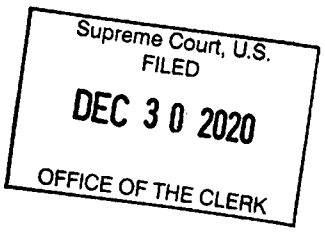
No. 20-7014

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES



Michael Alan Bruzzone, *Petitioner*

And

Intel Corporation and ARM Inc., and pursuant 28 U.S.C. § 1391(c)(3) the parent Japanese headquartered and United Kingdom domicile Softbank ARM Holdings

Respondents

ON PETITION FOR WRIT OF CERTIORARI to the
UNITED STATES COURT OF APPEALS for the NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Michael Alan Bruzzone
Civic Servant of the Federal Trade Commission
Advocate for "lawful class" at 42 U.S.C. § 1981(a)(b)
U.S. Attorney designate; 31 U.S.C. § 3730(b)(1) at (c)(3)
(FCA) Relator Original Source
Acting individually in pro se
3766 Via Verdi
Richmond, California 94803
(415) 250-4652

QUESTIONS PRESENTED

I, On District Court acceptance of appellant's $505 filing fee can 9th Circuit Order appeal CLOSED forgetting intake and review of compulsory briefs?

II. In 15 U.S.C. § 1 Intel Inside® price fix controversy can in-region District and Appellant Courts deny a federal auditor engaged by U.S. Congress at 15 U.S.C. § 5 cognizable § 15, enlisted by attorneys of the Federal Trade Commission as case matter discovery aid and consent order monitor too validate said theft his Constitution 14th guarantee, too establish opposition network frivolous manufacturer denied his **a)** due process, confrontation, examination, privileges, protections? Where defendants and under their color of law, defame the auditor retained by Congress at Constitution 9th suspect to quash discovery 18 USC §§ 1505, 1512, 1513, 1516, 1519, 1961.

b) Can Judges deny equity on associate technique of repeating errors?

c) To send the federal monitor auditor in circles encroaching civil rights?

d) To cover up commission of felonies cognizable by courts of United States?

e) Too defraud the United States at 18 U.S.C. § 1371?

II. In same civil controversy can District and Appellant Courts deny 14th amendment guarantee to quash speech? Thereby conceal the corporate defendant's reliance on California anti-SLAPP too libel a federal auditor engaged in Congressional policy administration, defendants reversing who is public operator too cover up their enterprise organized crime infiltration detrimental to United States, States of United States, Citizens of the United States, commerce on affirmative antitrust determinations; FTC v Intel Corp. Docket 9341 and EUCC 37.990 v Intel Corp., on Federal and State Agent's discoveries 15 U.S.C. § 1, 2 cognizable § 15 and 18 U.S.C. §§ 2, 3, 4, 241, 242, 371, 1001, 1371, 1956, 1957, and pursuant interstate commerce at 18 U.S.C. § 1962(c) cognizable § 1964(c) ?

PARTIES to the PROCEEDING

Michael Bruzzone, *in pro se* addressing retaliatory harms, defendant employee targeting pursuant Intel Inside® price fix concert cartel association, is attorneys of Federal Trade Commission enlisted discovery aid on industry witness; FTC v Intel Corp. Dockets 9288 beginning May 1998, thereafter Docket 9341 15 U.S.C. § 5 investigations, and currently federal attorneys Docket 9341 consent order monitor. Is designated original source v Intel Corp. "Intel Inside® microprocessor in box and computer case "metered discriminatory buyer price fix cost charge" on December 10, 2008. Confirmed U.S. Department of Justice March 2011, recognized by Congress June 2007, May 2011, other earlier dates. Acknowledged original source by Court of Appeals for the Federal Circuit October 2014 subject procurement theft valued > than $10,000 and at 28 U.S.C. § 1346(a)(2) validation; EUCC 37.990 v Intel Corp., Inside Inside® "avoidable consumer cost" charge recovery $1.43 billion May 2009. Bruzzone is recognized on letter by 30 States Attorneys General as Intel Inside® price fix original source, expert or witness. This auditor/monitor supports Congress and an additional 82 private plaintiff actions at 42 U.S.C. § 1981(a)(b) "lawful class" v. Intel associates "lawless" accomplices at 18 USC §§ 3, 4, 371, 1341, 1512. 1513, 1516, 1519, 1956, 1957, 1961, 1962(c), 42 U.S.C § 1985(1)(2)(3), Clayton, and in the State of California on Cartwright Act.

