ORIGINAL

23-1318
No._____

IN THE

SUPREME COURT OF THE UNITED STATES

Arthur Lopez – Petitioner

vs.

MUFG Holding Corporation et al – Respondent(s)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of California

PETITION FOR

Arthur Lopez, Self-Represented

P.O. Box 13081 Newport Beach, CA 92658

949.278.7793

QUESTION(S) PRESENTED

1.) Should Due Process of Law as mandated by the United States Constitution Fourteenth Amendment be afforded to self-represented litigant Plaintiff related to Civil Case against Defendant on the Matters of Infliction of Emotional Distress and Plaintiff's claims against Defendants to the United States Bankruptcy Court and Leave to Amend Complaint?

2.) Should self-represented Plaintiff litigant Right to Appeal / review Civil Cases and Tolling Doctrines and Exceptions to res judicatas be afforded?

3.) Should Conflict of Interest discovered by Petitioner in regards to Presiding Justice Kathleen O'Leary, CA Court of Appeals 4th

District, Division Three (CCP 170.1-170.9) and her spouse Kenneth Babcock, Director of Public Law Center being recipient of multi-thousand dollar's gifts / donations from MUFG Holding Corporation, et al. (for which Presiding Justice O'Leary denied her own recusal) be sufficient to vacate dismissal judgements of this case?

LIST OF PARTIES

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

a. MUFG Union Bank, NA

b. Union BanCal Corporation

c. MUFG Americas Holding Corporation

d. MUFG Bank, LTD.

e. Union BanCal Mortgage Corporation

f. Mitsubishi UFJ Financial Group Inc.

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APPENDIX E – Arthur Lopez Declaration related to claims against Defendant Union Bank in Bankruptcy Court - 2012

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APPENDIX ZZ - Petitioner's former house - 11540 Hoxie Dr, Tustin, CA 92782 (current appraise value)

TABLE OF AUTHORITIES CITED

STATUTES AND RULES

Memorandum of Points and Authorities Tolling Doctrines

1.) Richard v. CH2M Hill, Inc., 26 Cal. 4th 798 "Failure to reasonably accommodate disabled employee was subject to continuing violation... for purposes of the Statute of Limitations..." An employer's persisted failure to reasonably accommodate a disability, or to eliminate hostile work environment targeting a disabled employee, is a continuing violation for purposes of the statute of limitations..." 8

2.) Jay Brome vs. California Highway Patrol, 44 Cal. App. 5th 786, Court of Appeals, First District,

Division Five (January 29th, 2020) "Whereby the CA Highway Patrol knowingly permitted the intolerable conditions of harassment and discrimination against a patrol officer, ("Brome"), because of his sexual orientation was in violation of the Fair Employment and Housing Act and that he was constructively discharged..." Therefore, 1.) Triable issue of fact precluded summary judgment on application of equitable) Tolling Doctrine; 2.) Triable issue of fact precluded summary judgment or application of "Continuing Violations" Doctrine; and 3.) Triable issue of fact 9 precluded summary judgment on constructive discharge claim.
*Reversed and Remanded

3.) Aryeh v. Canon Business Solutions, Inc. 55 Cal 4th 1185 (January 24th, 2013) Supreme Court of California "The Supreme Court, Werdegar, J., held

that 1.) Statute of Limitations for a Unfair Competition Law (UCL) deceptive practices claim may be tolled under the Discovery Rule,..." 2.) Statute of Limitations for UCL claims against copier lessor was not tolled under Continuing Violation doctrine; but 3.) New UCL limitations period applied to each of lessor's alleged continuous unfair acts." Opinion, 111 Cal Rptr. 3d 211, superseded.

4.) Fox v. Ethicon Endo-Surgery, Inc., 35 Cal. 4th 797, May 9th, 2005 "The Supreme Court, Moreno, J., held that: 1.) "Patient (Plaintiff) was entitled to amend her complaint to allege facts explaining why she did not discovery earlier factual basis for products liability claim, and 2.) accrual of products liability cause of action was delayed unless patient had reason to suspect that her injury resulted from

defective product;" disapproving Bristol-Myers Squible Co. v. Superior Court 32 Cal App 4th 959

5.) NBCUniversal Media, LLC et al v. The Superior Court of Los Angeles County, Resp. (Larry Montz, et al., Real Party in Interest), 11 225 Cal. App 4th 1222, CA Court of Appeals, Second District, Division Four The Court of Appeal, Mannela, J., held that: "Statute of Limitations began Jo Run No Later than the date of the initial network broadcast of the allegedly infringing show." (Discovery Rule postpones accrual of a cause faction until Plaintiff discovers, or has reason to discover, the cause of action).

6.) Neel v. Magana, Olney, Levy, Cathcart & Gelfand, et al, 6 Cal. 3d 176 Supreme Court of California, in Bank The Supreme Court, Tobriner, J., held that: "A cause of action for professional

malpractice against an attorney did not accrue until client knew or should have 12 known of material facts essential to show elements of cause of action," *Reversed.

7.) McDonald, et al v. Antelope Valley Comm. College Dist. 45 Cal 4th 88, Supreme Court of California No. S153964, October 27th, 2008 The Supreme Court, Wedegar, J., held that: 1.) "Community College internal grievance procedures could support equitable Tolling of the FEHA Statute of Limitation; 2.) FEHA preemption provisions do not foreclose equitable tolling of FEHA Statute of Limitations 3.) The FEHA Statute of Limitations may be equitably tolled 4.) Employee's act of filing FEHA proceeding while her internal grievance proceeding was still pending did not preclude equitable 13 tolling of FEHA Statute

of Limitations. 5.) judicial exhaustion of internal grievance procedure was not required.

8.) Wyatt, et al v. Union Mortgage Company, et al, 24 Cal. 3d 773, S.F. 23748 (August 10th, 1979) Supreme Court of California, in Bank "The Supreme Court, Bird, C.J. held that: 1.) Whether defendants, consisting of a mortgage loan broker and affiliated corporations, satisfied their judiciary obligations of disclosure in good faith toward Plaintiff and the Principals because, in response to questions about rate of interest, late payments, and size of balloon payments due at end of loan period, plaintiff received materially misleading and incomplete 14 information from defendants was question for jury; 2.) Whether individual defendants in their capacities as directors and officers of mortgage loan broker and affiliated

corporations, lured potential borrowers such as Plaintiff's into their officers through misleading "bait and switch" advertising was question for jury in determining civil conspiracy issue; 3.) Statute of Limitations did not begin to run on a part of claims until last overt act pursuant to conspiracy was completed, and 4.) award of $200,000, apportioned among eight corporate and individual defendants, was not excessive under circumstances.

17 - Continuing Violations Doctrine Including Tolling Authorities

1.) Amtrak v. Morgan, 536 U.S. 101 (June 2002) *United States Supreme Court – Continuing Violations Doct

2.) Aryeh v. Canon Business Solutions, Inc. 55 Cal. 4th 1185, January 24th, 2013 *Supreme Court of CA

3.) Free Freehand Corp. v. Adobe System, 852 F. Supp 2d 1171 (February 10th, 2012); U.S Dist. Court San Jose Division

4.) Klehr v. A.O. Smith Corp, 521 U.S> 179, 189 (1997) United States Supreme Court

5.) Baker v. Beech Air Craft Corp., 39 Cal App 3d 315 (1974) *Fraudulent Concealment

6.) Richard v. CH 2M Hill, Inc., 26 Cal 4th 798 (August 23, 2001) California Supreme Court – Continuing Violations Doct.

