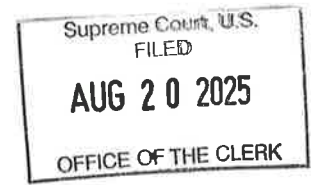


25A246

No. 25-5291



In the

Supreme Court of the United States

CONSUELO SALDANA and IVA DOMINGUEZ,

Petitioners,

vs.

WILLIAM CAMPANA,

Respondent.

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

**APPLICATION FOR STAY OF EXECUTION
EMERGENCY STAY REQUESTED**

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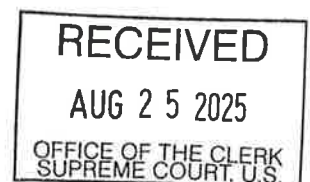


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PARTIES TO THE PROCEEDING

96-year-old Consuelo Saldana, and her daughter Iva Dominguez, constitute the petitioners before this Court. Consuelo had in 1987 used the proceeds of 60 years as a housemaid to purchase the home in which Petitioners still live, and which forms the subject matter of this litigation.

Respondent is William Campana, the wealthy step-brother of Petitioner Iva Dominguez, Consuelo's daughter. Exploiting a manifest fraud perpetrated on the illiterate Consuelo by his father in 1987, Campana sued in 2017 to take Petitioners' home from them. The Los Angeles Superior Court denied Petitioners a jury trial to defend their home, in violation of the U.S. and California Constitutions. On December 12, 2022 the court granted Campana an interlocutory judgment for the partition and sale of Petitioners' home, and for the proceeds to go substantially to Campana as fees and "compensatory adjustments."

This would evict Petitioners from their own home they had purchased in 1987 and lived in since then and render the indigent Petitioners penniless and homeless.

STATEMENT OF RELATED PROCEEDINGS

There was one related appeal, filed on August 8, 2023, under California Appeal Case B332152, captioned *Iva Dominguez Et Al. V. William Campana*, in which Petitioners had sued Respondent for Respondent's having filed unsuccessfully a host of other later-dismissed claims which Respondent Campana had admitted under oath to have been fabricated and perjured. Defending against those fake claims had bankrupted and rendered them financially crippled in defending against the one claim on which Respondent, because of the denial to Petitioners of a jury, had prevailed in an illegal bench trial.

That case was dismissed on technical grounds.

There are no additional litigation proceedings that are related to this case.

APPLICATION FOR STAY OF EXECUTION

Pursuant to Rule 23 of the Rules of this Court, Petitioners hereby apply for a stay of execution of the lower court judgment herein, which would, if not stayed, result in immediate sale of Petitioners' home of 38 years, pocketing of the proceeds by a wealthy predator step-brother of Petitioner Iva Dominguez, and render Petitioners homeless.

Until June 5, 2025, days ago, this matter had been stayed pending appeal, pursuant to a lower court order, petitioners having provided an approved surety bond, accepted by the lower court, in an amount far in excess of the amount required under California law, as discussed below.

On June 5, 2025, the lower court lifted the stay, on the apparent reasoning that the current Petition for Certiorari to the United States Supreme Court does not constitute an appeal, ruling that: "[This] Court has no basis to continue the stay in this matter."¹ On July 31, 2025, Petitioners were served with a Notice to Vacate their home by August 5, 2025.²

The pendency of the lower court's interlocutory order for the sale of Petitioners' home and the expected disbursement of proceeds to the predatory step-brother Respondent as fees and costs, constitutes irreparable harm: it threatens to leave Petitioners homes and penniless.

¹ Appendix, item 4, Order Dated June 5, 2025, Lifting Stay

² Appendix, item 6, Notice to Vacate dated July 31, 2025

Petitioners had applied on or about July 2, 2025 to the United States Supreme Court, pursuant to Rule 23 of the Rules of that Court, for a stay of execution of the lower court judgment herein, after withdrawal by the lower court of its stay order. The Clerk of the United States Supreme Court informed Petitioners on July 9, 2025³ that they could apply to that Court for a stay only after such stay had been requested of, and denied by, this honorable Court.

SUMMARY OF FACTS

Petitioner Consuelo Saldana, a former immigrant from Peru who worked as a housemaid for 60 years, used her earnings to purchase her modest home in 1987. Ms. Saldana now suffers from Alzheimers.

