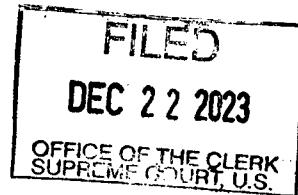


ORIGINAL

23-744

IN THE SUPREME COURT OF THE UNITED  
STATES



ARTHUR LOPEZ, PETITIONER

VS.

OUR LADY QUEEN OF ANGELS CATHOLIC  
CHURCH, et al

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF CALIFORNIA

ARTHUR LOPEZ

P.O. BOX 13081

NEWPORT BEACH, CALIFORNIA 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  
Catholic Church Defendant on the Matter of  
Leave to Amend Complaint?
- 2.) Should self-represented Plaintiff litigant  
Right to Appeal civil case be afforded despite  
Defendant being a Catholic Church and  
Roman Catholic Diocese?
- 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 not only MUFG Union Bank,NA (another defendant in which Plaintiff remains in litigation in the CA Supreme Court and for which Presiding Justice O'Leary denied her own recusal), but also Sisters of St. Joseph of Orange under the flagship of Defendants Roman Catholic Bishop of Orange be sufficient to vacate dismissal judgments of this case.

LIST OF PARTIES

OUR LADY QUEEN OF ANGELS CATHOLIC  
SCHOOL

OUR LADY QUEEN OF ANGELS CATHOLIC  
CHURCH

ROMAN CATHOLIC BISHOP OF ORANGE

OUR LADY QUEEN OF ANGELS CHURCH

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of Petition for Review, July 26<sup>th</sup>, 2023**

**APPENDIX B: California Court of Appeals, Fourth  
District, Division Three Order Denying Permission  
to File Appeal and Dismissing Case (S062460)**

**April 11<sup>th</sup>, 2023**

## **TABLE OF AUTHORITIES CITED**

**CASES**

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## **STATUTES AND RULES**

### **OTHER**

Memorandum of Points and Authorities

Tolling Doctrines

1.) Richard v. CH2M Hill, Inc., 26 Cal. 4<sup>th</sup> 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...”

2.) Jay Brome vs. California Highway Patrol, 44

Cal. App. 5<sup>th</sup> 786, Court of Appeals, First

District, Division Five (January 29<sup>th</sup>, 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

precluded summary judgment on constructive  
discharge claim. \*Reversed and Remanded

3.) Aryeh v. Canon Business Solutions, Inc. 55

Cal 4<sup>th</sup> 1185 (January 24<sup>th</sup>, 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.

4<sup>th</sup> 797, May 9<sup>th</sup>, 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 Squibb Co. v.

Superior Court 32 Cal App 4<sup>th</sup> 959

5.) NBC Universal Media, LLC et al v. The

Superior Court of Los Angeles County, Resp.

(Larry Montz, et al., Real Party in Interest),

225 Cal. App 4<sup>th</sup> 1222, CA Court of Appeals,

Second District, Division Four

The Court of Appeal, Mannela, J., held that:

“Statute of Limitations began to 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

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 4<sup>th</sup> 88, Supreme Court of  
California No. S153964, October 27<sup>th</sup>, 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

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 10<sup>th</sup>,

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

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.

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. 4<sup>th</sup> 1185, January 24<sup>th</sup>, 2013 \*Supreme Court of CA
- 3.) Free Freehand Corp. v. Adobe System, 852 F. Supp 2d 1171 (February 10<sup>th</sup>, 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 4<sup>th</sup>  
798 (August 23, 2001) California Supreme  
Court – Continuing Violations Doct.
- 7.) National R.R. Passenger Corp. v. Abner  
Morgan, 536 U.S. 101, June 10<sup>th</sup>, 2002
- 8.) Brome v. Dept of the California Highway  
Patrol, 44 Cal. App 5<sup>th</sup> 786 California  
Court of Appeal, First Appellate District,  
Division Five, January 28<sup>th</sup>, 2020
- 9.) Herrera v. City of Espanola, 32 J. 4<sup>th</sup> 980  
(April 27<sup>th</sup>, 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. 5<sup>th</sup>

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. 4<sup>th</sup> 1494 (March 12<sup>th</sup>, 2009) "Finding  
cause of action not time barred;  
continuing violations doctrine. Equitable  
tolling applied.

13.) Richards v. CH2M Hill, Inc, 26 Cal 4<sup>th</sup>  
798 Supreme Court of California, August  
23<sup>rd</sup>, 2001. Failing to reasonably  
accommodate a disability is a continuing

violation for purpose of the statute of  
limitations

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

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

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

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

ADA – Table of Authorities

18.) Young v. UPS, 575 U.S. 206 (2015)

United States Supreme Court

19.) U.S. Airways v. Barrett, 535 U.S. 391

(April 29<sup>th</sup>, 2002) United States Supreme

Court

Leave to Amend Complaint:

20.) Aubrey v. Tri-City Hospital District, 2

Cal 4<sup>th</sup>, 962

21.) Berg + Berg Enterprises, LLC v.