7.) National R.R. Passenger Corp. v. Abner Morgan, 536 U.S. 101, June 10th, 2002

8.) Brome v. Dept of the California Highway Patrol, 44 Cal. App 5th 786 California Court of Appeal, First Appellate District, Division Five, January 28th, 2020

9.) Herrera v. City of Espanola, 32 J. 4th 980 (April 27th, 2022) U.S. Court of Appeals, Tenth Circuit – Continuing Violations Doctrine: 1983 Litigant

10.) St. Francis Memorial Hospital v. State Department of Public Health, 9 Cal. 5th 17 710 Supreme Court of California *Equitable Tolling Applicable

11.) Jones v. Blanas, 393 F. 3d 918, United States Court of Appeals, Ninth Circuit *Civil Detainee was entitled to equitable tolling.

12.) Tankington v. California Unemployment Ins. Appeals Bd., 172 Cal. App. 4th 1494 (March 12th, 2009) "Finding cause of action not time barred; continuing violations doctrine. Equitable tolling applied.

13.) Richards v. CH2M Hill, Inc, 26 Cal 4th 798 Supreme Court of California, August 23rd, 2001. Failing to reasonably accommodate a disability is a continuing 18 violation for purpose of the statute of limitations.

14.) Addison v. State of California, 21 Cal. 3d 313 (1978) Supreme Court of California

15.) McDonald v. Antelope Valley Community College, 45 Cal 4th 88 (October 27th, 2008)

16.) Hames v. City of Trinidad, 924 F. 3d 1093 (May 15th, 2019) U.S. Court of Appeals, 10th Circuit.

17.) Daviton v. Columbia / HCA Healthcare Corp. 241 F. 3d 1131, U.S. Court of Appeals, Ninth Circuit

IN THE SUPREME COURT OF THE UNITED

STATES PETITION FOR A WRIT OF

CERTIORARI

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

Opinions Below

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

[ ] unpublished

The opinion of the California Court of Appeals, 4th District, Division 3 court appears at Appendix B to the petition and is

[ ] unpublished

JURISDICTION

The date on which the highest state court decided my case was November 15, 2023. A copy of that decision appears on Appendix A.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including April 13, 2024 on January 26, 2024 in Application No. 23 A681.

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

CONSTITUTIONAL AND STATUTORY

PROVISIONS INVOLVED

- United States Constitution Civil rights including 14th, 7th, 13th, 1st, 8th amendments
- 2nd/Alternative Claims / Doctrine of Tolling

Continuous Violations / Doctrine of Tolling

- United States Title 29, Section 794(9) 35.130(a)(b)(1)
- Americans with Disabilities Act of 1990 [35.178, 35.149] 42 U.S.C. 12,101 – 12213 (including 12102 (3) (A)
- California Code of Civil Procedure:
- CCP 525
- CCP 533
- CCP 404.5 25
- CCP 581d

- CCP 170 – 170.9
- CCP 904.1
- CCP 170.4
- CCP 906

STATEMENT OF THE CASE

Most honorable Supreme Court of the United States of America this case arises from the Defendants, MUFG Union Bank premeditated, systematic, scheme of Mortgage Fraud Trade Secret Theft; Antitrust business practice(s); deceit; trickery; Infliction of Emotional Distress; Discrimination (E.C.O.A.) and (Fair Housing Act Title VIII) on the basis of Plaintiff's Mexican Heritage / Hispanic / Latino Race, Catholic – Christian Religion – Religious Beliefs, Familial Status, and Male Gender; Espionage by planting an executive division staff member as a Spy under the false pretense of being a customer of Plaintiff's new start up auto finance company "Liberty Credit Corporation"; Breach of Contract, Breach of Trust; Peonage and Collusion among other unlawful and

Unfair Business Practices against Plaintiff, Inflicting Emotional Distress upon Arthur Lopez causing loss his home, his business and family. Plaintiff, being a father of four lovely minor children and having been in the subprime auto finance industry since 1987 was targeted by the defendant's unscrupulous executives for their unlawful schemes to defraud Plaintiff of his assets and trade secrets.

See Appendix D, E, F

Please note the affixed Post-It Notes from the United States Department of Justice in their returned copy of Plaintiff's November 16, 2011, correspondence submitted to several Federal and State governmental Divisions including the United States Department of Justice whereby the violations described in Plaintiff's letter were labeled "Fraud + Fair Housing Act - Title VIII" and "E.C.O.A." (for Equal Credit Opportunity Act"), by the US DOJ, Appendix D.

This correspondence not only referred to the Defendants' failing to honor their promises for Capital via Plaintiff's home (mortgage) which offered substantial available equity based on their promoted 80% LTV + HELOC programs. The defendants' breach occurred repeatedly from late 2008 through 2011/12, and remains. The planting

of an executive office spy occurred in 2009 via a 36-month security agreement that was signed under false pretense but was not discovered until some time later. The Theft of Trade Secret(s) occurred from the onset upon delivery of the Required Business Plan in October of 2008 approximately and continued through "Liberty Credit Corp's." Operational period of approx. 4-5 years and in perpetuity and discovered 2015. However, the harm from the Defendants Misappropriation of these Plaintiff Trade Secrets continues to this day through the Defendants' vast global network including covering over Nine U.S. states. These include loans with acquisition fees, five yr. terms, over 10% A.P.R., monthly payments, and credit history based without a set F.I.C.O. score as a prerequisite. All of these components were

shared with the defendants under strict confidentiality within Plaintiff's Business Plan which included financial information related to subprime auto loan ratios and the fee schedules, aside from the A.P.R., required to compensate for the anticipated default / attrition. This data is not public information and was never authorized by Plaintiff to incorporate into Defendants Loan business.

As to the anti-trust violations, MUFG Holding Corp. Union Bank, N.A., et al engaged and continues to engage in "Market Division" "Schemes" / "Exclusive Dealing Schemes" / "Group Boycotting Schemes" / "Price Fixing Schemes". These unlawful practices involve other "Money Center Banks" the likes of "Wells Fargo" who was and is heavily committed and invested in providing

Capital Credit Lines to "Independent Auto Finance" lenders with portfolios north of a few million dollars in size minimum. Hence when Plaintiff's 20-year career with a large Wells Fargo Private Capital Client came to an end and Plaintiff started his own Independent Auto Finance Company with MUFG Union Bank's Home Equity Line Credit,, he was targeted as a threat to their multi-billion-dollar network and initiated an "adjustable mortgage" was of sorts since MUFG Union Bank was, by contrast, very heavily invested and committed to these products. Furthermore, the defendants were also engaged in a complete "buy-out" of the Bank by "Japanese Banking Conglomerate" Mitsubishi UFJ Financial Group, the Fifth Largest Banking Conglomerate in the World, with $2.812 Trillion in assets as of 2019. The

takeover bids for the remaining 35% of Union Bank Shares Mitsubishi UFG did not already own transpired in late 2008. Moreover, Morgan Stanley also fell in line with a deal of roughly $6 billion for 21% of the commodities business, also in late 2008.

