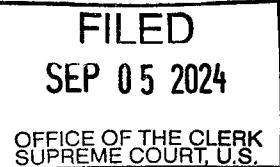


ORIGINAL

No. 24-299



IN THE  
SUPREME COURT OF THE UNITED STATES

KENT KNOX JOHNSON,

*Petitioner,*

v.

EL DORADO COUNTY SUPERIOR COURT,

*et al.,*

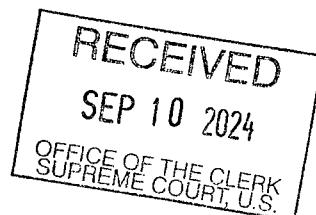
*Respondents.*

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

**PETITION FOR A WRIT OF CERTIORARI**

Kent Knox Johnson, *Pro se*  
PO Box 17691  
South Lake Tahoe, CA 96151  
(530) 318-5459  
kent@kjmicrowave.com

September 5, 2024



## QUESTIONS PRESENTED

In 2014 California implemented the Revised Uniform Limited Liability Company Act, or RULLCA, no longer permitting professional LLCs in California.

During California Superior Court litigation, the Petitioner discovered the opposing Nevada LLC law firm member attorneys were engaged in racketeering.

Member attorneys and their co-conspirators were using the Nevada LLC enterprise to embezzle trust funds, fraudulently appear, extort a settlement, and launder the proceeds, failing to report California income. Nevada has no income tax and California has the highest in the Nation.

When the interstate predicate acts were raised in the Superior Court, Judges disregarded a lack of jurisdiction, deprivation of rights and their oath to uphold the Law, and continued to enable racketeering and extortion in the courtroom.

The California Judges, conspiring with the LLC members, destroyed the Petitioner's high-tech business by leveraging a DoD procurement of the 'highest national defense urgency', for extortion, harming the Nation and the Petitioner.

The Petitioner appealed, to State exhaustion, exposing additional California corruption.

The Petitioner then filed a Federal civil (RICO) Complaint, which the District Court promptly dismissed, under the *Younger* and *Rooker-Feldman* doctrines, disregarding the fraud and harassment claims, which are settled exceptions to the doctrines.

The Petitioner then sought review, only to again be summarily dismissed by the Circuit Court's affirmation, misclassifying material fraud as "insubstantial", denying the right to be heard.

The Petitioner presents four primary questions believed to be the most dispositive:

**A. Primary Questions**

1. Is the material fraud of attorneys purporting in a California Court to be agents of an LLC law firm, unregistered with the California SOS and not permitted in California, insubstantial?
2. Do California Courts lose jurisdiction when an Attorney of Record fails to appear because the Nevada LLC law firm is not permitted in California?
3. Did the California Courts, in permitting a partition complaint to be commenced and maintained without the Parties having ownership title, deprive the Petitioner's right to Constitutional equal protection of the Law?
4. Did the Superior Court, in disregarding the Trust Instrument's alternative dispute resolution requirement of first submitting the dispute to the Special Co-Trustee before filing a petition in Court, deprive the beneficiaries' right to Constitutional equal protection?

**B. Selected Subsidiary Questions**

As *pro se* Petitioner, inexperienced with the complexities of optimal dispositive questions, a variety of selected subsidiary questions are presented:

5. Did the Superior Court, in denying the right of action for substitution of service of process on

the SOS for an unregistered LLC, deprive the Petitioner of the Constitutional right to due process or equal protection?

6. Did the Superior Court, in awarding attorney fees to a professional LLC not permitted in the state, deprive the Petitioner of the Constitutional right to equal protection?
7. Is conspiring to enable racketeering in the courtroom a non-judicial act lacking absolute immunity?
8. Did the California Courts, in permitting members of an unregistered LLC law firm to maintain an action, deprive the Petitioner of the Constitutional right to equal protection?
9. Did the California Courts, in permitting licensed attorneys otherwise not permitted by statute to practice Law against the Petitioner, deprive the Petitioner of the Constitutional right to equal protection?
10. Did the Circuit Court, acting on a motion to dismiss by a defendant, in summarily affirming a District Court Judgment made with a defective summons and incomplete service of process, deprive the Petitioner of Constitutional due process?

All other subsidiary questions raised in the Complaint, AOB and Motion for Reconsideration, are included by reference.

## PARTIES TO THE PROCEEDING

The Petitioner Kent Knox Johnson's (RICO) Complaint was summarily dismissed by the United States District Court, Eastern District of California (E.D.O.C.) on the Court's own accord.

The District Court's dismissal was appealed to the United States Court of Appeals for the Ninth Circuit, which upon a Defendant's motion, summarily affirmed the dismissal without review.

The Individuals and entities in the original (RICO) Complaint are as follows:

Kent Knox Johnson,  
a.k.a. Kent K. Johnson or Kent, an individual,  
Plaintiff,

v.

EL DORADO COUNTY  
SUPERIOR COURT, a.k.a. Superior Court,  
Judge David L. DeVore,  
Judge Michael J. McLaughlin,  
Judge C. Anders Holmer,  
Clerk Sonal Dillon,  
Referee L. Mark Bissonnette,  
in their official capacity as Officers of the Superior Court and Individually,

Judge Vance W. Raye,  
Judge Ronald B. Robie,  
Judge Elena J. Duarte,  
Judge Jonathan K. Renner,

Judge Stacy E. Boulware Euri,  
of the THE CALIFORNIA THIRD DISTRICT COURT  
OF APPEAL Individually,

Crystal Velazco,  
of THE STATE BAR OF CALIFORNIA individually,

Rob Bonta in his official capacity and,  
Casey Hallinan individually,  
of THE ATTORNEY GENERAL OF THE STATE OF  
CALIFORNIA,

ALLING & JILLSON, LTD,  
a Nevada Limited Liability Company, a.k.a. 'Alling',  
Ronald D. Alling,  
Jamie L. Walker,  
Scott W. Souers,  
Richard J. McGuffin,  
Kenneth R. Jillson,  
Kara M. Hayes,  
individually, as members of ALLING &  
JILLSON, LTD and as Officers of the El Dorado  
County Superior Court,

Ross Van Dyke Johnson, a.k.a. Ross V.D. Johnson  
or Ross, an individual,

Curtis William Johnson, a.k.a. Curtis W. Johnson  
or Curtis, an individual,  
Defendants.

## **CORPORATE DISCLOSURE STATEMENT**

This Petition discusses the Petitioner's sole proprietorship business, KJ Microwave, and its customers.

KJ Microwave, prior to its destruction from unauthorized litigation in the El Dorado County Superior Court, manufactured high-tech microwave communications equipment primarily used in U.S. intelligence gathering and electronic warfare test applications.

KJ Microwave's customer chain is complex, comprising US government agencies, Department of Defense service branches, prime contractors, subcontractors and overseeing government procurement agencies. Additionally, KJ Microwave was sourcing equipment to 5G millimeter-wave semiconductor industry test applications.

Some of the end operators of KJ Microwave products are believed to be classified. KJ Microwave's direct customers were among the largest defense and semi-conductor companies in the United States.

The specifics of KJ Microwave customers, for obvious privacy and security reasons, have been completely redacted from this Petition, but are available to the Court under seal, by request.

## STATEMENT OF RELATED PROCEEDINGS

The three initial State cases and related appeals, for brevity are referred to as the:

**'Trust Petition';**

**'Partition Complaint', and;**

**'Determination of Issue', cases, herein.**

The California Third District Court of Appeal consolidated the 'Trust Petition' and 'Determination of Issue' cases for briefing.

In chronological filing order, by Court:

**A. El Dorado County Superior Court, CA**

- *MATTER OF JOHNSON FAMILY LIVING TRUST*; No. SP20170042, a.k.a. 'Trust Petition' case. Judgment Approving Distribution, June 18, 2019. Award of LLC Attorney Fees, September 24, 2019.
- *CURTIS JOHNSON, AND ROSS JOHNSON v. KENT K. JOHNSON*; No. SC20180141, a.k.a. 'Partition Complaint' case. Interlocutory Judgment Approving Partitioning, May 13, 2021.
- *IN RE, THE REAL PROPERTY LOCATED AT 1017 BLUE LAKE AVE, SOUTH LAKE TAHOE, CA*; No. SP20190015, a.k.a. 'Determination of Issue' case. Decree Establishing and Identifying the Issue[...], August 18, 2019.