Boyle, 178 Cal. App 4<sup>th</sup>, 1020 (October

29<sup>th</sup>, 2009)

22.) Careau & Co v. Security Pacific

Business Credit, Inc, 222 Cal app 3d 1371

(08/17/1990)

- 23.) Haas v. Quest Recovery Services, 49 U.S. 1163 (2007)
- 24.) United States v. Georgia, 546 U.S. 1163 (2007)
- 25.) Pennsylvania Dept. of Corrections v. Yeskey, 524 U.S. 206, 210 (1998)
- 26.) Board of Trustees of Univ. of Alabama v. Garrett, 531 U.S. 356 (2000)
- 27.) Louisiana ex ref. Francis v. Resweber, 329 U.S. 459, 463 (1997)
- 28.) Tennessee v. Lane, 541 U.S. 509, 543.4 (2004)
- 29.) City of Boerne v. Flores, 521 U.S. 507, 512 (1997)
- 30.) Fitzpatrick v. Bitzer, 427 U.S. 445, 456 (1976)

- 31.) Ex Parte Virginia, 100 U.S. 339, 346  
(1880)
- 32.) Olmstead v. L.C., 527 U.S. 581 (1999)
- 33.) United States Supreme Court: U.S.  
Airways, Inc. v. Barnett, 535 U.S. 391  
(April 29<sup>th</sup>, 2002)
- 34.) United States v. Georgice, 546 U.S.  
151 (January 10<sup>th</sup>, 2006)
- 35.) Young v. U.P.S., 575 U.S. 206 (March  
25<sup>th</sup>, 2015) and California Supreme Court
- 36.) Green v. State of California, 42 Cal.  
4<sup>th</sup> 254 (August 23, 2007)
- 37.) Ex-Parte Young 209 U.S. 123 (1908)

## OPINIONS BELOW

For cases from state courts:

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

[ ] is unpublished.

The opinion of the CA Court of Appeals 4<sup>th</sup> District,  
Division 3 court appears at Appendix B to the  
petition and is

[ ] is unpublished.

## JURISDICTION

For cases from state courts: the date on which the highest state court decided my case was July 26<sup>th</sup>, 2023. A copy of that decision appears at Appendix A.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including December 23, 2023 on August 18<sup>th</sup>, 2023 in Application No. 23 A 154.

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  
14<sup>th</sup>, 7<sup>th</sup>, 13<sup>th</sup>, 1<sup>st</sup>, 8<sup>th</sup> amendments

2<sup>nd</sup>/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

CCP 581d

CCP 170 – 170.9

CCP 904.1

CCP 170.4

CCP 906



## **STATEMENT OF THE CASE**

**This petition stems from the lower courts' abuse of discretion in dismissing case and gross error in not only denying leave to amend and denying plaintiff an appeal and denying request for a pre-filing order through the California Court of Appeals, Fourth District, Third Division but also denying Plaintiff an extension of time to file a thorough opposition to Defendant's baseless demurer as it was entirely based on an amended complaint that did not exist. That is correct, the Defendant's demurer was entirely based on and argued on the basis of an amended complaint that was stricken from the record on July <sup>th</sup>, 2022 by the Superior Court of California, Los Angeles County Judge Monica**

**Buchner during hearing that granted the defendant's request to transfer case to a bias, in favor of defendant, venue – County of Orange where Plaintiff is involved in various Personal Injury claims including case # 30-2022-01287806-CU-PO-CJC, which has been transferred to a neutral county venue – San Diego County.**

**However, what is more astonishing is that the Trial court, Judge David Hoffer (who also denied his own disqualification motion, CCP 170.4(c)(1)) sustained the demurer with a fraudulent demurrer as the "moving pleading". Judge Hoffer also abused his authority by denying Motion to Disqualify, himself (12/19/22),**

**CCP 170.1-170.9.**



CCP 170.1-170.9.

Moreover, the appellate court abused its discretion not only by denying Plaintiff's application to initiate a new civil appeal stemming from the Trial Court's several abuses of discretion, also, by first dismissing case after sustaining Defendants demurer (which was based entirely on a non-existing complaint), but then also denying Plaintiff Leave to Amend Complaint even for the first time, since no previous amended complaint was ever docketed in this case and denying motion to disqualify trial judge(himself). In fact, during the hearing of March 20, 2023, an "Ex-Parte application" hearing that had been delayed by 1.) the clerk of the court, 2.)staff of the Superior Court, and 3.) O.C. Sheriff Deputies, on Friday 03/17/2023

in the morning @ Superior Court of CA-Central Court house so as to bar an appeal to be filed from its denial ahead of the 3/20/23-Monday-Demurrer Hearing, also, is an abuse of discretion as it sought to “Stay of Proceedings or in the alternative a 60 Day Continuance for an abundance of good cause and in the Interest of Justice, California Code of Civil Procedure, CCP 404.5 (Electronically Filed March 16<sup>t</sup>, 2023 and Notice Provided to Opposing Party Counsel) (Initially sought hearing on March 17<sup>th</sup>, 2023 in person @ The Courtroom door, well ahead of the 1:30pm hearing time but barred by clerk of the courtroom). Furthermore, denial of this ex-parte application is also an abuse of discretion since many obstructions by the defendants and cohorts persisted throughout and remain ongoing

(including co-defendants in other civil cases brought by plaintiff) were conveyed- revealed and are basis for continuously impeding the litigation and due process of the trial case to the extent of even impeding the adding a co-plaintiff, plaintiff's eighteen-year-old daughter. These obstructionists include the staff of the Superior Court of CA (County of Orange – Central Courthouse) and the Orange County Sheriff's Dept. who are contracted by the Superior Court as security guards and are both the subject defendants in a civil lawsuit being litigated in the Superior Court of CA, County of San Diego. Case #30-2022-01287806-CU-PO-CJC.

Furthermore, the trial court denied transfer of venue despite clear evidence of bias in favor of defendants since an active lawsuit against the trial

court venue – Superior Court of CA and County of Orange remains in litigation, whereby key-material evidence has been discovered to have been destroyed by defendants and this case which originated in this present venue was transferred to neighboring neutral county/venue, San Diego. Just as in Case 30-2022-01287806-CU-PO-CJC, transfer for this case out of the present bias venue should have been granted, hence an abuse of discretion which prejudiced plaintiff. Furthermore, trial Judge Hoffer denied Motion to Disqualify him from this case himself which also constitutes an abuse of discretion since CA Code of Civil Procedure CCP 170.4 requires the disqualification motion be reviewed by another judicial officer – (other than

Judge which is subject of Motion) CCP 170.4 (c) (1),  
CCP 170.1-170.9.

