

Case No. 22-6876

ORIGINAL

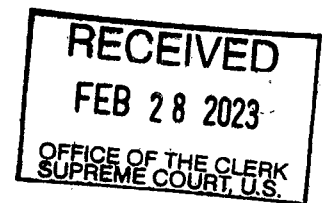
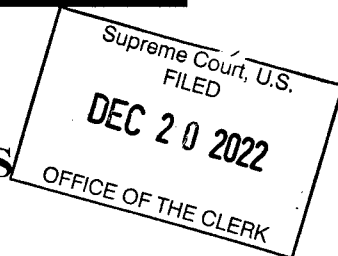
**IN THE
SUPREME COURT OF THE UNITED STATES**

Haroun Bacchus,
Petitioner
v.

Misty Thomson and Alexander Yerkes,
Respondents.

**On Petition For A Writ Of Certiorari
To The Supreme Court Of The State Of California
Appendix Filed Under Separate Cover**

PETITION FOR A WRIT OF CERTIORARI



Haroun Bacchus
Petitioner, Self-Represented
2210 3rd. Street, #101, Santa Monica, CA 90405
hbacchus@lycos.com
(310) 663-8454

**Mailing Address: 630 Pico Blvd., #5,
Santa Monica, CA 90405**

QUESTION PRESENTED

During the lengthy litigation in these matters, petitioner exposed fraudulent documents that were filed by the defense with the trial court. The question concerns procedural due process errors and violations for the then consolidated cases to be reviewed.

The question presented under Rule 14.1(a) is:
:

Whether the civil procedures performed in both cases violate the requirements of procedural due process of the Fourteenth Amendment of the United States Constitution.

LIST OF PARTIES

1. Haroun Bacchus, Petitioner.
2. Misty Thomson, Respondent.
3. Alexander Yerkes, Respondent.

RELATED CASES

1. Bacchus v. Thomson and Yerkes, Case No. 15K00946 – R, Superior Court of California, County of Los Angeles, Central District.
2. Bacchus v. Thomson and Yerkes, Case No. 15K00946 – U, Superior Court of California, County of Los Angeles, Central District.

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PETITION FOR A WRIT OF CERTIORARI

IN THE SUPREME COURT OF THE UNITED STATES

Haroun Bacchus, Petitioner

v.

Misty Thomson and Alexander Yerkes, Respondents

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME
COURT OF CALIFORNIA, CASE NO. S276245

Petitioner, Haroun Bacchus, respectfully asks that a writ of certiorari issue to review the orders and judgment in the courts below.

OPINIONS BELOW

☒ For cases from **state courts**:

The first opinion dated February 09, 2022 (Case No. BV033362) of the highest state court to review the merits appears at Appendix ("App.") A to the petition and is

☐ reported at; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The second opinion dated April 07, 2022 (Case No. BV034226) of the highest state court to review the merits appears at Appendix B to the petition and is

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

STATEMENT OF JURISDICTION

☒ For cases from **state courts**:

The date on which the highest state court decided petitioner's case was September 21, 2022.

A copy of that order appears at Appendix D.

The jurisdiction of this Court is invoked under 28 United States Code ("U.S.C.") § 1257(a). This petition was originally filed within 90 days of the California Supreme Court's denial of discretionary review, under Rules 13.1 and 29.2 of this Court. This petition has been corrected and is resubmitted in accordance with the directions of the Court Clerk's letter dated December 28, 2022 (enclosed).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Federal

United States Constitution, Amendment 14 §1:

No state . . . shall 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.

U.S.C. provision 18 § 2261A, and U.S.C. provision 28 § 2072, are governing statutes in this petition.

These Constitutions and statutes are involved and relevant to this petition. .

California

California Constitution, Article 1 § 7:

“A person may not be deprived of life, liberty, or property without due process of law...”

The relevant California Constitution and laws to this petition are reprinted in Appendix G.

INTRODUCTION

On January 30, 2015, plaintiff and petitioner, Haroun Bacchus, brought a lawsuit against the defendants who are also the respondents, Misty Thomson and Alexander Yerkes, in this writ petition because of the harm petitioner had suffered from their acts of trespassing on his personal property, violating his rights to privacy, committing property damage when they unlawfully entered his bedroom and restroom, and caused destruction, and committed theft (conversion) of petitioner's personal property aggregating in the thousands of dollars most of which were valuable audio and musical components at his permanent address located at: 2210 3rd. Street, Apartment, No. 101, Santa Monica, CA 90405 in the County of Los Angeles, California. Moreover, the respondents violated petitioner's privacy by searching through his files and documents in his bedroom, and then disseminated the content across social media. Ms. Thomson also resides at the apartment pursuant to the rental agreement contract as a co-tenant with the petitioner since 2004. In 2007, she moved her spouse and guest, Mr. Yerkes, into the apartment (Vol. 4: Clerk's Transcript (hereinafter "CT"), (4 CT 896 [¶] FACT No. 17).

Evidence of the real property damage is shown in the photographs as holes in the walls of petitioner's bedroom which were caused by the respondents when they pulled the shelving secured to the walls.

This matter had involved two consolidated appeals. On November 03, 2020, the Appellate Division consolidated appellate Case Nos. BV 033362 and BV 034226 for the underlying trial court cases that included the respective judgment and multiple post-trial orders. Almost a year later, the court *sua sponte* vacated the consolidation on October 12, 2021.

STATEMENT OF THE CASE

At inception on January 30, 2015, this case involved property damage and theft and two other causes of action (hereinafter “COA”) in a residential apartment for which relief was sought, but later as the case progressed through the trial court extensions were added to the trial court case number 15K00946 to litigate other issues. Thus, trial court case numbers 15K00946, 15K00946 – R, and 15K00946 – U were reflected on the record after consolidation of the appeals was granted on November 03, 2020 by the Appellate Division of the Los Angeles Superior Court (see Case Nos. BV 033362 and BV 034226 for the underlying trial court cases that included the respective judgment and multiple post-trial orders (Case No. 15K00946: Judgment entered December 27, 2019), and February 24, 2020 and February 25, 2020 (Case No. 15K00946 – R: Post-trial orders filed February 11, 2020 and February 21, 2020), and October 05, 2020 (Case No. 15K00946 - U: Post-trial order filed September 03, 2020)).

In appellate Case Nos. BV 033362 and BV 034226, petitioner appealed from the December 27, 2019 final judgment, and the post-trial orders on February 24th and 25th of 2020, and two September 03, 2020 orders to which appellant filed a notice of appeal, on October 05, 2020. Appellant moved twice to file overlength briefs on November 23, 2020 and May 24, 2021, because of the many due process violations discovered in both cases. But, both motions were denied by court order, respectively, on December 14, 2020 and June 01, 2021. Hence, petitioner’s briefing was limited in scope to meet the word count of 6,800 words.

