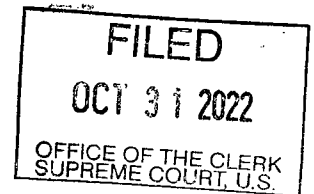


ORIGINAL

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

Supreme Court Case #274291

Petition for Writ 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 copies of the Notice

and Acknowledgement of

Receipt and a postage-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

miscarriages 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 Jingo
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 err 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 Inc 130 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 12001), 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
harmd 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).

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