

ORIGINAL

No. 21-6216

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED
OCT 13 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Robert J. Kulick, DBA
Leisure Village News

— PETITIONER
(Your Name)

vs.

Leisure Village Association, INC., a Senior Retirement
Community Homeowner Association, official — RESPONDENT(S)
capacity; et al.,

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals, For 9th Circuit, Case#20-56059

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Robert Kulick in Pro Per

(Your Name)

38122 Village 38

(Address)

Camarillo, CA 93012

(City, State, Zip Code)

310-474-1848

(Phone Number)

QUESTION(S) PRESENTED

1. Petitioner was denied due process in Kulick's petition for panel rehearing (Docket Entry No. 10) and motion for additional arguments (Docket Entry No. 11) denied. No further filings will be entertained in this closed case.
2. The California statute enacted in 1985, the Davis-Stirling Act, governing condominiums and other common-interest developments, gave quasi-government authority under the color of state law to the Leisure Village Association, Inc., this status. And, to include "et al" too.
3. In above item #2, Leisure Village Association, INC., denied Petitioner's rights of Freedom of Speech & Freedom of the Press. And, to include "et al" too.
4. Only legal police officers of the state, county & city under state law can issue vehicle violations & that result in fines, not the Leisure Village Association, INC., et al, using its police force a form of security personal.
5. Leisure Village Association, INC.'s contract is Unconstitutional & invalid since its ambiguous & uncertain which makes it void, & unequal & there was no mandated under law for a quorum to vote on. Election process worthless when elected member of BOD can be removed without any reason.
6. Leisure Village Association, INC., uses assessments which are taxes to pay for the services provided to its Members. This is a quasi-government taxation.
7. Leisure Village Association, INC., has fined Petitioner for publishing the Leisure Village News, while not fining another publication "Inside Leisure Village", neither had BOD approval to publish since the use of the Leisure Village name is not generic, solely belongs only for use by the Leisure Village Association, INC. BOD did not object to LVN use.

Questions Presented (Cont'd)

8. On page 2. under Related Cases, item #s 1.,2. &3. & in Re: "Please note:" due process denied when a court denied a court hearing under the Constitution, the Constitution does not restrict U.S. Supreme or any court the # of cases per year, it will provide a court hearing, that's Unconstitutional,unless a court hearing has been undertaken for a court determination after this court hearing.
9. Its Unconstitutional that the 9th Circuit, "has expressly held that "(a) private homeowners' association is not the equivalent of a or a purported 'quasi-government' entity", when the Davis-Stirling Act of California gives that "quasi-government" authority & status to the Leisure Village Association, INC., effecting millions of seniors on a nationwide basis not just in California.
10. The Rules for filing a case with U.S. Supreme Court or any court, Unconstitutional,when Petitioner in Pro Per & a senior & disabled person under ADA of 1990, can only file electronically not by paper via USPS. That's discrimination & not in the Constitution, not limited to above circumstance(s) cited.
11. The public's trust, faith & confidence in U.S. Supreme Court or any court can not be compromised for any reason. The judicial system under the Rule of law at stake when "compromised" for any reason. That's the original intent of the authors of the Constitution.
12. Is the Constitution of "original intent" or otherwise moving forward? Or, is it possible to be both of these circumstance(s)contingent of a particular circumstance that it perils of the highest scales of justice of the entire society within the U.S.A.; under the Rule of Law.
13. There is no law when it can not be enforced by state or federal governments, unless there is an exception that exists in the judicial system anywhere under the Rule of Law, which a legislature|branch | deems an "exception".

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows: Robert Scheaffer, Linda Grant, Robert Riveles, Theodore Lansing (now deceased), Patrick Price, Charles Kiskaden, John Mayer, Donald Marquardt, Rita Linsey, Gerald Rosen (now deceased), Beaumont Gitlin Tashjian (now Beaumont Tashjian), Lisa A. Tashjian, Tara Radley, & Does 1-500. Please note: due to Petitioner's Dyslexia condition, correct spelling is Scheaffer not "Schaeffer" for "Robert". And, Jeffrey A. Beaumont, Larry F. Gitlin, & Does 1-500, Inclusive:
*Any written reply/in Re: of or for this List of Parties (all) must** from caption or/

