

22-264

No. _____

ORIGINAL

In The

Supreme Court of the United States

FILED
SEP 15 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

SHAHROUZ JAHANSHAHI,

Petitioner,

v.

COREY EVAN PARKER,

Respondent.

On Petition For Writ Of Certiorari
To The Superior Court Of Los Angeles County

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

This petition presents a single novel question that no court has rendered an opinion: Whether, under California law a court can order an indigent litigant that is granted in forma pauperis to conduct deposition by remote means that is discretionary and more costly than traditional means of conducting deposition.

LIST OF PARTIES

Plaintiff/petitioner Shahrouz Jahanshahi is an individual, and the respondent Corey Evan Parker is the defendant and respondent in this action.

STATEMENT OF RELATED CASES

- *Jahanshahi v. Parker*, No. 20STCV28899, Superior Court of California for County of Los Angeles, California. Order entered January 14, 2022.
- *Jahanshahi v. The Superior Court of The County of Los Angeles*, No. B319161, The Court of Appeal of State of California, Second Appellate District, Division One. Order entered on March 18, 2022.
- *Jahanshahi v. Superior Court of Los Angeles County*, No. S273877, In the Supreme Court of California. Order entered En Banc on April 20, 2022.

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OPINIONS BELOW

There are no published opinions of the California Court of Appeal nor the Supreme Court of California as both court summarily denied petitioner's petition for writ of mandate. The California Supreme Court order denying the petition for writ of mandate is provided herein as App. 11.

The California Court of Appeal order denying the petition for writ of mandate is provided as App. 10.

The Superior Court of California order is provided as App. 1.

STATEMENT OF JURISDICTION

The date on which the Supreme Court of California decided or denied the case was on April 20, 2022. See App. 11.

Petitioner filed for an extension with the Court under application number 22A77. On July 28, 2022, the Court granted extension for the petition for writ of certiorari to be filed by September 17, 2022.

The Court's jurisdiction is invoked pursuant to 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

California Code of Civil Procedure § 2025.310 states:

- (a) At the election of the deponent or the deposing party, the deposition officer may attend the deposition at a different location than the deponent via remote means. A deponent is not required to be physically present with the deposition officer when being sworn in at the time of the deposition.
- (b) Subject to Section 2025.420, any party or attorney of record may, but is not required to, be physically present at the deposition at the location of the deponent.
- (c) The procedures to implement this section shall be established by court order in the specific action or proceeding or by the California Rules of Court.
- (d) An exercise of the authority granted by subdivision (a) or (b) does not waive any other provision of this title, including, but not limited to, provisions regarding the time, place, or manner in which a deposition shall be conducted.
- (e) This section does not alter or amend who may lawfully serve as a deposition officer pursuant to this title or who otherwise may administer oaths pursuant to Sections 2093 and 2094 of this code or Section 8201 of the Government Code.

California Government Code § 68630 states as follows:

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.

(b) That fiscal responsibility should be tempered with concern for litigants' rights to access the justice system. The procedure for allowing the poor to use court services without paying ordinary fees must be one that applies rules fairly to similarly situated persons, is accessible to those with limited knowledge of court processes, and does not delay access to court services. The procedure for determining if a litigant may file a lawsuit without paying a fee must not interfere with court access for those without the financial means to do so.

(c) That those who are able to pay court fees should do so, and that courts should be allowed to recover previously waived fees if a litigant has obtained a judgment or substantial settlement.

California Rules of Court, Rule 3.56, states as follows:

Necessary court fees and costs that may be waived upon granting an application for an initial fee waiver, either at the outset or upon later application, include:

- (1) Jury fees and expenses;
- (2) Court-appointed interpreter's fees for witnesses;
- (3) Witness fees of peace officers whose attendance is reasonably necessary for prosecution or defense of the case;
- (4) Witness fees of court-appointed experts; and
- (5) Other fees or expenses as itemized in the application.

STATEMENT OF THE CASE

Petitioner Jahanshahi, an indigent litigant has filed a verified complaint for civil legal malpractice action against his former attorney Corey Evan Parker, Respondent in this action for breach of contract, breach of fiduciary duty. Petitioner was granted to proceed in this action in forma pauperis pursuant to California Government Code § 68630.

Petitioner attempted to take deposition of defendant Parker by serving a deposition subpoena. Parker moved for protective order solely based on his request

to be deposed via remote means. Petitioner moved the court for an order to compel deposition of Parker. At no time was petitioner asking the court to pay for the fees associated with the deposition.

The court granted Parker's protective order and granted petitioner's motion to compel by ordering petitioner to conduct deposition via remote means which is more costly and requires knowledge and expertise of navigating the intricacies of conducting deposition remotely.

Petitioner challenged the ruling of the court by filing a petition for writ of mandate before the Second District Court of Appeal of California. The court of appeal summarily denied the petition.

Petitioner thereafter filed a timely petition with the Supreme Court of California, where it also summarily denied the petition.

As petitioner is an indigent litigant, the court's order is essentially denying fundamental right of access to the court as petitioner cannot conduct discovery based on the imposed order of the court that exceeds its jurisdiction and is not supported under any federal or state laws. If the Court does not grant this petition, petitioner will lose his meritorious case because he is prohibited to conduct discovery based on his status as an indigent litigant, and therefore will be denied fundamental right to access to justice.

REASON FOR GRANTING THE PETITION

The superior court of California has exceeded its jurisdiction in ordering an indigent litigant appearing in forma pauperis to conduct deposition via remote means as it is not supported under the California Discovery Act, and by doing so is depriving petitioner legitimate access to court and litigating his case based on merit. There are no cases known to petitioner that has decided as such and the superior court did not rely on any holding as such.

If this becomes the precedent or rule of the law, indigent litigants will be denied their constitutional access to court as it will infringe upon their constitutional right and will force them to go thru expenses that they cannot afford and requested relief from the court by waiving court fees and costs by granting his or her in forma pauperis application.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Dated: September 15, 2022

Respectfully submitted,
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