

Supreme Court, U.S.  
FILED  
MAR 20 2023  
OFFICE OF THE CLERK

No. 22A 838

IN THE  
SUPREME COURT OF THE UNITED STATES

Arthur Lopez — PETITIONER  
(Your Name)

Our Lady Queen of Angels vs. Catholic Church, et al — RESPONDENT(S)  
ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of California  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

Application - Emergency Stay and Injunction (TRO)  
PETITION FOR

Arthur Lopez  
(Your Name)

P.O. Box 1308  
(Address)

Newport Beach, Ca 92658  
(City, State, Zip Code)

949.278.7793  
(Phone Number)

RECEIVED  
MAR 23 2023  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

1 Name: Arthur Lopez

2 Address: P.O. Box 13081

3 Newport Beach, CA 92658

4 Phone: 949 278 7793

5 Fax: \_\_\_\_\_

6 In Pro Per

7 Supreme Court of the

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 Arthur Lopez

11 Plaintiff

12 v.

13 Our Lady Queen of Angels  
14 Catholic Church, et al

15 Defendant(s).

CASE NUMBER:

To be supplied by the Clerk of  
The United States District Court

Application for Emergency Stay  
and/or Injunction (TRO)  
COMPLAINT  
related to Superior Court of California,  
County of Orange Proceedings

Case # 30-2022-01271461-CU-CR-GJC

(see Related Supreme Court Case Docket #  
22-711)

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 Memorandum(s) In Support  
 Ego

Appendix **A**

- California Supreme Court  
Denial of March 17<sup>th</sup>, 2023



# Appellate Courts Case Information



Supreme Court

Change court ▼

## Docket (Register of Actions)

**LOPEZ v. COUNTY OF ORANGE (OUR LADY QUEEN OF ANGELS CATHOLIC CHURCH )**

Division SF

Case Number S279013

Date	Description	Notes
03/13/2023	Vexatious litigant application filed (initial case event)	Arthur Lopez, Petitioner Pro per
03/17/2023	Vexatious litigant application denied	The application of petitioner for permission to file a petition for writ of mandate is hereby denied.

[Click here](#) to request automatic e-mail notifications about this case.

A

✓

Emergency Stay and  
Injunctive Relief  
Declaration of Notice

Please take Notice that Plaintiff/  
Appellant Arthur Lopez provided  
Notice to Opposing Counsel for the  
United States - Mariana Teresa Arvedo  
this day, March 18<sup>th</sup>, 2023 @ 12:09 pm during  
an 8 minute phone conversation @  
202.616.0316 apprising defendant that  
this court would be petitioned for an order  
enjoining Superior Court of California,  
County of Orange, Dept OC-110 - Judge  
David Hoffer, presiding located @  
700 West Civic Center Drive; Santa Ana,  
California 92701 from proceeding with a  
Hearing on Demand @ 1:30 pm on March 20, 2023  
Furthermore, Plaintiff/Appellant informed  
opposing counsel this Emergency Stay and Injunctive  
Relief was was necessary due to recent  
events and discovery of new evidence involving  
United States Air Force service man prostitution  
sextrafficking involvement with and collusion with Cheryl  
Lopez mother of Plaintiff/Appellant's children and  
the ongoing coercion of 18yr old daughter preventing  
her to speak to Father/Appellant Arthur Lopez with  
the purpose in part to keep her from being introduced  
to an ongoing Civil Action as Plaintiff - Arthur Lopez v. Our Lady

TITLE OF DOCUMENT:

CASE NO.:

PAGE NO. 1 OF 3 [JDC TEMPLATE]

Our Lady  
Queen of  
Angels  
Catholic Church  
OF

1 Case # 30-2022-01271461-CU-CR-GTC.  
2 Plaintiff/Appellant also conveyed no  
3 relief could be obtained in California.  
4 United States counsel Mariana J. Arvedo  
5 stated she'd consult with her office and would  
6 also e-mail non-opposition statement pertaining  
7 to an enlargement of time to file opening brief,  
8 all correspondence by e-mail to counsel related  
9 to Emergency Stay - Injunctive Relief Request/  
10 Application, appendix "C"  
11  
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I Arthur Lopez declare under penalty of perjury that all herein contained is True.

Date: March 18<sup>th</sup>, 2023 Sign Name: Arthur Lopez  
Print Name: ARTHUR LOPEZ

# Relief Sought

1  
2 Appellant Arthur Lopez seeks this Court's Injunction Order  
3  
4 Emergency Stay pending this Appeal of  
5 Case # 30-2022-01271461-CU-OCR-OC  
6 of the Superior Court of California,  
7 County of Orange  
8 700 West Civic Center Drive  
9 Santa Ana, Ca 92701  
10 Department C-16  
11 Judge David Hoffer  
12 including stay of Demure Hearing  
13 of March 20<sup>th</sup>, 2023 @ 1:30 pm  
14 \$300,000,000.00 (Three Hundred Million Dollars Net after taxes)

15  
16 Under jurisdiction of the United States  
17 Court of Appeal for the Federal Circuit  
18 due to Federal Question of Law  
19 under the United States Constitution  
20 14<sup>th</sup> Amendment and Violations  
21 and deprivation of Constitutional Civil  
22 Rights - Title 42 U.S.C. §§ 1983 + 1985

23  
24 Specifically involving defendant  
25 United States Air Force and Christopher  
26 Air Force man (man) engaged in unlawful <sup>Covered</sup>  
27 sex trafficking - Prostitution  
28 and Deprivation of Civil Rights under Color of Law

1 and Collusion and Fraud to forever harm  
2 Plaintiff/Appellant Arthur Lopez  
3 and his children (4).  
4 see (City of Los Angeles v. Lyons, 481 U.S. 95, 107 n.8 (1985))

7 2) Restoration of U.S. Constitutional  
8 Civil Rights, including 14th + 7th Amendment  
9 by all Defendants herein referenced including  
10 United States

23 March 18<sup>th</sup>, 2023

24 Arthur Lopez  
25  
26 ARTHUR LOPEZ  
27 SELF REPRESENTED  
28 Plaintiff Appellant

\* Emergency Stay - Injunctive Relief Application  
Injunction Request  
Memorandum Statement - Affidavit

Appellant Arthur Lopez herein respectfully  
moves this court for an order enjoining  
Superior Court of California County of Orange  
Central Courthouse - Department C-116,  
Judge David Hoffer, Presiding @ 1:30pm on  
Monday March 20<sup>th</sup>, 2023 located @  
700 West Civic Center Drive, Santa Ana, CA 92701  
from proceeding on Demurer of Defendants Hearing pending  
resolve of several related obstructions of "She  
Process" involving not only defendants in Case #  
30-2022-012714-CU-CR-CTC for which this  
Injunction Relief is sought but also  
defendants in related case 30-2022-01287806-CU-FO-F  
under the jurisdiction of neighboring county  
of San Diego Superior Court and also  
involving United States Air Force, serviceman (men)  
Christopher Covarrubias Prostitution - Sex Trafficking  
cohort along with sex crimes associate, See Exhibit  
Cheryl Lopez and coercion schemes preventing  
18yr old daughter of Plaintiff/Appellant  
from even speaking to her father - Appellant  
Arthur Lopez over the phone on  
March 4<sup>th</sup>, 2023. Moreover, attempts to obtain  
said Injunction - Emergency Stay through  
the California Supreme Court has been  
fruitless, see Exh/appendix D dated March 17<sup>th</sup>, 2023.

1 Furthermore, attempting to obtain this form  
2 of Federal Court intervention in the interests  
3 of justice from the United States District  
4 Court would be impracticable since  
5 the State of California Trial Court  
6 hearing on Defendant's Demurer is  
7 scheduled for Monday March 20<sup>th</sup>, 2023  
8 @ 1:30 pm in Department C-16 of the  
9 Superior Court of California, County of Orange  
10 (which itself is a defendant in Case #  
11 30-2022-01287806-CU-CF-CJC -  
12 Arthur Lopez v. County of Orange and Superior  
13 Court of California, et al). The defendant  
14 in the case Injunction is sought is  
15 Our Lady Queen of Angels Catholic Church,  
16 Roman Catholic Bishop of Orange County, et al  
17 Case # 30-2022-01271461-CU-CF-CJC. Notably,  
18 United States Air Force has been associated  
19 with Cheryl Lopez through Christopher Covarrubias (USA  
20 and others related to him in collusion to  
21 harm Plaintiff Appellant Arthur Lopez for many  
22 years by way of sex trafficking - prostitution  
23 and more including the coercion of Appellant's  
24 daughter who recently turned 18 years old  
25 on January 12<sup>th</sup>, 2023. The coercion to prevent  
26 prohibit her from speaking to Plaintiff Appellant  
27 is with purpose in part to prevent her from  
28 being introduced as a plaintiff in the existing



1 and by doing so harm / derail this Civil  
2 Unsettled Case, by depriving Plaintiff  
3 Appellant of his United States  
4 Constitutional Civil Rights under  
5 the Fourteenth Amendment which  
6 in itself provides this United States Court  
7 of Appeals for the Federal Circuit  
8 jurisdiction since these matters involve  
9 Federal Question of Law - U.S. Constitution  
10 14<sup>th</sup> Amendment and 07<sup>th</sup> amendment.  
11 Furthermore, the trial court judge has  
12 (Hon. Judge David Hooper - Dept C-16) demonstrated  
13 great disinterest and denied stay previously even when  
14 apprised about the United States Supreme  
15 Court's Petition For Writ of Certiorari  
16 under Docket # 22-711 and moreover the  
17 Supreme Court of the United States will not  
18 accept filings from Appellant / Plaintiff without  
19 compliance of Type setting, - Fault, Booklet  
20 Formatted and Printed Rules under Supreme Court  
21 of the United States rule - 33 which also is  
22 made impracticable since the California  
23 Supreme Court did not rule on Appellant's / Plaintiff  
24 Petition For Writ of Mandate until (Case # S279013)  
25 Friday, March 17<sup>th</sup>, 2023 causing Plaintiff / Appellant  
26 to NOT learn of this until late afternoon  
27 see Appendix D. Unfortunately, this has  
28 been the Court's operating procedure to defer until

1 the "11<sup>th</sup> hour" to reveal ruling which precludes Plaintiff  
2 from due process to seek relief in other courts!  
3 Compounding this deprivation of Civil Rights,  
4 defendants in this and other civil cases such as  
5 "Lopez v Superior Court of California and  
6 Orange County Sheriff" et al also collude  
7 to deprive Constitutional Civil Rights by  
8 creating artificial - unnecessary delays or  
9 even outright refuse to provide service  
10 violating Civil Rights under the 14<sup>th</sup> Amend  
11 of Equal Protection Under Law along  
12 with Due Process Under Law - Please see  
13 Exhibit A whereby Appellant/Plaintiff  
14 recently encountered such violations of  
15 law (by deputies of the Orange County  
16 Sheriff on March 3<sup>rd</sup> and 4<sup>th</sup> of 2023  
17 during announced attempts by Plaintiff  
18 to obtain police assistance to make  
19 contact with his 18 year old daughter who  
20 has been alienated for 7 yrs. now and  
21 whereby Plaintiff was told directly by  
22 U.S. Air Force Sergeant Christopher Covulbia's  
23 associate Cheryl Lopez she would not allow  
24 daughter to speak over the phone to Father  
25 Plaintiff and then proceeded to frame  
26 with deputies assistance of false wrongdoing  
27 all on March 4<sup>th</sup>, 2023. Moreover, when  
28 Plaintiff sought to notify the trial court

1 Superior Court of California, County of Orange  
2 on March 16<sup>th</sup> and 17<sup>th</sup> of 2023 of said  
3 occurrences the staff of the Superior Court and she  
4 engaged in a 2 hour Cat and Mouse scheme  
5 with Plaintiff preventing a copy of the  
6 petition for writ exhibit to be produced  
7 for delivery to Dept. C, 116 on the 6<sup>th</sup> Floor  
8 of the Courthouse and by direct cause of  
9 these antics an Ex-Parte Application  
10 hearing was not permitted for Friday, March 17<sup>th</sup> 2023  
11 Moreover, Respondent Cheryl Lopez who is linked  
12 with not only United States Air Force - Christopher  
13 Covarrubias. In these sex trafficking schemes  
14 and Prostitution, but also other notorious  
15 prostitution associates the likes of Christopher's  
16 Brother - In Law's Robert Valdez and  
17 Paul Figueroa (see Superior Court of CA, Los Angeles  
18 County Case # 22STRO03598 and 22STRO05463  
19 and (22STRO #1347 - <sup>the last body</sup> ~~custody~~ ) and 23WHRO #477 <sup>custody of her</sup> and  
20 23WHRO #472 - Paul Figueroa, Additionally,  
21 Please take judicial notice of the  
22 above case contents involving Restraining  
23 Orders petitioned by Plaintiff Arthur Lopez  
24 as part of the ongoing harm having  
25 been caused by defendant United States  
26 and other defendants. In addition, many innocent  
27 civilians' lives, have been endangered  
28 by these Criminal acts since on

1 June 21, 2022 Red Air Flight 203 originating  
2 out of prostitution haven Santo Domingo,  
3 Dominican Republic crash landed @ Miami  
4 International Airport and a 39 second video  
5 posted on Actualidad Radio LLC and reposted  
6 by Twitter handle @jumpjim captures  
7 Respondent - Christopher Evanulias Air Force serviceman (n  
8 associate - Cheryl Lopez - linked by prostitution  
9 and Christopher Brothel-In-Laws Robert Valdez  
10 and Paul Figueroa. Cheryl Lopez is clearly  
11 viewed on this video through out and during  
12 the last three seconds! Please also take  
13 judicial notice that Respondent Cheryl  
14 Lopez was part of a Travel Ban hearing  
15 just one week before with Robert Valdez  
16 as a witness under Case # 160001283  
17 of the Superior Court of California Family Law  
18 Lamoreaux Justice Center @ 341 The City Drive  
19 Orange, Ca 92868. He perjured himself  
20 repeatedly and the Civil Harassment Restraining  
21 Orders referenced above contain many of  
22 Robert Valdez's contradictions and threats of Rape.  
23 All of these facts directly harm  
24 Plaintiff and defendant United States  
25 along with its co-conspirators/colluders  
26 continue to violate Title 42 U.S.C. § 1983-1985  
27 depriving 14<sup>th</sup> amendment Constitutional Civil  
28 Rights - Planes shaking above Plaintiff

1 @ his places of worship and travel is not  
2 a fluke occurrence - isolated but  
3 rather frequent and orchestrated.  
4 Specifically now this other present  
5 case) against Our Lady Queen of  
6 Angels Catholic Church, et al,  
7 and through its cohorts Superior Court  
8 of California - Orange County Sheriff et al,  
9 (#30-2082-01271461-CU-CR-CJC) obstructive  
10 seek to derail Plaintiff Appellant's  
11 \$300,000,000.00 (three hundred million  
12 dollars net after taxes) case @ this  
13 March 20<sup>th</sup>, 2023 hearing @ 1:30 pm in  
14 Dept C-16 located in Santa Ana, CA 92701  
15 whereby presiding judge David Hoffer has  
16 already previously issued a tentative ruling  
17 to sustain demurrer without leave to amend.  
18 Just the same Plaintiff Appellant has been  
19 harmed with pseudo same schemes  
20 by these defendants in the State of  
21 California and United States Air Force  
22 personnel. Please take judicial notice  
23 of Miami Dade Florida Case #  
24 2022-02405-CA06 - Lopez v. Actualidad Radio UG  
25 whereby defendants here are defying court  
26 subpoena seeking source of video related  
27 to Crash Landings of June 21, 2022 @  
28 Miami International - and who is the

1 cause of the Dominican Republic,  
2 Post Office & Airways, shuttle "Red Air"  
3 3-plane airline? In fact, the video  
4 found @ jumjini focused entirely on  
5 Respondent Cheryl Lopez during the last  
6 three seconds of the 39 second video and  
7 moreover who is more familiar  
8 with aircrafts than the United States  
9 Air Force - personnel.

10  
11 For all these reasons and many  
12 more herein attached as Exhibit  
13 Appendix A as Memorandum in  
14 Support of this Injunction - Emergency  
15 Stay Request.

16  
17 please also see United States Supreme Court  
18 Ruling on Winter v. Natural Resources  
19 Defense Council, 555 U.S. 7 (2008)  
20 The Court identifying a four part  
21 balancing test:

22 1) "Likelihood of success on the merits"  
23 In this present case Plaintiff is most  
24 certainly likely to succeed since clear  
25 evidence exist of U.S. (Air Force) being directly  
26 involved in harming Plaintiff through many  
27 participants. Also by allowing Plaintiff to  
28 introduce his daughter as Plaintiff in the  
State Action against Our Lady Queen of  
Angels Catholic Church, et al additional to legal  
authority is applicable having recently turned 18 yrs  
of age.

