

No. 22-253

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In the  
**Supreme Court of the United States**

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CHRISTINE CHUI,  
*Petitioner,*  
v.

BENJAMIN CHUI, ET AL.,  
*Respondents.*

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**On Petition for Writ of Certiorari to the  
Court of Appeal of the State of California**

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**SECOND SUPPLEMENTAL BRIEF FOR  
PETITIONER**

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## **QUESTIONS PRESENTED FOR REVIEW**

1. Whether our government can deprive real properties from parties (including wards in guardianships) on complex matters in chambers without any notice, evidentiary hearing, or due process;
2. Whether our government's officers, including judges, court appointed guardians ad litem, and lawyers can bind real parties to a settlement, by precluding real parties to participate in four inseverable versions adding or modifying 25 new material terms, in chambers, without any knowledge, consent, or participation from real parties, after the settlement was rejected 5 times by the Court, Respondents, and wards.

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Petitioner Christine Chui (“Christine”) hereby submits this second supplemental brief to call this Court’s attention that Respondents’ Supplement Brief is clear evidence that the summarily reversal or the remand to vacate the settlement is warranted. The published was solely issued based on false statements from Respondents, who have had a pattern of misrepresenting the facts, the pleadings, and rulings to make mockery of justice, as evidenced by their Supplement brief, without due process, mandated by our Amendments No. 1, 5, and 14. SUP. CT. R. 15.

**1. RESPONDENTS MISLED THIS COURT BY MISREPRESENTING THE DATES OF FILED PLEADINGS AND LOWER COURTS’ RULINGS**

**A. Christine’s Children Filed their Removal of GAL Chen’s Petition on June 15, 2020, 9 Days Before the Trial Court Enforced the Settlement**

To mislead this Court, Respondents intentionally omitted the dates on their supplement. For an example, Respondents falsely alleged that “the trial court struck the minors’ removal petitions—which had been filed in June 2020, *after* the court’s March 3, 2020 approval of the Second GAL Agreement—based on the court’s conclusion that the minors were not permitted to appear through separate counsel while represented in the litigation by a guardian ad litem. *Id.* at 6-7.” (Respondents’ Supplement Brief, pp. 1-2)

Untrue, Christine’s children filed their removal of GAL Chen’s petitions on June 15, 2020, 9 days before the settlement was enforced by the Trial Court on June 24, 2020. (See the decision from the Appellate Court on case no. B308574 newly published on November 30, 2022, Appendix for Christine’s supplement brief, App. 4-5.)

Respondents concealed that Christine filed her motions for new trial and reconsideration on the trial court’s March 3, 2020, ruling, as recognized by the Appellate Court: “Christine filed a motion for reconsideration of the consolidated rulings on March 13, 2020, and a motion for new trial on March 27, 2020. (See Remittitur on case no. B306918, Appendix for Christine’s Petition for Writ of Certiorari, App. 31)

The Appellate Court stated that “On June 24, 2020, the court granted Christine’s motion for reconsideration of the court’s March 3, 3020 rulings with respect to her removal as guardian ad litem in the ILIT case (case No. BP145759), and otherwise denied the motion. On the same date, the court entered an order: approving the second GAL agreement.” (See Remittitur on case no. B306918, Appendix for Christine’s Petition for Writ of Certiorari, App. 32.)<sup>1</sup>

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<sup>1</sup> The Appellate Court recognized that “Due to the COVID-19 pandemic, the court did not hear oral argument on the motion for new trial, which was set for April 23, 2020.” (See Remittitur on case no. B306918, Appendix for Christine’s Petition for Writ of Certiorari, Certiorari, App. 63, footnote no. 29.)

GAL Chen has precluded any participation from Christine and her children as recognized by the lower courts: “According to Jacqueline and Michael, Chen never met or spoke with them or sought their input concerning the (settlement) agreement.” (See the decision from the Appellate Court on case no. B308574 newly published on November 30, 2022, Appendix for Christine’s supplement brief, App. 4.)

