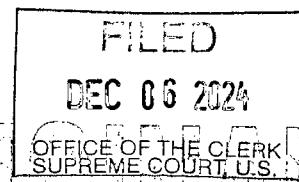


24-6274



Samreen Riaz,
1534 S Manzanita street
Visalia, California 93292
TeL no: 951-373-0229
Petitioner, pro per litigant

NO: _____
IN THE SUPREME COURT Of THE UNITED STATE

Samreen Riaz
Petitioner,
vs.
Altura centers for health
Defendant

1. Supreme Court of California
350 McAllister Street.
San Francisco, CA 94102-4797.
415-865-7000.

2. 5th District Appeal Court
2424 Ventura St,
Fresno, CA 93721
(559) 445-5491 3.

3.Tulare superior Court ,
Justice Hillman Brett,
Dept 7 221
S Mooney Blvd,
Visalia, CA 93291
(559) 730-5000
Respondent

Supreme Court Of California: S286777
Court of appeal no: F085852
Tulare Superior Case No: : VCU276991

**On Petition for Writ Of Certiorari To The California Supreme
Court Petition for Certiorari**

. Question Presented :

A: Did the Supreme court of California in error, abuse discretion and show bias in denying Petition (S286777) on Nov 13 24 and application for stay and left unresolved conflicted issue of law and factual issue? (violation of 7th,5th, 1st,4th and 14th amendment) ? (opinion attached as Exhibit A)

B: Did 5th district court was in error, bias or abuse discretion when it gave opinion of denying appeal in a case No: F085852 on 7 30 24 (Appeal was taken from the case vcu276991 denying motion for a new trial and failing to declare mistrial on ex parte basis on March 21 23-). (opinion attached as Exhibit B)

C: Did Tulare court in error or abuse discretion denying motion for a new trial and failing to declare mistrial on ex parte basis on March 21 23? (Exhibit D, See copy of ruling on record on appeal pgs 5573-5575,5495)

D.Did Tulare superior court in error or abuse discretion when entering judgment after the jury verdict on feb 15 23 based on erroneous jury verdict and was Jury is in error or abuse discretion when returned with the verdict that is not supported by the sufficient evidence and found the defendant not found liable for all or any causes of actions in the operative complaint on Feb 10 23?(Exhibit C)

E.Did Tulare superior court was in error and abused discretion in releasing numerous attorneys of the plaintiff ?(see also record on appeal 2464)

F. Did judge Hillman show bias, made an error and abused discretion when failed to disqualify or recuse himself ?.(see record on appeal pgs 3719-3731, 3671-3712)

G. Did this honorable judge Hillman be in error and abuse discretion for granting motion for mental examination for appellant claim when , when no good cause presented , no relevancy or specific facts justifying discovery. Knowing Plaintiff has opposed entering into such an exam?(see record on appeal 823 and 824, see line 7 page 824)

H. Did this honorable judge Hillman make an error and abuse discretion for granting motion for mental examination for the justification to gauge the extent and nature of Plaintiff's emotional distress claim, but utilized it for pretextual purposes to discredit court witness?(see record on appeal pgs 883-892)

I. Did Tulare Court make an error and abuse discretion in making a ruling to motion in limine?(see record on appeal pgs 4639)

J.Did Tulare court be in error and abuse discretion when vacating the trial on june 9 21? (see record on appeal pg 2023,2050-2072)

K.Did Tulare court is in error and abuse discretion when admitted Defendant's Exhibits, #102,102,125, #126, and #127, 128129 and 130 into evidence during the trial Feb 09 23. (record on appeal 5321 Minutes order : Court Trial: Long Cause).

L.Did Tulare court be in error and abuse discretion when failed to recognize, prevent or in fact support organized effort of whistle blower retaliation, witness intimidation to discredit plaintiff testimony , staying trial , discredit court witness and obstruction of justice?

Suggestive Answer: YES

Certificate of Interested Entities or Persons:

Certificate of Interested Entities or Persons: Pursuant to Rules 8.208 and 8.488 of the California Rules of Court, the undersigned identifies the following interested entities or persons per rule 8.208. .

APPEARANCE FOR Defendant and Respondent :

Altura centers for Health 600 N CHERRY St, TULARE, CA 93274 (559) 686-9097
Represented: Russell K. Ryan Motschiedler, 1690 West Shaw Ave., Suite 200 Fresno, CA
93711.



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THE SUPREME COURT Of THE UNITED STATES PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully request that writ of certiorari issued to review the judgment below cases From State Courts:

OPINION BELOW

Did the Supreme court of California in error, abuse discretion and show bias in denying Petition and application for stay on Nov 13 2024 (S286777) based on challenging APPEAL from Denying petition (F085852) based on and Tulare Superior Court rulings VCU276991 ?(See Appendix/Exhibit A)

.Did the 5th district appeal court in error, abuse discretion and show bias in making Opinion (F085852) denying appeal on 7 30 24 based on Tulare Superior Court ORDER VCU276991?(See Appendix/Exhibit B)

Did the Tulare court in error, abuse discretion and show bias when entering judgment (Feb 15 23) based on erroneous jury verdict dated Feb 10 23 not supported by sufficient evidence ?(see record on appeal 5563,5508)(See Appendix/Exhibit C)

Did the Tulare court in error, abuse discretion and show bias in denying motion for a new trial and failing to declare mistrial on ex parte basis on March 21 23?:(See Appendix/Exhibit D) (See copy of ruling on record on appeal pgs 5573-5575,5495)

IN THE SUPREME COURT OF THE UNITED STATE PETITION FOR WRIT OF CERTIORARI :

TO THE HONORABLE JUSTICES, Plaintiff is filing a writ of certiorari (Rule 10(a)) in the SUPREME COURT Of THE UNITED STATES as a matter of right of judicial discretion from the Opinion (disregarding false fact finding of 5th district court)given by supreme court of california S286777(dated nov 13 24) based on denied appeal F085852.5th District Court erroneously on 7 30 24 denied appeal based on tulare superior court ORDER March 21 23 ruling on denying motion for a new trial and erroneous judgment based on erroneous jury verdict on feb 10 23 and resulted in violation of 7th, 5th, 14th amendment(equal protection violation and due process violations), deprived plaintiff from equal and fair chance of tria , *Gray v. Robinson* (1939) .Courts failed to consider sufficient evidence related to whistleblower Retaliation (*Wells Fargo Whistleblower Retaliation Case is identified by the release number 22-1770-NAT, Anchor. Van Asdale v. Int'l Game Tech.*(9th Cir. 2009)). conspiracy and obstruction of justice (*People v. Montgomery,People v. Black*). Judge hillman failure to withdraw despite appearance of bias and personal interest involved in the controversy of this case(*Catchpole v. Brannon*), judge hillman pretextual reasoning to order of unconstitutional mental exam and staying of trial in violation of 1st , 4th, 14th and 7th amendment , erroneous Exclusion of Expert Witness Testimony, appellant evidence and admission of Defense inadmissible Evidence, court failure to correct jury verdict (the customized verdict form utilized during jury trial were disputed by the appellant and were substantially incorrect and misleading to the jury and failed to address all causes of action and issues of this case) based on insufficient evidence *Brady v. Maryland*, further denying motion for new trial. Petition is presenting a question of law for the Us Supreme court on issues of public, government, constitutional importance and civil rights violations and requesting the US Supreme Court to make a decision based on their individualized evaluation, guided by the principles of law. (violation of 7th amendment , 1st, 5th, 14th amendment). The Supreme court of califonia, 5th district appeal court, The Superior court has decided federal questions in a way or entered a decision in conflict with the other United States court decision in the same important matter. The Entire evidence and record was not examined for fairness, reasonableness and proportionality in the overall scheme of the law.. Here the lower Court's decision is not within the realm of what a reasonable trier of fact could find.Lower courts failed to meet standard when presented fabricated, disputed, speculative facts and concealed material relevant facts of record to reach (erroneous) decision without a jury trial . Lower courts departed from the accepted and usual course of judicial proceedings.*Shelby County v. Holder* and *Citizens United v. FEC*, the Court's

JURISDICTION:

- .The date on which the Supreme Court of California (S286777) decided or denied review of petitioner case on Nov 13 2024 .A Copy of that decision appears at (Appendix A.)
- .The date on which the 5th District Court (F085852) Court denied the petition was July 30 24 based on tulare superior court March 21 23 ruling (denying motion for a new trial). (Exhibit B).
- .The date on which the Tulare Superior Court entered judgment after the jury verdict(jury returned with the verdict that is not supported by the sufficient evidence was on feb 10 23) was on feb 15 23,?(Exhibit C)
- .The date on which the Tulare Superior Court denied motion for a new trial was March 21 23 (based on trial February 6, 2023 through February 10, 2023.) .(Exhibit D)

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED:

We are not bound to accept the Board's factual findings where they are illogical, unreasonable, or improbable (**Insurance Co. of North America v. Workers Comp. Appeals Bd.** (1981) 122 Cal. App. 3d 905, 911 [176 Cal.Rptr. 365]), where they do not withstand scrutiny when considered in light of the entire record (**Duke v. Workers Comp. Appeals Bd.** (1988) 204 Cal. App. 3d 455, 460 [251 Cal.Rptr. 185]), **People v. Johnson**: In this 1980 case, the defendant was convicted of robbery but appealed on the grounds of being denied a speedy trial.

Due process the United States District Courts in Perry v. Coyler (1978, 524 F 2d. 644) has concluded the following: "Even the probability of unfairness can result in a defendant being deprived of his due process rights." **Likelihood of Success—Due Process, The Fifth Amendment of the Constitution prohibits** the Government from depriving individuals of their life, liberty, or property, without due process of Law. The Government may not deprive a person of one of these protected interests without providing notice and an opportunity to respond, in other words, the opportunity to present reasons not to proceed with the deprivation and have them considered. **United States v. Raya-Vaca**, 771 F.3d 1195, 1204 (9th Cir. 2014); accord **Cleveland Bd. of Educ. v. Loudermill**, 470 U.S. 532, 542 (1985); **ASSE Int'l, Inc. v. Kerry**, 803 F.3d 1059, 1073 (9th Cir. 2015), The state and federal due process clauses prohibit "government from depriving a person of property without due process of law. (Cal. Const., art. I, §§ 7, 15; U.S. Const., 14th Amend., § 1.) These provisions guarantee appropriate procedural protections [citation] and also place some substantive limitations on legislative measures [citations]. The latter guaranty-sometimes described as substantive due process-prevents government from enacting legislation that is 'arbitrary' or 'discriminatory' or lacks 'a reasonable relation to a proper legislative purpose.' [Citation.]" (**Kavanau, supra**, 16 Cal.4th at p. 771, 66 Cal.Rptr.2d 672, 941 P.2d 851.) (**Nightlife Partners, Ltd. v. City of Beverly Hills** (2003) 108 Cal.App.4th 81, 90, 133 Cal.Rptr.2d 234, quoting **Bracy v. Gramley** (1997) 520 U.S. 899, 904-905, 117 S.Ct. 1793, 138 L.Ed.2d 97.) "Whatever disagreement there may be in our jurisprudence as to the scope of the phrase 'due process of law,' there is no dispute that it minimally contemplates the opportunity to be fully and fairly heard before an impartial decision maker." (**Catchpole v. Brannon** (1995) 36 Cal.App.4th 237, 245.) An appellate claim of judicial bias is grounded in the argument that the appellant was denied the constitutional due process rights to an impartial judge and a fair trial. (See e.g., **People v. Cowan** (2010) 50 Cal.4th 401, 402y, an appellate court applies the independent standard of review. (**People v. Cromer** (2001) 24 Cal.4th 889, 901.) Whether or not judicial misconduct has occurred is evaluated on a case-by-case basis

Constitutional Validity is on question of mental examination when pt confidentiality breached see **citation Review Dept. 1991** 1 Cal. State Bar Ct. Rptr. 424(5).**Terry v. Ohio** (1968). Significant Case based on 4th amendment violation.**Reuter v. Superior Court**: The court ruled that a psychologist is not a "physician" as required by section 2032,**Reuter v. Superior Court**: The court ruled that a psychologist is not a "physician" as required by section 2032, **Declaration of right article 1 section 15** .Constitutional violation required reversal " regardless of whether a fair trial resulted." (Id. at p. 205; accord, **People v. Gzikowski** (1982), **Article 1, Section 7 of the California Constitution, Pursuant to article VI, section 13, of the California Constitution**, "[n]o judgment shall be set aside, or new trial granted, in any cause, ... or for any error as to any matter of procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice." [4] "A miscarriage of justice ... occurs ... when it appears reasonably probable that were it not for the error a result more favorable to the appellant could have been obtained." (**Williams v. Lambert** (1962) 201 Cal.