2.) "Likelihood of Irreparable Harm"  
In this case, the collusion and deprivation of U.S. Constitutional Civil Rights under the 14<sup>th</sup> Amendment and 7<sup>th</sup> Amendment through the Corruption and Interference to Due Process ultimately leads to Sustaining of Denial as already indicated by the Superior Court Judge David Hoffer and this would be without leave to amend which is tantamount to Dismissal of the \$300,000,000.00 net after taxes case.

3.) "Balance of Equities and Hardships"  
Certainly given the Relief sought provides for 18 yr. old daughters to receive a reassuring path to participate without coercion from criminal influence and free of fear. By protecting Civil Rights of Interest of Justice may be achieved.  
- Due Process restoration is paramount to be free of Corruption and violations of Title 42 USC §§ 1983+1985.

4.) "Public Interest"  
Certainly in this present case and the State Action Case #30-2022-01271461-CU-CR-FC the Public Interest is Protected by the elimination of collusion and denial of U.S. Constitutional Civil Rights. since judicial process must be free of manipulation

1 see Amoco Production v. Village of Gambell,  
2 480 U.S. 531, 544 (1987)

3 In Summary, the "United States" (Anforce)  
4 must not override Rule of Law and Rules  
5 of Moral, Good Conduct and Christian Values  
6 by assaulting family ties, debauchery, prostitution,  
7 sex trafficking, stalking, violating Civil Rights by  
8 depriving Title 42 U.S. §19813 and §1985 violations.

9 Emergency Stay and Injunctive Relief - Injunction  
10 ordered in the Trial Proceedings of Arthur Lopez v. Our Lady Queen  
11 of Angels Catholic Church, &  
12 I, Arthur Lopez hereby declare under  
13 penalty of perjury that all herein  
14 contained is true.

17 Date: March 7<sup>th</sup> 2023

17 Sign Name: Arthur Lopez  
18 Print Name: ARTHUR LOPEZ

TITLE OF DOCUMENT: \_\_\_\_\_ CASE NO.: \_\_\_\_\_



# Appendix To Emergency Stay and/or Injunctive Relief - Injunction

## Volume I

Exhibit  
 Appendix (A) - a) Memorandum In Support  
 (81 pages) - Copy of Petition for Writ of Mandate  
 Submitted to California Supreme Court  
 which they Denied Application  
 (See Appendix D - Supreme Court of CA  
 + (10 pages) b) Ex-Parte Application Order  
 Submitted 3/16/2023 - Notable to have  
 Hearing 3/17/23  
 Due to ~~transfer~~

---

91 pages (10 pages)

Appendix C - 2 E-Mails to U.S. - opposing counsel  
 (3 pages) providing written notice

Appendix A - California Supreme Court  
 Denial of Application dated 3/17/23

\* Appendix Z - Declaration of U.S. Air Force  
 Serviceman Christopher Ivanovich  
 Display of Multiple Sex Partners,  
 Prostitution

Appendix -  
Exhibit  
- Aa Part I + II

Memorandum In Support of Application  
for Emergency Stay - Injunction (7-10)  
In The Supreme Court of the State of California

Arthur Lopez,  
Plaintiff/Petitioner

Trial Court Case No.  
30-2022-01287806-CU-PC  
CJC

County of Orange Orange County Sheriff Department,  
Orange County Sheriff/Coroner Don Barnes,  
Superior Court of California

(Real Party In Interest  
Case No: 30-2022-01271461-CU-CJC  
CU-C  
CJC

(Our Lady Queen of Angels Catholic Church, Our Lady  
Queen of Angels Catholic School, Roman Catholic  
Bishop of Orange County, et al - Real Party In Interest)

Petition For Writ of Mandate and Emergency/  
Injunctive Stay + Relief Related To Case No.  
30-2022-01287806-CU-PO-CJC and 30-2022-01271461-CU-CJC

Emergency Stay Nature of Hearings :

- 1) Stay Proceedings - Injunctive Relief Barring Deprivation - Judge Katherine Bacal  
of U.S. Constitutional Civil Rights 14th Amendment (includes Collusion - Fraud - Conspiracy  
30-2022-01287806-CU-PO-CJC Stay Hearing of September 8, 2023  
@ 11am - Dept C-69 - 330 Broadway Ave; San Diego, CA 92101 - 619 450 7069  
Demurrer Hearing; also Hearing of October 13, 2023 @ 11am - Dept. C-69 Demurrer Hearing;
- also 2) Stay Proceedings of March 20th, 2023 @ 1:30pm Dept C-16; Judge David Hoffer,  
700 W. Civic Center Drive; Santa Ana, CA 92701 - 657.622.5216 - Demurrer Hearing  
Collusion - Fraud - Deprivation of U.S Constitutional Civil Rights - Conspiracy to deprive Civil Rights

Arthur Lopez, Petitioner - Plaintiff  
P.O. Box 13081; N.B, CA 92658  
949.278-7793 - Self Representation

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# Table of Authorities

16) *Elijah Manuel v. City of Joliet, Illinois*  
580 U.S. — (2017) - ~~March 2017~~ -

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Title 42,  
Section 1983

CASES:

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1) *City of Canton, Ohio v. Heraldine Harris*, 489 U.S. 378 (1989)

2) *Manell, June v. New York City Department of Social Services*,  
436 U.S. 658 (1978)

Non-Immunity Cases:

3) *Pearson v. Callahan*, 555 U.S. 223 (2009)

4) *Anderson v. Creighton*, 483 U.S. 635 (1987)

5) *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)

STATUTES AND RULES

6) *Harlow v. Fitzgerald*, 457 U.S. 800 (1982)

7) *Davis v. Scherer*, 468 U.S. 183 (1984)

8) *Malley v. Briggs*, 475 U.S. 335 (1986)

9) *Beck v. Ohio*, 379 U.S. 89 (1964)

10) *Saucier v. Katz*, 533 U.S. 194 (2001)

9<sup>th</sup> Cir. 11) *United States v. Cervantes* 703 F.3d 1135 (9<sup>th</sup> Cir. 2012)

OTHER

12) *California v. Acevedo*, 500 U.S. 565 (1991)

13) *Illinois v. Gates*, 462 U.S. 213 (1983)

Pro Se  
Pleading:

14) *Harris v. Kerner*, 404 U.S. 519 (1972)

15) *Groh v. Ramirez*, 540 U.S. 551 (2004)

④ 17) *Truman v. U.S.*, 26 F.3d 592 (5<sup>th</sup> Cir. 1994) July 22, 1994

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Claims

- 1.) *Rayonier v. United States*, 352 U.S. 315 (1957)
- 2.) *Brady v. Maryland*, 373 U.S. 83 (1963)
- 3.) *United States v. Brown*, 348 U.S. 110 (1954)
- 4.) *Katz v. United States*, 389 U.S. 347, 357 (1967)
- 5.) *Molzof v. United States*, 502 U.S. 301 (1992)

United States Court of Appeal

Appointment  
of Counsel  
Cases:

- 1.) *Rails v. United States*, 355 F.3d 118 (2<sup>nd</sup> Cir. 2004)
- 2.) *Hibson v. United States*, 671 F.2d 204 (4<sup>th</sup> Cir. 1982)
- 3.) *Resendez v. United States*, 993 F.2d 884 (4<sup>th</sup> Cir. 1993)
- 4.) *Wilborn v. Escaladron*, 789 F.2d 1328 (9<sup>th</sup> Cir. 1986)
- 5.) *Agyeman v. Con. Corp. of America*, 390 F.3d 1101 (9<sup>th</sup> Cir. 2004)
- 6.) *Hendricks v. Coughlin*, 114 F.3d 390, 392 (2<sup>nd</sup> Cir. 1997)
- 7.) *Hodge v. Police officers*, 802 F.2d 58, 60, 61, 62 (2<sup>nd</sup> Cir. 1986)
- 8.) *Cooper v. G. Sargent Co.*, 877 F.2d 170, 174 (2<sup>nd</sup> Cir. 1989)
- 9.) *Flowers v. Baca*, 670 F. App'x 561 (9<sup>th</sup> Cir. 2016)
- 10.) *Palmer v. Valdez*, 560 F.3d 965, 970 (9<sup>th</sup> Cir. 2009)

## Table of Authorities - continued

Appointment of  
Counsel:

- 11.) *Abdullah v. Hunter*, 949 F.2d 1032, 1046 (8<sup>th</sup> Cir. 1991)
- 12.) *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003 (8<sup>th</sup> Cir. 1984)
- 13.) *Johnson v. Williams*, 788 F.2d 1319, 1322-1323 (8<sup>th</sup> Cir. 1986)
- 14.) *Maclin v. Freake*, 650 F.2d 885, 888-889 (7<sup>th</sup> Cir. 1981)
- 15.) *Shields v. Jackson*, 570 F.2d 284 (8<sup>th</sup> Cir. 1978) (per Curiam)
- 16.) *Peterson v. Nadler*, 452 F.2d 754 (8<sup>th</sup> Cir. 1971) (per Curiam)
- 17.) *Manning v. Lockhart*, 623 F.2d 536 (8<sup>th</sup> Cir. 1980) (per Curiam)
- 18.) *Drone v. Hutto*, 565 F.2d 543 (8<sup>th</sup> Cir. 1977) (per Curiam)
- 19.) *Reynolds v. Force*, 771 F.2d 1179, 1181 (8<sup>th</sup> Cir. 1985)
- 20.) *White v. Walsh*, 649 F.2d 560 (8<sup>th</sup> Cir. 1981)

(23)

(6)



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* 2) Jacobsen	v. United States, 503 U.S. 540,548 (1992)	
* 3) Sherman	v. United States, 356 U.S. 369 (1958)	
* 4) Sonells	v. United States, 287 U.S. 435 (1932)	
5)	United States v. Howell, 37 F.3d 1197B, 1204 (7 <sup>th</sup> Cir. 1994)	
6)	United States v. Banta, 776 F.3d 931 (7 <sup>th</sup> Cir. 2015)	
7)	United States v. Mayfield, 771 F.3d 417 (7 <sup>th</sup> Cir. 2014)	
8)	United States v. Kapstein, 759 F.3d 168 (2d Cir. 2014)	
9)	United States v. McMill, 754 F.3d 452 (7 <sup>th</sup> Cir. 2014)	
10)	STATUTES AND RULES Black, 750 F.3d 1053 (9 <sup>th</sup> Cir. 2014)	
11)	United States v. Cortes, 757 F.3d 850 (9 <sup>th</sup> Cir. 2013)	
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13)	United States v. Theogene, 565 F.3d 911 (5 <sup>th</sup> Cir. 2009)	
14)	United States v. Luisi, 482 F.3d 43 (1 <sup>st</sup> Cir. 2007)	
15)	United States v. Sandoval-Mendoza, 472 F.3d 645 (9 <sup>th</sup> Cir. 2006)	
16)	Bradley v. Duncan, 315 F.3d 1091 (9 <sup>th</sup> Cir. 2002)	
17)	United States v. Mendoza-Prado, 314 F.3d 1099 (9 <sup>th</sup> Cir. 2002)	
18)	United States v. Thomas, 134 F.3d 975 (9 <sup>th</sup> Cir. 1998)	
19)	United States v. Duran, 133 F.3d 1324 (10 <sup>th</sup> Cir. 1998)	
20)	OTHER United States v. Aligh, 142 F.3d 761 (4 <sup>th</sup> Cir. 1998)	
21)	United States v. Burt, 143 F.3d 1215 (9 <sup>th</sup> Cir. 1998)	
22)	United States v. Joast, 92 F.3d 7 (1 <sup>st</sup> Cir. 1996)	
23)	United States v. Montanez, 105 F.3d 36 (1 <sup>st</sup> Cir. 1997)	
24)	United States v. Gamache, 156 F.3d 1 (1 <sup>st</sup> Cir. 1998)	

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25)	United States v. Rodriguez,	858 F.2d 809 (1 <sup>st</sup> Cir. 1988)	
26)	United States v. Bradley,	820 F.2d 3 (1 <sup>st</sup> Cir. 1987)	
27)	United States v. Khatrani,	791 F.2d 260 (2 <sup>nd</sup> Cir. 1986)	
28)	United States v. Berkery,	889 F.2d 1281 (3 <sup>rd</sup> Cir. 1989)	
29)	United States v. Fedroff,	874 F.2d 178 (3 <sup>rd</sup> Cir. 1989)	
30)	United States v. Pervez,	871 F.2d 310 (3 <sup>rd</sup> Cir. 1989)	
31)	United States v. Bradfield,	113 F.3d 515 (5 <sup>th</sup> Cir. 1997)	
32)	United States v. Sandoval,	20 F.3d 134 (5 <sup>th</sup> Cir. 1994)	
33)	United States v. Kang,	934 F.2d 621 (5 <sup>th</sup> Cir. 1991)	
34)	STATUTES AND RULES	Cantu, 876 F.2d 1134 (5 <sup>th</sup> Cir. 1989)	
35)	United States v. Robinson,	887 F.2d 651 (6 <sup>th</sup> Cir. 1989)	
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37)	United States v. Hollingsworth,	27 F.3d 1196 (7 <sup>th</sup> Cir. 1994), en banc	
38)	United States v. Fusko,	869 F.2d 1048 (7 <sup>th</sup> Cir. 1989)	9 F.3d 593 (7 <sup>th</sup> Cir. 1993)
39)	United States v. Martinez,	122 F.3d 1161 (9 <sup>th</sup> Cir. 1997)	
40)	United States v. Ramirez-Rangel,	103 F.3d 1501 (9 <sup>th</sup> Cir. 1996)	
41)	United States v. Beece,	60 F.3d 660 (9 <sup>th</sup> Cir. 1995)	
42)	United States v. Steiner,	23 F.3d 250 (9 <sup>th</sup> Cir. 1994)	
43)	United States v. Lessard,	17 F.3d 303 (9 <sup>th</sup> Cir. 1994)	
44)	OTHER	States v. Mkhosani, 5 F.3d 1306 (9 <sup>th</sup> Cir. 1993)	
45)	United States v. Keese,	992 F.2d 1001 (9 <sup>th</sup> Cir. 1993)	
46)	United States v. Becerra,	992 F.2d 960 (9 <sup>th</sup> Cir. 1993)	
47)	United States v. Skaric,	971 F.2d 317 (9 <sup>th</sup> Cir. 1992)	
48)	United States v. Tallmadge,	829 F.2d 767 (9 <sup>th</sup> Cir. 1987)	
49)	United States v. Beal,	961 F.2d 1512 (10 <sup>th</sup> Cir. 1992)	

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* 53.)	United States v. Pennsylvania Indus. Chemical Corp., 411 U.S. 655 (1973)	
54.)	United States v. Albertine, 830 F.2d 985 (9 <sup>th</sup> Cir. 1987)	
55.)	United States v. Walter, 434 F.3d 30, 37 (1 <sup>st</sup> Cir. 2006)	

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\* (Americans with Disabilities Act Related) \*

- 1.) *Harris v. Quest Recovery Services*, 549 U.S. 463 (2007)
- 2.) *United States v. Georgia*, 546 U.S. 1163 (2007)
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- 5.) *Louisiana ex rel. Francis v. Resweber*, 329 U.S. 459, 463 (1947)
- 6.) *Tennessee v. Lane*, 541 U.S. 509, 543 n.4 (2004)
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- 8.) *Fitzpatrick v. Bitzer*, 427 U.S. 445, 456 (1976)
- 9.) *Ex parte Virginia*, 100 U.S. 339, 346 (1880)
- 10.) *Olmstead v. L.C.*, 527 U.S. 581 (1999)

**Truman v. U.S.**

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**Summary**

Holding intentional infliction claim not barred by assault or battery exceptions because elements of these latter torts were not alleged

Summary of this case from [Limone v. U.S.](#)

[See 13 Summaries](#)

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**Opinion**

No. 93-1500.

July 22, 1994.

Holly Crampton and Dorie Glickman, Crampton Crampton, Wichita Falls, TX, for appellant.

Mattie Peterson Compton, Asst. U.S. Atty. and Richard H. Stephens, U.S. Atty., Fort Worth, TX, for appellee.

Appeal from the United States District Court for the Northern District of Texas.

Before GOLDBERG, DAVIS, and DeMOSS, Circuit Judges.

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GOLDBERG, Circuit Judge:

This case requires us to explore the often murky boundary between the government's sovereign immunity from suit and the availability of recovery under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346, 2671-80. In 1991, Donna Truman filed this suit against the United States, raising various tort

claims under the FTCA. In her complaint, Truman described a pattern of sexual harassment visited upon her by James Whittaker, an employee of the Air Force who worked with Truman at the Sheppard Air Force Base Commissary. The district court dismissed Truman's suit, reasoning that various exceptions to the FTCA barred any recovery. Because we hold that Truman's complaint can be read to raise a claim for intentional infliction of emotional distress and because we find that such a claim is not barred by an exception to the FTCA, we reverse the judgment of the district court and remand this case for further proceedings.