RELATED CASES

1. U.S. Supreme #18-6743 , Kulick v. Leisure Village
2. U.S. Supreme #18-6383 , Kulick v. Rein
3. U.S. Supreme #18-6907 , Kulick v. Leisure Village, et al

Please note: denied due process in all related cases cited, court denied a court hearing under the Constitution, the Constitution does not restrict this court or any court the # of cases per year, it will provide a court hearing, that subjects U.S. Supreme Court to be Unconstitution, unless it accepts court hearing on cases submittted for a court determination after its court hearing

**have on its mailing envelope, the U.S. Supreme Court, Case # to be acceptable or will be rt'd to Sender unopened & be via only USPS 1st class postage, no other delivery service rt'd to Sender unopened

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(iii)

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[] For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix B to the petition and is Unconstitutional, it lacks due process, as redressed

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

(X) Unconstitutional, can be published, it's now public record

The opinion of the United States district court appears at Appendix A to the petition and is Unconstitutional, had under color of state law

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

(X) Unconstitutional, can be published, it's now public record

[] For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

JURISDICTION

[X] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was filed on 9-29-21 & rec'd via U.S. mail on 10-1-21

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 9-29-21, rec'd 10-1-21 and a copy of the order denying rehearing appears at Appendix B.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

Please note: There can be no jurisdiction, since Petitioner was denied due process for panel rehearing for this court's results of this panel rehearing determination & its "No further filings", entertained in closed case.

[X] For cases from state courts: *

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

*Please note: that all state court cases are ID'd on page 3, under Related Cases in item #s 1., 2., & 3., which contain all these state court case #s: Unless, this Court, in due respect, does not review all "related cases", then "due process" not granted to this Prtitioner by this Court, & to put "Pro Per" status with attorney at law, becomes a Catch 22 situation & under judicial disadvantage & discrimination against Petitioner under applicable federal law(s) in every aspect of the Constitution where applicable, violates the Declaration of Independence, the parent of the Constitution, also

WHERE applicable

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Petitioner's rights under the Constitution of Freedom of Speech & Freedom of the Press.
2. 28 U.S.C. #1391 & 28 U.S.C. #1441 & 42 U.S.C. #1983 & Articles 1 & 14 sec.1 , under the Constitution
3. California statute Davis-Stirling Act, granting quasi-government authority & status for the governing of condominiums & other common -interest developments to Leisure Village Association, INC. which has standing under the color of state law, enacted 1985.
4. See all QuestionsPresented from 1 to 13 which redress the Constitutionality & whatever Statutory Provisions within scale & scope involved here.
5. In Re: above item #3, in the state's civil code, the act became sections 1350 through 1378, however effective 1-1-2014, because of CA Assembly Bill 805, those sections of the code will be repealed & replaced with a new Part 5, starting with section 4000, in Re: Davis-Stirling Act, Common Interest Development Reorganization Rules & Regulations, while still not changing the granting of quasi-government authority & status to HOAs which the Leisure Village Association, INC. is & continues its standing under the color of that state law, enacted in 1985. This is in the foregoing implicit under Article 10 in the Constitution, a state or to the people, well Petitioner is a person of the "people"!!!
6. Articles 7 & 9 are also applicable here as contributing factors that related to "due process" being denied, as this Writ of Certiorari not just addresses but also seeks redressed too!!!

STATEMENT OF THE CASE

1. The U.S. Supreme Court under law to engage in due process, which incorporates everything written in this & "On Petition For A Writ to Certiorari To U.S. Court of Appeals, For 9th Circuit, Case #20-56059 that also includes all three "Related Cases" cited with U.S. Supreme #s 18-6743 & 18-6383 & 18-6907, as well as USDC, Central District of CA, Case #CV-6079, when not reviewed, any denial of a court hearing of this Petition by Petitioner would be Unconstitutional, for this Court to ignor its "due process" under the Constitution, rendering judicial system, non-existent under the Rule of Law which also becomes non-existent too.
2. This Court also has compromised the public's faith, trust & confidence in judicial system by not providing under the Constitution "due process".
3. The above is the "State/Of The Case" in a nut shell without any doubt that Unconstitutionality inherently & innately exists here. That makes common sense universally & in good conscience as the Constitution's "original intent" by its authors which the Congress enacted into the law of the land. The oath given to defend & not/defended is not just a betrayal but an act of treason against the Constitution, by that person within the judicial system, also justice ceases to exist too. And, in tow,/the Rule of Law,non-existent too. Accordingly, Leisure Village Association, INC., is a "person" since U.S. Supreme Court has now designated that a corporation (INC.) is a "person", & the "et al" too, are "person(s)".
4. See enclosed Exhibit A, in accordance with USDC, Case#20-6079, a copy of Leisure Village Association, INC.'s CC&Rs¹ Article IX, Section 4 in Re: Removal of any officer, "or without cause by the Board", dated 7-25-2006, which is ambiguous, because election of "officer" (BOD)worthless thus