App. 2d 115, 126 [19 Cal. Rptr. 728].) "Review de novo" in the United States federal court system is often cited as **Universal Camera Corp. v. NLRB**, 340 U.S. 474, 490 (1951). .error at law was listed as one of the grounds in his notice of intention to move for a new trial. This was sufficient to place the issue before the trial court. (See **Wagner v. Singleton** (1982) 133 Cal. App. 3d 69 [183 Cal. Rptr. 631].) .the California Supreme Court addressed the standard for judicial disqualification is that the most extreme facts would justify judicial disqualification based on due process**People v. Freeman**, 47 Cal.4th 993,Catchpole v. Branno,.Fourteenth Amendment: "nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws".)see 1s,5th,14th and 7th amendment violation.See also Section 657, 659 authorizes the granting of a new trial for any of seven statutorily specified grounds.) ,When ruling on an application for a new trial, the court sits as an independent trier of fact. (**Lane v. Hughes Aircraft Co.** (2000) .In **Suarez**, the Fourth Circuit held that a public officials retaliatory action in the nature of speech that threatens coerces, or intimidates, intimating that punishment, sanction, or adverse regulatory action will imminently follow, establishes a violation of an individual's First Amendment right; **Suarez Corp. Indus. v. McGraw** 202 F.3d at 687; See also **Blankenship v. Manchin**, 471 F.3d 523, 533 (4th Cir. 2006), The decision emphasized the importance of protecting public health and the agricultural industry from the spread of harmful disease**People ex rel. Lockyer v. Sun Pacific Farming Co.**, 77 Cal.App.4th 619 (2000),**People v. Cole**, 33 Cal.4th 1158: The decision emphasized the importance of clear, deliberate intent in determining the degree of murder and upheld the jury's finding of intent to torture, which justified the first-degree murder conviction and the death penalty.

Violated section 182 of the Penal Code:It states that if two or more persons conspire to commit any crime, falsely indict another, falsely move or maintain any suit, cheat and defraud any person of property, commit any act injurious to public health or morals, or obstruct justice, they are punishable by law.**18 U.S. Code § 371 - Conspiracy to commit offense or to defraud United States:**If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both. **The Speedy Trial Act of 1974** (88 Stat. 2080, as amended August 2, 1979, 93 Stat. 328, 18 U.S.C. §§ 3161 – 3174), establishes time limits for completing the various stages of a federal criminal prosecution in the United State ..**Penal Code Section 136.1 PC** states that anyone who knowingly and maliciously prevents or dissuading a witness or victim, or attempts to do so, from attending or providing testimony at any proceeding, or making a report that could lead to criminal action being taken, could be charged with dissuading a witness It is not necessary to prove by direct evidence the express agreement between the co-conspirators. That agreement may be inferred from the action and conduct of the defendants in mutually carrying out a common purpose in violation of the statute. (**People v. Montgomery**, 47 Cal. App. 2d 1, 11 [117 P.2d 437];The conspiracy may be established by circumstantial evidence. (**People v. Black**, 45 Cal. App. 2d 87 [113 P.2d 746]; 5 Cal.Jur. 497, § 3.) It is not necessary to prove by direct evidence the express agreement between the co-conspirators. That agreement may be inferred from the action and conduct of the defendants in mutually carrying out a common purpose in violation of the statute. (**People v. Montgomery**].

STATEMENT OF THE CASE:

Samreen Riaz, Is an **Asian American, 0.4 percent religious Muslim minority**, was serving as a dentist in Tulare, California. Samreen started getting harassed, her **civil and constitutional rights violated, terrorized, organized stalked, blacklisted, threatened, and retaliated** for over 4 years after plaintiffs participate in testifying as a witness in a court proceeding against a **federally supported health center** (Case no -VCU276991) in a matter of recruited patient (potential insurance fraud), **Osha and Hippa Violations** after threat was given by ALTura attorney Ryan for filing any legal claim in 2018. Case vcu276991 is based on .**"FIRST CAUSE OF ACTION** Retaliation for Disclosing Information about a Violation of State or Federal Statute, rule, or regulation **SECOND CAUSE OF ACTION** Adverse Treatment and Wrongful Termination in Violation of Public Policy (v. ALTURA CENTERS FOR HEALTH; a, **THIRD CAUSE OF ON** Declaratory Relief. However disqualified judge Hillman (who failed to recuse when his impartiality has been question) violated appellant due process rights throughout this case some example of such violations are pretextual granting of unconstitutional order for mental exam from an unqualified professional **Reuter v. Superior Court**. (under section 2032) in guise to gauge emotional distress compensation when emotional distress was not a cause of action the complaint and stayed trial multiple times further use inadmissible report for pretextual ulterior motives to discredit court witness testimony and delay and obstruct trial several time. Disqualified judge hillman further placed unreasonable demand on appellant that judge hillman will Set a trial only if plaintiff met a condition to bring a (unwarranted as there is no clear and convincing evidence related to plaintiff mental health) note from psychiatrist that she can attend trial . Judge Hillman relieved 6 of the appellate council without showing good cause or appellant consent. including john migilazio, zishan locheedwala, charles ferris, Lawrence larocca, raoul severo and mario tafur and only allowed appellant to attend the trial after almost 2 years of obstruction **People v. Gzikowski (1982)**, after discredit her credibility as witness by ensuring she will not have counsel for trial due to judge hillman personal interest involved in the controversy of this case and other discrepancy during trial , judge hillman also involved in conspiracy with attorney severo (who filed false , hidden from plaintiff declaration regarding plaintiff mental health to testify as witness in order to obstruct trial). Courts failed to consider sufficient evidence related to whistleblower Retaliation, conspiracy and obstruction of justice, erroneously Excluded Expert Witness Testimony, excluded appellant admissible evidence and admitted Defense inadmissible Evidence, court failure to correct jury verdict when based on insufficient evidence and that the customized verdict form utilized during jury trial when disputed by the appellant as were substantially incorrect and misleading to the jury and failed to address all causes of action and issues of this case and further denied motion for new trial . For background information related to obstruction of justice, whistleblower retaliation **People v. Cole**, and a statement from Various sources including Cathy Meadows, Dr. Bhullar, Dr. Aish Amin, Dr. Hoffman, and Manager Reataund from . Family healthcare Network, Russel Ryan's attorney(Altura) review Cathy meadow Reports(Record on appeal pgs 2077-2079). In Addition this case involved deliberate pattern of false fact finding by the lower courts of us for the specific purpose to protect war crime/psychological torture/whistleblower violent retaliation utilization for the purpose to discredit court witness, violate constitutional, civil right and human rights of muslim immigrant witness in a matter of public safety and to achieve goal of obstruction of justice.

REASONS FOR GRANTING THE PETITION:

The Court should grant certiorari as compelling reasons exist for the exercise of the Court's discretionary jurisdiction as the decision of the lower courts not only erroneous but Petitioner presenting a question of law for the US Supreme court on issues of public, government, constitutional importance(violation of 7th,4th, 1st ,5th and 14th amendment), human rights and civil rights violations **People v. Cowan (2010.)**, **Gray v. Robinson (1939)**, and requesting the US Supreme Court to make a decision based on their individualized evaluation, guided by the principles of law. Lower court incorrectly applied the law and failed to consider Constitutional Validity is on question of mental examination, whistleblower retaliation evidence **Lockyer v. Sun Pacific Farming Co, Anchor. Van Asdale v. Int'l Game Tech.**(9th Cir. 2009, error in Permitting Plaintiff's Counsel to Withdraw,:ERROR In Disqualification of judge hillman ,judge hillman involvement in conspiracies **Catchpole v. Brannon (1995)** , Exclusion of Expert Witness Testimony and appellant evidence, Tulare court/Jury failed to consider sufficient evidence related to Retaliation, allowed submission of Evidence in unlawful manner, Court continue trial without witnesses attended the trial & testified in the case, court failure to correct jury verdict when based on insufficient evidence and that the customized verdict form utilized during jury trial when disputed by the appellant as were substantially incorrect and misleading to the jury and failed to address all causes of action and issues of this case and further denied motion for new trial in fact injury based on due process violation **(Kavanau, supra, 16 Cal.4th at p. 771, 66 Cal.Rptr.2d 672, 941 P.2d 851, Brewster v. Board of Education, Wright v. Riveland (9th Cir.2000) 219 F.3d 905, 913, People v. Montgomery, People v. Black)** and decided federal questions in a way or entered a decision in conflict with the other United States court decision in the same important matter. The Entire evidence and record was not examined for fairness, reasonableness in the overall scheme of the law.**State v. Cooley, 47 N.C. App. 376 (1980),Gray v. 38 Robinson (1939)** .Lower courts failed to meet standard when presented fabricated,disputed, speculative facts and concealed material relevant facts and evidence from record to reach (erroneous) decision .Lower courts departed from the accepted and usual course of judicial proceedings.(see **Shelby county v holder and citizen united v FEC**). Below are the reasons given that decisions of the lower courts were in conflict with the decisions of another appellate court.

The Supreme court of california is in error, abused discretion and show bias in denying Petition (S286777) on Nov 13 24 and left unresolved conflicted issue of law and issues of false fact finding (violation of 7th,5th amendment . 4th and 14th amendment) (see Shelby County v. Holder and Citizens United v. FEC, the Court's ,See also Knights-Errant: The Roberts Court and Erroneous Fact-Finding where Whitehouse's article sheds light on the Court's propensity for relying on extra-record – and often false – facts that lend advantage to Republican or corporate special interests,)

1:The 5th District judges were in error in finding "Pretrial Errors" and based it on false fact findings (see S286777 brief, pages 58).

A: The judges were in error, abused discretion, and showed bias in fact-finding in the "Court-ordered Mental Examination" section of the opinion (see S286777 brief, pages 58).

1: The judges found many false facts and concealed many material facts in the Background Section of the "Court-ordered Mental Examination" section of the opinion (see details S286777 brief, pages 58-66).

