Appeal : 19-8852

Supreme Court of California Case # S259509

IN THE SUPREME COURT OF UNITED STATES

MADHU SAMEER

Appellant and Plaintiff

V

SAMEER KHERA

Respondent and Defendant

ORIGINAL

AFTER THE DENIAL OF PETITION FOR REVIEW BY THE SUPREME COURT OF CALIFORNIA

Consolidated Appeal Arising From Judgments from Judges :
T.C.ZAYNER,CARRIE ZEPEDA

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether dismissal of appeal for refusal of the lower courts to provide designated records and transcripts for appeal is unconstitutional,and constitutes deprivation of my civil rights under color of law under 1983,1985,1986.

2. Whether the Appellate Court has the discretion,authority,and a duty to order Appellate Division to provide the designated documents and transcripts for appeal.

3. Whether The Judgments of 2008 made by Judge DAVILA Are Void

RELATED CASES

The current Petition arises of appeal H040565,which is a consolidation of three separate appeals filed in the Sixth Appellate District of California.Marked below in Bold.

SL	Case #	Description	Status
1	103FL116302	Marital Dissolution Case	Ongoing
		Motion to Set-Aside Judgments of 2008(S259509,EX33,pg.531- 545;EX45,pg:629-658)-filed in 2009	Dismissed By Davila
		Motion for continuation of Spousal Support (XXX)	Denied by DAVILA
		Several Motions to Compel Discovery	Denied By ZAYNER
		Motion to enforce Judgments filed in 2013	Denied by ZAYNER
	Current Appeal	**Motion to Divide Undivided Assets**	**Denied by ZAYNER**
	Current Appeal	**Motion to Void/Vacate Judgments of 2008(S259509,EX33,pg.531- 545;EX45,pg:629-658)**	Denied by ZAYNER
		Motion Seeking Release of Marital Assets Awarded to me in 2008	Denied by MCGOWEN
		Motion to Void/Vacate Judgments of 2008 (S259509,EX33,pg.531- 545;EX45,pg:629-658)	Denied by McGOWEN
		6x Requests seeking pendente lite attorney fee award under Fam 2030-2032	Denied by ZAYNER,MCGOWEN
	Current Appeal	**Motion seeking attorney fee award/sanctions under Fam 2030& Fam 271 after prevailing in custody litigation& securing sole legal& physical custody of children in 2014 pursuant to Fam 3118 evaluation for sexual abuse**	**Trial Scheduled for Sept 9-13,2014.ZEPEDA held an exparte communication with ZAYNER and ZAYNER advised her to refuse to take the matter to trial.She arbitrarily dismissed the matter on Sept 11,2014,and sanctioned me instead.**
		Motion alleging fraud,forgery,identity theft,breach of fiduciary duty for awarding fake properties to me,and for fraudulent transfer of DLF 4019 property toKHERA's sole name -discovered in 2013	Trial vacated due to SCHREIBER& K HERA"s conspiracy that prevented me from physically attending the mandatory settlement conference.
2	05CEFS0294 6	Child Support Case in Fresno County	Ongoing
		Motion for Modification of Support filed in2013 after acquiring sole custody of the children	Refusal of KALEMKARIA N to allow a trial; coercion to accept offered support
		Motion for relocating expenses of children	Dismissed by Judge KALEMKARIAN

			conference.Consequences: I was unable to pay for their relocation expenses and suffered involuntary bankruptcy,and liquidation of all my personal belongings and children's belongings.
		Motion for Sanctions – attorney fee filed in 2013	Dimsissed by KALEMKARIAN
		Motion for enforcement of arrears	DISMISSED BY COMMISSIONER GREEN *with prejudice.S*anctions.Refusal to release transcripts.
		Motion for Sanctions refiled filed in 2014	Dismissed by KALEMKARIAN again,during a trial setting conference.
		Contempt for non payment of support	Dismissed by COMMISSIONER DEL MAR,after SCHREIBER corruptly influenced DCSS,Fresno attorney to present false information during the hearing.
		2 x Motion to Compel Discovery	Dismissed by COMMISSIONER GREEN and KALEMKARIAN
3	08CEFL 3271	Domestic Violence Complaint – Seeking Restraining order.Phone calls by a "friend" of Sameer KHERA,threatening to murder me (See S259509,509-513)	Dismissed in Aug 2008,without granting the restraining order
4	13CEFL 06740	Domestic Violence seeking restraining order for stalking my house for over 9 hours thru the night,trespassing over my property,threatening,intimidating me& my children& disturbing the peace& quiet of the entire street,and family enjoyment	Jan 6,2014,I was coerced into withdrawing the complaint.
5	1108CVXXX	Legal Malpractice Case against PARDUE	Forced Settlement
6	114CV2661152	Legal Malpractice Case Against MORENO et al	Dismissed without trial; Sanctions
7	14 CECG03660	Declarative,Injunctive relief and Damages,against KHERA	Dismissed without trial,sanctions
8	14 CECG03709	Petition to file case against attorneys under 1714.10	Dismissed without trial
9	15 CECG00351	Declarative,Injunctive relief and Damages against KHERA,BENETT,BECKER,SCHREIBER,ZAYNER,MORENO ET AL	Dismissed against all except MORENO et al
10	17 CECG04020	Complaint filed against 32 defendants	Dismissed within 2 days,without hearing
11	1-17-CV-01748	Federal Complaint	Dismissed without trial

12	1-17-CV-0886	Federal Complaint related to relocation and freight forwarders	Dismissed without trial
13	H035957	Appeal against termination of spousal support	Affirmed
14	H040565	Consolidated appeal against a) Denial of request to void Judgment b) Request for enforcement of Judgments or divide undivided assets c) attorney fee and sanctions for child custody litigation in which I prevailed	Dismissed – unable to file AOB because designated records and transcripts were not provided.
15	H042147	Appeal against dismissal of legal malpractice case against MORENO et al	Dismissed – refusal to provide fee waiver.
16	H044037	Appeal against granting of arbitrary $152,000 attoreny fee award	Dismissed – unable to file AOB because designated records and transcripts were not provided.
17	H046694	Appeal against order denying request to declare Judgments of 2008 void	**Pending**
18	F070938	Appeal against denial of motion to enforcement of child support arrears with prejudice	Affirmed; Appellate Division refused to provide designated records
19	F072323		Dismissed
20	F073333		Dismissed
21	F071888	Appeal against granting ANTI SLAPP suit in 15 CECG00351	Affirmed,Appellate Division refused to provide designated records
22	F074544	Appeal against granting of attorney fee award for ANTI SLAPP suit in 15 CECG00351	Dismissed,Appellate Division refused to provide designated records and transcripts
23	F073777	Appeal against granting of ANTI SLAPP motion and attorney fee award	Affirmed; Appellate Division refused to provide designated records and transcripts
24	F078293	Appeal against dismissal of my motion for sanctions,relocation expenses for children	Pending,Appellate Division refuses to provide designated records and transcripts.Superior Court denied access to records.Several records,minute orders,court orders have been intentionally removed,and/or destroyed from Courtfile.
25	SXXX	Petition for Review for F070938	Denied
26	S254572	Petition for Review for F071888	Denied
27	S259509	Petition for Review for H040565	Denied
28	S261228	Petition for Review for F073777	Denied

30	Not filed yet	Petition for review for 18-14046	Not filed yet
31	19-15011	Appeal in 9th circuit against dismissal of the federal suit against 32 defendants	Affirmed
32	18-14046	Appeal against dismissal of Complaint against relocation agents	Affirmed
33	19-8609X	Petition for Writ of Ceriorari against 19-15011	Pending
34	**This Petition**	**Petition for Writ of Certiorari against dismissal of H040565,and denial of Petition for Review S259509**	**THIS Petition**
35	Not filed yet	Petition for Writ of Certiorari against denial of Petition for reviews S262055,S261228,	Not filed yet
36	13697/2019	Legal process in India for forgery,and fraudulent transfer of DLF 4109,New Delhi	**Pending**
37	4982/2019	Police Complaint and legal processes for complaint against theft of my jewelry etc,from safe deposit box in India	**Pending**

LIST OF PARTIES TO PROCEEDINGS

List of Defendants

1 Sameer Khera

CONFLICT OF INTEREST DISCLOSURES

Defendant EDWARD DAVILA is currently a Federal Court Judge.At the time,between 2003 – 2010,he was a Judge in the Family Court Division in Santa Clara County.

DAVILA is married to Justice MARY GREENWOOD,the presiding Judge over my Appeals in the Sixth Appellate District,Court Of Appeals,California. Therefore,Judge GREENWOOD's decisions against me,and dismissals are lacking in credibility,because she has personally benefitted from dismissals of the appeals.

My ex-attorney HECTOR MORENO is an ex-deputy District Attorney.He is also the father of Michael Moreno,Deputy District Attorney,Santa Clara County.The District Attorneys Office refused to prosecute KHERA,or MORENO when the alleged fraud was reported.

MORENO's father was a Judge in Santa Clara County with significant connections to the Judicial officers,which has helped him secure dismissals on several Legal Malpractice cases against him,and in this instance,has also helped him secure a fraudulent Judgment for $152,XXXX against me from Judge ELFVING.I never owed him this amount,the Judgment was secured to coerce me,and blackmail me into dropping the suit 15 CECG00351 against him that is pending trial in Fresno.

Mr MORENO and his cartel of attorneys routinely target emigrant women and children,accept them as clients,defraud them,violate their fiduciary duties,and breach their contracts to these women.He has been reported to the State Bar by 7 other women clients,whom he similarly defrauded and conspired against.In each instance,State Bar has refused to take action against him,presumably due to his connections with the Judicial officers,and in District Attorney's Office.

Constance Smith,an associate of MORENO lawfirm,at all times herein,was a Deputy District Attorney ,Santa Clara County in 2008.She prepared my Motion to set aside Judgments of 2008,and was aware that the Judgments were void,but intentionally refused to plead these facts to protect other defendants from liability,sanctions,and disciplining activity.Her "side-employment" by MORENO lawfirm represents a conflict of interest,and is against ethical standards,and possibly against her employment contract with the County/State.

MICHAEL MORENO,and CONSTANCE SMITH are thus associated with the Attorney General's Office.The Attorney General's Office represented DCSS,Fresno in the appeal F070938,against denial with prejudice,of my motion for enforcement of arrears.They presented partial/altered documents for augmentation.They removed the exhibits and attachments to the Judgments of 2008 when these Judgments were presented to the Fifth Appellate District as augmented records.The attachment would have established the extensive fraud,and fraud upon the Court,and would have established that KHERA had been ordered to pay $2,047 per month in past due support therefore waiver of child support,ordered by DAVILA in 2007/2008,was unenforceable.

They failed to present the second Judgment of DAVILA,that showed he had ordered KHERA to pay only $2,800 in child support,when DCSS,Fresno had assessed his child support obligations at $8,180 per month.

In addition to such misconduct,Attorney General's office falsely informed the Fifth Appellate District that COMMISSIONER GREEN had denied my motion for arrears *without prejudice.*Designated records show that COMMISSIONER GREEN himself had filed a status report stating that he had denied my motion,for enforcement of arrears,***with prejudice***.Thus,Attorney General's Office – in conjunction with DCSS attorney JOHN DYER - intentionally made false representations to the Superior Court,and to the Appellate Court,to conceal indictable offenses by DAVILA,GREEN,MORENO,Constance Smith,and to protect them from liabilities – with reckless disregard to the injuries that were being inflicted on me thru their corrupt acts.

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IN THE SUPREME COURT OF UNITED STATES

PETITION FOR WRIT OF CENTRIORI

OPINIONS BELOW

The decision of the Supreme Court of California,denying Petition for Review,S259509, appears at Appendix A.
The decision of the Sixth Appellate District of California,dismissing the Appeal H040565 appears at Appendix B.I do not have the copy of the Judgment,but the docket from the Appellate Court has been provided herewith.

STATEMENT OF THE BASIS FOR JURISDICTION

The Judgment of the Court of Appeal,Sixth Appellate District was entered on 8/27/2019.A Petition for Rehearing could not be filed because I was in India,in the state of Jammu & Kashmir at the time,subjected to communication blackout due to abrogation of Article 370 of the Indian Constitution.Supreme Court of California extended time to file Petition for Review,which was then denied on Jan 15,2020.

Courts jurisdiction rests on 28 U.S.C.§ 1257(a).This Court has jurisdiction on a void judgment and constitutional issues.There is diversity of citizenship between the parties and the amount in controversy exceeds the sum of $75,000.

CONSTITUTIONAL PROVISIONS & MISCELLANEOUS STATUTES

1. First Amendment
2. Fourth Amendment
3. Fifth Amendment
4. Eighth Amendment
5. Fourteenth Amendment
6. Ca Fam 4050 - 4335
7. Ca Fam 5601
8. Ca Fam 17400 et seq
9. Ca Civ Code 1714.41
10. Ca Fam 2030-2032
11. Ca Fam 271
12. 18 USC 228
13. 18 USC 2,3,4
14. 18 USC 2383
15. 18 USC 1341
16. 18 USC 1343
17. 18 ISC 1344
18. 18 USC 1346
19. 18 USC 1349
20. 18 USC 1961
21. 18 USC 1962
22. 18 USC 1964
23. 18 USC 1965
24. 42 USC 666
25. 42 USC 1983
26. 42 USC 1985
27. 42 USC 1986
28. Ca Bus & Prof Code 6068,6104,6106
29. Hindu Marriage act,Sec 25(2)
30. Other statutes and precendents as argue

EXHIBITS

This Petition arises from denial of Petition of Review by the Supreme Court of California (S259509).This case is related to several cases pending in the State Courts (See *List of Related Cases*),and a suit for damages filed in the Eastern District Court of California,pending a decision on Petition for Writ of Certiorari,Case # 19-8609.The exhibits cited in this Petition refer to the exhibits submitted to the Supreme Court of California in S259509 and where these exhibits do not suffice,the reference is made to exhibits submitted with the Petition for Writ of Certiorari 19-8609,Appendix C.

STATEMENT OF THE CASE

A. Overview

This is a complex marriage dissolution case which began in Family Court in the Santa Clara County,California,in 2003,and then spilled over to Department of Child Support,Fresno,Family Courts Fresno,Civil Courts in Santa Clara and Fresno,Appellate Courts in Santa Clara & Fresno County,Supreme Court of California,District Court in New Delhi,India,and to Supreme Court of United States.

It began as a conspiracy to defraud me of 90% of the property,support and attorney fee in the marriage dissolution case(103FL116302) in 2008.Over time,it morphed into a conspiracy to deprive me of my civil rights with an intention to conceal the crimes of the prime defendant,the attorneys on both sides,the expert professionals,the Judicial Officers.

This Petition mainly concerns itself with the proceedings in Santa Clara County between 2007 – 2013.The dispute involves the illegal Judgments made by DAVILA in 2008,in clear absence of jurisdiction,and based on fraud,and fraud upon the court.These Judgments were void as a matter of law, and were later, after 8+ years of litigation, overturned by Fresno County.This is a consolidated trial involving 3 different appeals where DAVILA's successor:

a) Judge ZAYNER repeatedly refused to vacate these void Judgments,also refusing to enforce them
b) he refused to divide the undivided marital assets that had not been earlier divided,and
c) he corruptly influenced a trial Judge ZEPEDA to sabotage the trial on Attorney Fee Motion scheduled for Sept 2014,by providing false and untruthful information to her,and advising her to not take the matter to trial.Judge ZEPEDA thrust herself as a mediator,purportedly "facilitated" an agreement and refused to proceed with the scheduled trial, depriving me of an attorney fee award of over $40,000.

Judge ZAYNER illegally used his position of power and authority to unlawfully manipulate court procedures,to conceal the crimes of KHERA and to protect DAVILA,and other high profile officers of the court from disciplinary actions,and from being held liable for damages by depriving me of my civil rights.

Such manipulations form a consistent pattern across Santa Clara and Fresno County,across Fifth and Sixth Appellate District, affecting all the proceedings in Santa Clara & Fresno Counties.They constitute fraud upon the Court,a conspiracy to deprive me of my rights and casefixing/violations of RICO.

Appellate Court dismissed all three meritorious appeals while I was stranded in India.Due to the disruption in communications networks in Jammu & Kashmir from abrogation of article 370 of Indian constitution,I was unable to file a timely Petition for Rehearing.A Petition for Review was denied by the Supreme Court of California on Jan

15,2020 (Appendix A).The appeal was arbitrarily dismissed[1] for delays in filing of the Appellate Brief. The reason for delay was twofold:

1) Judge ZAYNER wrongfully denied an award of pendente lite attorney fee (Fam 2030-2032),limiting my ability to litigate in higher courts.
2) The Appellate Division refused to provide all of designated records and transcripts despite my repeated requests which orevented me from filing my appellate brief.