These monumental events gave the defendants the fuel to continue with their unlawful fraudulent schemes that included "Cooking of the Books" by artificially manipulation the Financial Data presented to a suitor (these actions are the initial steps of the Security / Bank / Commodities Fraud), such as MUFG – Mitsubishi UFG from Tokyo, Japan. To attract a higher bid for the purchase of Union Bank. In fact, during the week of August 11, 2008, Union Bank turned down a $63-a-share offer from Mitsubishi UFG, as insufficient / too law a price which led to a 17% increased offer the

following week of August 18, 2008 for a final sale price of $73.50-a-share for the remaining 35% equity stake the Japanese Banking Conglomerate did not already own and making Union Bank a wholly owned subsidiary of Mitsubishi UFG. Concurrently, before the launch of Plaintiffs' During the preceding year or so Plaintiff had been reassured the defendants would be providing the necessary capital for Liberty Credit Corp's unfolding, causing Plaintiff to make financial commitments in commercial space, equipment, CPA's, attorneys, etc. based on the literature, documentation, and verbal commitments, to provide the vital capital necessary to be extended by the defendants.

However, upon consummating the sale of the "Bank" the defendants played out their "Market

Division", "Exclusive Dealing", "Group Boycotting" and "Price Fixing" schemes with the likes of "Wells Fargo", Bank of America (who also provide(d) capital to "Independent Auto Finance" lenders), "Goldman Sachs" (Morgan Stanley Direct Competition and other conflicts known to Plaintiff) and others such as Mitsubishi UFG got its sights on New York City and the presence in the United States Financial District Epicenter and Market Place to the World. All the while, Plaintiff continued to execute on the financial mortgage obligations to the defendants and the successful launching of Liberty Credit Corp. repeatedly seeking to have the defendants honor their commitments to Capital to no avail which led to catastrophic damages, losses in the millions and ongoing, and the derailing of Plaintiff's business,

family life, and livelihood. Moreover, through the processes of repeatedly requesting the defendants' promised Capital facility the defendants repeatedly discriminated upon Plaintiff and his family including Plaintiff's mother and stepfather to the point of refusing to even allow them and Plaintiff to apply together for credit (E.C.O.A. violation) so as to conceal their premier qualifications as borrowers and co-borrowers which would provide further confirmation of Plaintiff's complete qualifications for the Capital that not only had been repeatedly promised, but, also, for which Plaintiff fully met all the criteria for as required by the defendants' underwriting guidelines as validated by their own actions during the establishment of the initial Home Equity Line of Credit (HELOC) and its defendants demanded $568,000 in funding. The

discriminatory acts were relentless, consistent, and included treatment / service that was substandard to that provided to Asian and White female customers. MUFG was made to wait needlessly, even when customers were absent from the lobby. Staff members would make negative comments about Plaintiff's children (only three at the time) yet expressed disapproval with their vivid, outgoing, and confident personalities. So flagrant was their distaste for everything related to "Lopez", that when Parent Company Executive Tokyo, Japan guest "Toshihiro Tsuruno" visited Liberty Credit Corporations office in about 2010, Plaintiff's first born son, "Noah Abraham" (who was only 3 to 4 years old) as a parting gift upon the conclusion of the office meeting independently offered him a chocolate chip cookie from his "Famous Amos" bag

but he rudely declined to accept it, in front of Ross Chung, Union Bank – Irvine Branch Vice President.

Unfortunately, these defendants were not satisfied with the derailing of Plaintiff's business but also moved to seize Plaintiff's home refusing to permit a loan modification (despite fully qualifying on every front and having over 2 million dollars in equity before launching company) and given the hardship they themselves inflicted upon Plaintiff by eliminating the only source of income and livelihood and, despite still having substantial equity in Plaintiff's home since the liens from Union Bank totaled approximately $1.8 million after the company's launch and the home, a semi-custom estate of roughly 5,000 sq. ft, appraised over $3,000,000 – and having active

performing auto loan receivables. These deprivations were also discriminatory and prejudicially motivated. In fact, throughout the Loan Modification application process the defendants' staff required Plaintiff to submit documentation multiple times claiming to not be able to locate earlier submissions and also failed to make available solutions otherwise made available to other customers – For example, 1.) Plaintiff was the beneficiary of a $53,000. – Note on a different property, which was offered and provided additional security and capacity to pay upon sale of third property, and 2.) any mortgage payments that may have been in arrears could and normally would be deferred to the tail end of the loan through modification. These considerations were

not provided by the defendants but afforded to other customers.

Shockingly, these defendants through their political and financial influence within the state of California and Orange County more specifically managed to compel Plaintiff and his four minor children including Newborn "Luke Jesus" out of their home of ten years despite filing for Bankruptcy Protection, having a $53,000.00 note sufficient to cover all arrearage on existing mortgage payments and despite having been defrauded by these defendants along with numerous other claims all presented in an unusual infringement of Due Process, "relief from stay" Bankruptcy hearing where Plaintiff was deprived / restricted, limited in what he could say during the hearing before Judge Robert Kwan and having

timely filed and served an opposition to the "Relief from stay" motion outlining the various claims of Fraud against Union Bank (See Appendix E). In addition, Plaintiff repeatedly informed and conveyed the various claims against these defendants before the U.S. Trustees representing the Bankruptcy court all of which is on audio CD's clearly confirming those claims (although not permitted as evidence here). Nevertheless, through what appeared to be a Rubber Stamp process by Judge Robert Kwan (who was soon after replaced by Catherine Bauer as presiding judge for the remainder of the Bankruptcy processes), Plaintiff was pushed out to the streets with his 4 adorable children.

More shockingly even yet was the fact that these defendants where able to hire a Superior Court of

California, County of Orange volunteer judge -- out of the same Superior Court where the case being litigated from -- to represent their defense on the State Civil Lawsuit Plaintiff was finally able to initiate after firing unscrupulous first BK and civil attorney Joseph Rosenfelt (terminated 12/30/2011) and then replacing him with two attorneys who appeared at a hiring interview, set up by the local bar association for and with attorney Jennifer Axelrod who did not show up. These two attorneys collected $10,000 and took over the BK processes and filed the civil action against these defendants in May 2012 approximately 6 months after the BK Petition Commencement. Their names are Bryan Thomas and Amid Bahadori out of Irvine, CA.

However, the Civil State action was short-lived due to the defendants' "volunteer judge/attorney"

counsel who lied, misrepresented, and deceitfully conveyed to the Superior Court Presiding Judge Francisco J. Firmat false claims that Plaintiff had not informed the Federal Bankruptcy Court about his claims against "Union Bank". This could not be further from truth since not only did Plaintiff inform / convey / state his claims against these defendants in writing but also served these defendants with copies of these written claims and also has obtained audio CD's of recordings related to Plaintiff's conveyance of these claims to the U.S. Trustees @ the Bankruptcy Court in early 2012 and late 2011 (Case #11-bk-25308-CB, See Appendix E).

