing the savings. 6) Destroying his sense of self worth by giving him a "crumb" of birthday cake when everyone else got full pieces. 7) Being abandoned and scared in the foster home.

SAFEGUARDS OF JUSTICE

(United States Constitutional Amendments 4, 5, 6)

USC Fourth Amendment (1791) - Protects people against unreasonable searches & seizures by government officials. The numerous searches by OCSSA of the Appellant's home & seizure of the Appellant son were unreasonable, unnecessary and a malfeasance of taxpayers' funds. A seizure occurs when the government takes control of an individual or something in his or her possession. Here, the government (OCSSA) seized the Appellant child from the Appellant father. This was done without cause, consent or the knowledge of the Appellant father. In the civilian world, this is known as kidnapping & false imprisonment.

The fourth amendment also provides the right of the people to be secure in their persons, houses, papers, effects, and against unreasonable searches and seizures. Here, OCSSA wrongfully seized the Appellant son without just cause by detaining him, interrogating him and causing him to become a missing person. OCSSA caused an unnecessary police search when they abducted the Appellant son without notice to the Appellant father. Numerous searches of the Appellant's home were unnecessary, intrusive, and illegal.

USC Fifth Amendment (1791) prohibits punishment without due process of law, thus protecting individuals from being imprisoned without fair procedures. Here, the Appellant child was seized without a judicial warrant; and without notification of the Appellant father; and was detained (imprisoned) on false pretenses by forgery, trickery, bait and switch fraud, perjury, fabrications and omission of exculpatory evidence, intentional destruction of evidence and subordination of perjury. OCSSA systematically eliminated every professional that rendered an opinion against OCSSA. The Appellant son was punished by being forced into seven (7) failed imprisonments by OCSSA for 547 days where he was emotionally tortured, physically injured, abused, abandoned and exploited until his release was ultimately secured by a writ of habeas corpus demand to release a prisoner.

USC Sixth Amendment (1791) provides several protections and grants rights to an individual. It guarantees the accused a right to know the charges against them. In a quasi-criminal proceeding, OCSSA accused the Appellant father of being “*overprotective*” of the Appellant child prior to the Appellant son’s seizure by the government. Being a protective parent is not a crime. After the seizure, OCSSA’s written fabrication to the court was that the Appellant father had an “*excessive litigation*” disorder. This fabricated disorder does not exist in reality, nor is it a crime. When presenting the false “*excessive litigation*” disorder, OCSSA intentionally omitted the fact that the Appellant father has never been sued or had sued anybody before. Also omitted is that if OCSSA had released the Appellant son to his family, there would not ever been cause for the Appellant father to sue. The Appellant father/son sued for the first time to preserve the fundamental constitutional human right of a child to be with his family. This is not “*excessive litigation*”. This is about fundamental human rights.

During the 547 days of false imprisonment, OCSSA failed to answer the repeated question of the Appellant father “*Why is my son being detained?*” OCSSA violated the most basic right of the Appellants to confront their accuser. The fact is OCSSA did not ever have any legal right to seize the Appellant son from the Appellant father. This is why OCSSA could not ever answer the question. OCSSA had no legitimate reason.

Unenumerated rights and reserved powers (Amendment 9)

USC Ninth Amendment (1791) -Declares that individuals have other fundamental rights, in addition to those stated in the Constitution. The Supreme Court has found that unenumerated rights include such important rights as the right to privacy, and the right to make important decisions about health care.

OCSSA’s forced CRISP program on the Moore family continuously violated their right to privacy. Now, most recently, that OCSSA has obtained a fraudulent judgment of costs against the Moore family, OCSSA has been interrogating the Appellant father/son and has threatened to seize their

necessaries of life. This is both a violation of their privacy rights and a violation of their human right to life.

During the Appellant son's detention, the Appellant father's right to make health care decisions for the Appellant son was wrongfully terminated. For example, when OCSSA opened a door and split open the head of the Appellant child, the Appellant father was not notified nor was allowed to make health care decisions. Also OCSSA lied to the Appellant father about the serious injury when he was told that the Appellant son was on a nighttime field trip. The truth was he was in the hospital emergency room. Later, OCSSA stated that they did not know that they could tell the truth.

Another example is when the Appellant son was being caned with a stick on the shins of his legs in the 6th placement. The Appellant son was denied medical care. OCSSA refused to interrogate the foster mother after the court ordered monitor asked OCSSA to investigate. OCSSA covered up their wrongdoing by intentionally concealing evidence.

SAFEGUARDS OF CIVIL RIGHTS

USC Fourteenth Amendment (1868) - no state shall...deprive any person of life, liberty, or property, without due process of law. Here, the entire Moore family was deprived of their liberty to be a family free from governmental abuse after their due process rights to a fair trial were denied due to fabrications, perjury and intentional omission of exculpatory evidence. Furthermore, this amendment also contains new limits on state power: a state shall not violate a citizen's privileges or immunities; shall not deprive any person of life, liberty, or property without due process of law; and must guarantee all persons equal protection of the laws. Here, the 14th amendment due process rights guarantee equal application of the law, even when against a government agent. No doubt that if anyone else other than the government would have kidnapped a 3-year-old child, interrogated him, invasively examined him and falsely imprisoned him without the knowledge or consent of the parent, they would be in prison right now.

When OCSSA banned the Christian service of the Appellant father forced the Appellant son out of Church, they were being prosecuted and punished for being a Christian. This amounts to a violation of equal protection and is subject to strict scrutiny.

OCSSA's continued false imprisonment of the Appellant son took away his life, his liberty. OCSSA did so without due process. E.g.: The liberty of the Appellant son to exercise his fundamental human right to be with his loving family. E.g.: OCSSA's failure to notify the custodial father that the Appellant son had been seized and forced into state custody. The Appellant father should not have ever been in a position of extreme emotional distress to have to contact police to search for his missing son after the state seized him. E.g.: OCSSA's repeated failure to provide any cause for the detention of the Appellant son. The Moore family could not even begin to overcome the wrongful detention unless they knew why the state was detaining the Appellant son. This intentional infliction of severe emotional distress has forever scarred the Moore family.

THE ADOPTION AND SAFE FAMILIES ACT of 1997 (public law 105-89) - has been providing monetary incentives to seize children without the protection of USC 4th amendment rights which require a judicial warrant to be issued by a neutral magistrate upon showing of probable cause prior to the seizure of persons. Serious systemic failures of our social services system and the magnitude of harm to the children that is being caused by self serving and overzealous bureaucrats is a huge USC issue. Upwards to 1,800 children are being harmed by the government "*kids for cash*" program every year in Orange County, California alone. The California appellate and California Supreme Court missed a huge opportunity to be on the right side of justice by taking action to help protect the children victims of government abuse. Numerous USC 5th amendment due process violations occurred as detailed in this petition. Without accountability, OCSSA will be emboldened to continue to infringe on the constitutional human rights of children to remain with their families. The results of government human trafficking are a grave issue.

STATEMENT OF THE CASE

I) INSTITUTIONAL EVASION OF PROTECTING THE FUNDAMENTAL CONSTITUTIONAL HUMAN RIGHTS OF THE MOORE FAMILY

First, the Appellants will prove that the judicial evasion of Appellants case was (A); rooted in error. Next, the Appellants will list (B); the due process and equal protection violations that resulted from the evasion. Finally, the Appellants provide a summary of judicial notice ignored (C); causing federal constitutional due process and equal rights violations.

A) It is due process error for the Appellate Court to narrowly construe *the motion to reconsider the motion to tax costs/set aside judgment/vacate judgment* when the same judge failed to hear the motion without considering the other *motion to reconsider the motion to compel production* that was granted in part in the same hearing. The basis *in circumstances* are the same, therefore if one is valid, then the other is too. There are two *circumstances* and *new facts* that trigger a motion to reconsider. Any one of these three triggers validates either one of the motions for reconsideration that are the subject of review.

