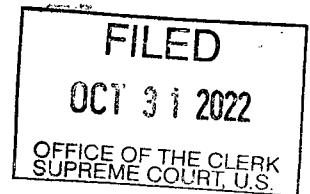


ORIGINAL

22-711

No.



IN THE SUPREME COURT OF THE

UNITED STATES

ARTHUR LOPEZ, PETITIONER

v.

OUR LADY QUEEN OF ANGELS CATHOLIC

CHURCH,

OUR LADY QUEEN OF ANGELS CATHOLIC

SCHOOL, RESPONDENTS

ON PETITION FOR A WRIT OF

CERTIORARI

California Supreme Court

PETITION FOR A WRIT OF CERTIORARI

ARTHUR LOPEZ

P.O. BOX 13081

NEWPORT BEACH, CA 92658

Question Presented for Review

1. Should State of California
Judicial System (including
judges) and the Catholic
Church adhere to the rights of
civilians guaranteed by the
United States Constitution
and Precedence set by Federal
& State Courts including Due
Process and Equal Protection
Under Law, 14th
Amendment?

2. Should final judgment of
Ex Parte application denial be
appealable when seeking

“Entry of Default/Judgment”
following defendants’ failure
to appear within the statutory
period after service by mail of
Summons and Complaint by
the United States Postal
Service and Receipt
acknowledgement with
defendants authorized agent’s
signature in Support of Proof
of Service in a Civil Unlimited
Case and moreover “Entry of
Default/ Judgment” be issued?

List of Parties to Proceeding

1. Arthur Lopez, Plaintiff
2. Our Lady Queen of Angels
Catholic Church, Our Lady
Queen of Angels Catholic
School, Respondents

Table of Contents

Cover	i
Questions Presented	ii-iii
List of Parties	iv
Table of Contents	iv - v
Index To Appendices	v - xii
Table of Authorities	xiii- xxv
Constitutional and Stat.	xxvi-xxvii
Provisions Involved	xxvii
Opinions Below	1

Jurisdiction	2
Statement of the Case	3 - 64
Reasons for Granting Writ	65
Conclusion	66
Counsel	67-68
Appendices-A,B,C,D	69-85

Index to Appendices

Appendix A - California

SupremeCourt Case #274291

Petition for Wait of

Mandate/Prohibition + appreciation

for stay denied June 1st, 2022

Appendix B - California Court of

Appeals - Case #B316633 Dismissal

04/22/2022

Appendix C - Superior Court of
California, Los Angeles County,
Denial of Ex Parte Application -
November 1st, 2021.

Appendix D -
Copies of Proof of Service of
Summons and Complaint and
acknowledgement Receipt with
Defendants authorized agent's
signature.

PROOF OF SERVICE

POS-010

Party Info.:

Arthur Lopez

P.O. Box 13081

Newport Beach, CA 92658

(949) 278-7793

N/A

Self-represented

Superior Court of California, County

of Los Angeles

111 No. Hall Street, Los Angeles, CA

90012

Stanley Mosk Court

Plaintiff: Arthur Lopez

Defendant: Our Lady Queen of

Angels Catholic Church, et al

1. At the time I was at least 18

years of age and not a party to
this action.

2. I served copies of:

- a. Summons
- b. Complaint
- c. Alternative Dispute
Resolution(ADR) package

f. Notice of Case

Management Conference

3. a. Party served:

Our Lady Queen of Angels

Catholic Church and Our

Lady Queen of Angels

Catholic School

Address: 2046 Mar Vista St,

Newport Beach, CA 92660

4. Address where the party was

served: 2046 Mar Vista;

Newport Beach, CA 92660

5. I serve the party:

c. By mail and

acknowledgement of

receipt of service. I mailed

the documents listed in

item 2 to the party, to the

address shown in item 4,

by first class mail, postage

pre-paid,

(1) On July 20th, 2021

(2) from: Santa Ana (3) with

two copiesz of the Notice

and Acknowledgement of

Receipt and a posyage-paid

return envelope addressed

to me (Code Civ.Proc.

415.30.)

7. Person who served papers

a. Ian Cummings

b. 410 Corto Lane #A; San

Clemente, CA 92672

c. 760.900.3166

d. The fee for service was:

\$0.

e. I am Not a registered

California process

server.

8. I declare under penalty of

perjury under the laws of the

State of California that the

foregoing is true and correct.

Date: 7/20/2021

Ian Cummings

SIGNATURE

Appendix/Exhibit Continued

D.) Copies of Proof of Service of
Summons and Complaint as "Our
Lady Queen of Angels Catholic
Church (POS-10) on July 20th, 2021
by mail (Tracking #9510-8150-6986-
1201-9703-05-United States Postal
Service), And acknowledgement of
Receipt Dated July 22nd, 2021
signed by authorized agent
Grace Wickensham @ 10:24 am ,
2.) Our Lady Queen of Angels
Catholic School (POS-10) dated July
20th, 2021 by Mail (Tracking #9510-

8150-6986-1201-9703-43-United

States Postal Service),

Acknowledgement of Receipt dated

July 21st, 2021- signed by

Grace Wickensham @ 11:01 am

In addition, 2 copies of form POS-15

mailed w/self-addressed postage

prepaid envelope to both defendants

herein cited

Table of Authorities

Points and Authorities

Proper Service

1.) Borzecka v. Heckler

**739 F. 2d 444, U.S. Court of
Appeals for the 9th Circuit, 1984**

2.) Nowell v. Nowell,

**384 F. 2d 951 (5th Cir., 1967) U.S.
Court Court of Appeals for the
5th Cir.,**

3.) United Food Commercial

**Workers Union Local 197 v.
Alphabeta Food Co., 736F. 2d
1371 (9th Cir. 1984) U.S. Court of
Appeals for the Ninth Cir.**