#### I. Facts and Proceedings Below

Donna Truman worked for Oscar Mayer as a vendor-stocker at the Sheppard Air Force Base Commissary. James Whittaker, an Air Force employee who also worked at the commissary, was a meat-cutter foreman; he had the right to supervise and control vendor-stockers such as Truman. From the beginning of Truman's tenure with Oscar Mayer, Whittaker allegedly created a hostile work environment by making off-color remarks and dirty jokes and by giving Truman untoward winks and nods. According to Truman, Whittaker's conduct later escalated. Whittaker allegedly asked Truman whether she was "horny" and told her that he was "available". On another occasion, when Truman was walking behind Whittaker, he allegedly "reached behind himself in a low grabbing manner," aiming his hand towards Truman's crotch area. Whittaker also allegedly told Truman about his sexual dreams about her and asked her about her sexual proclivities. Truman charged that Whittaker was also verbally abusive. He allegedly yelled at Truman, accused her of doing things she did not do, talked about her behind her back, called her a trouble-maker, threatened her with the loss of her job, and told others that she wore excessively revealing clothing.

Truman also claimed that officials at Sheppard Air Force Base were aware of Whittaker's behavior. She stated that she repeatedly complained about Whittaker's conduct, but that Whittaker was told to discontinue his offensive behavior only once. The harassment allegedly continued, eventually prompting Truman to resign from her employment with Oscar Mayer.

After exhausting her administrative remedies, Truman filed this suit. She included in her original complaint claims brought under the FTCA. She sought compensation for her mental anguish, anxiety, embarrassment, and humiliation. She later amended her complaint and dropped all of her claims except her FTCA causes of action. Shortly before trial, the government filed a motion to dismiss for lack of subject matter jurisdiction and for failure to state a claim. The government argued that Truman's claims were barred by several exceptions to the FTCA listed in 28 U.S.C. § 2680(h). The district court granted the government's motion, dismissed the case, and entered judgment accordingly. This appeal ensued.

#### II. Discussion

We review the dismissal of Truman's claims on the pleadings *de novo*, employing the same standard as the district court. *Tuchman v. DSC Communications Corp.*, 14 F.3d 1061, 1067 (5th Cir. 1994); *Benton v. United States*, 960 F.2d 19, 21 (5th Cir. 1992) (reviewing dismissal of an FTCA suit). Accordingly, we accept the well-pleaded allegations in the complaint as true, and we construe those allegations in the light most favorable to the plaintiff. We will uphold the dismissal of Truman's claim "only if it appears that no relief could be granted under any set of facts that could be proven consistent with the allegations." *Rubinstein v. Collins*, 20 F.3d 160, 166 (5th Cir. 1994) (citation omitted); *see also Conley v.*

Gibson, 355 U.S. 41, 45-46, 78 S.Ct. 99, 101-102, 2 L.Ed.2d 80 (1957); Hospital Bldg. Co. v. Trustees of Rex Hosp., 425 U.S. 738, 742 n. 1, 96 S.Ct. 1848, 1851 n. 1, 48 L.Ed.2d 338 (1976).

As the sovereign, the United States is immune from suit unless, and only to the extent that, it has consented to be sued. F.D.I.C. v. Meyer, \_\_\_ U.S. \_\_\_, \_\_\_ 114 S.Ct. 996, 1000, 127 L.Ed.2d 308 (1994); McNelly v. United States, 6 F.3d 343, 347 (5th Cir. 1993). Thus, to determine whether Truman can maintain this suit against the government, we must first decide whether one of the government's several waivers of sovereign immunity applies. If not, the government is immune from suit, and there is no subject matter jurisdiction to hear this case. United States v. Mitchell, 445 U.S. 535, 538, 100 S.Ct. 1349, 1351, 63 L.Ed.2d 607 (1980).

Through the enactment of the FTCA, the government has generally waived its sovereign immunity from tort liability for the negligent or wrongful acts or omissions of its agents who act within the scope of their employment. Specifically, the FTCA allows the government to be held liable in tort for any

negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

28 U.S.C. § 1346(b). The federal district courts have exclusive jurisdiction to hear claims cognizable under section 1346(b). *Id.* However, the exceptions to the FTCA's waiver of sovereign immunity that appear in 28 U.S.C. § 2680 limit the federal courts's jurisdiction to hear FTCA claims and, if applicable, bar a suit brought against the government. Although there is no justification for any court "to read exemptions into the [Federal Tort Claims] Act beyond those provided by Congress," Rayonier, Inc. v. United States, 352 U.S. 315, 320, 77 S.Ct. 374, 377, 1 L.Ed.2d 354 (1957), the exceptions that do appear in the FTCA must be strictly construed in favor of the government. Atorle Air, Inc. v. Federal Aviation Admin., 942 F.2d 954, 958 (5th Cir. 1991).

One of the exceptions to the FTCA's general consent-to-be-sued policy is integral to the case before us today. This exception retains the government's sovereign immunity for "[a]ny claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights." 28 U.S.C. § 2680(h).

To determine whether a claim is one "arising out of" any of these enumerated torts, we focus on the conduct upon which the plaintiff's claim is based. If the conduct upon which a claim is based constitutes a claim "arising out of" any one of the torts listed in section 2680(h), then the federal courts have no jurisdiction to hear that claim. United States v. Neustadt, 366 U.S. 696, 81 S.Ct. 1294, 6 L.Ed.2d 614 (1961); Commercial Union Ins. Co. v. United States, 928 F.2d 176, 178-79 (5th Cir. 1991). Even if a plaintiff styles a claim so that it is not one that is enumerated in section 2680(h), the plaintiff's claim is still barred "when the underlying governmental conduct 'essential' to the plaintiff's claim can fairly be read to 'arise out of' conduct that would establish an excepted cause of action." McNeily, 6 F.3d at 347 (citing Atorle, 942 F.2d at 958). Thus, the FTCA bars a claim based on conduct that constitutes a tort listed in section 2680(h), even though that conduct may also constitute another tort not listed in section 2680(h). Similarly, a plaintiff cannot circumvent the purpose of section 2680(h) by "framing his complaint in terms of [the government's] negligent failure to prevent the excepted harm." *Id.* at 347. Thus we held in Garcia v. United States, 776 F.2d 116 (5th Cir. 1985), that a plaintiff could not evade the reach of section 2680(h) by raising a claim for negligence in the supervision of a military recruiter who

allegedly assaulted the plaintiff. For the purposes of section 2680(h), Garcia's negligence claim arose out of an assault and battery. *id.* at 118.

In contrast, if a plaintiff bases a claim on conduct that does not constitute a claim "arising out of" a tort specified in section 2680(h), then the plaintiff's suit is not barred. Even in cases in which the facts alleged in a complaint have two distinct aspects that may give rise to two similar torts, "the partial overlap between ... two tort actions does not support the conclusion that if one is excepted under the Tort Claims Act, the other must be as well. Neither the language nor history of the Act suggests that when one aspect of the Government's conduct is not actionable [because it constitutes a tort enumerated in section 2680(h)], a claimant is barred from pursuing a distinct claim arising out of other aspects of the Government's conduct." *Block v. Neal*, 460 U.S. 289, 298, 103 S.Ct. 1089, 1094, 75 L.Ed.2d 67 (1983). So long as some aspect of the conduct upon which a plaintiff bases a tort claim does not constitute a tort listed in section 2680(h), the suit is not barred. Thus, in *Block*, the Supreme Court held that the plaintiff could maintain a cause of action against the government for negligently failing to detect defects in the construction of a house, even though the plaintiff in that case may also have had a claim for misrepresentation — a tort excepted from the FTCA by section 2680(h).

In the present case, Truman described in her complaint an extensive pattern of offensive conduct undertaken by Whittaker. She claimed that this conduct gave rise to several tort claims. The district court dismissed Truman's suit, holding that Truman's claims were barred by section 2680(h) because they arose out of an assault or a battery or constituted slander. We hold that the district court erred when it dismissed Truman's suit. The conduct alleged in Truman's complaint can fairly be read to state a claim for intentional infliction of emotional distress — not a claim for assault, battery, or slander. And, a claim for intentional infliction of emotional distress based on the conduct described in Truman's complaint is not barred by an exception to the FTCA.

Truman stated in her amended complaint that Whittaker's numerous sexual insults, comments, and innuendos damaged her and caused her to suffer, *inter alia*, mental anguish, anxiety, embarrassment, and humiliation. She referred in a conclusory way to a claim for "sexual harassment." In her brief to this court, Truman states that she wishes to amend her complaint for a second time and explicitly raise a claim for intentional infliction of emotional distress. Generally, we do not countenance the raising of claims on appeal that were not presented to the district court. However, based on the allegations of sexual harassment contained in Truman's first amended complaint, we believe that there is no question that one can deduce the existence of a claim for intentional infliction of emotional distress. The essence of Truman's first amended complaint is plainly one for intentional infliction of emotional distress. Such a claim has been recognized as a tort by Texas courts. *Twyman v. Twyman*, 855 S.W.2d 619, 620 (Tex. 1993); Restatement (Second) of Torts § 46 (1965).

The issue is thus whether Truman's claim for intentional infliction of emotional distress is excluded from the reach of the FTCA by any of the exclusions listed in section 2680(h). We hold that her claim is not so excluded. As we have noted, the focus of this inquiry is on the conduct on which Truman bases her claim. If the conduct on which Truman bases her claim for intentional infliction of emotional distress constitutes a claim "arising out of" what is traditionally taken to be a tort enumerated in section 2680(h), then Truman's claim is barred. *Block*, 460 U.S. at 296, 103 S.Ct. at 1092; *Commercial Union*, 928 F.2d at 178. Conversely, if the conduct on which Truman bases her claim for intentional infliction of emotional distress does not constitute a tort enumerated in section 2680(h), then Truman's claim is not



barred. This is so even if a claim based upon other government conduct would be barred by section 2680(h). *Block*, 460 U.S. at 298, 103 S.Ct. at 1094.

We have no difficulty finding that aspects of the conduct alleged in Truman's complaint do not constitute a tort enumerated in section 2680(h). The government contends, and the district court found, that Truman's claims arose out of an assault or a battery. We disagree. Some offensive contact is an essential element of the tort of battery. *Fisher v. Carrousel Motor Hotel, Inc.*, 424 S.W.2d 627, 629 (Tex. 1967); Restatement (Second) of Torts § 13. In her amended complaint, Truman did not allege that any offensive contact directly or indirectly resulted from Whittaker's actions. It follows that Truman's claim cannot arise out of battery. A claim for the tort of assault is stated if (1) a person acts intending to cause an imminent apprehension in another person of harmful or offensive contact, and (2) the other person is thereby put in such imminent apprehension. Restatement (Second) of Torts § 21. Moreover, words alone cannot make a person liable for assault unless the utterance of those words, together with other circumstances, put another "in reasonable apprehension of an imminent harmful or offensive contact." *Id.* at § 31. Truman did not allege that any of Whittaker's acts placed her in imminent apprehension of harmful or offensive contact, nor did Truman claim that any of Whittaker's offensive comments, together with other circumstances, placed her in reasonable apprehension of imminent offensive contact. Thus, the conduct about which Truman complains does not arise out of a claim for assault either.

The only portion of Truman's amended complaint that could be construed to raise an assault claim is the allegation that Whittaker "grabbed at" Truman's crotch area. However, Truman did not suggest that Whittaker's conduct placed her in apprehension of offensive contact. Hence, the conduct that Truman described in her amended complaint does not constitute a claim for assault.

The character of Truman's allegations distinguish this case from *Garcia v. United States*, 776 F.2d 116 (5th Cir. 1985). In that case, the plaintiff claimed that she had been subject to unwanted sexual contact from an employee in an Army recruitment office. We held that a claim based on this contact arose out of a battery and therefore was excepted from the purview of the FTCA by section 2680(h). As we have explained, Truman has not alleged that Whittaker subjected her to any offensive or harmful contact. Her claim thus does not arise out of a battery.

The government also argues, and district court also held, that Truman's suit had to be dismissed because portions of her complaint alleged conduct that constitutes slander. Again, we disagree with the district court's conclusion. The district court found that Truman's allegations that Whittaker (1) discussed Truman with others, (2) accused Truman of being a trouble-maker, and (3) stated to others that Truman wore inappropriately revealing clothing were slanderous and were thus barred by section 2680(h). Even if we assume that all of these utterances constitute slander, we cannot find that Truman's amended complaint was properly dismissed. Other aspects of the conduct that Truman alleged in her amended complaint have nothing to do with the three incidents noted above and plainly do not arise out of slander. As we have explained, these other aspects of the conduct pleaded can form the basis for a suit brought under the FTCA. *Block*, 460 U.S. at 298, 103 S.Ct. at 1094.

Although we do not address the district court's holding that some of Whittaker's comments were slanderous, we note that this conclusion is in some respects suspect. To be defamatory, a communication must harm another's reputation. Although Truman alleged in one part of her complaint that Whittaker discussed her with others, she did not reveal what Whittaker allegedly said. Without

explaining what was allegedly said, or without alleging that her reputation was damaged, we fail to see how this allegation constitutes slander. In another instance, Truman claimed that Whittaker accused her of being a trouble-maker. However, Truman did not claim that Whittaker communicated this comment to a third person. Without such an allegation, this comment does not constitute slander either.

We are holding that Truman's complaint can be read to state a claim for intentional infliction of emotional distress. Several other federal circuit courts of appeals have held that the FTCA does not except such a claim from being brought against the government for the acts of its employees. See *Santiago-Ramirez v. Secretary of Dep't of Defense*, 984 F.2d 16, 20 (1st Cir. 1993); *Kohn v. United States*, 680 F.2d 922 (2d Cir. 1982); *Gross v. United States*, 676 F.2d 295, 304 (8th Cir. 1982); *Sheehan v. United States*, 896 F.2d 1168, 1172 (9th Cir. 1990). Today, we follow the lead of these other courts and conclude that the conduct on which Truman bases her claim for intentional infliction of emotional distress does not fall within the definition of a tort listed in section 2680(h).

The components necessary to establish assault, battery, and slander are legally and definitively defined, and they are decidedly distinct from the elements that make up intentional infliction of emotional distress. Similarly, the goals of these torts are different. Intentional infliction of emotional distress is designed to protect a person's normal and equable state of mind. Assault and battery are designed to protect people from harmful or offensive contact and from the apprehension of such contact; slander protects a person's interest in his or her reputation. Intentional infliction of emotional distress may have similarities with assault, battery, and slander, but it does not have an identity sufficient for one to conclude that it is symbiotic with assault, battery, or slander. The fact that an intentional infliction of emotional distress claim guards against severe emotional distress goes far to negate the possibility that such a claim has an identity with either an assault, or a battery, or slander.

In addition to the foregoing analysis, we recognize that in section 2680(h), Congress determined to except certain torts from the FTCA's general waiver of sovereign immunity. Intentional infliction of emotional distress was not included among these enumerated torts. *Expressio unius est exclusio alterius*. Given the specific exceptions enumerated in section 2680(h), the government cannot claim intentional infliction of emotional distress was also ex-communicated from the FTCA.

### III. Conclusion

The judgment of the district court is REVERSED, and this case is REMANDED to the district court for further proceedings consonant with this opinion.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution 14<sup>th</sup>, 8<sup>th</sup>, 1<sup>st</sup> and 7<sup>th</sup> Amendment  
U.S. Civil Rights Deprivation, Title 42 U.S.C. §§ 1983, 1985  
Americans with Disabilities Act of 1990 42 U.S.C. §§ 12101-12213  
Title II Part 35, Subpart B § 35.130 (a) (b)(1)  
§ 35.178  
§ 35.149

California Rules of Court Rule 8.204(b)  
Rule 8.40  
Rule 2.135  
Rule 2.118(a)

Writ of Mandate and  
Emergency Stay-Injunctive Relief

1.) Writ should Issue Ordering Defendant Orange County Sheriff Department and Orange County Sheriff-Coroner Don Barnes To Stop Depriving Arthur Lopez of his U.S. Constitutional Civil Rights Including 14<sup>th</sup> Amendment Rights To Equal Protection and Due Process Under Law Specifically refusing to provide police service in their jurisdiction of Yorba Linda California whereby they refused to assist and respond to service in the aid of distressed 18 year old female Thalia Lopez, daughter of Petitioner on March 3<sup>rd</sup> and 4<sup>th</sup>, 2023.

Writ should Issue ordering Stay of Proceeding under both cases until such time as this Court processes finalize and as such time as Petitioner and Daughter Thalia resume Parent-Daughter Relationship-Dialogue.