Even so, despite complete honesty and full disclosure by the Plaintiff and being represented by two attorneys in the State Civil Case the defendants' "volunteer judge / attorney" counsel –

Richard Sontag had his colleague Superior Court Judge Francisco J. Firmat grant a dismissal of Plaintiff's case by citing matters out of his jurisdiction, - The Federal Bankruptcy Court. He erred and abused his discretion concluding as presented by "Volunteer Judge/attorney Sontag", Plaintiff had not disclosed his claims against these defendants to the Federal Bankruptcy Court – Entirely and unequivocally false, see Appendix E. Needless to say, the two plaintiff attorneys, upon completion of the Bankruptcy Petition vanished, never having made any effort to pursue relief for these defendants' wrongdoing. It may appear that they did not see Due Process or Equal Protection under Law as provided by the 14th amendment since the opposing attorney was also a judge with

the same court – a monumental conflict of interest and even unethical.

Therefore, with no relief possible within the State of California Judicial System, Plaintiff pursued justice @ the Federal Jurisdiction and commenced the just of two civil cases. The first, U.S. District Court Case No. SACV-15-1354 (Exh. B) and the second case No. SACV-17-1466 (Exh. A). In the matter of case No. SACV-17-1466 Judge consumes "the court declined to exercise supplemental jurisdiction over the single state law claim for Intentional Infliction of Emotional Distress and thus affirming this cause of action was and continues to be not barred nor subjected to res judicata in her June 7, 2018, Civil Minutes Order (Exh. F)

Moreover, in the matter of Case No. SACV-15-1354 the Federal judge / court acknowledged and cited Plaintiff's cause of action for Theft of Trade Secrets also not being barred by res judicata in the March 30, 2018, Civil Minutes order attached here as Exh. F. In this same order, the court again stated it would decline to address the remaining state law claim (Infliction of Emotional Distress) and hence also not subject to res judicata (See Appendix F).

Also, (see clerk's transcript – from trial court) Volume 3, Pgs. 681-68 - cited Court of Appeal Opening Brief

In truth, defendants, MUFG Union Bank, NA, et al and their attorney (volunteer judge Richard Sontag) such then, continue to damage and deny Plaintiff from obtaining Relief for the amounts demanded in the initial complaint including $500,000,000.00 (net after taxes) in minimum cash relief. It is quite obvious how severe this would be to Plaintiff and detrimental to the immediate outcome of this case, especially since Plaintiff has been harmed tremendously for approximately ten years by these defendants creating homelessness and maintaining Plaintiff indigent through their vast network of associates and remains ongoing, and thus inflict Emotional Distress repeatedly for an extensive duration.

Defendants and their attorney and colleague judges have denied Plaintiff – Petitioner of a Trial / denied

transfer of venue motion, to neutral county, request by Plaintiff Arthur Lopez and moreover denied Plaintiff's judge disqualification request motion after for bias of Kathleen O'Leary in violation of CCP 170.1-170.9 substantially affects the rights of Plaintiff (Due Process – Equal Protection Under Law / 14th + 7th Amendment) and rights to recover monetary damages from the defendants for their Infliction of Emotional Distress, Violation of rights of the E.C.O.A., Theft of Trade Secrets, Mortgage fraud and list of causes of action included in initial and amended complaints.

Moreover, the defendants actively participated in a standard operating procedures of bias, discrimination, deprivation of U.S. constitutional civil rights (Fair Housing Act), but also violations of Mortgage Fraud, Theft of Trade Secrets, Infliction

of Emotional Distress (Intentional and/or Negligent), misrepresentation, quiet title, and more. In fact, so unlawful and unscrupulous were the actions of these defendants that they planted a spy in Plaintiff's auto finance start up company, stole Trade Secrets, and then implemented Plaintiff's Trade Secrets-model within their bank without permission from Plaintiff in violation of the Confidentiality Agreement established from the onset of their discussion and on the Cover of the requested Business Plan. Furthermore, these egregious acts also violate Trade Secrets Federal Statutes. (18 U.S.C. 1836). In addition, to orchestrating the thefts described above they perpetrated in the emotional torture of Petitioner / Plaintiff, also destroying family and his marriage of 14 years culminated in a divorce further depriving

Plaintiff of his quality of life and family resulting in further emotional distress. It should be noted that these conspirators have not stopped here. They infiltrated Plaintiff's places of worship with rogue court employees, sponsored donations to the catholic church, Public Law Center, numerous law firms, monetary contributions to government officials (state + federal) local and foreign. Hence, the lower trial courts have grossly erred in depriving Plaintiff of Justice, Due Process, his children, food, his wealth, housing, business – Livelihood by prohibiting Statutorily mandated Transfer of Venue and Disqualification.

Argument: The Lower Courts grossly erred in defining res judicata as viable grounds to bar Plaintiff's claims against the defendants for several reasons. First, the initial state case did not afford Plaintiff a full and fair opportunity to litigate his claim in state action; and Second, the initial state suit was not based on the same causes of action. Thus, the defendants did not meet their burden to demonstrate the conditions required to pleas a res judicata defense, see Universal Insurance Company v. Office of the Insurance Commissioner, No. 12-2155 United States Court of Appeal, First Circuit June 19, 2014, Commonwealth of Puerto Rico;

Res judicata requires:

i.) The existence of a prior judgment on the merits that is final and unappealable

ii.) A perfect identity of thing or cause between both actions

iii.) A perfect identity of the parties and the capacities in which they acted

See Consumer Advocacy Group v. ExxonMobil Corp., 168 Cal. App 4th 675 November 20, 2008

ARGUMENTS

1.) No STATUTE OF LIMITATIONS BAR + NO BAR by res judicata

First, Plaintiff's causes of action in this case

a.) Intentional Infliction of Emotional Distress and

b.) Negligent Infliction of Emotional Distress

are, without any ambiguity, not barred by res judicata since, not only, were they never introduced as causes of action in the 2012 state case prepared and filed by then Plaintiff's attorneys Bryan Thomas and Amid Bahadori (Superior Court Case No. 30-2012-00565803), but also were @ the Federal jurisdiction declined as a supplemental jurisdiction by the court as a single state law claim (See Exh. F).

First, stated by Federal District Court Judge Honorable Josephine L. Staton in her March 30, 2016, order dismissing case without prejudice citing:

Furthermore, Federal District Court Magistrate Judge Karen E. Scott on 09/15/2017 order reiterated the First Federal Action court Judge declined to address the remaining state law claim for Intentional Infliction of Emotional Distress," see Exh. F. Moreover, still, as this Federal District Court Judge Hon. Josephine L. Staton order of June 7, 2018 she repeated "the court declined to exercise supplemental jurisdiction over the single state law claim for Intentional Infliction of Emotional Distress," see Exh.

