

No. 21-85 _____

In The
Supreme Court Of The United States

Neil G. Leeds,

Petitioner,

v.

Hanmi Bank,

Respondent.

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Second Appellate District
Petition For Writ OF CERTIORARI

PETITION FOR REHEARING

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Dated October 29, 2021

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Killyoung Oh v. Hanmi Financial Corporation et

3/26/2020 Case Status: Pending

Statutes & Rules

12 U.S. Code § 1829b - Retention of records by insured depository institutions

GOV. Code 68081

GOV § 68630

Cal. R. Ct. 8.500(c)(2).

PREAMBLE

Pursuant to Rule 44.1 of this Court, Petitioner Neil Leeds, respectfully petitions for a rehearing of the denial of a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit.

Before the Supreme Court, a court of appeal, or the appellate division of a superior court renders a decision in a proceeding other than a summary denial of a petition for an extraordinary writ, based upon an issue which was not proposed or briefed by any party to the proceeding, the court shall afford the parties an opportunity to present their views on the matter through supplemental briefing. If the court fails to afford that opportunity, a rehearing shall be ordered upon timely petition of any party.

REASONS FOR REHEARING

A petition for rehearing should present intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

Hanmi Bank shared that the appeal court ordered the parties to address whether under the holding in *Faust v. San Jose Construction Co; Inc* (2011) 198 Cal.App.4th 181 ("Faust"), the absence of a reporter's transcript or suitable substitute in this case makes the record inadequate for meaningful review on appeal. Under the rule announced in *Faust*, an appellant must provide and adequate record of the issues presented, or otherwise find the issue(s) resolved against her/him. (*Faust*, *supra* 198 Cal.App.4th at 187.) The fundamental question in this context is whether the record presented by appellant is so incomplete that the appellate court will be unable to engage in a meaningful review

Id. at 187-188.)

I Neil G Leeds never had the court order me to do anything at all. It was me directly seeking to have the issues resolved as mentioned in my petition to the court. I could not have been able to gone over the stated record. I had no attorney and I never was allowed in court yet. *Jameson v. Desta* already had clarified the position on this matter.

PETITION FOR REHEARING APPEAL DIVISON

November 12, 2020 Filed on time. I was turned down for no good cause.

Leeds Mattress Stores vs Hanmi Bank

B294238 Appeal

BC685311

Dear Court Of Appeals,

I have been struggling as a pro per indigent client. In fact today here as I try to race to the court to drop this off. I was told I would be late as I was counting the days as weekdays that I needed to finish this petition. I have spent days working on this and was going to return this on Friday completed which would be November 13, 2020. I now have no time to share everything I have regarding my case as I had no court reporter which was to be provided as a pro per litigant. I had no court direct me to state the record and I did find the electronic document that cleared me of that situation as I shared how hard I tried to make sure I had Leeds Mattress Stores Inc filed with Neil Leeds. I have the form. It was done and filed. I have all of the documents to share that I had performed my obligations and the clerk may have not seen how the two names were connected the entire time. I appeal to the court to allow me to share my evidence and forms to prove that my case never allowed me to share my discovery from what happened in court and Leeds Mattress Stores Inc was filed properly and never should of been taken away from the case.

I am trying to make it in time to your court before 4:30 PM as I just spoke to your office. It is now 2:18 Pm and I have to get a copy of a few things and seek that you would give me another day to be able to share the documents that I was working on so hard. As a pro per litigant. I have suffered in every way. However I did ensure to get Leeds Mattress Stores Inc everything that the court has asked for. It should be allowed to be back in and have a new opportunity to share the delayed discovery and dates. The court reporter would of provided that for me. I had asked for that and I do not know why this happened as with all the other errors. I have so much more to share. But the three areas I ask for review are for my status as a indigent litigant needing the court reporter. No court that shared to me to brief the record. And the loss of Leeds Mattress Stores when I filed everything many times and now found the electronic filing that was sent to your court and the opposing council. I plead for the court to allow me one more day to provide the all of the documents that I now am without time to bring as I did not know how to calculate the days from the due date. I am sincere. I have spent days and hours to defend this case as this is a real case and my life has been in agony and distress to prove the evidence that has been time barred and without the opportunity to share what I could of as with a court reporter on record and a stated record with the two justices that handled the case.

Thank you in advance,

From Neil Leeds

Neilleeds@mail.com

818-738-5286 My cell phone.

Sent: Tuesday, May 30, 2017 at 2:43 PM

From: Vivian Kim

To: Neil

I wanted to let you know that I got your message last week and am trying to sort through the documents you sent. I will see if the meeting you requested would be feasible. It will take me a bit of time to get a firm answer on your request so I thank you in advance for your patience.