2.) Writ should issue ordering  
Yorba Linda Public Library To abide by  
Federal - United States'  
Americans with Disabilities Act of 1990  
and Stop Depriving Petitioner Arthur Lopez  
of Access to this Public Entity and His  
Rights To Reasonable Accommodation

3. Writ Should Issue Ordering Cheryl Lopez  
To Immediately Cease Coercion antics  
against Thalia and Arthur Lopez preventing  
direct contact. Furthermore to refrain from  
Retaliatory Conduct against the same and  
to immediately refrain from hostilities  
to both petitioner and daughter Thalia  
Lopez } impeding dialogue - Parental - Child Rights  
etc. }

# Emergency Stay Injunctive Relief

Involves Three Scheduled Hearings:

1.) Case # 30-2022-01271461-CU-CR-CJC  
March 20<sup>th</sup>, 2023 @ 1:30 pm, Department C-16  
Judge David A. Hoffer Presiding  
in the Superior Court of California,  
County of Orange (Defendants in Case #  
30-2022-01287806-CU-PO-CJC)  
located @ 700 W. Civic Center Drive; Santa Ana, Ca 92710  
657.622-5216

2.) Case # 30-2022-01287806-CU-PO-CJC - October 13, 2023 and  
September 8<sup>th</sup>, 2023 @ 11:00 am, Department C-69  
3.) Judge Katherine Bacal, Presiding  
in the Superior Court of California, San Diego County  
(Case Transferred from County of Orange due to Bias-Conflict  
Superior Court of Ca Co. of Orange and County of Orange are defendants  
along with Orange County Sheriff Dept. and Orange County  
Sheriff-Coroner Don Barnes which are Basis of this Writ  
Petition).

\* Defendants in Case # 30-2022-01287806-CU-PO-CJC are  
Conspiring to Deprive Petitioner/Plaintiff (in both cases) of his  
Rights under California Statute and the United States Constitution  
and simultaneously colluding with defendants in Case #  
30-2022-01271461-CU-CR-CJC and Respondent Cheryl Lopez.  
Case # 1105001283

(7)

Emergency Stay  
Injunctive Relief

Continued:

\* Collusion and Coercion and Fraud Being (conspired by Defendants and Respondent (Cheryl Lopez)) By Scheming to Bar and Coerce and Alienate Petitioner's Daughter Thalia Lopez (DOB 1/12/2005) from her Father - Plaintiff Arthur Lopez so as to impede Plaintiff from adding her as co-Plaintiff in the matter and Causes of Action against Our Lady Queen of Angels Catholic Church, et al now that she is of age 18 since these defendants under Case # 30-2022-01287806-CU-POLC have impeded Petitioner and Thalia Lopez (his Biological Daughter) from ever having phone contact while she remained a minor. Now then defendant under 30-2022-01271461-CU-CR-CFC is now attempting to capitalize on these fraudulent-collusion schemes



# Emergency Stay Injunctive Relief

continued:

with the aid of defendant-court - Superior Court of California - County of Orange - to derail unjustifiably in part by claiming statute of limitation despite California Statute clearly providing Tolling Authority for Continued Violations (Doctrine) and through minors 18<sup>th</sup> Birthday. Moreover, on March 3<sup>rd</sup> and 4<sup>th</sup>, 2023 Defendant Orange County Sheriff-Department, Orange County Sheriff-Coroner Don Barnes' agents conspired to Deprive Petitioner's 14<sup>th</sup> Amendment Civil Rights and the United States Constitution and Moreover attempted to Coerce him into waiving these rights and furthermore they schemed to Coerce Petitioner's Daughter Thalia into not speaking to Petitioner in Collusion with Respondent Cheryl Lopez who has notoriously made false accusations against Petitioner for more than 7 years to conceal her involvement with sex trafficking and prostitution and extortion schemes with

continued.

## Emergency Stay - Injunctive Relief

Co-sex traffickers, prostitution pushers, drug traffickers and extortion cohorts, see Case # 16-100716 (whereby Petitioner was falsely imprisoned and maliciously prosecuted by Cheryl Lopez's false statement with the Ukrainian Heritage - Enka Tsimbalov (coworker @ South Korean Based Hyundai Capital) where Petitioner was ultimately cleared of any wrongdoing and the case was dismissed without trial, but with Petitioner's Modification of an overreaching non-victim restraining order affecting custody was denied as a direct consequence of the framing scheme Respondent manipulated.

Now then, with these defendants colluding to derail cases, obstruct justice, manipulate the truth, coercion, depriving of U.S. Constitutional Civil Rights, and Respondent engaging in the Coercion of Thalia Lopez witnessed by Plaintiff first hand on the morning of March 4<sup>th</sup>, 2020 whereby Thalia Lopez was in utter emotional distress sobbing uncontrollably while Cheryl Lopez states she would

Emergency Stay  
Injunctive Relief

Continued:

not allow Thalia to speak to her Father despite her being of age 18 and having alienated Thalia for 7 years and finding her distraught and proceeding to disconnect the Brief 50 second communication and then proceeding to scheme with defendants to put together a false report to attempt to justify the reunion of Petitioner and his 18 yr old daughter after a seven year imprisonment and psychological harm to her by Cheryl Lopez and these defendants attempting to dodge accountability for their long list of violations of State and Federal Laws and Statutes, Writ of Mandate and Emergency Stay of proceedings ordered until these obstructions are removed and Petitioner and his daughter Thalia are permitted to renew their Father-Daughter Relationship without interference as Petitioner has never violated any previous restraining or custody order imposed by the court and any uncertainties Thalia may have were instilled by Respondent as no contact whatsoever has existed with Plaintiff's Father for 7 yrs.

Continued: Emergency Stay -  
Injunctive Relief

11.) Moreover, Cheryl Lopez must be prohibited from infringing on Plaintiff-Petitioner's Parental Rights and also she must be ordered to cease caring Thalia Lopez from having contact with Father Petitioner Arthur Lopez and Thalia be reassured No Harm will come to her by anyone for engaging in dialogue with Petitioner including her mother. Thalia must not fear retaliatory conduct from her mother or anyone of her Family Members or Cohorts.

\* Yorba Linda Public Library Denied Petitioner's ADA Accom. Request on 3/4/23  
5.) Emergency Stay is sought to stop Yorba Linda Public Library from denying access to Library Space where Petitioner may read and write with his Spine Back Horizontal either on carpeted ground or bench, Due To Permanent Injuries - Disabilities - Medical Doctors' Confirmed. Yorba Linda Public Library as a standard operating practice discriminates against the disabled and ignores Disabled Rights under the Americans with Disabilities Act of 1990.  
On March 4<sup>th</sup>, 2023 They Denied Access to Petitioner Due To His Disabilities

(26)

# Statement of Facts

This Petition For writ of Mandate  
Is Required Due To The Ongoing Deprivation  
of Civil Rights By The Orange County Sheriff  
Department <sup>now through</sup> Sheriff Investigators Soapes (Badge # 917),  
Sheriff Investigator Pacheco (Badge # 2028) recently on 3/4/23  
In addition, Deprivation of Civil Rights By  
O.C. Sheriff Department "Dispatch" and Supervisor  
Eric on March 3<sup>rd</sup>, 2023 and Again on March 4<sup>th</sup>

Moreover, These Orange County Agents conspired  
To Harm Petitioner By Operating a Scheme  
To Frame Petitioner and Assist Cheryl Lopez  
in her Coercion of Petitioner's 18 yr. Old  
Daughter to prevent her from speaking  
(on March 4<sup>th</sup>, 2023 @ 8:37 pm from phone # 949.241.1933)  
to Petitioner over the phone. (Cheryl Lopez)  
specifically verbalized she would not allow  
Thalia Lopez to speak to Petitioner/Father despite

a 7 year alienation of Thalia while she was a minor - she turned 18 on January 12<sup>th</sup>, 2023. all the while Cheryl Lopez has been linked to Prostitution - Sex Trafficking Schemes for many years with Notoriously Involved in Prostitution - Sex Trafficking Associates Robert Valdez (AKA Roberto Valdez) (Related Cases - Superior Court of Los Angeles Co. # 22STR003598 / 22STR005463 and Court of Appeal Case # B324256),

Paul Rafael Figueroa (AKA Pablo Rafael Figueroa) (Related Case No Los Angeles County Superior Court # 23 WHRD 00472 (Married To Robert Valdez's sister Celia Valdez) and Christopher Covarrubias (Married To Robert Valdez's sister Jessica Dominiqua Valdez) (Related Case No. - Superior Court of Los Angeles County # 23 WHRD 00477 \*Member of the U.S. Air Force for fact. Cheryl Lopez) is video Taped on the Tarmac @ Miami International Airport following the Crash Landing of Flight 203 of Red Air Airlines Originating From Prostitution Haven Dominican Republic - Santo Domingo where Sex Trafficking of Children is a Tourist Attraction.

Specifically Petitioner contacted the Defendant Orange County Sheriff who has (714.647.7000) sole jurisdiction in the town of Yorba Linda 3/3/23 requesting for Police service to maintain peace while contact was made with Petitioner's daughter Thalia Lopez who has been alienated from Petitioner for seven years as a minor, preventing her from even phone contact with Petitioner/Father. She recently turned 18 yrs old and had been designated as a minor, to be under sole custody of her mother (who has family ties with Superior Court Judge Douglas Hatchermonji); Therefore, Petitioner had Birthday gifts delivered to her residence by a female (approx 60 yrs old) on the morning of her birthday 1/12/23 and on Valentines Day Petitioner left a voicemail conveying a \$100. gift for Thalia through her mother's cell phone # 714.369.1879, but no response.

On March 3<sup>rd</sup>, 2023 Orange County Sheriff dispatch refused to provide police service for this <sup>contact</sup> purpose and refused to allow Petitioner to discuss matter with the Watch Commander, NOT

any law enforcement agent period. Instead Dispatch supervisor "Eric" insisted petitioner come to Yorba Linda without any prior phone contact with any Sheriff or Deputy. Petitioner then contacted the California Highway Patrol from Sacramento to Santa Ana and encountered nothing but long hold times, run around and non-cooperation - officer Bean from Santa Ana's Santa Clarita field office claim to not know how to reach Orange. Sheriff dispatch or otherwise, he said he'd call back and has not through this date. Please see attached as Exhibit B the call logs from petitioner's cell phone 949.2787793 - March 3<sup>rd</sup> and 4<sup>th</sup>, 2023 related to the numerous attempts to gather assistance in maintaining peace and civility when reaching Thalia to avoid trauma / Misrepresentations / Hostilities or anything that may be viewed in a negative light, especially by petitioner's Daughter.



Consequently, Petitioner followed the defendant's directive to come out to Yorba Linda and on the early morning of March 4<sup>th</sup>, 2023 @ 7:44 am petitioner contacted defendant Orange County Sheriff Dispatch and requested Police Service to Keep the Peace when contacting Thalia. The Call was made from the outdoor tables of In-N-Out @ the Corner of Lemon Drive and Imperial Highway, approximately 2 blocks from Thalia's residence (18241 Mandarin Ln, Apt D; Yorba Linda <sup>92886</sup>). Petitioner chose this public place not only for its close proximity to Thalia's home but also because of its easy access, open area and elevated 270° view over Imperial Hwy and moreover staff of the restaurant were already present indoors. Unfortunately, 45 minutes later @ 8:30 am the deputies had not shown so a follow up call was made through the non-emergency line to the defendant's Dispatch

reiterated they'd be out to the area  
Petitioner had described across the street  
of In-N-Out.

However, before they arrived Thalia's Mother's  
Cell Phone 949.241.1933 delivered a message @ 8:37  
to Petitioner's phone and after reassuring  
Thalia not to be afraid of anyone and that  
I had no animosity with a one message <sup>reply-</sup><sub>response</sub>

Petitioner then made one phone call to (837) an  
the Number shown on the Caller ID and  
requested to speak directly to Thalia and  
as she came to the phone line I joyfully  
called her by her name "Thalia" and she  
immediately became overwhelmed with  
emotion - sobbing and crying could be heard  
and almost instantly her mother Cheryl  
Lopez implicitly took over the phone and  
coercively stated she would not permit Thalia  
and I to speak without elaborating and hung up <sup>call</sup><sub>(51 sec duration)</sub>  
Given the enormous display over the phone,  
of distress by Thalia and the Coercive-Abusive

demeanor-mannerism by Cheryl Lopez, Petitioner  
quickly called "911" for assistance to her @ \$38.

to 18241 Mandarin Lane  
Yorkbe Lake Unit D  
Twenty Minutes Later  
Two Deputies in Two SUVs

arrived @ the In-N-Out parking lot and  
phoned petitioner from a NO Caller ID phone  
line. The two Deputies were Agents Pacheco, (Male) Badge #10157 and Agent A. Soapes (Female) #01415.

Petitioner thanked them both for finally  
coming out and met with them on a Public  
Sidewalk on the Corner of Lemon Drive and Olinda  
Unfortunately, it did not take long  
to understand that deputy Soapes, who  
attempted to browbeat petitioner into shutting up  
and barring him from his Constitutional  
Right to Freedom of Speech especially while  
Thalce remained in harms way, was not  
unbias but all the opposite. Deputy Soapes  
is a Racist White Female with  
an Abusive-Coercive Anti-Mexican Heritage-  
Anti Catholic Christian-Male, from the get go,  
Nature and agent Pacheco is her sidekick.  
(Please see J.A. Sheriff, Dong - Tattooed deputy Dong Members-Exhibit 4"  
Orange County Sheriff's Office - Investigation)

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Who reiterated her discriminatory antics. They departed to continue with their "frame" - "entrapment" scheme. This set up frame job has been perpetrated by other racist Police Agents in Newport Beach who colluded with white female Cheryl Lopez in 2015 and 2016. In fact, the 2016 escapade led to Petitioner spending 37 Days falsely imprisoned through a Bogus Charge and Malicious Prosecution "Frame" - "Entrapment" scheme under Case # 16-006716 which was ultimately Dismissed Completely without Trial by Superior Court Judge Danon in October of 2016. Here again the scheme to frame Petitioner <sup>motivated gain</sup> <sub>on part of</sub> custody of Petitioner's Children. In summary, the defendant's again have exhibited the Corrupt Bias Systemic Operating standard depriving Constitutional

Civil Rights against Minorities including  
14th and 1st amendment due to Petitioner's  
Mexican Heritage - Latino Race, Catholic  
Christian Religion, and Male Gender under  
Color of Law - Thalia was never allowed  
to speak to Petitioner-Father despite no  
Restraining Order being present and her  
being of age 18 due to the Coercion  
by Cheryl Lopez and the Defendants.

These cohorts have carried out these  
hostile acts with the purpose of harming  
Petitioner <sup>and</sup> also by sabotaging her ongoing  
Civil Cases against these <sup>same</sup> defendants  
and Our Lady Queen of Angels Catholic  
Church and School since the Statute  
of Limitations is directly related to  
by prohibiting Thalia to come forward  
now that she is 18. This are criminal

(35)

fraudulent schemes that must be undone  
Please See Declaration of Arthur Lopez, In Support following  
52

Declaration of Arthur Lopez  
In support of writ

1.) Petitioner is Father To Four Children  
2 Boys who are Minors - Luke - 11yrs. old,  
Noah - 16yrs. old and 2 Girls, Tatiana 20yrs old.  
and Thalia who turned 18yrs. old on January 12, 2023.

2.) Thalia has been alienated from Petitioner 7yrs  
by Coercion by Cheryl Lopez as repeated  
on the morning of March 4<sup>th</sup>, 2023 during a  
Single 51 second phone call to her Cell Phone # 949. 0241. 933  
@ 8:37am whereby she aggressively stated she would  
not allow Thalia to speak to me despite  
her willingness and despite her being in extreme  
distress not being permitted to speak by belligerent  
Cheryl Lopez who has been actively involved  
in Prostitution and sex Trafficking for years.  
Cheryl Lopez is associated with numerous  
Criminal Associates and Thalia fears for her life.

3.) Petitioner delivered, through Third Party Female  
approximately 60 yrs. old a Dozen Roses,  
Birthday Balloon, Birthday Card, Birthday Gift and  
Chocolates and several other Gifts including  
pictures of her and her siblings. One of which  
she soon after used in a school project that was  
posted on the Yorba Linda High School website, which  
represents her warm reception to the Birthday Gifts.

TITLE OF DOCUMENT: \_\_\_\_\_ CASE NO.: \_\_\_\_\_

PAGE NO. 36 OF \_\_\_\_\_ [JDC TEMPLATE]

Moreover, Cheryl Lopez again demonstrated hostilities toward this genuine caring gift as she made growling comments as she arrived in her Kia SUV and crossed paths with the Good Samaritan who had made the delivery.

4) On February 14<sup>th</sup>, 2023, Valentines Day, Petitioner made one single Phone Call to Cheryl Lopez's Cell Phone 714.369.1879 conveying that I had a \$100 Valentines Day gift for Thalia that I could send by MoneyGram or whatever method desired. However, Cheryl Lopez never acknowledged nor responded in any way to this message.

5) On or about February 22<sup>nd</sup>, 2023 Petitioner Reached out to Yorba Linda High School Administrators about attending a school function possibly related to Thalia's Soccer involvement through the school and requested they consult Thalia for her input. The school Vice Principal Erica returned a couple of calls and made mention the Soccer season was completed and that Thalia was made aware of my overture, and Ms. Erica also mentioned Graduation would be after May and the specific date could be found on the school's website. Again no mention of

1 any discontent by or from Thalia.

