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ORIGINAL

IN THE

Supreme Court of the United States

October Term 2021

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SUPREME COURT, U.S.

Faulkner et. al. v. Donat et. al

Mounir Lebbad

Applicant / Petitioner,

v.

Raji Donat , EDF Capital, LLC. , and

Source Capital Funding, Inc. (dba) Red leaf Management.

Defendants / Respondents

ON PETITION FOR A WRIT OF CERTIORARI TO
LOS ANGELES SECOND DISTRICT OF APPEAL DIVISION (4)

PETITION FOR A WRIT OF CERTIORARI

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Petitioner / Self Represented

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QUESTIONS PRESENTED

The Fifth and Fourteenth Amendments state that no one shall be deprived of life , liberty or property without due process of law .

The First Amendment of the Constitution guarantees the right of the people to petition the Government for a redress of grievances .

The Los Angeles Second District of Appeal (2DCA) Denied my Petition for a rehearing on its Opinion which contained Omissions , Misstatements , and Important Questions Determined Adversely .

As is relevant here : Said Denial Had Evicted me out of the Justice System and Evicted Other Elderly tenants ignorant of their rights and the Law and were subjected to vicious forcible evictions , homelessness , and death by multiple landlords / Defendants who partnered together and employed EX-Convicts to prowl around the subject property and threaten the Elderly tenants to achieve forced Eviction .

The Negative Impact to Society and to those Elderly Tenants had raised Significant Public Policy and Economic Issues and is NOT up to the Acceptable Standard of our Civilization .

The questions presented are :

1. Did the (2DCA) render its Opinion Without Considering the Constitutional Protection to those Evicted Elderly .
2. Is the Negative Impact , to Society and to those Elderly Tenants , the New Norm of the Acceptable Standard of our Civilization .

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:

RELATED CASES

Four Vicious Malicious and Wrongful Arrests Perpetrated by the Landlords / Defendants against the Petitioner herein to Derail this Litigation against them :

January 2016 Case # 6VW00150 : Two Consecutive Arrests on January 05 and January 07 of 20166

November 2018 The District Attorney did NOT file any charges .

August 2020 Case # LA089522 was Dismissed on May 18 - 2021

Details of the above said Perpetrated Arrests are explained in the " " Statement of the Case " " on Page (5) Five in this Petition .

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OTHER

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 State Courts :

[x] The OPINION of the California Second Appellate District (Division 4) appears at : (Appendix A) to the petition and is :
[x] Unpublished .

[x] The DECISION of the California Second Appellate District (Division 4) denying my Petition for Rehearing appears at : (Appendix B) to the petition .

JURISDICTION

[x] For Cases from State Courts:

The date on which the highest state court decided my case was 07 / 19/ 2021

A copy of that decision appears at : (Appendix A)

**[x] A timely petition for rehearing was thereafter denied on the
following date: 08 / 03 / 2021 and a copy of the order denying
rehearing appears at : (Appendix B) .**

**[x] An extension of time to file the petition for a writ of certiorari was
granted to and including 03 / 26 / 2022 On : 01 / 20 / 2022**

Application No. 21A 343

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The relevant provisions of the First , Fifth , and the Fourteenth Amendments of the Constitution were not considered by the State Appellate Court in Denying the Constitutional Right of Elderly Tenants who are ignorant of the Law and their Pertinent Rights .

Said Elderly Tenants are to be protected from such Unprecedented Vicious Forcible Evictions in our modern Civilization .

The First Amendment of the Constitution Did Not Authorize a State Appellate Court to deny a petition for a redress of its Opinion (in Appendix A) which contained Misstatements , Omissions , and Important Questions that were Determined Adversely .

The Negative Impact to Society and to those Elderly Tenants had raised Significant Public Policy and Economic Issues and is NOT up to the Acceptable Standard of our Civilization

STATEMENT OF THE CASE

A. Introduction

This case has been aptly described as the Unprecedented Civil Landlords / Tenants Dispute of all times in the History of the State of California , and hence , it is on the Record With the :

- * Los Angeles Superior Court Case # EC063450 ,
- * Los Angeles Second District Appellate Court Case # B304992 , and
- * California Supreme Court Case # S270560 .