STATEMENT OF THE CASE

4.(Cont'd): the CC&Rs (contract) invalid, & this in copy of Leisure Village News' May 2011, edition (please note: in Re: Grant's "ugly", does mean her physical looks but a frame of mind) & please note: Petitioner unable to finish his schooling, because of a Dyslexia about/after/ condition discovered in/mid-2000(s) which was unknown during his period that he attended schools listed, & copy of, & copy of 5-14-21 fax to Isabel Alarcon (an updated document related to this case matter), as is copy of L.A. Times's article dated 12-22-13 in Re: Associations. These "copies" are part of a non-stop pattern, started from 12-16-97 of Petitioner's intentional, abusive ill-treatment from the past/current BOD of the LVA & its legal/insurance vendors, see copies of: Lois Atz letter dated 12-16-97 (was later murdered by her husband, a member of LVA's BOD at that time, who committed suicide, his name Robert Atz) & Robbie Karlin letter dated 6-11-98 & 9-2-98 fax to BOD,LVA which Petitioner refused a "hearing" (James Lingl, Esq., told me, "you should be shot", witnessed by Caroline Pratt, President of BOD, LVA at that they both/ time, who along with Lingl, had a good laugh over & letter dated 8-29-01 to Judge Frederick H. Bysshe, JR., after LVA dismissed its case against Petitioner without prejudice, knowing LVA would lose & copy of Hon. Bysshe's 9-20-01 Minute Order, & these "copies" & everything in this entire Writ of Certiorari,now becomes public, subject to the publication of pending The Leisure Village Story, all this & more the Petitioner has on his plate to do before he goes to his grave to be with his wife again under God's grace in heaven, a wife, who made his life & was his whole life!!! Now, pending/in process, filing in USDC, new litigation, see copy of its 1st page, to once & trust in all bring a finality to Petitioner's "ill-treatment" per the above!!!

REASONS FOR GRANTING THE PETITION

1. The "Reasons" are given in the Table of Contents.
2. I, Robert J. Kulick, declare under the penalty of perjury that everything that has been written in this Petition For A Writ Of Certiorari To U.S. Court of Appeals, For 9th Circuit, Case #20-56059, is true & correct to the best of my knowledge & belief.
Signed: Robert J. Kulick
Petitioner in Pro Per 
Dated:
3. Evidence in support of this "Writ" are provided in Appendix(s) A & B, which also includes under "Jurisdiction", "cases from state courts:*
4. For this Court to deny a court hearing, would be lack of "due process", violation of the Constitution as well as the Declaration of Independence, the parent of the Constitution. Which would further erode the citizens of the U.S.A. of "faith, trust & confidence" in this Court, U.S. Supreme Court. Also, those that died or injured for this (U.S.) Constitution & Bill of Rights, would have been in VAIN!!! This Petitioner rec'd Honorable Discharge for his military service of the U.S.A. like millions of other(s) in doing their duty to this Constitution, which is & was an honor to do, this Petitioner is not a Saint, does make mistakes in good conscience & pays for his "mistakes" but will not pay for the mistakes of other(s) whenever possible!!!
5. The Petitioner does not expect that this Court will grant him a court hearing, since it "hears" about 80 cases per year from about 8,000 Petitions, nevertheless, this "Writ" is submitted for all the "reasons" given in the Table of Contents, & more, in this Writ too as designated, the (question) of "due process" redressed, a paramount American (U.S.A.) unique tradition in ~~THE~~ ^{its/} highest values of/judicial system underthe Rule of Law, & without it & other(s), the Rule of Law does not exist in the U.S.A. : God bless the U.S.A. a nation under "God"!!!

