

ORIGINAL

No. 24-176

In the
Supreme Court of the United States

FILED
AUG 12 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

RICHARD WILLIAM DOUGLAS, JR., ET AL.,
Petitioners,

v.

WILLIAM JOSEPH KALANTA, ET AL.,
Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

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August 14, 2024

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QUESTIONS PRESENTED

1. Whether Modesto Police can ignore witnesses in a very suspicious death investigation and lose crucial evidence of the murder in the first degree when the Stanislaus County Coroner ruled the death "Undetermined."
2. Whether the Modesto Police can lie in California Superior Court, Stanislaus County when they swore under oath that Angela Kalanta died from an "Accidental" overdose. (Perjury PC 118 California)
3. Whether California Superior Court clerk can lie to Defendant about his court date and deny continuance for Defendant who was sick on her court date, resulting in the Defendants Richard and Christine losing a case by default for non-appearance when both defendants were/are disabled and living in different State than California even though Defendants paid \$65.00 each to appear by phone. Judge in that case denied Christine and Richard both appearances in the first hearing, the judge was disqualified in the original hearing and a new Judge denied both Defendants telephonic appearance, even though formally requested.
4. Whether it is legal or ethical for a police department to have an opinion about a murder when one of the suspects was a past employee of the same police department.
5. Whether the 'closed police report' State of California is making it easier for an organized crime conspiracy.
6. Whether Petitioners have Statutory Standing under RICO Civil property and business damages clause.

7. Whether 'Property' includes Petitioners home and loss of income.
8. Whether a pattern of predicate crimes, alleged by Petitioners, and resolution in the murders of Angela, Joseph Toht and Ashley Henderson qualifies for RICO Civil and or RICO Criminal violation.
9. Whether Richard Douglas, the Defendant in the Stanislaus Slander suit can be legally served via U.S. mail at his Father's residence in a different State five months after the case was closed.
10. Can the Modesto Police Department ignore the Federal Court Summons? They never appeared nor responded to the Court order to appear or defend.
11. Why was not this case referred to the Attorney General since it has murder by Organized Crime member Kimberly J. Hurt-Buhrman and Police cover-up involved?
12. Statutory Standing-Statute of Limitations issue [RICO] Dismissal by *Sua Sponte*, of the Modesto Police Department.
13. Immunity issue. Modesto Police lied in Stanislaus Superior Court case.
14. Failure to State a claim question: Harm to his "business or property."
15. Proximate cause question
16. Statute of Limitations issue 2019 and 2024 latest predicate acts documented in record herein associate attack on 6-18-2024 on being, predicate acts.
17. "Documentary material" Original Complaint [ignored recording by courts]

18. Whether "The SEPARATE ACCRUAL RULE" applies here.

PARTIES TO THE PROCEEDINGS

Petitioners and Plaintiffs-Appellants

- Richard William Douglas, Jr.;
- Christine Anne Hurttt

Respondents and Defendants-Appellees

- Kimberly Jo Hurttt
- William Joseph Kalanta
- Michael James Kalanta
- Modesto Police Department

LIST OF PROCEEDINGS
Direct Proceedings

U.S. Court of Appeals for the Ninth Circuit
No. 23-15104

Richard William Douglas, Jr.; Christine Anne Hurttt,
Plaintiffs-Appellants, and David R.L. Henderson,
Plaintiff, v. William Joseph Kalanta; Michael James
Kalanta; Kimberly Jo Hurttt; Modesto Police
Department, *Defendants-Appellees*.

Date of Final Opinion: April 25, 2024

Date of Rehearing Denial: May 16, 2024

U.S. District Court for the Eastern District of California
Case No: 1:21-CV-01535-JLT-EPG

Richard William Douglas Jr., Et Al., v. William
Joseph Kalanta, Et Al.

Date of Final Judgment: December 21, 2022

Related State Court Proceedings

State of Ohio

Vandalia Municipal Court

CRA 9201462

State of Ohio v. Michael B. Buhrman

Filed 05-19-1992

Arrest Warrant-Records/Sealed 2925.03 Trafficking
Drugs (FS)

State of Ohio

Green County Ohio

Case No. 1992 CR 0309

State of Ohio v. Michael B. Buhrman

05/22/1992

Aggravated Murder

State of Ohio

US District Court Southern District of Ohio

Western Division Dayton, Ohio

No. 3:98 cv 00569

Michael B. Buhrman v. Harold Carter, Warden 1

Judgment-Dismissed, Docket No. 158

State of Ohio

In The United States District Court for the Southern
District of Ohio Western Division at Dayton

Case No. 3:98 cv 00569

Michael B. Buhrman v. Harold Carter

Filed 03-02-2006

Chief District Judge Sandra S. Beckwith Magistrate

Judge L. Ovington

State of California

Stanislaus County Superior Court

Case No. 286683

Christine Anne Vega v. Christina Ann Vega-Ayala*

02/20/2002

Domestic Violence Prevention – Granted

State of California

Stanislaus County Superior Court

Case No. 336427

Isidro Leyva Jr. v. Christine Leyva

Filed on 10-31-2003

Dissolution w/o Children

Dismissed by Petitioner Isidro Leyva

State of California

Stanislaus County Superior Court

Case No. 1094626

The People v. William J. Kalanta

Filed 07-07-2005

Criminal-FEL-Misd-INF

Corporal Infliction upon a Spouse or co-inhabit or

State of California

Stanislaus County Superior Court

Case No. 375851

In the Matter of Michael J. Douglas

Filed 11-1-2005

Change of name from Douglas to Kalanta

* Christine Hurt's former name was Vega.