Citations Applicable to Aplt. Case No. BV033362

Petitioner filed a complaint for the present case in litigation before this court on January 30, 2015. (1 CT 21 – 43.) In a prior case, petitioner successfully defended himself against the actions of respondents’ prior attorney, Mr. Agarwal, in 2016 and 2017. (1 CT 045.:12 – 18.)

Service of process attempts continued through the summer of 2018, and the respondents answered on August 23 and 24 of 2018. (2 CT 253 – 266.) A second amended complaint (hereinafter “SAC”) was filed on November 13, 2018. (1 CT 67 – 213.) Discovery commenced in 2018, and an order was sought on February 26, 2019 for the Requests for Admission (hereinafter “RFA”), (3 CT 508 – 537.), but it was denied along with the application for reconsideration on May 03, 2019. (3 CT 575 – 603.) An opposition was filed to the RFA on April 10, 2019 by respondent, Mr. Yerkes. (3 CT 545 – 569.)

An order was sought on June 24, 2019 for the RFA (3 CT 606 – 620.) for respondent, Ms. Thomson, but it was denied along with the application for reconsideration on July 26, 2019. (3 CT 634 – 661.) The filing on August 09, 2019 for a motion to compel the discovery responses for the production of documents and inspection demand (3 CT 666 – 684.) was not heard on its merits by the court. Later, and after court continuances, on October 01, 2019, all three motions for the interrogatories and production/inspection demand were denied. (3 CT 724.)

In preparation for a bench trial, the Joint Exhibit List was filed on September 23, 2019. (3 CT 695 – 696.) Next, in September and October of 2019 the Motions *in Limine* and oppositions to them followed. (3 CT 697 – 758.) The Trial Brief, and the opposition to Motion *in Limine* No. 5 were filed on December 16, 2019 by defense counsel. (4 CT 770 – 791.) The exhibits presented at trial show property that petitioner did not own which were discarded in petitioner’s bedroom with connected restroom. (5 CT 1188 – 1197.) Photos of damage to Petitioner's personal property were also

presented (5 CT 1198 – 1200.); (6 CT 1201 – 1304.) The handwriting documentation and exemplars were prohibited at trial. (6 CT 1305 – 1325.) The trial decision was adverse to the appellant on December 17, 2019. (2 CT 266 – 268.), (4 CT 797 – 798.) Next, a request for a Statement of Decision was sought, but it was denied. (4 CT 799 – 813.)

Petitioner moved for a new trial on January 10, 2020 (4 CT 820 – 841.), but it was denied after opposition by the respondents. The reconsideration motion (4 CT 949 – 969.) was denied on January 21, 2020. (4 CT 970 – 972.) On February 10, 2020, a draft transcript of proceedings was lodged with the court. (4 CT 892 – 948.) The notices of appeal were filed on February 24, and February 25, of 2020 (4 CT 975 – 979.), (4 CT 985 – 987.); and on October 05, 2020. (3 CT 587 – 591.) A Proposed Statement on Appeal for the February of 2020 appeals was filed on November 10, 2020. (5 CT 1115 – 1138.) And, a Proposed Statement on Appeal for the October 05, 2020 appeal was filed on March 24, 2021. (3 CT 613 – 620.) The order concerning this proposed statement was filed on May 28, 2021. (3 CT 637 – 638.)

Petitioner's Motion to Strike or Tax Costs was filed on January 23, 2020. (4 CT 841 – 852.) But, it was opposed on February 26, 2020, and a reply was filed on February 28, 2020. (5 CT 993 – 1012.) This motion was granted in part on March 11, 2020. (5 CT 1060 – 1061.)

Citations Applicable to Aplt. Case No. BV034226

A vexatious litigant document was filed on November 20, 2019 by defense counsel without any exhibits lettered from A through Q, (2 CT 214 – 265.) but it was

denied. On April 09, 2020, respondent Mr. Yerkes' vexation document was rejected by the court, (2 CT 269 – 270), which was connected to the original vexation motion filed November 20, 2019. On April 15, 2020, petitioner filed an opposition to both of these motions. (2 CT 271 – 287.) Next, respondent Mr. Yerkes filed another vexation motion on April 27, 2020. (2 CT 288 – 441.) Later, on May 04, 2020 petitioner was served with a box of papers (3 CT 442 – 443.) which included the motion and the listed exhibits (2 CT 214 – 263.), but exhibits A through Q were not included in the Clerk's Transcript. Then, petitioner filed another opposition on June 19, 2020 (3 CT 445 – 482.) to this motion citing to many of the exhibits lettered A through Q which the defense had prepared and served. On July 02, 2020, the court issued its minute order, and continued the hearing to September 03, 2020 (3 CT 490 – 498.), (07/02/2020 Audio Recording (hereinafter "AR") 10:05:35 – 10:26:13.)

The court relied on the defense's November 20, 2019 motion in its September 03, 2020 minute order of an adverse decision to petitioner at that hearing (3 CT 506 - 512., 508 [¶] 5). An adverse prefilng order to the petitioner was also filed the same day. (3 CT 513.) At that hearing with defense counsel, petitioner objected to the untimely filing of respondent Mr. Yerkes' reply which was filed just two days before the hearing, and to the supplemental briefing (3 CT 484 – 489.), (09/03/2020 AR 10:10:35 – 10:11:32.) Petitioner also objected to his request for sanctions or attorney's fees, because it was untimely filed. (3 CT 499 – 505.) Subsequently, petitioner's reconsideration application was filed and denied on September 14, 2020. (3 CT 514 – 545.) Next, respondent Mr. Yerkes filed his reconsideration motion on September 15, 2020, (3 CT 546 – 586.) but it, too, was denied on April 07, 2021. Petitioner had filed an opposition to this reconsideration motion on March 24, 2021, and then quickly filed a Notice of

Errata for correctable errors on April 12, 2021. A Petition for Writ of Supersedeas was filed by the petitioner on September 22, 2020, but its augmentation to the record was denied on June 28, 2021. Next, the reconsideration motion was filed on July 06, 2021, but it, too, was similarly denied on July 23, 2021.

The Amended Clerk's Notice of Default is dated April 02, 2021. To file the notice of appeal for the October 05, 2020 appeal (3 CT 587 – 591.), petitioner filed Form VL-110 on April 05, 2021 seeking permission from the presiding judge in Dept. 1 of the Stanley Mosk Courthouse in Los Angeles, CA which was granted on May 12, 2021. (3 CT 631 – 636.) The Notice Designating the Record on Appeal was filed on October 15, 2020. (3 CT 592 – 607.) The “Notice to Appellant of Proceedings Not Reported” was filed on February 23, 2021. (3 CT 608 – 609.) The “Appellant's Notice of New Election Re: Record of Oral Proceedings” was filed on March 05, 2021. (3 CT 610 – 612.) Next, on March 24, 2021, petitioner's Proposed Statement on Appeal was filed, (3 CT 613 – 630.) and the court's order was filed on May 28, 2021. (3 CT 637 – 638.) The Clerk's Certification of Record for the October 05, 2020 appeal is dated June 18, 2021. (3 CT 639 – 639A.)