REASONS FOR GRANTING THE PETITION

(Supreme)/

5.(Cont'd): The Constitution is silent on this Court's/authority as to make its rules for a case before it to be heard, that is given under Article 10 to the people & Petitioner is a person of the "people". The foregoing is ambiguous which makes it Unconstitutional to deny Petitioner a court hearing for resolvement whatever this Court determines, & without this "due process" in tow, then that compounds this non-exsistent contention that the U.S.A. has a functional justice system under the Rule of Law, as the Constitution's original intent sets forth.

Petitioner's skill in legal MATTERS, SEVERELY restricted & disadvantaged not being an attorney at law & his Dyslexia condition & under ADA of 1990-with side-effects from(physical disabilities)medications, that "skill" also limited.

6. See now enclosed Exhibit B, copies of: letters Petitioner to Owners, dated 4-24-2019 & 2-11-2019 & 8-8-2018 & 6-15-2018, for this Court's consideration, as an add'l evidence in support in granting this Petition.

Copy enclosed U.S. Court of Appeals, 9th Cir., Case #20-56059, filed 9-29-21"denying rehearing, ORDER, case closed, no further filing will one of a major/ be enetertained". No due process,/basis for Petition for Writ of Certiorari, this injustice against Petitioner an injustice against all.

5.a.

April 24, 2019: This letter is an opinion based on facts believed to be true and correct and without intent to be malicious to anyone. With updated facts from my letters of 8-8-18, 6-15-18 & 2-11-19.

To Owners: RE: Leisure Village Association, 3-14-19 Beaumont Tashjian Letter.

1. VCSC, Case#56-2013 444977, LVA v. Kulick was the basis for U.S. Supreme Court Case #18-6743 which had in it evidence in support that the jury verdict against Kulick in Case #444977, was the result of a bias by trial judge (Vincent O'Neill), & perjury and obstruction of justice by witnesses (**Linda J. Grant, Robert Schaeffer & Denise D. Sutton**), anti-Semitism against Mrs. Kulick (Tini), a Holocaust survivor, by attorneys (**Jeffrey A. Beaumont & Tara Radley**) who were aided and abetted by LVA's General Manager (**Robert Schaeffer**), a violation of CA Dept. of Insurance regulations by LVA's insurance carrier (PIIC) and perjury and obstruction of justice by attorney **Tara Radley**. O'Neill's initial acceptance of hearsay evidence poisoned the well against Kulick. The appeals court concluded LVA's attorneys fees were not warranted, however O'Neill had the discretion to award them which was not appealed. Because the CA Supreme Court denied a hearing, this state case was moved into the federal courts as far as the U.S. Supreme Court for a definitive conclusion. When the U.S. Supreme Court denies a hearing, it's not based on whether a case has merit. All of the foregoing is public record. Any court awards (judgements) will be paid. Case #444977 was in retaliation and to force Kulick from publishing the Leisure Village News, which addressed the correction of existing defective operating conditions within the LVA. Kulick refused to roll over and decided to defend himself which unfortunately resulted in a miscarriage of justice against him. At all times Kulick acted in good conscience and felt absolutely this was the right thing to do. The two voluntary bankruptcies were Chapter 13 to pay off on a monthly basis all judgements (court awards) that kept mounting against him. Each was voluntarily dismissed.
2. VCSC Case 56-2016 478277, Kulick v. LVA, **Robert Schaeffer** (current LVA General Mgr.), **Linda J. Grant** (past LVA BOD), **Robert Riveles/Theodore Lansing/Charles Kiskaden** (current LVA BOD), **Patrick Price/John Mayer/Donald Marquardt/Rita Linsey/Gerald Rosen** (past LVA BOD), Robert Ellis (deceased past LVA BOD), **Jeffrey A. Beaumont** (current LVA attorney of record), **Larry F. Gitlin** (was LVA attorney of record with Beaumont Gitlin & Tashjian), **Lisa A. Tashjian/Tara Radley** (current LVA attorneys of record with Beaumont Gitlin Tashjian now Beaumont Tashjian); is now U.S. Supreme Court Case #18-6907 which will determine whether Defamation will be returned to the trial court for re-trial. If so, then any attorneys fees awarded (judgements) would be denied. The pending court trial for Declaratory Relief & Injunction, has attorneys fees and cost to be awarded to the prevailing party which are already very considerable before this court trial scheduled for 9-16-19. A prior tentative ruling by this trial court has given Kulick a basis for prevailing in Declaratory Relief & Injunction. This matter in part has to do with the Leisure Village News not being an anonymous newsletter, especially when it was known as early as 2009 that Kulick was the owner of the Leisure Village News. The Board knew this at that time & LVA's attorneys (**Jeffrey Beaumont & Tara Radley**) had proof of this fact yet went ahead with a number of letters to all owners of the LVA that it had been "ascertained the identity of the author/publisher" (last letter dated 7-6-15). If the author/publisher was known to them, how could it be "an anonymous newsletter"? That's the kind of deception given all owners by these attorneys (**Jeffrey A. Beaumont & Tara Radley**).
3. The reason why LVA's insurance carriers will not cover LVA's litigation or provide a defense against Kulick is because the Board would not address defective operating conditions presented by Kulick. All of this litigation could have been avoided if the Board had properly addressed Kulick's concerns.
4. LVA's elections are rigged & only a small clique of homeowners support the Board. About 35% of eligible homeowners vote while the other 65% silent majority does not. This tyranny of a minority rules over this silent majority. This "clique" gets special projects approved by the Board members they elect in an election which most homeowners did not participate.
5. A forthcoming book, *The Leisure Village Story*, has included in it all the State & Federal cases. Still pending are the results of court trial in Case #478277 and pending litigation against LVA, et al (extensive # of defendants) for federal housing discrimination including elderly abuse & anti-Semitism. This is to inform seniors, on a nationwide basis, that when they enter senior retirement communities (HOA) they contract away, via CC&Rs, their individual rights & equality to a Board (and it's legal and insurance representatives) that may turn out to be (like LVA's) corrupt.
6. LVA's pending vote on proposed changes to it's CC&Rs gives homeowners an opportunity to decide whether or not those changes will happen by either not giving the necessary quorum, or voting to reject these changes.