State of California

California Superior Court in Stanislaus County

Case No. 282116

Vega v. Vega

Amended Findings and Order after Hearing 01/22/2010

Immediate Change of Custody – Granted to Mother

State of Nevada

Clark County Courts

Isidro Leyva v. Christine Leyva

File date: 11/24/2010

05-06-2011

Kimberly J. Hurt

Payment to obtain Christine's divorce file

(phone) Receipt No. 2011-18448-FAM

State of California

Stanislaus County Superior Court

Case No. 455222

Douglas v. Kalanta

05-12-2011

Domestic Violence Protective order – Closed

State of California

California Superior Court in Stanislaus County case

Case No. 653516

Kalanta v. Douglas et al

Civil code Section 45 (a)

Slander per Se

Libel

Libel Per Se. Conspiracy to commit: slander Per Se,

Libel and Libel Per Se

Judgment Date: 08-30-2011

Defendants denied hearing per Court and Petitioners
Counsel

State of Washington
Snohomish County Superior Court
Case No. 112012997
Hurtt v. Hurtt
File Date: 9-30-2011
Anti-Harassment – Mutual orders for six months

State of Washington
Stevens County Superior Court
Case No. 24-2-002314
Christine Hurtt v. Robert Hurtt
File Date 6-20-2024
Domestic Violence Protection Order – Granted

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OPINIONS BELOW

The Memorandum Opinion of the United States Court of Appeals for the Ninth Circuit, dated April 25, 2024, is included in the appendix to the Petition at App.1a. The Judgment of the United States District Court for the Eastern District of California, dated December 21, 2022, is included below at App.9a.



JURISDICTION

The final Order of the Ninth Circuit Denying a timely filed Petition for Rehearing was entered on May 16, 2024. (App.43a) This Court has jurisdiction under 28 U.S.C. § 1254(1).



INTRODUCTION

The root cause of this case is the corrupt Modesto Police Departments failure in the first place by ignoring witnesses, lying to witnesses, treating witnesses with contempt, yelling and hanging up phones on witnesses, blocking emails from witnesses, admitting to losing crucial physical evidence and the Stanislaus County District Attorney has also covered up this case, lied to witnesses, threatened witnesses with arrests for simply asking questions, lost crucial physical evidence, case No. 1:21-cv-01535, Pg. 7, Para 16, returned evidence to witnesses of other crimes not related to this case,

refused to even once talk to witnesses by District Attorney Birgit Fladager for over many years until she retired. Stanislaus County Court denied Petitioners appearance in the first instance in the Stanislaus Superior Court of both Petitioners' in violation of their Constitutional Right to "DUE PROCESS." This case is absolutely outrageous, and constitutes arbitrary and oppressive government action against Petitioners. This case is an absolute miscarriage of Justice for the victim beginning on June 2, 2009, until now.

Petitioners have submitted voluminous evidence to prove a pattern of racketeering and ongoing predicate crimes and crucial evidence proving that Angela Kalanta was indeed fatally poisoned in the first degree and beyond all doubt for a reasonable person, Docket 25, No. 23-15104. Petitioners have statutory standing under RICO Civil because the pattern is ongoing with another attack against Petitioner Christine Hurt on June 18, 2024, by another associate and family member of this gang at Christine's current home in Colville, Washington. The associate Robert A. Hurt was arrested on June 18, 2024 for attacking Christine and threatening to kill her and her fiancé while wielding a knife, Stevens County Sheriffs Case No. 24-07075. Robert Hurt went on to declare that he will be rich once Christine is dead! Robert Hurt is directly linked to Defendants' Kimberly Hurt and William and Michael Kalanta.

Robert Hurt threatened to blow up Christine's home with a propane bomb, for his Aunt Kimberly "since Christine was opening up her mouth about her through the court!" Robert Hurt was arrested by the Stevens County Sheriff's Department on 6-18-2024. Robert Hurt traveled from Butte County California

to Colville, Washington to gain his Mother's (Christine Hurtt's) trust, after 16 years of estrangement, to take Christine Hurtt's life for Defendants'. Petitioners have shown a pattern of RICO Crimes and predicate crimes that have the end result of the murders of Angela, Ashley, Joseph Toht, James Hurtt Sr., and possibly many others unknown at this time, yet the courts continue to deny these claims, based on RICO procedural flaws in the case, and paying little to no attention to the core issues here in this case.

The Stanislaus County Coroner ruled Angela died of undetermined circumstances, not accidental and not suicide. The Stanislaus County Coroner determined that Angela Kalanta died of acute tramadol poisoning but admitted they don't know how she got the Tramadol into her system. Petitioners submitted proof of how Angela got eighteen times the therapeutic level into her system, to both the Modesto Police Department and the District Attorney but they admitted that they lost the recording of the Defendants all laughing and how they knocked Angela Kalanta out with a drink then inserted a tube into her throat to poison her to death. This demonstrates gross malfeasance and or corruption of this police department and District Attorney both, complaint 1:21-cv-01535.

Petitioners have exhausted all possible means of getting justice in this case and that is why we are petitioning this court as a last resort to get this case before a grand jury for an indictment and trial before a jury as we have been trying to do for over 15 years.



STATEMENT OF THE CASE

Plaintiffs in State Court, William Kalanta, Vanzy Kalanta, Michael Kalanta, Lauren Kalanta and The Modesto Police Department Dale Lingerfeldt and Michael Hicks lied multiple times under oath yet ignored by the Federal Court and appeals court as noted in the record and documented in exhibits submitted, California Superior Court in Stanislaus County Case No. 653156, *Douglas v. Kalanta et al*, they all lied in the State defamation case when they said that Angela died of an accidental overdose, but the Stanislaus County Coroner autopsy clearly states that Angela did not die of an accidental overdose nor suicide, No. 23-15104, Dkt Entry 25.

