

Geronimo Velasco
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July 28, 2025

Scott S. Harris
Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

Re: Emergency Application for Stay under Rule 23 and the All Writs Act

Velasco v. United States District Court, et al.

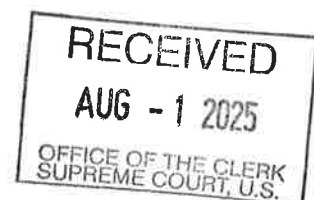
Dear Mr. Harris:

Enclosed please find Petitioner's **Emergency Application for Stay** of District Court proceedings pursuant to Supreme Court Rule 23 and the All Writs Act, accompanied by the required certificates and supporting exhibits. This Application seeks urgent relief to prevent irreparable constitutional harm from imminent proceedings scheduled for **August 8 and August 28, 2025**, which arise from procedural events never lawfully scheduled and from contradictory judicial rulings that directly implicate circuit conflicts and nationwide due process concerns.

Petitioner respectfully submits this filing as a pro se litigant under severe time constraints, disability, and hardship. Every effort has been made to comply with the Court's formatting and procedural rules. If any aspect of this submission is found to be noncompliant or incomplete, Petitioner respectfully requests an opportunity to cure any defect without prejudicing the emergency request for relief.

Thank you for your attention to this urgent matter.

Respectfully submitted,
Geronimo Velasco
Petitioner pro se



No. _____

**In The
SUPREME COURT OF THE UNITED STATES**

**GERONIMO VELASCO,
Applicant,**

v.

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA;
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT,
Respondents;**

**PENTAGON TECHNOLOGIES GROUP, INC.,
Real Party in Interest.**

EMERGENCY APPLICATION FOR STAY OF DISTRICT COURT PROCEEDINGS

UNDER RULE 23 AND THE ALL WRITS ACT

**TO THE HONORABLE ELENA KAGAN, CIRCUIT JUSTICE
FOR THE NINTH CIRCUIT**

Respectfully submitted,
Geronimo Velasco
Pro Se Applicant
23480 Nevada Road
Hayward, California 94541
(510) 399-8028
monongiko@aol.com

PARTIES TO THE PROCEEDING

Applicant: Geronimo Velasco, pro se plaintiff in the district court and applicant in this proceeding.

Respondents:

1. United States District Court for the Northern District of California, and
2. United States Court of Appeals for the Ninth Circuit

Real Party in Interest: Pentagon Technologies Group, Inc., represented by:

JASON A. GELLER

jgeller@fisherphillips.com

JOSEPH M. CRITTENDEN

jcrittenden@fisherphillips.com

FISHER & PHILLIPS LLP

One Montgomery Street, Suite 3400

San Francisco, California 94104

I. QUESTIONS PRESENTED

1. Whether a federal district judge commits judicial estoppel by issuing contradictory orders stating that a plaintiff both "failed to appear" at a hearing and that the same hearing was "valid," while simultaneously discharging an Order to Show Cause based on that alleged failure to appear?
2. Whether federal courts may impose sanctions based on "phantom hearings"—proceedings that were legally voided by prior court orders but used as the basis for finding procedural violations?
3. Whether this Court should exercise its supervisory authority under the All Writs Act when lower courts systematically violate Federal Rules and due process protections while foreclosing appellate review?

II. INTRODUCTION

This Emergency Application presents a constitutional issue of first impression with sweeping implications for federal court integrity: whether a judge may contradict their own orders, invent a “phantom hearing,” and then use that fabricated record to impose sanctions and block review. If left unaddressed, this precedent would endanger the due process rights of over 400,000 federal litigants annually, permitting courts to insulate procedural misconduct through estoppel and “no further filings” bars. To protect nationwide public trust in judicial fairness, this Application respectfully seeks a temporary stay to allow this Court to assess the constitutional dangers posed by phantom proceedings and unchecked judicial contradiction.

THE FIRST DOCUMENTED CASE OF JUDICIAL ESTOPPEL FROM THE BENCH

This Emergency Application presents an unprecedented constitutional crisis: the first documented case in federal court history where a district judge has committed **judicial estoppel**

through contradictory orders in the same proceeding, combined with evidence of a "phantom hearing"—a court proceeding that legally never existed but was used to justify sanctions against a litigant.

UNDISPUTED DOCUMENTARY EVIDENCE OF JUDICIAL ESTOPPEL

Unlike typical judicial misconduct requiring investigation, every violation exists in official court records, eliminating all factual disputes:

The Impossible Contradiction (See Exhibit A, Dkts. 62, 63, 68, 76):

1. **June 6, 2025:** Judge issued Order to Show Cause stating: "*Plaintiff FAILED TO APPEAR at Case Management Conference*" (Exhibit A-1, A-3)
2. **June 27, 2025:** Same judge **DISCHARGED** the OSC—legally establishing **no failure to appear occurred** (Exhibit A-4)
3. **July 8, 2025:** Same judge contradicted the discharge, ruling: "*June 6 hearing was NOT DEFECTIVE and VALID*" (Exhibit A-5)

Legal Impossibility: A judge cannot discharge an OSC for failure to appear AND simultaneously find the hearing valid. These positions are mutually exclusive under law and constitute judicial estoppel, obstruct truth-finding, and violate Federal Rule of Civil Procedure 52(a) and due process. See *New Hampshire v. Maine*, 532 U.S. 742, 750-51 (2001) (judicial estoppel doctrine bars taking contradictory positions).

THE PHANTOM HEARING EVIDENCE

The "phantom hearing" is not allegation but documented fact (See Exhibit B):

- **Court's own dockets prove no hearing legally existed on June 6, 2025** (Exhibit B-1, B-2)

- **Defense counsel acknowledged "void hearing"** in Case Management Statement (Exhibit B-4, B-6)
- **Consolidation order explicitly voided all prior hearing dates** (Exhibit B-2, B-3)
- **No scheduling order exists for June 6 proceeding** (Exhibit B-5)

This constitutes a phantom hearing—an unconstitutional deprivation of notice and opportunity to be heard, violating Fed. R. Civ. P. 16(d), 16(f), 60(b)(4), and *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950) (due process requires "notice reasonably calculated" to inform parties).

DEFENSE COUNSEL ADMISSION OF IMPROPER CONDUCT

- **May 30, 2025** – Defense filed Case Management Statement acknowledging a June 6 hearing (which had been voided) (Exhibit B-6; Dkt. 58)
- **June 26, 2025** – Counsel emailed: “Just to clarify your email, is it your position that if in court tomorrow I communicate the ‘Suggested Stipulation’ to the judge, you will withdraw your **Rule 11 letter and all other ‘Defense Exposure’** identified in your June 26, 2025 email?” (Exhibit D-1)

Defense counsel implicitly acknowledged legal exposure and attempted to negotiate away sanctions through improper coordination. This supports potential violations under Rule 11(b), 28 U.S.C. § 1927, and ethical duties under Model Rule 3.3 (Candor to the Tribunal).

Ninth Circuit Procedural Bar to Constitutional Review

- **July 21, 2025** – Ninth Circuit denied mandamus petition with the atypical phrase: “No further filings will be entertained in this closed case.” See Exhibit C [Case No. 25-4274, Dkt. 9.1]

"The Ninth Circuit's denial without addressing the judicial estoppel evidence demonstrates precisely why Supreme Court supervisory authority is essential. When appellate courts fail to recognize unprecedented constitutional violations, only this Court can restore constitutional order."

EMERGENCY DEADLINES REQUIRING IMMEDIATE INTERVENTION

This Emergency Application seeks only a limited stay—just enough time for this Court to examine official record evidence of judicial estoppel and phantom proceedings. Petitioner does not seek extraordinary relief, only a pause to assess serious, unresolved constitutional questions of first impression.

On August 8, 2025, Petitioner will be forced into a settlement conference grounded in a void June 6 hearing, without valid consent (Exhibit G-3; Dkt. 77, 80)). If allowed to proceed, this would lock in a false evidentiary record, blocking meaningful public and congressional scrutiny of clear judicial contradictions.

Then on August 28, 2025, the same judge who discharged the Order to Show Cause—but later relied on it—will preside over a Rule 11 sanctions hearing based on events that were never noticed, scheduled, or properly docketed. (Exhibit E)

Allowing these proceedings would legitimize a new precedent: that a court may punish based on non-events and immunize itself from review. This erodes due process, forecloses appellate relief, and undermines trust in the federal judiciary.

Only this Court's intervention under Rule 23 and the All Writs Act can prevent these hearings from becoming a blueprint for procedural abuse—where phantom events become unreviewable, and judicial self-contradiction becomes untouchable.

Petitioner has no legal forum left after the Ninth Circuit's denial order. The district court continues proceedings tied to a phantom hearing (June 6) that was never properly noticed, retroactively justified and used to threaten sanctions (See Exhibit G)

The Constitutional Crisis: If federal judges can take logically impossible legal positions without consequence, no citizen has secure due process protections in federal court.

STATEMENT OF JURISDICTION

This Court has jurisdiction under:

- **Supreme Court Rule 23** (Emergency Applications) provides the mechanism for emergency applications to a Circuit Justice
- **28 U.S.C. § 1651** (All Writs Act) authorizes this Court to issue "all writs necessary or appropriate in aid of their respective jurisdictions"
- **28 U.S.C. § 1254(1)** (Certiorari jurisdiction over Courts of Appeals)

"This Application seeks the Court's supervisory authority over federal courts that have systemically failed to address unprecedented judicial misconduct affecting fundamental constitutional rights.

III. PROCEDURAL HISTORY

The Consolidation That Created the Phantom Hearing

1. **August 16, 2024:** Petitioner filed pro se employment discrimination case in the Northern District of California (Case No. 3:24-cv-05307-VC) involving Title VII and California FEHA claims. The initial Case Management Conference was set for June 6, 2025.
2. **January 21, 2025:** Petitioner filed a second lawsuit against the same employer (Case No. 3:25-cv-00680-VC).

3. **February 28, 2025:** Court consolidated the cases into the lead case. The consolidation order explicitly stated: *"Any case management conference in any reassigned case will be rescheduled by the Court"* and that consolidation *"voided all prior hearing dates and mandated new scheduling under the reassigned judge"* (Exhibit B-2).
4. **May 30, 2025:** Despite consolidation voiding June 6 hearing, Defense Counsel filed Case Management Statement for the voided June 6 hearing, acknowledging it as a "void hearing" (Exhibit B-4).

The Phantom Hearing and Judicial Estoppel Sequence

5. **June 6, 2025:** Court held unscheduled proceeding despite consolidation order and issued OSC for *"failure to appear"* at legally non-existent hearing. No scheduling order or notice for June 6 was issued by the Court (Exhibit A-1, A-3).
6. **June 27, 2025:** Judge **lifted the OSC**, legally establishing no failure to appear occurred. Defense Counsel colloquy appeared to moot pending motions (Exhibit A-4).
7. **July 8, 2025:** Same judge contradicted the discharge by denying motions and declaring: *"The case management conference was not procedurally defective because the order relating cases stated that CMCs in reassigned cases would be rescheduled, but the case management conference was originally scheduled in this case, which was not reassigned"* and *"June 6 hearing was NOT DEFECTIVE and VALID"* (Exhibit A-5).

