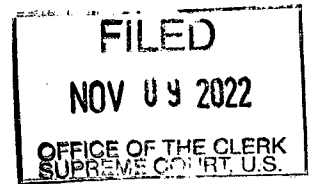


22-6875

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

YVONNE JIANG — PETITIONER
(Your Name)

vs.

HELEN XU et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

CALIFORNIA SECOND DISTRICT COURT OF APPEAL
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

YVONNE JIANG
(Your Name)

2826 NORSEWOOD DRIVE
(Address)

ROWLAND HEIGHTS, CA 91748
(City, State, Zip Code)

(626) 712-3187
(Phone Number)

QUESTION(S) PRESENTED

1. California Constitution and its Rules of Court confer too much power to its Chief Justice that when the Chief Justice conspires with the people who claim under her/him to sabotage a litigant's claims for the Chief Justice's personal agenda, the checked and balance of California Judicial System fails to function. In this case, the former Chief Justice of California Tan G. Cantil-Sakauye conspired with every level of justices and judges, courts clerks and Administrative Director who all claimed under her, to sabotage Appellant/Plaintiff's claims. The Chief Justice alone denied Appellant's petition for review to the California Supreme Court despite that the Chief Justice was asked to recuse herself. No reason was given for the denial. The defendants who forged document in the court and made false declaration under oath awarded judgments and attorney fees against the Appellant/Plaintiff, and the Appellant/Plaintiff was found a vexatious litigant who was prohibited to file any new lawsuit in any court in the State of California. Such results directly challenge the Constitution of the United States regarding the equal rights, equal protection, and free from persecution that protect the United States citizens. The results also provoke the United States Codes Title 18 : (a) Conspiracy against rights, 18 USC 241; (b) Power of Court 18 USC 401; (c) Contempt(s) constituting crimes, 18 USC 402; (d) Perjury, 18 USC 1621; (e) Subornation of perjury, 18 USC 1622; (f) False declaration before grand jury or court, 18 USC 1623.

2. The exercise of the supervisory power of the United States Supreme Court is absolutely needed: To protect the Appellant/Plaintiff's equal right for justice and free from legal persecution, to protect her from suffering legal persecution led by the former California Chief Justice Tani G. Cantil-Sakauye, to protect the her from suffering discrimination based on her financial status, that was caused by the courts Administrator and employees of the California courts system.
3. All the power and privilege that conferred on the justices and judges, who participated in the persecution of the Appellant/Plaintiff and participated in the Chief Justice's conspiracy, and who abused their power and intentionally made ruling against the laws, shall be rescinded instantly when they acted on the persecution and on the conspiracy. Their conspiracy and intentional disregarding the laws constitute contempt of the court and contempt of the Constitution which disqualified them from continue representing the courts.
4. Every order, judgment, and ruling including the Prefiling Order against the Appellant/Plaintiff that was issued by these justices and judges, that violated the laws of California and the Constitution; is the resulting product of the conspiracy, persecution, discrimination, and contempt; shall be revoked.
5. Every person in the California courts system, who knowingly has participated in the conspiracy and participated in the persecution and discrimination against the Appellant/Plaintiff is culpable and liable to Appellant's damages. They all shall be prosecuted in the court of laws to uphold the laws.

LIST OF PARTIES

- ☐ All parties appear in the caption of the case on the cover page.
- ☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. Helen Xu
2. Maxwell E. Lin AKA Eng-Lang Lin
3. Maxwell E. Lin & Associates

RELATED CASES

1. Yvonne Jiang v. Helen Xu et al, 21PSCV00100, Superior Court Pomona California. Judgment entered August 18, 2021.
2. Yvonne Jiang v. Helen Xu et al, B316520, California Second District Court of Appeal. Judgment entered April 12, 2022.
3. Yvonne Jiang v. Helen Xu et al, S274734, California Supreme Court. Judgement entered August 10, 2022.
4. Yvonne Jiang v. Helen Xu et al, B319524, California Second District Court of Appeal. Judgment entered May 27, 2022.
5. Yvonne Jiang v. Helen Xu et al S275403, California Supreme Court. Judgment entered September 14, 2022.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	Dismissal Order of California Second District Court of Appeal on May 27, 2022.
APPENDIX B	Orders of Superior Court CA on 1/26/2022 denied Plaintiff's 9/23/2021 Motion to Strike Defendants' Memorandum of Cost, denied Plaintiff's 9/13/2021 Motion to Object the Reassignment of the Case to Judge Thomas C. Fall, continued the Hearing on Motion for Attorney Fees.
APPENDIX C	Order Striking Statement of Disqualification on 1/25/2022 by Superior Court California East District Pomona.
APPENDIX D	Order denied the petition for review by the Supreme Court of California on 9/14/2022
APPENDIX E	Non-Judicial order to stay the case on April 12, 2022.
APPENDIX F	Order Denying Peremptory Challenge on 4/4/2022, Superior Court CA.
APPENDIX G	Order denied Peremptory Challenge on 2/25/2022
APPENDIX H	Order granted defendants' attorney fees on 2/28/2022
APPENDIX I	Order dismissed the case on 8/18/2021, Superior Court CA.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 9/14/2022*.
A copy of that decision appears at Appendix D.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