Stanislaus County Coroner's autopsy clearly stated it is "undetermined" how exactly the "manner" of overdose happened. Defendants in that slander suit provided proof of "manner" of how the overdose happened. Defendants in that slander suit provided proof of manner to the Modesto Police Department and the District Attorney, yet they admitted to the State Legislature in the 12th District in Ripon, California 23-15104, Dkt Entry 25 that they lost the evidence of the manner in which Angela got the fatal dose of tramadol into her body.

The proof was obtained by Richard Douglas Jr. on his phone when the Plaintiff Michael Kalanta inadvertently sent a voice mail message to Richard Douglas Jr.'s phone wherein the Plaintiffs can be heard talking about how they got the fatal dose into Angela's body and talking about her Mortgage Insu-

rance and whether or not the (police) will believe them. Yet, the Modesto Police, coincidentally, where Michael J. Kalanta (Douglas) was an employee several years before, lost the evidence, blocked Defendants phone calls, emails and lied in the Stanislaus County Superior Court in the Kalanta slander case, by swearing under oath that it was an accident in California Superior Court Stanislaus County case No. 653516.

In the Domestic Violence case in California Superior Court Stanislaus County No. 455222, Page 2, Line 19, Michael Kalanta lies once again, under oath by proclaiming that his Mother, Angela, died from an accidental overdose. Because of the amount of tramadol in Angela's system (18 times) the therapeutic level her death could not be the result of an accident nor was it ruled an accident. In the Federal court, Appellees say that their slander suit in the State case proved that it was not a "murder." This claim that it was proven to not be a murder, is false on its face; 1:21-cv-01535 full docket text for Document 37, Opposition by William Joseph Kalanta [37] to Motion for Default Judgment, pg. 1 line 10 and 11. Modesto Police Department is "bound by its policy and moral obligation to investigate."

Again and simply put, this whole case's problem is rooted in the Gross Malfeasance of the Modesto Police Department's detectives Dale Lingerfeldt and Michael Hicks cover up of this murder that are the root problem here. They ignored us, lied to us, blocked us, and admitted in writing that they lost the proof of manner in which Angela Kalanta go over 18 times the therapeutic level (an overkill amount) of Tramadol into her system. The Modesto Police Department is the root problem with this murder of another abused and battered Doctor's wife in this United States of America

and constitutes arbitrary and oppressive action against citizens in violation of the due process clause. Articles 1, 2 and 3 of the United States Constitution.



REASONS FOR GRANTING THE PETITION

The Federal Court opinion that police are not obligated to investigate a very suspicious death Case No. 23-15104, Date 04/25/2024 id. No. 12880065, Dkt Entry: 26-1, Page 8 of 8, is simply not true because the Modesto Police Department's Chief of Police said in writing to us in 2010 that "The Modesto Police Departments policy is to investigate all suspicious deaths." Quoted by Chief Michael Hardin and on the original complaint form filed by Richard Douglas Jr. in 2009.

Modesto Police Department Investigators, lied under oath that Angela died of an accident California Superior Court Case No. 653516, *Kalanta v. Douglas*. This was ignored by ALL lower courts as well as the fact with evidence sent in to the lower court that David RL Henderson (original plaintiff in this case as well) went to Michael J. Kalanta for money as to where he then did not want to continue with the case, aka a payoff, 23-15104 Dkt Entry 25, none of the reasons that the lower courts used for RICO standing & Statute of Limitations apply here because Defendant's criminal acts and RICO violations alleged by Plaintiffs were and still are (06-18-2024, Robert Hurt's attack) are part of the larger crime of murder of Angela, that the Modesto Police and the District Attorney ignored, lost evidence and did absolutely nothing about the

attempted murders of both Plaintiffs, multiple times from 1990-2024, 18 U.S.C. § 1961(1)(a). This constitutes the police's failure to their duty to protect the public from Organized Crime. Federal court ignored our defense "This case was never adjudicated and was never proven to not be murder in the Stanislaus County Superior State Court."

Plaintiffs the Kalanta's, in that State Court case filed a motion for a default Judgment but later recanted after they were advised that Defendant Christine's attorney left the case. The Plaintiffs in that case then went on to have a trial without both Defendant's present and presented the two Detectives, Lingerfeldt and Hicks to lie on the record about Angela's death. The indigent and disabled victims of this murder are up against impossible odds, which give the criminals the upper hand unfairly and present a danger to the public.

In the original complaint the CD is mentioned, yet the Federal Court and the Appeals Court both ignored it in the original complaint on this matter. The courts said [It is not clear if there is anything else in the complaint on this matter.] 23-15104 Dkt Entry: 26-1 Pg. 7 Para 3. In Federal and Appeals court, Judges State "Plaintiffs knew or should have known of the injury and the pattern of racketeering activity." Plaintiffs had, at the time of injury and knowledge of a pattern no knowledge whatsoever of RICO, never heard of RICO, had no knowledge of the laws in general of the United States at all and therefore it is totally unfair to dismiss this murder on these grounds. Plaintiffs tried diligently to obtain counsel, without success and even motioned the Federal court to appoint an attorney for our case yet were denied.

Defendants knew that the Plaintiffs were indigent and had no knowledge of RICO and laws in general of the United States and California because Plaintiff is retired and legally disabled marine diesel mechanic and Insurance and Stock Broker, not attorneys. By the time they found out the RICO Civil and other relevant laws, it was too late, Defendants knew this, and they are with counsel and have money for counsel. And took full advantage of this knowledge with this case. This is totally unfair to the average citizen and exactly how Organized Crime suspects manipulate the courts to escape charges. This gang had already infiltrated the Modesto Police Department and the District Attorney's office long before, during and after Angela Kalanta's murder. Michael J. Kalanata was groomed into becoming a family law attorney in Stanislaus County and was already rubbing elbows with both departments. Defendants' gang boss, Kimberly Hurtt has extensive knowledge and access to attorneys which enables this gang to play the system like a fiddle which is totally unfair to the average citizen of the United States.