4.) Karlsson v. Rabinowitz 318 F. 2d

**666 (4th Cir., 1963) U.S. Court of
Appeals for the 4th Cir.**

5.) Potvin v. Pacific Greyhound

**Lines Inc., 133 Cal App. 510
(1933)**

6.) BGJ Associates, LLC v. Wilson,

**113 Cal App 4th, 1217, 122 5 fn 3
(2003)**

7.) Estates of Gonzalez (1990)

219 Cal App. 3d 1598 (1990)

8.) Oakland Raiders v. NFL, 93 Cal

App. 4th, 572 (2001)

9.) Clark v. Andover Securities and

**Cinco Leasing, U.S. Court of
Appeals No: 00-55477, D.C. No
CV-96-01023JM**

August 13th, 2002

**10.) Alan Cruz v. Fogan America,
Inc.**

**146 Cal. App 4th 488 Ca Court of
Appeal, 4th District, Division 1**

April 11, 2007

**11.Rodriguez v. Rodriguez, Ca
Court of Appeals, Second
District, Division 7, No. B196836,
Superior Court No. BC310981.**

**12.) Mibble v. Car-Lene
Research, Inc. 67 Cal App 4th
295, Court of Appeal First
District, Division 3**

**13.) Stockton Combined
Harvester + Applicational Works
v. Glenn Falls Ins. Co. (o. , 98 Cal
557, 33 Fax. 633 (1893)**

Appealability

13.) TCI & Group Life

Insurance Plan v. Koebbe, 244

F. 3d 691 (March 26th, 2001)

United States Court of

Appeals, Ninth Circuit

holding that appeal was not

premature, case reversed and

remanded

14.) Supreme Court of

California in Daar v. Yellow

Cab Company, 67 Cal App. 2d

69 In Bank: "We must assay

the total substance of the

order. It determines the legal insufficiency of the complaint as a class action suit and preserves for the plaintiff alone his cause of action for damages; in its legal effect the order is tantamount to a dismissal of the action to be treated as a judgment..."

15.) *Sjoberg v. Hastorf*, 33 Cal 2d 116, 119 (1948) holding/ articulating: "Collateral Order Doctrine which provides authority for immediate appealability when an 'order' prior to a final judgment that directs

**performance of an act by or
against a party when it is not
a necessary step to
determination of the main
cause, "citing Los Angeles v.
Los Angeles C. Water Co., 134
Cal 121.124 [664.198]"**

Interlocutory Appeals

**16.)United States Supreme
Court in Lauro Lines v.
Chaser, 490 U.S. 495 (1989)
laying out the law of
Interlocutory appeals for
United States Federal Courts,
in this touchstone case.
Delineating Test for**

Availability of Interlocutory

**Appeals, holding such an
appeal would be permitted if:**

- 1.) The matter appealed was
conclusive on the issue
presented;**
- 2.) The matter appealed was
collateral to the merits; and**
- 3.) The matter appealed would
be effectively unreviewable if
immediate appeal were not
allowed.**

This called the Collateral Order

Doctrine citing:

- 17.) Cohen v. Beneficial
Industrial Loan Corp. 337 U.S.
541 (1949)**

18.)United States v. Helstoski,
442 U.S. 500 (1979) holding:
"Mandamies was not the
appropriate means of
challenging the validity of the
indictment on the ground
that it violated the speech on
debate Direct appeal to the
Court of Appeals was
available and was the proper
cause Pp. 442 U.S. 505-508.

a.) Once the motion to dismiss
the indictment was denied,
there was nothing further
petitioner could do under the
Speech on Debate clause in
the Trial court to prevent the

**Trial, and an appeal of the
ruling was clearly available.**

**Citing Abney v. United
Airlines 431 U.S. 651. Pp 442
U.S. 506-507.**

**19.) Moses H. Core Memorial
Hospital v. Mercury
Construction Corp. 460 U.S. 1,
(1983) at 11-13.**

**20.) Abney v. U.S., 431 U.S. 651
(June 9, 1977)**

***Double jeopardy motion denial
is immediately appealable.**

**21.) Foster v. Chesapeake
Insurance Company LTD,
United States Court of
Appeals, Third Circuit May**

20th, 1991 holding: Order
remanding case to State
Court pursuant to forum
selection clause was
appealable under Collateral
Order Doctrine
22.)Gelboim v. Bank of
America Corp., 574 U.S. 405
January 21st, 2015, Holding
order dismissing antitrust
claims for lack of antitrust
injury was final appealable
decision
23.)Bradshaw v. Zoological
Soc. of San Diego, 662 F. 2d
1301, U.S. Court of Appeals,
Ninth Circuit December 7th,

1981, holding: "Order denying
appointment of counsel in
Title VII suit was appealable,
falling squarely within
"Collateral Order" exception
to final judgment

24.) County of Humboldt v.
Appellate Division of the Sup.
Court 46 Cal. App 5th 298,
Court of Appeal, First
District, DIV holding
Superior Court order
resolving the merit of a
de novo appeal in an
unlimited civil matter is a
final judgment, appealable
(3/10/2020).