United States domestic Intel Corporation represented by William Faulkner and James McManis, McManis-Faulkner Law Group, 50 West San Fernando Street, 10th Floor, San Jose, CA 95113.

United States domestic ARM Incorporated and pursuant 28 U.S.C. § 1391(c)(3) the parent Japanese headquartered & United Kingdom domicile Softbank ARM Holdings plc, represented by Mr. Brian Affrunti, Burke Williams Sorensen Law LLP, 60 South Market Street, Suite 1000, San Jose, California 95113.

In accordance with 28 U.S.C. § 2403(a) this Petition is served on the Solicitor General of these United States, Room 5616, Dept. of Justice, 950 Pennsylvania Ave., N.W., Washington D.C., 20503-0001; copied Speaker of the House Pelosi, Chair and Ranking Member Senate Judiciary Committee, House Energy/Commerce Committee, House Oversight and Reform Committee, Senate Special Intelligence Committee and California 11th District Representative Congressman Mark DeSaulnier.

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CONSTITUTION, STATUTES, PROCEDURES

Core on the questions – "Defendants have not established beyond doubt plaintiff can prove no set of facts in support of his defamation and tampering claims on opposition network frivolous manufacture", *Conley v Gibson,*

Constitution 14th; confrontation, due process, equal protection, privileges at
15 U.S.C. §§ 1, 2, 5, 15, 22 Eastern District of California is a proper venue.

Federal Rules of Civil Procedure 59(e); motion to alter or amend judgment
Federal Rules of Civil Procedure 60(b)(1); mistake
Federal Rules of Civil Procedure 60(b)(3); attorneys or other fraud(s)
Federal Rules of Civil Procedure 60(b)(6); *any other reason justifying relief*
Federal Rules of Civil Procedure 60(d)(3); disabling justice process

42 U.S.C. § 1981(a)(b); equal rights under the color of law and in State § 1983
42 U.S.C. § 1985 (1)(2)(3); conspiracy to interfere in civil rights, concert acts

18 U.S.C. 241; conspiracy against rights; targeting Bruzzone and "lawful class"
18 U.S.C. 242; deprivation of civil rights under color of law

Ancillary –

Constitution 9th amendment; disparagement of Congressional enlisted agent

15 U.S.C. § 5 cognizable § 15 under Sherman and Clayton Act
31 U.S.C. § 3730(b)(1)(c)(3); responsibility under Federal False Claims Act

18 U.S.C. § 1516; interference in a federal audit
18 U.S.C. § 1516; destruction, alternation, falsification of records
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18 U.S.C. § 2(a)(b); principles, commission of an offense
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18 U.S.C. § 371; conspiracy to commit offense, defraud
18 U.S.C. § 1001a(1)(2)(3); false statements, entries, schemes
18 U.S.C § 1341; frauds and swindles

18 U.S.C. § 1505; obstruction of proceedings before departments
18 U.S.C. § 1510; obstruction of criminal investigations
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JURISDICTION

1) Jurisdiction of the U.S. Supreme Court is invoked under 28 .S.C. § 1245(1).

2) 9th Cir. MANDATE entered Nov. 13, 2020, Motion to Stay July 14, 2020.

3) ORDER denying appellant petition at FRAP 40, Motion to Alter or Amend Judgment pursuant FRCP 59(a)(1)(b) for FRCP 60(B)(1)(3)(6) cause is entered November 5, 2020 following Appellant filing on July 14, 2020.

4) Appeal is dismissed June 2, 2020 entered same day according to 9th Circuit General Docket statement. But according to Eastern District of California General Docket statement appeal dismissal is not entered until 6 days later on June 8, 2020.

5) Appellant Statement appeal should go forward is entered on May 14, 2020.

6) Appellant Motion to seeking *Forma Pauperis* is filed March 19, 2020 and remains unaddressed by Ninth Circuit. No notice is given to pay filing fee.

7) Waiting for *forma pauperis* determination appellant pays $505 appeal filing fee entered received by Eastern District Court of California on July 7, 2020.

8) Appellant and Appellees are denied confrontation to brief Ninth Circuit.

9) Appeal is brushed aside to question the decision of a lower court; whether defendants have established beyond doubt plaintiff can prove no set of facts substantiating on fact and law their corporate defamation to quash a federal antitrust audit and its auditor/monitor, *Conley v Gibson,* 355 U.S. 41, 45 (1957).

