

3/31/25

No. 25-485

IN THE
Supreme Court of the United States

Alvin E. Williams & Judith M. Brown-Williams
Petitioners
v.

Superior Court of Los Angeles County, et al
Respondents

On Petition for Writ of Certiorari to the
California Second District Court of Appeal

PETITION FOR A WRIT OF CERTIORARI

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October 10, 2025

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QUESTION PRESENTED

1. Whether the doctrine of judicial immunity protects judges who engage in and facilitated fraud in violation of constitutional due process rights?
2. Whether a judge who committed fraud on the court and was subsequently removed from the bench may lawfully obstruct the and prevent entry of final judgment in favor of the prevailing party, and whether that obstruction, when left uncorrected by the appellate courts, violates the Due Process Clause of the fourteenth Amendment and the integrity of the judicial process
3. Whether due process under the Fourteenth Amendment is violated when a court refuses to consider fraud-based claims solely on

procedural grounds despite credible evidence
of judicial misconduct.

4. Does the Due Process Clause permit the court to refuse entry of a final judgment in favor of the prevailing party where the presiding judge was found to have committed fraud on the court?
5. Do the principles used in the *Hazel-Atlas Glass Co., v. Hartford Empire Co.*, 322 U.S. 238 (1944), when this court held that and supported the principal that judgments procured through fraud upon the Court must be set aside regardless of elapsed time set precedence for this case?

**PARTIES TO THE PROCEEDINGS AND
RELATED PROCEEDINGS**

The parties to the proceeding below are as follows:

Petitioner is Alvin E. Williams & Judith M. Brown-Williams. Plaintiffs and Appellants and Petitioner in the Supreme Court of Washington.

Respondent Bentley Motors Inc. was the Defendant and Respondents in the Supreme Court of Washington.

Respondent Rusnak Pasadena was the Defendant and Respondent in the Supreme Court of Washington.

Respondent Superior Court of Los Angeles trial Court and Respondents in the Supreme Court of Washington.

Respondent Judge Mark V. Mooney Defendant and Respondent in the Supreme Court of Washington.

Additional Respondents are Norman Taylor & Associates, Law Office of Jim O. Whitworth, Bradley & Gmelich a Partnership, Kaplan Lee LLP Caroll Burdick and McDonough LLP, Squire Patton Boggs

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INTRODUCTION

This petition arises from an egregious instance of Fraud on the court, in which the presiding judge colluded with the defendant to overturn or remove a valid Judgment and Special Verdict Form Damages on July 2, 2007, previously entered in favor of Petitioner.

Petitioners Judith M. Brown-Williams and Alvin E. Williams used an attorney to initiate a Song Beverly Consumer Warranty Act after purchasing a defective vehicle from Defendants Bentley Motors Inc. and Rusnak Pasadena.

On the morning of the trial Petitioners advised by their attorney Jim Obrein Whitworth that the judge had excluded all the Petitioners evidence and gave no reason and filed no opposition.

The matter proceeded to trial and Petitioner Judith brought an "Orange Binder" to the witness

stand with all of the evidence removed without cause or opposition and on July 2, 2007, Petitioners won a unanimous jury verdict.

Following the verdict the judge without legal basis and in collusion with Respondents and their counsel, initiated further proceedings that were “*off the record*” to removed evidence, introduce stipulations without consent and ultimately produced several fraudulent judgements that were ultimately filed with the Court.

Petitioners forced to act in pro se due to the Respondents and their attorney actions in collusion displayed in the letter to filed with their attorneys Motion to Withdraw that slandered Petitioners.

Despite Petitioner’s pro se status they appealed to the State Appellate Courts, the Supreme Courts, the U.S. District Courts and and

motions were denied, despite clear constitutional and federal due process violations being raised.

Petitioners seek review of the State Courts final Judgment in favor of Petitioners on the grounds that Petitioners have a right to due process and access to a fair tribunal guaranteed by the Fourteenth Amendment and herein respectfully petitions this Court for Writ of Certiorari pursuant to Rule 13 to review the final Judgment entered for April 27, 2009, filed in the Superior Court of Los Angeles by Defendants and entered by Respondents and the Judgment filed by Petitioners and entered by the court on October 30, 2023 that was denied by a judge that did not have the file and was not present during the trial.