**B. California 3<sup>rd</sup> District Court of Appeal**

- *CURTIS JOHNSON et al. v. KENT KNOX JOHNSON*; No. C090505 (SC20180141, ‘Partition Complaint’). Dismissed, Collateral Order, October 17, 2019.
- *CURTIS JOHNSON et al. v. KENT KNOX JOHNSON*; No. C092347, (SC20180141, ‘Partition Complaint’). Dismissed, Collateral Order, September 4, 2020.
- *ROSS VAN DYKE JOHNSON, As Trustee, Etc., v. KENT KNOX JOHNSON*; No. C090195 (SP20170042, ‘Trust Petition’), *CURTIS JOHNSON et al. v. KENT KNOX JOHNSON*; No. C090522 (SP20190015, ‘Determination of Issue’). Unpublished Opinion Affirming after Consolidated Briefing, December 27, 2021.
- *CURTIS JOHNSON et al. v. KENT KNOX JOHNSON*; No. C094348, (SC20180141, ‘Partition Complaint’). Unpublished Opinion Affirming, after Denial of Writ of Supersedes, April 13, 2023.

**C. California Supreme Court**

- *CURTIS JOHNSON et al. v. KENT KNOX JOHNSON*; No. S259299, (C090505, SP20180141 ‘Partition Complaint’). Denial of Petition for Review, after ‘Partition Complaint’ Dismissal, January 2, 2020.

- *CURTIS JOHNSON et al. v. KENT KNOX JOHNSON*; No. S270012, (C094348, SP20180141, ‘Partition Complaint’). Denial of Petition for Review, after ‘Partition Complaint’ Writ of Supersedeas to Stay, August 18, 2021.
- *CURTIS JOHNSON et al. v. KENT KNOX JOHNSON*; No. S272917, (C094348, SP20180141, ‘Partition Complaint’). Denial of Petition for Review, after Denial of ‘Partition Complaint’ Motions to Stay and Compel, January 28, 2022.
- *ROSS VAN DYKE JOHNSON, As Trustee, Etc., v. KENT KNOX JOHNSON*; *CURTIS JOHNSON et al. v. KENT KNOX JOHNSON*; No. S272891 (C090195, SP20170042, ‘Trust Petition’ and C090522, SP20190015, ‘Determination of Issue’). Denial of Petition for Review, after ‘Trust Petition’ and ‘Determination of Issue’ unpublished Opinion, March 9, 2022.
- *CURTIS JOHNSON et al. v. KENT KNOX JOHNSON*; No. S280023 (C094348, SP20180141, ‘Partition Complaint’). Denial of Petition for Review, after ‘Partition Complaint’ unpublished Opinion, July 12, 2023.

#### D. United States District Court, E.D.O.C.

- *CURTIS JOHNSON et al. v. KENT KNOX JOHNSON*; No. 2:20-cv-0614-JAM-KJN

x

(SC20180141, ‘Partition Complaint’).  
Remanded back to Superior Court after  
removal, April 24, 2022.

- *KENT KNOX JOHNSON v. EL DORADO COUNTY SUPERIOR COURT, et al.*; No. 2:23-cv-02843-DJC-CKD. Dismissal of (RICO) Complaint, December 7, 2023. App.3–10.

**E. United States Court of Appeal, 9<sup>th</sup> Circuit**

- *KENT KNOX JOHNSON v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA, Sacramento*; No. 24-438. Denial of Writ of Mandamus for Correction of Summons, February 28, 2024.
- *KENT KNOX JOHNSON v. EL DORADO COUNTY SUPERIOR COURT, et al.*; No. 23-4328. Summary Affirmation, April 24, 2024. App.1–2. Mandated effective on August 22, 2024.

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## PETITION FOR WRIT OF CERTIORARI

A most compelling reason to grant Certiorari is when a Court has, "so far departed from the accepted and usual course of judicial proceeding", Rule 10(a), it has knowingly enabled racketeering in the courtroom.

Judicial misconduct, disregarding oaths to uphold the Law, undermines statutory consistency, Court credibility and is treasonous misconduct.

The Revised Uniform LLC Act was created to preemptively avoid conflicting policies between States. RULLCA's intent is to provide statutory consistency of LLC tax and liability disputes Nationwide.

In this instance, RULLCA statutory language exposed extensive State Judicial corruption.

Racketeering was being enabled and repeatedly aided by California Judges in the courtroom, acting far outside of any rational statutory interpretation.

The RICO act is the appropriate Law to address corruption in the Courts. See 'Kids for Cash', *United States v. Ciavarella*, 716 F.3d 705 (3d Cir. 2013).

The racketeering conspiracy in this case, using a Department of Defense (DoD) procurement for extortion, is potentially far more grave than 'Kids for Cash'.

California Judges cannot be allowed to knowingly undermine the security of a Nation, for the profit of a law firm clearly being used for racketeering.

Judicial immunity must be set aside when felony interstate racketeering, with undisputed evidence, is knowingly enabled in the courtroom.

This case raises many material issues, that are not “insubstantial”, App.1, and go far beyond the unfathomable injustice done to the Petitioner.

Impinging on the core of the solidarity of purpose of the Nation’s Judicial system, Supreme Court discipline is needed.

The Petitioner, respectfully seeks a writ of certiorari to review the summary affirmation of the United States Court of Appeals for the Ninth Circuit.

### **OPINIONS BELOW**

The Ninth Circuit Court of Appeal’s three-judge panel summary affirmation is reproduced at App.1–2.

The District Court’s summary dismissal and entry of order is reproduced at App.3–10.

### **JURISDICTION**

The Petitioner filed his (RICO) Complaint with the United States District Court, (E.D.O.C.), on December 6, 2023. The next day, the District Court summarily dismissed the case, entering Judgment. App.3–10.

The Petitioner appealed to the United States Ninth Circuit Court of Appeal, which upon motion for summary dismissal, affirmed the District Court’s Judgment on April 24, 2024. App.1–2.

The Petitioner motioned for reconsideration, App.11–31, which the Circuit Court denied on August 14, 2024, App.32. The April 24 Judgment was mandated effective on August 22, 2024. App.33.

This Court has jurisdiction under 28 U.S.C. §1254(1).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Text is reproduced at App.59–68.

### **A. U.S. Constitution**

U.S. Const. Article III§2.

U.S. Const. 14<sup>th</sup> Amendment§1.

### **B. Federal Statutes**

18 U.S.C.§241

18 U.S.C.§1341

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### **C. California Corporations Code**

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### **D. California Code of Civil Procedure**

CCP§128.7(b)

CCP§410.10

CCP§410.50(a)

CCP§872.210(a)

### **E. California Probate Code**

PROB§16000

### **F. California Business and Prof. Code**

BPC§6125

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BPC§16240

### **G. California Penal Code**

PEN§506

## STATEMENT OF THE CASE

The Johnson's came to the Lake Tahoe area in the 1860's, acquiring a significant portion of what became the resort community of South Lake Tahoe.<sup>1</sup>

Thereafter, each inheriting generation had bitter legal disputes, fueled by external interests wanting to either develop or preserve the prime land or simply profit from litigation.

To avoid the forty plus years of litigation the Petitioner's Parents had endured, they established the Johnson Family Trust.

The Trust's principle assets were: an apple orchard with two successful co-located businesses, Bill's Apples and Felice's Dolls in Camino, CA; a one third interest in the South Lake Tahoe, CA Safeway Superstore ground lease, believed at one time to be the most profitable store in the chain; two jointly owned lots between the cemetery and the City golf course; and, an unusual French provincial house in South Lake Tahoe.

Outside the Trust, there was a separate life estate property<sup>2</sup>, commercially zoned with a house and workshop in the middle of South Lake Tahoe, gifted to the last Settlor's 'Issue' (offspring).

### A. 'Trust Petition' a Means to Defraud

The desirable real estate was a prime target for various interests in the family and community.