The Appellate Court has inherent authority to order Appellate Division to provide designated records,or to allow the use of Courtfile in lieu of designated records in furtherance of justice.It refused to do so in this instance.

Nevertheless, I personally travelled from New Zealand to United States twice[2] at considerable expenses - in 2019,and again in 2020 – to break the impasse.I was prevented by filing clerks from accessing the records and was denied copies of the records.My motion seeking Court's intervention to have these records released,was denied in both counties.I allege that the actions of Appellate Division are intentional, because several of my related appeals have been similarly affected.Whereas the initial conspiracy was hatched to defraud me,it has now morphed into a conspiracy to conceal the aforementioned offenses of the defendant(s),and to protect the high profile defendants – including Judicial officers named in the federal suit (See Petition for Writ of Certiorari,19-8609).Other victims have faced similar problems with the Court - https://www.janeandjohnqpublic.com/blog :

These appeals all highlight a clear pattern of state involvement in the conspiracy to deprive women and children like me of procedural and substantive justice.Petition raise questions of law and must be granted in public interest.

B. Underlying Marital Dissolution Case

The background facts are provided in details in Petition for Writ of Certiorari filed with this Court (19-8609) incorporated herein as if fully set forth herewith.

SAMEER KHERA (KHERA) and I were married in 1984,separated in 2003.We have 3 children who were 14,5,4 at the time of separation in 2003.We are of East Indian origin,and I inherited substantial assets from my parents,and was a high income earner throughout my marriage,until KHERA forbade me from working after the birth of my second child KABIR in 1998).We arrived in US in October 1998,from Australia.I am not eligible for Social Security,or disability or other benefits in US.

In July 2003, I had an auto accident,plead guilty to felony & was barred for life from working as a Social Worker [*Health&Safety Code Sections 1522(g)and Health&Safety Code Sections 1558]*(S259509,p.490-505),hence in 2008,I enrolled at Pacifica Graduate Institute in Santa Barbara,to become a psychologist in private practice[3].

The marital dissolution case was filed in Santa Clara County in 2003 (Case #103FL116302).KHERA was represented by SUSAN BENETT & LEWIS BECKER (BENETT & BECKER).The summons has an Additional Temporary Restraining Order(ATRO,Fam 2040) related to KHERA's obligations in property & insurance

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[1] In this instance,I was stranded in Jammu &Kashmir,India during the abrogation of article 370,and the resulting lockdown in Aug/Sept/Oct 2019 in the state of Jammu & Kashmir.

payments.KHERA's attorneys advised him not to comply with these orders and he never complied.

Support orders were made on Dec 31,2003/2004(S259509,p.514-520),retrospective to Sept.2003.BENETT&BECKER advised KHERA to violate these orders also and he did.

Custody orders were made in 2004,I was granted 78% custody of the two children.KHERA had 22%.KHERA's attorneys advised him not to comply with these orders and he rarely complied.

The support orders were registered with DCSS,Fresno per Fam 17400(n)in Sept 2005(S259509,p.455) under case # 05CEFS02946 for enforcement.Thereafter,Santa Clara County lost jurisdiction on Child Support pursuant to Fam5601(a) and(e).DCSS computed & ordered KHERA to pay $13,000 in past due support (S259509,p.456-459).BENETT& BECKER again advised KHERA not to comply with these orders & DCSS failed to take action.Subsequently,KHERA paid a small base support thru DCSS,Fresno.(S259509,p.465-466),refused to disclose or pay support on additional income ordered in Dec.2003(S259509,p.514-520,"*"Immediately upon learning what his bonus is for any period,he **shall** notify counsel and parties shall meet and confer with respect to additional support payable from that bonus.If they are unable to stipulate,they shall agree upon a hearing date for the court to hear that issue..."*)

a. Procedural & Substantive Injustice – Coercion,Fraud Upon The Court,Deprivation of Rights Under Color of Law

Between 2003-2005,KHERA was advised by his attorneys to liquidate all community assets in violation of ATRO,and without my knowledge.He transferred funds to 30+ new accounts that he opened for this purpose.

In 2005,Parties retained a private Judge JAMES COX.During negotiations,BENETT, BECKER,KHERA concealed the covert and extensive sale of assets(S259509,256-261)[4], and informed Judge COX that "*Support is current as of Oct 2005"* (S259509,p.529).Judge COX and I relied on the fraudulent disclosures.A partial settlement agreement **related to child,spousal support&property** was prepared (S259509,p.521-530) and signed by all parties.BENETT & BECKER were ordered to prepare a final order.They again advised KHERA to not comply with these orders,and refused to prepare/file the order.Therefore,on Jan 31,2006,my attorney filed as it was,the working order signed by each party (S259509,p.521-530) and the "Additional Order" became effective.To cover up the alleged fraud,they used community funds to bribe a forensic CPA Sally White(WHITE) and Vocational Assessor Sandra Schuster (SCHUSTER) to prepare fraudulent reports,and to help KHERA in his money laundering activities.

In 2007,Judge EDWARD DAVILA (DAVILA) presided over the family law case in Santa Clara County.On 14th.May 2007,a settlement conference was scheduled.We could not agree, but DAVILA refused to allow the matter to proceed to trial.So the conference spilled over to 3 days.DAVILA held several hearings during which he attempted to coerce me thru threats,and intimidation[5].

Defendant offered to pay $279,000 in settlement that I refused to accept.DAVILA threatened my attorneys to "make me accept". In turn my attorney attempted to "make me accept"and advised me that $279,000 was a reasonable settlement(S259509,pg.505-508).He

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[4] This is just **one** of many brokerage account that KHERA emptied without my knowledge and permission,he

said that he was afraid of DAVILA's retaliation,and threatened to resign if I declined to accept.I relented under duress.To make sure I did not protest during the oral recitation, PARDUE made me sign a Substitution of attorney form and told me he would excuse himself and resign then and there if I dared to renege on my word to him[6].

An agreement was recited on record on May 17,2007 in the Santa Clara Court(S259509, p.628-659).During the hearing,BENETT&BECKER insisted : "*It is the parties intent to settle* ***all of their respective rights & obligations*** *that have arisen from their marriage & from this settlement*"(S259509,p.645).

The **parties agreed to guideline child support,and payment of childcare,medical expenses,and tutoring expenses for children**.I was coerced into waiving child support arrears,and spousal support arrears without any idea of the amount I was waiving.My spousal support was unlawfully set at $2,600,$2,100,and $1,600 in a step down arrangement,and then terminated after 3 years.At each stage of the oral recitation,I tried to protest,but my dissent was silenced by the PARDUE who simply pointed to the Attorney Substitution Form that he later filed with the Court when I pointed out the fraud (S259509,EX-29,pg.509-510).

Next day I informed my psychologist that I felt as if I had been gang raped:(S259509,pg.546): "*I have never been gang raped,but I can experience what it must have felt like...and then being told that I "must accept" it ,I *have to* accept it coz it is not about justice & fairness,its about getting me out of the way*".

DAVILA "cancelled" all previous Judgments made in the case between 2003-2007,and awarded over 90% of the marital property to KHERA,including the $552,000 from the sale of primary residence.I was practically left destitute.A few days later,Judge ELFVING made another order on child support,ordering me to pay $600 per month for transportation of the children,without considering my ability to pay this amount, thus reducing my already unconscionably low spousal support to $2000,$1500,$1000.

The metaphorical rape continued even after the oral recitation.Counsels on both sides attempted to coerce me into waiving child support and giving up some of my child support entitlements also.They now also demanded that I agree to a **fixed support** of $2,800 per month,instead of guideline support recited (which was around $8180 per month per dissomaster).However,as per Fam 4065(a),DAVILA could not approve the below guideline support unless I declared all of the following:

(1) I was fully informed of my rights concerning child support.
(2) The order was being agreed to without coercion or duress.
(3) The agreement was in the best interests of the children involved.
(4) The needs of the children would be adequately met by the stipulated amount.

When I refused,DAVILA again threatened my attorney with retaliation,forcing PARDUE to resign, using the substitution of attorney form he had made me sign in May 2007 during the settlement conference (S259509,p.509-510).I retained a new attorney CAMILLA COCHRAN.In October 2007, DAVILA coerced me and my attorney into releasing $550,000 from sale of Sunnyvale Family Home to KHERA,falsely assuring us that he would ensure I received my fair share of the proceeds.Both of us relied on his fraudulent representations (S259509,828-830).DAVILA continued to insist that I stipulate to $2,800 in child support.I refused.

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[6] This undated form was later used by him to abandon me and illegally substitute out of the case without

On Jan 3,2008,DCSS,Fresno filed a motion for modification of child support,assessing KHERA's income at $65,000 per month,net income at $35,000 (child support is set on gross income) his guideline child support obligations at $8180 per month and arrears payable at $2047 per month (S259509,p.460-464).This income of $65,000 per month exposed the covert sale of assets, outstanding arrears, and extensive fraud upon the Court by BENETT,BECKER,WHITE,PARDUE.

When confronted, Defendant filed a motion seeking an alternate order from DAVILA, with an intention to illegally evade child support payments,and DCSS's jurisdiction.To conceal their offenses,and to illegally prevent the racket from being exposed, DAVILA again attempted to coerce my attorney CAMILLA COCHRAN to force me to accept $2,800 per month in child support.She resigned in Feb 2008,under threats of his retaliation.Subsequently,DAVILA simply usurped jurisdiction,and made a ***string*** of illegal void default orders,referred to as Judgments of 2008 (S259509,p.531-543).

First order(S259509,531-543) awarded fake and non existent properties and bank/brokerage accounts to me and transferred all debts to me;money that I had not received,was credited to me,and all assets were awarded to KHERA or put under his control.(See p.531-543).DAVILA awarded $552,000+ from the sale of family home to KHERA (S259509,p.830).He also wilfully *reduced* the lump sum payment from $279,000 that had been negotiated during the settlement,down to $115,000 and awarded all community assets to KHERA,or simply omitted them.DAVILA asked the attorneys to approach the bench several times,during which he provided KHERA with money laundering and tax evasion advice (See Transcripts of October 2007,and Feb 15,2008,which have been suppressed).

In his second order, DAVILA ordered KHERA to pay $2,800 in child support, and sanctioned me $17,000 for refusing to stipulate to $2,800 in child support orders.Both orders were void.

In Fresno,DCSS refused to cede jurisdiction.In 2008, DCSS COMMISSIONER DUNCAN overturned DAVILA's orders,and scheduled a hearing for Modification of Child Support ***effective Jan 3,2008***,[S259509,p.551-552].The minutes orders have been removed from the Courtfile in Fresno County.Judge ALLEN HILL of Fresno County also overturned the Judgments of DAVILA after a 8 years of litigation (S259509,560-599).She ordered KHERA to pay arrears,childcare,and medical expenses.His attorney LENORE SCHREIBER advised KHERA to refuse compliance, and KHERA has refused to pay.In 2018, Sixth Appellate District,in its decision on *Khera v Sameer(2018)* (Appeal F070938) has also overturned the Judgments of DAVILA by implication[7] but KHERA's attorneys have continued to advise him not to comply with any Court orders from Fresno,or from Santa Clara, and defendant refuses to pay over $500,000 in child support arrears,$1.5 million in Spousal Support arrears,and over $3m in property division, nor will he release any of the marital properties.Therefore it is important that Santa Clara County officially declare them void.Over 12 attempts have been made since 2008, and have been unsuccessful.Santa Clara County refuses to declare these Judgments void.

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[7] ***Significant details of litigation in Fresno County,has been withheld in this Petition because the appeal concerns itself with the litigation in Santa Clara County,or the parts that were in Fresno,related to the Santa Clara litigation.Therefore the misconduct,conspiracy of the attorenys,and Judicial officers in Fresno***

b. Property Fraud

The eight properties are shown at (S259509,p.4-45,p.83-84).KHERA forged my aunt's signature on the sale deed and sold VASANT KUNJ APARTMENT, the $150,000 from the proceeds were stored in Canara bank Account in India, and have since disappeared

In anticipation of the divorce,KHERA and I sold the WAHROONGA HOUSE (S259509,p.38-42) and PARAMATTA HOUSE.PARAMATAA HOUSE was my private property (S259509,p.29-32) and we co-owned the WAHROONGA HOUSE and the funds were to be divided accordingly.However, these properties or proceeds were not even listed in his list of assets, BENETT & BECKET informed DAVILA that I was delusional (S259509,p.254-255).A total of approx $500,000 from sale of property in Australia was misappropriated by KHERA illegally,and **DAVILA also waived support arrears (Child Support $57,500,Spousal Support $112,500) on this amount.**

In 2006,KHERA and I sold the family residence,the SUNNYVALE HOUSE (S259509,p.43-56) & the proceeds of $552,886(S259509,p.56) were held in a trust fund,until DAVILA coerced me into releasing this amount to KHERA,falsely assuring me that he would ensure equal division of property but failed to do so(S259509,57-58).He then awarded this amount to KHERA, also waiving **DAVILA waived support arrears (Child Support $63,581,and Spousal Support $124,399) on this amount.**WHITE and DAVILA falsely reported that KHERA was not required to pay tax on this income of $552,886.

In Nov 2003,KHERA received a bonus of $129,000.Judge KLEINBERG had ordered KHERA to pay support on his entire income (S259509,p.514-52), Judge COX had divided this bonus and ordered KHERA to pay me 11/24 as property division (S259509,p.528).DAVILA retrospectively modified and annulled KLEINBERG's and Judge COX's orders,and ordered KHERA to retain the entire amount as personal property, **DAVILA also waived the support ($14,835 in Child Support,and $22,025 in Spousal Support)** that KHERA had to pay in support from this income.

Similarly,community ESPP of over $50,000, was awarded to KHERA and DAVILA waived support arrears on this income also (**Child Support $5,750,and Spousal Support $11,250)**

Likewise, in 2012, after his father's death,KHERA refused to declare/pay probate tax or child support on his inheritance that was well in excess of $500,000.S**upport payable on his inheritance of over $500,000[8] would be approx.$170,000 in 2012,and the interest payable since 2012 would be $136,000,bringing the total payable on this transaction to $306,000[9].**

At the advice of BENETT & BECKER,KHERA and his girlfriend DEVANI,travelled to India in 2006,before the settlement conference.There KHERA's wife Snehal Devani presented herself as Madhu Sameer,and under my identity,performed several illegal acts.For example,the duo bribed two witnesses,who testified that she was Madhu Sameer.She then forged my signatures on a transfer deed which transferred properties to KHERA - one of the

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[8] KHERA's father owned ancestral property in Delhi,he owned his house without mortgage,and had significant investments,stocks,bonds,debentures.The figure of $500,000,though arbitrary,is an under-evaluation of the total KHERA may have inherited from his father.

[9] The legal rate of interest for unpaid child support is 10 percent [CCP685.010(a) ["Interest accrues at the rate of 10 percent per annum on the principal amount of a money judgment remaining unsatisfied"].With regard to child and spousal support orders,that means 10 percent interest accrues when each installment becomes due and remains unpaid.[95 Cal.App.4th 658] (E.g.,In re Marriage of Perez (1995)35Cal.App.4th 77,80[accrued

properties - DLF 4109 – in New Delhi - was worth $1.2 million – the fraud was discovered in Dec 2013 when I was informed by DLF employees that someone else had presented themselves as Madhu Sameer to complete the transfer in 2006, well ahead of the settlemengt conference in 2007.The transfer is recorded in the Coveyancing deed at (S259509,p.7-14).To conceal this illegal transfer,the address on their file was changed to KHERA's new address in US.

In the same way,the two removed jewellery etc from the safe deposit box in Canara Bank,New Delhi,****1598,owned by myself and KHERA,moving it to new safe deposit box he opened in the same bank in his own name (***128).The jewellery is worth over $800,000 today.The funds contained in the Canara Bank Account were also moved to a new account ****129 in the same bank.

All my provident fund,IRA,Superannuation accounts,Life Insurance policies,real estate assets,inheritance in India were fraudulently zeroized by KHERA - he forged my signature and sold off my personal,pre-marital assets, was given control of my post separation income by DAVILA, my post separation IRA, has denied me access to all of these funds since 2003.

Under the watchful eyes of CPA WHITE,and on WHITE's advice,KHERA engaged in extensive sale of stock options,ESPPs (Sale&withdrawal of funds in one of the many accounts is S259509,EX-19,262-284),removed funds from community bank&brokerage accounts in US& in Australia,went to India,and removed all cash from bank accounts held in my name,and in joint names,forged my signatures on checks,and closed all financial accounts in India that had been held in my name&in joint name thus defrauding me of all community property,and all of my personal property thru inheritance,pension contributions,Life Insurance policies etc in India.DAVILA waived support arrears payable on such income that he acquired in India,Australia and even in US.These acts constitute money laundering,and support fraud.He was aided and abetted by WHITE, BENETT, BECKER, DAVILA.

