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**EXHIBIT 1: LAW AND CODES FOR THIS
PETITION FOR WRIT OF CERTIORARI**

**A. RINGGOLD LOCKHERT V. COUNTY OF
L.A., 781 F.3D 1057 (9TH CIR. 2014)**

Ringgold challenged at the federal court the state court's declaring her as a vexatious litigant, lost with a prefilng order.

Disposition: VACATED the district court order declaring vexatious litigant and prefilng order AND REMANDED

LAWS:

Restricting access to the court is a serious matter. "The right to access to the courts is fundamental right protected by the Constitution." Delew v. Wagner, 143 F.3d 1219, 1222 (9th Cir. 1998)

[U.S. CONSTITUTION, THE FIRST AMENDMENT]

The First Amendment "right of the people....to petition the Government for a redress of grievances," which secures the right to access the courts, has been termed "one of the most precious of the liberties safeguarded by the Bill of Rights."

BE & K Const. Co. v. NLRB, 536 U.S. 510, 524-25, 122 S.Xt. 2390, 153 L.Ed 2d 499 (2002); Christopher v. Harbury, 536 U.S. 403, 415, n. 12, 122 S.Ct.2179, 153 L.Ed 2d 413 (2002)(noted that the Supreme Court has located the court access right in the Privileges and Immunities clause, the First amendment Petition clause, the Fifth Amendment due process clause, and the Fourteenth Amendment equal protection clause.

Profiligate use of pre-filing orders could infringe this important right. Molski v. Evergreen Dynasty Corp., 500 F.3d 1047, 1057 (9th Cir. 2007) as the pre-clearance requirement imposes a substantial burden on the free-access guarantee.

Out of regard for the constitutional underpinnings of the right to court access, "pre-filing orders should rarely

be filed," and only if courts comply with certain procedural and substantive requirements. De Long v. Hennessy, 912 F.2d 1144 at 1147 (9th Cir. 1990). The requirements are: the courts must (1) give litigant notice and "an opportunity to oppose the order before it is entered, (2) compile an adequate record for appellate review, including "a list of all the cases and motions that led the district court to conclude that a vexatious litigant order was needed"; (3) make substantive findings of frivolousness or harassment; and (4) tailor the order narrowly so as "to closely fit the specific vice encountered." *Id.* at 1147-48.

The first and second of these requirements are procedural, while the "latter two factors...are substantive considerations...[that] help the district court define who is, in fact a 'vexatious litigant' and construct a remedy that will stop the litigant's right to access the courts." Molski, 500 F.3d at 1058. In "applying the two substantive factors," we have held that a separate set of considerations employed by the Second Circuit Court of Appeals "provides a helpful framework." *Id.* The Second Circuit considers the following five substantive factors to determine "whether a party is a vexatious litigant and whether a pre-filing order will stop the vexatious litigation or if other sanctions are adequate":

- (1) The litigant's history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits;
- (2) the litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prefilng?
- (3) whether the litigant is represented by counsel'
- (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and

(5) whether other sanctions would be adequate to protect the courts and other parties.

Id. (quoting *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986)). The final consideration – whether other remedies “would be adequate to protect the courts and other parties” is particularly important. See *Cromer v. Kraft Goods N. Am. Inc.*, 390 F.3d 812, 818 (4th Cir. 2004)

In light of the seriousness of restricting litigants' access to the courts, pre-filing orders should be a remedy of last resort.

LAWS TO MAKE SUBSTANTIVE FINDINGS OF FRIVOLOUSNESS OR HARASSMENT

“Before a district court issues a pre-filing injunction.. it is incumbent on the court to make ‘substantive findings as to the frivolous or harassing nature of the litigant’s actions.’ *De Long*, 912 F.2d at 1148 (quoting *In re Powell*, 851 F.2d 427, 431, 271 U.S. App. D.C. 172 (D.C. Cir. 1988)). To determine whether the litigation is frivolous, district courts must “look at ‘both the number and content of the filings as indicia’ of the frivolous ness of the litigant’s claims.” *Id.* (quoting same) ‘Even if [a litigant’s] petition is frivolous, the court [must] make a finding that the number of complaints was inordinate.’ *Id.* Litigiousness alone is not enough, either: “The plaintiff’s claims must not only be numerous, but also be patently without merit.” *Molski*, 500 F.3d at 1059 (quoting *Moy*, 906 F.2d at 470)

As an alternative to frivolousness, the district court may make an alternative finding that the litigant’s filings “show a pattern of harassment.” *De Long*, 912 F.2d at 1148. However, courts must “be careful not to conclude that particular types of actions filed repetitiously are harassing,” and must instead...’discern whether the filing of several similar types of actions constitutes an intent to harass the

defendant or the court.” *Id. At 1148 n.3 (quoting Powell, 851 F.2d at 431).*

Courts should consider whether other, less restrictive options, are adequate to protect the court and parties. See *Molski, 500 F.3d at 1058*; *Cromer, 390 F.3d at 818*; *Safir, 792 F.2d at 24*.

Pre-filing orders “must be narrowly tailored to the vexatious litigant’s wrongful behavior.” *Molski, 500 F.3d at 1061.*

In *Molski*, we approved the scope of an order because it presented the plaintiff from filing “only the type of claims Molski had been filing vexatiously,” and because it will not deny Molski access to the court on any... claim that is not frivolous.” *I.d. (Ringgold, 761 F.3d 1057, 1066)*

B. CONSTITUTION, 5TH AMENDMENT:

“No person shall... nor be deprived of life, liberty, or property, without due process of law”

C. CONSTITUTION, 14TH AMENMENT

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

D. CALIFORNIA RULES OF COURT

RULE8.380. PETITION FOR WRITS OF HABEAS CORPUS FILED BY PETITIONER NOT REPRESENTED BY AN ATTORNEY

(a) Required Judicial Council form Petition for Writ of Habeas Corpus A person who is not represented by an attorney and who petitions a reviewing court for writ of habeas corpus seeking release from, or modification of the conditions of, custody of a person confined in a state or local penal institution, hospital, narcotics treatment facility, or other institution must file the petition on *Petition for*

Writ of Habeas Corpus (form HC-001). For good cause the court may permit the filing of a petition that is not on that form, but the petition must be verified.

(Subd (a) amended effective January 1, 2020; Subd (a) amended effective January 1, 2018; previously amended effective January 1, 2006, January 1, 2007, and January 1, 2009.)

(b) Form and content A petition filed under (a) need not comply with the provisions of rules 8.40, 8.204, or 8.486 that prescribe the form and content of a petition and require the petition to be accompanied by a memorandum. If any supporting documents accompanying the petition are sealed or confidential records, rules 8.45-8.47 govern these documents.

(Subd (b) amended effective January 1, 2014; adopted as part of subd (a) effective January 1, 2005; previously amended and lettered effective January 1, 2009.)

(c) Number of copies In the Court of Appeal, the petitioner must file the original of the petition under (a) and one set of any supporting documents. In the Supreme Court, the petitioner must file an original and, if the petition is filed in paper form, 10 copies of the petition and an original and, if the document is filed in paper form, 2 copies of any supporting document accompanying the petition unless the court orders otherwise.

**E. CALIFORNIA RULES OF COURT RULE
8.384. PETITION FOR WRIT OF HABEAS
CORPUS FILED BY AN ATTORNEY FOR A
PARTY**

**(a) Form and content of petition and
memorandum**

(1) A petition for habeas corpus filed by an attorney need not be filed on *Petition for Writ of Habeas Corpus* (form HC-001), but must contain the information requested in that form and must be verified. All petitions filed by attorneys, whether or not

on form HC-001, must be either typewritten or produced on a computer, and must comply with this rule and rules 8.40 (b)-(c) relating to document covers, and rule 8.204 (a)(1)(A) relating to tables of contents and authorities. A petition that is not on form HC-001 must also comply with the remainder of rule 8204(a)-(b).

(2) Any memorandum accompanying the petition must comply with rule 8.204 (a)-(b). Except in habeas corpus proceedings related to sentences of death, any memorandum must also comply with the length limits in rule 8.204 (c).

(3) The petition and any memorandum must support any reference to a matter in the supporting documents by a citation to its index number or letter and page.

**F. SHALANT V. GIRARDI, 51 CAL.4TH 1164
(2011)**

p.1173-74: "If "litigation" as defined in section 391, subdivision (a) included every motion or other procedural step taken during an action or special proceeding, and that definition were applied throughout the vexatious litigant statutes, several provisions would take on absurd, unworkable, or clearly unintended meanings. Under section 391, subdivision (b)(1), a person could be declared a vexatious litigant for losing five motions- all of which might have been filed in the same lawsuit-in a seven- year period. Section 391, subdivision (b)(3)'s reference to "motions, pleadings, or other papers" filed in the course of a litigation would make little sense if every motion, pleading, or paper filed was itself a new litigation."

**G. CALIFORNIA CODE OF CIVIL
PROCEDURE§391**

As used in this title, the following terms have the following meaning:

(a) "Litigation" means any civil action or proceeding, commenced, maintained or pending in any state or

federal court.

(b) "Vexatious litigant" means a person who does any of the following:

- (1) In the immediately preceding seven-year period has commenced, prosecuted, or maintained in pro per persona at least five litigations other than in a small claims court that have been (i) finally determined adversely to the person or (ii) unjustifiably permitted to remain pending at least two years without having been brought to trial or hearing.
- (2) After a litigation has been finally determined against the person, repeatedly relitigates or attempts to relitigate, in propria persona, either (i) the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined or (ii) the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same defendant or defendants as to whom the litigation was finally determined.
- (3) In any litigation while acting in propria persona, repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay.
- (4) Has previously been declared to be a vexatious litigant by any state or federal court of record in any action or proceeding based upon the same or substantially similar facts, transaction, or occurrence.

....

(c) "plaintiff" means the person who commences, institutes or maintains a litigation or causes it to be commenced, instituted or maintained, including an attorney at law acting in propria persona.

**H. CALIFORNIA CODE OF CIVIL
PROCEDURE §391.2**

At the hearing upon the motion the court shall consider any evidence, written or oral, by witnesses or affidavit, as may be material to the ground of the motion. Except for an order dismissing the litigation pursuant to subdivision (b) of Section 391.3, no determination made by the court in determining or ruling upon the motion shall be or be deemed to be a determination of any issue in the litigation or of the merits thereof.

**I. CALIFORNIA CODE OF CIVIL
PROCEDURE §391.7**

- (a) In addition to any other relief provided in this title, the court may, on its own motion or the motion of any party, enter a prefiling order which prohibits a vexatious litigant from filing any new litigation in the courts of this state in propria persona without first obtaining leave of the presiding justice or presiding judge of the court where the litigation is proposed to be filed. Disobedience of the order by a vexatious litigant may be punished as a contempt of court.
- (b) The presiding justices or presiding judge shall permit the filing of that litigation only if it appears that the litigation has merit and has not been filed for the purposes of harassment or delay. The presiding justice or presiding judge may condition the filing of the litigation upon the furnishing of security for the benefit of the defendants as provided in Section 291.3.
- (c) The clerk may not file any litigation presented by a vexatious litigant subject to a prefiling order unless the vexatious litigant first obtains an order from the presiding justice or presiding judge permitting the filing. If the clerk mistakenly files the litigation without the order, any party may file with the clerk and serve, or the presiding justice or presiding judge may direct the clerk to file and serve, on the plaintiff and other parties a notice stating that the plaintiff is a vexatious litigant subject to a prefiling order as set forth in subdivision (a). The filing of the notice shall

automatically stay the litigation. The litigation shall be automatically dismissed unless the plaintiff within 10 days of the filing of that notice obtains an order from the presiding justice or presiding judge permitting the filing of the litigation as set forth in subdivision (b). If the presiding justice or presiding judge issues an order permitting the filing, the stay of the litigation shall remain in effect, and the defendants need not plead, until 10 days after the defendants are served with a copy of the order.

- (d) For purposes of this section, "litigation" includes any petition, application, or motion other than a discovery motion, in a proceeding under the Family Code or Probate Code, for any order.
- (e) The presiding justice or presiding judge of a court may designate a justice or judge of the same court to act on his or her behalf in exercising the authority and responsibilities provided under subdivisions (a) to (c), inclusive.
- (f) The clerk of the court shall provide the Judicial Council a copy of any prefilling orders issued pursuant to subdivision (a). The Judicial Council shall maintain a record of vexatious litigants subject to those prefilling orders and shall annually disseminate a list of those persons to the clerks of the courts of this state.

J. CALIFORNIA PENAL CODE §278.5

- (a) Every person who takes, entices away, keeps, withholds, or conceals a child and maliciously deprives a lawful custodian of a right to custody, or a person of a right to visitation, shall be punished by imprisonment in a county jail not exceeding one year, a fine not exceeding one thousand dollars (\$1,000) or both that fine and imprisonment, or by imprisonment pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years, a fine not exceeding ten thousand dollars (\$10,000), or both that fine and imprisonment.

- (b) Nothing contained in this section limits the court's contempt power.
- (c) A custody order obtained after the taking, sentencing away, keeping, withholding, or concealing of a child does not constitute a defense to a crime charged under this section.

K. CALIFORNIA PENAL CODE §278.6

- (a) At the sentencing hearing following a conviction for a violation of Section 278 or 278.5, or both, the court shall consider any relevant factors and circumstances in aggravation, including, but not limited to, all of the following:
 - (1) The child was exposed to a substantial risk of physical injury or illness.
 - (2) The defendant inflicted or threatened to inflict physical harm on a parent or lawful custodian of the child or on the child at the time of or during the abduction.
 - (3) The defendant harmed or abandoned the child during the abduction.
 - (4) The child was taken, enticed away, kept, withheld, or concealed outside the United States.
 - (5) The child has not been returned to the lawful custodian.
 - (6) The defendant previously abducted or threatened to abduct the child.
 -
 - (9) the length of the abduction.
 - (10) the age of the child.

L. CALIFORNIA GOVERNMENT CODE §6200

Every officer having the custody of any record, map, or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his or her hands for any purpose, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three or four years if, as to the whole or any part of the record, map, book, paper, or proceeding,

the officer willfully does or permits any other person to do any of the following:

- (a) Steal, remove, or secrete
- (b) Destroy, mutilate, or deface.
- (c) Alter or falsify.

M. California Code of Civil Procedure §170

A judge has a duty to decide any proceeding in which he or she is not disqualified.

N. . California Code of Civil Procedure §170

(a) A judge shall be disqualified if any one or more of the following are true:

- (1)(A) The judge has personal knowledge of disputed evidentiary facts concerning the proceeding.
- (2)(A) The judge serves a lawyer in the proceeding, or in any other proceeding involving the same issues he or she served as a lawyer for a party in the present proceeding or gave advice to a party in the present proceeding upon a matter involved in the action or proceeding.
- (3)(A) The judge has a financial interest in the subject matter in a proceeding or in a party to the proceeding.
- (B) A judge shall be deemed to have a financial interest within the meaning of this paragraph if:
 - (ii) The judge or the spouse of the judge is a fiduciary who has a financial interest.
 - (C) A judge has a duty to make reasonable efforts to inform himself or herself about his or her personal and fiduciary interests and those of his or her spouse and the personal financial interests ...
 - (4) The judge, or the spouse of the judge, ... is a party to the proceeding or an officer, director, or trustee of a party.
 - (6) (A) For any reason:
 - (i) The judge believes his or her recusal would further the interests of justice.
 - (ii) The judge believes there is a substantial doubt as to his or her capacity to be impartial.

(iii) A person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial.

(B) For the purposes of this paragraph, all of the following apply:

(ii) "party" includes the parent, subsidiary, or other legal affiliate of any entity that is a party and is involved in the transaction, contract, or facts that gave rise to the issues subject to the proceeding.

(9)(c) The judge shall disclose any contribution from a party or lawyer in a matter that is before the court that is required to be reported under subdivision of Section 84211 of the Government Code, even if the amount would not require disqualification under this paragraph.

O. California Code of Civil Procedure §170.3

(c)(3) Within 10 days after the filing or service whichever is later, the judge may file a consent to disqualification in which case the judge shall notify the presiding judge or the person authorized to appoint a replacement of his or her recusal as provided in subdivision (a), or the judge may file a written verified answer admitting or denying any or all of the allegations contained in the party's statement and setting forth any additional facts material or relevant to the question of disqualification. The clerk shall forthwith transmit a copy of the judge's answer to each party or his or her attorney who has appeared in the action.

(4) A judge who fails to file a consent or answer within the time allowed shall be deemed to have consented to his or her disqualification and the clerk shall notify the preceding judge or person authorized to appoint a replacement of the recusal as provided in subdivision (a).

P. California Code of Civil Procedure §170.4
(d) Except as provided in this section, a disqualified judge shall have no power to act in any proceeding after his or her disqualification or after the filing of a statement of disqualification until the question of his or her disqualification has been determined.

Q. California Code of Civil Procedure §170.9
(a) A judge shall not accept gifts from a single source in a calendar year with a total value of more than two hundred fifty dollars (\$250)

R. Hayward v. Superior Court of Napa Valley, 2 Cal.App.5th 10 (2016)

"In short, Urias, Oak Grove, and the cases they rely upon stand for the proposition that the facts alleged in a statement of disqualification must be considered true where, as here, the judge whose impartiality was challenged fails to consent to or challenge the allegations of the statement of disqualification."

Urias v. Harris Farms, Inc., 234 Cal.App.3d 415 (1991), Oak Grove School Dist. v. City Title Ins. Co. (1963) 217 Cal.App.2d 678; Calhoun v. Superior Court (1958) 51 Cal.2d 257, 262.

S. 28 U.S.C. §455

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(4) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding or any other interest

that could be substantially affected by the outcome of the proceeding;

(5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

- (i) is a party to the proceeding, or an officer, director, or trustee of a party;
- ii) is acting as a lawyer in the proceeding;
- (iii) is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;
- (iv) is to the judge's knowledge likely to be a material witness in the proceeding.

(d) ..

(1) "proceeding" includes pretrial, trial, appellate review, or other stages of litigation;

EXHIBIT 2: ORDER CAUSED THIS PETITION

FILED MAY 17, 2022 BY JORGE NAVARRETE,

CLERK

S273215

IN THE SUPREME COURT OF CALIFORNIA

In re YI TAI SHAO on Habeas Corpus

The application of petitioner for leave to file a petition
for writ of habeas corpus is hereby denied.

JENKINS, J.

Acting Chief Justice

**EXHIBIT 3: CALIFORNIA SUPREME COURT
REQUIRES A FILING OF VL-110 (VEXATIOUS
LITIGANT APPLICATION) AND HC-001
(JUDICIAL COUNCIL FORM) AS A CONDITION
TO OPEN A DOCKET FOR PETITION FOR WRIT
OF HABEAS CORPUS—A FALSE EXCUSE FOR
THEM TO BLOCK SHAO'S ACCESS TO THE
COURT**

Supreme Court of California

Jorge E. Navarrett, Clerk and Executive Officer of the
Supreme Court

February 16, 2022

SENT VIA EMAIL

Yi Tai Shao

Shao Law Firm PC

PO Box 280

Big Pool, MD 21711

Attorneyshao@aol.com

Re: Petition for Writ of Habeas Corpus

Dear Petitioner:

Regarding your submission of February 14, 2022, you have expressed to the court that you wish to file a petition for writ of habeas corpus. It has come to our attention that you have previously been found to be a vexatious litigant withing the meaning of Code of Civil Procedure section 391.7, subdivision (a). In order for the petition for writ of habeas corpus to be filed, it is necessary for you to show in writing "that the litigation has meri and has not been taken for purposes of harassment or delay." (Code Civ. Proc. §397.7, subd.(b)) If you wish to file the petition nfor writ of habeas corpus in this court, it is necessary for you to resubmit your writ with a written application or form VL-110 (see enclosed).

In addition, to consider this material, we require a petition for writ of habeas corpus in approved form- HC-001. Rule 8.380 of the California Rules of Court

requires that such petitions be submitted on the form approved by the Judicial Council *if the filer is not represented by an attorney*. I have enclosed that form for your use, as well as a copy of CRC, rule 8.380 for your reference. Please complete the form as fully as possible and sign it at the bottom of page six. We must have an original signature.

Please resubmit your documents along with the approved HC-001—Petition for Writ of Habeas Corpus Form, and a written *Request to File New Litigation by Vexatious Litigant*.

Very truly yours,
JORGE E. NAVARRETE
Clerk and
Executive Officer of the Supreme Court
/s/ R. Ho
By R.Ho, Deputy Clerk

EXHIBIT 4: SAME SCHEME OF CO-CONSPIRATORS OF CALIFORNIA CHIEF JUSTICE; PRESIDING JUSTICE OF SIXTH APPELLATE DISTRICT CONCEALED THE NOTICE OF APPEAL FILED WITH APPROVAL OF TRIAL COURT FOR 4+ MONTHS, THEN REQUIRED A SECOND VL-110, DELAYED 6 MONTHS, THEN SUMMARILY DENIED—H048651

II. THEIR CO-CONSPIRATORS AT US SUPREME COURT CONCEALED FILINGS AND IGNORED THE SEVERE VIOLATION OF DUE PROCESS IN PETITION NO. 21-881

Docket (Register of Actions)

Shao v. McManis Faulkner, LLP

Case Number H048651

Date	Description	Notes
12/07/2020	Notice of appeal lodged/received.	Linda Shao, filed 7/27/20
12/07/2020	Litgant declared vexatious.	
12/07/2020	Default notice sent-appellant notified per rule 8.100(c).	
12/22/2020	Notice re vexatious litigant (CCP 391.7) - Matter stayed.	Appellant Yi Tai Linda Shao was previously designated a vexatious litigant by the Superior Court of Santa Clara County. On July 27, 2020, appellant filed a notice of appeal without first obtaining an order from the presiding justice of

		this court granting permission to file the appeal as required by California Code of Civil Procedure section 391.7, subdivision (c). The appeal is hereby stayed. The appellant is advised that failure to apply for an order from the presiding justice permitting the filing of the appeal within 10 days of the date of this notice will result in an automatic dismissal of the appeal. (Cal. Civ Proc. § 391.7, subd. (c).)
12/22/2020	Vexatious litigant application filed (initial case event)	
01/04/2021	Received letter from:	Silvia P. Hasbun obo Murphy, Pearson, Bradley & Feeney: Please add Janet L. Everson & Suzie M. Tagliere as counsel for respondents.
05/26/2021	Vexatious litigant application denied	The request to file new litigation by a vexatious litigant is denied.
06/07/2021	Motion to vacate dismissal filed.	Appellant's motion to reconsider or vacate May 26, 2021 order

08/25/2021	Petition for review denied in Supreme Court.	The petition for review is denied. Cantil-Sakauye, C.J., was absent and did not participate
08/27/2021	Order filed.	The appellant's motion for reconsideration is denied as moot as the California Supreme Court has already denied Shao's petition for review.
08/27/2021	Case complete.	
09/10/2021	Motion filed.	Motion to reconsider August 27, 2021 order which denied the motion to reconsider or vacate May 26, 2021 order.
10/20/2021	Received:	Supplement to motion to reconsider August 27, 2021 order which denied the motion to reconsider or vacate May 26, 2021 order.
11/10/2021	Received:	Second supplement to motion to reconsider August 27, 2021 order which denied the motion to reconsider or vacate May 26, 2021 order.
11/10/2021	Received:	Second supplement to reconsider August 27, 2021 order which denied the motion to reconsider or vacate May 26, 2021 order. (unfiled)
11/29/2021	Received copy of	Petition for writ of Certiorari addressed to the Supreme Court of the United States

12/15/2021	Received:	Petition for writ of certiorari addressed to the Supreme Court.
12/15/2021	Received:	Addressed to the Supreme Court: motion to transfer the petition to the Court of Appeal in the second circuit.
12/20/2021	Received copy of	From the Supreme Court in Washington D.C.: The petition for a writ of certiorari in the above entitled case was filed on November 23, 2021 and placed on the docket December 14, 2021 as No. 21-881.
01/04/2022	Received copy of	Petitioner's motion for leave to file motion to transfer and to adjust the briefing schedule of petition for writ of certiorari to be corresponding to the filing of the "motion to transfer"
02/25/2022	Received copy of	From the Supreme Court of D.C.: The Court today entered the following order in the above-entitled case: The petition for a writ of certiorari is denied.
04/22/2022	Received copy of	From the Supreme Court of D.C.: The Court today entered the following order in the above-entitled case: The petition for rehearing is denied. The Chief Justice took no part in the consideration or decision of this petition.

**EXHIBIT 5: LINKS FOR DOCUMENTS FILED
WITH CALIFORNIA SUPREME COURT FOR
PETITION FOR WRIT OF CERTIORARI**

S273215

[https://studenthagerstowncc-](https://studenthagerstowncc-my.sharepoint.com/:b/g/personal/lshao)

[my.sharepoint.com/:b/g/personal/lshao](https://studenthagerstowncc-my.sharepoint.com/:b/g/personal/lshao) student hagers
towncc.edu/Ee1CAqCMZl5GuwQJvUDE9R0BgnjsSZ4i
bUI7gB3okn87WQ?e=5w1vMg (has been hacked to
make the posting expired immediately upon posting)

- Document Title: judicial council form for petition for
writ of habeas corpus.20220216

Link: [Click to download document](#)

Or Copy and Paste:

<https://tf3.truefiling.com/openfiling/a8af0d70-27bb-4c21-fab5-08d9f13edfdb/recipient/cac3634d-ff65-4796-3d78-08d9f13ee03a/download>

- Document Title: c115 for filing

Link: [Click to download document](#)

Or Copy and Paste:

<https://tf3.truefiling.com/openfiling/41612d94-6c61-4b52-fab6-08d9f13edfdb/recipient/cac3634d-ff65-4796-3d78-08d9f13ee03a/download>

- Document Title: V110 for filing

Link: [Click to download document](#)

Or Copy and Paste:

<https://tf3.truefiling.com/openfiling/30f67b4b-fcb0-438e-fab7-08d9f13edfdb/recipient/cac3634d-ff65-4796-3d78-08d9f13ee03a/download>

- Document Title: App Vol. 1_A 0001-0214 20220212

Link: [Click to download document](#)

Or Copy and Paste:

<https://tf3.truefiling.com/openfiling/39053751-ceab-425f-fab8-08d9f13edfdb/recipient/cac3634d-ff65-4796-3d78-08d9f13ee03a/download>

- Document Title: App. Vol.I.B. 0215-0496 20220212

Link: [Click to download document](#)

Or Copy and Paste:

<https://tf3.truefiling.com/openfiling/cdaf1a44-db25-4ba9-fab9-08d9f13edfdb/recipient/cac3634d-ff65-4796-3d78-08d9f13ee03a/download>

- Document Title: App Vol. 1.C 0497-796 20220212
Link: [Click to download document](https://tf3.truefiling.com/openfiling/11b73163-7358-4f58-faba-08d9f13edfdb/recipient/cac3634d-ff65-4796-3d78-08d9f13ee03a/download)
Or Copy and Paste:
<https://tf3.truefiling.com/openfiling/11b73163-7358-4f58-faba-08d9f13edfdb/recipient/cac3634d-ff65-4796-3d78-08d9f13ee03a/download>
- Document Title: App Vol.II 20220212
Link: [Click to download document](https://tf3.truefiling.com/openfiling/7ce6d2d5-0e3f-498f-fabb-08d9f13edfdb/recipient/cac3634d-ff65-4796-3d78-08d9f13ee03a/download)
Or Copy and Paste:
<https://tf3.truefiling.com/openfiling/7ce6d2d5-0e3f-498f-fabb-08d9f13edfdb/recipient/cac3634d-ff65-4796-3d78-08d9f13ee03a/download>
- Document Title: Pages from App. Vol III_Part1
Link: [Click to download document](https://tf3.truefiling.com/openfiling/f6ca2177-7b2d-468e-fabc-08d9f13edfdb/recipient/cac3634d-ff65-4796-3d78-08d9f13ee03a/download)
Or Copy and Paste:
<https://tf3.truefiling.com/openfiling/f6ca2177-7b2d-468e-fabc-08d9f13edfdb/recipient/cac3634d-ff65-4796-3d78-08d9f13ee03a/download>
- Document Title: Vol. IV.docx
Link: [Click to download document](https://tf3.truefiling.com/openfiling/b93febd1-a13a-4918-fabd-08d9f13edfdb/recipient/cac3634d-ff65-4796-3d78-08d9f13ee03a/download)
Or Copy and Paste:
<https://tf3.truefiling.com/openfiling/b93febd1-a13a-4918-fabd-08d9f13edfdb/recipient/cac3634d-ff65-4796-3d78-08d9f13ee03a/download>

The following people were served the above document(s):

- Attorney Dorner for respondents other than Wang - e-Serve didorner@duanemorris.com
- Attorney J.C. Moore - e-Serve jcmoore@duanemorris.com
- David Sussman - e-Serve spkdalaw18@gmail.com
- Elise Mitchell - e-Serve elise@emitchell-law.com
- Yi Tai Shao - e-Serve attorneyshao@aol.com

EXHIBIT 6: DOCKET SHEETS OF S273215

Docket (Register of Actions)

SHAO (YI TAI) on H.C.

Division SF

Case Number S273215

Date	Description	Notes
02/12/2022	Received	Petition for Writ of Habeas Corpus and Appendices
02/16/2022	Vexatious litigant application filed (initial case event)	Yi Tai Shao, Petitioner Pro Per
05/17/2022	Vexatious litigant application denied	The application of petitioner for leave to file a petition for writ of habeas corpus is hereby denied.

Parties and attorneys

SHAO (YI TAI) on H.C.

Division SF

Case Number S273215

Party	Attorney
Yi Tai Shao P.O. Box 280 Big Pool, MD 21711	Pro Per

**EXHIBIT 7: KEY EVIDENCE OF COURT FRAUDS
IN CONSPIRING CHILD ABDUCTION
(APP.115)—FILED ON MAY 8, 2014 WHICH WAS
PURGED BY THE COURT**

In the Superior Court of the State of California
In and for the County of Santa Clara

Linda Yi Shao, Petitioner/Appellant vs. Tsan-Kuen Wang, Respondent/Respondent,	Case No. 105-F-126882 CERTIFICATE OF COURT REPORTER'S WAIVING DEPOSIT
--	---

To the clerk of the above-captioned case, Appeals
Division:

You are hereby notified that I, Julie T. Serna, official
court reporter in the proceeding of the above-captioned
action, held on July 10 through 12, 2013 and July 15
through 18, 2013, hereby waive the deposit of the court
reporter fees by appellant/Respondent as required by
Rule 4 of the California Rules of Court.

Date: 5/8/14

Signed: /s/ Julie Serna
Julie T. Serna, CSR #7890

**EXHIBIT 8: H040395 DOCKET FRAUDULENT
DISMISSAL ORDERS BASED ON
CONCEALMENT OR DESTRUCTION OF
EXHIBIT 5—CREATING FALSE GROUND OF
DISMISSAL: LACK OF PAYMENT OF
TRANSCRIPTS FOR THE COURT REPORTER.**

H040395 Shao v. Wang docket

Date	Description	Note
11/26/2013	Notice of appeal	lodged/received. Linda Shao, filed 11/18/13
11/26/2013	Default notice sent- appellant notified per rule 8.100(c)	
11/27/2013	Application for waiver of filing fee filed.	
12/06/2013	Order filed	Appellant Linda Shao filed a request to waive court fees on November 27, 2013. The court has reviewed the request and makes the following order: Hearing on the fee waiver request is set for Wednesday, January 8, 2014, at 10:00 a.m. in the Courtroom, 333 West Santa Clara Street, Suite 1060, San Jose, California. Failure to appear will result in the denial of the request to waive court fees

01/03/ 2014	Record prepara tion inquiry sent	
01/07/ 2014	Voice Mail message for:	Appellant Linda Shao Fee wavier hearing has been cancelled and will be rescheduled to a later date
01/07/ 2014	Order waiving filing fee	The application for waiver of court fees and costs is granted only as to the filing fee due on the notice of appeal filed November 18, 2013. The hearing of January 8, 2014, is ordered off calendar.
01/30/ 2014	Respon se to record prep. notice filed/rec eived (civil).	Rebecca at trial court states that she is having difficulty locating all volumes of the court file
03/19/ 2014	Record prepara tion inquiry sent.	
08/12/ 2014	Appella nt 's notice designat ing record on appeal filed in	08/11/14

	trial court on	
09/23/2014	Default notice received appellant notified per rule 8.140(a) (1).	filed 9/18/14, deposit for RT
01/21/2015	Record preparation inquiry sent	
04/02/2015	Motion filed	APPLICATION/MOTION FOR EMERGENCY RELIEF FOR IMMEDIATE CUSTODY CHANGE
04/02/2015	Response to record prep. notice filed/received (civil).	sent default notice filed 03/30/15
04/02/2015	Default re: 8.130(b) rptrs fees not deposited	03/30/15

	revd. Dtd	
04/13/ 2015	Received:	Motion to defer consideration of petition for rehearing filed in the US Supreme Court
04/20/ 2015	To court.	APPLICATION/MOTION FOR EMERGENCY RELIEF FOR IMMEDIATE CUSTODY CHANGE
06/10/ 2015	Order filed	Appellant's request for immediate custody change is denied as not properly raised in this court
06/22/ 2015	Mail returned and re-sent.	Order to Linda Shao
07/21/ 2015	Received copy of	court reporter's transcripts of hearing for appeal from November 4, 2013 order pursuant to rule 8.130(b)(3)
12/11/ 2015	Motion filed.	APPELLANT'S MOTION FOR ORDER DIRECTING TRIAL COURT'S CLERK TO PREPARE CLERK'S TRANSCRIPTS
12/11/ 2015	To court.	
12/18/ 2015	Order filed.	Appellant's motion for order directing trial court's clerk to prepare clerk's transcripts is denied
03/14/ 2016	Received copy of document filed	notice of noncompliance, filed 03/12/16 (Note: Saturday; Denial within a week in violation of 14 days' rule in Rule 8.54. Such notice was not in the court files until after 3/28/2016.)

	in trial court	
03/14/2016	Dismissal order filed.	The appellant having failed to procure the record on appeal within the time limits allowed or within any valid extensions of these time limits, and having further failed to apply to this court for relief from default, the appeal filed on November 18, 2013, is dismissed. (See rule 8.140(b), California Rules of Court.)
03/28/2016	Request for judicial notice filed.	in support of motion to vacate dismissal
03/28/2016	To court.	motion to vacate dismissal and request for judicial notice in support of
03/28/2016	Motion filed.	motion to vacate dismissal
04/08/2016	Filed document entitled:	appellant's supplement to motion to vacate dismissal
04/12/2016	Order filed	Appellant's motion to vacate dismissal and request for judicial notice in support of motion is granted, and the appeal is restored to active status.
04/20/2016	Motion filed.	MOTION FOR RECONSIDERATION OF THE COURT'S ORDER OF APRIL 12, 2016

05/04/ 2016	Filed docume nt entitled	additional documents in support of MOTION FOR RECONSIDERATION OF THE COURT'S ORDER OF APRIL 12, 2016
05/06/ 2016	To court.	
05/25/ 2016	Filed docume nt entitled:	SECOND AMENDED additional documents in support of MOTION FOR RECONSIDERATION OF THE COURT'S ORDER OF APRIL 12, 2016
05/25/ 2016	Filed docume nt entitled	APPLICATIDN FOR IMMEDIATE STAY PENDING MOTION FOR RECONSIDERATION OF THE COURT'S ORDER OF APRIL 12, 2016 AS THE COURT DID NOT RULE ON APPELLANT'S REQUEST TO CHANGE PLACE OF APPEAL ITRIAL AND REMAND UNDER H040395
06/13/ 2016	Filed docume nt entitled	Third AMENDED additional documents in support of MOTION FOR RECONSIDERATION OF THE COURT'S ORDER OF APRIL 12, 2016
06/23/ 2016	Filed docume nt entitled	second supplement to application for immediate stay
06/27/ 2016	Filed docume nt entitled:	third supplement to application for immediate stay
07/15/ 2016	Filed docume	fifth supplement to application for immediate stay

	nt entitled:	
08/01/ 2016	Motion filed.	appellant's supplement to motion for reconsideration
09/23/ 2016	Order filed.	Appellant's motions for reconsideration and stay are denied <u>(note: even though not contested, Presiding Justice will not reverse the child custody order of Lucas nor changing venue)</u>
10/12/ 2016	Service copy of petition for review received	[note: S237737—California Chief Justice admitted to have conspired with Mcmanis, including conspiring with Justice Kennedy in denying 16A863
11/30/ 2016	Petition for review denied in Supreme Court	
02/27/ 2017	Default re: 8.130(b) rptrs fees not deposit ed rcvd. dtd.	filed 02/24/17 [Note: fraudulent docket entry with the purported notice being non-existent]
03/03/ 2017	Received copy of	application for extension of time of due date to file petition for writ of certiorari

	Supreme Court filing.	
03/15/2017	Default re: 8.130(b) rptrs fees not deposited rcvd. Dtd	filed 03/14/17
03/23/2017	To court.	appellant's motion to strike default notice, and renewed motion to change place of appeal/trial and remand
03/07/2017	Motion filed.	appellant's motion to strike default notice, and renewed motion to change place of appeal/trial and remand
03/28/2017	Order filed.	Appellant's motion filed March 7, 2017, is deemed a motion for relief from default and as such is granted. Appellant shall have 15 days from the date of this order to deposit with the clerk of the superior court either the necessary fees for transcribing the proceedings designated or certified transcripts of the proceedings designated (8.130(b), Cal. Rules of Court).
04/04/2017	Default re: 8.130(b) rptrs fees not deposited	filed 03/14/17

	d rcvd. dtd.	
03/29/ 2017	Motion filed.	appellant's motion to strike Santa Clara County's Superior Court's 5th false appellant's default notice of March 14, 2017, and renewed motion to change place of appeal/trial and remand
04/14/ 2017	To court.	
04/28/ 2017	Order filed.	Appellant's motion to strike Santa Clara County's Superior Court's 5th false appellant's default notice of March 14, 2017, and renewed motion to change place of appeal/trial and remand is denied
03/30/ 2017	Receive d:	response to court's order of March 28, 2017
05/01/ 2017	Receive d copy of docume nt filed in trial court	notice of appellant's non compliance, filed 04/25/17
05/10/ 2017	Motion filed.	appellant's supplement motion [note: docket entry was altered to remove "Declaration of Meera Fox"]
05/15/ 2017	Motion filed.	Appellant's motion to strike repeated notice of non compliance of April 25, 2017 and renewed motion to change place of appeal/trial, disqualify Justice Rushing and the entire court
05/26/ 2017	To court	

06/08/2017	Order filed.	<p>On March 28, 2017, this court directed appellant to either deposit fees for the requested reporter's transcripts or to submit certified copies of the reporter's transcripts. Instead of complying with this Court's order, appellant again defaulted and then filed the instant motion to strike a false notice of noncompliance of April 25, 2017. On October 3, 2014, appellant filed 13 reporter's transcripts in the trial court pursuant to California Rules of Court, rule 8.130(b)(3)(C). That rule requires that the transcript be CERTIFIED. Except for the transcript dated June 24, 2017, appellant filed copies that were NOT CERTIFIED. As a result, her case was dismissed on March 14, 2016. On April 12, 2016, we vacated that dismissal, giving appellant an opportunity to comply with rule 8.130 (b). Since that date, appellant has been given multiple opportunities to comply with the rules of court. She has failed to do so. Appellant's motion to strike the notice of noncompliance is denied. Appellant is granted 30 days from the date of this order to file a certified reporter's transcripts pursuant to California Rules of Court, rule 8.130(b)(3)(C). Appellant is advised that failure to comply with this order may</p>
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		result in the dismissal of her appeal.
06/12/2017	Service copy of petition for review received	
06/12/2017	Received copy of Supreme Court filing.	request for judicial notice
06/13/2017	Motion filed	appellant's motion to reconsider the court's order of June 8, 2017 denying appellant's motion to strike Santa Clara County's Superior Court's 5th false appellant's default notice of March 14, 2017, and renewed motion to change place of appeal/trial and remand
07/19/2017	Petition for review	The request for judicial notice is granted [Note: S242475]

	denied in Suprem e Court.	
07/19/ 2017	Errata filed to:	motion to reconsider that was filed on June 13, 2017
07/20/ 2017	Motion filed.	appellant's amended motion to reconsider the court's order of June 8, 2017 denying appellant's motion to strike Santa Clara County's Superior Court's 5th false appellant's default notice of March 14, 2017, and renewed motion to change place of appeal/trial and remand
08/07/ 2017	To court.	
0/23/2 017	Receive d:	petition for writ of certiorari filed in U.S. Supreme Court
1/02/2 017	Receive d:	supplement appendix to petition for writ of certiorari filed in U.S. Supreme Court
1/21/2 017	Receive d copy of	motion for leave to file amicus curiae brief of mother's of lost children, filed in the U.S. Supreme Cour
2/26/2 017	Receive d:	request for recusal, filed in US Supreme Court
01/09/ 2018	Receive d:	notice of errata filed in US Supreme Court
01/16/ 2018	Receive d:	letter from US Supreme Court indicating writ of certiorari is denied [note: Petition No. 17-613]
02/06/ 2018	Receive d copy of	renewed request for recusal filed in the US Supreme Cour

02/06 /2018	Received copy of	petition for rehearing filed in US Supreme Court
02/06 /2018	Received copy of	Proof of service filed in US Supreme Court
03/02 /2018	Received copy of	letter from US Supreme Court indicating the petition for rehearing is denied. [note: Petition No. 17-613]
05/07 /2018	Order filed.	Appellant's motions are denied.
05/10 /2018	Appeal dismissed per rule 8.140(b).	
05/23 /2018	Motion filed.	motion to set aside dismissal
05/24 /2018	To court	
06/05 /2018	Order filed.	The motion to set aside the dismissal is denied
06/20 /2018	Received:	request for judicial notice
06/20 /2018	Service copy of petition for review received	
06/20 /2018	Petition for review filed in	Stay req [Note: S249444]

	Supreme Court.	
06/20 /2018	Record transmitted to Supreme Court.	via GOLDEN STATE OVERNIGHT
06/20 /2018	Service copy of petition for review received	
07/25 /2018	Petition for review denied in Supreme Court.	The request for judicial notice is granted. The petition for review and application for stay are denied [Note: S249444]
08/02 /2018	Remittitur issued.	
08/02 /2018	Case complete.	
08/02 /2018	Record returned from Supreme Court.	
08/02 /2018	Record purged - to be shipped to state	[Note: a crime against Government Code 6200]

	records center	
10/30 /2018	Received copy of	Petition for Writ of Certiorari filed in US Supreme Court [Note: Petition 18-569]
01/14 /2019	Received copy of	The petition for a writ of certiorari is denied.
02/25 /2019	Received copy of	The petition for rehearing is denied. [Note: Petition 18-569]

EXHIBIT 9: CREATING FALSE RECORDS ON APPEAL, AFTER DELAYING RECORDS ON APPEAL FOR 2 YEARS, WHEN VOLUME 5 WAS "LOST" WHEN PRESIDING JUDGE THEODORE ZAYNER TOOK ALL COURT RECORDS INTO HIS CHAMBER AND STOLE THE ORIGINAL DEPOSITION TRANSCRIPTS OF HIS BUDDIES, JAMES MCMANIS AND MICHAEL REEDY

Filed 12/12/2017

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF SANTA CLARA Case No. 112-CV-220571

PLAINTIFF: LINDA SHAO

DEFENDANT: MC MANIS FAULKNER, LLP
NOTICE OF COMPLETION ON CLERK'S TRANSCRIPT & REPORTER'S TRANSCRIPT

YOU ARE HEREBY NOTIFIED THAT THE TRANSCRIPT(S) ON APPEAL IN THE ABOVE-ENTITLED ACTION HAVE BEEN COMPLETED

CLERK'S CERTIFICATE OF MAILING I CERTIFY THAT I AM NOT A PARTY TO THIS CAUSE AND THAT A TRUE COPY OF THIS DOCUMENT WAS MAILED FIRST CLASS POSTAGE FULLY PREPAID IN A SEALED ENVELOPE ADDRESSED AS SHOWN BELOW AND THE DOCUMENT WAS MAILED AT REBECCA FLEMING, CHIEF EXECUTIVE OFFICER/CLERK SAN JOSE, CALIFORNIA ON Dec. 12, 2017 BY: R. DELGADO DEPUTY CLERK

**EXHIBIT 10: NOTICE (BACKDATED TO
12/12/2017, THE SAME AS THAT IN EXHIBIT 7)
SILENTLY CREATED [IT WAS FURTHER
ALTERED ON THE PRESENT DOCKET]**

TO THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA IN AND FOR THE SIXTH APPELLATE
DISTRICT **H042531**

SANTA CLARA COUNTY NO. **112 CV220571**
LINDA SHAO V. MCMANIS FAULKNER, LLP
CLERK'S CERTIFICATE

I, R. DELGADO, Deputy County Clerk of the County of
Santa Clara, State of California, do certify the
following: After a due and diligent search, I was
unable to locate the following documents:

- Ex Parte Application for An Order for Relief to
Consider Plaintiff's Objection to Evidence Filed and
Served on 6/8/2015 and Order Pleadings Plaintiff
diligently filed on 6/12/2015.
- Declaration of Y] Tai Shao for the Motion to
Reconsider or Clarify Order re Motion to Declare Linda
Shao Vaxatious Litigant Filed on June 16,2015 at 10:56
am. and
a Separate Prefiling Order Filed on June 16, 2015 at
3:04pm., filed by Plaintiff
- Tentative Decision for Defendants' Renewed Motion to
Require Plaintiff to Furnish a Security" and the Entire
Motion
- Judge Socrates Manoukian's Order to Strike and
Recusal
- Notice of Appeal

In witness whereof, I have hereunto set my hand and
the seal of said Superior Court, this 12/12/17
**REBECCA FLEMING, CHIEF EXECUTIVE
OFFICER/CLERK BY: R. DELGADO**

**EXHIBIT 11: VL110 FOR PETITION FOR WRIT
OF HABEAS CORPUS (S273215)
REQUEST TO FILE NEW LITIGATION BY
VEXATIOUS LITIGANT (SEE SUMMARY
DENIAL ORDER THREE MONTHS LATER IN
EXHIBIT 2)**

California Supreme Court

2. I have attached to this request a copy of the document to be filed and I request approval from the presiding justice or presiding judge of the above court to file this document (name of document): Petition for Writ of Habeas Corpus and Appendix (Vol. I (A&B&C), Vol.II, Vol. III and Vol.IV) with the Petition submitted for filing on February 14, 2022 and hereby resubmitted as required by the Clerk.