CALIFORNIA COURT OF APPEAL OPINION IS EVADING THE APPELLANTS DUE PROCESS AND EQUAL PROTECTION RIGHTS -

Pursuant to California Code of Civil Procedure – CCP Part 2, Title 14, Chapter 4 § 1008(a) and based on *circumstances*; Motions to reconsider are governed by Code Civ. Proc. § 1008, Cal. Rules of Ct., Rule 313, case law, and local court rules. Any party affected by an order made on application and refused in whole or in part, or granted, or granted conditionally, or on terms, may, within 10 days after service on the party of written notice of entry of the order and based on *new or different facts, circumstances*, or law, apply to the same judge who made the order to reconsider the matter and modify, amend, or revoke the prior order.

Code Civ. Proc. § 1008(a) on its face authorizes a motion to reconsider [see, e.g., *Stephen v. Enterprise Rent-A-Car* (1991) 235 Cal. App. 3d 806, 816, 1 Cal. Rptr. 2d 130; *Graham v. Hansen* (1982) 128 Cal. App. 3d 965, 970, 180 Cal. Rptr. 604]. Such motion can be made by the original moving party [see *Stephen v.*

Enterprise Rent-A-Car (1991) 235 Cal. App. 3d 806, 816, 1 Cal. Rptr. 2d 130; George Ball Pacific, Inc. v. Coldwell Banker & Co. (1981) 117 Cal. App. 3d 248, 253, 172 Cal. Rptr. 597] Here, the original moving party is the Appellant father. The misconduct forces a reversal because it was unquestionably prejudicial. This Court has the power to reverse the underlying case on its own motion through the Rooker-Feldman Fraud exception that bars res judicata as proven in Judicial notice appendix D.

In Moore vs. OCSSA (2017); The Appellants won their *motion for reconsideration of the denied motion to compel* when Judge Glass ordered the specific pages of the RT to be emailed to the Appellants. See Appendix F. Therefore, the other *motion for reconsideration to tax costs/set aside/void judgment* that was to be heard at the same hearing by Judge Eagleson was valid because the basis in *circumstances* are the same.

The two motions for reconsideration are interwoven in purpose. One provides the evidence needed for the other. The reason Judge Glass did not hear the other motion for reconsideration is that he did not hear that original motion. He was therefore bound by rules of court to pass the other motion of reconsideration to Judge Eagleson. See CRC rule above. To be clear, Judge Glass did hear the original motion to compel, however Judge Eagleson heard the original motion to tax costs. The rule requires the same Judge to hear a motion for reconsideration. On this basis alone, a reversal is required.

The Appellants due process rights were violated because the matter of the *motion for reconsideration to tax costs/set aside/void judgment* has yet to be heard. Now the Appellants have a judgment against them even though the issue was not fully litigated. If Judge Glass did it right, he would have continued the *motion for reconsideration to tax costs/set aside/void judgment* to be heard by Judge Eagleson after OCSSA produced the evidence required by *the motion for reconsideration of the denied motion to compel*.

Numerous decisions of the California Court of Appeal have stated that a properly verified memorandum of costs is prima facie evidence. The key word here is *properly*. By OCSSA's own admission, numerous mistakes were made in

the *memorandum of costs* that was filed. Therefore, the *memorandum of costs* is not prima facie evidence and needs to be treated as such. The burden is shifted to the claimants to make a showing that their costs are correct, necessary and reasonable. OCSSA's mistakes constitute yet additional *circumstances* that give rise to reconsideration. OCSSA has yet to prove that the double billing is correct. See sworn declaration of Appellant father below.

B. THE OMISSION OF MAJOR FACTS AND RULES OF LAW ARE DUE PROCESS AND EQUAL PROTECTION RIGHTS VIOLATIONS

Note: Cal.Ct.App. citations below are for reference to be provided in merit briefs if this Court were to grant the petition to be heard. In the interest of judicial economy, the Appellants do not want to overwhelm the Court with the entire case of many thousands of pages due to the years of government oppression and abuse. Proof of most of the fraud is contained in Appendix D attached. Even one count of fraud should be sufficient to overturn the ruling.

1) The opinion does include the Appellant's claims that OCSSA oppressed the Moore family, and lied, however does not address any of the specific indisputable proofs that OCSSA committed perjury, subordinated perjury, and perpetrated 19 counts of fraud onto the jury. This Court on its own motion may bring justice to the repeat offenders at OCSSA so as to protect the United States citizens from government abuse of due process rights.

2) Nowhere in the opinion is the matter of judicial notice addressed. The Appellant's provided self authenticating proof of their claims. See summary of judicial notice below.

3) The opinion states that the Appellant's should have appealed the August 14, 2017 order however does not recognize that several outstanding motions took months to resolve because OCSSA refused to cooperate. California Rules of Court (CRC) 8.104(1)(B) requires an appeal to be filed within 60 days after notice of ruling. In the Moore case, this date was August 15, 2017. Therefore, the order for *motion to tax costs* was outside the statute of limitations for an appeal by the time the reconsideration hearing was held on October 16, 2017. Per the attorney assigned by the Appellate Court itself, the correct procedure to appeal is from the motion for reconsideration for three reasons. First, it refers to the original

motion to tax costs which was not heard by Judge Eagleson when the Appellants were on a special appearance to obtain a continuance for the *motion to compel* to be heard. Secondly, that the reconsideration hearing was within the statute of limitations for appeal, not the original *motion to tax costs*. Third, that the *motion for reconsideration* of the *motion to compel* was granted, therefore the same grounds that led the success of this *motion for reconsideration* apply to the *motion for reconsideration to tax costs/set aside/void judgment* which was presented at the same time.

4) The opinion regarding the requirements of a reconsideration hearing is not correct because the circumstances of the proceedings were *irregular* and new information was obtained when the court ordered OCSSA to produce proof that OCSSA violated CAL BAR rules, which also proves one the (19) counts of fraud. See appendix F. Additionally as stated above, the reconsideration hearing to *motion for reconsideration to tax costs/set aside/void judgment* was submitted on proper grounds, otherwise the other *motion for reconsideration* of the *motion to compel* production heard at the same time would not have been granted.

5) The Rooker-Feldman Fraud exception bar against res judicata gives rise to this Court's authority to hear the entire matter the Appellant's have brought before this Court.

6) Page 7 of the opinion (Appendix A) states that Judge Glass was not inclined to reconsider his earlier denial of the Appellant's original *motion to tax costs*. This is incorrect because Judge Glass was not present for the original hearing regarding the *motion to tax costs*. The Appellant's stipulated to Judge Loveder, who also failed to appear. Instead, Betty Eagleson appeared. Betty Eagleson was the appearing judge, not Judge Glass. Betty Eagleson is required by the rules of court to preside over the reconsideration hearing, not Judge Glass.

7) RE: Denied continuance causing foreseeable damages The opinion omitted the good cause analysis of CRC 3.1332 [Cal.Ct.App. CT p.625 filed, CT p.723 & RT p.14 denied]- Per California Rules of Court 3.1332(c); a court may grant a continuance upon showing of good cause. Good cause is established in the *motion to compel* which later produced evidence of wrongdoing that was not heard

because the continuance was denied. Judge Eagleson caused the foreseeable damage when she denied the necessary continuance. The opinion also omitted the United States v. Kloehn (2010) & Armant v Marquez (1985) - 4 factor test for continuance:

1. Degree of diligence: The Appellants served motions to compel and unseal onto OCSSA prior to the *motion to tax costs* hearing.
2. Useful purpose: To tax costs that was a result of fraud.
3. Inconvenience court or opposition: The Appellants motion was not opposed.
4. Degree of prejudice: No prejudice on OCSSA, however much prejudice against the Appellants for damages such as double billing, color rates for black and white copies, unreasonable waiting fees, etc...

The opinion also omitted the Cohen reversal analysis:

Cohen v Herbert - requires reversal upon denial of continuance when opposing party not prejudiced. Appellant's motion was not opposed at the time of the hearing, thus not prejudiced.

8) Only reasonable costs are permitted under rule 8.278 of the California Rules of Court. The Appellant's assert that being double billed for the same transcripts, paying for "wait" fees, paying for black and white copies at color copy rates are unreasonable and should not be imputed on the Appellant victims.