In short, the settlement negotiated and enforced by GAL Chen, who should have been removed and who had never spoken with his wards for the past 10 years, without their participation, consent, knowledge, and due process is not enforceable.

**B. Respondents Concealed that Newly Published Decision on Case No. B308574 Is Directly Related to Christine and Her Children’s Petitions of the Writ of Certiorari**

Respondents misrepresented that “the November 30 opinion repeatedly referred to the court’s earlier decision, without any suggestion that it was disturbing the court’s own prior conclusions.” (See Respondents’ supplement pp. 3.)

Untrue.

The Appellate Court recently recognized the mistake that the Trial Court had precluded any participations from Christine, Christine’s children, and Christine’s children’s retained lawyer before

enforcing the settlement on June 24, 2020, on their newly published opinion on case no. B308574:

On June 15, 2020, Jacqueline, represented by the Law Offices of Michael S. Overing (the Overing firm), filed a petition in the trial court on Jacqueline's behalf to remove Chen as her guardian ad litem. The next day, Michael, represented by the Law Offices of Angela Hawekotte (the Hawekotte firm), filed a petition to remove Chen as his guardian ad litem.

On June 24, 2020, in an order concerning issues unrelated to the disqualification motions and the removal petitions, the court noted the then-recent filing of the original removal petitions and stated: “[A] minor is unable to hire an attorney. It is unclear how [the Overing and Hawekotte firms] can represent these minor children. Neither has sought this [c]ourt’s consent to do so.” (See the newly published decision on case no. B308574, Appendix for Christine’s supplement brief, App. 4-6.)

Clearly, Christine and her children, the aggrieved parties in the settlement were deprived from any due process and evidentiary hearings to expose GAL Chen’s fraud.

Christine made 10 requests for evidentiary hearings. Christine’s petition for writ of certiorari, pp. 19-22. Christine even told the Judge face-to-face that her children wanted to be present for the evidentiary

hearing. (7 RT 1376:15–22.) Christine’s children further made 10 specific requests for evidentiary hearings. (Michael’s Reply Brief at California Supreme Court, 8-9.)

Christine’s children had made 10 specific requests for evidentiary hearings, through Christine, their Trustee, Guardian of Estate and the Guardian Ad litem, since GAL Chen and the trial court refused to hear them by striking their repudiations and disqualifying their retained lawyers as follows:

1. On July 31, 2018, Petitioners first sought an evidentiary hearing. (1 RT 149:3–14.)
2. On August 29, 2018, Petitioners stated that an evidentiary hearing is required. (Respondents’ App. T-9 1531:26–28, 1532:1– 2.)
3. On September 12, 2018, Petitioners brought the request on evidentiary hearing. (C. App. 1 RT 168:13–16.)
4. On September 27, 2018, Petitioners specifically argued that they had been denied an evidentiary hearing. (C. App. 3 AA T-15 1993:4–5.)
5. On December 14, 2018, Petitioners again made the request for an evidentiary hearing. (C. App. 1 RT 236:5–10.)
6. On December 17, 2018, Petitioners sought the relief for due process. (C. App. 8 AA T-29 2764.)

7. On March 27, 2020, Petitioners raised the issues of being denied an evidentiary hearing and their rights to cross- examine GAL Chen. (C. App. 24 AA T-88 11265:15– 16.)
8. On March 13, 2020, Petitioners stated the need for an evidentiary hearing. (C. App. 23 AA T-82 10131:2–14.)
9. Christine made her request face-to face for the judge to allow her children’s presence for the evidentiary hearing, which was rejected. 7 RT 1376:15–22.
10. Lastly, Christine’s children filed their verified repudiations (App. to Christine’s Reply Br. 17, 25), petitions to remove GAL Chen, (App. 53) and motions to vacate the settlement, (App. 53-89) which required evidentiary hearings.

