

# USSC Case 20 - 7654

## IN THE SUPREME COURT OF THE UNITED STATES

<p>ALAN DOUGLAS, Petitioner - Appellant,</p> <p>vs.</p> <p>SUPREME COURT OF CALIFORNIA [Lower Ct] [State Bar of CA] Respondent-Appellee,</p> <p>Accusation against: [1] Kathryn S.M. Mosely, Esq.(SBN 92852) [2] Lee M. Moulin, Esq (SBN 232843) [3] Stephen A. Diamond, Esq.(SBN 176735) [4] Tayaba Sarah Attar, Esq. (SBN 309117) In Personal and Official Capacity under 42 U.S.C. §1983</p>	<p>Petition for Panel Rehearing Medical Malpractice INJURY <i>Res Ipsa Loquitur</i></p> <p>USSC Case 20-7654 and related 20-6881; 20-7321; 20-7424</p> <p>Supreme Court of California Sup Ct No.: S266692</p> <p>2<sup>nd</sup> District Court of Appeal-CA No. B294801 Remittitur issued</p> <p>Los Angeles County Super. Ct. Cases No. BC657529/BC696685 on Appeal</p>
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### *Petition for Writ of Certiorari to Supreme Court of California Case S266692*

**In re** ALAN DOUGLAS, Petitioner (Fed. R. App. P. 21(a)(2)(A))  
Appeal from the Second Appellate District - 2DCA - Division 8  
Petition for Review; Petition for Rehearing-filed; Phone: (213) 830-7000  
[1] Supreme Court of California -- FRAP 9<sup>th</sup> Circuit Rule 21-2(a)  
**PUBLISHED OPINION REQUESTED:**

**PETITION FOR PANEL REHEARING** on Order issued June 7, 2021 by USSC  
*"irreparable" injury or harm and cause immediate danger*

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NON-Capital--Personal Injury Medical Malpractice  
The Questions Presented for Review - US Sup Ct Rule 14.1(a)

REQUEST for Panel Rehearing on US Supreme Court ORDER issued on June 7, 2021 Denying Review for Writ for Certiorari to Supreme Court of California [State Bar of CA] without decision on the Merit .

I. The Relief Sought - Reverse and Settle Personal Injury [ 9<sup>th</sup> Circuit FRAP 21(a)(2)(B)(i)]

II. The issues (The Questions Presented for Review) [9<sup>th</sup> Circuit FRAP 21(a)(2)(B)(ii)]  
See below [1], [2], [3], [4], [5], [6] and [7].

[1] Appellant's US Constitutional and Civil Rights Violation;

[2] Reverse Judgment issued on Feb.19, 2019 in favor of Timothy J. Daskivich, MD by TJ;

[3] Reverse Judgment issued on Feb.14, 2019 in favor of CSMC by TJ in LASC;

[4] Reverse Judgment issued on Jan. 18, 2019 in favor of Nancy Zimmerman, NP and Jay Neal Schapira, MD by TJ in LASC;

[5] Court Order for AWARD based on Documents presented, which is just and proper;

[6] Reassignment the Cases to Settlement Court if No Award is granted;

[7] Reverse, remand, reassignment and Trial Judge Disqualification based on plain ERRORS, bias with gross prejudice, willful misconduct and adverse personal reaction with cruelty.

III. The Facts necessary to understand the issue presented by the Petition.  
[9<sup>th</sup> Circuit FRAP 21(a)(2)(B)(iv)]

IV. The reasons why the writ should issue [ 9<sup>th</sup> Circuit FRAP 21(a)(2)(B)(iv)]

[1] The lower Courts has decided the Cases based on an issue without OSC; Briefing of both parties and failed to established the truth; [2] The Opinion of the Court of Appeal--2DCA of California--omits and misstates an issues of substantial material facts -- Who Order Appellant[Alan Douglas] to stop Aspirin 81 mg and why Medical Staff Violated American Heart Association Guideline for procedure? [3] There are fundamental errors in the Opinion of the Court of Appeal which skewed the Analysis, Results and Findings which are basis for reasonable possibility of the cure by means *Panel* full Review .

