

1 ABDUL-JALIL al-HAKIM
2 9717 D. St.
3 Oakland, CA 94603
4 Tel: (510) 394-4501
5 Plaintiff

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

Abdul-Jalil al-Hakim,
Plaintiff,
vs.
CSAA,
Defendant,
Case No.:C-8113373

) Case No.: C8113373
) Plaintiff Abdul-Jalil al-Hakim’s Declaration
) and Appendix in Support of Opposition
) Alameda County Superior Court Judge Jeff
) Brand Alleged Vexatious Litigant Proceeding
) (CCP 391(b)(3)) for Filing Challenges for
) Cause under CCP 170.1 and 170.3
)
)
) Hearing: OSC
) Hearing Date: April 19, 2019
) Time: 9:15 a.m.
) Location: Hayward Hall of Justice
) 24405 Amador Street
) Hayward, CA 94544
Department 511

TO JEFFERY BRAND, JUDGES OF THE ABOVE ENTITLED COURT

DECLARATION OF ABDUL-JALIL AL-HAKIM IN SUPPORT OF OPPOSITION BRIEF TO
ORDER TO SHOW CAUSE WHETHER THE COURT SHOULD DECLARE ABDUL- JALIL
AL-HAKIM TO BE A VEXATIOUS LITIGANT (CCP 391)

“Judicial challenges themselves are not, however, evidence a want or delay of prosecution. A party is entitled to challenge a judicial officer for cause or bias.” “The challenges appear to be filed in an earnest belief that the judges of this Court ought to be disqualified from deciding this case and that each successive challenge will overcome the prior's shortcomings.” “the Court hopes and encourages both parties to take this new judicial assignment as a good time to wipe the slate clean, forgive any earlier acrimony, and proceed to resolve and adjudicate the claims raised by the Complaint in normal order and good faith. Al-Hakim deserves a chance to have his claims adjudicated.” “Both parties deserve the rights to fair procedure and due process guaranteed to them by law. In short, this case deserves a chance to proceed on its merits, and now is an opportune time as any to do so.”

Judge Stephen Kaus, Tentative Ruling made September 11, 2018.

1 Judge Kaus admits to the courts acrimony and animus toward al-Hakim, and asks to wipe the
2 slate clean and move forward in good faith as al-Hakim deserves a chance to have his claims
3 adjudicated with *the rights to fair procedure and due process guaranteed to them by law!*

4 Reason for Late Submission

5 This document is submitted the last week of the hearing not out of neglect nor al-Hakim being
6 remise, but for two reasons:

7 1) a. because he waited to receive the orders from the February 25, 2019 hearings from the
8 court on the six motions pending in the CSAA case. The six orders were served March 26,
9 2019, well AFTER the scheduled filing of the initial opening brief in this matter of March 21,
10 2019, so that they would evade being included in same,

11 b. and the order from the unopposed, uncontested, three times failed to appear, defaulted
12 motion to vacate the unlawful detainer/writ of execution in the Green Key case. On April 3, April
13 15, and April 17, 2019, al-Hakim sent two faxes and emails each time to the court and opposing
14 parties requesting the order from the uncontested, defaulted motion. That's TEN REQUESTED
15 NOTICES and it has yet to be served even though it was unopposed and thrice defaulted for
16 failure to appear.

17 2) Due to the illegal eviction from the now defaulted Green Key case, al-Hakim was forced out
18 of his home with only two days to move and was unable to take anything! ALL al-Hakim's entire
19 69 years life long obtained belongings, every invaluable item he has ever acquired, including
20 everything of his family's personal property and his businesses property documented over
21 \$600,000, ALL his belongings from 40 years of residing in the home and was forced to leave
22 EVERYTHING, a completely furnished, 5 bedroom, 19 room, 3,800 sq ft home, including his
23 business and personal property, includes ALL personal and business effects, computers and
24 electronics, jewelry, artwork, audio and video recorder equipment and tapes, chandeliers, silver
25 and china ware, household items, furniture and fixtures, valuables, clothing, gym and exercise
26 equipment, spa and swimming pool goods, bedroom goods, kitchen ware, ALL food and
27 nutrition goods, supplies, gardening and pool supplies, tools, accessories and supplies, and over
28 \$100,000 in clothing, clothing accessories, sporting goods and equipment, clothing racks,
displays, manikins, athletic wear, gear, accessories, inventory of the family 62 year old non-profit
alone! These are among other things that were in the home on the premises.

1 Of note is the fact he left all his personal and business files that are now in the custody and
2 control of the opposition. al-Hakim has NONE of the files he had accumulated over his life of
3 years!

4 Green Key has total possession and control of ALL al-Hakim's possessions, Four times al-Hakim
5 has demanded the return of EVERYTHING, ALL ITEMS LEFT IN THE HOUSE, WITHOUT
6 ANY DAMAGE TO THEM! Green Key has NEVER responded to the demand. We are sure the
7 items of interest are in the control of the courts partners, law enforcement!

8 al-Hakim has been advised by friends and neighbors that some of his belongings were placed out
9 in the driveway of the home, fully exposed to the elements while there was record rainfall in the
10 area! al-Hakim stopped by the home and observed the same!

11 This places an intolerable burden on al-Hakim and makes it impossible to present this document
12 in a concise and cogent manner without the necessary documentary support.

13 Herein is Plaintiff Abdul-Jalil al-Hakim's declaration and appendix in support of the brief in
14 opposition to the THIRD Order to Show Cause in this Alleged Vexatious Litigant Proceeding in
15 six months.

16 **Defendant has not met their burden to show that al-Hakim is a "vexatious litigant"**

17 Defendant has not met their burden to show that al-Hakim is a "vexatious litigant" Under Cal.
18 Code of Civil Procedure section 391(b)(2), or 391(b)(3).

19 Defendants fail to address the following thirteen (13) issues raised in the order to show cause of:

- 20 1) that al-Hakim has a practice of filing meritless challenges
- 21 2) al-Hakim has a practice of filing challenges on the date of hearings, suggesting they are
22 frivolous and filed for purpose of delay in the same case or different case;
- 23 3) the relevant information in five cases;
- 24 4) the registers of action in the five cases;
- 25 5) al-Hakim repeats information from prior challenges that have been stricken in the same case
26 and other cases;
- 27 6) al-Hakim takes the position that proceedings cannot proceed until the court reads and
28 decides a challenge;
- 7) procedure of judges taking the challenges under submission ensured both that the court
reviewed and decided the challenge before issuing a substantive decision and that the
resolution of the substantive motion was not unduly delayed;

- 1 8) defendants does not discuss the allegations and other factual contentions of the challenges
2 that must have evidentiary support;
- 3 9) al-Hakim v. Superior Court, A156052, the Court of Appeal's order of 2/4/19 denied a
4 petition for writ of mandate and request for a stay, citing numerous authorities on what is
5 required for a meritorious challenge for cause. (Filed in al-Hakim v. EBMUD.);
- 6 10) al-Hakim has initiated 16 matters at the Court of Appeal and has initiated 8 matters at the
7 Supreme Court. (Exhs F and G.);
- 8 11) six motions pending. These motions have been continued repeatedly as a result of al-
9 Hakim's practice of filing lengthy challenges on the dates of the hearings;
- 10 12) how this directly impacts the operations and procedures of the court and through the use of
11 court resources indirectly imposes financial obligations that directly affect the court';
- 12 13) al-Hakim's practice of frivolous litigation tactics extend to the Court of Appeal in al-Hakim
13 v. California State Automobile Ass'n, A153640, and the Bankruptcy Court in In re al-Hakim,
14 US Bankr., N.D. CA, Case No. 18-41048 (both filed in al-Hakim v. CSAA)

14 Under Cal. Code of Civil Procedure section 391(b)(2), a "vexatious litigant" means a person
15 who, "[a]fter a litigation has been finally determined against the person, repeatedly re-litigates
16 or attempts to relitigate, in propria persona, either (i) the validity of the determination against
17 the same defendant or defendants as to whom the litigation was finally determined or (ii) the
18 cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded
19 by the final determination against the Same defendant or defendants as to whom the litigation
20 was finally determined."

21 Defendant has not met their burden to show that plaintiff attempted such litigation of the same
22 issue at least two times. (See Holcomb v. United States Bank Nat'l Ass'n (2005) 129 Cal. App.
23 4th at 1504.) and defendant doesn't explain how each litigated case compares to another, and why
24 each is a re-litigation of the other such that CCP 391(b)(2) is implicated. (See, e.g., First Western
25 Development Corp. v. Superior Court (1989) 212 Cal.App.3d 860, 867-868 ["The purpose of the
26 statutory scheme is to deal with the problem created by the persistent and obsessive litigant who
27 has constantly pending a number of groundless actions"])

28 Under CCP section 391(b)(3), a "vexatious litigant" means a person who, "[i]n any litigation
while acting in propria persona, repeatedly files unmeritorious motions, pleadings, or other
papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely
intended to cause unnecessary delay."

Defendant doesn't proceed through each case to explain why each motion that was filed and
discovery that was propounded was unnecessary or without merit. Plaintiffs litigation does not

1 include any unmeritorious papers, based on what was presented on this motion alone, defendant
2 did not meet their burden to show that plaintiff repeatedly has filed unmeritorious motions,
3 pleadings, or other papers, or that he conducts unnecessary discovery such that CCP section
4 391(b)(3) is implicated. Defendant fails to state the reasons why these actions were without
5 merit, frivolous or solely intended to cause unnecessary delay, it is not sufficiently addressed.

6 ALL Defendant's other examples are similarly lacking an explanation of why and how each of
7 plaintiffs filings are without merit, frivolous or solely intended to cause unnecessary delay with
8 NO explanation of the "scheme" behind the litigation cases, how they compare to another, and
9 why each is a "scheme" of the other.

10 Defendant doesn't proceed through each of the thirteen (13) issues raised in the order to show
11 cause and explain why and how each of them impacted litigation and the other the cases.

12 This action is PURELY RETALIATORY

13 Judge Jeff Brand, other judges listed herein, court clerks and superior court administration, in
14 concert with unscrupulous Federal, Sate County and local judicial, law enforcement,
15 governmental and legal entities and agencies ("entities") have committed over 150 violations
16 under United States and California State Constitutions against Plaintiff Abdul-Jalil al-Hakim that
17 have been graphically detailed and documented over 40 years! (United States Constitution
18 Amendments I, V, VI, VIII, XIV, For Violations of the Due Process Clause of the Fourteenth
19 Amendment Under Color Of State Law; Section 1983).

20 This action is PURELY RETALIATORY, calculated to foreclose on al-Hakim's civil rights as
21 promised to protect those judges known and documented to have repeatedly violated the law for
22 years and just like Brand, they have been, are and will be a defendant and witness in those
23 expected proceedings!! This is their collective legal defense effort to eliminate any possibility
24 of that ever happening!

25 Brand has a challenge matter still pending, has NOT issued a ruling in Green Key default after
26 their failing and refusing to file an opposition to the motion to vacate the writ of execution
27 awarded to them by default taken against al-Hakim and THREE (3) failures to appear to oppose
28 that motion, unlawfully evicting al-Hakim from his 40 year home, thereby strategically
delaying the order to avoid further evidence of fraud on court and to defeat this alleged vexatious
litigant action wherein the judges and courts have acted as defendants CSAA co-counsel and

1 CSAA has acted as judges counsel and government agent/informant for 20 years! BRANDS
2 ACTIONS IN THIS CASE ARE INDEFENSIBLE! THUS THIS VEXATIOUS ACTION

3 He installed the motion practice schedule to evade evidence of fraud on the court with the long
4 pending six (6) CSAA orders so they could not be presented.

5 This vexatious motion was filed on February 28, 2019, with opening brief due March 22, 2019,
6 and reply brief due April 5, 2019, and the hearing set for April 19, 2019. Brand finally issued the
7 long pending six (6) orders on March 24, 2019; three days AFTER the submission due date for
8 the opening brief.

9 al-Hakim waited to receive the orders BEFORE filing the opposition/reply brief to include the
10 orders as further evidence of Brands fraud on the court and exposing THIS frivolous motion as
11 his sole defense for his, the judges, and court administration continuing fraud, corruption and
12 conspiracy.

13 Court Scheduled Proceedings to Take Default against al-Hakim in VENDETTA Targeting al-
14 Hakim with their “Muslim Ban”

15 Brand even had the hearing set for Thursday, April 18, 2019 and then changed it to Friday, April
16 19, 2019, both dates that Brand knows al-Hakim will NOT be able to attend due to a 40 year
17 religious commitments know to Brand, defendants and the court, in another effort to take a
18 default against al-Hakim. On April 3, April 15, and today, April 17, 2019, al-Hakim sent two
19 faxes and emails each time to the court and opposing parties announcing the fact the court has
20 scheduled these proceedings in furtherance of their VENDETTA Targeting al-Hakim with their
21 Muslim Ban and requesting the hearing date be changed to a Monday or Wednesday. Thats TEN
22 REQUESTED NOTICES FOR A CONTINUANCE and they were NOT answered. Finally, later
23 on April 17, 2019, al-Hakim received an email from the department 511 clerk stating “*Abdul-*
24 *Jalil - Emailing the department is not sufficient notice for a continuance. If you need help*
25 *obtaining a continuance please feel free to seek counsel or contact the self help center. This*
26 *email address is only for people seeking reservations.”. (see **April 17, 2019 email from Dept***
27 **511 under Exhibit XX**)

28 This response clearly establishes their intent to take a default by design! The court can not
complain about the cost of litigation in al-Hakim cases when they are responsible for the
constant motions to continue, when they would not address the fact THEY chose the date without
any input from al-Hakim knowing that he could NOT attend and rather than make a mutual

1 accommodation, they suggest that he seek legal aid in filing a motion to continue! A

2 COMPLETE WASTE OF TIME AND MONEY SOLELY TO PERSECUTE AL-HAKIM AND
3 REWARD THE COURT AND DEFENDANTS!

4 Brand, the judges, the court administrations, and opposing parties actions have altered the course
5 of litigation in scheduling proceedings on dates they know plaintiff can not attend and refusing to
6 schedule proceedings on dates that he can attend, delaying and denying reservation numbers to
7 file motions, failing to file or respond to plaintiff's filing of oppositions and contesting to rulings
8 and orders, demanding documents they already have or have better access to than al-Hakim,
9 adding and removing proceedings from the docket and register of actions without any
10 proceedings or authority, continuing the atmosphere of intolerable TERROR in furtherance of
11 their corruption and agenda of hate induced persecution and entrapment, with their version of the
12 targeted "al-Hakim Muslim Ban" (see 2/25/19 Brand Challenge at ¶¶ 20, Page 36-38)
13 **compounded with the** Grand, Systemic and Endemic Corruption (see 2/25/19 Brand Challenge
14 at ¶¶ 3, Page 23-25) has irreparably and irretrievably altered the legal outcome of the
15 proceedings herein questioned!

16 **VENDETTA- TARGETED AL-HAKIM "CAMPAIGN OF CALUMNY DECEIT"**

17 al-Hakim has long been targeted by United States Attorney General's Office- Department of
18 Justice; Federal and California State Judges, their ruling bodies and Associations; the Alameda
19 County Superior Court of California, United States Attorney's Office- Northern District; United
20 States District Court- Northern Division, Attorney General of California, Alameda County
21 District Attorney; City of Oakland and Oakland City Attorney; Federal, State and local law
22 enforcement; Federal, State and local politicians.

23 The targeting by Brand, the judges, Alameda County Superior Court Administration, Alameda
24 County District Attorney, City of Oakland and their City Attorney, California Attorney General,
25 Governor Jerry Brown, Senator Kamala Harris, CSAA, Wellpoint, EBMUD, AT&T, Equinix,
26 Interserver, and others, their contractors and agents (including its attorneys), with unscrupulous
27 judicial, law enforcement, governmental and legal entities in their VENDETTA- TARGETED
28 AL-HAKIM PERSECUTION, "MUSLIM BAN" by "FIXING CASES" in Furtherance of their
Corruption Agenda, IS PURE RETALIATION, with an aggressive campaign of calumny deceit,
encouraged opposing parties to do all that they can to cause the ruin of al-Hakim, his family,
their businesses, their business, real and personal property, his community and the clients they

1 serve. In the legal context, Brand, the judges and court administration, CSAA, their contractors
2 and agents (including its attorneys), with unscrupulous judicial, law enforcement, governmental
3 and legal entities are encouraged to use the process of litigation to "harass and discourage rather
4 than to win." "The Law can be *used* very easily to harass and enough harassment on somebody
5 who will be simply pushed to the thin edge, well knowing that he is not privileged, will generally
6 be sufficient to cause his professional if not physical death. If possible. of course, ruin him
7 utterly.

7 Their tactics are more extreme than muckraking or character assassination, wherein the court and
8 opposing parties fabricate and gathered negative, embarrassing or compromising information
9 about al-Hakim, publish and disperse that information as widely as possible to annihilate him by
10 destroying his credibility or moral character in any and all contexts leaving him a social and legal
11 "pariah" in society incapable of being associated with or represented.

12 Pursuant to the practices described herein, Brand, the judges and court administration, CSAA,
13 their contractors and agents (including its attorneys), with unscrupulous judicial, law
14 enforcement, governmental and legal entities set about to destroy Mr. al-Hakim. One of the many
15 things they did to al-Hakim was to offer compensation to bribe members of his family in an
16 effort to take his real, personal and business property from him and to cause him great pain and
17 suffering in hopes that he would perish. Ultimately, the court and CSAA proceeded to bludgeon
18 Mr. al-Hakim with over-burdensome litigation tactics, as well as communicating with and
19 intimidating his partners into abandoning him, leaving al-Hakim standing alone.