2  
3 6.) In addition Carol Lee, (Disabled African  
4 American - Single Mother of Daughter of  
5 her own <sup>who's</sup> age of approximately 20 yrs. old)  
6 & Known to Myself and Thalia (Carol has  
7 a Golden Retriever Service Dog and resides  
8 in Newport Beach for several years) by chance  
9 ran into Thalia <sup>in June or 00</sup> Summer of 2022 @ the  
10 Fashion Island Mall - Newport Beach.  
11 During this 10 minute encounter Thalia  
12 expressed love for Petitioner Arthur Lopez, her  
13 Father by stating "she missed him" and was then  
14 overcome by emotion. A written  
15 declaration from Carol Lee is attached  
16 as Exhibit Z.

17  
18 7.) It is worthwhile noting that there are  
19 no Restraining Orders precluding any form  
20 of contact between Arthur Lopez and  
21 his of age daughters. Nevertheless Plaintiff  
22 waited until she was of age 18 yrs old  
23 before he made any peaceful attempt  
24 to connect. However, it is very clear  
25 to all that the Coercion by Cheryl Lopez  
26 barring by intermediation and force Thalia  
27 from communicating with her Father is  
28 Beyond Reason and tremendously harmful  
to Thalia's Emotional State as well as  
Petitioner being deprived of his Parental rights  
under California and Federal U.S Const., 14th Amend  
Statutes



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8.) Now then on March 4<sup>th</sup>, 2023 @ the directive of the defendant Orange County Sheriff Dispatch Supervisor "Eric" Pet. Hones was required to come to Yorba Linda to seek Sheriff service call to keep the peace, Law Enforcement presence was mandatory given Cheryl Lopez's irrational, belligerent mindset since she has reportedly made false slanderous statements to Police before to cause harm to Petitioner even a false imprisonment of 37 Days in 9/2016 through October 18, 2016 until Judge of the Superior Court dismissed charge and closed case w/o trial, see case # 16-0067116 - Superior Court

9.) Petitioner hence phoned O. Sheriff at 7:45am @ In-N-Out Lemon & Imperial Hwy to keep peace and to make contact w/Thalvi March 4<sup>th</sup>, 2023

10.) Petitioner phoned In-N-Out Customer Service @ 8:06 am. Requesting to be put in touch or to convey to staff @ Restaurant that He (I) was awaiting O.C. Sheriff to arrive and was waiting. They returned to the call after petitioner had exited the property to wait on the public sidewalk (outside patio table)

1 In-N-out Customer Service Agent Expressed  
2 Appreciation for allowing Sheriff to arrive  
3 on Public Sidewalk, call lasted 8 minutes.  
4 No mention of Thalia to or from  
5 In-N-out during this phone call.  
6

7 11. O.C. Sheriff not having arrived after  
8 45 minutes, Petitioner followed up with  
9 a call to dispatch @ about 8:30 am (20 minutes  
later @ approximately 8:56 am (1 hr. and 12 minutes  
later from the initial call of 7:44 am)  
11 Two marked SUV Patrol Vehicles arrived onto  
12 In-N-Out Parking Lot - Despite advising  
13 dispatch during my 8:30 am follow up call  
14 that I was on the sidewalk across  
15 from the restaurant. Petitioner also received  
16 a phone call from the male deputy <sup>from</sup> disclosed  
17 caller J.D. (was received @ 8:56 am) and Petitioner  
18 again disclosed his specific position. Despite  
19 being across the street corner in full view  
20 of the two deputies they attempted  
21 to bring him over to the In-N-Out Parking <sup>(this is explained follow)</sup>  
22 Lot. Petitioner later was made  
23 to know by Deputy Investigator ~~Scapes~~ #967  
24 (White Female - Possibly markings on her skin)  
25 that Thalia is employed @ In-N-Out  
26 and attempted to accuse Petitioner of  
27 having prior knowledge of said fact which is  
28 completely False as Petitioner was never  
informed by anyone of Thalia's job.

1 In fact, petitioner chose to call Sheriff  
2 from the Public Business over a block  
3 away from the Respondent - Cheryl Lopez's  
4 residence where Thalia is known to  
5 reside at the direction of Dispatch  
6 Supervisor Eric the Day Before -  
7 Instructing petitioner to call from  
8 near the 18241 Mandarin Lane #10  
9 Yorba Linda location if Police service  
10 was to be had.

11  
12 12.) In fact, what ensued and preceded  
13 the officers arrival was and continues to  
14 be an entrapment scheme attempting  
15 to incriminate petitioner into some type  
16 of misconduct when in Truth under God -  
17 Jesus Christ, Petitioner has done everything  
18 Peacefully and openly with all involved  
19 informed so as to reassure Thalia all  
20 is going to be okay. Unfortunately,  
21 Cheryl Lopez along with the band of  
22 Corrupt Criminals/she's associated  
23 with, continue to Coerce Thalia and  
24 create Havoc against Petitioner unlawfully  
25 and this includes defendants O.C Sheriff  
26 Dept and staff and Orange County Sheriff  
27 Coroner Don Bolanos. It is a White  
28 Gang of Agents manipulating and scheming  
To Frame Petitioner as the Newport Beach  
Police and Cheryl Lopez have done before in 2016  
To Begin This Present Alienation of 7 years of his child

## Declaration of Arthur Lopez

12. (Continued) has caused tremendous harm to Thalia and the entire period has involved no violations of law by Petitioner despite no Restraining Order precluding contact with his adult children. The defendants had no foundation for exhibiting hostilities against Petitioner other than their Racist - Gender-Bias and Anti-Catholic Christian discriminatory operating standard. In essence they sought to provoke Petitioner into Retaliation. This is repeated over and over again for seven years. It must stop now.

13) On March 4<sup>th</sup>, 2023 following the Discriminatory Acts of these defendants, Yorba Linda Public Library located @ 4852 Lakeview Ave; Yorba Linda, Ca 92886 714.777.2873 also discriminated against Petitioner by refusing library space access to prepare this Petition for writ of Mandate. They denied Petitioner's request under the Americans With Disabilities Act of 1990 for an Accommodation to use a small space to read and write while allowing his spine/back to remain horizontal (w/ Knees bent to use as a platform) requiring to lay on the ground without obstructing any walkway or view. This request should not even be necessary since laying while reading or writing is not disruptive to anyone and creates no imposition whatsoever to the Public Library. Instead they chose to be an obstruction to this due process since the defendant O.C. Sheriff provides Policing as a Racist Entity with the agenda of creating Segregation - Separating Whites from

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1 Mexican Heritage - Latino Race - Catholic Christian  
2 Male and African Americans - Black Patrons

3 It should be noted that the Orange County  
4 - Yorba Linda Public Library prohibit copy machines  
5 and as such deprive disabled patrons the ability  
6 to copy documents since the only means is a  
7 single page at a time scanner on a short  
8 table. Imagine having to copy (or even scan) 200 pages,  
9 it would probably take 3 hours hunched over.

10  
11 H) It needs to be noted that the Yorba Linda High  
12 School also had a significant role in  
13 the harm caused to Thalia Lopez and  
14 Petitioner on March 4<sup>th</sup>, 2023 since they  
15 also deprived Parental Rights of  
16 petitioner being unresponsive and stifling  
17 requests to visit the school by appointment  
18 after classes to meet with administrators -  
19 Principal Richard Dugh never returned phone  
20 calls from mid February - Same can be said  
21 about the Placentia School District, all  
22 part of the scheme to alienate petitioner's  
23 Daughter against her better interest.

24  
25 I hereby declare under Penalty of Perjury  
26 under the laws of the State of California  
27 that all herein contained is True.  
28

March 12<sup>th</sup>, 2023

Arthur Lopez  
ARTHUR LOPEZ

"Continued" Statement of Facts - <sup>Yonkers</sup> Public Library in the County of Orange

Most honorable Supreme Court of California  
this Petition for Writ of Mandate is presented  
as a result of these defendants standard of  
depriving petitioner Arthur Lopez who is of  
Mexican-Heritage, Hispanic-Latino Race, Male,  
Catholic-Christian U.S. Born, Father of four  
(two girls and two boys), of his Civil Rights  
under the Fourteenth, First, Seventh and Eighth  
amendments in addition to depriving petitioner  
of his rights, as a permanently disabled person  
under the American with Disabilities Act of 1990  
(A.D.A.). These unlawful deprivation of rights  
blatantly committed under color of law involved  
the refusal of permitting petitioner to access library  
and even file ADA accommodations request handwritten pleadings/forms  
docs., filings despite petitioner providing uncontested  
medical documentation confirming Petitioner's permanent  
various disabilities/injuries including spinal  
injuries and permanent spine compression @ the  
C-3 - C-5 spine/vertebrae levels which they refuse also.  
These spinal injuries require petitioner to avoid  
sitting for prolonged periods as doing so increases the  
pain level to his lower, mid and upper back progressively  
to the point of excruciating pain levels that even  
prohibit <sup>extensive</sup> walking. Furthermore, Petitioner as a result  
in part also does not type and is even prohibited from  
extensive sitting as it exacerbates the back pain.

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1 Furthermore, Plaintiff made it abundantly  
2 clear he was not able to type, <sup>or write</sup>  
3 sitting for extensive periods due to his permanent  
4 disabilities - spine injuries and as such  
5 was compelled - required to handwrite his  
6 forms / pleadings while on his back with  
7 knees bent, to use as a platform. This made  
8 it necessary to keep his spine horizontal  
9 either on carpeted floor or bench without  
10 being an obstruction to any walkway(s).  
11 In fact, petitioner located and  
12 demonstrated to librarian Kenneth Homsey  
13 and his Assistant Jessica its location on  
14 the second floor on the North West Corner  
15 of the Adult Section next to the window  
16 facing Lakeview with no walkway @ the  
17 perimeter corner nor exit or stairwell.  
18 This corner of the building location is carpeted  
19 and without furniture in the 5' x 10' space  
20 ideal for unobstructed use and well lit  
21 with natural light @ approximately 11:00am.  
22 Despite all of the medical records and repeated  
23 conveying of petitioner's disabilities these defendants'  
24 agents unthinkingly and unlawfully discriminated  
25 against petitioner Arthur Koper due to his  
26 disabilities by refusing access to the library  
27 space without regard to petitioner's necessity  
28 to not sit (or stand) to do his writing, but rather  
maintain his spine horizontal, on his back w/out

1 obstructing any walkway or passage or anything  
2 other so as to prepare this petition on the  
3 same morning of March 4, 2023 when other  
4 County of Orange - (Orange County Sheriff Department /  
5 Orange County Sheriff - Coronator Barnes' Agents (with ST  
6 who also refused to provide Civil Rights to Equal (amends)  
7 Protection Under Law and Due Process and Freedom  
8 of speech while Petitioner attempted to exercise  
9 his United States Constitutional Rights when  
10 finding his 18 yr. old daughter in Distress (Thalia Lopez)  
11 and being abused by Coercion by her mother  
12 Cheryl Lopez @ 8:37 a.m. during a 50 second  
13 phone exchange whereby abuser Cheryl Lopez  
14 clearly stated she would not allow Thalia  
15 to speak to Petitioner / father and hung up.  
16 During this brief exchange Petitioner clearly  
17 heard Thalia emotionally overwhelmed to the  
18 point of sobbing - crying uncontrollably upon hearing  
19 my joyful greeting to her: simply "Thalia".  
20 Her mother quickly interrupted my speaking warmly  
21 to daughter after a 7yr. alienation - she said  
22 she would not allow Thalia and I to speak  
23 and hung up. It is significant to note that  
24 the defendants here mentioned have  
25 jurisdiction over Orange County Kibricas  
26 and the Town of Yorba Linda where prostitution  
27 and sex trafficking is rampant - prevalent.

\* Penage Prostitute(s) have been murdered in Yorba Linda  
- See Exhibit (X)  
(Aubreyanna Sade Parks murdered by Larry Shoo Shin found guilty 6/1/2017)  
# 6055212 - People v. Shin  
(- Kieron Lerell Key (29) Ripping under 18yr girl found in Yorba Linda 12/16/2021)

(46)

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1 In fact, the mother is linked with Criminal  
2 Sex Trafficking Prostitution Associates  
3 for which Restraining Orders have already  
4 been sought in Orange and Los Angeles  
5 Counties to protect Petitioner's Children - see

6 COA# 3324256/22STRO03598 / 22STRO05463 - Roberto Valdez, AKA Robert Valdc  
7 23 WHRO 00477 - Christopher Covarrubias,  
8 23 WHRO 00472 - Paul R. Figueroa (AKA Pablo Rafael Figueroa)  
9 22 STRO 01347 / 22STRO 04598 - Carlos Lage (O.C. Booking #3243194-  
10 D.O.B. 7/27/1963) (Arrested 7/2/2022 @ U.C.I.)

11  
12  
13 For all these facts and Many more Writ of Mandate  
14 should issue as requested, ordering Yarbrough  
15 Public Library in Orange County to cease  
16 denying access to library space to the  
17 disabled and moreover to cease prohibiting  
18 the use of library space while laying  
19 horizontal on the carpeted floor or on furniture  
20 such as a bench while reading or writing  
21 and to provide copy machine for public use  
22 since a copy machine is in fact a  
23 resource already contained by this  
24 Public Entity and a scanner (single page)  
25 is not adequate for use by the disabled  
26 for the purpose of copying or even scanning  
27 multiple voluminous documents such  
28 as this petition.

## Statement of the Case

Over 150 years ago the United States Constitution was amended to incorporate the 14<sup>th</sup> amendment becoming a constitutional cornerstone, providing all people "Equal Protection Under the Law" and "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; Nor shall any state deprive any person of life, liberty or property, without due process of law; Nearly one hundred years before this the 8<sup>th</sup> amendment was adopted prohibiting government from imposing excessive fines, excessive bail, or cruel and unusual punishments, December 15<sup>th</sup>, 1791.

In addition, the Americans with Disabilities Act was enacted July 26, 1990 establishing a clear and comprehensive prohibition of discrimination on the basis of disability (U.S. 42 U.S.C §§ 12101-12213). Moreover, On or about November 30, 2017 Petitioner Arthur Lopez initiated an appeal case in the California Court of Appeals for the Fourth District, Division Two, Case No EO109559. The presiding judge for this court, Manuel Ramirez. This case involved the California Court of Appeals and Manuel A. Ramirez, Individual Capacity as defendant.

Despite these medical conditions - Permanent Disabilities -  
Spinal Injuries the Yorba Linda Public Library on March 4<sup>th</sup>, 2023  
Prohibited Petitioner Access to The Library Space where Plaintiff  
May Keep his Spine Horizontal to Read + Write (Without Obstruction <sup>walking</sup>)

U.S. Constitutional Rights under Color of Law deprivation  
is equally defiant and dismissive and depriving  
of Plaintiff's rights and protections as  
afforded by the Americans with Disabilities  
Act of 1990 (ADA) Title II. In fact,  
under Title II, of this Federal Act  
United States 42 U.S.C. (12101 - 12213), it is  
prohibited to discriminate on the basis of a disability  
by all public entities at the local level, e.g.  
school district, municipal, city or county, and at  
state level. Public Entities must comply  
with these Title II regulations (By the U.S. Dept of Justice  
and these regulations covers access to all  
programs and services offered by the entity.  
Access includes physical access (as described  
in the ADA Standards for Accessible Design)  
and programmatic access that might be  
obstructed by discriminatory policies or  
procedures of the entity (42 USC §§ 12131 - 12165).  
Furthermore, the United States Supreme Court  
has held that under Title II of the ADA,  
no person with a disability can be unjustly  
excluded from participation in or be  
denied the benefits of services, programs  
or activities of any public entity,  
see "Olmstead v. L.C.", 527 U.S. 1581 (1999).  
In addition, <sup>part 35</sup> Title II Subpart B § 35.130 (a) - states -  
"NO qualified individual with a disability shall,

1 on the basis of disability, be excluded from  
2 participation in or be denied the benefits of the  
3 services, programs or activities of a public  
4 entity, or be subjected to discrimination  
5 by any public entity; and (b) (1) A public  
6 entity, in providing any aid, benefit, or service,  
7 may not, directly or through contractual, licensing,  
8 or other arrangement, on the basis of disability, -

- 9 i) Deny a qualified individual with a  
10 disability the opportunity to participate  
11 in or benefit from the aid, benefit or service;
- 12 ii) Afford a qualified individual with a  
13 disability an opportunity to participate in or  
14 benefit from the aid, benefit, or service that  
15 is not equal to that afforded others;
- 16 iii) Provide a qualified individual with a disability  
17 with an aid, benefit, or service that is not  
18 as effective in affording equal opportunity  
19 to obtain the same result, to gain the same  
20 benefit, or services that are to reach the  
21 same level of achievement as that provided to others.

22 Equally significant under Title II of the ADA, Part 3.  
23 Subpart F § 35.178, a state shall not  
24 be immune under the eleventh amendment to  
25 the U.S. Constitution from an action  
26 in Federal or state court of competent  
27 jurisdiction for a violation (a) of this Act,  
28 or any action against a state for a

1 Violation of the requirements of this Act,  
2 remedies (including remedies both at law  
3 and equity) are available for such a  
4 violation to the same extent as such  
5 remedies are available for such a violation  
6 in an action against any public or private  
7 entity other than a state.