These indisputable facts which were filed in the Cal.Ct.App from the OCSSA's own documents are not considered anywhere in the opinion. For example: in the Cal.Ct.App. judicial notice is proof that the cost is a court reporters transcript, not a deposition cost. The Appellants already have a judgment of this cost against them from the civil jury trial. Now in the new judgment, the Appellants are being ordered to pay for all of the reporter's transcripts including this part of the transcript already billed in the prior judgment. This means that the Appellants are being billed twice for the same court reporters transcripts.

C) SUMMARY OF JUDICIAL NOTICE OMITTED DEPRIVES THE APPELLANTS OF THEIR DUE PROCESS AND EQUAL PROTECTION RIGHTS – Refer to Appendix D attached.

Judicial notice Exhibit A: Shows the professional exculpatory testimony that OCSSA denied receiving and intentionally disregarded. Doctor Schlesinger's declaration was filed in court contrary to OCSSA's counsel's misrepresentations to the Cal.Ct.App. and the trial court. Defendant Lauri Luchonok lied to the jury about never receiving the declaration that was hand delivered to her by Gary Levinson, filed in the family court record and transferred to the Juvenile court, hand delivered to OCSSA counsel during the juvenile trial, hand delivered to the OCSSA contract therapist Teena Honstetter and given to parent mentor Caroline Whale, who was subsequently terminated. Opposing counsel unwittingly revealed that Ms. Luchonok was aware of it when referring to papers that she did not want filed directly in the Juvenile court.

Judicial notice Exhibit B: The *Steiner v. OCSSA* case proves that the testimony of OCSSA director Michael Riley was false. Director Riley knew or should have known that defendants Lauri Luchonok and Carol Butzke are repeat offenders. This false testimony misled the jury and is grounds for reversal. This gives rise to the issue of subordination of perjury by OCSSA.

Judicial notice Exhibit C: The final judgment order Judge Hernandez filed September 14, 2011 shows that the Appellant son was not released until the 18 months of federal taxpayers' money ran out and a half year after the order of the Appellate Court. It took 201 days (six months and 20 days) AFTER the order when OCSSA finally released the Appellant son.

Judicial notice Exhibit D: Attorney Shawn McMillan's declaration, an expert in civil rights litigation, explains in his own words how the jury finding proves the OCSSA workers were found to have oppressed and lied with malice. The prejudicial interruption at closing arguments misled the jury into believing that the social workers did not lie. Shawn McMillan was the Appellants expert trial attorney that was unfairly eliminated by OCSSA. See CALBAR rule 5-200 misleading a jury

Judicial notice Exhibit E: Attorney Gary Levinson is Appellants general counsel. His declaration states how he was not able to testify in front of the jury as to OCSSA's perjury. OCSSA denied receiving exculpatory evidence that was hand

delivered to them. Expert trial counsel was lost as a result of the denied continuance. Therefore, examination during the trial was not available. The jury did not hear the evidence of OCSSA perjury.

Judicial notice Exhibit F: Here is proof that Matthew Ricci is a lawyer and a sworn officer of the court. At no time was the jury made aware of this fact. The way the case was framed before the jury was misleading. Officer Ricci was presented as a police officer, not a lawyer. This had the effect of confusing the jury as to the legal relationship between Attorney Ricci and the Appellants. First the case was introduced to the jury as if the police had taken Appellant son from the Appellant father, which is not true. Second, when the Appellant father was deceptively presented as if the Appellant father was defective to get legal advice from the police, he did not reveal to the jury that "*advice from police officers*" [Cal.Ct.App. RT p.1529,1530] is not what happened. The fact is that the Appellant father received legal advice from an attorney who was also a police officer. Officer Ricci advised litigation, which the Appellant father did. See CALBAR rule 3-310 - Avoiding the representation of adverse interests.

Judicial notice Exhibit G: Mathew Ricci's website clearly shows his legal business targeting government agents. The conflict of interest between Attorney Ricci law business and OCSSA was concealed from the jury. This failure to disclose the conflict had an adverse impact on the truth being known by the jury. See CALBAR rule 3-310 - Avoiding the representation of adverse interests.

Judicial notice Exhibit H: OCSSA counsel misled Attorney Gary Levinson when he was told Orange County is average in their seizure of children, therefore fooled him into not opposing the motion in limine to remove OCSSA's financial incentive from the jury. Here, the financial incentives are well documented by a well known director of CPS - Molly Tierney whose revelations apply to all U.S. jurisdictions. The jury was blind to the reality of how OCSSA profits from children.

Judicial notice Exhibit I: Senator Nancy Schaefer documents the horrific abuse of the American family at taxpayers' expense. This shows the systemic failure of our government not requiring proof of a warrant prior to the release of

taxpayer's money. An estimated 98% of children exploited by our government would be saved by placing this simple constitutional safeguard into practice.

Judicial notice Exhibit J: The Fogarty Hardwick case establishes that OCSSA has a pattern of lying and that OCSSA's response to an employee who lies is promotion into training positions. [Cal.Ct.App. RT p.1423-1426]

Judicial notice Exhibit K: Here are the OC newspaper articles of the lying social worker in the Fogarty Hardwick case and the subsequent promotion into a training position. At a minimum the jury should have been informed about the Fogarty Hardwick case findings of oppression and lying with malice. The jury was blinded and redirected upon the highly prejudicial interruptions during closing arguments.

Judicial notice Exhibit L: The CDSS report shows 11.5 month average detention in Orange County vs. 5.4 months of detention nationally. This proves that OCSSA lied about the statistics.

Judicial notice Exhibit N: McMillan's class action lawsuit on behalf of 7,840 Orange County children shows the extent of OCSSA corruption. Every five hours a child is seized by OCSSA. This Court is in a position to stop this government abuse by removing monetary incentives.

Judicial notice Exhibit P: Is proof of fraudulent double billing as argued supra.

II) THE ARBITRARY AND NON-UNIFORM APPLICATION OF LEGAL AUTHORITIES, INCLUDING THE ROOKER-FELDMAN DOCTRINE, RAISES THE ISSUE OF FIFTH AMENDMENT USC DUE PROCESS RIGHTS

A verdict based on fraud should not stand. The Rooker-Feldman fraud exception gives grounds to vacate judgment and should be uniformly applied to the Moore family. The Appellants ask that the indisputable proof contained in the underlying Appeal and appendix D & F be considered and acted upon in the interest of Justice and accountability.

A. NINETEEN (19) COUNTS OF OCSSA FRAUD GIVE RISE TO ROOKER-FELDMAN FRAUD EXCEPTION TO VACATE JUDGMENT

1. OCSSA counsel misled the judge who misled the jury when he introduced the case and implied that the police took the Appellant son from the Appellant father [Cal.Ct.App. RT p.195]. The police never took nor ever had reason to take the Appellant son from the custody of the Appellant father.-The jury was not informed that the police took the Appellant son from the custody of his ex at a time the Appellant father did not have custody. See violation of Cal. Bus. & Prof. Code, § 6068.

2. The jury was blocked from hearing the Appellant father's rebuttal to OCSSA's vicious and fraudulent attack on his good character. [Cal.Ct.App. RT p.1441, 1443] Etzel v Rosenbloom reversal is required when opposing counsel keeps facts from being presented to the jury. Here, in the Moore case, OCSSA blocked and omitted Appellant father's rebuttal and good character evidence from the jury. Ruth v Ruth - ruled that it is not within the discretion of the Court to refuse relevant material evidence. In Moore, the Appellant father's good character was relevant to rebut OCSSA false characterization designed to cause the jury to hate the Appellant father.

