22-7503

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED
MAY 06 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

_____

Earnest A Davis — PETITIONER
(Your Name)

vs.

Porsche Cars of North America, et al., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The California Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE) PETITION FOR

WRIT OF CERTIORARI

Earnest A Davis
(Your Name)

PO Box 420249
(Address)

San Diego, CA 92142
(City, State, Zip Code)

8588694422
(Phone Number)

QUESTION(S) PRESENTED

1.) Are U.S. judicial officers presiding over civil cases required to process standard court forms such as Applications for Requests for Entry of Default, from ALL litigants, REGARDLESS OF THEIR RACE OR ETHNICITY? More specially, should Black litigants, such as the Plaintiff/ Appellant be afforded the same rights as White litigants to have his correctly completed and timely submitted CIV-100-Application for Request for Entry of Default' form processed by the trial court?

2.) Are U.S. trial judges presiding over civil matters required to report direct evidence of crimes that arise from a case to the appropriate authorities for criminal prosecution?

3.) Should U.S. courts which do not allow preemptive challenges be required to implement mandatory random selection processes for the assignment of judges and justices to cases?

The format shall be respected; however, this question requires further NECESSARY DETAIL, to understand why all courts MUST either offer a preemptive challenge option or require mandatory random selection, as reduces conflict of interest, amongst judges and mitigates court corruption. Without one or the other, judicial officers have the power to target specific litigants for reasons of bias. Studies have shown that courts have racial bias toward Black litigants such that the option of either preemptive challenger or mandatory random selection is a must for Black litigants. "PLEASE READ "NECESSARY DETAILS REGAEDING QUESTION No.3" of the Statement of Case section of this petition ON PAGE 19.

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

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

Plaintiff/ Appellant:

Earnest A Davis

Defendants/Respondents:

Doktor Ingenieur honoris causa Ferdinand **Porsche** Aktiengesellschaft aka Dr. Ing. h.c. F. **Porsche AG aka,** Dr. Ing. H.c.F. Porsche Aktiengesellschaft **aka** DR. ING. H.C.F. PORSCHE A.G. , aka Porsche AG, aka PAG, Porsche Cars of North America aka PCNA, Mr. Adrian Madrid, Mr. Edward McRae, Mr. Mark Bowen, and Mr. Christopher Baesen

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California Code of Civil Procedure (CCP) § 412.20(a)(3)). The end of the 30 days is not an automatic cut-off; the court will still accept a response from the defendant after 30 days, unless the plaintiff files a request for default. Once a default is entered, the defendant is no longer able to file a response or otherwise participate in the case.

All Respondents were served the summons and complaint, including Mr. Adrian Madrid; however, the Appellant did not submit the Proof of service to the court for filing due to the process server not wanting his Proof of service challenged in court. The proof of service is in the possession of the Appellant for filing. The Honorable Judge Vineyard did NOT follow the rule of law regarding California Code of Civil Procedure (CCP) § 412.20(a)(3)). And failed to approve of any applications for request for entry of default.

California Code of Civil Procedure (CCP) § 484. Under California Penal Code section 484, any person who uses fraud or deceit to obtain possession to money, labor, or real personal property is guilty of theft by trick. In order to convict you of this offense, the prosecution must prove the following: You obtained property you knew was owned by someone else; The property owner consented to your possession of the property because you used fraud or deceit. Please forward evidence of fraud to the appropriate authorities for criminal prosecution,

California Code of Civil Procedure (CCP) § 532(a). In California, False Pretenses is defined under Penal Code 532 (a) which provides, "Every person who knowingly and designedly, by any false or fraudulent representation or pretense, defrauds any other person of money, labor, or property, whether real or personal, or who causes or procures others to report falsely of his or her wealth or mercantile

character, and by thus imposing upon any person obtains credit, and thereby fraudulently gets possession of money or property, or obtains the labor or service of another is guilty of theft by false pretenses."

Employees of a local Riverside CA Porsche dealership called Walters Porsche, (now called Porsche Riverside) including Walters Porsche General Manager Mr. Edward McRae & Walters Porsche Service Consultant Mr. Adrian Madrid ; employees of this nation's second largest Auto insurer, GEICO, including GEICO Claims Supervisor Mr. Christopher Baesen & GEICO Auto Adjuster Mr. Mark Bowman,; and 2 multinational corporations: the exclusive importer of Porsche Automobiles & parts: Porsche Cars of North America ("PCNA") , and the Stuttgart headquartered manufacturer of Porsche automobiles and parts: Porsche AG all conspired to commit wrongdoings against the Appellant, including civil torts and crimes.

This case also involves possible violations of the Racketeering Influenced and Corrupt Organization Act (RICO) by Respondents/Defendants, and others including a special VIP client of Walters Porsche which is only identified as the owner of a blue Porsche Carrera GT3 which was pointed out on the shop floor of Walters Porsche to the Appellant on 1/27/2015 and Mr. Richard Hunter and Mr. Luis Ponce of the Bureau of Automotive Repair ("BAR"). A formal request was made by the Appellant for the Honorable

Asberry reviewed **"Plaintiffs' Notice of Motion and Motion for Leave to File Second Amended Complaint ...Notice of Motion and Motion for Joinder and Joinder of GEICO Corporation as a Defendant..."** filed November 7, 2018 and correctly interpreted applicable California Code of Civil Procedure , as well as

points and authorities for seeking leave to file SAC and to add GEICO in the motion for joinder that are referenced in the appellant's moving papers , including "Cal. Civ. Proc. Code § 473(a)(1) (allow a party to amend..) "Cal. Civ. Proc. Code §576. 2."(amend any pleadings), ":" Mesler v. Bragg Mgmt. Co., 39Cal. 3d 290, 296 (1985) (liberal allowance of amendments) ", and Morgan v. Super. Ct., 172 Cal. App 2d 527, 530 (1959) (an abuse of discretion to deny motions or leave to amend), both compulsory CCP§ 389(a)(1) and passive joinder actions CCP§ 379 reference in these moving papers, as well as points and authorities,.

GEICO was obligated to fund the repair of Mr. Davis's vehicle, such as GEICO cost estimates to repair the vehicle and checks issued by GEICO. California Code of Civil Procedure section 473(a)(1) (motion for compulsory joinder), California Code of Civil Procedure section 379 (motion for passive joinder), as well Civil Procedure section 389(a)(1)

Asberry reviewed relevant exhibits that are evidence to the fact that Walter's attempted a repair but GEICO never funded the repair because the attempt at repairing the vehicle was abandoned Walter's shop invoice/ work order No. 106937 which references GEICO and states "**PER GEICO INS HOLD OFF ON ADDITIONAL REPAIRS, GEICO CONTACTED CUST TO ADVICE CUST LIKELY TO TOTAL VEHICLE....**

"When a litigant is appearing in propria persona, he is entitled to the same, but no greater, consideration than other litigants and attorneys [citations]. Further, the in propria persona litigant is held to the same restrictive rules of procedure as

an attorney [citation].[Citations.](County of Orange v. Smith (2005) 132 Cal. App.4th 1434 [34 Cal. Rptr. 3d 383], 132 Cal. App.4th 1444.) In other words, when a litigant accepts the risks of proceeding without counsel, he or she is stuck with the outcome, and has no greater opportunity to cast off an unfavorable judgment than he or she would if represented by counsel"

Requests for Entry of Default were filed for five of the six respondents: Porsche AG, PCNA, Mr. McRae, Mr. Baesen, and Mr. Bowman, but none of these form CIV-100 default applications that were submitted to the trial court were processed. Proofs of Service for the service of the summons and complaint as well as Requests for Entry of Default were submitted to the trial court for Porsche AG, PCNA, Mr. McRae, Mr. Baesen, and Mr. Bowman multiple times, but to no avail, as the Honorable Judge Vineyard simply ignored the multiple submittals as if they didn't exist. The Appellant even filed a "Declaration concerning possible missing proofs of service from the court file in support of the motion to reconsider court order sustaining the demurrer of Mr. Mark Bowman and Mr. Christopher Baesen to the First Amended Complaint (FAC) on 2/10/2021[Vol 3 of 4. Page 701- 716], which included copies of the proofs of services and requests for entry of default for all five (5) of these Respondents, but to no avail. (Motion by Appellant Earnest A Davis To Augment Record page 126-175) but the filed requests for default were never processed and no explanation was provided by the trial court. And to be clear, the requests for entry of default were filed BEFORE PCNA, Mr. Bowman, and Mr. Baesen filed their responses.