Acquiring or profiting from the assets for those in the community presented a problem. The Trustee, the Petitioner, had a rapidly growing successful business, KJ Microwave. App.49-55. The business operated

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<sup>1</sup> The TV Series Bonanza was modeled after the pioneering families, like the Johnson's, that settled around Lake Tahoe.

<sup>2</sup> In the family for over 100 years.

from the life estate property, and the Trustee sought only to quickly and fairly distribute the Trust assets.

A scheme was then devised to defraud the Petitioner of his Trusteeship and benefits by fraudulently convincing him, after the passing of the last Settlor, that he had been replaced by his older brother and his deceased Mother's portion of the Trust was never funded, leaving both parts of the Trust under the eldest brother's control.

The eldest brother, however, had previously been demoted to last successor trustee following an extramarital affair with a subordinate co-worker. The Settlors believed the eldest could be extorted, and lose his career sewer district pension, if a complaint over his affair was ever threatened.

Initially the scheme to defraud the Petitioner worked, as the eldest brother began acting as an impostor Trustee, taking control of the assets, after the last Settlor's passing. Problems, however, rapidly arose as settlement negotiations deadlocked.

The imposter Trustee then sold the apple orchard to a competitive orchard, below market, refusing to consider higher offers, giving away the long-established businesses, in what may have been an extorted sale. With the sale proceeds he hired a Nevada Limited Liability Company, herein LLC, law firm to act as the Trust's Attorney of Record. App.47-48.

The LLC law firm members were engaged in racketeering. The attorneys were using embezzled Trust funds, for the unlawful purposes of litigating in California, and laundering the income to evade state taxes.

Disregarding the Trust's alternative dispute resolution procedure, requiring all disputes to be

brought to a Special Co-Trustee, who was never elected, the conspirators filed the 'Trust Petition' in the California Superior Court, seeking approval of an inequitable distribution plan.

The Superior Court then failed to detect the racketeering of the LLC law firm, App.45–48, plainly visible on the first page of many filings, App.34, and disregarded the Trust's alternative dispute resolution procedure, refusing to remove the Trustee and dismiss.

#### **B. 'Partition Complaint' to Extort**

After the first phase of the 'Trust Petition' trial, the Petitioner (Defendant) chose to economize, self-representing.

The *pro se*'s inexperience presented an opportunity to exploit, and a new scheme was devised to harass and extort the Petitioner.

The Petitioner's business, KJ Microwave, would be threatened with partitioning and eviction from his workshop in the life estate property, during urgent "DX-A2 rated" production of sole source equipment for a DoD program. *See*, App.24–30, DoD 4400.1-M, 15 CFR§700.11(a)(1).

The Petitioner's brothers then knowingly misrepresented the three brothers were owners of the life estate property where KJ Microwave's production was taking place, in a 'Partition Complaint'. App.34–36. The LLC law firm abused process, filing the 'Partition Complaint' in Civil Court for extortion and harassment purposes, *ibid*.

The Petitioner was given a choice, either take an inequitable Trust settlement involving substantial tax liabilities, or risk eviction and default on an urgent contract that would destroy his business, livelihood and reputation.

### **C. 'Determination of Issue' to Gain Standing**

The life estate property, however, was gifted to the unidentified 'Issue' (offspring) of the life tenant. App.39. Title could not transfer by operation of Law and remained in the deceased's name.

The identity of the 'Issue' (offspring) and Ownership had not yet been determined in Probate Court. App.41-44.

The 'Partition Complaint' had been commenced without ownership, and was a Probate Court matter that lacked Civil Court standing.

After two, 21-day Notices to Correct, which were disregarded, the LLC law firm further abused process, with a Motion for Summary Judgment, herein MSJ, to harass the Petitioner during the same period closing arguments were due in the related 'Trust Petition' case.

The MSJ further distracted the Petitioner from KJ Microwave, threatening schedule slippage and possible cancellation of the DX-A2 rated contract.

The Superior Court denied the MSJ for lack of proof of current ownership.

The Petitioner motioned for sanctions and to dismiss the 'Partition Complaint', for lack of ownership and standing.

The Superior Civil Court then aided the LLC law firm, in maintaining extortion pressure and escaping the liabilities of commencing a 'Partition Complaint' without standing, by refusing to dismiss the 'Partition Complaint', instead staying the matter without jurisdiction.

The 'Partition Complaint' Plaintiffs, through the LLC law firm, then filed a third 'Determination of Issue' case in Probate Court to gain standing. Concurrently, the Petitioner petitioned the Probate

Court to become a special administrator of the life estate, to fulfill the DX-A2 order and save KJ Microwave.

Around this time the imposter-Trustee's fraud became apparent, lacking a Settlor's signed Notice of Removal served to the Petitioner. The LLC law firm was discovered to be without a registered agent, forbidden from California and from maintaining any action without Secretary Of State, herein SOS, registration. App.45-46.

RULLCA statutory Law had uncovered serious corruption inside the Superior Court, exposing an enterprise being used for racketeering.

Shocking the conscience, when the LLC member predicate acts were raised, the Superior Court Judges continued to enable and aid the racketeering in the courtroom, instead of dismissing the cases.

KJ Microwave ultimately had its DX-A2 contracts cancelled and was destroyed by the Superior Court's actions. App.30.

The Judges of the Superior Probate Court then fraudulently decreed ownership of the life estate over a year after commencing the 'Partition Complaint', attempting to avoid the liabilities of destroying KJ Microwave, which had devoted two years designing, developing and successfully qualifying a sole-source product for a string of DoD procurements. App.25-29,42-44.

The California Third District Court of Appeal continued to enable the racketeering against the Petitioner, avoiding any opinion that would incur liabilities for destroying KJ Microwave without authority or harming a DoD program, errantly affirming.

The Petitioner then appealed to state exhaustion and futilely sought enforcement of the Law by the State authorities, who refused to enforce the State Laws, depriving Constitutional equal protection.

The damages had soared far beyond the typical case, and LLC member prosecution would implicate multiple Judges in knowingly enabling racketeering in the courtroom.

#### **D. Summary of State Issue Preservation**

The Superior Court preservation record, available upon request and found in the AOBs, has been omitted for brevity. Jurisdictional issues also do not require preservation, *see Thompson v. Tolmie*, 27 U.S. 2 Pet. 157 (1829).

Appealing the Superior Court 'Trust Petition' and 'Determination of Issue' cases, jurisdiction was raised a second time in the California Third District, Court of Appeal, *see cases C090195 and C090522, AOB, pages 49–63, 75–82.*

The California Court of Appeal errantly declined to offer a RULLCA Opinion, affirming:

*"Kent [Petitioner] also contends that by permitting opposing counsel to appear in El Dorado County, the superior court denied him equal protection. We may decline to address an equal protection claim when it is raised for the first time on appeal." See CA, 3<sup>rd</sup> District Court of Appeal, C090195 and C090522 Opinion, page 6.*

As an issue of first impression with no relevant authority to cite, the California Court of Appeal again

erred, in the 'Partition Complaint' Opinion, again affirming:

*"The authority cited by Kent [Petitioner] does not demonstrate that a complaint about the corporate structure of opposing counsel's law firm creates a jurisdictional defect or can otherwise form the basis for the reversal of a judgment on appeal." See CA, 3rd District Court of Appeal, C094348 Opinion, page 7.*

All California Supreme Court Petitions for Review were denied.

#### **E. The Independent Federal Complaint**

The Petitioner then filed a new (RICO) Complaint in the United States District Court, E.D.O.C., which on the Court's own accord, was promptly and errantly dismissed under the *Younger* and *Rooker-Feldman* doctrines, disregarding the Complaint's many fraud and harassment claims. App.4-10.

#### **F. Summary of Federal Issue Preservation**

The Petitioner then appealed to the Circuit Court and motioned to correct a defective summons and have the U.S. Marshal complete service of process to evasive individuals and a former California Third District Court of Appeal justice, whose whereabouts were unknown after The California Commission on Judicial Performance forced his resignation for unrelated misconduct.

The Circuit Court then heard the Motion to correct the District Court's defective summons, as a Writ of Mandamus, denying it. This action left the

District Court's dismissal without valid due process or service to the Defendants.