Ninth Circuit Procedural Bar

8. **July 21, 2025:** Ninth Circuit denied mandamus petition with unprecedented language: *"No further filings will be entertained in this closed case"* (Exhibit C), blocking all appellate remedies including rehearing and en banc petitions under FRAP 35 and 40.

LEGAL STANDARDS FOR EMERGENCY RELIEF

To obtain a stay, the applicant must demonstrate:

1. A reasonable probability of certiorari or ultimate success on the merits
2. A likelihood of irreparable harm absent a stay
3. That the balance of equities favors the applicant
4. That the public interest supports intervention

See *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam); *Nken v. Holder*, 556 U.S. 418, 434 (2009).

For extraordinary relief such as mandamus, the Court considers whether:

- The petitioner has no other adequate remedy
- The petition raises issues of first impression or exceptional public importance
- The lower court's conduct constitutes a judicial usurpation of power or clear abuse of discretion

See *Cheney v. United States Dist. Court*, 542 U.S. 367, 380-81 (2004); *Bauman v. U.S. Dist. Court*, 557 F.2d 650, 654-55 (9th Cir. 1977).

IV. ARGUMENT

I. JUDICIAL ESTOPPEL FROM THE BENCH: A CONSTITUTIONAL VIOLATION OF FIRST IMPRESSION

A. The Doctrinal Foundation

Judicial estoppel prevents parties from adopting contradictory positions in litigation to gain unfair advantage or manipulate the judicial process. *New Hampshire v. Maine*, 532 U.S. 742, 749 (2001). When a judge commits judicial estoppel through contradictory orders, it becomes a due process violation because:

1. **Truth-Finding Function Destroyed:** Courts cannot discharge an OSC (finding no failure occurred) while simultaneously validating the hearing that justified the OSC
2. **Rule 52(a) Violation:** Federal Rule of Civil Procedure 52(a) requires judges to "find the facts specially and state its conclusions of law separately." Contradictory findings violate this fundamental requirement for coherent judicial reasoning
3. **Due Process Denial:** *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976), requires fair proceedings before government action. Litigants cannot meaningfully respond to logically impossible judicial positions

B. The Unprecedented Nature

This Application presents the first documented case where:

- A federal judge has estopped himself through contradictory orders in the same proceeding
- The contradictions are facially apparent in official court records
- The estoppel directly impacts sanctions and constitutional rights
- All factual disputes are eliminated by documentary evidence

C. Certiorari-Worthy Question of National Importance

May a federal judge adopt mutually exclusive legal positions regarding the same factual event to justify sanctions against a litigant?

This question has nationwide implications for:

- Judicial integrity and accountability
- Due process protections for all federal litigants
- The coherence of federal judicial proceedings
- Prevention of judicial usurpation of power

II. THE PHANTOM HEARING: SANCTIONS WITHOUT JURISDICTION

A. The Void Ab Initio Doctrine

The June 6 proceeding was void ab initio under established precedent:

1. **No Legal Authority:** The February 28 consolidation order explicitly voided all prior hearings and required rescheduling (Exhibit B-2)
2. **No Valid Notice:** *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950), requires notice "reasonably calculated" to inform affected parties. No scheduling order was issued for June 6
3. **Defense Counsel Acknowledgment:** Opposing counsel characterized it as "void hearing" in their own filing (Exhibit B-4)

B. Constitutional and Procedural Violations

Imposing sanctions based on a void proceeding violates:

- **Due Process Clause:** *Fuentes v. Shevin*, 407 U.S. 67, 80 (1972) (due process requires notice and opportunity to be heard before deprivation)
- **Federal Rule 16(d):** Case management conferences require proper scheduling and notice
- **Federal Rule 16(f):** Sanctions require valid underlying proceedings
- **Void Judgment Doctrine:** *United States v. Throckmorton*, 98 U.S. 61, 65-66 (1878) ("That which does not exist cannot be validated")

III. ALL FOUR FACTORS SUPPORT EMERGENCY RELIEF

A. Reasonable Probability of Success on the Merits

The documentary evidence establishes clear violations of:

- **Judicial estoppel doctrine** (*New Hampshire v. Maine*)
- **Due process requirements** (*Mullane, Mathews v. Eldridge*)
- **Federal Rule 52(a)** (duty to make coherent findings)

- **Void proceeding doctrine** (*Throckmorton*)

These are questions of law based on undisputed documentary evidence, creating strong likelihood of success.

B. Irreparable Harm Absent Stay

August 28 Rule 11 Hearing: The district judge will rule on sanctions arising from his own contradictory conduct, creating:

- **Structural bias** violating *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 876 (2009) (due process violated by "probability of bias")
- **Irreversible reputational harm** that cannot be remedied on appeal
- **Dangerous precedent** legitimizing judicial self-contradiction

August 8 Settlement Conference: Compelled participation based on phantom proceedings:

- Violates Federal Rule 16(c)(2)(I) consent requirements
- Creates irreversible waiver implications
- Seals evidentiary record from public and Congressional scrutiny

C. Balance of Equities Favors Applicant

A brief stay preserves all parties' rights while ensuring constitutional adjudication. Respondents suffer no harm from delaying proceedings rooted in procedural violations, while Applicant faces irreversible constitutional injury.

D. Public Interest Strongly Supports Intervention

Allowing judicial estoppel from the bench would:

- Undermine public trust in the federal judiciary
- Create a template for procedural abuse nationwide
- Deny due process to over 400,000 annual federal litigants

- Establish that judges are immune from basic logical consistency requirements

The public interest in judicial integrity and constitutional compliance strongly favors intervention.

IV. NO ADEQUATE ALTERNATIVE REMEDY EXISTS

The Ninth Circuit's "no further filings will be entertained" language (Exhibit C) forecloses all traditional appellate remedies, including:

- Panel rehearing under FRAP 35
- En banc petition under FRAP 40
- Further mandamus petitions

This creates the precise scenario requiring this Court's supervisory authority under the All Writs Act. *Ex parte Fahey*, 332 U.S. 258, 259-60 (1947) (All Writs Act available when no other adequate remedy exists).

V. CONCLUSION AND PRAYER FOR RELIEF

This case presents a profound threat to constitutional integrity that extends far beyond the parties involved. The acceptance of judicial estoppel from the bench and phantom proceedings would establish a dangerous precedent: that federal courts may fabricate events, issue contradictory rulings without explanation, and punish litigants for challenging those contradictions—all without meaningful appellate remedy.

The evidence is overwhelming, documented, and undisputed. The deadlines are imminent. The constitutional implications are nationwide. Emergency intervention is essential to preserve the rule of law and due process protections for all federal litigants.

WHEREFORE, Petitioner respectfully requests that this Court:

1. **IMMEDIATELY STAY** all district court proceedings in Case No. 3:24-cv-05307-VC, including:
 - o The August 8, 2025 settlement conference conducted without consent and based on void proceedings
 - o The August 28, 2025 Rule 11 sanctions hearing before a structurally biased tribunal
2. **TREAT THIS APPLICATION AS A PETITION FOR CERTIORARI** if appropriate, under the Court's supervisory authority and 28 U.S.C. § 1254(1)
3. **ISSUE ANY FURTHER RELIEF** this Court deems just and necessary to preserve constitutional protections and prevent irreparable harm pending full review

Respectfully submitted,

/s/ Geronimo Velasco

GERONIMO VELASCO

Pro Se Applicant

23480 Nevada Road

Hayward, California 94541

(510) 399-8028

monongiko@aol.com

Dated: July 28, 2025

CERTIFICATE OF COMPLIANCE

Pursuant to Supreme Court Rule 33.1(g), I certify that this Emergency Application for Stay contains 2,805 words, excluding the portions exempted under Rule 33.1(d), such as the cover page, table of contents, table of authorities, signature block, certificate of service, and appendix.

This document was prepared using Microsoft Word for Microsoft 365, and the word count was determined using its built-in word count feature.

Dated: July 28, 2025

Respectfully submitted,

/s/ Geronimo Velasco

Petitioner, Pro Se

\

CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2025, I served a true and correct copy of this Emergency Application for Stay via U.S. Mail and email on the following parties:

JASON A. GELLER

jgeller@fisherphillips.com

JOSEPH M. CRITTENDEN

jcrittenden@fisherphillips.com

FISHER & PHILLIPS LLP

One Montgomery Street, Suite 3400

San Francisco, California 94104

Attorneys for Real Party in Interest Pentagon Technologies Group, Inc.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on July 28, 2025 at Hayward, California.

/s/ Geronimo Velasco

GERONIMO VELASCO

Pro Se Applicant

APPENDIX TO EMERGENCY APPLICATION FOR STAY

Geronimo Velasco v. United States District Court for the Northern District of California, et al.

Supreme Court of the United States

No. ____

Exhibit

Exhibit	Content Focus	Argument Support	Evidence Quality	Strategic Value
Exhibit A (Dkts 62,63,68,76)	Judicial Estoppel/Contradictions	Judicial misconduct claims	STRONG - Official court records	HIGH - Undisputed documentary proof
Exhibit B (Phantom Hearing)	Due Process Violations	Constitutional claims	VERY STRONG - Multiple sources	CRITICAL - Core constitutional argument
Exhibit C (Mandamus Denial)	Access to Courts	Exhaustion/jurisdiction	STRONG - Official circuit ruling	HIGH - Jurisdictional foundation
Exhibit D (Defense Emails)	Coordination/Bias Evidence	Structural conflict claims	MODERATE - Circumstantial	MODERATE - Supports bias narrative
Exhibit E (Timeline Brief)	Procedural Overview	Context/organization	STRONG - Comprehensive summary	HIGH - Clarifies complex facts
Exhibit F (Rule 11/Denials)	Retaliation Pattern	Sanctions abuse claims	STRONG - Official denials	MODERATE - Pattern evidence
Exhibit G (Docket Entries)	Complete Official Record	All arguments	VERY STRONG - Unimpeachable	CRITICAL - Eliminates factual disputes

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EXHIBIT A

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered on 6/6/2025 at 11:40 AM and filed on 6/6/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer:

Document Number: 62(No document attached)

Docket Text:

Minute Entry for proceedings held before Judge Vince Chhabria: Further Case Management Conference held via Zoom on 6/6/2025.

Defense counsel indicated that while plaintiff has been generally responsive, there has been a lack of communication for the past two weeks.

Court to issue Order to Show Cause as to why case should not be dismissed for failure to prosecute. Show Cause Response due by 6/20/2025. Order to Show Cause Hearing set for 6/27/2025 at 10:00 AM via Zoom.

Total Time in Court: 5 minutes.

Court Reporter: Hearing recorded via Zoom: 10:48 - 10:53. Plaintiff Attorney: No Appearance.

Defendant Attorney: Joseph Crittenden.