IN THE

SUPREME COURT OF THE UNITED STATES PETITION

FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

[ ] For cases from **federal courts**:

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

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

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

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

[X] For cases from **state courts**:

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

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

The opinion of the California Superior Court, County of Riverside court appears at Appendix C to the petition and is

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

JURISDICTION

[ ] For cases from **federal courts**:

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

[ ] No petition for rehearing was timely filed in my case.

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

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

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

[X] For cases from **state courts**:

The date on which the highest state court decided my case was denied.

A copy of that decision appears at Appendix D.

[X] A timely petition for rehearing was thereafter denied on the following date: 2/22/2023, and a copy of the order denying rehearing appears at Appendix B.

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment is an amendment to the United States Constitution that was adopted in 1868. It granted citizenship and equal civil and legal rights to Black Africans in this country. It included them under the umbrella phrase "**all persons born or naturalized in the United States.**" The Fourteenth Amendment to the Constitution of the United States was submitted for ratification on June 16, 1866, and on July 28, 1868, it was ratified and entered into force.

The Fourteenth Amendment forbids the states from depriving any person of "life, liberty, or property, **without due process of law**" and from denying anyone equal protection under the law. The amendment also prohibits former civil and military office holders who had supported the Confederacy from again holding any state or federal office.

The Plaintiff is a Black African man who owns a pristine glossy Black collectable classic Porsche 993 Series 911 Carrera Cabriolet, appraised at $107,522. Unfortunately, it attractive negative attention from White boys. The vehicle had a dead battery, such that this Black man called his auto insurer GEICO who dispatched a truck operator to jumpstart his vehicle. Seeing that the owner of this vehicle was a black Man, this envious White boy connects jumper cables to the wrong terminals of the car battery during the attempt to jumpstart the vehicle and damaged the electrical system of the vehicle. The car battery is connected to the passenger compartment wiring harness such that this harness

section was damaged; the vehicle requires a new replacement passenger compartment wiring harness to render the vehicle operational again. The vehicle is insured such that GEICO approved of the claim for a Porsche dealership to repair the vehicle. The repair was attempted.

As with the tow truck driver, White boys employed with GEICO and the Porsche dealership were so envious of this Black man until they conspired to commit crimes of false pretenses and insurance fraud against him such that GEICO and the Porsche dealership could avoid funding the repair of the vehicle.

It's important to note that the vehicle is a convertible vehicle, because the convertible top was the target of these White's conspiracy to commit crimes against the Black man. These White boys were not very smart, as they used a Porsche proprietary email *system* to create a single-page Porsche Parts Technical Assistance Document with intentional false misrepresentations to commit crimes of false pretenses against the Black man. This proprietary email system allows Porsche entities to inquire and document the availability of Porsche auto parts. This particular documented emailed conversation between Porsche Cars of North America, and the Stuttgart headquartered Porsche automobile manufacturer, Porsche AG, essentially states than an auto part called a" convertible top harness" that gets installed in the convertible top is mysteriously missing from a box (as stated by the Porsche dealership), is out of stock in all of North America (as stated by the exclusive importer of Porsche automobiles and Porsche parts) Porsche Cars of North America, and that this same auto part is discontinued without replacement meaning that it's no longer manufactured (as stated by the exclusive manufacturer of Porsche automobiles and Porsche parts) Porsche AG. These White boys were not very smart because

single-page Porsche Parts Technical Assistance Document has timestamps of 10/22/2014 of when the dealership made the inquiry about the mysteriously missing auto part, and 10/28/2014 when PCNA and Porsche AG replied to the inquiry, which prove that the document was created well before the date that the need for this auto part as realized on 11/6/2014. These timestamps are scienters which is a legal term for intent or knowledge of wrongdoing of an act or event prior to committing it. This is a very simple and straightforward case where the facts are not in dispute which involves 2 pieces of evidence as the cornerstone of both cases: the email of 11/6/2014 and the Porsche Technical document.

By the luck of the draw, the first lawsuit was initially assigned to the only Black judge at the Riverside Historic Courthouse who was the first and only Black woman and only the second Black person ever to set on the bench in the 120-year history of that racist courthouse. Only the Black judge, the Honorable Judge Irma Poole Asberry who granted the Black man's joinder action to add GEICO to the complaint in the first lawsuit understand this very simple case, as all other judges and justices involved with the first and second lawsuit, which are all White people, pretend not to understand it. The White judge who as reassigned the case from the Black judge, dismissed it on the grounds that he felt that liberal leave, which case-law supports for all other litigants should not be provided for the Black litigant. His exact words as transcribed at a hearing was: "**Court recognizes that case-law supports granting liberal leave to amend. The Court is also mindful that Plaintiff has recently substituted in counsel on March 25, 2019**" but he dismissed the lawsuit anyway. This is NOT" equal protection under the law" In the second lawsuit was even simpler, the White trial judges refused to check a box in standard court forms for applications for requests for entries of default. This is not "equal protection

under the law." These White judges and justices involved in these lawsuits from the trial court all the up to the US Supreme court have deliberately refused to even mention the two pieces of incriminating direct evidence of crimes in their orders, opinions, etc. This is NOT the 14th Amendment at work, but it should be 'involved'.

The Fourteenth Amendment is a constitutional provision that is supposed to safeguard for protect the human rights of Black people, but is paradoxically NOT enforced within the US justice system for Black people in particular. .

Disclaimer of Earnest A Davis regarding use of the words "WHITE BOY".

In California, there are no specific laws that prohibit the use of rude or offensive language in pleadings. It's unknown if any such laws that prohibit rude or offensive language are in effect for pleadings submitted to the United States Supreme Court. Even so, the Petitioner wants to be clear, that there are absolutely no offensive words in this petition for writ of Centiorari, and the use of the words "White boy" is not used in an offensive way but used to express an underlying issue. Within this context, this case involves 2 pieces of direct evidence of crimes,:1: an email sent from a Porsche dealership on 11/6/2014, and a single page Porsche Parts Technical Assistance document, which direct link a Porsche dealership, its employees , as will as Porsche Cars of North America ("PCNA") and the Stuttgart Germany headquartered manufacturer of Porsche Automobiles to crimes of false pretenses and insurance fraud, which form the cornerstone of this case, regarding the merits. "White boys" are acting as if these documents don't exist, as they are not mentioned in any documents issued by courts. The use of the word" boy" in the words 'White boy' is used to convey a meaning of intellectual immaturity in the sense of a child who vehemently denies eating a chocolate donut, when there's chocolate icing around the child's mouth, on his finders. This case involves a vehicle owned by a Black man that as appraised at well over $100,000 which is a flagship classic collectible vehicle of Porsche: a 1998 Porsche 993 Series 911 Carrera Cabriolet which attracts negative attention amongst White males, verses females, such that the use of 'boy' verse girl, is only coincidental; because, with the exception of a White female associate justice, all other people in positions of authority and influence , both in the private sector and in government who as abused their discretion in their respective capacities in the work place in such a blatant and obvious way has been solely White males. The blatant or obvious way can be compared to the kid with chocolate around his mouth and on his hands, who claims to have not eaten the chocolate donut, i.e. White boys. For example, The Honorable Judge Chad W. Firetag stated: **"the Court recognizes that case-law supports granting liberal leave to amend. The Court is also mindful that Plaintiff has recently substituted in counsel on March 25, 2019**", and he quickly dismissed the Plaintiff's first lawsuits without allowing **"liberal leave"** for the Black litigant, while confessing to know that "**case-law supports liberal leave to amend**" which was afforded to White litigants. If this White boy were to claim that he is not bias, it's like a child with chocolate about his mouth and on his fingers saying that he didn't eat the chocolate donut; but he is consistently referred to as "the Honorable ...." In this petition, the words "White boy" is not an offensive term, but one that concise meaning: an underlying issue of intellectual immaturity.