The Circuit Court, acting without jurisdiction from the defective summons and incomplete service of process, then ruled on a Defendant's motion to summarily dismiss the Appeal, errantly concluding the many jurisdictional, fraud and harassment issues raised by the Petitioner were "insubstantial", affirming the District Court's dismissal. App.1-2.

The Petitioner preserved the issues by motioning the Circuit Court to reconsider, App.11-31, which was denied. App.32-33.

The basis for federal jurisdiction are claims under: 42 U.S.C. §1983, 18 U.S.C. §241, 18 U.S.C. §242, 18 U.S.C. §1341, 18 U.S.C. §1342, 18 U.S.C. §1343, 18 U.S.C. §1956, 18 U.S.C. §875(d), 18 U.S.C. §876(d), 18 U.S.C. §2(b), 18 U.S.C. §1962(c), and 18 U.S.C. §1962(d). The damages are estimated at \$19,400,000.

The Petitioner now seeks a Writ of Certiorari for the massive injustices the Lower Courts have done to him, and the Nation.

A detailed overview of the case, less word restricted, is available, *see* United States District Court, E.D.O.C. case No. 2:23-cv-02843-DJC-CKD, Complaint, page 10-23.

## **REASONS FOR GRANTING THE PETITION**

The most dispositive arguments, meriting review, are as follows:

### **A. Racketeering Fraud is Not Insubstantial**

The Petitioner was denied the right to be heard by the Circuit Court, errantly stating:

*“A review of the record and the opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. See United States v. Hooton, 693 F.2d 857, 858 (9th Cir. 1982)”. See App.1.*

*Page v. United States*, defines “insubstantial” questions:

*“In our opinion, **harmless errors are so insubstantial as not to need further argument.**” See, *Page v. United States*, 356 F.2d 338, 339 (1989).*

The District Court’s errant summary dismissal of a racketeering and deprivation of rights Complaint, is not a harmless error, *ibid*. California Courts enabled sustained fraud and harassment against the Petitioner, without jurisdictional authority:

*“Where there is absence of proof of jurisdiction, all administrative and judicial proceedings are a nullity, and confer no right, offer no protection, and afford no justification, and may be rejected upon direct collateral attack.” See, *Thompson v. Tolmie*, 27 U.S. 2 Pet. 157 (1829).*

The Petitioner’s Constitutional right to be heard for the damages of null proceedings, that deprived property, livelihood and harmed a DoD procurement, is not “insubstantial”, *ibid*.

Absent jurisdiction, the proceedings were outside of authorized judicial power, *see* U.S. Const. Article III §2.

The Petitioner seeks reversal to be heard, *see* 42 U.S.C. §1983:

*“The right of a litigant to be heard is one of the fundamental rights of due process of law. A denial of the right requires a reversal.” Council Of Federated Organizations v. MIZE, 339 F.2d 901 (5th Cir. 1964).*

#### **B. RULLCA Exposes Racketeering Corruption.**

In the ‘Partition Complaint’ case, the Superior Court Judge agrees, Opposing Counsel is breaking the Law:

*THE COURT: [...] “I do agree with you [Kent, Petitioner] that Alling and Jillson Limited is a Nevada LLC, and a law firm in California cannot operate as an LLC. So Alling and Jillson Limited is most likely improperly transacting business in the state of California when they’re representing clients here. [...]”*

*“I can’t dismiss the case because they may be subject to some penalties from the state for the manner in which they’re operating.” See, ‘Partition Complaint’ case SC20180141, Reporter’s Transcript, page 114.*

The Judge permits the professional LLC Attorney of Record members to continue to provide representation services in California, disregarding the plain statutory language of the Law:

*“Nothing in this title shall be construed to permit a domestic or foreign limited liability company to render professional services, [as defined by a license...], in this state.”*  
*See, CORP§17701.04(e). See App.64.*

Failing to dismiss, the Judge deprived the Petitioner of Constitutional equal protection of the RULLCA statute, *see* 42 U.S.C.§1983. App.63.

There is no rational purpose of government to permit the professional LLC law firm in California.

The phrase, “**Nothing [...] shall be Construed to permit**”, App.64, precludes any opposing rational basis argument of the government. The legislative intent is clearly dogmatic.

As an issue of first impression, with unambiguous statutory interpretation, the Courts have a duty to enforce:

*“[W]hen the statute’s language is plain, the sole function of the courts [...] is to enforce it according to its terms.” Lamie v. U.S. Trustee, 540 U.S. 526, 534 (2004); see also, e.g., Hartford Un. Ins. Co. v. Union Planters Bank, N. A., 530 U.S. 1, 6 (2000).*

In most jurisdictional determinations, there is no associated crime being attempted in the courtroom. A jurisdictional determination has no consequence on

the Judge being an accessory aiding, abetting or enabling a crime.

A different situation is clearly present in this case. An act of judicial misconduct is required to enable commission of crimes inside the courtroom.

The Judge, the only one in the trial Court who can reach a legal conclusion of jurisdiction, permits what is dogmatically not permitted by statute, injuring the Petitioner.

Permitting a courtroom violation of CORP§17701.04(e) or CORP§17708.07(a) and BPC§6126(a), App.64,66–67, can only continue to occur when a judge knowingly disregards their oath to uphold the Law, and conspires with the racketeers.

Conspiracy between Judge and LLC attorneys to permit, what is not permitted, deprives the Petitioner's right to equal protection and is a felony, *see* 18 U.S.C.§241. App.59–60.

Consider the ramifications of the LLC's attorneys, presumed to know the Law, falsely contending the appearance of an LLC law firm, not permitted in the state:

- 1) The attorneys have committed 'fraud upon the Court', falsely asserting the LLC Attorney of Record law firm appeared, when it cannot.
- 2) Trust funds were embezzled for an unlawful appearance that was impossible, *see* PEN§506. App.67–68.
- 3) Repeatedly using the ALLING & JILLSON, LTD unregistered name in California, the attorneys committed interstate fictitious name fraud, *see* 18 U.S.C.§1342. App.34,61.

- 4) Serving process with an unregistered fictitious name by mail, they committed mail fraud, *see* 18 U.S.C. §1341. App.60–61.
- 5) Unregistered and unable to report income in California, they committed money laundering of the illegal attorney fee Award, failing to report the income, *see* 18 U.S.C. §1956(a)(1). App.45–46,61–62.

These are serious interstate felony predicate acts. Interstate racketeering with the LLC enterprise, *see* 18 U.S.C. §1962(c), was knowingly enabled and aided by conspiring California Judges. App.62.

In all of the related cases, there is no dispute of the Nevada or California SOS's LLC evidence, Court filings, or service of process. App.34,45–48.

Nor are the controlling state statutes unknown or ambiguous, as they were extensively raised to futility and state exhaustion.

The problem is misconduct of Officers of the Court of low moral turpitude, bent on redistributing Johnson assets, not under the framework of the U.S. Constitution and Laws of the State, but in a manner that benefits the conspirators, racketeers and local interests.

*King v. Love*, 766 F.2d 962, 965 (6th Cir. 1985) held, unlawful acts are non-judicial acts, without absolute immunity:

*“Provided that they [Judges] do not engage in non-judicial acts or act in the clear absence of all jurisdiction, judges presiding over courts of general jurisdiction are absolutely immune from suits for damages even if they act*

*erroneously, corruptly or in excess of jurisdiction.” (ibid.)*

The Superior Court, by California statute, is in the clear absence of **all** authority to exercise jurisdiction when depriving Constitutional rights, stripping the Judges of absolute immunity:

*A court of this state may exercise jurisdiction on any basis not inconsistent with the Constitution of this state or of the United States. See CCP§410.10, App.65.*

A Judge sworn to uphold the Law cannot knowingly enable a crime that can only be perpetrated by a permissive act of the Judge.

Allowing a forbidden professional LLC into the state to appear providing representation services under CORP§17701.04(e) or maintain an action under CORP§17708.07(a), are such acts. App.64.

Courts of inferior jurisdiction get their jurisdiction by pleadings, motions or briefs, *etc.*, sufficient to invoke their subject matter authority.

Justices, having read the documents to invoke their jurisdiction, have a *sua* or *nostra sponte* duty to dismiss, under their oath to uphold the Law, preventing unlawful acts in their courtrooms, that are raised in the very documents that invoke their jurisdiction.