I will always love the Village with all my heart & soul and most Owners & Residents are very fine & decent law-abiding persons. God bless our country & God bless our Village.

R. J. Kulick, Owner of LVA property 32+ years, of a family owned LVA property 40+ years.

February 11, 2019: This letter is an opinion based on facts believed to be true and correct and without intent to be malicious to anyone. With updated facts from my letters of 8-8-18 & 6-15-18.

To Owners: RE: Leisure Village Association:

#1. VCSC, Case# 444977, LVA v. Kulick is now U.S. Supreme Court Case #18-6743 & VCSC Case# 478277, Kulick v. LVA, et al (BOD, G.M., Attorneys) is now U.S. Supreme Court Case# 18-6907. A denial, "does not express the Court's view of the merits of the case". Also, U.S. Supreme Court Case #18-6383, Kulick v. Rein, subject to dismissal and/or return to trial court for re-trial in Case #444977, and defamation in case #478277 subject to be included in pending court trial. Note: especially a case needs (4) Justices to grant a hearing. These cases & related matters have been included in a forthcoming book, *The Leisure Village Story*, in process but still awaiting pending court trial in Case #478277 & pending federal housing discrimination litigation against LVA, et al, (and issues of elderly abuse & anti-Semitism, with extensive defendants). To be an anti-Semite is to be anti-Christ too. An LVA homeowner told me, "Hitler didn't go far enough with the Jews" (this belief that Jews for eternity will be blamed not just as 'Christ killers' but as 'profiteers & parasites'). The anti-Semitism against Mrs. Kulick (Tini), a Holocaust survivor, addressed in my letter of 8-8-18 will not go without lawful redress. The foundation of my life has been based on Judeo-Christian & our American values, and has not changed. Therefore, one must be always vigilant when those core values are, especially viciously and unjustly attacked from any segment of society. And, to do this, one has to stand-up to ensure those precious values don't become meaningless, opening the door to a dog-eat-dog living environment.