STATEMENT OF THE CASE

This case before you is associated with Appellate Case No. E077395 and Trial Court case No. RIC 2001180 with Defendants/Respondents: Walter's Porsche General Manager Mr. Edward McRae, Walter's Porsche Service Consultant Mr. Adrian Madrid, GEICO Claims Adjuster Mr. Christopher Baesen, GEICO Claims Adjuster Mr. Mark Bowman, Porsche Cars of North America ("PCNA"), and the Stuttgart Germany based Porsche Automobile Manufacturer, Porsche AG. The 'SECOND lawsuit' refers to the cases above.

This case is related to a previous lawsuit, that is referred to as the FIRST lawsuit involving the same set of facts but different Defendants/Respondents: trial Court Case No. RIC1806371; Appellate Case No. E074317, Supreme Court of California Case No. S276592 and U.S. Supreme Court No. 22-6703 involving different Defendants/Respondents: Walters Porsche (now called Porsche Riverside), Mr. Conrad Castillon (who is the Service Manager for Walters Porsche), and Government Employees Insurance Company ("GEICO").

After the first lawsuit was dismissed, the second lawsuit was triggered after additional information was discovered which implicated the 6 defendants of this case.

On 8/6/2014 Appellant's vehicle, a pristine glossy black collectable 1998 Porsche 993 series Carrera Cabriolet, appraised at well over $100,000 had a 'dead' battery and called his auto insurer, GEICO for Emergency Roadside Assistance. This tow truck driver dispatched by GEICO attempted to jumpstart the Appellant's vehicle but damaged the electrical system after placing jumper cables of a portable battery charger on the

WRONG terminals on the car battery. It's worth noting that the tow truck operator is a White boy, and the owner of the vehicle is a Black man, The car battery is connected to the passenger compartment wiring harness, such that the abnormal surge of electrical current from the battery damaged the passenger compartment wiring harness. A new replacement passenger compartment wiring harness is required to repair the vehicle to render the vehicle operational again.

GEICO was contractually liable to fund the repair of the vehicle because GEICO is the Appellants auto insurer. GEICO is also directly responsible for the damage because the tow truck driver who damaged the vehicle's electrical system was dispatched by GEICO. For these reasons, the Appellant was not even required to pay a deductible. GEICO was responsible for funding 100% of the cost of the repair. In addition, GEICO approved of the claim to repair the vehicle, such that there is no dispute that GEICO is directly and contractually liable to fund the repair of the vehicle. Pardon this digression but the first judge assigned to the first lawsuit, the Honorable Judge Irma Poole Asberry GRANTED the Plaintiff's joinder action to add GEICO as a defendant in the first lawsuit FOR THESE VERY REASONS, before the case was reassigned in the Honorable Chad W. Firetag who dismissed the entire action solely because he believed the Plaintiff should not be entitled to "liberal leave to amend", as he is well aware that other litigants are afforded because "case-law supports" liberal leave. His exact words were "**Court recognizes that case-law supports granting liberal leave to amend. The Court is also mindful that Plaintiff has recently substituted in counsel on March 25, 2019**", as stated in a hearing with the Plaintiff's legal counsel present. BIAS IS EXPLICITLY STATED IN HIS REASON FOR DISMISSING THE CASE. This first lawsuit was appealed all the way to the Supreme Court, but to no avail.

Back to the case: GEICO approved of the repair, and Walter's Porsche (now called Riverside Porsche) attempted the repair. The now passenger compartment wiring harness was completely installed in the vehicle and only needed to be connected to all power sources when the Plaintiff received the following email from the Porsche dealership:

Mr. Adrian Madrid (a defendant in the second lawsuit) up at night:

November 6, 2014, at 7:48 AM, from <amadrid@waltersporsche.com> wrote:

"Good morning, We got the connectors in, but while we were installing them from the convertible top harness to the new harness we found that the top harness has also been melted in some spots. We have been trying to see if we could work around the melted wires in the top harness but there is too much damage to be able to guarantee you that it would work with no problems. The problem we have now is that Porsche no longer makes the convertible top harness, it has been discontinued. The only option we have is to try and find a used one. The bad part of using a used one is that we cannot provide any kind of warranty for it. I have to call your insurance company and let them know and see how they want us to handle it. I wanted to let you know first what's going

on. I will contact them shortly and then let you know what they tell me."

This email has false intentional misrepresentations. 1) First, it's impossible for the GEICO-dispatched tow truck operator's improper attempt at jumpstarting the vehicle to cause sparks to fly from the car battery, all the way up to the convertible top, to cause "**melted wires in the top harness.**" This is a falsehood. 2)Second, even if true, any repair associated with the convertible top is in no way NEEDED to complete the UNRELATED replacement of the passenger compartment wiring harness which is needed to render the vehicle operational again. Pardon the digression again but it's important to note that these two facts are common sense which apparently are only known to the Honorable Judge Irma Poole Asberry, who granted the joinder action to add GEICO as a defendant and to the Plaintiff. It's worth noting that both the Honorable Judge Irma Poole Asberry, and the Plaintiff are Black people, and all other judges and justices involved with the first and second lawsuits are all White people: this is NOT a coincidence. The motivation behind the email, is White employees of GEICO and White employees of the Porsche dealership did not wish to fund the repair of the vehicle, because the owner of the vehicle is Black,

Back to the case: based upon the intentional false misinformation in the incriminating email of 11/6/2014 (above), GEICO and the Porsche dealership agreed to remove the newly installed new passenger compartment wiring harness, and without the consent or knowledge of the Plaintiff, which rendered the passenger compartment of the vehicle HARNESSLESS, and thus considerably more complex and costly to repair. GEICO then deemed the vehicle a total loss and directed the California Department of Motor Vehicles to issue a salvage title for the vehicle, which artificially reduced the value from a pre-loss value of $107,522 to a salvage value of $12,500. The Porsche dealership refused to

repair the vehicle at any price. The vehicle is still in the custody of the Porsche dealership where its been since late 2014.

The Plaintiff requested that the Bureau of Automotive Repair investigate the matter, but it's worth noting that Mr. Richard Hunter, like the employees at the Porsche dealership involved with his matter is also a White such that, in his official report of 12/1/2015, he wrote: "**Mr. Castillon offered to reinstall the cars wiring harness with Mr. Davis's authorization and return the car at no charge to resolve the complaint"** What is Mr. Richard Hunter of the Bureau of Automotive Repair trying to communicate to me with this absolute falsehood which is also a flippant offered and an inappropriate 'joke' to reinstall the damaged factory original wiring harness back into my vehicle? Obviously, Mr. Hunter knows that the damaged factory original wiring harness is virtually identical to the new harness, such that it takes essentially the same effort to install either harness. Obviously, Mr. Hunter also knows that only the reinstallation of the new harness would render my vehicle drivable again, but the reinstallation of the damaged harness will not, and yet Mr. Hunter jokingly writes this FALSE and flippant offer in his official report: why? The answer is: by writing *intentional false misinformation* in his report, Mr. Hunter is expressing to me that the BAR stands united with the overtly racist Mr. Contrad Castillon. Mr. Hunter never inspected the convertible top, and never inspected the newly installed wiring harness, which both GEICO and the Porsche dealership initially denied as ever being installed. Mr. Hunter did inspect all shop records, as part of this first BAR investigation, and told the Plaintiff that no "connecters" were ever ordered for installation into te vehicle, as several emails from the Porsche dealership stated.. The Plaintiff did not know the significance of knowing that "connectors were never ordered at the time Mr. Hunter conveyed that information to the Plaintiff. In addition to the investigation of 2015, the State of California Bureau of Automotive Repair would investigate this matter

2 more times. Mr. Luis Ponce of the BAR reopened the investigation in 2017 but refused to inspect the vehicle, and he conducted the BAR's 3rd inspection 2020.