Any Judge invoking jurisdiction, while simultaneously permissively conspiring to enable a courtroom crime from the same act, is knowingly acting outside the Law, outside of the U.S. Constitution and outside of all authorized jurisdiction.

In the 1980's, the Petitioner's MBA Law Professors taught, without SOS registration, non-person entities do not exist in that state and cannot access the Courts to maintain an action. Using an unregistered entity name is committing an easily proven fraud, App.34,45-46, and service of process shall be deemed on the SOS, which has a duty to seek enjoinment by the California Attorney General. RULLCA continues these legal truths. *See* CORP§17701.04(e), CORP§17708.07(a), BPC§16240 CORP§17708.07(d), App.64,67.

The California Judges repeatedly disregarded obvious signs of the lack of jurisdiction, visible in the first three lines of the 'Partition Complaint'. App.34, 45-48. Why?

Incompetently or conspiringly, the Judges failed to realize the "LTD" abbreviation, in ALLING & JILLSON, LTD, represented a professional LLC's fraudulent appearance upon the Court. App.34.

At the hearings and trial, routine Superior Court negligence, post RULLCA, was to blame. The Court failed to require an enterprise SOS registration number for a factually sufficient determination of appearances and jurisdiction. App.34. Unregistered, the LLC does not exist in California and cannot appear or maintain an action. App.45-48.

Subject matter jurisdiction is fundamentally two part, appearances and statutory authorization. Lacking appearances, the proceeding loses subject matter jurisdiction.

The California Courts, however, failed to dismiss, even after the legal issues were extensively raised.

At this point, State corruption was to blame. The Judges were secretly conspiring to redistribute the Johnson's assets, not as the Settlers wished and the

Law required, but as local interests wanted. Effectively, the Trust and life estate assets were being taken without authority, stolen.

The Judges repeatedly conspired with the racketeers, harassing and extorting the *pro se* Petitioner, presuming the extortion would work, funds would runout, or a *pro se* appeal would fail.

As the damages grew, with possible imprisonment of attorneys and Judges, State officials went into damage control and budget preservation mode, prejudicially failing to prosecute.

Corrupt State interests falsely believed their local goals and budgets were more important than Constitutional Law, the Petitioner's livelihood, and any urgent technology need of the DoD.

What holding would prevent such similarly situated individuals from suffering the same injustices in the future?

California Judges routinely fail to reach legal conclusions of jurisdiction on factually sufficient evidence or legally sufficient elements, after the implementation of RULLCA.

The attorney's license number is insufficient to determine if statutory Unauthorized Practice of Law, herein UPL, is occurring under BPC§6126(a), App.66–67, from RULLCA's statutes CORP§17701.04(e) or CORP§17708.07(a). App.64.

In areas where massive state income tax disparities exist, the Superior Court's factually insufficient presumption of registration, invites UPL and tax evasion.

Judges failing to check SOS registration enable foreign enterprises to be used for racketeering, robbing the state of income tax and fees.

Worse yet, this 'fraud upon the Court' generates nullities made without jurisdiction.

State forms routinely require attorney license numbers, but negligently never bother to require enterprise SOS registration numbers.

The SOS does not allow foreign professional LLCs to register.

If the Superior Court would have required the SOS registration number for any enterprise Attorney of Record, none of the related cases would have ever made it into the State Courts.

This Petition presents an ideal opportunity to opine on the Constitutional inconsistencies, loss of jurisdiction and judicial immunity of permitting racketeering in the courtroom.

The timing to address this could not be better. RULLCA has now been adopted by approximately half of the States in the union, making this issue likely to reoccur with increasing frequency.

Exposing and eliminating this means of racketeering by simply holding that it deprived equal protection or due process, *see* 42 U.S.C. §1983, lacking SOS notification under CORP§17708.07(d), App.63–64, can prevent null proceedings in the future.

Superior Courts should demand proof of SOS registration for any non-person enterprise.

Null proceedings, where a Judge knowingly conspires to enable deprivation of Constitutional rights, is more serious, *see* 18 U.S.C. §241. App.59–60.

Contempt for the Law inside the courtroom destroys the integrity and utility of the Judicial system, compelling supervisory authority:

*"Crime is contagious. If the Government becomes a lawbreaker, it*

*breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy." See *Olmstad v. United States*, 277 U.S. 438, 485 (1928).*

Granting this Petition can put an end to the act of enabling racketeering in the courtroom from negligence or corruption.

**C. Parties Must have Title to Partition.**

The next jurisdictional issue arises from partitioning property not owned by a Defendant.

In the 'Partition Complaint' pleadings, the Plaintiffs falsely alleged:

*"5. Plaintiffs [(RICO) Complaint Defendants], through their respective ownership as tenants in common, own the following interests in the Property:*

*A) Curtis Johnson, a married man, as his sole and separate property: 33.33%*

*B) Ross Johnson, a married man, as his sole and separate property: 33.33%*

*6. Defendant [Kent, now the Petitioner], through his respective ownership interest in the Property as a tenant in common, owns 33.33% in the Property." App.36.*

After two, twenty-one-day Notices to Correct these false statements or withdraw the 'Partition Complaint' were served, the Plaintiffs failed to correct

or withdraw, with full knowledge they falsely commenced partitioning without ownership:

*"The 'Partition Complaint' also alleges 'Kent' [Petitioner] is an owner, however, the El Dorado County Recorder does not acknowledge title having transferred and indicates a problem exists." See case 2:23-cv-02843, Complaint, Exhibit #15 – '2<sup>nd</sup> Notice to Correct', page 2. App.41-44.*

Ten Months after the 'Partition Complaint' was commenced, the Superior Court denied a Motion for Summary Judgment, herein MSJ:

*[Superior Court] "Presently [...], when you look it up online, which I did, it reflects William Johnson, deceased, as the owner of the property. There has to be an order from the Probate Court making a determination as to current ownership..."*

*"If the plaintiffs want to partition the property, title has to be established, and I think that has to be done through the Probate Court." See case SC20180141, Reporter's Transcript, pages 27-29.*

The statement of decision confirms the Notice to Correct, the Parties lacked ownership.

These facts are undisputed.

A year after the commencement of the Civil 'Partition Complaint', the lack of ownership title at

commencement was again confirmed by the Superior Probate Court, in the 'Determination of Issue' case. App.34,42.

In the Decree of 'Issue' (offspring) a fraudulent and unadjudicated second Decree of ownership was added by an LLC attorney, attempting to correct the earlier abuse of process, App.43, having commenced the 'Partition Complaint' without standing.

The recorded decree of ownership still failed because it was not the required title. App.41-44.

The Superior Civil Court should have granted the Motion to Dismiss the 'Partition Complaint', awarding damages from the material 'fraud upon the Court' in the verified pleadings, App.34-38, commencing without ownership title. App.42-43.

*"It is a stern but just maxim of law that fraud vitiates everything into which it enters." Veterans Service Club v. Sweeney, 252 S.W.2d 25, 27 (Ky.1952)." Radioshack Corp. v. ComSmart, Inc., 222 SW 3d 256, 260 (2007).*

The 'Partition Complaint' Plaintiffs and their LLC Attorney of Record had failed to prove they had Ownership Title, because they knowingly lied in their pleadings, trying to skip Probate of a life estate gifted to undetermined 'Issue' (offspring).

The primary motive of the 'Partition Complaint' was clearly to harass and extort a settlement in the related 'Trust Petition' case, interfering with KJ Microwave operations on the property.

The LLC's malpractice issues had been accumulating in the related 'Trust Petition' case, prior to commencing the 'Partition Complaint'.

The racketeering LLC members were uninsured for their illegal acts in California and growing desperate for a settlement.

The 'Partition Complaint' Plaintiffs, conspiring with their LLC attorneys, did not care if they had title, because they had confidence their extortion scheme would work on the *pro se*. If the Petitioner did not agree, his business, KJ Microwave, operating from the property being partitioned, would default on its urgent contracts and be destroyed.<sup>3</sup>

KJ Microwave had production contracts of the 'highest national defense urgency' and the conspirators, LLC racketeers and Superior Court knew it, from numerous hearings and filings, *see* 15 CFR§700.11(a)(1). KJ Microwave was a prime target to extort, as its reputation and years of development work would be destroyed from a default on an urgent contract. App.24–29.