CASE STATEMENT

This wholly unique and original Petition presents Federal statute with State Code and appeal filing fee administrative question concerning this continuing in-region associate network corporate political rights conundrum[1] for U.S. Supreme Court reflection, too opine on topic any of the three questions presented.

Bruzzone case matters over 21 years pursuant *Bauman v United States District Court*, 557 F.2d 650 (9th Cir. 1977) **may be so mired** at **(2)** "damaged or prejudiced in ways not correctable on appeal"; where at **(4)** "district and appellate court(s) make off repeated error(s) or manifest a persistent disregard for [Constitution guarantees] and specific federal rules" raise[s] important problems, or legal issues of first impression".

Can federal district and appellate judge's intentionally error withholding U.S. Constitution 14th guarantee to confrontation to avoid disposition of facts and law on the merits, the raising of critical discovery issues, by inhibiting due process and equal protection against the deprivations of "life, liberty and property without due process of law"[2], are fundamental elements of procedural fairness accessing the question "beyond doubt". Where appellate judges mimic District Ct. "frivolous", knowing confrontation is denied at the District Court level and also do deny at the appellate level. Rather than hear to rule on merit "beyond doubt" perpetuates 'in-District' and 'in-Circuit' ignorance. Throws a veil over speech that is counter to

[1] "Scholars have argued appellate remedies were part of due process rights recognized either at common law or at least by 1868, when Fourteenth Amendment was adopted. Resting this argument on "writ of error" which facilitated correction of legal error by higher court as a matter of right". Casandra Burke Robertson, The Right to Appeal, Case Western Reserve University School of Law, (2013) Faculty Publications, 58 see at footnotes 81, 82, North Carolina Law Review, 91, REV. 1219

[2] U.S. Constitution Amendment V, :Nor shall any person be deprived life, liberty or property without due process of law"

safeguarding 1st amendment freedom on this two decade long pattern of in-region conduct by corporate executives, jurists, law enforcement do conceal established antitrust 15 U.S.C. §§ 1, 2 violations on federal audit at 15 U.S.C. § 15 subject 18 U.S.C. §§ 1516, 1519 concealing the commission of felonies cognizable by courts of the United States negated and covered up by in-region Courts and US Attorney Northern California District. Enables multiple corporate entities to defraud United States at 18 U.S.C. § 1371 harms both country and 'lawful citizens'[3] subject 42 U.S.C. § 1981 (a)(b) parallel 18 U.S.C. §§ 241, 242 at 42 U.S.C. 1985(1)(2)(3). On Federal Trade Commission, this auditor's and EU Competition Commission discovery validates Intel Inside 15 U.S.C. §§ 1, 2 violation, "Doctrine of Willful blindness is well established in the law . . . defendants cannot escape [the federal questions] by deliberately shielding themselves from clear evidence of critical [civil and criminal] facts are strongly suggested by the circumstance", *Spurr v U.S, 174 U.S. 728, 735*

Questions are associated with Eastern District and Ninth Circuit denial of defendant confrontation. "Defendants have not established beyond doubt plaintiff can prove no set of facts in support of his claim[s] for relief", *Conley v Gibson,* 355 U.S. 41, 45 (1957). Nor is the matter frivolous, "if at least on issue or claim is found to be non frivolous, leave too proceed in *forma pauperis* on appeal must be granted", *Dixon v Pitchford*, 843 F.2d 268, 270 (7th Circuit 1988).

[3] At 42 U.S.C. § 1981(1)(2) Intel Inside® price fix recovery 'lawful class' verse Intel Corp. associate 'lawless class' subject in-State § 1983 at 42 U.S.C. § 1985(1)(2)(3) pursuant 18 U.S.C. § 241, 242, 1505, 1510

When highly factual and subjective questions of intent, conduct and purpose are at issue, "summary procedures should be used sparingly" because "the proof is largely in the hands of the alleged conspirators."; *Carr Carriers*, 745 F.2d at 1106; quoting *Poller v Columbia Broad. Sys.*, 368 U.S. 464, 373 (1962). On federal and States discovery [Bruzzone claim of] 42 U.S.C. §§ 1983, 1985(1)(2)(3) conspiracy is established because the organized acts across the individual actors are criminal; *FTC v Cement Institute*, 333 U.S. 683 (1948).