Three times the charm because in 2020, the BAR begrudgingly agreed to INSPECT THE CONVERTIBLE TOP, and lo and behold Mr. Ponce discovered that there are no melted wires in the convertible top.

This new official 'discovery' by BAR means that the email of 11/6/2014 is DIRECT EVIDENCE OF CRIMES committed by the Porsche dealerships service consultant, Mr. Adrian Madrid who sent the email and who is a defendant in this second lawsuit and committed by the Porsche dealership, owned by Walters Auto Sales and Services, Inc, who is a defendant in the first lawsuit. This new discovery presented a problem for Mr. Richard Hunter and Mr. Luis Ponce because they had been hiding evidence of these crimes for several years.

after Mr. Ponce inspected the vehicle in the custody of the dealership and after he spoke with Mr. Richard Hunter who has retired from the BAR but is still very much active in the matter and interested in the outcome, and he consulted with the shop, the Plaintiff leaves Mr. Ponce speaks to the Plaintiff, and they exchange a few text messages, and then he leaves the Plaintiff the following voicemail that has been transcribed by REV.COM:

> on 10/19/2020 at 3:10 PM:
>
> **"Mr. Davis, if you don't want to discuss the complaint, then I'm letting you know we're closing it. We're gonna put it in the master file, and we're not gonna pursue this any longer. Good luck. Um, there's an offer made by the shop. If you care to hear the offer, contact the field office, and I will call you. Thank you. Bye bye. "**

This is new information was revealed AFTER the first lawsuit was dismissed on 10/31/2019, which is SIGNIFICANT.

Mr. Ponce begrudgingly agreed to inspect the convertible top in 2020, which triggered the second lawsuit involving the same set of facts but different defendants. None of the defendants responded to the second lawsuit in a timely manner such that the Plaintiff /Appellant filed default requests. The trial court refused to process the applications for default on the requests and continued to ignore evidence of civil torts and crimes of false pretenses and insurance fraud and dismissed this second lawsuit.

, but before the new replacement wiring harness could be fully installed, the dealership and GEICO executed a plan to allow them to avoid funding the repair of the vehicle. The plan involved the Porsche dealership conspiring with 2 other Porsche entities to create a technical document with false intentional information which essentially states that an auto part associated with the convertible top is unavailable. After the document was created, the dealership sent the Plaintiff an email with false intentional information that an auto part in the convertible top of his vehicle was unexpectedly discovered to be damaged and that it's not repairable, such that the repair can not be completed. Obviously, the repair involving the passenger compartment harness has absolutely nothing to do with any issue with the convertible top, but GEICO and the Porsche dealership insisted that the repair involving the passenger compartment must be halted

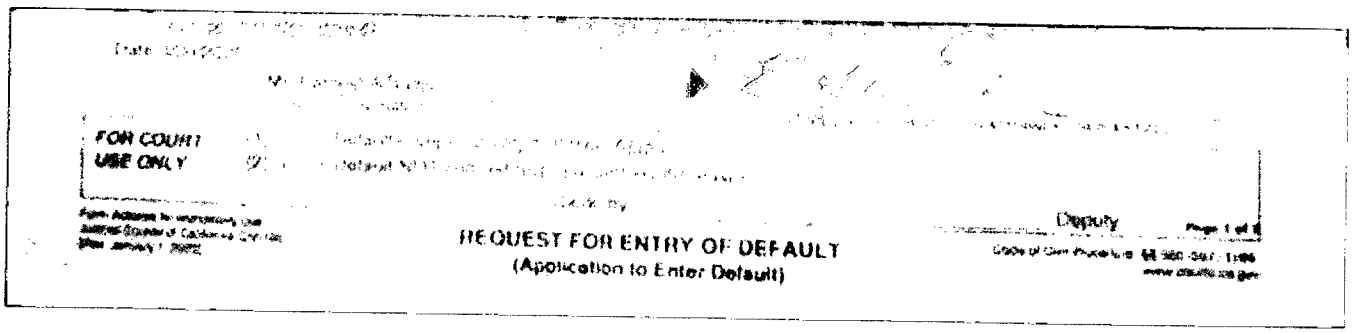
and they agreed to remove the newly installed passenger compartment wiring harness, without the consent or knowledge of the Plaintiff/ Appellant, which rendered the passenger compartment of the vehicle harnessless. GEICO deemed the vehicle a total loss and directed the DMV to issue a salvage title for the vehicle.

The first of 2 lawsuits were filed. Case No. RIC 1806371 initially only included Walters Porsche and Mr. Conrad Castillon, as defendants, as the Appellant was still in the process of exhausting all options with GEICO after the lawsuit was filed. After GEICO low-balled the Appellant on the replacement cost of his vehicle regarding the Emergency Roadside Assistance Claim, the Applicant filed a Vandalism claim involving the removal of the newly installed new passenger compartment wiring harness by Walters Porsche without his consent or knowledge which rendered his vehicle harnessless and significantly more complex and therefore costly to repair. GEICO rejected the vandalism claim stating that the Bureau of Automotive Repair drafted by BAR investigator Mr. Richard Hunter on 12/1/2015 was missing critical information needed to substantiate a vandalism claim. Bar investigator Luis Ponce reopened the investigation in 2017 but to no avail. The initial lawsuit was dismissed. New information was discovered after Mr. Ponce begrudgingly agreed to inspect the convertible top in 2020, which triggered the second lawsuit involving the same set of facts but different defendants. None of the defendants responded to the second lawsuit in a timely manner such that the Plaintiff /Appellant filed default requests. The trial court refused to process the applications for default on the requests and continued to ignore evidence of civil torts and crimes of false pretenses and insurance fraud and dismissed this second lawsuit.

AN ABUSE OF DISCRETION:

REFUSAL TO CHECK A BOX

The State of California Superior Court utilizes a standard 'Application for Request for Entry of Default' form: the 'CIV-100' form for litigants to utilize in civil matters to default defendants who fail to respond to summons, and complaints served to them in a timely manner.


FOR COURT USE ONLY

REQUEST FOR ENTRY OF DEFAULT
(Application to Enter Default)

Deputy

At the bottom of the first page of this 2-page form, there is a rectangular box with the words "FOR COURT USE ONLY" appearing in it in bold capital letters, next to 2 small, numbered boxes for the court to check for either "(1)" for "**default entered as requested on (date):" or "(2)"** for **"Default NOT entered as requested (state reason):".** It's virtually effortless for the court to simply check the appropriate box on the form and to provide an explanation if the court decides to deny the default request. How difficult is it to simply check a box?

In this case, the steadfastly court refused to process the Plaintiff's /Appellant's request, which is essentially a de facto denial but without the court not being required to provide a reason. The Plaintiff /Appellant believes that the court deliberately elected to refuse to process the multiple CIV-100 forms submitted by

Plaintiff/ Appellant as a result of RACIAL BIAS, such that the de facto denial by not processing form as an act of covert racial discrimination.