Summarily, to start the Appellate Court abused its discretion by denying plaintiff's application to initiate a new civil appeal stemming from the trial's court denying of the request for an extension of time, as a disabled litigant who is self-represented, then sustaining defendant's demurer without an existing complaint as its moving paper, and then denying Plaintiff leave to amend the complaint for the first time. The Plaintiff's application for a prefiling order -VL-110 (Judicial Council Form) was presented twice to the appellate court completely covered with basis for initiating new appeal and providing ample reason why it was not being filed to harass, as required. As such, this

petition is required since a pre-filing order requirement is deemed an injunction by definition and thus appealable. Moreover, plenty of authority exists for an appeal from an order depriving U.S. Constitutional Civil Rights and Federal ADA Rights Deprivation, as well as, a denial for an extension of time to file brief and "STAY" for the period of extension. Hence, application should have been granted. Furthermore, Plaintiff is disabled since December 22<sup>nd</sup>, 2015 and self-represented and has made it known to the lower courts, having been also injured on 10/21/2020 from a traumatic fall @ the Superior Court of CA-Harbor Justice Center-Newport Beach that resulted in permanent spinal injuries. In fact, enormous amounts of obstructions have persisted, on a daily basis to hamper

Plaintiff's litigation of this case (and others), by these defendants and their its affiliates, Superior Court of CA staff and OC Sheriff staff included (both of which are also defendants).

Hence, the prefiling order (VL-110) application statements and these facts provided overwhelming good cause to 1.) grant a statutorily provided extension to file brief, 2.) file appeal, 3.) as well as for the appeal case to proceed. Plainly stated the Defendants in this case have committed serious violations of Federal and State laws in continuous violations over several many years. These causes of actions include Fraud, Violations of the Americans with Disabilities Act, Deprivation of U.S. Constitutional Civil Rights, Infliction of Emotional Distress, Unjust Enrichment, Breach of Contract,

and more, causing enormous harm and damage to Plaintiff, including financial devastation, emotional distress, character assassination, destruction of social standing , starvation, ruining of quality of life – creating loss of housing, family and business, barring plaintiff's children a religious education and attendance to school despite having provided written confirmation of eligibility and even financial assistance-but even then excluding son despite clear available room space, and much more.

Plaintiff has been confirmed by Medical Doctors to be disabled as of December 22, 2015. He was compelled to File for Bankruptcy in 2011 and this Chapter 7 case was finalized – closed in 2014.

Plaintiff remains disabled, however, defendants continue to deny reasonable accommodations under

the Americans with Disabilities Act through this day and have continuously verbally assaulted Plaintiff in the presence of other parishioners and Staff even requiring Plaintiff to Summons the Newport Beach Police Dept. in 2021 and 2022.

These ongoing re-occurring violations of law under the same general theme are abundantly cause for tolling statute of limitations that may be otherwise applicable if these doctrines were not present. Just the same Plaintiff's Disabilities and Defendants' continuing denial of reasonable accommodations also provides tolling authority, see 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..."

Moreover, on March 20, 2023, Notice of Appeal reflects denial of leave to amend, Denial of Enlargement of Time to file complete opposition brief, denial of ADA rights, deprivation of 14<sup>th</sup> and 7<sup>th</sup> amendment, U.S. Constitutional Civil Rights and Rights under the Americans with Disabilities Act- Denying Emergency Stay pending appeal filed 03/10/2023. This in itself invalidates hearing of March 20<sup>th</sup>, 2023, since this ensuing hearing discussed the same topic/issues included in the appeal(3/10/23), "extension of time to file" since ex

parte application seeking extension of time was also part of hearing subject matter. See Exh. G attached dated March 17<sup>th</sup>, 2023.

Please also note the clerk of the courtroom refused to permit hearing on ex-parte ahead of March 20<sup>th</sup>, 2023 despite good cause and Plaintiff having provided notice to opposing counsel timely and hand delivering application in person and conveying details about the undergoing obstructions and delays by O.C. Sheriff Deputies and staff of the court refusing to provide copy of the application during business hours, that had been e-filed the night before, despite Plaintiff having filed the application electronically, see Exhibit X, hearing on ex parte should have been conducted on 03/17/2023 – ahead of the weekend so appeal could

be filed, Writ – Emergency Stay may have been filed w/ upon denial, with CA Supreme Court ahead of the March 20<sup>th</sup>, 2023 hearing, but this due process was deprived, also a 14<sup>th</sup> amendment of the U.S. Constitution violation. All of these are appealable under CA Code of Civil Procedure CCP 904.1 and 906.

As such the pre-filing application (form VL-110) should have been granted, to proceed w/ appeal, especially since any possible Statute of Limitations questions are dismissed by Tolling authority under "Continuing Violations Doctrine" and "Second /Alternative Claims Doctrine" both applicable authorities for tolling statute of limitations in this case. In summary, the Court of Appeals is far off the mark and abusing their discretion and

authority by not allowing an appeal of solid footing to proceed, despite the blatant obstructions by defendants and cohorts – Superior Court and O.C. Sheriff whom plaintiff has an active lawsuit against, see Luckett v. Panos 161 Cal. App 4<sup>th</sup> 77, March 24th, 2008. Pre-filing order is Injunction by Definition CCP 525 and Reversible – See CCP 533.

I, Arthur Lopez hereby declare all herein contained is true under penalty of perjury of the laws of the State of California- ARTHUR LOPEZ.