3. The numerous cumulative interruptions and untimely redirects of the jury were deceptive. For example in closing argument when general counsel was legitimately arguing OCSSA's lies in the Fogarty Hardwick case and OCSSA counsel interrupted implying to the jury that we were lying. [Cal.Ct.App. RT p.1423-1426]. In this same case, Justice Bedsworth states that the jury specifically concluded that (Orange County) social workers "*lied, falsified evidence, and suppressed exculpatory evidence*" [Fogarty Hardwick Opinion P.10] The Jury did not hear this relevant fact, thus the Jury was misled by the prejudicial interruption. The interruptions actually started from the very beginning during jury selection when counsel asked if any of the jurors always feel the government is right, never make mistakes, never perjure themselves. Appellant's counsel with interrupted with what appeared to be a corrective hand. This made counsel appear incompetent from the very beginning. [Cal.Ct.App. RT p.236-237]

4. OCSSA wrongfully blamed the judge for the detention [Cal.Ct.App. RT p.1427]. Judges do not detain children unless OCSSA presents a case to them. OCSSA fabricated a massive case forcing detention of the Appellant son. OCSSA fired the parent mentor who favored release, attacked and fired the MFT for demanding release, and intentionally ignored the findings of seven favorable evaluations. It is outrageous that OCSSA wrongfully deflected their responsibility onto the Judge. This had the effect of confusing and misleading the jury. See CALBAR Rule 5-200 Trial conduct – must be consistent with the truth, not misleading.
5. OCSSA's statement to the Jury that they did not do anything wrong [Cal.Ct.App. RT p.2045] is a horrific mischaracterization. The unanimous opinion of the Appellate Court ordering the return of the Appellant son is evidence that OCSSA was wrongfully detaining him. See case #G055647. 18 months of detention in seven failed placements where the Appellant son was physically and emotionally abused by OCSSA is a horrifying wrong. See CALBAR Rule 5-200 Trial conduct – must be consistent with the truth, not misleading.
6. OCSSA lied to the jury when they said there is no incentive to prolong reunification. [Cal.Ct.App. RT p.2046]. See the motion for judicial notice that proves monetary incentives to detain children for up the statutory maximum of 18 months. It is no coincidence that this is how long OCSSA detained the Appellant son. See CALBAR Rule 5-200 Trial conduct – must be consistent with the truth, not misleading.
7. OCSSA lied to the jury when they told them that they have no authority to return a child [Cal.Ct.App. RT p.2019]. If this were true; the Appellant son would have not been interrogated and seized in the first place. Also, this contradicts defendant Lauri Luchonok's testimony that they did have authority. [Cal.Ct.App. RT p.562]. See CALBAR Rule 5-200 Trial conduct – must be consistent with the truth, not misleading.
8. OCSSA's numerous lies and fabrications that were presented throughout the trial concerning Appellant father's character misled the Jury. For example the

wrinkled sheet incident where OCSSA fabricated the lie that the Appellant father was critical of breastfeeding. [Cal.Ct.App. RT p.1152]

Dastager v Dastagir - Allowing an attack on the life and character of a party for the purpose of discrediting him is an abuse of discretion and is grounds for reversal. See CALBAR Rule 5-200 Trial conduct – must be consistent with the truth, not misleading.

9. OCSSA's deceptive large whiteboards with timelines that omitted the restraining order between parents that blocked contact six months before OCSSA's seizure, and the exchanges at a neutral exchange facility would have shown the Jury that there was no time where OCSSA alleged future oral argument could have happened. OCSSA's whiteboards were a cleverly deceptive way of misleading the jury off the record. See CALBAR Rule 5-200 Trial conduct – must be consistent with the truth, not misleading.

10. OCSSA wrongfully presented witness Sherry Helton, MFT as incompetent or/or emotionally unstable for crying after her license was threatened. [Cal.Ct.App. RT p.2040]. OCSSA intentionally confused Ms. Helton by presenting numerous lies about the Appellant father to make her second guess her favorable evaluation of the Appellant father. [Cal.Ct.App. RT p.1167] She broke down because she was fearful of losing her MFT license and lifelong career as a therapist. The jury was misled. See CALBAR Rule 5-100 Threatening disciplinary charge to gain civil trial advantage. See also Appendix F.

11. OCSSA lied to the jury about the defendants not being sued before. [Cal.Ct.App. RT p.1427, 1428] See the Dr. Steiner v. OCSSA case. See CALBAR Rule 5-200 Trial conduct – must be consistent with the truth, not misleading. See appendix D, exhibit B.

12. OCSSA's claim that "*Never once was there ever a recommendation to take the child away from Mr. Moore coming from the social workers*" [Cal.Ct.App. RT p.349]. This lie is contradicted in OCSSA's own jurisdiction report of 2-26-2010 where OSCCA demanded that the Appellant son be detained [Cal.Ct.App. RT p.1961]. These lies misled the Jury. See CALBAR Rule 5-200 Trial conduct – must be consistent with the truth, not misleading.

13. OCSSA's statement to the jury that this Appellate Court did not find "*that anything my clients did was wrong*" was misleading. [Cal.Ct.App. RT p.2045] The fact that all three Appellate Justices unanimously reversed the decision is proof that what OCSSA did was wrong.

14. OCSSA states to the jury that "*we're the only ones they can sue and try to get some big money*". [Cal.Ct.App. RT p.2045] This is just OCSSA's projection of OCSSA's own exploitations of children for money. They did this in spite of the motion in Limine to exclude the cash incentives OCSSA has for interrogating, seizing, detaining and adopting out children. OCSSA also omits that the individual social workers were being sued for acting outside the scope of their employment.

15. OCSSA lied to the jury when they said that the Appellant father's counsel (Gary Levinson) conceded that the Appellant son should be detained by them. [Cal.Ct.App. RT p.2049] This tactic was also an attack on Mr. Levinson who was already overwhelmed in facing his first civil jury trial after the expert Shawn McMillan legal team was wrongfully removed from the case. See CALBAR rule 5-100 Threatening disciplinary charge to gain civil trial advantage

16. OCSSA misled the jury when they stated that the Appellant father had no insight to the conflict. [Cal.Ct.App. RT p.2030] There was no conflict since the restraining order of 2009 eliminated contact 6 months prior to OCSSA's wrongful detention. (As stated during oral argument)

17. OCSSA misled the jury when they stated that the Appellant father did not take responsibility for the Appellant son being taken [Cal.Ct.App. RT p.2037]. OCSSA repeatedly failed to tell the Appellant father why his son was taken. Their forged document said it was "excessive litigation". [Cal.Ct.App. ROR p.2860, 2796, 2807; RT p.1992, 2055]. The truth is that there would not have been any litigation had not OCSSA wrongfully taken the Appellant son. Prior to the Appellant father becoming a father, he had never been sued or sued anyone in his entire life.

18. OCSSA's Stacey Metcalf committed perjury when she told the jury that she explained why the Appellant son was being detained during OCSSA's monthly

meetings with the Appellant father. She never explained the detention of the Appellant son. The fact is she repeatedly promised to explain at the next monthly meeting, which never happened. Sherry Helton's testimony is collateral proof of this fact. [Cal.Ct.App. ROR p.2877]. Stacey Metcalf also lied about not receiving emails. She told the Appellant father that she deleted all of his emails. If she did not receive them, there would be no emails to delete. [Cal.Ct.App. RT. p.1718].

19. OCSSA's Stacey Metcalf lied to MFT Sherry Helton about an implied diagnosis of other professionals to trick her into formulating a diagnosis [Cal.Ct.App. RT p.1985]. Metcalf lied when she told others that the Appellant father was mentally ill. [Cal.Ct.App. RT p.1967] The Appellant father has not ever been mentally ill. All seven of the mental health professionals who evaluated the Appellant father are in agreement with the fact that the Appellant father has no mental illness.

Additionally, Attorney Mathew Ricci gave legal advice to the Appellant father, and then testified as to his mental impressions of him outside of attorney/client privilege. The Appellant father was wrongfully presented as defective for seeking legal advice from a "police officer". The fact that Mr. Ricci was an officer of the court and had a legal relationship with the Appellant father was concealed from the jury. See CALBAR Rule 3-310 - Avoiding the representation of adverse interests.

Also, when OCSSA counsel cut off the testimony of the Appellant father, he cut off more than his rebuttal to OCSSA's vicious and fraudulent fabrications. He cut off the whole line of questioning regarding OCSSA's ban on the Appellant father's volunteer work through the Orange County Bar Association (OCBA) and the Appellant father's church. OCSSA defendant Stacey Metcalf maliciously ordered an employee at Orangewood children's home to forcefully remove the Appellant father while he was training other volunteers on how to minister to the children. This act shows the wicked nature of the defendant(s) and would have made a powerful impression on the jury had the character rebuttal been

allowed. The issue it is connected to is proving that OCSSA acted with malice. This overcomes Gov. Code 820.21 immunity.