Using these stolen funds,KHERA purchased two properties in Cupertino in & around 2006-2008(20946 Oakleaf Court (S259509,59-77),and 22861 Stonebridge St(S259509,78-82)[10].The income used to purchase these two houses had never been disclosed,and no support had been paid on this income, or from the rental income derived from these.

In 2006,KHERA married the girlfriend,SNEHAL DEVANI (DEVANI).The duo funded their marriage,honeymoon,and vacations to India,Australia,and other locations using community account held in Canara Bank (India),St Georges Bank (Australia),and Bank of America (US),also gifting the community funds to friends and family,and using them to pay their everyday living expenses to intentionally drain the community assets.
The remaining cash was removed from the banks,and transferred to 30+ new bank accounts that were opened in these countries.Smith Barney Accounts ***46047,**** 5437,****00187,**** 0692,****9376,****5437. In addition,he had opened 8 more Bank of America Accounts [**0692,**5324,**3324,**4117,**4172,**1430,** 4329,**6317,**358] and held Term Deposits in these accounts,totalling to several hundred thousands.He opened four Chase Bank accounts,THREE (3) E*Trade Accounts **5354,*3405,*6705 accounts,and an E*Trade Traditional IRA Account.He admitted to having one (1) Ameritrade Brokerage Accounts that went unreported.Community funds were moved to Term Deposits CD 865513626,CD 65513623,CD 02476702969.St Georges Accounts

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[10] The Cupertino properties were first registered in KHERA's name.When the issue "where did you get this

****3378,****6571.Canara Bank Accounts ****1598,****128,****129 – these are a *few* accounts that were traced[11] and were found thru his bank subpoenas.

In addition to these,KHERA opened at least 8 more accounts jointly with others[12] and which have now been traced.The existence of other investment accounts held in US,India and overseas is known,but the Judicial Officers have denied each and every Motion to Compel Discovery – presumably with the explicit intent to cover up the racket.

KHERA used these funds to pay personal expenses,thus depleting the accounts [19-8609,C,1281-1282].Some of these funds were withdawn as cash from ATM,and later deposited as cash ATM transactions.He encashed checks for $16,305,$51,369.85,$50,345.90, $6,390.32,$6964.78,$62,479.92,20,362.64,$7.03,$38,254.97,$15,111.92,$36,933.02,$21,438. 50,$46,165.37,$46,885 in 2005-2006.[19-8609,C,1282-1300]. He sold community stocks in Smith Barney without my knowledge,permission and/or over my protests [19-8609,C,1280].He sold all ESPPs which were community property – having declared them as personal property,he also failed to pay support on it.He also sold community stock options [19-8609,C,1279-1280] in 2006.

On 5/7/2007 he made an ATM cash deposit of 46,165.37

On 5/7/2007,he made a ATM cash deposit of $46,739.52

On 10/12/06 he deposit in cash 40,000 in BOA *6014

No corresponding withdrawl is recorded on any of the above mentioned accounts.

On 4/16/2007,KHERA provided a cheque for $90,000 to someone.

On 3/29 KHERA transferred a Term Deposit (unreported) # 2476702962 to his BOA account [See 19-8609,C,293].

Investment income of $4583.56 from community funds, was never reported and no child support was paid on this [19-8609,C,p.297].Instead,he used this income to pay off $4000 of his bills [19-8609,C,p.299],and withdrew $3919.90 [19-8609,C,p.303] and moved $3857.11 to mutual funds [19-8609,C,p.302] which were never reported by WHITE. No investment income for the purposes of child support,or spousal support has ever been reported by WHITE,BENETT,BECKER,SCHREIBER in the past 18 years.Term deposit held in joint accounts were not reported by WHITE:

On 3/29/07 another Term Deposit (CD# 865513626) of $10,000 was transferred [19-8609,C,p.200)

On 04/09/2007,another Term Deposit CD#065513623 for $90,000 was transferred [19-8609,C,p.220)

On 04/09/2007,another Term Deposit CD#02476702969 for $10,000 was transferred [19-8609,C,p.220)

On 03/16/2007 Khera transferred $2270 and $6139 [19-8609,C,p.293]

These were all *before* the settlement conference,in the quiet period before the trial,so no discovery could have brought them forth.

Similarly there are sale of assets in the community accounts of Smith Barney and withdrawals which are not being presented here in the interest of time and resources.every bank account had similar ATM withdrawals (cash withdrawals) of huge huge amounts.Honest people do not withdraw such large amounts in cash,nor do they have such large cash deposits made thru ATMs.

BENETT, BECKER,WHITE helped him conceal these and more fraudulent transfer of these community assets.Our retirement accounts,pension funds,superannuation funds,401 Ks,IRAs,life insurance policies,from our life in India,UAE,Australia were similarly concealed by WHITE because the funds had been removed by KHERA,or they remain undivided to this date.Significant among them,for example are ING Account from Australia,with $80,000 in it,and 401K in USA,with over $800,000 in it(S259509,p.173-196).The summons were issued but never served on these corporations.

WHITE reported only 5 bank accounts (S259509,p.254-255] – Brown&Co,Charles Schwab,St George,Dragon,ETrade 9855.Of these the first two were mine.The rest had already been zeroed out by 2006.See checks KHERA encashed from sale of community account in Smith Barney Brokerage Accounts which **WHITE failed to report**.

WHITE also engaged in double,triple,quadruptly accounting to mislead the court.In 2003,KHERA had transferred $305,000 in 2003,to my account in order to help me meet my living expenses,as he wanted to stay in the family house in Sunnyvale.He stated that in lieu of rent,etc,payable on Sunnyvale house,I could use this money as living expenses until the divorce.I relied on his fraudulent representation and left the house instead of having him escorted out by the police as per the law[13].Instead, I moved to Fresno County,and used these funds in rent,and to furnish accommodation,and buy every single household item for myself and my children including their new clothes,toys and books.KHERA retained everything that had belonged to me and the children.

These funds $305,000 had been received in my CityBank Account.I moved some of it from CityBank Account to my brokerage accounts at SCHWAB and Brown & Co,for greater Return on Investment.All the child support,and spousal support,and all the funds from sale of my stock,shares,options also flowed into Citibank,and were often moved from Citibank to these accounts.I used some of this post separation income,and income from my part time jobs to fund my IRA.Therefore,once the $305,000 were accounted for,these accounts contained my post separation income and could not be used to demonstrate community property.

Regardless,WHITE not only credited my account with $305,000,she **also** reported all funds in my Schwab,Brown & Co,and IRA account.In fact,Brown & Co was bought over by E*Trade,and yet she charged Brown & Co as well as E*trade Account to my name – essentially Brown & Co and E*Trade are same accounts (S259509,p.831-832) with a name change arising from corporate acquisition,but WHITE charged as separate accounts.All the child support,spousal support,IRA,personal property,post separation income held in my bank accounts,was again charged to my account,as if KHERA had given me this money in settlement,and after such blatant,ridiculous accounting,**WHITE declared that it was *I* who owed KHERA $246,457 (S259509,p.255).**

Another example where KHERA and his attorneys quadruptled an amount of $126,645 for the purpose of fraudulent accounting.KHERA intentionally mislabelled these checks dated May 2006 as Childcare Support (p.833-835).SCHREIBER in Fresno then claimed that this amount was paid for Childcare,Child Support,while BENETT & BECKER claimed that the check was mislabelled and was actually paid in fulfilment of his Spousal Support,and/or Property settlement obligations.This amount of $126,645 was used to reduce KHERA's debt by a factor of 4 - $506,580.

KHERA was to give me $279,000 in cash,plus all the funds held in accounts that were purportedly awarded to me,and purportedly real estate properties that the community held.However,all real estate property,bank,brokerage accounts,and all proceeds for each of the real estate properties sold in anticipation of divorce,were awarded to KHERA,or they were placed under his control. Fake properties,and fake bank accounts,or those accounts that had been previously zeroized by KHERA,were awarded to me. There is no "corner parcel" in DLF shown on Judgments of 2008,KHERA has retained both parcels.There is no "farmhouse" in bangalore,KHERA has retained the residential land that we owned in Hosur,India.There are no E*Trade accounts,except one,or if there were,they have been zeroized by KHERA already and closed.

KHERA had been covertly selling my share of community stocks and options,and had paid tax at his rate.He then claimed these taxes back,by showing that he was paying Spousal Support to me, but never gave me this money that was rightfully mine, nor co-operated witg me to get me a waiver.So I was forced by IRS to pay taxes again, on money that I had never received.The low settlement of $279,000 in settlement was assuming that I would get tax refunds.When DAVILA unilaterally altered the agreement,he effectively helped KHERA defraud me of all the stock options proceeds that KHERA had sold between 2003-2008 – which ran into millions, and forced me to incur KHERA's liabilities.Therefore,**the agreement stated that KHERA would co-operate in helping me claim tax refunds**.However,since KHERA had already fraudulently claimed tax refund on that income,he and his attorneys then refused to co-operate in helping me get tax refunds since.

All previously made agreement,orders of the Court,that protected my interests and children's interests,were illegally,willfully,knowingly nullified/overturned by DAVILA to conceal the alleged criminal enterprise.

c. Child Support Fraud

WHITE declared that KHERA's income in 2007 was $11,500 per month (S259509,p.470-475).Tax returns show that KHERA's income in 2007 was $654,286 per annum,ie $54,523 per month (S259509,p.442-443).DCSS,Fresno records show that his gross income was $65,000 for 2007 (S259509,p.460-464),and Judge ALLEN HILL's orders of 2014 later showed that the income in 2008 was $439,456.86 (S259509,EX-21,p.294-453,EX-568-575).

WHITE was bribed to report that he was not required to pay support on the sale of stock options, ESPP,self employment income,investment income,business income,inheritance,gifts, whereas throughout United States,Child Support is paid on gross income (Fam 4058[14]).WHITE advised KHERA to violate Judge KLEINBERG's orders of 2003 (S259509,p.514-520) and Judge COX's orders of 2006 (S259509,p.521-530) ordering KHERA to pay support on his entire income.

Thru such fraudulent accounting,and reporting,WHITE helped KHERA illegally evade Court ordered child support arrears.She also reported that KHERA was required to pay

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[14] Fam 4058 (a) The annual gross income of each parent means income from whatever source derived,except as specified in subdivision (c) and includes,but is not limited to,the following:
(1) Income such as commissions,salaries,royalties,wages,bonuses,rents,dividends,pensions,interest,trust income,annuities,workers' compensation benefits,unemployment insurance benefits,disability insurance benefits,social security benefits,and spousal support actually received from a person not a party to the proceeding to establish a child support order under this article.

only $2,800 in child support (S259509,EX-26,pg.470[15]).Not only was this fraud in the strictest sense,WHITE was also unqualified to make child support and spousal support related recommendations,and was acting way beyond her scope of practice.

Judgment also ordered all child support arrearages waived whereas such waiver is illegal.(see *Merits Of The Case).*As early as 2008,KHERA's attorney in Fresno,LENORE SCHREIBER et al were aware that the Judgments were void.The records[16] show that in 2008,SCHREIBER stated the following in an open Court:

> *"I believe the Santa Clara order which was filed in Feb 11,2008 which addresses retrospective child support,cannot be enforced because Ms Sameer originally in 2005 registered the order down here in Fresno,therefore Santa Clara has no jurisdiction.I discussed this with Mr Goldstein,Ms Soley may not know this."*
> Thereafter,Mr Goldstein,the DCSS attorney reiterated that the Judgments from Santa Clara were out of jurisdiction.
> *COMMISSIONER DUNCAN stated "Everyone seems to be in agreement""(19-8609,C,p.615)*

Yet KHERA went thru legal proceedings between 2008 till date,at an expense of $220,000 to me,without probable cause,seeking enforcement of these void Judgments of 2008. Regardless of whether the waiver was voluntary,or whether I was coerced,DAVILA exceeded his jurisdiction in ordering these waivers,and ZAYNER and MCGOWEN exceeded their jurisdiction when they refused to vacate these orders.

Total child support owed just from the 5 transactions noted in the previous section on Property Fraud – Child Support $369,167. This is only small fraction of the total amount that is currently owed in child and spousal support and does not include support payable on sale of stock options,and sale of ESPPs,which sale runs into millions,nor support payable on bonus of 2007,and 2013,which is several hundred thousands,and had been ordered payable by Judge KLEINBERG,and Judge Cox,Allen Hill,nor does it include support owed on investment income,self employment income,business income,rental income – all of these KHERA's attorneys have concealed during support trial.It does not include over $150,000 payable in tutoring expenses,childcare,and medical expenses of the children. The fraud related to support arrears is as humungous as property related fraud,while the children and I have lived below poverty line for 18 years.

See *Merits of the Case.*Because I refused to accept $2,800 per month in Child Support,DAVILA unilaterally made an order for custody and child support,increasing KHERA's child custody unilaterally from 22% to 50% with the explicit intention of reducing his child support payments,and ordering KHERA to pay only $2,800 per month in child support.He also sanctioned me $17,000 for refusing to stipulate to such an illegal arrangement/MSA/Support order,without providing any notice or opportunity for me to defend myself.

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[15] See EX33,pg.544,the attachment to this order has been intentionally concealed.This court order is for $2800 in support,Lewis Becker proposed this amount at S259509,pg.57-59.

[16] There is a VHS recording of the entire proceedings in the possession of FamilY Court Services.All DCSS

A few days later,Judge ELFVING made an order regarding transportation charges of the children,ordering me to pay $600 per month for transportation of children from Fresno to San Jose.Judge ELFVING was informed that this was a matter of child support,but like DAVILA,he too refused to cede jurisdiction.His Court lacked jurisdiction subject matter jurisdiction over Child Support,and therefore,the **Judgment is void as a matter of law.**

Defendant KHERA is a Vice President in a well known technology firm that makes and markets Nortel Antivirus Software,with income ranging between $800,000 – over $1m per annum for the last 10 years.He has always had,and even now,has the ability to pay.He simply refuses to pay because his attorneys have always advised him not to pay these child support arrears owed to children living in a different state (18 USC 228).See section titled *Merits of the Case.*

c. Spousal Support Fraud

WHITE was bribed to falsely report that KHERA's income was $3680 per month in 1997-2003 [Khera v Sameer (2012)],that no spousal support arrearages were payable,and that KHERA had no obligation to pay ongoing Spousal Support. Our family income between 1999 was $313,424,which was not all of the income (S259509,p.).Our tax returns appear at (S259509,295-453).These show that:

Our family income in 1999 was $313,424,which was not all of the income (S259509,p470-475).

In 2000 income was 337,941,which did not include the sale of assets in Australia (S259509,p.29-32,p.38-42,).

In 2002,KHERA's gross income 232,428,not including overseas income and self employment income,

In 2003,the taxable income was shown by KHERA as 272,774,but the tax returns state that this was not his entire income,and a supplemental tax return would be filed.No supplemental return was disclosed by WHITE,and DAVILA sabotaged all discovery.

Therefore,there was no basis for WHITE to report that our lifestyle was that of $3,680 per month.

Records that have been suppressed by the Appellate Division,will show that in or around 2005,Judge POCHE denied defendant's motion for Vocational Assessment,thus making the matter *res judicata*.The very next day,BENETT&BECKER corruptly influenced a Civil judge,not a family Judge,at down town Santa Jose,to provide them with an illegal alternate order for Vocational Assessment.This Judge lacked jurisdiction to make such an order in a family law matter.BENETT&BECKER,KHERA then used community funds to bribe a Vocational Assessor SANDRA SCHUSTER to prepare false reports that would legitimse WHITE's fraudulent assessment of my earning capacity of $51,000 per annum.

SCHUSTER privately admitted to me,and to my support person SUDEEP RIKHI,that I would be barred from working as a Social Worker due to a prior felony conviction arising from an auto accident in 2003.But in her reports she falsely reported that I could earn $37,000-$90,000 as a Social Worker within 2 years & did not need the PhD qualification(S259509,EX-27,pg.476-489).She had lied,because in fact I was barred from working as a Social Worker following the auto accident in 2003 as per Health&Safety Code Sections 1522(g)and 1558,which was later established by **Department of Social Services**

Therefore,the step down award of $2,600,$2,100,$1,600,which was further reduced by Judge ELFVING to $2,000,$1,500,and $1000,was grossly inadequate.Even that was terminated after 3 years by DAVILA.A motion for continuation of Spousal Support was filed in 2009,and denied by DAVILA (S259509,p.557-559) without any basis.

In 2014,three attorneys in MORENO & Associates admitted that their lawfirm did not get other attorneys into trouble and they had been threatened by DAVILA and ZAYNER and had "compromised" under pressure.