Petitions For Rehearing

Other relevant court filings include a Petition for Rehearing (hereinafter “PFR”), (Aplt. Case Nos. BV033362, BV034226), but the Appellate Division ordered denials for both of them (Apps. E and F). These petitions show significant and harmful

mistakes or errors in the opinions for which relief is sought on those due process of law issues presented in the appeals.

Governing Review

The original action was brought against the respondents. Considerations of governing review for this writ of certiorari is pursuant to Rule 10 of the U.S. Supreme Court. Based on the records in the courts below, this Court has jurisdiction to review the judgment and post-trial orders on a writ of certiorari, because violation of the requirements of procedural due process of the Fourteenth Amendment of the United States Constitution occurred in these then consolidated cases.

REASONS FOR GRANTING THE PETITION

This petition for a writ of certiorari is written in the pursuit of justice for relief to set aside the enforcement of the Judgment, Opinions and Orders below which includes appellate costs.

I. WRIT RELIEF IS NECESSARY AND APPROPRIATE TO RESOLVE ISSUES OF DUE PROCESS OF LAW

This writ of certiorari petition concerns Opinions issued by the Appellate Division of the Los Angeles County Superior Court, California in then consolidation for trespassing as to chattels, invasion of privacy, property damage, and theft (conversion) case (Appellate Case No. BV 033362), and for declaration of vexatiousness (Appellate Case No. BV 034226).

Petitioner respectfully disagrees with the court's Opinions, because of the

significant and harmful mistakes or errors found in them that petitioner brought to the attention of the Appellate Division in those issues in the PFRs, but they were denied. In both then consolidated cases, that court did not request any supplemental briefing on any issue that petitioner sought correction for. Thus, justice was not properly served, because the truth of the matters were ignored or missed. The remedy is a complete and meaningful review of the issues argued in these consolidated cases.

To permit additional evidence to be included to support the pleadings and trial court documents and exhibits presented at trial on December 17, 2019, a Petition for Writ of Mandate at p. 16 [¶] 1 dated June 28, 2022 (hereinafter “June 28, 2022 PWM”) was submitted to the Court of Appeal of the State of California with supporting exhibits (App. H at p. 1 [¶] (2)).

II. THE APPELLATE DIVISION ERRED BY NOT APPLYING THE RULES AND PROCEDURES OF COURT

In its February 09, 2022 and April 07, 2022 Opinions, the Appellate Division did not perform its duty to conduct a meaningful review of those issues brought before the court, as evidenced by the errors petitioner demonstrated in his PFRs. Therefore, based on the procedures and rules of court, and case precedents, petitioner seeks relief by this petition of an accurate and complete review of the procedures and the decisions in the trial court record to make sure that the proceedings were fair, that the proper law was applied correctly, and that the harmful legal errors brought to the attention of the Appellate Division were properly addressed to correct them. Included in this section are the court procedures that violated constitutional due process in prosecuting the case

involving tortious acts.

Material Misstatements

Citations Applicable to Aplt. Case No. BV033362

Reconsideration of the Rulings for Fabricated Pleadings and Documents, and Additional Supporting Evidence

There are two proof of service (hereinafter “POS”) documents that have been fabricated by the defense, and are now part of the record (4 CT 832. [¶][¶] (1), (2)). Included within these documents are charts (3 CT 589 - 591.) which show chronologically how the fabrication, concealment, and collusion occurred for the POS and RFA dated 2/4/2019 for respondent Mr. Yerkes’ responses to the RFA (see Appellant’s Amended Opening Brief (hereinafter “AOB”) at p. 13) and how the fabrication and concealment occurred for the POS dated 03/08/19 for respondent Ms. Thomson’s alleged amended Responses to Requests for Admission on July 18, 2019 (*Ibid.* AOB at p. 16). Essentially, these are fraudulent documents which were filed separately by the respondents, and these documents should have been stricken by the trial court, because the court process in filing them was abused by the respondents for their benefit which is fundamentally unfair and caused an unnecessary delay in the proceedings pursuant to California Code of Civil Procedure (C.C.P.) §128.7(b)(1).

Therefore, collectively, both sets of stricken POSs and RFAs would have led to an early disposition of the case, and that respondents’ actions in bad faith qualify the judgment as a “void” in this case (*Ibid.*, AOB at p. 16:1 – 5).

Motion for Reconsideration Heard July 02, 2019

The issue of respondent Mr. Yerkes' fabricated POS and discovery responses to the RFA was presented to the trial court (PFR at p.10:6 – 12; App. E), (see also AOB at p. 14 [¶] 1), and the trial court ruled on it by denying the motion on July 02, 2019. (3 CT 621 – 622.) Therefore, the ruling should have been reviewed on appeal, but it was not according to the court's Opinion (hereinafter "Opn."), (App. A at p.6:2 – 6.), which is an error written as material misstatements.

Petitioner did challenge the trial court's July 02, 2019 order, because of its inherent errors, and included under section D. other new and different facts and circumstances to meet the requirements of C.C.P. § 1008(a), which means the Appellate Division erred on this issue (*Ibid.*, Opn. p. 6:2 – 6.). Further, California Rules of Court (C.R.C.) Rule 3.1202(c) only appears in the court's Opinion (*Ibid.* at p. 5:27 – 28.) which is after the briefs were already filed. The July 02, 2019 trial court order states that the *ex parte* application for reconsideration was deemed as a motion for reconsideration (see Petition For Transfer (hereinafter, "PFT") at p. 13 [¶] 2). The Appellate Division erred, because C.R.C. Rule 3.1202(c) would therefore not apply. The admission of the truth of the facts and genuineness of the discovery documents in the petitioner's pleading to be admitted as evidence will change the results of the July 02, 2019 hearing, which means that denial of the motion is reversible error on appeal (PFR at p. 9 [¶] 19., p.10:1 – 11; App. E), (see also AOB at p. 14 [¶] 2), (see also June 28, 2022 PWM at p. 17:5 – 10; App. H at p. 1 [¶] (2)).