At least, if the court would have followed protocol and checked the box, even for "default NOT entered as requested", the Plaintiff/ Appellant deserves a REASON as to why the court denied the request. Perhaps there is a very justifiable reason for not granting the default: perhaps there is an error on the form? Perhaps there is an error in the submittal of the form. In any case, the feedback on the "(state reason)" section of the form is just as important for Black litigants as it is for Whites. If no feedback is given, there is no way for a litigant to correct such error to resubmit the form . By refusing to process standard forms submitted by Black litigates it creates, at the very least, the PERCEPTION of racial bias.

The Plaintiff/Appellant completed and submitted several of these CIV-100 forms for the trial court to process to default for Defendants/Respondents who failed to respond to a summons and complaint in a timely manner, 3 of which failed to respond at all. Moreover, the trial court provided no explanation either orally during nor in written, by court order, as to why these CIV-forms, which were submitted multiple times, by US mail, by Court drop box, and electronically are not completed by the court. By deductive reasoning, the Plaintiff /Appellant believes that the trial court refused to process these forms simply because the litigant is Black, as there is no over reason to not process the CIV-100 applications for default.

Moreover, the Plaintiff /Appellant even submitted a "**DECLARATION CONCERNING POSSIBLE MISSING PROOFS OF SERVICE FROM THE COURT FILE IN SUPPORT OF MOTION TO RECONSIDER COURT**

ORDER SUSTAINING THE DEMURRER OF MR. MARK BOWMAN AND MR. CHRISTPHER BAESEN TO THE FIRSTAMENDED COMPLAINT (FAC) ON 2/10/2021". where copies of the proofs of service and completed CIV-100 forms that were previously submitted were attached to this declaration, and still, the court refused to process the completed CIV-100 applications for request of entry of default. The court refused to discuss this matter in court hearings, and essentially ignored the multiple CIV-100 submittals as if they did not exist. In addition, proofs of service for service of summons and complaint as well as these unprocessed CIV-100 forms are accessible through the court website, such that the Plaintiff/Appellant has confirmed that these completed but unprocessed CIV-100 forms are in possession of the court.

All 6 Defendants/ 'Respondents' in this second lawsuit involving Trial Court Case No. RIC 2001180 /Appellate Court Case No. E077395 were served a summons and complaint by independent third-party licensed process servers. Except for Defendant Adrian Madrid, form CIV-100 Applications for Requests for Entry of Default were submitted for all other defendants. All 6 Defendants failed to respond to the lawsuit in a timely manner. Mr. Adrian Madrid, Mr. Edward McRae and Porsche AG did not respond at all. Mr. Mark Bowman and Mr. Christopher Baesen responded to the lawsuit AFTER form CIV-100's was submitted to the court that were never processed by the court.

The Plaintiff/Appellant agreed NOT to submit a form CIV-100 Applications for Requests for Entry of Default for Mr. Adrian Madrid ONLY, because the process server who served Mr. Madrid and who also provided a proof of service to the Plaintiff/ Appellant was intimidated by a letter from Attorney John Swenson,

representing this defendant, stating that Mr. Madrid was no longer employed at the location that service was made. For this reason, this process server told the Plaintiff/Appellant that we would not attempt to defend the proof of service in court if it were challenged in court. The Appellant is in possession of the proof of service for the service of the summons and complaint to Mr. Adrian Madrid but have purposely did not filed it with the court; however, the Plaintiff/ Appellant has a 'screenshot' of Walter's Automotive Group web chat conversation which documents that Mr. Adrian Madrid was available upon request, which implies that he was an employee, at the time the summons and complaint were served at the place of employment where service was made.

The 2 trial judges who presided over Trial Court Case No. RIC 2001180 refused to process any of the multiple form CIV-100 Applications for Requests for Entry of Default submittals that are required to default Porsche AG, Porsche Cars of North America, Mr. Edward McRae, Mr. Christopher Baesen, and Mr. Mark Bowman.

Again, the Plaintiff /Appellant need not prove racial discrimination but is also demanding that this case doesn't contribute to reality of racial bias if it's included in another statistical analysis study showing racial bias . The Supreme Court must protect for Black litigants under the law, regarding the refusal of the trial court to simply check an appropriate box for the Plaintiff/Appellant who demands equal protection under the law as White litigants are afforded. The Plaintiff/ Appellant requesting for the Supreme Court to simply demand to have the trial court to check a box for his submitted requests for entry of default processed by the court, and to provide a reason if the Court desires to deny his requests.

NECESSARY DETAILS

REGAEDING QUESTION No.3

Question No. 3: Should U.S. courts which do not allow preemptive challenges be required to implement mandatory random selection processes for the assignment of judges and justices to cases?

The presented question requires the following NECESSARY DETAIL for understating the IMPORTANCE of the need for mandatory random selection processes, as it reduces eliminates conflicts of interest and shines light on corruption. **Further detailed VERY IMPORTANT information is necessary**, regarding this question:

Without a requirement for mandatory RANDOM SELECTION courts such as in this case are allowed to discriminate against its own Black associate justices. Division Two of the Fourth District of the California Court of Appeals proclaims to have the most diverse court in the nation but who disallows their two Black associate justices from being considered in the selection process in cases involving Black litigants. The same panel of White associate justices who presided over Case E074317 also presided over Case No. E077395. To be clear, the random selection process WAS used by the Appellate court to assign

the panel of 3 associate justices to the first lawsuit om appeal (Case No. E074317), but this same panel of justices were DELIBETATLY SELECTED and not randomly selected to preside over the second lawsuit on appeal (Case No. E077495). These 2 cases involve the same set of facts but different defendants. It is important to note that THERE IS NO PREEMPTIVE CHALLENGE OPTION FOR APPELLATE COURTS IN CALIFORNIA such that it is IMPERATIVE that the internal selection processes of RANDOM SELECTION be MANDATORY for all courts which do not have preemptive challedge options in their local rules.

The Plaintiff/Appellant put the court of appeals on notice, during oral arguments regarding his concern of assigning the same 3 associate justices who were randomly selected to preside over the first lawsuit on appeal to be deliberately reassigned to preside over to his much anticipated second lawsuit on appeal that was coming down the pipeline. This appellate court was aware that it should NOT deliberately reassign the same 3 justices to his second lawsuit on appeal but selected the same panel of the 3 justices anyway. Why would they PURPOSELY do that?

Photos of all judges are posted on the court's website such that the races /ethnicities of all justices are known to the general public. For Black litigants, the race/ethnicity of judges presiding over our cases matters. It is widely known that numerous case studies conducted by social scientists including sociologist have been published involving the statistical analysis of government data which reveals that White judges have racial bias against Black defendants and litigants. These studies consistently shown that judges, who are

predominantly White, hand down significantly stiffer sentences to Black defendants. These studies also reveal that Blacks were unfairly imprisoned due to the unethical withholding of evidence which would have proven their innocence and falsified evidence from law enforcement that is used to frame Blacks in court cases, are the main reasons why Blacks are exonerated at much higher rate as compared to Whites. Of the 75 innocent death-row defendants who spent 30 years or longer in prison before being exonerated,67% are Black. Blacks are 7.5 times more likely to be wrongfully convicted of murder than Whites. Approximately 69% of people exonerated from drug crimes were Black as compared to 16% being White. Judges in civil cases are no different as numerous case studies have consistently shown that Black litigants are dismissed from discrimination cases at a significantly higher rate than White litigants. In civil cases, White judicial officers simply ignore evidence and refuse to even discuss it or mention it, as if it doesn't exist, as in this case. The outcome of a case can literally boil down to the race of judges /justices. In this regard, the race or ethnicity of a judge for Black litigants are EXTEREMLY IMPORTANT!