(This is a text-only entry generated by the court. There is no document associated with this entry.) (bxs, COURT STAFF) (Date Filed: 6/6/2025)

3:24-cv-05307-VC Notice has been electronically mailed to:

Geronimo Velasco monongiko@aol.com

Jason Alex Geller jgeller@fisherphillips.com, lhamann@fisherphillips.com

Joseph M Crittenden jcrittenden@fisherphillips.com, lwahlberg@fisherphillips.com

3:24-cv-05307-VC Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

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U.S. District Court
California Northern District

Notice of Electronic Filing

The following transaction was entered on 6/6/2025 at 4:02 PM and filed on 6/6/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer:

Document Number: [63](#)

Docket Text:

ORDER to Show Cause. Response due June 20. Signed by Judge Vince Chhabria on 6/6/2025. (vclc1, COURT STAFF) (Filed on 6/6/2025)

Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)

3:24-cv-05307-VC Notice has been electronically mailed to:

Geronimo Velasco monongiko@aol.com

Jason Alex Geller jgeller@fisherphillips.com, lhamann@fisherphillips.com

Joseph M Crittenden jcrittenden@fisherphillips.com, lwahlberg@fisherphillips.com

3:24-cv-05307-VC Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\24-cv-05307-vc-order_to_show_cause.638848291759482196.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=6/6/2025] [FileNumber=22486781-0]

[b12bad378d3bbb2b869ab085340329f05f9c79903f11c9fee20a68fab0fdf2f4571a3

fb1a49e72f9c3a9981de28df4dc157fb15e9c96b51d3cf152df5abd377c]]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GERONIMO VELASCO,
Plaintiff,

v.

PENTAGON TECHNOLOGIES GROUP,
INC.,
Defendant.

Case No. 24-cv-05307-VC

ORDER TO SHOW CAUSE

In light of his failure to communicate with the magistrate judge regarding scheduling a settlement conference, as well as his failure to appear at the June 6, 2025, case management conference, Velasco is ordered to show cause why the case should not be dismissed for failure to prosecute. A written response to this order is due June 20. A hearing on this order will be held via Zoom at 10am on Friday, June 27.

IT IS SO ORDERED.

Dated: June 6, 2025



VINCE CHHABRIA
United States District Judge

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U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered on 6/30/2025 at 3:19 PM and filed on 6/27/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer:

Document Number: 68(No document attached)

Docket Text:

Minute Entry for proceedings held before Judge Vince Chhabria: Show Cause Hearing held via Zoom on 6/27/2025.

Order to show cause is lifted. [65], [66] denied as moot.

Court encouraged parties to contact the magistrate judge immediately to tee up any discovery issues.

Total Time in Court: 14 minutes.

Court Reporter: Hearing recorded via Zoom: 11:31 - 11:45.

Plaintiff Attorney: Geronimo Velasco (Pro Se).

Defendant Attorney: Joseph Crittenden.

(This is a text-only entry generated by the court. There is no document associated with this entry.) (bxs, COURT STAFF) (Date Filed: 6/27/2025)

3:24-cv-05307-VC Notice has been electronically mailed to:

Geronimo Velasco monongiko@aol.com

Jason Alex Geller jgeller@fisherphillips.com, lhamann@fisherphillips.com

Joseph M Crittenden jcrittenden@fisherphillips.com, lwahlberg@fisherphillips.com

3:24-cv-05307-VC Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

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U.S. District Court
California Northern District

Notice of Electronic Filing

The following transaction was entered on 7/8/2025 at 3:33 PM and filed on 7/8/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer:

Document Number: 76(No document attached)

Docket Text:

Order by Judge Vince Chhabria re Dkt. No. [75] Motion to Amend/Correct. The motion is denied. The case management conference was not procedurally defective because the order relating cases stated that CMCs in reassigned cases would be rescheduled, but the case management conference was originally scheduled in this case, which was not reassigned. Velasco's motions are moot because he suffered no prejudice from the order to show cause because that order was discharged. Velasco is warned that if he continues to file repetitive, frivolous motions, he may be subject to sanctions. Signed on 7/8/25. (This is a text-only entry generated by the court. There is no document associated with this entry.) (vcllc3, COURT STAFF) (Filed on 7/8/2025)

Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)

3:24-cv-05307-VC Notice has been electronically mailed to:

Geronimo Velasco monongiko@aol.com

Jason Alex Geller jgeller@fisherphillips.com, lhamann@fisherphillips.com

Joseph M Crittenden jcrittenden@fisherphillips.com, lwahlberg@fisherphillips.com

3:24-cv-05307-VC Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

MIME-Version:1.0
From:ECF-CAND@cand.uscourts.gov
To:efiling
Message-Id:<21870474@cand.uscourts.gov>
Subject:Activity in Case 3:24-cv-05307-VC Velasco v. Pentagon Technologies Group, Inc. Case Management Conference - Initial
Content-Type: text/html

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U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered on 11/15/2024 at 12:04 PM PST and filed on 11/15/2024

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer:

Document Number: 22(No document attached)

Docket Text:

Minute Entry for proceedings held before Judge Vince Chhabria: Initial Case Management Conference held via Zoom on 11/15/2024.

CASE REFERRED to randomly assigned Magistrate Judge for Discovery purposes.

Court set case schedule:

Amended Pleadings due by 1/31/2025.

Case Management Statement due by 5/30/2025.

Further Case Management Conference set for 6/6/2025 at 10:00 AM by Videoconference Only.

Close of Fact Discovery due by 6/30/2025.

Designation of Experts due by 9/8/2025.

Rebuttal Reports due by 9/22/2025.

Close of Expert Discovery due by 10/6/2025.

Last Day to Hear Dispositive Motion Hearing set for 8/28/2025 at 10:00 AM in San Francisco, Courtroom 04, 17th Floor before Judge Vince Chhabria.

Pretrial Conference set for 10/28/2025 at 10:00 AM in San Francisco, Courtroom 04, 17th Floor before Judge Vince Chhabria.

Jury Selection/Trial set for 11/10/2025 at 10:00 AM in San Francisco, Courtroom 04, 17th Floor before Judge Vince Chhabria.

Total Time in Court: 7 minutes.

Court Reporter: Hearing recorded via Zoom: 10:07 - 10:14.

Plaintiff Attorney: Geronimo Velasco (Pro Se).

Defendant Attorney: Caroline Dickey.

(This is a text-only entry generated by the court. There is no document associated with this entry.) (bxs, COURT STAFF) (Date Filed: 11/15/2024)

3:24-cv-05307-VC Notice has been electronically mailed to:

Caroline C. Dickey caroline.dickey@btlaw.com, monica.martinez@btlaw.com

Geronimo Velasco monongiko@aol.com

3:24-cv-05307-VC Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

RELATED CASE ORDER

A Motion for Administrative Relief to Consider Whether Cases Should be Related or a *Sua Sponte* Judicial Referral for Purpose of Determining Relationship (Civil L.R. 3-12) has been filed. The time for filing an opposition or statement of support has passed. As the judge assigned to case

[24-cv-05307-VC](#)

Velasco v. Pentagon Technologies Group, Inc.


I find that the more recently filed case(s) that I have initialed below are related to the case assigned to me, and such case(s) shall be reassigned to me. Any cases listed below that are not related to the case assigned to me are referred to the judge assigned to the next-earliest filed case for a related case determination.

Case	Title	Related	Not Related
25-cv-00680-SK	Velasco v. Pentagon Technologies Group, Inc.	VC	

ORDER

The parties are instructed that all future filings in any reassigned case are to bear the initials of the newly assigned judge immediately after the case number. Any case management conference in any reassigned case will be rescheduled by the Court. The parties shall adjust the dates for the conference, disclosures and report required by FRCivP 16 and 26 accordingly. Unless otherwise ordered, any dates for hearing noticed motions are vacated and must be re-noticed by the moving party before the newly assigned judge; any deadlines set by the ADR Local Rules remain in effect; and any deadlines established in a case management order continue to govern, except dates for appearance in court, which will be rescheduled by the newly assigned judge.

Dated: February 10, 2025

By: 
Vince Chhabria
United States District Judge

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U.S. District Court
California Northern District

Notice of Electronic Filing

The following transaction was entered on 2/10/2025 at 9:43 AM PST and filed on 2/10/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer:

Document Number: 29

Docket Text:

ORDER RELATING CASES: 24-cv-05307-VC & 25-cv-00680-SK. Signed by Judge Vince Chhabria on 2/10/2025. (bxs, COURT STAFF) (Filed on 2/10/2025)

Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)

3:24-cv-05307-VC Notice has been electronically mailed to:

Caroline C. Dickey caroline.dickey@btlaw.com, monica.martinez@btlaw.com

Geronimo Velasco monongiko@aol.com

Lucy Marie Bertino lucy.bertino@btlaw.com, docketinglitin@btlaw.com, melissa.turpin@btlaw.com

3:24-cv-05307-VC Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\24-5307, 25-680.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=2/10/2025] [FileNumber=22112180-0]
[90f4260b90eb57a1c29de5916d79deba1d7f2e12a4ad21da325970cd97865ce86fa0
f830012ae9c1d0389315137dfc5257c7b900dab9e44aec98ae88a87348d2]]

SERVICE: Velasco v. Pentagon Technologies Group, Inc. | Case Management Conference

From Wahlberg, Leah <lwahlberg@fisherphillips.com>

Date Fri 30-May-25 4:51 PM

To monongiko@aol.com <monongiko@aol.com>; monongiko@ymail.com <monongiko@ymail.com>

Cc Crittenden, Joseph <jcrittenden@fisherphillips.com>; Geller, Jason <jgeller@fisherphillips.com>; Hamann, Lisa <lhamann@fisherphillips.com>

 1 attachment (239 KB)

2025-05-30 Def Case Management Statement (Velasco).pdf;

Re: *Geronimo Velasco v. Pentagon Technologies Group, Inc.,*
U.S.D.C. for Northern District of California,
Case No: 24-cv-05307-VC (KAW)

On behalf of Joe Crittenden, please see the attached **Case Management Conference** Statement submitted for filing by Defendant. Please note the Court's CM/ECF system will also send to your registered email address a Notice of Electronic Filing.

Thank you very much.



Leah Wahlberg

Legal Secretary to JOSEPH M. CRITTENDEN

Fisher & Phillips LLP

One Montgomery Street | Suite 3400 | San Francisco | CA 94104

lwahlberg@fisherphillips.com | O: (415) 490-9010

[Website](#)

On the Front Lines of Workplace LawSM

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error, then immediately delete this message.

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U.S. District Court
California Northern District

Notice of Electronic Filing

The following transaction was entered on 2/10/2025 at 11:48 AM PST and filed on 2/10/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer:

Document Number: 30(No document attached)

Docket Text:

CLERK'S NOTICE SCHEDULING FURTHER CASE MANAGEMENT CONFERENCE, PROVIDING ZOOM ACCESS, AND REQUIRING ADVANCE REGISTRATION OF COUNSEL.

Case Management Statement due by 2/21/2025.

Further Case Management Conference set for 2/28/2025 at 10:00 AM by Videoconference Only. This proceeding will be held via a Zoom webinar.

Webinar Access: All counsel, members of the public, and media may access the webinar information at <https://www.cand.uscourts.gov/vc>

Court Appearances: Advanced notice is required of counsel or parties who wish to be identified by the court as making an appearance or will be participating in the argument at the hearing. A list of names and emails must be sent to the CRD at vccrd@cand.uscourts.gov no later than Friday, February 21, 2025, by no later than 12:00PM.