Errors by the lower courts for Reversal:

To begin, the California Court of Appeals, Fourth District, Division 3 has again abused its discretion

by denying Plaintiff Arthur Lopez's application to file a new civil litigation as a prerequisite due to error of family law Judge Thomas M. Conville who has since been removed as presiding judge of the Lamoreaux Justice Center dissolution of marriage case #16D001283 " Lopez, Arthur v. Lopez, Cheryl and for which an appeal is also active under case

G62004. This erroneous pre-filing order requirement was issued November 9<sup>th</sup>, 2022 to continue the deprivation-stifling of Father ARTHUR LOPEZ's Parental Rights, ongoing for 8 Years now, see Ms. L v. U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, (ICE), et al-

CASE NO. 18-cv-00428(S.D. CAL.). Nevertheless, Plaintiff attached a prefiling order request (FORM VL-110)- application to his Notice of Appeal twice

first on March 21st, 2023 and again on April 11, 2023 herein attached as Exhibit A. On these applications, Appellant listed an abundance of merit for these new Appeals. To start, 1.) The trial court had abused its discretion by failing to permit Self-Represented Litigant, who is disabled, leave to amend his complaint even once. That is correct not even once since the trial court judge from the Superior Court of CA, Los Angeles County, on the day she granted, (07/07/2022-MINUTE ORDER-LAST PARAGRAPH 21STCV23942), Defendant's Transfer of Venue Motion to Superior Court of CA, County of Orange, where Plaintiff has a multimillion active CIVIL lawsuit (Case #30-2022-01287806 CU-PO-CJC) for which a government

claim had been filed in April of 2021, and this case having been initiated June 29<sup>th</sup>, 2021, was a well established fact – known by those employed throughout the “Superior Court of California World” and beyond within short time, just as a vexatious litigant label is known by every State of California judicial branch – Network affiliate, Judge Monica Buchner – Dept. 71, ordered Plaintiff's 1<sup>st</sup> Amended Complaint Stricken from the Record from the second (MINUTE ORDER OF 7/7/2022-CASE NUMBER 21STCV23942-last paragraph). Despite this, opposing counsel, Tyler Bernstein, filed a demurrer based on the Los Angeles County “Stricken Amended Complaint as moving document/complaint by omitting this

critical fact to the Orange County Superior Court.

This is to say that counsel's/ Defendant's entire Demurrer Arguments (of 8/18/2022 demurrer filing docs.) were rendered with no amended complaint on the record as a basis. As such, Demurrer can't be granted if it is not supported by truthful fact-based arguments of complaint as was referenced here and moreover, Judge David A. Hoffer from Dept. C16 was aware of this by Plaintiff's opposition and supplemental opposition (08/29/2022 and 10/07/2022, 10/10/2022, 12/01/2022, 12/14/2022 and 03/16/2023).

Please take judicial notice that Plaintiff's initial amended complaint (first-adding LOS ANGELES COUNTY defendants) submitted and received by "intake-clerk" of Los Angeles County, should have

never prompted her to seek leave from the court to file the amended complaint (06/14/2023 AND 07/06/2022) as per California Code of Civil Procedure, CCP 472 (a) since it provides authority to file first amended complaint without leave from the court. Moreover, the same is applicable to the "Intake-Clerk of the Civil Division @ the Orange County SUPERIOR COURT Venue after the case was transferred by Los Angeles COUNTY, since the INTAKE-clerk then ERRONEOUSLY docketed THE AMENDED COMPLAINT that had been STRICKEN by Judge Bachner on 7/7/2022 as entry to wrongfully reflect an amended complaint filing on 07/18/2022 even though the Los Angeles – Superior Court had stricken this amended complaint on 07/07/2022 before the transfer (and

the clerk of Los Angeles County mailed out a rejection notice following Judge Monica Buchner order to strike the amended complaint in her 07/07/2022 MINUTE Order. Throughout the processes the clerks of both courts manipulated the records to suit their bias and defendants played on the wrong entices to advance their demurrer motion despite it being entirely based on an amended complaint that was stricken and never part of the record and moreover Judge David Hoffer abused the discretion in error by then granting – sustaining defendants' demurrer knowing full well it was entirely false.

2.) Secondly, plaintiff listed the court's abuse of discretion in denying disabled self-represented litigant an extension of time to

file a thorough OPPOSITION TO  
DEFENDANT'S DEMURRER given the  
enormous consorted effort by numerous staff  
members to obstruct and delay litigation and  
moreover countless conflicting deadlines  
including those with the CA Court of Appeals  
Fourth District Division Three on matters  
related to "LOPEZ v. MUFG Union Bank  
,NA" (CASE NO. G061254) case that was  
initiated by two attorneys who abandoned  
the case after receiving over ten thousand  
dollars in legal fee payments from plaintiff.

3.) Third, Plaintiff cited the ongoing fraud by  
several elements / staff of the Superior Court  
of CA – Central District Santa Ana – Trial

Court. Deprivation of United States  
Constitutional Civil Rights – Due Process

4.) In addition, Plaintiff has repeatedly referenced tolling doctrines as bases for addressing any Statute of Limitation arguments including “Continuing Violations Doctrine” since the harm against Plaintiff has been ongoing, relentless and even requiring the summons of the Newport Beach Police Dept to reign-in defendant’s abusive staff as recent as the Summer of 2021(relative to this case initiation in 2021) whereby this case was filed as stated June 29<sup>th</sup>, 2021. Plaintiff is a cradle Catholic and he was misrepresented by the defendants through deceit and the harm by their

misrepresentations has been direct cause  
detrimental to Plaintiff, including the  
Inflection of Emotional Distress. None of  
these causes of action are time barred.

See Richard v. CH2M Hill, Inc., 26 Cal. 4<sup>th</sup>

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...”

-Jay Brome vs. California Highway Patrol,  
44 Cal. App. 5<sup>th</sup> 786, Court of Appeals, First  
District, Division Five (January 29<sup>th</sup>, 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

precluded summary judgment on  
constructive discharge claim. \*Reversed and  
Remanded.