.....Nationwide, the Problem with 2DES [two Drug Eluted Stands] is not solved or exist Legal Regulation. The Appellant [Alan Douglas] is Victim of Medical Malpractice, because Medical Staff do not follow American Heart Association Guide Line for Procedure with Patient with implanted 2DES.

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No.: **20-7654****IN THE SUPREME COURT OF THE UNITED STATES**

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**PETITION FOR PANEL REHEARING** on Order issued June 7, 2021 by USSC**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

The petitioner asks leave to file the attached petition for a Writ of Certiorari  
without prepayment of costs and to proceed *in forma pauperis*.

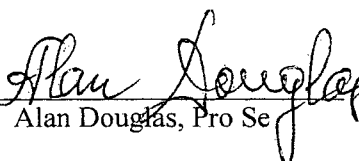
Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed in forma pauperis in the following  
court(s): LASC, 2DCA, Supreme Court of California.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

Dated: June 13, 2021  
Los Angeles, CA

Signed by:

  
Alan Douglas, Pro Se

# USSC Case 20 - 7654

## IN THE SUPREME COURT OF THE UNITED STATES

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**PUBLISHED OPINION REQUESTED:**

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**STATEMENT OF THE CASES BC657529/BC696685 – 2DCA B294801**

Appellant -Alan Douglas in *propria persona* filed an initial complaint as of April 11, 2017 [4/11/2017], the statute of limitations for allegations of Medical Malpractice Negligence is three years under the *Cal. CCP § 340.5* cite: "In an action for injury or death against a health care provider based upon such person's alleged professional negligence, the time for the commencement of action shall be three years after the date of injury or one year after the plaintiff discovers." This is because a claim of professional negligence of a dependent adult or an elder is analogous to similar torts of assault, battery or injury to others. *See Benun v. Superior Court*, 123 Cal. App. 4th 13, 126 (2004). Appellant alleging professional negligence, medical malpractice and recklessness done by Medical Doctors, Nurses and CSMC - [TJ' ERR]. The Appellant in these LASC Cases BC657529/BC696685 is a Victim of Medical Malpractice on event happened on January 29, 2016. The Defendants moved for Motion for Summary Judgment and TJ grand in favor of Defendants.

**JURISDICTION Statement of Appealability**

The judgment entered pursuant to the Superior Court's order granting the motion for summary judgment for LASC Cases BC657529/BC696685 are an appealable final judgment pursuant to Code of Civil Procedure sections 904.1.(1). All Petitions are filed on timely manner and The Supreme Court of United States has Jurisdiction on the Appellant's Petition for Writ of Certiorari to Supreme Court of California [incl. State Bar of CA].

**PRAYER [The Relief Sought]**

The Relief Sought - Reverse and Settle Personal Injury [ 9<sup>th</sup> Circuit FRAP 21(a)(2)(B)(i)]

**REASONS FOR GRANTING THE PETITION**

**[1] Appellant's US Constitutional and Civil Rights Violation**

*Appellant's US Constitutional and Civil Rights Violation*

**(1) US Constitutional Rights:**

Appellant do not have Jury Trial-The case was terminated by Trial Judge and violated Appellant's Constitutional right for equal protection by the Law- US Constitution -- Amendment VII (1791) ... "the right of trial by jury shall be preserved"; Amendment IX (1791)-Appellant's right to Settle the Medical Malpractice Cases in LASC; Amendment X (1791); Amendment XIV