The Court of Appeals only attempted to withhold requested information from the Plaintiff / Appellant as to the names of the judges who were assigned to preside over the second lawsuit after offering absolutely no resistance to the Plaintiff/Appellant several months earlier when he requested this same information regarding the first lawsuit. The staff only court acquiesced and provided the information regarding the names of the justices who were assigned to the second lawsuit when the Plaintiff /Appellant explained that this information was needed for oral arguments in the second case because the race

of such justices is of important in this matter. The Plaintiff/ Appellant had to explain to court clerk phone staff that the rather lengthy opinion from the first case completely disregarded input from the Black judge. The value added by the Honorable Judge Irma Poole Asberry, who is the first and only Black female judge and only the second Black judge in the 120 history of the Riverside Historic Courthouse was deliberately ignored by the panel of 3 White justices. They only considered input from the White trial judge, (the Honorable Judge Chad W. Firetag) who was reassigned the case and ultimately dismissed it. In reviewing the opinion, it reads as if the Black judge was initially assigned the case, was nonexistent and sent a chilling racist undertone that ONLY input from White trial judges are considered by the appellate court when reviewing appeals. Ironically, the White judge used the excuse of being confused about the premise of the first lawsuit as his basis for dismissing it. He used words such as "confused", "unclear", and even stated that the second amendment complaint ("SAC") was "unintelligible" on the record at a hearing, and yet, the Court of Appeals ignored input from the Black judge, which was sound and based upon the facts of the case and instead sided with White judge who confessed to be illiterate and not able to read the SAC. Moreover, after the Black Judge granted a joinder action of the Plaintiff/ Appellant to add GEICO as a defendant, the White judge dismissed GEICO from the case, when it was reassigned to him, during a hearing where an attorney had subbed in for the Plaintiff 'Appellant to draft a Third Amended Complaint ("TAC") . Obviously, the attorney was anticipated to write a TAC in legalese that the White Judge implies as being the only form of English that he understands, and yet the White judge still dismissed GEICO from the lawsuit during this critical hearing where an attorney had stepped in to represent the Plaintiff/ Appellant. This is a prime example of how White judges treat Black litigants. This case is a TEXT

BOOK CASE showing abuse of discretion from White Judges that explains why racial bias is revealed in reports of studies from social scientists who use objective quantitative analyses of government data which reveals racial bias toward Black litigants. The Plaintiff/Appellant also explained to the clerk staff that he specifically requested 'random selection' for this second lawsuit during oral argument during his oral argument in this first case on appeal, such that it was important to know if the same panel of 3 associate justices presided over the second lawsuit, as well. The Court clerk was kind, courteous, and understanding and put the phone call 'on hold' several times before the names of the 3 associate justices were finally provided to him which revealed that the same panel of 3 justices which presided over the first case on appeal also presided over the second lawsuit on appeal.

This resistance to providing this information willfully upon request is at issue, as it was apparent that the information request was anticipated by this appellate court and that the phone clerks were told to withhold this information without permission to release the names of the justices assigned to Case No. E077395 without authority from a court administrator. This resistance is an indication of corruption involving the discrimination of this appellate court's own Black justices. It's hypocritical for this appellate court to proclaim to have the most diverse court in the nation when it secretly discriminates against its only 2 Black associate justices by not allowing them to be considered in their random selection process ONLY when a case involves a Black litigant.

This problem of 'deliberate selection' is especially important in this case because NEW INFORMATION in the second lawsuit which was not known in

the first lawsuit provided a CONFLICT OF INTEREST for the panel of 3 justices that would NOT have arisen if a completely different panel of 3 associate justices would have been selected (regardless of race or ethnicity of justices). This new information was the fact that a defendant in the first lawsuit, Walters Auto Sales and Services, Inc. (who owns the Porsche dealership) made a settlement offer to the Plaintiff /Appellant approximately one year after this same defendant prevailed in the civil matter against them. To be very clear, the first lawsuit was dismissed against this defendant on 10/31/2019 but they made a settlement offer to the Plaintiff/Appellant in October 2020. The willingness of the Porsche dealership to convey a cash settlement offer to the Plaintiff / Appellant through the Bureau of Automotive Repair AFTER this defendant had already prevailed in the first lawsuit is a SCIENTER or an indication of knowledge of wrongdoing. The obvious question is: Why would Walters Auto Sales and Services, Inc., (who owns the Porsche dealership) offer the Plaintiff a cash settlement after they had already prevailed in the civil matter involving the first lawsuit? The answer is simple: a self-incriminating email of 11/6/2014 that was sent to the Plaintiff/ Appellant and single page Porsche technical document, which are the 2 cornerstone pieces of evidence in this matter because they contains intentional false misrepresentations THAT DIRECT EVIDENCE OF NOT ONLY CIVIL TORTS BUT CRIMES OF FALSE PRESENSES AND INSURANCE FRUAD of which this distinguished august panel of 3 judges at the court of appeals refuses even discuss or even mention in their lengthy opinions IS OF GREAT CONCERN TO WALTERS AUTO SALES AND SERVICES (a defendant in the first case), AND MR. ADRIAN MADRID (a defendant in the second case) WHO FEARS CRIMINAL PROSECUTION! To be clear, a new panel of judges at the court of appeals is ignoring the same information that defendants in both cases are worried about,

if a prosecutor ever receives the green light to initiate a criminal investigation.

Bureau of Automotive Repair inspector, Mr. Luis Ponce of the BAR sent the Plaintiff /Appellant the following incriminating voicemail that has been transcribed by REV.COM on 10/19/2020 at 3:10 PM:

"Mr. Davis, if you don't want to discuss the complaint, then I'm letting you know we're closing it. We're gonna put it in the master file, and we're not gonna pursue this any longer. Good luck. Um, there's an offer made by the shop. If you care to hear the offer, contact the field office, and I will call you. Thank you. Bye bye. "

This voicemail provided a conflict of interest for the distinguished august panel of associate justices who presided over both cases because it shows that the first lawsuit has sufficient merit to warrant a cash, and more specifically, it is an indication that they were WRONG in their opinions. The 2 pieces of evidence of , not only civil torts , but of crimes of false pretenses that the panel of 3 associate justices are unethically turning a blind eye too, are what keeps employees of the Porsche dealership up at night. For this reason, the cash settlement offer was made to the Plaintiff /Appellant, as documented in the case file as NEW INFORMATION, in the second case. This NEW information is a scienter and evidence that both cases have merit, which presented a conflict of interest for the panel of 3 justices of the appellate court.

This email is what the panel of justices are deliberately ignoring but what keeps Walters Auto Sales and Services, Inc, (a defendant in the first lawsuit) and Mr. Adrian Madrid (a defendant in the second lawsuit) up at night:

November 6, 2014, at 7:48 AM, from <amadrid@waltersporsche.com> wrote:

"Good morning, We got the connectors in, but while we were installing them from the convertible top harness to the new harness we found that the top harness has also been melted in some spots. We have been trying to see if we could work around the melted wires in the top harness but there is too much damage to be able to guarantee you that it would work with no problems. The problem we have now is that Porsche no longer makes the convertible top harness, it has been discontinued. The only option we have is to try and find a used one. The bad part of using a used one is that we cannot provide any kind of warranty for it. I have to call your insurance company and let them know and see how they want us to handle it. I wanted to let you know first what's going on. I will contact them shortly and then let you know what they tell me."