3. The new filing has merit because (Provide a brief summary of the facts on which your claim is based; the harm you believe you

Child has been unlawfully confined for 11 years because of undisputed and admitted judiciary conspiracy led by James Mcmanis and Chief Justice Tani Cantil-Sakauye with evidence and legal arguments stated in the Petition for Writ of Certiorari. The Petition is based on 7 material facts stated from Page 1 through Page 39. The requested relief is on Page 39. The court's jurisdiction is stated on Page 63. The last child custody order was made by Judge Patricia Lucas on 11/4/2013, but 10 months later, Shao's ex-husband was found to have dangerous mental illness. No courts have decided on the issue of child safety based on Father's dangerous mental illness. Certificate of Court Reporter Waiving Deposit further affirmed the child custody appeal dismissal was false as the only ground for dismissal was with the false excuse that I had not paid the child custody trial transcripts. A series of

admissions took place since 8/25/2021, showing the entire parental deprival of 11 years were out of conspiracies.

4. The new filing is not being filed to harass or to cause a delay because (give reasons):

Shao and the minor have suffered tremendous harm by the unlawful conspiracies recently admitted tacitly by Chief Justice Tani Cantil-Sakauye, James Mcmanis, McManis Faulkner, Judge Patricia Lucas, Judge Theodore Zayner, through the proceeding of S269711 at this Court, Appeal No. 21-5210 at DC Circuit, and Petition 21-881 at the US Supreme Court. This court's jurisdiction over Habeas Corpus for releasing child from unlawful child custody and unlawful parental deprival, as shown in Page 63 of the Petition, has been since 1885. Imminent danger to child safety caused by Wang's dangerous mental illness prompted release. As testified by Esther Alex-Taylor (Exhibit Vol.II, App.0808), there is no reason for Petitioner to lose child custody, a civil right. The Declarations of Meera Fox attesting to judicial conspiracies and Declaration of Dr Jeffrey Kline as well as deposition transcripts and my motion to vacate the first dismissal of child custody appeal all have became "truth" by being granted by this Court judicial notice twice in S242475&S249444. My child has been dreaming coming back to me. (App.0836).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

2/16/2022 YI TAI SHAO, PETITIONER

**EXHIBIT 12: MEMORANDUM FOR PETITION
FOR WRIT OF HABEAS CORPUS (S273215)**
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PETITION FOR WRIT OF HABEAS CORPUS

I. BASES OF THIS PETITION

(1) "Certificate of Court Reporter's Waiving Deposit" (App.0115) filed on May 8, 2014 by Julie Serna (App.1103, App.1147, App.1193-94), the court reporter for the July 2013's child custody trial

(2) On August 25, 2021 in Petition for Review No. S269711, Chief Justice Tani Cantil-Sakauye was effectively deemed "conceded" to Shao's "Request for Recusal/Verified Statement of Disqualification of Chief Justice Tani Cantil-Sakauye" based on her choosing not to file a written response but not participating in voting, pursuant to C.C.P. §170.3(c)(4), which includes 8 matters of factual concession. (App.0071) Such concession was tacitly admitted by both of them additional 5 times in Appeal No. 21-5210 proceedings

(3) ECF#1921981: James McManis, Michael Reedy, McManis Faulkner and their attorney Janet Everson as well as California Chief Justice tacitly admitted to many crimes where Shao is the victim in the past 11 years.

(4) In Petition No. 21-881: the most recent "tacit admission" by James McManis, Michael Reedy, McManis Faulkner law firm, as well as their attorney of record Janet Everson in Shao v. McManis Faulkner, et. al

(5) A series of admissions or adoptive admissions by all defendant in the proceedings of Shao v. Roberts, et al. [1:18-cv-01233RC at the U.S.D.C. for D.C., Appeal No. 21-5210 and No. 19-5014 at the DC Circuit Court of Appeal, and Petition No. 20-524 at the US Supreme Court] on participating in the conspiracies led by James McManis to cause permanent parental deprival of Shao,

to dismiss complaints involving McManis and his co-conspirators, dismiss appeals and harass Shao

(6)Dr. Jeffrey Kline's declaration that decoded the weekly mental health insurance claims submitted to CIGNA by Wang's mental health professionals submitted weekly insurance claims to CIGNA, including a dangerous mental illness, alone with other 5 mental illnesses with more than 250 pages of claim records

(7)Declaration of Meera Fox (App.1048-1094), Judge Peter Kirwan's Order of 12/15/2017 (App.0915) and Judge Socrates Manoukian's order of 12/2/2017 (App.0910), and Judge Lucas's letter of March 8, 2017 (App.0117), false records shown in App.0917-20, as well as McManis Faulkner's tacit admission that they wrote her child custody order (App.0929-0950) mandates reversal of Judge Lucas's child custody order of 11/4/2013

(8)Amicus Curiae, professional supervisor Esther Alex Taylor's declarations, Dr. Michael Kerner and Attorney Richard Roggia's report gave reasons that the child should be set free from the present unlawful child custody order and released to Shao

II.REQUESTED ORDER

III.PARTIES

IV.STATEMENT OF FACTS

A.CONSPIRACY OF PARENTAL DEPRIVAL BEFORE MCMANIS'S INVOLVEMENT

B.SHAO hired McManis Faulkner, LLP to attack as unconstitutional the 8/4/10 and 8/5/10 orders that had been issued in violation of her Constitutional rights to custody and to due process, but on his first day, her attorney succumbed to pressure from Judge Davila during an in chambers conference not to attack those pleadings. By following the court's request rather than SHAO's request, SHAO's attorneys acted directly contrary to her interests and committed malpractice.

This in chambers agreement between Attorney Reedy, Judge Davila and David Sussman that Reedy not attack the illegal orders was the second conspiracy. SHAO did not learn of it until long after it occurred.

C.NEW CONSPIRACY PLAYED BY JAMES MCMANIS, MICHAEL REEDY AND MCMANIS LAW FIRM CAUSED PROLONGED PARENTAL DEPRIVAL AFTER SUCCESSFULLY SET ASIDE THE ORDERS OF AUGUST 4 AND 5 2010 IN ORDER TO ESTABLISH THEIR DEFENSE ASSERTING LACK OF CAUSATION TO SHAO'S LAWSUIT AGAINST THEM

V.DISCUSSION

A.Jurisdiction of California Supreme Court to issue a Writ of Habeas Corpus

B.PETITIONER HAS ESTABLISHED CLEAR AND CONVINCING EVIDENCE THAT THERE IS NO REASON SHE SHOULD BE DEPRIVED OF CHILD CUSTODY AND NO REASON WHY THE CHILD SHOULD BE CONFINED TO UNLAWFUL CUSTODY

1.Petitioner has established by clear and convincing evidence that the child is unlawfully confined to Wang's child custody and that Petitioner was deprived of child custody unlawfully.

The October 31, 2011's Order that granted Petitioner's motion to vacate the orders of August 4 and 5 of 2011 is clear and convincing evidence that the minor was illegally confined to Wang's sole legal and physical custody and Petitioner was illegally deprived of her child custody illegally.

The second paragraph to maintain the set aside order is a void order and another violation of Constitutional due process.

It is undisputed that David Sussman, Wang, Judge Davila, Jill Sardeson and Misook Oh did commit a conspiracy to set up such confinement and deprival of law custodian's right on August 3 and 4 of 2010. The

first paragraph of 10/31/2011 Order establishes that Wang's custody is unlawful.

3. The later obtained 11/4/2013 Custody Order cannot be a defense to the initial illegal interference of lawful custodian parent's child custody

Petitioner has established the need for immediate child custody change based on the fact that dangerous mental illness of Wang that may endanger Lydia any time, the fact that Wang has a good history of deterring child visit of Mother, the fact that Wang has clearly participated the initial plot of parental deprival on August 4, 2010.

The minor was unlawfully confined to her complained abuser for already 11 years.

the more than 10 years' professional supervisor Esther Alex-Taylor's repeated declaration and testimony that there is no reason to deprive Petitioner of child custody. Wang's many years' mental illnesses including a very dangerous mental illness, as presented above, justifies immediate child custody switch to Petitioner. CIGNA's records as decoded by Dr. Jeffery Kline, the only Diplomat of American Forensic Psychology Association in the Bay Area, that have never been ruled by any court on the merits, but have been tacitly admitted by Wang numerous times at all levels of court, justifies immediate child custody change to Mother.

TABLE OF AUTHORITIES

Cases

Aetna Life Ins. Co. v. Loviae (1986) 473 US 813.
Alexander S. , at pp. 866-867, 245 Cal.Rptr. 1, 750 P.2d 778 .
Ex Parte Barr (1952) 39 Cal.2d 25, 27-28, 243 P.2d 787.)
In re Barr, *supra*, 39 Cal. 2d 25, at 28 (1952)
In re Clark, 5 Cal.4th 750, 773, 21 Cal.Rptr.2d 509 (1933)

In re Croze (1956) 145 Cal.App.2d 492, 495, 302 P.2d 595 ;
In re Wren (1957) 48 Cal.2d 159, 163, 308 P.2d 329
In re Dowell (1935) 4 Cal.App.2d 688, 689, 41 P.2d 596
In re Harris, 5 Cal.4th 813, 824 (1993).
In re Reyna (1976) 55 Cal.App.3d 288, 294, 126 Cal.Rptr. 138
In re Richard M .14 Cal.3d 783, 122 Cal.Rptr. 531, 537 P.2d 363
Oak Grove School Dist. V. City Title Ins. Co. (1963) 217 Cal.App.2d 678, 702 [32 Cal.Rptr.288]
People v. Preston (1973) 9 Cal.3d 308 [107 Cal.Rptr.300].. People v. Riel, 22 Cal.4th 1153 (2000).
People v. Silva (1988) 45 Cal.3d 604, 605,
U.S. v. Allen, 10 F.3d 40597th Cir. 1993).,
United States v. Carter, 760 F.2d 1568 (11th Cir. 1985)
Urias v. Harris Farms, Inc. 234 Cal.App.3d 415 (1991)
Wales v. Whitney, 114 U.S. 564 (1885).
Statutes California Evidence Code §1221 .
California Government Code §§6200-01
California Government Code §6203.....
Code of Civil Procedure 1 section 170.3, subdivision (c)(4)... Other Authorities Cal. Const., art. I, § 11
Rules Civil Local Rule 8(c)
Rule 3.57...
Rule 3.650(d) of California Rules of Court
Rule 8.54....
Treatises 36 Cal.Jur.3d, Habeas Corpus, § 17, p. 36...
=====

[*ABSTRACTS*]

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Shao respectfully petitions that a writ of habeas corpus be issued to release her daughter Lydia Wang to her. Shao's child has been confined in the custody of her father and prevented from returning to her mother for more than 11 years since August 4,

2010, based on the following facts set out in this Petition

I. BASES OF THE PETITION

(1) “Certificate of Court Reporter’s Waiving Deposit” (App.0115) filed on May 8, 2014 by Julie Serna (App.1103, App.1147, App.1193-94), the court reporter for the July 2013’s child custody trial.

The Certificate undisputedly proves the Court of Appeal’s ground for dismissing the child custody appeal (H040395)—failure to procure the court reporter’s transcripts for the child custody trial--- is false. The resulting dismissal was unlawfully-procured must be vacated. Shao found this Certificate (App.0115) only recently after relocation. The court’s concealment of this Certificate (App.0115) reaffirms the conspiracy of the lower courts with James McManis, Michael Reedy and McManis Faulkner law firm of willful dismissal of child custody appeal (H040295) as declared by Attorney Meera Fox (App.1048). This Court, in S242475 and S249444 (7/25/2018), took judicial notice of Attorney Meera Fox’s two declarations (App.1046-1094).

Shao’s motion to vacate the 3/14/2016 Order (App.1096-1141; Declaration: App.1042-1196), the first dismissal of her child custody appeal (H040395) which was filed on 3/28/2016, was *uncontested*, granted on 4/12/2016 and was taken judicial notice of by this Court on 7/19/2017 in S242475 (appeal from the undecided issues of this motion—reverse Judge Patricia Lucas’s child custody order dated 11/4/2013 and change courts), when its motion for judicial notice (See in App.1197-1230 for the Request for Judicial Notice without attachment) was also granted in full by Presiding Justice Conrad Rushing on 4/12/2016 (App.1095). Later, this motion and supporting papers were granted judicial notice of by this court the second time in S249444 on 7/25/2018 (appeal from the second

dismissal of the child custody appeal). Ten undisputed facts result from the matters on which judicial notice was taken are:

1. Julie Serna had finished transcribing the reporter's transcript for the July 2013's child custody trial by September 2014. (App.1260) Deputy Clerk Rebecca Delgado had had a copy of Julie Serna's certificate (App.11941) since May 8, 2014 but blocked Serna from filing the child custody trial transcripts by refusing to give her a copy of the Notice of Appeal. She then willfully issued multiple false notices for failure to procure the court reporter's transcript on 3/30/2015 (App.1207), 4/2/2015, 4/27/2015, 3/12/2016 (Saturday) in violation of California Government Code §6203. After the first dismissal based on 3/12/2016 Saturday notice was vacated on 4/12/2016, Delgado issued another 3/14/2017 notice with the contents identical to all of these previous default notices. This 3/14/2017 notice, as apparently directed by Presiding Judge Patricia Lucas (App.0118), caused the second dismissal (5/10/2018) by the Court of Appeal.
2. Shao filed an Objection to False Notice of Non-Compliance of April 27, 2015. (App.1114, 1207-08) And, Shao went to Santa Clara County Court to meet Delgado on 7/2/2015. Ms. Delgado would not give Shao an answer when the record on appeal, already delayed more than a year, could be done. (App.1262). 19 days later, on 7/21/2015, Ms. Delgado transferred the 581 pages of court reporter transcripts, which had been filed with Santa Clara County Court (all but the child custody trial) more than 9 months earlier, to the Court of Appeal(H040395).(App.1189)
3. In October 2015, the court files were loose pages as Delgado was working on copying, according to Delgado and her supervisor Susan Walker. (App.1181; App.1157-59) Delgado said the records would be ready by end of October 2015. (App.1259).

4. On 12/7/2015, Shao checked with Delgado again as the record on appeal for the child custody trial had still not been filed.(App.1266)
5. On December 11, 2015, after McManis's attorney Janet Everson's argued that the child custody appeal should have been dismissed for Shao's failure to procure the transcripts from the court reporters(App.1221), which relied on Delgado's false notices, Shao filed "Appellant's Motion for Order Directing Trial Court's Clerk to Prepare Clerk's Transcripts" on 12/11/2015. (App.1255-1269) Presiding Justice Rushing promptly denied Shao's motion on 12/18/2015 without complying with Rule 8.54 (15 days' notice). (App.0603)
6. Presiding Justice Rushing used the false Saturday notice of 3/12/2016 (App.1091) to rush dismissal as the first thing on the Monday morning of 3/14/2016. At that time, the Appellate Unit had delayed completion of records on appeal, even though it knew already from the 12/11/2015 motion that Julie Serna's child custody trial transcripts were ready and complete by September 2014 and the docket of H040395 shows receipt of 581 pages of court reporter's transcripts other than the transcript of the child custody trial. Again, such dismissal violated Rule 3.57 as the dismissal was made without a motion or a notice to Shao.
7. When Shao again asked Ms. Delgado on 3/15/2016 as to this situation, Ms. Delgado stated that her boss Susan Walker directed her to go to the court on 3/12/2016 to prepare the Notices for dismissing Shao's appeals. On March 16, 2016, Susan Walker admitted to Shao that she had asked Rebecca Delgato to go to the Court on 3/12/2016, Saturday to work but denied knowing the contents of the notices.
8. Both the C.E.O. of the Court, David Yamasaki and Susan Walker were asked to investigate the criminal actions in issuing false notice on 3/18/2016 (App.1179-88). They failed to respond.

9. Through Shao's motion to vacate the first dismissal, the Court of Appeal was advised of the 3/12/2016's false notice, the fact that the Court of Appeal had received all reporter's transcripts beside Julie Serna's reports, and that Santa Clara County Superior Court was blocking the court reporter from filing the only missing reporter's transcripts.
10. With these clear and convincing evidence of frauds of the court, presiding Justice Conrad Rushing vacated his dismissal of the child custody appeal on 4/12/2016.

In April 2017, Attorney Meera Fox attested that James McManis, Michael Reedy and McManis Faulkner law firm's first priority was to ensure Shao not get her child custody back (App.1063, ¶4) and that any reasonable persons knowing these facts will believe Presiding Justice Rushing, Rebecca Delgado of Santa Clara County Court and McManis Faulkner law firm conspired to have the child custody appeal dismissed. (App.1077, ¶31) 11 months later, the courts conspired with James McManis to create a false docket of 2/27/2017 referencing a default notice of 2/24/2017 but such notice did not exist in either of the lower courts. (App.1078-9) In the meanwhile, Shao discovered her family case had disappeared from the court's website. (App.1079) Shao sent a letter to the court's Presiding Judge on March 6, 2017. (App.0116-7) Presiding Judge Patricia Lucas immediately responded on March 8, 2017. Presiding Judge Patricia Lucas refused both requests and invited Shao to make a complaint against her at California Commission on Judicial Conduct (App.0071; App.0118; App.1079-80), and further caused Ms. Delgado to issue another notice of default on 3/14/2017 (App.0602), which led to the second dismissal.

For the second dismissal, Santa Clara County Court purged Julie Serna's Certificate in violation of California Government Code §§6200-

01, and concealed the family case docket from its website such that Shao could not have access to it to check on Julie Serna's Certificate. During the time the docket was not accessible, the courts conspired to fake notices on the same ground as the prior false notices.

Not only Attorney Meera Fox attested to the judicial conspiracy in dismissing child custody appeal and causing permanent parental deprival, **James McManis has tacitly admitted to this being his conspiracy, including the most recent admission knowingly failing to respond to the severe accusation in Petition for Writ of Certiorari No. 21-881, where Shao's accusation was conspicuously made in a whole Section IV (see, infra:**

“(3) In Petition No. 21-881: the most recent “tacit admission” by James McManis, Michael Reedy, McManis Faulkner law firm, as well as their attorney of record Janet Everson in Shao v. McManis Faulkner, et. al.; App.0637-714)

As of 5/10/2018 when the child custody appeal was dismissed, for 4.5 years, **not a page of the record on appeal was filed by Santa Clara County Court.** Where are the copies of the record on appeal that both Delgado and Susan Walker informed Shao in July 2015 when Delgado stated that the records would be complete by end of October 2015?

Now that undisputable evidence of fraud is shown by Julie Serna's Certificate which she said Rebecca Delgato absolutely had a copy (App.1147, App.1194) and feloniously purged by Santa Clara County Court from the family case docket, the child custody appeal dismissal based on lack of payment to Serna is false and must be reversed.”

(2) On August 25, 2021 in Petition for Review No. S269711, Chief Justice Tani Cantil-Sakauye was effectively deemed “conceded” to Shao's “Request

for Recusal/Verified Statement of Disqualification of Chief Justice Tani Cantil-Sakauye" based on her choosing not to file a written response but not participating in voting, pursuant to C.C.P. §170.3(c)(4), which includes 8 matters of factual concession. (App.0071) Such concession was tacitly admitted by both of them additional 5 times in Appeal No. 21-5210 proceedings.

Chief Justice conceded that she is a client of James McManis, that she conspired with McManis in denying all petitions filed by Shao (totally 15, see App.0534-535), that she had influenced Supreme Court Justice Kennedy to block child custody return at Shao's Application for emergency relief to immediate child custody return filed with the US Supreme Court (App. No. 14A677; see App.0530) in December 2014, after discovery of the undisputed fact that Shao's ex-husband TsanKuen Wang has a **dangerous mental illness** with 5 other mental illnesses, that she had misused her authority at California State Bar

- (a) to cover up the crimes of James McManis and of all of his co-conspirators and specifically purged all of State Bar case records against him and even entire case (20-O-07258) about McManis's commissions of conspiracies of altering 5 court records on his motion to dismiss the case of Shao v. McManis Faulkner, James McManis, Michael Reedy and Catherine Bechtel (112-cv-220571; 2012-1-cv220571) where the docket and efilings stamps for his motion to dismiss were altered in September 2016 in order to let his friend at American Inns of Court (Judge Christopher Rudy) to jump in to order dismissal when no reasonable judge would grant dismissal;
- (b) to ask California Franchise Tax Board to impute income against Shao and her law firm, without a

hearing and to garnish money based on the inflated imputed income (App.1270),
(c) to suspend the business license of Shao Law Firm, PC, (See the apology letter to reactivate business license on 12/31/2021 in App.1270) and
(d) issue orders without notice nor hearing to suspend Shao's bar license multiple times (App.0019-27). See in App.1271 for the most recent order of Chief Justice to suspend license without a notice nor hearing again on January 25, 2022.

This time, no one signed the State Bar's notice on January 25, 2022, the same date of the order (App.1272) and no one at Department of Child Support would respond. In this proceeding of S269711, Respondents James McManis, Michael Reedy and McManis Faulkner, LLP also tacitly admitted to the same conspiracies as conceded by Chief Justice Tani Cantil-Sakauye by not making any objection or opposition within 50 days when the Request for Recusal/Verified Statement of Disqualification of Chief Justice Tani Cantil-Sakauye was pending, when it calls a normal innocent person to respond to the severe criminal accusations (App.0001: they were served on 7/7/2021); when S269711 is regarding the illegal dismissal of Shao v. McManis Faulkner, James McManis, Michael Reedy, Catherine Bechtel (2012-1-cv-220571), McManis defendants have also averted responding to the severe accusations of their felonies in conspiring with people at Santa Clara County Superior Court to file the motion to dismiss (Civil Local Rule 8(c) blocked their filing as they failed to make reservation of the hearing, in trying to dismiss the case behind the back of SHAO, and altering the efilng stamps of the motion to dismiss and the docket on filing date of the motion to dismiss in the proceeding of 2012-1-cv-220571 multiple times. McManis defendants averted discussion of these criminal accusations which are the subject of

Shao's motions to set aside dismissal, application to change venue, motion to reconsider May 25, 2020 order denying motion to set aside dismissal and in Shao's motions filed in H048651 (appeal from denying to vacate dismissal in 2012-1- cv-220571.

Chief Justice Cantil-Sakauye's concession on August 25, 2021 in S269711 was further tacitly admitted by herself, and by James McManis, as well as all 67 Respondents in Shao v. Roberts, et al. at least 5 times in the No.21-5210 proceeding pending with the D.C. Circuit Court of Appeal. (App.Vol.I)

File number	Date	Tacit admission by California Chief Justice and by James McManis, Michael Reedy, McManis Faulkner, Janet Everson and their counsel James Lassert
<u>ECF 1921294</u> <u>Order of 8/25/2022</u> <u>1</u> <u>(App.00 08);</u> <u>Verifie d</u> <u>Statem ent of</u> <u>Disqual ificatio n</u> <u>(App.00 09-</u> <u>0064)</u>	11/5/2021	<u>Entire paper (App.0002-0065)</u> “All facts contained in the attached “Request for Recusal of Chief Justice Tani G. Cantil-Sakauye; Verified Statement of Disqualification of Chief Justice” filed in S269711 with California Supreme Court on July 7, 2021 that were not objected nor disputed by Appellee (McManis) (during the 50 days) and conceded by Appellee Chief Justice shall be deemed admitted/undisputed under California Code of Civil Procedure §170.3(c)(4) in view of the Order of August 25, 2021, which are attached hereto.”
ECF 1921981	11/11 /2021	<u>App.0071</u> , last paragraph:

<p><u>See in</u> <u>Exhibit</u> <u>5 (from</u> <u>p.55 of</u> <u>114):</u> <u>Order</u> <u>of</u> <u>8/25/202</u> <u>1</u> <u>(App.01</u> <u>20);</u> <u>Verifie</u> <u>d</u> <u>Statem</u> <u>ent of</u> <u>Disqual</u> <u>ificatio</u> <u>n</u> <u>(App.01</u> <u>21-</u> <u>0177)</u></p>	<p>“Chief Justice Tani Cantil-Sakauye, who has, as a matter of operation of law, effectively conceded that she is Appellee McManis’s client and has colluded with McManis in covering him up and even created a fraudulent case at California Supreme Court by signing an order to suspend SHAO’s bar license prematurely as well as caused the State Bar of California to harass SHAO by sending letters to California Franchise Tax Board to impute income against SHAO. (See#1921294)”</p> <p><u>App.0078</u></p> <p>“Then, as conceded by Chief Justice Tani Cantil-Sakauye recently by operation of law through her salience and failure to file a verified Answer to Request for recusal/Verified Statement of Disqualification ...in the 8/25/2021 Order in S269711, she conspired with Appellee James McManis....Appellees had 50 days to raise objection ...Clearly, by operation of law,,, Chief Justice Tani Cantil-Sakauye had conceded to the undisputed judicial conspiracy with Appellees to disrupt the normal judicial function of California Supreme Court and State Bar of California...<i>Urias v. Harris Farms, Inc.</i> 234 Cal.App.3d 415 (1991).”</p>
<p>ECF #192245 5</p>	<p>11/15 /2021</p> <p><u>Entire section II with the following heading (App.0189-0190)</u> <u>“II. MCMANIS APPELLEES’ ADOPTIVE ADMISSION AND CALIFORNIA CHIEF JUSTICE TANI CANTIL-SAKAUYE’S CONCESSION</u></p>

		<p><u>OF CONSPIRACIES WITH MCMANIS APPELLEES INDICATE THAT ALL OF THE IRREGULARITIES AND COURT CRIMES ARE FROM THE SOURCE OF THE LEADING ATTORNEY JAMES MCMANIS TO COVER UP CRIMES OF EACH OTHER.”</u></p> <p><u>App.0272 & App.0310 (Rule 60(b) motion filed in April 2021 with the U.S.D.C. for D.C.)</u></p> <p>“6. While State Bar silently dismissed the cases against James McManis, California State Bar conspired with Defendant California Chief Justice to issue a premature illegal order trying to suspend Plaintiff’s bar license two months before due date for payment and trying to deter Plaintiff from payment by altering the State Bar Profile of Plaintiff.”</p>
ECF 1922201	11/12 /2021	<p><u>p.9 of 36; App.0321-322</u></p> <p>“As a matter of operation of law, she is deemed to have conceded/admitted to all judicial corruptions done by her in collusion of Appellees James McManis, Michael Reedy and McManis Faulkner. Appellees did not make any objection to any and all accusations of judiciary corruption done by Chief Justice Tani Cantil-Sakayaye with McManis appellees, during the 50 days period of time from the filing date of July 7, 2021 until decision date of August 25, 2021”</p> <p>“By operation of the law, pursuant to §170.3(c)(4), and <i>Urias v. Harris Farms, Inc.</i> (1991) 234 Cal.App.3d 415, California Chief Justice conceded to 8</p>

		facts: (1) California Chief Justice is McManis's client...[omitted]...
ECF #192245 9 (App.03 49--)	11/15 /2021	<p><u>P.19-20 of 148, App.0367-68</u> "As mentioned in #1922201 and #1921981, as a matter of operation of law pursuant to §170.3(c)(4) of California Code of Civil Procedure and <i>Urias v. Harris Farms, Inc.</i> (1991) 234 Cal.App.3d 415, Chief Justice Tani Cantil-Sakayaue has effectively "conceded" to her conspiracies with James McManis as accused by SHAO in her Verified Statement of Disqualification of Chief Justice filed in S269711 on 7/7/2021; McManis had full chance to make objection with 50 days's period of time but did not make any objection to the accused conspiracies between him and California Chief Justice."</p> <p><u>P.144-145 of 148; App.0492-93</u> <u>“6. While State Bar silently dismissed the cases against James McManis, California State Bar conspired with Defendant California Chief Justice to issue a premature illegal order trying to suspend Plaintiff's bar license two months before due date for payment and trying to deter Plaintiff from payment by altering the State Bar Profile of Plaintiff.</u> [Note: There are 2 paragraphs of discussion, including false state bar case against Shao for failure to pay bar due (before due date of payment of bar due) and imputed income at California Franchise tax Board.]</p>

ECF 1920120	10/28 /2021	<u>p.23/App.0519</u> "State Bar of California is under the control of Chief Justice Tani Cantil-Sakauye. Her active conspiracy with Appellees was exposed on 9/28/2020 [sic: 7/28/2020] when she created a case at the California Supreme Court with case number of S263527 by signing an order to suspend the license of SHAO for failure to pay bar due, when was more than a month before the due date of payment of bar due (10/30/2020).....
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(3) ECF#1921981: James McManis, Michael Reedy, McManis Faulkner and their attorney Janet Everson as well as California Chief Justice tacitly admitted to many crimes where Shao is the victim in the past 11 years.

Recently, Shao presented explicitly at least in 10 different filings in the proceeding of Shao v. Roberts, et al., appeal No. 21-5210 pending with the D.C. Circuit Court of Appeal, about the laws of "concession" and "tacit admission" since November 5, 2021 in ECF#1921294 (App.0002-65), which is titled "Appellant's second supplement to #1920120- Appellant's "Opposition to Motion for Summary Affirmance filed by Appellees James McManis, Michael Reedy, Janet Everson and McManis Faulkner, LLP (#1918497); Plaintiff's Counter Motion for Affirmative Relief Under Circuit Rule 27(c) to (1) vacate all orders of this Court in the proceeding of 19-5014 based on violation of due process and extrinsic fraud of this court, Judge Patricia Millett and Judge Nina Pillard in failing to disclose conflicts of interest and reactivate the appeal of 19-5014; (2) request for terminating sanction for summary reversal of Judge Rudolph Contreras's Order of 8/30/2021 (ECF 168 and 169) and Monetary

Sanction Against Appellees and Their attorney of record James Lassart for filing a frivolous motion in violation of 28 U.S.C. §1927 and committed extrinsic fraud in conspiring with this court in dismissing the entire appeal as early as on July 31, 2019." (App.0002)

There, the key issue was California Chief Justice's concession to 8 accusations mentioned in Shao's disqualification statements against her filed on July 7, 2021 in S269711. Six days later, in ECF#1921981, the Third Supplement to #1920120-Appellant's Opposition to McManis Appellees' Motion for Summary Affirmance and Counter Motion for Affirmative Relief (App.0066-176) that was filed with the D.C. Circuit Court of Appeal on 11/11/2021, James McManis, Michael Reedy, McManis Faulkner law firm, as well as their attorney Janet Everson in the Shao v. Mcmanis Faulkner et al. proceeding (112CV220571; 2012-1-cv-220571, Santa Clara County Superior Court), tacitly admitted to the following matters (extract from original table in Memorandum filed with California Supreme Court S231527):

1. Conspiracy with Judge Patricia Lucas to purge Julie Serna's certificate from the family case records, to conceal Shao's Family Case Docket and to generated false notices in dismissing appeal from Lucas's Child Custody order;
2. Admitted that "Chief Justice Tani Cantil-Sakauye, who has, as a matter of operation of law, effectively conceded that she is Appellee McManis's client and has colluded with McManis in covering him up and even created a fraudulent case at California Supreme Court by signing an order to suspend SHAO's bar license prematurely as well as caused the State Bar of California to harass SHAO by sending letters to California Franchise Tax Board to impute income against SHAO"

3. Conspiracy with California Chief Justice to deny review of child custody appeal (H040395)
4. Admitted to the concession of California Chief Justice to SHAO's verified statement of disqualification
5. conspiracy of California Chief Justice, Mcmanis, and Judge Rudolph Contreras in dismissing the case of Shao v. Roberts, et al, 1:18-cv-01233RC
6. Conspiracy of McManis, Reedy, Mcmanis Faulkner, Janet Everson on dismissing Shao v. McManis Faulkner, James McManis, Michael Reedy, Catherine Bechtel (2012-1-CV-220571) Janet Everson actively conspired with McManis defendants in filing "Notice of Non-Opposition to Motion to Dismiss" on 9/30/2019.
7. conspiracy with US Supreme Court in 39 felonies of alteration of dockets, failure to decide motions that were properly presented in front of the Court, and summarily denied all Petitions.
8. conspiracy with DC Circuit Court of Appeal in dismissing the appeal case of 19-5014
9. conspiracy with California Supreme Court, California Sixth District Court of Appeal and Santa Clara County Court and Judge Maureen Folan, their prior attorney before taking the judicial seat, to issue a fraudulent Prefiling order with an antedated date of 6/16/2015, that is not supported by a Statement of Decision.
10. When Presiding Judge of Santa Clara County Court is Judge Theodore Zayner, close friend of Mcmanis, the Civil Local Rule 8(c) was changed in purging evidence of conspiracy on how McManis's motion to dismiss was able to be filed and now with the changed local rule, Zayner is blocking a hearing date of another motion to set aside dismissal and vexatious litigant order based on the undisclosed conflicts of interest of Judge Christopher Rudy and Judge Maureen Folan.

11. Conspiracy with California Chief Justice and California State Bar staffs about the fraudulent case order of California Chief Justice in S263527 to suspend Shao's bar license;
12. Conspiracy with California Chief Justice in purging case 20-O-7258 against James McManis.

(4) In Petition No. 21-881: the most recent “tacit admission” by James McManis, Michael Reedy, McManis Faulkner law firm, as well as their attorney of record Janet Everson in Shao v. McManis Faulkner, et. al.

Not only McManis appellees and their attorney Janet Everson did not dispute SHAO's recusal request in S269711 by 50 days, they also did not dispute the conspiracy concession by California Chief Justice Tani Cantil-Sakauye at least 5 times in the proceeding of No. 21-5210 pending with the D.C. Circuit, McManis Faulkner law firm further tacitly admitted to all crimes and conspiracies they did in willfully averting to respond to the severe criminal accusations in Petition for Writ of Certiorari 21-881 and its Request for Recusal that are pending with the US Supreme Court.

The Petition No. 21-881 proceeding is derived from their felonious dismissal of the civil case of Shao v. McManis Faulkner, et al, 2012-1- cv-220571 in September 2019 (with clear and convincing evidence of alteration of e-filing stamps of motion to dismiss (App.0051-57) and filed the motion to dismiss in conspiracy with Alex Rodriguez, civil supervising clerk at Santa Clara County Court as such motion without reservation would never be able to be “filed” under the prevailing Civil Local Rule 8(c) from 2014 through April 2021. The Civil Local Rule 8(c) was changed under the management of Presiding Judge Theodore Zaynor, appearing like for the purpose of purging the evidence of this conspiracy).

Before 21-881 proceeding, since 2019, Shao has used adoptive admission theories in the proceeding of Appeal No. 19-501 at least seven(7) times regarding the D.C. Circuit's refusing to account for the 6 felonies that took place in the proceeding of 19-5014 at the D.C. Circuit Court of Appeal that involve American Inns of Court, Chief Justice Roberts, Judge Contreras, and McManis appellees, which is a related appeal to 21-5210. Shao also used the adoptive admission theory in Petition for Writ of Certiorari Petition No. 19-639.

After SHAO has cried for opponents' "tacit admission" or "adoptive admission" for almost 3 years, in the Petition No. 21-881 proceeding that was docketed on 12/14/2021, McManis Faulkner law firm, again, tacitly admitted many matters:

McManis Faulkner law firm was the one who drafted the child custody order of 11/4/2013 for Judge Patricia Lucas	App.0661-663; 0696-97
Conspiracy to dismiss child custody appeal with false notices of non-compliances for failure to procure the reporter's transcripts	App.0697
All conspiracies stated in verified statement of disqualification of California Chief Justice filed on 7/7/2021 by SHAO in S269711	App.697
McManis hired a hacker to purge all data base of Petitioner such that Petitioner had no records of fully paid the reporter's transcripts	App.0662
they conspired with the U.S. Supreme Court in altering the docket of Petition 18-569 which is an appeal from child custody appeal dismissal in S249444 and H040395 to remove the Amicus Curiae Motion of Mothers of Lost	App.0699-0703

Children, which U.S. Supreme Court Justices did not decide.	
The six Justices of U.S. Supreme Court who are at default as defendants in Shao v. Roberts, et al, 1:18-cv-01233RC, conspired with McManis Faulkner law firm in refusing to file SHAO's "motion for judicial notice of the Amicus Curiae motion filed in 18-569" in Petition No. 20-524 and conspired to altere the docket of 18-569 to remove the filing records of Amicus Curiae Motion of Mothers of Lost Children.	App.0697-99.
Conspired with California Court of Appeal, Sixth District, California Supreme Court and US Supreme Court to remove the names of James McManis and Michael Reedy for all petitions arising from Shao v. Mcmanis Faulkner, et al., 2012-1-cv-220571, including Petitions 17-82, 17-256, 18-344, 18-800 and now 21-881	
James Mcmanis had manipulated California Courts by using the Prefiling order to block SHAO's reasonable access to the family court to ensure parental deprival	App.0707
James McManis has conspired with US Supreme Court Justices to summarily deny Petitions for Writ of Certiorari and both Applications filed by Shao in order to ensure permanent parental deprival of SHAO	0707-708

Secondly, McManis Faulkner Law firm does not dispute the facts that **had been taken judicial notice of** (App.0727-0729) by California Supreme Court on July 25, 2018 in S249444 (appeal from the second child

custody appeal's dismissal) proceeding and on July 19, 2017 in S242575 (appeal from the 4/12/2016 order of vacating the first dismissal of child custody appeal on the undecided issues—change of court and reverse Judge Patricia Lucas's child custody order of 11/4/2013), which includes admission as facts 7 documents and 14 facts:

A. California Sixth District's malice in dismissing this appeal

In July 25, 2018's Order in Petition 249444 denying review of H040395, California Supreme Court took judicial notice of evidence of California Sixth District's "intent" of concealing its orders from SHAO's knowledge that SHAO confirmed with Beth Miller on 7/19/2018 when the same scheme of fraud through switching emails was applied to both appeals of H040395 and H042531.

B. Other evidence

In its 7/25/2018's Order, California Supreme Court also took judicial notice of the **complaint** of 1:18-cv-01233 pending at the USDC for D.C. (App.120;App. 177-214, Doc.#16)and the evidence of

- (1) **selected deposition transcripts of James McManis who admitted that he was Santa Clara County Court's attorney and that he provided free legal services to many judicial clients on July 20, 2015,**
- (2) **Declarations of Meera Fox** (conspiracies and irregularities),
- (3) **Declaration of Michael Bruzzone** (cozy relationship and ex parte communications between McManis Faulkner law firm and the Sixth District),
- (4) **Declaration of Mei-Ying Hu:** The minor's complaints of Respondent's abuses and the harassment of the social worker Misook Oh,
- (5) **Dr. Jeffrey Kline's declaration** decoding Respondent's mental illness diagnoses shown in the

psychological insurance claims in the subpoenaed CIGNA production,
(6) the irregularities and crimes committed by the Clerk's Office of this Court in Petition 17-613,
(7) the same scheme of irregularities happened in the Ninth Circuit.(A.121-123)

**C. Irregularities at California Sixth District
in H040395 as of 6/12/2017**

California Supreme Court, in its order of July 19, 2017 in S242475(Petition No.17-613), granted SHAO's motion for judicial notice (filed on 6/12/2017) which includes evidence of many irregularities in this appeal:

- (1) **The trial court refused to prepare the records on appeal for this appeal for 4 years** (well exceeds the 30 days' limit in Rule 8.130),
- (2) **Illegal conspiracy dismissal of this appeal** on March 14, 2016.
- (3) **The docket entry of 2/27/2017 in this appeal was forged for stating a non-existent default notice**
- (4) **SHAO's access to the courts were blocked**
- (5) ex-Presiding Justice Conrad Rushing illegally interfered the Clerk's office's normal function of filing by screening SHAO's filing and deterred the Clerk's Office to make docket entry until he approved SHAO's filing in this appeal proceeding after 2/27/2017,
- (6) **This docket (H040395) was illegally altered** many times, e.g., the entry of filing of Declaration of Meera Fox on 5/10/2017 was purged on 5/11/2017,
- (7) Oral argument transcript of April 27, 2017 in H039823's appeal indicates **bias and prejudice of the Sixth District**
- (8) Judge Patricia Lucas replied to SHAO's letter of March 6, 2017 about **false default notice shown in 2/27/2017's docket entry in this appeal (H040395) and disappearance from the court's website of SHAO's family case**

(105FL126882/2005 · 1-FL-126882), with her letter dated March 8, 2017 where Lucas refused to take any corrective action and invited SHAO to file a complaint if not satisfied with her decision

(App.236)

(9) Santa Clara County Court is a client of James McManis,

(10) James McManis has judicial clients in Santa Clara County Court, the Sixth District, California Supreme Court to whom he had provided free legal services in violation of Rule 5-300 of California Rules of Professional Conduct, but is appearing as a defendant in the civil malpractice case of SHAO v. McManis Faulkner, LLP, et al., (112CV220571)

(11) The family court willfully misused the vexatious litigant orders procured by James McManis to de-file SHAO's 4 motions, and stall SHAO from filing a motion in her family court case despite being advised of violation of *Shalant v. Girardi*(2011) 51 Cal.4th 116.

(12) James McManis, Michael Reedy and their law firm, are interested third parties to this custody appeal (See also App.55),

(13) Michael Reedy testified that William A. Ingram American Inn of Court has 100-110 members including 30 judges/justices and 60-70 attorneys; judges paid no fees and the judges who affected SHAO's family case have had long term close relationship with him through the Ingram Inn; and

(14) The courts repeatedly created false notices of default for the sole purpose of dismissing this appeal.