(1868) Section 1. All persons born or naturalized in the United States ... "nor deny to any person within its jurisdiction the equal protection of the laws" *Brown v. Board of Education*]; [FRAP 9th Circuit Rule 30-I.4(a)(vi)]. See Case: 20-56105, 11/25/2020, ID: 11905943, DktEntry: 19-1, Page 188. USA Constitution Amendment VII (1791) In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, then according to the rules of the common law. See Case: 20-56105, 11/25/2020, ID: 11905943, DktEntry: 19-1, Page 189. USA Constitution Amendment IX ( 1791) The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. See Case: 20-56105, 11/25/2020, ID: 11905943, DktEntry: 19-1, Page 190. USA Constitution Amendment X (1791) The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. See Case: 20-56105, 11/25/2020, ID: 11905943, DktEntry: 19-1, Page 191. USA Constitution Amendment XIV (1868) Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. See Case: 20-56105, 11/25/2020, ID: 11905943, DktEntry: 19-1, Page 192. The Equal Protection Clause is from the text of the Fourteenth Amendment to the United States Constitution. In United States constitutional law, a Due Process Clause is found in both the Fifth and Fourteenth Amendments to the United States Constitution, which prohibits arbitrary deprivation of life, liberty, or property by the government except as authorized by law. See [1]*Madison, P.A. (2 August 2010). "Historical Analysis of the first of the 14th Amendment's First Section". The Federalist Blog. Archived from the original on November 18, 2019. Retrieved 19 January 2013.* [2] *"The Bill of Rights: A Brief History". ACLU. Archived from the original on August 30, 2016. Retrieved 21 April 2015.* [3] *"Honda Motor Co. v. Oberg, 512 U.S. 415 (1994), at 434". Justia US Supreme Court Center. June 24, 1994. Retrieved August 26, 2020.* The U.S. Supreme Court interprets these clauses broadly, concluding that they provide three protections: procedural due process (in civil and criminal proceedings); substantive due process, a prohibition against vague laws; and as the vehicle for the incorporation of the Bill of Rights. Based on the above Accusation against the Opposite Counsels shown in front page, are responsible In Personal and Official Capacity under 42 U.S.C. §1983 and to settle the Injury.

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## **[2] Mistake in Law and Erroneous Decision in Intermediate Court - 2DCA**

The Appellant have Right to Appeal this Disposition based on the following violations:

(1) Appellate Reviewing Panel-Division 8 – further will be notice as ADC [Appellate District Court] Violate Appellant's USA Constitutional rights – XIV Amendment Section One –equal protection by the Law and Award for Compensation as Victim of Medical Malpractice cases Filed in LASC BC657529/BC696685 with serious bodily injury [mean by definition – crime committed – supported by third Party in Appellant Briefs including ARB – 2<sup>nd</sup> Acute MI with 43[%] dead Heart Muscles and LVEF[%]=27[%] – on the Record in SCMC. Please see also LASC Clerk's Transcript] as proven in MRI stress tests, which are omitted or not taken into consideration by the respected Reviewing Panel. That's mean ADC created ERR # 1 – Plain ERROR with gross bias, inaccuracy, impartial, highly prejudicial and Judgments issued by LASC shall be reversed. Why? The both Opposition party used in their pleading False Statements and ADC already accept it. Appellant will prove it once again later with applicable Law (statue) and Case Law.

(2) The Opposite Counsels in their pleading violated *Cal. CCP § 426.16(a)*, which also protect Appellant from unlawful suppression of public right to complain and for compensation. The *Cal. CCP § 426.16(a)* mean that California State and USA Constitutional right for all people are embedded. The ADC decided to protect Opposition Counsels, take their stand and create ERR # 2 which is proof for inaccuracy, gross bias, impartiality, highly prejudicial and is basis all Judgments in LASC against the Plaintiff to be reversed.

(3) The Opposite Counsels use Discrimination as concern Appellant right for Settlement and violate California State Law §12926.05. The ADC stand and protect Appellant's tortfeasors, which mean Reviewing Panel [RP] create ERR # 3 which is proof for inaccuracy, gross bias, impartiality, highly prejudicial and is basis all Judgments in LASC against the Plaintiff to be reversed.

(4) The Opposite Counsels deliberately and intentionally violated Business and Professional Code Rules – 1-400(D(1)(2)(3)(4)(5). The respected ADC and RP failed to establish this facts and created ERR # 4.

(5) The Opposite Counsels failed to deliver INFORMED MEDICAL CONSENT, violated

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Appellant's USA Constitutional right to know [1<sup>st</sup> Amendment]. The RP failed to establish this allegation and create ERR # 5

(6) The Opposite Counsels violated Appellant's right protection by AMERICAN WITH DISABILITY ACT 1900 [ADA], California Legislature Chapter 6. Discrimination prohibited [12940-12957].

[ADA] 42 U.S.C. §§12101 et seq.