Thus the **Spousal Support portion of the Judgment of 2008 is based on threats, intimdation, duress, fraud,bribery,false reporting and conspiracy to deprive me of my civil rights - and is a voidable order because when at the time it agreed upon in 2007,or filed in 2008,I was already barred from working as a Social Worker by Health & Safety Code 1522(g) and 1558.**

The cabal also concealed and suppressed the medical reports that showed I had suffered a stroke in 2008 and herniated disk in 2011, and concealed my medical insurance bills that were over $1,200 per month.See ALLEN HILL's order which states :

"Respondent testified that she had had a stroke.This was not corroborated by any further testimony and documents....suprisingly there was no testimony as to the disability or the missed work as a result of the stroke"(S259509,p.566).

Also see *Khera v Sameer(2012),*where the Appellate Court states:

"Madhu also asserts ...she suffered a stroke and her monthly medical expenses and child care expenses had substantially increased,...she had incurred additional expenses of $1,070: $70 for the children's health care not covered by insurance,$600 for travel expenses for visitation,and $400 for the children's educational or other special needs.Although unrelated to child support,appellant reported in the section regarding special hardships on the "Child Support Information" page of that Income and Expense Declaration that ***she had a stroke in March 2009 and had monthly extraordinary health expenses of $1,500****.The record before us does not reflect that Madhu "attach[ed] documentation of any item listed" in the special hardship section per the form's directions." [Khera v Sameer(2012)]*

The appeal *Khera v Sameer (2012)* also states that

" she had incurred additional expenses of $1,070: $70 for the children's health care not covered by insurance,$600 for travel expenses for visitation,and $400 for the children's educational or other special needs. ...she had a stroke in March 2009 and had monthly extraordinary health expenses of $1,500".

If my spousal support was $1000,and my healthcare expenses were $1,500 per month,how would I be able to afford childcare,children's medical expenses that KHERA refused to pay,and other work related expenses that I was required to incur? It may be possible that the lack was due to an error in one place, but repeated failure to provide such important documents points to a deliberate planning to deprive the Court of this information,with the intent of sabotaging the proceedings.

Total Spousal Support owed just from the 5 transactions noted in the

payable on sale of stock options,and sale of ESPPs,which sale runs into millions,nor support payable on bonus of 2007,and 2013,which is several hundred thousands,and had been ordered payable by Judge KLEINBERG,and Judge Cox,Allen Hill,nor does it include support owed on investment income,self employment income,business income,rental income – all of these KHERA's attorneys have concealed.It does not include ongoing support payable.The fraud related to support arrears is as humungous as property related fraud,while I have lived below poverty line for 18 years and have been forced to forego my education,employment,licensing,and now have been forced into involuntary bankruptcy in NZ.

Defendant KHERA is a Vice President in a technology form with income between $800,000 – over $1m per annum.He has always had,and even now,has the ability to pay.He simply refuses to pay because his attorneys have always advised him not to pay spousal support arrears and Judicial officers have aided and abetted him in evading the Court ordered spousal support.

d. Child Custody,Attorney Fee Fraud

Children's Custody orders,made in 2004 by Judge POCHE from Santa Clara stated that KHERA had 22% custody of the boys.These orders were later upheld by Judge ALLLEN HILL in 2014 for child support purposes (S259509,560-599).

But DAVILA sought to illegally reduce KHERA's child support payments to $2,800.Therefore he illegally increased KHERA's custody and visitation from 22% to 50% without due process.The Court does not have discretion to award custody without a contested trial unless the parties agree.No agreement to increase KHERA's custody arrangements had been made recited (S259509,628-659).Hence the exhibit/attachments (S259509,p.544-545) to Court orders have intentionally been suppressed, and Appellate Division refuses to provide designated records.

Between 2003 -2008,KHERA had repeatedly molested the children during their visitations to him.The children suffered medically and in 2008, they finally admitted that their father was touching them inappropriately.I mailed a letter to defendant,and his attorneys,and my psychologist Dr Shaffer,from Fresno,lodged a CPS complaint.In 2010,after a spate of domestic violence incidents by KHERA and his attorneys and failure of Courts to contain them,I applied for permission to relocate to India/New Zealand.After three successive custody evaluations including Fam 3118 evaluation,I was granted sole legal and physical custody of the children and permission to relocate,with supervised visitations for KHERA.I had prevailed.The matter of attorney fee and sanctions was set for trial between Sept 9 – 12,2014 in Judge ZEPEDA's courtroom in Santa Clara County.

On Sept 9,2014,Judge ZEPEDA refused to hold the trial as scheduled because she had been informed by ZAYNER to do so.She posed as a mediator,procured concessions for defendant KHERA on custody related matters from me in the mediation session despite the fact that the custody matters were not before the Court.After extracting those concessions for KHERA,she simply denied my motion for attorney fee without a trial.ZAYNER had corruptly influenced Judge ZEPEDA and had intentionally lied to her in retaliation to my refusal to withdraw children's allegations of sexual abuse against KHERA(See EX 48,p.600-612,p.689-816).Such

2,3,4,violation of Judicial Canons.Since Judge ZEPEDA was not acting in her judicial capacity,the orders made by her are void as a matter of law.Her acts of refusing the trial to conceal the criminal offenses and sexual molestations of defendant KHERA constitute judicial misconduct.

e. Sanctions Against Me – Retaliation

In 2007, DAVILA also schemed with the defendant(s) to deprive me further of my share of $279,000 that had been agreed upon.Firstly,he ordered that KHERA was not required to pay me $279,000.Secondly,he sanctioned me to an amount of $17,000 payable to KHERA,for refusing to stipulate to reduction of child support from guideline support,to a fixed amount of $2,800 per month.Therefore,the amount of $279,000 was reduced to $115,000 and then further reduced by $17,000 in sanctions.Despite having reached a settlement agreement for $279,000, I was given only $98,000 in that settlement agreement of Feb 2008 order.

These sanctions were imposed under Fam 271 DAVILA did not notice me,nor was I provided with any opportunity to defend myself.Notice is a mandatory requirement of Fam 271 sanctions.Therefore his Court was without personal jurisdiction to make these orders.

The Order for sanctions is void as a matter of law,for lack of personal jurisdiction,without inquiring whether the sanctions were appropriate in my situation – a requirement of Fam 271. At the time he made these orders,I was a student,without any income,and the sanctions represented deprivation of my eighth amendment rights,and a violation of Fam 271.

f. Attorney Fee & Denial Of Access to Justice

Fam 2030-2032 are enacted to provide access to justice,and to balance the financial inequality between parties.Between 2008 – 2015,I filed at least 6 pendente lite attorney fee award motions.Each one was denied by Judge ZAYNER.In fact,I had retained an attorney to complete this appeal as well,and had filed the attorney fee award motion to pursue to this appeal,it was also denied by Judge ZAYNER.ZAYNER was always aware of the illegality of the Judgments of 2008,therefore his denial of my motions for attorney fee must be construed as intentional efforts to conceal the crimes of the defendants,by intentionally depriving me of due process,and intentionally engaging in miscarriage of justice.

g. Right To Discovery and Duty To Disclose

The preliminary disclosures that were required to be filed *before* the marital settlement agreement,were actually made *after* the settlement agreement per DAVILA's orders.Prior to this,DAVILA had prevented all disclosures,and had denied my requests for the same.

Throughout the proceedings since 2009,his successor Judge ZAYNER had denied me the right to discovery.When I discovered that KHERA had forged my signatures on the deed for DLF 4109, I filed a request to compel discovery.It was denied.ZAYNERS's denials of my motions must be construed as intentional efforts to conceal the crimes of the defendants,and comfort,aid and abet them,in violation of 18 USC 2.

h. Judgments of 2008 Are Void,Voidable,Unenforceable,Unconscionable,and Fraudulent

The Judgments of 2008 are void as a matter of law,are void for lack and for excess of jurisdiction,and are based on and derived from fraud,fraudulent representations and fraud upon the Court.There are other reasons why Judgments are void.

KHERA has conspired with others to defrauded me of Vasant Kunj Property (S259509,p.33-37),DLF4109 (S259509,p.7-14),DLF4110 (S259509,p.15-19),Hosur

(S259509,p.43-48),some of which were actually my private properties,thru inheritance,and pre-marital gifts.

He has conspired to have fake properties awarded to me viz corner parcel of land in DLF,and farmhouse in Banglaore.No such properties exist.

KHERA transferred the DLF 4109 to his name by forging my signature in 2006 (S259509,p.7-14).I did not leave US between 2002-2015,and I did not travel to India until 2017.Between 2004 – 2013,I did not even hold a valid passport.Therefore I could not have signed the transfer deed over to him – one is required to be physically present before the Judicial officers for such transfers. His fraudulent transfer of DLF 4109 property to his name was well before the settlement agreement of 2007,and establishing a premeditated intent to defraud.

He is and always was capable of making these payments,but has been aided and abetted by his attorneys and Judicial officers to illegally evade his support obligations.

Other issues and facts related to the fraud,bribery,forgery are sufficiently outlined in the preceding sections,and have been alleged in Petition for Writ of Certiorari,19-8609.

The Court lacked the authority to curtail my spousal support because I could not have worked as a Social Worker after my accident and conviction in 2005.Therefore in 2008,the basis on which DAVILA awarded and terminated my spousal support,(income as a Social Worker) is invalid because I am prohibited form working as a Social Worker.

The Judgments are also void because DAVILA failed to consider any of the following:

a) Judgments do not comply to the oral recitation made in the Court.There was no agreement to limit child support to $2,800,and the parties never stipulated to the requirements of Fam 4065(a),therefore their inclusion in the final order over my protests,constitutes Judicial misconduct,and renders the Judgment void.
b) b) there was no DCSS representative present Fam 4065(c),
c) DAVILA lacked the subject matter jurisdiction to make child support orders [Fam 5601(a) and (e),waive arrears [42 USC 666(a)(9)(c)],
d) DAVILA lacked the authority to sanction in absence of notice [Fam 271(b)] and without ensuring that I was able to pay this amount without undue hardship [Fam 271(a)].

The orders are void because of the alleged duress(S250509,pg.546).The orders are unconscionable - grossly inequitable.DAVILA awarded over 90% of the property to KHERA,and left me with inadequate spousal support that was insufficient even to pay my medical insurance bills of $1,200 per month.Judgments were contrary to family laws,and contrary to legislative and congressional intent.The agreement was illegal because it was made with the illegal goal to defraud me.See section titled *Merits of the Case*.It is to be rescinded because KHERA himself has refused to comply with the Judgments till date:

1. KHERA refused to pay guideline support,or even $2,800 in support,until he was forced by Judge ALLEN HILL thru a new child support order in 2011.KHERA sought a fixed support from DAVILA, and Smith Ostlerised support from Judge ALLEN HILL and was granted both by each.(S259509,p.560-599).
2. He has not co-operated with me to have my income taxed at my rate,instead,he himself has collected the tax refunds of hundreds of thousands of dollars that – if he had co-operated with me – would have been awarded to me

4. He has consistently refused to transfer properties and funds that he was ordered to transfer to me.Hence,until today,the Superannuation has not been divided,the RCI,the corner parcel of DLF,farmhouse in Bangalore have not been sold,he has refused to provide me with the sale deed for these properties some of which are fake.
5. The two E*Trade accounts that were to be awarded to me,have been tightly held by him despite repeated requests.In 2019, I finally managed to secure release of one E*Trade account,but between the time I filed pleadings to have the account released,in July 2018,and by the time I secured the release in Jan 2019,the asset had lost over $700,000 in value.The second has been zeroised by KHERA and closed.
6. The child support orders are unenforceable.Whereas the Judgments of 2008 were effective Feb 25,2008,in 2014,Judge ALLEN HILL made ongoing child support orders effective Jan 3,2008.
7. Finally,the parties agreed that their intention was to settle all disputes in and thru the marital settlement.As a consequences,I purportedly "waived" certain rights,and entitlements.Because the dispute has not been settled,therefore these waivers are no longer effective,and the orders must be vacated.

C. Efforts To Vacate The Judgments of 2008

The section titled *List Of Related Cases* demonstrates the efforts made in the past 12 years to have these Judgments declared void.Each effort has failed.The conspiracy that began to defraud me of my entitlements under family law,has now morphed into a conspiracy to conceal the racket,and casefixing between expert professionals,attorneys,and involvement of some judicial officers in the alleged racketeering acts,and to protect these officers of the Court from liability.

D. State Involvement & Refusal By Appellate Division To Provide Designated Records & Transcripts On Appeal

Superior Courts,and Appellate Courts have used various *schemes and artifices* (procedural manipulations) to deprive me of justice.In the context of this appeal, ZAYNER's refusal to award pendente lite attorney fee for appeal, and the refusal of the appellate division to provide designated records are two schemes and artifices that the Court uses to prejudice me, and deprive me of my rights.

Records for each individual appeal were designated on 3/7/2014,8/6/14,and 8/19/2014 respectively [Rules 8.120 – 8.123].However over 8000 pages of records,and over 20 transcripts were omitted by the Appellate Division.There were three APP004s filed,and they show over $4500 had been paid to the Court Reporters for these transcripts.The docket of the superior court has only 4 entries in the courtfile,making it impossible for me to specify the documents by their title in the Notice of Omissions,and physical access to the Courtfile has been refused,so I could secure the titled,was denied by the Superior Court.

The Appellate Court then ordered me to augment these records on 8/13/2019.My casefile had been partially destroyed by my attorneys(to avoid a legal malpractice suit) so I did not have the records.

See section titled *State Involvement & Refusal By Appellate Division To Provide Designated Records & Transcripts On Appeal.*This is not an isolated incident.The records designated on appeal in each of the appeals H040565,H044037,H042147,F071888,F073337, F07833,F074544 have been withheld by the Appellate District and I have had appeals

My requests to designate the entire file in lieu of records has been previously denied by Appellate Division in Santa Clara County,resulting in the dismissal of appeal H044037.I have filed another request in Santa Clara with appeal H046694,which is now pending.The dismissals of my appeals is unconstitutional.

> *"'Extrinsic fraud occurs when a party is deprived of the opportunity to present his claim or defense to the court; where he was kept ignorant orother than from his own negligence fraudulently prevented from fully participating in the proceeding . Examples of extrinsic fraud are: . failure to give notice of the action to the other party&convincing the other party not to obtain counsel because the matter will not proceed(and then it does proceed)The essence of extrinsic fraud is one party's preventing the other from having his day in court.' Extrinsic fraud only arises when one party has in some way fraudulently been prevented from presenting his or her claim or defense"(Sporn vHome Depot USAInc(2005)126Cal.App.4th.1294130024Cal.Rptr.3d.780)*

WHY MUST THE REVIEW BE GRANTED

A. Petition Must Be Granted In Public Interest

When a city,state,or state employee violates its citizens' constitutional rights,any fight back by those citizens to protect their rights constitutes public interest litigation. The underlying appeal alleges civil rights violation – a violation of my first,fourth,fifth,eighth and fourteenth amendment rights – amongst others.It alleges discrimination based on gender,class,and nation of origin which falls under Public Interest Litigation.

The suit alleges widespread conspiracy to deprive me and others like me,of my rights.A parallel Petition 19-8609,docketed on June 5,2020 alleges that such behavior is rampant.After perusing these facts,any reasonable person will concede that I have a meritorious case.Under Fam 2030-2032,I was entitled to an attorney fee award,to balance the inequality and provide access to justice.Yet I have been repeatedly deprived of these basic rights.The case has stretched over 18 years without resolution,I have been sanctioned over $250,000[17] for seeking support and property as per the law.
The motive has always been to conceal the criminal offenses of the defendants,and to silence me thru threats,intimidation,and harassment.My email to my psychologist,sent after the mandatory settlement conference of 2007,reads:"*I have never been gang raped,but I can experience what it must have felt like...and then being told that I"must accept"it,I *have to* accept it coz it is not about justice& fairness,its about getting me out of the way*" [S250509,pg.546].This email feels as true today,as it did in 2007,except that more Judicial defendants have joined in the metaphorical gang rape.An ongoing *pattern* of corrupt behavior has emerged,pointing to a group of officers of court who use their authority,position,connections to defraud vulnerable,gullible emigrant women like me.

Delivering justice is a public affair and is done at the public expense and,therefore,should be monitored.It is the duty of all courts of justice,include appellate ,and supreme courts, to

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[17] Petitions for Review in the Supreme Court of California in appeals F071888,F073777,have been denied,Review for F074544 is pending.One consolidated Petition for Writ of Certiorari will be filed together

keep their eye steadily upon the interests of the public,and dispense justice when they find an action is founded upon a claim injurious to public." This is a public policy.[*C.J Wilmot's Opinions(Low v.Peers),377;see also Crawford & Murray v.Wick,18 Ohio St.190,204(1868)(quoting Chief Justice Wilmot).*.Here,the actions of Judicial Officers violates public policy.