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

* There was never a hearing for this case, therefore, no petition for rehearing was filed.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATEMENT OF THE CASE

Constantly under cyberattack, files disappeared.

REASONS FOR GRANTING THE PETITION

The reasons for granting the petition are the May 27, 2022 dismissal order [Appendix A-2] is part of the conspiracy planned, organized and directed by the former California Chief Justice Tani G. Cantil-Sakauye to prevent the Appellant/Plaintiff Yvonne Jiang from pursuing for justice in the superior court case 21PSCV00100 where Plaintiff claimed that defendants violated California's Penal Code for forging a copy of the listing contract to have Defendant Helen Xu's demurrer sustained [Exhibit 201, attached after appendices] and committed perjury for declaring under oath that two versions of the same listing contract both to be true copy of the original [Exhibit-201 and Exhibit-202, attached after appendices] in the prior superior court case 17K05412 that caused damages to the plaintiff. The dismissal order was a collaboration of persecution and discrimination against Appellant Yvonne Jiang. It deprived Appellant's equal right to pursue justice. It is an obstruction of justice, a corruption, and a conspiracy that involved Chief Justice Cantil-Sakauye and every level of justices and judges. Every order, ruling, and judgment these justices and judges made violated California laws and violated the Constitution. The Chief Justice alone denied Appellant's petition for review to California Supreme Court [Appendix D-2] which close every way Appellant could have had to have

her case heard. United States Supreme Court is the only place where Appellant still have to have her case reviewed.

Chief Justice Cantil-Sakauye taking Plaintiff's cases as her "debt payment" to the California Judicial Council member David Fu for Fu's collaboration with the Chief Justice in appointing, electing, and assigning people from the Chief Justice inner circle to all levels of the judicial system of California. Chief Justice Cantil-Sakauye repeatedly appointing David Fu (and some others) to the Judicial Council, from non-voting member to voting member, was to count on Fu helping her building the Chief Justice's own team in order to administer a pool of more talented and more experienced legal professionals than herself. [Judicial notice is requested on David Fu's biography, and the Judicial Council member appointment <https://www.courts.ca.gov>]. Plaintiff Jiang's original case involved Council Member David Fu's family. David Fu's family Ellen Fu and Tom Crosby husband and wife held a majority stake in Coldwell Banker George Realty (CBGR) who was liable and accountable for the fraud the defendants committed in the prior case (17K05412). Defendant Helen Xu threatened to sue Coldwell Banker George Realty if Plaintiff Yvonne Jiang, who was an agent of CBGR, had not dropped the case against Xu. The Chief Justice helped David Fu sabotage Plaintiff Yvonne Jiang's claims for David Fu's family Ellen Fu.

A. Administrative Presiding Justice Elwood Liu Conspired with the Chief Justice to Sabotage Appellant's Appeal.

Administrative Presiding Justice Elwood Liu conspired with the Chief Justice to sabotage Appellant's appeal. First, Justice Liu's ruling was based on April 12, 2022 order staying the appeal by the Clerk Daniel P. Potter [Appendix E-2,] was an error because Clerk Daniel P. Potter had no judicial capacity to stay Appellant Jiang's appeal. Appellant's notice designating record on appeal was rejected because of this illegal stay of the appeal. Second, on the same day, April 12, 2022, Justice Elwood Liu issued another dismissal order dismissing Appellant's appeal from August 18, 2021 order that dismissed the case 21PSCV00100 [Appendix A, Appendix B, USSC Case No. 22-6598]. The April 12, 2022 dismissal order employed the same tactic that the courts Administrative Director Martin Hoshino had Clerk Daniel P. Potter illegally stayed the appeal to prevent Appellant from filing any paper. Court of Appeal rejected everything Appellant submitted for filing because of the illegal stay of the case [Appendix B-2, page 1, last PP]. Justice Liu then could base on that stay dismissed Appellant's appeal for no record on file because the Court of Appeal rejected everything Appellant submitted. All these were done in the Chief Justice's secret chamber **division P**. Division P is not listed on the courts' official website. Third, both of Justice Elwood Liu's dismissal