28 CFR Part 35 (Title II, Department of Justice).

28 CFR Part 36 ( Title III, Department of Justice).

The RP failed to establish this allegation and create ERR # 6.

For more details, please refer to Original Filing to this Case USSC 20-7654 on March 25, 2021 and also Filing with Supreme Court of California for Case S266692 including all Appendices; related Cases with USSC 20-6881, 20-7321, 20-7424 ; Case USCA 9<sup>th</sup> Circuit No.: 20-56105--including all Docket entries.

### **[3]The facts on the Record entitled Appellant for Extraordinary Relief**

Appellant is entitled for Extraordinary Relief pursuant to CCP §§1 1094.5 see *Conlan v. Bonta*, 102 Cal.App.4th 745, 751-52 (2002) because of the following reason and basis for AOB relief:

[1] The issue tendered in Appellant's AOB is of widespread interest or presents a significant and novel constitutional issue - equal protection by the Law and AWA for Compensation shall be granted based upon USA Constitution XIV Amendment, Section One. Appellant state in this AOB that in these LASC Cases there is no adequate way to address the trial court's error other than issuing an Order (this is referred to as availability of "no adequate remedy at law"). If the Order is not issued the Appellant will be harmed in a way that cannot be fixed by the appeal, which is referred to as "irreparable" injury or harm and cause immediate danger.

[2] The trial court's orders deprived petitioner of an opportunity to present a substantial portion of his cause of action – Suppression of Evidence, unlawful advance and vacate motions.

[3] Conflicting trial court interpretations of the law require a resolution of the conflict of interest by Appellant and the People of California. Also, *Writ review is necessary and proper*

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where a “significant issue of law is raised, or resolution of the issue would result in a final disposition as to the petitioner.” *Boy Scouts of Am. Nat’l Found. v. Superior Court* (2012) 206 Cal. App. 4<sup>th</sup> 428, 438. Both conditions are present here. First, the application of inverse condemnation liability to a privately-owned entity that present evidence that it cannot socialized losses as a matter of right is an issue that has not to date been addressed by the appellate courts.

See *Casterson v. Superior Court* (2002) 101 Cal. App. 4<sup>th</sup> 177, 182 (writ review warranted where “[t]he petition raises [a] first-impression issue”). Second, resolution of 33-5423123 this issue in Edison’s favor would result in final disposition on Plaintiff’s inverse condemnation claims. *Without Writ review* the Appellant and thousands of other litigants throughout California and USA will be forced to expend significant resources litigating inverse condemnation claims that should have been determined at the pleading stage to be inapplicable. See *City of Glendale v. Superior Court* (1993) 18 Cal. App. 4<sup>th</sup> 1768 (“Included among this category of cases are those in which relief by writ is necessary to prevent an expensive trial and ultimate reversal.”)]

[4] The trial court’s orders are both clearly erroneous as a matter of law and substantially prejudices petitioner’s LASC Cases—BC657529 and BC696685- Medical Malpractice with serious personal heart Injury and multiple causation, including irreparable harm and immediate danger (exposure to sudden cardiac death). *This AOB raises legal issues* which can be resolved by this Court without having to make factual determination. See *Holz, supra*, 3Cal.3<sup>rd</sup> at 302 n.4

[5] The Appellant seeking the writ lacks an adequate means, such as a direct appeal, by which to attain relief – all filed Writ with 2DCA are summarily denied and lost Jurisdiction but the facts still stay and may considered as a matter of subject.

[6] The petitioner for his PETITION FOR EXTRAORDINARY WRIT OF MANDATE TO CONSIDER SUPPRESSION OF EVIDENCE FOR CORRECT ACTION – OSC (*Rule 8.487(b)*); Amicus Curiae Brief (*Rule 8.520*) will suffer harm or prejudice in a manner that cannot be corrected on appeal. (*Omaha Indemnity Co. v. Superior Court* (1989) 209 Cal.App.3d 1266) Pursuing to CCP §1085 does not have a statute of limitations, so the Appellant looks to the substantive law - See *Howard Jarvis Taxpayers Association v. City of La Habra*, 25 Cal.4th 809 (2001).