General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.

Zoom Guidance and Setup: <https://www.cand.uscourts.gov/zoom/>.

(This is a text-only entry generated by the court. There is no document associated with this entry.)(bxs, COURT STAFF) (Filed on 2/10/2025)

Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)

3:24-cv-05307-VC Notice has been electronically mailed to:

Caroline C. Dickey caroline.dickey@btlaw.com, monica.martinez@btlaw.com

Geronimo Velasco monongiko@aol.com

Lucy Marie Bertino lucy.bertino@btlaw.com, docketinglitin@btlaw.com, melissa.turpin@btlaw.com EXHIBIT B-5

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**U.S. District Court
California Northern District**

Notice of Electronic Filing

The following transaction was entered by Crittenden, Joseph on 5/30/2025 at 4:51 PM and filed on 5/30/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer: Pentagon Technologies Group, Inc.

Document Number: [58](#)

Docket Text:

CASE MANAGEMENT STATEMENT filed by Pentagon Technologies Group, Inc.. (Crittenden, Joseph) (Filed on 5/30/2025)

3:24-cv-05307-VC Notice has been electronically mailed to:

Geronimo Velasco monongiko@aol.com

Jason Alex Geller jgeller@fisherphillips.com, lhamann@fisherphillips.com

Joseph M Crittenden jcrittenden@fisherphillips.com, lwahlberg@fisherphillips.com

3:24-cv-05307-VC Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\2025-05-30 Def Case Management Statement (Velasco).pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=5/30/2025] [FileNumber=22463774-0]

[86b130f92c2dd7f62ffcd37bb988aacf211a3a63bf38384738349915f55f31592ed

f622cc8a346621c3a25360b7523a7094db5a7f4f5b3d2f955773109ece92]]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GERONIMO VELASCO,
Plaintiff,

v.

PENTAGON TECHNOLOGIES GROUP,
INC.,
Defendant.

Case No. 24-cv-05307-VC

ORDER TO SHOW CAUSE

In light of his failure to communicate with the magistrate judge regarding scheduling a settlement conference, as well as his failure to appear at the June 6, 2025, case management conference, Velasco is ordered to show cause why the case should not be dismissed for failure to prosecute. A written response to this order is due June 20. A hearing on this order will be held via Zoom at 10am on Friday, June 27.

IT IS SO ORDERED.

Dated: June 6, 2025



VINCE CHHABRIA
United States District Judge

EXHIBIT C

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUL 21 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

IN RE GERONIMO VELASCO.

No. 25-4274

GERONIMO VELASCO,

D.C. No.

3:24-cv-05307-VC

Northern District of California,
San Francisco

Petitioner,

ORDER

v.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
CALIFORNIA, SAN FRANCISCO,

Respondent,

PENTAGON TECHNOLOGIES GROUP,
INC.,

Real Party in Interest.

Before: SILVERMAN, LEE, and VANDYKE, Circuit Judges.

Petitioner has not demonstrated a clear and indisputable right to the extraordinary remedy of mandamus. *See In re Mersho*, 6 F.4th 891, 897 (9th Cir. 2021) (“To determine whether a writ of mandamus should be granted, we weigh the five factors outlined in *Bauman v. United States District Court.*”); *Bauman v. U.S. Dist. Court*, 557 F.2d 650 (9th Cir. 1977). The petition, as supplemented, is denied.

All pending motions are denied as moot.

EXHIBIT C-1

No further filings will be entertained in this closed case.

DENIED.

Notice of Electronic Filing

The following transaction was entered on 7/25/2025 at 9:01 AM and filed on 7/21/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer:

Document Number: [83](#)

Docket Text:

ORDER of USCA No. 25-4274 as to [81] No further filings will be entertained in this closed case. DENIED. (kmg, COURT STAFF) (Filed on 7/21/2025)

3:24-cv-05307-VC Notice has been electronically mailed to:

Geronimo Velasco monongiko@aol.com

Jason Alex Geller jgeller@fisherphillips.com, lhamann@fisherphillips.com



Re: Rule 37 Meet and Confer – Velasco v. Pentagon – Final Pre-Hearing Clarification and Record Alignment

From Crittenden, Joseph <jcrittenden@fisherphillips.com>

Date Thu 26-Jun-25 8:54 PM

To monongiko@aol.com <monongiko@aol.com>

Cc Geller, Jason <jgeller@fisherphillips.com>; Hamann, Lisa <lhamann@fisherphillips.com>; Wahlberg, Leah <lwahlberg@fisherphillips.com>

Mr. Velasco,

I just got off an airplane, and I reviewed your email dated June 26, 2025.

Just to clarify your email, is it your position that if in court tomorrow I communicate the "Suggested Stipulation" to the judge, you will withdraw your Rule 11 letter and all other "Defense Exposure" identified in your June 26, 2025 email?

Best,

Joseph

Sent from my iPhone

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Case No. 25-4274

In re: GERONIMO VELASCO, Petitioner

SUPPLEMENTAL BRIEF¹ IN SUPPORT OF EMERGENCY

MANDAMUS PETITION AND MOTION FOR STAY OF:

- 1. AUGUST 8 SETTLEMENT CONFERENCE;**
- 2. AUGUST 28 RULE 11 HEARING**

TO THE HONORABLE COURT:

Petitioner respectfully submits this supplemental brief to address changed circumstances since filing the emergency mandamus petition and to request coordination of parallel district court proceedings that create institutional conflicts requiring appellate supervision.

I. CHANGED CIRCUMSTANCES REQUIRING SUPPLEMENTAL BRIEFING

A. Timeline of Developments

July 10, 2025: Petitioner filed emergency mandamus petition citing the impending July 13, 2025 Rule 11 safe harbor deadline as evidence of urgent constitutional violations requiring immediate intervention.

¹ A Table of Contents and Table of Authorities are omitted under Fed. R. App. P. 28(g) and 9th Cir. R. 28-2.7 because this brief is under 15 pages and submitted as a supplemental emergency filing.

July 13, 2025: The 21-day safe harbor period expired with Defendant's counsel failing to cure the documented Rule 11 violations, despite detailed notice and opportunity. *See* Supp. App. Tab B-4 (Dist. Ct. Dkt. 79-6) at A-22.

July 14, 2025: Federal law required Petitioner to file Rule 11 motion within a reasonable time after safe harbor expiration or forever waive those claims. *See* Supp. App. Tab B-1 (Dist. Ct. Dkt. 79) at A-4.

Present: The district court has scheduled the Rule 11 hearing for August 28, 2025, creating a conflict of interest where the same judge who allegedly enabled defense counsel's misconduct through procedural errors must now adjudicate sanctions for that same misconduct. *See* Supp. App. Tab B-1 (Dist. Ct. Dkt. 79) at A-4.

B. Legal Basis for Supplemental Brief

These developments create precisely the type of institutional coordination problem that appellate courts exist to resolve. Petitioner respectfully requests this Court exercise its supervisory authority to stay the Rule 11 proceedings pending resolution of this mandamus petition.

II. APPROPRIATENESS OF MANDAMUS RELIEF

Mandamus is appropriate when: (1) the petitioner has no other adequate means to attain the relief sought; (2) the petitioner will be damaged or prejudiced in a way not correctable on appeal; (3) the district court's order is clearly erroneous as a

matter of law; and (4) the district court's order amounts to a judicial usurpation of power. *Bauman v. U.S. District Court*, 557 F.2d 650, 654 (9th Cir. 1977).

All factors are satisfied here:

1. **No Other Adequate Means:** The pattern of procedural violations shows the district court will not self-correct, leaving no remedy except appellate intervention.
2. **Uncorrectable Prejudice:** Constitutional violations and procedural breakdowns cannot be remedied through normal appellate review after final judgment.
3. **Clear Legal Error:** Violations of Federal Rules 11 and 16, and constitutional due process requirements, constitute clear errors of law.
4. **Judicial Usurpation:** Compelling settlement conference participation without consent and creating judicial conflicts of interest exceed proper judicial authority.

III. MOTION FOR STAY OF DISTRICT COURT RULE 11 PROCEEDINGS

A. Inherent Conflict of Interest

The August 28, 2025 Rule 11 hearing creates an irreconcilable conflict where the district judge who allegedly enabled defense counsel's procedural violations through his own procedural errors cannot fairly adjudicate sanctions for that same

conduct. The district court has already taken positions (Dkt. 76²) regarding the validity of the June 6 proceedings that are directly contrary to the Rule 11 allegations. Allowing a judge to rule on sanctions for misconduct tied to his own alleged errors undermines the integrity of both proceedings.

B. Legal Standard for Stay

A stay is appropriate when: (1) the movant will suffer irreparable injury without a stay; (2) the movant is likely to succeed on the merits; (3) other interested parties will not be substantially injured; and (4) the public interest favors granting the stay.

All factors are satisfied:

1. **Irreparable Injury:** An adverse Rule 11 ruling by a conflicted judge would undermine this mandamus petition and cannot be undone.
2. **Likelihood of Success:** The documented pattern of procedural violations establishes strong grounds for mandamus relief. The district court's systematic disregard of Federal Rules 11 and 16, combined with constitutional due process violations, demonstrates clear legal error warranting extraordinary relief. The conflict of interest in the Rule 11 proceedings alone provides substantial grounds for mandamus intervention.

² See *Velasco v. Pentagon Techs. Grp., Inc.*, No. 25-4274, Dkt. Entry 6.1 at 411 (9th Cir. July 10, 2025).

3. **No Substantial Injury:** A brief stay preserves all parties' rights while ensuring fair adjudication.
4. **Public Interest:** Preventing judicial conflicts of interest serves the public interest in fair proceedings.

C. Coordination, Not Forum Shopping

Petitioner seeks coordination of related proceedings, not avoidance of district court review. The Rule 11 motion presents strong claims that should be adjudicated—but by a judge without conflicts of interest regarding the underlying conduct.

IV. ADDITIONAL GROUNDS: SETTLEMENT CONFERENCE CONSENT VIOLATION

A. Federal Rule 16 Violation

Since filing the emergency petition, additional evidence has emerged of systematic procedural violations requiring mandamus intervention:

Rule 16 Requirement: Federal Rule 16 and established precedent make settlement conferences voluntary, requiring party consent. *See* G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989) ("mandatory settlement conferences are inconsistent with Rule 16").

Local Rule 16-10(a): Clerk must verify party consent before scheduling settlement conferences

Limited Consent Given: Petitioner agreed only to the May 9, 2025 settlement conference.

Consent Terminated: When the district court vacated that conference (Dkt. 54³, May 7, 2025), Petitioner's consent was terminated.

The Procedural Void: Dkt. 59 Court scheduled September 19 Settlement Conference without confirming Petitioner's availability, seeking his input, or securing formal consent.⁴ Petitioner had no knowledge that a settlement conference was scheduled for September 19 until the docket entry was discovered.