19 The court and CSAA intimidated, coerced, bribed, and otherwise elicited perjurious, slanderous,
20 libelous and false statements from various people about al-Hakim and implied prurient activities.
21 What al-Hakim did not know at that time, however, was the fact that agents, informants, and
22 contractors acted for and on behalf of Brand, the judges and court administration, CSAA, their
23 contractors and agents (including its attorneys), with unscrupulous judicial, law enforcement,
24 governmental and legal entities by unethical and criminal means, instigated the acts, which gave,
25 rise to the fraudulent, corrupt orders in underlying cases.

26 In doing so, Brand, the judges and court administration, CSAA, their contractors and agents
27 (including its attorneys), with unscrupulous judicial, law enforcement, governmental and legal
28 entities actions precluded Mr. al-Hakim from ever having a fair opportunity in any of his cases,
and makes it explicitly clear that he is anything but a vexatious litigant in that the unanswered

1 challenges and orders replete with perjurious, incriminating statements were not only false but
2 obtained through criminal conduct. In short the court instigated and committed criminal acts with
3 these entire “illegal proceedings” solely for the purpose of the unscrupulous judicial, law
4 enforcement, governmental and legal entities illegally utilizing the full force and resources of the
5 government in a covert criminal undercover sting operation by fostering, fabricating and
6 manipulating any filing, pleading, argument, facts, truth, faxes, emails, phone calls, voicemail
7 messages, letters, hearings, request, reservation numbers, motion practice, motion titles, ex-parte
8 applications, hearings, parties, appearances, continuances, schedules, proceedings, register of
9 actions, Court Domainweb, statements, evidence, testimony, documents, word, inference, vague
10 reference, or gesture that they can remotely interpret as evidence of any remote action they seek
11 to advocate to incriminate, charge, try, convict, incarcerate and eliminate al-Hakim, that
12 DESTROYED his legitimate suits and then sought to have Mr. al-Hakim declared a vexatious
litigant for seeking relief based on those criminal and civil violations of the law!

VENDETTA- TARGETED AL-HAKIM PERSECUTION

13 al-Hakim is a whistleblower being targeted in a VENDETTA for his “advocacy and activism,
14 race, religious belief, speech, political association or privileged conduct.” is being punished for:
15 (1) attempting to cure abuses against him in the Alameda County Superior Court, State Supreme
16 and Appeals Courts; (2) attempting to protect his constitutional rights from corrupt, biased,
17 incompetent judges acting in concert with unscrupulous judicial, law enforcement, governmental
18 and legal entities illegally utilizing the full force and resources of the government in a covert
19 criminal undercover sting operation; (3) exercising his right of free speech in making the above
20 attempts and exposing the corruption; (4) exposing the inner workings of this covert
21 overreaching judicial, governmental operation entailing judicial, political, corporate and law
22 enforcement corruption; (5) the complicit inept judicial system of serious malfeasance, a
23 complete denial of secrecy, security, and transparency that encompass anything that might
24 threaten their cover; (6) the cover up of the judicial system; (7) the criminal justices ability to
25 deliver injustice that prohibits their ability to defend themselves; (8) They have engaged in a total
26 evisceration, disembowel al-Hakim’s rights!

27 al-Hakim’s actions fall under the Constitution and the Amendment and the duty of vigorous
28 advocacy, where under color of law, these judicial, law enforcement, governmental and legal
entities criminal corruption and persecution sought to deprive plaintiff of litigation due him

1 contrary to the right to due process and immunity from takings without due process is a gross
2 abuse of discretion in violation of the law that will violate plaintiff's rights guaranteed under the
3 First, Fifth, Sixth and Fourteenth Amendment to the United States Constitution; First Clause of
4 Section 13 of Article I of California Constitution, art. VI, § 4 1/2; California Code of Civil
5 Procedure §§ 355, 356, 473, 475; Civ. Code, §§ 3523, 3528.

6 Some of those opposing parties CSAA, Wellpoint, City of Oakland, EBMUD, AT&T, Equinix,
7 Interserver and those referenced in the "Writ Racket", ALL of whom have been complained of
8 and/or to are in major part because al-Hakim reported the very obvious agenda of parties by
9 memorializing and exposing the judicial, law enforcement, governmental and legal entities
10 corruption and persecution and their involvement in the cover-up of that criminal corruption.
11 al-Hakim's viewpoints, are protected speech under the California Constitution. The court
12 harassed al-Hakim by engaging in a severe and pervasive scheme to suppress his constitutional
13 and statutory right to engage in protected activity, by threatening him with and by executing
14 against him punitive and adverse judicial actions, including delay and termination of his basic
15 rights to due process. The court created, tolerated and condoned a court environment that is
16 pervasively hostile to al-Hakim on account of viewpoints he holds regarding religion, politics
17 and whistleblowing activities. The court failed and refused to remedy this hostile environment,
18 and permitted al-Hakim to be harassed by both administrators and co-workers on account of his
19 viewpoints. The court has engaged in an ongoing and continuous course of harassment based on
20 al-Hakim's protected rights under the California Constitution.

21 The government are currently blocking al-Hakim's access to their commercial VPS internet
22 server WHM and multiple cPannels administration, the VPS web server, the logins to All services,
23 ALL incoming and outgoing email, websites and website traffic in an effort to censor, suppress,
24 conceal, and shut down their exposing the corruption of the courts and others, thereby covering
25 up their criminal acts!

26 They commandeered and absconded with al-Hakims ENTIRE SERVER destroying ALL the
27 businesses Aaron & Margaret Wallace Foundation hosts websites entities Superstar Management,
28 The Genius of Randy Wallace, Inc., Nowtruth, eX-whY Adventures, CAECAY and their
websites: Amwftrust.org, Superstarmanagement.com, Ex-Why.com, Nowtruth.org,
Greencleanascene.com, Nobooksnoballsports.org, Steppingto.org, Bawha.com, DrKenya.net,
Fightfordrghosh.org, CAECAY.org, Nstrongharmony.org; ALL their email address accounts;

1 propriety email list Futurist, MWBE, Newsalert, NIA, Superstars, Act, Lawaid, Politicos,
2 AMWF, Super Bowl Guest, Entrepreneur, and SJA!

3 They have shut down ALL their Twitter accounts: @ajalil, @FirstSSM, @Nowtruth1,
4 @EXWHYAD, @griotz, @AMWFND, @electionwin, and @caecay.

5 They have “scrubbed” the internet of any references and shut down their social media presence
6 to silence their voice exposing their criminal activity along with that of the Alameda County
7 Superior Court Administration, Alameda County District Attorney, City of Oakland and their
8 City Attorney, California Attorney General, Governor Jerry Brown, Senator Kamala Harris, and
9 others.

10 On June 17, 2018, al-Hakim found SpyWare Defendants Covertly Planted on al-Hakim’s
11 Company Computer through his web browser by defendants when he logged into his Interserver
12 and U. S. Federal Courts account.

13 The SpyWare was programed to take control of plaintiffs camera and microphone, to spy on their
14 Computer Activities, Instant Message, Chats, Software usage, Take Screenshots Remotely, See
15 File Transfers, Capture Key logs, Spy on Media Files, Spy on Emails, Spy on Browser Activities,
16 monitor your workplace or home remotely, notify them if it detects your computers activities,
17 including an alarm system, a recording system, and sending screengrabs of your PC or mobile
18 phone. The SpyWare can connect to multiple IP cameras and microphones, then automatically
19 starts recording whenever it captures motion and enable live remote viewing from any PC.

20 It’s a terrifying invasion of privacy that defendants with government agencies like the NSA can
21 take control of the webcam and microphone on your computer and spy on you without your
22 knowledge.

23 Previously, censorship had been implemented by them by blocking and blacklisting plaintiffs
24 servers IP’s, device IP’s, domain IP’s, email addresses with accomplices SORBS, SpamHaus,
25 RBL, SURBL, Mailchannels, Trouble-Free.net, Barracuda, ABUSE.NET, Exploits Bot List
26 (XBL), AbuseIPDB, Invaluent, MXToolBox, MultiRBL, URIBL, SURBL, Composite
27 Blocking List (CBL), Passive Spam Block List (PSBL), with reverse DNS verifications, DNSBL
28 blocks, surveilled email content, censored email content, blocked or throttled email distribution
as Internet filters, firewalls, Internet blocking, DNS poisoning, and Internet zoning. It is
currently used by some organizations and governments to control the content viewed by

1 individuals accessing Web pages over the Internet. The largest complaint about Internet
2 censorship is that it ignores free-speech rights and violates the civil liberties of Internet users.
3 That censorship along with AMWF's server and hosted websites being intentionally mis-
4 configured by defendants it is causing the many, many, over 40 years of creating a brand,
5 establishing goodwill, proprietary client email list and email distribution to those lists, clients
6 intellectual property, trade secrets, clients data, content, website service pages, articles, posts,
7 videos, podcasts, features, photos, marketing, promotion, testimonials, social media, email lists,
8 simple inter-company and inter-office email communications, the theft and missing proprietary
9 client email list, the theft and missing clients intellectual property, the theft and missing clients
10 trade secrets, the theft and missing clients data, links to partner websites (blogroll), thousands of
11 broken links prevent access to all these features via website visits, search engines, and by
12 blocking web IP's, server IP's, device (computers, phones, tablets, etc.) IP's, email addresses,
13 ALL INTERNET CONNECTED AND RELATED COMMUNICATIONS AND DEVICES,
14 referrals, from ALL the above mentioned sources, for all intents and purposes, burying the
15 business.

16 **VENDETTA- TARGETED AL-HAKIM "MUSLIM BAN" by "FIXING CASES" in**
17 **Furtherance of Corruption Agenda, IS PURE RETALIATION**

18 The judges, clerks and court administration has been and are "fixing" cases against al-Hakim
19 attempting to protect the opposition as they have scheduled proceedings DEMANDING the
20 hearing be on a date al-Hakim can NOT attend due to religious commitments that has been
21 known to the defendants and the court for nearly 40 years, while REFUSING to have those
22 proceedings on a date al-Hakim can attend, yet! (see "Opposition to Case Fixing", filed April 4,
23 2018, in al-Hakim v. Interserver Inc., RG18-888371)

24 As mentioned earlier, on April 3, April 15, and today, April 17, 2019, al-Hakim sent two faxes
25 and emails each time to the court and opposing parties announcing the fact the court has
26 scheduled these proceedings Friday, April 19, 2019, a date that Brand knows al-Hakim will NOT
27 be able to attend due to a 40 year religious commitments know to Brand, defendants and the
28 court, in another effort to take a default against al-Hakim in furtherance of their VENDETTA
Targeting al-Hakim with their Muslim Ban and al-Hakim requested the hearing date be changed
to a Monday or Wednesday. After TEN REQUESTED NOTICES FOR A CONTINUANCE and
they were NOT answered. Finally, later on April 17, 2019, al-Hakim received an email from the

1 department 511 clerk stating “Abdul-Jalil - Emailing the department is not sufficient notice for a
2 continuance. If you need help obtaining a continuance please feel free to seek counsel or contact
3 the self help center. This email address is only for people seeking reservations.”. (see April 17,
4 2019 email from Dept 511 under Exhibit XX)

5 This response clearly establishes their intent to take a default by design as the court suggest that
6 he seek legal aid in filing a motion to continue! A COMPLETE WASTE OF TIME AND
7 MONEY SOLELY TO PERSECUTE AL-HAKIM AND REWARD THE COURT AND
8 DEFENDANTS!

9 **If it is NOT possible to have litigation with the schedule proposed when the court is open**
10 **EVERYDAY, the time is free and the court is paid to be there, then bigotry, Islamophobia,**
11 **and Xenophobia are the specious basis for this continued Grand, Systemic and Endemic**
12 **Corruption (see 2/25/19 Brand Challenge at ¶¶ 3, Page 23-25), Manipulation of the record**
13 **and Register of Actions; Obstruction of Justice, Conduct To Pervert or Obstruct Justice, or**
14 **the Due Administration of the Laws (Pen.Code, §§ 182, subd. (a)(1), 4570) 1 and**
15 **Conspiracy to Pervert or Obstruct Justice (§ 182, subd. (a)(5)); the continued Fraud Upon**
16 **The Court by Judge Brand regarding Motions clearly have a double standard! al-Hakim’s**
17 **Religion and religious obligations on those days are NOT going to change for judge Brand**
18 **nor the court.**

19 **al-Hakim has had to make multiple requests, once THIRTEEN times, another SEVEN**
20 **TIMES to have a “Reservation Number to File a Noticed Motion and Ex-Parte motion to**
21 **be heard on the SAME DATE as litigation previously scheduled, yet the requests were**
22 **IGNORED/DENIED, and one resulted in the issuing of a default against al-Hakim by**
23 **scheduling dates that the defendants and the court were aware al-Hakim was unavailable**
24 **to attend.**

25 The court has failed and refused to respond with their scheduling seeking an uncontested order,
26 thereby making their agenda of hate apparent to all!

27 The judges and court administration’s continuing criminal harassment, obstruction of justice,
28 denial of due process and corruption in his uniquely applied and enforced court rules summarily
denies al-Hakim’s rights to a fair hearing without any statutory or contractual basis authorizing
such a ruling and places an intolerable burden on him, denying his legitimate and undeniable
rights and strikes at the heart of his fundamental civil rights and due process under the law,

1 guaranteed by the United States Constitution and California Constitution. No statute in
2 California authorizes the court to deny a right that is uncontroverted while in the process denying
3 such precious fundamental rights of due process and justice. The use of judicial power to permit
4 such injustice raises significant legal questions, and an order is necessary to prevent this abuse.
5 The judges mindless denials further expose and demonstrate the courts agenda of judicial, law
6 enforcement, governmental and legal entities criminal corruption and persecution, fixing cases
7 against al-Hakim because he is Muslim and Black, a Whistleblower; appointing themselves a
8 Real Primary Party of Interest to the litigation with their OWN agenda; weaponizing vindictive
9 rulings in furtherance of their agenda; engaging in the defense of opposing parties; the denial of
10 due process, obstruction of justice, the harassment, provocation, and government sponsored
11 terror, the gross examples of white class and privileged bias, prejudice, Islamophobia,
12 Xenophobia, hate induced, vindictive, retaliatory agenda, favoritism, bigotry and racism, al-
13 Hakim continues to experience with the courts retaliation against plaintiff by taking adverse
14 judicial and legal actions against him as punishment of al-Hakim, his family, businesses, and
15 communities they serve continue.

16 Brand has begun this specious vexatious litigant action to foreclose on al-Hakim's civil rights to
17 eliminate any further threat he poses to their "honor" and position, while denying al-Hakim any
18 opportunity for truth, fair relief, and justice against them in the "legal system"! The court has
19 heeded al-Hakim's intentions to not only litigate his cases but some directly involve the
20 corruption naming judges dating back nearly 40 years and the courts can not afford nor will they
21 allow this to happen! They will shut down al-Hakim at ALL COST!

22 The cases and hearings, which involves contested issues of law or fact, and which had been
23 assigned to Judge Brand, should NEVER have been assigned and no matters hereinafter arising
24 should be heard or assigned to Judge Brand, on the ground that he is irreparably conflicted,
25 tainted, biased, and prejudiced against the plaintiff.

26 Brand does not provide any answers to the Challenges served on him because he can't afford to
27 incriminate himself until finally he decided NOT to answer a Green Key challenge until over a
28 month after the Challenge was served, thereby consenting to the Challenge. al-Hakim
incorporated those entire challenges therein until such time as he answers the challenges!

al-Hakim aware of Superior Court Criminal/Civil Vexatious Entrapment Litigation Strategy

1 al-Hakim is aware that the Superior Court administration and judges have been working with law
2 enforcement trying to entrap, frame and incriminate him in criminal activity that is fostered by
3 the hearings in his cases that are selectively being recorded by the court reporter whom
4 arbitrarily goes on and off the record at the judges silent instruction, thereby editing the
5 proceedings while in progress! The main purpose for the courts using this tactic and employing
6 “court observers” and colluding with the opposing parties and the entities mention in the “WRIT
7 RACKET” criminal, civil, vexatious entrapment defense litigation strategy with third parties in
8 the next paragraphs was to enable the filing of this motion. The court costs of addressing the
9 challenges can NOT be a consideration when the courts has deviated far from the norm of
10 standard litigation by employing their own private court observers, reporters, and agents in their
11 cause to fabricate a case against al-Hakim and this vexatious motion.

12 Judge Kaus admits to the courts acrimony and animus toward al-Hakim, and asks to wipe the
13 slate clean and move forward in good faith as al-Hakim deserves a chance to have his claims
14 adjudicated with the rights to fair procedure and due process guaranteed to them by law! But it
15 took four challenges and multiple rulings challenged for fraud on the court, abuse of discretion,
16 bias, prejudice, perjury, and failing to disclose conflicts of interest for Kaus to finally recuse
17 retroactive to his assignment because he failed and refused to disclose a know conflict in these
18 cases that now have to re-litigated at a heavy cost to the parties and the court!

19 Entire “Illegal” Proceedings are Grand, Systemic and Endemic Corruption (see 2/25/19 Brand
20 Challenge at ¶¶ 3, Page 23-25)

21 Based on the matters contained herein, on the United States and California State Constitutional
22 rights and on this document filed herewith, al-Hakim’s cases, these entire “illegal proceedings”
23 are solely for the purpose of the unscrupulous judicial, law enforcement, governmental and legal
24 entities illegally utilizing the full force and resources of the government in a covert criminal
25 undercover sting operation by fostering, fabricating and manipulating any filing, pleading,
26 argument, facts, truth, faxes, emails, phone calls, voicemail messages, letters, hearings, request,
27 reservation numbers, motion practice, motion titles, ex-parte applications, hearings, parties,
28 appearances, continuances, schedules, proceedings, register of actions, Court Domainweb,
statements, evidence, testimony, documents, word, inference, vague reference, or gesture that
they can remotely interpret as evidence of any remote action they seek to advocate to
incriminate, charge, try, convict, incarcerate and eliminate al-Hakim!