Aryeh v. Canon Business Solutions, Inc. 55  
Cal 4<sup>th</sup> 1185 (January 24<sup>th</sup>, 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.

Furthermore, Plaintiff has been seeking  
Relief for many years and the “2<sup>nd</sup> -  
Alternative Claims Doctrine” also provides  
authority for tolling statute of limitations  
concerns.

5.) In fact, the Ukrainian conflict can be said  
has origin in part to the abuses of the  
defendants against Plaintiff since the  
heritage of the vice principal of the  
defendant- School is of Ukraine (Mary Fedak  
now retired on plaintiff's eldest daughter's  
birthday-June 30th). These abusers of the

defendants have been conveyed to the lower courts and their answer to these unlawful acts is to brush these causes of action under the rug. The judicial process and U.S. Constitution – Due Process protections do not work this way and as such is cause for appeal case to move forward and denial of the Pre-filing Order Application-Injunction vacated. Hence, the CA Court of Appeals 4<sup>th</sup> District, 3<sup>rd</sup> Division and the two Superior Courts of California – County of Los Angeles and Orange – have erred and abused their discretion repeatedly along with their rogue-criminal; employees who have targeted Plaintiff every chance they get because of his male gender, Catholic Christian Religion –

Religious Beliefs – As there is NO female goddess! There is one true God and his name is “Jesus Christ” in union with the “Father” and “Holy Spirit”. This is Catholic – Christian theology and my belief even with the defendants using the name of our Blessed Virgin Mary – “Our Lady Queen of Angels”, it does not change this theology and nor does it give them a license to practice idolatry, as “Our Lord God” mandates against it, this is my belief and Catholic Christian Theology. Therefore, the lower courts and the defendants do not have authority to persecute Plaintiff for having these religious beliefs even if Holy Father Pope Francis goes to the hospital with

Bronchitis before Easter/Christmas, or even if the President of the United States Joe Biden, who promotes abortions for non-practicing women and considers himself a friend to the Holy Father Pope it does not change Plaintiff's Constitutional Civil Rights. These defendants including clergy, priests, and staff have betrayed their oath to God repeatedly, they have caused enormous harm to Plaintiff and for this they have been sued with \$300,000,000. – net after taxes in relief sought. A jury must hear these facts, even if Jewish Heritage attorney Bernstein. Thinks he can walk on water and slander Plaintiff by calling him a "Bigot" and have friends in Washington, D.C. as part of "Zeno

Power" (emissions/fuel start up) Co-Founders (Power Vanderbilt University alumni) with alliance with Jonathan Segal, Jacob Matthews, Hash S. Desai, Matt Trevithick, Shawn Modi, etc. These defendants with their belligerent attorney and allies are no match for "Jesus Christ." Now then, well established facts disclosed on the One Page Form provided by the Judicial Council of California VL -110, including United States Supreme Court Precedent in Haines v. Kerner, 404 U.S. 519 (1972). "Pro-Se litigant to be held to a less stringent standard than lawyers... See also Sullivan v. City of Sacramento (1987) 190 Cal App. 3d 1070,

1081 and Douglas v. Superior Court (1989)

215 Cal App 3d 155, Holding:

“There is a great liberality in permitting  
amendments to the pleadings at any stage of  
the proceedings “citing Klopstock v. Superior  
Court (1941), 17 Cal. 2d 13, 19)

Let a peremptory Writ of Mandate issue  
ordering the trial court to set aside its order  
sustaining demurrer without Leave to  
Amend and to enter a new and different  
order overruling the demurrers and granting  
Weiner time to answer the complaint.”

MEMORANDUM-AMERICANS WITH  
DISABILITIES ACT OF 1990:

In fact, the Americans with Disabilities Act of 1990 requires – provides – Public Services – Prohibition against discrimination and other generally applicable provisions under Sub-Chapter II (Title II) Part A – Section 12132 Discrimination: “Subject to the Provisions of this subchapter no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” – and Section 12133 – Enforcement “The remedies, procedures, and rights set forth in section 794a of title 29 shall be the remedies, procedures, and rights

this subchapter provides to any person alleging discrimination on the basis of disability in violation of section 12132 of this title." In this matter related to this Writ - Petition – Petitioner asserts he has been discriminated upon due to his disabilities by not only the defendants and their attorney but, also, the Trial Court Superior Court[ not only with regard to the cited denial of his reasonable accommodation Request for a 30 Day Extension of Time to file a Response- Opposition to Defendants' filings but in fact has been systemically been discriminated upon for his disabilities for years including on the day of suffering a dramatic fall on October 21<sup>st</sup>, 2020, on or about @ the

Superior Court of California @ Harbor  
Justice Center in Newport Beach, California  
where a public defender named Christopher  
Lee disclosed everyone at the courthouse  
“hated” petitioner – Plaintiff. This revelation  
was disclosed on or about December of 2015,  
and has continued throughout the Superior  
Court of California venues consistently  
including judges]. Along with this present  
petition, petitioner is actively litigating a  
case against Superior Court of California  
which serves as a catalyst for hampering and  
obstructing petitioner’s rights as provided by  
the ADA guidelines and consequently a  
violation of discrimination due to his  
disabilities. The following Memorandum of

Points and Authorities along with the  
Statement of Facts and Exhibits and Table of  
Authorities abundantly provides justification  
for this court to grant the Relief sought  
under the issuance of this Writ petitioned as  
to provide by consequence disabled petitioner  
relief.