As it comes to this Court , the Case presents a Real Estate Pandemic impacting the core of our socio economic .

This Petition arises from an effort by Petitioner to make California a better place for Real Estate Development .

Multiple Landlords / Defendants in this Litigation have Partnered together and Covertly Transferred Ownership of the Subject Property to Avoid City Penalties and Derail this Litigation against them .

They Employed Ex-Convicts to Threaten and Forcibly Evicted Elderly Tenants who are ignorant of the Law and their Rights .

The Los Angeles Family and Housing Department had rescued one elderly tenant covered with dust due to illegal construction / modification of his residence , another 73 years old tenant had passed away due to the impact of Construction and forcible eviction , and a 65 years old Handicapped Elderly Lady was forcibly Evicted .

And , I , the Petitioner , was subjected to Four (4) Maliciously Perpetrated Wrongful Arrests intended by the Landlords / Defendants to Derail this Litigation against them :

a) The first Two Consecutive Wrongful and Malicious Arrests of January 05 and January 07 of 2016 , when I was (69) years old , Case # 6VW00150 , I was found NOT Guilty by the Jury ; and hence , both of : Their Employed Ex-Convict Mr. James Esmond and the other witness DID NOT APPEAR to Testify in the trial .

b) The Third Wrongful and Malicious Arrest of November 2018 , the District Attorney did NOT file any charges .

c) The Fourth Wrongful and Malicious Arrest of August 2020 Case # LA089522 was Dismissed on May 18 - 2021 wherein their Two Employed Ex-Convicts Mr. James Miguill and Mr. Ricardo Lee Georges DID NOT APPEAR to Testify .

Since I was Evicted , I have NO physical Address and I live in motels in the city of Ensenada , Baja California , Mexico where the Cost of living is less expensive and Mail Delivery is not as quick as in the U.S.A.

Regular Mail between U.S.A. and Mexico takes around Two to Five weeks .

Wherefore , I am using the Three Days service of UPS Global Express to file in this Court and serve all the Parties involved in this litigation .

B. Background of the Case

- a)- **July 08 - 2014** , Plaintiffs retained Counsel Kevin Trent Kay who did not Commence This Litigation until **December 30 - 2014**
- b)- **March 28 - 2015** Plaintiff Robert Faulkner was Forcibly Evicted while Counsel Kevin Trent Kay was still retained by Plaintiffs .
- c)- **August 13 - 2015** , Due to the Ineffective and Inadequate Representation by Counsel Kevin Trent Kay , Petitioner had requested from the Court that Counsel Kevin Kay be relieved .
- d)- **COURT IRREGULARITIES** stated on Pages (18 to 19) of Petitioner's (AOB) filed with the (2DCA) on March 22 - 2021 :

On February 05 - 2016 , I retained the Counsel Tiffany Travillion for this Litigation , who filed on February 08 - 2016 a Ex parte Proceeding with the Trial Court to Continue trial Date from February 29 - 2016 to a later date (CT, V-1 , P 000120) ,

Also , my Counsel had Pointed out to the Trial Court that Defendant Raji Donat HAD NOT YET FILED HER ANSWER to the COMPLAINT since it was filed on December 30 - 2014 .

My Counsel's Ex parte was DENIED and the Trial Date Remained for February 29 of 2016 . (CT, V-1 , P 000129) .