For a community organizer and leader to be humiliated in such a way highlights the outrageous behavior the Appellant father was subject to. The Appellant father was wrongfully taken out of public service because of OCSSA's malice. Once the Appellant father's community reputation was destroyed, so was his ability to earn a living. The fact is that OCSSA punished the Appellant father for daring to take legal action to have the Appellant son removed from OCSSA's profitable foster care system.

III) THE FEDERAL ADOPTION AND SAFE FAMILIES ACT (ASFA) OF 1997
FUNDS THE GOVERNMENT OPRESSION AND EXPLOITATION OF
CHILDREN WITHOUT PROOF OF A WARRANT IN VIOLATION OF THE
FOURTH AMENDMENT OF THE UNITED STATES CONSTITUTION

Government agencies that interrogate and seize children by force from their families should require proof of a 4th amendment warrant prior to the release of taxpayers' funds. This requires a change of policy on the state and federal levels. OCSSA should be disgorged of their funding for interrogating and wrongfully detaining the Appellant son for the federal statutory maximum of 18 months.

THE ADOPTION AND SAFE FAMILIES ACT of 1997 (Public law 105-89) - has been providing monetary incentives to seize children without the protection of USC 4th amendment rights which require a judicial warrant to be issued by a neutral magistrate upon showing of probable cause prior to the seizure of persons. Serious systemic failures of our social services system and the magnitude of harm to the children that is being caused by self-serving and overzealous bureaucrats is a huge USC human rights issue.

Upwards to 1,800 children are being harmed by the government "*kids for cash*" program every year in Orange County, California alone. On a national level, a child is seized every minute by self-serving, over-zealous CPS agents. This is creating the human trafficking industry.

When the Appellant father was a child, human trafficking was largely unknown. Now, the United States has become number one in the world for human Trafficking, leading even Mexico and the Philippines.

Why? Upwards to 80% of children who are human trafficked come from foster care. The foster care industry is expanding because of the work that CPS does to take children from their homes by force. This should not ever happen, except in extremely rare instances. The number one thing a child needs is the love of their parent(s). This is true even if the parent(s) are not perfect.

IV) GOVERNMENT CODE 820.21 REQUIRES A "MALICE" STANDARD FOR GOVERNMENT AGENCY LIABILITY. THE PEOPLE ARE NOT PROTECTED BY THIS STANDARD WHICH RAISES THE ISSUE OF EQUAL PROTECTION

Why should a government agent be held to a lower standard than the general public? If anything, public servants should be held to a higher standard. The politics of protecting public servants is popular to those elected by special interest groups such as child protective services (CPS), fire, and police associations. Career politicians pander for their endorsements. However, the public interest is not protected if corrupt members of the special interests remain in power. Our government "*for the people*" and "*by the people*" is lost when accountability is barred by unconstitutional laws.

Here, the "malice" standard should be changed to protect the public from government abuse and oppression. See the code below.

Cal Gov Code § 820.21 (2010)

§ 820.21. Tort liability of specified public employees

(a) Notwithstanding any other provision of the law, the civil immunity of juvenile court social workers, child protection workers, and other public employees authorized to initiate or conduct investigations or proceedings pursuant to Chapter 2 (commencing with *Section 200*) of *Part 1 of Division 2 of the Welfare and Institutions Code* shall not extend to any of the following, if committed with malice:

- (1) Perjury.
- (2) Fabrication of evidence.
- (3) Failure to disclose known exculpatory evidence.

(4) Obtaining testimony by duress, as defined in *Section 1569 of the Civil Code*, fraud, as defined in either *Section 1572* or *Section 1573 of the Civil Code*, or undue influence, as defined in *Section 1575 of the Civil Code*.

(b) As used in this section, "malice" means conduct that is intended by the person described in subdivision (a) to cause injury to the plaintiff or despicable conduct that is carried on by the person described in subdivision (a) with a willful and conscious disregard of the rights or safety of others.

See facts in the declaration of the Appellant father attached below.

PROCEDURAL BACKGROUND

On January 10, 2010, Orange County Social Services (OCSSA) wrongfully seized the then three-year-old Appellant son from his paternal family. OCSSA deceived Commissioner Gary Bischoff in a seven (7) week dispositional trial that resulted in a wrongful Welfare and Institutions Code (WIC) 361(C) detention on May 5, 2010.

The Appellants filed for a review of the decision on May 28, 2010 in the California Court of Appeals 4th District Division 3 case number G044058. A unanimous decision was made in favor of the Appellant son's return to the Appellant father in February 2011. OCSSA brazenly disagreed with the Court decision and illegally continued to falsely imprison the Appellant son for six months until after a writ of habeas corpus demand to release a prisoner was filed.

On May 20, 2011, CASE No. 30-2011 00476941 was filed in the Orange County Superior Court Central Justice Center to be heard by Hon. Geoffrey T. Glass. OCSSA offered a settlement before trial which was accepted by all parties

present at the settlement conference. This stipulated settlement was not ever paid to the Appellants and delayed the case for two years.

After OCSSA reneged on the stipulated settlement of \$150,000; federal court USDC Case No. CV13-01346 JST (ANx) was filed to bring individual accountability to the perpetrators. This case had been pending the outcome of the state case. OCSSA failed to join, thus this became a separate trial.

Since the state civil jury lawsuit was filed, two original defendants have been dropped. OCSSA child's appointed attorney Karen Cianfrani conducted no independent investigation regarding the best interest of the Appellant son and relied on the misrepresentations, perjury and fabrications of OCSSA. Ms. Cianfrani was originally named in the lawsuit but was dropped after a settlement agreement in which monetary compensation was received by the Appellant son and general counsel Gary Levinson, ESQ.

Defendant Teena Honstetter lied in a SLAPP motion for dismissal and deceived Judge Glass into wrongfully dismissing. Ms. Honstetter claimed her "*opinion*" was not actionable under the SLAPP statute. Perjury is a crime, not an opinion. Due to limited Appellant resources, a settlement was made and Ms. Honstetter was released from further legal action. After her release and during the civil Jury trial, Ms. Honstetter once again committed perjury when she stated that general counsel Gary Levinson was stalking and harassing her.

On February 13, 2014, a jury decision in favor of OCSSA was issued. This decision was a result of nineteen (19) OCSSA due process violations as detailed in this petition and in appendix D.

On March 20, 2017 a case was filed at the California Court of Appeal, Fourth Appellate District, Division Three. The petition for rehearing was denied on April 18, 2017. California Supreme Court review was denied June 15, 2017. United States Supreme Court petition 2017-6394 was denied December 4, 2017.

Thereafter, OCSSA maliciously commenced a financial attack on the Moore family after the CalBAR was notified of numerous CalBAR violations perpetrated by defendant's counsel Daniel Spradlin, ESQ. These violations include subordination of perjury, threatening a witness to gain trial advantage,

and lying to the court. The witness that was threatened, a highly experienced MFT at Kaiser Permanente, was maliciously brought to tears after she demanded that OCSSA release the Appellant son to the Appellant father. Through threats, intimidation and coercion, the Appellants withdrew from the CalBAR investigation to maintain their necessities of life.

The federal case, which was stayed pending the outcome of the CA state case, became active. OCSSA attempted twice to have the case dismissed, however failed both times. When Appellant's counsel was in Japan, OCSSA scheduled a third motion to dismiss that would have been opposed if Appellants attorney was not on the other side of the world. Appellant's attempts to self represent were unsuccessful because OCSSA would not cooperate. OCSSA unfairly took advantage of the situation by ambushing the Appellants. This case is now in the federal ninth circuit of appeals.