No New Consent Obtained: The court's subsequent orders (Dkts. 74, 77, 80) scheduling new settlement conferences use mandatory language ("ordered to attend") without seeking renewed consent, violating Federal Rule 16.⁵

Thus, all subsequent court orders built upon Dkt. 59, including Dkts. 74, 77, and 80 (relating to August conferences), lack procedural foundation. Petitioner's attendance pursuant to court directive does not constitute waiver or consent. He has consistently preserved all objections. See *Velasco v. Pentagon Techs. Grp., Inc.*, No. 25-4274, Dkt. Entry 6.1 at 405, 407, 416 (9th Cir. July 10, 2025).

³ See *Velasco v. Pentagon Techs. Grp., Inc.*, No. 25-4274, Dkt. Entry 6.1 at 196 (9th Cir. July 10, 2025).

⁴ See *Velasco v. Pentagon Techs. Grp., Inc.*, No. 25-4274, Dkt. Entry 6.1 at 252 (9th Cir. July 10, 2025).

⁵ See Supp. App. Tab C (Dist. Ct. Dkt. 80) at A-35; *Velasco v. Pentagon Techs. Grp., Inc.*, No. 25-4274, Dkt. Entry 6.1 at 411 (9th Cir. July 10, 2025).

While Dkt. 80 successfully resolves the substantive scheduling conflict from Plaintiff's notice regarding conflicting dates, its language structure presents accessibility challenges for pro se litigants who lack legal training to parse complex judicial communications. *See* Supp. App. Tab A (Dist. Ct. Dkt. 78) at A-1. Its issuance, however, does not address the underlying Rule 16 violation stemming from the absence of renewed consent following the vacation of the original settlement conference.

B. Pattern of Procedural Violations

This settlement conference issue demonstrates the same institutional pattern challenged in the mandamus petition:

1. **Systematic Disregard:** District court systematically disregards federal procedural requirements
2. **Constitutional Violations:** Forced participation in unwanted settlement violates due process
3. **Appellate Coordination Needed:** Only this Court can restore compliance with federal rules
4. **Institutional Breakdown:** The continued scheduling of conferences without proper consent demonstrates systemic procedural failures.⁶

⁶ Even after receiving notice of the July 11 Emergency Mandamus, the July 11 Letter Regarding Scheduling Conflict (Supp. App. Tab A (Dist. Ct. Dkt. 78)) and the July 14 Rule 11 Motion

V. WHY THESE ISSUES STRENGTHEN THE MANDAMUS PETITION

A. Demonstrates Ongoing Institutional Breakdown

The Rule 11 conflict and settlement conference violations are not isolated incidents but evidence of systematic institutional failure requiring appellate supervision:

- **June 6 Phantom Hearing:** Procedurally void hearing used as basis for sanctions. See *Velasco v. Pentagon Techs. Grp., Inc.*, No. 25-4274, Dkt. Entry 1.1 at 25-48 (9th Cir. July 11, 2025).
- **Rule 11 Conflict:** The same judge is tasked with ruling on sanctions arising from conduct enabled by his own prior errors.
- **Settlement Consent:** Federal Rule 16 violated through mandatory language
- **Constitutional Suppression:** Pattern of avoiding constitutional adjudication

B. Emergency Nature Confirmed

These additional violations confirm the emergency nature of appellate intervention:

- **August 28 Rule 11 Hearing:** Conflicted judge will rule on sanctions in 6 weeks
- **August 8 Settlement Conference:** Forced participation without consent in 3 weeks

(Supp. App. Tab B (Dist. Ct. Dkt. 79)), the district court continues to schedule conferences without addressing the underlying consent violations.

- **Daily Violations:** Constitutional rights denied through ongoing procedural manipulation
- **No District Court Remedy:** Pattern shows institutional unwillingness to self-correct

VI. IRREPARABLE HARM

1. What Happens Without a Stay -- August 28 Rule 11 Sanctions Hearing

If the August 28 Rule 11 sanctions hearing proceeds, Petitioner faces immediate and irreversible harm: the presiding Judge would be ruling on conduct linked to his own prior errors, violating principles of impartiality and due process. Sanctions from such a conflicted forum would be structurally biased, prejudicing appellate review and tarnishing Petitioner's reputation regardless of later reversal. The hearing would produce findings that shield the Judge's actions while cementing a litigation record marred by partial adjudication. This constitutional injury—including loss of credibility and future advocacy chill—cannot be undone after the fact. Emergency relief is necessary to prevent precisely the kind of intolerable bias condemned in *Caperton v. A.T. Massey Coal Co.*

2. What Happens Without a Stay -- August 8 Settlement Conference

If the August 8 conference proceeds, Petitioner faces compelled attendance under threat of contempt, forced strategic disclosures, and irreversible procedural harm. The same magistrate judge who vacated the May 9 settlement conference

without consent---despite full compliance, now presides over a rescheduled session that appears coordinated with subsequent adverse actions, including the Rule 11 hearing set for August 28 before the same conflicted judge. This pattern suggests an effort to insulate prior improper orders (Dkt. 54, 59, 74, 77, 80) from scrutiny and build a litigation record that forecloses appellate remedies. Participation would be exploited to imply waiver, while no stay means the harm becomes structurally embedded in the proceedings. The prejudicial effects of compelled participation cannot be remedied through subsequent appellate review.

Proceeding with the August 8 conference would also prejudice Petitioner's pending tolling arguments by creating a misleading appearance of procedural fairness and voluntary participation, undermining claims of extraordinary hardship and due process breakdown.

3. Why Only This Court Can Prevent These Harms

The district court has demonstrated through four successive orders that it will not self-correct systemic violations of consent, notice, and impartial adjudication. With August 8 and August 28 deadlines looming, each day allows further erosion of due process and rule-of-law principles. Only this Court's supervisory authority can enforce compliance with mandatory consent rules, safeguard against conflicts of interest, and preserve the integrity of the appellate process before those harms become irreversible.

VII. SPECIFIC RELIEF REQUESTED

A. Immediate Relief

1. **STAY** district court Rule 11 proceedings (Dkt. 79, hearing scheduled August 28, 2025) pending resolution of this mandamus petition⁷
2. **ENJOIN** district court from compelling settlement conference attendance without proper consent under Federal Rule 16
3. **EXPEDITE** consideration of this mandamus petition given the approaching deadlines

B. Final Relief

4. **ISSUE WRIT OF MANDAMUS** directing the district court to:
 - Acknowledge the procedural void created by the June 6, 2025 phantom hearing. See *Velasco v. Pentagon Techs. Grp., Inc.*, No. 25-4274, Dkt. Entry 6.1 at 257 (9th Cir. July 10, 2025).
 - Adjudicate constitutional challenges with proper Rule 52(a) findings
 - Obtain proper consent before scheduling settlement conferences
 - Provide reasoned decisions with legal analysis for all denials
5. **TRANSFER** Rule 11 motion to a different judge to avoid conflicts of interest

⁷ See Supp. App. Tab B (Dist. Ct. Dkt. 79)

6. **ESTABLISH** expedited briefing schedule for full resolution of institutional breakdown

VIII. CONCLUSION

The timeline since filing this emergency petition confirms the institutional breakdown requiring mandamus intervention. Petitioner was legally required to file the Rule 11 motion after safe harbor expiration, but the resulting conflict---where the same judge who allegedly enabled misconduct must adjudicate sanctions for that misconduct---exemplifies why appellate coordination is essential.

Combined with the ongoing settlement conference consent violations, these developments demonstrate that the district court cannot self-correct its systematic procedural failures. Only this Court's supervisory intervention can restore compliance with federal law and constitutional requirements.

The evidence is overwhelming. The deadlines are approaching. The institutional breakdown continues. Emergency mandamus relief is essential to preserve the rule of law and constitutional protections for all litigants.

Respectfully submitted,

/s/ Geronimo Velasco

GERONIMO VELASCO

Pro Se Petitioner

23480 Nevada Road

JULY 10, 2025

Clerk of the Court

United States Court of Appeals for the Ninth Circuit

95 Seventh Street

San Francisco, CA 94103

RECEIVED
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JUL 10 2025

FILED	_____	_____
DOCKETED	_____	_____
	DATE	INITIAL

RE: Emergency Petition for Writ of Mandamus

Velasco v. Pentagon Technologies Group, Inc.

U.S. District Court Case No. 3:24-cv-05307-VC

Dear Clerk:

Please find enclosed the following for filing in the above-captioned matter:

1. Emergency Petition for Writ of Mandamus (with attached Form 27-3 Certificate and Supplemental Statement)
2. Application to Proceed in Forma Pauperis (Form 4)
3. Comprehensive Appendix (Tabs A-JJ), including Declaration and Certificate of Service

This submission is made pursuant to Circuit Rule 27-3. Due to financial hardship and pro se status, Petitioner respectfully files this Emergency Petition in person, having previously attempted service by email on July 3–5, 2025.

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

CASE NO.: _____ (TO BE ASSIGNED)
IN RE GERONIMO VELASCO, PETITIONER

**ON PETITION FOR WRIT OF MANDAMUS TO THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA**

DISTRICT COURT CASE NO. 3:24-CV-05307-VCTHE HONORABLE VINCE
CHHABRIA

MOTION DOCUMENTS
(ASSEMBLED TOGETHER AND FILED AS ONE SET)

Include all of the following, in this order (clip or fasten together):

1. ☒ **Title Page**
2. ☒ **Form 27-3 Emergency Certificate (Form 16)**
 - *Includes required 5-point certification*
 - *Addendum included after Item 5 (smoking gun summary)*
3. ☒ **Form 4 – In Forma Pauperis Application**
4. ☒ **Emergency Introduction (13 pages – factual and persuasive)**
5. ☒ **Main Emergency Petition for Writ of Mandamus**
 - *Issues Presented*
 - *Statement of the Case*
 - *Bauman factor analysis*
 - *Relief Requested*
6. ☒ **Combined Supplemental Statement in Support of Mandamus**
 - *Included in each document is the Certificate of Service* -
 - *With updated citations*

**COMPREHENSIVE APPENDIX
(FILED SEPARATELY)**

Contents:

- ☒ **Appendix Title Page and Table of Contents**
- ☒ **Tabs A–JJ clearly marked** (physically and cited my filings)
- ☒ **All exhibits paginated sequentially** (A-1 to A-366)
- ☒ **Final Tabs FF, GG, HH, II, JJ included and labeled**
- ☒ **Tab II – Docket Sheet for Reassigned Case**
- ☒ **Tab JJ – Email Regarding Scheduling Settlement Hearing**
- ☒ **Declaration under Penalty of Perjury** (signed, dated today)
- ☒ **Certificate of Service for Appendix** (email or physical)

Appendix Organization Requirements:

- Each tab clearly labeled with letter designation
- Sequential pagination throughout entire appendix
- Table of contents with page references
- All exhibits properly authenticated
- Consistent formatting and presentation

Date: July 10, 2025

Submitted by:

/s/ Geronimo Velasco
Geronimo Velasco
Pro Se Petitioner

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered on 4/25/2025 at 0:27 AM and filed on 4/24/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer: Geronimo Velasco

Document Number: [48](#)

Docket Text:

ADMINISTRATIVE MOTION Motion for Clarification and Ruling_Plaintiffs Request for Equitable Tolling-Memorandum of Points and Authorities *Filed slightly after midnight; Plaintiff respectfully request that the Court treat as timely and allow May 29 hearing to proceed* filed by Geronimo Velasco. Responses due by 5/8/2025. (Attachments: # (1) Declaration Declaration_Geronimo Velasco in Support of Motion for Clarification and Ruling on Plaintiffs Request for Equitable Tolling, # (2) Exhibit Exhibit1-FOIA Certification Letter, # (3) Exhibit Exhibit2_Email with EEOC Investigator, # (4) Exhibit Exhibit3_Incomplete Amended Charge, # (5) Exhibit Exhibit4_EEOC Public Portal Screenshot, # (6) Exhibit Exhibit5_EEOC Portal User's Guide_Vol - 2, # (7) Exhibit Exhibit6_EEOC Portal User's Guide_Vol-3, # (8) Exhibit Exhibit7_Memo Style 13_EEOC Email on Oldest Discriminatory Act, # (9) Exhibit Exhibit8_Email Discouraging Amendment, # (10) Exhibit Exhibit9_EEOC Intake Notes, # (11) Exhibit Exhibit10_EEOC Internal Memos)(Velasco, Geronimo) (Filed on 4/24/2025)

3:24-cv-05307-VC Notice has been electronically mailed to:

Geronimo Velasco monongiko@aol.com

Jason Alex Geller jgeller@fisherphillips.com, lhamann@fisherphillips.com

Joseph M Crittenden jcrittenden@fisherphillips.com, lwahlberg@fisherphillips.com

3:24-cv-05307-VC Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\Motion for Clarification and Ruling_Plaintiffs Request for Equitable Tolling-Memorandum of Points and Authorities.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=4/25/2025] [FileNumber=22352423-0]

[149b0859fb101b135036598391f7d903f7fbb804071d4a97d84a79e938ad889f6486

7ea870070ca194e7aaef3d8806558e3a0806ffa4d5ee7d479a83bdc859d9]]

Document description:Declaration Declaration_Geronimo Velasco in Support of Motion for Clarification and Ruling on Plaintiffs Request for Equitable Tolling

EXHIBIT F-1

Notice of Electronic Filing

The following transaction was entered on 6/21/2025 at 0:01 AM and filed on 6/20/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer: Geronimo Velasco

Document Number: [64](#)

Docket Text:

RESPONSE TO ORDER TO SHOW CAUSE by Geronimo Velasco . (Attachments: # (1) Declaration OF GERONIMO VELASCO IN SUPPORT OF RESPONSE TO ORDER TO SHOW CAUSE, # (2) Exhibit A Email Communications Re Settlement Conference (MayJune 2025), # (3) Exhibit B Email Chain Between Plaintiff and Defense Counsel, # (4) Exhibit C- Related Case Order (Dkt. 29).pdf)(Velasco, Geronimo) (Filed on 6/20/2025)

3:24-cv-05307-VC Notice has been electronically mailed to:

Geronimo Velasco monongiko@aol.com

Jason Alex Geller jgeller@fisherphillips.com,
lhamann@fisherphillips.com

Joseph M Crittenden jcrittenden@fisherphillips.com,
lwahlberg@fisherphillips.com

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U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered on 6/22/2025 at 0:36 AM and filed on 6/22/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer: Geronimo Velasco

Document Number: [65](#)

Docket Text:

MOTION EMERGENCY MOTION TO DECLARE JUNE 6, 2025 PROCEEDINGS VOID AB INITIO AND DISCHARGE ORDER TO SHOW CAUSE re [63] Order, [64] Response to Order to Show Cause, filed by Geronimo Velasco. Responses due by 7/7/2025. Replies due by 7/14/2025. (Attachments: # (1) Declaration (Supplemental Declaration of Geronimo Velasco), # (2) Exhibit A June 9, 2025 Kaiser Visit Summary (Redacted Confidential per Dkt. 47), # (3) Exhibit B-Correspondence with Assemblymember Liz Ortega's Office Re SDI and EDD Case Support)(Velasco, Geronimo) (Filed on 6/22/2025)

3:24-cv-05307-VC Notice has been electronically mailed to:

Geronimo Velasco monongiko@aol.com

Jason Alex Geller jgeller@fisherphillips.com, lhamann@fisherphillips.com

Joseph M Crittenden jcrittenden@fisherphillips.com, lwahlberg@fisherphillips.com

3:24-cv-05307-VC Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\PLAINTIFFS EMERGENCY MOTION TO DECLARE JUNE 6, 2025 PROCEEDINGS VOID AB INITIO AND DISCHARGE ORDER TO SHOW CAUSE.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=6/22/2025] [FileNumber=22528169-0]
[4003ce5c67231b19929bf7d3514de60e0c64908026279a40949709bd62554dadd98
0465b96eb539b042b3d98b336623c8e67dae83b167201177994461d727aa]]

Document description:Declaration (Supplemental Declaration of Geronimo Velasco)

Original filename:C:\fakepath\SUPPLEMENTAL DECLARATION OF GERONIMO VELASCO.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=6/22/2025] [FileNumber=22528169-1]
[5a6e40aa37a361ff53d76775c899db90092fa78b25dfa8e75cc36646e64e913ea8a9
240a008bae866d995b4042ad945c9916e76c207c3803f67bbcf514f831d9]]

EXHIBIT F-3

Document description:Exhibit A June 9, 2025 Kaiser Visit Summary (Redacted Confidential per Dkt. 47)

Notice of Electronic Filing

The following transaction was entered on 6/24/2025 at 0:11 AM and filed on 6/23/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer: Geronimo Velasco

Document Number: [66](#)

Docket Text:

MOTION for Leave to File filed by Geronimo Velasco.
(Attachments: # (1) Exhibit (Attachment A - [Proposed] Motion for Reconsideration of Order Denying Motion for Clarification and Ruling on Equitable Tolling), # (2) Declaration of Geronimo Velasco in Support of Motion for Leave to File Motion for Reconsideration)(Velasco, Geronimo) (Filed on 6/23/2025)

3:24-cv-05307-VC Notice has been electronically mailed to:

Geronimo Velasco monongiko@aol.com

Jason Alex Geller jgeller@fisherphillips.com,
lhamann@fisherphillips.com

Joseph M Crittenden jcrittenden@fisherphillips.com,
lwahlberg@fisherphillips.com

Notice of Electronic Filing

The following transaction was entered on 7/1/2025 at 0:03 AM and filed on 6/30/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer: Geronimo Velasco

Document Number: [71](#)

Docket Text:

MOTION for Reconsideration re [68] Show Cause Hearing - Non Evidentiary,,, Order on Motion for Miscellaneous Relief,,, Order on Motion for Leave to File,, [67] Statement *Plaintiffs Motion for Reconsideration of Minute Entry (Dkt. 68) and Constitutional Clarification* filed by Geronimo Velasco. (Velasco, Geronimo) (Filed on 6/30/2025)

3:24-cv-05307-VC Notice has been electronically mailed to:

Geronimo Velasco monongiko@aol.com

Jason Alex Geller jgeller@fisherphillips.com,
lhamann@fisherphillips.com

Joseph M Crittenden jcrittenden@fisherphillips.com,
lwahlberg@fisherphillips.com

Notice of Electronic Filing

The following transaction was entered on 7/2/2025 at 4:27 PM and filed on 7/2/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer:

Document Number: 73(No document attached)

Docket Text:

ORDER. The [71] motion for reconsideration is denied. Signed by Judge Vince Chhabria on 7/2/2025. (This is a text-only entry generated by the court. There is no document associated with this entry.) (vclc1, COURT STAFF) (Filed on 7/2/2025)

Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)

3:24-cv-05307-VC Notice has been electronically mailed to:

Geronimo Velasco monongiko@aol.com

**Jason Alex Geller jgeller@fisherphillips.com,
lhamann@fisherphillips.com**

**Joseph M Crittenden jcrittenden@fisherphillips.com,
lwahlberg@fisherphillips.com**

Notice of Electronic Filing

The following transaction was entered on 7/2/2025 at 5:36 PM and filed on 7/2/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer: Geronimo Velasco

Document Number: [75](#)

Docket Text:

Supplemental MOTION to Amend/Correct [73] Order,, Terminate Motions, Plaintiffs Emergency Constitutional Motion "Following Courts Denial of Reconsideration (Dkt. 73)" filed by Geronimo Velasco. Responses due by 7/16/2025. Replies due by 7/23/2025. (Velasco, Geronimo) (Filed on 7/2/2025)

3:24-cv-05307-VC Notice has been electronically mailed to:

Geronimo Velasco monongiko@aol.com

Jason Alex Geller jgeller@fisherphillips.com,
lhamann@fisherphillips.com

Joseph M Crittenden jcrittenden@fisherphillips.com,
lwahlberg@fisherphillips.com

3:24-cv-05307-VC Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

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U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered on 7/14/2025 at 10:01 AM and filed on 7/14/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer: Geronimo Velasco

Document Number: [79](#)

Docket Text:

MOTION for Sanctions filed by Geronimo Velasco. Responses due by 7/28/2025. Replies due by 8/4/2025. (Attachments: # (1) Declaration of Geronimo Velasco in Support of Motion for sanctions Pursuant to Federal Rule of Civil Procedure 11, # (2) Exhibit A - Rule 11 Safe Harbor Notice (Orig. Attachment -June 22), # (3) Exhibit B - Defendants Case Management Statement (Dkt. 58), # (4) Exhibit C - Email Confirming Filing of Dkt. 58, # (5) Exhibit D - Emails June 2627, 2025 (Defense Exposure), # (6) Exhibit E - Emails June 2225, 2025 (Harassment Allegation), # (7) Exhibit F - Dkt. 76 Courts CMC Order (July 8, 2025), # (8) Exhibit G - Dkt. 29 Vacatur Order (Feb. 10, 2025), # (9) Exhibit H - Dkt. 72 - Transcript of the June 27 OSC Hearing, # (10) Exhibit I - Dkt. 64-2_Email Chain Showing Timeline Misrepresentation)(Velasco, Geronimo) (Filed on 7/14/2025)

3:24-cv-05307-VC Notice has been electronically mailed to:

Geronimo Velasco monongiko@aol.com

Jason Alex Geller jgeller@fisherphillips.com, lhamann@fisherphillips.com

Joseph M Crittenden jcrittenden@fisherphillips.com, lwahlberg@fisherphillips.com

3:24-cv-05307-VC Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\PLAINTIFFS MOTION FOR SANCTIONS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 11.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=7/14/2025] [FileNumber=22589484-0]
[aa4f690f47cd6b5142367240362271fb805b05e0d0f39decabc631963fc0a0da04f70
6044de7fea6102aacfc6197ff96196d29aacb419edab9002994510ae5f2a]]

Document description:Declaration of Geronimo Velasco in Support of Motion for sanctions Pursuant to Federal Rule of Civil Procedure 11

Original filename:C:\fakepath\DECLARATION OF GERONIMO VELASCO IN SUPPORT OF MOTION FOR SANCTIONS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 11.pdf **EXHIBIT F-8**

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=7/14/2025] [FileNumber=22589484-0]
[aa4f690f47cd6b5142367240362271fb805b05e0d0f39decabc631963fc0a0da04f70
6044de7fea6102aacfc6197ff96196d29aacb419edab9002994510ae5f2a]]

Notice of Electronic Filing

The following transaction was entered on 7/18/2025 at 7:02 PM and filed on 7/18/2025

Case Name: Velasco v. Pentagon Technologies Group, Inc.