1 These are cases that al-Hakim has filed, they are his cases, NOT the courts, nor judges, nor law
2 enforcement, nor government, nor legal entities in power! Yet they have hijacked al-Hakim, his
3 religion, his truth, his family; their home, their lives; their personal, real, and business property;
4 his businesses; his community; those they serve; his cases; his rights; his freedom; his pursuit of
5 happiness; justice; the Constitution; his very existence!

6 Grand, Systemic and Endemic Corruption (see 2/25/19 Brand Challenge at ¶¶ 3, Page 23-25)

7 This Grand corruption is systemic and endemic in ALL al-Hakim cases involves the
8 unscrupulous judicial, law enforcement, governmental and legal entities in power colluding and
9 conspiring using the judicial arm of government whom perform and serve in the roles as suspect,
10 culprit, criminal, evidence, testimony, facts, truth, perjury, investigator, witness, defendant,
11 conspirators, corruptors, colluders, co-counsel, judge, jury, executioner, as the opposition party
12 with their agenda of criminal corruption and persecution to the detriment and oppression of al-
Hakim through the illegal use of public funds!

13 **Judges do not have discretion** not to disqualify themselves. By law, they are bound to follow
14 the law. Should a judge not disqualify himself as required by law, then the judge has given
15 another example of his "appearance of partiality" which further disqualifies the judge. al-Hakim
16 again renews the request for those affected Judges to disqualify themselves, ALL of them,
including ALL those named herein.

17 The fact that the trial court, the judges, clerks, and court administration are parties is an
18 insuperable moral, ethical, and legal obstacle since they are more than a nominal party. (*People v.*
19 *Cimarusti*, supra, 81 Cal. App.3d 314, 320; *U.S. Financial v. Sullivan* (1974) 37 Cal. App.3d 5,
20 12, fn. 6 [112 Cal. Rptr. 18].)

21 "*I don't care about challenges, they don't mean anything to me, I'm not scared of them!*". "*He*
22 *has said that he files complaints, files challenges to document the actions of the court*". "*He filed*
23 *complaints with me when I was presiding court judge*", "*he's a litigator in his own way*"
24 - Judge C, Don Clay on al-Hakim's challenges and 56 complaints filed with and against him over
the years

25 The 56 complaints listed in the 140 PAGE COMPLAINT and CHALLENGE against judge Clay
26 is only a small sample, but since 1980, and more recently 2000, as a matter of documentation, al-
27 Hakim has filed and served a variety of letters, formal complaints, legal actions and legal
28 challenges with the United States Attorney General's Office- Department of Justice; Federal and

1 California State Judges, their ruling bodies and Associations; the Alameda County Superior
2 Court of California, United States Attorney's Office- Northern District; United States District
3 Court- Northern Division, Attorney General of California, Alameda County District Attorney;
4 City of Oakland and Oakland City Attorney; Federal, State and local law enforcement; Federal,
5 State and local politicians; regarding the many blatant civil rights violations, fraud, criminal
6 activities and corruption of these judicial, law enforcement, governmental and legal entities that
7 was widely distributed over the internet and posted on many websites. (see 140 PAGE
8 COMPLAINT and CHALLENGE of Judge Clay filed OCTOBER 3, 2018, and “al-Hakim 56
9 Complaints listed Document Communications with Clay Detail Corruption and Cover UP!”, filed
10 December 19, 2018, in al-Hakim v. Interserver Inc., RG18-888371)

11 In July, 2005, al-Hakim filed a Federal Corruption Complaint with the United States Attorney
12 General, Department of Justice, of a hate crime of Islamophobia and Xenophobia committed
13 against him during the trial al-Hakim v. CSAA and Rescue, et. al” in Superior Court of Alameda
14 County, California.

15 al-Hakim’s initial investigation of his USDOJ demanded a change in this criminal, tactical policy
16 of isolation, victimization, criminalization and the attempted entrapment of al-Hakim as the
17 continuing victim, including the use of government initiated, Nixon era “White House Plumbers”
18 and CoIntelpro style dirty tricks!

19 This State sponsored persecutory terror and civil conspiracy has brought into play Federal, State
20 County and local judicial, law enforcement, governmental and legal entities and agencies
21 (“entities”) to further their continued investigation of al-Hakim whom has been surveilled for
22 years and continues today with the compromising of many agents and informants covers due to
23 their sloppiness. These actions of these judicial, law enforcement, governmental and legal
24 entities and agencies are just one example of the continuing efforts of law enforcement to silence
25 and eliminate al-Hakim, even by death, as their “enemy of the State” adversary when al-Hakim
26 has caught and exposed them as they have been entrapped in their own criminal snares!

27 “WRIT RACKET”

28 al-Hakim has filed multiple complaints for years against Justices Jones, Burns, James Humes,
Terence Bruiniers, Sandra Margulies, Anthony Kline, and Kathleen Banke as well as Challenges

1 for Cause against Associate Justice James Richman and Henry Needham, Jr. whom apparently sit
2 in this group but has not openly participated in the decisions.

3 al-Hakim has filed multiple complaints for years against California Supreme Court Chief Justice
4 Tani Cantil-Sakauye, former Chief Justice Ronald M. George, Federal Chief District Judge
5 Phyllis J. Hamilton, and former Chief District Judge Claudia Wilken also.

6 In these matters, it has been established and admitted that there has been illicit ex parte collusion
7 and conspiracy between Superior Court judges Wynne Carvill, Kim Colwell, Jeff Brand, Robert
8 Freedman, Frank Roesch, Stephan Kaus, Mike Markman, Don Clay, Stephan Pulido, Ioana
9 Petrou, Yolanda Northridge, Morris Jacobson, Jon Rolefson, Evelio Grillo, Kevin Murphy, Jo-
10 Lynne Lee, Scott Patton, David Krashna, Jennifer Madden, Sue Alexander, Glenn Oleon, George
11 Hernandez, Tara Desautels, Leo Dorado, Dennis Hayashi, Julia Spain, several commissioners,
12 and the Superior Court Administration of Chad Finke and the Appeals court with the judges
13 mentioned above. Three of the judges have offered the same unsolicited.

14 Additionally, Judges Ronni MacLaren, Frank Roesch and Jo-Lynne Lee issued ORDERS OF
15 SELF DISQUALIFICATION/REFUSAL pursuant to C.C.P. §170.1 (a)(6)(A)(ii) and C.C.P.
16 §170.1 (a)(6)(A)(iii). This fact demonstrates that there has been and continues to be pervasive
17 illegal ex-parte communications between the judges regarding al-Hakim because al-Hakim has
18 NEVER had any contact with some judges that recused.

19 These superior court judges have conspired with the appellant courts to independently take it
20 upon themselves to broadcast their “dog whistle signal to the appeals court” to deny al-Hakim’s
21 petition and issue orders in their support forcing al-Hakim into the “WRIT RACKET”! This is
22 NOT having a trial, this is being “railroaded by the court in a case that is ALREADY fixed
23 against you!”

24 This action are part of what litigants have come to know as the “WRIT RACKET” instituted by
25 the legal system, judges, courts, the judicial administrative and regulatory agencies, both State
26 and Federal!

27 These entities have made such a mockery of justice that now these judges do not hesitate to deny
28 or violate a litigants rights and defy them to file a writ knowing that the Supreme Court, Appeals
Court, Superior Court Administration, the Judicial Council, and the Commission on Judicial
Performance, will cover up and white-wash their criminal activity! These criminal justices are
forcing appellants into the Appeals Court cemetery for civil rights, where the Rule of Law is

1 Overruled and Outlawed, the death of due process, where justice is a miscarriage, the treason of
2 truth, the homicide of human rights, the dumpster for denial, where litigants rights are banished
3 to rot in oppression, and die!

4 al-Hakim's legal opponents, CSAA and others are engaged in corruption and conspired,
5 consorted, colluded, conceived and employing this "WRIT RACKET" criminal entrapment
6 defense litigation strategy with third parties, other judicial, governmental, law enforcement and
7 legal entities employees, associates, members, agents, contractors, and informants of the U. S.
8 Attorney General- Northern California, Homeland Security (NSA), F.B.I., U. S. Federal Court-
9 Northern California District, California State Supreme Court, California State Appeals Court,
10 Governor of California, California Attorney General, Alameda County District Attorney,
11 Oakland City Attorney, California State Senator, California Congressperson, Alameda County
12 Supervisors, Mayor of Oakland, Oakland City Councilpersons, Alameda County Superior Court,
13 Judicial Council of California, among others, inciting the courts acrimony, animus, and
14 persecution of al-Hakim with judicial calumny deceit!

15 To understand the "WRIT RACKET", one needs to know what a "racket" and "racketeering"
16 mean and depict in the legal community and population at large. The definitions are:

17 Racket

18 *"A racket is a planned or organized criminal act, usually in which the criminal act is a form of
19 business or a way to earn illegal or extorted money regularly or briefly but repeatedly. A racket
20 is often a repeated or continuous criminal operation."*

21 Racketeering

22 *"Racketeering, often associated with organized crime, is the act of offering of a dishonest service
23 (a "racket") to solve a problem that wouldn't otherwise exist without the enterprise offering the
24 service. Racketeering as defined by the RICO act includes a list of 35 crimes."*

25 Moreover, this is exactly what the judges meant by their "dog whistle" signal/statement at the
26 hearings that they would rely on their "colleagues (in the Appeals Court)" to support their
27 decision to ignore the Rule of Law knowing that the appellate judges would do just as Jones,
28 Burns, Bruiniers, Margulies, Kline, Humes and Banke did, "cover-up for him".

Brand and the courts actions are a content- and viewpoint- based restriction on speech and lacks
any objective criteria for suppressing speech and censorship of constitutionally protected free
speech, engage in discriminatory business practices with impunity in violation of the U. S.
Constitution First Amendment and California Civil Code § 51, and Article I, section 2 of the

1 California Constitution for Violations of Free Speech, provides: “Every person may freely speak,
2 write and publish his or her sentiments on all subjects, being responsible for the abuse of this
3 right. A law may not restrain or abridge liberty of speech or press.” when Plaintiff’s viewpoints,
4 are protected speech under the California Constitution, where the court harassed Plaintiff by
5 engaging in a severe and pervasive scheme to suppress his constitutional and statutory right to
6 engage in protected activity, by executing against him punitive and adverse judicial actions, and
7 termination of his basic rights to due process?

8 By operation and application of judges restrictions set forth herein has unlawfully deprived
9 Plaintiff of their full and equal accommodations, advantages, facilities, privileges, or services in
10 violation of CCP §51 and abused its discretion and improperly prejudice al-Hakim, under color
11 of law, the Judges sought to deprive him of litigation due him contrary to the right to due process
12 and immunity from takings without due process guaranteed by the 5th and 14th Amendments to
13 the United States Constitution.

14 These Constitutional violations of Plaintiff’s rights and prejudices Plaintiff suffered herein, when
15 the judges denied his civil rights and due process, an equal opportunity to participate in unbiased
16 pursuit of his legal claims, on the basis of Plaintiff’s race, religion, whistleblowing activities,
17 bias, Islamophobic, Xenophobic, vindictive, retaliatory agenda, prejudice, favoritism, bigotry
18 and racism; exhibited bad faith and deceit; denied al-Hakim’s civil and human rights, the rights
19 to the truth, justice, to evidence and testimony, to due process; illegal ex-parte communications
20 regarding al-Hakim; denied the appeal with criminal intent under the color of law and authority
21 in violation of the rights guaranteed by U. S. Constitution Amendments I, V, VI, XIV, Due
22 Process Clause of the Fourteenth Amendment Under Color Of State Law; Section 1983, Unruh
23 and Ralph Civil Rights Acts, and the Bane Acts.

24 When the conduct of the Judges was unreasonable and undertaken intentionally with malice,
25 willfulness, and reckless indifference to the rights of others, plaintiff’s injuries and the violations
26 of his constitutional rights were directly and proximately caused by the policies and practices of
27 the Appeals Court, which were the moving force behind the acts described herein caused
28 damages to plaintiff, and will continue to cause damage to plaintiff in violation of his civil rights,
and due process and equal protection of the laws under the U. S. Constitution Amendments I, V,
VI, XIV by this denial of equal access to an unbiased legal process.

1 Given the principle involved in this case is not merely one of fairness to al-Hakim but also one of
2 maintaining respect for the law and promoting confidence in the administration of justice. (As
3 the United States Supreme Court stated in *In re Murchison*, 349 U.S. 133, 136 [99 L. Ed. 942,
4 946, 75 S. Ct. 623, 625]: "A fair trial in a fair tribunal is a basic requirement of due process.
5 Fairness of course requires an absence of actual bias in the trial of cases. But our system of law
6 has always endeavored to prevent even the probability of unfairness. ... Such a stringent rule may
7 sometimes bar trial by judges who have no actual bias and who would do their very best to weigh
8 the scales of justice equally between contending parties. But to perform its high function in the
9 best way "justice must satisfy the appearance of justice." *Offutt v. United States*, 348 U.S. 11, 14
10 [75 S. Ct. 11, 13].")

11 Where the court acted as described herein with reckless disregard for Plaintiff's rights with the
12 intent to injure, vex, annoy and harass Plaintiff, subjected Plaintiff to cruel and unjust hardship in
13 conscious disregard of Plaintiff's rights with the intention of causing Plaintiff injury and
14 depriving him of his constitutional rights when in these circumstances, there was denial of a
15 substantial right rendered the ensuing commitment illegal because it is impossible for this or a
16 reviewing court not to conclude that "a different result would have been probable if such error ...
17 or defect had not occurred or existed."? (CCP § 475.)

18 Brands issues his Order to Show Cause

19 Brand issues his Order to Show Cause stating "*It has come to the court's attention that Plaintiff
20 Abdul-Jalil al-Hakim has filed repeated CCP 170.1 challenges in this case and in other cases,
21 that al-Hakim has filed repeated motions for reconsideration in this case, that al-Hakim has filed
22 numerous CCP 170.1 challenges in other cases in this court, that al-Hakim has initiated
23 numerous proceedings in the Court of Appeal, and that both the Court of Appeal and the United
24 States Bankruptcy Court have opined that al-Hakim has made filings for the purpose of delay.*"

25 **RESPONSE to "purpose of delay" and "frivolous or meritless challenge"s:**

26 Brand was challenged PURSUANT TO CALIFORNIA CCP §§170.1-5, (CCP §170.1(6)(A)(iii)),
27 § 170.3 (c) (1)), the Canons of the Code of Judicial Conduct 1, 2, 2A, 2B(2), 3B(2), 3B(4),
28 3B(5), 3B(8), 3C, 3D(1), 3E, 3E(1), 3E(2), 4, 4D(1) and 4(E)(a corresponding Federal Statute,
28 28 United States Code section 455(a) (adopted by Congress in 1974); and FOR CAUSE UNDER
CCP DUE TO CRIMINAL CONDUCT IN VIOLATION OF 18 U.S.C. §242, NOT just CCP
§170.1 or 170.3. At the hearing on February 25, 2019, Brand denied the challenge as to CCP
§170.1 ONLY, after a five minute break claiming he read the challenge. He refused to address

1 any of the aspects of the challenge after being repeatedly asked and insisted that it was being
2 denied as to CCP §170.1 ONLY, He remained silent as to ALL other aspects of the challenge!

3 This OSC is exclusively because al-Hakim has filed challenges, BUT FOR CAUSE, none are
4 frivolous or unmeritorious, but for cause!

5 There have been many, fifteen (15) successful recusals from Challenges filed in al-Hakim cases
6 for Judges Paul Herbert, Evelio Grillo, Stephan Kaus, Jennifer Madden, Yolanda Northridge, Sue
7 Alexander, Taylor Culver, James Reilly, Micheal Ballachey, Winifred Smith; where Kim
8 Colwell, Henry Needham Jr. and Judith Ford (appellate review timed out without court response)
9 did not answer the last challenges filed and served against them thus consenting to the
10 challenges. Judges Judges Evelio Grillo, after five (5) challenges and Stephan Kaus, after four
11 (4) challenges, were recused in two cases each, the AT&T and EBMUD cases!

12 Additionally, Judges Ronni MacLaren, Frank Roesch and Jo-Lynne Lee issued ORDERS OF
13 SELF DISQUALIFICATION/REFUSAL pursuant to C.C.P. §170.1 (a)(6)(A)(ii) and C.C.P.
14 §170.1 (a)(6)(A)(iii). This fact demonstrates that there has been and continues to be pervasive
15 illegal ex-parte communications between the judges regarding al-Hakim because al-Hakim has
16 NEVER had any contact with some judges that recused.

17 That's fifteen (15) successful judicial recusals and (3) additional failures to file answers striking
18 the challenges before leaving the court/department, with Brands challenge matter still pending
19 CLEARLY DEMONSTRATE THEY ARE NOT MERITLESS NOR FRIVOLOUS BUT
20 PREEMINENT, THE EMBODIMENT OF THE RULE OF LAW, AND MANDATED TO
21 ESTABLISH AND PRESERVE ALL OF al-HAKIM'S CONSTITUTIONAL RIGHTS!

22 Ret. Judge Richard Hodge recused after being appointed an umpire by Roesch in the CSAA
23 appraisal case (administrative hearing) after being a judge in the case.