2: 5th district court in Error and Showed Bias in Law and Analysis Section of Mental examination and based it on false fact finding : (See appeal brief S286777 pg 58-66):

Standard for review in this case is not only for abuse of discretion as judge hillman is directly named as a witness and co conspirator with severo attorney and Defendant Ryan (who unethically decided to also represent Altura as attorney when he was defendant in this case) in discrediting court witness and failed to take all reasonable steps to maintain the confidentiality of the plaintiff report and to not utilized it "for no other purpose". The 5th District court erred, abused its authority, and showed bias when comparing **Randy's Trucking, Inc. v. Superior Court (2023) 91 Cal.App.5th 818, 832–833 (record on appeal pg 66) and Vinson v. Superior Court (1987) 43 Cal.3d 833, 839.** These cases are not similarly situated. See differences in the Examination section of the opinion of S286777 brief, pages 66-67.". 5th district in error, abused authority and showed bias establishing many false facts(**discussed on appeal brief S28677 pg 68-69) and based law and analysis on those facts facts.**Judge Hillman exceeded the bounds of reason, all of the circumstances before it being considered (*Rappleyea v. Campbell (1994) 8 Cal.4th 975, 987, 35 Cal.Rptr.2d 669, 884 P.2d 126*and decision is not grounded in reasoned judgment guided by legal principles and policies appropriate to the particular matter at issue.' " (*F.T. v. L.J. (2011) 194 Cal.App.4th 1, 15, 123 Cal.Rptr.3d 120.*) Therefore, a decision must be reversed as improper criteria were applied or incorrect legal assumptions were made. **Appellant alleging whistleblower retaliation and organized crime after termination from Altura and threat given by Altura attorney.inflicted on appellant for a purpose to gain pretextual mental exam order as an strategy to discredit court witness and show a causal link:** (see details given in appeal brief **S28677 pg 70).** 5th district in error, abused authority and showed bias when failed to establishing that Defendant Ryan (who unethically decided to also represent Altura as attorney when he was defendant in this case) failed to presented **clear and convincing evidence for establishing a good cause for the examination:** (appeal brief S28677 pg 70-71. 5th district court in error, abuse authority and showed bias when presented false facts, partial facts and conceal material fact for a purpose to reach erroneous law and analysis in a motion to mental examination section to establish "Plaintiff fails to demonstrate any error with regard to the mental examination ruling".**5th district court** due to concealment of fact and due to false fact finding as discussed above failed to establish that there is absence of proof that plaintiff had any history of pre existing

psychological condition before termination from Alturas may 2018 and record shows she is fit and mentally competent to practice as a dentist with good annual reviews. Judge hillman failed to presume as a rules that all reasonable doubts are to be resolved in favor of plaintiff and draw equally reasonable inferences and conclusion from a fact that plaintiff provide evidence that altura attorney threaten with retaliation and in Form interrogatories appellant describes whistleblower retaliation, organized harassment started after termination from Altura and threat given by Altura attorney. (see record on appeal pgs 894-906). (13 a, bReview Dept. 1991) 1 Cal. State Bar Ct. Rptr. 424). Judge hillman fail to apply the clear and convincing evidence standard to plaintiff (See Conway. ;see also Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 424). **5th district failed to find fact that Judge hillman conspire with Defendant Ryan (who unethically decided to also represent Altura as attorney when he was defendant in this case) and plaintiff attorney Severo Plc to discredit court witness by utilizing violent whistleblower retaliation campaign and utilized it to grant unconstitutional mental exam disregarding plaintiff privacy(see citation Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 424(5).** to commit an offense to discredit court witness in a matter involve public safety, osha and hippa matter and against the United States, or to defraud the United States . **5th district** due to concealment of facts failed to find judge hillman and attorneys including Defendant Ryan under this title earned to be imprisoned not more than five years, or both. **.18 U.S. Code § 371 - Conspiracy to commit offense or to defraud United States.**5th district failed to establish Judge hillman and Defendant Ryan (who unethically decided to also represent Altura as attorney when he was defendant in this case) **violated .Penal Code Section 136.1 PC , violated section 182 of the Penal Code** when knowingly and maliciously prevents or dissuading a witness or victim of whistleblower retaliation from attending or providing testimony at a trial and should be charged with dissuading a witness.(**see appeal brief facts, direct and circumstantial evidence related to Disqualification judge carrying out with defendant with a common purpose to violate the statute)5, (People v. Black, 45 Cal. App. 2d 87 [113 P.2d 746]; 5 Cal.Jur. 497, § 3.**) It is not necessary to prove by direct evidence the express agreement between the co-conspirators. That agreement may be inferred from the action and conduct of the defendants in mutually carrying out a common purpose in violation of the statute. (People v. Montgomery, 47 Cal. App. 2d 1, 11 [117 P.2d 437]; People v. Yeager, 194 Cal. 452 [229 P. 40]; People v. Jones, 136 Cal. App. 722 [29 P.2d 902]; Underhill's Crim. Ev. p. 1401, § 773.)" (People v. Benenato, 77 Cal. App. 2d 350, 358 [175 P.2d 296].)

Plaintiff Retaliation claim asking compensation for having to endure retaliation and for wages lost following an unjust dismissal would not create a controversy regarding the plaintiff's mental state: (see argument on appeal brief S28677 pg 72))5th district and trial court failed to follow the rule that the defendant motion did not met " in controversy" and " good cause shown" requirements of the rule and code.section 2032 and bypass the

doubtless designed based on above rule in order to protect a plaintiff's privacy interest by preventing an examination from becoming an annoying fishing expedition by allowing the opposing party to require plaintiff to undergo psychiatric testing solely on the basis of speculation. **Vinson v. Superior Court, 43 Cal.3d 833, 839 (Cal. 1987).**

Plaintiff claims judge hillman abused its discretion in granting the examinations because psychologist Brady Schylur is not a "physician" as required by section 2032 and because plaintiff did not put her mental state "in controversy. **Reuter v. Superior Court** : Judge Hillman compelled a mental examination by a psychologist (not a "physician" as defined under section 2032) who was working on his own and not under the general direction of any psychiatrist (**Bus. Prof. Code, § 2137** , See Webster's New Internat. Dict. (3d ed. 1968) p. 1832; see also 2 Schmidt, Attorney's Dictionary of Medicine (1975) p. P-167.) Therefore the exam was improper under section 2032. In addition, an inadmissible pretextual fraudulent report of Schuyler Bradley phd after unconstitutional exam on 9/11/20 of 0.2 percent muslim minority is a disputed matter and reported to the Board of Psychology Case No. 6002023000504 .(appeal brief S28677 pg 73). 5th district in error, when fail to find that there was an alternate plain, speedy, and adequate remedy available to gauge compensation by the jury as jury trial set for Aug 17 2020 (and compel law enforcement to investigate whistleblower crimes.) instead of an invasive exam by an unqualified examiner(who has conflict of interest due to working for a federal funded health center) and further by relieving a plaintiff attorney without her consent and pre textual fraudulent report for a goal to reach other pretextual purposes such as staying trial .(appeal brief S28677 pg 73)

B. The 5th District judges erred, abused their authority, and showed bias by only reviewing Judge Hillman's 'June 2021 Trial Continuance' and not considering other motions to stay the trial for errors, abuse of authority, and biases.": (appeal brief S28677 pg 73)

1. 5th District judges established falsehood, error, abuse discretion and bias in a Background Section Of "June 2021 Trial Continuance" and in the section on "Permitting Plaintiff's Counsel to Withdraw": appeal brief S28677 pg 73)

5th District judges established many partial facts, concealed many facts in Background Section of trial continuance . (see appeal brief S28677 pg 73,81)5th District judges in error , abuse authority and showed bias when concealed many facts related to all trial continued dates and failed to consider all of those continuation for Independent review (as extensive history of extension of trial set dates And (Pretextual)Stay Of Trial reflects sufficient evidence of existence of Prejudice, Conspiracy, Procedural error, Misccariage Of Justice and Grounds for New Trial) : .(see appeal brief S28677 pg 74-75):5th district in error , abuse authority and showed bias when concealed the fact that judge hillman further delay hearing .(appeal brief

S28677 pg 81), and that "Appellant filed a motion to reconsider based on court order of Dec 28 21 In opposition to stay trial on Jan 12 2022. (pursuant to Code of Civil Procedure § 166.1), (see entire arguments on record on pgs 2051-2072,2049,2107-2120 along with supporting document as exhibit A).(appeal brief pg 39)(appeal brief S28677 pg 81).

5th district concealed the fact from Background Section of trial continuance that plaintiff indicate religious discrimination or hate crime is one of a motivation for (Pretextual)Stay Of Trial , Prejudice, Conspiracy, Procedural error, Miscarriage Of Justice with sufficient evidence and Grounds for New Trial as(see at appeal brief S28677 pg 81-82). 5th district concealed the fact from Background Section of trial continuance "Jan 12 22:Plaintiff filed motion to reconsider stay trial in response to stay (23 pgs)(see record on appeal 2050-2072, see also record on pgs 2077-2096").(appeal brief S28677 82), 5th district court in error when established many false fact"(appeal brief S28677 82), 5th district established partial fact and concealed material fact that(appeal brief S28677 84-85).5th district in error , when concealed from Background Section of trial continuance that plaintiff filed objection "Tulare court was in error and abused discretion when stayed the trial by misutilization Brady, a Psychologist,PHD report to established that report support a claim that Appellant is incompetent to attend the trial (see record on appeal pgs 2053- 2054)"(appeal brief S28677 85-86).5th district in error when concealed the fact that from Background Section of trial continuance "Tulare court was in error and abused discretion when failed to establish that appellant Samreen Riaz provide Sufficient evidence to Establish that plaintiff Samreen Riaz is capable of attending trial and going thru Organized violent covert stalking : (see appeal brief S28677 85-86), concealed(from Background Document received by the CA Supreme Court. Section of trial continuance) that appellant filed " "Statement Of The Case" related to Pretextual reasoning of Filing a false declaration by the attorneys .(see record on appeal pg 2055-2059) (appeal brief S28677 86-87), concealed from Background Section of trial continuance fact that appellant filed following "Supporting evidence Relevant To Stay Trial . (see appeal brief S28677 pg 87), concealed existence of evidence, a copy of Document received by the CA Supreme Court. complaint file with state bar ca against defendant larocca Vcu276991 on Aug 04 21 (Clerk transcript 1807-1847,1888)) (appeal brief S28677 -87), concealed or withhold material fact plaintiff alleges (appeal brief S28677 -87). Judge hillman was a material witness witness in this case due to actively participate in conspiring to conceal declaration of Larocca attorney and concealed or withhold many other material fact plaintiff " (as described in appeal brief S28677 -88).

2.The 5th District judges issued an erroneous, biased, and abusive ruling in the "Law and Analysis" section, focusing only on the July 9, 2021, stay trial while ignoring the review request for all stay trial hearings. This ruling was based on false fact-finding and did not consider the available record and reporter transcript for June 9, 2021 (record on appeal pages approximately 1901-1922;(see detail appeal brief S28677 page 89): (Banks v. Dominican College (1995) 35 Cal.App.4th 1545,

1555) as *Banks v. Dominican College (1995)* is not a similarly situated case to plaintiff case upon which 5th district court relied on.(see S286777 brief pgs 90- 93), and concealed many material fact.(See details on S286777 brief pgs 93-95) related to appellant due process has been violated, Also(*Freeman v. Sullivant (2011) 192 Cal.App.4th 523, 527.*)not a similarly situated case to plaintiff, and in (*Freeman v. Sullivant (2011) 192 Cal.App.4th 523, 527 trial court* denied the continuance, finding no "good cause" (see S286777 brief pgs 95-99). 5th District failed to consider that Judge Hillman not only relieved 6 counsel of plaintiff from this case, and not only discredited the witness but forced her to attend trial only without counsel in violation of due process)(pg 51 of appeal brief 5th district oct 25 23). Judge hillman unreasonable demand in 2022 that he will Set a trial if plaintiff met a condition to bring a (unwarranted as there is no clear and convincing evidence related to plaintiff mental health .Reasonable person believe that even person with no mental health issue who has no expertise in litigation will be harm litigating case without attorney) psychiatrist to testify that plaintiff can attend trial without trial counsel and then relieving counsel (without plaintiff consent) on such unreasonable requested psychological letter is . judge hillman action exceeded the bounds of reason, all of the circumstances before it being considered in determining granting withdrawal of plaintiff counsel" (*Malmquist v. City of Folsom (2024) 101 Cal.App.5th 1186, 1200.* (March 17 2022 ruling record on appeal pgs 2136, 2050-2072,2077-2096, 2044- 2045) . 5th District in errors when compare appellant with (*In re Merrick V. (2004) 122 Cal.App.4th 235, 254; accord, Bloxham v. Saldinger (2014) 228 Cal.App.4th 729, 750.*) citation and citation is a misplaced citation as Plaintiff has shown with evidence.(in a brief S286777 pgs 99-100, 101-106).