OCSSA then unconscionably filed charges for costs (of their 19 counts of fraud) which were opposed in superior court Case No.:30-2011 00476941. This is an egregious abuse to charge the family they profited from for years and financially destroyed. To top it off, OCSSA was double charging the Appellant family for thousands of dollars of transcripts that they did not ever use. The Appellant father came to court on a special appearance to obtain a continuance in order to have enough time for a *motion to compel production* of documents that prove the double billing. Judge Geoffrey Glass was not present so the Appellants stipulated to seeing Judge Loveder. Judge Betty Eagleson appeared instead of Judge Loveder and denied the necessary continuance. Upon objection, judge Eagleson stated that she was "*not familiar with the case*" and advised filing an appeal. OCSSA failed to cooperate with the production of documents which delayed justice by several months. By the time the rulings were made, the statute of limitations ran out requiring the Appellants to appeal from the *motion for reconsideration*. This was done on procedural advice provided by an appellate court expert provided by the Appellate court itself. Incredibly, the Appellate court ruled that the Appellants should have appealed from the original OCSSA motion (whose time ran out). Because the reconsideration motion incorporated

the original motion, the entire matter was rightfully before the court. See appendix E where the Appellants incorporate by reference to the original judgment to be set aside or vacated based on fraud.

REASONS FOR GRANTING THE WRIT

Referring to the federal questions enumerated in the beginning of this petition, there are numerous reasons to grant review as follows:

1. In Moore vs OCSSA, a 3-year-old child was taken from his father without notice. The serious emotional distress caused by OCSSA's self-serving act was an outrageous abuse of power. The Appellate father was terrified and thought that the Appellant son was dead when he could not find him. If anyone else would have done this, they would be in prison for kidnapping. OCSSA violated the Appellate father and son's USC due process rights when they interrogated and seized the Appellant son without notice.
2. For eighteen months, OCSSA repeatedly refused to tell the Appellant father why the Appellant son was being detained. In the absence of an allegation, a parent has no path to assert his or her parental rights to enforcing court ordered custody of their minor child. The petitioner could not confront his accusers because there was no allegation by OCSSA. They created a living nightmare every day for 547 days. The Appellant son begged and pleaded to come home countless times. OCSSA abused and oppressed a child's fundamental USC human rights to be with his family.
3. Currently, billions of taxpayers' dollars are given to self serving government bureaucrats without the USC required judicial warrant (See appendix D). If the Supreme Court were to rule that the ASFA is unconstitutional, the following modifications would protect our USC human rights:
 - i) Add an ASFA provision that federal funds would only be issued to social service agencies upon proof of a judicial warrant to be in compliance with the Fourth amendment of the United States Constitution.
 - ii) Link the release of federal ASFA funds to social service agencies only upon proof that the parent was notified that their minor child was seized by the

government. This would prevent parents from the severe emotional distress caused by not knowing where their child is during government seizures.

iii) Link the release of federal ASFA funds to proof that the parent was informed why their minor child had been seized by the government so that they may know what has to be done to release their child from government detention centers.

4. See section C above that show how rules of law and case law were not equally applied in the Moore vs. OCSSA case. The government should be accountable for its crimes and due process violations.

5. Government codes that prevent the public from obtaining justice in our courts presents a USC issue. Government code 820.21 that requires a "*malice*" standard for government agent liability is dangerous to fundamental human rights. If anything; government agents should be more accountable for their actions, not less.

6. For six months (182 days), OCSSA refused to obey the previous Appellate court order that required OCSSA to release the Appellant son. Again, USC due process violations are at issue here.

7. In California, no child is safe from being interrogated and seized by OCSSA. Even though OCSSA never told the petitioner why his son was being detained, he found out during oral arguments in the California Appellate Court. OCSSA attempted to defend themselves by stating to the Justices that they detained the petitioner's son because the parents may have an oral argument in the future. With this standard, OCSSA can seize anybody's child. This oppressive and outrageous abuse of government power (and gross misappropriation of taxpayers' money) must come to an end.

For any or all of the reasons above the petitioner requests federal Supreme Court review. The future of the American family is at stake.

To brief the Court more fully on the matter of serious issues of government oppression and exploitation of our children, a copy of the petitioner's J.D. thesis is also available for review upon request.

CONCLUSION

If the Court fails to review the decision in the Moore vs. OCSSA case; a dangerous precedent will be set by tacitly endorsing wrongful government conduct that undermines the fundamental human right of children to be with their parents. Multiple instances of perjury, fabrication of evidence, intentional omission of exculpatory evidence and attorney misconduct is all over the record in the Moore vs. OCSSA case. If the opinion stands as is, it is really an indictment for how far gone our constitutional freedoms are to be free from government abuse and oppression. The path to liability in a serious case like this one should be straight. No family should have to fight for a year and a half to release an innocent child from the clutches of self-serving government bureaucrat(s); especially when no allegations are being made to justify detainment. It is horrifying that our country has come to this.

In the interest of justice, the petitioner asks that the federal Supreme Court review the serious due process violations in the Moore v OCSSA case and reverse the decision of the trial court on grounds of serious constitutional human rights violations and the unequal application of the law.

If there is any question that the defendants are liable; The prior Appellate case resulted in a unanimous reversal of OCSSA detainment and a order to release the then 4-year-old Appellant son back into the full time custody of his Appellant father. He has been in the sole custody of his father since August of 2011.

OCSSA never had any grounds to seize Appellant son from his loving paternal family and destroy his life in 7 different placements over 547 days. Additionally, OCSSA destroyed the petitioner's reputation and ability to earn a living when OCSSA seized his son without explanation or justification. It is human nature to assume the worse when a parent cannot explain why the state took his child.

To deny review is unconscionable when the constitutional human rights of so many American children are at stake. The petition for a writ of certiorari must be granted.

PRAYER FOR RELIEF

1. Appellants request that this Court find that the Moore family is protected by the United States Constitution against human rights violations and fraud perpetrated in state court; and thus order a reversal of the decision of the California State Court of Appeals.

2. Appellants request that a federal injunction be issued to prevent the payment of federal funds to social service agencies that fail to provide proof of a warrant and Add an ASFA provision that federal funds would only be issued to social service agencies upon proof of a judicial warrant to be in compliance with the Fourth amendment of the United States Constitution.


3. Order that a release of federal ASFA funds to social service agencies require proof that the parent(s) were notified that their minor child was seized by the government. This would prevent parents from the severe emotional distress caused by not knowing where their child is during government seizures from school or elsewhere.

4. Order that a release of federal ASFA funds require proof that the parent was informed why their minor child had been seized by the government so that they can know what must be done to release their child from government detention centers.

5. To protect the people from government oppression and abuse; Appellants ask that the “*malice*” provision be stricken from CA government code 820.21 as unconstitutional.

Respectfully submitted,

Dated: June 11, 2020



/s/ Gregory Moore, J.D.

Appellant father

Note: Cal.Ct.App citations below are for reference to be provided if this Court were to grant the petition to be heard. In the interest of judicial economy, the Appellants do not want to overwhelm the Court with the entire case of many years of government oppression and abuse the Moore family has endured. Proof of most of the fraud is contained in Appendix D attached.

SWORN DECLARATION OF THE APPELLANT FATHER

1. I am Gregory Moore, (Appellant father) whose Appellant son was wrongfully seized by Orange County Social Services Agency (OCSSA). The Appellant father was not ever accused of abuse or neglect or of any crime. The Appellant father has no arrest history or any history of drug or alcohol use. OCSSA did not ever have any cause to seize the Appellant son from the Appellant father.

2. During Appellant father's visits with armed police and government monitors, the Appellant son repeatedly begged and cried to come home. The Appellant father was helpless against the horrific abuse of government power. The Appellant father was told that he would never see his son again if he told his son that he wanted to bring him home. Because of this, the Appellant son suffered the belief that his Appellant father did not want him anymore – a lie caused by OCSSA. Also, the Appellant son suffered being separated from the only home he knew and forced to live with various strangers. Furthermore, OCSSA's egregious conduct occurred at a time the Appellant son was between 3 and 5 years of age at his most critical stage of emotional development. This was a time when his sense of morality, stability and security was forming.

3. The Appellant son spontaneously revealed to the Appellant father how he was harmed during OCSSA custody. In this instance, he was referring to the beginning of his OCSSA detention where he suffered a serious head injury. According to the Appellant son, he was screaming and hitting a window calling out for his daddy when OCSSA opened a door. OCSSA hit the Appellant son with the opening the door and split his head open.

4. The Appellant son's head injury was so severe, that OCSSA had to take him to the emergency room to have staples inserted into his skull to control his bleeding.