24 Defendants argue "*Mr. al-Hakim's repetitive challenges to any judge assigned to the instant case*
25 *have delayed the proceedings. Mr. ai-Hakim should know better since he filed at least seven*
26 *challenges to Judge Tigar in the same case.*"

27 These fifteen (15) successful recusals DO NOT include Judge Jon Tigar's TWO RECUSALS, 1)
28 staged recusal granting the April 30, 2007 al-Hakim first Challenge for Cause on June 7, 2007
pursuant to C.C.P. section 107.6, ONLY, disregarding ALL the other causes plead! (see Tigar
order Granting Challenge of June 7, 2007, CSAA, case no.: C-811337) CSAA defense counsel
Stephan Barber moved to represent Tigar, the interest of the Insurance Company, and himself by

1 filing a Motion for Reconsideration to deny Tigar's recusal and restore his illegal place in this
2 case. Tigar GRANTED THE MOTION, restoring HIMSELF as judge, officially made himself a
3 defendant and fourth element in this case though sitting as the judge in this matter, he is now a
4 defendant, co-defense counsel and deputy defense judge ruling in matters that he has lied and has
5 been deceitful about and is personally involved in, was represented by defense counsel Barber
6 himself in an action that was brought by Barber BEFORE TIGAR to establish HIS right to sit
7 and rule in the same matter that HE is now personally involved in and HE sits in judgment of
8 HIMSELF BEFORE HIMSELF!!! (see Tigar July 6, 2007 order Granting CSAA Motion for
9 Reconsideration on Tigar's own motion Vacating Order of June 7, 2007, CSAA, case no.:
C-811337) and 2) now again recusing in a matter pending in Federal Court.

10 Tigar's representation by the defense had the unfortunate consequence of making him a litigant,
11 obliged to the defense and their counsel by leaving his defense to one of the litigants appearing
12 before him in the same case. (*Kerr v. United States District Court*, supra, 426 U.S. at pp.
13 402-403 [48 L.Ed.2d at p. 732].) Judges should be umpires rather than players. This is a travesty
14 and a mockery of justice with clear conflict while it wreaks of corruption and collusion.

15 Brand Orders:

16 *The Bankruptcy Court order filed 6/25/18 states "the above-captioned matter was part of a*
17 *scheme to delay, hinder or defraud creditors that involved multiple bankruptcy filings affecting*
18 *real property." The Court of Appeal order filed 7/16/18 states, "Al-Hakim is a judgment debtor*
19 *who has frustrated or obstructed legitimate efforts to enforce a judgment. ... Al-Hakim has*
20 *sought to delay enforcement of the trial court's January 26, 2018 order granting Wellpoint's*
21 *motion to sell the dwelling located at 7633 Sunkist Drive, Oakland, CA 94605"*

22 RESPONSE:

23 The Appeals and Bankruptcy courts, Brands and the judges MINDLESS own SELF-SERVING
24 DEFENSE

25 Brand tries to expunge al-Hakim's integrity with the statutory language used in the orders which
26 are NOT findings of fact nor law! Any judge knows that and this statement is solely intended to
27 lead the reviewers to believe this is an example of who al-Hakim is! Brand attempts to define and
28 brand al-Hakim with this perfect example of the courts continuing calumny deceit, bias and
prejudice!

The enlisting of a scheme is totally without merit!!

A scheme has been defined as follows in case law:

"A scheme is an intentional construct. It does not happen by misadventure or negligence. Thus, §
362(d)(4)(A) scheme is an intentional artful plot or plan to delay, hinder or defraud creditors.

1 *It is not common to have direct evidence of an artful plot or plan to deceive others. In general,*
2 *the court must infer the existence and contents of a scheme from circumstantial evidence. The*
3 *party claiming such a scheme must present evidence sufficient for the trier of fact to infer the*
4 *existence and content of the scheme.” In re Duncan & Forbes Development, Inc. (2006) 368 BR*
5 *27, 32.*

6 Defendants nor the court provided NO evidence of ANY scheme that the trier of fact could even
7 remotely infer was even circumstantial proof of al-Hakim has “*engaged in a scheme to hinder,*
8 *delay or defraud creditors.*”

9 There was NEVER a Delay in Voluntary Chapter 13 Bankruptcy Petition

10 The Appeals and Bankruptcy courts, the judges, opposing parties, or anyone else's “delay”
11 argument is mindless as there is no reason greater than al-Hakim’s basic right to pursue litigation
12 at all, where they have denied his civil rights and due process, an equal opportunity to participate
13 in unbiased pursuit of his legal claims as if these are still the dark days of american history when
14 Black people had no rights at all!

15 **HOW DOES ANY DELAY BENEFIT al-HAKIM???**

16 There was NEVER any delay in litigating with the Appeals or Bankruptcy filings on behalf of al-
17 Hakim as he requested many times to have his matter assigned to a party that was fair and
18 impartial, NOT who was tainted with corruption or had embezzled nearly \$10,000 from him to
19 no avail and he was NOT going to waive his right to an HONEST judge or Trustee! This is the
20 reason for the delay in the cases that the judges, and trustees Bronitsky and Davis made it
21 Impossible, Impracticable, and Futile to Proceed.

22 In 1980-94, al-Hakim owned and operated a computer business and store in downtown Oakland
23 that was bombed and burglarized by Oakland Police officers and members of the force that
24 involved at least 20 members and as many as 36 were implicated with one stolen computer and
25 software being used by the Chief of Police!

26 al-Hakim caught them and one plead guilty, another was convicted where this is the first time a
27 police officer was convicted of a crime while on duty, and al-Hakim was awarded restitution and
28 attorneys fees in that case.

The officer that plead guilty, Kailey Wong, and his wife Susan filed bankruptcy (Case #9542893)
wherein that case was assigned to Martha Bronitsky.

On December 8, 1998 Bronitskys’ office sent authorization to Fidelity National for payment of
\$9,889.04 of al-Hakim’s money (Abdul-Jalil al-Hakim, “CRD 080164”) to Eugene Schneider

1 from their escrow account for the refinancing of the above mentioned debtors home and to close-
2 out this case.

3 al-Hakim contacted her office at least twelve times by phone (al-Hakim records were available)
4 and seven times by fax/letter (see her file and the U.S. Federal Court file) and it is clear that Mrs.
5 Bronitsky knew or should have known that Mr. Schneider was not and had not ever been al-
6 Hakim's attorney.

7 al-Hakim requested that she immediately issue a \$9,889.04 check to him. Her office informed al-
8 Hakim that they would not provide any justification for her actions.

9 In January-March, 1999, al-Hakim attempted to address this issue with Trustees Executive
10 Director Mark L. Pope, and trustees Linda Ekstrom-Stanley, and Carol Roth among others in the
11 bankruptcy court, wherein it was just covered-up!

12 al-Hakim was the Debtor in a case and filed a Voluntary Chapter 13 Bankruptcy Petition on July
13 26, 2018, Case No.: 18-41718, and it was assigned to Martha Bronitsky as Trustee.

14 On May 3, 2018, al-Hakim filed a petition with Case No.:18-41048 wherein there was the In
15 Rem hearing on May 16, 2018, at 9:30 a.m. before Judge William Lafferty. The In Rem Order
16 was granted on May 21, 2018, and case was dismissed hours later on May 22, 2018.

17 He had previously filed on March 8, 2018, Case: #18-40567 and was assigned Chief Judge Roger
18 L. Efrensky. That case was dismissed on March 23, 2018.

19 Each time he filed the Chapter 13, it was assigned to Martha Bronitsky whom he had filed and
20 served six (6) letters and complaints in a few months alone addressing the fact that Ms.

21 Bronitsky's presence in this case is prohibitive and he had resolved that since she has embezzled
22 money from al-Hakim and previously issued him checks drawn on her business account that
23 have bounced for insufficient funds and others that had stopped payments applied to them of
24 \$9,889.04, al-Hakim did not feel comfortable going forward with her as a trustee.

25 On March 28, 2018; April 3, and 18, 2018, May 8, and May 14, 2018, al-Hakim served and filed
26 notices and complaints entitled "Abdul-Jalil al-Hakim's Opposition to Assigning case to Martha
27 Bronitsky, Case: #18-40567" which are on file with the courts as well as filed and served on Chief
28 Judge Roger L. Efrensky-Office of the United States Trustee; Alex Tse, Director- U. S. Attorney's
Office No. District; Phyllis J. Hamilton- Chief District Judge- U. S. District Court- No. Division;
Xavier Becerra- Attorney General of California, Tracy Hope Davis- Director Office of the United

1 States Trustee; Edward J. Emmons- Clerk Office of the United States Trustee and Martha
2 Bronitsky- Trustee.

3 On August 24, 2018, al-Hakim filed and served an 18 page complaint against Trustees Tracy
4 Hope Davis and Martha Bronitsky, Bankruptcy Case: #18-41048 RLE with Clifford J. White III-
5 Director, Executive Office for United States Trustees, United States Department of Justice;
6 Ramona D. Elliott- Executive Office for United States Trustees, United States Department of
7 Justice; Lisa A. Tracy- Deputy General Counsel, Executive Office for United States Trustees,
8 United States Department of Justice; William T. Neary- Acting Deputy Director for Field
9 Operations, Executive Office for United States Trustees, United States Department of Justice;
10 Tiffany Carroll- Acting Assistant for Oversight, Executive Office for United States Trustees,
11 United States Department of Justice; Thomas E. Bair- Assistant Director for Administration
12 Executive Office for United States Trustees, United States Department of Justice; Chief Judge
13 Roger L. Efremsky- Office of the United States Trustee; Alex Tse, Director- U. S. Attorney's
14 Office No. District; Phyllis J. Hamilton- Chief District Judge- U. S. District Court- No. Division;
15 Xavier Becerra- Attorney General of California, Tracy Hope Davis- Director Office of the United
16 States Trustee; Edward J. Emmons- Clerk of the United States Trustee and Martha Bronitsky-
17 Trustee, for violations of his rights guaranteed under 11 U.S.C. § 362(d)(4); Fraud On The Court-
18 Federal Code 60 (Code Civ. Proc. §473 et seq. and §594 et seq.); Violation of the First, Fifth,
19 Sixth, Eighth, and Fourteenth Amendment U. S. Constitution; California Constitution by the first
20 clause of Article I, section 13; Article VI, section 4 1/2; Article VI, section 13, as a "miscarriage
21 of justice."; Article VI, section 18, subd. (d)(3.) and under the Unruh and Ralph Civil Rights and
22 the Bane Acts.

23 That matter and investigation is ongoing.

24 **This is the reason for the delay in the case that Bronitsky and Davis made it Impossible,**
25 **Impracticable, and Futile to Proceed.**

26 Superior and Appeals Court Fraud in Motion to Dismiss and MOTION NO. 3

27 As for the Appeals Court, the appeals court bases it's decision to dismiss al-Hakim's appeal
28 entirely on CSAA's contention that al-Hakim had failed and refused to comply with an unserved
discovery request that was unopposed and as such should have their unserved motion to dismiss
granted!

1 Defendants obtained this order from Commissioner Rausch as the product of fraud and deceit
2 when again defendants got an UNOPPOSED order as al-Hakim was NEVER served any
3 interrogatories and requests for the production of documents BUT Brand granted the Motion of
4 al-Hakim to vacate and set aside the related order on MOTION NO. 3. of 4/16/18. (Filed
5 9/14/18)

6 Nor did defendants serve a motion to dismiss the appeal by CSAA, nor did al-Hakim receive any
7 filing notice of any type from the Appeals Court of any motion to dismiss by CSAA.

8 ***MOTION NO. 3. (see 2/25/19 Brand Challenge at ¶¶ 18, Page 34-35)***

9 Even though Brand set aside the order, his ruling is willfully blind, bias, prejudice, shrouded in
10 fraud as he attempts to ignore the existence of the Fraud, Deception, Misrepresentation and Bad
11 Faith Conduct of Defendants. Here Brand was presented with evidence of defendants sworn
12 statements that clearly establish their fraud of al-Hakim, Extrinsic fraud upon the court, the
13 People of the State of California by not having served the alleged documents, yet in his order he
14 advocated a judicial imprimatur of the defense's theory and demands "within 21 days of service
15 of this order, Al-Hakim must produce responses to interrogatories (set one) and requests for the
16 production of documents (set one). The responses must be without objection and must be
17 verified" He totally disregards the fact that al-Hakim WAS NEVER SERVED, thus CAN NOT
18 RESPOND!!

19 THIS ORDER WAS TAKEN OUT OF SHEER FRAUD AND DECIT BY CSAA FILING
20 WITHOUT SERVING THE MOTIONS ON al-HAKIM.

21 al-Hakim has expressed repeatedly to the courts that he was NEVER served any motion to
22 dismiss by CSAA, nor any motion to compel discovery by CSAA, and this is clearly a well
23 established patterned litigation practice employed by them and al-Hakim has brought this fact to
24 the attention of the courts many, many times before as well as CSAA historically NEVER has
25 any supporting proof of service that is legally and properly executed, is always unsigned so that
26 they are NOT under the penalty of perjury. The orders are the unsavory product of CSAA's
27 unscrupulous, immoral fraud and that immorality has been drastically redefined in recent times,
28 arguably the boundaries of what is judicially acceptable remain publicly policed!

29 The Court of Appeal abuse its discretion and improperly prejudice al-Hakim when it dismissed
30 his appeal given that Justice Barbara J.R. Jones July 16, 2018 order EVADES THE ENTIRE
31 GRAVAMEN OF al-HAKIM'S ARGUMENT, THE FACT THAT al-HAKIM WAS NEVER
32 SERVED THE MOTION TO DISMISS BY DEFENDANTS AND NEVER RECEIVED ANY
33 NOTICE FROM HER APPEALS COURT OF ANY SUCH ACTION AND HER APPEALS

COURT HAVE NO RECORD OF EVER SENDING ANY NOTICE OF ANY TYPE TO al-HAKIM REGARDING THE MOTION TO DISMISS!

So how is it possible that the Appeals Court would be silent, not providing ANY proof of their having EVER served ANY notice of any kind of their receiving the motion to dismiss, NOTHING served on me even remotely noticing the motion, no briefing schedule, no schedule of motion practice and this clearly should have been the practice of the courts as it has before with Anne Reasoner, Vira Pons and Truefiling. al-Hakim NEVER received any email, or U. S. postal mail from Anne Reasoner, Vira Pons or the appeals court nor any electronic service from TrueFiling as he usually would.

The matters of the courts failure and refusal to serve ANY notice of ANY type regarding as serious a matter as a dismissal of an action against the obvious corruption of a judge or judges combined with the failure and refusal of the reviewing judge smacks of blatant GRAND CORRUPTION of ALL INVOLVED, ESPECIALLY AND INCLUDING THOSE THAT COVER IT UP COMMITTING AN EVEN GREATER CRIME!!!

Judge Brands ruling granting the motion to vacate and set aside the order granting defendants motion to compel interrogatories and sanctions due to NON SERVICE.

On October 12, 2018, the Appeals Court sent a reply that merely mentions that the defendants had submitted a proof of service dated June 22, 2018, that was allegedly served via mail and electronically to two different email addresses, 1) one that CSAA has admitted to the courts that has been blocked from sending email to for years due to his giving that email address to a commercial business without al-Hakim's knowledge or approval and 2) the other email address he knows is not al-Hakim. There NEVER was any U.S. mail nor personal service of any documents.

In several documents filed with the courts, Attorney John Bradley sworn under the penalty of perjury in a November 29, 2017 letter to al-Hakim that he will neither serve nor accept service via email and has not done so!

At the November 22, 2017 hearing, Bradley could not and did not produce a valid, properly executed proof of service which is why his deputy counsel Colwell could not enforce his unserved motion for the issuance of an order to show cause re: sale of dwelling.

Secondly, al-Hakim notified Bradley by letter, fax and email on December 4, 2017, that Bradley's email was blocked due to his giving that email address to a commercial business

1 without al-Hakim's knowledge or approval. This notice was given months, nearly a year before
2 Bradley claims that it was problematic and he fails to explain how al-Hakim has problems with
3 receiving mail at his home because Bradley alleges that "he does NOT live there and is not there
4 everyday". al-Hakim does NOT deliver the mail to his home and in no way would be involved
5 nor responsible for that task!

6 NOW THE ENTIRE UNDERPINNINGS OF JUDGE JONES DECISION TO DISMISS al-
7 HAKIM'S APPEAL HAVE VANISHED except the remaining Court Administration Grand,
8 Systemic and Endemic Corruption; Conduct To Pervert or Obstruct Justice, or the Due
9 Administration of the Laws (Pen.Code, §§ 182, subd. (a)(1), 4570) 1 and Conspiracy to Pervert
10 or Obstruct Justice (§ 182, subd. (a)(5)); Fraud Upon The Court; Manipulation; Cause Due to
11 Criminal Conduct In Violation of The Law!

12 The Appeals court, Judge Barbara Jones and the court clerks are blocking and providing
13 interference for judge Kim Colwell to make her "end run" and complete her fraud and corruption
14 in her Order for sale of al-Hakim's Dwelling BEFORE the Motion to Vacate the Order, which
15 was uncontested by defendants, was to be heard and has been continued by the court under an
16 illegal Appeals stay since February 2018.

17 al-Hakim's Motion to Vacate the Order granting the sale of plaintiff home is NOT an appealable
18 order and is NOT subject to the automatic stay pending appeals, just as the defendants motion for
19 sale of the dwelling with an undertaking is NOT subject to the automatic stay, which Colwell
20 ruled the sale of dwelling could and did go forward, yet she has continued to delay the resolution
21 to plaintiff's motion to vacate that was uncontested by defendants! This would reverse the ruling
22 made by Judge Colwell for the sale of the Dwelling!!!

23 For eight months Colwell had been begging the Appeals court to expedite the Remitter in the
24 motion to dismiss so she can quickly rule on the motion to vacate with a denial!