This case involves a Black man who owns a highly desirable classic collectible flagship vehicle of Porsche, which is a convertible vehicle (which is important to note) worth well over $100,000 of which had a 'dead battery'. He calls GEICO emergency roadside service to jumpstart his vehicle and the jealous tow truck driver, dispatched by GEICO, who is White (which is also important to

note) deliberately connects the jumper cables of a portable battery charger to the WRONG battery terminals during the attempt to jumpstart his vehicle, and damaged the vehicle's electrical system. It's important to note that the battery is attached to the passenger compartment wiring harness which is located in the passenger compartment of the vehicle. It's also important to note that the convertible top harness was not damaged and is in no way related to the repair needed to render the vehicle operational again. To be very clear, the convertible top harness is located in the convertible top and the passenger compartment wiring harness is located in the passenger compartment of the vehicle, as there two auto parts are in completely regions of the vehicle. The Black man has insurance such that GEICO approves of a claim to repair his vehicle an selects a Porsche dealership within proximity of the vehicle to tow is vehicle to, to repair the vehicle. The repair is attempted. As with the tow truck driver, these White boys employed at the Porsche dealership and GEICO are so jealous of this Black man that conspire to devise a plan for GEICO and the Porsche dealership to NOT fund the repair of his vehicle. White boys employed at the dealership conspires with White boys at Porsche Cars of North America and Porsche AG to draft a Porsche technical document that essentially states that the wiring harness in the convertible top is missing from a box (as stated by the Porsche dealership) out of stock (as stated by PCNA who is the exclusive importer of Porsche parts into North America), and discontinued without replacement (as stated by the Stuttgart Germany headquartered manufacturer of Porsche parts). This single -page Porsche Parts Technical Assistance document documents an emailed conversation between these Porsche entities such that the document contains TIMESTAMPS that proves that the document was created before the Black man was sent the email with incriminating INTENTIONAL FALSE MISREPRESTATIONS that "**melted**

wires in the top harness" were unexpectedly discovered in the convertible top of his vehicle. After years of refusing to adequately inspect the vehicle, as needed to hide evidence of crimes of false pretenses, and insurance fraud, a White boy at the State of California Bureau of Automotive Repair begrudgingly agrees to INSPECT THE CONVERTIBLE TOP, in October 2020, and put's the Porsche dealership on notice that his agency can no longer turn a blind eye to the incriminating email and Technical document which are evidence of crimes. The White boy at this governmental agency, not wanting to be a target of criminal investigation makes an offer which shows impropriety. He told the Black man that the Porsche dealership will agree to a cash settlement if the Black man agrees to NOT pursue criminal prosecution. The offer was declined. The Black man's respond was ABSOLUTELY NOT, because these White boys at the Porsche dealership fearing prosecution must be held accountable for their actions. Not anticipating the reaction from the Black man, this White boy, Mr. Luis Ponce of the Bureau of Automotive Repair abruptly ends the call, and now refuses to respond to phone calls, voice mails and even a certified letter from the Black man and the National Association for the Advancement of Colored People ("NAACP"). This Black man has contacted the Riverside Office of the District Attorney and the California Attorney General but they both conveyed to the Black man that, since the Bureau of Automotive Repair was the first governmental agency to investigate the matter, any recommendation for criminal prosecution must be recommended by that agency. There is an impasse. The is a racially polarizing case in which the ethnicity of judges/justices matters.

A fresh now panel of judges would have reviewed the transcribed voicemail as

a RED FLAG to take a close look at the email of 11/6/2014 and single page Porsche technical document within the context of them being direct evidence of not only civil torts but crimes of false pretenses; however, this corrupt unethical panel of justices who appointed themselves to preside over the appeal involving the second lawsuit PERCIEVES the transcribed voicemail AS EVIDENCE TO HIDE, because it reveals their analysis in their opinion rendered in the appeal of the first lawsuit IS WRONG. The transcribed voicemail presents a quagmire for the panel of three judges what would not have been perceived as such for a fresh now panel of justices. To be very clear, the CONFLICT OF INTEREST caused by this new information made the unethical panel of justices DOUBLEDOWN on their unethical theory that the first lawsuit has merit; whereas a different panel of justices would have had no prior history regarding the previous case to unethically influence their decision on the second case. The 2 pieces of evidence which are the cornerstone documents to this case (i.e., the email from the dealership of 11/6/2014 and the single-page Porsche technical document) would have been ignored by a different panel of judges and the outcome may have been different.

For this reason, for courts that do NOT have options of preemptive challenges, a MANDATORY internal RANDOM SELECTION process for assigning judges including justices is ABSOLUTELY PARAMONT!

The supreme court would rule on whether courts that don't institute preemptive challenges SHOULD BE REQUIRED to, at the very least, maintain a process involving RANDOM SELECTION to determine judicial officers who will preside over cases.

REASON FOR GRANTING THE WRIT:

ADDRESSING THE ELEPHANT IN THE ROOM

First and foremost, the Fourteenth Amendment is not being enforced as it relates to Black Africans who are citizens of this country. This case involves a Black man who must deal with wrath of White boys your envious of his ethnicity and thus outrageous their association of him with is desirable vehicle.

A White trial judge in the first lawsuit refused to grant liberal leave to amend his complaint thar he confesses to know that case-law supports, simply because the litigant is a Black person.

White trial judges in this second lawsuit have steadfastly refused to check the box on a standard form because the litigant is Black.

White associate justices have discriminated against their own Black associate justices by not allowing them to EVEN BE CONSIDERED to preside over cases involving a Black litigant.

The US Justice system is not just for citizens of his country who are Black Africans because the 14th Amendment is not enforced for Black people.

Racism from White people toward Black people is simply a feeling of jealousy of the Black person's race. When the Black person is associated with a desirable vehicle, that only makes the racism or envy toward that black person exponentially worse. And when the Black man's vehicle is a convertible vehicle, then that fact adds another layer of envy

which explains why the convertible top was the target of the hoax and crimes of false pretenses.

On December 5, 2020, a Black U.S. Army Medical Corps second lieutenant, Caron Nazario experienced racism when he was pepper sprayed at gun point by racially bias White male law enforcement officers who were furious at the sight of this Black man driving his brand new 2020 Chevrolet Tahoe. This incident was on camera such that it made the national news in the USA. The vehicle owned by the Plaintiff'/Appellant is a glossy black convertible classic Porsche Carrera 911 which is far more appealing than the new Chevy Tahoe which triggered the wrath of White people who pepper prayed him at gun point.

What makes this lawsuit unique is that the Black victim in this case is not a typical 'Black victim' as portrayed in news media, such as a victim of police brutality, but is an educated Black man who owns a glossy black pristine flagship vehicle of Porsche vehicle worth well over $100,000 that appreciates in value annually. This fact triggers feelings of inferiority and deep resentment in the White people privileged to be in positions of authority and influence regarding matters concerning the Plaintiff's vehicle. For this reason, it is so difficult to motivate this White people to simply be fair in carrying out their respective duties as it relates to the Plaintiff's /Appellant's vehicle. These White folks are angry at this Black man for having the audacity to demand that his auto insurer fund the repair of his vehicle. These White folks are angry at this Black man for having the audacity to demand that his vehicle his vehicle's value be restored. The Plaintiff/Appellant wants all White boys to be held accountable that had a hand in the crimes of false pretenses and insurance fraud, including those in government agencies who have turned a blind eye to DIRECT EVIDENCE OF CRIMES: the email of 11/6/2014 from defendant Mr. Adrian Madrid, and the single page Porsche technical

document containing INTENTIONAL FALSE MISREPRESENTATIONS. It's difficult for this Black man to find justice because White folks faces turn beet red when they read the complaint, but the Plaintiff /Appellant is a victim, who has done nothing wrong. Only the Black judge, the Honorable Judge Irma Poole Asberry was sensible in her decision to grant the Plaintiff/ Appellant leave to amend his complaint to add GEICO as a defendant in the first of these 2 lawsuits. It's not a coincidence that only the Black judge is fair.