Ex Parte Application for Reconsideration Heard July 26, 2019

In furtherance of pursuit of justice, a meaningful review is also necessary for the July 26, 2019 *ex parte* application for reconsideration pursuant to C.R.C. Rule 3.1202(c) which does apply to respondent Ms. Thomson's documents filed with the court through her then counsel, because the elements are satisfied (PFT at p. 13 [¶] 3). *Ex parte* relief may also be sought for the hearing nearing the then trial date, because the Court Reservation System ("C.R.S.") would schedule it **after** the trial date (App. H at p. 1 [¶] (2); Supp. Exh. 16). Judge Mooney of the Stanley Mosk Courthouse, Los Angeles, CA wrote an article providing guidance for the use of *ex parte* motions if the C.R.S. cannot timely schedule an important hearing (App. I at p. 2). The relevant contents of this article conflict with the *ex parte* decisions in the court's September 03, 2020 order. Also, petitioner's briefs effectively challenged the trial court's ruling (PFR at p. 10 [¶] 20.; App. E). The issue of Ms. Thomson's fabricated POS, fabricated responses to the RFA, and extrinsic fraud were presented to the trial court for reconsideration, but it was denied. The Appellate Division erred, because it overlooked these issues in petitioner's briefs (*Ibid.*) The admission of the truth of the facts and genuineness of the discovery documents in the petitioner's pleading to be admitted as evidence will change the results of the July 26, 2019 hearing, which means that denial of the motion is reversible error on appeal (*Ibid.*), (AOB at p. 17 [¶] 1), (see also June 28, 2022 PWM at p. 17 [¶] 1:4 – 12, at p.

18:1 – 3), (App. H at p. 1 [¶] (2)) .

Even though petitioner raised the issue of the fabricated POSs and RFAs in the aforementioned proceedings adjudicated by Judge Chang, no investigation was done. The concept that is embodied in the Due Process Clause is to “...instruct the factfinder concerning the degree of confidence our society thinks he [she] should have in the correctness of factual conclusions for a particular type of adjudication.” (United States Constitution Annotated Fourteenth Amendment Procedural Due Process Civil Section 1, Annotation 1048). The U. S. Supreme Court interprets this clause as providing procedural due process in civil proceedings.

Pursuant to the California Constitution, Article 1 § 7(a): “A person may not be deprived of life, liberty, or property without due process of law...”

The procedures were not adequate for the petitioner’s protection of the rights involved, because there are two sets of fraudulent documents filed by the respondents which the court is relying on. Therefore, additional procedures were needed for Judge Chang to implement a fair decision-making process. The U.S. Supreme Court in *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) explained these factors as follows: “First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probative value, if any, of additional or substitute procedural safeguards...” Similarly, as is applicable to this case before the Court, procedural due process requires that before petitioner is deprived of his liberty the elements of fundamental fairness and justice

must be considered at the noticed hearing (*Abel v. Cory* (App. 3 Dist. 1977) 139 Cal. Rptr. 555, 71 Cal. App.3d 589). The court must not rely on fraudulent documents in making its ruling, because it would be unfair and unjust.

The documents and testimony of the July 02, 2019 hearing exposed bad actors Mr. Yerkes and Mr. Fontiveros, and similarly, the July 26, 2019 hearing exposed bad actors Ms. Thomson and then counsel, Mr. Devitt. If an investigation into the facts had been done for the respondents' fraudulent acts, more than likely the findings would have revealed that truth of the facts in the RFAs would have to be admitted, and then the case would have been promptly disposed of. Due process includes the right to an effective remedy. In invoking the due process clause, deprivation of petitioner's liberty would not have occurred if the fact finding had been accurate and complete. Therefore, organized fraud under California Penal Code (Pen. C.) § 118 should be pursued to the fullest extent of the law against them in the interests of justice as provided by the applicable civil and criminal statutes written in the SAC for relief. (2 CT 304 – 308.)

1. Discovery Motions and Additional Supporting Evidence

The trial court was unavailable to hear three discovery motions on their merits between August 29, 2019 and December 17, 2019. They were ultimately denied even though they were never heard on their merits at the hearing which affected petitioner's due process rights to a fair hearing, or more than one fair hearing in the pursuit of justice of these matters. An evidentiary hearing under due process in a civil proceeding is governed by the Bill of Rights, and most of these rights have been incorporated under

the Fourteenth Amendment to the States. This amendment to the United States Constitution includes a Due Process Clause.

Therefore, procedural due process errors are the consequences when these motions were not properly heard.

Additional evidence not presented in the trial court below is supported by case precedents (*Bruce v. Gregory* (1967) 65 Cal.2d 666, 671 – 672.), and (*Mc-Carthy v. Superior Court* (1987) 191 Cal.App.3d 1023, 1030 fn. ³). (June 28, 2022 PWM at p. 16 [¶] 1:1 – 3), (App. H at p. 1 [¶] (2)) .

In compliance with the appellate division rules, petitioner provided a citation to the clerk’s transcript for the number of times the discovery motions were continued because the judicial officers were unavailable to hear them, therefore, establishing error on the record (PFR at p. 9 [¶] 18.; App. E). In the court’s Opinion, the justices state that no citation was identified (App. A at p. 5:14 – 16), but it was (PFT at p. 13 [¶] 4, at p. 14:1 – 3.). Most troublesome is that the motion to compel for production of documents and inspection demand of the premises was not heard on its merits, because the evidence demonstrates that the real parties committed the damage to petitioner’s property in his bedroom and restroom, and that they remain in possession of petitioner’s stolen property valued in the thousands of dollars which a search of their storage unit or warehouse should reveal (AOB at p. 19 [¶] 2, at p. 20:1 – 16, at p. 31:3 – 8, at p. 34:1 - 9), (Appellant’s Reply Brief (hereinafter “ARB”) at p. 13 [¶] 2, at p. 14:1 – 9, at p. 18 [¶] 1), and PFT at p. 17).

Petitioner's mistake in not including the electronic recording for the testimony from the October 01, 2019 hearing, and the applicable citation to the clerk's transcript can be remedied by inclusion of additional supporting evidence in this writ petition (App. H [¶] (4)). This additional evidence upon writ review may support a reversal of the appellate Opinion.

2. Application for Reconsideration of an Order for New Trial and Additional Supporting Evidence

Petitioner filed the application to reconsider the ruling denying the Motion for New Trial, because the court did not previously hear the new or different facts or circumstances described in the application. (4 CT 950:26 – 27, 951 – 952.)

C.C.P. § 1008(a) governs motions and applications to reconsider a prior motion filed with the court based on “new or different facts, circumstances or law.” Petitioner has demonstrated in the appellate briefs that Exhibits A, B, and C satisfy the elements for Judge Hiroshige to reconsider his adverse ruling (PFR at p. 4:22, at p. 5:1 – 5). Petitioner also described the abuse of discretion based on unreasonableness in his ruling (ARB at p. 19 [¶][¶] 1 - 2). Only some of the photographic evidence was litigated at trial, but all of it should have been in the interests of justice (App. H [¶] (5)).

The misstatements in the Opinion have been effectively argued including the findings that locate the pertinent citations in the record (PFT at p. 18 [¶] [¶] 3 - 4).