25 For the Appeals Court to deny such a serious motion when the appeals court was willfully and
26 intentionally derelict in their NON-SERVICE of ANY notices to al-Hakim and CSAA obvious
27 fraud, there is NO place for this in modern society much less in a courtroom before the people! It
28 is even more enlightening in respects to the calumny deceit and denial of due process employed
in it, that al-Hakim have complained of for years. This order in response to al-Hakim's actions of
merely invoking his rights to petition the courts was the very epitome of specious retaliation and
heinous denial of due process FORCED on al-Hakim by defendants.

1 On March 18, 2019, January 10 and 7, 2019 and November 7, 2018, filed and served complaints
2 with Chief Justice Cantil-Sakauye and Associate Justices of the Court, Beth Robbins, and
3 Charles Johnson requesting an investigation of and urging both the Supreme Court and Court of
4 Appeal to grant review of the Court of Appeal's decision in al-HAKIM VS CSAA- Wellpoint
5 (2018) California Appeals Court Case# 153510, and now California Supreme Court Case#
6 S-250997. Order from the Appeals Court dated July 16, 2018

7 al-Hakim has received NO response from the State Supreme nor Appeals Courts and their
8 response and the admissions of the facts, evidence, testimony, and proof from their findings of
9 what happened in this incident has a drastic effect on this case as it will NOT “go away” merely
10 because you chose to ignore it! We DEMAND ANSWERS TO THIS CONTINUING CRIME!

11 Defendants “appeal covers more than just a failure to comply with a court order. It includes
12 obstructive tactics and frustration or obstruction of legitimate efforts to enforce a judgment.” as
13 again al-Hakim was NEVER served any motion to dismiss by CSAA, any filing notice of any
14 type from the Appeals Court of any motion to dismiss by CSAA, no briefing schedule, no
15 schedule of motion practice, and this clearly should have been the practice of the courts as it has
16 before with Anne Reasoner and Truefiling. al-Hakim NEVER received any email, or U. S. postal
17 mail from Reasoner or the appeals court nor any electronic service from TrueFiling, which is the
18 norm, and there is NO RECORD of any type that any of them sent any notice of any type to al-
19 Hakim!

20 These matters are currently being investigated.

21 Non-Service of Process Tactic

22 This tactic employed by the courts and defendants of failing to serve documents on al-Hakim is a
23 major part of the litigation scheme carried out solely for the purpose of espousing defendants
24 vitriol of Trump-esq hate induced 20 year strategy of FRAUD, DECIET, RACISM, RELIGIOUS
25 BIGOTRY, AND INTOLERANCE, PREJUDICE, stirring the animus of the court to provoke
26 acrimony toward al-Hakim, fostering calumny deceit within the judicial and legal community,
27 knowingly using fraudulent, misleading, false and larcenous documentation provided by
28 Defendants attempting to foist upon plaintiff and the courts the imprimatur of substantiating
documentary evidence in denial of al-Hakim’s civil rights and immunity from takings of property
without due process is a gross abuse of discretion in violation of the law is objectively

1 unreasonable and was undertaken intentionally with malice, willfulness, and reckless
2 indifference to the rights of al-Hakim in lieu of proper litigation.

3 Brand's order has merely substantiated the evidence of the continuing Superior Court
4 Administration Grand, Systemic and Endemic Corruption; Conduct To Pervert or Obstruct
5 Justice, or the Due Administration of the Laws (Pen.Code, §§ 182, subd. (a)(1), 4570) 1 and
6 Conspiracy to Pervert or Obstruct Justice (§ 182, subd. (a)(5)); Fraud Upon The Court; and
7 Manipulation.

8 These efforts of CSAA is tantamount to a scheme to hinder, deny and defraud al-Hakim in
9 violation of the laws above and can qualify as a Hate Crime under the Unruh and Ralph Civil
10 Rights and the Bane Acts, while they are clear acts of religious bigotry and intolerance for which
11 al-Hakim will not allow.

12 Brands Offers of Evidence:

13 Brand orders:

14 *EVIDENCE*

15 *Attached as Exhibits A, B, C, D, and E are summaries of the relevant information in five cases,
16 together with copies of the court orders striking al-Hakim's repeated challenges under CCP
17 170.1 and 170.3 and other relevant filings in the cases. The attached documents are identified in
18 bold. The five cases are:*

19 *A. Al-Hakim v. California State Automobile Association, C-811337*

20 **RELEVANT FACTS**

21 *In Al-Hakim v. California State Automobile Association, C-811337, the six (6) orders striking
22 challenges under CCP 170.1 and 170.3 demonstrate that al-Hakim has a practice of filing
23 meritless challenges. (Exh A.)*

24 RESPONSE TO RELEVANT FACTS:

25 This is a case where al-Hakim's home was damaged by a sewage backup caused by Rescue
26 Rooter that was covered by his insurance CSAA.

27 The case is an over \$30 million, 20 year; contentious action; was the largest, continuous case file
28 in the history of Alameda County Superior Court, over 80 file boxes; over 300 motions and
responses; plaintiff had over 300 exhibits; over 5,000 pages of exhibits; 3,000 pages of
documents for rebuttal argument; 20 expert witnesses; 77 other witnesses; over 100 pages of jury
instructions; with numerous allegations of judicial misconduct, where EVERY judge in this case
has admitted error, committed perjury, recused themselves, or all three!

Due to the continuing, 20 year grand fraud, this case has NOT been exhausted to finality!

1 Thus merit or frivolousness is NOT a consideration!

2 CSAA began to work with the defense in the underlying case of al-Hakim vs Rescue Rooter, et.,
3 al., even fabricating court orders to do so and were the defendants in this case of al-Hakim vs.
4 CSAA. They also had al-Hakim investigated by the Department of Insurance, FBI, and other
5 governmental, law enforcement, judicial and legal authorities and still worked as an operative,
6 agents and informants with law enforcement trying to create a case against al-Hakim for fraud
7 that NEVER existed, and still works with those forces today!

8 This was their beginning of the racist, Islamophobic, Xenophobic, hate induced campaign of
9 calumny deceit in the law enforcement and legal community and public at large to obtain a
10 litigation advantage! The Rescue case ended with the retiring judge David Lee informing the jury
11 that ALL the testimony of the defense had to be disregarded due to the subornation of perjurious
12 testimony of ALL their witnesses and the source of most of the basis for their documents.

13 In the CSAA case the defendants were found guilty of fraud in the appraisal and to have used
14 illegal values by judge James Richmond. (see Richmond order of February 23, 2003, in *Al-
15 Hakim v. California State Automobile Association, C-811337*)

16 Judge James A. Richman by his Order dated February 23, 2003 set aside the appraisal award
17 because, among other grounds, “the award was procured by corruption, fraud, or other undue
18 means”; or the appraisers “exceeded their powers and the award cannot be corrected without
19 affecting the merits of the decision upon the controversy submitted”. The order further cited the
20 improper use of “cash value” as replacement cost, use of erroneous “used cost” figures, denial of
21 coverage, injection of fraud, concealment, breach of contract, and coverage issues without any
22 reason or evidence

23 Due to their subornation of perjurious testimony in the Rescue trial, they did not have any
24 witnesses nor experts the could present at their own trial.

25 APPROVED BEREAVEMENT LEAVE: Three Deaths in Two Weeks, Granted Permission to
26 Attend Funerals, Case Decided While Attending Funeral With Prior Permission

27 This CSAA case was decided while al-Hakim was away attending TWO (2) funerals, with
28 previous court permission, after deaths (the second and third during the trial) of over forty year
29 friends.

30 On Thursday, March 20, 2008, Plaintiff al-Hakim faxed a letter to Judge Jon Tigar in Department
31 21 and defense counsel Steve Barber to notify them that he had received the news of the tragic

1 passing of Jerrold Woods, a very dear 40 year friend and associate and of plaintiff's imminent
2 leave for bereavement. He did so to facilitate the courts efforts and give them advance notice so
3 that when the need for him to take the leave was necessary, he could do so without any
4 unexpected disruption and then resuming the expected trial. While in open court, Tigar
5 acknowledged the closeness of the relationship, the pain that al-Hakim must be enduring, and the
6 request for leave of bereavement at some point and granted court permission while on the bench,
7 to attend the funeral/memorial upon noticing the court of it scheduling.

8 On April 3, 2008, news was received by the community of the second and third deaths of over
9 forty year friends occurred hours apart during the trial.

10 Since al-Hakim had not taken time to grieve and pay proper respect, on these occasion, it was not
11 only necessary and desired, it was religiously obligatory. There was no other alternative
12 comfortable for al-Hakim and the trial could surely be continued for three-four days given the
13 circumstances of now two MORE deaths during the short time of the trial

14 al-Hakim, with previous court permission to attend the funerals less than two weeks earlier after
15 the first death (the first of the trial) of the very close over 40 year friend from Judge Tigar,
16 noticed the court Five times via personal service, fax, and email of his intent to attend the
17 funerals with the courts prior approved leave seeking direction from Tigar, including personal
18 service on Judge Tigar in the courtroom, Five days BEFORE the trial resumed and attending the
19 TWO funerals and memorials, and Tigar took advantage of the opportunity, DID NOT
20 RESPOND TO THE 5 NOTICES and decided the case in al-Hakim's absence!

21 It should be noted that Tigar ADMITTED THAT HE HAD COMMITTED SUCH EGREGIOUS
22 ERRORS THAT THEY DEMANDED A MISTRIAL, WHICH PLAINTIFF DECLARED AS
23 WELL. Plaintiff acknowledges that this fact is a major factor in Tigar deciding the case in his
24 absence in attempt to evade in many legal transgressions he committed during the case.

25 NOW WE ARE HERE TODAY WITH THE SAME MATTER BEFORE BRAND and
26 COLWELL TO ADJUDICATE AND ACT AS DEPUTY DEFENSE COUNSEL TO EARN HER
27 COMPENSATION WITH THIS RULING FROM THE BENCH!!!

28 IT MUST BE NOTED THAT THE ONLY EVIDENCE PRESENTED AT TRIAL BY THE
DEFENDANTS CSAA WAS THE FABRICATED NOTES PLANTED IN THE CITY OF
OAKLAND CASE FILE BY COLWELL'S MANAGING PARTNER AT MEYERS NAVE,
JAYNE WILLIAMS AND GIVEN TO JUDGE TIGAR AND HER CLIENT JUDGE DAVID

1 LEE AT TRIAL fostered the perjurious testimony given by the defendants witnesses that was
2 denied at the end of her client retired judge David Lee's trial.

3 *In Al-Hakim v. California State Automobile Association, C-811337, the six (6) orders striking*
4 *challenges under CCP 170.1 and 170.3 demonstrate that al-Hakim has a practice of filing*
5 *meritless challenges. (Exh A.)*

6 **Response to Alleged CSAA Meritless Challenges:**

7 See RESPONSE to "purpose of delay" and "frivolous or meritless challenges" and fifteen (15)
8 successful recusals at page 21:

9 Tigar Staged his Recusal as Co-Defendant, Co-Defense Counsel and Deputy Defense Judge
10 Defendants argue "Mr. al-Hakim's repetitive challenges to any judge assigned to the instant case
11 have delayed the proceedings. Mr. ai-Hakim should know better since he filed at least seven
12 challenges to Judge Tigar in the same case."

13 On April 30, 2007 al-Hakim filed his first Challenge for Cause in an effort to disqualify Judge
14 Tigar and on June 7, 2007 Tigar granted that challenge pursuant to C.C.P. section 107.6, ONLY,
15 disregarding ALL the other causes plead! (see Tigar order Granting Challenge of June 7, 2007,
16 CSAA, case no.: C-811337) This cause was not the most relevant one of those used in Tigar's
17 disqualification.

18 al-Hakim charges that Tigar committed extrinsic fraud upon the court, Sate and al-Hakim with
19 his judicial "slight-of-hand" by staging his recusing himself when formally Challenged for Cause
20 and Disqualification by al-Hakim. Although al-Hakim issued numerous fact supported,
21 uncontested, undeniable, irrefutable charges of lying under oath, perjury, corrupt misconduct,
22 deceit, abuse of process and discretion to disqualify Tigar, whom ignored ALL of al-Hakim's
23 charges while failing and refusing answer any of them. However, Tigar chose to stage his recusal
24 based on CCP 107.6, a law that al-Hakim did not argue because it did not apply. In doing so, he
25 violated the law as he disregarded the facts, gravity and truth of al-Hakim's charges, and altered
26 the controlling law and entitlement of the disqualification in an attempt to avoid the proper
27 litigation of al-Hakim's charges and scrutiny thereto. Knowing that Tigar had changed the
28 disqualification from a just cause with irrefutable evidence to support the disqualification, to one
that was easily defeated, CSAA defense counsel Stephan Barber moved to represent Tigar, the
interest of the Insurance Company, and himself by filing a Motion for Reconsideration to deny
Tigar's recusal and restore his illegal place in this case. Tigar GRANTED THE MOTION,
restoring HIMSELF as judge, officially made himself a defendant and fourth element in this case

1 though sitting as the judge in this matter, he is now a defendant, co-defense counsel and deputy
2 defense judge ruling in matters that he has lied and has been deceitful about and is personally
3 involved in, was represented by defense counsel Barber himself in an action that was brought by
4 Barber BEFORE TIGAR to establish HIS right to sit and rule in the same matter that HE is now
5 personally involved in and HE sits in judgment of HIMSELF BEFORE HIMSELF!!! (see Tigar
6 July 6, 2007 order Granting CSAA Motion for Reconsideration on Tigar's own motion Vacating
7 Order of June 7, 2007, CSAA, case no.: C-811337) Tigar's representation by the defense has the
8 unfortunate consequence of making the judge a litigant, obliged to the defense and their counsel
9 by leaving his defense to one of the litigants appearing before him in the same case. (Kerr v.
10 United States District Court, supra, 426 U.S. at pp. 402-403 [48 L.Ed.2d at p. 732].) Judges
11 should be umpires rather than players. This is a travesty and a mockery of justice with clear
12 conflict while it wreaks of corruption and collusion!

13 Judge Tigar was the henchman for the defense in this legal lynching and has released the judicial
14 guillotine upon Plaintiff and his family's neck with Plaintiff's entire 10 year action and trial being
15 destroyed by the blatant misconduct, erroneous rulings and the continued abuse of this judge's
16 discretion. These many rulings are void of any legal basis, moral conviction, ethical reason nor
17 merit as Tigar has failed and refused to provided the truth of his statements and actions nor any
18 information sought relative thereto and has fostered his relationship, involvement and business
19 with Defendants CSAA, and their defense counsel Ropers Majeski, as they represented his
20 interest BEFORE HIMSELF as judge in their opposition to his staged recusal allowing him to
21 continue as judge in this matter. He has subsequently ruled in their favor to allow himself to be
22 their deputy co-counsel judge. His representation by the defense counsel makes the judge a
23 litigant, and the erroneous rulings clearly exhibits Tigar's is intemperate and has stepped outside
24 the boundaries of what can be characterized as proper and reflects the judge's intent to intimidate,
25 taunt, infer, and influence the outcome of this case, and as such, impress on the case his judicial
26 imprimatur of the defense's position.

27 On April 15, 2008 al-Hakim received a letter from Judge Yolanda Northridge acknowledging
28 receipt of the Complaint for Censure referring the matter to the Supervising Judge, Robert
Freedman for review and investigation (letter attached to the Complaint for Censure, volume as
Exhibit "2" and other complaints filed on April 11, 2008 and April 14, 2008, in Superior Court)

1 The “Tigar For The Defense” strategy, “make the judge a player AND the umpire”, is in effect
2 again now with this motion as defendants are representing Brand in a matter brought by Brand,
3 held before Brand, to be decided solely by Brand, for the BENEFIT AND DEFENSE of Brand,
4 the defendants and entities who have been involved in these matters for years, and this on going
5 conspiracy that brought this action that seek to foreclose on al-Hakim’s movement to bring them
6 to justice is a criminal abuse of process!

7 *B. Green Key Investments v. Al-Hakim, RG 18-927213*

8 *In Green Key Investments v. Abdul-Jalil Al-Hakim, RG18-927213, the two (2) orders striking*
9 *challenges under CCP 170.1 and 170.3 demonstrate that al-Hakim has a practice of filing*
10 *meritless challenges. (Exh B.)*

11 Green Key Response:

12 This is a case where al-Hakim is a defendant and NOT subject to evidence of any vexatious
13 litigant actions therein, so merit is NOT an issue, BUT the case is proof of Brands fraud and
14 corruption. Thus merit or frivolousness is NOT a consideration!

15 See RESPONSE to “*purpose of delay*” and “*frivolous or meritless challenges*” and fifteen (15)
16 successful recusals at page 21:

17 As stated earlier, al-Hakim waited to receive the order after the hearing on February 25, 2019, on
18 the default taken and issued against Green Key in the motion to vacate the illegal default
19 unlawful detainer order taken against al-Hakim, but it has NOT been served to date.