Thanks,

Vivian

Sent: Thursday, June 29, 2017 at 5:40 PM

From: Vivian Kim

To: Neil Leeds

Subject: RE: RE: From Neil Fw: Sit N Sleep sale files ..Hanmi Bank

Hi Neil,

I reviewed the images you sent and asked our IT department for a search to see if we could locate emails from John Park or others during the 2008 timeframe when you allege certain promises were made to you. I'm sorry to report that our email retention does not go that far back. I've tried to find others here that may have any definitive knowledge of your relationship with Hanmi during that time period, but came up empty handed. I need to see if there are any paper files here that may substantiate your claims, but the person I need to speak to is currently on vacation and will be returning after the 4th of July holiday.

Thanks,

Vivian

I Neil G. Leeds state under perjury that I filed everything the court had asked. Hanmi Bank accepted the files along with the court. I was denied to allow the court to ensure it was corrected.

2/14/2019 Ntc Designating Record of Appeal APP-003/010/103 ("Corrected")

Filed by Neil Leeds (Appellant)

Electronic Service Notification

Guest User Login

You have received this notification at the request of the submitting attorney or party as a means to electronically serve you a copy of the documents described below, and associated with BC685311 - LEEDS MATTRESS STORES INC ET AL VS HANMI BANK in the Central District Stanley Mosk Courthouse Department 24 .

The following documents have been electronically served. Click the document name / title, or the print icon on the right to open then print or download.

Document Name / Title Status Actions

Proof of Service (not Summons and Complaint)

Served - 02/14/2019 07:06 PM PST (Opened)

Proof of Service (not Summons and Complaint)
Served - 02/14/2019 07:07 PM PST (Opened)

Proof of Service (not Summons and Complaint)
Served - 02/14/2019 07:07 PM PST (Opened)

Notice Proof of Deposit
Served - 02/14/2019 07:07 PM PST (Opened)

Appeal - Ntc Designating Record of Appeal APP-003/010/103
Served - 02/14/2019 07:08 PM PST (Opened)

RT Page (43) (15-24) Hanmi Bank has not been cooperative with any investigation. Initially, Leeds sought to recover his banking records and determine why he was denied credit on his own. Hanmi Bank refused to cooperate with his requests. He hired an attorney to request the documents he needed. The bank refused. In the midst of this litigation, even in the face of proper discovery requested by council.

See Exhibit [1] RT page 97

From Hanmi Bank

Date September 12, 2008

Attn: To whom it may concern,

Regarding the above Borrower, Mr. Neil Leeds has been banking with Hanmi Bank since 2004 and has maintained a primary banking relationship. They started with a \$300,000 commercial line of credit with a increase every year. With the highest limit reaching \$2,000,000 at one point. Currently Mr. Neil Leeds is utilizing a \$1,000,000 line of credit with all conditions and covenants met thus far. Mr. Neil Leeds has never been late on a payment and diligently complied with all of the banks request. Hanmi Bank is currently in the process of restructuring his line of credit in order to more efficiently accommodate his business growth. Hanmi Bank fully supports Mr. Neil Leeds and his growing company even through these rough times with the economy. It is understood that Leeds Mattress Stores Inc. is currently in the process of restructuring their working cycle in order to be more profitable, as is any company during this current economic struggle. Hanmi Bank is here to support and help Leeds Mattress Stores, Inc

Please feel free to contact me if you have any other questions.

Thank you!

Sincerely,

Daniel Ju, AVP & LO

116th CONGRESS

2d Session

H. RES. 960

Recognizing the right to counsel in civil proceedings.

IN THE HOUSE OF REPRESENTATIVES

May 8, 2020 Submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Recognizing the right to counsel in civil proceedings.

Whereas the justice system in the United States depends on fair and equal access to the courts as a fundamental right in a democratic society;

Whereas the first line of the United States Constitution identifies "establish Justice" as a purpose of the Constitution;

Whereas, in criminal proceedings involving imprisonment, the United States Constitution guarantees a lawyer for anyone unable to afford one in order to ensure fairness and equal treatment;

Whereas engraved in stone above the entrance to the United States Supreme Court reads "Equal Justice Under Law";

Whereas the American Bar Association, which is the largest voluntary association of legal professionals in the world, has long urged the Federal Government and State and territorial governments to provide legal counsel as a matter of right at public expense to low-income individuals in adversarial proceedings involving basic human needs, including shelter, sustenance, safety, health, and child custody, as determined by each jurisdiction;

Whereas individuals without lawyers face difficult and often insurmountable barriers to obtaining justice in the courts;

Whereas self-represented litigants face significantly worse outcomes in court.