Thus, as categorized for the subject of due process of law for the interlocutory orders, the above material misstatements by the Appellate Division are errors which

must be corrected for a proper record. Petitioner's entitlement to relief is clear: (1) there is clear error under principles of law and undisputed facts (the facts of the matter should no longer be in dispute, because they are accurate, complete and unopposed before the court), and (2) respondents conceded to petitioner's relief for these issues presented on appeal (PFR at p. 10:11 – 12, 21 – 22; at p. 9:18 – 20; at p. 5:4 - 5).

Citations Applicable to Aplt. Case No. BV034226

There are many procedural due process errors which are demonstrated under material misstatements, because they affect the decision in the then consolidated case which could change the outcome of it, because of the probability that petitioner was prejudiced for the nonvalidity of the citations and references by both parties after the court ordered the consolidation vacated almost a year later on October 12, 2021 (ARB at p. 5 [¶] 1), (see also Case No. BV033362: Notc. of Mot. and Mot. For Recons. Re: Appel. Div. Order Filed Oct. 12, 2021; Mem. of Pts. and Auths.; Decl. of Aplnt. in Supp. of Mot. and Re: Notc.; [Prpsd.] Order at pp. 3 – 4, 6 –7, filed October 22, 2021. Consolidation occurred on November 03, 2020 (AOB at p. 8 [¶] 1). The Appellate Division knew the reason for the two sets of briefs for these appeals, because it ordered it on October 12, 2021 (OPN at fn. ³). This order states the appellate clerks made mistakes in consolidating the appeals, and that the “appeals will proceed separately...” (PFR at p. 3 [¶] 8., at p. 4:1). For this appeal's decision, the court stated it considered both cases (OPN at fn. ³).

Petitioner filed two oppositions and a reconsideration motion on April 15, 2020 and June 19, 2020 and September 14, 2020, respectively, in response to two motions

filed by the respondents on the issue of vexation. The court rulings included both denials and grants, and not just denials stated in the opinion. Also, the total “denied” relevant documents is **11** (3 CT 509 – 510.:3., 6., 7., 12., 14., 15., 16., 17., 18., 20., 25.) not **12** (OPN at 4:12 – 14). (PFR at p. 3 [¶] [¶] 6. - 7.).

The documentary record is complete for the court to rely on, as petitioner explained when both sets of the appellate record were available to the user (PFR at p. 4 [¶] 9.). This error also affects the decision making of the court if they used only part of the record to conduct their review for this appeal.

Petitioner included the different exigencies that are shown in the documents filed with the court as argued in the brief (AOB at p. 19 [¶] 4, at p. 20:1 - 8). The citations are to the record and include the details and explanations for the *ex parte* applications (App. I) . Therefore, petitioner properly concluded these filings are meritorious and are prepared in compliance with the rules and procedures of the California court. This prejudicial court error means that the Appellate Division relied on assertions by the trial court which are incorrect.

Petitioner **did** provide the necessary authority and citations in the record which the Appellate Division could rely on in deciding this case. Petitioner properly responded to any deficiencies asserted by the court (AOB at pp. 20 - 21., at p. 22:1 - 14), (ARB at p. 12:4 - 20) (in reference to OPN at p. 6:4 - 6). The trial court erred in preparing its September 03, 2020 order (AOB at p. 22 [¶] 2), (ARB at p. 12:20 - 22; at p. 13:1), because, in part, Presiding Judge Cowan also of the Stanley Mosk Courthouse,

Los Angeles, CA found that the documents and appeal were meritorious (ARB at p. 13 [¶] 1) (in reference to OPN at p. 5:14 - 16). His decision is in conflict with that of the trial court's adverse order, and the Opinion. Petitioner's briefs demonstrate the meritorious filings with the court (AOB at p. 18 [¶][¶] 1 - 2; at p. 19 [¶][¶] 1 - 2; at p. 20 [¶][¶] 1 - 2, at p. 21:1 - 2) (in reference to OPN at p. 5:3 - 7). And, the respondents did not oppose the issues therein (ARB at p. 14 [¶][¶] 1 - 2). (PFR at p. 5 [¶] 12.).

As applicable to the content in the above paragraphs, the record is adequate for the review of C.C.P. § 391 (b)(3) documentation and § 391.7 (ARB at p. 16; at p. 17:1 - 5) (in reference to OPN at p. 5:19 - 20). The trial court did not meet the elements in writing its adverse order, because it just compiled a list of documents without vexation explanations for each of them (see *Tyler v. Knowles*, 481 Fed. App'x. 355, 356 (9th Cir. 2012) [reversing trial court's vexatious litigant determination under California law for the court's failure to comply with procedural De Long requirements]). (PFR at p. 5 [¶] 13, at p. 6:1 - 7). Further, in not complying with procedural due process the evidence submitted by the trial court does not support its order (AOB at p. 24:3 - 5), (ARB at p. 12:20 - 22; at p. 13:1) (in reference to OPN at p. 5:13, 17 - 18). So, the pre-filing order, too, must be vacated in the interests of justice (AOB at p. 23 [¶][¶] 2 - 3, at p. 24:1 - 9) (in reference to OPN at p. 5:11 - 14). Thus, the trial court's ruling for its September 03, 2020 order is not supported by substantial evidence and it must be vacated in the interests of justice. (PFR at p. 6:1 - 7).

In this review, petitioner had met his burden of demonstrating error and prejudice for a void judgment based on due process violations and fraudulent documentation filed

by the respondents (AOB at pp. 14 - 16), (ARB at p. 10 [¶][¶] 3 - 5; at p. 11:1 - 15) (in reference to OPN at p. 5:2, 14 - 15, 17 -18). (PFR at p. 6 [¶] 14.).

Additionally, the burden was also met to defeat vexation under all the pertinent subdivisions of C.C.P. § 391, and § 391.7 (AOB at p. 22 [¶] 2, at p. 23:1 - 15, at p. 24 [¶][¶] 1 - 2, at pp. 25 - 26, at p. 27 [¶][¶] 1 - 2), (ARB at p. 12:20 - 22; at p. 13:1; at p. 14 [¶][¶] 4 - 5; at p. 15; at p. 16 :9 - 13; at p. 25: ¶ 1) (in reference to OPN at p. 6:7 - 8). (PFR at p. 6 [¶] 15.). However, the Appellate Division decision was adverse which must reversed to prevent a miscarriage of justice.

Omissions

Citations Applicable to Aplt. Case No. BV033362

3. Motion to Strike or Tax Costs

In the last week of February, 2020 Judge Hiroshige in Dept. 54 ordered petitioner to provide a response to the respondents' memorandum of costs which he timely served. But, on March 11, 2020 Judge Hiroshige did not consider this response and the respondents' declaration. Therefore, a complete and proper hearing on the issue of taxing costs did not occur that day. However, the hearing to tax costs was only partly successful, because the respondents' opposition was untimely when it was amended at least twice. In its computation of costs, the trial court erred in that the respondents only produced one enlarged photo (\$.25) at the December 17, 2019 trial, **but added petitioner's costs of his photographs** to the respondents' costs! (Emphasis added).