8 Therefore in this Civil action brought forth by  
9 Plaintiff Arthur Lopez against these  
10 defendants, No Sovereign Immunity applies  
11 nor any other <sup>State</sup> immunity, also see  
12 United States v. Georgia, 546 U.S. 151 (2005)  
13 whereby the United States Supreme Court  
14 held that in so far as <sup>ADA</sup> Title II creates  
15 a private cause of action for damages against  
16 States for conduct that actually violates  
17 the Fourteenth Amendment, Title III validly  
18 abrogates State Sovereign Immunity.

19  
20 Now then, these protections and rights provided  
21 for the disabilities of Plaintiff Arthur Lopez  
22 under the Americans with Disabilities Act  
23 are most relevant to this case since these  
24 defendants deliberately, heinously, and repeatedly  
25 violated these protections and rights as described  
26 above: ADA, Title II, Part 35, Subpart B §§ 35.130, 35.149  
27 in 2018 by depriving Plaintiff of his right to  
28 Appeal a lower court's judgement/order, depriving

1 Plaintiff of his 14<sup>th</sup> amendment rights to Due Process  
2 and Equal Protection Under Law as provided under the  
3 United States Constitution. These deprivations,  
4 unlawful acts by the defendants occurred,  
5 with full, unambiguous documentation disclosing  
6 Plaintiff's Permanent Disabilities and Permanent  
7 Injuries caused from a Traumatic Fall on  
8 December 22<sup>nd</sup>, 2015 which caused a  
9 Temporary Paralysis and among other permanent  
10 injuries a Permanent Spine Compression  
11 @ the C-3, C-4 and C-5 vertebral levels.  
12 In addition, upper, mid and lower back/  
13 spine injuries remain permanently which is  
14 a cause for unwavering pain prohibiting certain  
15 movements and certain positioning such  
16 as extended sitting, running, cycling, swimming, etc.  
17 For addition, the Spine Compression has implications  
18 to the right arm, right thumb permanent sting  
19 requiring a delicate operation. In fact,  
20 Surgeon Samuel Bederman has cautioned,  
21 in his evaluation synopsis that this Spine  
22 Compression may cause quadriplegia (permanent  
23 paralysis) or even death. Moreover, Dr Philip Madrid  
24 has provided repeatedly confirmation in  
25 writing of said permanent disabilities  
26 of which was submitted to the defendant and partners  
27 from the onset of his interactions, cases being  
28 filed prompting fee waivers to be granted.

(52)

Page Number

## Conclusion

For all the reasons and facts herein contained and many more writ of Mandate should be issued and granted as requested to facilitate the restoration of Constitutional Civil Rights including Parental Rights under the Fourteenth Amendment. Moreover, Petitioner's Daughter must not live in fear or danger due to Respondent Cheryl Roper's Sex Crimes. Furthermore, Defendants must not obstruct justice through fraud, collusion & coercion. For the foregoing reasons Petitioner respectfully requests this court order, Petition for writ of Mandate should be granted as requested.

March 7<sup>th</sup>, 2023

Respectfully submitted,  
Arthur Lopez  
ARTHUR LOPEZ  
Petitioner / Plaintiff

# Verification

Verification of Pleading, Code of Civil Procedure § 446.

Declaration Under Penalty of Perjury, Code of Civil Procedure §§ 446, 2015.5

Case Title: Arthur Lopez v County of Orange, et al

I Arthur Lopez, declare, I am the plaintiff in the above entitled matter. I have read the foregoing pleading and know the contents thereof.

The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, as to those matters, I believe it to be true.

Executed this 7<sup>th</sup> Day of March 2023 @ Orange County, California

I declare/certify under penalty of perjury that the foregoing is true and correct.

March 7, 2023

Arthur Lopez  
ARTHUR LOPEZ



## Certificate of Compliance (Word Count)

I Arthur Lopez, Pro-Se Litigant, certify pursuant to the California Rules of Court, that the word count for this Petition is approximately 7,000 words, excluding the tables, this certificate and any attachments permitted under rule 2.504(d). This word count is generated by a manual count of the words included.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Newport Beach, Ca on March 4<sup>th</sup>, 2023

March 7<sup>th</sup>, 2023

Arthur Lopez  
Arthur Lopez  
Pro-Se Litigant/Petitioner

72 (55)

CA Supreme Court Court Name	<b>PROOF OF SERVICE</b>	TEMP-R069QSGW Case Number
--------------------------------	-------------------------	------------------------------

1. At the time of service, I was at least 18 years of age.
2. My email address used to e-serve: +19492787793@myboostmobile.com
3. I served a copy of the following document(s) indicated below:

Title(s) of documents served:

**ISI\_CASE\_INIT\_FORM\_DT:** Case Initiation Form

**PETITION FOR WRIT OF MANDATE, STAY REQUESTED:** WRIT-30-2022-01287806-CU-PO-CJC (2)

**ADDITIONAL DOCUMENTS:** supreme court-FEE WAIVER

Person Served	Service Address	Type	Service Date
KEVIN MCCORMICK	kmccormick@lrmmt.com	e-Serve	03-14-2023 1:28:19 PM
			e8b516b4-e776-4c39-a9c6-547c2ea9869f
KATHERINE D. KEATHLEY	jk@keathleylawyers.com	e-Serve	03-14-2023 1:28:19 PM
			54acbef7-c4fe-472d-bfbe-252786eaa2aa

TrueFiling created, submitted and signed this proof of service on my behalf through my agreements with TrueFiling.

The contents of this proof of service are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury that the foregoing is true and correct.

03-14-2023

Date

/s/ARTHUR LOPEZ

Signature

LOPEZ, ARTHUR (Pro Per)

Last Name, First Name (Attorney Number)

SELF

Firm Name

73

(56)

## Statement of Appealability

This appeal is from the final judgement of the Superior Court of California, County of Orange and is authorized by the California Code of Civil Procedure section 904.1 (a)(1).

(57)

74

# Exhibit A

Medical Records 4 pgs.

58-61

1 of 4

Redacted

RIGHT/LEFT: biceps 3+/3+; brachioradialis 3+/3+; triceps 3+/3+; positive Hoffman's bilaterally; positive inverted radial reflexes bilaterally.

Tests: Negative Spurling's; positive L'Hermite's.

Thoracic Spine/Upper Back:

INSPECTION: within normal limits. VERTEBRAL SPINE TENDERNESS: absent. KYPHOSIS: absent. SCOLIOSIS: none. PARASPINAL MUSCLE SPASM: absent bilaterally.

Back:

INSPECTION: normal contour, no swelling, no visible mass, no previous incision. PALPATION: non-tender throughout.

RANGE OF MOTION: limited secondary to pain, pain on extremes of motion.

MOTOR STRENGTH: RIGHT/LEFT: hip flexion 3/5; quad 5/5; tibialis anterior 5/5; extensor hallucis longus (EHL) 5/5; gastroc/soleus 5/5.

SENSATION OF LIGHT TOUCH: intact and equal bilaterally.

REFLEXES: RIGHT/LEFT:

patellar 3+/3+; Achilles 3+/3+; negative Babinski's sign, no clonus.

Gait: normal.

NERVE TENSION SIGNS: negative straight leg raise, bilaterally.

Assessment:

Assessment:

- 1. Cervicalgia - M54.2 (Primary)
2. Lumbago - M54.5

In summary, this is a 49-year-old gentleman, who had a transient quadriplegic episode after a fall on December 22, 2015 consistent with a stinger type of injury. He has signs and symptoms of cervical myelopathy. Likely, he had a mild central cord syndrome. He has residual symptoms of myelodysplasia. His imaging shows severe central stenosis at C4-5 with signal change and bilateral foraminal stenosis as well as some foraminal stenosis at the C3-4 and C6-7 levels. He does not feel there is any role for continued nonsurgical management as he has subjective and objective evidence of spinal cord compression. Rather I would recommend an anterior cervical discectomy and fusion at C4-5 with instrumentation. I explained him the goals of surgery are to decompress the spinal cord and prevent further deterioration. Risks of surgery were explained to the patient in detail including, but not limited to infection, bleeding, requiring transfusion, expanding hematoma, nerve injury, spinal cord injury, spinal fluid leak, graft migration, hardware, swallowing difficulties, Horner syndrome, and longer term risks such as nonunion, adjacent level degeneration, persistence of symptoms, the need for possible revision of future surgery. Medical risks also explained to the patient in detail including, but not limited to pneumonia, urinary tract infection, thromboembolism, myocardial infarction, stroke, blindness, and even death. The alternatives of nonsurgical management were also explained to the patient in detail, including the possibility of quadriplegia that is permanent if he sustained any future trauma to the cervical spine. As the surgery was strongly recommended, he prefers to think about it and contact our office if he decides to proceed.

Plan:

- 1. Cervicalgia
Imaging: X-ray, C-Spine 4V
2. Lumbago
Imaging: X-ray, L-Spine 4V

Lab:

Lab: 203689C7 Scan: 3D Reconstruction

Procedure Codes: 72080 X-RAY, SERV/NECK, AP/LATERAL (DBL, 4-5V, 72110 X-RAY, LUMBAR-SACRAL, MIN 4V

Follow Up: pin

Page A Exhibit A Surgeon Samuel Bederman

369 cab6

Redacted Re: Arthur Lopez

DEPARTMENT OF CALIFORNIA HEALTH AND HUMAN SERVICES AGENCY

MEDICAL INFORMATION VERIFICATION REPORT

SECTION II: INSTRUCTIONS FOR LICENSED PHYSICIANS

ORANGE... Services needs the following information from you to verify that the person whose information is listed on page one is either temporarily, permanently or totally disabled. This means the patient is either temporarily or permanently unable to perform any work at either his or her usual occupation or at any other job that he or she could be trained to do. The purpose of the disclosure requested in Section III is to provide information necessary for the local... agency to determine the... potential of your patient in case number.

SECTION III: LICENSED PHYSICIANS STATEMENT

- 1. Is this patient temporarily disabled?  Yes  No  
If Yes, complete items 3-7 and Section IV. If No, complete item 2.
- 2. Is this patient totally or permanently disabled?  Yes  No PERMANENCE  
If Yes, complete items 3-7 and Section IV. If No, complete Section IV.
- 3. Onset date for this disability: 7/21/2015
- 4. List diagnosis and prognoses for this patient: (A) CERVICAL RADICULOPATHY  
C5-7 FIBROSITIC POST  
C4-6 2MM RETROLISTHERALS
- 5. Treatment Plan: DEGENERATIVE C7 DISC DISEASE  
PHYSICAL THERAPY 2X/WK  
ANALGESICS
- 6. Date of last examination: 6/24/2020
- 7. When do you expect this patient to be able to return to work? F/U 1 YR.

SECTION IV: LICENSED PHYSICIAN CERTIFICATION

I declare under penalty of perjury under the laws of the State of California that the information contained in this report is true, correct, and complete.

Signature: Philip E. Madrid M.D. Date: 6/24/2020 (3)

PHILIP E. MADRID M.D. 714 288 3288 (DATE)

2212 E 4TH ST #203 SANTA ANA CA 92705 (STREET ADDRESS) (CITY) (STATE) (ZIP CODE)

Exh A

**St. Joseph Health**   
**St. Joseph Heritage Healthcare**

**Dr. Philip E.  
Madrid, M.D.  
2212 E 4<sup>th</sup> Street,  
Suite 202  
Santa Ana, CA  
92705**

**Phone: (714) 288-  
3230  
Fax: (714) 571-  
7703**

**October 6, 2022  
RE: Arthur Lopez  
DOB: 02/07/1967**

**Homeless Court  
909 North Main Street  
Santa Ana, CA 92701**

**To whom it may concern:**

**It has come to my attention that my homeless patient named above was stopped by the Newport Beach Police due to a problem with his car bumper. As a result, the car was impounded, and he had no place to sleep or rest. This is very problematic as he has spinal stenosis of the cervical and lumbar spine. This lack of shelter has made him much worse.**

**This resulted in ordering MRIs of both the cervical and lumbar spine. This bumper problem was not so important as to make this patient suffer by taking away his shelter. I expect that this will also result in enormous impound fines and fees that he will never be able to pay. Hopefully, this injustice can be rectified.**

**Sincerely,**

*Philip E. Madrid*

**Philip E. Madrid M.D.  
St. Joseph Heritage Medical Group**

4

Q Ech A

61

# Exhibit Y

- Orange County Sheriff 7 pgs.  
U.S. DOJ Investigation  
Report (4 pgs.)

- Los Angeles County Sheriff  
Gang (2 pgs.)  
68 1 of 7



**Investigation of the  
Orange County District Attorney's Office  
and the  
Orange County Sheriff's Department**



**U.S. Department of Justice  
Civil Rights Division**

October 13, 2022

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Exh 4

106<sup>4</sup>

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## I. EXECUTIVE SUMMARY

The United States has conducted an extensive investigation of the Orange County District Attorney's Office (OCDA) and the Orange County Sheriff's Department (OCSD), pursuant to our authority under the Violent Crime Control and Law Enforcement Act of 1994, 34 U.S.C. § 12601 (previously codified at 42 U.S.C. § 14141). We have determined that there is reasonable cause to believe that the Orange County District Attorney's Office and the Orange County Sheriff's Department engaged in a pattern or practice of conduct—the operation of a custodial informant program—that systematically violated criminal defendants' right to counsel under the Sixth Amendment and right to due process of law under the Fourteenth Amendment.

While our review focused on custodial informant activity from 2007 through 2016, the informant controversy continues to undermine public confidence in the integrity of the Orange County criminal legal system. Neither agency has implemented sufficient remedial measures to identify criminal cases impacted by unlawful informant activities or prevent future constitutional violations. This report provides a public accounting of the scope and impact of the informant program on the Orange County criminal legal system.

We opened our investigation in December 2016 amid serious concerns that the custodial informant program operated by OCDA and OCSD had undermined confidence in the criminal legal system in Orange County.<sup>1</sup> The custodial informant program came to light in 2014 during OCDA's prosecution of Scott Dekraai for mass murder. *People v. Dekraai* involved multiple rounds of evidentiary hearings about the custodial informant program over the course of three years. Dozens of witnesses from OCDA and OCSD testified about the program. The hearings resulted in the court-ordered recusal of OCDA from the *Dekraai* case and, ultimately, the dismissal of the death penalty from consideration.

In the midst of the *Dekraai* proceedings, then-Orange County District Attorney Tony Rackauckas asked the United States to conduct an investigation of OCDA's custodial informant practices and offered us "unfettered access" to documents and personnel at OCDA.<sup>2</sup> We focused our investigation on: (1) whether OCDA and OCSD used custodial informants to elicit incriminating statements from individuals in the Orange County Jail, after those individuals had been charged with a crime, in violation of the Sixth Amendment; and (2) whether OCDA failed to disclose exculpatory evidence about those custodial informants to criminal defendants in violation of the Fourteenth Amendment. We reviewed thousands of pages of documents, made

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<sup>1</sup> See, e.g., Matt Ferner, *There's a Jail Snitch Program In Orange County, And Here Are the Inside Memos that Detail It* (April 21, 2017), Huffington Post (on file); Editorial Board, *Dishonest Prosecutors, Lots of Them* (September 30, 2015), New York Times, available at <https://www.nytimes.com/2015/09/30/opinion/dishonest-prosecutors-lots-of-them-in-southern-calif.html>; November 17, 2015 letter from Erwin Chemerinsky, John Van de Kamp, and 35 signatories requesting DOJ investigation (on file).

<sup>2</sup> Letter from Tony Rackauckas, Orange County District Attorney, to Loretta Lynch, Attorney General of the United States, January 4, 2016 (on file).

db



**Gang Members Hold Positions at 'Highest Levels' of LA Sheriff's Department, Investigation Reveals**

The former sheriff "tolerated, if not rewarded" deputy gangs, according to the report

BY TIM DICKINSON



MARCH 7, 2023

*Former L.A. County Sheriff Alex Villanueva, whom the report accuses of failing to deal with his force's gang problem* IRFAN KHAN/LOS ANGELES TIMES/GETTY IMAGES

A BLISTERING NEW official investigation decries violent, lawless "deputy gangs" that continue to wield extraordinary power within the Los Angeles Sheriff's Department. The report delivers a call to action for new Sheriff Robert Luna: "It is time to eradicate this 50-year plague upon the County of Los Angeles."

The report identifies at "least a half dozen" active gangs and cliques — and names them: the Executioners, the Banditos, the Regulators, the Spartans, the Gladiators, the Cowboys, and the Reapers.

These groups pose a threat to the general public — deputies hoping to prove themselves worthy of gang membership routinely seek out violent encounters with the public, the investigation reports — as well as to the internal command-and-control structure of LASD. The gangs "undermine supervision, destroy public trust, are discriminatory, disruptive, and act contrary to ... professional policing," the report concludes.

Perhaps most alarming, the investigation reveals that in recent years "tattooed deputy gang members" have risen to "the highest levels" of department leadership. It calls out recent former Sheriff Alex Villanueva (who lost his 2022 reelection bid) for betraying promises of reform by installing gang members as his right-hand men. Villanueva, the report says, "at minimum tolerated, if not rewarded deputy gangs."