orders, the May 27, 2022 and the April 12, 2022 were also based on the prefiling order filed against the Appellant/Plaintiff which was a set up by Superior Court Judge Serena R. Murillo [Appendix H, Appendix I; USSC Case No. 22-6598]. Judge Murillo's prefiling order was the very important part of the conspiracy and the persecution against Appellant/Plaintiff. In addition, Justice Liu himself has had an interest conflict in Appellant's case which he failed to recuse himself from the case. Justice Liu benefited from Judicial Council member David Fu's favored for electing him to be the Administrative Presiding Judge and for the Chief Justice's appointment [Judicial notice is requested on Elwood Liu's biography and on David Fu's biography, and the Judicial Council member appointment <https://www.courts.ca.gov/>] Appellant is a victim of these people's interest exchange.

B. Justice Lui Intentionally Ignored the Merits in January 26,
2022 Order and Conspired with others to Sabotage
Appellant's Claims.

Justice Elwood Lui also conspired with the defendants by action for intentionally ignoring the merits of the appeal shown on the January 26, 2022 minute order. In Justice Liu's May 27, 2022 dismissal order, "The entirety of the record in this case consists of the notice of appeal and the

January 26, 2022 minute order ... the court is unable to determine that the appeals have merit ... [Appendix A-2]" In fact, the merits are clearly shown on the face of the minute order [Appendix B-2]:

1. Judge Thomas C. Falls denied without giving any reason, 7 requests by Plaintiff/Appellant including the motions filed before the proceedings and advanced to the date was prejudicial.
2. The judge denied Plaintiff's request to continue defense Motion for Attorney Fees for good cause, then at the end he continued it on the court's motion indicating prejudicial and abusing judicial power. In fact, Judge had granted defense motion for attorney fees and dismissed the case in the proceedings. He continued the motion because Plaintiff argued that the case was pending at Court of Appeal, which was a higher court than the Superior Court, that Judge Falls had no authority to dismiss the case []. So, he continued defense motion instead denied it. It is prejudicial. Judge Falls conspired with the defendants by his rulings.
3. Judge Falls ruled that Plaintiff was free to have a court reporter but denied the request to continue the hearing to obtain a court reporter was prejudicial and abuse of judicial power. Judge Falls denied every request for recording of the proceedings was to cover up the conspiracy and the persecution against the Plaintiff/Appellant.

4. Judge Falls advanced Plaintiff's motion to strike defendants' memorandum of cost without advanced notice to Plaintiff was an intentional surprise to Plaintiff and was abuse of judicial discretion and was prejudicial. In fact, Judge Falls did not conduct any hearing. He just announced his ruling.
5. Judge Falls denied Appellant's motion to strike based on the November 23, 2021 illegal order staying the appeal by the clerk [Appendix B-2, page 1, last PP – page 2] which exactly Justice Liu did in his April 12, 2022 dismissal order. It was an error. And it also indicates the intent to conspire by both Judge Falls and Justice Liu.
6. Judge Falls advanced the Motion to Object the Reassignment the Case to Judge Thomas C. Falls without giving advanced notice was abuse of judicial discretion and denied the motion without giving any reason was prejudicial.
7. January 26, 2022 minute order clearly stated that Plaintiff Yvonne Jiang had filed the Motion to Object the Reassignment on 09/13/2021. The time for Judge Falls to strike and to file verified answer was way passed if he could treat the motion as a request for recusal. The judge filed it on January 25, 2022 [Appendix C-2], one day before the hearing and had the clerk handed out his

verified answer on the hearing day was also a surprise. It was an abuse of judicial discretion and prejudicial. In fact, the judge did not allow Plaintiff to say anything. He just announced his ruling without conduct any hearing for the motion he advanced instantly.