In 1993, Angela Kalanta shared with Christine Hurtt that Kimberly Hurtt-Buhrman "ordered" Angela to not reunite with her Son's (Michael J. Douglas-Kalanta) Father Richard Douglas Jr. "because he was a broke joke" Angela went on to tell Christine that She was ordered by Organized Crime boss Kimberly J. Hurtt to marry a Doctor or an Attorney. Coincidentally Angela went on to then marry Podiatrist William Kalanta, oblivious to his criminal record and her Son Michael was mentored into becoming an Attorney.

In this case Police and District Attorney deliberately rejected the last crucial evidence of murder *see*

Bowers v. DeVito, 686 F.2d 616 (7th Cir. 1982). No Justice for Angela affects everyone all around the world. This case is a public safety issue. The three lower courts have ignored the crimes of this case. The authorities have ignored the facts and evidence in this case. We have nowhere else to turn for justice in the murder of Angela. We pray that this court will Judge this case on the importance of this case. At the end of the day we have proof that Angela Kalanta was murdered yet no court and no authorities will cooperate, but instead judge this case based on procedure Civil RICO form and jurisdiction all the while ignoring the elephant in the room.

This case has run the entire gamut from beginning to now Petitioners are not experienced in law, procedure, and form. Simply put "Petitioners want justice for the victims" and have to ask the question, "how did this murder get ignored and what can we as a society and Country do to prevent this from happening again to someone else." Angela was a documented battered wife who simply tried to divorce her batterer, William J. Kalanta and to escape the clutches of Organized Crime, which she deeply regretted getting involved with, in the end. Angela was killed while trying to escape the Defendants. Here the Modesto Police deliberately ignored and lost crucial evidence in a very suspicious death investigation, did not investigate the victim's car or crime scene, refused to cooperate with witnesses to a very high degree. Stanislaus County District Attorney, Birgit Fladager also, ignored witnesses to a very high degree by not allowing witnesses to ask her questions even admitting to losing crucial evidence and also has a record of losing crucial evidence in *Carson v. Stanislaus County*. Stanislaus County

Coroner also has a record of falsifying autopsies and did not cooperate with witnesses, *See Prescott v. Stanislaus County* also see the Modesto Bee Newspaper on 6-6-2009. It is common knowledge that Modesto police are corrupt. Stanislaus County Sheriff's department also ignored the witness's pleas for help in the death investigation of Angela Kalanta. The Sheriff never once allowed the family and friends of Angela to talk to him [Adam Christiansen].

All of the facts were ignored by the lower courts. The Stanislaus Superior Court violated our Constitutional Right to Due Process in the first place by denying our appearance in that case to defend ourselves, even though we had already paid the \$65.00 fee to appear telephonically from Alaska and Nevada. This is a deliberate violation of Due Process in a suspicious death investigation of a battered wife of whom was the second wife in a row to be found dead or dying in William Kalanta's home bathroom upon threat of divorce. We are outraged at the level of cover up by authorities and the lower courts!

Beginning with the original complaint and throughout this entire case, Petitioners have demanded a Trial by Jury under the Seventh amendment to the Constitution, especially needed in this case because Respondents are involved in Organized crime, yet the lower Courts ignored this too and don't seem to address this issue at all. At the end of over fifteen years no one has ever been held responsible for the murder of Angela Dawn Kalanta but the family and friends of hers are constantly ignored by virtually every single agency in this United States of America in a case where evidence of murder has been ignored and lost multiple times. The crucial evidence was of

admitting conspiracy to murder Angela, is in the original complaint, but totally ignored by the lower courts without this crucial evidence, we would never have been able to prove that Angela was fatally poisoned, yet every single agency in the United States of America has ignored it, and never ever requested it. The Modesto Police are liable for covering up the physical evidence and covering up this murder, in our opinion, and based on substantial facts.

This case is important to the public because no justice for a battered and murdered wife who simply tried to divorce and get away from her abusers and the Organized Crime association with Kimberly J. Hurt, Michael and William J. Kalanta. This case affects every person and battered wife in the United States of America and all around the world as well as her family and friends. This case is of national importance and concern because it began with the State Court denying Due Process to the Defendants, and subsequently the Modesto Police cover up of this obvious murder of Angela, then the lower courts ignoring the evidence in the original complaint.

Petitioners declare deprivation without an appropriate level of process or procedural safe guards in the original State Court for both Defendants, California Superior Court in Stanislaus County No.653516. Petitioners have been lied to and ignored by virtually every single agency in the United States of America, the California Department of Justice and the United States Justice Department. This is the ripple effect started by the Modesto Police Department and Stanislaus County District Attorney Birgit Fladager for ignoring crucial evidence, losing crucial physical evidence, blocking witness's emails and phone calls and

outright lying in State Court and lying to Angela's friends and family members. Modesto Police is the root cause of this miscarriage of justice.

This tragedy greatly affects our entire Community and Nation. Our primary concern is the well being and safety of our fellow Americans and the public in general, yet the Courts from the onset in October 2010 seem to have ignored the evidence presented thus far. This case requires special attention because known Organized Crime figure, Kimberly J. Hurtt is directly (the former wife of Michael Buhrman) involved in this very suspicious death and the underlying evidence indicates a serious crime is being covered up by first, the Modesto Police then the alleged procedural mistakes and RICO Statutes of Limitations. Kimberly J. Hurtt-Buhrman is directly related in this case. In case 98 cv 00569 Dkt Entry 158 at 9, in exchange for his cooperation, Mr. Michael Buhrman, Kimberly's spouse of over 25 years, was promised the following regarding punishment and confinement (a) That neither he nor his Wife, Kimberly Hurtt-Buhrman would face any additional charges for illegal activities that predated the Plea Agreement with the acceptance of homicide, (c) Pg. 17 of 25 and Pg. 19 of 25. Petitioner's Pray this Court rules on the Merits or this case as Organized crime figures are getting away with murder and have ruined many, many lives by using the RICO Civil rules and Statutes of Limitations doctrines, Petitioners, Angela's friends, family and everyone who hears this case believes beyond all doubt that Angela was indeed murdered by the Respondents and covered up by the Modesto Police and Stanislaus County District Attorney Birgit Fladager. This causes a loss of faith and trust in the authorities. Currently many States are in the

process of doing away with the qualified immunity for police. California, New Mexico, Colorado, Nevada and Montana have already done so. Qualified Immunity for police opens the door for corruption. California is a closed record state and that opened up the door for these Organized Criminals and their conspiracy to take Angela's life.