.5th District in error when failed to review the entire brief filed oct 25 23 and evidence presented for an unreasonable reason that 5th district "do not second-guess the court's credibility calls or reweigh the evidence." when facts and evidence indicate court credibility of the us is not credible to a reasonable minded person living in us or outside us and at least in plaintiff cases proven by facts and evidence attached to appeal brief not credible but conspiratorial . (however for us court credibility see reference *Shelby County v. Holder and Citizens United v. FEC, the Court's ,See also Knights-Errant: The Roberts Court and Erroneous Fact-Finding where Whitehouse's article sheds light on the Court's propensity for relying on extra-record – and often false – facts that lend advantage to Republican or corporate special interests,)* .

#C. : 5th District found False facts and concealed material facts from Section "Opinion Permitting Plaintiff's Counsel to Withdraw:(see S286777 brief pgs 107- 116)

2: 5th District Law and Analysis Section OF Withdrawal of attorney section is based on conceal facts, Present Partial and false fact : (see S286777 brief pgs

116-118,116-137)“Generally, an attorney has a right to end the attorney-client relationship, but when litigation remains pending, the court has control over such termination, in part to ensure that the client is not harmed—for example, by abandonment of counsel on the eve of trial.” (*Flake v Neumiller & Beardslee* (2017) 9 Cal.App.5th 223, 230.) .Neither judge hillman pattern and practice of discrediting court witness in order to take away their fair chance of testifying, nor attorney zeshan reasoning People behind whistleblower retaliation are very big is not an ethical or legitimate reason to not provide(0.2 muslim minority/witness testyfing in public safety matter) a counsel for trial or move trial court to relieve counsel and in fact relief of counsel caused ethical conflict.5th district failed to consider the abuse of discretion standard properly as Judge Hillman exceeded the bounds of reason, all of the circumstances before it being considered in determining granting withdrawal of plaintiff counsel” (*Malmquist v. City of Folsom* (2024) 101 Cal.App.5th 1186, 1200).Discredit court witness thru pretextual mental exam so that attorney raoul and lawrence can file fraudulent hidden declaration regarding appellate mental health (5th district appeal brief filed oct 25 23 pg 44)inorder to not litigate trial and relive as a counsel created an ethical conflict and breach of legal duties toward plaintiff by attorney charles (pg 820) , zeshan (see record on appeal pgs 820-821) , lawrence and raoul . 5th district failed to consider the abuse of discretion standard properly as Judge Hillman exceeded the bounds of reason, all of the circumstances before it being considered in determining granting withdrawal of plaintiff counsel”. (*Malmquist v. City of Folsom* (2024) 101 Cal.App.5th 1186, 1200.).Also (*Manfredi & Levine v. Superior Court* (1998) 66 Cal.App.4th 1128, 1133.) case is not a similarly situated case to plaintiff case (see S286777 brief pgs 116,118-122).5th district in error when cited re Marriage of Connollywhen that case is not similarly situated with *Altura Vs Riaz* (see specific facts S286777 brief pgs 122)."A court abuses its discretion when it acts unreasonably under the circumstances of the particular case." (*People v. Cole, supra*, 33 Cal.4th at p. 1185.)In *Crovedi*, we found that the trial court denied defendant his federal and state constitutional right to counsel when it denied his request for a seven-week continuance of trial to permit his attorney to recover from a heart attack, and removed counsel and replaced him with the attorney's law partner over the latter's protest. (*People v. Crovedi, supra*, 65 Cal.2d at pp. 201-203, 208-209.) In this situation, we concluded the constitutional violation required reversal " *regardless* of whether a fair trial resulted." (*Id.* at p. 205; accord, *People v. Gzikowski* (1982) 32 Cal.3d 580, 589 [186 Cal.Rptr. 339, 651 P.2d 1145].

5th District judges in error when established False facts and concealing material facts In Disqualification Rulings : (see specific facts S286777 brief pgs 122)

II:.Appellant argue that there is a need of Independent Review of Procedural errors, procedural misconducts, miscarriage of justice, existence of prejudice and grounds for a new trial due to extraordinary conspiring action associated in this case associated with Judge hillman and his failure to recuse himself from the case:(see minute order dec 6 22

on record on appeal pg 3718,3719-3730) that resulted in denial of the due process right to Plaintiff under an impartial judge:

An impartial judge." (*People v. Mayfield* (1997) 14 Cal.4th 668, 811 [60 Cal.Rptr.2d 1, 928 P.2d 485].) "Whatever disagreement there may be in our jurisprudence as to the scope of the phrase 'due process of law,' there is no dispute that it minimally contemplates the opportunity to be fully and fairly heard before an impartial decision maker." (*Catchpole v. Brannon* (1995) 36 Cal.App.4th 237, 245.) "A fair trial in a fair tribunal is a basic requirement of due process." (*In re Murchison* (1955) 349 U.S. 133, 137.) An appellate claim of judicial bias is grounded in the argument that the appellant was denied the constitutional due process rights to an impartial judge and a fair trial. (**See e.g., People v. Cowan (2010) 50 Cal.4th 401, 402** a fair trial in a fair tribunal is a basic requirement of due process and a appellant has due process rights under both the state and federal constitutions to be tried by an impartial judge, Accordingly, an appellate court applies the independent standard of review. (**People v. Cromer (2001) 24 Cal.4th 889, 901.**) Whether or not judicial misconduct has occurred is evaluated on a case-by-case basis.In this case judge hillman actions and comments.(see facts related to judge hillman on record on record of appeal - disqualification of judge pgs 3671-3712)reveal actual bias and constitute structural error that affected appellant's substantial rights: (See Chapman v. California (1967) 386 U.S. 18, 23, fn. 8. [evidence of a partial judge is structural error].) Therefore in this case, the reviewing court may address the error despite the absence of an objection in the trial court.(although all objection appellant raisin in the application of disqualification) (**See People v. Abbaszadeh (2003) 106 Cal.App.4th 642, 649-650** as an error affects the substantial rights of the appellant, the integrity of the judiciary, and the structural integrity of the trial are implicated, such that it would be a miscarriage of justice to not allow reversal of erroneous ruling and trial under judge hillman . Based on an objective assessment of the circumstances in Riaz vs Altura case the probability of actual bias on the part of the judge, Hillman, is too high to be constitutionally tolerable. The "extreme facts" in this case support due process error presented on S286777 brief pgs 124-127 that 5th district failed to consider . Those facts established plaintiff has concern relating to her broad rights under Fourteenth Amendment under judge hillman which were violated due to presiding judge hillman in this case. Plaintiff was denied due process and equal protection under law under article 1 section 7 as pertains to the Declaration of Rights in California. Plaintiff was denied right to speedy trial, complete attendance of witness, assistance of counsel and violated declaration of right article 1 section 15.: With the above Extreme facts plaintiff Establishing a due process violation and "heightened showing of a probability, rather than the mere appearance, of actual bias to prevail." (**Freeman, supra, 47 Cal.4th at p. 1006; see also Caperton, supra, 556 U.S. at p. 872.** Above facts establish a

"probability of actual bias on the part of the judge or decision maker that is too high to be constitutionally tolerable". The facts of Appellate case constituted such a scenario looking over all circumstances and relationships of judge hillman in this case) must be considered.that allow court to hold that a judge hillman violated the appellant due process rights by not recusing himself. Plaintiff's state and federal due process challenge is on the grounds that Judge Hillman's impartiality violated both the due process right to an impartial decision maker as well as the right to a fair trial. (**See Freeman, supra, 47 Cal.4th at p. 1006.**) A reasonable person answer the question in affirmative that under a realistic appraisal of psychological tendencies and human weakness due to judge hillman personal interest involved in the case and know about judicial commission complaint; (see evidence and argument in S286777 brief pgs 127-128). However despite the above risk of bias, prejudice and risk of violating due process , Judge Hillman put his personal interest over plaintiff due process right and presided over the case in which his personal interest vested. "type of facts that it would consider "extreme" and demonstrative of "actual bias."" (**See Hernandez v. Paicius, supra, 109**).Appellant (**see record on appeal pgs 3719-3731, 3671-3712**) filed notice and motion to disqualify judge hillman in the case vcu276991(heard on Dec 06 22), (**see record on appeal pgs as 3651-3712**). Above facts established that Appellant met standard to show that judge hillman and defendant are fully aware of the facts that lead to the appearance of bias (**See Scott, supra, 15 Cal.4th at pp. 1205-1208**) (**See e.g., Schmidt v. Superior Court (2020) 44 Cal.App.5th 570, 593** the record is adequate to show "extreme facts" to justify a due process violation. Plaintiff also got prejudice due to judge hillman failure to recusal as Trial court standard on the request for recusal is more favorable standard for recusal under Code of Civil Procedure Section 170.1 (low burden) on plaintiff (see S286777 brief pgs 128).Argument based public policy: ((see S286777 brief pgs 128-129): Athough all objections made at trial level where judge hillman failed to recuse. this case involves "[a] matter involving the public interest or the due administration of justice." (9 witkin, Cal. Procedure (3d ed. 1985) **Appeal, § 315, p. 326.**) such as appellant is 0.2 percent muslim minority who was targeted with whistleblower retaliation with specific goal to violate her due process by stay of trial conspiracy and discrediting court witness in osha, hippa, public safety and public funds corruption matters.The issue of judicial religious bias and whistleblower retaliation in public safety matter obviously involves both a public interest and the due administration of justice. (**Catchpole v. Brannon, supra, 36 Cal.App.4th at p. 244.**) Reminding the court that concerned are more than the instant Appellate rights and public confidence in the judiciary are at stake.: Judicial disqualification statutes

are "not solely concerned with the rights of the parties before the court but [are] also 'intended to ensure public confidence in the judiciary.' (Freeman, *supra*, 47 Cal.4th at pp. 1000-1001, citing *Curle v. Superior Court* (2001) 24 Cal.4th 1057, 1070.) To that end, the appellate courts should reach the merits of a claim of judicial bias in order to promote confidence in the judiciary for the public at large.