Respondent's, and Appellant Iva Dominguez's, father, Consuelo's former lover, Mario Campana, had in 1987 lent Consuelo \$10,000 towards the down payment, because Mario, who was married and had other mistresses while supporting Respondent, his son, had never paid support for their then-16-year-old daughter, Petitioner Iva Dominguez.

Mario, a wealthy landowner, had arranged that the home was placed in both his and Consuelo's names, explaining to the illiterate and gullible Consuelo that he needed security for repayment of his loan. Although the

³ See Appendix, Item 5: Letter from The Clerk of the United States Supreme Court to Appeal First to the California Supreme Court prior to seeking Stay Relief from U.S. Supreme Court

\$10,000 loan was promptly repaid within about a year of 1987, he never signed over his recorded half title in the home back to Consuelo.

In 2013, Mario, despite having made continuous promises to honor his legal obligation to sign back to Petitioners the recorded half title which he had wrongly retained, instead surprisingly transferred it to Respondent. In 2016, he died. Respondent promptly in 2017 sued Petitioners, Consuelo and her daughter Iva, who is Respondent's stepsister, along with Iva's husband, to sell the home and take half the proceeds.

Respondent claimed the remainder of the home proceeds, and more, as legal fees and damages, including punitive damages, based on several counts falsely alleging a fantastic imaginary concept of a complex business partnership between the late father and the illiterate housemaid Consuelo. Those counts were later all dismissed, with Respondent testifying under oath that all the claims had been false, fabricated and supported by his own perjury.

Petitioners countersued to protect their home. The court denied them a jury trial, in violation of the U.S. and California constitutions and applicable California Supreme Court law, as more fully set out in Petitioners' Petition to this Court for Certiorari. Despite virtually all of the six-day trial comprising testimony on legal issues requiring a jury, after a bench trial, Respondent Campana obtained an interlocutory judgment for the partition and sale of Petitioners' home, which would render the indigent Petitioners

homeless.⁴

Under the harsh terms of the judgment, Petitioners' equity in their home could also likely be awarded to Respondent as legal fees, costs, and "compensatory adjustments," so that respondent, the step-brother of Petitioner Iva Dominguez, would have succeeded not merely in "partitioning" the home of Petitioners, also having effectively taking it for himself without reimbursement. This would be manifestly unjust and should shock the conscience.

On March 4, 2023, the lower court, as required by California Code of Civil Procedure §918.5 and California Code of Civil Procedure §917.4, stayed execution of its order, requiring a surety bond of \$250,000.00, notwithstanding that the applicable California Statutes required a bond of only a fraction of that amount. That bond was duly provided by Petitioners and approved by the court and remains in effect.⁵

On June 5, 2025, the lower court lifted the stay, on the apparent reasoning that the current Petition for Certiorari to the United States Supreme Court does not constitute an appeal, ruling that: "[This] Court has no basis to continue the stay in this matter."⁶ On July 31, 2025, Petitioners were served with a Notice to Vacate their home by August 5, 2025.⁷

⁴ Appendix, item 1, Interlocutory Order of Los Angeles Superior Court Dated December 12, 2022 Ordering Partition and Sale of Petitioners' Home of 38 Years

⁵ Appendix, Item 3, Surety Bond For \$250,000.00 filed April 14, 2023

⁶ Appendix, item 4, Order Dated June 5, 2025, Lifting Stay

⁷ Appendix, item 6, Notice to Vacate dated July 31, 2025

ARGUMENT

Under Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Court may stay a preliminary injunction entered by a lower court. To obtain such relief, an applicant must show a likelihood of success on the merits, defined as whether, after granting a certiorari petition, there is a “fair prospect” that the justices will permanently overrule the lower court; a reasonable probability of obtaining certiorari, and a likelihood of irreparable harm. See *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam). In “close cases,” the Court will also balance the equities. *Ibid.* Those factors strongly favor a stay of execution of the lower court’s interlocutory judgment in this case.

Additionally, Rule 23 requires that an “application for a stay shall set out with particularity why the relief sought is not available from any other court or judge.” This Application explains that with particularity below, before detailing Respondents’ contentions about the fair prospect that the justices will permanently overrule the lower court, a reasonable probability of obtaining certiorari, and the likelihood of irreparable harm to Petitioners if the stay were not granted, particularly in light of the balance of equities involved.