"Confrontation clause is violated when a trial court precludes a meaningful degree of cross examination", *Springer v U.S.*, 388 A.2d 846, 854 (D.C. 1978). "The curtailment of cross examination is rendered more severe when a government witness is involved; under such circumstances, extensive cross examination . . . [is] required to satisfy confrontation guarantee", *Lawrence v U.S.*, 482 a.2d 374, 377 (DC 1984).

Under Confrontation Clause "testimonial" out of court statements and other hearsay is not admissible if the accused did not have the opportunity to cross examine the accuser or the accuser is unavailable at trial, *Crawford v Washington*, 541 U.S. 36, 2004. To **(1)** prevent an officer of the United States from performing his/her duty, **(2)** [in a] corporate political conspiracy to obstruct justice in federal and state courts, **(3)** intended too deprive victims of equal protection, equal privileges and immunities"; *Kush v Ruteledge,* 460 U.S. 719, 103 S Ct at 1487 (1983). Four types of conspiracies will be established; **(1)** conspiracy to interfere with the performance of federal duties by federal officers; **(2)** conspiracy to interfere with justice in the federal court(s); **(3)** conspiracy to interfere in justice in the state courts "intent to deny any citizen due and equal protection of the law"; **(4)** private conspiracy to deny person or class of persons

equal protection of the laws are matters for trial not appeal. Ninth Circuit 20-15326 should be sent back to Eastern District of California for discovery and trial, *id.*

Commentators have argued that appeals are integral to the protection of substantive constitutional rights. See Arkin, "[S]o much of the constitutional (criminal) law is woven around the availability of an appeal to effectuate explicit constitutional guarantees that appeals are constitutionally necessary whenever any explicit constitutional right is implicated". Pursuant Henry P. Monahan, in First Amendment "Due Process" 82 Harvard Law Review 518, 551 (1970), "The first amendment due process cases have shown rights are fragile and can be destroyed by insensitive procedures; in order to completely fulfill the promise of those cases, courts must thoroughly evaluate every aspect of the procedural system which protects those rights."

FACTS OF THE CONTROVERSY

Notice of appeal is filed February 26, 2020 "defendants have not established beyond doubt that plaintiff can prove no sets of facts in support of his (defamation) claims for relief"; *Conley v Gibson*, 355 U.S. 41, 45 (1957) *Iqbal quoting Twombly.*

On May 14, 2020 Appellant files at Ninth Circuit "Petitioner Statement that Appeal Should Go Forward", and is exactly as it should be, in form and content an amended complaint that could have been sought by Eastern District. Bruzzone claims in matter are both cognizable and meritorious. Bruzzone fails to comprehend how his claims are frivolous non examined, unheard at Eastern District and at Ninth Circuit subject FRCP 60(b)(1)(3)(6) on *Bivens v Six (Un)known Narcotics Agents*, 403 U.S. 388 (1971) and *Monell v Department of Social Services of the City of New York*, 436 U.S. 658 (1978) given the history in these v Intel Corp. matter's of Constitution 1st

(speech and association) 5th and 14th amendment denials; contract, due process, equal protection, searching examination, confrontation denial's prejudicing this Plaintiff – Appellant who is auditor/monitor, federal and states witness in Intel Corp. antitrust, industry, corporate and consumer Intel Inside® 'price fix' robberies and espionage matter retained by Congress at Constitution 9th, Federal Trade Commission 15 U.S.C. §§ 5 cognizable § 15 @ 18 U.S.C. § 1962(c) in any District of the Nation at § 22 has been denied plaintiff defendants confrontation; at Eastern District of California and on payment of filing fee at 9th Circuit Appellate Orders matter closed without briefs.

LAW ARGUMENTS

Fourth, Fifth and Ninth Circuits state a frivolous claim is without arguable substance in law or fact, *Franklin v Murphy*, 745 F.2d 1221, 1227-28 (9th Cir. 1984); *Woodall v Foti*, 648 F.2d 268, 271 (5th Cir. 1981); *Boyce v Alizaduh*, 595 F.2d 948, 951-52 (4th Cir. 1979); *Watson v Ault*, 525 F.2d 886, 891-92 (5th Cir. 1976).