(See Christine’s supplement brief, pp. 6-8),

Christine and her children’s 10 requests for due process on the settlement were denied, stricken or removed from the docket by the trial court, a direct violation of Amendments No. 5 and 14. The opinion is unconstitutional due to lack of due process.

**2. RESPONDENTS CONCEALED THAT THE REMITTITUR TO ENFORCE THE SETTLEMENT WAS ISSUED BY THE APPELLATE COURT ON JULY 14, 2022, MONTHS AFTER CHRISTINE'S CHILDREN REACHED THE AGE OF MAJORITY AND FILED THEIR REMOVAL OF GAL CHEN'S PETITIONS**

Respondents falsely alleged that “The Court of Appeal’s decision directed the trial court to terminate Chen’s appointment only *prospectively*, because Jacqueline and Michael had reached the age of majority while their appeal was pending. That holding has no bearing on the decision that is the subject of these certiorari petitions, in which the same panel of the Court of Appeal upheld the global settlement agreement that Chen had negotiated on behalf of Jacqueline and Michael *before* they turned 18. (Respondents’ supplement brief, p. 1.)

Untrue.

The Appellate Court recognized that “Five days later, on March 9, 2021—the day after Jacqueline’s 18th birthday—the Overing firm filed on her behalf an ex parte application for clarification of the trial court’s March 4 order. Jacqueline argued that Chen’s appointment as her guardian ad litem “necessarily lapse[d]” when she reached the age of majority. (See the Decision from the Appellate Court on case no. B308574 newly published on November 30, 2022, Appendix for Christine’s supplement brief, App. 8.)

The Appellate Court also confirmed that “On May 22, 2022, Michael turned 18 years of age” and “On July 14, 2022, we issued our remittitur in *Chui v. Chui, supra*, B306918. (See the Decision from the Appellate Court on case no. B308574 newly published on November 30, 2022, Appendix for Christine’s supplement brief, App. 8.)

**3. RESPONDENTS MISLEAD THIS COURT BY TAKING OUT CONTEXT OF THE NEWLY PUBLISHED DECISION ON THE CASE NO. B308574 WHICH DIRECTLY RELATES TO THE SETTLEMENT**

Respondents falsely alleged that “the November 30 opinion repeatedly referred to the court’s earlier decision, without any suggestion that it was disturbing the court’s own prior conclusions.’ (See Respondents supplement pp. 3.) This statement from Respondents directly contradicts to their admission that “the Court of Appeal held that the trial court had erred in refusing to entertain the removal petitions.” (See Respondents’ supplement brief, pp. 2.)

Indeed, the Appellate Court explicitly ruled on the November 30 opinion: “Jacqueline and Michael contend that the court erred in striking” their petitions to remove GAL Chen and “We agree.” (See the Decision from the Appellate Court on case no. B308574 newly published on November 30, 2022, Appendix for Christine’s supplement brief, App. 14.)

Notably, Jacqueline and Michael filed their removal of GAL Chen's petitions on June 15, 2020, 9 days prior to the trial court enforced the settlement on June 24, 2020. (See the Decision from the Appellate Court on case no. B308574 newly published on November 30, 2022, Appendix for Christine's supplement brief, App. 4-5.)

GAL Chen, who should have been removed before the Trial Court enforced the settlement on June 24, 2020, had no standing to enforce the settlement on 10 cases, especially since GAL Chen was only appointed on 1 of 10 cases when he petitioned the Court to enforce the settlement on January 17, 2020. (See Remittitur of B306918, Appendix for Christine's Writ of Certiorari petition, App. 11-12.) The trial court appointed GAL Chen for 5 cases on the same date of June 24, 2020, when enforcing GAL Chen's 2<sup>nd</sup> settlement on June 24, 2020. Clearly, GAL Chen had no time to review the trust records on these 5 cases when he petitioned to enforce his 2<sup>nd</sup> settlement on these 5 cases, without any appointment on January 17, 2020.