25.)Jordan v. United States, 694

F.2d 833, 836 (D.C. Cir. 1982)

“We think that the exception the

District of Columbia Circuit

refers to is sensible and

necessary to prevent serious

miscalculations of justice. We

therefore adopt the exception

and hold that failure to comply

with Rule 4(d)(5)’s personal

service requirement does not

require dismissal of the

complaint if (a) the party had to

be served personally, received

actual notice, (b) the defendant would suffer no prejudice from the defect in service, (c.) there is a justifiable excuse for the failure to serve properly, and (d) the plaintiff would be severely prejudiced if his complaint were dismissed." "Our holding is consistent with Jackson v. Hayakawa, 682 F.2d 1344 (9th Cir. 1982). That case involved the personal service requirement of Rule 4(a). We stated that "actual notice... will [not] subject defendants to personal jurisdiction if service was not made in substantial

compliance with Rule 4.” 682 F. 2d at 1347. If a party falls within the exception we recognize today, he has complied substantially with Rule 4(d)(5).

Statutes

United States Constitution
Civil Rights, including 14th and
7th amendment.

California Code of Civil
Procedure: CCP 415.20

CCP 415.30

CCP 415.40

CCP 904.1 (a) (3)

CCP 904.2 CCP 906

Federal Rules of Civil

Procedure: Rule 4 (d) (5) (FRCP)

Constitutional Provisions and
Statutes

United States Constitution Civil

Rights, 14th amendment

Parental Rights

United States Title 28: U.S. Code

1291, U.S. Code 1292 (b), U.S. Code

1295 (a) (3)

California Code of Civil Procedure:

CCP 906, CCP 904. 1 (9) (3), CCP

904.2)

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 judgement below.

OPINIONS BELOW

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

JURISDICTION

An extension of time to file the
petition for a writ of certiorari was
granted to and including October
29th, 2022 on June 30, 2022 in
Application No. 22A3

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

STATEMENT OF THE CASE

Writ Petition seeks order deeming service upon "Defendants" "Our Lady Queen of Angels Catholic Church" and Our Lady Queen of Angels Catholic School" of the Summons and Complaint by United States mail with acknowledgement of receipt signed by authorized agent Grace Wickersham at their place of business valid. Moreover, the Trial Court (and clerk) need to vacate its denial of the petitioned Entry of Default since "defendants" herein cited above failed to appear timely following service of the summons

and complaint as required by
statute and thus entitling Plaintiff
Arthur Lopez to not only have such
Entry of Default issued but also
Entry of Judgment in the amount
of no less than \$150,000,000.00
(one hundred fifty million dollars)
net after taxes as the amount
demanded in the initial complaint
as Relief, California Code of Civil
Procedure CCP & 415 provides
Service of Summons and Complaint
by Mail.

In addition Emergency Stay and
Injunctive Relief as Requested for
scheduled March 20th, 2023,
Hearing @ 1:30 pm in Dept. C16

located @ 700 W Civic Center
Drive, Santa Ana, CA 92701,
Before Judge David A. Hoffer
pending this Petition for Writ of
Certiorari to prevent further harm
and prejudice upon Plaintiff.

This Writ request is made pursuant
to error by clerk of the court
directive to Plaintiff in
contradiction to CA Code of Civil
Procedure Section CCP 415.30
whereby the clerk has stated
service of the Summons and
Complaint is not permitted within
the State of California by mail.

This is plainly not correct as per

CCP 415.30 which reads (a):

“A summons may be served by mail as provided in this section. A copy of the summons and of the complaint shall be mailed (by first-class mail or airmail postage prepaid) to the person to be served, together with two copies of the Notice and acknowledgement provided by in subdivision (b) and a return envelope, postage prepaid, addressed to the sender; (b) “The notice specified in subdivision (a) shall be in substantially the following form: ; © service of a summons pursuant to this section

is deemed complete on the date a written acknowledgement of receipt of summons is executed in such acknowledgement thereafter is returned to the sender.”

In this present case the acknowledgement of receipt was signed by authorized agent Grace Wickersham on July 21, 2022 and July 22nd, 2022. Plaintiff has fulfilled these requirements as stated above and moreover has submitted copies to the court of the same related documents for processes related to an Entry of Default protocol. The clerk has not accepted the acknowledgement of

receipt provided by the United States Postal Service reflecting the defendants' authorized agent *signature* Grace Wickersham, along with the date and time of service of the Summons and Complaint to Defendants a) Our Lady Queen of Angels Catholic Church and b.) Our Lady Queen of Angels Catholic School,

See Appendix "D".

Moreover, defendant (a.) Our Lady Queen of Angels Catholic Church was served by mail - Summons and Complaint, "Two Copies of the Acknowledgement of Receipt, POS-15 Judicial Council Form" along

with prepaid postage - addressed to
sender envelope attached and all
delivered to place of business
2046 Mar Vista Drive, Newport
Beach, CA 92660 on July 22nd,
2021 @ 10:24 am with Recipient
acknowledgement signature
(Priority Mail Tracking
#9510-8150-6986-1201-9703-05)
authorized agent of defendant
Grace Wickersham provided by
the United States Postal Service
herein attached as Appendix 'D'.
By the same token, the same
process was executed for defendant
(b.) Our Lady Queen Angels
Catholic School delivered to the

same place of business with the

same authorized agent

acknowledging receipt with her

signature herein attached,

Grace Wickersham dated July

21, 2021 @ 11:01am (priority mail

tracking

#9510-8150-6986-1201-9703-43)

also provided acknowledgement

of receipt by the United States

Postal Service, see Appendix 'D'.