If Above Said Ex parte Filed by my Former Counsel on February 08 - 2016 was NOT DENIED by the Trial Court , this Pending Litigation Should have ENDED in 2016 .

e)- August 06 - 2018 , Defendants Source Capital Funding, inc (dba) Red Leaf Management , and EDF Capital, LLC. were added to this Litigation in Plaintiff's Seventh Amended Complaint (7th. A. C.) . .

f)- July 10 - 2019 , the (7th. A. C.) Evolved into the OPERATIONAL (10th. A. C.) , whereas , I had Discovered another Covert Transfer of the Property Ownership to " Jewel City Development, Inc." which , according to the record of the California Secretary of State , was registered by the Landlords / Defendants in California as a back-up Ownership Transfer plan on : December 22 - 2017 .

g)- August 26 - 2019 , Due to the California Five years limit on Civil Cases, the Trial Court DENIED my Oral Motion for leave of court to file an (11th. A.C.) to add the newer Covert Owner of the subject Property " Jewel City Development, Inc." which the Defendants registered in California on 12 / 22 / 2017 as a Back-up plan to avoid city penalties and derail this litigation against them .

*** Delayed Discovery Rule ***

Under the [delayed] discovery rule , the statute of limitations begins to run when the plaintiff suspects or should suspect that [his or] her injury was caused by wrongdoing, that someone has done something wrong to [him or] her .

(Jolly v. Eli Lilly & Co. (1988) 44 Cal.3d 1103, 1110).

Generally, the limitations period begins when the "last essential element to the cause of action" occurs.

(*Neel v. Magana, Olney, Levy, Cathcart , and Gelfand* (1971) 6 Cal.3d 176, 187),

That is, when the cause of action "accrues," even if the Plaintiff was ignorant thereof , and even if he or she did not know the identity of the wrongdoer (Id. at p. 187) .

h)- October 20 - 2019 , Petitioner submitted to the Trial Court the (12th. A.C.) and other motions followed by the (13th. A.C.) where Petitioner had demonstrated that the Trial Court Erred in denying a leave of court to file an Amended Complaint , because :

1. There is a general policy in this state of great liberality in allowing amendment of pleadings at any stage of the litigation to allow cases to be decided on their merits.

(*Desny v. Wilder* (1956) 46 Cal.2d 715, 751.) .

See also : *Klopstock v. Superior Court*. (1941) 17 Cal.2d 13, 19;

Nestle v. City of Santa Monica (1972) 6 Cal.3d 920, 939;

Hirsa v. Superior Court (1981) 118 Cal.App.3d 486, 488-489.

2. Even when a plaintiff seeks to add new legal theories or causes of action, the amended complaint relates back to the date of the filing of the original complaint and thus avoids the bar of the Statute of Limitations so long as recovery sought in both pleadings is based upon the general set of facts.

Smeltzley v. Nicholson Manufacturing Co. (1977) 18 Cal.3d 932, 939-940;

See also : *Kittredge Sports Co. v. Superior Court (Marker, U.S.A.)* (1989) 213 Cal. App. 3d 1045, 1048;

Hirsa v. Superior Court (Vickers) (1981) 118 Cal. App. 3d 486, 489.

3. The ""(5) years rule "" should not apply to this Litigation # EC0634450 which was Intentionally Dragged on by the Coordinated Conspiracy of the Defendants' Real Estate Cartel to impose and regulate their own bullying tactics to force evict the Plaintiff herein out of the subject property without taking a single action in a Court of Law :

4. Any Judge, at any time before or after commencement of trial, in the furtherance of justice, and upon such terms as may be proper, may allow amendment of any pleading. There is a strong policy in favor of liberal allowance of amendments.

(Mesler v. BraggMgmt. Co., 39 Cal.3d 290, 296 (1985)).

i)- **December 20 - 2019**, the Trial Court had Erroneously dismissed the Operational (10th. A.C.) of July 10 - 2019, due to the Five Years Limit .

In Dismissing the (10th. A.C.) , the Los Angeles Superior Court (Trial Court) Critically Evicted this Case # ECo63450 in its entirety out of the Justice System , thus Dismissing Defendants : EDF Capital, LLC. and Source Capital Funding, Inc. dba Red Leaf Management who were ADDED to this case on August 06 - 2018 .