8. Judge Falls ordered defense resubmit the request for attorney fees and supporting documents was abuse of discretion. Whether defense seek for double billing was not the concern of the judge until after the hearing. It was abuse of discretion and prejudicial. In fact, defense counsel had filed the motion for attorney fees before Plaintiff's time to file an appeal was expired. Judge Falls conspired with the defendants and gave the defendants opportunity to fix the problem instead of denying defendants' motion. It is abuse of judicial discretion and prejudicial [].

Justice Liu intentionally ignored all the merits of appeal showing on the face of January 26, 2022 minute order and undermined the illegal practice law by the court clerk, dismissed Appellant's appeal indicating his intent to conspire. He conspired with the defendants, Judge Thomas C. Falls, Clerk Daniel P. Porter, court's Administrative Director Martin Hoshino, and the Chief Justice to sabotage Appellant's appeal. It was a contempt of the Constitution and a contempt of the court he represented. He is culpable and liable to Appellant Yvonne Jiang's damages.

C. Judge Thomas C. Falls Conspired with Chief Justice
Cantil-Sakauye, Raked Plaintiff's Case to Himself and
Persecute Plaintiff Yvonne Jiang.

Judge Thomas C. Falls conspired with Chief Justice Cantil-Sakauye raked Plaintiff's case from the assigned Judge Gloria White-Brown to himself to persecute Plaintiff. First, they issued an order on June 28, 2021 for Plaintiff to show cause re vexatious litigant when the order finding Plaintiff vexatious litigant was still pending appeal at Appellate Division [Appendix G, USSC Case No. 22-6598]. Then, they coerced Judge White-Brown to grant defendants special motion to strike the complaint under Code of Civil Procedure (CCP) Section 425.16 and grant \$4,200.88 for attorney fees which approximately half of the defendants' request and to dismiss the complaint [Appendix I-2]. Judge White-Brown did not present in the courtroom because she could not face Plaintiff for dismissing Plaintiff's case knowing that defendants did violate the penal code and commit perjury. After she announced the ruling, the judge said sorry to Plaintiff. Nonetheless, defendants' special motion under CCP 425.16 is prohibited by CCP 425.18 (h), which states, "A special motion to strike may not be filed against a SLAPPback by a party whose filing or maintenance of the

prior cause of action from which the SLAPPback arises was illegal as a matter of law." Because defendants forged the document to have Helen Xu's demurrer sustained without leave and made a false declaration under oath to have Xu's motion for attorney fees granted, their filings were illegal, therefore they are prohibited to file the special motion under CCP 425.16. Among other arguments, the court totally ignored Plaintiff's opposition filed on June 7, 2021 and amended on June 18, 2021. The dismissal order on August 18, 2021 was abuse of judicial discretion and was prejudicial. It is also an error.

Second, the Chief Justice had Judge Falls dismissed Plaintiff's motion for an order for coordination filed on July 15, 2021, denied the motion to object the reassignment the case to Judge Falls, granted defendants' motion for attorney fees and order Plaintiff to pay within 30 days [Appendix H-2] while the case was still pending, falsely denied peremptory challenge to Judge Fall [Appendix F-2, Appendix G-2], told the court clerk not to file anything from Plaintiff

D. Chief Justice Tani G. Cantil-Sakauye Organized and
Directed the Conspiracy and Persecution Against
Appellant/Plaintiff Yvonne Jiang.

Chief Justice Cantil-Sakauye abused her power and moved a group of justices and judges, courts' Administrative Director Martin Hoshino and the courts clerks, who all claimed under her to sabotage Appellant/Plaintiff's case. First, the Chief Justice had the Superior Court Judge Jon R. Takasugi interfered Plaintiff Yvonne Jiang's case 17K05412 and entered a summary judgment within 10 days from the scheduled hearing date then hid the judgment from Plaintiff for no order to serve the judgment [USSC Case No. 22-6598, Appendix K]. The summary judgment entered while the time for plaintiff to respond to defendant's request for judgment had not expired; and Plaintiff was not at default, plus defendant violated the California Rules of Court on the requirement for requesting summary judgment. After Xu's dismissal, Xu filed a motion for attorney's fee using a different version of the contract and the motion was granted. Plaintiff Jiang filed a motion for reconsideration from Judge Chang's order granting defendant's motion for attorney's fee. Plaintiff Yvonne Jiang pleaded that the court committed a judicial estoppel for ruling the same listing contract illegal in Defendant Xu's demurrer and then legal in Xu's motion for attorney's fee, and that Defendant Xu violated

the California's penal code for using a false document in the court, and that her attorney Eng-Lang Lin aka Maxwell E. Lin made false declaration on the two versions of the same listing contract both to be the true version of the contract to maintain defendant's position in her case. The Chief Justice relocated Judge Wendy Chang – the reassigned judge of the case, to a courthouse very far from the courthouse where the case was housing].