As detailed on Christine's supplement brief pp. 8-9, GAL Chen testified that he did not know about his wards' claims (2 AA T-8 907:15–17), that he had not read the experts' reports, and that he did not know any claims that his wards might have. (3 RT 605:26–28; 606:1; *see also* 19 AA T-55 7501:23–28; *see also* Michael's Pet. for Reh'<sup>g</sup> 22–23.) Yet, without reviewing the trust records and Petitioners' participation, GAL Chen waived Christine's children's rights to accountings (20 AA T-64 7962:6–21), rights to

an appeal (20 AA T-64 8005), rights to object to his Petition (*id.*), and rights to an \$100 million claim against Respondents. 20 AA T-64 8004. And the judge, who has never reviewed 300 boxes of trust records, issued his ruling to enforce the settlement solely based on GAL Chen's false declarations.

The newly published decision evidenced that the lower courts erred in treating Christine and her children like a Piñata: Christine's children are entitled to remove their GAL Chen, yet GAL Chen's 2<sup>nd</sup> settlement, without any due process and any participations from Christine, her children and their retained lawyers, must be enforced. Without reversal, our government can take away any sentimental and irreplaceable real property or liberty from our people, even without any Guardian Ad Litem, due process, and wards and their parents' participation and consent at any time:

- a. "In the absence of an appointment of a guardian ad litem, the Minors were not, as Jacqueline asserts, representing themselves "in pro[.] per." Rather, the court is "the guardian of the minor" (*Serway v. Galentine* (1946) 75 Cal.App.2d 86, 89 (*Serway*))... Therefore, the fact that a guardian ad litem had not been appointed for the minors in particular probate proceedings does not mean that the minors were representing themselves" and "that the aid of a guardian ad litem was not required." (See Remittitur of B306918, Appendix of Christine's petition for Writ of Certiorari, app. 58.)

- b. “the fact that a guardian ad litem had not been appointed for the minors in particular probate proceedings does not mean that the minors were representing themselves.” (*Id.* 59.)
- c. “Therefore, the fact that Chen had not been appointed guardian ad litem in all cases in which the second GAL agreement affected the Minors’ rights did not preclude the court from approving of the second GAL agreement. (*Id.* 60.)

Notably, GAL Chen has never notified or met with Christine’s children, as recognized by the Appellate Court. (See the newly published decision on case no. B308574, Appendix for Christine’s supplement brief, App. 4-6.)

The straightforward question is whether the settlement is legal since:

- a. The settlement was enforced without any evidentiary hearings, mandated by due process; (Christine’s petition for writ of certiorari, pp. 9-13, 18-26, Christine’s reply brief, pp. 8-13.)
- b. The settlement was enforced when 4 of 6 real parties did not consent to all 25 new or modified material terms and non-parties of judges, GAL and lawyers had dictated four separate settlements without 4 of 6 real parties’ consent and participations on all

material terms; (Christine's petition for writ of certiorari, pp. 6-9, 13-18, Christine's supplement brief, pp. 10-11)

- c. the settlement conflicted with this court's 200-year precedent that the settlement cannot be revived after 5-time rejections by the trial court, GAL, Respondents, and Christine's children without Christine's consent. (Christine's petition for writ of certiorari, pp. 20-29.) And
- d. The summary reversal is essential due to its conflict laws and split on evidentiary hearings and definitions of the real parties in the settlement and the guardianship proceedings. (Christine's petition for writ of certiorari, pp. 26-29.)

Without summary reversal, the published opinion will set a bad precedent upon which nonparties of judges, GALs and lawyers to dictate settlement terms by precluding real parties' participation, consent, cross examinations, and due process. Due process for our mothers and children to expose their fiduciary's fraud, here and throughout the millions of people in this \$250-billion-industry should be guaranteed by our Constitution. Christine's Petition for Writ of Certiorari, pp. 36-39 and Christine's supplement, pp. 12-14.