The new investigation describes a deputy-gang culture that is "deeply embedded" within LASD, calling it a "cancer" that "must be excised." Conducted by the special counsel to the Civilian Oversight Commission — the county body that watchdogs LASD — the 70-page investigation relied on interviews with nearly 80 witnesses as well as dozens of depositions, court exhibits, and civil lawsuits.

LASD is the nation's second-largest municipal law enforcement agency. Its deputies are sworn to "serve and protect" more than four million residents — as well as to operate America's largest county jail system. Yet LASD has long been riven by lawlessness. Gangs and cliques were first decried in LASD in 1973, with the identification of a group called the Little Devils. A landmark report by the Kolts Commission, issued in the wake of the Rodney King beating, denounced the problem of deputy cliques publically in 1992. A 2021 report commissioned by L.A. County underscored that deputy-gangs had cost taxpayers at least \$55 million in court judgments and settlements, and it excoriated leadership that "can't or won't" implement gang reforms.

In the past, official reports have minced words around the "gang" terminology; this new report insists that common behaviors by deputy cliques meet the definition of "law enforcement gangs" under the state's penal code, and that both cliques and gangs "must be eradicated" in the name of public safety.

67 Exhibit 4 10/22

LASD gangs are based out the department's geographic precincts, which the report calls out for operating as quasi-independent "fiefdoms." For example, the Executioners run out of Compton Station, while East L.A. Station is notorious as the home of the Banditos. Much like street gangs, the various LASD gangs mark themselves with tattoos; the Executioner ink is described as "a skeleton holding an automatic rifle."

→ The report insists that the gangs operate "much like the Mafia" and that only "made" members are entitled to the tattoo. Deputies eager to join a gang are notorious for "chasing ink" — or engaging in violence toward county residents, as a means of proving their moxie "in the hope of becoming members." This has led to a rash of "excessive force or other forms of unconstitutional policing," the report says.

Exhibit B

Call Logs - 8 pages

1 of 9

69-77

7:42

All

Missed

edit

CA HIGHWAY PATROL (2)

phone

Friday 1

SACRAMENTO HIGHWAY PATR...

phone

Friday 1

SACRAMENTO HIGHWAY PATR...

phone

Friday 1

SACRAMENTO CHP

phone

Friday 1

OC FIRE AUTHORITY (2)

phone

Friday 1

OC FIRE AUTHORITY

phone

Friday 1

SACRAMENTO CHP

phone

Friday 1

NORTH SAC CHP

phone

Friday 1

911 (2)

unknown

Friday 1

OC SHERIFF 1-MAIN,2-CELL/L...

phone

Friday 1

911

unknown

Friday 1

OC SHERIFF 1-MAIN,2-CELL/L...

phone

Friday 1

(2) (70)

Evidence

Code

Record

← Santa Ana CHP

2/3/2023

← Sac. Headquarter of CHP

← missed call Evidence

Code

← \*F.S.I 6pm 916.843.3000 16min

3/3/23

Record Call Log

Arthur Lopez

← 1pm - 11 minute

← 12:43pm - 16min

3/3/23 Friday

← Refused Police Service

← Directed to Com to Yorba Linda

12:12pm - 13 min

← Refused Police Services Nor Sup/Watcd Comm

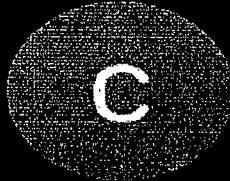
3/3/23

← Erico Dug. Sup



7:42

Recent



# CA HIGHWAY PATROL

message

call

video

March 3, 2023

3:18 PM Incoming Call  
4 minutes

2:22 PM Incoming Call  
23 minutes

phone **URGENT**  
(714) 328-6500

Notes

Send Message

Share Contact

Add to Favorites

Favorites

Recent

Contacts

Keyboard

Voicemail 27

Record - Evidence Code  
3/3/23

Santa Ana  
CHP -  
Officer Bean

71

Santa Ana (H)

Officer Bean

He was  
to reach  
out to Sheriff

Evidence Code

Record Call L

from 949-278-1793  
2:22 - 3:18 p.m.  
URGENT

Arthur Lopez  
P.O. Box 13081  
N.B. Ca  
9265

Friday  
March 3<sup>rd</sup>  
2023

7:43

All

Missed

1/11

4

LA SHERIFFSGT CASTRO

phone

Friday

SANTA ANA CA HWY PATROL (2)

phone

Friday

SACRAMENTO HIGHWAY PATR...

phone

Friday

SACRAMENTO HIGHWAY PATR...

phone

Friday

SACRAMENTO CHP

phone

Friday

OC FIRE AUTHORITY (2)

phone

Friday

OC FIRE AUTHORITY

phone

Friday

SACRAMENTO CHP

phone

Friday

NORTH SAC CHP

phone

Friday

911 (2)

unknown

Friday

OC SHERIFF 1-MAIN,2-CELL/L...

phone

Friday

911

unknown

Friday

3/3/2023

72

← O.C Sheriff  
Refused Police  
Service -  
Refused  
Watch Command  
Directed by Eric  
Disp. Sup. to (omit)



27

Favorites

Recent

Contacts

Keynote

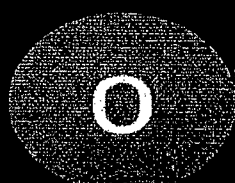
Voicemail

7:18



← Recents

Edit



OC SHERIFF 1-MAIN, 2-CELL/LOEPES, 3-ERIC DISPATCH SUPERVISOR



Messages



Call



FaceTime



App Store



Pay

Yesterday

7:44 AM Outgoing Call  
6 minutes

7:40 AM Outgoing Call  
1 minute

phone [REDACTED]

+1 (714) 647-7000

phone

+1 (714) 719-1215

phone

+1 (714) 288-6743

FaceTime

Notes



Favorites



Recent calls



Contacts



Keypad



Voice mail



Rec'd  
Call Log  
of 3/4/2023

← Requested  
Service Call  
to J.A. OHL  
@ Lemon  
Imperial Hi  
Yorba Linda

To keep place  
while contacts  
Daughter 18 yrs  
Thalia  
(Lopez)  
@ her

Known  
Residence  
By Sheriff

(73)



5:41

LTE

All

Missed

15:11

EXTRA SPADE

phone

10:53 AM



+1 (714) 719-1215

Garden Grove, CA

10:36 AM



+1 (714) 288-6743

Orange, CA

9:50 AM



OC SHERIFF (2)

phone

9:36 AM



911 (2)

unknown

9:01 AM



No Caller ID

unknown

8:56 AM



+1 (714) 338-5500 (2)

Santa Ana, CA

8:42 AM



911

unknown

8:38 AM



CHERYL

phone

8:37 AM



OC SHERIFF

phone

8:30 AM



+1 (800) 786-1000

unknown

8:06 AM



OC SHERIFF (2)

phone

7:44 AM



3/4/2023  
 \* Show and 12 minutes  
 after Sheriff Arrived  
 in Front of House  
 across Street  
 @ 8:56 am  
 Requested Arrest  
 in Baller for Disturb  
 on 3837 on  
 Cheryl Blake  
 Conversational  
 Single Phone Call  
 Cheryl Blake  
 To Speak  
 Thalia  
 8:30am - 9:30am  
 3/4/23  
 Follow up to  
 serv call - NO  
 show yet  
 TN Out  
 Customer Ser  
 Serv Call  
 3/4/2023  
 From NO out  
 Yorba Linda

7:19



All

Missed

Edit

EXTRA SPACE

phone

Yesterday

OC SHERIFF 1-MAIN,2-CEL...

phone

Yesterday

OC SHERIFF 1-MAIN,2-CEL...

phone

Yesterday

OC SHERIFF 1-MAIN,2-C... (2)

phone

Yesterday

911 (2)

unknown

Yesterday

No Caller ID

unknown

Yesterday

+1 (714) 338-5500 (2)

Santa Ana, CA

Yesterday

911

unknown

Yesterday

CHERYL

phone

Yesterday

OC SHERIFF 1-MAIN,2-CEL...

phone

Yesterday

IN N OUT CUSTOMER SERV...

phone

Yesterday

OC SHERIFF 1-MAIN,2-C... (2)

phone

Yesterday



Favorites



Recent



Contacts

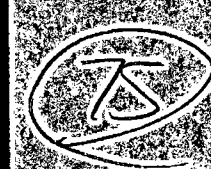


Keyboard



Voice Mail

27



3/4/2023  
Record  
of  
Call  
Log  
Here

5:41

LTE 100%

8

Recents

Edit



OC SHERIFF



Today

9:36 AM Outgoing Call  
1 minute

9:18 AM Outgoing Call  
5 minutes

phone RECENT

41 (714) 647-7600

Notes

Send Message

Share Contact

Add to Favorites



3/9/2023  
OC Sheriff  
Requesting  
← Call  
← from  
Sgt.  
Ward  
Comm  
for  
Police  
Service

76

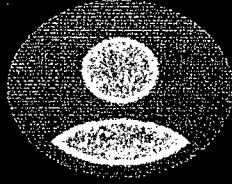


5:44

LTE

9

Recent



911

unknown

message

call

voicemail

Today

2:08 PM Outgoing Call  
5 minutes

Share Contact

Create New Contact

Add to Existing Contact

Add to Emergency Contacts

Share My Location

Block this Caller

Reported  
Fire  
Cpt Complex  
on Chapman  
North of  
Kraemer  
Placenta

Favorites

Recents

Contacts

Messages

Voicemail 27

77

Exhibit X

— Extortion Evidence <sup>4pp</sup> —

124

78



7/16/19

FL-160

ATTORNEY OR PARTY WITHOUT ATTORNEY (Print Name, Bar number, and address) 10405/ <b>LAW OFFICES OF DANIEL JAMES BOEHM</b> 444 WEST TENTH STREET SUITE 200 SANTA ANA, CALIFORNIA 92701 TELEPHONE NO: 714-543-1851 FAX NO: 714-543-9721 E-MAIL ADDRESS: DANIELBOEHM@YAHOO.COM ATTORNEY FOR (Name): RESPONDENT		<b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE LAMOREAUX JUSTICE CENTER <b>JUL 13 2019</b> ALAN CARLSON, Clerk of the Court <i>[Signature]</i> BY: T. KENKERY DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 341 THE CITY DRIVE MAILING ADDRESS: POST OFFICE BOX CITY AND ZIP CODE: ORANGE, CALIFORNIA 92868-1570 BRANCH NAME: LAMOREAUX JUSTICE CENTER		
PETITIONER: ARTHUR LOPEZ RESPONDENT: CHERYL LOPEZ OTHER PARENT/PARTY:		
<input type="checkbox"/> PETITIONER'S <input checked="" type="checkbox"/> RESPONDENT'S <input checked="" type="checkbox"/> COMMUNITY AND QUASI-COMMUNITY PROPERTY DECLARATION <input type="checkbox"/> SEPARATE PROPERTY DECLARATION		CASE NUMBER: 16D001283

See Instructions on page 4 for information about completing this form. For additional space, use Continuation of Property Declaration (form FL-161).

A	B	C	D	E	F		
ITEM NO.	BRIEF DESCRIPTION	DATE ACQUIRED	GROSS FAIR MARKET VALUE	AMOUNT OF DEBT	NET FAIR MARKET VALUE	PROPOSAL FOR DIVISION Award or Confirm to: PETITIONER RESPONDENT	
1.	REAL ESTATE		\$	\$	\$	\$	\$
2.	HOUSEHOLD FURNITURE, FURNISHINGS, APPLIANCES MISCELLANEOUS FURNITURE AND FURNISHINGS	D/M	4,000				
3.	JEWELRY, ANTIQUES, ART, COIN COLLECTIONS, etc.						
4.	VEHICLES, BOATS, TRAILERS 2003 FORD LINCOLN NAVIGATOR 2008 LEXUS LS 600 HL		2,000 25,000	3,525 14,525			
5.	SAVINGS ACCOUNTS						
6.	CHECKING ACCOUNTS						

Page 1 of 4

X 79

A	B	C	D	E	F	
ITEM NO.	DATE ACQUIRED	GROSS FAIR MARKET VALUE	AMOUNT OF DEBT	NET FAIR MARKET VALUE	PROPOSAL FOR DIVISION Award or Confirm to: PETITIONER RESPONDENT	
7. CREDIT UNION, OTHER DEPOSITORY ACCOUNTS CHASE CHECKING ACCOUNT		\$ 100	\$	\$	\$	\$
8. CASH						
9. TAX REFUND						
10. LIFE INSURANCE WITH CASH SURRENDER OR LOAN VALUE						
11. STOCKS, BONDS, SECURED NOTES, MUTUAL FUNDS						
12. RETIREMENT AND PENSIONS						
13. PROFIT-SHARING, IRAS, DEFERRED COMPENSATION, ANNUITIES FIDELITY 401(K)		455				
14. ACCOUNTS RECEIVABLE, UNSECURED NOTES						
15. PARTNERSHIP, OTHER BUSINESS INTERESTS LIBERTY CREDIT CORPORATION						
16. OTHER ASSETS OFFICE FURNITURE & EQUIPMENT	DM	8,000				
17. ASSETS FROM CONTINUATION SHEET						
18. TOTAL ASSETS						

X

80

Exhibit

A	B	C	D	
ITEM NO. DEBTS— SHOW TO WHOM OWED	DATE INCURRED	TOTAL OWING	PROPOSAL FOR DIVISION Award or Confirm to: PETITIONER RESPONDENT	
19. STUDENT LOANS		\$	\$	\$
20. TAXES				
2015 FEDERAL INCOME TAXES		2,630		2630
2015 STATE INCOME TAXES		1,350		1350
21. SUPPORT ARREARAGES				
22. LOANS—UNSECURED				
23. CREDIT CARDS				
SCHOOLS FIRST CREDIT CARD		5,000		
24. OTHER DEBTS				
DOLLAR LOAN		2,300		
TITLE MAX		2,923		
LBS FEDERAL CREDIT UNION		26,000		
DIANE CALHOUN		350,000		
STORAGE UNIT: \$360.00/MONTH				
25. OTHER DEBTS FROM CONTINUATION SHEET				
26. TOTAL DEBTS				

*False*

*Respondent's Mother*

*Discharged Debt As per Federal Bankruptcy 2012*

A Continuation of Property Declaration (form FL-161) is attached and incorporated by reference.

I declare under penalty of perjury under the laws of the State of California that, to the best of my knowledge, the foregoing is a true and correct listing of assets and obligations and the amounts shown are correct.

Date: JULY 6, 2016

**CHERYL LOPEZ**

(TYPE OR PRINT NAME)

**See Attached Facsimile Signature**

SIGNATURE

*X*  
*81 Exhibit*

*#11-Bk-25308*

Part II

Exhibit/Appendix A

Memorandum/Affidavit  
In Support

1 Your name: Arthur Lopez  
2 Address: P.O. Box 13081  
3 Newport Beach, CA 92658  
4 Phone Number: 949 278-7793  
5 Fax Number: \_\_\_\_\_  
6 E-mail Address: \_\_\_\_\_

7 Pro Se [Select one: Plaintiff or Defendant]

8 Superior Court of California  
9 County of Orange

11 Arthur Lopez  
12 }  
13 }  
14 } Plaintiff(s),

Case Number: 30-2022-01271461-  
CU-CR-CJC

15 vs.  
16 Our Lady Queen  
17 of Angels Catholic  
18 Church, et al

Title of Document:  
Plaintiff Arthur Lopez's  
Request for Stay of  
Proceedings or In The  
Alternative a 60 Day  
Continuance for an  
Abundance of Work Cause  
and In The Interest of Justice  
Not Case  
Recreation of Arthur Lopez - Memorandum  
Sup

21 Defendant(s).

22 Related Case #'s

23 \* 30-2022-01287806-CU-CR

24 \* Currently Assigned TO

25 San Diego County Superior Court

26 \* #16D001283-

27 Orange County Superior Court

28 Family Law Samoreaux

Judge David Hoffer

Date: \_\_\_\_\_

Department: C-16

Location: 700 West Civic Center Drive

Santa Ana, CA 92701

TITLE OF DOCUMENT: Exhite Request for Stay CASE NO. 30-2022-01271461-CU-CR-CJC

PAGE NO. 1 OF 10 [JDC TEMPLATE]  
+ Exhite (86 pgs.)

\* Ex Parte Request For Stay \*  
Declaration of Notice

Please accept plaintiffs Declaration of Notice of this Ex-Parte Application for Stay Hearing of March 17<sup>th</sup>, 2023 @ 1:30pm in Dept. C-16 of the Superior Court of California, County of Orange provided to opposing counsel Tyler Bernstein via e-mail - tbernstein@sheppardmullin.com @ 4:41 pm and again @ 5:37 pm on Thursday, March 16<sup>th</sup>, 2023. Opposing Counsel and Plaintiff conferred by phone @ 6:30pm for 15 minutes @ which time Counsel confirmed he'd be present @ March 17<sup>th</sup>, 2023 hearing @ 1:30pm in Dept. C-16 @ Superior Court-Central.