20 Brand and his Court Administration Perverting, Obstructing Justice, or the Due Administration of
21 the Laws in Green Key vs. al-Hakim

22 This is a simple case of Judge Brand, and Colwell before him, their Department 511 clerks and
23 court administrations continuing fraud, corruption and collusion being solely responsible for this
24 case as filed, NOT the LISTED Green Key plaintiffs, They have been the sole force behind
25 moving this litigation forward for them, as Green Key has failed to appear consecutively without
26 notice nor reason submitted to the court nor al-Hakim and have NOT been issued a default nor
27 al-Hakim being granted his motion to vacate the default taken against him after 13 notices to the
28 court over a three week period that he was unavailable to attend a hearing that he had no
knowledge of nor influence in the selection of the date which is a date the court has 40 years
knowledge that he would be unavailable to attend! (see Letters to Judge Brand and Plaintiff’s Mr.
Anthony S. Leung, and Christopher Leung re: Defendant Unavailable for Pre-Trial Settlement
Conference Wednesday, January 2, 2019 and Trial Hearing Thursday, January 3, 2019, Dated

1 December 13, 2018, 2 Pages; letter re: Requesting Reservation Number for Ex-Parte Motion to
2 Continue, Defendant Unavailable for Pre-Trial Settlement Conference Wednesday, January 2,
3 2019 and Trial Hearing Thursday, January 3, 2019 Dated December 17, 2018, 2 Pages; letter re:
4 **TENTH Request** for a Reservation Number for Ex-Parte Motion to Continue, Defendant
5 Unavailable for Pre-Trial Settlement Conference Wednesday, January 2, 2019 and Trial Hearing
6 Thursday, January 3, 2019 Dated December 19, 2018, 2 Pages; in Green Key vs. al-Hakim,
7 Case:##RG18927213; ALL filed December 19, 2018)

8 There are NO documents, evidence, nor testimony that indicates that Green Key independently
9 committed fraud on the court, ALL the documents, evidence, and testimony is sourced solely and
10 directly from the Judges, their Department 511 clerks and court administrations OWN hands and
11 actions!

12 In this specific instance, Brand attempts to sit in SOLE judgment of his, the Department 511
13 clerks and court administration's OWN Continuing Fraud, Corruption and Collusion, and thus far
14 has ruled that there has been no fraud, corruption and collusion committed on HIS and their
15 OWN part, AND MAKES THIS RULING WITHOUT ANY POSSIBLE LEGAL CONFLICT
16 OF INTEREST!

17 The courts rulings in Green Key vs. al-Hakim, will be set aside entirely as the product of fraud
18 on the court from the clear continued practice of obstruction and perverting of justice. (see
19 2/25/19 Brand Challenge at ¶¶ 22-28, 38, 42)

20 Brand ordered the illegal eviction of al-Hakim in his continuing al-Hakim's unopposed,
21 uncontested motion to vacate the unlawful detainer and writ of execution of Green Key where
22 they failed to appear at hearings three times consecutively without al-Hakim being granted a
23 default. Brand even admitted that the last two continuances were because the CSAA matters
24 were continued even though those matters had nothing to do with other.

25 The order is oppressive and a clear denial simply to avoid the issues raised in the challenges.
26 The truth is on January 3, 2019, Brand ordered a Writ of Execution for eviction scheduled for
27 January 21, 2019, obtained by default when al-Hakim noticed the court THIRTEEN (13) times
28 via phone calls, voice mail messages, faxes, and emails over three weeks PRIOR to the January
2, 2019 and January 3, 2019, hearings that he would be unavailable to attend those dates, and
somehow the court ignored those notices and proceeded despite the notices. Additionally, the
court and plaintiffs are and have been aware for over 30 years that he has religious obligations on

1 Tuesdays and Thursdays that do not allow for his presence in court which included one of the
2 dates given for the hearing. (see 2/25/19 Brand Challenge at Page 2-5)

3 On January 9, 2018, Brand was Challenged in BOTH cases for cause pursuant to Code of Civil
4 Procedure sections 170.1 and 170.3 wherein the Green Key Investments v. al-Hakim Brand
5 decided NOT to file and serve an answer to the Challenge until FEBRUARY 1, 2019, thereby
6 consenting to the Challenge per CCP §170.3(c)(4) for failure to file an order striking the
7 Challenge within 10 days.(see 2/25/19 Brand Challenge at Page 2-3)

8 Brand issued an order dated January 22, 2019, wherein he attempts to deflect his dereliction by
9 claiming that “*On January 16, 2019, Mr. al-Hakim made an oral request that the challenge*
10 *apply to case number RG18927213. On 1/18/2019 the court ordered the clerk to file the*
11 *challenge as to Judge Brand from case C-8113 37 into case number RG18927213 and to deem*
12 *the challenge served on Judge Brand on January 16, 2019.*

13 *Having read and considered the Challenge, and for good cause shown, the court hereby*
14 *STRIKES it.*

15 THIS IS A COMPLETE AND TOTAL LIE, A MASIVE FABRICATION AND IS factually
16 disputed on the face of the challenge that PROMINENTLY LISTS BOTH CASES and on the
17 record at the hearings on January 9 and 16, 2019, as al-Hakim made it perfectly clear the
18 challenge, as with at least six (6) others, applied to both cases and that fact was discussed both
19 during and after the hearings! (see 2/25/19 Brand Challenge at Page 2-5)

20 Also in his denial of the challenge Brand states “*Here, the Challenge contains no specific factual*
21 *allegations supported by admissible evidence that, if true, would support the conclusion that*
22 *Judge Brand is biased, or might reasonably lead a person to doubt Judge Brand’s impartiality.”*

23 Brand, Colwell and court administration initiated this vexatious motion with defendants as his
24 defense because he has been, is and will be a defendant and witness, is directly involved in the
25 above two ongoing cases as he put before himself and ruled on his OWN involvement in the
26 continuing, now escalating Superior Court Administration Grand, Systemic and Endemic
27 Corruption; Conduct To Pervert or Obstruct Justice, or the Due Administration of the Laws
28 (Pen.Code, §§ 182, subd. (a)(1), 4570) 1 and Conspiracy to Pervert or Obstruct Justice (§ 182,
subd. (a)(5)); Fraud Upon The Court; Manipulation; Demands Removal For Cause Due to
Criminal Conduct In Violation of The Law; while he serves as judge and trier of fact of his OWN
GUILT is an essential element in vacating and voiding any order subject to inadvertence,

1 surprise, mistake, or excusable neglect, or FRAUD (CCP §473(b)); Code Civ. Proc., § 475; and
2 renders the judgment and/or default is void (CCP §473(d)).

3 Judge Brand Disqualified Per CCP §170.3(c)(4) for NOT Answering nor Striking Challenge and
4 Statement of Disqualification Within Ten-Day Time Limit

5 Brand's order/answer Striking the Challenge For Cause was dated January 22, 2019, UNDER
6 THE PENALTY OF PERJURY as filed on January 18, 2019, AND EXECUTED BY SCOTT
7 SANCHEZ UNDER THE PENALTY OF PERJURY AS BEING SERVED BY MAIL ON
8 FEBRUARY 1, 2019. **THE ORDER WAS ALLEGEDLY FILED FOUR (4) DAYS BEFORE**
9 **IT WAS SIGNED BY BRAND** AND WAS ALLEGEDLY SERVED FOURTEEN (14) DAYS
10 AFTER IT WAS FILED!

11 al-HAKIM ONLY RECEIVED A COPY OF THE ANSWER/ORDER AT THE HEARING ON
12 FEBRUARY 11, 2019. (See Petition- STATEMENT OF FACTS pages 9-10)

13 **THIS IS MORE THAN THIRTY DAYS AFTER THE CHALLENGE WAS SERVED AND**
14 **FILED!!!**

15 This constitutes Brands disqualification as he did not file and serve an answer within ten days, he
16 is considered to have consented to the disqualification. CCP §170.3(c)(4); *People v Superior*
17 *Court* (Mudge) (1997) 54 CA4th 407, 411, 62 CR2d 721.

18 In the Green Key Case, Brand ignored the fact al-Hakim did NOT received any response from
19 the court to his over THIRTEEN (13) communications, contacts, documents, faxes and emails,
20 including TWO phone calls and voicemail messages, and hand delivered the documents with a
21 court filed letter requests to his clerks Scott Sanchez and Cynthia Trinidad over three weeks

22 PRIOR to the January 2, 2019 and January 3, 2019, hearings to request a reservation number to
23 file an ex-parte motion for a continuance of the hearings he was unable to attend as the court and
24 plaintiffs are and have been aware for over 30 years that al-Hakim has religious obligations on
25 Tuesdays and Thursdays that do not allow for his presence in court which included the hearing,
26 and proceeded despite the notices and issued a default against al-Hakim in favor of Green Key.
27 (see 2/25/19 Brand Challenge at ¶¶ 21-29, 38, 42) Brand ignored his request even though there
28 was hearings scheduled on January 9, 2019 in the CSAA matter that directly impacted the Green
Key action as the court had two motions to vacate the orders for the sale of the dwelling that has
inappropriately been continued many times since March 2018 as a delaying tactic until the sale

1 of the home could be completed, continuing the persecution, bigotry, and hate induced
2 harassment by Department 511. (see 2/25/19 Brand Challenge at ¶¶ 21-29, 38, 42)

3 A year earlier to the date al-Hakim submitted a declaration that he was unavailable for a hearing
4 requesting a continuance and it was granted by Brand without any question.

5 This is a case of Judge Brand, and Colwell before him, their Department 511 clerks and court
6 administrations continuing fraud, corruption and collusion being solely responsible for this case
7 as filed, NOT Green Key. They have been the sole force behind moving this litigation forward
8 for them, as Green Key has failed to appear THREE TIMES consecutively without notice nor
9 reason submitted to the court nor al-Hakim, have not filed an opposition to the motion to vacate
10 the default writ of execution, and have NOT been issued a default nor al-Hakim being granted
11 his motion to vacate the default taken against him!

12 Brand attempts to sit in SOLE judgment of his, the Department 511 clerks and court
13 administration's OWN Continuing Fraud, Corruption and Collusion committed on HIS and their
14 OWN part!

15 Brand seeks to ignore the evidence of his and his clerks fraud on the court, court administration
16 manipulating the system, altering the register of actions, bias in the issuing of reservation
17 numbers to file motions, setting hearing dates, the hearings, and judgement of motions, briefs,
18 arguments, announcing the tentative rulings, tentative rulings, orders, filing documents, serving
19 documents, and other such misconduct. He did not obey his oath, the law, or the constitution
20 wherein his rulings and orders as part of the record show his inability to follow local rules of
21 court and case law. The court due to its misconduct is prohibited from selling the property.

22 *Bulloch v United States*, 763 F.2d 1115, 1121 (10th Cir. 1985).

23 Brand and defendants CSSA actions regarding the uncontested, established facts of al-Hakim's
24 filed homestead being denied; acknowledged fact of Colwell knew at ALL times where al-Hakim
25 lived as proven by the letter from Judge Colwell to him; the clear fraud in the home appraisal by
26 CSAA; the known assets that determine the greater value of the home being omitted from the
27 appraisal; the contamination of the home being omitted from the appraisal; amounts to fraud on
28 the court in order to sell the property. (see 2/25/19 Brand Challenge at ¶¶ 4-18)"Fraud upon the
court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud
which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court
so that the judicial machinery can not perform in the usual manner its impartial task of adjudging

1 cases that are presented for adjudication." Kenner v. C.I.R., 387 F.3d 689 (1968). (see 2/25/19
2 **Brand Challenge at ¶¶ 2, Page 20-21; and Declaration and Exhibits to Motion to Vacate**
3 **filed February 20, 2018 with Reply to Opposition and Exhibits filed March 14, 2018)**

4 Brand and the Judges are forever silent regarding the Challenges, it's facts, testimony and
5 evidence; mainly, due to his fraud placed upon the court. "Silence can only be equated with fraud
6 where there is a legal or moral duty to speak or when an inquiry left unanswered would be
7 intentionally misleading." (See U.S. v. Tweel, 550 F. 2d. 297 (5 th cir. 1977)). Fraud upon the
8 court also warrants dismissal (see Hazel-Atlas Glass Co. v. HartfordEmpire Co., 322 U.S. 238
9 (1944)).

10 This sworn statement under the penalty of perjury is factually untrue and a complete fabrication
11 as he attempts to use as a shield because he can NOT answer any of the undisputed,
12 uncontroverted issues raised with the facts and evidence provided in the Challenge that clearly
13 any other reasonable person could understand the vindictiveness, retaliation, racism, bias,
14 prejudice and partiality. Brand IS NOT BELIEVABLE, and can't plead "the Fifth" nor "not
15 guilty" of the criminal, corrupt acts listed in the challenge naming him.

16 *C. Al-Hakim v. East Bay Municipal Utility District, RG14-740943*

17 *In Al-Hakim v. East Bay Municipal Utility District, RG14-740943, the twelve (12) orders striking*
18 *challenges under CCP 170.1 and 170.3 demonstrate that al-Hakim has a practice of filing*
19 *meritless challenges. (Exh C.)*

20 **EBMUD Response:**

21 "Judicial challenges themselves are not, however, evidence a want or delay of prosecution. A
22 party is entitled to challenge a judicial officer for cause or bias." "The challenges appear to be
23 filed in an earnest belief that the judges of this Court ought to be disqualified from deciding this
24 case and that each successive challenge will overcome the prior's shortcomings." "the Court
25 hopes and encourages both parties to take this new judicial assignment as a good time to wipe
26 the slate clean, forgive any earlier acrimony, and proceed to resolve and adjudicate the claims
27 raised by the Complaint in normal order and good faith. Al-Hakim deserves a chance to have his
28 claims adjudicated." "Both parties deserve the rights to fair procedure and due process
guaranteed to them by law. In short, this case deserves a chance to proceed on its merits, and
now is an opportune time as any to do so."

Judge Stephen Kaus, Tentative Ruling made September 11, 2018.

Judge Kaus admits to the courts acrimony and animus toward al-Hakim, and asks to wipe the
slate clean and move forward in good faith as al-Hakim deserves a chance to have his claims
adjudicated with the rights to fair procedure and due process guaranteed to them by law! But it
took four challenges and multiple rulings challenged for fraud on the court, abuse of discretion,

1 bias, prejudice, perjury, and failing to disclose conflicts of interest for Kaus to finally recuse
2 retroactive to his assignment because he failed and refused to disclose a know conflict in these
3 cases that now have to re-litigated!

4 This action is a simple matter of the EBMUD water main collapsing and causing over \$1.5
5 million dollars damage to al-Hakim's home, business and personal property with over \$900,000
6 damage to the foundation and exterior grounds of the home, wherein they have accepted their
7 fault and liability in this matter yet he is being FORCED to walk away from the suit because he
8 WILL NOT FOREGO HIS RIGHT TO A FAIR TRIAL???!!!

9 Thus merit or frivolousness is NOT a consideration!

10 See RESPONSE to "*purpose of delay*" and "*frivolous or meritless challenges*" and fifteen (15)
11 successful recusals at page 13:

12 THIS IS PLAINTIFF'S action that is being stymied by Judge Freedman, Iona Petrou and Evelio
13 Grillo adopting Freedman's racist, Islamophobic, Xenophobic, hate induced agenda (Freedman
14 made comments in open court regarding al-Hakim being Muslim at a hearing!) to deny al-Hakim
15 his human and civil rights, and due process under the law. al-Hakim does not feel that the
16 process of having to exhaust his rights to a fair and impartial hearing should be used up on
17 preemptory challenges nor challenges for cause of judges that are tainted and conflicted in these
18 matters due to their previous involvement, i.e., Judges Carvill, Jacobson, Rolefson, Petrou,
19 Herbert, Markham, and Freedman, among others, that MUST be addressed regarding the
20 continued corruption and persecution al-Hakim, his family, businesses, and communities they
21 serve continue to suffer at their individual and collective gavels!

22 Judges Judges Evelio Grillo, after five (5) challenges and Stephan Kaus, after four (4)
23 challenges, were recused in two cases each, the AT&T and EBMUD cases!

24 The successful judicial recusals of Grillo and Kaus CLEARLY DEMONSTRATE THE
25 CHALLENGES ARE NOT MERITLESS NOR FRIVOLOUS BUT PREEMINENT, THE
26 EMBODIMENT OF THE RULE OF LAW, AND MANDATED TO ESTABLISH AND
27 PRESERVE ALL OF al-HAKIM'S CONSTITUTIONAL RIGHTS!

28 At the request of Judge Evelio Grillo, al-Hakim joined him and filed a complaint with the
Superior Court, Judicial Council and others against Judges Evelio Grillo, Michael Markman,
Wynne Carvill, Stephan Kaus, court administration and others listed therein, regarding the
therein referenced 68 violations under United States and California State Constitution (United

1 States Constitution Amendments I, V, VI, VIII, XIV, For Violations of the Due Process Clause of
2 the Fourteenth Amendment Under Color Of State Law; Section 1983). (see Grillo 68 Violations
3 Under the United States Constitution Amendments I, V, VI, XIV (For Violations of the Due
4 Process Clause of the Fourteenth Amendment Under Color Of State Law; Section 1983), ¶¶
5 **1-68, Challenge for Cause of Judge Grillo filed July 18, 2018**, al-Hakim v. East Bay
6 Municipal Utility District, RG14-740943)

7 Grillo does not provide any answers to the Challenges served on him because he can't afford to
8 incriminate himself until finally he has decided NOT to answer the fifth Challenge at all, thereby
9 consenting to the Challenge. al-Hakim incorporated that entire challenge therein until such time
10 as he answers the challenge!