#2. The costs that I bear in any litigation has been worth every penny spent, because the cause is the price for being "vigilant & standing up" for those "values" that we hold to be so dear in our hearts & souls. This "price" gives birth & is the basis of a reform movement on a nationwide basis to protect seniors in retirement communities (HOA) from corrupt BOD, it's corrupt General Manager & it's corrupt legal and insurance representatives. The BOD initiated these litigations, NOT me. Our monthly assessments have been increased because of attorneys fees and legal costs, however when those fees and costs are recouped, our monthly assessments will NOT be reduced!

#3. The rewriting of governing documents (CC&Rs) are now before us to decide whether acceptable or not & each of us must make that decision. Well, in your consideration, I cite a Los Angeles Times article dated 12-22-13 under Associations by Donie Vanitzian JD, arbitrator & mediator (HOA), co-written by Zackery Levine, partner at Wolk & Levine, a business & intellectual property law firm, which stated:

"Changes in law will take effect regardless of possibly outdated governing documents"

"Nothing prevents boards from performing their duties of reviewing documents & streamlining operation rules & procedures, but not for the purpose of matching the latest legislations"

"Advice to boards from lawyers is just that, but it is only an attorney's opinion of the law, not what the courts may ultimately decide"

"expensive, time-consuming endeavors with unpredictable results driving up the costs for all homeowners"

"it is probably better to leave your governing documents alone"

Then, who benefits from this "rewriting", the lawyers? This was brought to the attention of BOD by me & was ignored at that time.

#4. The BOD do not want a peaceful out of court settlement with me & the consequences ahead do not look pleasant under any circumstances (especially resale values on our properties). I love the Village with all my heart & soul and most Owners & Residents are very fine & decent law-abiding persons. God bless our country & God bless our Village.

R. J. Kulick, Owner of LVA property 32+ years, of a family owned LVA property 40+ years.

August 8, 2018: This letter is an opinion based on facts believed to be true and correct and without intent to be malicious to anyone.

To Owners: RE: Leisure Village Association:

In RE: July 16, 2018 letter to All Members of Leisure Village Association, Inc., in RE: Leisure Village Association, Inc.-Disclosure of Litigation and written by the Board's law firm, Beaumont Tashjian and it's named attorneys, Jeffrey A. Beaumont, Esq. and Tara Radley, Esq. This letter was replete with untrue and incorrect statements. Fact: VCSC Case #56-2013-00444977, Leisure Village v. Kulick, now in U.S. Court of Appeal, 9th Circuit, Case #18-55904, Appellant's Informal Brief filed 7-26-18 & copied to Radley and accepted by trial Judge Vincent O'Neill. Judgement of \$129,643.60 now subject to this case being dismissed &/or returned to trial court for re-trial. LVA's attorney's fees of \$214,326.60 denied (subject to appeal) by Court of Appeals and precludes any determination to enforce the governing documents, Civil Code #5975(c). Judge O'Neill on 7-26-18 informed Radley, "You're going to the U.S. Supreme Court soon" and that he does not have discretion to grant those \$214,326.80 in attorney fees. The Board's law firm, formerly Beaumont Gitlin Tashjian, now Beaumont Tashjian and its attorneys Jeffrey A. Beaumont, Esq. and Larry Gitlin, Esq. and Lisa Tashjian, Esq. & Tara Radley, Esq. intentionally attempted to torment my wife, Mrs. Kulick (Tini), a Holocaust survivor, by mailing to her residence legal documents that had to be mailed elsewhere. They and the Board knew that she was not aware of any litigations and that is insidious and blatant anti-Semitism.

Fact: VCSC Case #56-2016-00478277, Kulick v. LVA, et al (law firm and its attorneys and Boards & General Manager), now in U.S. Court of Appeal, 9th Circuit, Case #18-56000 filed 7-24-18 and copied prior filing on 7-16-2018 to Edward Vaisbort, Esq. and trial Judge Kevin DeNoce. The Association attorney's fees of \$14,280 are now subject to be denied. The Defamation cause of action now subject to be included in the above referenced court trial.

Fact: The law firms of Tang & Associates and Tran & Isherhien now represent me in Case #444977 and in Case #478277 securement of law firm(s) pending to represent me too. Also, securement of law firm(s) pending in litigation for housing discrimination (and issues of elder abuse & anti-Semitism) against LVA, et al ,(an extensive # of defendants). Please note: Because, past and current Boards act on behalf of All Owners, the LVA has to be included in litigation.