[note: Child Custody Appeal; *emphasis added*]

In fact, James McManis had tacitly admitted to Shao's severe criminal accusation of conspiracy to cause her permanent parental deprival for at least 51 times in 14 motions to change venue and 3 motions to set aside

dismissal filed with 2012-1-cv-220571 at Santa Clara County Superior Court, 14 times in the Petitions for writ of certiorari proceeding (3 in Petition No. 17-82, 3 in Petition 17-256, 3 in Petition 18-344, 3 in Petition 18-800, 2 in Petition 20-524) where he is a Respondent, 3 times in H048651 proceeding and at least 2 times at the U.S.D.C. for the D.C., at least 7 times in Appeal No. 19-5014, and 8 times in Appeal 21-5210 in the proceedings of Shao v. Roberts, et al. James McManis, Michael Reedy, McManis Faulkner law firm have had full opportunity to make objection or opposition but they always averted discussion and tried hard to dismiss all cases to **avoid any decision on the merits.**

(5) A series of admissions or adoptive admissions by all defendant in the proceedings of Shao v. Roberts, et al. [1:18-cv-01233RC at the U.S.D.C. for D.C., Appeal No. 21-5210 and No. 19-5014 at the DC Circuit Court of Appeal, and Petition No. 20-524 at the US Supreme Court] on participating in the conspiracies led by James McManis to cause permanent parental deprival of Shao, to dismiss complaints involving McManis and his co-conspirators, dismiss appeals and harass Shao.

Recently Chief Justice, James McManis, State Bar and Department of Child Support Services conspired the 4th formal attempt to suspend Shao's bar license on January 25, 2022 where, for the 4th times, Chief Justice issued an order *without a notice* (App.1271-2), after California Franchise Tax Board acknowledged the error and re-activated its suspension of Shao Law Firm, PC at the end of 2021 . (APP.1270)

Notably, Chief Justice Tani Cantil-Sakauye conceded that she joined the plot to place the minor into her claimed abuser for 11 years, including to block Shao's access to the family court to modify child support with the fraudulent prefilng order, after discovery of

the fraud of Wang in concealing his dangerous mental illness (such blockage of filing motions in the family case is clearly illegal as Shao was able to file motions in the civil case of Shao v. McManis,et al where the Prefiling Order was from, but not able to file any motion in her divorce case by having to apply the Prefiling Order from the Presiding Judges who had denied all motions to modify child custody or set aside child custody order). In summarily denying all petitions for review including the vexatious litigant orders, Chief Justice conspired with McManis to deprive Shao a day in the court [H042531 and S248267; App.0534]. In covering up McManis's breach of fiduciary duty owed to Shao, Chief Justice maliciously sacrificed the welfare of a child to let her without her Mother **for 11 years**. Chief Justice not only sacrificed the child welfare, willfully interfered Shao's lawful child custody, but further blocked Shao's recovery of monetary damages from McManis in S269711 because he is Chief Justice's buddy and attorney on her "private affairs".

Even though the August 25, 2021 Order stated that Chief Justice did not participate in voting, the supervising clerk at California Supreme Court told Shao that there is no public record on voting of the Petition to prove that any Justices did vote or not.

McManis's altering the efilings stamps of their motion to dismiss in September 2019 was because the judge who jumped into the case to dismiss, Judge Christopher Rudy, who was willing to help them with a dismissal could only substitute in the Law and Motion judge assigned for this case on October 8, 2019, when Rudy should have been recused as he is a member of the American Inns of Court, and the order before dismissal is Judge Peter Kirwan's Order of 12/15/2017, where he made finding of recusal based on membership with the American Inns of Court, the same as a defendant. No reasonable judge would have dismissed

the case as the stay McManis requested has not been lifted by them as required by Rule 3.650(d) of California Rules of Court.

Judge Maureen Folan who had served as McManis's attorney in declaring Shao a vexatious litigant was recently discovered that she was **truly the attorney of record for McManis and McManis Faulkner** law firm for at least 2.5 years (Santa Clara County Court Case No.1999-1-CV-779444 and H020178), who had conspired with McManis and Presiding Judge Theodore Zayner in denying Shao's recent application to vacate the Prefiling Order in September 2021 with the ground of her own undisclosed conflicts of interest. McManis's entire motion to declare Shao as a vexatious litigant is frivolous, fatally flawed as they failed their burden of proof and Judge Folan in her order noted such lack of burden of proof; there was not a declaration filed. The only purported evidence Folan based on was Judge Lucas's child custody order of 11/4/2013 that was pending appeal and in Page 9 of her order it showed that Folan knew it was illegal for her to quote Judge Lucas's finding in the 6/16/2015 Statement of Decision but she still quoted. It is unlikely that Folan did not know the purpose of her Prefiling Order was to block Shao from regaining child custody when the custody should have been returned in 2014 upon discovery of Wang's dangerous mental illness.

The prefiling order was not mentioned in the original vexatious litigant statement of decision, was antedated to 6/16/2015 when no clerk would enter it into the docket until two years later by a contractor who falsified entry date to be 6/16/2015. The prefiling order was used to block Shao from getting child custody back after discovery of Wang's dangerous mental illness and Folan's conspiracy of McManis is obvious as she had quoted Judge Lucas's child custody order of

November 4, 2013 knowing she could not legally quote an order that was not final and such knowledge is shown at Page 9 of the very same statement of decision dated 6/16/2015.

With this fraudulent Prefiling Order, on 4/29/2016, Judge Joshua Weinstein suddenly issued an order without serving anyone where he took off Shao's 4 motions pending with Santa Clara County Superior Court, without notice.(App.1009) The 4/29/2016 order appeared to be faxed from external of the court. Then, without any notice nor hearing, Presiding Judge Rise Pichon of Santa Clara County Court issued an order of May 27, 2016 to apply Prefiling order to block Shao from access to the family court (while Shao can still file motions in the civil case where the Prefiling Order is from)(App.1010).

Then Presiding Justice of California Sixth District Court of Appeal, Justice Mary J. Greenwood, who concealed from disclosure that she is the wife of Judge Edward Davila, the starter of this scam of child abduction, maliciously directed her straw justice, Justice Andrea Grover, to use the false notices from Santa Clara County Court to dismiss the child custody appeal (H040395) on May 10, 2018.

Greenwood used Acting Presiding Justice to do illegal dismissal of the appeals filed by Shao after she personally dismissed H045502 and H045501 appeals on the same date of March 16, 2018 by way of false excuses of lack of civil information statements (for H045501, the court concealed the filed case information statement; H045502, dismissed as the court did not see the proof of service for the civil cover statement. (App.0127 and 0526) in violation of Rule 8.57.

(6) Dr. Jeffrey Kline's declaration that decoded the weekly mental health insurance claims submitted to CIGNA by Wang's mental health professionals submitted weekly insurance claims to CIGNA, including a dangerous mental illness, alone with other 5 mental illnesses with more than 250 pages of claim records.

As discussed above, this declaration has been taken judicial notice of twice in S242475 and S249444, and tacitly admitted by Tsan-Kuen Wang numerous times since October 2014. In July 2014, SHAO issued a subpoena to CIGNA Health Insurance Company for all claims records of WANG and her children. David Sussman did not object to the subpoena, and SHAO obtained all psychological claims records regarding Wang's mental health that professionals had made, a total of more than 250 pages from CIGNA Health Insurance Company.

These CIGNA Health Insurance records revealed that:

- (a) Wang's dangerous mental illness corroborates the minor's complaint of brutal physical abuse by Wang from July 19 through 25 of 2010.
- (b) Such disorder was diagnosed by Dr. Sandy Chin on July 30, 2010, during the same week that the child had reported having been beaten by her father. Such illness has lasted for years.
- (c) Dr. Jeffrey Kline, Diplomat of the American Forensic Psychological Association, decoded Wang's claims record to identify the diagnosis for this dangerous mental illness as below (App. 0805):

"Major Depressive Disorder, Recurrent, Moderate Severity
7/30/10 – 12/23/10: 16 sessions
6/18/11 – 12/18/11: 26 sessions
1/22/12 – 12/22/12: 20 sessions
4/6/13 – 12/18/13: 18 sessions
1/11/14 – 4/6/14: 10 sessions

Major Depressive Disorder, Recurrent is defined as the "Presence of two or more Major Depressive Episodes." Major Depressive Episodes are defined as the presence of "five or more of the following symptoms...present during the same 2 week period and represent a change from previous functioning" with "at least one of the symptoms" being "depressed mood or...loss of interest or pleasure":

"depressed mood most of the day, nearly every day"
"marked diminished interest or pleasure in all, or most, activities most of the day, nearly every day"
"significant weight loss when not dieting or weight gain"
"insomnia or hypersomnia"
"psychomotor agitation or retardation nearly every day"
"fatigue or loss of energy nearly every day"
"feelings of worthlessness or excessive guilt or inappropriate guilt...nearly every day"
"diminished ability to think or concentrate, or indecisiveness, nearly every day"
"recurrent thoughts of death...recurrent suicidal ideation...attempt or a specific plan for committing suicide."

The symptoms must also "cause clinically significant distress or impairment in social, occupational, or other important areas of functioning." The Severity indicators are "Mild, Moderate, Severe Without Psychotic Features, Severe with Psychotic Features." Severity "is judged to be mild, moderate, or severe based on the number of criteria symptoms, the severity of the symptoms, and the degree of functional disability and distress."

(d) WANG talked to one of his own treating mental health professionals, Carole Tait- Starnes, to work instead, as the minor's mental health professional as a spy for Wang. **Ms. Starnes did not disclose her position as Wang's therapist and did not disclose that Wang's mental illness was a potential danger**

to the child. After February 2014, the minor child told Carole Tait-Starnes that her wishes were to live with SHAO. Carole Tait- Starnes reported this preference to Wang, who punished the child for having voiced a desire to live with her mother. Carol Tai-Starnes is a mandatory reporter for child abuse but was bribed by Wang to betray her duty to report Wang's mental illness and Lydia's injuries. A copy of Dr. Kline's report documenting these facts is attached hereto in App.0802-0806.

As discussed above, while California Supreme Court took judicial notice of Wang's dangerous mental illness contained in Dr. Kline's report, California courts have used prefiling order to block SHAO from filing a motion at her family court case in order to ensure McManis's plan of permanent parental deprival. (App.1063, ¶4) In granting judicial notice of Wang's dangerous mental illness, Chief Justice Tani Cantil-Sakauye's summary denial of Petition for Reviews of S242475 and S249444, as having been deemed conceded and tacitly admitted, are truly out of conspiracy with James McManis.

As discussed later, the case laws require immediately child custody change for child safety.

(7) Declaration of Meera Fox (App.1048-1094), Judge Peter Kirwan's Order of 12/15/2017 (App.0915) and Judge Socrates Manoukian's order of 12/2/2017 (App.0910), and Judge Lucas's letter of March 8, 2017 (App.0117), false records shown in App.0917-20, as well as McManis Faulkner's tacit admission that they wrote her child custody order (App.0929-0950) mandates reversal of Judge Lucas's child custody order of 11/4/2013.

As discussed above, all facts in Declaration of Meera Fox should be truth as this Court had taken judicial notice of the declaration twice in S242475 and S249444. Through declaration of Meera Fox, the close

relationship of Judge Lucas, Michael Reedy, Judge Zayner, and Justice Patricia Bammate-Manoukian were established there through the American Inns of Court. They have been Presidents of the American Inns of Court Foundation-Hon. William A. Ingram Chapter, where the registered founder is Michael Reedy. Therefore, pursuant to the orders of Judge Manoukian(App.0889) and Judge Kirwan (App.0893), Judge Lucas should have been recused and thus her child custody order of 11/4/2013 should be declared to be void and vacated for violation of due process. See. e.g., *Aetna Life Ins. Co. v. Loviae* (1986) 473 US 813.

Moreover, Lucas's child custody order must be vacated, as through the proceeding of No. 21-5210, as shown above in ECF1921981, Lucas as well as by James McManis, Michael Reedy, McManis Faulkner, Janet Everson, had tacitly admitted that they conspired together to permanent parental deprival of Shao in the past 9 years. In 21-881 proceeding, Mcmanis Faulkner further admitted that they drafted Lucas's child custody order of 11/4/2013.

In addition, Lucas knew the default/non-compliance orders were all false and it is illegal to conceal the family case docket from access by SHAO (App.0116), yet she issued the letter of March 8, 2017 (App.0118) to show off the conspiracy and invited Shao to make complaint against her.

Lucas told Judge Derek Woodhouse to deny change of venue 11 times. When both parties' expert witnesses testified about the attorney-client relationship between McManis Faulkner law firm and Santa Clara County Superior Court, Woodhouse could not grant, and Lucas assigned the motion to be heard by Judge Folan. (App.1043) Folan heard the motion to change venue and procedurally denied, instead of falsifying facts as stated in the Tentative Ruling. Under Lucas's management, Folan's 11/21/2017 order was

concealed from the docket, but the fraudulent Tentative Ruling of 10/31/2017 (App.0920) has been posted on the docket of 2012-1-cv-220571 as if that was the order of Folan on Shao's motion to change venue.

In deterring appeal from the fraudulent prefilling order, which was used to cause permanent parental deprival of SHAO, Lucas further caused false Certificate of Completion (App.0917) regarding Shao's appeal from the vexatious litigant orders (H042531) to be issued on 12/12/2017. Rebecca Delgado later secretly filed another Certificate (App.0918) to acknowledge the records did have missing some records including, ironically, the Notice of Appeal. Then, the original Certificate of Completion (App.0917) was altered to become App.0919.

Judge Patricia Lucas, who was the Presiding Judge of Santa Clara County Superior Court, specifically implemented her conspiracies with James McManis, Michael Reedy and McManis Faulkner in facilitating four false notices to dismiss Shao's appeal from her child custody order of November 4, 2013, and a false notice of completion to deter SHAO's vexatious litigant orders' appeal. There is no reason why the child custody order of Lucas with such bias and prejudice against SHAO, with commission of multiple crimes of California Government Code Sections 6203, 6200-01 where SHAO is the victim, can be sustained as enforceable.

(8) Amicus Curiae, professional supervisor Esther Alex Taylor's declarations, Dr. Michael Kerner and Attorney Richard Roggia's report gave reasons that the child should be set free from the present unlawful child custody order and released to Shao.

Amicus Curiae motion of Mothers of Lost Children's Motion filed in Petition 18-569 (App.0899-0909), and Amicus Curiae letters of Louis Wang

(App.0834-837), of Melody Lu (App.0838-39), of Jenny Yao (App.0840) selected out of about 30 amicus curiae letters sent to California Chief Justice in March 2012 to support the little child's return to her Mom in Petition for Review S200228. S200228 is an appeal from Judge Theodore Zayner's order to cancel the evidentiary hearing, and re-activate August 5, 2010's supervised visitation order after that order was vacated by Judge Mary Ann Grilli on July 22, 2011 in granting SHAO's motion to set aside the orders of August 4 and 5 of 2010 for violation of due process and extrinsic fraud. Out of conspiracy, Grilli conducted ex parte communication with David Sussman and signed his order (App.0924-25) on 10/31/2011. The first paragraph was to grant the motion to set aside Judge Davila's orders of August 4 and 5 of 2010. The second paragraph was to maintain the two orders in effect until evidentiary hearing, another violation of Constitutional due process. Zayner used this as an excuse to cancel evidentiary hearing and reactivate the August 5, 2010 supervised visitation order. That is the case for S200228.

In failing to disclose her own conflicts of interest, Chief Justice Tani Cantil-Sakauye conspired with James McManis to sell the welfare of a child for 11 years. James McManis even conspired with the US Supreme Court to purge the Amicus Curiae Motion of Mothers of Lost Children from the court record and docket of Petition 18-569.

On July 22, 2011, Attorney Richard Roggia saw Dr. Michael Kerner at the trial, read his report and reported to the Court that he felt comfortable that Mother (Petitioner) has no psychological issue and competent as a mother. (App.0860; App.0840 for Dr. Kerner's conclusion.)

The professional supervisor Esther Alex-Taylor provided at least 6 declarations supporting the minor's return to Mother. Richard Roggia's remarks on July

22, 2011 when Dr. Kerner was present, proves that Judge Patricia Lucas's order of 11/4/2013 was distorting what Dr. Kerner opined (App.0933-36). As having been taken judicial notice of, Attorney Meera Fox suspected that Judge Lucas's order was drafted by another person not present in Court. Recently in Petition 21-881, as discussed above, McManis Faulkner law firm tacitly conceded that they wrote the child custody order.

In 2016 after supervising the visits for about 6 years, professional Esther Alex Taylor attested that **"Lydia expressed numerous times throughout these years of wishing to live with Mother"** and that **"I see no reason Mother should be deprived of child custody."** (App.0808) The child told her brother Louis that she was dreaming coming back to Mom every night (App.836) The child has long term lack of sleep with dark circle, regarding that Wang even put on makeup trying to cover it up. (App.0815) After discovery of Wang's dangerous mental illness, Shao should have her child custody return but for the prefilling order when Presiding Judge Patricia Lucas and Presiding Judge Theodore Zayner kept illegally applying that order on stalling family case motions in violation of this Court's holding in *Shalant v. Girardi* (2011) 51 Cal.4th 1164, 1173 . (See App.1164¹; App.0914 Attorney Meera Fox's declaration, ¶4.)

¹ This Court stated in *Shalant v. Girardi*, *supra*, p.1173-74 that "If "litigation" as defined in section 391, subdivision (a) included every motion or other procedural step taken during an action or special proceeding, and that definition were applied throughout the vexatious litigant statutes, several provisions would take on absurd, unworkable, or clearly unintended meanings. Under section 391, subdivision (b)(1), a person could be declared a vexatious litigant for losing five motions- all of which might have been filed in the

II. REQUESTED ORDER

While parental deprival should have expedited process and the child has been prevented 11 years from returning to her mother, Petitioner requests writ be issued to immediate release child custody of Lydia Wang to her, and hopefully before her birthday of March 11, 2022. As Wang failed to disclose his residence, Petitioner requests the Court authorizes San Jose Police Department to enforce this writ. Different from Tsan-Kuen Wang, Petitioner will allow flexible child visit at whatever schedule Lydia wants but will move Lydia to Maryland as Petitioner, on missionary, had already moved to Maryland one year ago. Schooling is available within 8 minutes' drive distance away from Petitioner's residence.

III. PARTIES

5 Respondents	How the Respondents have restrained the liberty of Petitioner
California Chief Justice Tani Cantil- Sakauye at California Supreme Court, 350 McAllister Street, San	Chief Justice conceded on 8/25/2021 in S269711 and further tacitly admitted at least 5 times (Appendix Vol.I) in the proceeding of Appeal No. 21-5210 (U.S. Court of Appeal, DC Circuit) that she is James McManis's client and has actively conspired with James McManis to deny 15 Petitions for Review (App.534-535; Vol.V), including those regarding child custody appeals, with the common scheme to cause permanent parental

same lawsuit-in a seven- year period. Section 391, subdivision (b)(3)'s reference to "motions, pleadings, or other papers" filed in the course of a litigation would make little sense if every motion, pleading, or paper filed was itself a new litigation."

Francisco, CA 94102	deprival of petitioner, having issued 4 orders without notice trying to suspend Shao's bar license.
2. California Sixth District Court of Appeal Presiding Justice Mary J. Greenwood At 333 W. Santa Clara Street, F.10, San Jose, CA 95113	<p>Fraudulently concealed her conflicts of interest that she is the wife of Judge Edward Davila who committed the first unlawful parental deprival on 8/4/2010; conspired with James McManis and Santa Clara County Court to fraudulently dismissed child custody appeal (H040395).</p> <p>Now, she has refused to decide Shao's pending motion with the H048651 (S269711, Petition 21-881) for already 5 months. She concealed the Notice of Appeal of Shao v. McManis et al (2012-1-cv-220571) by 111 days; when the appeal docket must be opened, she attempted to dismiss with other technical issues as she had applied in dismissing H045501, H045502, H040395, H042531 on the day opening docket to no avail, then on 12/22/2020 she creatively required SHAO to submit a second vexatious litigant order without any jurisdiction, and would not decide the application not decided for 5 months then denied it on 5/26/2021 with a new Associate Justice Denny Alison and simultaneously altered the docket changing the date of SHAO's filing the second vexatious litigant order from 12/22/2020 to 5/26/2021, the date of the summary denial, intending to block SHAO's access to the court. Shao then filed a motion to vacate 5/26/2021 order and had to file Petition for Review under</p>

	<p>California Rules of Court. Then she denied the motion with the excuse of the summary denial of review in S269711 on 8/27/2021. Shao then filed a motion to reconsider or vacate 8/27/2021 as a summary denial decision does not have res judicata effect. That motion has been pending since 9/10/2021.</p>
3.Presiding Judge Theodore Zayner of Santa Clara County Superior Court, located at 191 N. First Street, San Jose, CA 95113	<p>Zayner, succeeded Davila as the all purpose judge for petitioner's family case no. 2005-1-FL-126882 (renumbered from 105-FL-126882) from 2011 through early 2015 who refused to return the child to Shao in conspiracy with Michael Reedy (App.1064). He is Presiding Judge of Santa Clara County Superior Court as well as the President of American Inns of Court Foundation-William A. Ingram Chapter, where Michael Reedy was the President before him and was the registered founder. Zayner conspired with Michael Reedy and James McManis to deprive Shao child custody <u>without evidentiary hearing for 2 years</u> (and blocked petitioner from deposing Tsan-Kuen Wang), in disregard of Shao's request for child custody return in <i>each and every hearing</i>, then set it before Judge Patricia Lucas to consummate the common scheme to permanently deprive petitioner with child custody from 2011 until present, more than 10 years. As discovered on June 29, 2016, he secretly moved the court records of Shao v. McManis et al into his chamber and stole the original deposition transcripts</p>

	<p>of James McManis and Michael Reedy and caused a volume being "lost." (App.1044-45, 1214) He let Judge Maureen Folan to sign order denying vacating the prefiling order in August 2021.</p>
4.Judge Patricia Lucas of Santa Clara County Superior Court, located at 191 N. First Street, San Jose, CA 95113	<p>Lucas issued the last child custody order on 11/4/2013 beyond 90 days after trial in July 2013 (3 years after unconstitutional parental deprival by Judge Edward Davila), in willfully disregard of Esther Alex Taylor's testimony about strong bonding of Petitioner and the child and no reason to deprive Petitioner of child custody (App.0808); Lucas, prior President of William A. Ingram American Inn of Court, tacitly admitted that she conspired with Michael Reedy and Judge Zayner to let McManis Faulkner law firm, to draft her child custody order of Nov. 4, 2013, which is not supported by trial evidence.</p> <p>Two weeks before her order, she ordered to destroy child custody trial exhibits on October 16, 2013, which includes the minor's injuries, psychological reports, and supervised visitation reports supporting child custody to be return to Mother.</p> <p>2. Lucas has misused her authority as Presiding Judge of Santa Clara County to stall child custody appeal and generate felonious notices to dismiss child custody appeal from her order of 11/4/2013 and deter SHAO's appeal from the vexatious litigant orders, which</p>

	were used to block SHAO's access to the family case to deter child custody return, after Wang was found to have concealed his dangerous mental illnesses. Please see, <i>supra</i> , Bases of this Petition (7).
5.Tsan-Kuen Wang with address unknown in East San Jose, California	<p>1.Prior spouse of petitioner, father of the minor, who committed spousal abuse, and child abuses as complained by the child (App.0799-800, App.0866, App.0888), concealed his severe and dangerous mental illness from disclosure (App.0802-0806), has a good history of deterring the supervised child visits (App.0806, 0807, App.0819); took away all things Mother gave to the child (App.__); covered up the dark circle of the minor's eyes with make up which was caused by long term lack of sleep (App.0815, App.0864); manipulated and spied the thoughts of Lydia by appointing Carol Tait-Starnes, his therapist, to be Lydia's therapist and conspired to conceal his mental illnesses (App.0803); let Lydia be interrogated by his attorney David Sussman and Sussman's secretary Sharon (App.0825) and forced Lydia to send a long email to Sharon (App.0828); threatened Lydia not to tell on others on his abuses by Misook Oh on August 3, 2010 (App.0804; App.0836)</p> <p>2.Wang conspired with his attorney David Sussman, Judge Edward Davila, Director of Family Court Services Sarah Scofield, screener Jill Sardeson and social worker Misook Oh to permanent</p>

	<p>deprive petitioner of child custody on August 4, 2010, committed numerous cruel batteries and child abuses of the minor. (App.0848-0853)</p> <p>2. Wang conspired with McManis and Judge Zayner to impute income against Shao on May 3, 2013 without notice in violation of due process.</p> <p>3. On 9/10/2019, Wang's Wellsfargo bank receipt was found to be on the table of Shao's Hayward's resident. Also discovered apparatus for the hacker to stalk on Shao. A police report was made but McManis caused the case to be closed. This proves that Wang provided funding or technology or information to McManis in stalking Shao for years.</p> <p>4. Wang used parental deprival to punish Shao's divorcing him, had a good history of deterring child visit and disallowing the child to enter Mother's home. In conspiracy with McManis, Wang used the forged Income and Expense declaration and imputation of income against SHAO to suspend Shao's driver's license twice and trying to suspend Shao's bar license 3 times (App.1276-77) by way of the child support order.</p> <p>When Wang obtained an order from Judge Weinstein to require Shao to disclose her residence on 6/17/2016; yet, until present, <u>Wang has been in contempt of the very same order of Judge Weinstein in refusing to disclose his address to SHAO, nor to</u></p>
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	<u>the professional supervisor</u> (App.0807).
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IV.STATEMENT OF FACTS

Shao invites the Court to review Declaration of Meera Fox in App.1061-1094 to have an overview of the case.

A. CONSPIRACY OF PARENTAL DEPRIVAL BEFORE McMANIS'S INVOLVEMENT

On 5/25/2005, SHAO filed for divorce with a domestic violence temporary restraining order against Tsan-Kuen Wang with Santa Clara County Superior Court of California (105FL126882, later renumbered to be 2005-1-FL-126882). At the time she had 99.7% child custody.

In May 2008, SHAO settled her divorce with Wang agreeing to 50-50 child custody, as there was indication that Judge Edward Davila, Sarah Scofield, David Sussman and Tsan-Kuen Wang had a conspiracy to deprive SHAO of child custody in June 2017². However during the two months period from 3/13/2010 through the Mother's Day 5/9/2010, Wang relinquished his custody 100% to SHAO in fear of prosecution by the police when their 5-year-old daughter complained about suffering sexual exploitation by Wang's girlfriend's son while in Wang's care.

Petitioner SHAO's lawful child custody was taken away in a surprise at a Case Management Conference for her divorce case, without any notice, motion, nor evidentiary hearing in front of Judge Edward Davila on

² Dr. Robert Weinstein who recommended 99.7% child custody to Petitioner resigned from Family Court Services, soon after Sarah Scofield's irregular act when she suddenly showed up in the court to ask Davila to evaluate petitioner when she never met Petitioner before the hearing.

August 4, 2010. It was a conspiracy (App.1057, ¶26; has been taken judicial notice of by this Court in S249444) among Tsan-Kuen Wang, his attorney David Sussman (Jill Sardeson and Sussman both admitted to such ex parte communications; App.0880-0881), Sarah Scofield, Jill Sardeson and social worker Misook Oh (App.0831-32, App.0886, App.0892). Such conspiracy was firstly discovered on August 3, 2010's night when the child care director communicated to SHAO about the minor's unusual behavior which was connected to the social worker Misook Oh. Upon inquiring the minor of what was going on that night, the minor revealed to her brother and SHAO about Misook Oh's threat that because the minor complained Wang's abuses, she would be taken away from her mother forever (App.0831-32). The Department of Child Protection Services, having been influenced by Wang, also influenced the police where the police, when Wang concealed his mental illness, believed that the cruelty described by Lydia could not be done by a father unless the father has mental illness. 4 years later, CIGNA subpoena exposed that Wang did have severe mental illness and Lydia did tell the truth (App.799-800), and her complaint of Wang's abuses were not coached by Mom. Among many injuries Lydia suffered, she forgot to tell Misook Oh on 8/2/2010 that her father held her upside down and dropped her head against the hardwood floor at his living room.

Her brother Louis, at age 16, rushed overnight a long email to his attorney Richard Roggia asking for help. The email was sent out at about 1:39 a.m. on August 4, 2010. (App.0830-0832) The original email in the last paragraph was in yellow and thus not very legible about Louis's conclusion. On the ensuing morning, 8/4/2010, SHAO rushed a meeting with the teacher Mei-Ying Hu and filed her declaration with the court before the CMC hearing. (App.0799-800)

Later in July 2013's child custody trial, the county counsel further produced the telephone logs of Wang, Jill Sardeson and social worker Misook Oh from July 25, 2010 through August 4, 2010, especially intensive on August 3 and 4, 2010. (App.0853-55; App.0860-62) *None* of these phone calls had been documented by either Jill Sardeson nor Misook Oh even though they were required to. See details in <http://shaochronology.blogspot.com/2014/01/evidence.html>.

Through Wang's attorney, David Sussman, Sarah Scofield, Director of Family Court Services, influenced Jill Sardeson to obey the order of Wang as transmitted by the social worker Misook Oh on August 3, 2010 (App.0865):

**"the bottom line
didnot return child to mother
father did not allow to go to vacation
scare leave child in NY"**

Jill Sardeson and Judge Davila "followed" the instruction and Sardeson prepared the temporary order to deprive Shao of child custody that same day with ¶7 specifically stated that "The mother may go to New York with Louis; mother may not take Lydia to New York" (App.0874).

Later SHAO obtained discovery from the Child Dependency Court and discovered that Sarah Scofield³ and Judge Edward Davila had proceeded to influence the Department of Child Protection as early as on April 7, 2010 (App.0846, App.0861). Davila did obey Wang's "bottom line" instruction --- he held the Case

³ Sarah Scofield hired James McManis to file a frivolous discrimination law suit against Santa Clara County Court, McManis's client, with case number 16CV298345 and McManis was paid his attorneys fees by stipulation with his clients.

Management Conference until 5:40 p.m. (App.0880, L.3) in order to give Wang the child before SHAO's vacation of August 5, 2010, despite the vacation was Mom's privilege under the judgment and she had reported such vacation months prior.

Judge Davila's conspiracy on parental deprival on August 4, 2010 is further demonstrated on the hearing transcript, P.9, where Ms. Sardeson disclosed that she had "met" with Davila and he had had a copy of her "recommendation" before 8/4/2010's hearing (App.0887, Lines 10-12):

MS . SARDESON : I actually had submitted – that's a second copy to you because I made a couple of changes when we met that would clarify a couple of things . And so I would say you ' re not in receipt of the original one but in the second one that everybody has been given (P.9, Lines 10-14)

Misrepresenting the need for doing investigation on the severe child abuses report on 8/1/2010 that petitioner made to the Department of Child Protection Services (App.0884), in the morning of 8/4/2010, Jill Sardeson instructed petitioner to bring the 5 year old daughter to the Sunnyvale family court at 2 p.m. Without knowing that there was a predetermination of parental deprival, Petitioner brought her 5-year-old in the courthouse at 2:35 pm who was immediately locked in Jill Sardeson's room for 3 hours until being put into her father's car. Contrary to Sardeson's false presentation on 8/4/2010's hearing, in Sardeson's 8/4/2010 note on her interviewing Lydia, Lydia reported abuses by her father. (App.0866-67) Yet Sardeson falsified her interview report with Lydia that day with a different story.

Misook Oh did not show up. Despite reminder by attorney Richard Roggia twice of the need to swear in witnesses, Judge Davila still would not swear in Sardeson (A0890). There was no cross-examination

allowed. When Shao wanted to present to Judge Davila a copy of the Declaration of Mei-Ying Hu about the misconducts of the social worker Misook Oh, Davila instead wanted to implement the conspiracy by instructing Sardeson to send out her recommendation: I'm going to order that -- did you say the child is here in the courthouse?

MS. SARDESON: The child is in my room.

THE COURT: All right. So the child will remain, remain in the facility. She's not to leave the court building pending the further completion of this hearing. The child will remain in the building. (App.0884: August 4, 2010 hearing transcript, p.5)

MS. SARDESON: Okay.

THE COURT: If you could please distribute the reports to the parties.

MS. SHAO: Uh-huh.

THE COURT: I'll pass the case, and you can look at the reports. (App.0885, August 4, 2010 hearing transcript, p.6)

There were 4 attorneys at the Case Management conference. Two child attorneys (Richard Roggia and BJ Fadem), David Sussman for Wang and petitioner Shao the mother on her own. The only one agreeing to Sardeson's order was David Sussman. The 5 year old's attorney BJ Fadem reported to Judge Davila the child wishes:

2 MS. FADEM: I think what I have to do is phrase it
3 this way, Your Honor, pursuant to my statutory
responsibility.

4 As of July 29th, I would have to say that the
5 preference of Lydia at this point, according to what I
have,

6 is that as of minor view of July 29, 2010, the 5-year-
old has

7 expressed to me she does not want to go to Father's
house.

8 That Father hurts her. That Father and Richard, the
9 stepbrother, hurts her. And Richard is mean,
including
10 representing that she was hit in her head, nose, ear,
back,
11 side, and was stepped on her toes. That she hates
Richard.
12 She hates her current -- her school, TLC, which is
also
13 referred to that. She hates the director and the
teacher at
14 TLC. That they are mean. They won't let her go to
the
15 bathroom or get a drink of water. And that her
father, her
16 stepmother, and Richard are liars.
17 So I have a statutory obligation to advise the Court
18 that that's her preference. And given that, that I
would say
19 that the 5-year-old's preference would be to object to
the
20 recommendations.

With conclusion that petitioner is a loving parent
(App.0895, Lines 25-26), Davila ordered to place the
minor at the sole physical and legal custody of Wang,
her complained abuser and in his order, Lydia
continues to go to TLC where she felt being abused
(App.0873).

At about 5:40 p.m., the child stepped out of Jill
Sardeson's room in tears. Shao never got a chance to
say a proper goodbye to her. At about 5:45 p.m., right
before the child was forcibly put into Wang's car, the
child yelled out loudly "Father, You Liar!" in front of
many policemen present in the court parking lot. A
deputy "Lee" ran into the courthouse to report to Jill
Sardeson, as later admitted by Sardeson in her

deposition of 6/8/2011. After that Sarah Scofield, the court disallowed any deposition to be taken by Shao.

When SHAO's son, the child's elder brother Louis came to say goodbye to her on the ensuing day, 8/5/2010, with assistance of Sunnyvale police's civil standby, the child was found to have been severely battered with large dark purple bags about $\frac{1}{4}$ "-1" under each eye. The child was traumatized, spaced out, not fully present. She had her both hands hidden in a coat with long sleeves, but her hands were not in the sleeves. She trembled when her brother hugged her to say good-bye.(App.0835)

In the same afternoon of 8/4/2010, SHAO was served with an Order to Show Cause re Contempt signed by Judge Davila on 8/3/2010 as prepared by Sussman. Wang's attorney Sussman has had multiple ex parte communications with both the court and Sardeson that evening before, to plot the child taking carefully so as to catch SHAO unaware and ensure her compliance in presenting the child to Sardeson at the courthouse. Court bailiffs and courtroom staff had been informed in advance that their services would be required after court hours.

After this successful ambush, Sussman made a phone call into the court that night. Based on the undisputed ex parte communication, Davila signed a further supervised visitation order without hearing in front of Sardeson, requiring SHAO see her child only in supervised visitation, and made a finding that SHAO had subjected the child to "emotional abuse" (App.0871). On 8/5/2010, without a hearing, another sibling separation order was signed by Davila (App.0869). These 8/5/2010 filed orders were never legally served upon SHAO but only by fax (App.0868) but the child had been held in custody of Wang. The above was testified by Ms. Sardeson on 6/1/2011 and

admitted by David Sussman 3 years later. He filed a declaration stating:

"Ms. Shao is correct that late in the day on August 4, 2010, following the hearing of that date, I called Jill Sardeson's office number and left a voice mail. The original Order did not, despite Mr. Sardeson's expressed concerns, include a restraint against contact by Louis Wang, then 16 years old, with Lydia Wang."

The main orchestrator of this plot, working behind the scenes, appeared from the records to have been the Director of Family Court Services of Santa Clara County Superior Court, Sarah Scofield, for whom Jill Sardeson works.

SHAO has since August 4, 2010 never had her child come home, for already more than 11 years. Despite having never done anything but be a good Mom, SHAO has been on supervised contact only with her child. The court has deprived her of custody without any hearing or notice or opportunity to cross examine witness, or present witness, and maintained her deprival of custody. Santa Clara County Superior Court has deterred Shao from being able to take a deposition of Tsan-Kuen Wang since 2011, in violation of California Family Code §218.

B. SHAO hired McManis Faulkner, LLP to attack as unconstitutional the 8/4/10 and 8/5/10 orders that had been issued in violation of her Constitutional rights to custody and to due process, but on his first day, her attorney succumbed to pressure from Judge Davila during an in chambers conference not to attack those pleadings. By following the court's request rather than SHAO's request, SHAO's attorneys acted directly contrary to her interests and committed malpractice. This in chambers agreement between Attorney Reedy, Judge Davila and David Sussman that Reedy not attack the illegal orders was the second conspiracy. SHAO did not learn of it until long after it occurred.

On 8/20/2010, SHAO hired McManis Faulkner, LLP. Attorneys Michael Reedy, James McManis and Catherine Bechtel of that firm represented her to get back her child custody. The law firm did not disclose to SHAO that they had a conflict of interest in that their senior partner James McManis had an attorney-client relationship with the Santa Clara County Superior Court. The attorneys did not disclose to SHAO that they had a social relationship through the American Inns of Court with several Santa Clara Superior court judges. The attorneys did not disclose to SHAO that Judge Davila was the President of Santa Clara County Bar Association which is their client. The attorneys further did not disclose that they had a conflict of interest in representing SHAO in that their allegiance was to pleasing the judges of the court which overrode any duty to vigorously advocate on behalf of the interests of SHAO. Failure to disclose these conflicts of interest and failure to advocate on SHAO's behalf and attack the orders she hired them to have overturned

were instances of obvious malpractice by SHAO's attorneys.

On the first day Michael Reedy showed up in the Court as SHAO's attorney, 8/23/2010, **Reedy was told by Judge Davila in chambers not to attack the orders of August 4 and 5 of 2010**, in front of David Sussman, even though SHAO had specifically directed Reedy to do so. The judge admonished Reedy that the best course of action would be to not attack the orders, but instead to stall indefinitely until a new status quo of custody had been established. An associate attorney's note regarding Reedy's conference with her on 8/25/2010, reporting on what had occurred during the in-chambers meeting he had had with judge Davila, recited that Davila had directed "no review" of the so called temporary order of August 4 and 5 of 2010. Reedy had been asked to participate in the ongoing plan to make the temporary parental deprival a permanent state of affairs.

Judge Davila's direction to SHAO's attorney Reedy not to file a motion to set aside his illegal orders indicates that Judge Davila knew he had violated both the law and SHAO's Constitutional rights when he removed her child. Davila did not want his improper actions highlighted in the public record where it might draw critique from the press, his colleagues or any judicial oversight body. In addition, Judge Davila instructed Reedy not to file an opposition to Sussman's motion to declare SHAO as a vexatious litigant and a security payment order in a clear attempt to block SHAO's access to the Court and effectuate permanent parental deprival. Judge Davila's instruction to Reedy not to file a motion to set aside the illegal orders violated California Penal Code §96.5.

Reedy violated his fiduciary duty to his client SHAO when he succumbed to this pressure from Judge Davila not to attack the orders and instead agreed to let the

new illegally gained custodial status quo remain unchallenged. Reedy was SHAO's attorney for 7 months, and during that time he never challenged the orders he had been hired to get overturned. During this time he never told SHAO about Judge Davila's directing him not to attack the illegal orders. He just kept making different excuses for why he had not done so.

SHAO only found out about the conspiracy that took place on that first day of his representation of her among her attorney Michael Reedy, Judge Davila, and opposing counsel Sussman to maintain the illegal orders in effect and unchallenged, several years after it had occurred. In discovery, after having sued Michael Reedy and his firm for malpractice, SHAO read in his notes of a call he had had with opposing counsel about that first chambers conference on August 23, 2010 at which Reedy had secretly sealed her child's terrible fate. In his telephone notes on September 21, 2010, Reedy quoted opposing counsel David Sussman's saying to Reedy about the chambers conference: "Thanks for keeping things quiet. Appreciate professionalism. He [Sussman]would have jumped up & down if told he could not submit add'l papers..." After SHAO no longer can afford the extra high evergreen retainer, Reedy terminated the representation and told SHAO that he had met Judge Zayner at the William A. Ingram American Inn of Court. Judge Zayner would be the new judge succeeding Judge Davila in SHAO's family law case. Michael Reedy disclosed to SHAO and that the McManis firm had sponsored many judges' judicial seats. This was the first time SHAO had heard of the American Inns of Court.

**C. NEW CONSPIRACY PLAYED BY JAMES
MCMANIS, MICHAEL REEDY AND MCMANIS
LAW FIRM CAUSED PROLONGED
PARENTAL DEPRIVATION AFTER
SUCCESSFULLY SET ASIDE THE ORDERS
OF AUGUST 4 AND 5 2010 IN ORDER TO
ESTABLISH THEIR DEFENSE ASSERTING
LACK OF CAUSATION TO SHAO'S LAWSUIT
AGAINST THEM.**

Once her attorney client relationship with Michael Reedy and McManis Faulkner's firm was terminated, SHAO filed a motion to reverse the unconstitutional orders she had hired the firm to have reversed. The orders were declared unconstitutional during the hearing of 7/22/2011. Dr. Michael Kerner who did the full-length mental examination of SHAO was present. Richard Roggia read the complete report of Dr. Kerner, in the presence of Dr. Kerner, and reported to the Court that SHAO is mentally sound and should get Lydia back (App.0860). SHAO won her motion to have the orders overturned, but by then Reedy's complicity in Judge Davila's plan to allow an excuse of a new custodial status quo to develop. Even though the orders were reversed, nothing changed. The child was not returned to SHAO and her prior custody never got reinstated.

Judge Grilli, who overturned the illegal orders on 7/22/10, withheld the return of child custody to SHAO initially with the excuse that it would be only a week before the full trial on child custody was scheduled to take place (July 29, 2011). SHAO had all necessary witnesses ready for trial on 7/22/2011. Judge Grilli also ordered that Wang submit to a psychological examination.

However, following ex parte communications with opposing attorney David Sussman and BJ Fadem, Judge Mary Ann Grilli changed the order she had made

on July 22, 2011, postponed the trial on calendar for July 29, 2011, and disregarded SHAO's proposed Order After Hearing which stated the court's reasons for granting SHAO's motion to set aside having been because the orders were entered in violation of SHAO's due process rights to notice and an opportunity to be heard at an evidentiary hearing. Judge Grilli secretly directed attorney Sussman (not the successful moving party on the motion to set aside but the opposing party's attorney) ex parte to prepare another alternate Order After Hearing three months later. Sussman stated in his proposed Order that the 8/4/10 and 8/5/10 orders had been set aside, but he did not state the basis upon which the court had done so. The first paragraph of that order, which Judge Grilli signed on 10/31/2011, reads: "Petitioner's Motion to set aside orders of August 4 and 5 of 2010 is granted." The second paragraph states "The August 4 and 5 of 2011 [sic: 2010] order for supervised visitation shall continue until further Order of the Court."

In one breath, Santa Clara County Court both set aside and also illegally maintained the set aside orders in full force and effect, still without any evidentiary hearing.

On 10/31/2011, Judge Theodore Zayner took the trial set by Grilli off calendar on 10/31/2011, and used the new status quo of the child having lived now for more than a year in Wang's sole custody as an excuse to require a custody evaluation. On 10/31/2011, Judge Zayner further denied a request that an attorney be appointed to represent the interests of SHAO's older son, even though Judge Zayner had previously promised SHAO, after he released Richard Roggia, that one would be appointed when he ordered the original child's counsel to withdrew from representation three weeks earlier. Judge Zayner knew there was a sibling separation order against the older son preventing him

from seeing his sister unsupervised, and that the son wanted to challenge that order, but he removed the son's attorney anyway.

In *each and every* hearing thereafter, SHAO asked child custody return and mentioned that to withhold child custody without an evidentiary hearing violated the Constitution due process. In response to Santa Clara County Court's unreasonable stalling of SHAO's child custody return, SHAO filed a Petition for writ of mandate (H037820) and a Petition for writ habeas corpus (H037833) with California Sixth Court of Appeal.