5. OCSSA initially lied about his injury even occurring, and then later told the Appellant father that they did not know they could tell the truth about the Appellant son's injury. Later, in court documents, OCSSA minimized the Appellant son's injury to evade liability.

6. OCSSA did not ever accuse the Appellant father of any wrongdoing; therefore they did not ever have probable cause for seizing the Appellant son.

7. OCSSA violated a well-established family law court order that ordered the Appellant father's joint custody of the Appellant son.

8. OCSSA, to cover their wrongful forced seizure of the Appellant son, had to justify their wrongdoing by fabricating a cause for the kidnapping and false imprisonment of the Appellant son. To do this, OCSSA initiated a vendetta against the Appellant father who was actively asserting the fundamental constitutional human right of the Appellant son to be with his family.

9. Even though the Appellant father completed a parenting class prior to the Appellant son being born, OCSSA ordered him to take a parenting class that was neither wanted nor needed. The Appellant's legal counsel explained that OCSSA needed an excuse for the detention of the Appellant son and by taking the class and passing it; OCSSA could validate there was a reason to detain the Appellant son while the Appellant father was being "trained" in the government authorized parenting methods.

10. The Appellant father took a pre-test prior to the first session of the parenting class and scored so high, the instructor said that he did not need the class. Even so, the Appellant father finished the class so that OCSSA would be without excuse to further detain the Appellant son.

11. After proving completion of the parenting class, OCSSA did nothing to return the Appellant son home where he belonged. Instead, OCSSA ordered the Appellant father to take another parenting class that was neither wanted nor needed. After successful completion of that parenting class, OCSSA did nothing to return the Appellant son. Instead, OCSSA ordered the Appellant father to take another parenting class that was neither wanted nor needed. OCSSA repeated this abusive pattern of harassment and oppression numerous times. If

you count the parenting class that the Appellant father voluntarily took prior to birth of the Appellant son, in all, the Appellant father took and passed parenting classes 7 times. Not once, did OCSSA act to release the Appellant son after the Appellant father completed a parenting class. [Cal. Ct. App. RT p.572]

12. OCSSA hired a parent mentor who was intended to obtain information from the Appellant's family. This is a way for OCSSA to get back-door information. This was also like a "good cop" approach for OCSSA to obtain facts. OCSSA could then exploit the facts in their favor and suppress the exculpatory facts not in their favor. When OCSSA's parent mentor determined that the Appellant son was being detained without cause, the parent mentor became an advocate for the immediate release of the Appellant son. As soon as OCSSA determined that the parent mentor was not going to be useful to them to justify detaining the Appellant son or to promote their false narrative, OCSSA terminated her. [Cal. Ct. App. RT p.2029, 2030]

13. OCSSA forced the Appellant father, a certified lay counselor for his church, into weekly counseling "therapy". OCSSA lied to the therapist when they told her that the Appellant father did not ever have custody of the Appellant son. OCSSA also subordinated perjury of the therapist, Teena Honstetter, when they made a fabrication that the Appellant father claimed to be a millionaire, thus to imply that he is delusional. Proof is this lie can be found in reviewing 6 months of therapy notes. Not once did the therapist ever discuss or confront the Appellant father which would have been an issue if true.

The only truthful allegation OCSSA made is when OCSSA accused the Appellant father of being a Christian minister. The Appellant father freely admits this fact and professes freely believe in and follow the teachings of Jesus Christ. OCSSA twisted this truth to give the appearance that Christians, such as the Appellant father, are mentally ill to believe in Jesus Christ. [Cal. Ct. App. RT p.572]

14. After six (6) months of OCSSA's wrongful detention of the Appellant son, OCSSA confronted the Appellant father about being a Christian minister. OCSSA defendant Stacey Metcalf said that "*ministers are liars*". Her malice

towards Christians was clearly seen. This offered a partial explanation for why the Moore family was being abused and oppressed under the color of state law. [Cal. Ct. App. RT p.572]

15. Also, after six (6) months of detention, OCSSA admitted in writing to the Juvenile court that had not the Appellant father litigated, the Appellant son would have been returned to him five (5) months prior. This is a party admission to OCSSA's wrongful detention. This fact is on the record [Cal. Ct. App. Respondents Omitted Record (ROR) p. 2795, 2796]

16. Prior to OCSSA's wrongful detention of the Appellant son, a custody evaluation by a distinguished Kaiser Permanente MFT (Master Family Therapist), another one by a Psychiatrist M.D. (Medical Doctor), and another one by a court appointed psychologist, were all favorable to the Appellant father having custody of the Appellant son. OCSSA ignored all of these evaluations because they did not fit into their false narrative to justify OCSSA detention.

Another M.D. psychiatrist and another MFT, who knew the Appellant father very well, both filed testimonial declarations putting their licenses on the line that the Appellant father should have custody of his Appellant son.

For the same reason of not fitting into the false narrative, OCSSA ignored these professionals' testimonial declarations and later committed perjury in court claiming that they did not ever receive this hand delivered M.D. exculpatory evidence from the Appellant's attorney or the Appellant father. See judicial notice appendix D for indisputable proof.

17. After the first six (6) months of OCSSA forced therapy of the Appellant father, the court appointed therapist, who did not find anything wrong with the Appellant father, quit. [Cal. Ct. App. RT p.1979]

18. Over the next six (6) months of therapy with another MFT, OCSSA defendant Stacey Metcalf lied to the therapist and attempted to coerce the MFT into diagnosing the Appellant father as "a narcissist". The MFT recognized she was being manipulated by OCSSA and wrote a letter to the juvenile judge demanding that the Appellant son be released into the custody of the Appellant

father immediately. OCSSA promptly fired the MFT because she did not fit their false narrative.

19. The Appellant son did horrible in OCSSA custody. This fact is well established by the never ending cries of the Appellant son begging to come home and by reading the numerous OCSSA reports of his suffering and injuries. The Appellant son even tried to stuff himself into the Appellant father's briefcase at the end of a visit so that he may come home.

20. The Appellant son was reported by OCSSA of having nightmares, vomiting, loss of his potty training, nervousness, nausea, acting out, and biting his nails during his OCSSA detention. None of these issues existed prior to OCSSA's detention.

21. The Appellant son changed placements within OCSSA many times because of the horrific conditions during OCSSA custody. First, OCSSA put him into Orangewood. Shortly thereafter he suffered a severe head injury at his second placement at Boys town. After being sent back to Orangewood again, he was sent to his fourth placement at Cory home where the mother-daughter foster team could not handle the Appellant son's cries to come home anymore.

After being sent back to Orangewood again, he went to his 6th placement with Yolanda home, an emergency shelter for crack babies. It was here that the Appellant son was caned with a stick on his legs for trying to escape by running across the street. When the Appellant son told the Appellant father of his beating during a monitored visit, the monitor on her own initiative contacted OCSSA's Stacey Metcalf to interview the Appellant son. Stacey Metcalf intentionally did not interview the Appellant son even though she showed up to talk to the monitor. OCSSA deliberately buried their wrongdoing.

After the beating of the Appellant son, OCSSA moved the Appellant son into his seventh placement. Here, the Appellant son told the Appellant father of how he was treated. He states that he was fed three cold cereal meals a day while the adults ate hot meals. He was told that hot meals were for adults. He was forced to eat in a separate area from the family like he was an animal. During a birthday celebration, the Appellant son tells of how he was given one

crumb of cake while everyone else had full slices. His foster mother would leave him alone, in isolation, for long periods of time. At a Albertson's grocery store one day, he pointed to a bottle of sleep medicine and told of how his foster mom would give him that so he would sleep. The foster family would play games and exclude him from them.

The foster mother did not follow the faith of the Appellant father to allow the Appellant son to attend Sunday school. The foster mother maliciously asked; *Where is your God? And; If there is a God then why do you not have custody of your child?* This hateful speech and brazen disregard for first amendment fundamental human constitutional rights sums up OCSSA's attitude toward parents. How OCSSA treated the Appellant child is a sickening story. Someone should be in jail for what they did to the Appellant son and his family.