III : **5th District judges in error when consider forfeited claim where "Appellant argue that there is a need of Independent Review of Procedural errors and misconducts, miscarriage of justice, existence of prejudice and are grounds for new trial due to act in furtherance of conspiracies Of Judge hillman, Alturas attorney Russel Ryan and Dr. Dwight Sievert and Aviv office:**(Based on an objective assessment of the circumstances in Riaz vs Altura case the probability of actual bias on the part of the judge, Hillman, is too high to be constitutionally tolerable.. The "extreme facts" in this case support due process error: see S286777 brief pgs -129): Plaintiff above Arguments and claim are well developed , presented in 5th district appeal brief with adequate record on appeal. (see details at S286777 brief pgs 129- 130). **5th District judges conceal many facts from Plaintiff opposed the motion to relief" ((see S286777 brief pgs 130-131), and from .Appellant filed notice to quash subpoena Dwight W. Sievert, M.D (see details on S286777 brief pgs 131- 132).See also Facts and argument made thru various filing "writ of mandate filed based ...Motion To Exclude As Evidence Disputed Dr. Sievert Deposition taken on Dec 10 22, attached proposed order"(see appeal brief S28677 pg 131-133.) **Based on an objective assessment of the circumstances in Riaz vs Altura case the probability of actual bias on the part of the judge, Hillman, is too high to be constitutionally tolerable. The "extreme facts" in this case support due process error and .Claim is presented in accordance with the California Rules of Court (see id., rule 8.204(a)(1)(B)).** **5th District judges aware that appellant claim regarding disqualification of judge hillman and quash subpoena is valid claim but erroneously established** "To the extent plaintiff's claims might somehow otherwise be cognizable based on events at trial, they are foreclosed by the absence of a reporter's transcript in the record on appeal." 5th district appellate brief filed on oct 25 23 as well in this brief along with adequate and extensive record presented by the appellant (record on appeal pgs approx 5608 Suitable Substitute for transcript) and reporter transcript was necessary (*Southern California Gas Co. v. Flannery* (2016) 5 Cal.App.5th 476, 483.)(Cal. Rules of Court, rule 8.120(b).5th District judges failed to prevent a miscarriage of justice when on their determination find that a reporter's transcript for issues in the brief is necessary (which its not), order on their own reporter transcript to augmented a record with a reporter's transcript, with the cost to be borne by the appellant. (Cal. Rules of Court, rule 8.130(a)(4), rule 8.155.)(See, e.g., *Chodos v. Cole* (2012). Appellant augmented Reporter certified transcript are for court convenience as an Exhibit A S286777 brief from Esterella Castile CSR #13736 For MOTION DISQUALIFY (Dec 06 22) .Tammi Sumpter, CSR #9993, MOTION QUASH SUBPOENA(Nov 08th 2022) **/5th District judges in error when cited misplaced case American Bicycle Group, LLC (2014) 224 Cal.App.4th 665, 671-672.**) when case is not a similarly**

situated case (see S286777 brief pgs 134). “[N]otwithstanding the exclusive-remedy provision of Code of Civil Procedure section 170.3, ‘a [party] may assert on appeal a claim of denial of the due process right to an impartial judge.’ [Citation.]” (*Panah, supra*, 35 Cal.4th at p. 445, fn. 16, 25 Cal.Rptr.3d 672, 107 P.3d 790.) “The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases.” (*Marshall v. Jerrico, Inc.* (1980) 446 U.S. 238, 242, 100 S.Ct. 1610, 64 L.Ed.2d 182.)

5th District judges in error when established “appellant’s failure to provide a transcript precluded reversal for alleged judicial misconduct” MOTION

DISQUALIFY AND MOTION QUASH SUBPOENA : 5th district failed to established Defendant Altura Centers for Health designates many items for inclusion in the reporter’s and clerk’s transcripts on appeal in the above-referenced matter” (see **appeal brief S28677 pg 134-135**)which established that the Plaintiff was aware of the fact that Reporter transcript was available for review for 5th district (therefore good cause exist to allow augmenting of reporter transcript record at this stage as 5th district maintained want to review available record only if plaintiff produced it). However 5th district confirm deny appeal on the basis the failed to review all available record including reporter transcript for the above date .Therefore 5th district is in error when deny appeal based on reasoning appellant’s failure to provide a transcript precluded reversal for alleged judicial misconduct..In Addition Appellant has shown the burden of showing reversible error by presenting sufficient specific facts along with sufficient and extensive evidence from adequate record (Suitable Substitute)on appeal about pgs 5608 (and reporter transcript for Dec 06 22 motion disqualification and *Nov 08th 2022 Motion to quash subpoena for* Sivert deposition was not a mandatory requirement) “A reporter’s transcript may not be necessary if the appeal involves legal issues requiring de novo review. (See, e.g., *Chodos v. Cole* (2012) 210 Cal.App.4th 692, 698–700, 148 Cal.Rptr.3d 451 .) with fully developed argument for court to review to decide case on merit. (*Ballard v. Uribe* (1986) 41 Cal.3d 564, 574.) Therefore 5th district is in error when deny appeal based on reasoning appellant’s failure to provide a transcript precluded reversal for alleged judicial misconduct. Therefore good cause exists to allow augmenting of reporter transcript records at this stage as 5th district specifically denied claim based on reporter transcript not present when it is not mandatory and adequate record on appeal(suitable substitute) was presented as well 5th district failed to review designated reporter transcript filed and served on March 29 23 for Dec 06 22 motion disqualification and *Nov 08th 2022 Motion to quash subpoena for* Sivert . “Statutory interpretation is a question of law that we review de novo. [Citation.]” (*Bruns v. E-Commerce Exchange, Inc.* (2011) 51 Cal.4th 717, 724, 122 Cal.Rptr.3d 331, 248 P.3d 1185.). California Rules of Court, rule 8.120(b) requires a reporter’s transcript on appeal only if “an appellant intends to raise any issue that requires consideration of the oral proceedings in the superior court.” California Rules of Court, rule 8.130(a)(4) provides that an appellant may “elect to proceed without a reporter’s transcript. *Chodos v. Cole*, 210 Cal.App.4th 692, 699 (Cal. Ct. App. 2012) .In addition Pursuant to California Rules of Court, rule 8.486(b)(3)(A), plaintiff provided a summary of those motion hearing to the best of her recollection regarding Dec 06 22 motion disqualification and *Nov 08th 2022 Motion to quash subpoena in her appeal brief*

filed on oct 25 23. Also .The "REPORTER'S TRANSCRIPT" from june 9 21 hearing (record on appeal Pages 1900-1918) is a clear and convincing evidence from which appeal court can directly infer conspiracy, obstruction of justice, witness tampering, violation of 7th amendment and fraud and judge hillman involvement in those .(pg 49 of appeal brief, as well see disqualification of judge hillman section of S28677 brief). In Addition 5th district being unable to comprehend briefs is also not a reasonable reason for Foreclosing claims .(See discussion section in S28677 appell on reporter transcript) .5th district failed to specify, identify or explain what facts 5th district is seeking from reporter transcript specifically for Dec 06 22 motion disqualification and Nov 08th 2022 Motion to quash subpoena for deposition of sievert MD . 5th district in error , abuse authority and showed bias when failed to consider that this case involved extraordinary circumstances where proper litigant 0.2 muslim minority/court witness (whose 6 attorneys were relieved as a counsel by judge hillman to deprived her due process without her consent) , who is going thru violent whistleblower retaliation after threat of russell ryal /opposing attorney for the purpose to achieve goal to obstruct justice to produce Transcript of oral proceedings when conspiring and concealing of evidence effort going .Therefore 5th district is in error when deny appeal based on reasoning appellant's failure to provide a transcript precluded reversal for alleged judicial misconduct.. .Therefore good cause exists to allow augmenting of reporter transcript records at this stage as 5th district specifically denied claim based on reporter transcript not present.

I. 5th District judges in error when found False fact and concealed material facts in "Alleged Trial Errors" section : (see S286777 brief pgs 138).

A. 5th District judges in error when establishing falsehood in an Exclusion of Expert Witness Testimony Section: (see S286777 brief pgs 138).

1.5th District judges in error when establishing falsehood, in a Background section of Exclusion of Expert Witness Testimony : (see S286777 brief pgs 138). 5th District judges established many false facts, mostly based on speculation and failed to establish factual context in a back ground section that plaintiff is proper litigant at trial not by her choice(see S286777 brief pgs 138-140), conceal the background contextual facts that plaintiff allege for mental examination misutilization (see S286777 brief pg 139), also concealed many facts and established partial fact" (see S286777 brief pgs 137 -140).

2. 5th District judges made an error in the Law and Analysis section and based it on false fact finding : (see facts in S286777 brief pgs 140-164):# Appellant argue 5th district failed to Independent review of the entire case required as the trial court was in error and abuse discretion in it ruling, applying law , made conclusion on Motion in Limine, and a sufficient evidence of existence of Prejudice, Conspiracy, Procedural

error, Miscarriage Of Justice and Grounds for New Trial (appeal brief filed oct 25 23 70 -74): (see S286777 brief pgs 140)Appellant argue 5th district failed to Essentially reevaluated from scratch the entire matter. Appellant is seeking to examine a lower court's decision a new, without giving deference to the previous ruling. **5th district in error when established** "We generally review the trial court's ruling on a motion to exclude expert testimony for abuse of discretion" and failed to give de novo review. A trial court's discretion is always delimited by the statutes governing the particular issue but when the exclusion of expert testimony rests on a matter of statutory interpretation, we undertake a de novo review. (*Id.* at p. 950, 88 Cal.Rptr.3d 707; *Tesoro del Valle Master Homeowners Assn. v. Griffin* (2011) 200 Cal.App.4th 619, 639, 133 Cal.Rptr.3d 167.)*Staub v. Kiley*, 226 Cal.App.4th 1437, 1445 (Cal. Ct. App. 2014) .# *Staub v. Kiley* (2014) 226 Cal.App.4th 1437, 1445.) citation is misplaced: see facts in appeal brief S28677 pg 141-142) Although Appellant did not fail to comply with an expert witness exchanged information demand. unLike *Staub v. Kiley* (2014) 226 Cal.App.4th 1437, 1445 as Evidence establish Report was produced on various occasion and multiple time (as we discussed above) however for the sake of argument appellant was neither 'unreasonable" when not deposed expert witness demand.(see appeal brief S28677 pg 142-143).5th district and trial Trial court in error, when failed to consider showing of good cause, valid reason and that appellant was not un reasonable" for no deposition of cathay meadows as appellant has shown a good cause and considerations for exception to code 2034.230 (b)(if apply toward deposition which is not specifically applicable toward deposition and limited to exchanged of information of expert witness), Unforeseen Circumstances or unexpected activity of disqualified(who failed to recused himself from the case where personal interest involved) judge hillman (and resulted in appellant due process right violation) (see appeal brief S28677 pg 143-144)Appellant has no responsibility to state expert witness Cathy Meadows's fees \$5000 for providing deposition testimony when deposition got canceled one sidedly by the Defendant Ryan (who unethically decided to also represent Altura as attorney when he was defendant in this case) on Nov 15 22: (see specific fact at appeal brief S28677 pg 144-145). 5th district failed to consider the abuse of discretion(and failed to review case denovo standard properly) as Judge Hillman exceeded the bounds of reason, all of the circumstances before it being considered in determining granting withdrawal of plaintiff counsel" on oct 18 22 : (see specific fact at appeal brief S28677 pg 144-145). Appellant has shown good cause, a valid reason for not depositing expert and appellant actions are reasonable as defendant failed to take deposition on the scheduled date, location , place of the deposition that is Nov 22 22 and without appellant or cathay meadows consent postponed scheduled deposition and expected to appear for different date knowing appellant is now proper litigant and not represented by an attorney due to judge hillman reliev of appellate attorney without her consent . (see S286777 brief pgs 149-150). **5th district In California citation is misplaced (Simms v. Bear Valley Community Healthcare Dist. (2022) 80 Cal.App.5th 391, 406, fn. 5; accord, Rappleyea v. Campbell (1994) 8 Cal.4th 975, 984-985.).** Self represented litigant held to the same standard of knowledge of law and

procedure as an attorney if they decided to litigate case themself not by pre textual unconsented removal of their attorney : (see S286777 brief pgs 146-147).