H037833 was summarily denied promptly without complying with Rule 8.54. Shao then appealed to California Supreme court with Petition No. 200228, which was supported by about 30 amicus curiae letters trying to save the child. In 2012, 5 pediatricians diagnosed Lydia to be mal-nutritious and suspected Lydia to have cancer. Her face looked green, with head lice, vaginitis, body pains, fatigue. SHAO appealed that denial to the US Supreme Court with Petition number 11-11119, with Rehearing denied on December 9, 2012. At that time, SHAO was unaware of the relationships of California Chief Justice and the Justices of the US Supreme Court with James McManis and Michael Reedy through the American Inns of Court.

Judge Zayner eventually set the child custody issue for trial at the civil court in front of Judge Patricia Lucas in July 2013. Shao filed modification of child support in 2010 but three years later, Zayner transferred the case to child support court. Even though Shao has right to conduct discovery after judgment pursuant to Family Court §218 automatically without need to file a motion, Sussman and Wang blocked it and her motion to depose Wang was always denied by the court without a reason.

At the time of 10/31/2011 when Zayner started to block child custody return to SHAO, SHAO had brought up her claim for breach of fiduciary duty against McManis Faulkner law firm, without knowing their close relationship with Zayner.

On 9/15/2014, SHAO obtained subpoenaed mental health claims submitted by Wang's mental health providers to CIGNA over 250 pages. She discovered the child therapist Carol Tait-Starnes appointed by Wang was also one of Wang's therapists. As a mandatory reporter, she has refused to report child abuses and has concealed Wang's mental illnesses.

In response to this new discovery which should entitle her to get back Lydia, SHAO vigorously sought relief. There was a hearing in October 2014 in front of Zayner. Zayner disallowed Esther Alex-Taylor to testify, nor allowed SHAO to conduct oral examination of Wang. Fadem lied that Lydia was happy in Father's place. (App.0815-16) Zayner refused to accept CIGNA subpoenaed records with the excuse that he did not understand even though the records are quite plain with mental illnesses of Wang. Thus, Dr. Jeffrey Kline made a report to decode CIGNA records. After SHAO exhausted with three motions at Santa Clara County Superior Court to emergency screening, modify child custody, or having Wang being ordered to mental examination to no avail, SHAO then filed with the Sixth District Court of Appeal an Application for Emergency Relief on April 2, 2015 (App.1240-1254). The legal authority to have immediate child custody return is shown in App 1245. Presiding Justice Conrad Rushing promptly denied.

SHAO filed the second Petition for Writ of Habeas Corpus (H042166) based on Dr. Kline's report, it was promptly denied by Associate Justice Patricia Bamattre-Manoukian, without stating a reason.

Then SHAO filed her Application for Emergency Relief in December 2014 with the U.S. Supreme Court. As conceded by California Chief Justice, Justice Kennedy who was in charge of California areas promptly denied. McManis Faulkner law firm has also tacitly admitted to their conspiracy with the Supreme Court Justices to deny all Petitions for Writ of Certiorari. (e.g., App.0707-0708)

As stated in I. Bases for this Petition, SHAO's child had been prevented from returned to her for 11 years because of the conspiracies.

Recently, Chief Justice Tani Cantil-Sakauye conceded to 8 matters:

- (1) California Chief Justice is Appellee McManis' client;
- (2) California Chief Justice was a President of Associate Justice Anthony M. Kennedy American Inn of Court, having failed to disclose her regular social relationship with Appellee McManis through the American Inns of Court
- (3) California Chief Justice knowingly refused to investigate the severe conflicts of interest suffered by Appellant SHAO after she was made known to such conflicts
- (4) California Chief Justice assisted Appellees (McManis) in blindly denying reviews of all Petitions filed by Appellant SHAO in order to secure permanent parental deprival of Appellant Shao which is the sole defense of Appellees to SHAO's legal malpractice civil lawsuit pending at Santa Clara County court in the case of Shao v. McManis, et al., 2012-1-cv-220571;
- (5) California Chief Justice conspired with Appellee James McManis to stay a State Bar enforcement case of 15-O-15200 for three years and close the case on 9/25/2019 (a complaint by SHAO about McManis's admission during his deposition on 7/20/2015 that he gave fee legal services to judges at Santa Clara County Court, to an unidentified Justice at California Sixth

District Court of Appeal, and unidentified Justice at California Supreme Court in violation of Rule 5-300(a) of California Rules of Professional Conduct) and removed Rule 5-300(a) from California Rules of Professional Conduct in 2018 such that there is no law in California to ban an attorney to provide gift to the judiciary;

(6) Regarding SHAO's complaint against James McManis, Janet Everson and Suzie Tagliere regarding their conspiracy with Santa Clara County Court to file their motion without compliance with Civil Local Rule 8(c) which required reservation for all motions and the moving party to clear hearing date before reservation, and further conspired with Santa Clara County Court to alter the efilng stamps of their motion to dismiss and alter the docket about the filing date of their motion to dismiss, California Chief Justice conspired with Appellee James McManis to purge State Bar complaint case of 20-O-07258 against McManis such that the case number could not be found at California State Bar against McManis, and to promptly close State Bar complaints against McManis's attorneys, Suzie Tagliere and Janet Everson; these issues are the same issue for Petition No. S269711;

(7) California Chief Justice conspired with Appellee James McManis in issuing a premature order in September 2020 and creating a case at California Supreme Court with case number of S263527 to prematurely suspend the bar license of SHAO, and

(8) California Chief Justice conspired with Appellee James McManis to cause State Bar of California to send letters to California Franchise Tax Board to impute income against Appellant SHAO, and to cause CFT to garnish imputed tax from SHAO's law firm account, having harassed SHAO for the tax years of 2017 until present.

Please see Volume V, App.1273-1293 for a table of the appeals SHAO has made as a result of Chief Justice's conspiracy with James Mcmanis.

V.DISCUSSION

A. Jurisdiction of California Supreme Court to issue a Writ of Habeas Corpus

A person improperly deprived of his liberty has the right to petition for a writ of habeas corpus (Cal. Const., art. I, § 11), which includes the situation of child custody deprival since 1885 as held by the U.S.

Supreme Court in *Wales v. Whitney*, 114 U.S. 564

(1885). A parent may bring a habeas corpus action to protect a child from imminent danger. A natural parent lacking physical custody may bring an original action in habeas corpus. Finally, habeas corpus may be brought to collaterally attack a prior child custody order where the court issuing the prior order lacked jurisdiction.

(Alexander S., at pp. 866-867, 245 Cal.Rptr. 1, 750 P.2d 778, citing *In re Richard M.* , supra , 14 Cal.3d 783, 122 Cal.Rptr. 531, 537 P.2d 363 ; *In re Croze* (1956) 145 Cal.App.2d 492, 495, 302 P.2d 595 ; *In re Wren* (1957) 48 Cal.2d 159, 163, 308 P.2d 329 ; *In re Dowell* (1935) 4 Cal.App.2d 688, 689, 41 P.2d 596 ; *In re Reyna* (1976) 55 Cal.App.3d 288, 294, 126 Cal.Rptr. 138 ; *Ex Parte Barr* (1952) 39 Cal.2d 25, 27-28, 243 P.2d 787.)

A Petition for Writ of Habeas Corpus regarding child custody's being taken away may be properly brought forth at California Supreme Court. See, *In re Harris*, 5 Cal.4th 813, 824 (1993).

The court has broad discretion to invoke the power of issuing a writ of habeas corpus for centuries to free a confined child from unlawful custody in the common law based on the nature of the writ. See, dissenting opinion of three Justices in *Hehman v. Lycoming County Children's services*, 458 U.S. 502, 517 (1982).

While Petitioner had two prior Petitions for Writ of Habeas Corpus denied, such denial does not affect

this Petition as an order denying the writ of habeas corpus is not entitled to res judica. See, e.g., *In re Clark*, 5 Cal.4th 750, 773, 21 Cal.Rptr.2d 509 (1933) Habeas corpus may also be brought to collaterally attack a prior order where the court issuing the prior order lacked jurisdiction. (*In re Barr, supra*, 39 Cal. 2d25, at 28 (1952); 36 Cal.Jur.3d, Habeas Corpus, § 17, p. 36.)

B. PETITIONER HAS ESTABLISHED CLEAR AND CONVINCING EVIDENCE THAT THERE IS NO REASON SHE SHOULD BE DEPRIVED OF CHILD CUSTODY AND NO REASON WHY THE CHILD SHOULD BE CONFINED TO UNLAWFUL CUSTODY

- 1. Petitioner has established by clear and convincing evidence that the child is unlawfully confined to Wang's child custody and that Petitioner was deprived of child custody unlawfully.**

The October 31, 2011's Order that granted Petitioner's motion to vacate the orders of August 4 and 5 of 2011 is clear and convincing evidence that the minor was illegally confined to Wang's sole legal and physical custody and Petitioner was illegally deprived of her child custody illegally.

The second paragraph to maintain the set aside order is a void order and another violation of Constitutional due process.

It is undisputed that David Sussman, Wang, Judge Davila, Jill Sardeson and Misook Oh did commit a conspiracy to set up such confinement and deprival of law custodian's right on August 3 and 4 of 2010. The first paragraph of 10/31/2011 Order establishes that Wang's custody is unlawful.

- 2. Petitioner has established by clear and convincing evidence the need for immediate child custody return.**

It is undisputed that Wang did conceal his severe and dangerous mental illness and the minor did tell the truth about Wang's physical abuses and that Wang's mental illness does justify immediate child custody change as it may endanger his surroundings any time.

The standard of laws on child safety concern when a parent may be mentally ill that could endanger a child has had very low standard requiring only an affidavit of a parent. See, e.g., *Bender v. Bender* (1959) 170 Cal.App.2d 325 (parent's affidavits setting forth names and addresses of proposed witnesses with a statement of matters to which each witness would testify *were held to be sufficient*); *Mock v. Mock* (2004) 673 W.2d 635, 638 (Dakota's Supreme Court held that affidavits submitted to show **prima facie** case for modification of child custody are not subject to higher evidentiary standards but a mere allegation under oath suggesting a parent's mental illness is sufficient.

Allegations of a parent showing potential endangerment to a child's physical or mental health constitute a 'significant change of circumstances which will raise a **prima facie** case for a modification of custody and entitlement to an evidentiary hearing.' *Volz v. Peterson*, 2003 ND 139, ¶10, 667 W.2d 637(citing *O'Neill*, 2000 ND 200, ¶8, 619 N.W.2d 865' *Quarne*, 999 ND 188, ¶12, 601 N.W.2d 256) In *Critchlow v. Critchlow*, 347 So.2d 453, 465 (Fla. 3d DCA 1977), the Florida Court of Appeal held that where the mother was **voluntarily committed** for her mental condition, her mental state is 'vital' to a permanent custody determination and that no psychotherapy privilege may be held.

Here, CIGNA's mental health claims of Wang as decoded by Dr. Jeffrey Kline have never been disputed by Wang, actually constitutes Wang's tacit admission. Moreover, Dr. Jeffrey Kline's report has already been taken judicial notice of by this Court twice in

S242475 and S244944, such that it is considered as facts. It is at least clear and convincing evidence of Wang's dangerous mental condition that should have justified immediate child custody change. Therefore, the evidence of CIGNA subpoenaed claims records and Dr. Kline's reports justifies immediate child custody switch to Petitioner.

3. The later obtained 11/4/2013 Custody Order cannot be a defense to the initial illegal interference of lawful custodian parent's child custody

California Penal Code §278.5 states, in relevant, part that:

(a) Every person who takes...withholds, or conceals a child and maliciously deprives a lawful custodian of a right to custody, or a person of a right of visitation, shall be punished by imprisonment in a county jail not exceeding one year, a fine not exceeding one thousand dollars, or both that fine and imprisonment, or by imprisonment pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years, a fine not exceeding ten thousand dollars (\$10,000) or both that fine and imprisonment.

(c) A custody order obtained after the taking, enticing away, keeping, withholding, or concealing of a child does not constitute a defense to a crime charged under this section."

C. CHIEF JUSTICE TANI CANTIL-SAKAUYE SHOULD HAVE BEEN LEGALLY DEEMED CONCEDED TO THE FACTS CONTAINED IN PETITIONER'S REQUEST FOR RECUSAL OR VERIFIED STATEMENT OF DISQUALIFICATION OF CHIEF JUSTICE TANI CANTIL-SAKAUYE FILED ON JULY 7, 2021 IN S269711 AND OTHERWISE TACITLY/ADOPTIVELY ADMITTED TO THE STATEMENT

Urias v. Harris Farms, Inc. 234 Cal.App.3d 415 (1991) held that a judge's failure to respond to or strike an

allegedly untimely and legally insufficient statement of disqualification equates to a consent to disqualification pursuant to Code of Civil Procedure 1 section 170.3, subdivision (c)(4) and that "when no answer is filed in response to a statement of disqualification, the facts set out in the statement are taken as true. In holding the latter part, Urias court cited *Oak Grove School Dist. V. City Title Ins. Co.* (1963) 217 Cal.App.2d 678, 702 [32 Cal.Rptr.288].

In addition, the above 8 facts were not objected to nor opposed by both Chief Justice Tani Cantil-Sakauye and "James McManis, Michael Reedy, McManis Faulkner, and their attorney Janet Everson" all had further tacitly admitted to the matters conceded by Chief Justice Tani Cantil-Sakauye altogether **at least 5 times** in the appeal proceeding of Case No. 21-5210 pending with the D.C. Circuit US Court of Appeal. Including the August 25, 2021 Order, Chief Justice Tani Cantil-Sakauye totally admitted 6 times. All these 6 times are in Appendix Volume I (Parts A, B and C) with a table presented in Bases for this Petition (2).

It has been well established in California laws and the U.S. laws about implied, adoptive or tacit admission: When a person makes a statement in the presence of a party to an action under circumstances that would normally call for a response if the statement were untrue, or when the party with words or other conduct manifested his/her adoption or his belief in its truth, that statement is admissible as tacit admission. It is codified in California Evidence Code §1221. See, e.g., *People v. Preston* (1973) 9 Cal.3d 308 [107 Cal.Rptr.300]; *People v. Riel*, 22 Cal.4th 1153 (2000). See also *U.S. v. Allen*, 10 F.3d 40597th Cir. 1993). One conspirator's admission applies to the other co-conspirators. See, e.g., *United States v. Carter*, 760 F.2d 1568 (11th Cir. 1985) . Once the defendant has expressly or implied adopted the statements of another,

the statements became his own admissions, and are admissible on that basis as a well-recognized exception to the hearsay rule and thus, the prosecution was not required to establish independent indicia of reliability for the statement. *People v. Silva* (1988) 45 Cal.3d 604, 605

This Court's supervising clerk has explained to SHAO that the Chief Justice did not participate in voting was because of the recusal. Thus, Chief Justice, by her conduct has conceded or tacitly admitted to the statements contained in SHAO's verified statement of disqualification. Such concession was not opposed by the Appellees James Mcmanis and Mcmanis Faulkner by 50 days when they were offered full opportunity to respond. Moreover, as shown in the Table in Bases for this Petition (2), there were at least 5 papers where both James Mcmanis, McManis Faulkner law firm and Chief Justice have tacitly admitted additional five times.

This tacit admission laws also apply to the arguments of tacit admission throughout this Petition.

The undersigned swear under the penalty under the laws of the State of California that the foregoing is true and accurate to the best of her knowledge.

February 14, 2022. Respectfully submitted,

/s/ Yi Tai Shao

Yi Tai Shao

CERTIFICATE OF WORD COUNT

Petitioner, Yi Tai Shao, certifies that there are about 16,338 words. An application to enlarge the petition for writ of habeas corpus from 14,000 words to the present 16,338 words due to the complexities of factual and legal issues involved as the length of confinement is quite long-11 years.

February 14, 2022. Respectfully submitted,

/s/ Yi Tai Shao

**EXHIBIT 13 (RELATED TRO APPLICATION IN
SHAO V. ROBERTS, JR., ET AL., 22-CV-00325)
AFFIDAVIT OF YI TAI SHAO IN SUPPORT OF
TEMPORARY RESTRAINING ORDER AND
ORDER TO SHOW CAUSE FOR HEARING ON
PRELIMINARY INJUNCTION FILED IN SHAO V.
ROBERTS, JR., ET AL. (22-CV-00325) AS ECF 26-
2 ON 3/4/2022 (SUMMARILY DENIED
IMMEDIATELY WITHOUT BEING READ BY
JUDGES AT THE U.S.D.C. FOR EASTERN
CALIF.)**

I, Yi Tai Shao declare:

1. I am licensed to practice law in the State of California from 1996 until 2/24/2022 when Defendants conspired to suspend my bar license without any notice and as part of the conspiracy, the local child support agency violated California Code of Regulations §§ 115525, 115520 and 115510, in refused to review adjustment. That matter is pending with this Court in ECF#14, 15 and 17. I have personal knowledge of the facts stated herein.
2. On 2/14/2022, I submitted for filing with California Supreme Court a Petition for Writ of Habeas Corpus, enlisting 5 defendants who contributed most in barring release of my child from the confinement for already 11 years: Chief Justice Tani Cantil-Sakauye, Presiding Justice Mary J. Greenwood (wife to Judge Edward Davila and in charge of California Sixth District Court of Appeal), Presiding Judge Theodore Zayner and Judge Patricia Lucas of Santa Clara County Court, and Tsan-Kuen Wang, the father who is a psychotic, an Intel Manager.

The turning point is Chief Justice Tani Cantil-Sakauye's legally effective concession on August 25, 2021 in S269711, as to all facts contained in my Request for Recusal or Verified Statement of Disqualification duly filed and served on July 7, 2021. Such concession is pursuant to California Code of civil Procedure section

170.3(c)(4) and *Hayward v. Superrio Court of Napa County*, 2 Cal.App.5th 10, 39 and 40 (2016); see also, *Urias v. Harris Farms, Inc.* 234 Cal.App.3d 415 (1991).

S269711 is an appeal from 5/26/2021 Order after Presiding Justice Mary J. Greenwood took a series of misconducts blocking appeal, including concealment of the Notice of Appeal by 111 days, then tried to dismiss with all prior tricks she did before, to no avail, then set up a creative requirement of a second vexatious litigant application for filing the appeal, without jurisdiction, after it was eventually docketed as H048651. The respondents in S269711 are James Mcmanis, Michael Reedy, Catherine Bechtel as well as McManis Faulkner law firm. But James Mcmanis has influenced all three appellate court, California Sixth District Court of Appeal (H048651), California Supreme Court (S269711) and US Supreme Court (21-881) to hide all individual respondents' names including his name, in all cases where Plaintiff sued them.

3. In S269711, Mcmanis respondents have 50 days to make objection or opposition to Plaintiff's Verified Statement of Disqualification of Chief Justice Tani Cantil-Sakauye but averted in responding. Whatever I wrote were true, anyhow, with solid evidence.

Then in the appeal proceeding of No.21-5210, all of them including California Chief Justice Tani CantilSakauye herself, tacitly admitted five times to the accusation of Chief Justice Tani Cantil-Sakauye's concession.

4. On 2/15/2022, the ensuing date following my submission for filing of the Petition for Writ of Habeas Corpus, Clerk Jorge Navarrete sent me a letter directing re-file by changing it to be a Petition for Writ of Mandate. See Exh.A attached hereto for a true copy of the letter.

5. I immediately responded with a letter dated 2/15/2022 as shown in Exhibit B. I provided legal authorities mandating the Clerk's Office to file by about one page of

the letter. I asked 5 questions but ***he never responded***:
(1) Did Chief Justice Tani Cantil-Sakauye ask you not to file my Petition for Writ of Habeas Corpus?

(2) Were you the person opening the docket of S263537 on July 27, 2020 against me or directing your deputy clerk to open the docket? If yes, was that Chief Justice Tani Cantil-Sakauye directed you to open that docket on July 27, 2020?

(3) Were you the person who entered into the docket of S200226 against me on January 25, 2022 based on an anonymous notice from the State Bar to suspend my license? Are you involved in this plan? Who are involved besides you and Chief Justice? Did Chief Justice sign the order before the purported State Bar notice or after, as both were done on the same date? Who notified you to enforce the child support?

(4) Would you please give me the voting record for S269711 on my Petition for Review? I was told that you do not have any record.

(5) Do you also have the voting record for S249222 and S242475? If yes, would you please kindly give me a copy? At the second paragraph from the bottom of the letter, I asked "Please also pass message on to Chief Justice Tani Cantil-Sakauye that she needs to give me notice before ordering to suspend my bar license on January 25, 2022 and will she vacate her order of January 25, 2022 as that violates Constitutional due process?"

6. **On 2/16/2022, he agreed to file the Petition for Writ of Habeas Corpus, but required me to file as a pro per with form of hc001, and vexatious litigant application.** In order to satisfy all their requirement, I filed two more times for the entire package.

A docket was created as S273215. However, no defendants' names were entered.

7. **As a pattern of their blockage of my access to the family court and appeal by the Prefiling Vexatious**

Litigant order, the S273512 was not decided.

8. On February 23, 2022, I emailed to defendants the Complaint (ECF#1) and notified them that regarding the illegal order of 1/25/2022 of California Chief Justice who had recused herself on 8/25/2021, I will file a TRO motion.

9. On February 25, 2022, I sent a letter regarding the S273215 notifying that Plaintiff will pursue a TRO unless they will correct the docket to put down the defendants' names. I also asked who is the Justice that is holding my vexatious litigant application. See a true copy of the letter and email in Exhibit C.

10. As of today, March 3, 2022, they failed to respond.

11. All factual statements contained in my Motion for Temporary Restraining Order and Order to Show Cause for Preliminary Injunction are all true and accurate.

12. The Prefiling Order is illegal per se as the issuing Judge, Judge Maureen Folan, concealed from disclosure that she was the attorney of record for Defendants James Mcmanis and Mcmanis Faulkner law firm on legal malpractice defenses cases for at least 2.5 years.

The Congressional public policy was that the judge needs to disclose then evaluate if such constitutes public view of bias and prejudice.

I also discovered that the judge who jumped in the case for granting Defendants' dismissal, Judge has membership with the American Inns of Court Foundation- Hon. William A. Ingram Chapter where the registered founder is Defendant Michael Reedy, a partner to James McManis.

Therefore I filed a motion to vacate the dismissal and all orders of Judge Folan including vexatious litigant orders. The present Civil Local Rule 8(c) unconstitutionally gave the clerk authority to give out the hearing date for a motion.

The docket noted that "To be determined" by the

court, that is Presiding Judge Theodore Zayner, a buddy to Defendants. The motion was filed on 11/4/2021 and **Presiding Judge Zayner deterred the court from setting the hearing date. See Request for Judicial Notice, JN-10 for the docket, the recently modified Local Civil Rule 8(c), and Notice of Motion and the original Local Civil Rule 8(c).** This is part of their conspiracy in infringing Plaintiff's First Amendment right to access the courts.

13. Local Civil Rule 8(c) is evidence of McManis defendants' conspiracy with the Court, and Supervising clerk Alex Rodriguez admitted to me that she was the person authorized filing of McManis defendants' quiet speed motion to dismiss in September 2019.

Presiding Judge Theodore Zayner who has a record of stealing the original deposition transcripts of James Mcmanis and Michael Reedy from the jury trial court's chambers and caused Volume 5 to be lost, immediately embarked on his effort to cover up the crime of conspiracies of the court in dismissing the case by modifying Local Civil rule 8(c), after he became the Presiding Judge of Santa Clara county superior Court.

Under the original Civil Local Rule 8(c) which the court has strictly enforced since December 2014, the moving party must contact the other side to clear up the hearing date before making a reservation with the Law and Motion department, and without a reservation, the motion could not be filed. Without Rodriguez's assistance, their motion to dismiss cannot be filed, as they would not let Plaintiff know, and because they wanted to fake the e-filing date to be September 12, 2019.

As shown in JN-11, when they efiled the motion on 9/18/2019, the e-filing envelop was 3406422, their attorney Janet Everson re-filed the altered motion to dismiss with a new envelop of 3408311, which was noted by the docketing clerk in the Certificate of Service

section.

Her name is shown on the Notice of Motion. **McManis defendants have tacitly admitted to the multiple counts of felonious violations of California Government Code Sections 6200-01** in the very same proceeding at the Santa Clara County Court (2012-1-cv-220571), in appeal proceedings (H048651, and S269711 and Petition 21-881) and in many papers filed by Plaintiff in Appeal proceeding No. 21-5210.

14. Plaintiff respectfully requests the child be released immediately based on child safety, and the Temporary Order be granted. All of the evidence supporting Plaintiff's regain child custody as shown in Request for Judicial Notice, Exhibit JN-7, that is the Volume Two of the Appendix in support of Petition for Writ of Habeas Corpus, including child wishes to live with Mom, Declaration of Mei-Ying Hu was admitted into evidence and never been objected by any party about child abuse, none of the declarations of Esther Alex-Taylor were objected. Mr. Richard Roggia's statement on the record when Dr. Michael Kerner was present, and Michael Kerner's short letter as a conclusion of comprehensive psychological evaluation affirmed that Judge Patricia Lucas's Child Custody Order of 11/4/2013 twisted the facts.

All of the amicus curiae letters were not contested.
15. McManis Faulkner has tacitly admitted in the Petition 21-881 proceeding that they wrote the child custody order of Judge Patricia Lucas dated 11/4/2013. California Chief Justice, out of conspiracy, has used the void prefiling vexatious litigant order to block filing of Petition for Writ of Habeas Corpus.

Meera Fox's declarations in JN-8 have already become truth after being taken judicial notice of by California Supreme Court twice in S242475 and S249444; she attested to existence of judicial

conspiracies to cause permanent parental deprival of Plaintiff and to dismiss child custody appeal.

Chief Justice having been recused because of conflicts of interest but was vigorous in retaliation against Plaintiff in suspending her bar license on 1/25/2022 without any notice.

They are jointly testing the limits of the courts, whether the judges would be surrendering to their conspiracy power under the illegal corruptive organization of American Inns of Court Foundation.

Please let the dream of my child and me come true and release us from these illegal oppressions. I swear under the penalty of perjury under the laws of the United States and the foregoing is true and accurate to my best knowledge. Dated: 3/3/2022 /s/ Yi Tai Shao

EXHIBIT A TO AFFIDAVIT:

Case 2:22-cv-00325-JAM-AC Document 26-2 Filed
03/04/22 Page 7 of 15

SUPREME COURT OF CALIFORNIA

February 15, 2022

SENT VIA EMAIL ONLY

Yi Tai Shao Shao Law Firm, PC P.O. Box 280 Big Pool,
MD 21711

Attornevshao@aol.com

Re: "Petition for Writ of Habeas Corpus"

Dear Petitioner:

Your "Petition for Writ of Habeas Corpus" received electronically on February 14, 2022, appears to be a petition for writ of mandate per California Rules of Court, rule 8.486. If you wish to file a petition for writ of mandate, it must be properly submitted per the requirements of CRC, rule 8.486. Please properly resubmit your document via TrueFiling.

Very truly yours, JORGE E. NAVARRETE Clerk and
Executive Officer of the Supreme Court

By R.Ho

EXHIBIT B TO AFFIDAVIT:

Case 2:22-cv-00325-JAM-AC Document 26-2 Filed
03/04/22 Page 8, 9, 10 of 15
February 15, 2022

Via Email: Regine.Ho@jud.ca.gov

JORGE E. NAVARRETE, Clerk California Supreme
Court 350 McAllister Street, Ste. 1295 San Francisco,
CA 94102

Re Filing of Petition for Writ of Habeas Corpus

Dear Mr. Navarrete:

The Petition submitted to California Supreme Court on February 14, 2022 is based on CRC Rule 8.384 and I made an Application to lengthen the size of the Petition based on CRC Rule 8.204(c)(6) and the policy behind CRC Rule 8.383 based on good cause that the facts are very complicated because of 11 years' confinement of the child in unlawful child custody.

Page 39 is my requested order which is habeas corpus.

Pages 64 and 65 stated this Court's jurisdiction over release of unlawful parental deprival since 1885, that is 137 years' history of this court.

As you are familiar with, the clerk has a ministerial duty to file. See. Voit v. Superior Court of Santa Clara County (2011) 201 Cal.App.4th 1285; Carlson v. Department of Fish & Game (1998) 68 Cal.App.4th 1268, 1276. The clerk's subsequent cancellation of file stamps are ineffective to invalidate the filing of the document. E.g., United Farm Workers of America v. Agricultural Labor Relations Bd. (1985) 37 Cal.3d 912, 918.

It has been well recognized that the right of access to the courts is an aspect of the First Amendment right to petition the government for redress of grievances. E.g., Bill Johnson's Rests, Inc. v. NLRB (1983) 461 U.S. 731, 741; California Motor Transp. Co. v. Trucking Unlimited (1972) 404 U.S. 508, 510. The right to obtain access to the courts without undue interference is protected by

both the First Amendment right to substantive due process and the Fourteenth Amendment right to substantive due process. See, Vasquez v. Hernandez (7th Cir. 1995) 60 F.3d 325, 328; Johnson v. Atkins (5th Cir. 1993) 999 f.2d 99, 100; Jackson v. Procunier , 789 F.2d 307 (5th Cir. 1986)

The U.S. Supreme Court has held that the First Amendment right to petition the government includes the right to file other civil actions in court that have a reasonable basis in law or fact. McDonald v Smith (1985) 472 U.S. 479, 484.

In Snyder v. Nolen (7th Cir. 2004) 380 F.3d 279, the court held that the clerk of court who refused to file pleading was not acting in "functionally comparable" way to judges, but breached the duty to perform the ministerial act of accepting technically sufficient papers and not covered by qualified absolute immunity for violation of the right to access to the court guaranteed by First Amendment of the U.S. Constitution in a 42 U.S.C. §1983 claim. In Lowe v. Letsinger (7th cir. 1985) 772 F.2d 308, 313, the court held that absolute immunity did not apply to a clerk's involvement in the concealment of the entry of a post-conviction order based on the same ministerial duty to file.

I would take the chance of your contacting me to inquire you of some irregularities of this Court:

1. Did Chief Justice Tani Cantil-Sakauye ask you not to file my Petition for Writ of Habeas Corpus?
2. Were you the person opening the docket of S263527 on July 27, 2020 against me or directing your deputy clerk to open the docket? If yes, was that Chief Justice Tani Cantil-Sakauye directed you to open that docket on July 27, 2020?
3. Were you the person who entered into the docket of S200226 against me on January 25, 2022 based on an anonymous notice from the State Bar to suspend my license? Are you involved in this plan? Who are involved,

besides you and Chief Justice? Did Chief Justice sign the order before the purported State Bar notice or after, as both were done on the same date? Who notified you to enforce the child support?

4. Would you please give me the voting record for S269711 on my Petition for Review? I was told that you do not have any record.

5. Do you also have the voting record for S249444 and S242475? If yes, would you please kindly give me a copy?

Please immediately file the Petition for Writ of Habeas Corpus. I have also e-served Tsan-Kuen Wang personally through his email of tkwang2005@yahoo.com and Attorney Sarah L Overton who represented Chief Justice in Ison v. Superior Court of California et al., 2:21-CV-01546- MCE-KJN (which appears to be still active) through soverton@emda-law.com this morning.

Mr. Wang's attorney David Sussman had received a copy. I was about to file the proof of service. I would like to know if I may still file the proof of service.

Look forward to hearing from you soon. If, however, I did not see your filing today, please be advised that I will seek a Temporary Injunctive Relief against you for blocking me from filing the Petition for Writ of Habeas Corpus, and will seek attorneys fees and costs at my hourly rate of \$450 an hour for my preparation of the TRO and hearing.

I will be grateful, if you will file the Petition for Writ of Habeas Corpus after you read this letter. I had sent a brief email reply to Regine Ho that it is not a petition for writ of mandate but a petition for writ of habeas corpus which is obvious from my requested relief in Section II of the Petition.

Again, if not being filed today, I will be left without a choice but seek a Temporary Injunctive Relief to require you to file the Petition for Writ of Habeas Corpus.

Please also pass message on to Chief Justice Tani Cantil-Sakauye that she needs to give me

**notice before ordering to suspend my bar license
on January 25, 2022 and will she vacate her order
of January 25, 2022 as that violates Constitutional
due process?**

Look forward to hearing from you soon. Again, I have given you a notice for the TRO and will proceed with the motion for TRO if you will not post the filing of Petition for Writ of Habeas Corpus by end of today, February 15, 2022.

Thank you very much for your time and attention.
Sincerely yours, /s/ Yi Tai Shao Yi Tai Shao, Esq.

EXHIBIT C TO AFFIDAVIT (emails to Clerk of California Supreme Court regarding Habeas Corpus):

Case 2:22-cv-00325-JAM-AC Document 26-2 Filed 03/04/22 Page 11 of 15
Subject: Re: "Petition for Writ of Habeas Corpus"
Date: Tue, Feb 15, 2022 2:06 pm Attachments: letter to Clerk of CA Supreme Court 20220215.pdf (112K)

Dear Mr. Ho: I added a date in my letter that was sent to you moments ago. Please replace that one with this new letter. I also added page number-- totally 3 pages. Please immediately give it to the Clerk as time is of essence. I will seek a TRO/Temporary Injunctive Relief soon if not having the Petition for Writ of Habeas Corpus filed today. Thank you very much for your time and attention.

Sent: Tue, Feb 15, 2022 1:48 pm
Subject: Re: "Petition for Writ of Habeas Corpus"

Plesae see Page 39 that the requested relief is Habeas Corpus, not a petition for writ of mandate. Please file it.

Case 2:22-cv-00325-JAM-AC Document 26-2 Filed 03/04/22 Page 12 of 15
To: regine.ho@jud.ca.gov,
attorneyregulation@calbar.ca.gov,
celia.wong@jud.ca.gov,
Subject: Please forward to Clerk/Executive Office Jorge Navarrette and Chief Justice Tani Cantil-Sakauye
Date: Wed, Feb 23, 2022 2:23 pm Attachments: ECF 1 Complaint.pdf (2386K)

Would you please transmit to Mr. Jorge Navarrett and Chief Justice. A TRO Motion will be filed for the

illegal order of 1/25/2022

Please advise if you will stipulate to vacating the
1/25/2022 Order silently filed in S220266. Thanks

Case 2:22-cv-00325-JAM-AC Document 26-2 Filed
03/04/22 Page 13 of 15

To: regine.ho@jud.ca.gov, celia.wong@jud.ca.gov,
Subject: letter to Clerk and Chief Justice
Date: Fri, Feb 25, 2022 8:37 am Attachments: letter to
Clerk 20220225.pdf (79K)

Please see the attached letter. Please be advised I will
be seeking a TRO today if not hearing from you for a
stipulation or resolution by 10 a.m. California time
Thank you.

EXHIBIT D TO AFFIDAVIT

Case 2:22-cv-00325-JAM-AC Document 26-2 Filed

03/04/22 Pages 14, 15 of 15

Feb. 25, 2022

Via email through Regine Ho
Jorge Navarrete, Clerk
Chief Justice Tani Cantil-Sakauye
California Supreme Court
Re: S2732155 Petition for Writ of Habeas Corpus

Dear Mr. Navarrete:

Thank you for docketing the above-referenced matter eventually on Feb. 16, 2022. Now there is 9 days passed, but there is no showing my Vexatious Litigant Application was granted.

Also, as of today, you have failed to correct the docket on concealing the names of the defendants. Please kindly advise who is the Justice that is holding my vexatious litigant application? Please also correct the docket.

I believe you have received my Summons and Complaint that I sent to you through Mr. Regine Ho, who was drafting all letters to me as you directed with your letterhead.

Please be advised that you could avoid a TRO by filing the Petition for Writ of Habeas Corpus and correct the docket by posting the names of Respondents/defendants by 10 a.m. today. You may also stipulate with me the preliminary injunction that the Vexatious Litigant Application be reviewed by a neutral person who can be impartial and not affected by Chief Justice, James McManis and American Inns of Court. Thank you very much for your attention.

If I heard nothing from you, please kindly be advised that I will seek a Temporary Restraining Order or Injunctive Order immediately where you and Chief Justice Tani Cantil-Sakauye will be the defendants.

Please kindly forward this letter to Chief Justice as

well. Thank you again.
Sincerely yours, /s/ Yi Tai Shao Yi Tai Shao, Esq.

**EXHIBIT 14: [PROPOSED] TEMPORARY
RESTRAINING ORDER AND ORDER TO SHOW
CAUSE FOR HEARING ON PRELIMINARY
INJUNCTION**

**[CASE 2:22-CV-00325-JAM-AC DOCUMENT 26-12
FILED 03/04/22 PAGE 1 OF 5]**

YI TAI SHAO, ESQ. (California Bar No. 182768) SHAO
LAW FIRM, PC Mailing address: PO BOX 280; Big
Pool, MD 21711 [office address: 4900 Hopyard Road,
Ste. 100; Pleasanton, CA 94588] Tel: (408) 873-3888;
Fax: (408) 418-4070 attorneyshao@outlook.com For
Plaintiff Yi Tai Shao and in pro per

**U.S. District Court Eastern California District
Sacramento Facilities**

Yi TAI SHAO, Plaintiff

vs.

California Chief Justice Tani Cantil-Sakauye, Clerk
Jorge Navarre, James Mcmanis, Michael Reedy,
Mcmanis Faulkner Law Firm, Tsan-Kuen Wang, David
Sussman, in the capacity as attorney of Tsan-Kuen
Wang Presiding Justice Mary J. Greenwood, Presiding
Judge Theodore Zayner, Judge Patricia Lucas, Judge
Maureen Folan, Judge Rise Pichon

This Temporary Restraining Order is issued on March
____, 2022 at ____ in Room ____ by Magistrate Judge
Allison Claire.

It is ORDERED that Defendant Chief Justice Tani
Cantil-Sakauye and Clerk Jorge Navarrete
immediately correct the docket for Case No. S273215 in
**posting the names of the defendants for
Plaintiff's Petition for Writ of Habeas Corpus;**
Defendants are ORDERED to disclose, within 2 days of
receipt of this Order via emails from Plaintiff, **whether
any Justice was assigned to the vexatious litigant
application in S273215 since Feb. 16, 2022 and
when that took place and whether there was a**

screening done on whether any Justice at California Supreme Court was available who is not disqualified because of a relationship with James McManis, the American Inns of Court Foundation or the Chief Justice;

David Sussman, in the capacity as Tsan-Kuen Wang's attorney, be ORDERED to accept process of Summons and Complaint and this TRO motion on behalf of Tsan-Kuen Wang and **be ordered to disclose to Plaintiff the residence of the minor within 2 days of receiving this TRO motion.**

The hearing on the application for a preliminary injunction is set for _____, 2022 at _____ in Room _____. At this hearing, Defendants are ordered to show cause, if any there be why a preliminary injunction should not issue directing as follows:

- A. The Petition for Writ of Habeas Corpus be filed and granted. The child Lydia Wang shall be immediately released to her mother, the Plaintiff, when it is undisputed that Plaintiff has no reason to be deprived of child custody as testified by the professional supervisor Esther Alex Taylor and Tsan-Kuen Wang has had a severe and dangerous mental illness that there is child safety concern. If Tsan-Kuen Wang wants to contest child custody after he had tacitly admitted to his dangerous mental illness for years since 2014, he must allow a mental evaluation be done and must sign release to authorize Dr. Sandy Chin to release all notes to the evaluator, an evaluator stipulated with Plaintiff.
- B. Tsan-Kuen Wang be ordered to immediately release the child Lydia D. Wang to her mother, Plaintiff, and ensure all personal properties of the child to be moved away into the custody of Plaintiff. Tsan-Kuen Wang shall not take any action to retaliate against the child during the moving process, shall not damage the properties of the child, shall not stalk Plaintiff and the child, shall not evict the child, shall let the child take

away whatever she has been using and shall be cooperative in making the moving smoothly. Santa Clara County Superior Court be ceased jurisdiction over the child and the minor be moved away with Plaintiff to Maryland.

- C. This Court finds that California Chief Justice Tani Cantil-Sakauye is deemed to admit all facts stated in Plaintiff's Request for Recusal/Verified Statement of Disqualification of Chief Justice Tani Cantil-Sakauye that was filed on July 7, 2021 in Petition No. S269711 according to *Hayward v. Superior Court of Napa County*, 2 Ca..App.5th 10, 37 (2016).
- D. California Chief Justice Tani Cantil-Sakauye should not have withhold Plaintiff's Vexatious Litigant Application since February 16, 2022. **Clerk Jorge Navarrete**, learning the disqualification of **Chief Justice Tani Cantil-Sakayaue**, should not have allowed the vexatious litigant application to be withheld in the hands of Chief Justice who has direct conflicts of interest. Therefore, both are found to have violated the due process rights of Plaintiff.
- E. The prefiling vexatious litigant order of Judge Maureen Folan issued in the case of *Linda Shao v. Mcmanis Faulkner law firm, James McManis, Michael Reedy, Catherine Bechtel*, with case number of 2012-1-cv-220571, be set aside as being void based on the following grounds:
 - (1) It is void as a matter of law as the statement of decision granting the motion to declare Linda Shao as a vexatious litigant did not cite California Code of Civil Procedure §391.7 as required by *Holcomb v. U.S. Bank National, Association, et al.*, 129 Cal.App.4th 1494 (2005); see also in *Morton v. Wagner*, 156 Cal.App.4th 963, 968 (2007) (the prefiling vexatious litigant order is void for unsupported by a statement of decision)
 - (2) Judge Maureen Folan, in antedating her signature for the Prefiling Vexatious Litigant order (false date is

equivalent to false signature in Buhl Independent School Dist.v. Neighbors of Woodcraft, 289 F.196 (9th Cir. 1923) and in Anthony v. County of Jasper,101 U.S. 693 (1879)), failed to disclose her conflicts of interest as being an attorney of record for Defendants James Mcmanis an McManis Faulkner law firm for at least 2.5 years, as required by AB2504 and at least violated California Code of Civil Procedure §170.1(a)(6)(A)(iii), that the order violated due process, and is void and unenforceable.

(3) On June 16, 2015 at the hearing of Defendants' motion for declaring Plaintiff as vexatious litigant order, securities and prefiling order, Judge Maureen Folan improperly served as an attorney for James McManis, and Mcmanis Faulkner law firm, in violation of C.C.P. §170.1(a)(2)(A), by adding on Plaintiff's losing appeals that were summarily denied that should not have res judicata effect when their attorney of records did not present 5 losing cases of Linda Shao in the preceding 7 years, and further limited Plaintiff to speak only 10 minutes at the hearing and disallowed an evidentiary hearing to be held.

(4) It is void as a matter of law as Plaintiff was blocked from review when significant papers were not included in the records on appeal and are lost, which is contributed to Judge Theodore Zayner's taking court records away into his chamber. F. Judge Rise Pichon's sua sponte order of May 27, 2016 to apply Prefiling Vexatious Litigant order into preexisting divorce case to block Plaintiff from filing any motion to modify child custody, when Plaintiff have had been able to freely filing motions in the civil case where the Prefiling Order was issued, with knowledge that such order violated due process and violated Shalant v. Girardi 51 Cal.4th 1164 (2011), be declared void and vacated.
G. The civil case of Shao v. McManis Faulkner law firm, James Mcmanis, Michael Reedy, and Catherine Bechtel

with case number of 2012-1-cv220571 where the prefiling order came from, and the family case of In re Marriage of Shao and Wang, 2005-1-FL-126882, be ordered to be changed venue to San Francisco Superior Court as Santa Clara County Superior Court as the Court has direct conflicts of interest as being a client to James McManis or Mcmanis Faulkner law firm, James McManis is a quasi employee of the Court as a Special Master for years, and many judges have regular social relationship with James McManis and Michael Reedy, and Presiding Judge Theodore Zayner of Santa Clara County Superior Court has caused the Prefiling Vexatious Litigant Order unable to be reviewed, and has unreasonably disallowed a hearing date for Plaintiff's most recent motion to set aside dismissal and vexatious litigant order that were filed on 11/4/2021 that violated the due process.