The Respondents continued fraud on the court misrepresentation, concealment of material facts, and procedural manipulation resulting in the

deprivation of a lawful judgment and serious due process violations and this matter is of national legal importance and present clear evidence of Constitutional violations and is ripe for this Courts intervention that is both necessary and required.

The facts confirm Petitioners were not sophisticated enough to understand what being perpetrated upon them by their attorneys the attorneys for Respondents in collusion with members of the Superior Court of Los Angeles in diabolic plan to rob the Petitioners of their State Court Judgment without good cause.

OPINIONS BELOW

Opinion of the Court of Appeals Second Appellate Dist. January 9, 2025, denying Petitioners Request and Order to File New Litigation by Vexatious Litigant, the En Banc Opinion made in the Supreme Court of California

on March 12, 2025, Final Judgment Entered by the Superior Court of Los Angeles October 30, 2023, the Judgment by the Superior Court of Los Angeles April 27, 2009, Notice of Entry of Judgment by Superior Court of Los Angeles September 8, 2008, Judgment by Superior Court of Los Angeles September 2, 2008, Statement of Decision by the Superior Court of Los Angeles August 15, 2007.

App. 1-7

JURISDICTION

The Supreme Court has jurisdiction under 28 U.S.C. § 1257 (a) (state court decision) and 28 U.S. C. § 1254 (1) (federal appellate decision) the petition is timely filed under Rule 13 and the basis of the late file is mistake, inadvertence, surprise and excusable neglect.

Petitioner seeks review of the order dated January 9, 2025, by the California Second District

Court of Appeal in case no. B343233, for which a Petition for Review was denied on March 12, 2025, by the California in case no. S289197

STATUTORY PROVISIONS

28 U.S.C. judicial Procedure, Rule 58: Entry of Judgments Subject to the provisions of Rule 58, a judgment, decree or final order shall be entered upon every final decision from which an appeal lies...Every such judgment, decree or final order shall be set forth on a separate document, signed by the court, and promptly entered by the clerk. Rule 79(a). Proposed form of judgment, decrees or final order shall be submitted court, or as required by law under 28 U.S.C. §2101 (c)

CONSTITUTIONAL AND LEGAL PROVISIONS

- U. S. Constitution Amendment XIV (Due process Clause)

- Federal Rule of Civil Procedure Rule 60(d)(3)
 - Fraud on the Court.
- 28 U.S.C. § 1257
- Relevant judicial ethics rules/ constitutional provisions.

The issues present important questions of constitutional law, civil law on which direct conflict exist and affects the rights of the Petitioners.

FRAUD ON THE COURT

This case presents a constitutional crisis of judicial integrity and litigants rights.

The core issue here is to challenge the validity of the judgment entered by Respondents based on fraud upon the court.

The Notice of Entry of Judgment filed on August 21, 2013, for the April 27, 2009, Judgment after this Court ruled in October 1, 2012, confirms

even a decision by the Highest Court could not stop the Respondents and Defendants fraud on the Court that continued into 2023.

Petitioners prevailed in the trial court. However, the presiding judge who was later removed for misconduct involving fraud on the court refused to enter final judgment in continued fraud on the Court.

Petitioners were forced in *pro per* and made errors due to mistakes, inadvertence, surprise and excusable neglect and was deemed Vexatious Litigants on May 5, 2015, this designation was a "*scarlet letter*" that made an already difficult process more difficult due to the limited access to the court despite the judges unlawful conduct and removal, the successor judge declined to correct the record or enter final judgment and reprimanded

Petitioners for filing the judgment and he too was later removed a new successor assigned.

Petitioner again requested entry of final judgment, and the successor again refused to enter or correct the judgment with clear evidence of judicial fraud.

Petitioners filed an appeal in the Court of Appeal Second Appellate District.