Addressing the contention *frivolous*, "a complaint is legally frivolous when it lacks an arguable basis in law or fact; "*Neitzke v Williams*, 490 U.S. 325 (1989). Rather, Plaintiff and Appellant succinctly detail's the cognizable nature of his factual claims on Constitution, statute, case law and federal discovery. On *Conley v. Gibson* 355 U.S. 41 (1957), "a complaint should not be dismissed . . . unless it appears beyond doubt the plaintiff can prove no set of facts in support of a claim that entitle him to relief". All ambiguities or doubts must also be resolved in the plaintiff's favor. See *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1969). Complaint cannot be dismissed "simply because the court finds the plaintiff's allegations unlikely" noting the "age

old insight allegations might be strange but true", said Supreme Court Justice Sandra O'Conner in *Denton v Hernandez*, 505 U.S. 25 (1992) (from Ninth Circuit).

Jurisdiction of court to reform a judgment on the grounds of extrinsic fraud has never been questioned. "Where the unsuccessful party has been prevented from exhibiting fully his case, by fraud or deception practiced on him by his opponent(s), as these and in similar cases, which show that there has never been a real contest in [any] trial or hearing of any [Bruzzone] case [matter], are reasons for which a new suit may be sustained to set aside and annul the (former) judgment or decree, and open the case for a new and fair hearing"; *United States v Throckmorton* 98 U.S. 61 [25 L. Ed .93] quoting *Clark v Clark*, California Appellate, 4th District, September 5, 1961. "In all these cases and many others which have been examined, relief has been granted, on the ground that, by some fraud practiced directly upon the party seeking relief against the judgment or decree, that party has been prevented from presenting all of his case [which is also a nation's case] to the court" *id.*

Rule 60, like all Federal Rules of Civil Procedure, "is to be liberally construed to effectuate the general purpose of seeing that cases are tried on the merits"; *Rodgers v Watt*, 722 F.2d 456, 459 (9th Cir.1983). In determining Rule 60(b) applicability, courts should be mindful that rules are to be construed to achieve just determination of every action, Fed.R.Civ.P.1, "to effectuate the general purpose of seeing cases are tried on merit and to dispense with technical procedural problems". *Staren v American National Bank & Trust Company of Chicago,* 529 F.2d 1257, 1263 (7th Cir. 1976); "[S]peaking generally, [the considerable body of federal decisions has] been in marked harmony with the proposition that Rule 60(b) is a remedial rule to be liberally

officers of the court, and when an attorney exerts improper influence on the court "the integrity of the court and its ability to function impartially is directly impinged"; *R.C. by Ala. Disabilities Advocacy Program*, 969 F. Supp. at 691 citing *Broyhill Furniture Industries Inc. v. Craft Master Furniture Corp.*, 12 F.3d 1080, 1085-86 (Federal Circuit 1993).

On setting aside judgment on misrepresentation of evidence, *Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944),* "a court may at anytime set aside a judgment after discovered fraud upon the court . . . the inherent power of a court to investigate whether a judgment was obtained by fraud is beyond question". "Power to unearth such a fraud is the power to unearth it effectively", *Root Refining Co., v Universal Oil Products Co.*, 169 F.2d 514 (3rd Cir 1948). On issues of merit "to vacate judgments whenever action is appropriate to accomplish justice"; *Klapprott v United States*, 335 U.S. 601, 69 S.Ct. 384, 93 L.Ed. 266 (1949) and where the situation could not be "fairly or logically classified as mere 'neglect' on (petitioners) part." Bruzzone has never not defended from defendant fraud whatever the institution of 'errors' including Ninth Circuit; subject only to "a reasonable time" *Ackermann v United States*, 340 U.S. 193, 197-202 (1950). On new discovered evidence Bruzzone is always denied "must be of material nature and so controlling as probably to induce a different result", *Giordana v McCartney*, 385 F.2d 154 (3rd Cir.1967); and "whenever action is appropriate to accomplish justice"; *Pierre v Bemuth. Lembeke Co.,* 20 F.R.D. 1156 (S.D.N.Y)

Jurisdiction of a court in an independent suit to reform a judgment on grounds of extrinsic fraud has never been questioned *Throckmorton*. "Extrinsic fraud induces

one not to present a case in court, deprives one of the opportunity too be heard or prevents discovery or obtaining information"; *Cornell Law School LII Wex*. Pursuant *Marshall*, relief from intrinsic fraud has also been granted; "*West Virginia Oil and Gas Co., v George E. Beece Lubler Co.*, g213 F.2d 702 (5th Cir. 1954). Distinction between fraud on the court and fraud relieved by independent action is ambiguous. See, Moore & Rogers, at 692 n266. Cases under the Amended rule of March 1946 have not distinguished between the two types; E.g., *Dowdy v Hawfield*, 189 F.2d 637 (D.C. Cir. 1950); *Hayden v Rumsey Products*, 96 F. Supp 988 (W.D.N.Y. 1951) (suppression of defense). Relief has been granted where consent order was based on erroneous representations by law officials; *Flemming v Huebsch Laundry* 159 F.2d 581 (7th Cir. 1947). Impoverished party attempting too proceed without counsel, filed an answer that did not comply with the rules; *Woods v Severson* 9, F.R.D. 84 (D. Neb 1948).