ADA – Memorandum of Table of Authorities  
Support of Writ:

The United States Supreme Court has held in U.S.  
Airways, Inc. v. Barrett, 535 U.S. 391 (December  
4<sup>th</sup>, 2001)

That Petitioner/Plaintiff need to present evidence  
of special circumstances surrounding the particular  
case that demonstrated the assignment was  
nonetheless reasonably in order to have deemed a

violation of the Americans with Disabilities Act (ADA) just as in this present case petitioner Arthur Lopez clearly established permanence of his disabilities with evidence from several medical doctors including Dr. Madrid, Dr. Pitino and Surgeon Bederman as attached to the initial ADA ACCOMODATION REQUEST to the court;

“This Medical evidence reflects:

- Cervical stenosis of spine
- Cervical subluxation
- Chronic pain
- Edema
- Limitations of movement, stagnant sitting or standing, and much more permanent injury pain which has caused paralysis in the past.

Moreover, in fact numerous courts including the Superior Court of CA – County of Los Angeles – have recently granted the same request for civil case (Lopez v. Our Lady Queen of Angels, et al); and the CA Court of Appeals Fourth District, Third Division has made numerous grantings of the same request for several cases in the past including Lopez v. MUFG Union Bank, NA, et al, and recently for another civil case. Hence, Petitioner Arthur Lopez's certainly met his burden of providing evidence of special medical circumstance including conflicts with multiple other civil cases such as deadlines within the same dates related to this case even a deadline to the United States Supreme Court -docketed

January 31<sup>st</sup>, 2023 (Lopez v. Our Lady Queen of Angels Catholic Church, et al).

Furthermore, the California Supreme Court has ruled in Green v. State of California, 42 Cal. 4<sup>th</sup> 254 (August 23<sup>rd</sup>, 2007) #S137770 holding a disabled Plaintiff held the burden of proof in establishing he was able to perform essential duties of position with a reasonable accommodation to establish actionable discrimination on the basis of disability. Further summarizing the (ADA) Americans with Disabilities Act limited their prospective scope to those employees with a disability who could perform with reasonable accommodation. Again, just the same, in this present appeal case, Petitioner who remained self-represented

throughout proved his ability to file the response opposition to defendants' motion if provided the requested accommodation for an extension of time given that Petitioner had met other deadlines that preexisted in appellate and trial courts (see Exhibit A and Z) including the Supreme Court of the United States docketed January 31<sup>st</sup>, 2023.

In addition, the Supreme Court of the United States held in Young v. UPS, 575 U.S. 206 that Petitioner, Plaintiff made a prima facie case showing that she belonged to a protected class, the defendant denial of accommodation was disparate treatment, but defendant accommodated others similar in ability or inability; 2.) Plaintiff made out a prima facie

case, the employer justified refusal to accommodate by relying on legitimate, nondiscriminatory reasons; 3.) Employer offered reasons had to be shown as pretextual: 4.) The lower courts improperly granted judgment to defendant where a pregnant Plaintiff's evidence created a genuine dispute as to whether defendant provided more favorable treatment to at least some employees whose situation could not be distinguished. Hence judgment vacated; case remanded.

Once again in this present case Plaintiff established prima facie case of his disabilities- qualifying him as disabled -protected class, but yet the trial courts provided denials of accommodation reasonable requests by plaintiff,

with pretextual reasons since similar requests were granted automatically to non-disabled others and attorneys (i.e. Superior court of CA, 12/16/2023 attorney request for 30 day extension to file response by attorney Kevin McCormick representing Superior Court defendant on case #30-202-01287806-cu-po-cj).

**Memorandum**

**Leave to Amend:**

1.) Foman v. Davis, 371 U.S. 178 (1962)  
“The United States Supreme Court interpreted Federal Rules of Civil Procedure 15 (a) to require Federal Courts grant a party Leave to Amend a pleading absent special circumstances such as Bad Faith or

Prejudice to Opposing Party. It has been recognized by both other courts and secondary sources as a leading decision or the interpretation of Rule 15 (a)."

The Pre-filing order an Injunction and Appealable.

2.) Luckett v. Panos, 161 Cal. App. 4<sup>th</sup> – 77

(March 24<sup>th</sup>, 2008)

"The definition of an injunction is found in section 525: "an injunction is a writ or order requiring a person to refrain from a particular act. It may be granted by the court... Moreover CCP 553, states: "In any action, the court may on notice modify or dissolve an injunction on temporary

restraining order upon a showing that there has been a material change in the facts upon which the injunction or temporary restraining order was granted has changed, or that the ends of justice would be served by the modification or dissolution of the injunction or temporary restraining order."

Simply put modification of an injunction may be predicated on: 1.) Change of facts, 2.) Change in the law or, 3.) Ends of justice. The court summarized "It turns out that there is no need to rely on any brooding fundamental fairness in the sky for the proposition that a vexatious litigant determination may be erased at least in regards to profiling orders."

Moreover, Plaintiff is not vexatious but rather Civil attorney turned judge in Family Law slandered Petitioner so as to retaliate for disclosing his injustice and abuse of power and abuse of discretion on the bench while temporarily presiding over Plaintiff's Family Law Case 16D001283 on matters of custody and sex trafficking prostitution related to the respondent and her associates being revealed in court filings to the court. He has since been reassigned for abusing his authority and presiding over his own disqualification motion – having worked for law firm that represented defendant MUFG Union Bank, NA who is a defendant in Plaintiff's case against them under case

#G061254. Plaintiff has also appealed this  
slander under case #G062004.

Deprivation of Civil Rights – Rights  
Appealable

1.) Kennedy v. City of Hayward, (First  
Ridgewood Co. et al Real Parties of Interest)  
105 Cal. App. 3d 953, Court of Appeal First  
District Division Two (May 21<sup>st</sup>, 1980)  
“Adjacent owner appealed from judgment of  
the Superior Court Alameda County, Zook  
Sutton J. denying his petition for writ of  
mandate to require city to set aside order of

its planning comm. Approving Lot split application. The Court of Appeal, Taylor P.J. held that: 1.) Trial Court erred in applying traditional mandamus standard of review rather than applicable administrative mandamus standard of Code of Civil Procedure and 2.) Adjacent landowner was deprived of his due process rights to notice and hearing.