Hence, Plaintiff having completed

proper service of the summons and

complaint, 2 copies of Judicial

Council form POS-015 along with

an attached return envelope upon

defendants a) Our Lady Queen of

Angels Catholic Church and b) Our
Lady Queen of Angels Catholic
School, and the United States
Postal Service having provided
clear unambiguous

“acknowledgement of Receipt

with defendants’ authorized

agent’s signature/name date

and time and location address

of delivery, herein attached as

Appendix “D”, and moreover

Defendants have not been

prejudiced in any form by being

served in this manner since notice

of summons and complaint in fact

was received but they chose to

ignore the statutory required

limitation to appear period-

deadline. Accordingly,

Plaintiff seeks this court's orders:

1.) Directing clerk of the Court to

accept Summons and Complaint

Proof of Service and valid service in

accordance with California Code of

Civil Procedure Section CCP 415.30

and moreover

2.) Directing Clerk of the Court to

accept as valid said Proof of Service

and acknowledgement of Receipt

signed by defendants' authorized

agent Grace Wickersham

(signature) as provided by the

United States Postal Service along

with copy of Judicial Council Form

POS-015 sent to

a) Our Lady Queen of Angels

Catholic Church and

(b) Our Lady Queen of Angels

Catholic School

Proof of service signed by

Sender/server Ian Cummingo dated

7/20/21) for all purposes including

Entry of Default processes and

reverse Rejection Notices for both

defendants dated October 12, 2021.

Furthermore, the same requests

one made as to Defendant "Our

Lady Queen of Angels" for the same

since counsel for defendants

confirms they are the same entity.

The California Constitution, article VI, Section 1 & 4 provides jurisdiction to the lower state courts to correct these injustices: "The Judicial Power of the State vested in Supreme, Court of Appeals...

Now then to begin. Plaintiff requests judicial notice be taken to plaintiff's opposition to Defendant's joinder motion filed 10/18/2021 and moreover opposition to defendant's Page 2 of joinder motion whereby it asserts that service of Summons and Complaint upon defendants Our Lady Queen of Angels Catholic

Church and Our Lady Queen of
Angels Catholic School is not
acknowledged. In addition, plaintiff
would also request judicial notice
be taken to the clerk of the courts

10/12/2021

Rejection Notice citing a request for
additional documentation, of Notice
of acknowledgement of Receipt -
POS-015 judicial council form.

However, the state courts having
neglected to correct this gross
injustice now provides therefore,
this court with jurisdiction to
correct the state trial court's errors
and appellate court's refusal to
intervene. The plaintiff having

repeatedly brought about these issues before the Superior Court of Ca, County of Los Angeles and then ultimately through the Ex-Parte application process seeking to have the court correct the clerks' fundamental errors in its disregard of a clear established California Code of Civil Procedure CCP 415.30 whereby service of the Summons and Complaint is permissible by mail, please see attached Appendix 'D' under CCP 415.30 (a) reads: "A summons may be served by mail as provided in this section." also paragraph (C.) reads: "Service of a summons pursuant to

this section deemed complete on
the date a written
acknowledgement of receipt of
summons is executed, of such
acknowledgement thereafter is
returned to the sender." , which in
this case has clearly taken place
since the acknowledgement of
Receipt of Summons and Complaint
is executed by Grace Wickersham
on July 22nd, 2021 @ 10.24am. For
defendant Our Lady Queen of
Angels Catholic Church and on
July 21st, 2021 @ 11:01am. For
defendant Our Lady Queen of
Angels Catholic School. In fact,
Plaintiff Arthur Lopez and Ian

Cummings personally witnessed
Tracking
#95108150069861201978305 and
95108150069861201970343 be
issued by U.S. Postal Service Clerk
@ 3101 West Sunflower Ave, Santa
Ana, CA 92799 on July 20th, 2021
for the Priority Mail Envelopes the
Summons & Complaints were
placed in on July 20th, 2021
respectively and witnessed the
envelopes sealed and placed in the
hands of the U.S. Postal Service
clerk upon payment for Priority
Mail Delivery with Signature
requested (additional \$3.20 charge
paid) for each.

Moreover, the corresponding tracking numbers are reflected in the “acknowledgement of Receipt, including Grace Wickersham’s signature, prepared by the same U.S. Postal Service station and delivered to Plaintiff in person by their clerk on September 30th, 2021 as included in Appendix D reflecting the U.S. Postal Service logo on the top left corner. These facts are undisputed by the defendants, and therefore proper service is unambiguously effected. Furthermore, Proof of Service for these were filled w/court 7/21/21

with this foundation, this court
should also take judicial notice that
these defendants at issue never
appeared timely since their first
appearance was not made until
defense counsel filed a flawed
joinder motion on 10/6/2021, over 2
½ months after being served and
being very much aware of this Civil
Unlimited action filed against them
in the Superior court in addition to
being in dialogue with codefendants
throughout since their present
counsel acknowledged being in
contact with these defendants
before filing said joinder motion
during a brief phone call he placed

to plaintiff 10/5/2021 although he failed to mention he'd be filing said motion.

Hence these defendants & counsel have made an attempt to wipe away the default by defendants

Our Lady Queen of Angels Catholic Church and Our Lady Queen of

Angels Catholic School since their answer of venue transfer motion

was not even filed until the day

after Plaintiff submitted this court his Entry of Default request

(CV- 100) documentation on

September 7, 2021. Therefore,

attempting to rob Plaintiff of

\$150,000,000.00.