The Petitioner (Defendant) then motioned the Superior Court for sanctions and dismissal of the 'Partition Complaint', which was conspiringly denied.

Instead, the Superior Court stayed the 'Partition Complaint' without standing, aiding the racketeering conspiracy, continuing the harassment of the Petitioner, maintaining intentional interference with KJ Microwave.

The Superior Court allowed litigation without authority to consume the sole proprietor's time, as urgent DoD procurements began slipping schedule.

The Superior Court's actions raise serious Judicial misconduct issues surrounding the authority of Judges under the statutory Laws of California to

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<sup>3</sup> The Petitioner, married to an inactive CPA, refused to settle, because of Trust tax evasion liabilities.

stay a partition complaint case, which was commenced with false claims of ownership.

In a civil partition complaint case, a statutory prerequisite or exception to a jurisdiction exists, in Civil Code of Procedure Section 872.210(a):

*“A partition action may be commenced and maintained by any of the following persons.”*

*“[...] (2) An owner of an estate of inheritance, [...]”, See CCP§872.210(a), App.66.*

But what is an “owner”, *ibid*?

The Third District Court of Appeal, in a compulsory holding, concluded:

*“The real party in interest is the party who has title to the cause of action, i.e., the one who has the right to maintain the cause of action.” See Vaughn v. Dame Construction Co., 223 Cal. App. 3d 146, 147 (1990).*

All the ‘paperwork’ to a deed of ownership title must be perfected, for proof of ownership, before the “right to maintain the cause of action” of partitioning is permitted, *ibid*.

Everyone knows, you cannot partition real property you do not own.

The Superior Court correctly determined, denying the MSJ, the Parties did not have ownership title to the property, and title would have to be established in a different Court.

Why did the matter have to go to Probate Court? Because, the life-estate was a gift to the undesignated

'Issue' or offspring, some of whom had not yet been born when the life-estate was established in 1958. App.39-40.

Without designation by name, the life-estate Title cannot transfer by operation of Law, upon the life tenant's death, App.39-40, as repeatedly falsely claimed by the LLC law firm members.

The 'Partition Complaint' was commenced without Ownership Title in the wrong Civil Court and failed to offer proof of jurisdiction, *see McNutt v. GM Acceptance Corp.*, 298 U.S. 178, 189 (1936).

Core to the issue warranting review is, when did the Superior Court have a duty to dismiss the case?

The Petitioner argues that the moment the Superior Court found the title of the property remained in the deceased owners name, it lost both subject matter jurisdiction and personal jurisdiction.

Any action taken by California Courts in the matter subsequent to finding, title remained in the deceased name, was and will always be, without all authority, depriving the Petitioner's right to equal protection under the statutory Laws of California.

CCP§872.210(a), App.66, requires ownership and *Vaughn v. Dame Construction Co.* requires title evidenced by a deed, as proof of ownership, which was lacking. App.41-44.

The 'Partition Complaint' Plaintiffs clearly did not have statutory standing.

Without ownership title, the Superior Civil Court lacked subject matter jurisdiction. The Judge knew this, indicating a determination of ownership would have to come from the Probate Court, *supra page 22*, a Court of different subject matter jurisdiction.

The Civil Judge, staying the 'Partition Complaint', knowingly acted without statutory jurisdictional authority under CCP§872.210(a). App.66.

To stay the 'Partition Complaint', aiding the racketeering LLC members in avoiding the liabilities of a harassment Complaint under CCP§128.7(b), App.64–65, is Judicial misconduct without jurisdiction.

Judicial misconduct that destroyed KJ Microwave is not insubstantial, and it is unfathomable for a Superior Court to actively participate in a harassment and extortion scheme that destroyed a sole source technology vendor of a DoD DX-A2 procurement.

The three tests for standing quickly show the 'Partition Complaint' was for improper purpose:

1. Without proof of joint title, prior to commencing the 'Partition Complaint', no proof of an "injury in fact" from joint ownership could possibly have occurred, under *Whitmore v. Arkansas*, 495 U.S. 149, 155 (1990) holding.
2. Nor could the Defendant have caused traceable harm to the Plaintiffs, if there is no joint Title, under *Lujan v. Def. of Wildlife*, 504 U.S. 555, 560, 561 (1992) [quoting *Simon v. Eastern Ky. Welfare Rights Org.*, 426 U.S. 26, 41-42, (1976) holding].
3. The Plaintiffs requesting the relief of partitioning something they did not jointly own at the time of filing their Partition Complaint, is not a remedy, under *Vermont Agency of Nat. Res.s v. US ex rel. Stevens*, 529 U.S. 765, 771, (2000) holding.

There was no "controversy" under U.S. Const. Art. III§2.

Without statutory standing, the Judges of the Superior Court were aiding the extortion attempt, using the interference with KJ Microwave and the leverage of the DoD's procurement of the "highest national defense urgency", *see* 15 CFR§700.11(a)(1). App.24-30.

The Judges' use of the Superior Court without authority, aiding the crime of extortion, deprived the Petitioner's Constitutional right to equal protection of CCP§872.210(a). App.66.

The Judges repeatedly denied motions for a notice of pendency of action, so their fraudulent transfer of property would be difficult to reverse, aiding local thieves.

The life estate property was sold, title was transferred from the deceased owner to the new owners recently, without compensation to the Petitioner. The Petitioner was forced to dismantle his manufacturing shop, removing the evidence of the destroyed KJ Microwave from the property. The property was literally taken, without authority or compensation.

This raises a subsidiary question of importance.

California Civil Law provides 'statutory exceptions' to personal jurisdiction. Specifically, the language of Civil Code of Procedure Section 410.50(a), which begins:

*"Except as otherwise provided by statute, the court in which an action is pending has jurisdiction over a party [making a general appearance...]."* See, CCP§410.50(a), App.65-66.

Statutory exceptions, *ibid*, logically preclude personal jurisdiction by a general appearance, and cannot be waived.

In the 'Partition Complaint' case, the Petitioner (Defendant) never consented to any forum outside the statutory Law of CCP§872.210(a), App.66. Instead, he motioned for dismissal.

Any forum outside of California Law that deprives real property without due process or equal protection is unconstitutional, *see* U.S. Constitution 14<sup>th</sup> Amendment Section 1. App.59.

Conspiring acts outside the Constitution are treasonous felony acts under 18 U.S.C.§241. App.59–60.

This raises the subsidiary question: Does the loss of subject matter jurisdiction from lack of plaintiff ownership under statute CCP§872.210(a), App.66, constitute an exception to personal jurisdiction by a general appearance of the Defendant under CCP§410.50(a)? App.65–66.

The Petitioner argues: yes, it obviously does.

If the defendant is not a property owner at the time partitioning is commenced, as was the case, the Court has no jurisdiction over that person. No number of appearances will remove the lack of ownership defect at commencement, rendering the complaint improper forever, *see* CCP§128.7(b). App.64–65.

Judges knowingly acting outside of statutory authority, depriving rights, are not acting in a forum authorized by the State, *see* CCP§410.10. App.65.

The Petitioner (Defendant) can never consent to such a forum and has a duty not to conceal the act. *See* 18 U.S.C.§2382. App.62–63.

The rare statutory exceptions to personal jurisdiction by general appearance are widely ignored, but are essential to preventing extortion.

This Court should consider extortion enabled by Superior Court Judges acting without jurisdiction, leveraging a DX-A2 DoD procurement for National security, near the apex of gravely serious treasonous acts.

The racketeers and their conspiring Judges knowingly interfered with KJ Microwave's place of business, forcing default on a matter of "highest national defense urgency", *see* 15 CFR§700.11(a)(1), destroying a business that was a sole source DoD supplier of technology for state-of-the-art satellite reconnaissance. App.24–30.

The reason the corrupt Judges caused such extensive damages was because they assumed they had personal jurisdiction from a general appearance and would be immune to the harm they were causing KJ Microwave and the DoD's procurement.

The statutory exception precluded personal jurisdiction, and the Judges lacked **all** jurisdiction and absolute immunity.