H. The child custody order of Judge Patricia Lucas of November 4, 2013 be declared void and vacated. I. Santa Clara County Superior Court's present Civil Local Rule 8(c) be declared void as it conflicts with California Code of Civil Procedure Section 1005 and has been used as a vehicle to block the reasonable access of Plaintiff, the moving party. Defendants' opposition papers are due on _____, 2022. This TRO is requested ex parte, the defendants may apply for modification/dissolution on 2 days' notice or shorter notice as the court may allow. See Local Rule 65-231b and FRCP 65(b).

Dated: _____, 2022

Honorable Allison Claire
United States Magistrate Judge

**EXHIBIT 15: OBJECTION TO ECF 31, ECF 24,
ECF 28, AND MOTION TO SET ASIDE
PURSUANT TO RULE 60(B); SUPPLEMENT TO
AMENDED MOTION TO DISQUALIFY JUDGE
JOHN A. MENDEZ AND MAGISTRATE JUDGE
ALLISON CLAIRE IN ECF 32
CASE 2:22-CV-00325-JAM-AC DOCUMENT 33
FILED 03/12/22**

U.S. District Court Eastern California District
Sacramento Facilities

Yi TAI SHAO, Plaintiff Vs. Chief Justice John G.
Roberts, et al. Defendants Case No. 2:22-cv-0325-
JAM-AC

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- I. BASED ON EXISTENCE OF AT LEAST "PERVASIVE BIAS", MAGISTRATE JUDGE ALLISON CLAIRE IS REQUIRED TO BE RECUSED PURSUANT TO 28 U.S.C. §455(A)
 - A. Magistrate Judge Claire denied relief on the TRO Motion (ECF 28) which is about California Supreme Court's blocking Petition for writ of habeas corpus to be filed which appeared to join the conspiracies of her friends at McManis Faulkner law firm, her same sex marriage partner leader Defendant BJ Fadem, and her friend California Chief Justice Tani Cantil-Sakauye to interfere Plaintiff's First Amendment right to access the court and violate the due process right of Plaintiff and the child
 - B. Magistrate Judge Claire's statements ignoring the direct conflicts of interest of Judge John A. Mendez and a predetermination that plaintiff does not have any viable cause of action against the Anthony M. Kennedy American inn of court." are another examples of her pervasive bias

- C. Magistrate Judge Allison Claire's behavior in making extremely rare order to show cause of dismissal (ECF 24) in the very beginning of the case before any party filed a motion to dismiss, with her ground of dismissal of failure to state a claim being a disfavored ground as a matter of law, plus her summary denial of four well-briefed TRO motions without reading constitute "pervasive bias"
- D. Magistrate Judge Claire's conclusion about "judicial immunity" in ECF 24 is unsupported by applicable law and facts
- E. While Magistrate Judge Claire's ECF 24 is overbroad and abused her discretion in failing to address any issues of the three TRO motion, based on the quoted laws concluding no judicial immunity coverage for acts that constitute breach of ministerial duty to file, her summary denial of all three TRO motions should be vacated
- F. Magistrate Judge Claire's limiting the complaint to 25 pages is nothing less than an attempt to block plaintiff's access to the court and right to seek grievance, in violation of plaintiff's first and fourteenth amendment right as she failed to address the requirement to plead judiciary corruptions with particularities under F.R.C.P. rule 9(b) and (d) and her order conflicts with Rule 9 as Rule 8 does not apply
- G. ECF 24 and ECF 28 are void and should be vacated for being overbroad, vague, ambiguous.

MAGISTRATE JUDGE'S EXHIBITED PERVERSIVE BIAS REQUIRES HER TO BE RECUSED PURSUANT TO 28 U.S.C. §455(a).

Magistrate Judge Claire's allegation of ignorance of the law in ECF24 appeared to be a pretension to be able to be covered under judicial immunity.

- II. Magistrate Judge Claire acted beyond her jurisdiction in making recommendation that Judge Mendez not be recused in ECF 31.

- III. Magistrate Judge Claire's recommendation not to recuse Judge Mendez violates 28 U.S.C. §455(a) and 28 U.S.C. §455(b)(5)(i), and due process
- IV. Stare Decisis requires Magistrate Judge Claire and Judge Mendez to be recused based on membership with American Inns of Court [referred to ECF 32, pages 56 and 57 of 57 of Judge William B. Shubb Order of Sep. 17, 2021 in the case number of 2:21-cv-01546 where California Chief Justice is also a named defendant. Judge Shubb recused because of his membership of Anthony M. Kennedy American Inn of court, the same with California Chief Justice Tani Cantil-Sakauye]
- V. Magistrate Judge Claire's Recommendation for Order in ECF 31 is not only without any merits, but also conflicts with 4 orders that had been made in the underlying cases for this lawsuit that judges' membership with the American Inns of Court has the appearance of conflicts of interest when a party is also a member
 - A. TWO ORDERS OF RECUSAL BASED ON RELATIONSHIP WITH JAMES MCMANIS OR MICHAEL REEDY THROUGH THE AMERICAN INNS OF COURT
 - B. Order of 12/14/2020 in **Petition for Writ of Certiorari No. 20-524 of US Supreme Court** (ECF 33-7) and California Supreme Court Order of 8/25/2021 in underlying case S289711 (ECF33-6)

**I. BASED ON EXISTENCE OF AT LEAST
"PERVASIVE BIAS", MAGISTRATE JUDGE
ALLISON CLAIRE IS REQUIRED TO BE
RECUSED PURSUANT TO 28 U.S.C. §455(A)**

The "pervasive bias" which was defined by the Supreme Court in *Liteky v. U.S.*, 510 U.S. 540, 555 (1994), does not require to be from "extrajudicial resources"; it is an exception to the general rule of extrajudicial source.

Magistrate Judge Claire cited this *Liteky v. U.S.* case in ECF 31 but misstated the law by asserting that all bias must be from extrajudicial resources. In fact, she omitted from stating an exception to the general rule, that is "pervasive bias exception." Such omission appears to be willful as the exception is stated in the same decision of *Liteky* that she cited in ECF 31.

In *Liteky v. U.S.*, 510 U.S. 540, 555, 556 (1994), the Supreme Court stated: "even in cases in which the "source" of the bias or prejudice was clearly the proceedings themselves (for example, testimony introduced or an event occurring at trial which produced unsuppressible judicial animosity), the supposed doctrine would not necessarily be applied. See, e.g., *Davis v. Board of School Comm'rs of Mobile County*, 517 F.2d 1044, 1051 (CA5 1975) (doctrine has "pervasive bias" exception), cert. denied, 425 U.S. 944 (1976); *Rice v. McKenzie*, 581 F.2d 1114, 1118 (CA4 1978) (doctrine "has always had limitations"). The "supposed doctrine" quoted above was referring to extrajudicial source doctrine.

The *Rice v. McKenzie*, 581 F.2d 1114, 1118 (CA4 1978) case which was cited in *Liteky* is applicable to this case, as **the judge in Rice denied petition without an evidentiary hearing caused an objective view that this judge has pervasive bias**. Likewise, Judge Claire blanketly denied all TRO motions without a hearing, with her philosophy mentioned in her short ECF 24 that is not supported by

the records and the laws cited are not applicable, but contains misstatements of laws and facts.

The pervasive bias doctrine applies reasonable person's objective standard in 28 U.S.C. §455(a); therefore, Plaintiff needs not prove the subjective intent of the judge. A fair trial in a fair tribunal is a basic requirement of due process. *In re Murchison*, 349 U.S. 133, 136 (1955). In *101 Geneva LLC v. Wynn*, 435 Md. 233, 244 (Md. 2013), the Maryland Supreme Court set aside an order where the judge predetermined the decision in abuse of discretion. The predetermined bias is named "pervasive bias" by the Supreme Court in *Liteky*.

While very few judges in the history of the U.S. have been found by the court to have pervasive bias or predetermined bias, Judge Claire has shown such bias in the very beginning of this proceeding.

Magistrate Judge Claire's conclusive comments in ECF31 and ECF24 as stated below, which are **without any basis**. Instead, **she ignored the severe harms suffered by Plaintiff but denied all TRO motions summarily in ECF 24 and 28 without a hearing**, which constitute the "pervasive bias" stated by the Supreme Court in *Liteky v. U.S.*, 510 U.S. 540, 555 (1994).

A. Magistrate Judge Claire denied relief on the TRO Motion (ECF 28) which is about California Supreme Court's blocking Petition for writ of habeas corpus to be filed which appeared to join the conspiracies of her friends at McManis Faulkner law firm, her same sex marriage partner leader Defendant BJ Fadem, and her friend California Chief Justice Tani Cantil-Sakauye to interfere Plaintiff's First Amendment right to access the court and violate the due process right of Plaintiff and the child.

The ECF28 docketed at 10:14 a.m. of March 8, 2022 summarily denying the TRO motion in ECF26 that was filed at the night of March 7, 2022. **The urgency of the motion is because the child has been illegally confined to illegal child custody for 11 years when her Father has dangerous mental illness that may endanger her life and safety any time, when she has suffered her life in living up with the dangerous psychotic for 11 years, based on undisputable evidence of existence of the judiciary corruptions that stalled child custody return for 11 years.** Then the California Supreme Court willfully altered the docket, required the vexatious litigant application, and misused the vexatious litigant application as an excuse to stall filing of the Petition for Writ of Habeas Corpus since 2/16/2022. The federal court was asked to correct the misconduct of California Chief Justice and take over California Supreme Court's duty to decide, and also in reviewing the Supreme Court's excuse—vexatious litigant order, this court has the jurisdiction to vacate the prefiling order thus release the Petition for Writ of Habeas Corpus.

THE ECF 28 minute order reads:

"Pursuant to the order of ECF No. [24], Plaintiff's Motion at ECF No. [26] is denied without prejudice to refilling."

Plaintiff mentioned similar issues in Court III of the Complaint. Yet, what was ordered in ECF No. 24 is only an extremely overbroad, vague and ambiguous comments: "Here, Counts II, III, IV, V, IX, X, XI, and XIII3 directly ask this federal court to alter or void state court orders involving plaintiff because of alleged wrongs committed in deciding the underlying cases."

What she wrote in ECF 24, further does not correspond to the relief requested in the Complaint for Count III:

“146. California Government Code §68150 (c) requires court records to be created and maintained in a manner that ensures accuracy and preserves the integrity of the records, which may be certified to be true (see §68150(f). §68152(g)(16) lists “registry of action or docket” as one of the court’s records according to §68151(a)(3). Mr. Navarre has committed a felony on 2/18/2022 by falsifying the court’s records according to California Government Code §6200 (c) .

147. As stated above, the basis for the vexatious litigant’s application for a new litigation is based on the fraudulent Prefiling Vexatious litigant order issued by Judge Maureen Folan in the case of Shao v. McManis Faulkner law firm, James McManis, Michael Reedy, Catherine Bechtel (2012-1-cv-220571) without disclosing that she was an attorney of record for James McManis and McManis Faulkner law firm preceding her judicial seat, when she indeed acted as their attorney in granting their fatally flawed motion to declare Linda Shao as a vexatious litigant. Such prefiling order should be void. And the pending Supreme Court Petition 21-881 is an appeal from a summary denial of review in S269711 about Presiding Justice Mary J. Greenwood’s requiring Plaintiff to seek a second vexatious litigant application to file the appeal (2012-1-cv220571) after she concealed the Notice of Appeal duly filed by the Presiding Judge of Santa Clara County Court on 7/27/2020 by 111 days and then created a docket of S48651 then tried to dismiss technically, then created this requirement, then waited another 5 months and denied the application and altered the docket to postpone the filing date of the second vexatious litigant application from 12/22/2020 to 5/26/2021, the date of denial.

California Code of Civil Procedure §391.7 requires a vexatious litigant application to be decided by the presiding judge. Yet Chief Justice Tani Cantil-Sakauye

has direct conflicts of interest. As in S269711, Plaintiff was already informed by the supervising clerk that there is no record on voting of the Petition for Review

148. Therefore, Plaintiff prays a temporary injunctive relief and a temporary restraining order that **California Chief Justice Tani Cantil-Sakauye may not participate** in deciding on the vexatious litigant application based on direct conflicts of interest, and that **Jorge Navarre must tender the vexatious litigant application to an disinterested Justice to decide in substitute of Chief Justice Cantil-Sakauye who is not a member of American Inns of Court Foundation** to decide, and an order to show cause why Jorge Navarre should not be required to enter into the docket of S273215 the names of defendant and maintain the integrity of the case information and maintain the record of voting on the Petition for Writ of Habeas Corpus, and an order to show cause why the Vexatious Litigant Prefiling Order obtained by James McManis and McManis Faulkner law firm from their prior attorney Judge Maureen Folan should not be vacated. Plaintiff prays a preliminary injunction that Jorge Navarre must maintain the integrity of the information on the docket for case S273215, a record of voting on the Petition for Writ of Habeas Corpus should be available for inspection, and the Prefiling Vexatious Litigant order should be declared void and vacated."

Obviously, Magistrate Judge Claire's order of ECF 24 failed to include consideration of the ministerial duty of filing, failed to include the issues of fraud of California Chief Justice Tani Cantil-Sakauye in misusing the fraudulent prefiling order to block filing of the Petition for Writ of Habeas Corpus. Plaintiff has mentioned the laws that the court's breach of the ministerial duty to file, to maintain records of the court are not performing judicial functions and are not

covered by judicial immunity. See, the quote of laws in ECF26-1, p.20 which is duplicated as below:

"It has been well recognized that the right of access to the courts is an aspect of the First Amendment right to petition the government for redress of grievances. E.g., Bill Johnson's Rests, Inc. v. NLRB (1983) 461 U.S. 731, 741; California Motor Transp. Co. v. Trucking Unlimited (1972) 404 U.S. 508, 510. The right to obtain access to the courts without undue interference is protected by both the First Amendment right to substantive due process and the Fourteenth Amendment right to substantive due process. See, Vasquez v. Hernandez (7th Cir. 1995) 60 F.3d 325, 328; Johnson v. Atkins (5th Cir. 1993) 999 f.2d 99, 100; Jackson v. Procunier, 789 F.2d 307 (5th Cir. 1986) The U.S. Supreme Court has held that the First Amendment right to petition the government includes the right to file other civil actions in court that have a reasonable basis in law or fact. McDonald v Smith (1985) 472 U.S. 479, 484. In Snyder v. Nolen (7th Cir. 2004) 380 F.3d 279, the court held that the clerk of court who refused to file pleading was not acting in "functionally comparable" way to judges, but breached the duty to perform the ministerial act of accepting technically sufficient papers and not covered by qualified absolute immunity for violation of the right to access to the court guaranteed by First Amendment of the U.S. Constitution in a 42 U.S.C. §1983 claim.

In Lowe v. Letsinger (7th cir. 1985) 772 F.2d 308, 313, the court held that absolute immunity did not apply to a clerk's involvement in the concealment of the entry of a post-conviction order based on the same ministerial duty to file." Magistrate Judge Claire's pervasive bias is shown by her not reading the motion at all and either could not comprehend the issues of the complaint as well as the motion, or willfully conspired with the defendants to just deny, like what California

Chief Justice Tani CantilSakauye did in summarily denying all Petitions for Review filed by Plaintiff pursuant to the request of James McManis. Likewise, Judge Claire just jumped into a judgment which does not conform to facts and laws.

Her conclusion in ECF 24 fails to deal with the Clerk's breach of ministerial duty to docket, the court's duty to decide on vexatious litigant application, the imminent issue of **the civil right to have reasonable access to the court in that the docket for the Petition for Writ of Habeas Corpus falsely hided the names of defendants and the Supreme Court is blocking the Petition from being filed, and the Supreme Court was using a fraudulent order, the Prefiling Vexatious litigant order as an excuse to block filing and refused to let the application to be decided.**

As discussed in ECF 32, Magistrate Judge Claire completely ignored the extrinsic fraud exception to Rooker-Feldman doctrine. Kougasian v. TMSL, 359 F.3d 1136, 1140 (9th Cir. 2004). Please see Pages 27 through 31 of ECF 32; Bribiesca v. Procopiao, Cory, Hargreaves, & Savitch, LLP, Case No: 3:16-cv-01225-BEN-WVG, 2017 WL 87110, at *9 (S.D. Cal. Jan. 10, 2017), aff'd 704 F. App'x 668 (9th Cir. 2017) (citing Reusser v. Wachovia Bank, N.A, 525 F.3d 855, 859-60 (9th Cir. 2008)).

Is it logical for a Magistrate Judge who has been federal public defender for seven years and deciding civil rights cases for 10 years not knowing this extrinsic fraud exception to Rooker-Feldman doctrine? This is a case of judicial fraud—judicial corruptions and judicial conspiracies. Plaintiff mentioned fraud or fraudulent 27 times in the Complaint (ECF 1, pages 1 through 151), not including the appendixes. Based on her decision on the other cases, the conclusion must say "NO" as she did know

this exception and did know that the district court has the authority to change the decisions of the state agencies and court orders.

Based on her federal public defender experience for seven years, she is very familiar with petition for writ of habeas corpus and knew the federal district court has plenty of power especially in habeas corpus cases. See, e.g., in Exhibit A for a copy the news of 9/29/2019 showed that she allowed the lawsuit for an inmate against the jail for refusing to allow religious food, and the Sacramento Lawyer published her mentioning exceptions. [ECF33-1] Also see discussion below in II.G.(8) about her decision in Johnson v. Perry, 2016 WL 2543503 (E.D. Calif. June 24, 2016).

Therefore, Claire's credibility is at issue when she wrote in ECF 24: "Pursuant to the Rooker-Feldman doctrine, this court does not have the power to issue the requested relief. Thus, the court cannot grant relief as to any of these claims." The extrinsic frauds allow the federal district court to review and issue orders to vacate state agencies decisions and all sorts of court orders, state or federal.

Any reasonable person knowing these facts will believe Magistrate Judge Allison Claire appeared to rush dismissal on behalf of some judicial friends or defendant friends in this case. She did not disclose her membership. Therefore, ECF 28 is a typical example of Magistrate Judge Allison Claire's pervasive bias that she is required to be recused under 28 U.S.C. §455(a).

B. MAGISTRATE JUDGE CLAIRE'S STATEMENTS IGNORING THE DIRECT CONFLICTS OF INTEREST OF JUDGE JOHN A. MENDEZ AND A PREDETERMINATION THAT PLAINTIFF DOES NOT HAVE ANY VIABLE CAUSE OF ACTION AGAINST THE ANTHONY M. KENNEDY AMERICAN INN OF COURT." ARE ANOTHER EXAMPLES OF HER PERVERSIVE BIAS.

Magistrate Judge Claire wrote in ECF31: "As discussed in the recently-issued order to show cause (ECF No. 24), plaintiff does not have any viable cause of action against the Anthony M. Kennedy American Inn of Court." However, nowhere in ECF 24 mentioned "Anthony M. Kennedy American Inn of Court."

All that in ECF 24 was a vague, ambiguous, and confusing conclusion, without any analysis or reasoning, that: "There are also allegations related to a child support and custody order, corruption involving various Inns of Court organizations, corruption at the California State Bar organization, and corruption within the Department of Child Support services. Not all allegations are directly tied to causes of action or requested relief." (ECF24, P.2, Lines7-13)

There is no explanation on what Claire meant by "Not all allegations are directly tied to causes of action or requested relief." No reasonable attorney would be able to understand what she meant from the sentence and the bases leading to such overbroad and ambiguous conclusion.

While Anthony M. Kennedy Inn of Court is sued in Court VI, let's look at what ECF 24 mentioned about Count VI: "Plaintiff's Counts I, VI, and VII ask this district court to stay, enjoin, void, vacate, or transfer various petitions and appeals before the Supreme Court of the United States and before the D.C. Circuit Court of Appeal."

No reasonable person could understand what Claire was referring to nor what her order was based on such overbroad, and vague and confusing comments.

Thus, obviously her Order to Show Cause in ECF24 is unconstitutionally vague and thus voidable and should be void.

The above quoted statements of Magistrate Judge Claire is a typical decision with "pervasive bias".

C. Magistrate Judge Allison Claire's behavior in making extremely rare order to show cause of dismissal (ECF 24) in the very beginning of the case before any party filed a motion to dismiss, with her ground of dismissal of failure to state a claim being a disfavored ground as a matter of law, plus her summary denial of four well-briefed tro motions without reading constitute "pervasive bias"

As Plaintiff discussed in ECF 32, when it is extremely rare for a judge to issue an order to show cause re dismissal at the very beginning of a proceeding, based on failure to state a decision which has been a disfavored ground of dismissal, and before a party filed a motion to dismiss but the judge who raised it sua sponte which is even rare. (See, ECF 32, p.17; Felder v. Winn-Dixie La., Inc., 9 Wage & Hour C. 2d (BNA) 585, 2003 US Dist LEXIS 22535 (E.D. La. Dec. 15, 2003); Graves v. Tubb, 281 F Supp 2d 886 (N.D. Miss. 2003).

No reasonable judge would have issued the same Order to Show Cause for Dismissal done by Magistrate Judge Allison Claire (ECF 24). Not only it is overbroad and vague and incomprehensible, **the timing of such Order to Show Cause appears just to stymied Plaintiff's civil right to seek grievance by a well grounded complaint with the majority of facts already admitted by the defendants, without conforming to the Moran v. Clarke standard to disclose all conflicts of interest.**

The ECF 24 by itself a violation of the First Amendment's reasonable access to the court. This March 2, 2022 Order to Show Cause of dismissal (ECF 24) issued at such timing before any party filing an Answer or filing a Rule 12(b) motion is unsupported by any statute.

Some circuits enforce a strict notice requirement with regard to sua sponte dismissals pursuant to Rule 12(b)(6) and mandate reversal for noncompliance with procedural steps dictated by the court. See, e.g., Perez v. Ortiz, 849 F.2d 793, 797-98 (2d Cir.1988); Morrison v. Tomano, 755 F.2d 515, 516-17 (6th Cir.1985); Jefferson Fourteenth Associates v. Wometco de Puerto Rico, Inc., 695 F.2d 524, 526-27 (11th Cir.1983).

Magistrate Judge Allison Claire cited Reed v. Lieurance in her 3/2/2022 order to justify her aberrant sua sponte dismissal, but that case is a dismissal with a motion for summary judgment, not a dismissal at the beginning of a case like what Judge Claire did, and had gone through discoveries presumably.

ECF 24 is especially unreasonable when it is unsupported by the records and unsupported by applicable laws. See discussions in ECF 32. The Ninth Circuit, the center of the initial founders of the American Inns of Court Foundation under the influence of Anthony M. Kennedy Inn of Court, is most liberal and has allowed the district courts higher power to do whatever they want, which also opens the backdoor to corruptions. Yet, even within the Ninth Circuit, Plaintiff is not aware of any precedent like this that had been dismissed at the on-set of the proceeding by an order to show cause like this March 2, 2022. Not only Judge Claire's sua sponte order to show cause re dismissal is improper but also its ground for failure to state claim is disfavored as a matter of public policy and is rarely granted. Felder v. Winn-Dixie La., Inc., 9 Wage & Hour Cas 2d (BNA) 585, 2003 US Dist LEXIS

22535 (E.D. La. Dec. 15, 2003); *Graves v. Tubb*, 281 F Supp 2d 886 (N.D. Miss. 2003).

The 3/2/2022 Order to Show Cause based on the rarely granted ground of dismissal, "failure to state a claim", further is faulty in failing to comply with the standard: Even if it is doubtful that plaintiff would ultimately prevail, if plaintiff colorably states facts which, if proven, would entitle him to relief, motion to dismiss for failure to state claim should not be granted. *Kronmuller v. West End Fire Co. No. 3 Fire Dep't*, 123 FRD 170 (E.D. Pa. 1988).

Court cannot grant motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) unless it appears beyond doubt that plaintiff can prove no set of facts in support of his claim which would entitle him to relief; in evaluating such motion, court will assume truth of all of factual allegations set forth in plaintiff's complaint, and will construe complaint liberally in favor of plaintiff.

McCray v. Veneman, 298 F Supp 2d 13 (D.D.C. 2002).

Complaint must be liberally construed in light most favorable to plaintiff and should not be dismissed simply because court is doubtful that plaintiff will be able to prove all of necessary factual allegations. *Cagin, D.O. v. McFarland Clinic, P.C.*, 317 F Supp 2d 964 (S.D. Iowa 2004), aff'd, 456 F3d 903, 24 IER Cas (BNA) 1528 (8th Cir. 2006).

Contrary to Claire's ECF 24 Order to Show Cause, that law is: the court must accept as true all reasonable factual inferences drawn from well-pleaded factual allegations." *In re United Mine Workers of Am. Employee Benefit Plans Litig.*, 854 F. Supp. 914, 915 (D.D.C. 1994); see *Schuler v. United States*, 199 U.S. App. D.C. 23, 617 F.2d 605, 608 (D.C. Cir. 1979) (stating that the court must give the plaintiff "the benefit of all inferences that can be derived from the facts alleged").

In making such *sua sponte* dismissal order to show cause, any reasonable person knowing all the facts will believe that Magistrate Judge Allison Claire was acting as if she were the attorney for all defendants in issuing this March 2, 2022 Order to show cause (ECF 24). It appeared that the two judges are **rushing for dismissal and did not really pay attention to the Complaint as the comments were wrong and many facts were wrong, when at least a concealed direct conflicts of interest was discovered by Plaintiff, that is Judge John A. Mendexk.** For example, the order misrepresented that Plaintiff wrote 230 pages of the complaint. In fact, the complaint is composed of 151 pages, with the remainder being the appendix. Such misrepresentation, if not intentional, will show that the judges may not have taken time to read the complaint at all, and simply denied the TRO motions without taking time to read.

Failing to read before decision is incompetent and violated Code of Judicial Conduct. As discussed above, the ECF 28 minute order demonstrates that **Magistrate Judge Claire did not read Plaintiff's No. 4 Motion for TRO before denial.**

Magistrate Judge Claire issued the Order to Show Cause jumping into a judgment in the very beginning of a new case without a hearing and its contents are entirely unsupported by the court's records (which have contained evidence to the opposite).

Her blunt summary denial of all 4 TRO motions failed to satisfy any of the tests for adjudication on a temporary restraining order motion when the harm to Plaintiff is extremely high, including life and safety of child, property, and irreparable harms of her First Amendment right to seek grievance and to have impartial

tribunal. Her orders in ECF 24, 28 and 31 can only to deemed "in error" and "improper."

When the District Court failed to properly consider, the Court of Appeal had to remand back for thorough consideration as the decision is considered to be in error and improper. See, WM. INGLIS SONS BAKING v. ITT CONT. BAKING, 526 F.2d 86, 88 (9th Cir. 1976); Fennell v. Butler, 570 F.2d 263 (8th Cir. 1978)

These behaviors are indeed a rare pervasive bias containing only conclusions without any legal or factual support at the very beginning of a proceeding. Any reasonable attorney knowing all facts will believe Magistrate Judge Claire has at least pervasive bias, if not really bias and prejudice from extrajudicial source

C. MAGISTRATE JUDGE CLAIRE'S CONCLUSION ABOUT "JUDICIAL IMMUNITY" IN ECF 24 IS UNSUPPORTED BY APPLICABLE LAW AND FACTS.

Magistrate Judge Claire misclassified the crimes of alterations of docket, concealing from filing, those ministerial type of work, to be "within judicial function", and stated that the judicial immunity applies, which is contrary to the prevailing law, and constitutes "pervasive bias". What she stated in ECF24 is in direct conflict with Lowe v. Letsinger (7th cir. 1985) 772 F.2d 308, 313, which was quoted by Plaintiff in every of the 4 TRO motions, but she blindly issued the Order to Show Cause and even threatened with Rule 11 Sanction, *sua sponte*, asserting that judicial immunity applies.

Please see the quoted laws above in I.A. Please see I.E. below about no judicial immunity for all of the four TRO motions that involve with interference with First Amendment right to access the court under Lowe. California Chief Justice, Chief Justice Roberts cannot be performing judicial function at U.S. Court of Appeal D.C., nor at the U.S.D.C. for the D.C. and thus their

conspiracies caused blockage of Plaintiff's right to access the court there cannot be covered by judicial immunity.

Likewise, California Chief Justice's influencing U.S. Supreme Court in denying all relief requested by Plaintiff causing all 11 actions in US Supreme Court to be summarily denied with alterations of docket, cannot be covered by judicial immunity as that is not her court. California Chief Justice's creating false case docket on 7/27/2020 to conspire with State Bar of California and James McManis suspend Plaintiff's bar license, cannot be covered by judicial immunity.

All of the undisputed 84 crimes that took place in the proceeding of Shao v. Roberts, et al, 1:18-cv-01233RC's underlying case, and its appeal cases, cannot be covered by judicial immunity as having decided by Lowe.

Regarding the complaint that U.S. Supreme Court Justices's refusing to decide 11 papers duly filed with U.S. Supreme Court, including 9 Requests for Recusal and 2 Amicus Curiae Motions are breaching their fundamental duty as a judge. The court has a duty to decide recusal. O'Hair v. Hill, 641 F.2d 307 (5th Cir. 1981, ft.1), which is "absolute" (Comer v. Murphy Oil USA, 607 F.2d 1049) and is Constitutionally imposed (National Education Assoc. v. Lee County Board of Public Instruction, 467 F.2d 477 (5th Cir. 1972). Plaintiff is seeking only declarative relief against them for such breach, which is not covered by judicial immunity.

Moreover, their refusal to decide was in conspiracies that all of them simultaneously did not decide. Wisconsin Supreme court reported in State v. Allen, 2010 WI 10 (2010) that the U.S. Supreme Court Justices decide their own recusal; therefore, the fact that none of the 6 or 7 Justices filed a response could

not have taken place without a joint conspiracy that all of them would not file a response.

As a result of failure to decide recusal requests, pursuant to Aetna Life Ins. Co. v. Lavoie, 475 U.S. 813, 106 S. Ct. 1580 (1986), all their orders should be declared to be void. As shown in ECF#3, the Chief Justice and Clerk would not allow filing of Petition for Writ of Mandate pursuant to 28 U.S.C. §1651 to fix the clerk's office's problem of concealment from filing. Thus, this court is rested with power to correct the situation that hurt Plaintiff's First Amendment Right to access the court and to have impartial tribunal that were willfully blocked by Chief Justice who has the duty to supervise filing.

It is not what the decision of the US Supreme Court is the target but that the harm resulted in Plaintiff justify a declarative relief. Declarative relief has been held by many courts that is not covered by judicial immunity.

Therefore, Magistrate Judge Claire's Order to Show Cause (ECF24) is completely unsupported by the facts and laws of this case.

Her comments also indicate that she did not perform her judicial duty to read the TRO motions but denied summarily or that she intentionally determined to deny any relief requested by Plaintiff. It is because in each TRO Motion, Plaintiff presented the following law so that Magistrate Judge Clare should have known the following laws very well:

E. While Magistrate Judge Claire's ECF 24 is overbroad and abused her discretion in failing to address any issues of the three TRO motion, based on the quoted laws concluding no judicial immunity coverage for acts that constitute breach of ministerial duty to file, her summary denial of all three TRO motions should be vacated.

Based on the above quoted laws in I.A., Chief Justice John G. Roberts and Clerk Scott S. Harris's concealment of filings of three motions in Petition for Writ of Certiorari No. 21-881 and later rejected filing of Petition and application made based on 28 U.S.C. §1651, as presented by ECF 3 Motion for TRO, are not acting in functionally comparable way to judges, and not covered by judicial immunity, according to Lowe and Snyder.

California Chief Justice Tani Cantil-Sakauye and Clerk Jorge Navarrete's refusing to file Plaintiff's Motion to set aside California Chief Justice Tani Cantil-Sakauye's 1/25/2022 order in S2260266, was breaching the ministerial duty to file, are not acting in functionally comparable way to judges, and not covered by judicial immunity, according to Lowe and Snyder.

The State Bar's failing to give notice before Chief Justice's 1/25/2022 Order and further failed to respond to Plaintiff's motion to set aside Chief Justice Tani Cantil-Sakauye's unnoticed Order of 1/25/2022 is also not acting in functionally comparable way to judges, and not covered by judicial immunity, according to Lowe and Snyder.

The local child agency failed to conduct a review pursuant to the statutory requirement of hearing under California Code of Regulations, and violated California Code of Regulations §115510 in refusing to process Review for Adjustment by orally inquiring on the change of circumstances, in complete disregard of §115525 that mandates local child support agency to initiate, within 15 days of becoming aware of any potential change in circumstance set forth in §115530, to provide the parties with the appropriate income and expense Judicial Council forms and a written notice, violates the Fourteenth Amendment and not covered by quasi-judicial immunity. (This fact took place on 3/2/2022 the same date when ECF 24 was filed such

that Plaintiff had not had a chance to file with the court.)

The case worker at local Department of Child Support is obligated by statute to conduct review on adjustment as Plaintiff had presented in Request for Review that Plaintiff should have been entitled to adjustment as there were changes on child care expense (there had been no child care expenses since 2013, soon after the order of 5/3/2013), time share change (there has been no 0 percent time since 2013), as suggested by the other caseworker at local child support agency. Yet, due to extrinsic frauds as the conspiracies led by California Chief Justice Tani Cantil-Sakauye, Plaintiff was completely blocked from asserting her grievance.

The D.C. Circuit Court of Appeal's willful assigning the appellate panel without notice, summarily dismissing appeal, where all of them violated 28 U.S.C. §455(b)(5)(i) to disallow an impartial panel is a direct challenge of the First Amendment and Fifth Amendment of the Constitution that is beyond of jurisdiction, which is not within adjudication function either.

Magistrate Judge Claire should have known the laws quoted above in I.A. and **know that the requested relief in the 4 TRO motions are not covered by judicial immunity, but denied the four TRO Motions with a broad and general comment in ECF 24 that the complaint in its entirety should be dismissed because of judicial immunity.**

Any reasonable person knowing all the facts will believe that Magistrate Judge Claire issued ECF 24 either with malice to inflict injury on Plaintiff, or at least is her "pervasive bias". Therefore, Magistrate Judge Claire must be recused under 28 U.S.C. §455(a).

F. Magistrate Judge Claire's limiting the complaint to 25 pages is nothing less than an

attempt to block plaintiff's access to the court and right to seek grievance, in violation of plaintiff's first and fourteenth amendment right as she failed to address the requirement to plead judiciary corruptions with particularities under F.R.C.P. rule 9(b) and (d) and her order conflicts with Rule 9 as Rule 8 does not apply.

Magistrate Judge Claire clearly knew that many judges are defendants and specifically mentioned judicial immunity; therefore, any reasonable judge or attorney can hardly believe Magistrate Judge Claire would not know applicability of F.R.C.P. Rule 9(b) and (d) to this Complaint, as an exception to Rule 8. Yet, she did not mention Rule 9 at all.

At odds with Rule 8, Fed. R. Civ. P. Rule 9 (b) requires pleading with particulars for fraud. Bender v. Southland Corp, 749 F.2d 1205 (6th Cir. 1984) Suing the Court and justices also requires to state the standing and to state in particulars why judicial immunity does not apply. Rule 9(d) requires specific pleading on official document or act. Based on the complexity of the facts, Plaintiff unwillingly had to write 151 pages for all injustice that took place in the past 11 years against 70 defendants where there are about 30 justices who are defendants. (See also, ECF 32, p.18, Lines 23-25. Plaintiff's writing was altered by the hackers, which conflicts with ECF 32, P.17, Lines 2-3. Plaintiff hereby notes this and corrects this as the altered language was a mischief of the hackers hired by James McManis.)

This is a case of conspiracies where there are significant issues of conflicts of interest that all judges/justices and even the State Bar of California and Department of Child Support Services concealed from disclosure, and refused to decide issues of conflicts of interest when they are in **actively participation or implementation of the conspiracies with James McManis, California Chief Justice Tani Cantil-**

Sakauye and Associate Justice Anthony M. Kennedy to cause permanent parental deprival of Plaintiff and to harm Plaintiff. This requires specific facts of conspiracies to be pled as required by Rule 9.

There are many cases in this District that require pro per plaintiff to limit the complaint to 25 pages, but those complaints are different from this case where it is based on ample of evidence is firmed, admitted or undisputed. As presented in ECF 32: **This is a high profile case, having at least three underlying cases.** There are 84 undisputed felonies of violation of 18 U.S.C. §1506 and §2071 (alterations of court records and dockets) that took place in the proceeding of Shao v. Chief Justice John G. Roberts, Jr., et. al. (Case No. 1:18-cv-01233RC at the U.S.D.C. for D.C., appeal case No. 19-5014 and No. 21-5210 at the D.C. Circuit, and No. 20-524 at U.S. Supreme Court) where 57 incidents were in U.S. Supreme Court, 7 incidents in the D.C. Circuit Court of Appeal and 20 incidents at the U.S.D.C. for the District of Columbia (Judge Rudolph Contreras and his clerk Jackie Francis) plus countless irregularities.

The irregularities include, without limitation, present six Justices of the U.S. Supreme Court's refusal to perform their Constitutionally-mandated duty to decide 9 Requests for Recusal, 2 Amicus Curiae Motions of Mothers of Lost Children, 1 Petition for Writ of Certiorari (Petition No. 20-524), 1 Petition for Rehearing (Petition No. 20-524), 1 Motion to File Petition for Rehearing and transfer to Second Circuit Court of Appeal (Petition No. 20- 524), 1 Petition for Writ of Mandate pursuant to 28 U.S.C. §1651(a) and 1 Application to Associate Justice Amy Coney Barrett for an order to stay and to issue a writ of mandate under 28 U.S.C. §1651(a) based on the Deputy Clerk Jordan Danny Bickell's concealment from filing of three motions in the proceeding of Petition 21-881.

All of these severe accusations of crimes and

irregularities were tacitly admitted by all defendants in that proceeding. Now the majority of them, at least all judges/justices in that proceeding, are also defendants in this case. Among all 84 undisputed crimes that prejudiced Plaintiff's Constitutional rights, the present docket of 18-569 is the most obvious evidence that *prima facie* proves Supreme Court's felonies of alteration of filed record and docket in violation of Rule 1 of Supreme Court Rules. When the *Amicus Curiae* Motion of Mothers of Lost Children was feloniously removed from the docket entry of 11/8/2018 sometimes after 5/9/2019, the record of appearance of its attorney Christopher W. Katzenbach still remains there, but the *Amicus Curiae* Brief was not seen on the docket.

The case is also high profile as all federal judges as well as the Justices and clergy defendants at the U.S. Supreme Court, U.S.D.C. at Northern California, except for Judge Edward Davila, **are at default**, then Judge Rudolph Contreras, who is also at default since October 2018, and a defendant but refused to recuse himself as required by 28 U.S.C. §455(b)(5)(i), without any notice nor hearing, *sua sponte* dismissed the case on January 17, 2019. D.C. Circuit also *sua sponte* dismissed the appeal (No. 19-5014).

In the second round appeal No. 21-5210, counsel James Lassert, who is attorney of record for Defendants James McManis, Michael Reedy, McManis Faulkner law firm, their California attorney Janet Everson, disclosed their secret "motion for summary affirmance of Judge Rudolph Contreras's dismissal order that was secretly approved by the D.C. Circuit to dismiss the entire appeal of No.19-5014, on July 31, 2019, months before actual dismissal.

Then it was discovered (in November 2021) that the majority of the appellate panel for Appeal No. 19-5014 are officers of American Inns of Court Foundation-Edward Coke Inn, but knowingly concealed from

disclosure their direct conflicts of interest, which caused the conspiracy of dismissal of the 19-5014 appeal to have triple violations of 28 U.S.C. §455(b)(5)(i).

In suppressing the crimes, the D.C.Circuit Court of Appeal refused to change venue, and summarily denied all dispositive motions of Plaintiff in No.21-5210, which is one of the four Motions for TRO. And, more egregiously, Judge Carnelias T.L. Pillard, who was already criticized to violate 28 U.S.C. §455(b)(5)(i) in being a panel member again in No.21- 5210.

Judge Patricia Millett was rewarded with a big gift from American Inns of Court Foundation in getting a Temple Bar Scholarship for her clerk in Fall of 2019, after she granted dismissal of appeal against American Inns of Court Foundation in No.19-5014.

Pending her Order to Show Cause why not grant American Inns of Court Foundation's unnoticed Motion for Summary Affirmance of Judge Rudolph Contreras's 1/17/2019 Order, then-Chief Judge Garland issued an award on behalf of American Inns of Court Foundation, to his appointed attorney friend in June 2019.

The case is high profile further because of **undisputed fraud of the 6 Justices Defendants of U.S. Supreme Court** in their Order of 12/14/2020 in Petition for Writ of Certiorari No. 20- 524 which stated that three other Justices decided that the Petition cannot be decided in the next term (vague) and the summary dismissal order of D.C. Circuit be affirmed. **The 12/14/2020 Order and its subsequent Judgement/Mandate on 1/15/2021 were taken off from the docket of 20-524 three times and put back during the period of time from 1/13/2021 through 1/17/2021.**

Plaintiff's mail to file the hard copy of the Petition for Rehearing stating the Congressional policy to transfer the case to a neutral circuit court of appeal was intercepted by 8 days; it appeared the mail interception

was done by unknown person at the U.S. Supreme Court, in order for them to rush filing of judgment of 1/15/2021.

Chief Justice Tani Cantil-Sakauye's admission on 8/25/2021 opens the door for reversal of all of the 15 Petitions for Review since 2012. Such a large scale conspiracies involves 6 Justices of the US Supreme Court, 6 Judges at the U.S. Court of Appeal, DC Circuit, 2 judges at the U.S.D.C. for the D.C., 15 judicial defendants at Santa Clara County Superior Court, 5 justices at California Sixth District Court of Appeal.

Regarding all of them, Rule 9 (b) and (d) requires particulars to be presented in the Complaint, such that it is impossible to limit the pages to be 25 as other cases. Magistrate Judge Claire knew or should have known F.R.C.P. Rule 9 instead of Rule 8 applies to this Complaint but knowingly ordered to confine the complicated assertions of judicial conspiracies that involve 59 crimes of the US Supreme Court, 8 crimes of the DC Circuit Court of Appeal, 20 crimes of Judge Rudolph Contreras and numerous crimes of California Court.

Magistrate Judge Claire's order failed to mention the most critical evidence to support plaintiff's complaint, which is the legally effectively conceded 8 matters by California Chief Justice Tani Cantil-Sakauye. The laws for such admission are quoted above in pages 4 or 5 of this Amended Motion. (Urias and Hayward) According to Hayward, such admission cannot be retracted. This is undisputed facts, yet, Magistrate Judge Claire would like to dismiss because of failure to state claims!

Therefore, any reasonable attorneys know these facts will believe that Judge Claire's Order of 3/2/2022 was an abuse of discretion, not thing but a fruit of her undisclosed conflicts of interest as no reasonable judge would have issued an order to show cause at on-set of a

lawsuit when the Complaint is well pled in compliance with Rule 9(b) and (d). G. ECF 24 and ECF 28 are void and should be vacated for being overbroad, vague, ambiguous.

As discussed above in I.A. through I.H, the ECF 24 contains only conclusions which are vague and ambiguous and unsupported by applicable laws that no reasonable person would be able to comprehend what Judge Claire was talking about. ECF 24 is without any merits. Therefore, the two orders must be vacated.

**MAGISTRATE JUDGE'S EXHIBITED
PERVASIVE BIAS REQUIRES HER TO BE RECUSED
PURSUANT TO 28 U.S.C. §455(a)**

Any reasonable attorney knowing the facts will believe that Magistrate Judge Allison Claire has at least pervasive bias in issuing the Order to Show Cause in ECF 24 and ECF 28, if not with malice, in that

- (1) Her order to show cause re dismissal (ECF 24) is irresponsibly vague and ambiguous and has many misstatements of facts and laws, as discussed above. Such misstatements of facts are so disconnected from this case that cannot be from a judge who had read the submissions but more likely being in the situation that either Judge Claire denied the four motions without reading the Complaint and four TRO motions or she was influenced by some extrajudicial resources which she did not disclose to willfully deny the four TROs.