I Arthur Lopez hereby declare under penalty of perjury under the laws of the State of California that all herein contained is true.

March 16<sup>th</sup> 2023

Arthur Lopez  
Arthur Lopez

TITLE OF DOCUMENT: \_\_\_\_\_ CASE NO.: \_\_\_\_\_

PAGE NO. 2 OF 10 [JDC TEMPLATE]

\* Ex Parte Request For Stay \*  
Memorandum In Support

This Application For Stay Arises From Recently Discovered New Corruption, Obstruction, Collusion and Fraud Being Carried out By these defendants and Conspiring defendants in other Civil Unlimited Cases currently in litigation. Specifically, the other conspiring defendants include Orange County Sheriff Department agents, Orange County Sheriff-Don Barnes agents, Superior Court of California County of Orange - staff agents and Cohort(s) - Respondent Cheryl Lopez (Case # 16D001283), and her criminal associates which are itemized in Exhibit A attached to this Application, and which was hand delivered to this department this day to Court Clerk Madam Debbie @ 11:55 am. since Superior Court ADA (Coordinator), Civil Division Supervisor Ryan (and Clerk Nadia) and Records Dept Supervisor (Clerks - Lopez, Rodriguez), Of Sheriff Catalan (#684) would not make petition available for this court's viewing in any form even after detaining Plaintiff for over 1 1/2 hours between 9:21 am - 11:30 am. Furthermore, the issues detailed in said "Exhibit A Petition" in support of this Application involves petitioner and his 18 year old daughter who have been alienated from each other, against her will, by coercion by these defendants so as to preclude

Case # 202201287  
CU-822

TITLE OF DOCUMENT: \_\_\_\_\_ CASE NO.: \_\_\_\_\_

1 Plaintiff's daughter from being introduced  
2 as a Plaintiff in this case since  
3 her coming of age 18 on January 12<sup>th</sup>, 2023  
4 is additional tolling authority, under California  
5 statute, for any applicable "Statute of Limitations"  
6 periods since she is one of three of Plaintiff's  
7 children related to these defendant's violations  
8 and part of the Causes of action in this  
9 litigation. In addition, Plaintiff has  
10 provided new recent events and evidence  
11 pertaining to this daughter being coerced and  
12 physically prevented from even speaking  
13 to Plaintiff over the phone on March 4<sup>th</sup>, 2023  
14 and then agents of defendant Orange County  
15 Sheriff Department executing an entrapment  
16 scheme upon Plaintiff and depriving his  
17 U. S. Constitutional Civil Rights on  
18 March 3<sup>rd</sup> and 4<sup>th</sup> of 2023. Plaintiff  
19 would also request judicial notice be  
20 taken of the personally delivered handcopy  
21 of the petition for writ of Mandate today  
22 to Dept C-110 - received by Mrs. Debbie  
23 (pages 3-110-Table of Authorities) omitted  
24 after having made a copy following the court's  
25 refusal to make it available for the dept,  
26 @ the Public Defender's office - unexplicably  
27 missing - here attached is an electronic copy  
28 submitted to the Supreme Court March 12<sup>th</sup>, 2023.

TITLE OF DOCUMENT: \_\_\_\_\_

CASE NO.: \_\_\_\_\_

PAGE NO. 4 OF 10 [JDC TEMPLATE]

1 where the Table of Authorities (Pgs. 3-16) were  
2 included, Point being these may have been  
3 stolen while Plaintiff was needlessly  
4 detained - stalled for two hours inside  
5 the Central Courthouse or misplaced by  
6 the O.C. Public Defenders office, who made  
7 the copy to prevent these from making  
8 it to their courtroom. Whatever the  
9 case too many obstructions continuously  
10 being created by Defendants in this  
11 case and defendants in other cases all  
12 of which are under the same  
13 umbrella in collusion, conspiracy,  
14 coercion and fraud to derail - hamper  
15 the judicial fair Due Process guaranteed  
16 to Plaintiff under the Constitution  
17 of the United States to further harm  
18 Plaintiff and his dearest. All of  
19 which is abundantly good cause  
20 to stay these proceedings or in the  
21 alternative, a 90 Day Continuance  
22 under authority of both California  
23 Rules of Court 3.515. (2) "A stay order may be  
24 issued with or without a hearing";  
25 (a) "Any party may file a motion for an order  
26 under Code of Civil Procedure section 404.5 staying  
27 the proceedings in any action, being considered...  
28 Also, California Code of Civil Procedure §404.5,

TITLE OF DOCUMENT: \_\_\_\_\_ CASE NO.: \_\_\_\_\_



1 "Pending any determination of whether  
2 coordination is appropriate, the judge  
3 making that determination may stay any action  
4 being considered. . . ."

5 Now then please take judicial  
6 notice of attached Exhibit A in support  
7 of this Application for Stay or in the  
8 alternative a 90 Day Continuance for this case  
9 so as to attempt to unravel the delays  
10 and obstructions unlawfully imposed-created  
11 with malicious intent by all defendants  
12 and respondents herein and within the  
13 attached Memorandums detailing the violations  
14 referred to as reason for this Application

15 Also please see *Freiberg v. City of Mission*  
16 *viejo* (1995) 33 Cal. App. 4th 1484, 1489, citing  
17 "Trial Courts generally have the inherent  
18 power to stay proceedings in the interests  
19 of justice and to promote judicial efficiency"

20 And also see *Coffle v. Superior Court* (1992)  
21 3 Cal. App. 4th 1367, 1376-79 citing  
22 "Trial judges have inherent powers to manage  
23 and fashion procedures to control litigation  
24 to insure the orderly administration of justice"

25  
26 Moreover, Notice of Appeal was filed with this Court  
27 March 10<sup>th</sup>, 2023 Following Denial of ADA Accom. Request for  
28 Extension of Time

TITLE OF DOCUMENT: \_\_\_\_\_

CASE NO.: \_\_\_\_\_

PAGE NO. 6 OF 10 [JDC TEMPLATE]

1 lastly, take judicial Notice these  
2 premeditated inflictions of emotional  
3 distress and prolonged unnecessary delays are  
4 also being intentionally carried out to  
5 force aggravating Plaintiff's injuries and  
6 to drain time and resources from  
7 Plaintiff's disabled ability to meet case  
8 deadlines and tasks on these and other  
9 civil cases in litigation some involving prostitution  
10 and sex trafficking matters.

11 I, Arthur Lopez hereby declare under  
12 penalty of perjury under the laws of the State  
13 of California that all herein contained is true.  
14  
15

16  
17  
18 Date: March 17<sup>th</sup>, 2023 Sign Name: Arthur Lopez  
19 Print Name: ARTHUR LOPEZ  
20  
21  
22  
23  
24  
25  
26  
27  
28



There is a newer version of this Section ↓

View our newest version here →

**2017 California Code  
Code of Civil Procedure - CCP  
PART 2 - OF CIVIL ACTIONS  
TITLE 4 - OF THE PLACE OF TRIAL,  
RECLASSIFICATION, AND  
COORDINATION OF CIVIL ACTIONS  
CHAPTER 3 - Coordination  
Section 404.5.**

**Universal Citation:** CA Civ Pro Code § 404.5 (2017)

404.5.

Pending any determination of whether coordination is appropriate, the judge making that determination may stay any action being considered for, or affecting an action being considered for, coordination.

*(Added by Stats. 1972, Ch. 1162.)*

**Disclaimer:** These codes may not be the most recent version. California may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained on this site or the information linked to on the state site. Please check official sources.



# California Rules of Court

(Revised January 1, 2022)

[Print this page](#)

[Close this window when you finish printing](#)

## **Rule 3.515. Motions and orders for a stay**

### **(a) Motion for stay**

Any party may file a motion for an order under Code of Civil Procedure section 404.5 staying the proceedings in any action being considered for, or affecting an action being considered for, coordination, or the court may stay the proceedings on its own motion. The motion for a stay may be included with a petition for coordination or may be served and submitted to the Chair of the Judicial Council and the coordination motion judge by any party at any time prior to the determination of the petition.

*(Subd (a) amended effective January 1, 2005.)*

### **(b) Contents of motion**

A motion for a stay order must:

- (1) List all known pending related cases;
- (2) State whether the stay order should extend to any such related case; and
- (3) Be supported by a memorandum and by declarations establishing the facts relied on to show that a stay order is necessary and appropriate to effectuate the purposes of coordination.

*(Subd (b) amended and lettered effective January 1, 2005; adopted as part of subd (a).)*

### **(c) Service requirements for certain motions for stay orders**

If the action to be stayed is not included in the petition for coordination or any response to that petition, the motion for a stay order and all supporting documents must be served on each party to the action to be stayed and any such party may serve and submit opposition to the motion for a stay order.

*(Subd (c) amended and lettered effective January 1, 2005; adopted as part of subd (a).)*

### **(d) Opposition to motion for stay order**

Any memorandums and declarations in opposition to a motion for a stay order must be served and submitted within 10 days after service of the motion.

*(Subd (d) amended and lettered effective January 1, 2005; adopted as part of subd (a).)*

### **(e) Hearing on motion for stay order**

A stay order may be issued with or without a hearing. A party filing a motion for a stay order or opposition thereto may request a hearing to determine whether the stay order should be granted. A request for hearing should be made at the time the requesting party files the motion or opposition. If the coordination motion judge grants the request for a hearing, the requesting party must provide notice.

*(Subd (e) amended and lettered effective January 1, 2005; adopted as part of subd (a).)*

### **(f) Determination of motion for stay order**

4 of 10

In ruling on a motion for a stay order, the assigned judge must determine whether the stay will promote the ends of justice, considering the imminence of any trial or other proceeding that might materially affect the status of the action to be stayed, and whether a final judgment in that action would have a res judicata or collateral estoppel effect with regard to any common issue of the included actions.

*(Subd (f) amended and relettered effective January 1, 2005; adopted as subd (e).)*

**(g) Issuance of stay order and termination of stay**

If a stay order is issued, the party that requested the stay must serve and file a copy of the order in each included action that is stayed. Thirty or more days following issuance of the stay order, any party that is subject to the stay order may move to terminate the stay.

*(Subd (g) amended and relettered effective January 1, 2005; adopted as subd (b).)*

**(h) Effect of stay order**

Unless otherwise specified in the order, a stay order suspends all proceedings in the action to which it applies. A stay order may be limited by its terms to specified proceedings, orders, motions, or other phases of the action to which the order applies.

*(Subd (h) amended and relettered effective January 1, 2005; adopted as subd (c).)*

**(i) Effect of absence of stay order**

In the absence of a stay order, a court receiving an order assigning a coordination motion judge may continue to exercise jurisdiction over the included action for purposes of all pretrial and discovery proceedings, but no trial may be commenced and no judgment may be entered in that action unless trial of the action had commenced before the assignment of the coordination motion judge.

*(Subd (i) amended and relettered effective January 1, 2005; adopted as subd (d); previously amended effective July 1, 1974.)*

**(j) Effect of stay order on dismissal for lack of prosecution**

The time during which any stay of proceedings is in effect under the rules in this chapter must not be included in determining whether the action stayed should be dismissed for lack of prosecution under chapter 1.5 (§ 583.110 et seq.) of title 8 of part 2 of the Code of Civil Procedure.

*(Subd (j) amended and relettered effective January 1, 2005; adopted as subd (f); previously amended effective January 1, 1986.)*

*Rule 3.515 renumbered effective January 1, 2007; adopted as rule 1514 effective January 1, 1974; previously amended effective July 1, 1974, January 1, 1986, and January 1, 2005.*

Appendix C

RELAY FOR PEOPLE WITH HEARING LOSS  
OR 800-877-8329

EMERGENCY STAY INJUNCTIVE  
RELIEF

MS. MARIANA

THE INJUNCTIVE RELIEF I SPOKE  
OF IS RELATED TO CASE  
#80-2022-0127 1461-CU-CR-CJC  
ARTHUR LOPEZ V. OUR LADY  
QUEEN OF ANGELS CATHOLIC  
CHURCH, et al  
SUPERIOR COURT OF  
CALIFORNIA,  
COUNTY OF ORANGE  
DEPT. C-16 @ 1:30pm  
HEARING ON DEMURER

UNITED STATES AIRFORCE  
SERVICEMAN (MEN) -  
CHRISTOPHER COVARRUBIAS  
(PROSTITUTION-SEX  
TRAFFICKING ASSOCIATES  
CHERYL LOPEZ-COERCION OF 18  
YEAR OLD PLAINTIFF'S  
DAUGHTER)

IF YOU HAVE ANY QUESTIONS  
FEEL FREE TO CALL



MS. MARIANA,

THE INJUNCTIVE RELIEF I SPOKE  
OF IS RELATED TO CASE  
#30-2022-01271461-CU-CR-CJC  
ARTHUR LOPEZ v. OUR LADY  
QUEEN OF ANGELS CATHOLIC  
CHURCH, et al.  
SUPERIOR COURT OF  
CALIFORNIA,  
COUNTY OF ORANGE  
DEPT C-16 @ 1:30pm  
HEARING ON DEMURER

UNITED STATES AIRFORCE  
SERVICEMAN(MEN)-  
CHRISTOPHER COVARRUBIAS  
(PROSTITUTION-SEX  
TRAFFICKING ASSOCIATES  
CHERYL LOPEZ-COERCION OF 18  
YEAR OLD PLAINTIFF'S  
DAUGHTER).

IF YOU HAVE ANY QUESTIONS  
FEEL FREE TO CALL.

ARTHUR LOPEZ  
949.278.7793  
PO BOX 13081  
NEWPORT BEACH, CA 92658



# Appendix Z

United States Air Force  
Declaration of Christopher Covarrubias  
4pgs

A standard and has been applied read only to prevent impairment

# DECLARATION OF CHRISTOPHER COVARRUBIAS



1 of 4

with the PDF/A standard and has been opened read-only to prevent modification.

Respondent is being less than honest about the support I have provided her. In order to support her, I did not cut her off financially.

10 On or about November 17, 2018, Respondent appeared at my home on 69th Street unannounced and entered my home without my permission. She became unhinged when she saw that a female guest was at my home. She tried to attack me and my house guest. After Respondent left my home, she called the police and made a false claim against me. Thereafter, Respondent refused to sign the Marital Settlement and Agreement. Instead, she filed her response stating false claims about me, including the financial support I have provided her and continue to do so to this date.

11 Regarding health insurance, I pay for Respondent's healthcare. It has never been cancelled nor has it lapsed. The healthcare coverage is through the Air Force Reserve. Respondent's health insurance is through the Reserve and is not subject to the same rules as other health insurance.

age

6 In June 2017, Respondent and I separated after years of physical and financial and violence at the hands of Respondent. As such, Respondent moved to her mother's located in Downey, California. In turn, I moved in with my father.

7 During this time, I bought a single-family home in South Los Angeles, 1863 E Street, and closed on it in June 2018. Respondent voluntarily signed an Interspousal Transfer Deed, a copy of which is attached hereto as Exhibit 1. Thereafter, I moved into the Street house. To supplement my income, ability to survive and pay Respondent's financial demands I turned portions of the 69<sup>th</sup> Street home, such as the converted garage and two rooms in the main house, into an Airbnb.

8 Again, I urged Respondent to find gainful employment and to utilize the educational degrees that she obtained during the course of our marriage. To help Respondent during the interim, I agreed to pay her to assist me with the management and maintenance of the Airbnb rental. Respondent assisted with the Airbnb from in or about July

3 of 4

ice with the PDF/A stamp... read only

THOUT ATTORNEY OR ATTORNEY  
CHRISTOPHER COVARRUBIAS

ADDRESS: 1863 E. 69TH ST  
LOS ANGELES

PHONE NO.: 562-331-2250

ADDRESS:

KEY FOR (name): SELF-REPRESENTED

ERIOR COURT OF CALIFORNIA, COUNTY OF LOS A

STREET ADDRESS: 111 N. HILL STREET

MAILING ADDRESS: SAME

CITY AND ZIP CODE: LOS ANGELES 90012

BRANCH NAME: CENTRAL DISTRICT

PETITIONER: CHRISTOPHER COVARRUBIAS  
RESPONDENT: DOMINIQUE VALDEZ

PETITION FOR

4 of 4

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

Arthur Lopez — PETITIONER  
(Your Name)

Our Lady Queen of Angels Catholic Church, et al — RESPONDENT(S)  
vs. Arthur Lopez  
**PROOF OF SERVICE**

I, Arthur Lopez, do swear or declare that on this date, March 20<sup>th</sup>, 2023, as required by Supreme Court Rule 29 I have served the enclosed Application For Emergency Stay + Injunction (TRO) and PETITION FOR A WRIT OF HABEAS CORPUS on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Our Lady Queen of Angels Catholic Church, et al  
c/o Tyler Bernstein atty : tbernstein@sheppardmullin.com

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 20<sup>th</sup>, 2023

Arthur Lopez  
(Signature)  
ARTHUR LOPEZ