This is not how the rules operate or
are unintended to operate.

Defendants and their counsel are
attempting to bamboozle this
court/judicial system and at the
same time deprive Plaintiff's due
process rights and also minimize
the court's inherent powers as
provided by the United States
Constitution. Furthermore,
Defendants Our Lady Queen of
Angels Catholic Church are not
registered¹ entities with the State
of California under any
organization type further exposing
their corrupt scheme to dodge

accountability. Moreover, additional (3rd) defendant “Our Lady Queen of Angels Church” an unincorporated association (file #6119) under the CA Secretary of State (only identifiable internally not through their Public Access Entity Search link) lists CT Corporation as agent for service, however, they state they have no such client.

Additionally, (4th) the defendant listed in this case as “Our Lady Queen of Angels” with Lee C. Sherman attorney of “Callahan, Thompson, Sherman, and Caudill, LLP” located @ 2601 Main St,

Irvine, CA 92614 as agent for service who has also been served, states they have no relationship with said entity. Moreover, attorney Tyler Bernstein in his Motion for joinder also confirms these two additional defendants are synonymous with defendant "Our Lady Queen of Angels Catholic Church" and since they have also been served through their agent, for service of record respectively and have not formally appeared nor contested the proper effected service as provided under CCP 415.30 then further affirms and supports Plaintiff herein present

Writ Request for the same Orders
since the trial court has
disregarded rules of court and code
of civil procedure related to
Plaintiff's "Entry of
Default/Judgement" requests.

Memorandum in Support

See Clark v. Andover Securities, 44

Fed Appx. 228

9th Circuit US Court of Appeals

No. 00-55477-

D.C. No. CV-96-01023-JM

August 13, 2002

The court of appeals held that:

1. Process by certified mail was

proper, and

2. District court did not err in

determining that defendant's own

culpability prompted entry of

default judgement.

"Furthermore, the United States

District for the Southern District of

California clearly ordered:

"California authorizes service by

certified mail, see CA. Civ. Proc.

CCP 415.30 and 415.40. Process

was, therefore, properly served on

defendants." It also stated

"accordingly, the court finds that

defendant's willing to answer or

otherwise properly defend this

action after having actual notice of its counsels' denial of defendants' request to set aside default." In addition, the United States Court of Appeals for the 9th Circuit has repeatedly stated in regards to comparable service of process requirements/criterion such as under Federal Rules of Civil Procedure Rules 4(d) (5): "when personal service requirement(s) has not been complied with, dismissal is not always required when there has been a technical defect in service and also stated "provisions of rule 4 should be given a literal and flexible construction" under

Borzeka v. Heckler, 739 F. 2d 444
and citing Nowell v. Nowell, 384 F.
2d 951 (5th - Cir. 1967) "applying
the rule of liberal construction
(broadly construed),
we hold service was sufficient
Affirmed "; and United Food
Comm. Workers Union Local 197 v.
AlphaBeta, 736 F. 2d 1371 (9 Cir.
1984)
U.S. Court of Appeals 9th Circuit
1984;
stating: "Rule 4 is a flexible rule
that should be liberally constituted
so long as partly receives sufficient
notice". Also Karlson v Rabinowitz,
318 F. 2d 666, 4th Cir U.S. Court of

Appeals (1963) stating "under the particular circumstances of this case applying the rule of liberal constitution service was sufficient – Reversed and remanded."

Just the same in this present case defendants Our Lady Queen of Angels Catholic Church and Our Lady Queen of Angels Catholic School have been served with the Summons and Complaint, two copies of the Acknowledgement of Receipt Notice and a self-addressed prepaid envelope which in itself satisfies CA Code of Civil Procedure 415.20 which simply requires: (a) "In lieu of personal

delivery (416.30), a summons may be served by leaving a copy of the summons and complaint during usual business hours in his office... and by thereafter mailing a copy of the summons and complaint by first class mail, postage pre-paid... just as in this case since a U.S. Postal Service left a copy of the Summons and Complaint on 7/21/2021 and 7/22/2021 both hand delivered and both submitted by U.S. Mail w/Pre-Paid First U.S. Postage, which is confirmed in Appendix D.

Hence, the 9th Circuit Court of Appeals for the United States

overrides defendants' unintelligible assertion, as does CA Code of Civil Procedure CCP 415.20!

Also see Table of Authorities
Attached herein.

Also, please see Clark Sr. and Johnson v.

Andover Securities and Jinco Leasing Corporation; "Wayne Morrison" No. 00-55477, D.C. No CV-96-01023 JM August 13, 2002

where by the Appellate Court held
1) process by certified mail was proper and 2.) "District Court did not clearly era in determining that defendants own culpability

promoted entry of default

judgment”

Case affirmed. Moreover, see Alan

Cruz v. Fagor America, Inc. No

DO48064 146 Cal App 4th,488

CA Court of Appeals Fourth

District, Division I holding 1)

Plaintiff met all statutory

requirements for effective service of

process by amount on Corporation “

and 2) “Corporation failed to

qualify for equitable relief based on

extrinsic mistake.”