2.) People v. Mary H., 5 Cal. App. 5<sup>th</sup> – 246 CA Court of Appeal, Fifth District, Nov. 7, 2016 “Psychiatric patient, who had been banned from owning a firearm after being taken into custody for psychiatric evaluation and treatment under LPS act filed petition requesting order lifting firearm prohibition.

Following hearing, The Superior Court Kern County, No. M15859 Louie L. Vega J. Denied request, patient appealed.

The Court of appeal held:

1.) Order denying patient's request was appealable.

3) Brooks v. The Small Claims Court for Downey Judicial District of Los Angeles County, et al  
(Mabel Page, Red Party of Interest)

8 Cal. 3d. 661 Supreme Court of California

“Proceeding for writ of mandate to compel courts to allow filing notice of appeal and prosecution of

appeal from small claims court judgment without filing undertaking. The Supreme Court, following, held that the requirement of undertaking prior to a due process hearing with right to counsel constituted an unconstitutional taking of property without Due Process.

Hence, the VL-110 application statements and these facts provided overwhelming good cause to apart a statutorily provided extension to file relief and appeal, any thing to the contrary prejudices Plaintiff as well as for an appeal to proceed. Plainly stated the Defendants in this case have laws in Continuous violations “over several many years of the Americans with Disabilities Act, Deprivation of U.S. Constitutional Civil Rights, Inflection of Emotional Distress, Unjust Enrichment, Breach of

Contract, and more causing enormous harm and damage to Plaintiff including financially, emotionally, character, social standing, quality of life – creating loss of housing and much more.

Plaintiff has been confirmed by medical doctors to be disabled as of December 22, 2019. He was compelled to File for Bankruptcy in 2011 and this Chapter 7 Case was finalized – closed in 2014.

Plaintiff remains disabled and Defendants continue to deny reasonable accommodations under the Americans with Disabilities Act through this day and have continuously, reliably assaulted Plaintiff in the presence of other parishioners and staff even requiring Plaintiff to cause summons the Newport Beach Police Department in 2021 – 2022. These ongoing reoccurring violations of law under the

same general time is abundantly cause for tolling statute of limitations that may be applicable if these doctrines were not present, just the same Plaintiff's disabilities and Defendants continuing denial of reasonable accommodations. Therefore, basis for the COA to deny Plaintiff's application for appeal. Moreover, on March 20<sup>th</sup>, 2023, notice of appeal reflects denial or leave to amend, denial of enlargement of time to file, denial of ADA rights, deprivation of 14<sup>th</sup> and 7<sup>th</sup> amendment U.S. Constitutional Rights and rights under the Americans with Disabilities Act – emergency stay pending appeal (filed 03/10/2023). This in itself unvalidates hearing of March 20<sup>th</sup>, 2023, since the ensure hearing discussed extension of time to file since ex parte application seeking extension of time

was part of hearing (see exh. Y attached dated March 17<sup>th</sup>, 2023). Please also note the clerk of the court room refused to permit hearing on ex-parte ahead of March 20<sup>th</sup>, 2023 despite good cause and plaintiff having provided notice to opposing counsel timely (03/16/2023, 03/17/2023) and hand delivering application in person and conveying obstructions and delays by O.C. Sheriff deputies and staff of the court refusing to provide copy @ the court during business hours despite Plaintiff having filed the application electronically the night before, see Exhibit X, hearing on Ex Parte should have been conducted on 03/17/2023 – ahead of the weekend so appeal could be filed, writ – emergency stay may have been filed w / upon denial)

## **Relief Sought**

### **Argument**

#### **Petition for Writ**

- 1.) Writ – Injunctive relief Order to issue vacating the CA Court of Appeals Denial of “application to Initiate New Civil action / appeal” Dated April 11<sup>th</sup>, 2023.
- 2.) Also, accordingly vacate dismissal order of the appeal case by the CA Court of Appeals Fourth District, Division three dated the same date April 11<sup>th</sup>, 2023 and order appeal from the Superior Court of CA, County of

Orange, Trial Court case #30-2022-  
01271461-CU-CR-CJC to proceed for  
Denial of Extension of Time to file brief, and,  
sustaining baseless demurrer, dismissing  
civil case without jury trial –Alternatively  
grant relief sought for \$300,000,000.00 net  
after taxes case (Three Hundred Million  
Dollars net after Taxes)  
Otherwise, case To proceed or grant relief  
(Vacating trial counts dismissed) and  
sustaining of defendants' baseless demurrer  
as Plaintiff is not only, not vexatious, but  
moreover an abundance of triable errors  
exists, such as depriving Leave to Amend,  
failing to recognize Tolling Doctrines to  
extend/toll statute of limitations.

## Petition for Writ

### Argument:

Relief sought: Provide appeal to proceed

Provide extension of time to file trial (trial court of appeals)

3.) Trial Court(s) – Superior Court of California

to provide Petitioner all rights afforded to him through the Americans with Disabilities Act of 1990 (42 U.S.C., Chapter 126; Section 12101-12213) including granting of extension of time to file response – opposition to defendants' motions – Demurrers, etc. as/under ADA reasonable accommodation

request from disabled Plaintiff Arthur Lopez especially where other deadlines to file exist in other courts since Plaintiff remains without legal representation for any of his Civil Cases, or in the alternative or resole Defendants demurrer as no amended complaint was point of the record and thus demurrer is baseless.