11 On July 16, 2018, al-Hakim filed the Opposition to the Order to Show Cause and Challenge, al-
12 Hakim demonstrated criminal conduct and ongoing corruption of Judges Freedman, Petrou, and
13 Grillo in their 68 Constitutional Violations of plaintiff's rights, which plaintiff will NOT waive,
14 as the reason for the delay in the case that has made it Impossible, Impracticable, and Futile to
15 Proceed. (see ¶¶ **1-68**, Opposition to the Order to Show Cause filed July 16, 2018, al-Hakim v.
16 East Bay Municipal Utility District, RG14-740943)

17 Grillo's or anyone else's "protracted and unexplained delay in prosecution" argument is mindless
18 as there is no reason greater than plaintiff's basic right to pursue litigation at all, where
19 Freedman, Petrou, and Grillo have denied plaintiff's civil rights and due process, an equal
20 opportunity to participate in unbiased pursuit of his legal claims as if these are still the dark days
21 of american history when Black people had no rights at all!; This is the reason for the delay in
22 the case that Grillo and the judges before has made it Impossible, Impracticable, and Futile to
23 Proceed. Freedman, whom one legal publication labeled "a scofflaw; serial liar, moron, ethically
24 destitute", held up the litigation of this case for 3 years so he could attempt to dismiss it for lack
25 of prosecution! (see ¶¶ **47-51, Challenge for Cause of Judge Grillo filed July 18, 2018**, al-
26 Hakim v. East Bay Municipal Utility District, RG14-740943)

27 Given Judge Grillo's admissions at the July 18, 2018, hearing "Filed Answer Adventure was a
28 Complete Fabrication!" and his complaint against the superior court and clerks offices for their
continuing fraud on the court, was one of the reasons for this assignment to Kaus entails a
dramatic sequence of events and ex-parte communications that are not and have not been made
public that have an immeasurable impact on these and other cases that now involve the on going

1 actions of Judges Robert Freedman, Ioana Petrou, Morris Jacobson, Jon Rolefson, Wynne
2 Carvill, Kim Colwell, Mark Markman, Evelio Grillo, C. Don Clay, Chad Finke and Superior
3 Court Clerks and administration among others. (see see Opposition to Case being assigned to
4 Judge Kaus and Grillo Conspiracy, filed August 8, 2018, al-Hakim v. East Bay Municipal Utility
5 District, RG14-740943; **Challenge for Cause of Judge Grillo filed July 18, 2018;** and **Grillo
6 Judicial Council Complaint EBMUD, AT&T Page 6-10)**

7 At the hearing, Grillo informed al-Hakim that he is going to file a complaint regarding the clerks
8 office not properly filing or serving the challenge and answer striking challenge.

9 al-Hakim asked him “whom are you going to file the complaint with” he responded “judge
10 Markman, and if you want to file a complaint you can do so as well” I asked whom should I file a
11 complaint with and he said “Markman”. al-Hakim stated “this story is a complete fabrication!”
12 al-Hakim stated that his complaint wasn’t just going to be against the clerks office as as he stated
13 to Grillo “you noticed in my opposition somewhere that I had raised the fact that you had failed
14 to file and serve an answer striking your challenge for cause within the 10 day limit.” Grillo said
15 yes, I did, that’s what prompted this dismissal”.

16 al-Hakim stated “there is no reference to the dismissal for not timely filing an answer in the
17 opposition!” This is a complete fabrication!

18 Grillo said that “well that’s not what we are talking about, I have accepted the recusal, the issue
19 is moot and all the confusion regarding the answer and service, I will address it with judge
20 Markman”. al-Hakim again stated that “the entire reason that prompted this recusal was because
21 you noticed in my opposition somewhere that I had raised the fact that you had failed to file and
22 serve an answer striking your challenge for cause within the 10 day limit but there is no
23 reference to the dismissal for non answer in the opposition!”

24 al-Hakim reminded Grillo that “you have been served a new challenge” and Grillo tried to evade
25 service by accepting non-answer dismissal, stating it was moot” and al-Hakim said the issues
26 addressed in this challenge will endure far beyond today and I’ve served you”.

27 We have witnessed at least five times where the register of actions and record were altered even
28 after the fact by the judges and clerks in al-Hakim’s cases.

His entire sham of filing an answer and 170.3 dismissal was a fabrication based on the fact he
read that in opposition and realized he had NOT filed and served a timely answer striking the
challenge, that was NOT in the opposition!

1 Grillo admitted that he had spoken with both Judges Carvill and Markman regarding his
2 “Adventure” with the answer and it begs the answers to how were they involved in this matter,
3 from it’s inception to it’s assignment to Kaus; to the alleged complaint against the clerks office
4 that Grillo said he was going to file to asking al-Hakim to file his complaint, that al-Hakim will
5 file against them ALL. There is clearly a case of fraud on the court, fabricating what is now
6 evidence given the time and IP of the device that uploaded the alleged answer, fabricating the
7 record and register of actions, and conspiracy, among others!

8 Carvill has been uniquely involved in this and other matters of al-Hakim’s and is still subject to
9 the ongoing appeal and investigation of the criminal activities of him, judges Freedman, Petrou,
10 Jacobson, Rolefson, Colwell, Markman, Grillo, Clay, Finke and Superior Court Clerks and
11 Administration among others. As it regards the ongoing appeal, the underlying case that rendered
12 the appeal was decided in al-Hakim’s favor after 22 years of litigation and found to declare
13 Carvill and the other five judges that sat in the case without knowing anything about it while
14 ruling in it solely on the script prepared by law clerk Phil Abar, ALL TO HAVE BEEN
15 ENGAGED IN FRAUD ON THE COURT AND OBSTRUCTING JUSTICE!!! SINCE THIS
16 SCRIPT WAS TRANSFERRED FROM ONE JUDGE TO ANOTHER THERE WAS OBVIOUS
17 COLLUSION, ILLEGAL EX-PARTE COMMUNICATIONS, CORRUPTION, CONSPIRACY,
18 AMONG OTHERS, and grounds for disqualification under CALIFORNIA CCP §170.6, CCP
19 §§170.1-5 et. seq.; CCP §170.1(6)(A)(iii)), (CCP § 170.3 (c) (1)), the Canons of the Code of
20 Judicial Conduct 1, 2, 2A, 2B(2), 3B(2), 3B(4), 3B(5), 3B(8), 3C, 3D(1), 3E, 3E(1), 3E(2), 4,
21 4D(1) and 4(E); DUE TO CRIMINAL CONDUCT IN VIOLATION OF 18 U.S.C. §242;
22 Corruption; Manipulation; Obstruction of Justice in Motions for Peremptory Challenge; Conduct
23 To Pervert or Obstruct Justice, or the Due Administration of the Laws (Pen.Code, §§ 182, subd.
24 (a)(1), 4570) 1 Conspiracy to Pervert or Obstruct Justice (§182, subd. (a)(5); Fraud On The
25 Court- Federal Code 60; Code of Civil Procedure §§ 60, § 47, § 4541, § 425.16, § 355, 356, 473,
26 475, § 3523, § 3528 Cal. R. Prof. Conduct 5-200 and Local Rule 180; First, Fifth, Sixth and
27 Fourteenth Amendment U. S. Constitution; California Constitution by the first clause of Article I,
28 section 13; Article VI, section 4 1/2; Article VI, section 13, as a "miscarriage of justice."; Article
VI, section 18, subd. (d)(3)

Judges Petrou and Grillo wrote tentative rulings that were IDENTICAL to the 7 page ruling
issued by tainted Judge Robert Freedman AFTER his second challenge for cause! What

1 happened to Freedman's first tentative ruling that was a few sentences on a page, and what
2 happened in between the first ruling and the fourth that caused the change????!!! ABSOLUTELY
3 NOTHING BUT THE CHALLENGES FOR CAUSE!!!

4 So how does judge Grillo manage to come to the same wording in his 7 page tentative ruling
5 after only 3 court days with the case as Freedman did after 3 years with it????!!!

6 Someone once estimated that if a Judge read all of the petitions filed it would take him or her
7 more than the number of waking hours in the year just to complete this task leaving no time at all
8 for deliberating on the merits or writing opinions (or convincing other justices of the merits of
9 the proposed opinions).

10 Even more upsetting is the fact that the same 7 page tentative ruling was issued by judge Ioana
11 Petrou in her independent review of the case as well. Three different judges, a tentative ruling
12 that was a few sentences on a page to 7 pages, the same 7 page ruling issued by those three
13 different judges without the benefit of a single letter from the alphabet, not a single word being
14 added to the pleadings, testimony, evidence, argument, nor any legally approved open
15 secret communications regarding the issues raised herein. Or has there been some illegal, unapproved
16 secret communications regarding the issues raised herein?

17 If Judge Grillo is NOT going to be independent, fair and unbiased, but is assigned the case to
18 merely "carry CONVICT judge Freedman's water" then I do NOT feel comfortable with his
19 involvement in this case.

20 If he is just going to adopt Freedman's rejected tentative rulings as Petrou did before him, then
21 CONVICT judge Freedman is still sitting in this case in Grillo's name, face, shoes, and stead.

22 Clearly I am unwilling to move forward with judge Grillo sitting in this as well as any other case
23 given that he's merely judge Freedman's stooge adopting his racist, islamophobic, xenophobic,
24 hate induced agenda (Freedman made comments in open court regarding al-Hakim being Muslim
25 at a hearing!) to deny al-Hakim his human and civil rights, and due process under the law. I do
26 not feel that the process of my having to exhaust my rights to a fair and impartial hearing should
27 be used up on peremptory challenges nor challenges for cause of judges that are tainted and
28 conflicted in these matters due to their previous involvement, i.e., judges Freedman, Rolefson,
Colwell, Krashna, Herbert, Petrou! (see ¶¶ 25-32, **Challenge for Cause of Judge Grillo filed
July 18, 2018**, al-Hakim v. East Bay Municipal Utility District, RG14-740943)

1 In the al-Hakim v. Interserver Equinix, Case: #RG18888371 matter that was initially assigned on
2 January 11, 2018 to Judge Stephen Kaus yet without any notice, appearances, rulings, or
3 recusals, it was reassigned to judge Clay, who issued an vexatious litigant order on July 23, 2018
4 with an extended 60 day briefing schedule when the vexatious litigant motion was to be heard.

5 The scheduling was the product of judge Clay trying to extend the motion practice to allow for
6 the verification of his information in his order includes “secret evidence” of the dismissal of the
7 al-Hakim vs. EBMUD action, Alameda County Case No. RG 14-740943. **This matter has NOT**
8 **been dismissed so it begs the question “what does Clay know?, how he knows it?, when did**
9 **he find this out?, who he discussed this with?”**

10 **Further it underscores the corruption, collusion, and conspiracy of in the case of al-Hakim**
11 **involving Judges Clay, Stephen Kaus, Robert Freedman, Morris Jacobson, Jon Rolefson,**
12 **Evelio Grillo, Ioana Petrou, Wynne Carvill, Frank Roesch, Jo-Lynne Lee, Paul Herbert,**
13 **Kim Colwell, Kevin Murphy, Michael Markman, among others and their “handling of the**
14 **EBMUD matter that has NOT been dismissed!** (see Challenge for Cause of Judge Kaus
15 filed December 4, 2018, Page 16)

16 In his effort to “*trust, but verify!*”, al-Hakim has established some startling revelations regarding
17 what Kaus knew or should have known that disprove his many “*I don’t know anything about*
18 *that*” comments to the questions al-Hakim put to him at the August 29, 2018 hearing. Kaus tries
19 to evade his illegal ex-parte communications and conspiracy by say “I haven’t spoken to anyone
20 that has been disqualified in this case”, Well, that leaves EVERYONE except judge Herbert!
(see “Kaus Discrepancies Clearly Indicate He was Being Untruthful”, Challenge for Cause of
21 Judge Kaus filed December 4, 2018, at Page 15)

22 ***al-Hakim argues When the tentative ruling/order of the court is proof of corruption,***
23 ***conspiracy, fraud upon the court, denial of due process, obstruction of justice, and a violation***
24 ***of a litigants civil rights, that tentative ruling/order becomes IRREFUTABLE EVIDENCE of***
25 ***these crimes.***

26 Kaus here attempts to rule on his own perjury and fraud in this now second ruling/order
27 (September 11, 2018 and September 27, 2018) denying al-Hakim’s rights to a fair, unbiased legal
28 proceeding. (see “Kaus’ Tentative Ruling/Orders IRREFUTABLE EVIDENCE of Crime”,
Challenge for Cause of Judge Kaus filed December 4, 2018, at Page 3-4)

1 On August 29, 2018, Kaus was challenged peremptorily pursuant to Code of Civil Procedure
2 section 170.6 and for cause pursuant to sections 170.1 and 170.3 and the order striking the
3 challenge should have been filed and served by Friday, September 7, 2018. As of September 12,
4 2018, Kaus has NOT answered, filed and served the Challenge, al-Hakim has NOT received any
5 answer, and Kaus is thereby consenting to the Challenge per CCP §170.3(c)(4) for failure to file
6 an order striking the Challenge within 10 days. (see “Kaus Did NOT Answered The Challenge,
7 Consenting to the Challenge”, Challenge for Cause of Judge Kaus filed December 4, 2018, at
8 Page 29)

9 al-Hakim’s Motion to Vacate and Set Aside the September 27, 2018 Order on Defendants
10 Demurrer referenced herein where the only issue in this matter is “*Did Judge Kaus commit*
11 *prejudicial misconduct in refusing to refer the case out to another judge pending his answering*
12 *the properly served and filed challenge, by continuing to preside over the case and conduct*
13 *hearings before answering the properly served and filed challenge, not just make administrative*
14 *rulings, without having filed a written verified answer to al-Hakim’s challenge or his*
15 *disqualification and recusal that he failed and refused to answer?”*

16 Kaus has no respect for the constitutionally guaranteed “*impartial and unbiased judicial*
17 *proceeding*” instead advocates the corrupt, morally bankrupt judicial legal strategy to foreclose
18 on al-Hakim’s right to a fair and impartial judge for the fraudulent purpose to RAILROADING
19 al-Hakim case to a speedy spurious end!

20 Kaus finds it abhorrent that al-Hakim has the nerve to exercise his constitutional rights to
21 demand fairness, impartiality and the proper administration of justice, as required by law, NOT
22 the attempts a the judicial “sleight- of-hand” and tricknology implored by the court.

23 As Kaus has expressed in the past, he knows his colleagues in the Appeals Court will cover-up
24 this corruption as his actions entrap and force al-Hakim into the “Writ Racket” to deny and bury
25 any appeals.(see “Kaus Committed Prejudicial Misconduct Refusing to Refer Case to Another
26 Judge”, Challenge for Cause of Judge Kaus filed December 4, 2018, at Page 4-9)

27 On March 1, 2018, al-Hakim sent a Letter Complaint to Chief Justice Cantil-Sakauye, Judges
28 Grillo, Markham and Carvill, Alex Tse, Phyllis Hamilton, Xavier Becerra, Ms. Victoria Henley,
Mr. Chad Finke, and Mr. Martin Hoshino. (see letter in Challenge for Cause of Judge Kaus filed
December 4, 2018, at Page 11-12)

On March 1, 2018, I sent a three page letter complaint as follows:

1 Dear Chief Justice Cantil-Sakauye, Judges Grillo, Markham and Carvill, Alex Tse, Phyllis
2 Hamilton, Xavier Becerra, Ms. Victoria Henley, Mr. Chad Finke, and Mr. Martin Hoshino:

3 On several occasions I have expressed my ongoing concern for Judge Evelio Grillo's
4 sitting in the matters referenced above to Judges Markham and Carvill as well as several rather
5 blatant court administrative "errors" that are completely unacceptable in Departments 15, 20,
6 507, and 511 to former Presiding Court Judge Morris Jacobson, and Supervising Judge Jon
7 Rolefson.

8 Just yesterday I had a hearing before Judge Grillo in the *al-Hakim v. EBMUD* and totally
9 out of the dark, he also calls the *al-Hakim v. AT&T Inc* case that was NOT on the calendar!
10 I was shocked because there was NEVER any notice of the proceeding to the parties which is
11 probably why the defendants did not appear and did NOT contest the tentative ruling none of us
12 knew about!

13 How does this continue to happen on a bi-weekly basis in this court?

14 He blatantly perjured himself in open court to the extent I was embarrassed for him!

15 Changing orders, issuing orders after removal from a case, changing tentative rulings,
16 changing the title of motions, calendaring motions that were NOT requested, removing motions
17 from the calendar without notice, calendaring motions without notice, deleting items from the
18 register of actions, and falsifying the record (for appeal), are VERY SERIOUS threats to the Rule
19 of Law as practiced by the acceptable courts in America! Perhaps even MORE dangerous is the
20 silence that pervades the court when asked "Why, How and by Whom?"

21 As the matter pertains to Judge Grillo sitting in the *al-Hakim v. EBMUD*, the courts
22 assigned him to this case wherein after 3 court days of having the matter he reads, reviews,
23 research's, and writes a tentative ruling that is **IDENTICAL** to the 7 page ruling issued by
24 tainted Judge Robert Freedman AFTER his second challenge for cause! What happened to
25 Freedman's first tentative ruling that was a few sentences on a page, and what happened in
26 between the first ruling and the fourth that caused the change????!!! **ABSOLUTELY**
27 **NOTHING BUT THE CHALLENGES FOR CAUSE!!!**

28 In his vindictive retaliation against me and his depraved agenda of persecution,
Freedman appointed himself "deputy defense counsel" and attacked *al-Hakim's* complaint in
support of the defenses demurrer that the defense did not and could not raise themselves!

So how does judge Grillo manage to come to the same wording in his 7 page tentative
ruling after only 3 court days with the case as Freedman did after 2 years with it????!!! Even more
upsetting is the fact that the same 7 page tentative ruling was issued by judge Ioana Petrou in
her independent review of the case as well. Three different judges, a tentative ruling that was a
few sentences on a page to 7 pages, the same 7 page ruling issued by those three different judges
without the benefit of a single letter from the alphabet, not a single word being added to the
pleadings, testimony, evidence, argument, nor any legally approved open communications
regarding the issues raised herein. Or has there been some illegal, unapproved secret
communications regarding the issues raised herein?