Legislature at intended that the "important right affecting the public interest",may not be subordinated to any other considerations[*Serrano v.Priest,20 Cal.3d at 49,569 P.2d,at 1316-17*].

In 2007-2008,DAVILA conspired with attorneys,acting as a mere puppet of BENETT & BECKER,aiding and abetting them to defraud me and others like me.If DAVILA had made these Judgments in error,it should have been easy to vacate these order.But all efforts to have them vacated have been intentionally sabotaged by Judicial officers over a period of 12 years. This repeated failure to vacate cannot be a mere coincidence and constitutes deprivation of rights.The state involvement can be gleaned by the refusal of the Appellate Division to provide records,and the refusal of the Court Reporters to provide transcripts.

If there were technical flaws in my motions,any of my six motion for pendente lite attorney fee award should have been granted.Their denial brings home the point that the dismissals,and procedural manipulations are planned,intentional,deliberate and wilful.They are targeted to deprive me of my right to trial.Such conduct represents crime against me,and against United States.Section 1 of the Civil Rights Act of 1866§ 1,42 USC 1981(1988) includes the responsibility of government to prevent crime,and to remedy and punish it after it occurred.Prevention of any and all crime is a matter of great public interest and of safety and security of every citizen of United States.

Judgments of 2008,are formal ratification of the Marital Settlement Agreement(MSA) which is essentially a contract.Agreements that lead to prohibited acts or agreements between parties that were intended be used as preparation for an unlawful act of depriving me of my property and other rights violate public policy because even though the agreement may be deemed lawful,the underlying intention makes the agreement contrary to public policy [*Evert v.Williams .[1983] 9 L.Q.R.197(Eng.)].*The Case is aligned with state and federal laws.Centriori will help in combating such extensive crime and corruption.See https://www.janeandjohnqpublic.com/blog for details of the alleged rampant corruption and how it is tearing up the fabric of society in United States.

B. Peititon Must Be Granted In International Comity,To Protect International Crime & Money Laundering

Certain men,like KHERA,originally from India, extort their inlaws for dowry, and wrongfully "steal" their wife's income.This "income" is transferred to India,and becomes a non taxable event in India.Hence India ends up being the venue of choice for marriages for most Indian men residing in US.These funds are invested with impunity,and are concealed from IRS.If this marriage(where the woman has had a greater financial contribution) fails,the man has a windfall – this "unreported" income in his possession remains in India,where it cannot be traced by the US courts.The man deprives her of her assets,and can marry again,repeat the process of wealth acquisition thru such illegal means,to the detriment of the wife,who is left with nothing.Often the women(like me) are not even entitled to any social security or disability benefits,having worked for less than 10 years in US.

Sleazy,immoral,unethical lawyers BENETT,BECKER,SCHREIBER and MORENO

trained to defraud vulnerable Indian wives going thru a divorce and help husbands with money laundering and immigration fraud.In India, such crimes are non bailable criminal offenses, but once they acquire a US passport (by making fraudulent reprentations that they are not delinquent on child support), it is difficult to indict them in India.Every year tens of thousands of Indian men exploit such loophole and deceive their wives,who are pushed into welfare. Allowing such a racket to flourish contributes to feminization of poverty[18],and unjustly and unfairly burdens the state welfare resources when statutes clearly state that the financial needs of the children should be met through private financial resources as much as possible [Fam 4053(h)].Therefore due process requirements become especially important for vulnerable emigrant women,and to conserve state resources.

Given the familial structure of Indian marriages,the government of India has established legal procedures and laws to curtail money laundering,and to ensure that the rights of women to alimony and child support are rigidly protected.Recognizing and augmenting them is beneficial for both countries and in international comity.(*Posner,1992; O'Hara and Ribstein,1997*)[19] that produce tax related efficiencies as well,arresting money laundering. Failing that,Courts must devise a means to punish the offenses of money laundering,immigration fraud.This benefits the United States government,and is necessary to protect women and children,as well as to conserve state resources.

The governments of the world are joining together to battle crimes against children,money laundering,immigration fraud.The alleged conspiracy of these Judicial officials to prevent me from exposing such a racketeering network engaged crime that affects international commerce,is against national interests.Indian The Judiciary must be *made* to apply the will of the Congress,or the will of the law.These aspects of the dispute must not be considered subservient to other issues.

A. Petition Must Be Granted Because It Has Not Been My Fault

None of this is my fault,therefore to impute damages arising of judicial misconduct, appellate division's failure,and other inept practices of the State Court on me,represents miscarriage of justice.I repeatedly requested for a need based pendente lite award under Fam 2030-2032 when I filed the appeal – the award was intentionally denied by Judge ZAYNER.

The Appellate Division has repeatedly refused to provide appropriate records.The record is very inadequate in this instance so that the appeal could not be meaningfully completed[20] – I would have been prejudiced by the lack if I had continued with the appeal,as in my appeals in the Fifth Appellate District where similar *schemes* were used to disadvantage me.

The court docket on 103FL116302 has been altered,and currently shows only 4 documents which prevents me from securing the title of the documents.Physical access to the records has been denied by filing clerks. The APP004 forms,showing records that had been

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[18] Feminization of poverty is a phenomenon referring to a widening gap between women and men caught in a sequence of economic deprivation and scarcity. [*Moghadam VM (July 2005)."THE 'FEMINIZATION OF POVERTY' AND WOMEN'S HUMAN RIGHTS"* (PDF).*SHS Papers in Women's Studies/ Gender Research: 39;* United Nations.(1996).Resolution Adopted by the General Assembly on the report of the Second Committee (A/50/617/Add.6) ..

[19] See generally J.Thomas Oldham,Why a Uniform Equitable Distribution Act is Needed to Reduce Forum Shopping in Divorce Litigation,49 FAM.L.Q.359 (2015); J.Thomas Oldham,Everything is Bigger in Texas,Except the Community Property Estate,44 FAM.L.Q.293 (2010)

designated,have been withheld,else the records could be reordered thru Notice of Omission.I personally travelled to US from NZ,at significant expense,only to be denied access to the records by the filing clerks,and by Judge MCGOWEN.Appellate Division's failure to provide designated records is not my fault,therefore I should not be prejudiced for incompetence of Appellate Division,or for malicious deprivation of my right to a pendente lite attorney fee award.

The Appellate Court dismissed my appeal but the Court was,at all times,aware of the Appellate Divisions refusal to provide designated records.It had inherent authority to order Appellate Division to allow the entire Courtfile in lieu of records,but it chose to not exercise that discretion,instead choosing to dismiss my appeal during the time it knew I would be unable to respond,or file a petition for rehearing.The discretion to order Appellate Division to provide records has been previously exercised by Fifth & Sixth Appellate Districts of California,therefore the Court is aware of its ability and authority.

B. Petition Must Be Granted Because The Appellate Action Represent A Pattern of Similar Behaviors

The dismissal must be reversed because it provides a dangerous precedent for enabling corruption in the lower Court,Anytime there is a complaint of judicial misconduct,or a complaint against any well connected,high profile person,the Superior Court forces dismissal of the appeal by withholding records and transcripts on appeal,and/or by spoliation of evidence in violation of govt code 200/201.Therefore,as a rule,such dismissal caused by the Appellate Divisions failure to provide records and transcripts,and Superior Court's refusal to provide copies of the records for augmentation,and Court reporter's refusal to provide transcripts,MUST be reversed as a matter of public policy and for public good.This is not an isolated case, and I am not the only victim - the Appellate Division in both counties have a rich history of manipulating the outcome of the appeal by refusing to provide the records and transcripts on appeal.This and related cases suffice to show several instances where the appellate proceedings were consciously,wilfully manipulated to illegally dismiss the appeal.(H044037,H074644,F071888,F073777 etc).Given this information,along with the history of dismissals provided in *List of Related Cases*,any reasonably prudent person would deduce that this refusal to file records and transcripts repeatedly cannot be negligence.

C. Petition Must Be Granted Due To Inherent Unconstitutionality Of Dismissal

The repeated dismissal of this and other related appeals is unconstitutional for the following reasons.

1. Unconstitutional – Conflict of Interest

The case alleged judicial misconduct,and vacation of Judgments would be detrimental to the interests of the 32 defendants,(including Judge DAVILA) named in the federal suit pending with this Court as 19-8609,and would establish joint and several liability on each of the defendants.

Given the timing of dismissal,and Justice GREENWOOD's involvement, any reasonably unbiased person would conclude that the dismissals were motivated by reasons that are of extra judicial nature.In fact,Title 28 of the United States Code (the "Judicial Code") provides

reasonably be questioned." Both federal and state law holds that judges must recuse themselves if there are grounds to do so.The grounds include personal connection to the Judge against who allegations of Judicial misconduct are being made,personal knowledge of the facts of the case,familial relationship with the alleged offender DAVILA, and financial interest in the proceeding.Judges are subject to punishment for not recusing themselves.Further,she is in a position of authority within the Sixth District,and therefore,a transfer to another district would have been more appropriate.A motion for consolidation with the cases in the Fifth Appellate District had been filed but was denied.

2. Unconstitutional - Judicial Misconduct

Duress and coercion by a Officer of the Court constitutes Misconduct.The unconscionability of the settlement agreement,corroborated by the email I sent to my psychologist Shelley Stokes the very next day alleging a metaphorical "gang rape" and the wish to commit suicide in the face of such injustice shows duress.(S250509,pg.546) Since I was sanctioned for lack of co-operation,I could not have voluntarily entered into such a contract[21].

Even if one were to agree that the agreement was voluntary,the Judicial officer has a duty to prevent crime (42 USC 1986),and a discretion to refuse an unconscionable agreement.Instead,DAVILA threatened my attorney with retaliation,forcing them to resign.His willfulness cannot be doubted.

Subsequently,DAVILA,ZAYNER,and now MCGOWEN wilfully continue to defend DAVILA's action and in 2014,ZAYNER intentionally sabotaged the trial in ZEPEDA's Court.

Policy considerations are imposed on contract law ex-ante,when parties are contracting;and ex post,when there is a dispute about the contract.Judgments of 2008(S259509,EX33,pg.531-545;EX45,pg:629-658) are premised on an oral agreement which was unilaterally altered byKHERA et al,ratified by DAVILA.A Judge's effort to coerce parties to modify the existing oral contract,or alter an oral agreement between parties constitutes ex post duress,necessitating reversal.Also See Judicial Misconduct ➔ *Petition Must be Granted to maintain Consistency Of Decision Making (Splits).*Allegations of money laundering,tax evasion,contempt of court,fraud upon the court,immigration fraud,etc are crimes against United States,hence the governmental interests are protected by granting the petition.Similar allegations against these and similar attorneys,Judicial officers,Santa Clara County public officials have been made by several watchdog agencies (See https://www.janeandjohnqpublic.com/blog; https://www.janeandjohnqpublic.com/blog-2019;).

Refusal of the appellate division to provide records and transcripts for appeals is of *great public interest*.State officials have a motive to withhold the designated records on this and other appeals necessitating the granting of the Petition.

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[21] The agreement waives – among others - the following: a)Watt Epstein FC 2640 of over $40,000 b) Attorney Fee of over $300,000 c)Vehicles reimbursements of over 15,000 d) Sale of ESPP Stock valued at over $50,000 e)Prior Sale of Stock Options valued at over 800,000 or so f)COBRA Coverage valued at $ 36,000 g)Education expenses of over $20,000 h)Automobile accident related expenses of $90,000 i)I waived this so I could get on with my life.Defendant's actions have not allowed me to get on my life.To hold me to

Judge DAVILA rose into prominence and secured a federal court nomination by purportedly "cleaning up" the Santa Clara Family Court docket.These achievements of his were advertised on the internet with impunity until the federal case against him was lodged by me,after which the advertisement disappeared.The methods used to "clean up the docket" were those that are being questioned and in and thru this Petition.

During his tenure in the family Court,DAVILA showed absolute and reckless disregard to procedural and substantive law,for justice,and to the rights of the women.In trial,I would be able to establish thru testimony of several victims like me, women from minority communities,emigrant women,and women who were disadvantaged by financial inequality in the family Courts.Whereas the legislature and the congress have created a plethora of laws to protect these very marginalised sections of the society,DAVILA used his power,and authority illegally to deprive these very women and children of due process, their rights,and their entitlements under family law.Therefore,this petition is filed on my behalf,and also on behalf of all other women whose lives and careers were destroyed just like mine,on behalf of the children who died as a consequence of his desperation and to climb the career ladder and the unscrupulous ways that he chose to achieve that end.

3. Unconstitutional – Fraud & Fraud Upon the Court

Petition must be granted because the acts of the Appellate Division represent fraud upon the court. Whenever any officer of the court commits fraud during a proceeding in the court he/she is engaged in"fraud upon the court"In *Bulloch vUnited States763 F.2d.11151121(10th Cir1985).*It"*embrace that species of fraud which does or attempts to defile the court itself or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication"[Kenner vC.I.R.387 F.3d.689(1968);7 Moore's Federal Practice2d.ed.p512¶ 60.23*]It is clear& well-settled that any attempt to commit"*[*"vitiates the entire proceeding[*The People of the State of Illinois v.Fred E Sterling357 Ill354;192 N.E229(1934)]*

These actions represent"*the most egregious misconduct*,"and"*an unconscionable plan or scheme which is designed to improperly influence the court in its decision*"[*Wilson v.Johns-Manville Sales Corp,873 F.2d.869,872(5th.Cir.1989)(quoting Rozier v.Ford Motor Co,573 F.2d.1332,1338(5th.Cir.1978))*]Such actions vitiates everything[*In re Village of Willowbrook,37 Ill.App.2d.393(1962)]*

The repeated dismissals and refusal to provide records on appeal are attempts by the cartel to use the courts of California as an instrument to assist in their fraud,harming the integrity of the judicial process.[*In re Lev ander 180 F.3d.at 1119*],so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication.[*Appling v.State Farm Mut.Auto.Ins.Co,340 F.3d.769,781(9th.Cir.2003)]* resulting in grave miscarriage of justice[*Beggerly,524 U.S.at 47,118 S.Ct.1862,cited in Appling supra*]-such conduct must be discouraged in the strongest possible way.[*Cox v.Burke,706 So.2d.43,47(Fla.5th DCA 1998)l In re Village of Willowbrook37 Ill.App.3d.393(1962)]* because these are offenses against United States under 18USC2.

Officers of the Court involved in such acts,became guilty of *relieving,comforting or assisting the offenders in order to hinder or prevent their apprehension trial or punishment [18USC3]*

As here,whenever any officer of the court commits fraud during a proceeding in the court,he/she is engaged in "fraud upon the court".In [*Bulloch v.United States,763 F.2d*

documents,false statements or perjury....It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted."
7th Circuit defines it as "*that species of fraud which does,or attempts to,defile the court itself,or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication.*" [*Kenner v.C.I.R.,387 F.3d 689 (1968); 7 Moore's Federal Practice,2d ed.,p.512,¶ 60.23*].

The 7th Circuit further stated "*a decision produced by fraud upon the court is not in essence a decision at all,and never becomes final.*" The wrongful acts were aimed at the court and have harmed the integrity of the judicial process.[*In re Levander 180 F.3d at 1119*],so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication.[*Appling v.State Farm Mut.Auto.Ins.Co.,340 F.3d 769,781(9th Cir.2003)].*These acts have resulted in grave miscarriage of justice [*Beggerly,524 U.S.at 47,118 S.Ct.1862,cited in Appling supra*]
Other Circuits hold that an appeal from an order based on fraud upon the Court is a question of constitutional law,and questions the Court's lack of ability to perform its functions in an disclosure of facts,therefore ***this kind of conduct must be discouraged in the strongest possible way***.[*Cox v.Burke,706 So.2d 43,47(Fla.5th DCA 1998)*].The allegations are not frivolous at all.Also see [*Tirouda v State,No.2004-CP-00379-COA.Missisippi,2005)*] ."fraud upon the court" vitiates the entire proceeding.[*The People of the State of Illinois v.Fred E.Sterling,357 Ill.354; 192 N.E.229 (1934); In re Village of Willowbrook,37 Ill.App.2d 393 (1962) ("It is axiomatic that fraud vitiates everything."); Dunham v.Dunham,57 Ill.App.475 (1894),affirmed 162 Ill.589 (1896); Skelly Oil Co.v.Universal Oil Products Co.,338 Ill.App.79,86 N.E.2d 875,883-4 (1949); Thomas Stasel v.The American Home Security Corporation,362 Ill.350; 199 N.E.798 (1935).*

1. Unconstitutional - Ongoing Civil Conspiracy

Circuit Courts have held that the agreement between conspirators need not be proved by direct evidence and the ultimate fact of a conspiracy must be determined from those inferences naturally and properly to be drawn from those matters directly proved.(*Beeman v.Richardson,185 Cal.280 [196 P.774]* cited in *Peterson v Cruickshank 144 Cal.App.2d 148]).*
My complaint recounts a number of incidents.While they state separate causes of action against individuals, they also charge participation in a single conspiracy.The contention that a conspiracy existed which deprived the petitioner of rights guaranteed by federal law makes each member of the conspiracy potentially liable for the effects of that deprivation.I could conceivably be entitled to equitable relief even against those defendants who are immune from actions for damages.[*Slavin v Curry,574 F.2d 1256(5th Cir.1978)].*No state actor has exited the conspiracy.See *19-8609,Appendix E,section titled Opinions On Conspiracy*
Conspiracy is recognized as a continuing offense[*United States v.Neusom 159 F.App'x 796(9th.Cir.2005)*;U*nited States v.Kissel,218 U.S.601610(1910)*The statute of limitations on civil conspiracy begins to run when the offense terminates[*Toussie,397 U.S.at 115).*The conspiracy to defraud me,and prevent the orders from being vacated has continued till date.It has not yet terminated.