F. Furthermore, Judicial Notice should be taken that Honorable Judge Josephine L. Staton from the U.S. District Court Central District of California also acknowledge that the Federal Claim for Theft of Trade Secrets was / is also not barred by res judicates as cited in her March 30, 2016 order, (see Exh. F)" Consequently, as multiple Federal District Court judges have concluded and stated on these different orders these present causes of action, in this present state court case, are not barred by the doctrine of res judicata. In addition, several relevant exceptions to res judicata exist, See Consumer Advocacy Group Inc.

v ExxonMobil Corp., 168 Cal. App 4th 675, November 20, 2008

To begin, the United States Supreme Court has held in Riehle v. Magalies 279 U.S. 218, 219 Fraud and Collusion provide exceptions to the res judicata bar, citing Last Chance Mining Co. v. Tyler Mining Co., 157 U.S. 683 (1895) whereby decisions by the Court of Appeals and District Court were reversed and the case remanded with instructions to grant a new trial as error in excluding the record of judgment. In this present case, Plaintiff was represented by two relatively young attorneys, Bryan Thomas and Amid Bahadori in the first state action (case #30-2012-00565803)

and defendants were represented by an employee of this court, volunteer judge Richard Sontag all of which was never disclosed to Plaintiff. Furthermore, when the defendants requested dismissal of the case based on the false assertions that Plaintiff had not disclosed his claims to the Bankruptcy Court (which was filed 6 months earlier than the lawsuit November 3, 2011, and May 1, 2012, respectively). They did not oppose the motion nor did they explain any of the processes related to any of these occurrences to Plaintiff. However, Plaintiff did in fact repeatedly notify the Bankruptcy Court of his claims against Union Bank, not only through written

declaration (see Appendix E) to the Bankruptcy court and served copy to defendants and direct contact / dialogue during meetings with the Bankruptcy Court attorneys, Richard Marshack and David Goodrich, audio recording on CD of these interviews on 12/13/2011 (file 1 + 2), 02/07/2012 and 02/22/2012 are available as evidence for trial, but not permitted as part of this petition.

Also, see other case law in support of exceptions to res judicata Simon v. Southern Ry. Co. 236 U.S. 115 (1915) "United States Courts, by virtue of their general equity powers, have jurisdiction to enjoin the enforcement of a judgment obtained by fraud..." Moreover, see Pagan

Hernandez v. University of Puerto Rico, 107 D.P.R. at 737, 754 (1978) whereby exceptions to res judicata enumerated were / are: 1.) the prior judgment was rendered pursuant to an invalid acceptance of the claim by the defendant, 2.) the prior judgment was entered by a court without jurisdiction, 3.) appeal from the prior judgment was attempted but could not be accomplished and appellant was not at fault, 4.) there is fraud, and 5.) there is a miscarriage of justice. Plaintiff's discovery of this facts until after dismissal of 2012 case and after attorneys had abandoned case. Accordingly, res judicata does not apply for any causes of action. Fraud occurred

in procuring prior judgment since the Superior Court in concert with volunteer employee judge / defense counsel and other involved attorneys participated in a charade / scheme to defraud Plaintiff and derail case premeditatively and by purposely keeping Plaintiff excluded from processes (due process) and obscure of information and documentation including defective and absent rules of court required documentation; and Miscarriage of Justice since Plaintiff was deprived of his U.S. Constitutional Civil Rights to Due Process under the 14th, 7th, and 5th Amendment, be free of unlawful seizure of property without due process under the 5th amendment. Plaintiff has also been

deprived of relief, compensation and repeatedly contacted to the Intentional Infliction of Emotional Distress among numerous other catastrophic damages and rights deprivation; Public Policy demands an exception of res judicata to curtail / defend against fraud, deceit, trickery, racism, theft, corruption, etc.

Plaintiff has personally amended his claims against these defendants by amended the schedule B – Personal Property filings of his Bankruptcy Petition under Chapter 7 Case #8:11-BK-25308 on July 9th, 2021. Moreover, this Supreme Court has ruled in "In re: Pioneer Investment Services Co., 943 J. 2d 673,677 (1991)" - "Pioneer

Inv. Servs. Co. V. Brunswick Assoc. (91-1695), 507 U.S. 380 (1993)" "courts are permitted where appropriate to accept late filings caused by inadvertence, mistake, or carelessness, as well as by intervening circumstances beyond party's control.

ARGUMENT

Trial court erred by ignoring tolling doctrines.

a.) 2nd/Alternative Claims Doctrine

b.) Continuing Violations Doctrine

c.) Statutory Tolling Provisions

d.) Change of Law Doctrine

e.) Fraudulent of Concealment

f.) Delayed Discovery Doctrine

Petitioner / Appellant's Argument

No Statute of Limitations Bar

a.) Alternative / 2nd Claims (a. Doctrine which to applicable since in good faith. Plaintiff sought relief in another jurisdiction or venue before initiating the current

lawsuit, see Collier v. City of Pasadena, 142 Cal App. 3d 917, 924 – 926 whereby Statute of Limitations was brought to Equitable Tolling Doctrine during the pendency of the worker's compensation proceeding. Also see McDonald v. Antelope Valley Community College District, 45 614,88 CA Supreme Court Case #5153964

The State of California's alternative Second Claim Tolling Rule extends the relevant Statute of Limitations period when a person has several legal remedies and in Good Faith reasonably and timely pursues one of them and the defendant is not prejudiced since the first claim alerts the defendant to the action – claim which ultimately forms the basis for the second claim, see Collier v. City of

Pasadena 142 Cal app. 3d 917, 924 – 926 (1983) [Limitations period is extended (Equitable Tolling) when a Plaintiff has several legal remedies and timely pursues one of them], and also please see Myers v. County of Orange, 6 Cal app 3d, 626 – CA Court of Appeals, 4th District, Division Two - (1970) [When an injured party – person has several legal remedies and in good faith pursued one... the statute of limitations does not run on the other while he is thus pursuing the one and, the period during which the statute is tolled includes the time consumed in an appeal.

In addition, to the California Alternative Second Claim Tolling Rule, the statute of limitations may be equitably tolled when under certain circumstances filing a lawsuit earlier was impossible. See Lewis v. Superior Court (1985) 175 Cal. App. 3d 366, 380 [The Law never requires impossibilities]. Additionally, the clock on the limitations period begins when the last essential element to the cause of action occurs, see Neel v. Magana, Olney, Levy, Cathcart, and Gelfand (1971) 6 Cal 3d. 176; also, Howard Jarvis Taxpayers Assn. v. City of La Habra (2001) 25 Cal 4th 812 and Norgart v. Upjohn Co. (1999), 21 Cal 4th, 383, 397 and also see Fox v. Ethicon Endo Surgery, Inc., (2005) 35 Cal 4th 797, 806 – affirming a cause of action accrues at the time when the cause of action is complete with all of its elements.

The law provides for tolling the Statute of Limitations, on grounds of the Continuing Violations Doctrine, see Richards v. CH2M Inc., (2001) 26 Cal 4th 798 California Supreme Court (S087484) holding the Continuing Violation Doctrine allows liability for unlawful employer conduct occurring outside the statute of limitations period if it is sufficiently connected to unlawful conduct within the limitation period. Also, see United States Supreme Court ruling in National Railroad Passenger Corporation v. Morgan, 536 U.S. 101 (2002) stating "a change alleging a hostile (work) environment will not be time barred if all acts constituting the claim are part of the same unlawful practice and at least one act falls within the filing period; in neither instance is a court

precluded from applying equitable tolling doctrines that may toll the times period.

Also, see United States Appellate Court holding in Keystone Insurance v. Houghton, 863 F. 2d 1125 (1988), 3rd Circuit articulating the third circuit's accrual rule, as long as (defendant) committed one predicate act within the limitations period the Plaintiff may recover, not just for any harm caused by the late committed-act, but for all the harm caused by all the acts that make up the total "pattern". In that case, courts will grant relief to earlier related acts that would otherwise be time barred citing Townes v. Pennsylvania Railroad Co., 264 F. 2d 397, 299 (3rd Cir. 1959) ("postponing of the running of the statute of limitations... in statutory involving continuing or repeated wrongs"). Also, Palmer v. Board of Education, 46 F. 3d 628 (7th Cir.