The Chief Justice then named Judge Serena R. Murillo to be the judge for the case but Judge Serena R. Murillo was not the judge assigned to that courtroom (department 94) at Stanley Mosk Courthouse. The case landed on another judge's hand and that judge continued the motion hearing to his own courtroom – the same courtroom department 94. However, again, the Chief Justice had the case raked to Judge Serena R. Murillo's courtroom at Spring Street Courthouse without any notice to Plaintiff. To justify her interfering of the proceeding, Chief Justice Cantil-Sakauye even changed courtroom department 94 from civil case courtroom to a family case courtroom. The purpose of these interference was also to confuse the self-represented Plaintiff because she was a lay person who could not afford an attorney. It is a discrimination against Plaintiff/Appellant Yvonne Jiang based on financial status. Judge Serena R. Murillo intentionally fabricated the events and twisted the facts, set up a

trap to find Plaintiff Yvonne Jiang a vexatious litigant and entered a prefilling order against her. Judge Murillo executed Chief Justice's order to stop Plaintiff from pursuing the case further by filing the prefilling order without a hearing which was against the law and violated Plaintiff's right for a fair trial.

Appellate Division Presiding Judge P. McKay, Judge Kumar, Judge Richardson were appointed by the Chief Justice according to California Constitution Title VI. They happened to be no different than the conspirator Judge Sereno P. Murillo when came to abuse their judicial power and fabricated events and twisted facts. [Appendix G]

The Chief Justice did not stop persecuting the Plaintiff. She had the Administrative Director directed the clerks from the Appeal Unit intervening the appeal process by returning, rejecting, and made disappearing of Plaintiff's document for appeals. These also happened in Appellate Division, Second District of Court of Appeal, and the Supreme Court of California. Further, the third party One Legal online electronic filing system, who hired by the Administrative Director Martin Hoshino, disabled the function for appeal several times when Appellant attempted to file appeals. He and the Chief Justice also had the court clerk illegally practiced the laws and the Clerk ordered a stay on Appellant Jiang's two

appeals. All Appellant's filings were returned for that reason. That was how Justice Lui dismissed two appeals for the reason of no record on the appeals. These people were supposed to uphold the laws and delivery justice. Instead, they conspired with each other and deprived Yvonne Jiang's equal right for justice.

Furthermore, the courts intentionally violated California Penal Code for allowing and awarding the defendants who lied, forged document, made false declaration under oath, had a white woman personated the attorney Marjorie Minnetian appearing for the defendants. Despite of Appellant Yvonne Jiang's repeated objection to the personated attorney appearing for the defendants (Jiang's pleaded that she had met with Marjorie Minnetian in her office before and the person appearing was not the attorney Marjorie Minnetian); Judge Serena R. Murillo, Appellate Division Presiding Judge P. McKay, Judge Kumar, Judge Richardson still allowed the personated attorney representing the defendants. They too fabricated the events and twisted the facts exactly like Judge Serena R. Murillo did and ruled in favor of the defendants [USSC Case No. 22-6598, Appendix-G]. They both copied the pleadings from the counsel for Coldwell Banker George Realty in defending CBGR's agent Defendant David Gao. Defendant David Gao won a judgment against Appellant

Yvonne Jiang with a fake power of attorney but did not ask for a penny for his cost and his attorney fees for the 4 years of litigation.

Through such conspiracy, these people persecuted the self-represented litigant Yvonne Jiang again and again inside the court and outside the court. They had the California Highway Patrol officers tailed and stopped Plaintiff when she ran to Post Office to send her documents for filing for the cases

These judicial officers were supposed to uphold the law. Instead, they betrayed the title and the position they held, abused their judicial power, disregarding the laws, made rulings that were all against the laws. They have caused a number of abstract liens recorded against the Appellant Yvonne Jiang. Yvonne has been counted on her children to work while attending full-time school to help her maintain the home they live in. Otherwise, we became homeless too. These corrupted judicial officers are the reasons of the homeless problem in California. They destroy people's mental health and scatter people into street become homeless. They drag down American. This Court must review this case to uphold the laws.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Yvonne Garcia", written over a horizontal line.

Date: ~~December 13, 2022~~ 2/18/2023