This gang did the same type of conspiracy against Christine Hurt (Vega) as she tried to flee from them in Modesto, CA and move away with her three young children see *Stanislaus County Vega v. Vega*, California Superior Court in Stanislaus County No. 282116. The gang conspired to lie about Christine to the Stanislaus County Court mediators, Lorrie Freitas and Glenda Catanzorite those actions were the direct cause as to where Christine lost custody of her children for 3 years. After Christine re-motioned the Court for immediate change of custody three years later, (Granted) of her two children, with an Attorney and a private investigator, but by then it was too late, the damage had already been done to young Jordan, Genevieve and Hannah Vega by this gang and their abusive father of whom is also deeply involved and part of their gang, Douglas Allen Vega. The four States named above have seen no reduced police recruits as was feared by opponents of the Legislation. Their actions by the Modesto Police, Stanislaus County District Attorney and State Court constitutes arbitrary and oppressive government action against the Citizenry, and in the Petitioner Richard's case, he was never notified of his court date and was never served properly.

Richard called the State Court paid the fee to appear but was given the wrong date by the clerk over the phone, Richard then missed the hearing. Also, the

only reason given for both defendants not being allowed to appear was "opposing counsel refused a continuance" stated in court record Stanislaus County Superior Court Case No 653516. When Christine called in she was told that she could not appear telephonically, Christine asked "why?" and was hung up on by Court staff. Petitioners Richard and Christine have proven and well documented and demonstrated for over fifteen years that this case is outrageous at a level of magnitude of potential and actual harm to Petitioners Angela's friends and other family members and is a travesty of Justice for the victim Angela. Organized Crime figures, Kimberly, Michael and William are using RICO Civil rules to escape justice. This is truly conscience shocking.

Respondents lied multiple times in the State and Federal Courts as to how Angela got almost 18 times the therapeutic level of Tramadol into her system. Tramadol that was prescribed not by Angela's primary care Doctor, Dr. Paul Golden but prescribed by and with a prescription pad from the Office that Dr. William J. Kalanta shared with an elderly physician in Modesto, California. Angela's primary care Doctor, Dr. Paul Golden, declared that he did not prescribe the tramadol with over 200 pills, to Angela, nor was Angela a patient at the Clinic where the prescription for the 200 Tramadol tablets were written.

In 2010, when Christine called and asked the Modesto Police Department if the writing was compared to Dr. William J. Kalanta's prescription writing techniques she was hung up on! Again, in 2010 Christine called the clinic, Aspen low income, clinic, where the prescription was written and asked the records department how I could legally obtain copies of my Sister,

Angela Kalanta's medical records, Christine was told by the records department that was never a patient at their Aspen Clinic named, Angela Kalanta. This and so much more evidence is being ignored. The evidence submitted to Police, District Attorney, Federal court and Appeals Court proves how she got Tramadol into her system, yet it is continually ignored, and not even mentioned even though Petitioners stated in the original complaint the evidence is in their possession in the form of an open phone line recording of the Respondents talking and laughing about how they got it into her system.

Police are sworn to uphold the Constitution. In this case a reasonable person, after hearing the preponderance of evidence in this case and the statements made by the Respondents on the recording would very likely agree that Angela was indeed murdered with a prescription medication that was written in her name. Petitioners' are demanding relief, a non biased investigation, jury trial and are entitled to such relief for the murder of Angela, Ashley and Joseph Toht, our loved ones. A Court can order an indictment and send it to the prosecutor for a Grand Jury investigation Petitioners deny allegations asserted by the Respondents that the murder of Angela was proven false in the 1:21-cv-01535 Dkt Entry: 34-37 opposition to motion for default judgments because Petitioners were arbitrarily prevented from appearing and defending themselves in the first place. That case was won by default because Defendants were arbitrarily prevented from appearing and defending themselves. Then Modesto Police ignored Petitioners and lost evidence of murder multiple times and lied in the State Court and lied to Petitioners. These facts are clearly evidenced in the records and it

is absolutely inconceivable that this case has gone on this long and in light of the facts, allegations and evidence thus far presented by the indigent, disabled Petitioners living in different States during that time, constituting a total miscarriage of justice for victims in these United States of America, the greatest Country on Earth, this case represents a textbook example of how Organized Criminals manipulate the RICO laws to escape justice.

The underlying nature of this Civil RICO case is obviously criminal and should have been referred to appropriate authorities by the lower courts. Every time Petitioners tried to work on this case, Respondent and Mastermind of this gang Kimberly Hurt-Buhrman the former wife of Michael B. Buhrman, made sure that Christine was living with one of Kimberly's abusive planted men to woo Christine, during her divorce into relationships to cause discord, chaos and to terrorize and distract Christine. This is the Organized Criminals pattern to terrorize and control US District Court Southern District of Ohio Western Division Dayton, Ohio No. 3:98 cv 00569 Dkt Entry 158.