The Court of Appeals Second Appellate District refused to intervene and stated the judgment was not before the Court and further barred Petitioners from filing new litigation to remedy the injustice.

This sequence of events constitutes a structural failure of due process. Fraud on the court by a judge is not simply legal error, it is an assault on the judicial process itself. Where such fraud taints the proceedings and directly causes the

denial of a final judgment to a prevailing party, and where appellate courts refused to correct that injustice, the constitutional guarantee of due process is rendered meaningless.

This Court has long held that fraud on the court undermines the entire judicial system and judicial integrity. See *(Hazel-Atlas Glass Co. v. Hartford Empire Co.*, 322 U.S. 238 (1944). That principle must apply with even greater force where the fraud originates from the bench itself. Judicial misconduct cannot be shielded by judicial discretion or procedural technicalities.

The rule of law demands that no one not even a judge stands above the Constitution and review is necessary and required and this Court has the historic power to end this injustice nunc pro tunc.

Entry of Final Judgment in this case should not be subject to the typical finality rules – court

retain the inherent power to vacate such judgments even after appeals are exhausted and supports the principle that judgments procured through fraud on the court must be set aside regardless of elapsed time. Code of Civil Procedure sec. 1085, subd. (a); See (*Payne v. Superior Court* (1976) 17 Cal. 3d 908, 925; (*Hagopian v. State of California* (2014) 223 Cal. App. 4th 349, 373.)

The Court of Appeals' Opinion footnote in 2012 acknowledged the trial court's suppression of critical evidence, collusion and stipulations without consent is also a strong basis for this petition.

The record of the Courts confirms the original proceedings were tainted by fraud and caused the resulting judgment void *ab inito* rather than merely voidable, from the beginning as it was obtained through corrupt means not merely legal reasoning. (*Hazel-Atlas Glass Co. v. Hartford-*

Empire Co., 322 U.S. 238 (1944) Supports the principle that judgments procured through fraud on the court must be set aside regardless of elapsed time.

Petitioners have been unlawfully precluded by the trial court from a lawful right and this Court has the inherit power to correct this injustice and put an end to the corruption in the Superior Court of Los Angeles. Code of Civil Procedure sec. 1085, subd. (a); See (*Payne v. Superior Court* (1976) 17 Cal. 3d 908,925; (*Hagopian v. State of California* (2014) 223 Cal. App. 4th 349, 373.)

Petitioners have combed the record and done due diligence in uncovering an elaborate *Fraud on the Court by Defendants and Respondents* and without legal training have petitioned every court for justice denied unfairly and have no idea what more is procedurally needed to bring this case to a

close and have the final judgment entered in this matter no matter the amount based on the law.

STATEMENT OF THE CASE

On July 2, 2007, Petitioners won a unanimous 12/0 Jury verdict and Special Verdict for Damages against Defendants Bentley Motors Inc., and Rusnak Pasadena. (LASC Minutes Entered 07/02/2007)

On August 15, 2007, the trial court entered Judgment in favor of Respondents. App. 7

On September 2, 1008, the trial court entered Judgment in favor of Respondents. App. 6

On September 8, 2008, the Notice of Entry of the September 2, 2008, Judgment. App. 5

On April 27, 2009, the trial court entered final Judgment. App. 4

On October 30, 2023, [Proposed] Judgment filed by Petitioners. App. 3

On January 9, 2025, the Court of Appeal
Second Appellate District Opinion denied the
Petitioners request to file new litigation. App. 1

On March 12, 2025, the Opinion of the
Supreme Court of California En Banc. App. 2

REASONS FOR GRANTING THE WRIT

1. Fraud on the court is an Exception to finality and this case presents a clear and egregious violation of the Fourteenth Amendment and Due Process Clause.
2. Constructional Due Process requires a Remedy for judicial collusion.
3. Public confidence in the judiciary is eroded without Oversight.
4. Procedural Dimissal should not shield fraud.

FRAUD AN EXCEPTION TO FINILITY

This Court has held that fraud on the court can justify setting aside even final Judgment.