#.Section 2034.260 sets forth only the general requirements for the exchange and not required plaintiff's to state Cathy Meadows's fees for providing deposition testimony: In addition a appellant has shown a good cause and considerations for exception to code 2034.230 (b)(appeal brief S28677 pg 149). See specific facts (appeal brief S28677 pg 150) related applicant was not unreasonable to make expert available again for new deposition date knowing defendant has habit to not maintain his commitment.
Appellant has shown a good cause and considerations, unforeseen circumstances, unexpected activity (including judge hillman relieve appellate counsel on oct 22) for exception to code 2034.230 (b)(if apply toward deposition fees which is not specifically applicable toward deposition and limited to exchanged of information of expert witness). under these circumstances, plaintiffs is correct that defendants lacked standing to bring a motion under section 2034.300 to seek to preclude plaintiffs' expert witnesses from testifying at trial. Therefore, the court needed to reverse the ruling. . In the above circumstances,at the day of trial(see record on appeal 4478), the Exclusion of relevant and main witness Cathy Ann meadow's testimony will be unduly prejudicial. .
Defendant Ryan (who unethically decided to also represent Altura as attorney when he was defendant in this case) has an opportunity to learn more from Cathy meadows, a clinical psychologist during a. trial as she is attending a Trial as an expert witness with relevant testimony already provided. Expert witnesses are available to give sworn testimony under oath at the trial. (record on appeal 4623)

Plaintiff in compliance with Code of Civil Procedure section 2034.230 (b) (see specific facts appeal brief S28677 pg 150-151). 5th district failed to establish defendant Altura violated Code of Civil Procedure section 2034.230 (b)(see specific facts in appeal brief S28677 pg 151-152). Even if defendants did have standing to bring a section 2034.300 motion, plaintiffs cannot be said to have unreasonably failed to comply with defendants' expert witness demand, so as to justify excluding plaintiffs' experts' testimony.(see specific facts in brief S28677 pg 151-154)

B. 5th District judges in error when establishing false facts in a "Exclusion of Plaintiff's Exhibits" Section:(appeal brief S28677 pg 155-157)

1. 5th District judges in error when establishing false facts in a in a Background Section Of "Exclusion of Plaintiff's Exhibits" Section:(see appellate section on 5th district brief 70-74) :5th district in error abused authority and showed bias when conceal all the facts , argument and evidence that Appellant presented in the 5th district oct 31 23 brief, in opposition to motion in limine and motion for new trial based on objection to opposition to exclusion of evidence. 5th district is in error when established in a

generalized manner regrading court finding without specifying findings and also established many false and disputed facts “ (appeal brief S28677 pg 155-157).2. 5th District judges in error in in applying “Law and Analysis” Section Of “Exclusion of Plaintiff’s Exhibits” and based it on false fact findings :(appeal brief S28677 pg 157-158) 5th district is in error, abuse authority and showed bias in applying law and analysis in exclusion of plaintiff exhibit and based it on the 5th district court concealing all the facts ,claims, argument and evidence that Appellant presented in the 5th district oct 31 23 brief, in her opposition to motion in limine and motion for new trial (based on opposition to exclusion of evidence) for a reason that 5th district unable or found “ difficult to summarize” and instead only present facts from tulare court ruling and defendant presented . Reasonable minded person don't believe that concealing fact from appellant side for a reason 5th district found it difficult to summarize for reaching conclusion on appellate reviews of ruling by a trial court as to the admissibility of evidence is not an abuse of discretion, bias or error. (*People ex rel. Lockyer v. Sun Pacific Farming Co. (2000) 77 Cal.App.4th 619, 639.*) judge hillman exclude relevant evidence regarding judge hillman partiality, conspiracy presented as “Exhibit F and conceal the fact of Exhibit F of trial documents(see S286777 brief pgs 157). Appellant has demonstrated affirmatively both error and prejudice which is not harmless and there is a high probability that different results would have been obtained (under Code Civ. Proc., § 475.) and in favor of appellant if the jury knows judge hillman acted in furtherance of conspiracy, effort to destroy credibility of appellant, his pattern and practice of destroying credibility of other witness for the purpose to affect the outcome of the case, retaliation . Jury not knowing judge hillman act in furtherance of conspiracy in destroying credibility of witness in osha and hippa matter had a substantial impact on the outcome of appellant causes of actions at trial . Therefore reversal on evidentiary ruling is necessary . (*Paige v. Safeway, Inc. (2022) 74 Cal.App.5th 1108, 1127.*) #.Hernandez v. California Hospital Medical Center (2000) is a misplaced ruling in this case for specific reason in brief S28677 pg 158-161.Appellant filed 5th district opening brief oct 31 23 along with sufficient and extensive evidence from adequate record and aswell as provided a summary of the hearing to the best of her recollection :(appeal brief S28677 pg 158-160).5th district specifically denied claim based on reporter transcript therefore good cause exists to allow augmenting of reporter transcript records at this stage .Appellant seeking court to review that trial court decision de novo and if they determine that a reporter's transcript other than above issues is necessary (or existed) “to prevent a miscarriage of justice,” can on their own, order the record augmented with a reporter's transcript, with the cost to be borne by the appellant. (Cal. Rules of Court, rule 8.130(a)(4), rule 8.155.)(See, e.g., *Chodos v. Cole (2012)*). 5th district is in error , abuse authority and showed bias when failed to confirm exhibit are the same as filling in th e clerk transcript . 5th district concealed many facts(appeal brief S28677 pg 161-162) that appellant brief filed oct 31 23 alleges .#5th district is in error, abuse authority and showed bias in applying law and analysis on exclusion of plaintiff exhibit L and N: and based it on 5th district court concealing all the facts ,claims, argument and evidence that Appellant presented in the 5th district oct 31 23 brief(specifically appellant objection to opposition to exclusion of evidence in an appeal brief filed oct 31 23 pgs 70-72), in

opposition to motion in limine and motion for new trial based on objection to opposition to exclusion of evidence for a unreasonable reason that 5th district unable or found it difficult “ to summarize” appellant presented facts ,claims, argument and evidence and instead only present facts from tulare court ruling and defendant presented facts. Reasonable minded person don't believe that concealing fact from appellant side for a reason that 5th district found it difficult to summarize for reaching conclusion on appellate reviews of ruling by a trial court as to the admissibility of evidence is not an abuse of discretion, bias or error.

(*People ex rel. Lockyer v. Sun Pacific Farming Co. (2000) 77 Cal.App.4th 619, 639.*)

..Exhibit N,L are not subject to exclusion under Evidence Code section 352:(see specific fact on S28677 pg 163). 5th district is in error when disregarding the fact judge hillman exclude relevant evidence presented as Exhibit H (the same document that was already filed in the court on Jan 5th 2023(see record on pages 4288-4338) and has relevant supporting documents as exhibit A in it. Those supporting documents have relevance to triable issues of whistleblower retaliation (Brief S28677 pg 164

C:5th District judges in error establishing false fact in a C:“Exclusion” of Other Witnesses :(appeal brief S28677 pg 165-170): For defendant Atalla no subpoena at all is required for his production at a civil trial as Defendant Atalla was a chief dental officer and in managerial or directorial position at Altura centers of health and Defendant Atalla personal interest is defended in this case regarding violation of hippa and retaliation for reporting hipaa ,osha violation , discrimination and harassment complaint : (*Meza v. Portfolio Recovery Associates, LLC (2019) 6 Cal.5th 844, 862*)(§ 1987, subd. (b).), violation § 1989 See specific fact on :(appeal brief S28677 pg 165-170). Notice to the attorneys of defendant altura and defendant atalla , Renne Raoccha is an accepted and appropriate service and such service "would have been binding on defendant Atalla and Rochha *Meza v. Portfolio Recovery Assocs., LLC.* In 1872, a trial subpoena was effective ... finally made congruent with state boundaries in 1981 (Stats. 1981, ch. 184, § 3, p. 1106). Similarly for other defendant employee including Altura employee Arneie Renoso works at Altura administrative department and has personal interest defended in this case regarding violation of hippa and retaliation for reporting hipaa ,osha violation and discrimination and harassment complaint or an agent, servant, partner, joint venture, alter-ego, employee, proxy, managing agent of the co-defendants. (*Meza v. Portfolio Recovery Associates, LLC (2019) 6 Cal.5th 844, 862*)(record on appeal pgs 4361,36,37,4412) . Although as discussed no Subpoena required based on above facts and argument still 5th district contention “ There is evidence of trial subpoenas, but the proofs of service are unsigned.” is not a complete depiction of facts .See specific facts on:(appeal brief S28677 pg 168-170).5th district is in error when established that 5th district believes its appellant responsibility to show prejudice with the same standard as a professional attorney ,disregarding special circumstances :(see facts appeal brief S28677 pg 169).Plaintiff claims is sufficiently developed and has **merits and no legal flaws** and does not lack substantiation in the appellate record. Plaintiff has met her appellate burden on this issue . 5th district established irregularities in the procedure to call witnesses by Independently review the entire case to

establish Irregularities resulted from Prejudice, miscarriage of justice and Conspiracy of judge hillman with attorney in this case for specific goal to not provide fair trial to appellant and violate her due process rights and Grounds for New Trial. Appellant has made the requisite showing of "extremely" good cause , or a high standard to overcome of presumption against asking altura defendant Ryan, who decided to also represent Altura as attorney when he was defendant in this case to testify and there was a compelling need for the lawyer's as well defendant ryan testimony." (Rest.3d Law Governing Lawyers, § 108(4), p. 149.). (see specific facts and arguments on appeal brief S28677 pg 170-171). Appellant applies california three-prong test in considering the propriety of deposing defendant Ryan, who decided to also represent Altura as attorney when he was defendant in this case at trial: (appeal brief S28677 pg 172-173). appeal brief S28677 question and information are relevant, necessary, and essential in this case , without it there will be a significant gap remain in the evidence, as. Defendant Ryan, who decided to also represent Altura as attorney when he was defendant in this case testimony directly to key issues in the case. (See *Spectra-Physics, Inc. v. Superior Court* (1988) 198 Cal.App.3d 1487, 1494–1495.) Plaintiff met her burden.. Evidence of Unlawful termination based on retaliation or threat of retaliation , implementation of war crimes or covert operation (record on appeal 2077-2079, 370-372,376-378) for purpose to discredit court witness in retaliation are not privileged information and neither come under work-product and attorney-client privilege and are subject to discovery. (*First Sec. Sav. v. Kansas Bankers Sur. Co.* (D.Neb. 1987) 115 F.R.D. 181, 182.).Defendant Ryan, who decided to also represent Altura as attorney when he was defendant(due to his managerial act) (record on appeal 370-372, 376,378 ,2077-2079.) in this case further violated public policy and violated Section 2018.020 (see specific facts and argument appeal brief S28677 pg 174)