Attempting to free himself from defamation Bruzzone is subject continuous denial of his 14th amendment guarantee to expose, through discovery and extensive examination defendant fraud(s) subject 15 U.S.C. § 1, 18 U.S.C. 1962c, 42 U.S.C. 1981(a)(b), in-state §1983 proximate concert acts 42 U.S.C. § 1985(1)(2)(3) subject *Bivens v Six (Un)known Narcotics Agents*, 403 U.S. 388 (1971); *Cherry St., LLC, v Hennessee Group LLC*, 573 F.3d 98 (2nd Cir. N.Y. 2009), *Continental Ins. Co. v Pierce County. Wash.*, 690 F.Supp. 930 (W.D. Wash 1987); *Davis v Welchler* U.S. 22, 24; *Global-Tech Appliances, Inc., v SEB S.A.*, Supreme Court of United States, Certiorari to U.S. Court of Appeals for Federal Circuit No 10-6; argued February 23, 2011; *Int'l Boxing Club,* 348 U.S. 236, (1955); *Kapp v National Football League*, 586

F.2d 644, 648-49 (9th Circuit 1978); *Kehr v A.O. Smith Corp. 521 U.S. 179* (1979); *Klor's Inc. v. Broadway-Hale Stores*, Inc, 359 U.S. 207 (1959); *Monell v Department of Social services of the City of New York*, 436 U.S. 658 (1978); *Monroe v Pape*, 365 U.S. 167, 196 (1961); *Radovich v Nat'l Football League*, 352 U.S. 455 (1957), *Sedima S.P.R.L v Inrex Co.*, 105 S.Ct 3275, 3285 (1985), *Stern v United States Gypsum*, 547 F.2d 1329, *Stromberg v California*, 28 U.S. 359; NAACP v Alabama, 375 U.S. 449; *Ostrofe v H.S. Crocker Company,* 740 F.2d 739 (9th Circuit 1984); *Spurr v United States*, 174 U.S. 728, 735; *Tellis v United States Fidelity & Guarantee Co.*, 805 F.2d 741, 748 (7th Cir. 1986); *Wilson v Garcia* 471 U.S. 261 (1985). Denied relief, "**defendants have not established beyond doubt** plaintiff can prove no set of facts in support of [Bruzzone] claim[s] for relief"; *Conley v Gibson*, 355 U.S. 41, 45 (1957). Nor can defendants prove Bruzzone claims are frivolous; *Neitzke v Williams, Dixon v Pitchford.* Let them try to prove "no merit" – send this case to discovery.

In cases involving public figures or matters of public concern, the burden is on the plaintiff to prove falsity in a defamation action. *Nizam-Aldine v City of Oakland*, 47 Cal. App. 4th 364 (Cal. Ct. App. 1996). In cases involving matters of purely a private concern, the burden of proving truth is on the defendant. *Smith v Maldonado*, 72 Cal.App.4th 637, 646 & n.5 (Cal. Ct. App. 1999).

Intel defamatory use of SLAPP in federal court and ARM Inc. defamatory furtherance in Califiornia State exhibit their concert reliance CCP §§ 391(b), 425.16, 425.17, 425.18 for their purpose of slandering to libel, in these matters, Federal Trade Commission discovery aid Bruzzone who is 42 U.S.C. §1981 (a)(b) Intel Inside® recovery "lawful" class Congress advocate verse Intel Corp. lawless associates have

no ground [to stand] on Anti-SLAPP, Bruzzone speech is protected enlisted in federal and state agency; *Hilton v Hallmark Cards*, 599 F.3d 894 (2010); *New.Net Inc. v Lavasoft* 355 F.Supp. 2d 1090, 1098 (C.D. Cal. 2004); at Clayton and in California Cartwright Act.