Constructional Due Process Requires a Remedy for Judicial Collusion. The due process Clause prohibits bias adjudication. Where judicial officers conspire with litigants to fix a result, which in the case at hand and the integrity of the judiciary itself is at stake.

The state court's refusal to enforce a unanimous jury verdict combined with post-trial alterations to evidence that include "Off the Record" actions by the Superior Court of Los Angeles Judge and a suspicious early retirement raises serious concerns about judicial integrity and the right to a fair trial.

The lower court's refusal to remedy these issues, despite federal claims being preserved and

presented, leaves Petitioner without recourse, violating the right to property, access to the court's and fundamental fairness.

NATIONAL IMPORTANCE

Public Confidence in the Judiciary is Eroded Without oversight as displayed in the following Superior Court of Los Angeles Judgments entered in the record of the Court and attached hereto.

The Statement of Decision filed and signed by the Judge on August 15, 2007, is incorrect and false on its face and has dates within the Judgment that could not have occurred before the writing of the Statement of Decision.

The Judgment on September 2, 2008, is incorrect and false because the trial was trailed and did not start on June 18, 2008, as stated in the Judgment.

The judgments entered by Defendants and Respondents are violations of due process and are void and should be reopened under the principals established in cases such as *Hazel-Atlas Glass Co. v. Hartford-Empire Co.* 322 U.S. 238 (1944)

Petitioners were unfairly deemed vexatious for protecting a legal right and due to mistake, inadvertence, surprise or excusable neglect and based on the denial of the Court of Appeals Petitioners are continuing to be unfairly denied justice and their Constitutional Rights is being violated determined by vexatious litigant statute. (California Code of Civil Procedure 391.00)

Petitioners were not only subjected to the fraud of their attorney in collusion with the Respondents but had to navigate the Fraud upon the Court by members of the Court that continued for decades and collimated in a Fraudulent

judgment dated April 4, 2023 (sic) May 4, 2023, to be mailed from the Superior Court of Los Angeles Department 1 purportedly signed by the Presiding Judge that clearly written by a person in the court that was present during the trial in 2007 where the “Orange Binder” was introduced by Petitioner.

Petitioners have established by the record of the Court a clear, present, and usually ministerial duty on the part of the court that instead members of the Superior Court defiled the Court. See (*Santa Clara County Counsel Attys. Assn. v. Woodside* (1994) 7 Cal. 4th 525, 539-540.) A “ministerial duty” is one imposed upon the trial Court by statute, state or federal constitution, or case law.

The matter has not only lasted over two decades but the complexity of procedural history is known to the Courts that ruled “Enbanc” and does not require relitigating of the numerous instances

of misconduct and this Petition for Writ of Certiorari is necessary to secure uniformity of decision and settle an important question of law as there can be only One Final Judgment.

The key legal issue this writ presents is that a judgment founded on fraud upon the Court is not just incorrect but legally nonexistent and does not hold the force of finality and is always subject to attack which was filed by Petitioners.

Because this case is extraordinary the Supreme Court of The United States is the last resort and the only body empowered to correct systemic judicial failures involving fraud, especially when state courts and lower federal courts have declined to intervein to remedy and unjust and potentially criminal abuse of the process.

A judge is not the Court. (*People v. Zajic*, 88 Ill. App. 3d 477, 410 N.E. 2d 626 (1980). A judge is

a State judicial officer, paid by the state to act lawfully. A Judge is also an officer of the court, as well as are all attorneys. The law is clear that whenever any officer of the court, committed fraud during the proceedings in the court, he was engaged in "fraud upon the court." In Bulloch v. United States 763 F. 2d 1115, 1121 (10th Circuit 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury.

"It is where the court or a member is corrupted, or influence or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court has been directly corrupted."

"Fraud upon the court" has been defined by the 7th Circuit Court of Appeals as to "embrace that

species of fraud which does, or attempts to, define the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication. *Kenner v. C.I.R.*, 387 F 3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23.

The 7th Circuit further stated "a decision produced by fraud upon the Court is not in essence a decision at all.