I. THE RELIEF SOUGHT IS NOT AVAILABLE FROM ANY OTHER COURT OR JUDGE.

- A. **A. The Relief Sought Was Previously Allowed In The Appropriate Court Below And Became Unavailable Only Yesterday, After the Original Court Had Arbitrarily Withdrawn That Relief and the California Supreme Court Denied An Emergency Stay.**

As noted above, on March 4, 2023, the trial court, as required by California Code of Civil Procedure §918.5 and California Code of Civil Procedure §917.4, had stayed execution of its order, requiring a surety bond of \$250,000.00, notwithstanding that the applicable California Statutes required a bond of only a fraction of that amount.⁸ That bond⁹ was duly provided by Petitioners and approved by the court and remains in effect.

As noted above, the Clerk of this United States Supreme Court returned Petitioner's Application for emergency stay on July 9, 2025, requiring first appeal to the California Supreme Court. That Court has now denied a stay.¹⁰

Because Petitioners were served on July 31, 2025 with a Notice to Vacate their purchased home of 38 years by August 5, 2025,¹¹ Petitioners' situation has now become dire, and only this Court can save them.

B. The Trial Court Order Ending The Stay States No Valid Grounds And Appears Arbitrary

On June 5, 2025, the lower court lifted its stay, on the apparent reasoning that the current petition to the United States Supreme Court

⁸ California Code of Civil Procedure § 917.4 provides that the appeal bond shall be for any "waste and the value of the use and occupancy of the property" between the time of appeal and the time of resolution. Despite this and the fact that Petitioners are unlikely to commit any waste on their own home, the lower court required a bond for the full estimated amount of Petitioners' interest in their home, that is, the total amount potentially recoverable from Petitioners. A bond in that amount was supplied, so that it also covers the current appeal

⁹ Appendix, Item 3, Surety Bond For \$250,000.00 filed April 14, 2023

¹⁰ Appendix, item 7, Notice of California Supreme Court denial of stay.

¹¹ Appendix, item 6, Notice to Vacate, *supra*.

does not constitute an appeal (under California law, appeal divests a trial court of jurisdiction pursuant to California Code of Civil Procedure § 916): “The Court has no basis to continue the stay in this matter.”¹²

That ruling by the lower court, which might be expected to contend that its own denial of the constitutional right to a jury would not be overturned, was arbitrary and ignores the irreparable harm facing Petitioners and the equities involved.

II. PETITIONERS ARE LIKELY TO SUCCEED ON THE MERITS

A. Petitioners Should Succeed On Their Petition, In Part Because They Were Gratuitously Denied A Jury In Violation Of The U.S. And California Constitutions Without Cogent Justification

As more fully discussed in the accompanying Petition for Certiorari, Petitioners had legally demanded, and were refused, a jury trial. In addition to the Seventh Amendment to the U.S. Constitution, and Article I § 16 of the California Constitution, Section 631(a) of the California Code of Civil Procedure guarantees the right to a jury trial in civil cases. The right of a jury trial in California is legally inviolate; when in doubt, it is necessary to resolve the issue in favor of allowing a jury trial.¹³

¹² Appendix, item 4, Order Dated June 5, 2025, Lifting Stay

¹³ In *Grafton Partners v. Superior Court* (2005) 36 Cal.4th 944, 950, 956-958, 961, 967, 32 Cal.Rptr.3d 5, 116 P.3d 479 (*Grafton*), our Supreme Court held that, the waiver methods specified in section 631 are exclusive because our state Constitution identifies the right to jury trial as "inviolate". *Grafton* cites California Constitution, Art. I, § 16): any ambiguity or doubt concerning the waiver provisions of section 631 must be "resolved in favor of according to a litigant a jury trial." (*Loranger v. Nadeau*, 14*14 supra, 215 Cal. at p. 368, 10 P.2d 63; *Cohill v.*