[7] The 2DCA may issue *Palma Notice* - *Palma v. U.S. Industrial Fasteners, Inc.* (1984)

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36 Cal.3d 171 for an alternative writ. The Court of Appeal may issue an alternative writ to show cause before the Court of Appeal why it should not be ordered do so and answer the Appellant's question "Who ORDER Petitioner-Alan Douglas- to stop 81 mg Aspirin and not to be given anticoagulant?" This Question was not answered and all Evidence were suppressed. The matter is then a "cause" to be decided "in writing with reasons as stated," as required by article VI, section 14 of the Constitution.

[8] The Appellant exhausted all available LAC-SC administrative remedies. The Appellant also states the following:

1) the appealed Medical Malpractice Cases BC657529 and BC696685 are outside the LAC-SC Jurisdiction;

2) where important questions of constitutional law or public policy governing the court, authority are tendered. *Public Employment Relations Bd. v. Superior Court* 13 Cal.App.4th 1816, 1827 (1993).

3) Where CCP §1085 proceeding is based on action taken after administrative hearing, the same rules apply. *Western States Petroleum Assn. v. Superior Court*, 9 Cal.4th 559 (1995); *Poverty Resistance Center v. Hart*, 213 Cal.App.3d 295, 302 (1989) (General Relief grant amount challenge limited to evidence before Board of Supervisors). However, because Appellant is challenging the fairness of the proceeding itself, then extra-record evidence (and even discovery) may be permitted, even under CCP § 1094.5. *Western States Petroleum Assn.*, 9 Cal.4th at 575, n 5.

[9] Timing for Writ petition against LAC-SC should be applied §1094.6 and may govern: suit must be filed 90 days after challenged decision becomes final.

[10] Petitioner is beneficially interested in the outcome of the proceeding and that there are no adequate alternative remedies at law.

The petitioner "need not show that he has any legal or special interest in the result, since it is sufficient that he is interested as a citizen in having the laws executed and the duty in question enforced ..." *Green v. Obledo*, 29 Cal.3d 126, 144 (1981).

[11] Respondent has a ministerial (non-discretionary) duty to follow the law, and is breaking it.

[12] There are no plain, speedy and adequate alternative remedies at law.

[13] Accordingly, Appellant is allowed to use Combined §§1094.5 and 1085 writs. Petitioner is entitled to seek both in the same action. *Conlan v. Bonta*, 102 Cal.App.4th 745,

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751-52 (2002)

[14] Discovery may be available, where there are "facts in dispute." *Bright Devpmt. v. City of Tracy* (1993) 20 Cal.App.4th 783, 795.

[15] TJ [Trial Judge] ERRORS OF LAW with prejudice for Appellant's Medical Malpractice Cases Filed with LAC-SC are:

- 1) Application of the wrong substantive standard in making the [Trial Court] decision.
- 2) Application of an invalid regulation.
- 3) A reviewing court always exercises *de novo review* in regard to questions of law.

That means the reviewing court does not defer in any way to the LAC\_SC's interpretation of the law. *Ruth v. Kizer* 8 Cal.App.4th 380, 385 (1992).

[16] DENIAL OF FAIR TRIAL - This category includes all types of *procedural and substantive due process violations*. Both constitutional due process standards and any procedural statutes or regulations are relevant. Substantive due process violations fall under this category as well. For example, the failure to maintain and apply objective, written, ascertainable standards resulting in arbitrary and capricious administration of the LAC\_SC program denies the petitioner a "fair trial." Other "fair trial" issues are Trial Court use of irrebuttable presumptions, interference with petitioner's right to put on his case at the administrative level, biased fact finders, etc.