As part of a plea agreement regarding Michael B. Buhrman and Kimberly J. Hurt-Buhrman, Kimberly was not charged in the crimes and many other crimes that Michael B. Buhrman is currently serving a prison sentence for. In court records Kimberly J. Hurt-Buhrman is referred to as his "WIFE" and that enabled her to remain elusive and to move forward within the Organized Crime gang amongst the unsuspecting public. Both Petitioners have been constantly surveilled, stalked and have received thousands of phone calls for over 15 years both at work and on our cell phones, to annoy and distract them from progressing in this case.

Two male implants were actually sent into Christine's home; one was to stop her ex-husband Douglas Vega's spousal support. This exemplifies Organized Crime tactics. Over \$180,000 was not paid to Christine by Douglas Vega in about 20 years' time. Douglas Vega was ordered by the Judge in Stanislaus County back in 2002, California Superior Court in Stanislaus County No. 282116, to pay Christine Spousal Support after our 16 year marriage ended. However, the Male that was implanted into Christine's life, Isidro Leyva Jr. (Sid) begged Christine to marry him the first month that they began dating which then stopped the clock on Douglas Vega's Spousal Support Judgment (unknown to Christine at that time). After one year of marriage to Isidro Leyva Jr. (Sid) he suddenly filed for a divorce California Superior Court in Stanislaus County Case No. 336427 from Christine however, due to the short marriage he was advised from the gang to get back with Christine to prevent an annulment from Christine's attorney, Bernie Kempen, which would then re-instate Douglas Vega's Spousal Support order.

Petitioners allege the latest incident of Robert Allen Hurtt on June 18, 2024, of whom was sent in to Christine's home as part of the gang's plan to murder Christine, first by poison in November 2023 as documented in Christine's medical records, then by direct verbal threats and acts of extreme violence to kill her and her fiancé John M. Leise by blowing them both up in their home but was arrested and charges for a Criminal Conspiracy to murder Christine are pending at this time July 14, 2024, in Stevens County, WA and so this incident restarts the clock again for the RICO Statute of limitations of ongoing predicate crimes leading to murder.

When Christine physically presented the open phone line recording evidence to Modesto Police in June of 2009, she first called (talked to intake) the Modesto Police Department to let them know that she was bringing it in, in person, to them, however when she arrived at the Modesto Police Department she was met by Detective Michael Hicks who then went on to say "We don't usually get this kind of good evidence, where'd you get this"? Christine said "it was a message left on Michael Kalanta's biological father's cell phone, Richard Douglas Jr. . . ." He just looked at Christine with a strange look and said "I will be right back; I am going to make a copy of it" Christine then said "now you have the evidence, go arrest them all!" However, Hicks did not return with the copy, Christine asked the front desk clerk "where is Hicks?" Clerk said "I don't know would you like to make an appointment?" Christine said "I guess not" because she didn't know what was going on at that time. Then Petitioners never saw or heard from Hicks again even though Petitioners called him several times and emailed him. At the time, Petitioners didn't know that Hicks had been appointed to investigate Angela's case. Both Detectives Michael Hicks and Dale Lingerfeldt were appointed to the case but only Dale Lingerfeldt was known to be investigating as far as Petitioners knew until many years later.

Modesto Police Department also ignored a public posting on June 2, 2009 at 6:34 pm [same day Angela died] on the "My Space" Website stating "Ha Ha, got You Bitch." (Referring to Angela's death) The posting was created using Christine Hurt's minor daughters name, Hannah Vega. At the time, Hannah Vega, Christine's daughter of whom was only 11 years old.

Petitioners' allege that Respondent William J. Kalanta and the other Respondents' too, conspired together to make the "My Space" post appear to originate from Hannah Vega. It was not sent to anyone but was publicly posted on "My Space" yet Modesto Police Department detectives ignored this evidence as well. This is exemplary of Organized Crime tactics. The victim, Angela, said that William Kalanta was "posting" jokes on the Modesto Bee Newspaper and that he loves to publicly boast. Angela also said to Christine back in 1993 that William Kalanta was mentally ill, bi-polar and was admitted to an insane asylum in San Francisco, California.

On April 14, 2015 Christine submitted this "My Space" posting as evidence to Michael Hicks, [3 times] yet he ignored this too. This constitutes police gross malfeasance and or corruption in a "very suspicious death investigation" as the Chief of Police, Mike Hardin said of this woman's death in March of 2010, to Richard Douglas Jr. Police corruption is a menace to society.

It wasn't just Michael (Douglas) J. Kalanta who worked at Modesto Police Department; it was Christina A. Vega 'Ayala', John Puebla and Isidro Leyva Jr. that infiltrated the Modesto Police Department and are associates of this Organized Criminal gang. Christina Vega worked (as a police explorer) there just under a year but was fired for criminal activities involving her other job at Baskin Robbins in Modesto, CA. John Puebla worked at the Modesto Police Department for approximately five years. John Puebla left the Department and State after Angela's death and is currently residing in Las Vegas, Nevada with his best friend and accomplice Isidro Leyva Jr. Isidro Leyva Jr., of whom is an associate of this enterprise and set Chris-

tine up to marry him to prevent spousal support of Douglas Vega, Isidro Leyva Jr. tried to join the Modesto Police Department, went on many ride along in police beats but could not pass the psychological portion of the Modesto Police departments requirement portion of their exam to gain employment. Isidro Leyva Jr. then went on try to apply for the California Highway Patrol and was also denied employment due to psychological failure on their exam as well. The California Highway stated that Isidro Leyva Jr. barely passed the written portion of their exam but only because of the 10 point grace for military grading. Kimberly J. Hurtt-Buhrman and Michael B. Buhrman were documented as using the Police in the State of Ohio for counter surveillance and Kimberly Hurtt-Buhrman was noted in the Dayton Daily News July 2, 1992 edition, from a witnessing source, to their crimes testified that they watched Kimberly J. Hurtt-Buhrman packaging up large quantities of Marijuana with a Dayton, Ohio police officer, Nick Zukowitz. *See* Dayton Daily news of July 2, 1992. These Organized Crime associates' are not strangers to Police Departments, infiltrating them and gaining favor to conduct Organized Crime procedures.