Also, see “Rodriguez v. Rodriguez”,

holding appellant did not carry his

burden to show she lacked

knowledge of the action or that

service of the Summons or
complaint was defective.
Consequently, the Superior Court's
Entry of Judgment is affirmed, CA
Court of Appeal. Div. 7
No. B196836, Superior Court No.
BC310981. Just the same in this
case Service of the Summons and
Complaint upon these herein cited
defendants is undisputed since
Grace Wickersham did in fact
receive documents by mail and
signed acknowledgement of Receipt
for both defendants in the presence
of U.S. Postal Service Agent as the
record provides evidence.

As to jurisdiction - also, state courts and Defendants gloss over the authority under CA Code of Civil Procedure 906 which permits review of any intermediate ruling (as we have here on this appeal), proceeding order on decision which substantially affects the rights of a party..."

When the appeal is taken through CCP 904 or 904.2 again in this case the appeal is taken from an order/decision denying Plaintiff/appellant's Ex-Parte application which dramatically affects Plaintiff's rights. Moreover, when several parties are present as

defendants in a case and a decision
by the court resolving the issues
affecting one party is appealable as
is the case in this appeal.

Defendants Our Lady Queen of
Angels Catholic Church and Our
Lady Queen of Angels Catholic
School sought to prevent Plaintiff
from seeking an Entry of Default
and subsequent Entry of Judgment
due to their failure to appear
timely as such the court refusing to
permit the Ex Parte application for
the issue eliminated the Plaintiff's
Rights for judgment against these
two defendants and therefore is
appealable since the other parties'

interests would be different, see
Tinsley v. Palo Alto (1979) unified
School District, 91 Cal. App. 3d
871.880;

It is also to be noted that the term
final judgment is to be construed as
to refer to a determination of the
rights of the parties in relation to
the matter in controversy, see
Stockton Combined Harvester +
Certification Works v. Glenn Falls
Ins. Co, 98 Cal 557, 33 Pac. 633
(1893) and Potvin v. Pacific
Greyhound Lines Inc130 Cal App
510 (1933). Thus, there may be
served final judgments in an action
because there may be several

matters in controversy upon which
a decision is rendered.

Furthermore, these matters in
controversy at hand are collateral
to the main issues and the order
needlessly directs appellant the
performance of another act.

Therefore, these elements
constitute what is known as the
Collateral Order Doctrine.

In summary, this case involves
numerous defendants including
Our Lady Queen of Angels Catholic
Church and Our Lady Queen of
Angels Catholic School and four
others (six total) and since the

defendants were served within 30 days of the complaints filing date of June 29th, 2021 and proof of service was filed with the Trial court on or about July 21st, 2021.

Moreover, defendant Roman Catholic Bishop of Orange represented by attorneys Tyler Z. Bernstein/ Jason Weiss appeared on or about 9/8/21 filing a Motion for Transfer of Venue (attys also acknowledged appearance for Roman Catholic Diocese of Orange).

However, defendants Our Lady Queen of Angels Catholic Church and Our Lady Queen of Angels Schools never appeared within the

required statute time for an answer
to Summons and Complaint
service. In fact, it was not until
10/6/21 that these two additional
defendants appeared with the same
attorney from Sheppard Mullin.

LLP

Through the filing of a Joinder to
Motion, However, by this date
Entry of Default requests had been
submitted to the Trial Court while
Defendants attorneys are
attempting to deny service to the
latter defendants despite
unambiguous service having taken
place in the third week of July.

Consequently, Plaintiff, at the
urging of Madam (perk of the Court
Dept. 71), selected November 1st,
2021 for an Ex-Parte app. Request
for Orders having been told
Presiding Judge Monica Bachner
would be out 10/27-10/29/21 and
returning 11/1/21. This request was
made to stop defendants from their
attempts to invalidate the perfected
service of the Summons and
complaint upon defendants “Our
Lady Queen of Angels Catholic
Church” and “Our Lady Queen of
Angels Catholic School” and as
such then attempt to deny Plaintiff
from obtaining an Entry of Default

and then the Entry of Judgment for
the amount demanded in the initial
complaint including
\$150,000,000.00 net after taxes in
monetary relief. It is quite obvious
how severe this would be to
Plaintiff and detrimental to the
immediate outcome of this case
especially since Plaintiff has been
harmed tremendously for
approximately ten years by these
defendants creating homelessness
and maintaining Plaintiff indigent
through their vast network of
cohorts and remains ongoing.

Now then the State of California provides numerous parameters for litigants to exercise their right to appeal. Specifically under Civil Unlimited Cases California Code of Civil Procedure 906 and provides: "Upon an appeal pursuant to section 904.1 or 904.2, the reviewing court may review the verdict or decision and any intermediate ruling, proceeding order or decision which involves the merits or necessarily affects the judgment or order appealed from or which substantially affects the rights of a party, including, on any appeal from the judgment any

order on motion for a new trial, and
may affirm, reverse or modify any
judgment or order appealed from
and may direct the proper
judgment or order to be entered,
and may, if necessary or proper,
direct a new trial or further
proceedings to be had."

In addition, CCP 904.1 (a)(3)
specifically states: (a.) an appeal,
other than in a limited civil case, is
to the court of appeal. An appeal,
other than a in a limited civil case,
may be taken from any of the
following:

(3) "From an order granting a
motion to quash service of

Summons or granting a motion to
stay the action on the ground of
inconvenient forum,...”