This Court has a duty that is absolute, and the court has no discretion to enter a different judgment. See (*Butler v. Superior Court* (2002) 104 Cal. App. 4th 979, 982) and (*Hampton v. Superior Court* (1952) 38 Call 2d 652, 656: accord, (*People v. Lewis* (2004) 33, Cal. 4th 214, 228)

The judge who entered the judgment is no longer presiding in Dept. 68 of the Superior Court

of Los Angeles and the current court and new judges assigned to Dept. 68 has denied Petitioners numerous requests to enter final judgment and has not acknowledged the void nature of the judgment currently entered.

This Court ruled in Case No. 12-26 and Case No. 18-424 and 18-425 and the record was provided, and Petitioners have revisited every factual detail that confirms this request is grounded in fact and should be granted to clarify the Judgment in this case.

Petitioners have been faced with a herculean task that would have been challenging for even a veteran attorney and have provided uncontroverted facts with the specificity required by the Courts and have proven the Petitioners were subjected to *“Fraud upon the Court”* and enforcement of the fraudulent judgment entered in the Superior Court

of Los Angeles by a Judges in collusion violates due process and fundamental fairness, warranting immediate judicial intervention.

Petitioners in pro se are now in the highest court in the land without legal training presenting a petition that describes in detail what the 7th Circuit has deemed the “*worst species*” of Fraud upon the Court wherein the presiding judge in the case, and unnamed Court employees in concert with Respondents Bentley Motors Inc. and Rusnak Pasadena Rusnak and their counsel with the assistance of Petitioners attorneys to engaged in deliberate misconduct that compromised the integrity of the judicial process in this case.

Specifically, the judge acted in collusion that include several fraudulent “*Off the Record*” made after the uniramous jury verdict, Enter Statement of Decision with fraudulent information with a

“Blank Line” for Damages against Petitioners,
Sign a Fraudulent Judgment on September 2, 2008,
File Fraudulent Notice of Entry of Judgment on
September 8, 2008, Enter a Judgement filed by
Defendants counsel on April 27, 2009, that was
incomplete and culminated the fraud with another
Fraudulent Judgment purportedly mailed from the
Superior Court of Los Angeles Dept. 1 Presiding
Judge to Petitioners from what should have been a
secure system is a violation of the foundational
integrity of the judicial system.

These orders confirm the Defendants and
Respondents in collusion showed total disregard for
the rule of law, and rulings were ignored or
manipulated evidence removed and suppressed the
judgment essential to Petitioners claim by
employing fraudulent means to misrepresent and

alter the factual or legal basis of the Court's
Decision and the erosion of public trust.

This conduct by the Respondents rises beyond
mere legal error and reflects a pattern of corruption
of the judicial function itself, warranting the
intervention of this Court historic power to
preserve due process and the fundamental fairness
of the judiciary.

The fraud upon the Court by each and every
Respondents known and unknown in collusion is
unmatched and Petitioners had an extremely
odious task and have provided the Court with
uncontroverted evidence that is the record of the
Court that the Respondents committed fraud, and
the Judgment filed was procured by fraud.

The Supreme Court should grant certiorari to
correct a clear miscarriage of justice and clarify
that a state court may not override or disregard a

civil jury's verdict through extrajudicial means in other word fraud on the court.

The facts detailed herein supports only one decision and the Superior Court of Los Angeles abused that discretion did not perform a legal duty, and this Court has the power to reverse an act or Judgment precured by *fraud on the Court*.

The trial court violated Petitioners constitutional right of Due Process and the Fourteenth Amendment, refusing to enter a valid judgment in favor of the prevailing party when the original judgment was obtained through judicial fraud and collusion.

The multiple judges, who either colluded with Defendants or failed to correct a known fraud upon the court shielded that fraud by repeatedly striking proper judgments and refusing entry of final judgment, violated a Petitioners constitutional

right to access the courts under the First Amendment.

Dismissing Petitioners fraud claims as “untimely” without addressing its merits undermines the principles of justice and equity.