California Anti-SLAPP provides if a motion under statute is granted, pursuant ARM Inc. furtherance of Intel Corp. defamatory falsities and the moving respondent demonstrates Petitioner Intel brought the federal claim for purpose of harassment, or delay, too inhibit respondent's public participation, too defame, too interfere with respondent movement to exercise protected constitutional rights, or expose wrongful injure to plaintiff and lawful class, the court shall award moving party for actual damages; $11.4 billion in Intel Inside® price fix recovery, the funds administrative reimbursement expense plus auditor compensatory harm for retaliation, professional economic, Constitution and civil rights deprivation on 22 years of enlisted federal assignment should be no less than the total compensation of any among the Intel or ARM Chief executives engaged in Bruzzone auditor/monitor's 22 year defamation.

California, like other states, discourages "strategic lawsuits against public participation [where] anti-SLAPP [can] masquerade as ordinary suits but are brought too deter citizens from exercising their political or legal rights or to punish them for doing so." *Batzel*, 333 F.3d 1024.

California appellate courts have developed multiple tests to determine whether a defendant's activity is in connection with a public issue. California Appellate for First District surveyed the appellate cases and divined from three categories of public issues: **(1)** statements "concern[ing] a person or entity in the public eye"; **(2)** "conduct

that could directly affect a large number of people beyond the direct participants"; **(3)** "or a topic of widespread, public interest" Id. at 89. In *Weinberg v. Feisel* the Third District articulated a more restrictive test designed to distinguish between issues of "public, rather than merely private, interest", 110 Cal.App.4th 1122, 2 Cal.Rptr.3d 385, 392 (2003). **First**, "public interest" does not equate to mere curiosity. **Second**, a matter of public interest should be something of concern to a substantial number of people. **Third**, there should be closeness between the challenged statements and the asserted public interest. **Fourth**, the focus of speaker's conduct should be in the public interest rather than a mere effort to gather ammunition for another round of private controversy. **Finally**, [a] person cannot turn private information into a matter of public interest by communicating it to a large number of people; Id. at 392-93.

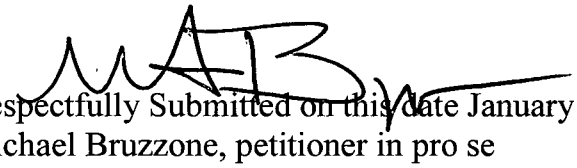
Two categories of conduct to which anti-SLAPP statute applies are "any written or oral statement or writing made in a place open to public or public forum in connection with an issue of public interest", and "any other conduct in the furtherance of the exercise of the constitutional right of a petition, or the constitutional right of free speech in connection with a public issue or an issue of public interest." § 425.16, subd. (e)

In *Weinberg v Feisel*, 110 Cal App 4thm 1122, 2 Ca; Rptr, 3d 385 at California Court of Appeal, (2003) "causes of action arising out of [false] allegations of criminal conduct, made under circumstances like those alleged in this case, are not subject to anti-SLAPP. Otherwise, wrongful accusations of criminal conduct, which are among the most clear and egregious types of defamatory statements, automatically would be accorded the most stringent protections provided by law, without regard to

erroneous standard is significantly deferential." Pursuant *Concrete Pipe and Products v. Construction Laborers Pension Trust*, 508 U.S. 602, 623 (1993), the appellate court must accept the trial court's findings unless it's left with "definite and firm conviction that a mistake has been committed." Bruzzone stands on his meritorious claims, facts on law, "manifestly unconscionable" to enforce frivolous dismissal or improper Clayton Act venue Bruzzone is "certain to prevail", *Pickford v Talbot*, 225 U.S. 651 (1912).

As soon as matter lands back in Eastern District it will move to settlement on Bruzzone defamatory harms Defendants fearing move to additional discovery.

This petition for writ of certiorari should be granted.



Respectfully Submitted on this date January 4, 2021
Michael Bruzzone, petitioner in pro se

FBI Original Source of Intel Network RICO in 1996
FTC Invited Field Report Docket 9288; 1998 – 2000
CDOJ and NYDOJ First to Report Intel Section 1 Violation in 1998
CDOJ Lettered to Work Report, Intel 15 USC 1 Violation in 2000
SEC Notice INTC Stock Market Rig, Accounts Fraud; 2007 – 2018
U.S. Attorney Northern District FCA Relator; 2008 and current
FTC Witness Analyst v Intel Corp. Docket 9341; 2009 and current
Court of Appeal Federal Cir. acknowledges 31 USC 3729 Relator; 2014