1995), concluding the situation before the court enacted a "series of wrongful acts" that create(d) a series of claims finding lawsuit timely. Also, Cowell v. Palmer Township, 263 F. 3d 286, (3rd Cir. 2001) citing the Continued Violations Doctrine as an equitable exception to the timely filing requirement.

Specifically, the Defendants unlawful acts have and continue to rob Plaintiff of his quality of life, family, spouse, livelihood, business, home, property, social status, and many more catastrophic consequences to their outrageous conduct, making assurances – advertising – and promoting credit lines and credit access but never fulfilling these commitments, 2.) Intentionally / Premediately scheming to fraudulently foreclosing on Plaintiff's property knowing full well its value exceeded $3,000,000.00 and then passing it off to an associate for 50% of market value to satisfy the credit balances; all of which was obviously anticipated by their co-conspirators / partners Plaintiff having provided multiple appraisal reports just before their refusing to modify the loan and/or deliver on the credit facility committed previously and knowing full well

the essential necessity for capital to operate Plaintiff's solely owned auto finance company; 3.) Consequently, Plaintiff has been tortured for over 10 years causing severe suffering to the point of terminating his marriage and family bonds all of which have tormented and caused excruciating emotional distress daily in solitude and without the base necessities of the average standard of living and 4.) Clearly unambiguously in direct consequence to these defendants' unlawful acts by design, and as such textbook criteria for these causes of action herein stated, Intentional Infliction of Emotional Distress and Negligent Infliction of Emotional Distress, and all of which is sufficiently described in amended complaint pgs. 3-17 and 14-15.

In addition, Plaintiff has permanent injuries to his mid and lower back requiring abstaining from sitting for extended periods of time so as to avoid exasperating the pain levels to these areas. In addition, Plaintiff suffers from Sciatica symptoms due to his Sciatica nerve pain. Plaintiff also suffered nerve / muscle damage to his right arm through his right thumb and hand. These nerve injuries remain and as such produce constant sensations / pains to his right hand and thumb which is exacerbated with pressure such as writing. Moreover, Plaintiff is precluded from running, and standing for prolonged periods as it causes inflammation of the right and left ankles and swelling of the feet. These disabilities and several other permanent injuries limit Plaintiff's mobility

as it exasperates pain levels. Plaintiff remains under doctor's care (multiple doctors) and requires daily medication.

Moreover, under CA Code of Civil Procedure Section CCP 356, which states: 'When the commencement of an action is stayed by injunction of statutory prohibition, the time of the continuance of the injunction or prohibition is not part of the time limited for the commencement of the action..." Consequently, Plaintiff's Bankruptcy Petition under Chapter 7 having been filed November 3, 2011 and the subsequent "Discharge Order" having been issued 11/19/2012 also is cause for tolling of the statute of limitations for the duration of the "automatic stay" order in place by the Bankruptcy Court for the duration of the bankruptcy case (in fact the case terminated 01/03/2014).

Related to Cause of Action Infliction of Emotional Distress is, without ambiguity, timely filed, please see Kertes v. Ostrovsky, 115 Cal App. 4th 369 (2004); also see Wells v. California Tomato Juice, Inc., 47 Cal App. 2d 634, 637-638 (118 P. 2d 916); also see Bollinger v. National Fire Insurance Co., Hartland, Conn., 2S Cal 2d 399, 154 P. 2d 399, "Suits shall not be brought..." and "the period allowed for the commencement of the actions must be extended...".

In addition, to all herein contained above the additional eight causes of action introduced in light of the fact that res judicata is not applicable in this case since not only in "Schedule B" under Bankruptcy Case #11-BK-25308 been amended to reiterate claims against these defendants – see Exhibit Z, but also the collusion fraud, mistake, omission that caused the "Schedule B" to

remain at issue was and is of no fault or doing of Plaintiff Arthur Lopez since he remained represented by counsel at all steps of the bankruptcy processes and through the duration of the initial state case (under Case # 30-2012-00565803) which should have NOT been derailed by the persons involved including volunteer judge first many of the Superior Court and defense counsel Richard Sontag which in itself establishes a serious conflict of interest unknown to Plaintiff until much after the derailment of the case, please see: "In re: Pioneer Investment Services Co., 943 F. 2d 673, 677 (1991) whereby the U.S. Court of Appeals, 6th Circuit ruled on attorney's failure can constitute "excusable neglect".

The 4th Circuit believed this was correct *(Vol. 1)*

Further reference to the Continuing Violations Doctrine can be found in U.S. District Court, E.D. New York Case SEC v. Castelia, 75 F. Supp. 2d 79 (EDNY 1999), and California Supreme Court case Howard Jarvis Taxpayers Assn. v. City of La Habra, 74 Cal App. 4th 707, ruling of "continuous accrual given, "The City's continued convection of a tax now known to be involved .. and its simultaneous continued refusal to hold an election are they claim, ongoing violations Cal Prop 62, continuously giving ruse to a cause of action to invalidate the tax. "Lower court of appeals, 4th Dist., 3rd Div. Reversed,

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Argument

Trial Court Erred

a.) In Denying disqualification of judicial officer

CCP 170.

b.) Passing on his very own disqualification

CCP 170.3 (5)

CCP 170.4 (c)(1)

1.) Simply Stated:

Judge Glenn R. Salter refusal to recuse himself from timely motion to Disqualify (CCP 170.4) is error and violation of California Code of Civil Procedure, CCP 170.4 (c) (1), moreover as such all order detrimental to Plaintiff Arthur Lopez in this case must be vacated, (Diometti, et al v. Etiennl 219 Cal 687; Supreme Court January 19, 1934) (In re: Robert P., The People v. Robert P., 21 Cal App. 3d 36 June 29, 1981)

2.) Simply Stated:

Refusal to not pass upon his or her own disqualification is also in violation of CCP 170.3 (5) as such, under CCP 170.4 (c) (1), "all orders and rulings of the judge found to be disqualified made after the filing of the statement shall be vacated." including denial of transfer of venue, leave to amend denial, and dismissal order of this case (January 20, 2022, July 29, 2020, May 3, 2021, March 10, 2022, and March 28, 2022) Also order deeming causes of action as time barred and res judicata barred must be vacated as they are tamped by tolling exception doctrines.

3.) Simply Stated:

Judge Glenn R. Salter on April 28, 2021, and subsequently denied by Judge Glenn R. Salter on May 3, 2021, was timely and with discovery of abundance of good cause as Plaintiff had and has a clear understanding a fair trial may not be had in this current venue reinforced by the fact opposing counsel remains a volunteer judge with the same venue doing work for free for the Superior Court of CA, County of Orange and the trial court and Judge Salter's previous employer—Riverside County being defendants in an ongoing civil lawsuit with Plaintiff. .

Therefore, Judge Salter exceeded his authority by remaining involved in this case to continue providing the defendants with a favorable bias / shield.

Argument

Trial court erred in denying transfer of venue as a fair trial can not be had in the current venue.