[17] DECISION NOT SUPPORTED BY FINDINGS-- FINDINGS NOT SUPPORTED BY EVIDENCE

1. A "finding" is any determination of disputed fact and can be implicit or explicit. This is important, especially where the Appellant is dealing with irrebuttable presumptions. (a) One situation where you will frequently find that the decision is not supported by the findings is in benefits and Medi-Cal cases when the Director of DSS or DHS alternates (reverses) a decision after the ALJ has found in favor of the appellant. As the Supreme Court stated in *Topanga Assn. for a Scenic Community v. County of Los Angeles* 11 Cal.3d 506, 515 (1974) :

2. Standard of Review for Factual Issues. "Independent judgment" is a higher level of scrutiny. It applies to cases which involve *fundamental rights*. In such cases "abuse of discretion is established if the [reviewing] court determines that *the findings are not supported by the weight of the evidence*. In all other cases, abuse of discretion is established if the court determines that the findings are not supported

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by substantial evidence in the light of the whole record.” It’s a questions presented by Appellant and ignored in the low Court Review, which is the case with Petitioner - Alan Douglas.

The Petitioner/Appellant in LAC-SC filed with 2DCA Record by Superior Court Clerk’s Transcript of 29 Volume contain 7,020 pages , Augment of Record with recent Medical Record from CSMC which are proof of undisputable facts that proceeding in Superior Court was wrong [unlawful] with multiple EERS in LAW with gross prejudice and gross bias and False Statement by Opposite Counsels. In addition to all of the above TJ used willful misconduct to make the Cases nastier. Therefore, the LASC Cases BC657529/BC696685 are reversible and entitled for reward. Writ shall be granted.

#### **[4] Documents presented are base for granting Award by any Court**

Please, refer to Appendix 5: pages 234, 235, 237, 238, 240, 242, 243 and 244. The Administration of Superior Court of California, County of Los Angeles-Stanley Mosk Courthouse-not Trial Judge, block prematurely Default Judgment because of Summary Judgment - entered at a later data. The Defendant fail to respond to all Documents filed with Default Department to enter Default by the Clerk. How do I know? The deputy Clerk explained to the Appellant. Later, the Defendants ask 2DCA not to enter Default and was granted by the RP [Reviewing Panel].

**End of Petition**

<b>CONCLUSION</b>
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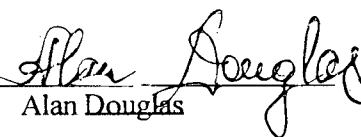
Based on the above, Appellant believe that the "Petition for Panel Review" shall be granted. Appellant asked Supreme Court of California to issue ORDER for Review by the State Bar of California and to do the necessary Investigation. Petitioner states that all Opposite Counsels mislead the Trial Judge and acted as his Defendant (*See Appendices*). In addition to that all of them refuse to admit in Intermediary Court - Second Appellate District of California - 2DCA -- who ORDER Appellant - Alan Douglas to stop 81 mg Aspirin. 2DCA not only failed, but also refuse Appellant request to find out WHO order Alan Douglas to stop Aspirin 81mg. 2DCA set aside very Important Argument and created PLAIN ERROR, which is proof for *inaccuracy, gross bias, impartiality, highly prejudicial action and is basis all Judgments issued by LASC against the Plaintiff to be reversed*. Final ORDER by 2DCA may be modified and all Judgment in LASC for Cases BC657529/BC696685 shall be reversed , settle based on the Record or Reassigned to Settlement Court. Reassignment to Settlement Court is the proper remedies for relief. Accordingly, correct Direction shall be given to 2DCA and any other remedies in favor of Appellant he may be entitled to them as just and proper.

All parties shall bear their own costs. (*Solberg v. Superior Court of San Francisco*, 19 Cal. 3d 182, 561 P.2d 1148, 137 Cal. Rptr. 460, 1977 Cal. )

Respectfully submitted,

Dated: June 13 , 2021  
Los Angeles, CA

Signed by.

  
Alan Douglas

Document received by the CA Supreme Court.



<b>VERIFICATION</b>
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I am Petitioner/Plaintiff/Appellant In Pro Per in this case. I have read the foregoing Appellant's "**PETITION FOR PANEL REVIEW**" and know its contents. The facts alleged in the Appellant's "Petition for Panel Review" are within my own knowledge and I know these facts to be true. I declare under penalty of perjury that the foregoing is true and correct and that this verification was executed on this 13<sup>th</sup> day of June, 2021 at Los Angeles, California.

DATED: June 13, 2021  
Los Angeles, CA

Signed by:

  
ALAN DOUGLAS

Document received by the CA Supreme Court.