Last overt action starts the running of the statute on conspiracy& vicarious substantive liability[*Grunewald v.United States,353 U.S.391,396-97(1957)]*and the statute of limitations

Assn.(1988)46Cal.3d.1092,1127).Here the last overt acts are refusal of the filing clerks to provide copies of records from the courtfile,also denying me access to the Courtfile.

> *When the complaint is read with the required liberality,however,it asserts a single,continuing conspiracy.That is,it reveals a conspiracy that began with the intention of denying[plaintiff]the equal protection of the laws& continued by obstructing justice& denying due process in an attempt to conceal the complicity in the first action.The complaint recounts a number of incidents.While they state separate causes of action against individual defendants,they charge participation in a single conspiracy.The district court erred in treating the incidents as alleging only separate causes of action[Slavin v.Curry,575 F.2d.1256,1265(5th.Cir.1978)],*

The wrong continued & liability kept accruing[*Palmeri v Willkie Farr&Gallagher LLP* **2017** *NY Slip Op 05794[152 AD3d.457]July 25,2017;United States v.Smith,373 F.3d.561,563–64(4th.Cir.2004);Taylor v.Gibson,529 F.2d.709(5th.Cir.1976)]*

2. Unconstitutional - Conspiracy to Deprive Vulnerable Emigrant Women of Civil Rights Under Color Of Law

The state law on property,support and attorney fee are aligned to federal recommendations and directions,controlled by Access to Justice Act,and Uniform Marriage & Divorce Act applicable nationally.Therefore,it is not the law that is an issue here,but the process that oversees the implementation of the law.This process was manipulated to violate my constitutional rights,interest and privileges. Interests comprehended within meaning of either liberty,or property under procedural guidelines of due process caluse of 14th amendmet include interests that are recognized,protected by the state law and interests guaranteed in one of the provisions of the Bill of Rights incorporated in the 14th Amendment,which creates rights of actions against person who,under color of law,subjects another to deprivations of any rights secured by federal constitution – make deprivation of latter types of right actionable independently of state law [*Paul v Davis (1976) 424 US 693,47L Ed 2d 405,96 S Ct 1155,1BNA IER Cas 1827 reh den*].The 14th amendment also gives everyone a right to due process of law,**which includes judgments that comply with the rules and case law**.Also see [*Jones v District of Columbia (2003,DC Dist Col) 273 F Supp 2d 61*] for 5th Amendment right.Causes of action under 1983 exist under Fourth Amendment where Plaintiff can allege facts that tend to show that State Actor exceeded bounds of 4th Amendment.Here,KHERA has conspired with state actors to seize all my property.State involvement infringes on my First Amendment rights to petition under 1985(1),(2) and (3),1986.The aim of the conspiracy is to influence the activity of the state [See *United Bhd of Carpenters & Joiners Local 610 v Scott (1983) 463 US 825,1035 Ct 3352,77 Led 2d 10449 113 BNA LRRM 3145 32 CCH EPD 33697,97 CCH LC 10231].* Courts have held that Conspiracy in context of 1985(3) means that co-conspirators have agreed at least tacitly,to commit acts which will deprive Plaintiff of equal protection of state laws [See *Santiago v Philadephia (1977,ED Pa) 435 F Supp 136.*] Courts have also held that if a party has potential to stop illegal activity but fails to do so,then that party may be said to have impliedly conspired in such illegalities [*Dickerson v United States Steel Corp (1977,ED Pa) 439 F Supp,55,15 BNA FEP Cas 752 15 CCH EPD 7823,23 F Serv 2d 1429].*Here,the state actors were willing participants in the illegal activities alleged. Circuit courts have also held that attorneys that take action on behalf of clients that attorney knows or reasonably should know will violate clearly established constitutional guarantees or

have charges brought against co-defendants were suppressed by defendant public officers acting under color of law [*Azhar v Conley (1972,CA6 Ohio) 456 F2d 1382,15FR Serv 2d 1179* – as attorenys and Judicial officers have done here.Circuit Courts have held that *"[p]rocedural due process rules are meant to protect persons not from the deprivation,but from the mistaken or unjustified deprivation of life,liberty,or property." Carey v.Piphus,435 U.S.247,259(1978).[P]rocedural due process rules are shaped by the risk of error inherent in the truth-finding process as applied to the generality of cases.*[Mathews v.Eldridge,424 U.S.319,344(1976)] The constitution grants the right to petition,right to an unbiased tribunal,right to due process,right to equality under law,right to a review by an unbiased tribunal,and right to be free from cruel and undeserving punishments.The dismissal of the current appeal appears to follow an established,predictable pattern of arbitrary dismissals.The pattern points to a concerted effort to prevent the matter from being heard.The ongoing patterns of such arbitrary dismissals constitute casefixing,a conspiracy to deprive this pro per,emigrant woman,a single mother - of due process - with the motive of protecting the guilty from being held accountable,or liable,and are untenable.The dismissal constitutes deprivation of my fourth,fifth,and fourteenth amendment rights,under color of law,also depriving me of just results.

Sections 241 and 242 of Title 18 makes it a felonious offense for a person,or people,acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States,or conspire to do so.

Superior Court's and Appellate Court's dismissals represent deprivation of my First,Fourth,Fifth,Eighth,and Fourteenth Amendment rights under color of law/statutes.The contention that a conspiracy existed which deprived the petitioner of rights guaranteed by federal law makes each member of the conspiracy potentially liable for the effects of that deprivation[*Taylor v.Gibson,529 F.2d 709(5th Cir.1976; California Teachers Assn.v.State of California(1999) 20 Cal.4th 327,340,975 P.2d 622,84 Cal.Rptr.2d 425,quoting In re Marriage of Flaherty(1982) 31 Cal.3d 637,650,183 Cal.Rptr.508,646 P.2d 179.*)

Discriminatory practices and bias during adjudication process is injurious to the victims subjected to such illegal processes.The limitations inherent in the requirements of due process and equal protection of the law extend to judicial as well as political branches of government,so that a judgment may not be rendered in violation of those constitutional limitations and guarantees.[*Hanson v Denckla,357 US 235,2 L Ed 2d 1283,78 S Ct 1228*]."[p]rocedural due process rules are meant to protect persons from the mistaken or unjustified deprivation of life,liberty,or property." *Carey v.Piphus,435 U.S.247,259(1978)* cited in *Mathews v.Eldridge,424 U.S.319,344(1976).*Here,all these ethical and legal requirements were violated.

Every person is entitled to an opportunity to be heard in a court of law upon every question involving his rights or interests,before he is affected by any judicial decision on the question.(*Earle v McVeigh,91 US 503,23 L Ed 398)*.

The Supreme Courts have traditionally accepted Petitions in cases where deprivation of civil rights under color of law has been involved.Procedural due process is a fundamental right,is flexible and calls for such procedural protections as the particular situation demands,and applies equality to all citizens[*Morrissey v.Brewer,408 U.S.471,481*],and it imposes constraints on governmental decisions which deprive individuals of "property" interests within the meaning of the Due Process Clause of the Fifth Amendment or Fourteenth Amendment[See *Braxton v Municipal Court*[S.F.No.22896 Supreme Court of

In addition to procedural rights,the substantive right to a remedy for injuries is protected by the guarantee of "full and equal benefit of all laws and proceedings for the security of person and property"."*The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws,whenever he receives an injury.One of the first duties of government is to afford that protection.*" [*Marbury v.Madison,5 U.S.(I Cranch) 137(1803)*].Protection is a substantive right of citizenship under the Privileges or Immunities Clause.It is implicit in the injunction that **no person should be deprived of** life,liberty,or **property without due process of law** – the due process,and equality that I was clearly denied for the past 17 years as defendants prevented each and every matter from being tried.The Equal Protection Clause mandates that the **protection afforded to a state's citizens be equal to all**.[See *Corfield v.Coryell,6 F.Cas.546(C.C.E.D.Pa.1825)* recognizing "[*p]rotection by the government" as a fundamental right of citizenship on a par with the rights to life,liberty,and property*].

Using procedural manipulations to arbitrarily dismiss complaints/appeals denies the opposite party opportunity to allege additional facts justifying trial of factual issues.Depriving him of his right to a fair trial,the procedure falls outside the curative provisions of California Constitution,Article VI,section 13.(*Callahan v.Chatsworth Park,Inc.(1962) 204 Cal.App.2d 597,610 [22 Cal.Rptr.606]; see Spector v.Superior Court(1961) 55 Cal.2d 839,844 [13 Cal.Rptr.189,361 P.2d 909]*.The fourth,fifth and fourteenth Amendment to the United States Constitution prohibits a state from depriving any person of property without due process of law.This mandate has been interpreted to require "absent a countervailing state interest of overriding significance,persons forced to settle their claims of right and duty through the judicial process must be given a meaningful opportunity to be heard."(*Boddie v.Connecticut(1971)401 U.S.at p.377[28 L.Ed.2d at pp.118-119].* Meaningful opportunity to be heard constitutes a due process right that pro se litigants clearly have [*Logan v.Zimmerman Brush Co.,455 U.S.422,437(1982)*.See also *Little v.Streater,452 U.S.1,5-6(1981)]*.**These rights constitute a property under federal law**.

People have a right to be free from retaliation.The 10th Circuit has held that no objectively reasonable government official would think that he can retaliate against a citizen for [enforcement of his] rights [*Robbins v Wilkie 433,F3d 755(10th Cir,2006)].*The repeated threats of retaliations,constitue duress,and were unconstitutional.

> *"[p]rocedural due process rules are meant to protect persons not from the deprivation,but from the mistaken or unjustified deprivation of life,liberty,or property." Carey v.Piphus,435 U.S.247,259(1978).[P]rocedural due process rules are shaped by the risk of error inherent in the truth-finding process as applied to the generality of cases.[Mathews v.Eldridge,424 U.S.319,344(1976)]*

The witch hunt against me by judicial officers represents a conscious shocking behaviour prohibited by substantive due process rights [*Limone v.Condon,372 F.3d 39,44-45(1st Cir.2004)* [22]].Deprivation of rights under color of law is a cognizable offense under 42 USC 1983,42 USC 1985,and 42 USC 1986.

The sanctions of $17,000 by DAVILA,when I refused to comply with his illegal demands represent violation of my eighth and fourteenth amendment right.Any orders awarding excessive fines,penalties,sanctions represents a violation of the Eighth Amendment rights under color of law.*[See Timbs v Indiana,No.17-1091(U.S.Feb.20,2019) Pp.3-7]* I have been

singled out because I am a woman from a third world country and therefore purportedly not deserving of the same constitutional guarantees.Such discriminations against me and other women of my kind,are arbitrary,and prejudicial.The right to honest services of the govt officials is also a right protected under the constitution.The actions of the state actors have deprived me of the honest services of the Court (See section titled *State Involvement*).

3. Unconstitutional - Violation Of RICO

This Petition must be taken in conjunction with the Petition For Writ Of Certiorari,19-8609,which alleges that the parties associated with this case have violated RICO.Defendant KHERA and his cartel of wrongdoers comprise of an enterprise, affecting interstate commerce, engaged in a string of predicate and non predicate acts that constitute violation of RICO laws.

The object of RICO is not merely to compensate victim,but to turn them into prosecutors dedicated to eliminating racketeering activity [*Rotella v Wood (2000)528 US 549120 S CT 1075,145 L Ed 2d 1047,2000 CDOS,1357].* Its purpose is to prevent and punish financial infiltrationand corrupt operationsof legitimate business operations affecting interstate commerce[*United States v Sutton (1979,CA6,Ohio) 605 F2d260*],and to impose enhanced sanctions on those who engage in racketeering activities [*United States v Yarbrough (1988,CA Wash) 852 F2d 1522*].Federal Courts have original jurisdiction on cases that allege RICO violations.

Courts have allowed RICO claims in divorce proceedings(*Perlberger v.Perlberger,1998 WL 76310,1998.EPA.1313 (E.D.Pa.Feb.24,1998;Vickery v.Vickery,1996 WL 255755(Tex.App.Dec5,1996)8*,aff'd over dissent,*Vickery v.Vickery,999 S.W.2d.342(Tex.1999);Liles v.Liles,289 Ark.159,711 S.W.2d.447 (1986)*],against municipalities,against lawfirms(*Liles v.Liles,289 Ark.159,711 S.W.2d.447(1986)*; *Gerbosi v Gaims,Supra*]The dismissals outlined in related cases,and in this instance,are characteristic of the workings of a RICO enterprise.Criminals should not be able to escape liability under RICO;see *United States v Provenzano,620,F2d.985,993(3rd Cir);United States v Sutton,605,F2d,260,264,(6th Cir).*

There are greater than 30 reported cases holding that a government entity may be an enterprise.Government enterprise may be a group of individuals associated in fact rather than a legal entity within 1961(4)[*United States v Stratton,694 F2d,1066,1075(5th Cir,1981);United States v Baker,617,F2d,1060(4th.Circuit,1980);United States v Castilano(1985,SE NY)610 Fed Supp 1359]*I am not the only person affected by such racketeering(See p.863-872).These include government agencies,courts,political officesoffices of governors,states legislatures,courts,court clerk offices,police,sheriff's departments,county prosecutors office,tax bureaus,wardens of prisons[*United States v Thompson,685,F2d,993 999(6th Cir,1982);United States v Freeman,6 F3d.586 596-597(9th Cir,1993 – offices of CA 49th Assembly District);United States v Alonso,746,F2d.862,870(11th Cir,1984)*– homicide section of Dade County,Public Safety Deptt);*United States v Ambrose,740,F2d,505,,512,(7th Cir,1984)*Police dept;*United States v Davis,707,F2d,880,882-883;United States v Thompson,6th Cir,1982 – Tennessee Government Office etc etc;United States v Frumento,405,F Supp,23,29-30(E.D Pa 1975)aff'd 563 F2d.1083(3rd Cir,1977),Cert denied 434,US 1072(1978)*.The Frumento decision is consistent with RICO's purpose of ridding the nation's economic life of the"cancerous influences of racketeering activity"

Other circuits have held that government enterprise may be a group of individuals

Public officials are not immune from RICO actions even if governmental entities could not be charged as the enterprise.The governmental officials might themselves be charged as a criminal association in fact enterprise [*United States v Turkette,452 US 576,580(1981); Kearney v Hudson Meadows Urban Renewal,829 F2d,1263,1266(3rd Cir,1989); United States v Benny,786,F2d,1410,1416)]*.