Case Number: [3:24-cv-05307-VC](#)

Filer: Geronimo Velasco

Document Number: [82](#)

Docket Text:

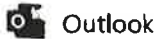
Letter from Geronimo Velasco, pro se . (Attachments: # (1) Declaration of Geronimo Velasco in Support of Notice of Appellate Filing And Supplemental Submission, # (2) Exhibit A EDSS Submission Confirmation Screenshot, # (3) Exhibit B Email Notification to Ninth Circuit Clerk (sent at 6:10 AM PT), # (4) Exhibit C District Court Docket Notification (Dkt. 81 entered July 18, 2025, at 3:09PM), # (5) Exhibit D EDSS Upload Progress Screenshot showing Submit completion, # (6) Exhibit E Filed Supplemental Brief with Certificate of Service and Supplemental Appendix)(Velasco, Geronimo) (Filed on 7/18/2025)

3:24-cv-05307-VC Notice has been electronically mailed to:

Geronimo Velasco monongiko@aol.com

Jason Alex Geller jgeller@fisherphillips.com,
lhamann@fisherphillips.com

Joseph M Crittenden jcrittenden@fisherphillips.com,
lwahlberg@fisherphillips.com



RE: Settlement Conference in Velasco v. Pentagon Tech., 24-cv-05307-VC

From Crittenden, Joseph <jcrittenden@fisherphillips.com>

Date Mon 07-Jul-25 5:48 PM

To KAW Settlement <KAWsettlement@cand.uscourts.gov>

Cc Hamann, Lisa <lhamann@fisherphillips.com>; Wahlberg, Leah <lwahlberg@fisherphillips.com>; Geller, Jason <jgeller@fisherphillips.com>; Geronimo Velasco <monongiko@aol.com>

Dear Dria,

Mr. Velasco has made several filings since we last spoke on June 4, 2026, and I write with administrative and scheduling questions regarding the details of the new settlement conference date consistent with Judge Chhabria's order in ECF 74 as well as whether any pending filings will have any impact on scheduling.

On June 27, 2025, Mr. Velasco and I attended a court hearing, where Judge Chhabria advised he would be ordering the Parties to attend the Settlement Conference at a date earlier than the current September 19, 2025 date. On Wednesday, July 2, 2025, Judge Chhabria issued a written order in ECF 74 that the Parties are ordered to attend a Settlement Conference on August 1, 2025, stating further that "[t]he parties should contact Judge Westmore's chambers for details."

Scheduling is difficult for the defense team's required attendees because we must coordinate with a client representative, a representative from our carrier, and our lead trial counsel, who all have limited availability. The defense team has a few questions that would be helpful in facilitating our ability to meaningfully participate at the Settlement Conference.

1. Though ECF 74 orders the parties to attend an August 1, 2025 date, has Judge Westmore confirmed this date is available? One of our required participants has had plans since January for a vacation from 7/28/25 to 8/1/25. Are there other dates close in time to the ordered August 1, 2025 date?
2. If there are no other additional dates available, would our required participants be permitted to attend telephonically? I recall Judge Westmore permitted our carrier to appear by video at the original conference. Would this flexibility also apply to our client representative?
3. Would this new conference be set for a half-day of approximately four hours, and when will the conference begin?
4. On May 7, 2025, Judge Westmore postponed the May 9, 2025 Settlement Conference to allow Velasco's May 29, 2025 motion to be heard. The Court denied that motion. Mr. Velasco has since filed additional motions in this matter, and this weekend, Mr. Velasco submitted email correspondence to the Ninth Circuit regarding an "Emergency Petition for Writ of Mandamus." Will the new Settlement Conference be postponed again if any other motions or appeals are filed in this matter?
5. Will there be any revised deadlines for updating our Settlement Conference Statements?

Lastly, in my last email to you on June 4, 2025, I advised that I followed up with Mr. Velasco twice since we (you and I) last spoke on May 27, 2025 via email. We (again, you and I) did indeed speak to each other on May 27, 2025 in an email message in this thread, where I advised to you that the last time Mr. Velasco communicated with me was Friday, May 23, 2025. After speaking with you on May 27, 2025, I followed up with Mr. Velasco on May 28, 2025 in an email message and again on June 2, 2025 in another email message to him. When I sent my June 4, 2025 email to you, I had not heard back from Mr. Velasco. I did not hear from Mr. Velasco until June 6, 2025 at around 2:27pm when he sent an email to me, which was one day after the June 5, 2025 ECF notification titled "Clerk's Notice Setting Settlement" was sent to the Parties in ECF 59 setting the conference for September 19, 2025.

Please let me know if you have any other information to provide about the new Settlement Conference date.

Best,

Joseph



Joseph Crittenden
Associate

Fisher & Phillips LLP
1 Montgomery Street | Suite 3400 | San Francisco, CA 94104
jcrittenden@fisherphillips.com | O: (415) 490-9027

vCard | Bio | Website On the Front Lines of Workplace LawSM

07/02/2025	74		<p>ORDER. The parties are ordered to attend a settlement conference with Judge Westmore on August 1. A client representative with decisionmaking authority must be in attendance for the defendant. The parties should contact Judge Westmore's chambers for details. Signed by Judge Vince Chhabria on 7/2/2025. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (vclcl, COURT STAFF) (Filed on 7/2/2025)</p> <p>Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)</p> <p>(Entered: 07/02/2025)</p>
07/02/2025	75	<input type="checkbox"/> 226.0 KB	<p>Plaintiffs Emergency Constitutional Motion. Following Courts Denial of Reconsideration 73 Order, Terminate Motions, filed by Geronimo Velasco. Responses due by 7/16/2025. Replies due by 7/23/2025. (Velasco, Geronimo) (Filed on 7/2/2025) Modified on 7/3/2025 (kmg, COURT STAFF). (Entered: 07/02/2025)</p>
07/08/2025	76		<p>Order by Judge Vince Chhabria re Dkt. No. 75 Motion to Amend/Correct. The motion is denied. The case management conference was not procedurally defective because the order relating cases stated that CMCs in reassigned cases would be rescheduled, but the case management conference was originally scheduled in this case, which was not reassigned. Velasco's motions are moot because he suffered no prejudice from the order to show cause because that order was discharged. Velasco is warned that if he continues to file repetitive, frivolous motions, he may be subject to sanctions. Signed on 7/8/25. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (vclc3, COURT STAFF) (Filed on 7/8/2025)</p> <p>Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF)</p> <p>(Entered: 07/08/2025)</p>
07/10/2025	77		<p>CLERK'S NOTICE ADVANCING SETTLEMENT CONFERENCE.</p> <p>YOU ARE NOTIFIED THAT the Settlement Conference previously scheduled for 9/19/2025 has been advanced to 8/8/2025 at 1:00 PM in Oakland - Location To be determined - before Magistrate Judge Kandis A. Westmore.</p> <p>Updated full confidential settlement statements due by 7/29/2025, and should be emailed to KAWSettlement@cand.uscourts.gov.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (ccf, COURT STAFF) (Filed on 7/10/2025) (Entered: 07/10/2025)</p>

Total filesize of selected documents (MB): 0

Maximum filesize allowed: 51 MB

TAB HH

PACER Service Center

EXHIBIT F-11
A - 363

Thank you for your immediate response to this high-priority inquiry.

Best,

Joseph



Joseph Crittenden
Associate

Fisher & Phillips LLP
1 Montgomery Street | Suite 3400 | San Francisco, CA 94104
jcrittenden@fisherphillips.com | O: (415) 490-9027

[vCard](#) | [Bio](#) | [Website](#) *On the Front Lines of Workplace LawSM*

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error, then immediately delete this message.

From: monongiko@aol.com <monongiko@aol.com>

Sent: Sunday, June 22, 2025 5:36 PM

To: Crittenden, Joseph <jcrittenden@fisherphillips.com>; Geller, Jason <jgeller@fisherphillips.com>; Wahlberg, Leah <lwahlberg@fisherphillips.com>; Hamann, Lisa <hamann@fisherphillips.com>

Subject: Rule 11 Safe Harbor Notice – Velasco v. Pentagon Tech, No. 3:24-cv-05307-VC

Dear Counsel,

Please find attached Plaintiff's Rule 11 Safe Harbor Notice, including the Certificate of Service, served pursuant to Federal Rule of Civil Procedure 11(c)(2). This notice provides the required twenty-one (21) day period to withdraw or appropriately correct the filings and representations identified therein before a motion for sanctions is filed.

Respectfully,

/s/ Geronimo Velasco

Geronimo Velasco

Plaintiff Pro Se

EXHIBIT F-12
EXHIBIT F-12

		Exhibit D - How to File a Charge of Employment Discrimination)(Crittenden, Joseph) (Filed on 5/8/2025) (Entered: 05/08/2025)
05/09/2025		Set/Reset Deadlines as to 48 ADMINISTRATIVE MOTION Motion for Clarification and Ruling_ Plaintiffs Request for Equitable Tolling-Memorandum of Points and Authorities Filed slightly after midnight; Plaintiff respectfully request that the Court treat as timely and allow May 29 Motion Hearing set for 5/29/2025 at 10:00 AM in San Francisco, Courtroom 04, 17th Floor before Judge Vince Chhabria. (bxs, COURT STAFF) (Filed on 5/9/2025) (Entered: 05/09/2025)
05/28/2025	57	CLERK'S NOTICE VACATING 5/29/2025 MOTION HEARING. The Court will issue a written ruling based on the motion and responsive briefs. (This is a text-only entry generated by the court. There is no document associated with this entry.) (bxs, COURT STAFF) (Filed on 5/28/2025) Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF) (Entered: 05/28/2025)
05/30/2025	58	CASE MANAGEMENT STATEMENT filed by Pentagon Technologies Group, Inc.. (Crittenden, Joseph) (Filed on 5/30/2025) (Entered: 05/30/2025)
06/05/2025	59	CLERK'S NOTICE SETTING SETTLEMENT CONFERENCE. Please take notice that a Settlement Conference is scheduled for 9/19/2025 at 10:00 AM in Oakland - Courtroom To be determined. Updated confidential settlement statements due by 9/9/2025, and should be emailed to KAWSettlement@cand.uscourts.gov. The parties are directed to review and comply with the Courts settlement conference standing order available at www.cand.uscourts.gov/judges/westmore-kandis-a-kaw. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ccf, COURT STAFF) (Filed on 6/5/2025) (Entered: 06/05/2025)
06/05/2025	60	Second Settlement Conference Meet and Confer Order. Signed by Judge Kandis A. Westmore on 6/5/2025. (ccf, COURT STAFF) (Filed on 6/5/2025) (Entered: 06/05/2025)
06/06/2025	61	ORDER Denying 48 Motion for Clarification. Signed by Judge Vince Chhabria on 6/6/2025. (vclcl1, COURT STAFF) (Filed on 6/6/2025) Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF) (Entered: 06/06/2025)
06/06/2025	62	Minute Entry for proceedings held before Judge Vince Chhabria: Further Case Management Conference held via Zoom on 6/6/2025. Defense counsel indicated that while plaintiff has been generally responsive, there has been a lack of communication for the past two weeks. Court to issue Order to Show Cause as to why case should not be dismissed for failure to prosecute. Show Cause Response due by 6/20/2025. Order to Show Cause Hearing set for 6/27/2025 at 10:00 AM via Zoom. Total Time in Court: 5 minutes. Court Reporter: Hearing recorded via Zoom: 10:48 - 10:53. Plaintiff Attorney: No Appearance. Defendant Attorney: Joseph Crittenden. (This is a text-only entry generated by the court. There is no document associated with this entry.) (bxs, COURT STAFF) (Date Filed: 6/6/2025) (Entered: 06/06/2025)
06/06/2025	63	ORDER to Show Cause. Response due June 20. Signed by Judge Vince Chhabria on 6/6/2025. (vclcl1, COURT STAFF) (Filed on 6/6/2025) Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF) (Entered: 06/06/2025)
06/20/2025	64	RESPONSE TO ORDER TO SHOW CAUSE by Geronimo Velasco . (Attachments: # 1 Declaration OF GERONIMO VELASCO IN SUPPORT OF RESPONSE TO ORDER TO SHOW CAUSE, # 2 Exhibit A