Therefore, since defendants in this
case and their attorneys attempt to
assert proper service of the
Summons and Complaint, upon
Our Lady Queen of Angels Catholic
Church and Our Lady Queen of
Angels Catholic School, cannot be
acknowledged and hence attempt to
bar an Entry of Default/judgement
with an implication involving
\$150,000,000.00 net after taxes
most certainly more than
substantially affects the rights of

Plaintiff and thus the trial court's denial of Plaintiff's Ex Parte application, seeking to remove the bar to an Entry of Default/Entry of Judgment against these two defendants on 11/1/2021 authorizes an appeal be taken. Moreover, under CCP 906, which also notes authority of the Appellate Court to take any intermediate ruling, proceeding, order or decision which involves the merits or necessarily affects the judgment or order appealed from which substantially affects the rights of a party..."

Hence, in this Appeal of the denial of the essential "Request for

Orders" which dramatically affects the rights of Plaintiff to obtain an Entry of Default/Judgment for \$150,000,000.00 net after Taxes unambiguously, therefore, provides jurisdiction to this appellate court for appeal to be taken and should not have been dismissed.

Third authority for this appeal case not to have been dismissed is the "Collateral Order Doctrine" which provides authority for immediate appealability when an "order" prior to a final judgment that directs performance of an act by or against a party when it is not a necessary

step to determination of the main issue, see Sjoberg v. Hastorf, 33 Cal 2d 116, 119 - (1948) *

In this present case, by way of the trial court dodging the issue of proper service upon the two defendants and denying thus Entry of Default/Judgment being sought

(by denying the ex-parte application-RFO on 11/1/2021),

(also please see Howe v. Key

System Transit 6,198 Cal 525

(1926), Plaintiff is being needlessly directed to pursue relief by other acts not necessary to the determination of this main issue.

Consequently, appeal is to be taken

immediately by the Court of Appeals (Plaintiff having filed and given “Notice of Appeal” the same day of the trial court's denial 11/1/2021) as per the “Collateral Order Doctrine.”

Fourth authority for appeal to be taken is where a case involving Multiple parties and where a judgment resolving issues as to a party whose interest are separate (i.e. as to the proper service of summons and complaint but untimely appearance is to Our Lady Queen of Angels Catholic Church and Our Lady Queen of

Angels Catholic School) and
distinct from the other parties,
making order immediately
appealable, see BGJ Associates,
LLC v. Wilson 113 Cal. app. 4 1217,
122 for 3 (2003) "... Also see Estate
of Gonzalez (1990) 219 cal. App 3d
1598 (1990)- "It is well settled that
where, as here, there is a
judgement resolving all issues
between a plaintiff and one
defendant, then either party may
appeal from an adverse judgement,
even though the action remains
pending between the plaintiff and
other defendants. (Code Civ. Proc.,
579...");

Also see *Oakland Raiders v. NFL*,
93 Cal App 4 572 1200l), holding
“Moreover, Code of Civil Procedure
section 579 is preceded by 578,
which states, “Judgement may be
given for or against one or more of
several plaintiffs, and for or against
one or more of several defendants;
and it may, when the justice of the
case requires it, determine the
ultimate rights of the parties on
each side, as between themselves.”

This section has been construed to
mean that “judgement may be
given for or against one or more of
several defendants.”

(Martin v. Cinelli (1960) 183 Cal.
App. 2d 509, 512,
7 Cal. Rptr. 62.) Thus, there is
ample authority for the proposition
that the trial court, in its
discretion, may enter judgement in
favor of one or more defendants
when all issues between those
defendants and the plaintiff have
been adjudicated, even though the
-113 Cal. Rptr. 2d 260-
action remains pending against
those defendants who have not
obtained adjudication of all issues.
However, the CA Court of Appeals
erred in dismissing appeal for lack
of jurisdiction (Case #B316633) as

did the Supreme Court denying
Petition for Writ of Mandate (Case
S274291)

In fact, the United States Supreme
Court has held on the subject of
Interlocutory orders - appeals in
Lauro Lines v. Chasser, 490 U.S.
495 (1989), laying out the law for
courts in this touchstone case;
delineating the test, for availability
of Interlocutory appeals holding
that such an appeal would be
permitted if and when 1.) The
matters appealed were conclusive
on the issue presented 2.) The
Matter appealed was collateral to

the merits; and 3.) The Matter appealed would be effectively unreviewable if immediate appeal were not allowed. This would be called the "Collateral Order Doctrine" citing Cohen v. Beneficial Industrial Loan Corp. 337 US 541 (1949).

Also see United States v. Helestoki, 442 US 500 (1979) whereby the United States Supreme Court held: Mandamus was not appropriate means of challenging the validity of the indictment on the ground that violated the speech or Debate Clause, Direct Appeal to the Court of Appeals was available and was

the proper course Pp 442 U.S. 505-
508a.) Once Motion to Dismiss was
denied there was nothing further
the petitioner could do in the trial
court to prevent the trial and an
appeal of the ruling was clearly
available!

Similarly, in this appeal case
Petition Case #B316633 for Denial
of Ex Parte Application to Validate
Proof of Service By Mail with
acknowledgement of Receipt of
summons and complaint mail
package including signature by
authorized agent Grace
Wickersham on July 21st and 22nd

2021 respectively, (see Appendix D), for the purpose of an Entry of Default Judgment to be issued through Request for Order (RFO) filed by petitioner September 5th, 2021 and September 30th, 2021.

Whereby the Trial Court on 11/1/2021 Final Judgment-Denial on this Issue is: 1." Conclusive; 2.)