The Major Critical Issue in Dismissing the (10th. A.C.) , the (Trial Court) DID NOT CONSIDER my Offer to Compromise of March 04 - 2019 to Defendant Raji Donat who had NEVER responded to my offer due to her Demonstrated Irreparable Intentional Delay in Bad Faith to Drag this Litigation to the Five Years Limit .

COURT CONSIDERING DISMISSAL MUST CONSIDER ALL

THE CIRCUMSTANCES IN THE INDIVIDUAL CASE

Please See Page (22) of Petitioner's (AOB) filed on March 22 -2021
The Important Question Presented now ;

DID THE TRIAL COURT ERR ?

C. (2DCA) Procedural History

- a)- March 04 - 2020 , Petitioner appealed this Litigation to the Los Angeles Second District Appellate Court (2DCA) . Also I filed the " CERTIFICATE OF INTERESTED ENTITIES OR PERSONS " with the (2DCA) , Consisting Only of my Name as a Plaintiff / Appellant and the Names of the Defendants / Respondents
- b)- March 22 , 2021 , I filed my Opening Brief (AOB) after I received the Augmentation of the Record .
Around the time I filed my (AOB) , I submitted an affidavit to the (2DCA) in which I had pointed out that the name of our former Counsel Mr. Kay is inconsistently listed on the Docket with the " CERTIFICATE OF INTERESTED ENTITIES OR PERSONS " , and that Mr. Kay was relieved from this case due to his Ineffective and Inadequate Representation where Mr. Kay Waited (144 Days) since he was retained on July 08 - 2014 until December 30 - 2014 to Commence this Litigation , where Plaintiffs' Stress and Damages had already Quadrupled , and hence , the Plaintiff Robert Faulkner was Forcibly Evicted on March 28 - 2015 while Mr. Kevin Trent Kay was retained .
- c)- On July 19 - 2021 , the (2DCA) had rendered its Opinion in (Appendix A) which contained Critical Misstatements , Omissions , and Important Questions Determined Adversely . such as :

1 - Petitioner was Evicted by Defendant Raji Donat .

*** Fact is Defendant Donat Evicted plaintiff Faulkner , and I , the Petitioner , was Evicted by "" Jewel City Development, Inc. "" whom I was unable to add to the Complaint in August 2019 due to the Trial Court Denying my Oral Motion for leave of Court to File an Amended Complaint .**

2 - Defendant Raji Donat removed the stove from Petitioner's Apartment without Notice , On the same day , Donat's " mini hard drive with irreplaceable data on it " vanished .

*** Fact is : The Mini Hard Drive belongs to me , the Petitioner , it Vanished on that Day when Defendant Donat entered my residence without Proper Notice, WHILE I WAS AWAY, with her employed EX-Convicts Mr. James Esmond and Six Others to remove my stove Promised to me in my Rental Agreement .**

.3 - (2DCA) Opinion's Omissions consisted of :

Petitioner's Oral Motion of August 26 - 2019 , the Two Premeditated Malicious Prosecution , Court Irregularities from 2014 to 2016 , My Offer to Donat on March 04 - 2019 to End this Litigation , and my Notice of Intention to Move for a New Trial filed with the Trial Court on October 10 - 2019 .

d)- August 03 - 2021 My Petition for Rehearing in (Appendix B) was Denied .

REASONS FOR GRANTING THE PETITION

The Questions presented in this case are of Critical Importance and Significance to the Public Policy and Economic Issues . This Court's Review is unquestionably warranted :

- A. This Court should grant review to decide whether the (2DCA) rendered its Opinion Without Considering the Constitutional Protection to those Evicted Elderly .**
- B. This Court should grant review to decide whether, the Negative Impact , to Society and to those Elderly Tenants is the New Norm of the Acceptable Standard of our Civilization .**
- C. This Court should grant review to decide whether the Trial Court Erred in Not Considering " Delayed Discovery Rule " , and Erroneously Dismissed the Operational (10th. A. C.) .**

CONCLUSION

The petition for a writ of certiorari should be granted .

**Respectfully submitted
Mounir Lebbad
Dated : March 22 - 2022
Petitioner / Self Represented**