Judicial misconduct knowingly interfering with DoD procurements demands a strong deterrent. A holding confirming the lack of all jurisdiction and immunity would prevent a similarly situated individual and the Nation from suffering this type of harm in the future.

#### **D. Trust Dispute Resolution Bars Jurisdiction**

The Settlers of the Johnson Family Trust had both the blessings and curses associated with substantial prime land ownership in one of the Nation's most unique year-round resorts.

After forty plus years of abusive probate litigation and divisive manipulations by outsiders, the Settlors attempted to spare their heirs the costly agony they endured, by establishing the Johnson Family Trust.

The Petitioner accompanied the Settlors on multiple occasions, while the Attorney drafting the Trust assured their heirs would never suffer from the Superior Court proceedings, which had drained their lives. Was the Trust's authoring attorney correct?

California Probate Law requires:

*“On acceptance of the trust, the trustee has a duty to **administer the trust according to the trust instrument** and, except to the extent the trust instrument provides otherwise, according to this division.”*  
*See PROB§16000, App. 66.*

*“Court cannot construe a statute in a way that negates its plain text,” Honeycutt v. United States, 137 S. Ct. 1626, 1635 (2017) [emphasis added].*

When settlement disputes arose, the Trust was not administered by the Trust's dispute resolution procedure:

*“No one may file or instigate a claim in a court of law without first submitting the claim to the Special Co-Trustee for resolution together with detailed supporting information and a detailed supporting memorandum of law.”* See *Johnson Family Trust*, page 3-8 or ‘Trust Petition’, Appeal C090195, AA0023.

The Special Co-Trustee was never elected or hired, which is undisputed.

*“Q (BY MR. ALLING:) And why did you elect not to hire a special co-trustee?*

*A [Ross, imposter Trustee] Multiple reasons. The primary one, in my mind, was I didn't believe it would lead to a resolution.” See ‘Trust Petition’ Appeal C090195, Reporter’s Transcript, pages 28 – 29.*

Was it justified to believe that hiring a Special Co-Trustee would not lead to a resolution?

*“The Special Co-Trustee may unilaterally resolve any dispute, claim or conflict between beneficiaries, including those who have, or claim to have, a present or future interest in property, between a beneficiary and a trustee, or between trustees. Such resolution shall be binding on all parties to our Trust and shall not be subject to review.” See Johnson Family Trust, page 3-8 or Appeal C090195, AA0023.*

The Superior Court Judge did not have authority to disregard California PROB§16000, App.66, and drag another generation through years of litigation while an LLC law firm not permitted in the State ‘shakes down’ a Beneficiary’s share of the Trust.

When the ‘Trust Petition’ was filed without first having the Special Co-Trustee review the matter, the

Superior Court should have removed the acting (impostor) Trustee for breach and dismissed the case.

In failing to dismiss, the Trust was not administered by the Trust Instrument and the Petitioner was deprived of equal protection of PROB§16000, App.66, under the U.S. Const. 14<sup>th</sup> Amend. §1. App.59.

There was no rational basis of government to prejudicially single out the Petitioner, as a Beneficiary, and disregard California's most fundamental trust statute, PROB§16000. App.66.

Depriving Constitutional equal protection under the U.S. Const. 14<sup>th</sup> Amend. §1, App.59, by disregarding PROB§16000, App.66, precludes exercise of all jurisdiction under CCP§410.10:

*“A court of this state may exercise jurisdiction on any basis not inconsistent with the Constitution of this state or of the United States” See CCP§410.10, App.65.*

The Superior Court Judge, however, continued to exercise jurisdiction, disregarding the Trust dispute resolution procedure.

Instead of acting in accordance with the Settlors' dispute resolution directives, the Superior Court disregarded PROB§16000, enabling outside interests to fleece the Trust assets. App.66.

The die-off of the Baby Boomers' Parents has brought the greatest wealth transfer in history upon the Nation.

Trusts are well-established alternatives to 'one-size-fits-all' probate proceedings. Trusts are supposed to offer a lower cost alternative, with Settlors paying upfront to work with an attorney to plan benefits.

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Settlors are also the most knowledgeable of the most productive and efficient way to distribute Trust benefits, knowing who is most competent to implement their wishes and how best to resolve disputes.

To disregard these truths and seek inefficient litigation by outsiders who attempt to uncover a lifetime worth of experience of the Settlors, brings distributions that are gluttonously wasteful and embroiled in self-serving motivations of outside parties, with little regard for Court resources or reputation.

In an era of tightening energy, material and labor resources, disregarding the Settlors' knowledge of how to best optimize benefits and maintain productivity, instead enabling outside self-serving parasitic interests to choose, only harms the Nation's affluence.

This Court and the U.S. Congress are no strangers to judicial hostility toward alternative forms of dispute resolution.

In *Viking River Cruises, Inc. v. Moriana*, 596 U.S. 632 (2022) this Court held the Federal Arbitration Act (FAA) was enforceable:

*“As we have interpreted it, this provision contains two clauses: An enforcement mandate, which renders agreements to arbitrate enforceable as a matter of federal law, and a saving clause, which permits invalidation of arbitration clauses on grounds applicable to “any contract.” See AT&T Mobility LLC v. Concepcion, 563 U.S. 333, 339–340 (2011); Epic*

*Systems Corp. v. Lewis, 584 U. S. 497 (2018).*"

California PROB§16000, App.66, unambiguously requires a Trust to be administered by the Trust instrument, including the dispute resolution procedure, *see Lamie v. U.S. Trustee, Hartford Un. Ins. Co. v. Union Planters Bank.*

There is no rational purpose of government to disregard a Trust's lawful dispute resolution procedure, nor disregard the entire Trust, for an easily remedied breach.

This Petition presents an ideal opportunity, at an ideal time, to end outside intrusion into the affairs of a Trust, through the very litigation the Trust seeks to avoid.

Such intrusion denies equal protection under California Law, precluding authority to exercise jurisdiction of the Court, *see CCP§410.10. App.65.*

The Trust's dispute resolution procedure should have precluded involvement of a racketeering law firm 'shaking down' a second generation of the Johnson's.

Extending this Court's 'contractual' approach to Trust alternative dispute resolution agreements is the next important step to eliminating the very destructive motivation of Trust litigation, as a means of distribution engineering for outside interests and self-serving profit of counsel.

#### **E. Corruption Invites the Fall of Nations.**

The questions presented raise a most alarming case of Judicial corruption.

The officers of the Court acted not for State and National interests, but for criminal self-interests,

potentially endangering many lives and the Nation itself.

Judicial acts outside of Constitutional judicial authority are treasonous, conflicting with the solidarity of National purpose and leadership.

If some amount of unlawful act is permitted in the courtroom, where does the line get drawn?

If racketeering is permitted in the courtroom, how about a little assault, battery, or torture? Such acts, akin to brutal dictatorships, undermine public confidence in the Courts.

Unlawful courtroom acts conspiringly enabled by judicial misconduct, deprive Constitutional rights. They can be gravely serious for the Nation when interfering with urgent (classified) DoD procurements.

It is time to stop unauthorized Trust litigation racketeering for profit, enabled by Judicial misconduct.

The Petitioner's perspective on the dangers of this judicial misconduct are best understood from his long career silently serving the Nation through microwave communications engineering.

In the 1980's the Petitioner was the first to successfully design a commercially available solid-state C-band microwave power amplifier, which found wide application in terrestrial telecommunications and satellite uplinks.

Though a small consulting role, some of that technology was applied to the Hubble Space Telescope's high data rate transmitter, sending spectacular images down to earth, scientifically advancing the Nation.

Presumably, (classified) the many Hubble 'spare units', flew on the lookalike 'Keyhole' satellites, a National reconnaissance asset.

The Petitioner supported numerous military aircraft training and naval subsurface reconnaissance programs, leading to his first Patent (#5,414,741), which later spawned KJ Microwave, see, App.49–58.

The Petitioner's advancing career brought him to the leading U.S. point-to-point radio manufacturer, where he was the principle engineer of the first synthesized high capacity telecommunications radio in the industry.

The products he architected or contributed to captured approximately 90% of the 'Right Of Way' market Nationally. This market comprises industries that use private microwave networks to control plant operations, which have narrow strips of land, or Right Of Ways. Examples would be railroads, gas pipelines, petroleum pipelines, hydro projects and electrical transmission lines.