The Entry of Default Judgment based on Non-timely Appearance by Defendants: Our Lady Queen of Angels Catholic Church and Our Lady Queen of Angels Catholic School through Request for Order (RFO)

Ex. Parte application was collateral to the merits of the case and lastly, 3.) The Matter appealed would be brushed under the rug and even unreviewable if immediate appeal were not allowed since erasing non-timely appearance would require to continue with harm to Plaintiff and Trial would be required to proceed to the detriment and with prejudice against the Plaintiff and entire case for deeming Defendant above the precedent law & statutory-rule governing timely appearance to summons and complaint receipt. Moreover, the California Supreme Court ruled similarly in Daar v.

Yellow Cab Company, 67 Cal. App
2d 695; in bank: "We must assay
the total substance of the order. It
determines the legal insufficiency
of the complaint as a class action
suit and preserves for the plaintiff
alone his cause of action for
damages; in its legal effect the
order is tantamount to a dismissal
of the action to be treated as a
judgment. Furthermore, in Sjoberg
v Hastor 33 cal 2d 116, 119 (1948)
holding:
"Collateral Order Doctrine" which
provides authority for immediate
appealability when an order prior
to a final judgment that directs

performance of an act by or against a party when it is not a necessary step to determination of the main issue, citing Los Angeles DV. Los Angeles Co. Water Co., 134 Cal 121,124 [66p. 198]. In addition, Plaintiff was directed by a clerk of the Superior Court of California County of Los Angeles at Stanley Mosk in a Civil Case to serve the summons and complaint to a California based defendant, in mid 2021, by mail and request a return receipt from the US Postal Service, Similarly as in Borzecka v. Heckler, 739 F. 2d 444, U.S. Court of Appeals for the 9th Cir., holding

“With regard specifically to personal service requirement, where the parties in the (government) have actual notice of a suit, suffer no prejudice from a technical defect in service, and there is a justifiable excuse for the failure to serve properly, courts should not and have not construed Rule 4(d)(4) so rigidly... as to prevent relief...” Just the same in this case these 2 defendants were, without any ambiguity served with a copy of the summons and complaint on July 22nd and 21st respectively at there place of business authorized agent Grace

Wickersham who signed an acknowledgement of receipt both days for the US Postal Service agent which was returned to Plaintiff who is in possession of such Acknowledgement of Receipt and submitted to the lower state courts. She remains in the defendants' employment. Moreover, Plaintiff would be irreparably harmed by brushing this matter under the matt as the defendants seek since not only is the current venue bias against Plaintiff who is in litigation against the Orange County Superior Court but despite the monumental conflict of interest

they adamantly refuse to transfer
this case to a neutral venue.

Furthermore, many parishioners of
these defendants actively are
employed by the Orange County
Superior Court where this case has
been transferred. In addition, the
trial court in Los Angeles County
deprived Plaintiff from presenting
his oral arguments on the day of
trial(November 1, 2021) after
transferring case from the assigned
court room, despite being advised
by the clerk of the court room the
presiding judge/courtroom would be
available on the Monday of
11/1/2021, and then experienced

technical issues with their remote appearance system making dialogue impossible, but refused to reschedule for the interference to be cleared. In all respect, the trial court barred due process and conducted an orchestrated sham of a proceeding.

Lastly, Plaintiff's merits to the core issues involve clear continuous unlawful acts by the defendants over an extended period to the detriment of Plaintiff and his minor children. These involve a breach of a written contract with premeditated intent to harm

Plaintiff using collusion and fraud.

These include using

misrepresentations to rope Plaintiff

from a different church of worship,

and attempt to create an

indentured servitude while

Plaintiff owned a multimillion

dollar estate residence, an

independent auto finance company

and family of four minor children

as a cradle Catholic-Christian.

Plaintiff undoubtedly has valid

claims that extend to the County of

Orange Diocese and Los Angeles

County ArchBishop who acted as

the president of the United States

Conference of Catholic Bishops,

now removed. Hence, as such
Plaintiff has met Rules of Civil
Procedure authority to receive an
Entry of Default and Entry of
Default Judgement against these
defendants for having disregard of
the rule of law-State and Federal
Statute. For these reasons and a
litany more Petition for Writ of
Certiorari petitioner humbly
requests be granted.

Reasons for Granting the
Petition

This petition should be granted to
eliminate corruption and restore a
separation of Church and State in
the State of California. The
Catholic Church must adhere to the
Rule of Law despite its members
holding positions as judicial officers,
staff or otherwise, within the
Courts or governance.

Conclusion

Petitioner seeks \$150,000,000.00
(One hundred fifty million dollars),
net after taxes, In relief from
defendants and all other just
resolve deemed fair by court,
Entry of Default Judgment should
be issued.

The petition for a writ of certiorari
should be granted.

October 29th, 2022

Respectfully submitted,
Arthur Lopez

This Petition for Writ of Certiorari
and Emergency Stay of Proceedings
and Injunctive Relief involves
Defendant Our Lady Queen of
Angels Catholic Church, and Our
Lady Queen of Angels Catholic
School, new trial case
#30-2022-01271461 and formerly
21STCV23942, California Supreme
Court Case #S274291 CA Court of
Appeal Case #B316633).

Counsel of Record Jason Weiss and
Tyler Bernstein from Sheppard
Mullin, LLP 650 Town Center
Drive, Tenth Floor; Costa Mesa,
California 92626 * 714-513-5100
Fax 714-513-5130; e-mail:

jweiss@sheppardmullin.com and

tbernstein@sheppardmullin.com