Fact: There was no "anonymous newsletter". Fact: RE: my 6-15-18 letter to Owners. RE: LVA, the past and current Boards, et al, will be responsible and accountable which may result in "millions of dollars" in legal costs that Beaumont, et al, are bleeding from the Owners' assessments. It is a "Superior Court" violation to impede a candidates ability to have their name on ballot for election to Board and the Board/Beaumont/Radley are fully aware of Civil Code 1363.03 (a) (3) that upholds this "violation" and Article 4, Section 1357.100 of Chapter 2, do "(3)". Governing documents, according to Court of Appeals, are unenforceable. Federal jurisdiction rests with the fact that my individual rights were violated and I had no equality before the law. Having a U.S. Supreme Court ruling would not just protect me but all seniors in retirement communities anywhere from a corrupt Board & it's corrupt General Manager & it's corrupt legal and insurance representatives. Beaumont's "7-16-18 letter" can be redressed anywhere.

I love the Village with all my heart and soul and most Owners and Residents are very fine & decent and law-abiding persons. God bless our country and God bless our Village.

R.J. Kulick, Owner of a LVA property 31+ years, of a family owned LVA property 39+ years.

5. & 5, a., EXHIBIT B, 3, of 5.

June 15, 2018: This letter is an opinion based on facts believed to be true and correct and without intent to be malicious to anyone.

To Owners: RE: Leisure Village Association

The current status of VCSC Case #56-2013-444977, Leisure Village vs. Kulick, now U.S. District Court, Case #CV18-3392, subject to 9th Circuit Court of Appeals, and U.S. Supreme Court for a definitive resolution one way or the other. The judgement rendered was based on hearsay, perjury, and obstruction of justice which denied Kulick a fair court trial. The Board of Directors blames me for insurance problems when it was caused by them. The current status of VCSC Case #56-2016-478277, Kulick vs. Leisure Village, et al; now CA Supreme Court Case #S249692, subject to U.S. District Court, 9th Circuit Court of Appeals, and U.S. Supreme Court for a definitive resolution one way or the other. Please note: court trial Case #478277 has been stayed until the appeal portion of this litigation is resolved. The appeal is based on defamation and awarded attorneys fees aspects of this case.

I have always been open to an out of court settlement but the BOD are not interested in just setting down and putting all of the issues on the table for resolution. They have preset conditions which are a no go! This means that these litigations could result in millions of dollars in legal costs which only benefits the attorneys.

The BOD misuse of the LVA's assessments is an issue when used to stop any owner who raises questionable, fraudulent practices of the BOD and their legal and insurance representatives. I was sued by the BOD in retaliation for the publication "Leisure Village News", which addressed defective conditions in the operations of the LVA. The BOD knew, as of 2009, who owned the LVN, yet mislead all owners about that publication being anonymous. The BOD can not stop my freedom of the press and freedom of speech. Until the LVN issue has been resolved in Case #478277, it's publication has been stopped by the BOD.

One of the most serious issues here is that voting for a member of the BOD is a worthless and meaningless election process. Current CC&Rs state that a member of the BOD can be removed without cause, so if the majority of the BOD don't like an elected board member, that person can be removed without cause. Also, it is a violation of a Superior Court ruling against any rules that impede a candidate's ability to have their name on the ballot without a nomination committee or via petition. The CC&Rs are questionably ambiguous, making them questionably invalid and questionably unenforceable.

When an owner has concerns about how LVA is run, that person is informed "if you don't like it here, why don't you move?" Well, that is easy to say, but that owner may be too elderly and in poor health, such that moving would pose a medical and financial hardship on them. I have been viciously and unjustly attacked for standing up for my rights under our beloved U.S. Constitution & Bill of Rights, which those that died for and those that were injured for shall not have been in VAIN!!

Before I go to my grave, my good name and my family's good name will not be dishonestly damaged without protest.

God bless our country and our Village.

R.J. Kulick, Owner of a LVA property 31+ years, of a family owned LVA property 39+ years.

5, & 5.a., EXHIBIT B, 4 of 5.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Robert J. Kulick, Petitioner in Pro Per



Date: 10-13-2021