		Email Communications Re Settlement Conference (May/June 2025), # 3 Exhibit B Email Chain Between Plaintiff and Defense Counsel, # 4 Exhibit C- Related Case Order (Dkt. 29).pdf)(Velasco, Geronimo) (Filed on 6/20/2025) (Entered: 06/21/2025)
06/22/2025	65	EMERGENCY MOTION TO DECLARE JUNE 6, 2025 PROCEEDINGS VOID AB INITIO AND DISCHARGE ORDER TO SHOW CAUSE re 63 Order, re 64 Response to Order to Show Cause filed by Geronimo Velasco. Responses due by 7/7/2025. Replies due by 7/14/2025. (Attachments: # 1 Declaration (Supplemental Declaration of Geronimo Velasco), # 2 Exhibit A June 9, 2025 Kaiser Visit Summary (Redacted Confidential per Dkt. 47), # 3 Exhibit B-Correspondence with Assemblymember Liz Ortega's Office Re SDI and EDD Case Support)(Velasco, Geronimo) (Filed on 6/22/2025) (Entered: 06/22/2025)
06/23/2025	66	MOTION for Leave to File filed by Geronimo Velasco. (Attachments: # 1 Exhibit (Attachment A - [Proposed] Motion for Reconsideration of Order Denying Motion for Clarification and Ruling on Equitable Tolling), # 2 Declaration of Geronimo Velasco in Support of Motion for Leave to File Motion for Reconsideration)(Velasco, Geronimo) (Filed on 6/23/2025) (Entered: 06/24/2025)
06/27/2025	68	Minute Entry for proceedings held before Judge Vince Chhabria: Show Cause Hearing held via Zoom on 6/27/2025. Order to show cause is lifted. 65, 66 denied as moot. Court encouraged parties to contact the magistrate judge immediately to tee up any discovery issues. Total Time in Court: 14 minutes. Court Reporter: Hearing recorded via Zoom: 11:31 - 11:45. Plaintiff Attorney: Geronimo Velasco (Pro Se). Defendant Attorney: Joseph Crittenden. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (bxs, COURT STAFF) (Date Filed: 6/27/2025) Proceedings transcribed by Tara Jauregui of Echo Reporting (echoreporting@yahoo.com) Modified on 7/1/2025 (jaf, COURT STAFF). (Entered: 06/30/2025)
06/28/2025	67	Notice of Supplemental Record Preservation, RE: Rule 11(c) Sanctions and Procedural Integrity following OSC Discharge by Geronimo Velasco. (Velasco, Geronimo) (Filed on 6/28/2025) Modified on 6/30/2025 (kmg, COURT STAFF). (Entered: 06/28/2025)
06/30/2025	69	TRANSCRIPT ORDER for proceedings held on June 27, 2025 before Judge Vince Chhabria by Geronimo Velasco, for Recorded Proceeding - San Francisco. (Velasco, Geronimo) (Filed on 6/30/2025) (Entered: 06/30/2025)
06/30/2025	70	Letter Notice of Good Faith Discovery from Geronimo Velasco RE: <i>Request for Magistrate Judge Discovery Oversight.</i> (Velasco, Geronimo) (Filed on 6/30/2025) Modified on 7/1/2025 (kmg, COURT STAFF). (Entered: 06/30/2025)
06/30/2025	71	MOTION for Reconsideration re 68 Show Cause Hearing - Non Evidentiary, Order on Motion for Miscellaneous Relief, Order on Motion for Leave to File,, 67 <i>Statement Plaintiffs Motion for Reconsideration of Minute Entry (Dkt. 68) and Constitutional Clarification</i> filed by Geronimo Velasco. (Velasco, Geronimo) (Filed on 6/30/2025) Modified on 7/1/2025 (kmg, COURT STAFF). (Entered: 07/01/2025)
07/02/2025	72	Transcript of Proceedings held on 06/27/25, before Judge Vince Chhabria. Court Reporter/Transcriber Echo Reporting, Inc., telephone number echoreporting@yahoo.com. Tape Number: 11:31 - 11:45. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re 69 Transcript Order) Redaction Request due 7/23/2025. Redacted Transcript Deadline set for 8/4/2025. Release of Transcript Restriction set for 9/30/2025. (Related documents(s) 69) (Jauregui, Tara) (Filed on 7/2/2025) (Entered: 07/02/2025)
07/02/2025	73	ORDER. The 71 motion for reconsideration is denied. Signed by Judge Vince Chhabria on 7/2/2025. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (vclcl, COURT STAFF) (Filed on 7/2/2025) Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF) (Entered: 07/02/2025)

07/02/2025	74	<p>ORDER. The parties are ordered to attend a settlement conference with Judge Westmore on August 1. A client representative with decisionmaking authority must be in attendance for the defendant. The parties should contact Judge Westmore's chambers for details. Signed by Judge Vince Chhabria on 7/2/2025. (This is a text-only entry generated by the court. There is no document associated with this entry.) (vclcl, COURT STAFF) (Filed on 7/2/2025)</p> <p>Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF) (Entered: 07/02/2025)</p>
07/02/2025	75	<p>Plaintiffs Emergency Constitutional Motion. Following Courts Denial of Reconsideration 73 Order, Terminate Motions, filed by Geronimo Velasco. Responses due by 7/16/2025. Replies due by 7/23/2025. (Velasco, Geronimo) (Filed on 7/2/2025) Modified on 7/3/2025 (kmg, COURT STAFF). (Entered: 07/02/2025)</p>
07/08/2025	76	<p>Order by Judge Vince Chhabria re Dkt. No. 75 Motion to Amend/Correct. The motion is denied. The case management conference was not procedurally defective because the order relating cases stated that CMCs in reassigned cases would be rescheduled, but the case management conference was originally scheduled in this case, which was not reassigned. Velasco's motions are moot because he suffered no prejudice from the order to show cause because that order was discharged. Velasco is warned that if he continues to file repetitive, frivolous motions, he may be subject to sanctions. Signed on 7/8/25. (This is a text-only entry generated by the court. There is no document associated with this entry.) (vclcl3, COURT STAFF) (Filed on 7/8/2025)</p> <p>Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF) (Entered: 07/08/2025)</p>
07/10/2025	77	<p>CLERK'S NOTICE ADVANCING SETTLEMENT CONFERENCE.</p> <p>YOU ARE NOTIFIED THAT the Settlement Conference previously scheduled for 9/19/2025 has been advanced to 8/8/2025 at 1:00 PM in Oakland - Location To be determined - before Magistrate Judge Kandis A. Westmore.</p> <p>Updated full confidential settlement statements due by 7/29/2025, and should be emailed to KAWSettlement@cand.uscourts.gov.</p> <p>(This is a text-only entry generated by the court. There is no document associated with this entry.) (ccf, COURT STAFF) (Filed on 7/10/2025) (Entered: 07/10/2025)</p>
07/11/2025	78	<p>Letter from Plaintiff Regarding Scheduling Conflict and Request for Clarification of Settlement Date (re Dkts. 74 and 77) . (Velasco, Geronimo) (Filed on 7/11/2025) (Entered: 07/11/2025)</p>
07/14/2025	79	<p>MOTION for Sanctions filed by Geronimo Velasco. Responses due by 7/28/2025. Replies due by 8/4/2025. (Attachments: # 1 Declaration of Geronimo Velasco in Support of Motion for sanctions Pursuant to Federal Rule of Civil Procedure 11, # 2 Exhibit A - Rule 11 Safe Harbor Notice (Orig. Attachment -June 22), # 3 Exhibit B - Defendants Case Management Statement (Dkt. 58), # 4 Exhibit C - Email Confirming Filing of Dkt. 58, # 5 Exhibit D - Emails June 2627, 2025 (Defense Exposure), # 6 Exhibit E - Emails June 2225, 2025 (Harassment Allegation), # 7 Exhibit F - Dkt. 76 Courts CMC Order (July 8, 2025), # 8 Exhibit G - Dkt. 29 Vacatur Order (Feb. 10, 2025), # 9 Exhibit H - Dkt. 72 - Transcript of the June 27 OSC Hearing, # 10 Exhibit I - Dkt. 64-2 Email Chain Showing Timeline Misrepresentation)(Velasco, Geronimo) (Filed on 7/14/2025) (Entered: 07/14/2025)</p>
07/15/2025	80	<p>ORDER Addressing Concerns in Plaintiff's 78 Notice Regarding Scheduling Conflict. Signed by Judge Kandis A. Westmore on 7/15/2025. (ccf, COURT STAFF) (Filed on 7/15/2025) (Entered: 07/15/2025)</p>
07/18/2025	81	<p>Direct filed Emergency Petition for Writ of Mandamus and Motion For Immediate Intervention to the Ninth Circuit Court of Appeals, Case Number 25-4274. (cjl, COURT STAFF) (Filed on 7/18/2025) (Entered: 07/18/2025)</p>
07/18/2025	82	<p>Letter from Geronimo Velasco, pro se . (Attachments: # 1 Declaration of Geronimo Velasco in Support of Notice of Appellate Filing And Supplemental Submission, # 2 Exhibit A EDSS Submission Confirmation Screenshot, # 3 Exhibit B Email Notification to Ninth Circuit Clerk (sent at 6:10 AM PT), # 4 Exhibit C District Court Docket Notification (Dkt. 81 entered July 18, 2025, at 3:09PM), # 5 Exhibit D EDSS Upload Progress Screenshot showing Submit completion, # 6 Exhibit E Filed Supplemental Brief with Certificate of Service and SupplementalAppendix)(Velasco, Geronimo) (Filed on 7/18/2025) (Entered: 07/18/2025)</p>
07/21/2025	83	<p>ORDER of USCA No. 25-4274 as to 81 No further filings will be entertained in this closed case. DENIED. (kmg, COURT STAFF) (Filed on 7/21/2025) (Entered: 07/25/2025)</p>