In 2015, the Thomas Banfield attack did indeed cause injury to Christine's business because it caused further depression and disability, thus preventing her from working as documented by her Doctors and the Social Security administration. In the Memorandum pages 6-7 the Judges stated that the attempted murder of Christine by Thomas Banfield, in her home, "The four year statute of limitations would have run out in 2019." Dkt Entry: 26-1 Pgs. 6-7 of 8. This is completely incorrect because "a pattern of racketeering is estab-

lished by two or more predicate acts within 10 years and the Judges overlooked the fact that the Botzenhardt stalking of Christine Hurtt was occurring in 2018 and 2019. These facts all establish, under RICO civil, for statutory standing, pattern of racketeering, injury to property or business, and proximate causation. Kimberly has used the term "Settling the Score" and coined the term for use within their gang. Kimberly's name is redacted from Michael B. Buhrman's court records, but is referred to as his "Wife" only, even though she was involved directly in serious crimes, Case No. 3:98 cv 00569 (Doc No. 158 at 9) with her husband, Michael B. Buhrman. However, he was convicted of a reduced charge from 3 counts of Aggravated Murder to 3 counts of 1st degree Involuntary Manslaughter, reduced by plea agreement for Kimberly's testimony and to keep Kimberly out of prison for her involvement in the crimes, per their plea agreement and that is a sealed case.

While the Ninth Circuit has recognized an injury when a Plaintiff was unable to "fulfill his employment contract or pursue valuable employment opportunities," *Diaz v. Gates*, 420 F. 3d 897, 900 (9th Cir. 2005) (en banc), Plaintiff Christine's inability to work due to the severe depression, emotional trauma and constant harassment and stalking by Defendants at her places of work and home are indeed a direct and immediate result of her Sister's alleged murder and this fact is fully supported by the timing of the onset of "Severe Depression by her Physicians" reports and the dates of onset coinciding immediately after her Sister's death, just four months later, on October 1, 2009, as documented by several physicians and the Social Security Judge granting my claim of SSDI. No.

23-15104, 04/25/2024, ID: 12880065, Dkt Entry: 26-1, Page 4 of 8. This fact meets or exceeds the “proximate causation” clause of the RICO Civil injury to property or business rule required for statutory standing. Christine’s disability was the direct result, not an indirect, derivative because it was a direct and immediate result. The death of her Sister was a RICO violation that caused the loss of income, directly, and immediately as the dates of loss of income and dates of medical treatment indicates that very fact. 18 U.S.C. § 1964(c); New allegations were contained in the opposition to dismiss because our friend, and Angela’s neighbor and friend, Attorney Kathleen Crist-Walker CA Bar No. 146197, advised us not to “show all of our cards” in our original complaint.

Kathleen, in our affidavit in support of our motion for default judgment against the Modesto Police Department, Plaintiffs were aware that Modesto Police had not complied with the Federal Courts order to appear or defend and have a conference. Modesto Police have not cooperated since June 2, 2009 nor did they obey the courts summons 1:21-cv-01535 Dkt Entry 9, and did not confer with Plaintiffs after they called them multiple times.

These facts are not purely indirect injuries. Modesto Police covered up the obvious murder which constitutes injury by proximate causation under RICO violations by ignoring and losing crucial physical evidence mentioned in the original complaint. United States District Court Eastern District of California No. 1:21cv-01535 NONE-EPG *Douglas et al. v. Kalanta et al.* Pg. 5, Par 10, Pg. 7, Par 16, Pg. 9, Par 27, Pg. 9, Par 24, Pg. 10, Par 33, Pg. 11, Par 36. This recording evidence was not mentioned by either of the lower

courts Case 23:-15104 04/25/2024, ID: 12880065 Dkt entry 26-1, Page 5 of 8.

Civil RICO Limitations period begins to run when a Plaintiff knows or should know of the injury that underlies his cause of action. Here Plaintiffs had no knowledge whatsoever of RICO in 2009, until many years later. However, this is no remedy but because the Predicate crimes that are chargeable under State laws, continued well before, during and after in regular succession [The latest predicate offense occurred on June 18, 2024 and November 2023 and ongoing constitute RICO civil injuries with 2015, 2018 stalking allegation by Kimberly is well within the Four Year statute of Limitations. Christine was stalked and continues to be stalked to this day by Organized crime figure Kimberly and by her associates as documented. The complaint filed on October 2021 was only 3 years after the stalking of Christine was proven with documentation in 2018-2019 when Kimberly was stalking Christine through Carl (Tony) Botzenhardt and Shona Devlin, Botzenhardt's sister No. 23-15104 Dkt 25.

The RICO statute of limitations clock restarted after 2009, and again after 2011 with the State defamation case. The ongoing attacks are within the Statute of Limitation time limits, 2015 Butte, Montana, attempted murder, 2016, Attempted murder in Bouse, Arizona, 2016 Kimberly's associates stalk and harass Christine in Airway Heights, WA, 2018 stalking via Botzenhardt associates.

The RICO clock starts each time the predicate acts occur, not simply just from the original start time under the "Separate Accrual Rule." The allegations of new offenses were different than original allegations in the complaint. These subsequent new and unrelated

predicate acts (attempted murder in 2015 of Plaintiff Christine Hurt and stalking by Kimberly's associates 2018-2019) qualify under the "Separate Accrual Rule."