D:5th District judges in error in a Admission of Defense Evidence Section established and based it on false fact finding: (see specific facts and argument appeal brief S28677 pg 175):1:5th District judges in error, when in a generalized manner refer plaintiff claim as "several claims" or"These claims" without specifying any of these so called "several" or "these" claim therefore opinion is poorly developed without sufficient information , 2: and with insufficient discussion of why admitting a particular document was legally erroneous and/or prejudicial. " 3:Furthermore, Pursuant to Evidence Code section 353, reversal is necessary as admission of evidence is not only erroneous but record shows abuse of discretion of judge hillman : 1: Defendant violate Evidence code 353 that invalidate a verdict as appellant made a timely objection to deposition of sievert deposition (see appeal brief pgs 37-38) and admission of evidence is not only erroneous but record shows was Conspiracy and abuse of discretion of Disqualified judge hillman: (see specific facts and argument evidence discussed in section A, B, C on appeal brief S28677 pg 175-178)Furthermore, Reversal is allowed as appellant objected to erroneous admission of evidence by filing objection by filing on feb 21 23 " Intention to move for new trial and justification to move for new trial in the case

vcu276991" make clear the specific ground of the objection (*Id.*, subd. (a); accord, *People v. Ramos* (1997) 15 Cal.4th 1133, 1171.) or basis for a mistrial was impartial trial was not conducted (record on appeal pgs 5414-5462). Specific facts on which Objection were based are on pg 179 of appeal brief s28677. (Pursuant to California Rules of Court, rule 8.486(b)(3)(A), plaintiff provided a summary as best of her recollection, from Dec 29th 22 hearing Motion to exclude deposition of Dr. Sievert).2; Defendant violated Evidence code 353 that invalidate a verdict as appellant made a timely objection to Mental examination and throughout the court proceeding of this case identify Exam as a pretextual order of exam. Despite objection inadmissible Pretextual report of Schuler psychologist was admitted as an evidence and an error , abuse of discretion of judge hillman:(see complete facts in above mental exam section)5th district concealed many relevant facts and argument that Altura's supporting evidence Bradley A. Schuyler, Ph.D report was inadmissible for many reasons. see appeal brief s28677 pg 181. There is enough evidence that Plaintiff not only opposed Mental exam but further filed opposition to stay trial based on pretextual mental exam (see appeal brief s28677 pg 182-183)3; Defendant violated Evidence code 353 Many time that invalidate a verdict as appellant made a timely objection at the time following document were introduce for admission during the trial for after discover cutt of time(.Pursuant to California Rules of Court, rule 8.486(b)(3)(A), plaintiff provided a summary as best of her recollection) : Therefore admission was erroneous and record establish abuse of discretion by impartial judge hillman that lead to violation of appellant due process rights : (see appeal brief s28677 pg 183)In Addition appellant presented facts and evidence in the appeal regarding extra ordinary circumstance where judge hillman (failed to recuse and violated appellant due process rights) is a co conspirator with attorneys in this case to continue his pattern and practice of discrediting court witness.
existence of Prejudice, Conspiracy, Procedural error, Miscarriage Of Justice occurred in releasing and preparing fabricated Richard wendt record and a Grounds for New Trial: (see appeal brief s28677 pg 185-186)4; Defendant violate Evidence code 353 that invalidate a verdict as appellant made a timely objection to hippa compliance document appellant 5150 related visalia police court proceeding document, ultra employee communicate in secrecy and an that introduce in the middle of trial after discovery cutoff time and inadmissible evidence admission and abuse of discretion of judge hillman:(see complete facts in above mental exam section) .Exhibit 30, Exhibit 127 , 103,130,129,128,125 (see appeal brief s28677 pg 188-190):However partial judge hillman(violate appellant due process right) admitted inadmissible document resulted in procedural error, serious misconduct, unfair .4: 5th district in error, when established “Without a reporter’s transcript, we cannot determine whether any of plaintiff’s claims were preserved for appellate review.” See arguments , facts and evidence discussed in section A, B, C, D, E and F on appeal brief s28677 pg 191-194)

E. 5th District judges made an error in Jury Instructions and VERDICT FORM RULING
Section and based it on false fact finding: (see appeal brief s28677 pg 195), 5th district concealed many facts From the Fact finding from Verdict and jury instruction related facts: (see facts in brief s28677 pg 194-196)

ERROR in RULING ON VERDICT FORM : (see appeal brief s28677 pg 196).5th district court cannot simply say the appellant ALL claims are in error (without specifying and identifying any defect in the theories in a proper manner) , and leave it up to the appellant to figure out which of all claims are in error and speculate what is an error . In addition 5th district judges generalized opinion is based on concealment of fact, argument and evidence from the appeal brief filed in oct 2023 along with the designated record on appeal. And (see appeal brief s28677 pg 194,196-197)*Niko v. Foreman (2006)* is not a similarly situated case .. Appellant objected to The customized verdict form accepted by the judge during the trial and declared that the custom verdict form was disputed , partial , biased toward appellant, substantially incorrect, misleading to the jury and failed to address all causes of action and issues of this case. (Pursuant to California Rules of Court, rule 8.486(b)(3)(A), plaintiff provided a summary of the hearing to the best of her recollection.) Therefore, error in the jury verdict form was not harmless . (E.g., *Vahey v. Sacia (1981) 126 Cal.App.3d 171, 180* is misplaced and not similarly situated as that case (see appeal brief s28677 pg 198). The appellant has been placed by defendants and judge in an unfair position when use custom made form instead of general verdict form at the trial . (see appeal brief s28677 pg 198). Erroneous utilization of disputed , partial , biased toward appellant, substantially incorrect customized form despite appellant objection is subject to reversal as custom verdict form is substantially incorrect , erroneous and shows biased toward appellant and favors Defendant Ryan , shifts burden of proof and misled the jury. (Seeid, at p. 294; Davisv. Memorial Hospital (1962) 58 Cal. 2d 815, 819 [26 Cal. Rptr. 633, 376 P.2d 561]; Toblerv. Chapman (1973) 31 Cal. App. 3d 568, 586 [107 Cal. Rptr. 614].) Further, Judge Hillman did not attempt to eliminate the above defects. (see also first amended claim pages 60-70 record on appeal). Specific defect of such defect are Customized verdict did not address or specify each and every cause of action from the operative complaint see specific fact and example one example is FIRST CAUSE OF ACTION is remained undecided .Customized form limited jury to decide if appellant was discharge due to retaliation (see specific fact on appeal brief s28677 pg 199). Applenat Retaliation claims are not only based on

wrongful termination, (see appeal brief s28677 pg 176-177) (see appeal brief s28677 pg 199-200).**Also customized verdict form did not address matters of “ SECOND CAUSE OF ACTION Adverse Treatment and Wrongful Termination in Violation of Public Policy (ALTURA CENTERS FOR HEALTH; and DOES | though 50)”** as Adverse Treatment in Violation of Public Policy is omitted from the customized (see appeal brief s28677 pg 200-201).**ALso customized verdict form did not specify public policy and in generalized manner stated “or (2) in violation of public policy” which remained unaddressed.**Defendant Ryan, customized form favor defendant as it concealed specifically Bus. & Prof. Code § 1680(q) **use of threats or harassment** against appellant (see appeal brief s28677 pg 200). Defendnet ryan customized form favors defendant as it concealed specifically Labor Code § 1102.5 provision (see appeal brief s28677 pg 201).**Also customized verdict form left matters of “ THIRD CAUSE OF ACTION Declaratory Relief completely omitted :** (see specific facts and complete argument on appeal brief s28677 pg 201-203). Appellant argue that the Lower court is in error when court staff not filed Appellate provided Proposed Jury instructions to the court for jury trial on Jan 27 23.Therefore appellant provided jury instructions , and declaration associated with the jury instruction now not a part for the appellate court for review and Independent review of the entire case requires as sufficient evidence of extensive history of existence of Prejudice, Conspiracy, Procedural error, Miscarriage Of Justice and Grounds for New Trial: (see specific facts and argument on appeal brief s28677 pg 203-205).5th district court cannot simply say the appellant “ Many of those “ jury instructions ” and “claims ” 5th district consider “quite obviously meritless” and leave it up to the appellant to figure out which of many claims and jury instruction 5th district found “quite obviously meritless” and speculate why they are meritless on appeal. (See *Niko v. Foreman (2006) 144 Cal.App.4th 344, 368.*)and such ruling violates appellant due process rights by not receiving a fair and impartial review of the jury instruction and claims.and based on concealment of facts and argument presented in an appeal briefs related to verdict and jury instruction issues along with the designated record available for review. **Feb 5th 23:**Appellant served to defendant and filed in the court “Declaration””Meet and confer to

proposed jury instruction and disagreement related to jury instruction and verdict forms(4 pg document). . Due to the failure of Tulare Court staff to file the above documents, these documents are not now available in the transcript record for review by appeal court as well as unjustly unavailable for jury to review as well.(Appeal brief oct 25 23c pgs 75 and 76 .

The appellant has been placed by defendants and judge in an unfair position of when not filing Appellate Proposed Jury instructions and claims .Disputed, defective, incomplete jury instructions will likely mislead jury. (Trumanv. Thomas (1980) 27 Cal. 3d 285, 301 [165 Cal. Rptr. 308, 611 P.2d 902] (dis. opn. of Clark, J.) and cases cited.) therefore erroneous utilization of disputed , partial , biased toward appellant, substantially incorrect claims and jury instruction from Defendant Ryan, despite appellant objection is subject to be reversal as claims and jury instruction and misled the jury. (Seeid, at p. 294;Davisv. Memorial Hospital (1962) 58 Cal. 2d 815, 819 [26 Cal. Rptr. 633, 376 P.2d 561]; Toblerv. Chapman (1973) 31 Cal. App. 3d 568, 586 [107 Cal. Rptr. 614].)Further, Judge Hillman did not attempt to eliminate the above defects. (see also first amended claim pages 60-70 record on appeal). Appellant also requested the motion for new trial as above claim and instruction were not duplicative or inapplicable to the legal and factual issues in the case and the trial court erroneously declined them.(See appeal brief pg 74, XIII) Appellant argue that the Lower court is in error and abuse discretion in not filing Appellate Proposed Jury instructions and verdict forms and accepted defendant provided jury instruction and custom made (unjust)verdict form , There is a need of Independent Review of Procedural errors, procedural misconducts, miscarriage 74 of Justice, existence of prejudice and are grounds for new trial (See copy of ruling on record on appeal pgs 5361-5407)"

F. 5th District judges in Error in Sufficiency of the Evidence Section: 5th District judges established in their opinion that “ Plaintiff argues the trial evidence was insufficient to support the jury’s defense verdict”. 5th District judges failed to consider that this case involved extraordinary and special circumstances in this case as discussed in appeal brief s28677 pg 205-206). 5th district failed to consider the abuse of discretion standard properly as Judge Hillman exceeded the bounds of reason, all of the circumstances before it being considered in determining granting withdrawal of plaintiff counsel” (Malmquist v. City of Folsom (2024) 101 Cal.App.5th 1186, 1200.). court

failed to consider specific facts given in appeal brief s28677 pg206). **5th District judges in erro when “ presume “ jury “found the plaintiff’s evidence lacks sufficient weight and credibility to carry the burden of proof.” knowing extraordinary circumstances of this case** : (see specific facts appeal brief s28677 pg 206-207)there is a need of Independent review (as extensive history of extension of trial set dates And Pretextual Stay Of Trial reflects sufficient evidence of existence) of Prejudice, Conspiracy, Procedural error,, Miscarriage Of Justice that are Grounds for New Trial. Appellant Argue that the jury has been prevented from knowing all above circumstances and all evidences available, misled, that prevented jury to made specific findings of fact in favor of the appellant. Otherwise plaintiff’s evidence does not lacks sufficient weight and credibility to carry the burden of proof. **5th District judges reach their conclusion and analysis based it on concealing facts from the fact finding or false fact finding practice** . (see appeal brief s28677 pg 207 Here the issue on appeal is not only for “ failure of proof at trial”as we discussed above Appellant Argue that the jury has been prevented from knowing all above circumstances and all evidences available, misled, that prevented jury to made specific findings of fact in favor of the appellant. Otherwise plaintiff’s evidence does not lacks sufficient weight and credibility to carry the burden of proof. **However, for the sake of argument on appeal if the issue is” failure of proof at trial” Still there are sufficient facts, arguments and evidence on record presented that compels a finding in favor of the appellant as a matter of law and the appellant’s evidence, facts and arguments presented on appeal brief are not contradictory and unimpeached ‘of such a character and weight as to leave no room for a judicial determination that it was insufficient to support a finding.”** (Shaw v. County of Santa Cruz (2008) 170 Cal.App.4th 229, 279, italics added; accord, Dreyer’s Grand Icis Cream, Inc. v. County of Kern (2013) 218 Cal.App.4th 828, 838.) , See also summary judgment ruling (see Legal analysis And Case On Summary Judgment record on appeal pgs 365-369) **The state and federal due process clauses prohibit “government from depriving a person of property without due process of law. (Cal. Const., art. I, §§ 7, 15; U.S. Const., 14th Amend., § 1.) These provisions guarantee appropriate procedural protections [citation] and also place some substantive limitations on legislative measures [citations]. The latter guaranty-sometimes described as substantive due process-prevents government from enacting legislation that is ‘arbitrary’ or ‘discriminatory’ or lacks ‘a reasonable relation to a proper legislative purpose.’ [Citation.]”** (Kavanau, *supra*, 16 Cal.4th at p. 771, 66 Cal.Rptr.2d 672, 941 P.2d 851.) A procedural due process claim on the other hand requires a deprivation of a constitutionally protected interest and a denial of adequate procedural protections. (Brewster v. Board of Education (9th Cir., 1998) 149 F.3d 971, 982; Wright v. Riveland (9th Cir.2000) 219 F.3d 905, 913.) **Although what procedural process is due in a given circumstance may vary, it “always requires a relatively level playing field, the ‘constitutional floor’ of a ‘fair trial in a fair tribunal,’ in other words, a fair hearing before a neutral or unbiased decision maker. [Citations.]”** (Nightlife Partners, Ltd. v. City of Beverly Hills (2003) 108 Cal.App.4th 81, 90, 133 Cal.Rptr.2d 234, quoting Bracy v. Gramley (1997) 520 U.S. 899, 904-905, 117 S.Ct. 1793, 138 L.Ed.2d 97.) # **5th District judges in error a when deny the claim based on “Without a reporter’s transcript, we simply cannot resolve this claim in plaintiff’s favor. (See Estate of Fain (1999) 75 Cal.App.4th 973, 992”** D:Admission of defense evidence”section where appellant discuss “ 5th district in error, abused authority

and showed bias when established “ Without a reporter’s transcript, we cannot determine whether any of plaintiff’s claims were preserved for appellate review.” including (A-F)