Merely belonging to an enterprise is not by itself a crime[*United States v Castilano(1985,SE NY)610 Fed Supp 1359]*until members conspire to commit a crime.Different groups of people committing separate acts do not necessarily constitute different enterprises(*United States v Coonan,938 F2d,1553,1560(2nd Circuit,1991) cert denied 112 S Ct 1486(1992) – affirming RICO conviction when members changed over time); United States v Swiderski 441 US 993(1979) noting that enterprise make up is,of necessity,a shifting one,given the fluidity of criminal associations; United States v Masters,924 F2d 1362,1366(7th Cir) cert denied 111 S Ct 2019(1991) - informal consortium of lawfirms,two police departments and three individuals ...could constitute an enterprise].RICO encompasses political parties [Jund v Town of Hampstead,941 F2d 1271,1281-82(2nd Cir,1991)],public utilities [County of Suffolk v Long Island Lighting Company,907,F2d 1295,1305-38(2nd Cir,1990)],and municipalities [Harow Inc v American National Bank & Trust Co,747 F2d,384(7th Cir,1984),aff'd on other grounds,473 US 606(1985)].*
Lawyers associated with the enterprise,conducting their business thru patterns of predicate offenses like bribes and forgeries and conspiracies can be charged with RICO violations [*United States v Yonan F2d,164(7th Cir,1986) cert denied,479,US 1055(1987)]*.
Bribing judges to help them illegally reduce their workload,and with promises of election contributions,constitutes association with Court enterprise *United States v Roth,860 F2d,1382,1390(7th Circuit,1988) cert denied 490,US 1080(1984)*.Even if there was no monetary bribes paid to the Judicial Officers,no economic motive is necessary for RICO [See *National Organization for Women,Inc.v.Scheidler,510 U.S.249(1994);* Reducing workload by associating with defendants engaged in commission of crimes,is a RICO predicate offense.It was the duty of judicial officer DAVILA to engage in due process [*United States v Kaye,586 F Supp 1395,1398-1400(N D III,1984).*The alleged enterprise has a connection with the racketeering acts that affect the interstate and foreign commerce [*Musick v Burke,913 F2d,1390(9th Cir,1990).*

Also see 18USC 1962(c); *United States v Scotto,641 F2d 47,54(2nd Cir,1980); Sun Savings & Loans Assn v Dierdorff,825,F2d,187,195(9th Cir,1987); United States v Blackwood,768 F2d,131,137 – 38(7th Cir,1985).*Several defendants had day to day control over the proceedings,and they manipulated the proceedings [*NCNB National Bank of North Carolina v Tiller,814,F2d,931(4th Cir,1987)],*a nexus exists between control of enterprise,and alleged racketeering avtivity [*Shearin v E F Hutton Group Inc,885 F2d 1162,1168,n.2(3rd Cir,1989)*.
Other circuit courts have adjudicated on such obstruction of justice into an inequitable marital settlement contract [See *Vista Co v Columbus Pictures Indus.725 F Supp 1286,1300-01(SDNY,1989)*].Under 1961 (A) and (F),one or more defendants engaged in mail fraud (1341),wire fraud (1343),bank fraud (1344),honest services fraud (1346),bribery (201),immigration fraud (1425,1426),obstruction of justice (1503),witness tampering (1512,1513),interference in commerce (1951) ,racketeering (1952),money laundering (1956),using illegal money transmitters (1960),extortion,forgery.Others assisted him.

D. Jurisdiction & Responsibility

If the Superior Court was without jurisdiction to make these orders,then the Appellate Court would be without jurisdiction to take an appeal from such a void order.Hence the remedy may lie in the Supreme Court.The Supreme Court may take an Appeal as a Writ of Mandate,at any time,in the interest of justice. Courts have held that a void judgment **must** be set aside even after many years,and many unsuccessful attempts.[*Andrew v Police Court,21 Cal 2d,479,133,P2d,398 (1943)].*

Alternately,if the Judgments of 2008 are void,the Appellate Court did not have the jurisdiction to take an appeal from the void order.Therefore the Supreme Court had/has jurisdiction on the appeal.

A Judgment is appealable even though void (*Shrimpton v.Superior Court, 22 Cal. 2d 562 [139 P.2d 889]).*Court grants Writ of Centriori where orders and subsequent judgments were declared void because they were not within the inherent power of the trial court [*Phelan v Superior Court,(1950)].*

The Supreme Court of California has original jurisdiction on state cases alleging judicial misconduct,conspiracy,casefixing.Since the dispute involves matters of civil rights,constitutional law,racketeering,national interest and international comity,and since there exist splits between how Californian Courts address this issue,and how other states have addressed these issues, therefore Supreme Court of US has jurisdiction to hear this matter.

Certiorari may be granted when inferior Court has exceeded its jurisdiction and there is no right to appeal.[CCP 1068].However,Certiorari corrects only an excess of jurisdiciton,not an error of law.Federal government is also responsible for matter involving money laundering,immigration fraud,international commerce,international crime.These are additional basis for appellate jurisdiction of the underlying case that arises from the state litigation.

E. Petition Must Be Granted To Maintain Consistency Of Decision Making (Splits)

1. Split Between Courts

The Judgments of 2008 have been overturned by COMMISSIONER DUNCAN in 2008 (S259509,p.551-552; S259509,p.547-550),by Judge ALLEN HILL in 2014,and by Fifth Appellate District Court of Appeal in *Khera v Sameer (2018) affirmed for other reasons*.Since the parties had agreed that the agreement was to settle all disputed between parties,therefore,the dispute on child support makes the Judgment unenforceable,voidable, even if it was not void for other reasons alleged elsewhere.This split must be resolved in the favor of rescinding the Judgment.

2. Merits Of The Case

A decision on the merits is made by the application of **Substantive Law** to the essential facts of the case,not solely upon technical or procedural grounds.Public policy support adjudicating cases on merits and legislature intended that the "important right affecting the public interest",may not be subordinated to any other considerations[*Serrano v.Priest,20 Cal.3d at 49,569 P.2d,at 1316-17*].

Fam 5601(e)prohibits any Court from making any orders on ChildSupport once the matter is registered with DCSS Courts.18USC666(a)(9)(c)prohibits waiver of past due arrears&

*constitutes an improper retroactive modification.*See *Robertson,266 Ga.at 517(1);see Ga.Dept.of Human Resources v.Prater,278 Ga.App.900,902-903(2)630 SE2d.145)2006)forgiveness of past due ChildSupport arrearage is not permitted);Ga.Dept.of Human Resources v.Gamble,297 Ga.App.509,511(677 SE2d.713)2009)a trial court may* ***not*** *"forgive any amounts owed in arrears")]*

Following are the jurisdictional requirements:(1)legal organization of the tribunal; (2)jurisdiction over the person;(3) jurisdiction over the subject matter;(4)power to grant the judgment.(*15 Cal.Jur.49-55*,§§ 140-141,and cases there cited; *Hunter v.Superior Court,36 Cal.App.2d 100,112[97 P.2d 492*].None of these requirements were met when Judgments of 2008 were made.The Court was not legally authorised to make these Judgments.It had no power (statutorily prohibited) to grant these Judgments under Fam 5601 (a) and (e),Fam 4064.

Termination of my spousal support by DAVILA in 2010(19-8609,C,987-989) was based on the Judgment of 2008.The Appellate Opinion regarding the termination of spousal support [*Khera v Sameer(2012)]* was also derived from Judgments of 2008,[19-8609,C,598].These judgments are void therefore the Judgments arising from these are also void.

Failure to comply within a certain reasonable period renders the Judgment inequitable,and such a Judgment must be vacated [*U.S.v.Holtzman,762 F.2d 720(9th Cir.1985),Id at 722*].Judgments of 2008 are also void because each of them contradicts the state and federal laws. Judgments are also void due to alleged civil rights violations.

Child Support guidelines are the basis for establishing and reviewing child support orders,including cases settled by agreement of the parties,and judges and hearing officers ***must follow the guidelines***[*Uniform Marriage and Divorce Act Sec 306*].The trial court has discretion to deviate from guidelines[*Brother v Kern,154 Cal App 4th,126,64 Cal Rptr 3d 239(5thDist,2007)*]***but a trial Court is not authorized to deviate from guideline amount without hearing evidence on the issue***[23][*Sapinsley v Sapinsley,171,Ohio App 3d 74,2007 Ohia 1320,869 N E 2d 702(1st Dist Hamilton County,2007)*].A trial Court cannot depart from the child support guidelines without making adequate written findings to support the departure[24][*Bimonte v Martin Bimonte,679 So 2d 18(Fla Dist Ct App 4th Dist,1996)].****Absent a clearly articulated justification,any deviation from the child support guidelines is an abuse of discretion***[*Gress v Gress,274 Neb 686,743 NW 2d 67(2007)].*Findings of facts must show a justification for the deviation,and the basis for the amount ordered[*In re Marriage of Payan,890,P2d 264(colo Ct App,1995)],*and must include enough detail and exactness to allow for effective appellate review of those findings[*Berthiaume v Berthiaume,368 NW 2d 328(Minn Ct App 1985);Baumgartener v Moore,14 Va App 696,419,S E 2d 291(1992)]*.Specifically,the findings must identify the factors ***justifying*** the deviation from the guidelines,and explain ***why and to what extent the factors justify an adjustment***[Fam 4056;*Knippelmier v Knippelmier,238,Neb 428,470 N W 2d 798(1991);baugartner v Moore,Supra(1992)*].***Where the amount of child support awarded constitutes a downward deviation of more than 5% from the guideline amount,the trial Court must make a written finding explaining why the guideline amount is unjust or inappropriate***[*Burton v Burton,697 So 2d 1295(Fla Dis Ct App 1st Dist 1997)*]***.A trial Court's failure to explain a downward deviation from child support guidelines in determining a child support obligation warrants a reversal***[*In Re Mariage of Charles,284 Ill App 3d,339,219,Ill Dec 742,672 N E 2d 57(4th Dis,1996)*].***Even rounding off a child support amounts to an improper deviation from child support guidelines without oral or written reasons***[*Henley v Henley,618 So 2d 1(la Ct App 3rd Cir,1993)*]. Here,Judge DAVILA's order did not provide any justification why he set child support as $2,800,when DCSS assessed $8,180 per month,nor did he provide any justification

for waiving all child support arrears.No finding of the facts were made.No justification for 75% reduction from guideline support was provided in and thru Judgments of 2008.Instead,he simply waived outstanding arrears.Such a waiver is prohibited by state and federal law(18 USC 666(a)(9)(c);Sabine v Toshio(2007);In the Marriage of Cheritan(2011)supra,*42 USC 666(a)(9)(c);Civ Code 3513,Civ Code 1667,*].Therefore these Judgments are in violation of federal laws,are in excess of · jurisdiction.

The person to whom maintenance or support is awarded is expressly authorized to initiate actions to collect arrearages[*Uniform Marriage and Divorce Act,sec 304(b)(5);Sec 311(e)].**Any remedy for failure to pay child support will be upheld only where it would not violate basic constitutional guarantees**[25].[*In re Marriage of Crookshanks 41 Cal App 3d 475,116 Cal Rptr,10(2d Dist 1974);Lindsey v Cumberland County,278 A 2d 391(Me 1971)*].Despite repeated attempts to seek these outstanding amounts,I was prevented. KHERA continues to refuse to disclose his income,and even my Motions to Compel Discovery were denied by Judicial Officers.Here,the Courts have awarded constitutional protection to KHERA for non payment,and evasion of child support. ***An agreement to release the obligor of his support obligations is unenforceable***[*Blisset v Blisset,123 Ill,2d 161,121,Ill Dec 931,526,N E 2d 125(1988)],and is always invalid[In Re Marriage of Harvey,523 N W 2d 755(Iowa,1994);Holt v Holt,662,S W 2d 578(Mo Ct App WD 1983)*].Parents cannot by agreement,nullify a decree so as to deprive minor children of support money[*Pickett v Pickett,470 N E 2d 751(Ind Ct App,1984);Swanson v Swanson,372 N W 2d 420(Minn Ct App 1985)].* Under the statute governing the imposition of interest regarding unpaid child support,the assessment of ***interest is mandatory,and a court has no discretion to refuse to award interest as directed by statute***[*DeHaan v Lombardo 258 S W 3d 826(Mo Ct App WD 2008)*][26].

Other Circuits have held that if a court grants relief,which under the circumstances it hasn't any authority to grant,its judgment is to that extent void.(*Eggl v.Fleetguard ,120c.*)] such illegal orders are forever void.Judgments made in clear absence of jurisdiction and judgments made in excess of jurisdiction are not binding; Void Judgments are subject to collateral attack(*46 Am.Jur.2d,Judgments Â§ 25,pp.388-89*].Void Judgments cannot be ratified [*In re Garcia,105 B.R.335 (N.D.Ill.1989)],*they are not entitled to enforcement,and all proceedings founded on the void judgment are themselves regarded as invalid.[*30A Am Jur Judgments* " 44,45].

Other circuits have held that a Judge will be subject to liability when he has acted in the "*clear absence of all jurisdiction*," [*Bradley v.Fisher,13 Wall.335,80 U.S.351.Pp.435 U.S.355-357.cited in Stump v.Sparkman,435 U.S.349(1978),page 435,US 350*].

Other Circuits have held that deprivation of civil rights under color of law [1983,1985,1986] represents felonious conduct which accrues liability.Other circuits have held that liability also accrues when attorneys who misrepresent their clients interests,breach their fiduciary and professional duties.Other circuits have held that liability accrues for breach of fiduciary duties against ex-husbands.Other circuits have held that liability accrues for fraud upon the Court,and that fraud upon the court is not subject to statute of limitation [*Kenner v.C.I.R.,387 F.2d 689,691 (7th Cir.1968); Herring v.United States,424 F.3d 384,386-87 (3d Cir.2005); see also,generally 18 USC 242 ("Deprivation of rights under color of law"); 18USC 371 ("Conspiracy to commit offense or to defraud United States");It* also accrues for civil conspiracy,which conspiracy is ongoing here. All proceedings founded on the void judgment are themselves regarded as invalid.[*30A Am Jur Judgments " 44,45*].Also see additional caselaws in section titled.Void Judgments are unconstitutional.

Laws are derived from the constitutional law,statutory law,treaties,administrative regulations,and the common law,which includes case law,therefore any violations of law is

inherently a violation against the constitution. Repeated violations by DAVILA,ZAYNER, ZEPEDA represent violations under 18 USC 2383 also.

> *"Although a Defendant is entitled to the weight of the policy underlying the dismissal statute,which seeks to prevent unreasonable delays in litigation,the policy is less powerful than that which seeks to dispose of litigation on the merits rather than on procedural grounds.(Daley v.County of Butte,227 Cal.App.2d 380,390 [7] [38 Cal.Rptr.693].)* ***[2 Cal.3d 567]***

No court has the lawful authority to validate a void order.*U.S.v.Throckmorton, 98U.S.61,25L.Ed.93 (1878); Hazel-Atlas Glass Co.v.Hartford-Empire Co.,322 U.S. 238,64 S.Ct.997 (1943); Root Refining Co.v.Universal Oil Products Co.,169 F.2d 514 (1948); In re Garcia,109 B.R.335 (N.D.Illinois,1989); Schwarz v.Schwarz,27 Ill.2d 140,188 N.E.2d 673 (1963); Dunham v.Dunham,162 Ill.614 (1896)].* These Judgments are void as a matter of law and Judge DAVILA et al are liable for the damages caused by their orders.[*Stump,435 U.S.at 357. Mireles v.Waco, 502 U.S.9, 12 (1991); see also Bradley v.Fisher, 80 U.S.335, 341 (1 Wall 1871).]).*].
Judgment ordered Child Arrears waived retrospectively(EX 33,p.531-546).Waiver of support arrears is prohibited by law [42 USC 666(a)(9)(c); Civ Code 3513,Civ Code 1667,*Sabine v Tashio (2007)*[27]]
Several Courts of Appeal have held that ***section 3651(c)(1) precludes a trial court from modifying or forgiving accrued support payments-arrearages****. (See County of Santa Clara v.Wilson (2003) 111 Cal.App.4th 1324,1327,4 Cal.Rptr.3d 653 ["retroactive modification of accrued child support arrearages is statutorily barred"]; In re Marriage of Perez (1995) 35 Cal.App.4th 77,80,41 Cal.Rptr.2d 377 [trial court exceeded its jurisdiction in reducing child support arrearages from $5,000 to $2,000].) One Court of Appeal has concluded that,just as a trial court cannot modify or forgive arrearages,the parties cannot waive arrearages by agreement or other conduct. (See In re Marriage of Hamer (2000) 81 Cal.App.4th 712,718-722,97 Cal.Rptr.2d 195.)*

Judgment retrospectively modified Judge KLEINBERG's orders of 2003/2004,and "Additional orders" prepared by Judge Jim Cox in Jan 2006.For example,Judge COX, had ordered KHERA to pay childcare,even ordering him to pay 75% of the childcare when he cancelled the visitation with the children

> *"cancelled visitations ...reasonable babysitting costs split 75/25.*

KHERA refused to comply,and Judge DAVILA waived support,medical and childcare arrears instead of holding KHERA in contempt of court.Such retrospective waiver of Court orders is prohibited under law.[*In re Marriage of Cordero (2002) 95 Cal.App.4th 653,*

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[27] "As applicable here,section 3651,subdivision (c)(1) (section 3651(c)(1)),states: "[A] support order **may not** be modified or terminated as to an amount that accrued before the date of the filing of the notice of motion or order to show cause to modify or terminate." This statute "applies whether or not the support order is based upon an agreement between the parties." (§ 3651,subd.(e).) "Accrued" means "past due." (See Taylor

667-668 & fn.21,115 Cal.Rptr.2d 787 [courts cannot retroactively modify or terminate arrearages themselves]; Additional Judgments were made by Judge ELFVIN were void as a matter of law for the same reason [*Fam 5601 (a) and (e)*,and Fam 4605 (c)].