From the White tow truck operator who initially damaged the vehicle by connecting jumper cables of a battery charger to the wrong terminals of the car battery; to the White employees at the Porsche dealership who conspired with White employees at PCNA and Porsche AG to create the Porsche Technical Assistance document; to the White employee at the Porsche dealership who sent the Plaintiff/Appellant the incriminating email of 11/6/2014; to White employees at GEICO could use the email of 11/6/2014 with the Porsche technical document as an excuse for GEICO and the Porsche dealership to agree to abandon the repair of the vehicle, sabotage the repair and to devalue the vehicle; to the White employees at BAR who turned a blind eye to direct evidence of crimes of false pretenses for several years, to the White judges and White justices who also turned a blind eye to direct evidence of crimes of false pretenses: their unethical illegal behavior in their respective positions of privilege both in the private sector an in government reflects a racial bias. They are jealous that they are not Black, which triggers feelings of bitter resentment toward Black people which is manifested in their illicit behavior. Moreover, the fact that a Black man owns a rare collectable flagship vehicle of Porsche intensifies their deep resentment envy exponentially. Moreover, because the vehicle is a convertible, the vehicle's convertible top is the target of the hoax involving the false discovery of melted wires in the convertible top.

It is not a coincidence that only the Black judge ruled in the Plaintiff's/ Appellant's favor in a hearing. The Honorable Judge Irma Poole Asberry, who is a Black judge sitting on the bench at the Riverside Historic Courthouse, who is only the second Black judge and the first Black female judge in this court's 120-year history. Judge Asberry reviewed the Porsche dealership work order, GEICO policy, the GEICO cost estimate, photos in the file showing the vehicle's passenger rendered harnessless and understood that GEICO was not only contractually liable for the repair as the Plaintiff's/Appellant's auto insurer, but further understood that GEICO is also directly liable for the repair because a GEICO-dispatched tow truck operator damaged the vehicle's electrical system. It's a no brainer, so Judge Asberry ruled in the favor of the Plaintiff / Appellant to grant the joinder action that she granted to allow GEICO to be added as a defendant in the first lawsuit (Case No. RIC 1806371) She has no racial bias being that she is a Black woman. This case was unexpectedly reassigned to a White judge, the Honorable Judge Chad W. Firetag who dismissed the case for what he stated on the record at a hearing:" the **Court recognizes that case-law supports granting liberal leave to amend. The Court is also mindful that Plaintiff has recently substituted in counsel on March 25, 2019**". This White judge bias is explicit in his statement, but the White associate justices at the Court of Appeal refused to address this quote and rubber-stamped the bias decision of the White judge while refusing to consider the input of the Black judge. As a result of racial bias, White trial judges and White associate justices of the court of appeal, and other judicial officers have turned a blind eye to these 2 pieces of direct evidence of crimes of false pretenses and insurance fraud.

This second lawsuit is more straightforward that the first, because all the Defendants in this case failed to respond to this lawsuit in a timely manner, and three of which did not respond at all. The problem is that the White judges steadfastly refused to process

applications for request of entry of default that were submitted by a Black litigant. Moreover, the White judges not only continued to turn a blind eye to the same 2 pieces of evidence of crimes of false pretenses, but they refuse to even MENTION these 2 pieces of evidence which is the central issue of these matters. It doesn't get more simpler than this.

The California Chief Justice Tani G. Cantil-Sakauye acknowledged this problem in her statement on racial bias of judges:

> ***"I am deeply disturbed by the tragic deaths of George Floyd and others, as well as the action and inaction that led to these deaths. Justice is the first need addressed by the People in the preamble of our nation's Constitution. As public servants, judicial officers swear an oath to protect and defend the Constitution. We must continue to remove barriers to access and fairness, to address conscious and unconscious bias—and yes, racism. All of us, regardless of gender, race, creed, color, sexual orientation or identity, deserve justice. Our civil and constitutional rights are more than a promise, a pledge, or an oath—we must enforce these rights equally. Being heard is only the first step to action as we continue to strive to build a fairer, more equal and accessible justice system for all."***

Racism is real and acknowledged in this statement on race by the California Chief Justice. Unfortunately, as long a White people continue to occupy the vast majority positions of authority and influence in government and in the private sector that affects the lives of Black people, such Black people under their influence rarely find justice.

The Plaintiff/Appellant has a rare classic collectible vehicle that to this day, remains in the custody of Porsche dealership, with its passenger compartment rendered harnessless. This vehicle was appraised at a pre-loss value of $107,522 and deemed salvage vehicle with a salvage resale value of only $12,500. The Plaintiff/Appellant simply wants GEICO to direct the DMV to restore the value of his vehicle by issuing a non-salvage title for the vehicle and to fund the repair of his vehicle. It case involves a rational human being to simply review the email of 11/6/2014 from Defendant Mr. Adrian Madrid, and review the Porsche Parts Technical Assistance document and ask yourself: Can an improper attempt at jumpstarting this vehicle cause isolated melted wires to occur in the convertible top? What does an alleged damaged auto part that located in the convertible top (i.e., the top harness) that is associated with raising and lowering the convertible top electronically have to do with the task at hand of replacing an auto part that is located in the passenger compartment wiring harness, which is required to render the vehicle drivable again? Why would GEICO deem the vehicle a total loss and direct the DMV to issue a salvage title for an auto part in the convertible top that effects the ability of the convertible top to be raised and lowered electronically, when even if this lie were true, the convertible top can still be raised and lowered mechanically by a turn crank? It's not the fault of the Plaintiff/Appellant that the GEICO -dispatched tow truck operator who damaged the electrical system of the vehicle isn't Black or doesn't have thicker lips, a nose that is not so long and narrow, darker skin, and has wooly or nappy hair. The same holds true for the Porsche dealership, PCNA, Porsche AG who conspired to create the Porsche Technical Assistance document with intentional false misrepresentations. The same holds true for the Porsche employee who referenced the Porsche technical document in an email that was sent to the Plaintiff on 11/6/2014. They same holds true for the State of California Bureau of Automotive Repair employees who are in possession of the email sent to the Plaintiff on 11/6/2014 from the Porsche

dealership and who refuse to release it to the appropriate authorities for criminal prosecution and to all judges, justices, and court administrations who have reviewed the email of 11/6/2014 from the Porsche dealership and the single page Porsche technical document and simply turn a blind eye these 2 PIECES OF DIRECT EVIDENCE OF CRIMES OF FALSE PRETENSES AND INSURANCE FRAUD. The Plaintiff /Appellant simply wants his vehicle repaired, and its value restored. The Supreme Court of the United States is obligated to ensure all US citizens including Black people have EQUAL PROTECTION UNDER THE LAW, including BLACK PEOPLE, who are US citizens, as stated in the FOURTEENTH AMENDMENT; this is the reason for the granting the writ.

Secondarily, standard procedures should be put in place to mitigate court corruption:

U.S. judicial officers presiding over civil cases required to process standard court forms such as Applications for Requests for Entry of Default, from ALL litigants, REGARDLESS OF THEIR RACE OR ETHNICITY. Again, this case involves White judges who steadfastly refuse to perform their duties for a Black litigant. It's reasonable to require all judges and justices to process court forms that are submitted to them by litigants. They should not be allowed to pick and choose whose submitted forms they process.

U.S. trial judges presiding over civil matters should also be required to report direct evidence of crimes that arise from a case to the appropriate authorities for criminal prosecution?

Lastly, U.S. courts which do not allow preemptive challenges should implement mandatory random selection processes for the assignment of judges and justices to

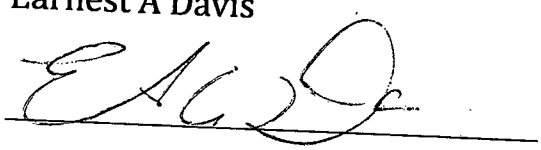
cases. These recommendations will mitigate corruption including racial bias particularly in situations where the 14th Amendment is not being enforced.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted.

Earnest A Davis



Date: 5/4/2023