22. After the first year of OCSSA's false imprisonment of the Appellant son, the California Appellate court ruled unanimously in favor of the Appellant father and son. The Appellant son was ordered to be in the sole custody of the Appellant father. See California Court of Appeals case #G043723.

23. When the Appellant father confronted OCSSA with the court order and demanded the release of the Appellant son, OCSSA defendant Stacey Metcalf refused and stated she does not agree with the Appellate Court order and that her attorney told her to not release the Appellant son.

24. Instead of obeying the order of the California Court of Appeals to release the Appellant son, OCSSA hired a new therapist and a new psychologist to evaluate the Appellant father, again. OCSSA intentionally ignored the findings of the five (5) other professionals who favored the Appellant son being in the custody of the Appellant father. Some of them, on their own initiative, were demanding that OCSSA immediately release the Appellant son.

25. When the newly hired MFT therapist demanded that the Appellant son be released to the Appellant father; OCSSA responded by ignoring his calls and emails. This was because his opinion did not fit OCSSA's false narrative.

26. OCSSA filed a false report to the court that the 7th professional, the M.D. psychiatrist, was working on a NOS diagnosis. NOS aka "*Not Otherwise*

Specified” diagnosis is a catch all diagnosis when there appears to be something wrong that is unknown. When the psychiatrist was confronted by the Appellant father, he denied he had been working on such a diagnosis and stated that OCSSA was lying. This medical doctor did not find any problem with the Appellant father and found him to be a pleasure to work with.

27. Near the end of the year and a half of OCSSA oppression; defendant Stacey Metcalf ordered a CRISP program which is a highly invasive program designed for returning a child into the home of chronic drug abusers. The Appellant father does no history of drugs or alcohol or arrest. This program was not needed or wanted. Incredibly, OCSSA said they wanted to “ease” the transition. In all of the seven (7) placements made by OCSSA into the home of strangers, not once did they use the CRISP protocol to “ease” the transition of the Appellant son. Neither did they make any “ease” transition when the abducted the Appellant son from his good home.

28. During the Appellant’s CRISP release protocol, OCSSA abused their powers by forcing the Appellant father to pull the Appellant son out of Sunday school on a moment’s notice. OCSSA knew when Sunday school class was and intentionally interfered with the Moore family’s 1st amendment constitutional rights. OCSSA was provoking the Moore family to break as a result of OCSSA’s harsh, unfair and unconstitutional harassment. By malicious and unlawful oppression, OCSSA made every attempt to cause the Moore family to violate the CRISP requirements. If OCSSA could break the Moore family, then they could finally show a reason for the Appellant son’s detention.

OCSSA threatened to permanently detain the Appellant son if the Appellant father did not answer his phone or meet their demands instantly. If OCSSA had succeeded in fooling the second Juvenile court judge like they had the first, there would have been an estimated \$8,000 bonus to OCSSA for adopting the Appellant son out into foster care. This is made possible by the Adoption and “Safe” families act of 1997 who gives federal funding out to CPS bureaucrats without requiring proof of a warrant.

The way OCSSA treats American citizens, such as the Moore family, is like what is recorded in history books as the ways of Nazi Germany. See Appendix D; judicial notice Exhibit H, CPS director McGrath and judicial notice Exhibit I, Senator Schaefer.

29. After 1.5 years of abuse and immediately after the federal funding ran out, the Appellant son came home to live with the Appellant father ever since. At this point, it has been nine (9) years that the Appellant son has been safe and secure in the sole custody of the Appellant father.

30. To bring accountability to OCSSA for their horrific crimes against the Moore family, OCSSA was sued in court. During the trial, OCSSA perpetrated (19) counts of fraud to the jury. See indisputable proof in appendix D and F. The jury was deceived and wrongfully ruled in favor of OCSSA. The Rooker-Feldman Fraud exception bars res judicata and empowers this Court to fix a wrong and bring justice to the repeat perpetrators.

31. OCSSA profited from wrongfully interrogating, seizing and detaining the Appellant son for the federal maximum of eighteen (18) months. See Appendix D; Exhibit C, final order of juvenile judge Hernandez.

32. Not only did OCSSA severely emotionally damage the Appellant son for life, their horrific abuse and oppression destroyed the Moore family as well.

33. When neighbors, family, friends, church congregants, clients, associates and acquaintances noticed that the Appellant son was missing, and then discovered that the government seized him; answers were demanded. OCSSA took the Appellant son for no reason whatsoever from the Appellant father. When the Appellant father could not explain any reason; it is human nature to assume the worst. The Appellant father not only had to suffer the pain his child felt when he was seized by the government, he lost his reputation, his friends and eventually his entire life savings to litigate his child back home. He even lost his car to the legal system.

34. OCSSA caused a living hell and did so at taxpayer's expense. Now OCSSA wants to stick the victims with the costs of their fabrications, perjury,

subordination of perjury, and hate crimes against a Christian family. See proof of OCSSA misconduct, crimes and violations in appendix D.

35. When the Appellants filed a motion to tax costs, OCSSA failed to cooperate. Prior to the hearing, the Appellants served a motion to compel production of documents that would prove CAL BAR violations and double billing.

36. At the hearing for the motion to tax costs, the Appellant's were on a special appearance to request a continuance so that the Appellee's would have time to act on the motion to compel production.

37. Judge Glass who was assigned to the case was not present in court, so both parties stipulated to Judge Loveder. Instead of Judge Loveder, Judge Betty Eagleson appeared on the bench with a prepared ruling. The ruling was made before the hearing and before supplemental pleadings was filed.

38. The Appellant father explained that there is a pending motion to compel production of documents and that a ruling is premature. Judge Eagleson said that she was not familiar with the case. Nonetheless, she refused to continue the case even though not all the facts were before the court. It is possible that Judge Loveder made a tentative ruling then Betty Eagleson delivered it. The Appellant's have yet to be able to present all of the merits of the case to the lower court. The matter has not been fully litigated.

39. At a subsequent hearing, Judge Glass granted the motion for reconsideration to compel production of documents for the CAL BAR violations. OCSSA immediately emailed the documents to the Appellants that same afternoon. The fact that it took so little time shows that it was something easily done by OCSSA with far less effort than it took to be uncooperative and fight the Appellants for every little detail. At the same hearing, Judge Glass refused to hear the motion for reconsideration of the motion to tax costs/set aside judgment/vacate judgment.

40. The compelled documents prove two things. First, that OCSSA violated CAL BAR rules of professional conduct. The documents prove that they threatened the Appellants therapist to gain civil trial advantage. See CAL BAR Rule 5-100

Threatening disciplinary charge to gain civil trial advantage. Second, it proves one of the (19) counts of fraud perpetrated onto the jury. You see, OCSSA blamed the judge for detaining the Appellant son and said that OCSSA never wanted to detain the Appellant son from the Appellant father. The fact that OCSSA attacked and fired the MFT therapist that wanted to release the Appellant son; attacked and fired the parent mentor who wanted to release the Appellant son; filed mountains of detention paperwork; admitted that they would have released the Appellant son had not for the litigation; proves OCSSA lied. The truth is that OCSSA did want to detain the Appellant son and that the Judge was deceived when he agreed with OCSSA recommendation to detain the Appellant son. The jury bought this fraud. Because fraud is proven here, the Rooker-Feldman fraud exception powers this Court to overturn the case.

41. Because Judge Glass violated the Appellant's due process rights to be heard at the reconsideration of the *motion to tax costs/set aside/vacate judgment* hearing; a remand is proper. Because rules require Judge Eagleson, who first appeared at the motion to tax costs/set aside/vacate hearing, to hear the reconsideration motion (not Judge Glass); it would be proper to remand the case back to Judge Eagleson on the *circumstances* that the motion to tax costs hearing and the reconsideration hearing was *irregular* and that *new documents* were produced that must be considered to have a trial based on the merits.

42. During the underlying trial, without notice, the voice recorders were turned off and the court reporter present did not make any recording of the hearing. When the Appellants discovered that there was no record, OCSSA refused to cooperate to make a stipulation of the record. This is yet another reason why the Appellants due process rights were violated which is another cause for reversal.

Signed under penalty of perjury,

Dated: June 11, 2020

/s/Gregory Moore, J.D.



Appellant father