In ECF 32, plaintiff discussed the appearance of Magistrate Judge Claire's close relationship with California Chief Justice Tani Cantil-Sakauye. Plaintiff discovered more. As Magistrate Judge Claire is herself homosexual, registered her same sex marriage before 2008, leading the work force to thwart Proposition 8 and vigorously advocating for same sexmarriage, it is likely that her ECF 24 and 28 were to help McManis Faulkner law firm, the leader for almost all conspiracies in this

case. In or about 2012, James McManis accepted the assignment to prepare an Amicus Curiae Brief on behalf of Santa Clara County Bar Association to support the same sex marriage for some case he could not recall. He testified the person actually in charge of the Amicus Curiae Brief was Christine Peek, who has been in the same membership as Judge Claire at C.A.C.J. See Exhibit B for the deposition transcript of James McManis, p.17.

Defendant BJ Fadem might be connected with Judge Allison Claire and influenced Claire as Fadem aggressively asserted same sex marriage for many years. She entered the State Bar of California Family Specialty section in order to have more influence on California laws to enable the homosexuals to dominate the laws.

If Magistrate Judge continues denying recusal, she is required to lay out all facts about the relationship with Christine Peek, James McManis and B.J. Fadem, who have been her supporters on same sex marriage.

(2) Without reading at least ECF 26 motion, Magistrate Judge Claire willfully refused to decide the issues contained in the TRO motions, especially when Plaintiff's substantive due process rights (bar license, child risk, judiciary corruptions in blocking filings and blocking transferring to a neutral court) were at jeopardy that require immediate relief.

Magistrate Judge Claire appeared to have knowingly abandoned her judicial duty to decide and sat there without doing anything in order to see harm to be inflicted upon Plaintiff. She did not take any action to protect Plaintiff's property interest on her bar license, but issued a minute order in ECF 25 acknowledging Plaintiff's state bar license was suspended. About the same time, on the same day of issuing ECF 25, she issued ECF 24 pretending that she did not have jurisdiction to handle Plaintiff's instant injury caused by Defendant California Chief Justice's retaliation, nor child safety

issue involved in habeas corpus petition that was blocked from filing at California Supreme Court.

[omitted]

**EXHIBIT 16: DECLARATION OF MEERA FOX
THAT HAS BEEN TAKEN JUDICIAL NOTICE OF
TWICE BY CALIFORNIA SUPREME COURT AS
TRUTH**

(Filed on 4/27/2017)

H039823

**IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT**

LINDA SHAO, Petitioner and appellant

v.

TSAN-KUEN WANG, Respondents and appellees

**APPEAL FROM THE SUPERIOR COURT OF
CALIFORNIA SANTA CLARA COUNTY
[CASE NUMBER 105FL126882]
May 3, 2013's Child Support Order**

**DECLARATION OF MEERA FOX, ESQ. IN
SUPPORT OF MOTION TO CHANGE PLACE OF
APPEAL TO AN IMPARTIAL VENUE**

I, Meera Fox, declare:

1. I am an expert witness for Ms. Shao in Shao v. McManis Faulkner, LLP, case number of 112CV220571, currently pending in the Santa Clara County Superior Court.
2. The underlying case of Shao v. McManis Faulkner involves Ms. Shao suing Mr. Reedy and his firm for legal malpractice. She hired the firm specifically to overturn two unconstitutional orders which had deprived her of custody of her child without notice or opportunity to be heard. Not only did Mr. Reedy fail to overturn the void orders, he chose not to do so when admonished by the judge that the best way to proceed was not to challenge the orders but to let them stay in

effect. Reedy chose to do what the court wanted rather than follow his client's express directions to challenge and overturn the unconstitutional orders and request the immediate return of her child to her custody. His allegiance was to his firm and to the judge, not to his client. He failed to disclose his conflict of interest with his client and failed to zealously advocate for Ms. Shao and her lost child.

3. Reedy stalled in following Ms. Shao's directive to challenge the orders until there was a new status quo of her only having supervised contact with her daughter. For this lack of assistance he billed her nearly one hundred thousand dollars. Ms. Shao is still only seeing her child with a supervisor, six and a half years later. According to the records of those visits, she has never in all that time behaved in any manner that would justify needing a supervisor.
4. Since being sued by Ms. Shao for his malpractice, it has become important to Mr. Reedy and the law firm of McManis Faulkner, for whom Mr. Reedy works, to ensure that Ms. Shao not regain custody of her child, since as long as she does not get her child back, they can argue that their failure to advocate for her did not cause the damage that she suffered. Not coincidentally, the judges who have denied Ms. Shao the return of her child ever since have been very close bedfellows with Michael Reedy and are two top executive members of his social "club," the William A. Ingram American Inn of Court.
5. In reading the deposition transcript of Michael Reedy taken July 22, 2015 in the case of Shao v, McManis Faulkner, I learned that Hon. Zayner and Hon. Lucas have had a regular ongoing social relationship with Michael Reedy, socializing together at least 14 times per year throughout the past ten years as members of the Executive Committee of the William A. Ingram American Inn of Court [See Exhibit A, List of

Executive Committee members of the Inn of Court, attached hereto and incorporated herein by this reference].

6. The website of the William A. Ingram American Inn of Court currently publicizes that Michael Reedy is its President Elect [See Exhibit A]. Judge Theodore Zayner is an officer in the Executive Committee of the William A. Ingram American Inn of Court, so he also socializes with Michael Reedy and Patricia Lucas at least fourteen times per year, organizing events and skits and dinners with them for their social club. [See Exhibits B and C, Schedule of events and meetings of the William A. Ingram Inn of Court, and Schedule of meetings of its Executive Committee, attached hereto and incorporated herein by this reference.] Nowhere in the transcripts or pleadings that I read of the underlying cases in this matter did Judge Theodore Zayner ever disclose his relationship to Michael Reedy through the William A. Ingram Inn of Court.
7. Judge Patricia Lucas is also an officer of the Executive Committee of the William A. Ingram American Inn of Court. [See Exhibit A] Ms. Shao has sued Judge Lucas, yet Judge Lucas made a ruling recently assigning a trial judge in the Shao v. McManis case when I was in court on November 30, 2015. The way it is currently set up, under an order filed 5/29/16, Ms. Shao can only file motions in the lower court if she submits them first to the presiding judge for approval. The presiding judge is Patricia Lucas.
8. Judge Zayner refused to return Ms. Shao's child to her custody from late 2011 until early 2015, even though when self-represented Ms. Shao attacked the unconstitutional orders which had been the basis for her loss of custody and had them vacated. The court set evidentiary hearings on custody but then repeatedly

took them off calendar, stalling the matter. During this time M. Shao sued Michael Reedy and McManis Faulkner for malpractice. She did not know how close a relationship Reedy or McManis had with Judge Zayner. It was not until Summer of 2013 that Ms. Shao finally got an evidentiary hearing on custody.

9. When Ms. Shao finally did get a hearing on custody it was before Judge Patricia Lucas, who failed to disclose her close personal relationship with Michael Reedy and Judge Zayner through the American Inn of Court. Ms. Shao had filed suit against Michael Reedy and the McManis Faulkner firm for malpractice 3/11/12. Had she known that Judge Lucas was so socially tied to Michael Reedy (Reedy testified in his deposition regarding their regular projects and dinners and skits through the American Inn of Court), she would have filed a 170.6 motion, but she did not know.

In November of 2013 Judge Lucas ruled against Shao regaining custody of her child and issued an order which contained pages of factual findings that were not based upon any evidence that was presented at the hearing.

10. No judge whom Ms. Shao has sued should be authorized to decide her legal matters since they all have an appearance of impropriety and inability to be impartial, just because of their being defendants in a suit. Her underlying cases should be transferred to an impartial venue since she cannot get justice from those judges whom she has sued. As is explained in more detail below, Ms. Shao has been disallowed to file any motions or even have access to the online docket in one of her underlying cases. Any filings she does must pass the presiding Judge Lucas' pre-filing approval before being considered. Not only can she not get justice, she has no access to even seek justice so long as the court in Santa Clara County maintains venue.

11. Nowhere in the transcripts or pleadings that I read of the underlying cases in this matter did Judge Lucas ever disclose her relationship to Michael Reedy through the William A. Ingram American Inn of Court. Judge Socrates Manoukian made an order recusing himself on December 2, 2015 based on the regular social relationship existing between his wife, Justice Patricia Bamattre-Manoukian, and Michael Reedy, through their both being officers of the William A. Ingram American Inn of Court. The order of recusal read

Upon review of the file in the above-entitled matter, this Court will recuse itself because a person might reasonably entertain a doubt that the judge would not be able to be impartial.

To my knowledge that is the only lower court Judge involved in this matter who has acted appropriately to recuse himself to avoid the appearance of potential or actual conflicts of interest and bias, as required by Cannons 2 and 3 of the California Code of Judicial Ethics

(Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities. Canon 3. A judge shall perform the duties of judicial office impartially, competently, and diligently).

Judge Tigar of the US District Court acted appropriately in recusing himself from a related case on the basis that another judge in his court was among the defendants along with Lucas. He quoted the US Judicial Conference's Guide to Judiciary Policy which states:

When a judge or judicial nominee is named as a defendant and his credibility or personal or financial interests are at issue, **all judges of the same district should recuse**, unless the litigation is patently

frivolous or judicial immunity is clearly applicable
[emphasis added].

**FURTHER DIRECT CONFLICTS OF INTEREST
CREATING AN APPEARANCE OF
IMPROPRIETY AND REQUIRING A VENUE
CHANGE:**

12. In reviewing the files in Shao v. McManis Faulkner I became aware that the McManis Faulkner law firm has published on its website throughout the past many years that Santa Clara County Superior Court is one of its clients that it has represented.
13. From reading the transcript of the deposition of James McManis taken on July 20, 2015, I am aware that James McManis admitted that he has in the past represented several Santa Clara County Superior Court judges and an unidentified Justice of the Sixth Appellate District California Court of Appeal, as well as one judge who serves on the California Supreme Court.
14. From reading court testimony of William Faulkner on December 9, 2015 I am aware that James McManis has been a quasi-employee of the Santa Clara County Superior Court by serving as a Special Master for the court for years past.
15. Because James McManis has an attorney client relationship with the Court itself and with several of the court's personnel, in addition to serving as a quasi judicial officer for the Santa Clara County Superior Court and thus quasi employee of the court, there is a conflict of interest in the court and its personnel deciding a case in which he is the defendant. There is an appearance of impropriety in this situation which requires recusal of all judges who work for the court which Mr. McManis' firm has represented, and removal of the matter to an impartial forum. Any reasonable person knowing these facts will be likely to believe that the current court will be unable to be impartial. Any

member of the public knowing these facts would agree that it is unlikely the court would be able to avoid bias in favor of its own attorney and employee.

Where a judge has been represented by attorneys or law firms appearing before the judge, **disqualification is required** under the objective standard of the appearance of bias unless other facts dispel that appearance of bias. Smith v. Sikorsky Aircraft (C.D. Cal. 1976) 420 F. Supp. 661, 662; Powell v. Anderson (Min. 2003) 660 N.W.2d 107, 116-119.

16. Because Mr. McManis also represents a judge serving on the Sixth District Court of Appeal, for the same reasons, Ms. Shao will be unable to have a fair appeal in the Sixth Appellate District California Court of Appeal. I am informed from referencing their public biographies that all but one of the Justices of the Sixth Appellate District California Court of Appeal are former Judges of the Santa Clara County Superior Court. That means they are or have in the past been colleagues, coworkers and possibly clients of James McManis. There is an appearance of impropriety in having friends and former coworkers of a defendant decide a Plaintiff's appellate matters, especially when the Defendant's only defense requires the appeals to be dismissed or otherwise fail.

ACTUAL IMPROPRIETY- FORGED DOCUMENTS AND ALTERED DOCKETS:

17. Recently it also became very important to the firm of McManis Faulkner that Ms. Shao's appeals be dismissed. Not coincidentally, since that became an express priority of the McManis firm, the deputy clerk in charge of records for the appellate division has illegally created several forged and baseless notices of noncompliance and has illegally altered the docket of Ms. Shao's underlying cases many times. Such notices, when received at the appellate court have, within

minutes of receipt, resulted in summary dismissals of the appeals despite there being requirements that appeals cannot be dismissed without notice and a motion requesting dismissal. Some of these notices have to this date never been seen by anyone besides Justice Rushing and the deputy clerk of the lower court who keeps issuing them. They get noted in the dockets of the various cases and dismissals are issued by Justice Rushing, without the actual notice of non-compliance or dismissal ever being served on the appellant or filed in the case files at either court.

18. At the pretrial hearings in the malpractice case of Shao v. McManis, when Defendants presented their motions in limine, their defenses were all based upon lack of causation, citing collateral estoppel of Judge Lucas' 2013 order denying Ms. Shao custody. Over Ms. Shao's objection, Judge Woodhouse agreed to stay the case until the appeal of Lucas' order was dismissed or otherwise resolved, such that then collateral estoppel could be argued. He reasoned that the theory is inapplicable while the order is still on appeal. This would have left McManis Faulkner with no defense to the malpractice claim.
19. In support of their motion to stay pending the resolution of Ms. Shao's appeal, counsel for defendants mentioned on the record on 12/10/15 that it was likely the Shao appeal would be dismissed for failure of Ms. Shao to post the required fees for the court reporter. This seemed an odd thing to say at the time since the transcript had already been designated, paid for, and lodged with the appellate division of the Superior Court in October of 2014. (Despite a nine month delay by R. Delgado, deputy Clerk of the appellate division, in sending those transcripts to the court of appeal, the court of appeal shows them having been filed 10/3/14 and received by it on 7/21/15.) Nevertheless, counsel for defendant's prediction of why the appeal would get

dismissed turned out to be the very wording by which the appeals were later dismissed.

THE COURT: Any suggestions as to how long the stay should be?

MS. EVERSON: My suggestion is that we put this on a 90- or 180-day case management conference so that we can check in with you and tell you the status. In reviewing the appellate court docket, it appeared there was a problem with getting the transcript.

I thought that the appeal had been dismissed because Ms. Shao hadn't done her due diligence to get the transcript requested.

[December 10, 2015 transcript of Shao v. McManis Faulkner et al.]

20. The first Case Management Conference to review the status of the division appeal took place on Friday March 11, 2016.
21. Within 24 hours of that Conference, **on a Saturday**, March 12, 2016, Deputy clerk R. Delgado of the trial court's appellate division somehow gained entry to the otherwise closed courthouse and therein created two false notices of non-compliance in Ms. Shao's two appeals, entered them into the dockets for those two cases but did not file the actual documents in either file, did not notice any party of such "notices," and sent them somehow to Justice Rushing at the appellate court immediately, despite that court being closed on Saturdays and despite there being no mail delivery on Sunday.
22. These falsified Notices of Non-compliance issued by Delgado asserted that Ms. Shao had failed to deposit the reporter's transcript fee timely. In fact the transcripts had already been paid for, produced, and received by Rebecca Delgado on 10/3/14 and she had delayed in sending them to the appellate court until nine months later, on 7/21/15. **[See Exhibits D, Designation of Court Reporter's Transcript for**

Appeal, dated October 3, 2014 and stamped received by the Appellate Court October 7, 2014 and Exhibit E, Court Reporter's Transcripts deposited with the court pursuant to Rule 8.130(b)(3), dated October 3, 2014, and stamped received by the Appellate Court July 21, 2015, both attached hereto and incorporated herein by this reference].

23. On March 12, 2016, when she issued the fake notices of non compliance, Rebecca Delgado had already had full compliance for 17 months. The Appellate court had had full compliance for eight months already, and the only reason it had not had the transcripts for as long as Ms. Delgado had had them was because of her lengthy delay/refusal to forward them to the court of appeal. However, they were already paid for and on file in the appellate court file when she issued the two false notices of non compliance stating the transcript fee had not been paid.
24. These falsified and groundless notices of non-compliance must have been created as a favor to McManis Faulkner, who needed the appeal dismissed in order to be able to assert their collateral estoppel defense in the malpractice trial of Shao v. McManis Faulkner. Such illegal use of court clerks and supervisors to perjure and create false documents shows how much influence McManis Faulkner has with the Santa Clara County Court. This kind of illegal collusion is the basis upon which Ms. Shao has been asking for removal of the underlying case from the county where McManis Faulkner is both the attorney for the court, the employee of the court, the colleague of the court officers and the member of the bar with enough pull to somehow get deputy clerk R. Delgado to take a Saturday and go into the court for the purpose of illegally changing the dockets in two cases and sending

out a fake notice of noncompliance to the appellate court.

25. On the Monday immediately following R. Delgado's Saturday creation of perjured documents and alteration of the court dockets in Ms. Shao's two appeals, March 14, 2016, within the first 25 minutes of the court being open, Presiding Justice Conrad Rushing of California Sixth District Court of Appeal issued a dismissal of the two Shao Appeals, which dismissals were immediately processed by the clerk.
26. Ms. Shao received electronic notice at 9:25am Monday 3/14/16 of her appeals having been dismissed already based upon papers just created that Saturday 3/12/16. [See Exhibit F, **Electronic notice, time stamped 9:25 am Monday 3/14/16, attached hereto and incorporated herein by this reference.**] None of those actual paper notices of Non-Compliance created by R. Delgado were ever served on Ms. Shao, nor could she get copies of them from the clerks at either court until a month later [See Exhibit G, **Notice of Appellant's non-Compliance (CRC 8.130—Deposit for court reporter's transcript not timely deposited), attached hereto and incorporated herein by this reference**].
27. Somehow Justice Rushing had received R. Delgado's falsified notices of non-compliance first thing Monday morning despite her having only created it Saturday, when the courts were closed, and there being no postal delivery on Sundays. It was his first order of business that Monday to process the dismissal, even though no one had officially asked him to do so and no motion to dismiss had been filed. **The order of dismissal is attached hereto as Exhibit H and incorporated herein by this reference. Note how it was issued at the same time as the required Notice of Default, also dated March 14, 2016, which no one sent to Ms. Shao prior to her**

receiving electronic notice at 9:25 am of the dismissal. The concurrent notice of default is attached hereto and incorporated herein by this reference as Exhibit I.

28. Such dismissals were illegal as entered without any prior notice nor any motion to dismiss pending, as is required by Rule 8.57(a) of the California Rules of Court.
29. Justice Rushing vacated the dismissal on April 12, 2016 based on Ms. Shao's motion to vacate. In that motion, Ms. Shao reminded the court and provided proof that the Santa Clara County Superior Court had been stalling and attempting to undermine her ability to appeal from Judge Lucas's custody statement of decision and order since she had first filed her notice of appeal, by R. Delgado refusing to prepare records for appeal and also disallowing the court reporter to file the trial transcripts until they sent her a notice of appeal, which they delayed in doing for months. In frustration, Ms. Shao had petitioned the appellate court to order deputy clerk Delgado to prepare the records needed for the appeal, but justice Rushing had denied this motion on 12/18/15.
30. Then, when Rebecca Delgado stalled for so many months refusing to send the finished transcripts to the appellate court, Ms. Shao had to file a further motion in a related appeal requesting an order from the appellate court to require R. Delgado to send it the transcripts. Justice Rushing denied that motion as well. So the already paid for transcripts were in existence for over a year and both Delgado and Rushing had been placed on notice of that several times in the past year before they dismissed the appeal for noncompliance--lack of fees to prepare transcripts.
31. Any reasonable attorney or member of the public who knew of the sequence of events described above that occurred from March 12, 2016 through March 14,

2016 would believe that there was a conspiracy to dismiss Ms. Shao's appeals which involved at least Deputy Clerk of Court R. Delgado on behalf of Santa Clara County Superior Court, Justice Rushing of the California Sixth Appellate District Court of Appeal, and the firm of McManis Faulkner if not their attorneys. There is no other explanation for why R. Delgado would go in to work on a Saturday specifically for the sole purpose of creating false perjured documents to effect the specific relief required by McManis Faulkner to assert their collateral estoppel defense. There is no other explanation for why Justice Rushing would be expecting the falsified notices to arrive first thing that Monday morning and to explain how he had the appeals dismissed within 25 minutes of their receipt. There is no other explanation for why a presiding justice would be willing to violate an appellant's due process rights by summarily dismissing her appeals without anyone filing a motion to dismiss and without providing her any notice, in direct violation of the rules of court.

32. Further such attempts to re-issue false notices of non-compliance and to dismiss the appeals have continued to the present date. Ms. Shao now has to print out the docket daily in each case to track the changes the court makes to the dockets. Recently the Superior Court took her underlying family law matter completely off the court's website, so now she has no access to even check that case docket for any further false notices being issued.
33. On February 27, 2017 The docket of H040395 showed an entry of another Default Notice for failure to pay reporter's transcript fees identical to the March 12, 2016 Notices of Non-compliance. Ms. Shao reported to me that she investigated and discovered from clerks of both Santa Clara County Superior Court and California Sixth Appellate Court of Appeal that the Notice shown on the docket of H040395 is a false entry, as no such

notice was in either courts' file. The entry into the docket of a notice that does not exist constitutes more felonious tampering with court records. These shenanigans seem motivated to make Ms. Shao feel persecuted and harassed.

34. On March 6, 2017, Ms. Shao filed an "Objection to February 24, 2017's Notice" with Santa Clara County Superior Court and sent a letter to the Presiding Judge informing her of the alteration of docket of 105FL126882 which included the false purported Default Notice. Ms. Shao also complained of the family law case 105FL126882 having been taken off the court's website completely such that she cannot even access the docket to monitor further false entries by deputy clerk Delgado.
35. On March 7, 2017, Ms. Shao filed a "Motion to Strike the Purported Notice of Non-Compliance of February 24, 2017 (purportedly filed with this Court on February 27, 2017) and Renewed Motion to Reverse, Remand with Instruction to Change Place of Trial/Appeal". The clerk at the California Sixth Appellate District Court of Appeal withheld such motion from filing until after March 23, 2017⁴.
36. On March 8, 2017, Presiding Judge Patricia Lucas of Santa Clara County Superior Court, the judge who issued the custody statement of decision and order that is the subject of appeal of H040395, sent a letter to Ms. Shao stating that the Court would not take any action on Ms. Shao's letter of complaint (of alteration of court's files in violation of California Government Code Sections 68150 and 68152). Judge Lucas invited Ms. Shao to file a complaint about her with the Commission on Judicial Performance if she was dissatisfied.

⁴ The docket showed two entries of March 7, 2017 and March 23, 2017 which referred to the same motion to strike. Truefiling, the media for electronic filing, showed March 30, 2017 being the date the Appellate Court approved filing.

37. Five days after Presiding Judge Lucas's letter, on March 14, 2017, Santa Clara County Superior Court made another identical false Default Notice to the prior one, and filed it with California Sixth Appellate Court of Appeal.
38. On March 21, 2017, Ms. Shao filed with Santa Clara County Superior Court another "Objection to the 5th False Default Notice Dated March 14, 2017."
39. On March 28, 2017, Presiding Justice Conrad Rushing issued an Order "granting" Ms. Shao's first motion to strike. However, in order to minimize his having summarily dismissed her appeals based upon false defaults, Justice Rushing chose to reframe Ms. Shao's motion to strike as a motion for leave to cure the default, and ordered Ms. Shao to cure the default. In fact there was never any default to cure. Ms. Shao had paid the court reporter in 2014 and deposited the trial transcripts with the court and designated the transcripts for appeal in October of 2014 [See Exhibits D&E].
40. In granting a motion for leave to cure a default that Ms. Shao had not pled nor made, Justice Rushing compounded the fraud involved in the fabricated default and faked notice of noncompliance. His order to Ms. Shao to cure the default when there was no such default only served to make it appear that she had in fact defaulted. But she never did.
41. On March 29, 2017, Ms. Shao filed a second motion to strike--- the 5th false Default Notice, which was apparently Dated March 14, 2017. She also renewed her request to change venue. The appellate court filing clerk withheld the motion from the docket two and a half weeks, until April 3, 2017, shortly after Ms. Shao made a phone call to the Clerk's Office of California Sixth Appellate District Court of Appeal to find out why it never got onto the docket.

42. Ms. Shao reported to me that The Clerk informed her that the motion was filed but could not be shown on the docket until approval of the court, who she stated to Ms. Shao was Presiding Justice Rushing.
43. On March 30, 2017, Ms. Shao filed a "Response to the Court's Order of March 28, 2017." Thus far, just like with Ms. Shao's prior motion, Justice Rushing has not approved this filing to be shown on the docket of H040395. Justice Rushing's 2 ½ to three week pre-screenings of all Ms. Shao's pleadings and interfering with the clerk's administrative duty to file motions when received are violations of Ms. Shao's fundamental right to have access to the court, to be afforded due process, and they interfere with her right to appeal.
44. On April 4, 2017, Santa Clara County Superior Court again resent the March 14, 2017 Default Notice. So the shenanigans continue. Ms. Shao is having to undo dismissals left and right because of all these false notices of non-compliance.
45. Even though when asked by Ms. Shao to reverse this illegal dismissal Justice Rushing did, it is clear that he will not be able to be impartial or neutral in deciding this matter, and no judge serving under him as presiding justice will be able to be assumed safe either, after that impropriety. Justice Rushing should forthwith recuse himself from any panel hearing or deciding any of Ms. Shao's appeals or any matters brought before him by McManis Faulkner.
46. Since Justice Rushing's impropriety in this matter casts a reasonable appearance of bias and impropriety over the entire court over which he presides, Ms. Shao's appeal should be transferred to a venue that is not infected by the same appearance of bias and inability to be an impartial tribunal. The matter should be transferred to a jurisdiction outside McManis Faulkner's sphere of influence with the judiciary.

47. The court's duty is to avoid the appearance of impropriety and partiality. When actual improprieties are also regularly occurring, removal to an impartial venue is necessary. I hope that the court will do its duty and transfer these matters to an impartial court.
48. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge, except as to those those items based upon information and belief, and as to those, after researching the particulars, I believe them to be true.

/s/Meera Fox

EXHIBIT A TO MS. FOX'S DECLARATION

WILLIAM A. INGRAM INN
NO. 30012 - Founded 1985
2016 - 2017

Executive Committee
Honorable Peter H. Kirwan
Superior court of California
County of Santa Clara
President

Michael Reddy, Esq.
McManis Faulkner
President-Elect

Honorable Theodore C. Zayner
Superior Court of California
County of Santa Clara
Secretary

Paul S. Avilla, Edq.
McPharlin sprinkles & Thomas LLP
Treasurer

Daniel Ballesteros, Esquire
Hoge Fenton Jones & Appel
Chair, Program Committee

Honorable Helen E. Williams
Superior Court of California
County of Santa Clara
Chair, Arrangements Committee

David J. Tsai, Esq.
Vinson & Elkins LLP
Chair, Membership/ Outreach Committee

Daniel Casas, Esq.
Casas Riley Simonian LLP
Chair, Mentoring Committee

Nora Frimann, Esq.
Office of San Jose City Attorney

Chair, Achieving Excellent
Caroline McLntyre, Esq.

Bergeson, LLP
Past President

Honorable James P. Kleinberg (Ret.)

JAMS

Past President

Honorable Patricia M. Lucas

Santa Clara County Superior Court

Past President

Honorable Patricia Bamattre-Manoukian

California Court of Appeal, 6th District

Past President

Dean Emeritus Donald Polden
Santa Clara University School of Law

Member-at-Large

Professor Ron Tyler
Stanford University Law School

Member-at-Large

EXHIBIT B TO MS. FOX'S DECLARATION
WILLIAM A. INGRAM INN
No. 30012 - Founded 1985

2016 - 2017
Executive Committee Meetings

Thursdays@Noon
Hoge, Fenton, Jones & Appel
60 Sputh Market Street, #1400
San Jose, CA 95113
October 13, 2016
November 10, 2016
February 2, 2017
March 2, 2017
April 6, 2017
May 4, 2017

EXHIBIT C TO MS. FOX'S DECLARATION

Inn meeting, except as noted below, are scheduled on the second Wednesday of each month, with socializing at 5:30 p.m., and the program beginning at 6:00 p.m.:

September 21, 2016

Dinner Meeting: Adobe Lodge, Santa Clara University.

October 19, 2016

General Meeting: U.S. District Court, Courtroom 1, 5th Floor (Ceremonial Courtroom)

November 16, 2016

General meeting: U.S. District Court, Courtroom 1, 5th Floor (Ceremonial Courtroom)

January 10, 2017 (Tuesday)

Ingram Symposium: Santa Clara University

February 8, 2017

Dinner Meeting: Adobe Lodge, Santa Clara University.

March 8, 2017

General Meeting: U.S. District Court, Courtroom 1, 5th Floor (Ceremonial

Courtroom)

April 12, 2017

General Meeting: U.S. District Court,

Courtroom 1, 5th Floor (Ceremonial Courtroom)

May 10, 2017

Dinner Meeting: Adobe Lodge

Please note that notices will be sent prior to each meeting with additional program information, including confirmation of location and time.

EXHIBIT C TO MS. FOX'S DECLARATION

Inn meeting, except as noted below, are scheduled on the second Wednesday of each month, with socializing at 5:30 p.m., and the program beginning at 6:00 p.m.:

September 21, 2016

Dinner Meeting: Adobe Lodge, Santa Clara University.

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General Meeting: U.S. District Court, Courtroom 1, 5th Floor (Ceremonial Courtroom)

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February 8, 2017

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March 8, 2017

General Meeting: U.S. District Court, Courtroom 1, 5th Floor (Ceremonial Courtroom)

April 12, 2017

General Meeting: U.S. District Court, Courtroom 1, 5th Floor (Ceremonial Courtroom)

May 10, 2017

Dinner Meeting: Adobe Lodge

Please note that notices will be sent prior to each meeting with additional program information, including confirmation of location and time.

EXHIBIT D TO MS. FOX'S DECLARATION
[FILED WITH SANTA CLARA COUNTY COURT
ON OCTOBER 3, 2014]
[RECEIVED BY CALIFORNIA SIXTH DISTRICT
COURT OF APPEAL ON OCTOBER 7, 2014]

**SUPERIOR COURT OF THE STATE OF
CALIFORNIA IN AND FOR THE COUNTY OF
SANTA CLARA**

In Re Marriage of LINDA YI TAI SHAO, Petitioner, And TSAN-KUEN WANG, Respondent	CASE NO.: 1-05-FL126882 Court of Appeal Case: H040977 NOTICE OF DESIGNATION OF COURT REPORTER'S TRANSCRIPT AND CLERK'S TRANSCRIPT FOR APPEAL FROM 3/14/2014 ORDER.
---	---

**I. DESIGNATION OF COURT REPORTER'S
TRANSCRIPT FOR APPEAL.**

The court reporter's transcript includes:

1. 12/16/2013's hearing transcript
2. 9/12/2012's hearing transcript
3. 6/24/2011's hearing transcript **TOTALLY 142 PAGES**
According to Rule 8.130 (b)(3), instead of a deposit
under (1), the party may substitute (C) a certified
transcript of all of the proceedings designated by the
party. A copy of the two days' transcript is hereby
deposited with this Court, alone with this filing.

II. DESIGNATION OF CLERK'S TRANSCRIPT

Filing Date	Document	Filed by
6/21/2010	Motion to compel response to Discovery	Respondent

EXHIBIT E TO MS. FOX'S DECLARATION
[FILED WITH SANTA CLARA COUNTY COURT
ON OCTOBER 3, 2014]
[RECEIVED BY CALIFORNIA SIXTH DISTRICT
COURT OF APPEAL ON JULY 21, 2015]
SUPERIOR COURT OF THE STATE OF
CALIFORNIA IN AND FOR THE COUNTY OF
SANTA CLARA

In Re Marriage of LINDA YI TAI SHAO, Petitioner, And TSAN-KUEN WANG, Respondent	CASE NO.: 1-05-FL126882 Court of Appeal Case: H040977 COURT REPORTER'S TRANSCRIPTS DEPOSITED WITH THE COURT PURSUANT TO RULE 8.130(b)(3)
---	---

The court reporter's transcript hereby deposited with the Court by Plaintiff includes totally 142 pages for the following 3 hearings:

1. 12/16/2013's hearing transcript
2. 9/12/2012's hearing transcript
3. 6/24/2011's hearing transcript

Dated: October 3, 2014 /s/ Yi Tai Shao
Yi Tai Shao, Esq.

EXHIBIT F TO MS. FOX'S DECLARATION

Servicing Notification for H040395

TrueFiling <truefilingadmin@truefiling.com>

To: Yi Tai Shao<attorneylindashao@gmail.com>

Mon, Mar 14, 2016 at 9:25 AM

The document listed below is being electronically served to you for case H040395 for California Court of Appeal, Sixth Appellate District by B. Miller (BMILLER) from Court of Appeal, Sixth Appellate District

Document Title: H040395 – Order – DISMISSAL

ORDER FILED – 3/14/2016

- Case Number: **H040395**
- Description: **FL126882 | Shao v. Wang**

- Link: Click to download document

The following people were electronically served this document.

- **Yi Tai Shao** (attorneylindashao@gmail.com)
- **David Sussman** (spkdalaw@aol.com)
- **B. Miller** (truefilingadmin@truefiling.com)

If you are unable to view the document using the hyperlink above, please copy and paste the entire URL into a web browser's address bar.

<https://eservice.truecertify.com/?loc=TFS-H4FHQP-830F45C1&KEY=Z5W6>

Thank you,

California Court of Appeal, Sixth Appellate District

**EXHIBIT G TO MS. FOX'S DECLARATION:
FRAUDULENT COURT NOTICE MADE ON
SATURDAY!**
[FILED WITH SANTA CLARA COUNTY COURT ON
MARCH 12, 2016]
[STAMPED "RECEIVED" BY CALIFORNIA SIXTH
DISTRICT COURT OF APPEAL ON MAR. 14, 2016
(SATURDAY)]

**SUPERIOR COURT OF THE STATE OF
CALIFORNIA IN AND FOR THE COUNTY OF
SANTA CLARA**

In Re Marriage of LINDA YI TAI SHAO, Petitioner, And TSAN-KUEN WANG, Respondent	CASE NO.: 1-05- FL126882 Court of Appeal Case: H040977 <u>NOTICE OF APPELLANT'S NONCOMPLIANCE</u>
--	--

NOTICE IS HEREBY GIVEN THAT PURSUANT TO
CRC 8.140, THE APPELLANT WAS NOTIFIED OF A
FAILURE TO COMPLY IN THE ABOVE ENTITLED
ACTION AND HAS NOT RESPONDED WITH THE
APPROPRIATE ACTION WITHIN THE MANDATED
TIME. THE APPELLANT HAS FAILED TO COMPLY
FOR THE REASON(S) INDICATED BELOW:
**CRC 8.130 DEPOSIT FOR REPORTER'S
TRANSCRIPT NOT TIMELY DEPOSITED**

CLERK'S CERTIFICATE OF MAILING
I CERTIFY THAT I AM NOT A PARTY TO THIS
CAUSE AND THAT A TRUE COPY OF THIS
DOCUMENT WAS MAILED FIRST CLASS
POSTAGE FULLY PREPAID IN A SEALED
ENVELOP ADDRESSED AS SHOWN BELOW AND
THE DOCUMENT WAS MAILED AT
SAN JOSE, CALIFORNIA ON MARCH 12, 2016 BY

DAVID H. YAMASAKI
CHIEF EXECUTIVE OFFICER/CLEARK
BY: /S/ R. DELGADO, DEPUTY CLERK

COURT OF APPEAL SIXTH APPELLATE DISTRICT 333 W. SANTA CLARA ST., STE. 1060 SAN JOSE, CA 95113	LINDA SHAO, ESQ.#182768 560 S. WINCHESTER BLVD., STE. 500 SAN JOSE, CA 95128 IN PRO PER
DAVID SUSSMAN 95 S. MARKET STREET, #410 SAN JOSE, CA 95113 ATTY FOR TSAN-KUEN WANG	ATTN: NANCY SPACE DEPARTMENT OF CHILD SUPPORT SERVICES 880 RIDDER PLACE DRIVE SAN JOSE, CA 95131

EXHIBIT H: FRAUDULENT DISMISSAL ORDER
OF 3/14/2016
[ELECTRONICALLY FILED ON 3/14/2016]

**IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA SIXTH APPELLATE DISTRICT**

**H040395
Santa Clara County No. FL126882**

In Re Marriage of
LINDA YI TAI SHAO, Petitioner,
And
TSAN-KUEN WANG, Respondent

By THE COURT:

The appellant having failed to procure the record on appeal within the time limits allowed or within any valid extensions of these time limits, and having further failed to apply to this court for relief from default, the appeal filed on November 18, 2013, is dismissed. (See rule 8.140(b), California Rules of Court.)

Date: 03/14/2016 Conrad L. Rushing P.J

**EXHIBIT I: FRAUDULENT COURT NOTICE
ISSUED ON 3/14/2017 AFTER UNSUCCESSFUL
ATTEMPT OF DISMISSAL ON 3/14/2016!**

**[FILED WITH SANTA CLARA COUNTY COURT ON
MARCH 14, 2017]**

**SUPERIOR COURT OF THE STATE OF
CALIFORNIA IN AND FOR THE COUNTY OF
SANTA CLARA**

In Re Marriage of LINDA YI TAI SHAO, Petitioner, And TSAN-KUEN WANG, Respondent	CASE NO.: 1-05- FL126882 Court of Appeal Case: H040395 <u>APPELLANT'S DEFAULT NOTICE</u>
--	---

NOTICE IS HEREBY GIVEN THAT PURSUANT TO CRC 8.140, THE APPELLANT WAS NOTIFIED OF A FAILURE TO COMPLY IN THE ABOVE ENTITLED ACTION AND HAS NOT RESPONDED WITH THE APPROPRIATE ACTION WITHIN THE MANDATED TIME. THE APPELLANT HAS FAILED TO COMPLY FOR THE REASON(S) INDICATED BELOW:

**CRC 8.130 DEPOSIT FOR REPORTER'S
TRANSCRIPT NOT TIMELY DEPOSITED**

CLERK'S CERTIFICATE OF MAILING
I CERTIFY THAT I AM NOT A PARTY TO THIS CAUSE AND THAT A TRUE COPY OF THIS DOCUMENT WAS MAILED FIRST CLASS POSTAGE FULLY PREPAID IN A SEALED ENVELOP ADDRESSED AS SHOWN BELOW AND THE DOCUMENT WAS MAILED AT SAN JOSE, CALIFORNIA ON MARCH 14, 2017 BY

DAVID H. YAMASAKI
CHIEF EXECUTIVE OFFICER/CLEARK

BY: /S/ R. DELGADO, DEPUTY CLERK

LINDA SHAO, ESQ. #182768 1999 S. BASCOM AVENUE, STE 700 CAMPBELL, CA 95008	COURT OF APPEAL SIXTH APPELLATE DISTRICT 333 W. SANTA CLARA ST., STE. 1060 SAN JOSE, CA 95113
DAVID SUSSMAN 95 S. MARKET STREET, #410 SAN JOSE, CA 95113 ATTY FOR TSAN-KUEN WANG	

**EXHIBIT 17: 10/31/2011 ORDER MAINTAINING
AUG. 4 AND 5 OF 2010 THAT WAS VACATED ON
7/22/2011 HEARING—JUDGE MARY ANN GRILLI
COMMUNICATED EX PARTE WITH DAVID
SUSSMAN TO DRAFT THIS ORDER WITH
KNOWING TYPOS OF THE YEAR IN THE
SECOND PARAGRAPH (“2011” SHOULD BE
“2010”) JUDGE ZAYNER USED THIS ORDER AS
A BASIS TO SUPPORT HIS REFUSING TO
RETURN CHILD CUSTODY TO SHAO
FILED 10/31/2011: FINDINGS AND ORDER
AFTER HEARING SIGNED BY JUDGE MARY
ANN GRILLI**

In re: Shao - Wang Case No. 105FL126882 Attachment
'7'to Findings and Order After Hearing

1. Petitioner's Motion to aside Orders of August 4 and 5, 2010 is granted.
2. The August 4 and 5, 2011 Order for supervised visitation shall continue until further Order of the Court.
3. A hearing is calendared for July 29, 2011 at 1:30 p.m.
4. Issues for the July 29, hearing will be: a. Emergency Screening; b. Mother's Motion to modify custody; c. The appropriate temporary schedule for the children. 5. Social workers Anita Hu and Misook Oh are ordered through their counsel to return on July 29, 2011 at 1:30 p.m.
6. The Family Court Custody Evaluation will commence August 24, 2011.

Issues to be addressed in the Child Custody Evaluation are: a. Temporary custody and visitation b. Extent to which Louis Wang should have contact with his sister, Lydia Wang.

**[PSYCHOLOCAL EVALUATION OF TSAN-KUEN
WANG ORDERED ON 7/22/2011 WAS OMITTED
WILLFULLY IN THIS FORMAL ORDER.]**

EXHIBIT 18: DOCKET OF H037820
ENTRY OF 5/21/2014

Docket (Register of Actions)		Date	Description	Notes
01/12/2012	Notice of appeal		lodged/received. Linda Shao, et al., filed 12/30/11 [omitted]	
05/21/2014	Opinion		(Signed Unpublished) The appeal of the October 31, 2011 order is dismissed. The January 25, 2011 order denying Ms. Shao's motion to appoint counsel for her 17-year old son, and to remove counsel for her daughter, L.W. is affirmed. (clr, emp, fde)	
05/30/2014	Motion filed.		motion to vacate dismissal and opinion dated May 21, 2014 or Publish Opinion 06/18/2014 Filed document entitled: SUPPLEMENTAL DECLARATION OF YI TAI SHAO SUPPORTING MOTION TO VACATE DISMISSAL AND OPINION DATED MAY 21, 2014 OR CHANGE THE PUBLICATION STATUS TO BE PUBLISHED OPINION	
06/20/2014	Petition for		The Motion to Vacate Dismissal and Opinion or Change the Publication	

	rehearing denied.	Status to be Published filed in the above entitled action by appellant on May 30, 2014, is denied. The opinion does not establish a new rule of law, nor does it meet any of the other criteria set forth in California Rules of Court, rule 8.1105(c). In compliance with California Rules of Court, rule 8.1120, the Clerk shall transmit the request for publication and a copy of this order to the Supreme Court. (Rushing, P.J., Premo, J., and Elia, J. participated in this decision.)
06/23/2014	Received copy of Supreme Court filing.	application to transfer cause from court of appeal to the Supreme Court 06/25/2014 Supreme Court order filed re: The matter to transfer the above-entitled appeal, currently pending before the Court of Appeal, Sixth Appellate District, to this court is denied. The request for an order directing publication of the opinion in the above-entitled appeal is denied

06/25/2014	Supreme Court order filed re:	The matter to transfer the above-entitled appeal, currently pending before the Court of Appeal, Sixth Appellate District, to this court is denied. The request for an order directing publication of the opinion in the above-entitled appeal is denied
07/07/2014	Received copy of Supreme Court filing.	amicus letter from California Protective Parents Associatio
07/09/2014-8/6/2014	Received copy of	letters in support of petition for review
08/11/2014	Received copy of	proof of service for amicus letters
08/13/2014	Petition for review denied in Supreme Court.	
08/15/2014	Remittitur issued	
08/15/2014	Case complete.	
08/15/2014	Record purged - to be shipped to state records center.	[note: Illegal purging files]

12/01/2014	Received letter from:	U.S. Supreme Court indicating a writ of certiorari was filed on November 12, 2014
01/26/2015	Received:	application for stay and emergency relief to US Supreme Court
02/27/2015	Received letter from:	US Supreme Court indicating that the writ of certiorari is denied.
03/27/2015	Received:	petition for rehearing to the US Supreme Court
04/23/2015	Received letter from:	petition for rehearing to the US Supreme Court is denied

**EXHIBIT 19: DECLARATION OF MEI-YING HU,
FILED ON AUGUST 4, 2010 REGARDING
EVIDENCE OF CORRUPTION OF SOCIAL
WORKER MISOOK OH AND TSAN-KUEN WANG**

105FL126882; FCS CASE NO. 58794 [filed on 8/4/2010,
the day Judge Edward Davila ordered to place the
minor at her complained abuser]

DECLARATION OF MEI-YTNG HU

I, Mei-Ying Hu, declare:

1. I am over age 18. I have personal knowledge of the facts stated herein. I am competent 18 to testify if called as a witness.
2. I am a teacher at Happy Childhood in San Jose, Cupertino area, California.
3. On August 2, 2010, I saw Lydia Wang a 5-yeat-old girt, as a new drop-in student. It was the first time she came to Happy Childhood. She was in at about noon.
4. At about 1:30 p.m., I noticed a lady who I later learned to be the social worker for Lydia's case, standing outside of the door. Our door is always locked for security reason.
5. After checking with Lydia's Mom, I opened the door in response to her ringing the door bell at about 1:40 p.m. She asked for a private room. Lydia was still drawing. Later Lydia came in. With Lydia's permission, I stayed with them during the interview.
6. This social worker asked very detailed questions to Lydia in response to Lydia's statement about where her father hit her. Lydia stated many places of her body being hit by her father: choked her, hit the chest and back, scratched her hand, etc.
7. The social worker questioned on Lydia many times as to where, why and how the injuries happened.
8. The social worker further later asked Lydia to show the back injury. I was impressed that Lydia's oral response, prior to demonstration, was that the place

being hit was the middle of her back, which is consistent with her later fingers/hand's showing about where the location on her back was.