Such a due process error as this is easily reversible upon writ review where the error amounts to over \$2,000 in the aggregate.

The issue that the Motion to Strike or Tax Costs was not adjudicated fairly should have been reviewable on appeal, but the Opinion states that the premature appeals are not effective to invoke appellate review (App. A at p. 8:4 – 12). To remedy this adverse decision in the March 11, 2022 Order, petitioner provided relevant authorities and an oral argument on November 18, 2021 that the trial court's March 11, 2020 order should be effectively reviewed on appeal (PFR at p. 8 [¶] 15.) to comply with the requirements of federal and constitutional rights to due process of law (PFT at p. 12:11 – 22., at p. 13:1 – 4.). Therefore, writ of certiorari review is necessary to resolve this issue.

4. Civil Subpoenas and Additional Supporting Evidence

The trial court denied the *ex parte* application for discovery requests of respondents' financial information for punitive damages even though the exigency was that the then trial date was approaching in about a month, and the C.R.S. could only schedule a hearing after it. Most of the exigencies sought in this case were based on the C.R.S. scheduling the application or motion date **after** the important hearing or trial date. The information provided to the court generated after the appellate briefing is sufficient to support the writ review of this issue.

Respondents did not comply with the civil subpoenas that were issued to them in contempt of court (PFR at p. 7 [¶] 13.), and did not comply with due process of law (PFT at p. 11:18 – 21). A meet and confer process was undertaken when petitioner did not receive a response from the respondents. An *ex parte* application including the exigency was filed for the punitive damages matter, and documentation has been

provided on appeal for the probable resulting harms when the respondents did not provide the subpoenaed materials at trial (AOB at p. 23 [¶] (4); ARB at p. 15 [¶][¶] 1-2), (App. I at p. 2)). The above information should be sufficient for presenting this issue before the appellate court. Therefore, writ review is necessary to resolve this issue.

5. Motions in Limine

All five motions *in limine* (hereinafter “MIL”) were denied at trial even though fraud was referenced in these documents which means a modification, remand or reversal of the trial court’s decision should occur upon writ review. In particular, the defense’s Opposition to Motion in Limine No. 5 was served late on December 15, 2019, and thereby petitioner was precluded from filing a timely Reply to their document. Therefore, petitioner was prejudiced, because the Reply could have changed the outcome of the hearing by providing rebuttal information to exclude the small claim and other documents.

MILs Nos. 1, 2 and 5 direct the user to the supporting documents as cited for exclusion of irrelevant information that should not be testified to at trial (PFR at p. 5 [¶] 12.), (PFT at p. 16 [¶][¶] 2 - 3).

In its review, the Appellate Division’s Opinion omitted the issue that the respondents did not timely file their opposition to MIL No. 5, which prejudiced petitioner and resulted in harm to him, because a Reply could not be effectively written prior to trial to counter the defense’s assertions (PFR at p. 6:2 – 7). Further, the Opinion states that the ruling to deny to the MILs was based on the defense’s oppositions, which

is also a prejudicial error because due process was violated when petitioner's Reply was not considered, but it could have been if the defense had filed their opposition to MIL No. 5 in time ((App. A at p. 6 [¶] 2), (Mot. New Trial (4 CT 833 [¶] (3))).

MIL Nos. 3 and 4 properly exclude evidence with authority prior to trial. (PFR at p. 6 [¶] 1), (PFT at p. 16 [¶][¶] 2 - 4). Also, an error exists where Judge Hiroshige admitted the old restraining order litigation that petitioner ultimately prevailed on, but did not admit the material for the older theft case (Case No. SM08-60011), (AOB at p. 34 [¶] (7), at p. 35:1 – 19.) This theft case is vital to the outcome of the consolidated cases before this Court, because it establishes respondents' history of stealing petitioner's property.

The United States and California Constitutions guarantee due process of law (PFT at pp. 7 - 10.). Therefore, these errors of the Opinion must be corrected upon a meaningful review provided by this writ of certiorari to ensure accuracy and completeness.

6. Trespassing as to Chattels and Additional Supporting Evidence

During the December 17, 2019 trial petitioner recalls that defense counsel stated there was no trespassing in the apartment located on 3rd. Street in Santa Monica. His error is that the trespassing was not as to the premises of the apartment, but as to petitioner's chattels or personal property that he owned in his bedroom and restroom which was disturbed and interfered with resulting in damages. ((SAC) 2 CT 299 – 301.)

At trial, the defense incompetently argued the applicability of trespassing to land as an issue, but the correct argument should be applied to petitioner's personal property.

The court should strike this testimony, because the questions regarding this issue asked of the petitioner are irrelevant. Petitioner stated his relief on this issue for not objecting to the defense when this issue arose at trial (PFR at p. 8 [¶] 16.), (PFT at p. 17 [¶] 1).

7. Trial Brief

The trial brief prepared by the defense was not served upon petitioner, and, therefore, he had no opportunity to read, analyze, and respond to the contents of it before the December 17, 2019 trial date.

The defense intentionally did not serve their trial brief upon petitioner, and therefore, petitioner had no opportunity to reply to it. Federal and California Constitutions provide guarantees for due process protections to prevent deprivation of a process that harms a party to the controversy. In the briefing filed with the appellate court, petitioner argued prejudicial error and harms affecting petitioner's trial proceedings (PFR at p. 9 [¶] 17.), (PFT at p. 17 [¶] 2, at 18:1 - 7).

Thus, as categorized for the subject of due process of law for the above issues that were presented on appeal, these omissions by the Appellate Division are errors which must be corrected for a proper record. Petitioner's entitlement to relief is clear: (1) there is clear error under principles of law and undisputed facts (the facts of the matter should no longer be in dispute, because they are accurate and complete. An opposition to the defense's filed trial brief was not forthcoming in this lawsuit, because petitioner was never served a copy of it. And, (2) respondents conceded to petitioner's relief for these issues presented on appeal (PFR at p. 8:1, 21 - 22; at p. 7:6 - 7; at p. 5:19

– 20; at p. 6:6 – 7, 11 – 12, 16 – 17; at p. 9:5 – 6).

Citations Applicable to Aplt. Case No. BV034226

In its Opinion, the Appellate Division stated that part of the record for this case is “incomplete” (OPN. at p. 5:8 – 10), but there are no omitted documents except for respondents’ exhibits that are not found in the record. (2 CT 280 – 283.), (PFR at p. 4 [¶] 9.) As aforementioned, this error is prejudicial, because the court did have the record to make a meaningful decision in this case. Thus, the outcome of this case will change after review of this issue.

The Appellate Division should not consider the respondents' brief, because Judge Simpson never got a copy of it which violates the process in C.R.C. Rule 8.882(e) (3). (See ARB at p. 6:4 – 9; and Oral Argument appearance for objection on February 17, 2022). Where indicated in petitioner’s briefs, the respondents concede to the issues on appeal. (PFR at p. 3 [¶] [¶] 4. – 5.), (AOB at ii I.B, II. B, C, D).