Resolved, That the House of Representatives finds that—

(1) the lack of counsel for low-income individuals in civil proceedings diminishes the justice system in the United States;

GOV § 68630

The Legislature finds and declares all of the following:

(a) That our legal system cannot provide "equal justice under law" unless all persons have access to the courts without regard to their economic means. California law and court procedures should ensure that court fees are not a barrier to court access for those with insufficient economic means to pay those fees.

CONCLUSION

The Declination To Respond to my Petition for Writ Of Certiorari from Hanmi Bank is most telling for the two things it does not do. Hanmi Bank makes no serious effort to refute the facts of all the issues raised in my petition nor the ability of indigent litigants to make a effective record on appeal that entails not only The State Of California, but national importance that is ripe for Supreme Court Review. Indeed the issues raised are of a major consequence to my 42 years of work that was lost due to being thrown to extreme poverty and having no access to justice. I have tried to get my case to trial for over five years. Which includes the time I spent in 2017 working directly with Hanmi Bank myself to recover my banking records that were all thrown out due to my eviction from 27 properties that were personally taken from me including my home.

Hanmi Bank is currently in litigation for a class action complaint for violations of the Federal Securities Laws. I mentioned in my petition about the SEC Filings I would learn to study which brought me to learn everything I never could find out on my own as I tried so hard to have Hanmi Bank return my files as I lost most of them when I was evicted from all of my stores and spent months in the hospital. The action is seeking whether statements made by Hanmi Bank were misrepresented about their financial condition and a \$40 million dollar loan that was impaired. These files I found available from the Federal Court and have been following. This action is not settled yet. However I Neil Leeds see the same conditions I faced in this complaint against them. I did share to Hanmi Banks attorneys that I was facing a situation as mentioned with my mother. I would have to drive across the country to see her. She passed away a few days ago at the Calvary Hospital in the Bronx N.Y. I had very little time as I mourn her loss and am with no more funds to keep my store. I will share to this court. That my dad made a error that cost our family being together. He was caught selling adult material in the 1960's and faced 20 years in prison. The news crews were all over the house and it is in the FBI records for who he was. His dad Samuel Leibowitz was a pro bono attorney and was friends with every judge in N.Y. However my dad had changed his name to Leeds so nobody questioned his faith. It would be that Samuel never told the judge that my dad was his son. My dad would never speak to his dad his entire life. A life destroyed along with my mom who would end up with schizophrenia which is why in my petition I mentioned the poverty. I forgive my dad. This case made me see many people who he knew in the court documents. In fact I know it was Abe Fortas who helped my dad as he stood up for privacy laws which included adult material and would face the same that my dad did. That is why Clarence Earl Gideon was so important to me. Abe Fortas was his attorney before he elevated to Associate Justice of the Supreme Court of the United States. I understand how the Constitution has moved our nation over time. I was seeking for the nation in my petition. That nobody else has to suffer what I have so far with no money. No court reporter. I worked since I was 9 years young. I am 51 years old now. I feel I was given a life sentence. I worked my entire life and now am financially poor again. I shared my faith in my oral argument. I mentioned. I did not seek anything for it. I wanted it for my legacy as such as I find my case due in on November 1, 2021. The Book Of Job saved my life. The Bible is my safety. I accept everything that has happened and will continue to use agape love. I apologize that I can not write well. This case has changed my life. I am struggling. The only prayer I can ask for. If our nation is not ready for a Civil Gideon. Would it be a consideration to grant vacate and remand to the lower court for a court reporter and for a chance to see a judge and jury. I would seek a pro bono law firm. I had a few people share that they could assist me if I were to have that opportunity. I know it would not prejudice Hanmi Bank. They have every file and the staff is current. And everything I shared was the truth as Hanmi Bank would of shared to your court if it was not. I can't find any case like mine. I searched and searched. Not many can go the distance. With no school and money or experience. I thank you for allowing me to share.

I would like to lastly point out. The dollar amount that I asked for. It was not the future of what it was worth. It was already worth more based on twenty six stores and all of the funds that went in to build the company. Casting aside my life and time, compound interest over the years lost and my health. The court of appeal in my thoughts has so far departed from proper judicial proceedings for a pro se pauper with no education. I do ask of this court's supervisory authority. I tried so hard to craft this Petition for Rehearing and I find myself not able to place it together as I wanted to.

For the reasons set forth in this Petition, Neil G. Leeds respectfully requests this Honorable Court grant rehearing and his Petition for a Writ of Certiorari.



Respectfully submitted,
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Council for Petitioner

CERTIFICATION OF COUNSEL

I certify that the Petition for Rehearing from Denial of Certiorari is presented in good faith and not for delay and is restricted to the grounds specified in Supreme Court Rule 44.2.

Dated: October 29, 2021



Neil G. Leeds
Council for Petitioner