9. There were two questions made by the social worker that I felt unreasonable. She asked Lydia did she see the bruise on her back and Lydia answered "No." I felt that being unreasonable as how could a person see the bruise on his/her back. While Lydia told her about Father's scratching her hand; the social worker said "Could you show me where the scratch is?" I felt that if such injury occurred within a short period of time, then it is reasonable for her to ask such question, or the scratch mark could not last.

10. The social worker called Father in front of Lydia, asking if Lydia agrees her to do so. Lydia said Yes. I heard Father denied hurting Lydia. After that, the social worker kept Father on the phone line, and kept asking Lydia the same questions repeatedly if she is telling the truth because her Dad denied any wrong doing, Lydia kept responding that she told the truth.

11. As a teacher, I felt that it is improper to call the Father in front of such a young child which I believe could be a pressure to Lydia.

12. Then, a phone rang and I left the room (maybe 2 minutes). They kept talking. I do not know what they talked. However, I did notice a big change of position of Lydia inside the room. Before I left for the phone, we were sitting on a small rectangle desk where I faced the social worker and Lydia was between us on our inner side of the room. When I returned, I was amazed at seeing a big change. Lydia was standing next to the door inside the room facing the social worker. Social worker was still sitting. I then took Lydia back to her seat.

13. When I returned, they continued talking. I heard Lydia kept saying to the social worker that she told the truth.

14. Even after the social worker left the room, Lydia kept saying to me in Mandarin, "I did tell her the truth", many times. I also informed the social worker before she left the door about what Lydia just stated.

15. From the context of conversations. between Lydia and the social worker that I heard, any reasonable person, including the adults, would have the same feeling that Lydia has-- that is, the social worker did not believe in her words.

16. Yesterday, August 3rd Lydia persisted on staying in our front open spaced carpet, standing with her back against the wall and walked around the line against the wall back and forth for about 30 minutes. She looked completely different than her demeanor shown on August 2, the first day. I asked her to eat and she kept refusing to eat. She also refused to drink any water or juice. She would not go to the small rooms until later I asked her to do so many times. She appeared to be very traumatic and I think it maybe because she had spent not good time with the social worker in the class room in prior day. She did not eat the food prepared by her mother at all and did not drink. I asked her if she was hungry and she said no. I did report to the director the above change of behaviors of Lydia and my thoughts.

17. In my opinion, Lydia did tell the truth about her father's hitting her because she was quite consistent during so many different times being interrogated repeatedly by the social worker.

I swear under the perjury under the laws of the State of Caledonia that the foregoing is true and accurate to the best of my knowledge.

Dated: August 4, 2010
/s/ Mei-Ying Hu

**EXHIBIT 20 AFFIDAVITS OF THE
PROFESSIONAL SUPERVISOR ESTHER ALEX-
TAYLOR (ABOUT 10)**

FILED 4/28/2016 with Santa Clara County Family case (APP.807)

¶3. Father has not disclosed his residence to me. The first time I learned of his residence was May 2014 when the police was called as Father refused to bring Lydia to a visit at the designated visitation time ordered by the Court.

FILED 7/07/2011 with Santa Clara County Family case (APP.809)

I, Esther Alex-Taylor, declare

1. I am Executive Director of Family Konnections, a. Professional Supervised Visitation & Exchange Agency. I have personal knowledge of the facts stated herein. I am competent to testify at the Court if called as a witness.

2. Attached hereto in Exhibit A are true and accurate copies of all reports I have made for this case from December 29, 2010 until April 22, 2011. The reports were made by me truthfully based on my own observation during the Supervised Visits for the child Lydia Wang with Mother Linda Shao and her brother Louis Wang.

3. I did not see any problems with Linda Shao or Louis Wang during any of the Supervised Visits I observed. The visits went well and Lydia interacted well with her Mother and brother. Mom tried to accommodate Lydia's requests during the visits with various activities and dietary requests within the limit of the visit. Both Linda and Louis are very loving and protective of Lydia.

4. Lydia complained on several occasions of various health issues during Supervised Visitation. She expressed several concerns at her father's home such as

lack of sleep, constipation, leg pain and problems with Richard (her step-brother). Lydia stated several times that her father covered her dark circles under the her eyes with cream. She was concerned and complained that the things given to her by her Mother or brother would disappear or be destroyed once she brought them to her father's home; therefore she continuously asked Mom or Louis to keep the gifts, etc. at Mom's home for her.

Lydia expressed many times her desire to go to Mother's home and to have Ron (Mother's boyfriend) participate during the visits.

I swear under the penalty of perjury under the laws of the State of California that the foregoing is true and accurate to the best of my knowledge. Executed in San Jose, California by fax on July 6, 2011.

**FILED 11/25/2014 ECF#215 CASE 3:14-CV-01912
WBS**

**DECLARATION OF ESTHER ALEX-TAYLOR
SUPPORTING PLAINTIFF'S SUPPLEMENTAL
BRIEF (11/21/2014's ORDER) (App.814)**

I, Esther Alex-Taylor, declare

1. I am a licensed professional supervisor and have been supervising Ms. Linda Yi Tai · Shao's visits with her daughter Lydia since December of 2010, from Lydia's 5 years old I until now she is 9.
2. **Ms. Shao is the one of the longest supervised visitation that I have been involved with.** Each visit was very successful and Lydia enjoyed Ms. Shao's presence and would be not wanting to leave from time to time. **Lydia has expressed numerous times that she wishes to return to Mother's residence. I did not see any problem with Ms. Shao as being a mother. She has been very loving and caring of Lydia.** Originally Louis resided with Mom but was advised he started living with his father in February

2013, and together with Lydia. They were very happy together in each visit throughout the years.

3. As I have made declarations many times and also testified at the Court in July 2013 in front of Judge Lucas, during all visits I observed strong bonding between Ms. Shao and her daughter and no issues during the visits. During the visits Lydia complained of lack of sleep, and health issues. There was a lengthy period of time that Lydia exhibited green face, fatigue, dark circles under her eyes, constipation, leg pain, vaginitis (odor from vagina), head lice, etc., as I declared before. Lydia is still complaining of fatigue from time to time, even though the visits took place in the morning. In recent months, the visits are restricted to the court-ordered time, even though Mom suggested difference times which Father's denied. Lydia complaints of toys and gifts given to her by Mother have disappeared and possibly appear to be kept away from her by Father. As Lydia stated in last visit of November 22, 2014 that those "disappeared" gifts and toys from Mother in the past years, re-appeared in her drawer after her moving to current Cupertino residence (moving time was in June 2013).

4. I was asked by Ms. Shao to appear for October 27, 2014's hearing where Ms. Shao had informed the court of my appearance to testify, regarding Ms. Shao's motion to modify custody and my prior declarations submitted to the Court about Mr. Wang's deterrence of child visits this year. I was present with the Court the entire morning. Judge Zaynor refused to allow me to testify. I heard Judge Zaynor's discussion of whether Ms. Shao gave the Court notice of calling me to testify. I saw Ms. Shao's presentation of some document filed with the Court about calling me to testify. I heard Mr. Fadem told Judge Zaynor that Lydia was "happy" and no need to modify custody, that the insurance claims records about Mr. Wang's mental

illness were hearsay. Judge Zaynor refused to allow Ms. Shao to ask Mr. Wang to testify, either, even though Ms. Shao asked "only 5 minutes". Judge Zaynor commented that even though it is common for parties to examine and testify at the court during hearings in the family court, he would not allow Mr. Wang to testify. I heard Judge Zaynor made rulings against Ms. Shao after he was served with Ms. Shao's disqualification statements.

5. On November 1, 2014, during the supervised visit, Lydia mentioned that the last time she saw Mr. Fadem was in mid-July 2014 when she was brought by Father to Mr. Fadem's office. Before mid-July 2014, Lydia stated the last time she saw Mr. Fadem was in October 2013 in his office. Lydia said that she told Mr. Fadem each time, including the July 2014's interview, that she was "not happy" but Mr. Fadem simply asked Lydia to play with the toys in his office upon hearing Lydia's complaint. Lydia complained of being bored in meeting Mr. Fadem. Lydia also said that she told her therapist Carol TaitStarnes that she was not happy with her father's place. It is different from what Mr. Fadem told Judge Zaynor on October 27, 2014.

6. Lydia is an extremely intelligent child. Lydia can use English like an adult and even for difficult terms that many adults even could not use. From April 2012 until present, Lydia mentioned many supernatural experiences, including five little angels surrounding her every night since February this year. She mentioned about Jesus Christ appearing to her many times in 2012 and this year. She saw Father God in the Heaven one time with Jesus standing on the right side of the throne. She drew a picture about how the throne and Father God looked alike. Lydia said that Father God, Jesus Christ and little angels, all

of them, told her that she was to return to her mother.

7. Lydia expressed many times of wishing to see her maternal grandfather. After learning her maternal grandfather passed away, Lydia expressed that her father was mean not to allow her to see her maternal grandfather. Lydia later mentioned about 3 times during recent visits that she was brought by the little angels to Heaven and talked to her maternal grandfather two times, including having a meal with her maternal grandfather in Heaven. During November 22, 2014's visit she mentioned that she even felt kind of half full when she returned to the earth, from that meal. She described in detail what she ate in the meal with her grandfather in the Heaven. She mentioned her grandfather read the Bible in Chinese to her which she could not understand, including Galatians Chapter 6, and Acts Chapter 16 where the Bible mentioned her name. I swear under the penalty of perjury under the law of the U.S. that the foregoing is true and correct. Executed in Milpitas, California on Nov. 24, 2014.

FILED 11/30/2011 (App.818)

3. Attached is a true and accurate copy of my Observation Reports of the Thanksgiving visit on 11/24/2011 from 10:05am to 2:05pm and Sunday 11/27/11 from 12:00 pm to 7:00pm.

4. As my usual practice, I documented information based on what I observed and heard during the visits which is detailed on the Observation Reports.

5.. In the past 11 months, each visit was very successful. Linda and Louis were very loving and caring for Lydia and Lydia was very attached to her mother and brother. However, Lydia complained of being fatigued often during many visits. She often looks pale. There were many visits she arrived looking pale and

regained her color after being fed nutrients by her mother Linda Shao.

6. On 11/24/2011, Lydia stated that she woke up at 9:00 am and went to bed the previous night at 9:00 pm. She stated that she was hungry prior to entering Denny's Restaurant. Despite 12 hours of sleep bed Lydia appeared very tired, sleepy and did not have an appetite. Lydia was presented not only food from Denny's but also prepared by her mother, which she normally would eat without hesitation. Lydia appeared to be pale and looked unhealthy several times during the past 11 months of my observing the visits, especially the most recent months.

7. On 11/27/2011, there was a seven hour visit, which they enjoyed a visit at the San Francisco Zoo. On the way back to Cupertino, Lydia fell into asleep in the car. Shortly after she woke up she stated that she slept for a long time in the car. She also stated it is very difficult to get to sleep at night, even though she goes to bed early. She stated she did not fall asleep until midnight on 11/26/11.

I swear under the penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed in San Jose, California on November 30, 2011 by fax.

**FILED ON MAY 1 2014 WITH SANTA CLARA
COUNTY COURT FAMILY CASE (App.0820)
SUPPLEMENTAL AFFIDAVIT OF ESTHER ALEX-
TAYLOR**

2. The father, Tsan-Kuen Wang, had a history of deterring child visits for which I had made an affidavit in March 2014.

3. In the past weekend, again, the father deterred visit.....

5. At the end of the visit on the drive to return Lydia back to her father Lydia stated in the car that she felt

very secure at the mother's place and not so secured at her father's place.

FILED Jan.27 2012 with Santa Clara County

Court Family case (App.822)

DECLARATION OF ESTHER ALEX-TAYLOR

I am a professional supervisor for Linda Shao and Louis Wang's visits with Lydia Wang. Attached hereto are true and accurate copies of my reports made based on my own observations during visits taken place on January 15, 2012 and January 22, 2012.

1/15/2012 report:

Father took Lydia to be interrogated by his attorney David Sussman

When they left The Tech Museum Mom was carrying Lydia. Mom said "Do still have vaginitis? Do you know how long you had it?" Lydia said "I don't know." Mom said "I cannot sustain." She put her down and Louis started carrying her. Lydia saw the Heritage building and she said "Sharon works there." Louis said "Mom, do you know Sharon?" Mom said "Yeah she is fat?" Lydia said "She is sort of fat." Mom said "Did you see her?" Lydia said "Yeah." Mom said "Last year? Did you see her recently?" Lydia said "In December on the first week of break. I stayed with her over night. She has two dogs. One is kinda scary and one is a Chihuahua." They went inside Chicago Pizza to see if they wanted to eat there. They decided to go to KFC. Mom said "Why are you talking about Sharon?" Louis said "Lydia saw the Heritage building over there and she said she works for the Heritage." Mom said "No, she doesn't work in that building." Mom pointed to another building and said "She works in that building." Lydia said "Yeah on the fourth floor." Mom said "The fourth floor, she is Ms. Sussman's secretary. She also is a Paralegal." Lydia said "She took me to

her office, gave me a present and some candy and she asked me questions."

1/22/2012 report

Lydia said "I ped an email to Sharon. It was very long, I was so tired but I eventually finished it." Mom said "You created an email yourself?" Lydia said "Yeah." Mom said "Do you email your teacher?" Lydia said "I email my teacher if I can't find my book." Mom said "Last time you went to see Sharon was Martin Luther King last year?" Lydia said "Yeah." Mom said "Was that the first time you met Sharon?" Lydia said "Yeah." Mom said "You said you went with your Dad to Sharon's office? How do you have the email of Sharon?" Lydia said "My Dad told me."

**EXHIBIT 21: LOUIS WANG'S LETTER TO
RICHARD ROGGIA RIGHT BEFORE THE CHILD
ABDUCTION ON 8/4/2010 (APP.831)**

Subject: My Sister Needs Protection Now From : Louis Wang (louis2emo@yahoo.com) To : Sprigman@aol.com; Cc : Brohne.Lawhorne@ohr.sccgov.org; shaolawfirm1@yahoo .com; Date : Wednesday, August 4, 2010 1 :39 AM

Richard Roggia,
Recent Incidents

On July 19th, I witnessed my sister shaking and crying and ran away once dad arrived to pick up Lydia . I see my sister suffer enough and my father ignores this. He purposely calls the police on mother and wont help my sister. I got pissed scolded my old man 2 times and saw my sister cry in front of police. Lydia does not want to return and scared to return to dad because she is not safe there.

On July 26th my sister told me something that was very shocking. My sister returned back home on the 26th and she came home crying saying "I want daddy not mommy." After my sister calmed down she told us that her dad told her to perform at morns by crying and saying she doesnt want mom. She told me then that on Friday, July 23rd dad ordered the boy Richard to beat her when my sister said she wants brother there. My sister was scared and ran to her room and the boy followed and hit her on the back once.

The next day on Tuesday, my sister told me more. July 20th, my dad pinch her on the leg and told her not to say a thing. July 21st he stomped on her foot. July 24th, Wednesday my dad want Lydia to lie and perform in front of CPS and my sister say 'No" to him. The next day on July 25th, Thursday is the CPS interview. My dad got pissed and beat and humiliated her with the assistance of his stepson. Jean his wife, Richard's

grandparent also assisted my father by standing there watching. My sister was beat from head to toe. My sister could not sleep at night and Lydia cried every night at dads. My lovely sister is both physically and emotionally damaged from all this.

Misook Ob's horrible behavior

on 8/02 my sister was interviewed by Misook Oh, a social worker at Happy Childhood. My sister told me tonight on 8/03 that Misook Oh scared her. My sister told me how the social worker scared her by telling her that

"I wont help you anymore." "Dad say the truth, you are -the big liar." "You are not good here so I won't let you go to moms house." "You can't go to moms and won't e you go here then you will stay all by yourself." "Nothing wrong about your dad your dad say nothing wrong." 'Nothing wrong dad say on the phone.'" "Your mom is going to jail and you wont see your mom anymore." "No no no you cannot go back to moms." "You are a liar, and Richard, Jean, Dad are my friends." "You don't have enough people and I have three are Richard, Jean, Dad."

My sister was terrified. A teacher was 3rd person during this interview and told us that the social worker was acting strange towards Lydia. On 8/03, my sister did not eat any breakfast did not touch her food. My sister 8/03 told me about this and the reason she did not eat is because she was stressed and stomach hurt the whole day refuse to touch her food. Misook Oh's behavior is unacceptable and is prejudiced against my mother. She is racist and I believe to be led by my father into this.

MY WISHES

1. My wish is that my sister will be protected from danger and to seek immediate phycological help and Stanford

is highly recommended they have interpreters and excellent doctors.

2. Also please bring up the fact that the asshole should stop all this nonsense and help his own kids move on. He needs to stop playing games. He sacrifices his own children for his own desire to ruin my mother. I cannot tolerate his behavior and am very tired of him.
3. He needs to pay for our education. He always disagrees with my mother regarding education and doctors and he refuse my sister to learn Chinese and drawing her passions of learning. He cannot spend a single cent on his own kids I believe he waste his money on litigation which should be given to the needy, our college, our life.
4. My dad is rich and refuses to support his own kids driven mad bringing his own kids into the mess and bringing trouble to my mother. Please bring up that he needs therapy and is filled with hate against my mother his children inflicted with the pain dragged into this mess because of his selfishness.
5. I want a different social worker Misook Oh should not scare my sister causing her mentally disturbed.
6. I want my dad to stop harrassing my family
7. He should take full responsibility for his actions and don't let him get away from what he's done to me, my sister, my family.

**EXHIBIT 22: AMICUS CURIAE LETTER OF
LOUIS WANT TO CALIFORNIA CHIEF JUSTICE
ON MARCH 5, 2012**

Louis Wang March 5, 2012 Via First Class Mail
Presiding Justice
Supreme Court of California 350 McAllister Street San
Francisco, CA 94102-4797

Re: Amicus Curiae Letter supporting Writ to be issued
for Case Number S200228

Dear Presiding Justice:

I am Lydia's brother. I am seventeen years old and will be turning eighteen within two months. I am presently a De Anza College full-time student. My mother is Linda Shao. Lydia and I are best friends. I love Lydia very much. I named the first name of my sister.

From March 2010, my sister suffered abuse from my father and his then girlfriend's son, Richard. My sister always talked to me and I told my Mom and my Mom took action to protect Lydia.

My father is not a good father. From my five years old until the time my parents separated in May 2005, I suffered long term emotional abuse by my father. I often witnessed my dad verbally abusing my mother with profanities, threatening mother to pay for all the finances, yelling at mother, and slamming doors. In 2005 before my parents divorced, I witnessed the most traumatic incident was when father pushed my mother so that she almost fell to the ground a month after she gave birth to Lydia, my little sister.

My mom is the best mom, in comparison with many mothers I met.

I suffered severe depression in being forced to live 50/50 with my father from 2007. For about four years, he forced me to see the court-ordered therapist that I hated. I was so depressed that my school grades dropped from straight As' to Os' and Fs'. I experienced

health break down in February 2009, shortly after the therapist announced my therapy to be successful while I still suffered severe depression.

I later experienced God in 2010 who gave me the heart to forgive my father and my enemies. When I was almost recovered in Summer 2010, I was again traumatized severely by Lydia's being suddenly taken away on 8/4/2010's evening.

The social workers and Family Court Service screener promised to help my sister. However, instead of helping her, they all harmed my sister.

We were to go to New York to have a family reunion on 8/5/2010. The vacation was awaiting to take place after my final exam on 8/5/2010. It was a shock to all of us that Lydia was taken away and specifically forbidden to go to New York by such unconstitutional orders. I was informed later that it was my father's attorney's secret communication with Judge Davila that caused me to be separated from Lydia by 8/5/2010's Order. My previous attorney even had no idea how such order was made.

Unaware of such order, on 8/5/2010, I called Sunnyvale Police begging them to allow me to say good-bye to my little sister. I saw her wearing a red coat with both arms hiding behind the coat in the hot summer. She appeared to have cried through the night. She had large purple eye bags with about half to one inch under each eye. She appeared spaced out and did not smile at all when she saw us. She used to be a happy child and I never saw her this way. When I hugged her good bye, her body was trembling. I was concerned that she could have been battered again, or, otherwise, why her hands were in the coat, not in the sleeves.

Later I learned that there was an order of 8/5/2010 and I was not even allowed to call my sister at all. I was not allowed to see my sister until October 2010.

My sister asked many times why she could not come back home and expressed her desire to come back home.

However, I cannot do any thing to help her. I am so frustrated that I suffered severe emotional being unable to protect my sister.

My sister told me she was threatened by my father not to tell anyone on what happened with the abuse. She told me she could not sleep well. She often would not bring back to father's place the holiday gifts from my mom and me as they would soon disappear.

She has been suffering vaginitis and the court as well as her attorney BJ Fadem would not care for her. She could not sleep well and I believe she is suffering from sleep apnea but my father refused to take her to see a sleep specialist and the court as well as her attorney did not help her either.

My sister is dreaming coming back home every night. She did not lie. I do not understand why the court would like to question a little girl's honesty and chose not to believe in her words? I saw her trembling and crying from nightmares during the time she complained about being abused at her father's place. I saw bruises.

I need my sister to be back. My sister needs me as well. She called me "Dad" many times and wanted me to hug her from time to time.

I am supporting my Mother's Petition for Review. Please help end our sufferings. My father is very sick. He has a lot of hatred against my mom and hurts us without a feeling.

With God's love and mercy, I forgive my father. However, my sister should not be required to live in horror or unable to sleep well any longer.

She has unhealthy greenish countenance since Thanksgivings 2011 in the beginning of almost every visit and then always looks good at the end of our visits.

My Mom is very nutritious and always prepares very nutritious food for us. Lydia should live with my Mom. Lydia should not be separated from me any longer. Please help my little sister.

I respectfully request the Supreme Court to grant review. Thank you very much for your time and consideration .

Sincerely yours,
Louis Wang

**EXHIBIT 23: AMICUS CURAIE LETTER OF
JENNY YAO (AMONG ABOUT 30 LETTERS)**

Jenny Yao
2966 Louis Road, Palo Alto, CA, 94303
March 21, 2012

Presiding Justice
Supreme Court of California
350 McAllister Street San Francisco, CA 94102-4797
**Re: Amicus Curiae Letter supporting Writ to be
issued for Case Number 5200228**

Dear Presiding Judge:

I am a resident of Palo Alto. I work as a software engineer for Cisco Systems, Inc., located in Milpitas, CA. I have known the petitioner, Linda Shao, and her family since she was in element school in Taiwan.

For more than 40 years, we have been attending the same church, first in the same locality in Taiwan, then different localities in the Bay Area. We have good communication and fellowship during these years. We met quite often during churches blending in the Bay Area. I also have some occasions to visit Linda and her families at Linda's home, and have chances to see Linda's son, Louis, and daughter, Lydia.

From my past 40 year relationship with Linda, I find her an upright and straightforward person. She is full of sense of righteousness, and willing to help others and serve God . She also keeps strong faith on God even at her very hardship on her marriage.

I often referred her as a legal consultation resource to my friends and church members. Many times she is willing to offer free consultation to me, my friends and church members.

Moreover, I can tell Linda is a very loving, responsible and caring mother. In her son Louis, I saw Louis trusting Linda and enjoying being with her. Linda can lead Louis in his faith before God. In her daughter Lydia, I saw that Lydia was very happy with

Linda, and the natural mother-daughter bonding in between.

It's pretty sad for a little girl like Lydia to spend only 50% of her time with her mom based on the original custody agreement.

However, I was fairly shocked to learn that Lydia has been only able to be with her mom 4-7 hours per week under supervision through the recent court orders for more than 19 months.

I am aware that the orders are the subjects for appeal. I am very concerned about a little 7 years old girl's long term separation from her mother and brother. I am concerned that the Court is not protecting the little child and has not listened to her. I am concerned that vacated orders are continued to be maintained as valid orders and such issues are continued to be ignored by the California courts. I have concerns that Lydia is not being protected when the court-appointed child attorney has not perform her job of protecting Lydia's interest. I am concerned that Louis needs attorney to provide a voice for him and protect his interests.

Fair judicial system is the foundation of a free country. There is no reason to deprive Mother of custody without any evidence nor an evidentiary hearing. We urge the Supreme Court to issue a writ to let Mother to have immediate custody of her seven year old daughter.

Sincerely Jenny Yao

**EXHIBIT 24: DR. MICHAEL KERNER'S
CONCLUSION OF HIS PSYCHOLOGICAL
TEST/EVALUATION OF SHAO**

Michael J. Kerner, Ph.D. #PSY 10641
1120 McKendrie Street
San Jose, CA 95126
408-236-6666 Fax 408-236—6662
KernerEvals@sbcglobal.net

March 15, 2011
Evelyn A. Cox
2215 22nd Street Sacramento, CA 95818
Fax: 916-455-4952
Re: Linda Shao
Dear Ms. Cox:

I was asked by the court to conduct a psychological evaluation on Ms. Linda Shao, which was published and sent directly to Ms. Jill Sardeson at Family Court Services. Santa Clara County Superior Court on February 25, 2011.

During a meeting with Ms. Linda Shao and her current significant other, Ron Blankenhorn, I stated to her, "I would be very surprised if you were not conscientious about the emotional and physical needs of the children."

As I stated on page 11 of my evaluation, "Ms. Shao appears to have more than adequate psychological resources for coping comfortably with the demands in her life and she is far more capable than most people of managing stress without becoming unduly upset. Her above average tolerance for stress derives from unusually good adaptive capacities that help her to remain remarkably calm and unflustered in crisis situations.

These personality strengths should facilitate considerably her being able to function effectively as a parent."

If I can be of any assistance, please contact me at
408-326-6667.

Respectfully submitted,
Michael J. Kerner, Ph.D. Clinical and Forensic
Psychologist

**EXHIBIT 25: ON JULY 22, 2011, IN THE
PRESENCE OF DR. MICHAEL KERNER, CHILD
ATTORNEY RICHARD ROGGIA REPORTED TO
JUDGE MARY ANN GRILLI THAT MOTHER IS
PSYCHOLOGICALLY SOUND AND COMPETENT
(JUDGE PATRICIA LUCAS FABRICATED AND
TWISTED DR. KERNER'S REPORT IN HER
CHILD CUSTODY ORDER OF 11/4/2013 THAT
WAS ADMITTED RECENTLY TO BE WRITTEN
BY McMANIS FAULKER LAW FIRM.)**

Relevant page of reporter's transcript of 7/22/2011 hearing, pages 56-57:

MR. ROGGIA:.....

And in terms of why I didn't—we have a hearing—it wasn't an evidentiary hearing. Clearly, what probably should have happened is, the Court should have set that evidentiary hearing some time after Ms. Shao got back from her vacation. And in the mean time issued temporary order that—that imposed supervised visitation, subject to Ms. Shao's return. That's what should have happened. It didn't happen.

From my perspective, just so that you know, we're in court and part of this order was a psychological evaluation of Ms. Shao because father was not seeing my client. Other than having my client return to the shelter, there's no place for my client. My client is living with Ms. Shao. There are issues about whether or not Ms. Shao is competent and capable. There are issues. That's why there was a psychological evaluation that was ordered. So I really wanted to see what the result of that psychological evaluation was before I jumped the gun if you will, and decided what to do. Although I—I—had serious concerns about my client's loss of contact with his sister. I wanted to see that psychological evaluation.

I have now looked at it. I am satisfied that the psychological evaluation indicates that Ms. Shao poses

no psychological risk to either my client or Lydia. So I am comfortable now in saying that Let's either proceed with – with—with an evidentiary hearing or modification, whatever we want. But we have a piece of the puzzle now that we didn't have before. And—and in some fashion—we need to pursue in that fashion. So I'll say that much, your Honor, in terms of what happened, why it happened and why it didn't happen.

**EXHIBIT 26: EVIDENCE AND STORY ABOUT
CHILD ABDUCTION BY THE COURT WITH
JUDICIAL CONSPIRACY AND CORRUPTIONS
ON AUGUST 4, 2010**

B.

Please see the court record App.859-867, which were
copied from shaochronology.blogspot.com

**EXHIBIT 27: DECLARATION OF DR. JEFFREY
KLINE FILED WITH SANTA CLARA COUNTY
COURT (FAMILY) ON DECEMBER 10, 2014; THIS
DECLARATION HAS BEEN TAKEN JUDICIAL
NOTICE OF AS TRUTH BY CALIFORNIA
SUPREME COURT TWICE**

I, Jeffrey Kline, declare

1. I am a Diplomat of the American Board of Forensic Psychology and have been a practicing clinic psychologist since 1990. I have the personal knowledge of the facts stated in this Declaration. I was stipulated by all parties to be an expert on forensic psychology in 19 the trial of July 2013.

2. Attached hereto in Exhibit A is a true and accurate 20 copy of my report on reviewing the subpoenaed records of CIGNA 21 Insurance Company regarding Respondent Mr. Tsan-Kuen Wang.

I swear under the penalty of perjury under the laws of the State of California that the foregoing is true and accurate to the best my knowledge. Executed in Menlo Park, California on December 10, 2014.

/s/ Jeffery Kline

Jeffrey Schreiber Kline, Ph.D., ABPP Board Certified; American Board of Forensic Psychology Psychotherapy, Consultation & Evaluation, Psychodiagnostic & Neuropsychological Jesting

12/10/14

Yi Tai Shao, Esq. Attorney at Law
560 S. Winchester Blvd., Suite 500
San Jose, CA 95128

Re: Affidavit Cigna Health & Licensing insurance Co.

Documents

Dear Ms. Shao,

Per your request, I have reviewed the Cigna health insurance claims you sent me regarding the mental health treatment of Tsan-Kuen Wang. I have been licensed to practice since 1989 and have frequently submitted insurance claims for my psychotherapy patients. Based on my training, experience, and knowledge, I declare the following regarding these documents. I cannot comment on Mr. Wang's mental health status as I have never evaluated or treated him. The documents indicate assigned diagnoses, treatment procedures, and dates of services as submitted to Cigna insurance by Sandy Chin, Ph.D., Carole Tait-Starnes, M.A., and Pamela Bates, CMHC, presumably Mr. Wang's treating psychotherapists.

Insurance Billing

Billing insurance for mental health services is conducted by paper or online. Information typically included on claim forms are patient identifying information, diagnoses, dates of services, procedures used, location of services, and charges. Psychologists (or office assistants) list the diagnoses that have been determined for their patient by numerical code that correspond to diagnoses contained in the Diagnostic and Statistical Manual of Mental Disorders, in this case the Fourth Edition Text Revision (DSM-IV-TR), as well as the International Statistical Classification of

Diseases, in this case the Ninth Revision (ICD-9). Procedures are also in numerical code form (CPT). It is presumed that services billed for particular diagnoses and procedures are consistent with the treating psychologist's clinical formulations and relevant case notes. Psychologists are ethically obligated to be honest and accurate in their documentation.

Diagnoses & Procedures

The Cigna insurance documents indicate that Dr. Chin submitted claim forms regarding her work with Mr. Wang for diagnostic evaluations (CPT codes 90801, 90791) and individual psychotherapy procedures (CPT codes 90806, 90834, 90837, depending on the duration of session) for dates of services from 12/22/09 to 7/19/14. Ms. Bates submitted claims that she saw Mr. Wang on 6/16/2010 and 7/27/10 for psychotherapy services, and Ms. Tait-Starnes submitted claims that she saw him on 10/26/10, 8/10/10, and 6/25/13. DSM-IV-TR mental disorder diagnoses that were submitted for services to Cigna included Adjustment Disorder With Anxiety (30924), Generalized Anxiety Disorder (30002), Major Depressive Disorder, Recurrent, Moderate Severity (29632), Mood Disorder Not Otherwise Specified (29690), and Adjustment Disorder, Unspecified (3099). ICD-9 diagnostic code 30009 (Anxiety State Not Elsewhere Classified) was also indicated in the Cigna documents. The following are date ranges that the documents indicate Dr. Chin submitted each diagnosis and summary descriptions of these diagnoses abstracted from the DSM-IV-TR:

Adjustment Disorder With Anxiety

12/22/09: 1 session 1/3/10

7/23/10: 31 sessions

7/27/13 - 9/29/13: 9 sessions

Adjustment Disorder With Anxiety is defined as "emotional or behavioral symptoms in response to identifiable stressor(s)" that include "marked distress

that is in excess of what would be expected from exposure to the stressor" or "significant impairment in social or occupational (academic) functioning." The "symptoms do not persist for more than an additional 6 months" after the "stressor (or its consequences) has terminated." The predominant manifestations are symptoms such as "nervousness, worry, or jitteriness."

Adjustment Disorder Unspecified

6/12/13 : I session

4/26/14 - 6/7/14: 7 sessions

Adjustment Disorder Unspecified is defined in the same manner as Adjustment Disorder With Anxiety except the Unspecified subtype is "used for maladaptive reactions (e.g., physical complaints, social withdrawal, or work or academic inhibition) to stressors" that are not classifiable as anxiety, depressed mood, disturbance of conduct, or disturbance of emotions.

Generalized Anxiety Disorder

8/10/10: I session

Generalized Anxiety Disorder is defined as "Excessive anxiety and worry ... occurring more days than not for at least 6 months, about a number of events or activities" where "the person finds it difficult to control the worry" and is associated with at least three of the following:

- "restlessness"
- "being easily fatigued"
- "difficulty concentrating"
- "irritability" ,
- "muscle tension"
- "sleep disturbance"

In addition, the "anxiety, worry, or physical symptoms cause clinically significant distress or impairment in social, occupational, or other important areas of functioning."

Major Depressive Disorder, Recurrent, Moderate Severity

7/30/10 — 12/23/10: 16 sessions

6/18/11 — 12/18/11: 26 sessions

1/22/12 — 12/22/12: 20 sessions

4/6/13 — 12/18/13: 18 sessions

1/11/14 — 4/6/14: 10 sessions

Major Depressive Disorder, Recurrent is defined as the "Presence of two or more Major Depressive Episodes."

Major Depressive Episodes are defined as the presence of "five or more of the following symptoms...present during the same 2 week period and represent a change from previous functioning" with "at least one of the symptoms" being "depressed mood or...loss of interest or pleasure":

"depressed mood most of the day, nearly every day"

"marked diminished interest or pleasure in all, or most, activities most of the day, nearly every day"

"significant weight loss when not dieting or weight gain" "insomnia or hypersomnia"

"psychomotor agitation or retardation nearly every day"

"fatigue or loss of energy nearly every day"

"feelings of worthlessness or excessive guilt or inappropriate guilt...nearly every day"

"diminished ability to think or concentrate, or indecisiveness, nearly every day"

"recurrent thoughts of death... recurrent suicidal ideation... attempt or a specific plan for committing suicide."

The symptoms must also "cause clinically significant distress or impairment in social, occupational, or other important areas of functioning."

The Severity indicators are "Mild, Moderate, Severe Without Psychotic Features, Severe with Psychotic Features." Severity "is judged to be mild, moderate, or severe based on the number of criteria symptoms, the severity of the symptoms, and the degree of functional disability and distress."

Mood Disorder Not Otherwise Specified

1/2/11 — 6/4/11: 16 sessions

4/6/12 — 9/30/12: 21 sessions

1/12/13 — 4/6/13: 10 sessions

The diagnosis Mood Disorder Not Otherwise Specified is reserved for "disorders with mood symptoms that do not meet the criteria for any specific Mood Disorder and in which it is difficult to choose between Depressive Disorder Not Otherwise Specified and Bipolar Disorder Not Otherwise Specified (e.g acute agitation)"

The Cigna insurance documents indicate that Carole Tait-Starnes, M.A. submitted claims for psychotherapy related services with Mr. Wang for DSM-IV-TR General Anxiety Disorder (30002) for sessions 10/26/10 and 8/10/10, and ICD-9 Anxiety State Not Elsewhere Classified for 6/25/13. Pamela Bates, CMHC submitted claims for DSM-IV-TR Adjustment Disorder with Anxiety (30924) for sessions 6/16/10 and 7/27/10.

I declare under the penalty of perjury under the laws of the state of California that the foregoing is true and correct to the best of my knowledge based on my profession as a clinical and forensic psychologist.

Executed in Menlo Park, CA on December 10, 2014.

Cordially,
/s/ Jeffrey S. Kline, Ph.D., ABPP

EXHIBIT 28: ORDER DECLARING LINDA SHAO AS VEXATIOUS LITIGANT FILED ON 6/16/2015

[VOID AS CONCEALING FROM DISCLOSURE THAT THE JUDGE WAS THE ATTORNEY OF RECORD FOR DEFENDANTS FOR LEGAL MALPRACTICE FOR YEARS, NOT MENTIONING CCP 391.7, SUA SPONTE ADDING ON NEW ARGUMENT BUT DISALLOWING ARGUMENTS]

**FILED 2015 Jun 16 A10:56 Lorna DeLacruz
SUPERIOR COURT OF THE STATE OF
CALIFORNIA COUNTY OF SANTA CLARA**

Linda Shao, plaintiff Vs. McManis Faulkner, LLP, et al. Defendants	Case No.:112-CV- 220571 ORDER RE: motion to declare Linda Shao vexatious litigant
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The above-entitled action came on for hearing before the Honorable Maureen A. Folan on June 16, 2015, at 9:00 a.m. in Department 8. Plaintiff, Linda Shao, appeared on her own behalf Attorney. Adrian Lambie, appeared for the Defendants. After considering the arguments and reviewing the submitted papers, including plaintiffs ex parte application which the Court granted in part, and reviewing the Court files, the Court rules as follows:

c. Factual and Procedural Background

Plaintiff Linda Shao aka Yi Tai Shao ("Plaintiff") initiated this action against Defendants Mc Manis Faulkner, LLP and three of its partners James Mc Manis. Catherine Bechtel and Michael Reedy ("Defendants") in connection with McManis Faulkner, LLP's representation of Plaintiff in an underlying family law case. The currently operative second amended complaint ("SAC") filed on September 25, 2012, alleges six causes of action against Defendants, namely, professional negligence, discrimination, breach of fiduciary duty, unconscionable contract, breach of

contract, and intentional infliction of emotional harm. On February 21.2014. the Court dismissed Plaintiffs action without prejudice for failure to appear at a case management conference. On October 30. 2014, Plaintiff obtained a court order setting aside the dismissal order. The case is now scheduled for a trial setting conference on June 16.2015 at 11 :00 AM.

On April 2, 2015, Defendants filed the instant motion seeking a court order declaring Plaintiff a vexatious litigant pursuant to Code of Civil Procedure ("CCP") § 391. They also seek an order requiring Plaintiff to furnish a bond for security in an amount sufficient to cover Defendants' reasonably anticipated legal fees and costs, as well as an order requiring Plaintiff to obtain leave of court before filing any new litigation in the future.

The motion was originally set for a hearing on June 2, 1015. On May 26.2015. Plaintiff appeared ex parte before the Hon. Judge James Stoelker and obtained an order continuing the hearing date to June 16, 2015. The ex parte order required opposition papers to be filed and served no later than June 5. 2015, and reply brief by June 10. 2015. On June 5. 2015, Plaintiff filed her opposition to the motion ("Opposition Memo"). annexing a ~; page declaration and exhibits numbered 1 through 18. On June 8, 2015. Plaintiff filed two additional documents identified as "Table of Contents and Table of Authorities for Plaintiffs Opposition . . . and "Objection to Defendants' Evidence." On June 10, 2015. Defendants filed a reply in support of their motion ("Reply Memo").

On June 12, 2015. Defendants also filed a document entitled "Response to Plaintiffs Late-Filed Objections to Defendants Evidence . . . " in which they request the Court to reject Plaintiffs late filing under California Rules of Court c- (CRC) rule 3. I 300(d). f n view of the fct that the Coult already accommodated Plaintiff by

granting a two-week extension on this matter, the June 8, 2015 late filing is inexcusable and will not be considered in the determination of the present motion. The June 12, 2015 filing by Defendants also will not be considered beyond the part that is objecting to Plaintiffs late filing.

II. Request for Judicial Notice

Defendants filed a request for judicial notice in support of their motion by attaching a total number of 32 documents (Exhibits A-Z and AA-Ff). The first 17 exhibits (Exhibits A-Q) consist of computer printouts of dockets (register of actions) of the Santa Clara County Superior Court, Appellate Courts (6th Appellate District and Supreme Court), US District Court (California Northern District), and Supreme Court of the United States. Exhibits R-Z and AA-EE (a total of 14 exhibits) are filed endorsed copies of Santa Clara County Superior Court orders. Exhibit FF is a copy of Plaintiff's second amended complaint in, which is the operative pleading in the present case. All the 32 documents identify Plaintiff as the plaintiff or "petitioner" in various actions brought before the above-mentioned courts over the last seven years.

Plaintiff contends that Defendants' request for judicial notice must be denied for failure to state relevancy and failure to provide accurate information. A precondition to taking judicial notice is that the matter is relevant to an issue under review. (People ex rel. Lockyer v. Shamrock Foods Co. (2000) 24 Cal.4th 415, 422; see also Gbur v. Cohen (1979) 93 Cal.App.3d 296, 301.) From a general standpoint, the exhibits at issue are relevant herein as they are directly relied upon by Defendants to support their motion. A review of Defendants' memorandum as well as the request for judicial notice also shows that Defendants clearly articulated the relevance of each exhibit to their motion. They stated that the exhibits support their

motion by showing that Plaintiff has commenced, prosecuted, or maintained in propria persona at least five litigations that have been finally determined adversely to her; and that Plaintiff, while acting in propria persona, repeatedly filed unmeritorious motions, pleadings, or other papers, conducted unnecessary discovery, or engaged in other tactics that are frivolous or solely intended to cause unnecessary delay. Besides, in view of the nature of Defendants' motion, the relevance of the exhibits they submitted is self-evident. Plaintiff's objection on this ground is without merit.

In respect of the objection that the exhibits fail to provide accurate information, Plaintiff cites Ragland v. U.S. Bank Nat. Assn. (2012) 209 Cal.App. 4111 182, 194 for the proposition that while a court may take judicial notice of the existence of websites and blogs, it may not accept their contents as true. Plaintiff also invokes Cal. Evid. Code § 452(h), which states: "Facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy." Plaintiff further argues, "Here, the website of Santa Clara County Superior Court on case information states clearly that the information may not be correct as notice (Exhibit 18), Defendants relying on printing dockets to show the contents of the docket appearing on the website does not conform to Section 452(h) and the case laws ... (Opposition Memo. p. 15, lns.12- 16.)