New and Different Facts

Citations Applicable to Aplt. Case No. BV033362

8. Binders for Use at Trial

Before trial on December 17, 2019, petitioner’s trial binders should have been inspected by the trial court in Department 94 before the trial began. But, petitioner’s trial binder was not inspected, because then defense counsel, Mr. Devitt, and petitioner knew from the earlier exchange of our binders that petitioner only had one trial exhibit binder prepared (AOB at p. 25:19 – 21). But only the trial binders for the defense were presented to the court for inspection, because he had a complete set which petitioner signed off (Minute Order dtd. December 17, 2019 (CT 4 793 – 794.); (Mot. for New Trial (4 CT 826:17 – 28; at p.827:1 – 8)), (App. H at p. 1 [¶] (4) a.); *Ex*

Parte Application for Request of Statement of Decision [Proposed] Statement of Decision (4 CT 800:18 – 28, 801:1 – 7). (Lodging Requested for Exhibit Trial Binder in the Court of Appeal).

In using the standing order of Department 94, petitioner's one set of trial binders was prepared for trial, which became a major setback in presenting the evidence to the court since only petitioner could see the contents of the joint exhibit binder before him, and Judge Hiroshige had to look over petitioner's shoulder, and the defense counsel had to be called in for a closer look to see the contents of the binder. Due diligence in the research of the trial binders showed that the California Rules of Court were not clear in providing descriptions for the preparation of them. Likewise, the local Los Angeles Superior Court Rules did not provide additional details either for which petitioner could rely on (AOB at p. 25:1 – 14).

Respondents repeatedly relied on a different court's standing order regarding the instructions to prepare the binders (ARB at p. 15:17 – 21., at p. 16:1 - 2.). Therefore, clear error is demonstrated that the appellate division facts regarding this issue are incorrect, because petitioner did not fail to prepare the trial and joint exhibit binders in compliance with Dept. 94's standing order (PFR at p. 3[¶] 7., at p. 4:1 – 2), (PFT at p. 14 [¶] 4, at 15:1 - 4). The memorandum of the points and authorities for the motion for new trial document contains more specific information on the trial binders, and cites statute C.C.P. § 473 relief for grouping of the photographs for use at trial (Mot. New Trial (4 CT 829:27, 830, 831:1), (App. H at p. 1 [¶] (4) a.)).

9. Media Subpoenas and Additional Supporting Evidence

Both Facebook and Linked In companies were subpoenaed for identity theft and defamation against petitioner by the respondents, but only Linked In Co. complied, and copies were delivered to the court and petitioner. However, Department 94's move from one courthouse to another apparently resulted in a permanent loss of the court documents, because they were never found. Petitioner's copy should be used as additional evidence to the record (App. H at p. 1 [¶] (2); Vol. 1, Supp. Exh. 2, A).

Additional supporting evidence is provided for the issued subpoenas to the media companies, because on March 11, 2022 the order states the court lost jurisdiction to rule on the augmentation motion (App. H at p. 1 [¶] (2); Vol. 1, Supp. Exh. 2, Order at p. 2:5 – 7). This additional evidence upon writ review may support a reversal of the appellate Opinion when considered with the existing information provided in the appellate briefs (PFR at p. 4 [¶] 8.), (PFT at p. 15 [¶] 1).

10. Handwriting Evidence and Additional Supporting Evidence

Since 2004 and 2007, petitioner has been familiar with the handwriting of both respondents, Misty Thomson and Alexander Yerkes, respectively. Even though petitioner has no prior court experience in presenting handwriting evidence, identifying their handwriting is obvious on first impression, because petitioner has repeatedly seen it on legal documents and U.S. postal mail pieces. Handwriting exemplars had been prepared, but excluded by the trial court. (Lodging was requested in the Court of Appeal for: (1) VHS Recorder Device, and (2) Additional Mail Pieces).

Respondents have communicated with petitioner beginning 2004 and

through 2007, and continuing through the present via court documents and U.S. postal mail. Pursuant to Evid. C. § 1416(b),(c), petitioner meets the requirement that he has personal knowledge of their handwriting, because he has seen it for years on legal documents and U.S. postal mail pieces (PFR at p. 4[¶] 9., at p. 4:1 – 2), (PFT at p. 15 [¶] 2, at p. 16:1 - 5). Petitioner respectfully disagrees with the court’s Opinion, because of the obviousness of respondent Mr. Yerkes’ handwriting exemplars, and the persuasive limited evidence of respondent Ms. Thomson’s exemplars. He intentionally positioned his VHS device in petitioner’s audio cabinet (photograph No. 202 (see Lodged Trial Exhibit Binder, Tab 2) located in petitioner’s locked bedroom, after he stole petitioner’s audio components (photograph Nos. 143, 149). He is identified as a perpetrator, because he wrote the words “Power On” on the post-it that is attached to his VHS device (Lodged Trial Exhibit Binder, Fed Ex Envelope, No. 3 Discovery Documents: Property Not Owned by Plaintiff Referenced to Photographs, Requests for Admission, Answering Party: Alexander Yerkes, Resp., black and white photograph of the VHS Recorder with the post-it attached). (*Ibid.* See also Form Interrogatories – Limited Civil Cases (Econ. Litigation), Answering Party: Misty Thomson, Deft., color photograph No. CLR 33).

Additional supporting evidence of other U.S. postal mail pieces, and the flash box not exhibited at trial should be used for the handwriting evidence of both respondents (App. H at p. 1 [¶] (6)). Upon writ review, this evidence may also support a reversal of the appellate Opinion when considered with the existing

information provided in the appellate briefs (AOB at p. 31 [¶] (5), at p. 6:1 - 10; ARB at p. 17 [¶] 2, at p. 18:1 - 6).

Thus, as categorized for the subject of due process of law for the above issues that were presented on appeal, these new and different facts missed by the Appellate Division are errors which must be corrected for a proper record. Petitioner's entitlement to relief is clear: (1) there is clear error under principles of law and undisputed facts (the facts of the matter should no longer be in dispute, because they are accurate and complete. And, (2) respondents conceded to petitioner's relief for these issues presented on appeal (PFR at p. 4:2, 10, 17 - 18).