#### **4. RESPONDENTS MISREPRESENTED THE HEARING TRANSCRIPT**

Respondents took context of the hearing transcript by alleging that “at argument, counsel assured the panel that the appeal did not seek to reopen the issue of the Second GAL Agreement’s validity.” (Respondents’ Supplement Brief, pp. 3-4.)

However, the oral argument was only limited to the case no. of B208574, not the settlement under the case no. of B306918. Moreover, Christine’s children’s counsels explicitly stated their concerns on the lower courts’ deprivation of Christine’s children’s due process in the Settlement proceedings.

##### **A. Counsel for Christine’s Children Stated that Christine’s Children Could Have Made Different Arguments if Their Counsels Had Not Been Wrongfully Disqualified**

MR. WILDE: JACQUELINE AND MICHAEL WERE UNABLE TO MAKE CERTAIN ARGUMENTS IN THE TRIAL COURT BECAUSE OF THE TRIAL COURT’S RULING DISQUALIFYING US AT THAT TIME.

(Respondents’ supplement brief, appendix 7a)

THEY ALSO WERE NOT ALLOWED TO PROCEED WITH THE PETITION TO SEEK THE REMOVAL AND

REPLACEMENT OF MR. CHEN. THE TRIAL COURT DISQUALIFIED US AS COUNSEL AND THEN, BASED UPON THE DISQUALIFICATION OF COUNSEL, STATED THAT NEITHER MICHAEL NOR JACQUELINE WERE PERMITTED TO PRESENT ANY PETITIONS TO THE TRIAL COURT IN THEIR OWN NAME. THEY WERE ASKING TO HAVE A DIFFERENT G.A.L. --

(Respondents' supplement brief, appendix 7a – 8a.)

**B. Counsel for Christine's Children  
Stated that the Settlement  
Should Not Have Been Enforced  
by the Trial Court If Christine's  
Children Were Heard by Their  
Own Counsels**

MR. WILDE: ONE THING THAT HAPPENED WAS -- AND MAYBE THINGS WOULD HAVE WORKED OUT DIFFERENTLY WITH RESPECT TO THE SETTLEMENT IF SHE'D BEEN ABLE TO GET HER OWN G.A.L.; BUT I UNDERSTAND THAT THAT'S A FINAL ISSUE.

APPEALS COURT JUSTICE: OKAY.

(Respondents' supplement brief, appendix 10a.)

**C. Counsel for GAL Chen and the Appellate Court Recognized that Christine's Children Contested the Settlement by Filing Their Petitions for Writ of Certiorari**

MR. FORER: THEY FILED FOR CERT WITH THE U.S. SUPREME COURT ON THE -- ON THE SETTLEMENT AGREEMENT.

APPEALS COURT JUSTICE: RIGHT.

(Respondents' supplement brief, appendix 24a.)

APPEALS COURT JUSTICE: AND AT LEAST COUNSEL FOR JACQUELINE CHUI CONTESTING ANYTHING THAT WE PREVIOUSLY RULED.

MR. FORER: YES.

(Respondents' supplement brief, appendix 25a.)

Clearly, Respondents' pattern of misrepresenting the facts, rulings, transcripts and etc, warrants the summary reversal or the remand for instructions on to vacate the settlement, without due process. The published decision was issued solely based on Respondents' false declarations that "the Sky is green" without any due process, as detailed on Christine's reply brief, pp. 3-8, 9-13. Indeed, the summary reversal will effectively prevent billions from being wasted by fiduciaries' making a mockery of our justice

in their 500 motions/petitions, without any oversight of due process, a cloud hanging over our nation. (Christine's reply brief, pp. 14-16.)

## CONCLUSION

Christine respectfully requested this Court to issue a summary reversal or remand with instruction to vacate the settlement, a foul of our constitution, without her and her children's consent, participation, and due process.

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