4.) Trial Court(s)' staff – Superior Court of California is to refrain from discriminatory - hostile acts against Plaintiff who is disabled and who has repeatedly been subjected to harassment and extended needless delas and in person appearances demanded from / by the staff, including supervisory level employees, from the Superior Court of CA -

Civil and Appeals divisions. The restraint should include the blocking of litigation documents being filed, such as Notice of Appeals – ADA accommodation requests.

5.) Stay of all deadlines + litigation debated to these / this Civil unlimited Superior Court cases pending processers related to the ongoing appeals and this petition for review and / or writ of mandate.

6.) Immediate stop to investigations – following spying – photographing of Plaintiff – Petitioner by Defendants' staff – investigations – law enforcement, associates – cohorts – affiliates – judges including obstructions of justice in other civil unlimited ongoing cases in California and

Florida, etc. These orders to emergency stay - stop are to include County employees – staff of Orange – San Diego – Los Angeles and all others currently conspiring with these defendants to obstruct impede derail litigation against Plaintiff, also including Public Libraries / Law Libraries – University, Libraries, etc. 5.) Writ of Mandate should issue to vacate Trial Courts Denial Orders related to Plaintiff's Request for Extension of Time to file response opposition in this / these trial case(s) and the extension of time to commence from the date of granting and Due Date to be clearly undebated as part of order – Hearing Dates

for Motions to also be rescheduled  
accordingly.

7.) Writ of Mandate should issue precluding  
Libraries from obstructing access to their  
said entities by denying ADA  
accommodations in violations of ADA act of  
1990 – Title II Part A – Section 12132 –  
Prohibition of Discrimination due to  
disabilities with the intent and result of  
denying access to Public Entity – Libraries  
and universities including Cal State  
Fullerton – Pollock Library, O.C., Law  
Library (Santa Ana), Chula Vista Library,  
Copley Library @ University of San Diego,  
San Diego, San Diego University Library.  
These libraries and others must cease

discrimination against the disabled,  
including abusive fees – parking and  
otherwise to preclude disabled from gaining  
benefits of services and access to library.

These are orchestrated with the intent also  
to obstruct justice and the preparation of  
civil procedure pleadings – causing countless  
delays and duplicity in maze of ADA  
accommodation request protocols,  
harassment, etc. In the instance of  
University of San Diego, they need to not bar  
access to the library in any way during  
public access hours nor impose demand upon  
disabled to embark on steep hill climbing by  
requiring personal vehicle to be placed off  
campus nor impose disabled to agree to

unrealistic expensive fees and still huge  
distance parking of vehicle away from library  
even when fees are paid and in essence  
barring access.

8.) Also take Judicial Notice of Plaintiff's ex  
parte application and March 16<sup>th</sup> filing  
electronically of application (request) for stay  
– extension of time due to emergency –  
30-2022-01271461, critical (see Exhibit Y)  
since it reveals Obstructions by Defendants  
and their cohort Defendants in other active  
civil case(s) including Superior Court of  
California – County of Orange and Orange  
County Sheriff's Department, et al (Case #  
30-2022-01287806-CU-PO-CJC).

Accordingly, California Code of Civil

Procedure CCP 904 (a) (6) (a) automatically provides authority for appeal which states: CCP 904.1 (a) (6) (a) an appeal, rather than in a limited civil case, is to the court of appeal. An appeal, other than in a limited civil case, may be taken from any of the following: From an order: "Granting or dissolving an injunction [Stay], or refusing to grant or dissolve an injunction [Stay]."

ALTERNATIVELY, DEFENDANTS ARE TO PAY PLAINTIFF RELIEF SOUGHT IN THE AMOUNT OF \$300,000,000.00 NET AFTER TAXES.

## REASONS FOR GRANTING THE PETITION

This Petition should be granted to discourage corruption of the United States Catholic Church and California State Courts. Moreover, granting the petition will also undo the attacks upon the American families attempting to impede Due Process on these related relief efforts.

Furthermore, granting of this relief request should also serve to maintain a separation of Church and State as the concept enshrined in the United States Constitution First amendment – establishment clause: “Congress shall make no law respecting on establishment of Religion.”

## CONCLUSION

For all these facts and abundance of good cause and merit, and authorities in support of right to appeal, leave to amend complaint, ignoring tolling doctrines and United States constitution Civil Rights, including the 7<sup>th</sup>, and 14<sup>th</sup> Amendments this Petition For Writ of Certiorari should be granted and the lower court's orders vacated/reversed..

For all these facts and abundance of good cause – merit. In support of right to appeal and U.S. Constitutional Civil Rights including the 7<sup>th</sup> and 14<sup>th</sup> amendments, this petition for review should be granted and the lower courts' dismissal order vacated since appeal of dismissal of case order related to deprivation of U.S. constitutional civil

rights, 14<sup>th</sup> amendment, included, and denying of  
Leave to Amend complaint and disregarding tolling  
doctrines, and depriving rights under the Federal  
Americans with Disabilities Act is very much  
appealable under California Statute.

#### **RELIEF SOUGHT**

Petitioner reiterates his relief sought in the amount  
of \$300,000,000.00 (Three Hundred Million Dollars)  
Net after Taxes.

#### **Appendix A**

Docket (Register of Actions) CA Supreme Court  
Lopez v. Our Lady Queen of Angels Catholic  
Church

Division SF

Case #S280064

| Date       | Description                           | Notes   |
|------------|---------------------------------------|---|
| 05/18/2023 | Petition for review filed             | Plaintiff and Appellant:<br>Arthur Lopez<br>Pro Per   |
| 05/19/2023 | Forma pauperis application filed      |   |
| 05/19/2023 | Received Court of Appeal record       |   |
| 07/05/2023 | Time extended to grant or deny review | The time for granting or denying review in the above- |