And, civil actions of a legal nature entitle a party to a trial by jury. *Helpers Local No. 391 v. Terry*, 494 U.S. 558 (1990); *Davis v. Security-First Nat. Bank* (1934) 1 Cal.2d 541, 542 [36 P.2d 649]. Virtually all of the six-day trial comprised testimony on legal issues requiring a jury. The only other “issue” in the case had been stipulated by the parties before trial, namely that Respondent still retained a document purporting to show that Respondent’s father had deeded Respondent the recorded half-interest in the home retained in 1987 as security for the \$10,000 downpayment loan repaid within about a year of 1987. The other five and a half days were spent on Petitioners’ proof, with numerous witnesses providing largely unchallenged testimony, that the trial court ignored and a jury would not have, including and not limited to that Respondent’s and Petitioner Iva Dominguez’s late father Mario had made continuous promises, including in enforceable contracts, to honor what he had repeatedly admitted to other family members was his legal obligation to sign back to Petitioners the recorded half title which he had wrongly retained; and that Petitioners had in any event established their right to their home under California’s laws of adverse possession. This is more fully discussed in the accompanying Petition for Certiorari and its voluminous exhibits.

III. THE REMAINING FACTORS SUPPORT RELIEF

Nationwide Auto Service, 16 Cal.App.4th at p. 699, 19 Cal.Rptr.2d 924; *Byram v. Superior Court*, 74 Cal.App.3d at p. 654, 141 Cal.Rptr. 604.”

In deciding whether to grant emergency relief, this Court also normally considers whether the underlying issues warrant its review, whether the applicant likely faces irreparable harm, and, in close cases, the balance of equities. See *Hollingsworth*, 558 U.S. at 190. Those factors overwhelmingly support relief here.

A. The Issues Raised By This Case Warrant This Court's Review

The lower court's ruling arbitrarily denied a jury to the indigent defendants, favoring the wealthy step-brother, in circumstances where not only would a jury of Petitioners' peers most likely have ruled in their favor, prevailing law is that denial of a jury is per se wrong and no proof is required of specific evidentiary issues.

Because the issue of the right to a jury trial goes to the heart of the U.S. and California Constitutions and American law and culture as a whole, the issue of whether California courts may arbitrarily deny that right and under what circumstances, should warrant this Court's review.

B. The Lower Court's Interlocutory Order and Order Lifting Its Own Stay Of Execution Provide Documentary Proof Of Irreparable Harm To The Petitioners

The lower court's interlocutory order and order lifting its own stay of execution provide documentary proof of irreparable harm to the petitioners. Both of those documents are included in the Appendix submitted herein. The Petitioners' in forma pauperis status and accompanying application to proceed IFP and supporting declarations also substantiate that they are already penniless and would be placed on the streets if evicted from the home they purchased 38 years ago.

Other than physical execution, it is hard to imagine greater prejudice to innocent homeowners than to lose their home and be cast penniless and homeless onto the street.

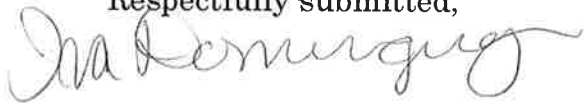
C. The Balance Of Equities Weighs Strongly In Favor Of The Petitioners

The balance of the equities also strongly favors the Petitioners. The wealthy Respondent, seeking to add to his pocketbook and real estate portfolio at the expense of his step-sister Petitioner Iva Dominguez and her family, cannot realistically argue that he faces any prejudice at all.

V. CONCLUSION: THIS COURT SHOULD GRANT A STAY IN THE INTERESTS OF JUSTICE TO PROTECT PETITIONERS AGAINST UNNECESSARY AND IRREPARABLE HARM

Petitioners respectfully submit that this Court should stay, pending Petitioners' current Petition of Certiorari, the lower court's interlocutory order and Notice to Petitioners to Vacate the home they purchased 38 years ago and have lived in since, to protect them from the catastrophic and irreparable consequences that the lower courts have ignored.

Respectfully submitted,



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APPENDIX

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2. Order of Stay Pending Appeal Upon Filing of Huge Surety Bond Filed April 10 2023	5a
3. Surety Bond For \$250,000.00 filed April 14, 2023	8a
4. Order Dated June 5, 2025, Lifting Stay	15a
5. Letter from The Clerk of the United States Supreme Court to Appeal First to the California Supreme Court prior to seeking Stay Relief from U.S. Supreme Court	19a
6. Notice to Vacate dated July 31, 2025	20a
7. Denial of Stay Issued by California Supreme Court	21a
8. Petition to California Supreme Court for Stay	22a

**Additional material
from this filing is
available in the
Clerk's Office.**