11. Other Evidence

Under this subtitle, petitioner brought all his readily available evidence to trial, but Judge Hiroshige excluded many important items. There are different facts after the evidence was presented at trial. Only some of the photographic evidence was introduced, but additional descriptions of those items discovered by petitioner and not owned by him should be presented in the interests of justice as additional evidence for purposes of impeachment (App. H at p. 1 [¶] (7)). Most of the photographic evidence in the trial exhibit binder was excluded, because the individual photos did not have separate exhibit numbers (Mot. New Trial at p. 831:12 - 16), (App. H at p. 1 [¶] (4) a.). However, petitioner cited the precedent case (*Stow v. Superior Court of California* 178 Cal. 140.172 p. 598.) so that the exhibits attached to the SAC could be used at trial (AOB at p. 25 [¶] 2, at p. 26:1 - 12). Judge Hiroshige stated at trial that the SAC could be identified as an exhibit. Exhibits E and F of the SAC show the descriptions for the black and white photographs, which are duplicated in color in the Trial Exhibit Binder under Tab 2.

Even though petitioner requested fingerprint dusting and other evidence from the Santa Monica Police Dept., they stated they would not do so because of the pending civil matters between the parties (Request for Law Enforce. Rpt. 2 CT 332 [¶] 5., 333:1 - 2). As on record, however, the police processed a theft committed by the respondents in 2008 (Case No. SM08-60011), (AOB at p. 34 [¶] (7), at p. 35:1 – 19.) So, they should have done a complete investigation as requested by the petitioner, and that evidence could have been used at trial to prosecute the respondents again.

Other significant impeachment evidence that was excluded at trial that identifies the respondents as the perpetrators are presented as additional evidence (App. H at p. 1 [¶] (7)).

12. Misconduct by the Defense

Based on the record, there have been many instances of misconduct by the respondents and their then counsel as referenced and cited to by the petitioner in the then consolidated cases with significant differences in the facts. As a result, on the court's own motion or *sua sponte*, the respondents should be determined to be vexatious litigants (see App. J).

Citations Applicable to Aplt. Case No. BV034226

As a different fact, there are two oppositions, not just one in the Court's Opinion at p. 2[¶] 2, that were filed by the petitioner in response to respondents' double filing of the vexation litigation (AOB at p. 12 [¶] 2).

Obvious Errors in Judicial Decision Making

On February 01, 2012, respondent Mr. Yerkes gave false statements to the police

regarding the displacement of petitioner's property in his bedroom and connected restroom (see Apl't. Case No. BV033362) at p. 32 [¶] (6)). On March 11, 2020, he perjured himself by denying receipt of the meet and confer documents for the motion to tax costs hearing. (Case No. BV033362: AOB at p. 22 [¶] 1; 5 CT 1002 – 1056.) On the same day in the courtroom, he attempted to steal financial documents from petitioner, but the court clerk, Mr. Temblador, intervened to prevent the theft (Case No. BV033362: AOB at p. 9 [¶] 1); App. H at p. 1 [¶] (1); Supp. Exh. C, Exh. 3, at p. 5:11 - 18). Then, on September 14, 2020 Mr. Yerkes violated 18 U.S.C. § 2261A for the acts of stalking and harassment against petitioner at the federal courthouse in Los Angeles, California (App. H at p. 1 [¶] (1); Supp. Exh. C, Exh. 3 at p. 3 [¶] 2). Moreover, petitioner's AOBs (Apl't. Case Nos. BV033362, BV034226) and ARBs (Apl't. Case Nos. BV033362, BV034226) are comprehensive in providing the violations of law in the then consolidated cases.

Petitioner is entitled to the status quo before this complaint was filed, and that he must be returned to the same position that he had before the torts were perpetrated upon him by the respondents who are in possession of petitioner's stolen property. They did not report any of their property damaged or stolen on any of the aforementioned incident dates, nor did they offer assistance to petitioner to recover his property and locate those person(s) who were responsible for the crimes. The resident manager did not receive any damage or theft reports from the other tenants in the building during the periods when the petitioner reported the crimes to the police. The breadth of the property damage and theft is such that only the respondents must be held accountable for their malicious acts (App. H at p. 1 [¶] (7)). The Appellate Division overlooked the realization that so much property damage and theft occurred in petitioner's bedroom with connected restroom. Only the respondents had that much time to commit the repeated crimes there,

after knowing where all petitioner's property was in there. Further, an outside perpetrator would not have been able to discard kitchen products and silver and plateware in petitioner's bedroom without knowing who owned it. Respondents had that knowledge, and threw those items as well as old apartment furniture into petitioner's bedroom. There are forty (40) pieces of the respondents' old property discarded in my bedroom as shown by the photographs (Case No. BV033362: AOB at pp. 8 – 9, 12; 4 CT 809 – 811, 896 – 900, 957 – 960). Although the Santa Monica Police Dept. did not perform a duty to investigate the incidences, this Court has the power to order a complete investigation into these repeated crimes at petitioner's permanent residence.

Due diligence in the service of process upon the respondents overcame their continued evasiveness in this case, even while petitioner successfully defended against the malevolent actions of their first counselor in a prior lawsuit.

The judgment in this case was procured through fraud, in part, by the respondents and their defense attorney when they filed fabricated discovery documents which the court relied on in ruling on their responses to the Requests for Admission (hereinafter "RFA").

In referencing the above violations of the law to uphold justice in this case, respondents, Ms. Thomson and Mr. Yerkes, must be held accountable for their unlawfulness, and immediately be apprehended to prevent additional harm to petitioner and to others.

III. THOUGH ORGINALLY CONSOLIDATED, THESE CASES MAY SET A PRECEDENT

Using a Westlaw search based on relevancy and chronology for a hundred and three (103) federal cases, petitioner did not find conflicts of decisions between federal and California courts for the issues presented in this case. However, petitioner's separate cases even though once consolidated to promote judicial economy have national

significance and precedential value because of the issues of procedural due process to be reviewed. The U.S. Supreme Court should restore consolidation of petitioner's cases for purposes of judicial economy pursuant to Supreme Court Rule 42.

Petitioner and others should not experience any kind of harm where co-tenants live in shared residences, and thereby he proposes new legislation. Nationwide, there are many co-tenants and occupants who are victims of these types of torts as expressed by the petitioner's issues in these then consolidated cases, whether the harm has been either short or long term. Petitioner suffered thousands of dollars in property damage and theft. In comparing residential crime the Federal Bureau of Investigations has seen an increase of incidents across the United States. (App. K) .

CONCLUSION


Petitioner demonstrated the many errors of the appellate reviews in his Petition for Rehearings which must be corrected in the interests of justice. Hence, writ petitions were submitted to the California Court of Appeal and Supreme Court to achieve this end.

The aforementioned question presented as to whether due process procedures violated the Fourteenth Amendment of the U.S. Constitution as supported by the discovery of evidence has been effectively answered in this petition.

For all the foregoing reasons, petitioner requests that this Court grant the Petition for a Writ of Certiorari. Additionally, petitioner requests the Court to vacate the trial court judgment, and the opinions and post-trial orders of the Appellate Division of the Superior Court of California, and the order of the California Supreme Court, then remanding the then consolidated case for further proceedings.

Dated: February 24, 2023

Respectfully submitted,

By 
Haroun Bacchus
Petitioner, self-represented