The Petitioner's point-to-point radio designs,<sup>4</sup> literally provide control communications for much of the Nation's critical infrastructure, and at one time approximately 60% of the wireless cellular backhaul from base-station to central office.

The Country runs on the Petitioner's designs.

The Petitioner then became an independent consultant to the leading U.S. microwave test equipment manufacturers. Published worldwide, he lectured nationally and internationally on microwave communications.

The Petitioner was later approached by one of his many industry connections with an urgent problem

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<sup>4</sup> Models available on request.

during the second Iraq war. Three Americans and seventeen Iraqis were dying everyday there was no test solution for smart jamming of Improvised Explosive Devices (IEDs) detonated with cellphones. App.52.

The Petitioner took on this high pressure ultra-urgent development project, designing and manufacturing hardware for the widest bandwidth, deepest dynamic range, digitally synthesized microwave signal ever created. Ultimately, a dozen systems were produced for DoD test ranges, successfully countering the IED problem the Nation faced. App.49–58.

The consulting business turned microwave equipment manufacturer, was rebranded into KJ Microwave in preparation for rolling out a new line of products, which would ultimately support a new modulation invention, that built upon the Petitioner's first patent. App.49–58.

Two large U.S. DoD prime contractors then approached KJ Microwave to build a frequency down-converter to receive satellite communications. Based on the Petitioner's Hubble experience, the requirements fit a next generation satellite photo-reconnaissance down-link for the Nation.

Plans to introduce the modulation invention technology were again put on hold to support the Nation's immediate needs.

After a year of product definition, hardware development began, with successful qualification of the KJ Microwave DTR-1722, a year later. App.24. Production began with a two-unit pilot, DX-A2 rated, order of the DTR-1722A. App.27–29,49–58.

It was at this time Superior Court Judges conspired with racketeering in the courtroom, extorting and destroying KJ Microwave.

The Petitioner simply cannot fathom the injustices the California Courts have knowingly done to the Nation and an engineer who silently did so much for his Country.

The Petitioner for fifteen years grew KJ Microwave, entirely from retained earnings, manufacturing products at the forefront of technology, other companies could not, or would not, build.

The Petitioner's reputation was excellent, with the Nation's largest defense contractors seeking him out in the resort South Lake Tahoe, to build the best available performance in the World, for the Nation's security needs.

KJ Microwave was knowingly interfered with by conspiring Judges and racketeers, without statutory authority and all jurisdiction.

When the Petitioner raised a litany of unconstitutional acts by the California Courts, the response was to further defile the Petitioner, ***a pro se, Defendant***, dependent on his excellent reputation.

The Superior Court, while enabling racketeering in the courtroom, declared the Petitioner vexatious, requiring a prefiling order, denying his right to be heard, silencing his cry for justice, while threatening to arrest him for contempt. App. 4-5.

KJ Microwave was destroyed six years before the Petitioner turned sixty-five. His children, educated to take over the family business, watched KJ Microwave be demolished by Superior Court Judges acting

without all jurisdiction.<sup>5</sup> His wife, an inactive CPA accounting for the high-tech business, formerly from one of the most prolific IPO accounting firm offices in the World, now without work, turned into a process server.

The Superior Court continued the 'Partition Complaint' proceeding, refusing Notice of Pendency of Action, fraudulently transferring the property title to new owners, forcing the Petitioner to dismantle and remove the evidence of KJ Microwave, under threat of giving away the expensive manufacturing equipment.

This is the thanks for decades of innovation on some of the Nation's most valuable military, scientific and reconnaissance assets?

The gratitude for architecting a product that literally provides communications for much of the Nation's critical infrastructure?

The appreciation for providing record breaking hardware to stop the horrific IED bloodshed?

The acknowledgment for placing his invention on hold to support the next generation of satellite recon. receiver?

The Petitioner loses his right to access the California Courts. His hard-earned industry reputation is destroyed from Court interference, defaulting on urgent DoD contracts. His good character is shattered, deemed vexatious. His family business is destroyed. His working capital and life savings are decimated at retirement.

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<sup>5</sup> Daughter Bachelor's in Business Administration, Masters in Data Analytics (Magna Cum Lauda), Son Bachelor's and Master's in Electronic Engineering (Summa Cum Lauda), joining the Cal Poly (SLO) educated family.

All to enable LLC law firm members racketeering and conspiring with the California Judges, acting without all jurisdiction, using a DoD procurement for extortion leverage, to pillage what was left of the Johnson Trust and life estate, fleecing another generation for self-serving, state tax free gain.

‘Shocking the conscience’, corruption in the California Courts enabled the LLC law firm, not permitted in the State and engaged in UPL, App.64,66–67. to be awarded \$332,257.00 for fees in the ‘Trust Petition’ case, *ex turpi causa*, from the Petitioner’s Trust share, *see Valentine v. Stewart*, 15 Cal. 387, 405 (1860).

Little should be said about the damages to the DX-A2 program, (highly classified). App.24. The federal government program certainly suffered cost overruns, delays and performance degradations. The losses could be raised in a *qui tam* complaint, but the Petitioner is unmotivated, if the justice system is utterly corrupt.

The Petitioner must raise the scale of the technology loss the Nation is suffering, but offers little evidence beyond the fact in 2003 he had the confidence in his discoveries to walk out of a high paying defense job.

The ‘invention’ being productized when KJ Microwave was destroyed represents a substantial leap in bandwidth and power efficiency, applicable to all modern radios and radars. App.49–53.

Declared vexatious, without access to fair California Courts, licensing or sale of the technology in the jurisdiction is unwise. Reliably profiting from the significant advance in the art is impossible in a jurisdiction that repeatedly disregards statutory Law.

The Petitioner also contends he had made discoveries in quantum wave theory. Perhaps this is 'Crackpot Physics' coming from an electronic engineer.

However, the most telling signs of 'Crackpot Physics' are a lack of mathematics and a desire for fame, neither of which are present. The initial impetus for discoveries was raised from mathematical discrepancies. The research was entirely in secret. Perhaps the Petitioner's forty years of microwaves, yielded insights into quantum waves.

The incentives to do anything with the technology in this jurisdiction have been stripped away by corrupt California Courts. This should be alarming to a Court with supervisory authority, as billions of dollars are spent every year to unravel what the Petitioner may have deciphered.

Monetary economists speak of an inter-temporal psychological-freedom component to capital formation (making things), at the heart of entrepreneurship, which is lost in a corrupt, unjust legal system.

Difficult research and development is not worth the effort when unjustly devoured by thieves, enabled by State corruption.

KJ Microwave's long technology time horizons are unwise pursuits, when Judges continually act outside the Law, with immunity.

History shows, the sign of a collapsing empire or nation is rampant unchecked corruption.

The corruption raised in this Petition denied the DoD access to sole source technology that is critical to the Nation in a hostile and energy constrained World.

If a *pro se* with just a few MBA Law courses can raise extensive corruption issues, the State of California has a problem that compels action.

Who in their right mind would come to the aid of a Nation, as the Petitioner did so many times, to have their lives destroyed from State corruption?

A gradian of judicial integrity is needed to avert the exodus of technology from State corruption, that undermines National technological dominance.

The Circuit Court in its summary dismissal is obviously wrong, App.1, deprivation of Constitutional rights without jurisdiction is not “insubstantial”, *see Page v. United States*. It invites the fall of Nations.

This Petition calls “for [the] exercise of this Court's supervisory power”, *see Rule 10(a)*.

Granting review, vacating all lower Courts and remanding for mediation and trial (GVR) is proper.

Perhaps it is essential, to remaining a Constitutional government, and not devolving into local tribes of thieves, fleecing Trusts and self-servingly distributing the spoils, at the Nation's technological expense.

## CONCLUSION

The Court should grant this Petition for Certiorari.

September 5, 2024

Respectfully submitted,

Kent K. Johnson

Kent Knox Johnson, *Pro se*  
PO Box 17691  
South Lake Tahoe, CA 96151  
(530) 318-5459  
[kent@kjmwave.com](mailto:kent@kjmwave.com)