CCP 397 (b) (c)

Also, the trial court erred by denying / ignoring transfer of venue – refusing to change the place of trial as in other cases; and CCP 397 "The Court may, on motion, change the place of trial in the following cases: (a) When the court designated in the complaint is not the proper court, and (b) When there is reason to believe that an impartial trial cannot be had therein and (c) When the convenience of witnesses and the ends of justice would be promoted by the change; and CCP 398 (a) "If a court orders the transfer of an action or proceeding for a cause specified in subdivisions (b), (c), and (d) of Section 397,... The action or proceeding shall be transferred to the nearest or

most accessible court where the like objection or cause for making the order does not exist." Hence, since Plaintiff has encountered tremendous bias, fraud and obstruction of justice, withholding of evidence to derail Plaintiff's cases over many years @ the County of Orange Superior Court where in addition major conflict of interests exist whereby a volunteer judge is employed and doubles as counsel for two active civil cases and where 600 pages of evidence was withheld from a clerk's transcript it is ambiguously clear Plaintiff may not receive a fair trial in said venue and as such this court has an abundance of authority and justification for granting Plaintiff's Petition for Writ of Certiorari.

Moreover, under authority of 397 (b) (c) also states: "The court may, on motion, change the place of trial

in the following cases: (b) When there is reason to believe that an impartial trial can not be had therein." And also (c) "When the convenience of witnesses and the ends of justice would be promoted by the change." Therefore, please take judicial notice that the Superior Court, County of Orange staff in an attempt to sabotage a second Plaintiff civil case where Volunteer Judge Richard Sontag is co-counsel of record for defendants under appeal case G058725 withheld over 600 pages from the clerk's transcript despite it being requested on the designation of record requiring a motion to augment the record to be filed which was granted by the appellate court. Astonishingly, more recent, even Plaintiff has discovered the Superior Court reporters in the County of Orange withheld three court reporters' transcripts from the Court of

Appeal Record as well, despite having been paid in full over one year ago (the involved two court reporters) and causing negative consequences on possibly seven appeal cases and prompting / requiring Motions to Augment the Record as well (Case #G057649, G059356, G059648, etc.). All of which also has caused tremendous delays and months of repetitive, needless processes and loss of time. Hence, for these reasons and a litany more Plaintiff is without any doubt that an impartial trial may not be had in the County of Orange Superior Court especially knowing the overwhelming influence these defendants have within the county courts to the point whereby a Public Defender candidly stated everyone in the Newport Beach courthouse "Hated" Plaintiff and the hostility is quite evident @ every counter.

Therefore, this court exercising its authority to promote the ends of justice as stated under 397 © is most justified for an abundance of good cause herein demonstrated by the corrupt actions clearly documented in the County of Orange Superior Court. Moreover, as per CCP 398 the nearest – most accessible court where the like objection or cause for making the order does not exist is the Superior court of California, Los Angeles County Stanley Mosk Courthouse and this Plaintiff's Petition for Writ of Mandate.

Memorandum of Points of Authority in Support of Transfer of Venue and Disqualification of Judicial Officer – Judge

Statement of Facts

California Court of Appeals relief sought is required through this court due to bias and as the lower courts including the Trial Court and Staff Court of Appeals, Fourth District, Third Division have repeatedly demonstrated unambiguous bias and error in law (Transfer of Venue and Disqualification) applications denied.

In fact, the presiding judge of the court of appeals Judge Kathleen O'Leary is married to the director of the Public Law Center – Ken Babcock whose "pro-se clinc" senior staff attorney caused through a dereliction of duty for the Federal jurisdiction Civil case against these defendants MUFG Union Bank, NA, et al to be dismissed. Moreover, the lower courts exhibit extreme bias by way of refusing to recuse themselves from these cases

where extreme conflict of interest and bias exists as the presiding justice spouse – Kenneth Babcock @ Public Law Center is, for years, being financially sponsored / supported by the defendants "Union Bank", for years! In fact, O'Leary + the court's subordinate judges are aware of these facts as previous filings make these disclosures including recent "certificate" of interested points in entities.

Argument

Extreme Conflict of Interest and Bias of Interested Entities and / or Parties reflecting this (G059356,

etc.) previous disqualification (s) Motion have been ruled upon by herself (Judge O'Leary), in violation of California Code of Civil Procedure CCP 170.4, including specifically CCP 170.1 (a) (b), which states: CCP 170.1 (a) Judge shall be disqualified if any one or more of the following are true: (1) (A) The judge has personal knowledge of dispute evidentiary facts concerning the proceeding; (B) A judge shall be deemed to have personal knowledge within the meaning of this paragraph if the judge, or the spouse of the judge, or a person within the third degree of relationship to either of them, or the spouse of such a person is, to the judge's knowledge, likely to be a material witness in the proceeding. "This statutory provision is most relevant since Presiding Judge O'Leary is aware of her husband having evidentiary facts concerning these

proceedings and as such likely to be a material witness as does she (see #C059359 -> #5273068).

Hence, P.J. O'Leary erred in denying Petitioner's Request / Motion to Disqualify her from case against these defendants herself in violation of CCP 170 Case #G055356; also see Pioneer Investment Services Co. v. Brunswick LTD., 507 U.S. 380 1993). Moreover, P.J. O'Leary previous employers – Lohlson + Moorehead, LLP and Defendant – Union Bank also had associations of sort, even added together with Ken Babcock from the Public Law Center and her husband. This in itself cause for disqualification / recusal of P.J. O'Leary especially since her husband's Directorship @ Public Law Center receiving Money from the defendants – Union Bank directly for many years present an unambiguous bias and conflict of

interest since CCP 170.6 (2) (A)... served as a lawyer for a party ... or gave advice to a party in the present proceeding ... is most certainly applicable and furthermore, CCP 170.1 (a) (2) (c) states "A judge who served as a lawyer for, or officer of, a public agency that is a party to the proceeding shall be deemed to have served as a lawyer... and (3) (A) states: The judge has a financial interest in the subject matter in a proceeding or in a party to the proceeding and (B) states a judge shall be deemed to have a financial interest within the meaning of this paragraph if: (i) a spouse (Kenneth Babcock) living in the household has a financial interest (most relevant since Kenneth Babcock – Public Law Center – Receives money (financial support) from the defendants. In addition, to CA Court of Appeals Presiding Judge

Kathleen O'Leary having erred in denying disqualification from these matters related to MUFG Union Bank, NA she also erred by denying disqualification request of Petitioner / appellant / plaintiff herself despite serious matters of bias / conflict facts, this is also a violation of CA statute CCP 170.4, see following points of authority in support ->

Moreover, the state of California provides authority to disqualify a judge, CCP 170.1: (a) A judge shall be disqualified if any one or more of the following are true: (1) (B) A judge shall be deemed to have personal knowledge within the meaning of this paragraph if the judge or the spouse of the judge, or a person within the third degree of relationship to either of them, or the spouse of such person is to the judge's knowledge likely to be a material

witness in the proceeding; also (1) (A) The judge has personal knowledge of disputed evidentiary facts concerning the proceeding (4.) The judge, or the spouse of the judge, or a person within the third degree of relationship to either of them, or the spouse of such a person is a party to the proceeding or an officer, director, or trustee of a party.. and (6.) (A) For any reason:

(iii.) A person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial. (B.) Bias or Prejudice toward a lawyer in the proceeding may be grounds for disqualification and (9.) (D) (C) At the request of a party or on its own motion an appellate court shall consider whether in the interests of justice it should direct that further proceedings be heard before a trial

judge other than the judge whose judgment or order was reviewed by the appellate court.