Plaintiff's reliance on Ragland is misplaced. The proposition cited by Plaintiff concerned a request for judicial notice of private websites and blogs, including news articles from the Los Angeles Times and the Orange County Register. The court declined the request to take judicial notice of the truth of the contents of those websites and blogs stating: "(t)he contents of the

Web sites and blogs are plainly subject to interpretation and for that reason not subject to judicial notice." (Ragland, *supra*, at 194. Citation and quotation marks omitted.) Here, on the other hand, the request for judicial notice concerns official records of state and federal courts. Evidence Code § 452(b) mandates this Court to take judicial notice of the records of any court of this state, or any court of record of the United States, or of any state of the United States. In furtherance of this mandate, Evidence Code § 664 establishes a statutory presumption that public employees tasked with the creation and maintenance of public records regularly performed their duties. In other words, when the law requires that a public employee or agent of a public agency perform a duty, such as collection and recording of data, a statutory presumption is created that this duty was regularly performed. The court may take judicial notice of the duty and no further evidence is required. (Evidence Code § 664; *Bhatt v. State Dept. of Health Services* (2005) 133 CA 4th 923, 35 (printouts of Medi-Cal records were admissible under hearsay exception for official records because statute presumes the official duties shown were regularly performed and plaintiff offered no evidence to rebut this presumption).) This presumption acts to shift the burden of proof. The proffering party does not need to prove the record was created properly. The party attempting to suppress the evidence must show instead that the record was not made properly, in other words, that the employee or agency did not have a statutory duty to perform the act or record the data, or that something untoward happened in the preparation of this particular record. The objecting party must prove that the presumed fact did not happen [*People v. Martinez* (2000) 22 C4th 106, 91 CR2d 687, 990 P2d 563]. (1-15 MB Practice Guide: CA&F- Discovery and Evidence 15:26)

Court records are expressly subject to judicial notice under Evidence Code§ 45(d). Official acts of government agencies are otherwise judicially noticeable under Evidence Code §452(c), and that provision has been broadly construed to include public records and proceedings(See Evid. Code, § 452, Law Revision Commission Comments.) Thus. the records in question are proper subjects for judicial notice. They are also manifestly relevant to the pending motion 1S indicated above. Defendants' requests for judicial notice are therefore GRANTED, with the caveat that judicial notice does not establish the truth of statements or allegations in the records or factual findings that were not the product of an adversary hearing involving the question of the existence or nonexistence of said facts. (See Lockley v. Law Office of Camre/l, Green. Pekich. Cruz & McCort (2001) 91 Cal.App.4th 875, 882; see also see also Kilroy v. State of California ~2004) 119 Cal.App.4th 140, 145-148; People v. Long (1970) 7 Cal.App.3d 586. 591.)

Plaintiff did not make a request for judicial notice of any of the 18 exhibits attached to the Opposition Memo. On the other hand, Defendants did not object to any of Plaintiffs exhibits. The Court will address the admissibility and weight of each exhibit on a case-by-case basis.

d. Vexatious Litigant Determination

CCP 391(b) "lists four alternative definitions for a vexatious litigant." (**Holcomb v. US Bank National Assoc. (2005) 129 Cal.App.4th 1494. 1501.**)

Defendants argue that Plaintiff is vexatious litigant under the first and third definitions. As the moving party, Defendants bear the burden of proving that Plaintiff is a vexatious litigant. (Camerado Ins. Agency. Inc. v. Superior Court (1993) 12 Cal.App.4th 838. 842.)

1.Vexatious Litigant Determination under CCP 391(b)(l)

CCP 391(b)(1) defines a vexatious litigant in relevant part to be a person who "in the immediately preceding seven-year period[,] has commenced, prosecuted, or maintained in propria persona at least five litigations other than in a small claims court that have been (i) finally determined adversely to the person .. ."

Defendants list a number of litigations that they claim were commenced, prosecuted or maintained by Plaintiff in the past seven years while acting in propria persona, and that all these litigations were finally determined adversely to Plaintiff. Defendants identify by number the following five cases:

1. Case No. 107CV082271 (Shao v. Newton), a professional malpractice suit filed by Plaintiff in pro per on March 21, 2007, and finally determined adversely to Plaintiff on April 3, 2008 (Exhibit A);
2. Case No. 108CV128620 (Shao v. Chang), a defamation suit filed by Plaintiff in pro per on November 25, 2008, and dismissed on May 5, 2010 (Exhibit B);
3. Court of Appeal Case No. H03 73-12 (Shao v. Superior Court (Wang)), Plaintiff petitioned in pro per for a writ of mandate to vacate a decision on statement of disqualification regarding Judge Theodore Zayner, which the Court of Appeal dismissed on September 22, 2011 (Exhibit C);
4. Court of Appeal Case No. H037820 (Shao v. Wang), Plaintiff filed in pro per a notice of appeal of two post-judgment orders from this Court related to custody and appointment of counsel for her two children (Exhibit D), which the Court of Appeal dismissed with a reasoned opinion on May 21, 2014 (Exhibits D and E); and
5. Case No. 1 I JCV208489 (Shao v. Hewlett-Packard Company), a breach of contract suit Plaintiff filed in pro per on September 2, 2011 (Exhibit f), and Plaintiff voluntarily dismissed without prejudice on July 10, 2012 (Exhibits f and G).

Plaintiff claims that she was represented by Jeffrey Kallis, Esq. in the Newton case. In support of this claim, Plaintiff points to her Exhibit 14. which consists of a second amended complaint, a notice of entry of order re: demurrer to first amended complaint, and 1 filed endorsed order re: demurer to first amended complaint - all relating to the Newton case. The second amended summons and complaint, which were never filed with the Court, show Jeffrey Kallis, Esq. as Plaintiff's counsel with limited appearance. In addition, the proof of service attached to the notice of entry of order re: demurrer to first amended complaint purportedly sent out by Newton 's counsel of record on January 15, 2008, includes both Plaintiff and Jeffrey Kallis, Esq. in its service list.

Both the second amended summons and complaint as well as the notice of entry of Order with the accompanying proof of service did not bear a filed endorsed stamp of the Court, making them less reliable. Besides Kallis was mentioned as "limited appearance" counsel, not as "counsel of record." Perhaps his representation might have been only for the hearing on the demurrer, which was sustained on January 15, 2008. Final judgment was entered 3 1/2 months later on April 3, 2008. There is no indication that a substitution of attorney was filed in between, at least suggesting that Kallis continued his limited representation of Plaintiff until April 3, 2008. Plaintiff did not even attempt to elaborate on when she retained Kallis as her counsel, and until what date or what stage of the action his representation continued. The docket shows Plaintiff Linda Shao as unrepresented, while the defendant in that case, Newton, as represented by Alison P. Buchanan of Hoge Fenton Jones & Appel. Plaintiff did not provide competent evidence or persuasive argument to disqualify the Court's record as reflected in Defendants' Exhibit A.

Second, Plaintiff argues that the Court should not take judicial notice of Defendants' Exhibit B. Shao v. Chang Case No. 108CV128610, because the case was dismissed after settlement during trial. In support of this claim. Plaintiff points to her Exhibit 12 (which is actually Exhibit 15), which is a copy of the trial minutes dated May 5. 2010. The minutes show the trial started at 9:30am and continued throughout the day. At 4:40pm, the minute entry shows plaintiff Shao agreed to dismiss the action with prejudice in exchange for interpreter costs and filing fees by defendant Chang. A litigation that a plaintiff dismisses voluntarily without prejudice constitutes a litigation that was decided adversely to that person unless the dismissal is justified. (Tokerud v. Capitol Bank Sacramento (1995) 38 CA4th 775, 777.) Defendants contend that the nuisance-value settlement ostensibly paid by Mr. Chang should not preclude the Court from relying on the case as a basis for finding Plaintiff to be a vexatious litigant. The Court agrees with Defendants. Interpreter and filing fees are expenses Plaintiff would not have incurred in the first place, had she not commenced the defamation action. Mere reimbursement of those expenses does not justify dismissal of her action, unless accompanied by some form of relief based on the merits of her case, such as an apology, a retraction, or monetary compensation.

Plaintiff also claims that the Hewlett-Packard case was dismissed after settlement. In support of this claim, Plaintiff points to her Exhibit 13 (actually Exhibit 16), which appears to be a settlement offer from Hewlett-Packard to Plaintiff. The letter states that Hewlett-Packard has agreed to pay \$5,000.00 for unit cost and miscellaneous costs and provide a new scanner with one-year manufacturer warranty and software at no charge, in exchange for Plaintiff dismissing her action. Plaintiff signed the letter agreeing to and

accepting the offer on July 5, 2012. The case was dismissed five days later on July 10, 2012. Defendants raise a similar argument as above, stating that the settlement amount is de minimis and does not justify the dismissal. Here the Court disagrees with Defendants. The case apparently involved a broken scanner, which Hewlett-Packard agreed to replace with a new one in addition to a \$5,000 payment. This is a substantial settlement amount and justifies Plaintiff's dismissal of the case. Thus **Defendants' Exhibits F and G do not count** towards the five cases required for finding Plaintiff to be a vexatious litigant.

Plaintiff complains 'Defendants put two writs in Exhibit D which do not qualify to count as a legal action at all as the result was summary denials.' Civil litigation includes appeals and proceedings for civil writs. (In re R.H. (2009) 170 CA4th 678,691; McColm v. Westwood Park Assn. (1998) 62 CA 4th 1211, 1216.) Contrary to Plaintiff's contention, the Appellate Court dismissed the two writ petitions with a five-page reasoned opinion, a copy of which Defendants attached as Exhibit E.

The above are as far as the Court can glean from Plaintiff's opposition memo in respect of her rebuttal of the cases invoked by Defendants in support of their motion under CCP 1391(b)(1). Out of the five cases listed above, Plaintiff has succeeded in disqualifying the 5th case Case No. 110CV208089 (Shao v. Hewlett-Packard Company) from counting towards the required five cases. But Plaintiff did not articulate any arguments in opposition to the additional litigations Defendants listed without numbering them in any order.

Defendants mentioned cases dismissed by the US District Court, Case No 5:14CV01137 LHK (Shao v. McManis Faulkner, LLP) (Exhibit H), and Case No. 3:14CV01912-WBS (Shao v. Wang, et al) (Exhibit I).

Plaintiff has appealed both dismissals to the Ninth Circuit Court of Appeal. A judgment is final for all purposes when all avenues for direct review have been exhausted. (Holcomb, *supra*, at p.1502; *Childs v. Paine Webber, Inc.* (1994) 29 CA4th 982, 993, thus the pending appeals prevent this Court from properly adjudicating Plaintiff a vexatious litigant on the basis of the underlying Court of Appeal cases. (See *Childs. supra*, at p.993 .) Defendants' belief that the Circuit Court will rule against Plaintiff in both actions does not count here. The litigation identified in Defendants Exhibit J is a habeas corpus action. 'Litigation' for purposes of vexatious litigant requirements encompasses civil trials and special proceedings, but it is broader than that. It includes proceedings initiated in the Courts of Appeal I by notice of appeal or by writ petitions other than habeas corpus or other criminal matters." ;*McColm, supra*, at p.1219.) Thus Exhibit J is disqualified.

Defendants identify four petitions by Plaintiff in pro per to the Supreme Court of California, which were finally determined adversely to Plaintiff (Exhibits K-N). In addition Defendants identify five petitions by Plaintiff in pro per to the US Supreme Court, which were finally determined adversely to Plaintiff (Exhibits O and P). 1 The petitions before the US Supreme Court are essentially two. because the remaining three petitions are either a request for rehearing, refilling, or application for stay of the initial two petitions. The dockets on these cases do not indicate any of the petitions were summarily denied. Besides, Plaintiff did not raise any objection as to the qualification of these petitions for purposes of determining her to be a vexatious litigant. or otherwise why the Court should not consider them in determination of the motion at hand.

This brings the total number of litigations that qualify for consideration under CCP 391(b)(1) to ten as evidenced by Defendants' Exhibits A, B, C, D&E, K, L, M, N, O, and P. The Court finds that Plaintiff commenced, prosecuted, or maintained all these ten litigations while acting in propria persona, and all these litigations were finally determined adversely to Plaintiff.

Thus, the Court determines Plaintiff Linda Shao aka Yi Tai Shao to be a vexatious litigant pursuant to CCP 391(b)(1). 2. Vexatious Litigant Determination under CCP 391(b)(3) CCP 391 (b)(3) describes a vexatious litigant as a person who, " [i]n any litigation while acting in propria persona, repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay." " [S]ubdivision (b)(3) does not specify either a timeframe or quantity of actions necessary to support a vexatious litigant finding under that section." (**Morton v. Wagner** (2007) 156 Cal.App.4th 963, 971.) "What constitutes 'repeatedly' and 'unmeritorious' under subdivision (b)(3), in any given case, is left to the sound discretion of the trial court." (Id.) With that said, the trial court's discretion is not unfettered. (id. at p.972.) 'While there is no Brightline rule as to what constitutes 'repeatedly,' most cases affirming the vexatious litigant designation involve situations where litigants have filed dozens of motions either during the 2 pendency of an action or relating to the same judgment." (Id.)

Defendants allege that Plaintiff filed numerous unmeritorious motions and other papers in her divorce proceedings before this Court, in re the Marriage of Linda Shao v. Tsan-Keung Wang, Case No. 105FLJ 26882, which were all denied. Defendants submitted 88 pages of printouts of the docket in the divorce matter,

which they attached as Exhibit Q. Defendants also allege that during the divorce proceedings, Plaintiff attempted to prophylactically protect herself from being subject to the vexatious litigant statute by requesting a judicial finding from this Court that she is not a vexatious litigant. This request prompted the Hon. Judge Lucas, who at the time was hearing the divorce matter, to make the following observation while declining to make the requested negative finding (as recited in Defendants' Exhibit R):

Although the Court is aware that an order was filed in this action on November 12, 2010, denying a motion by Respondent that [Plaintiff] be found to be a vexatious litigant, almost three years have passed and a different record is bore this Court which includes [Plaintiff's] initiation of:

- over 50 ex parte motions
- at least seven judicial challenges for cause (all denied)
 - three judicial peremptory challenges
 - several referrals to [Child Protective Services ("CPS")]
 - a grievance proceeding with CPS
 - a proceeding in the United States Supreme Court
 - motions to remove B..J. Fadem as counsel for Plaintiff's daughter J, and to remove David Sussman as counsel for Respondent
 - accusations of dishonesty and professional misconduct against the custody evaluators ... two CPS social workers ... and two Family Court Services social workers ...
 - Claims against three attorneys who formerly represented her ... as well as against custody evaluator Dr. Newton
- Defendants submitted a filed endorsed copy of the statement of decision and order by the Hon. Judge

Lucas as Exhibit R. The docket in the divorce proceedings shows that within a period of five months between September 2007 to January 2008. Plaintiff filed five requests for an order to show cause relating to restraining orders. all of which were denied (Exhibit Q at 60, 64, 67.) Plaintiff also filed two motions attempting without success to remove her daughter's counsel (Exhibit W at 6), four motions to disqualify the Hon. Judge Zayner (Exhibits S, Y-XJ, two motions to disqualify the Hon. Judge Davila (Exhibits Y, Z), and two motions against the Hons. Judge Arand and Judge Grilli (Exhibits AA, BB, and CC). Furthermore, Plaintiff tried without success to disqualify her ex-husband's counsel (Exhibit DD), and to compel the same counsel's deposition without success (Exhibit EE). The Court of Appeal found that a plaintiff who did not prevail on numerous motions contesting the appointment of a special discovery master; six motions challenging the judge or his rulings; four motions against defendants or their counsel for sanctions or a protective order; a motion for a continuance to review discovery that had long been in the plaintiffs possession; a motion for sanctions against both the judge and the special discovery master for violation of plaintiffs First Amendment rights, and a motion for a new trial in the same action was a vexatious litigant. (Bravo v. Ismaj (2002) 99 CA4th 2 11, 226.) The case at hand is comparable to Bravo.

Citing *Morton, supra*, Plaintiff argues that not all failed motions can support a vexatious litigant designation under this provision: repeated motions must be so devoid of merit and be so frivolous that they constitute a flagrant abuse of the system, have no reasonable probability of success, lack reasonable or probable cause or excuse and are clearly meant to abuse the processes of the courts and to harass the adverse party than other litigants (*Morton, supra*, at p.972.)

Plaintiff maintains that Defendants failed to prove any motions were "repeated." and she also attempts to provide justifications for the several judicial challenges she filed. But the records show the contrary. Filing five requests for restraining order within a span of five months, filing a total of at least ten motions to disqualify judicial officers. Additional motions to disqualify minor's counsel and opposing cow1sel are clearly repetitive and abusive of the judicial process. In previous discussions, the Court also observed that Plaintiff's litigation extends all the way from state trial court to the US Supreme Court. At least in two Petitions to the US Supreme Court. Plaintiff repetitively requested rehearing of her petitions after they have already been denied (Exhibits O and P).

The fact that all these repetitive motions were consistently denied speaks for itself that Plaintiff's motions were devoid of any merit and were so frivolous that they constitute a flagrant abuse of the system. Review of the various orders in Plaintiff's divorce proceedings, which are submitted by Defendants as Exhibits R-Z and AA-EE also confirm the frivolousness of Plaintiff's motions. Thus, the Court determines Plaintiff to be a vexatious litigant under CCP391(b)(3).

IV. Request for a Stay of Further Proceedings Until Plaintiff Furnishes Security

Upon notice and hearing, a defendant may move the Court for an order requiring the Plaintiff to furnish security or for an order dismissing the litigation pursuant to subdivision (b) of Section 391.3, provided that the motion is based upon the ground, and supported by a showing, that: 1) the plaintiff is a vexatious litigant, and 2) there is not a reasonable probability that he or she will prevail in the litigation against the moving defendant. (CCP 391.1)

Defendants in the present case have successfully established that Plaintiff is a vexatious litigant. But

they fail to show that there is no reasonable probability that Plaintiff will prevail in the litigation. As Plaintiff correctly pointed out in her opposition memo, Defendants did not address all the six causes of action in Plaintiffs second amended complaint. Defendants contend that Plaintiff's causes of action arise from the same allegations of professional negligence and breach of contract. and because those allegations are likely to fail for lack of causation. all the ,the causes of action will also fail. The Court did not find this line of argument persuasive.

Although the same set of facts might have given rise to all causes of action, the legal requirements to establish liability under each one differ. In particular. claims of discrimination and intentional infliction of emotional harm are essentially different from a professional negligence or breach of contract claim. Plaintiff and Defendants also dispute each other's interpretation of the burden of proof and weighing of evidence in establishing that there is no reasonable probability that Plaintiff will prevail in the action. But since the Court already found Defendants **presentation of the argument and evidence in this regard to be incomplete**, there is no need to address the above issues. This finding is made without prejudice.

V. Conclusions and Orders

Defendants motion to have Plaintiff Linda Shao aka Yi Tai Shao deemed a vexatious litigant is GRANTED. Plaintiff meets the definition of a vexatious litigant under Code of Civil Procedure § 391(b)(1) as she has commenced, prosecuted, or maintained in propria persona at least five litigations within the immediately preceding seven-year period, all of which finally determined adversely to her.

DATED: 6-16-15

/s/ Maureen A. Folan Judge of the Superior Court

**EXHIBIT 29: FRAUDULENT PREFILING ORDER
THAT BORE A FALSE DATE OF SIGNATURE OF
JUNE 16, 2015**

Postmarked envelop II 06/18/15

**Postmark 172EMC JNMB 95128 (not mailed from
the court but from a zip code 95128)**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
SANTA CLARA 191 N. First Street San Jose, CA
95113-1090

TO: Linda Shao Linda Shao Law Offices
560 Winchester Blvd Suite 500 San Jose, CA 95128
RE: L. Shao vs McManis Faulkner, LLP, et al
Case No : 1-12-CV-220571

PROOF OF SERVICE Prefiling Order-Vexatious

Litigant was delivered to the parties listed. below in the
above-entitled case as set forth in the sworn declaration
below.

Parties, Attorneys of Record: CC: Vincent O ' Gara,
Murphy Pearson Bradley & Feeney 88 Kearny Street,
Suite 1000, San Francisco, CA 94108-5530

If you, a party represented by you, or a witness to be
called on behalf of that party need an accommodation
under the American with Disabilities Act, please
contact the Court Administrator's office at (408)882-
2700, or use the Court's TDD line, (408)882-2690 or the
Voice/TD' California Relay Service, (800)735-2922.

DECLARATION C SERVICE BY MAIL, I declare that
I served this notice by enclosing a true copy in a sealed
envelope, addressed to each person whose name is
shown above, and by depositing the envelope with
postage fully prepaid, in the United States Mail at San
Jose, CA on 06-16-15. DAVID H. YAMASAKI, Chief
Executive Officer/Clerk by Lorna Delacruz, Deputy

**5 YEARS LATER, THE CLERK'S OFFICE
DISCLOSED THAT THIS ORDER WAS ENTERED
INTO DOCKET ON 8/15/2017 BY A
CONTRACTOR. NO DEPUTY CLERK WILL
ENTER INTO THE DOCKET AS FILED ON JUNE
16, 2015.**

**FILED 2015 JUNE 16, 2015 P. 3:04
PRE FILING ORDER-VEXATIOUS LITIGANT**

112-CV-220571

1. Name and address of each plaintiff or cross-complainant or other party subject to this prefiling order: Linda Shao, Yi Tai Shao 60 S. Winchester Blvd., Ste. 500 ~an Jose, CA. 95128
- 2 This prefiling order is entered pursuant to a motion made by y party (name): McManis Faulkner, LLP
3. The person or persons identified in item 1, unless represented by an attorney, are prohibited from filing any new litigation in the courts of California without approval of the presiding justice or presiding judge of the court in which the action is to be filed.
4. The clerk is ordered to provide a copy of this order to the California Judicial Council by fax at 415-865-4329 or by mail at the address below. Vexatious Litigant Prefiling Orders

California Judicial Council
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco. California 94102
Date: JUN 16 2015 Judge Maitreer A Eolan, Judicial officer

**EXHIBIT 30: 4/29/2016 SUA SPONTE ORDER OF
JUDGE JOSHUA WEINSTEIN APPEARING
FROM AN EXTRAJUDICIAL SOURCE VIA FAX
TO CANCEL 4 FILING OF SHAO WITHOUT ANY
PROOF OF SERVICE NOR NOTICE NOR A
MOTION (NO REFUND EVER TOOK PLACE)**

FILED on April 29, 2016 A. 9:46 C.Soruges

In re the marriage of Linda Yi Tai Shao Petitioner And Tsan-Kuen Wang Respondent	Case No.: 1-05-FL- 126882 ORDER TO CANCEL FILING OFF- CALENDAR HEARING AND REFUND FILING
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Petitioner, Linda Shao is a vexatious litigant. Clerk having filed 3 Request for Orders and Memorandum of Points and Authorities, in error, on April 27, 2016 hereby cancels said filings and off-calendar hearings scheduled for June 2 and June 8, 2016 and orders reimbursement of 2 filing fees in the amount of \$90.00 each to Petitioner, Linda Shao.

IT IS SO ORDERED

Dated: 4/29/16 Judge Joshua Weinstein, Superior Court, Santa Clara County

**EXHIBIT 31: 5/27/2016 SUA SPONTE ORDER OF
THEN-PRESIDING JUDGE RISE PICHON
WITHOUT A MOTION NOR A HEARING TO
BLOCK SHAO FROM ACCESS TO THE FAMILY
COURT BY WAY OF McMANIS FAULKNER'S
FRAUDULENT PREFILING ORDER**

FILED 5/27/2016

SUPERIOR COURT OF CALIFORNIA COUNTY OF
SANTA CLARA

In re the Marriage of: LINDA SHAO, Petitioner, and
TSAN-KUEN WANG, Respondent.

On April 29, 2016, Judge Joshua Weinstein issued an "Order to Cancel Filing, OffCalendar Hearings and Refund Filing Fees" ("Order"), wherein he directed the cancellation of certain filings of petitioner Linda Shao ("Petitioner") — a vexatious litigant — and ordered related hearing dates off calendar. He additionally ordered that Petitioner be reimbursed the two filing fees she paid in connection therewith. Judge Weinstein issued the Order on the ground Petitioner failed to obtain permission from the presiding judge to file new litigation in accordance with the prefiling order issued against her on June 16, 2015 in Santa Clara County Superior Court Case No. 2012-1-CV-220571.

Petitioner subsequently filed an objection to the order on May 6, 2016. This Court responds to issues raised in the objection that directly or indirectly implicate the provisions of Code of Civil Procedure section 391.7 since the presiding judge is designated thereunder to exercise authority and responsibilities related to a prefiling order issued against a vexatious litigant.

Petitioner insists the prefiling order does not require her to seek permission of the presiding judge to file a motion in this family law case and additionally

complains she was not given notice or an opportunity to be heard before the Order was issued.

The prefiling order against Petitioner prohibits her "from filing any new litigation in the courts of California without approval of the presiding justice or presiding judge of the court in which the action is to be filed." (Emphasis added.) For purposes of section 391.7, the term "litigation" includes any petition, application, or motion other than a discovery motion, in a proceeding under the Family Code or Probate Code, for any order." Thus, the prefiling order against Petitioner covers any motions or applications for orders to be filed in this family law case. Petitioner's suggestion that the prefiling order itself violates her constitutional rights is misplaced. "Section 391.7 does not deny the vexatious litigant access to the courts, but operates solely to preclude the initiation of meritless lawsuits and their attendant expenditures of time and costs. [Citation.] Vexatious litigant statutes are constitutional and do not deprive a litigant of due process of law. [Citations.]" (Bravo v. Ismaj (2002) 99 Cal.App.4th 211, 221-222.)

Since the subject filings consisted of two requests for orders and a supporting memorandum of points and authorities, the clerk's office should not have filed them absent an order from the presiding judge granting

Petitioner leave to file the same. (See Code Civ. Proc., § 391.7, subd. (c).) If the clerk mistakenly files new litigation without such an order, the following remedy is available under section 391.7, subdivision (c):

[A]ny party may file with the clerk and serve, or the presiding justice or presiding judge may direct the clerk to file and serve, on the plaintiff and other parties a notice stating that the plaintiff is a vexatious litigant subject to a prefiling order as set forth in subdivision (a). The filing of the notice shall automatically stay the litigation. The litigation shall be automatically dismissed unless the plaintiff within 10 days of the

filing of that notice obtains an order from the presiding justice or presiding judge permitting the filing of the litigation as set forth in subdivision (b).

The remedial procedure under section 391.7, subdivision (c) was not previously invoked in this matter, and section 391.7 does not otherwise authorize a judge to summarily strike or cancel a filing that does not comport with a prefiling order. With that said, it is unnecessary for the Order to be vacated because it was already processed; this Court, but for the completed issuance and processing of the Order, would have invoked the procedure under section 391.7, subdivision (c) upon discovering Petitioner's unauthorized filings; and Petitioner remains free to submit to this Court a request to file new litigation, which step should have been undertaken in the first instance.

Dated: May 27, 2016
Rise Jones Pichon Presiding Judge of the Superior Court

**EXHIBIT 32: JUDGE JOSHUA WEINSTEIN
ISSUED A BENCH WARRANT TRYING TO
INCARCERATE PETITIONER SHAO, AFTER
ATTEMPTING MURDER TO NO AVAIL MANY
TIMES (CASE 2:22-CV-00325-JAM-AC
DOCUMENT 26-9 FILED 03/04/22 DOCUMENT 26-
9 PAGE 41 OF 181**

Minute order: 4/23/2016 of Hon. James Towsley
Superior Court of California, Santa Clara County
Family Law & Motion
Case: 1-05-FL-126882 Linda Y. Shao and Tsan-Kuen
Wang

As to the bench warrant issued from 3/4/2015 hearing,
signed by Judge Weinstein on 3/24/15, the warrant is
recalled.

**EXHIBIT 33: ON 3/8/2017, AFTER
BLOCKING APPEAL FROM HER CHILD
CUSTODY ORDER OF NOVEMBER 4
2013 BY DETERRING RECORDS ON
APPEAL FOR ABOUT 3 YEARS, THEN
PRESIDING JUDGE PATRICIA JUDGE
REFUSED TO ALLOW SHAO'S ACCESS
TO HER FAMILY CASE DOCKET AND
SARCASTICALLY INVITED COMPLAINT
BY SHAO ABOUT THE COURT CRIME
OF PURGING THE DOCKET OF HER
FAMILY CASE AND FRAUDULENTLY
ACCUSED SHAO FOR HAVING NOT
PAID COURT REPORTER'S
TRANSCRIPT FOR THE CHILD
CUSTODY TRIAL IN JULY 2013.**

**March 8, 2017 letter signed by then
Presiding Judge Patricia Lucas**

Re: Case No. 1-05-126882

Dear Ms. Shao:

I have received and reviewed your letter dated March 6, 2017 concerning your family case. I will be taking no further action on your letter.

If you are dissatisfied with the Court's action on your complaint, you have the right to require the Commission on Judicial Performance to review this matter. The Commission's address is:

Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, California 94102-3660

Very truly yours, Patricia M. Lucas, Presiding Judge, Santa Clara County Court

THE ABOVE LETTER OF JUDGE LUCAS

**IS IN RESPONSE TO PETITIONER'S
LETTER OF MARCH 6, 2017 SHOWN ON
THE NEXT PAGE:**

March 6, 2017
Presiding Judge Rice Pichon (Dept. 17)
Superior Court of California

**Re: 105FL126882 Objection and request
PJ to change venue pursuant to CCP
Section 397(b)**

Dear Presiding Judge:

Attached please find my objection to the illegal activity of this Court in generating the 4th false notice of non-compliance and further repeatedly altered the court's records to an extreme of disallowing any public access from the court's on-line docket. I am prejudiced by this Court to an extent that the Court has repeatedly committed crimes and refused to recuse itself to avoid direct conflicts of interest.

Please remove the venue accordingly.

Thank you very much for your attention. Look forward to hearing from you at your earliest convenience.

Sincerely yours,
Yi Tai Shao, Esq.

CC.: David Sussman, Attorney for Respondent, and BJ Fadem, appointed child custody.

**[ATTACHMENT] EXTRACT
PETITIONER'S OBJECTION TO NOTICE
OF NON-COMPLIANCE FOR H040395
DATED FEBRUARY 24, 2017 [FILED ON**

**MARCH 6, 2017 WITH FAMILY COURT
CASE 1-05-FL-126882]**

To the court and all parties and their attorneys of record:

Petitioner objects to Notice of Non-compliance of February 24, 2017 regarding appeal pending with the Sixth Appellate District case number of H040395 as below:

GROUND OF OBJECTION:

A. Lack of Notice in violation of due process
The Notice of Non-compliance of February 24, 2017 was again made without any notice.

Petitioner discovered its existence by way of examining the docket of H040395 on February 28, 2017. Moreover, this Court illegally removed this case of 105FL126882 from the public's access. It is likely that the entire docket of this case were purged from the court's website. At least it is not accessible by the public, Therefore, Petitioner has no constructive notice....[omitted]

**EXHIBIT 34: EXTRACT OF 6/16/2015
HEARING REGARDING MCMANIS
FAULKNER LAW FIRM, JAMES
MCMANIS, MICHAEL REEDY'S MOTION
TO DECLARE PETITIONER AS A
VEXATIOUS LITIGANT, SEEK
SECURITY, AND PREFILING ORDER
JUDGE FOLAN DISALLOWED
EVIDENTIARY HEARING AND GAVE
SHAO ONLY 10 MINUTES TO TALK
WHEN SHE CONCEALED THE FACT
THAT SHE WAS DEFENDANTS' PRIOR
ATTORNEY; FOLAN SUA SPONTE
CREATED 10 CASES NOT RAISED BY
DEFENDANTS' COUNSEL WHEN THE
MOTION WAS DEVOID OF EVIDENCE
FOR LACK OF A DECLARATION
CASE 2:22-CV-00325-JAM-AC
DOCUMENT 26-9 FILED 03/04/22 PAGE
45 OF 181, ET SEQ.**

JUNE 16, 2015 SHAO V. MCMANIS
FAULKNER, LLP, ET AL., 112-CV-220571
APPEARANCES : For the Plaintiff: For the
Defendants: Court Reporter: Linda Shao, in
propria persona Adrian Lambie, attorney
Keith Rowan II, C.S . R. Certificate No . 13548

MS. SHAO: This is -- the motion filed by
defendants is like a complaint that I have a
right to trial, something like evidentiary
hearing. So I prepared many documents to
present evidence today. And I'm -- so I would
guess probably at least one hour or two, at
least one hour or two.

THE COURT: No, ma'am.... You've got about
10 minutes, ma'am, I'm willing to give you.

.....
MR. LAMBIE: I would object to marking any exhibits at the hearing. THE COURT: So I'm going to sustain the objection. I'm not going to consider any evidence that's been objected to. There's an objection –

.....
MS. SHAO: defendants failed to produce any slight evidence at all, not even argue compleyely about the law. So nothing was provided. According to this, the Court - it's a mandatory element for the Court to find a vexatious litigant motion. And this just doesn't exist at all. So this motion is frivolous from the beginning. And I am surprised to see this motion. The tentative ruling, the legal ground, is completely wrong because the mandatory element is the defendants must prove -- must prove the case stating that there's no reasonable probability for plaintiff to be successful on the -- on the -- on this case. And the standard is pretty much the same a demurrer. The standard for the Court to look at whether reasonable probability of success is there's not any - completely devoid of any merits, which is actually the same standard as demurrer. And my complaint, second amended complaint, already pass demurrer, already tested the water. And that was a verified complaint. Defendants filed a verified answer to it, which was -- I can provide to the Court a sample verified answer of Michael Reedy. And it basically admitted the fact. The basic fact is defendants charge me extraordinarily high retainer of \$50,000 as a retainer. That is undisputed. And it 1 s also undisputed that

they did represent this court. The defendant McManis Faulkner is attorney for Santa Clara County Court. So actually there's an existing conflict of interest.

..... [omitted]

But according to the canon , California Code of Judicial Conduct, Canon 3 of the actually the judge has a duty to, you know , recuse when there's actual conflict of interest. But that didn't happen .

..... [omitted]

MS. SHAO: This is a case of Muller v. Tanner. The Court stated very clear that if defendants did not provide reasonable probability that plaintiff -- if defendants failed to prove that trial court's decision of vexatious litigant must be reversed. It's case of Muller v. Tanner 1969, 2 Cal.App.3d 445.

[omitted].....

THE COURT:Ms. Shao, that wasn't a tentative ruling. That was a statement of decision.

[omitted]....

MS. SHAO: Also, may I please -- the tentative ruling is improper in quoting Judge Lucas' finding, which was pending appeal, not a final one . So the tentative decision was completely wrong and has cannot -- is not permissible to quote that because it's impermissible to take judicial notice when order is not final.

Moreover, I want to provide to the Court that from page 8 through page 13 of Judge Lucas' order of November 3rd, 2013, those -- those statement of facts were never presented at trial. And I suspect that Judge Lucas -- the order was not written by Judge Lucas at all,

based upon the fact that Judge Lucas recited what happened on August 4th about Judge Edward Davila's state -- state of mind why he would sign August 5th orders at night of August 4, 2010, without any hearing or presence of any counsel.

Regarding that part, it was never presented at trial. No one testified. Who wrote it? The only one who had participated in this ex parte communication is David Sussman. That was the respondent's counsel. No one testified at court regarding the proceeding what happened, but Judge Lucas mentioned that. So that shows -- and also there was irregularity in the proceeding. Judge Lucas apologized to me on July 10th three times that "I apologize" on behalf of the Court, three times. THE COURT: Wait, ma'am. I've got to let the other side - look around. Look how many people in my courtroom still need to argue their cases .

MS. SHAO: Your Honor, I request my case can be set in the afternoon so that we can come back to—

THE COURT: No, ma'am. MS. SHAO: -- hearing because I do have a lot of evidence to present.

THE COURT: No, ma'am . No, ma'am.

**EXHIBIT 35: DOCKET OF NO. 18-569;
MCMANIS FAULKNER HAD ADMITTED
TO THEIR CONSPIRACY WITH THE US
SUPREME COURT ON THIS PETITION—
THEY CONSPIRED TO PURGE COURT
RECORD OF AMICUS CURIAE BRIEF OF
MOTHERS OF LOST CHILDREN DULY
FILED ON 11/08/2018.**

Title: Linda Shao, Petitioner v. Tsan-Kuen Wang

Docketed: October 31, 2018

**Lower Ct: Court of Appeal of California,
Sixth Appellate District**

Case Numbers: (H040395)

Decision Date: May 10, 2018

Discretionary Court Decision Date:

July 25, 2018

DATE PROCEEDINGS AND ORDERS

Oct 23 2018 Petition for a writ of certiorari filed. (Response due November 30, 2018)

Nov 20 2018 Request for recusal received from petitioner.

Dec 19 2018 DISTRIBUTED for Conference of 1/4/2019.

Jan 07 2019 Petition DENIED.

Jan 21 2019 Petition for Rehearing filed.

Jan 30 2019 DISTRIBUTED for Conference of 2/15/2019.

Feb 19 2019 Rehearing DENIED.

NAME ADDRESS PHONE

Attorneys for Petitioner

Linda Shao 4900 Hopyard Road, Suite 100

Pleasanton, CA 94588

(408) 418-4070

Party name: Linda Shao

Other

Christopher Wolcott Katzenbach

Counsel of Record

Katzenbach 912 Lootens Place, 2nd Floor

San Rafael, CA 94901

ckatzenbach@kkcounsel.com

4158341778

Party name: Mothers of Lost Children

**EXHIBIT 36: DOCKET OF SHAO V.
MCMANIS FAULKNER, ET AL., 2012-1-
CV-220571**

**Santa clara county superior court
continues blocking shao's access to the
court—presiding judge theodore zayner
refused to set a hearing date on shao's
motion to vacate dismissal and vexatious
litigant orders which is based on the
judges' undisclosed conflicts of interest
in issuing dismissal order and prefiling
order**

**The docket proves that the court
fraudulently ALTERED THE DOCKET
faking the e-filing date for McManis's
motion to dismiss to be 9/12/2019, when
the altered motion to dismiss in
advancing the efiling date from 9/18 to
9/12, was refiled after 9/19/2019 (after the
Remittitur, which was entered into the
docket *before* the forged motion to
dismiss)**

**Docket of 2012-1-cv-220571 L. Shao v.
McManis Faulkner, LLP, et al.
Public Portal, Superior Court of
California, County of Santa Clara**

EVENTS

Date	File Type	Filed by	Comment
11/4/2021	Motion: Set aside/vacate	Linda Shao	<u>TBD BY COURT,</u> RE: Dismissal judgment (11/20/2019) and

			Order (10/8/2019) issued by judge Christopher; by Judge Maureen Folan including orders, November 2, 2020 Order, and September 21, 2021 Order
11/4/2021	Memorandum: points and authorities	Linda Shao	
11/4/2021	Declaration	Linda Shao	
9/24/2021	Application	Linda Shao	For order to vacate prefiling order and remove plt/ptr from judicial Council Vexatious litigant list
9/24/2021	Order	Linda Shao	Re: application to vacate prefiling order; Denied by Judge Folan
11/2/2020	Order	Linda Shao	Re: application to vacate prefiling order and remove plt/ptr from judicial Council Vexatious litigant list
10/2/2020	Application	Linda Shao	For order to vacate prefiling order and

			remove plt/ptr from judicial Council Vexatious litigant list
10/2/2020	Request: Judicial notice	Linda Shao	In support of application to vacate the prefilling vexatious litigant order
8/11/2020	Notice: Entry of Order	McManis Faulkner, LLP, James McManis, Catherine Bechtel, Michael Reedy	
8/10/2020	Appeal: Clerk's Notice of Appeal		
8/6/2020	Ex Parte Application Notice Required	Linda Shao	Denied by Judge Kulkarni *see order docket details*
7/29/2020	Clerk Rejection Letter	Linda Shao	Your documents have been filed. However, \$775

			check must be submitted directly to the Court of Appeals
7/28/2020	Order: submitted matter		Hrg 7/23/2020 re: A) Motion to Reconsider 5/28/2020 Order Denies; and B) Motion to set aside 5/28/2020 Order Denies Signed by Judge Kulkarni
7/27/2020	Order: vexatious litigant Prefiling	Linda Shao	Granted by Judge Ryan
7/27/2020	Request	Tsan-Kuen Wang	AMENDED Request to File New Litigation by vexatious litigant
7/27/2020	Notice of Appeal- Court of Appeal	Linda Shao	
[omitted]			
10/16/2019	Order After Hearing -POS		Order granting defendnats' Motion to Dismiss for failure to Bring Action to Trial

			Within Five Years Pursuant to Code of Civil Procedure: See Order for Details
10/8/2019	Minute Order		
9/30/2019	Notice	McManis Faulkner, LLP, James McManis, Catherine Bechtel, Michael Reedy	Of Non Opposition
9/12/2019	Motion: Dismiss	McManis Faulkner, LLP, James McManis, Catherine Bechtel, Michael Reedy	Action-Atty Everson, 10/8/19, 9AM, D8
9/12/2019	Memorandum: Points and Authorities	McManis Faulkner, LLP, James McManis, Catherine Bechtel, Michael Reedy	Hrg 10/08/19 – in support of Motion
9/12/2019	Declaration: In Support	McManis Faulkner, LLP, James McManis, Catherine Bechtel, Michael Reedy	Hrg 10/08/19-of Suzie M. Tagliere in support of Motion to Dismiss
9/12/2019	Proof of Service- Mail	McManis Faulkner, LLP, James McManis,	E-SERVED #3408311 re 10/08/10

		Catherine Bechtel, Michael Reedy	
9/1 9/2 019	Remittu r		Respondent to recover costs- The appellant having failed to file a brief after notice given under rule8.220(a) California Rules of Court, the appeal is dismissed

**EXHIBIT 37: CP. DOCKET 9/12/2019
SHOWS E-SERVED ENVELOP BEING
#3408311, WHICH PROVES THAT
MCMANIS'S MOTION TO DISMISS WAS
RE-FILED AFTER 9/19/2019, AFTER
THEY ALTERED THE EFILING STAMP
FROM 9/18 TO 9/12. THE COURT'S
FRAUD IN SERVING THE NON-
ACCESSIBLE EMAIL OF
ATTORNEYLINDASHAO@GMAIL.COM
SHOWS HERE. DEFENDANTS KNEW
PLAINTIFF SHAO WAS OVERSEAS AND
UNABLE TO RECEIVE THE MAIL, NOR
EMAIL BUT RUSHED DISMISSAL
WITHOUT LIFTING THE STAY, IN
FRONT OF THEIR BUDDY AT THE
AMERICAN INNS OF COURT WITH
CONSPIRACY; THEN REFUSED TO SET
FOR HEARING FOR ALREADY 7
MONTHS AFTER EXPOSURE OF THE
CONSPIRACY WITH JUDGE RUDY AND
JUDGE FOLAN WHO HAD FAILED TO
DISCLOSE THEIR RELATIONSHIP
WITH DEFENDANTS.**

CERTIFICATE OF SERVICE

Electronically Filed by Superior Court of CA
County of Santa Clara
~~On 9/18/2019 10:39 AM~~ 9/12
Reviewed by: L. Del Mundo
Case #2012-1-cv-220571
Envelop:3406422

Filed by:
Janet L. Everson-21161
JEverson@mpbf.com

Suzie M. Tagliere-286849
STagliere@mpbf.com
MURPHY, PEARSON, BRADLEY AND
FEENEY
88 Kearny Street, 10th Floor
San Francisco, CA 94108-5530
Attorney for Defendants
MCMANIS FAULKNER, A PROFESSIONAL
CORPORATION, JAMES MCMANIS,
CATHERINE BECHTEL, AND MICHAEL
REEDY

I, Silvia Hasbun, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party interested in the within entitled cause. My business address is 88 Kearny Street, 10th Floor, San Francisco, California 94108. On September 12, 2019, I served the following document(s) on the parties in the within act

**Notice of Defendants' Motion to
Dismiss for Failure to Bring Action to
Trial within Five Years Pursuant to Code
of Civil Procedure §583.360**

**Memorandum of Points and
Authorities in support of Defendants'
Motion to Dismiss for Failure to Bring
Action to Trial within Five Years
Pursuant to Code of Civil Procedure
§583.360**

**Declaration of Suzie M. Tagliere in
Support of Defendants' Motion to Dismiss
for Failure to Bring Action to Trial
within Five Years Pursuant to Code of
Civil Procedure §583.360**

**[proposed] ORDER Granting
Defendants' Motion to Dismiss for Failure
to Bring Action to Trial within Five Years
Pursuant to Code of Civil Procedure**

§583.360

<input checked="" type="checkbox"/>	Via overnight Service: The above-described document(s) will be delivered by overnight service, to the address listed below:
-------------------------------------	--

Linda Shao
Shao Law Firm, PC
4900 Hopyard Road, Suite 100
Pleasanton, CA 94588-7101
E-mail:attorneylindashao@gmail.com
I declare under penalty of perjury under the law of the State of California that the forgoing is true and correct statement and that this Certificate was executed on September 12, 2019
By: /s/ Silvia Hasbun