In fact, all the predicate acts alleged are separate and new acts. *Pace*, 813 F. 2d at 238 holding that the Statute of Limitations will restart only if Plaintiff shows a "new and accumulating injury on the Plaintiff." All the Predicate acts since 2009 are new, different acts by the same enterprise and should not be time barred. *Grimmett v. Brown*, 75 F. 3d 506 (9th Cir. 1996) the appeals court goes on to state Plaintiffs "Knew the facts underlying their Civil RICO claims in 2009." While this statement is partially true, Plaintiffs have never heard of RICO nor did they know anything about RICO. Richard Douglas told Stanislaus Coroner he "believed that Angela Kalanta was murdered by Dr. William Kalanta on June 2, 2009." Richard Douglas in fact, told Coroner this on Thursday, June 4, 2009 at approximately 10:30 a.m. The Complaint recited facts relating to events preceding Angela's death, is true but leaves out the most important fact, that the open phone line recording received about two weeks after her death is far more convincing evidence that Angela was indeed murdered by this gang No.23- 15104, 04/25/2024, ID 12880065, Dkt. Entry: 26-1, Pg. 6. Police admitted in March 2010, "this is a very suspicious death!" Then the Police admitted to losing the open phone line recording. Police have qualified immunity. However, the First Amendment does not say that Police are allowed to lose evidence and ignore court summons and orders, and lie in State Superior Court, case 23-15104, 04/25/2024 ID: 12880065, Dk. Entry: 26-1, Page 8, California Superior Court No. 653516.

In the latest predicate act of racketeering by associates of this enterprise, on June 18, 2024 associate, Robert A. Hurtt caused considerable damage to Christine's property, destroyed fruit trees, threatened to kill and then promised to kill should Christine call the police for help, witnessed by three by-standing guests who were present, broken glass with a rusted lid attached was strategically placed in the foot pathway of her backdoor, slashed fencing and visible barriers, killed her large old cherry tree with bleach, Stevens County WA Sheriffs Dept No. 24-07075.

Two predicate acts within 10 years qualify as a racketeering pattern. Robert Hurtt poisoned, his Mother's food, Christine Hurtt, in November 2023, which sent her to the Emergency room in distressful pain with a very high fever. Christine's emergency room physician asked Christine if anyone else had gotten sick in the home. No one else in her home was poisoned except Christine. This was the same tactic committed by Kimberly upon her younger sister, Christine Hurtt back in 1990 as to where Christine was poisoned by a biological attack of Salmonella poisoning 23-15104 Dkt. Entry 25 and almost died in ICU at the Sycamore Hospital in Miamisburg, Ohio.

Robert A. Hurtt threatened to blow up Christine's home with a propane bomb, and swore when he was out that he would follow through with that threat. Robert killed wild turkeys on our property and placed them where our guests would see them upon driving up to our home. Robert Hurtt damaged our shed door and shed foundation, stole Christine's \$500 car fob to her vehicle, Robert Hurtt destroyed three brand new cell phones that Christine had purchased for him, threatened to kill her and her fiancé, John Leise, also

sprayed water into John Leise's eyes after he was asked to leave our porch after midnight. Robert A. Hurtt was pressuring Christine Hurtt to purchase a gun for Robert, three times and demanded that she purchase a police type SAP for his use. Robert Hurtt then went on to text Christine and told her that if he killed someone with the SAP it would be "self-defense" but if he used a knife it would be murder. Robert begged Christine to purchase machetes and large butcher knives, taxers, bear spray, a large gaff hook, daily terrorizing her and physically assaulting John.

These are all predicate offenses within the ten year time span. Property damage is extensive, including Christine's front door frame and the back entry door that was also severely damaged. Christine's newly laid porcelain flooring in the house was destroyed by Robert Hurtt also. These acts constitute a property injury and establishes a pattern of racketeering activity. This is also the same pattern by Robert's former Step Sister Christina A. Vega as to where she remained in Christine Hurtt-Vega's home during divorce proceedings in Stanislaus County Superior Court No. 282116 to terrorize and destroy Christine's home and belongings for this gang, Christine Hurtt-Vega motioned the court for protection, California County Superior Court Protective Order granted to Petitioner: Christine A. Hurtt-Vega on March 8, 2003, Case No. 286683. This is a pattern.

Petitioner Richard has called Stanislaus County Coroner's office many times and again on July 19, 2024, and spoke with Deputy Coroner Xavier Fuentes at 2:20 pm PST [Friday]. Mr. Fuentes assured Richard that the only way he could accept the recording confession of murdering Angela, that would explain the

"Manner" in which she got 18 x the therapeutic level of tramadol into her system, would be if the Modesto Police Department and the Stanislaus County District Attorney both submitted it to Coroner's office as evidence. Both the District Attorney and the Modesto Police Department are responsible, allegedly criminally responsible for losing this recording message of crucial evidence in a suspicious death investigation. Modesto Police and the Stanislaus County District Attorney are the root cause of this miscarriage of justice and are allegedly committing the serious crime of obstructing justice. These actions by these governmental authorities constitutes arbitrary and oppressive action towards our United States Citizens and are of National Importance, and a threat to public safety, and only aid and assist Organized Crime Figures, Kimberly Hurt-Buhrman, Michael and William Kalanta and Robert Hurtt along with many, many others in their association.

The bottom line, at the end of the day is that we have multiple family members who have died under very suspicious circumstances, with and while Kimberly and her associates were involved. We have provided proof of premeditated first degree murder to Police and the District Attorney and nothing was or is being done by the above authorities. It appears that the suspects have done everything procedurally correct and the Plaintiffs have done everything wrong procedurally, as we are not involved in Organized Crime and did not study to become attorneys to learn procedures on how to elude charges in Organized Criminal procedures. This Organized Crime gang is playing the system to escape justice in the murder of Angela and others. This is our opinion based on substantial facts, evidence and knowledge.



CONCLUSION

For the foregoing reasons, this Court should grant the Petition for Writ of Certiorari.

Respectfully submitted,

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