Additionally,"*Parents do not have the power to agree between themselves to abridge their child's right to support.(Hogoboom & King,Cal.Practice Guide: Family Law 1,supra,¶ 6:23,p.6-11.); In re Marriage of Ayo (1987) 190 Cal.App.3d 442, 445-449 [235 Cal.Rptr.458].) "Agreements and stipulations compromising the parents' statutory child support obligation ...are void as against public policy." (Hogoboom & King,Cal.Practice Guide:*
*Family Law 1,supra,¶ 6:23,pp.6-11 to 6-12,original italics.).*Courts cannot retroactively modify or terminate arrearages themselves.[*In re Marriage of Cordero (2002) 95 Cal.App.4th 653,667-668 & fn.21,115 Cal.Rptr.2d 787].*

Jurisdiction cannot be conferred on a trial court by the consent of the parties.(*Summers v.Superior Court (1959) 53 Cal.2d 295,298 [1 Cal.Rptr.324,347 P.2d 668]; Roberts v.Roberts (1966) 241 Cal.App.2d 93,101 [50 Cal.Rptr.408].) and the fact that a judgment is entered pursuant to stipulation does not insulate the judgment from attack on the ground that it is void.[In People v.One 1941 Chrysler Sedan (1947) 81 Cal.App.2d 18,21-22 [183 P.2d 368].* **A decision which oversteps the jurisdiction and power of the court is void and may be set aside directly or collaterally**.(*Freeman on Judgments,5th ed.,p.733,§ 354; Feillett v.Engler,8 Cal.76-77; Crew v.Pratt,119 Cal.139,148-149[51 P.38]; Grannis v.Superior Court,146 Cal.245,253-256[79 P.891,106 Am.St.Rep.23]; Petition of FurneS259509,62 Cal.App.753[218 P.61]; Corbett v.Corbett,113 Cal.App.595,601[298 P.819].See discussion by Mr.Chief Justice Gibson in Abelleira v.District Court of Appeal,17 Cal.2d 280,287-291[109 P.2d 942,132 A.L.R5].*Lack of authority in a court to pronounce a binding judgment in excess of its statutory power invalidated an award of real estate as alimony where no power existed under the statute to make such award.(*Cizek v.Cizek,69 Neb.797[96 N.W.657,99 N.W.28,5 Ann.Cas.464].)*

3. Judicial Misconduct

The courts have held that a judicial decision constitutes a violation"*if a reasonably prudent& competent judge would consider that conduct obviously& seriously wrong in all the circumstances.*[*In re Benoit,487 A.2d.1158(Me.1985)]*The repeated dismissal of my motions/complaints fit this criteria.*In re Quirk,705 So.2d.172(La.1997)*,the SupremeCourtOf Louisiana held that a judge's legal ruling may be found to have violated the code of Judicial-Conduct if the action is contrary to clear& determined law about which there is no confusion or question as to its interpretation& the legal error was egregious,made in bad faith,or made as part of a pattern or practice of legal error as in this case.(See *In re Spencer,798 N.E.2d.175,183(Ind.2003).*The family laws are clear,with little or no judicial discretion.The directives for giving considerations to merits of the case are clear.Judicial misconduct can be established by a pattern of repeated legal error even if the errors are not necessarily the same.'[*In re Quirk,705 So.2d.172,178(La.1997)]* The court found such a pattern in *In re Fuselier 837 So.2d.1257(La.2003)*where although the errors were not egregious or made in bad faith but together,**they were part of the same pattern or practice of failing to follow& apply the law**.Here too,Judicial officers follow a pattern of repeatedly failing to follow the law Starting from DAVILA thru ZEPEDA and Appellate Justices the Courts have exhibited a

The presence of bad faith can render an exercise of legal judgment judicial misconduct.Even just a single error can lead to a finding of misconduct if the judge was acting in bad faith or intentionally failed to follow the law.'

For example,if a judge acts out of pique or to exact revenge,the judge's decision loses the protection of the"*mere legal error*"rule.Thus,a judge's sentence-usually unreviewable by a conduct commission becomes the basis for a sanction if a judge imposes an unusually severe sentence on a defendant who refused the standard plea bargain[See *Ryan v.Comm'n on Judicial Performance,754 P.2d.724(Cal.1988)(removal for this& other misconduct)*] or demanded a jury trial' [*See In re Cox,680 N.E.2d.528(Ind.1997)*]or if a judge imposed a higher than usual fine to retaliate [See *Lindell-Cloud,Determination(N.Y.Comm'n on Judicial-Conduct July 14,1995)(*censure),available at http://www.scjc.state.ny.us/determinations/l/lindell-cloud.htm]

Even legitimate concern"*do not justify [judge's] failure to abide by the statutory requirement*".*In re LaBelle,[591 N.E.2d.1156(N.Y.1992)*.The CourtOfAppeals of NewYork concluded that the judge's dismissal of a cases in knowing disregard of the law,was significant.Judicial officers in family Court,Appellate Court are/were aware of child support laws in California,and the necessity to rule on merits of the case.I*n re Duckman,699 N.E.2d.872,875(N.Y.1998),*the CourtOfAppeals,NewYork emphasized:"***Here the issue is not whether [Judge's] decisions were right or wrong on the merits,but rather repeated,knowing disregard of the law to reach a result& courtroom conduct proscribed by the rules governing judicial behavior***".Here,the allegations involve repetitive intentional acts on the part of the judicial officers.[*Cannon v.Comm'n on Judicial Qualifications,537 P.2d.898,909(Cal.1975)*].The SupremeCourtOf Louisiana has stated that even a single instance of serious legal error,particularly one involving the denial to individuals of their basic or fundamental rights,may amount to judicial misconduct.[See *Quirk,705 So.2d.at 178*] The court found egregious legal error in *In re Aucoin,767 So.2d.30(La.2000).*Aucoin involved eighteen cases-this current case involves approx.the same number,and around 8 appeals where Appellate judges have repeatedly,intentionally twisted facts& intentionally failed to apply appropriate laws.

When the Judge departs completely from the usual procedures required by the adversary system constitutes Judicial Misconduct.Thus,**rendering a default judgment against a defendant without serving the defendant with notice,convening a hearing,or receiving competent evidence from the plaintiff to make a prima facie case-as here-represents egregious legal error** [*See In re Landry,789 So.2d.1271(La.2001)*.See *Williams,Determination* (N.Y.*State Comm'n on Judicial-Conduct Nov.19,2001)(admonition for,among other misconduct,holding a summary proceeding ...without a hearing on contested issues or according pro-se defendants full opportunity to be heard*),See http://www.scjc.state.ny.us/determinations/w/williams,_edward_(1).htm]Here,DAVILA,ZAYNER,Appellate Courts did the same.

In *In re Hammermaster[985 P.2d.924(Wash1999)*(censure& six-month suspension without pay)]the SupremeCourtOf Washington sanctioned a judge for threatening the defendants.Here the Judicial Officers routinely threaten me& my attorneys with sanctions& retaliation,forcing attorenys to resign& did in fact sanction me without probable cause to a total of over $250,000,to silence me(abuse of process).

The California Commission on Judicial Performance has noted the masters' finding that"*no*

proceeding in this truncated way that he was affording the parties the trial they were entitled to.'.
In *Venezia v.Robinson,16 F.3d.209,210(7th.Cir.1994)*] The court found that the state court injunctive proceeding had"*violated so many rules of Illinois law-not to mention the due process clause of the fourteenth amendment-that it is not worth reciting them.*"' Each order& Judgment against me since 2007 has violated a plethora of Californian family laws,federal laws.

In *United States v.Cueto,151 F.3d.620(7th.Cir.1998),* the Court sanctions the Judge when it found that the judge KNEW what procedures should be followed but ignored these procedures designed to protect litigants from a judge's lack of infallibility.It stated:
This is not a case where appellate review would have sufficed or been the more appropriate procedure to address respondent's conduct.This is a case where ...Robinson was stripped of the right to notice& his right to be heard.Applicable law was totally ignored.
see *Cannon v.Comm'n on Judicial Qualifications,537 P.2d.898,909(Cal.1975)]*Repeatedly,hearings are intentionally scheduled during my noticed unavailability,I am not noticed,& never given the opportunity to be meaningfully heard in a trial.In *Miss.Comm'n on Judicial Performance v.Perdue,853 So.2d.85(Miss.2003),the* Court noted that judge's actions were not taken in bad faith but emphasized that through her actions,the proper parent was deprived of the custody of a minor child for two& one-half months& had to incur attorneys fees in excess of $13,000 to have custody restored.**The case was not about abuse of judicial discretion,but about clear violations of our judicial canons& statutes**.In my case,the outcomes are a contrast.I am sanctioned to an amount of over $250,000& the culprits-defendant,attorenys& judicial officers are being rewarded for their crimes.
Other bad faith abuses including use of the coercive power of the Court have led to discipline.[*Recant,Determination*(NewYork State Commission on Judicial-Conduct Nov.19,2001see http://www.scjc.state.ny.us/determinations/r/recant.htm]
In *Oberhoizer v.Commission on Judicial Performance,[975 P.2d.663(Cal.1999)]*,the court stated that the critical inquiry was whether the judge's action"*clearly& convincingly reflects bad faith,bias,**abuse of authority,disregard for fundamental rights,intentional disregard of the law,or any purpose other than the faithful discharge of judicial duty**.*"'"*Judicial discretion,which is at the heart of a judge's powers,is nullified when pre-determined sentences are imposed rather than making an independent determination.[Velasquez,Decision& Order Imposing Public Censure(Cal.Comm'n on Judicial Performance Apr.16,1997)*;(Tracy,Determination(*N.Y.State Comm'n on Judicial-Conduct Nov.19,2001*available at http://www.scjc.state.ny.us/Determinations/T/tracy,_edward.htm]
Here,the Judicial officers were pandering to the sentiment that women alleging child sexual abuse,and/or seeking ChildSupport are greedy,dishonest,and must be deterred,and Judicial officers,attorneys guilty of offenses must be protected at all costs,and other defendants had been found not guilty.Neither of these is relevant to this case.

F. Petition Must Be Granted To Ensure Protection of Pro Se Litigants Rights

To have their day in the Court,and to be able to successfully appeal any Judgment of any Court is a right that the State deems as a "protected interest." meaningful opportunity to be heard.[*Zeigler and Hermann,47 N.Y.U.L.Rev.at 205-06(cited in note 2)*(pro se litigants deserve

litigants have their day in superior court,and are provided with an opportunity to appeal the judgments from the superior Court.

In each of my appeals, in Fifth and Sixth Appellate District, the Appellate Division refused to provide all of the records and transcripts.However, the Appellate Court in many instances ordered the Appellate Division to provide records.hese precedents make it clear that the Appellate Court recognizes its responsibility,and authority,to procure records on appeal from Appellate Division when records are withheld,omitted,or otherwise made unavailable for appeal.However,this power may not be selectively used to disadvantage me.Court's failure to use its discretion in the furtherance of justice and to dismiss an otherwise meritorious appeal instead - represents affirmation bias.

Additionally,any discretion that the Court has,is to be exercised in furtherance of justice and in public good[*People v.Beasley,5 Cal.App.3d 617,637[85 Cal.Rptr.501].*

> *"The trial court's discretion is not absolute: 'The discretion intended...is not a capricious or arbitrary discretion,but an impartial discretion,guided and controlled in its exercise by fixed legal principles.It is not a mental discretion,to be exercised ex gratia,but a legal discretion,to be exercised in conformity with the* ***spirit of the law and in a manner to subserve and not to impede or defeat the ends of substantial justice****." (Bailey v.Taaffe (1866) 29 Cal.422,424.).*
>
> *Judicial power is never exercised for the purpose of giving effect to the will of the Judge; always for the purpose of giving effect to the will of the Legislature; or,in other words,to the will of the law." [Osborn et al.v.The Bank of the United State (1824,U.S.) 9 Wheat.738,866.]*

"The failure to exercise discretion is an abuse of discretion." In [*Dickson,Carlson & Campillo v.Pole,83 Cal.App.4th 436,449 (2000)].*

Once a protected interest is identified,courts must then determine how much process is due the civil pro se litigant.This test requires consideration of three factors and[Mathews v.Eldridge]:

1. The private interest that will be affected by the official action;
2. The risk of an erroneous deprivation of such interest through the procedures used,and the probable value,if any,of additional or substitute procedural safeguards;
3. The Government's interest,including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.if the cost of such error is less than the cost of reducing the error,then efficiency considerations tell us to tolerate the error.[Carroll Towing,159 F.2d at 173.Posner,Economic Analysis of Law at § 21.1 at 517- 18(cited in note 121)]

Private Interest

Defendant KHERA,and his cohort of wrongdoers,have cheated me of over $6m in support,and property and support.Theer are significant consequential damages arising from debts, fines, penalties and lost vocation, financial losses, and lost financial opportunities.

There is no other way for me to claim back my property and my support arrears.As the List of Related Cases shows,I have attempted to seek equitable relief,injunctive relief,declarative relief repeatedly,but the Judicial Misconduct and conspiracy has acted like a barrier in my recovery.

Dismissal of my motion/appeal rewards corruption – the fraud that KHERA

Dismissal makes the CRPCS,and Judicial Canons irrelevant.Why have these if the Superior Court and Appellate Court Judicial Officers are empowered to sabotage any complaint?

The Supreme Courts have traditionally accepted Petitions for Review in cases of deprivation of civil rights under color of law.Procedural due process is a fundamental right,is flexible and calls for such procedural protections as the particular situation demands,and applies equality to all citizens[*Morrissey v.Brewer,408 U.S.471,481*],and it imposes constraints on governmental decisions which deprive individuals of "property" interests within the meaning of the Due Process Clause of the Fifth Amendment or Fourteenth Amendment[See *Braxton v.Municipal Court[S.F.No.22896.Supreme Court of California.October 4,1973.In People v Ramirez[Crim.No.20076.Supreme Court of California.September 7,1979*].

The private interests test is in favor of the petition being granted.

Risk of An Erroneous Deprivation of Interests etc.

The risk of the erroneous deprivation of the interest create splits between the decisions of Santa Clara and Fresno Courts.All state avenues have been exhausted.The matter is before the Supreme Court of United States. There are no other procedural or additional safeguards. The failure to provide designated records and transcripts is a state induced failure,an invited error and I should not be held responsible for this.

Governmental Interests

The intentional making of void Judgments in clear absence of jurisdiction represents a crime against United States under 18 USC 2 and under 18 USC 2383.

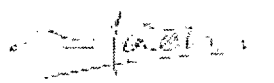
The documents and arguments establish Courts' motive for withholding the designated records,and motive for arbitrary dismissal of the motions,complaints and appeal in Santa Clara and Sixth Appellate District.An entrenched pattern that exhibits case-fixing,conspiracy to conceal the feloneous acts of Judge DAVILA – consequentially depriving me of my property rights,and other constitutionally protected rights,has been established.18 USC 3 makes it a crime to assist another in commission of a crime against United States,including hindering or preventing the trial or punishment.18 USC 4 imposes upon all Courts a mandatory requirement to expose the perpetrators of a crime against United States.These statutory mandates prevail thru the supremacy clause.

Additionally,government's interests are neither advanced thru promotion of a string of unconstitutional,unenforceable Judgment,nor by denial of my civil rights.The dismissal trivialises the legislative intent to criminalize deprivation of rights,and conspiracy to deprive a citizen of the alleged rights.Dismissal of the appeal is antithetic to the stated goal of the judiciary to have a system that public can trust,it is antithetic to legislative intent of resolving cases on merits. Judge DAVILA's Judgments have already caused extensive litigation that has crossed the county lines,state lines,even countries.It has been the proximate cause of my career loss,relocation,bankruptcy and my inability to pay my debts – including medical debts and student loan payable to the government agencies.The matter is already in the Supreme Court of United State,in two District Courts India.Therefore the governmental financial and judicial interests are protected by granting the review. Denial of Judicial Review would not reduce litigation in any way and there is no fiscal or administrative benefit from denying the

Regardless - the law should presume that the government's interest in ensuring court access outweighs the government's interest in the reduction in subsequent litigation because the government is committed to ensuring that litigants have their day in court.Therefore the test favors granting of this petition for review.

SUMMARY & CONCLUSION

When interpreting *pro se* papers,Court is required to use its own common sense to determine what relief that party either desires,or is otherwise entitled to. *S.E.C.v.Elliott*,953 F.2d 1560,1582 (11th Cir.1992). *See also,United States v.Miller*,197 F.3d 644,648 (3rd Cir.1999) (court has a special obligation to construe *pro se* litigants' pleadings liberally); *Poling v.K.Hovnanian Enterprises*,99 F.Supp.2d 502,506-07 (D.N.J.2000); and,etc. Given all the above,my Petition for Writ Of Certiorari must be granted. Respectfully Submitted



6/13/2019 Madhu Sameer,Petitioner,Pro Se