G. 5th District judges ERROR IN MISCELLANEOUS CLAIMS: It is a call for speculation for appellant to figure out which claim 5th district refers as “ Miscellaneous Claims “ or “All other claims in the opening brief “ as above claims are not identified or specified by the 5th district court . 5th district court further left appellant to speculate which “ Miscellaneous Claims “ or “All other claims in the opening brief “ are “insufficiently developed”, which of them are” unsupported by the appellate record” . There is a need of Independent review of the entire record for existence of Prejudice, due process violation, Conspiracy, Procedural error,, Miscarriage Of Justice that are Grounds for New Trial.. **5th district in error when established many false fact (see appeal brief S28677 pg 209)**Appellant declared the basis for a mistrial when potential circumstances exist that an impartial trial was not conducted including Potential jury tampering, in which case the trial judge has the authority to declare a mistrial with or without the defendant's consent. G.S. 15A-1063(1) (judge may declare a mistrial when “the trial can't proceed in conformity with the law”); State v, Battle, 267 N.C. 513 (1966) 0 (prosecution witness implicated defendant's attorneys in same crime being tried - mistrial warranted); State v, Chriscoe, .C. App. 40. 87 **“Witness Tampering.” Of Appellant / 0.2 muslim minority/court witness in a matter of OSHA and HIPPA violation., harassment, relation matter and public police violation matter** : (see appeal brief s28677 pg 209)**EFFORT TO DISCREDIT APPELLANT AS A WITNESS TO TESTIFY IN OSHA AND HIPPA MATTER :** (see facts and argument on appeal brief s28677 pg 210)**Appellant presented sufficient facts along with sufficient record on appeal discussed in detailed in this brief regarding 5th district failure to consider that this case involved extraordinary and special circumstances in this case:** (see appeal brief s28677 pg 210 -211)

Facts and evidence related to Preventing witnesses to testify in this case discuss in this appeal brief along with extensive record on appeal: (see appeal brief s28677 pg 211-212)

Appellant also filed a justification of mistrial on the basis “The trial is a mistrial because the jury selection process needs to be investigated due to the fact, evidence presented that judge Hillman, court staff and court security from the sheriff's department were partial toward the plaintiff, observed network of organized crime active in court premise” (pg 24,27 of 5th district appeal brief)**(record on appeal (STALKING INCIDENCES INSIDE THE TULARE SUPERIOR COURT record on appeal pgs 1631-1633):** (see appeal brief s28677 pg 212-213)

APPELLANT PRESENTED SUMMARY OF ARGUMENTS IN A Brief S28677 pg 212-219 FROM THE 5TH DISTRICT BRIEF FILED 10/31/2023 DUE TO SPACE CONSTRAINED :

“the verdict of the jury was against the clear weight of the evidence in this case, is

unsupported by substantial evidence, and is the product of jury misconduct in that the jury considered and basic [sic] its verdict upon extrinsic evidence not offered in evidence at the trial of this matter."Neal v. Montgomery Elevator Co. (1992)

.Althoug Altura Case is filed as civil case however after threat from Altura attorney of negative consequences and continuous organized violent retaliation incidences and conspiracy with the goal to discredit court witness added criminal element to the case. See citation State v. Garrigues, 2 N.C. 241, State v. Boykin, 255 N.C. 432, 121 S.E.2d 863., State v. Birckhead, 256 N.C. 494, 124 S.E.2d 838., (See Wagner v. Singleton (1982) 133 Cal. App. 3d 69 [183 Cal. Rptr. 631].)Gray v. Robinson (1939) 33 Cal. App. 2d 177 [91 P.2d 194] (appeal brief s28677 on pg 219)

.II.Appellant argue in her 5TH DISTRICT BRIEF FILED 10/31/2023 that there is a need of Independent Review of Procedural errors, procedural misconducts, miscarriage of justice, existence of prejudice and grounds for a new trial due to extraordinary conspiring action associated in this case associated with Judge hillman and his failure to recuse himself from the case:(see minute order dec 6 22 on record on appeal pg 3718,3719-3730) (5th district appellate brief filed 10/31/2023 pg 29-35) .See complete argument , new evidence and entire Transcript in an appeal brief s28677 pg 219-224) "The gist of the crime of conspiracy, under section 182 of the Penal Code, is the unlawful agreement between the conspirators to commit an offense prohibited by the statute, accompanied by an overt act in furtherance thereof. The conspiracy may be established by circumstantial evidence. (People v. Black, 45 Cal. App. 2d 87 [113 P.2d 746]; 5 Cal.Jur. 497, § 3.) It is not necessary to prove by direct evidence the express agreement between the co-conspirators. That agreement may be inferred from the action and conduct of the defendants in mutually carrying out a common purpose in violation of the statute. (People v. Montgomery, 47 Cal. App. 2d 1, 11 [117 P.2d 437]; People v. Yeager, 194 Cal. 452 [229 P. 40]; People v. Jones, 136 Cal. App. 722 [29 P.2d 902]; Underhill's Crim. Ev. p. 1401, § 773.)" (People v. Benenato, 77 Cal. App. 2d 350, 358 [175 P.2d 296].) III:Appellant argue in her 5TH DISTRICT BRIEF FILED 10/31/2023 that there is a need of Independent Review of Procedural errors and misconducts, miscarriage of justice, existence of prejudice and are grounds for new trial due to act in furtherance of conspiracies Of Judge hillman, Alturas attorney Russel Ryan and Dr. Dwight Sievert and Aviv office: (5th district appellate brief filed 10/31/2023 pg 36-38) (see appeal brief s28677 pg 224-22 There is a Causal link, proximity and act in furtherance of conspiracy among Judge Hillman relieved appellate counsel

Defendant ryan AND Dr.Sievert and Aviv office in Subpoena Dr.Sievert and Aviv office :
(see appeal brief s28677 pg 225-226).IV: Appellant made argument in her 5TH DISTRICT BRIEF FILED 10/31/2023 that Defendant Altura filed excessive inappropriate repeated Ex Parte application for pretextual purpose to obstruct Jury Trial on Jan 05 23 .V: delay and unjust stay trial.VI: extraordinary action associated of Judge hillman in relieving many of the appellant counsels.VII: Due to pretext, without a good cause, ordering Psychological examination for emotional distress claim and utilized it for discredit court witness.VIII: extensive history of extension of trial set dates.IX: evidence is insufficient to Justify Verdict and Sufficient evidence related to Retaliation existed (see Facts and Argument Made in Opposition To Motion To Summary Judgement appeal brief s28677 pg 225-241)
see also Legal analysis And Case On Summary Judgment :(see record on appeal pgs 365-369).See Evidences presented at (see appeal brief s28677 pg 241- pg 246).X: jury failed to consider sufficient evidence related to Retaliation, Violence toward muslim minority after threat given by Altura's attorney. (see appeal brief s28677 pg 247-248), XI: allowed submission of Evidence in unjust and unlawful manner,(see specific fact on Exhibit 126, .Exhibit 30, .Exhibit 127, Exhibit no 102, Exhibit 103,. Evidence 129, Exhibit 128, Exhibit 125 , exhibit 120 in a appeal brief s28677 pg 249-251, XII(A)excluded: I, F, H, J, K, L and N for the jury review,.(see appeal brief s28677 pg 254-251)and Tulare court is in error in finding of fact that Most of trial documents that were rejected by the Tulare court (which was attempted to file from Jan 24th -30th 2023 in the Tulare superior court))were already produced in the court about Oct 27th 22 (record on appeal pgs 2466-2468).However not available for jury review or for 5th district appeal court review as extraordinary effort made by court staff to not file or stamp the court document when provided. See specific fact in I brief s28677 pg 254-251 on Trial Document Exhibit A , Trial document Exhibit B ,Trial Document Exhibit C ,Trial Document Exhibit D:. Trial Document Exhibit E, Exhibit F, XII(b):error a in it ruling on February 3, 2023 on Motion in Limine(s28677 pg 254-257), XIII: not filing Appellate Proposed Jury instructions and verdict forms and accepted defendant provided jury instruction and custom made (unjust)verdict form .(s28677 pg 257-259).XIV: .J review of Selection of Jury process required where 11 out of 12 juror deliberated Defendant Altura Centers Health is not liable on the issues submitted and the causes of actions asserted by appellant as set forth in the First Amended Complaint when sufficient evidence (s28677 pg 259), XV: when continue the trial without witnesses attended the trial and testified in the case Therefore Independent review of the entire case required as sufficient evidence of existence of Prejudice, Conspiracy, Procedural error, Misccarriage Of Justice and Grounds for New Trial :(see appeal brief s28677 pg 260)

VERIFICATION:

I am Petitioner Samreen Riaz in this case. I have read the above declaration filed with the opening Petition and know its contents. The facts alleged in the Declaration are within my own knowledge, and I know these facts to be true. I declare under penalty of perjury that the foregoing is true and correct and that

This verification was executed on the **3rd day of Dec 2024**
in Visalia, California.

Samreen Riaz

Dated:

Dec 12th 24

A handwritten signature in black ink, appearing to read "Samreen Riaz", is written over the typed name. Below the typed name, the date is handwritten as "Dec 12th 24".

Conclusion

Plaintiff prayer for relief:

Reverse opinion of the Supreme court of California (S286777) denying Petition and application for stay and left unresolved conflicted issue of law and factual issue on Nov 13 24.

Reverse 5th district court opinion of denying appeal in a case No: F085852 on 7 30 24 (Appeal was taken from the case vcu276991 denying motion for a new trial and failing to declare mistrial on ex parte basis on March 21 23-) based on false fact finding and remand the case back for the jury trial court

.Direct the Tulare Superior Court to vacate the order of final judgment and Remand the case back to the trial court for new trial under a neutral judge.

.Issue a ruling directing the Tulare Superior court to reverse all the erroneous and abuse of discretion rulings discussed in the question presented and discussion section.

. Provide injunctive relief to appellant and compel authorities to investigate and press charges to defendant and co conspirator based on crime associated with conspiracy, obstruction of justice , whistleblower retaliation toward appellant

Allow Appellant to amend the complaint to add further relevant facts and causes of action based on(including but not limited to) retaliation, defamation, conspiracy, 'intentional infliction of emotional distress, punitive damage, discrimination .