See Solberg v. Superior Court of the City and Co. of San Francisco, et al, 19 Cal App. 3d 182 whereby the Supreme Court held parties had standing to make the motion for disqualification; the belief of a litigant, that he cannot have a fair trial before the assigned judge when expressed under oath in as affidavit, constitutes sufficient grounds for disqualification.

In fact, plainly stated these Superior Court of California, County of Orange defendants has notoriously deprived Plaintiff / Petitioner of his

U.S. Constitutional Civil Right under the 14th amendment going as far as impeding entry to the courthouse during business hours, refusing service at civil clerks windows during business hours, imposing unnecessary and extended artificial delays to obstruct justice, they have repeatedly withheld evidence from the clerk's transcripts to derail appeal cases (G058725 and G059356, G059648, etc.) the clerk reporters have purposely withheld court reporter transcripts from the record on appeal cases despite having been paid in full for the service (G059648), G058069, G057773, G057649, G059356, etc.). The clerk of Civil Appeals and Civil Justice have refused to accept filings on 12/13/2019 Civil Unlimited Cases to adversely affect litigation (30-2018-01000086) promoting calls to the local F.B.J. office, the Civil Clerks have

refused to provide court records copies through the standard channel of itemizing specific documents requested through their Kiosk and have also refused to honor fee waiver of copy cost despite Judge granting waiver order all of much more reported to the executive offices but to no avail and insisted retaliation.

Leave to Amend Argument

Trial court erred by denying leave to amend despite Plaintiff having been granted only one prior leave to amend complaint after sustaining the first defendant demurrer to first amended complaint which was filed without leave as permitted by CA statute and for which was filed simply to correct name of defendants. This error is in conflict w/ state and federal precedence, see Jomon v. Davis, 371 U.S. 178 1962 "Leave to amend should be freely given..." also see Harris v. Wachovia Mortgage, FSB, 185 Cal. App 4th, 1018 (May 21, 2010), see Volume 3 Pages 816-848

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REASONS FOR GRANTING THE PETITION

The defendants have Inflicted enormous harm upon Petitioner Arthur Lopez over many years with the aid of their bought influences / associates and having been founded initially in California by Kaspark Cohn during the late 19th Century and eventually becoming Union Bank + Trust Company in 1918, with established headquarters in Los Angeles and then San Francisco, 1922 before merging with Bank of CA to form Union Bank of California allowed the defendants over a century to solidify the clout to carry out their immunity to deceptive / unlawful business practices with impunity until now. Petitioner developed over 20 years of subprime auto financing experience before starting Liberty Credit Corporation as the sole shareholder in 2007 and these defendants then targeted Petitioner for his Trade Secrets. Hence,

they enticed--compelled Petitioner to deliver a complete Business Plan including Financial and Accounting ledgers which revealed the mechanisms by which Liberty Credit Corp. would prosper implementing Petitioner's Intellectual Property-Trade Secrets. However, despite these being disclosed under strict confidentiality, the defendants implemented these secret methodologies into their vast banking network without consent from Petitioner. Concurrently, the defendants executed their demise of Petitioner's company, foreclosed on his home through Fraud, continued to violate Federal and State Laws such as – Equal Credit Opportunity Act, Fair Housing Act – Title VIII of the Civil Rights Act of 1968 which prohibits discrimination in the financing of dwellings and other housing related transactions

because of race, religion, sex, familial status and by doing so Inflicted Enormous Emotional Distress which continues as Relief is not yet granted since not only was Due Process deprived in the first Civil State action in 2012 through Fraud and as such No Res Judicata is applicable, but also a change in Federal Law did not take hold until 2016 with the introduction of a civil cause of action to U.S. Title 18 U.S.C. 1836 under the Defend Trade Secrets Act – Theft of Trade Secrets violations. Hence, litigation through jury trial and ruling on the merits has never taken place. Furthermore, the State Courts have erred in their refusal to permit litigation on the State Laws pertaining to the Infliction of Emotional Distress despite the Theft of Trade Secrets never having been litigated and would constitute new operative facts separate from

the initial state action of 2012 since Theft of Trade Secrets were not discovered until years after and @ the time the civil cause of action was not part of the law – Title 18 U.S.C. 1831 + 1832. The Civil Cause of action was implemented by new legislature in 2016 and hence there is no statute of limitations bar since Plaintiff has been disabled since 2015 and his efforts for Alternative - 2nd Claims underway since 2012 have not included this as a cause of action nor litigated to Trial. Moreover, under various Tolling Doctrines "Change in Law" tolls the Statute of Limitations just the same Delayed Discovery Tolling Doctrine since the Theft of Trade Secrets was not discovered until 2015 after receiving facts about the defendants' implementation of the Trade Secrets into their Retail Union Bank branches by their very own loan

officer during a phone conversation. In addition, there is no Statute of Limitation bar as to Infliction of Emotional Distress since the wrongful acts causing the Infliction also has been continuous and further created by the Theft of Trade Secrets discovered in 2015, the same year Plaintiff became disabled, which provides for Statutory Tolling provisions while the disabilities remain (CCP 354, 358). In fact, the CA Court of Appeal made reference to a 2 yr. gap in their opinion but also noted a 2 yr. statute of limitations applicable for Infliction of Emotional Distress which in itself cancels each other out and however, is lacking and in error by indicating Emotional Distress suddenly stopped by foreclosure and excluding facts related to the other unlawful acts such as Theft of Trade Secrets discovered in 2015 and Fraud -

Misrepresentations related to the false assertions by defendants related to the claims against the bank not being disclosed to the Bankruptcy court (see Appendix E) discovered after the Civil State Case dismissal in 202, circa 2013 - 2015 (Delayed Discovery Doctrine).

Hence for all these facts and authorities there is no applicable Statute of Limitations Bar and no res judicata bar (see Appendix F) as such petition should be granted.

CONCLUSION

In summary, these defendants having cause catastrophic damage with all the unlawful acts described herein and much more continuously, unrelentingly to this day Inflicting Emotional Distress Intentionally and/or Negligently by the outrageous disregard for U.S. and California law, acts and Ethics. Consequently, destroying Plaintiff's quality of life, peace of mind, auto finance business, and Theft of Trade Secrets, above and beyond, also causing loss of Plaintiff's custom estate residence recently valued at over $5,000,000, home of over ten years, loss of family – spouse, standing in society and having (in)directly caused permanent disabilities / injuries and as such petitions this court for Relief in the monetary amount of $500,000,000.00 net after taxes plus royalties as permitted by Theft of Trade Secrets

including United States Statute 18 U.S.C. 1836. These royalties are to be paid indefinitely to Plaintiff by Defendants to include benefits to them globally denied by their unlawful acts under United States Law as it relates to Theft of Trade Secrets – Intellectual Property. Relief to include punitive, compensatory and other relief this court deems appropriate, jury trial has always been demanded. See Declarations of Arthur Lopez, Table of Authorities.

The petition for a writ of certiorari should be granted.

April 11, 2024 Respectfully submitted,

Arthur Lopez, Petitioner (Self-represented)