Petitioner sought relief in the California Court of Appeal, Second Appellate District, which declined to enter judgment and denied Petitioner’s request to file New Litigation to correct the fraudulent outcome and petitioned the California Supreme Court who ruled *“En banc”* without resolution.

This Court must now decide if the Appellate Court could lawfully refuse to correct misconduct and deny a litigant the ability to file new litigation to obtain relief from a in a 20-year-old case with fraudulently obtained judgment.

Petitioners, the prevailing party, has been denied a final enforceable judgment due to a known fraud on the court and a systemic refusal of all subsequent courts to correct the injustice and it's with good cause that Petitioners now seek review by this Court under its supervisory and constitutional authority.

The procedural history of this case resembles a puzzle in a maze, wrapped in an enigma: in other word the Respondents in collusion turned a simple lemon law case into a puzzle put it in a maze of illegal and fraudulent acts and wrapped it in an enigma created by the Respondents in collusion to rob the Petitioners of their state court Judgment.

Entering a fraudulent judgment with no record, in a court with no explanation, and a system offering no remedy. Such opacity undermines due process and demands review.

The Supreme Court's intervention is necessary to clarify that courts **may not** refuse to correct fraud on the court, and a prevailing party cannot be deprived of judgment through corruption, misconduct, or judicial inertia.

This case warrants review to restore integrity to the judicial process and to confirm that constitutional rights are not subject to obstruction by judicial collusion.

ARGUMENT

The Due Process Clause Prohibits Courts from Obstructing Entry of Judgment based on Known judicial fraud.

Fraud on the Court by a judge strikes at the heart of due process. This Court has made it clear that such fraud “is wrong against the institutions set up to protect and safeguard the public.” See *(Hazel-Atlas Glass Co. v. Hartford-Empire Co.* 322

U.S. 238 (1944) Where such fraud results in a false judgment, and were successive judges knowingly refuse to correct it , the injury to Petitioners is not merely legal, it is constitutional.

This case presents a constitutional due process violation of extraordinary magnitude. A Fraudulent judgment, obtained through collusion between the Defendant Respondent and a now retired judge, has never been corrected. Even after valid judgment was prepared, the court system through multiple successive judges refused to enter the judgment. Each refusal compounded the constitutional harm, and the Court of Appeal's dismissal of Petitioners efforts to rectify the fraud left Petitioners without legal recourse. The judiciary's inaction effectively has assisted the Defendants and Respondents in their judicial fraud by denying Petitioners right to a final judgment.

The Supreme Court's intervention is necessary to clarify that courts may not refuse to correct fraud on the court, and that prevailing party cannot be deprived of judgment through corruption, misconduct, or judicial impotence.

This case warrants review to restore integrity to the judicial process and to confirm that constitutional rights are not subject to obstruction by judicial collusion.

CONCLUSION

The judiciary cannot allow a system in which a party prevails at trial yet is denied judgment due to the fraudulent conduct of a now-removed judge and where no court provides redress. Such a result is incompatible with the Fourteenth Amendment and undermines public trust in the courts.

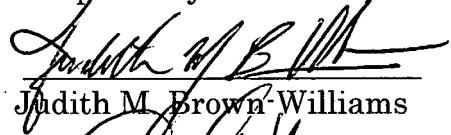
Wherefore for the foregoing reasons,

Petitioners Alvin E. Williams & Judith M. Brown-

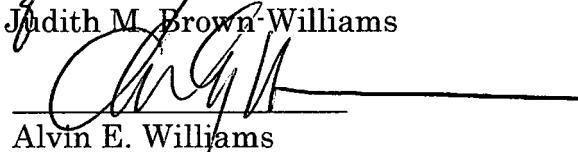
Williams prays that this Court:

1. Reverse the decision of the Court of Appeal:
2. Order the Entry of final judgment in favor of Petitioner, or in the alternative,
3. Remand the case with instructions that a neutral court enter the final judgment consistent with the original findings and for such other relief the Court may deem fair and proper.

Respectfully submitted,



Judith M. Brown-Williams



Alvin E. Williams

Dated: October 10, 2025