Clearly I am unwilling to move forward with judge Grillo sitting in this as well as any
other case given that he's merely judge Freedman's stooge adopting his racist, islamophobic,
xenophobic, hate induced agenda (Freedman made comments in open court regarding *al-Hakim*
being Muslim at a hearing!) to deny *al-Hakim* his human and civil rights, and due process under
the law. I do not feel that the process of my having to exhaust my rights to a fair and impartial
hearing should be used up on peremptory challenges nor challenges for cause of judges that are

1 *tainted and conflicted in these matters due to their previous involvement, i.e., judges Freedman,*
2 *Rolefson, Colwell, Krashna, Herbert, Petrou!*

3 *You can accept this letter as a peremptory challenge and a challenge for cause of judge*
4 *Grillio because his tainted and conflicted status as advocate judge sitting in name face, place*
5 *and stead for judge Freedman is unacceptable and a clear violation of the law and cannons as it*
6 *pertains to impartiality, bias, prejudice, collusion, corruption, civil rights and due process.*

7 *Given that I have had no response from the judges, nor the court administration,*
8 *including Chad Finke refusing to comply with three subpoenas and request for production of*
9 *documents and the Judicial Council with the same, I have no choice but to file actions with the*
10 *responsible agencies to discover this information and resolve the legal concerns expressed for*
11 *years.*

12 *Call if you have any questions, and “Thank you” for your consideration.*

13 *Respectfully,*

14 *Abdul-Jalil al-Hakim*

15 *510-394-4501*

16 *ajalil1234@gmail.com*

17 Clay, Carvill, and Chad Finke issued an order that claimed they had **a prior order which deems**

18 **al-Hakim as a vexatious litigant.** We have asked for that order and ALL have remained silent
19 and claim not to be responsible for it, yet it is in an ORDER FROM THE COURT!

20 al-Hakim is informed, believes, and based thereon alleges Defendants, with and through their
21 counsel, has conspired, consorted, colluded and conceived this vexatious litigation strategy
22 aimed at providing the court an opportunity to enact it’s agenda of foreclosing on al-Hakim’s
23 legal rights as they attempt to exercise “Good White Way” to stoke the ever present court
24 corruption and animus toward al-Hakim to victory without doing nor proving anything else!

25 (see “Clay, Carvill, and Chad Finke Vexatious Litigant Strategy Fraud on th Court”, Challenge
26 for Cause of Judge Kaus filed December 4, 2018, at Page 24-27)

27 **D. Al-Hakim v. AT&T, RG17-881130**

28 **Brand orders:**

In Al-Hakim v. AT&T, RG17881130, the seven (7) orders striking challenges under CCP 170.1
and 170.3 demonstrate that al-Hakim has a practice of filing meritless challenges. (Exh D.)

AT&T Response:

In this case, Plaintiff al-Hakim had his cell phone commandeered by AT&T without his
knowledge of their intentions by alleging to replace it in order to amass his personal information
without his consent, had access to ALL his phone records. Those records are very revealing when
it comes to his personal relationships, business dealings, financial matters, and purchases, reveal
his lifestyle, health, personal beliefs, religion, and other information.

1 Plaintiff utilized his phone number (510) 839-5400 for businesses for 30 years, Computer
2 Intelligence, Superstar Management and Aaron & Margaret Wallace Foundation among other
3 businesses he conducts, is alleging unfair competition, conversion, trade secret misappropriation,
4 any proprietary property or trade secrets or any other information derived from this proprietary
5 information" therefore acquired these secrets by improper means.

6 Plaintiff has had his services contracts wrongly changed without consent after AT&T reneged on
7 a contractual obligation and then suddenly terminated when they could not deliver even the most
8 minimal of promised services as per the contract.

9 Plaintiff also had unauthorized third party charges, unauthorized or unexplained fees,
10 subscriptions to AT&T services I did not request, installation problems, coverage issues,
11 hardware problems, overcharging, or any other general service issues, hidden fees, excessive
12 charges, contract terms, consumer fraud, account errors, service issues etc.

al-hakim filed suit in December 2017

13 See RESPONSE to “*purpose of delay*” and “*frivolous or meritless challenges*” and fifteen (15)
14 successful recusals at page 13., and RESPONSE to EBMUD above)

15 Since BOTH judges in this case, Judges Judges Evelio Grillo and Stephan Kaus were recused in
16 two cases each, the AT&T and EBMUD cases, again CLEARLY DEMONSTRATE THE
17 CHALLENGES ARE NOT MERITLESS NOR FRIVOLOUS BUT PREEMINENT, THE
18 EMBODIMENT OF THE RULE OF LAW, AND MANDATED TO ESTABLISH AND
19 PRESERVE ALL OF al-HAKIM’S CONSTITUTIONAL RIGHTS!! Thus merit or
20 frivolousness is NOT a consideration!

E. Al-Hakim v. Interserver Inc., RG18-888371

Brand orders:

21 *In Al-Hakim v. Interserver Inc., RG18-888371, the four (4) orders striking challenges under CCP*
22 *170.1 and 170.3 demonstrate that al-Hakim has a practice of filing meritless challenges. (Exh E.)*

Interserver Response:

24 *“I don’t care about challenges, they don’t mean anything to me, I’m not scared of them!” . “He*
25 *has said that he files complaints, files challenges to document the actions of the court” . “He filed*
26 *complaints with me when I was presiding court judge” , “he’s a litigator in his own way”*
27 *- Judge C, Don Clay on al-Hakim’s challenges and 56 complaints filed with and against him over*
28 *the years*

1 This is a complaint against al-Hakim's internet server host Interserver and Equinix with causes of
2 action for violations of the First, Fifth, Sixth and Fourteenth Amendments to the U.S.

3 Constitution, Unruh and Ralph Civil Rights Acts, and the Bane Acts, Equal Protection under 42
4 U.S.C. § 1983, California Constitution, Article VI, § 4 1/2; California Code of Civil Procedure
5 §§ 355, 356, 473, 475, 3523, and 3528, and for Harassment, Censorship, Fraud, Negligence,
6 Misrepresentation, Defect in Product, Breach of Contract, Breach of the Covenant of Good Faith
7 and Fair Dealing, Breach of Express Warranty, Breach of Implied Warranty, Breach of Contract/
8 Common Law Warranty, Deceptive Trade Practices, Intentional Misrepresentation, Negligent
9 Misrepresentation, Fraud by Concealment, California's Unfair Competition Law, Cal Bus & Prof
10 Code §§ 17200 et seq, Intentional Infliction of Emotional Distress, Discrimination in Violation of
11 the Unruh Act, Nuisance, Abuse of Process, Fraud by Concealment, Violation of California False
12 Advertising Law, Violation of California Consumers Legal Remedies Act (CLRA), Breach of
13 Implied Warranty, Deceit-(California Civil Code § 1710), Unfair and Deceptive Business
14 Practices (UDAP), Unconscionability- UCC-2-3202, California FDCPA (Rosenthal Act),
15 Violation of Uniform Trade Secrets Act (UTSA), Elder Abuse.

16 They were in a daily operation of mounting more and more damages as they have refused and
17 failed to mitigate their damages from years of the above tortious actions!

18 In this case the defendants, Interserver and Equinix, are still currently blocking our access to our
19 commercial server WHM and multiple cPanels administration, our VPS web server, our logins to
20 All services, ALL incoming and outgoing email, websites and website traffic in an effort to
21 censor, suppress, conceal, and shut down our exposing the corruption of the courts and others,
22 thereby covering up their criminal acts!

23 This FACT is CRUCIAL because it encompasses the discovery issues that include activities of
24 defendants, Interserver and Equinix as well as the shutting down and censor of our social media
25 presence to silence our voice exposing corruption and criminal activity.

26 See RESPONSE to "*purpose of delay*" and "*frivolous or meritless challenges*" and fifteen (15)
27 successful recusals at page 13:

28 Thus merit or frivolousness is NOT a consideration!

In the filed and served OCTOBER 3, 2018, 140 PAGE COMPLAINT and CHALLENGE against
Judge Clay, al-Hakim listed 56 Complaints that Document Communications with Clay Detail

1 Corruption and Cover UP!”(see “al-Hakim Communications with Clay Detail Corruption and
2 Cover UP! “, page 44-65, Complaint and Challenge of judge C. Don Clay, filed October 3, 2018,
3 in al-Hakim v. Interserver Inc., RG18-888371)

4 al-Hakim has pointed out to Clay that he has been addressing the misgivings of Clay, the court,
5 and others for over 40 years, before the time that Clay has been serving as a judge and there have
6 been many, many complaints, 56 complaints listed in the 140 PAGE COMPLAINT and
7 CHALLENGE, that al-Hakim has made to and about him and the July, 2005, al-Hakim filed
8 Federal Corruption Complaint with the United States Attorney General, Department of Justice, of
9 a hate crime of Islamophobia and Xenophobia committed against him during the trial al-Hakim
10 v. CSAA and Rescue, et. al” in Superior Court of Alameda County, California.

11 al-Hakim has had many contacts, conversations, exchanged voice mail messages, faxes, emails,
12 filed and served documents with and on Clay and his clerk Elaine Kabling on April 18, 2012;
13 April 19, 2012; May 1, 2012, May 15, 2012; August 22, 2012; September 4, 2012, regarding a
14 personal meeting on the open fraud investigation involving the Oakland City Attorney, various
15 Judges, the District Attorney's Office, their producing documents, resolving the many
16 outstanding issues, that al-Hakim had previously spoke with Rich Cowan, met with Dan
17 Lindhiem, the City Administrator regarding some of these issues.

18 That includes a matter where Clay was involved where al-Hakim was returned \$280 by the clerk
19 for a transcript that he paid \$320, but lost the appeal because the court did not have the
20 transcript! *(This was a case where the DA admitted that hey had misappropriated funds paid to
21 them in trust for al-Hakim’s daughter that were diverted to someone else and other monies
22 unaccounted for. The case was turned over to the State Attorney General due to conflict of
23 interest with the DA and in the interest of justice.)

24 al-Hakim, knowing Clay’s background and reputation as a lawyer who was NOT a litigator nor a
25 formidable defender of truth, justice or civil rights, but instead as a “colored boy who could play
26 the game in Black-Face for the “MAN”, the White Man’s system”, a “Coon”, a “deal maker” and
27 “bag man” for judges; his work with “settling/buying off” cases for guilty drug dealers, hustlers
28 and enterprising criminals with the street handle of “Con Don”; and his brief, failed attempt at
being an entertainment and sports agent while at the same time al-Hakim was established as the
FIRST SUPER AGENT representing many of the worlds greatest athletes and entertainers, and
the founder of sports and entertainment marketing industry. Clay’s former law partner Clinton

1 White, a former judge that was brought onto the bench under the auspices of judge Stan Golde,
2 was a friend of al-Hakim's and a big interest in Oakland baseball. al-Hakim was an friend of
3 judge Golde and his sons Matt and Ivan as well as judge White and his son Bennie. Judge Golde
4 was Clay's entrée into the bench as with judge White. William G. "Billy" Hunter, a personal
5 friend, confidant, partner and co-worker of Clay's, tried to force al-Hakim to take him under his
6 wing and teach him the art of sports and entertainment representation at the request of then
7 mayor Lionel Wilson- a friend of al-Hakim's, and when al-Hakim refused, at Hunters insistence,
8 al-Hakim was investigated by the IRS that lead to al-Hakim's victory over them and a tax code
9 being named after him, wherein al-Hakim made Law Review and his contracts classes being
10 taught in most leading major Graduate Business and Law Schools in the nation. al-Hakim later
11 had to "bailout" Hunter in a contract that he had negotiated with M. C. Hammer for Patrick Bates
12 with the Oakland Raiders that was a disaster! al-Hakim not only represented Hammer, but
13 established his sports and entertainment production, management and boxing promotion firms.
14 Had this blunder by Hunter been known to the public and NBA Players Association, Hunter
15 would NOT have gotten that job and that fact is still a major consideration in his law suit against
16 the NBA Players Association in Hunter's firing. Oddly enough when Hunter sued the NBAPA, he
17 chose to file that suit in Alameda County and guess who the judge was that was assigned the
18 case?, Yeah, CLAY!! But we are NOT supposed to think that there was no collusion, conspiracy
19 or ex-parte communications! Well, here is an email exchange between Clay and Hunter. In an
20 exhibit filed with the motion, Andrew Kassof presented a record of emails exchanged between
21 Hunter and C. Don Clay, the presiding judge of the Superior Court of Alameda County, where
22 Hunter filed his lawsuit. The emails in April 2012 indicated a friendly, sympathetic relationship
23 between Hunter and the judge.

24 In one email, Clay wrote to Hunter, in an apparent reference to Fisher: *"This guy and his
25 advisors still think that they can out think you! They will never give up! You know always to be
26 on the alert! Keep up the fight! We will continue to pray for you!"*

27 Hunter responded: *"C Don thanks so much for the support. I now know how Obama feels, since
28 he has to contend with this bs on a daily basis. I have urged the [board] to conduct an extensive
audit to shutdown Derek Fisher. Keep me in your prayers."*

Further, al-Hakim represented Dean Hodges and 75 Girls Records, Jive Records, Zomba Music,
Dangerous Music, Oaktown Records, the record company, producers and publishing companies

1 that owned the rights to an artist that Clay represented, Too \$hort. al-Hakim was a driving force
2 in the Oscar Grant activities including formulating and enacting the Anniversary Memorial that
3 brought BART to the event as a sponsor and to the speakers podium in unison and harmony that
4 is universally credited with being the movement that established peace in the streets and lead to
5 the settlement of the two claims of the family. Clay was a judge in that case.

6 The 56 complaints listed in the 140 PAGE COMPLAINT and CHALLENGE is only a small
7 sample, but since 1980, and more recently 2000, as a matter of documentation, al-Hakim has
8 filed and served a variety of letters, formal complaints, legal actions and legal challenges with
9 the United States Attorney General's Office- Department of Justice; Federal and California State
10 Judges their ruling bodies and Associations; the Alameda County Superior Court of California,
11 United States Attorney's Office- Northern District; United States District Court- Northern
12 Division, Attorney General of California, Alameda County District Attorney; City of Oakland
13 and Oakland City Attorney; Federal, State and local law enforcement; Federal, State and local
14 politicians; regarding the many blatant civil rights violations, fraud, criminal activities and
15 corruption of these judicial, law enforcement, governmental and legal entities that was widely
16 distributed over the internet and posted on many websites.

17 In July, 2005, al-Hakim filed a Federal Corruption Complaint with the United States Attorney
18 General, Department of Justice, of a hate crime of Islamophobia and Xenophobia committed
19 against him during the trial al-Hakim v. CSAA and Rescue, et. al” in Superior Court of Alameda
20 County, California.

21 al-Hakim’s initial investigation of his USDOJ demanded a change in this criminal, tactical policy
22 of isolation, victimization, criminalization and the attempted entrapment of al-Hakim as the
23 continuing victim, including the use of government initiated, Nixon era “White House Plumbers”
24 and CoIntelpro style dirty tricks!

25 This State sponsored persecutory terror and civil conspiracy has brought into play Federal, Sate
26 County and local judicial, law enforcement, governmental and legal entities and agencies to
27 further their continued investigation of al-Hakim whom has been surveilled for years and
28 continues today with the compromising of many agents and informants covers due to their
sloppiness. These actions of these judicial, law enforcement, governmental and legal entities and
agencies are just one example of the continuing efforts of law enforcement to silence and
eliminate al-Hakim, even by death, as their “enemy of the State” adversary when al-Hakim has

1 caught and exposed them as they have been entrapped in their own criminal snares!

2 The complaint, drafted and filed by al-Hakim in pro per, has broad based support from
3 Democrats and Republicans, was submitted by Congresswoman Barbara Lee with the offices of
4 Congressmen John Conyers, and Charles Rangel, reviewed by several legal experts, with
5 advocacy by former Republican Senator J. C. Watts, a client of al-Hakim's, is moving forward
6 with the investigation and charges of criminal extrinsic fraud upon the court of the State of
7 California, fabricating and planting fabricated evidence, spoliation of evidence against
8 defendants/hostile intervener AAA Insurance; Ron Cook and the law firm of Willoughby, Stuart
9 & Bening; defense counsel Steve Barber and the law firm of Ropers Majeski; and many others.

10 The complaint addresses the concern that a Superior Court Judges' conduct rose to the level of
11 consideration for a Federal Crime and a Civil Rights violation because the bench upon which the
12 judge rules is "under the color of law" and certainly the violation of anyone's civil rights is a
13 federal crime. "Muslims, just as any other group, can not be afraid to speak up when their rights
14 have been abridged. If one does not speak up, then the transgressions goes unreported and the
15 perpetrator goes on to harm again unchecked, it does not matter whom the transgressor is" said
16 al-Hakim. The complaint, perhaps even more importantly, not only requested Merrily
17 Friedlander, Chief of the Civil Rights Division, to make an investigation of a judicial hate crime,
18 but also the many other civil rights and due process violations of judicial misconduct, and
19 attorney extrinsic fraud upon the court and law that are themselves directly the matters
20 complained. J. C. Watts in asking "What does a supposed terrorist act in Russia have to do with
21 the negligent contamination of a home in America?" posed the argument that there must be
22 consideration of and a response to the many issues in the complaint.

23 The investigation concerns trial Judge David C. Lee's allowance of the illegal product of the
24 spoliated evidence and unclean hands by defendant/hostile intervener AAA Insurance; Cook and
25 Willoughby, Stuart & Bening; and the Oakland City Attorney's Office run by John Russo to be
26 admitted as evidence, subjected to testimony, and fostered it's use to prejudice the jury. During
27 the trial, testimony revealed that there were numerous documents and photos of a very damning
28 nature to the defense and AAA as the hostile intervener, that were missing, altered, or
incomplete.

The complaint against then Oakland City Attorney John Russo and the City Attorney's staff
including Mark Morodomi, Randy Hall, Janie Wong, Anita Hong, Sophia Li, Demetrui Shelton,

1 Elizabeth Allen, Erica Harrold and Michele Abbey; former Oakland and current San Leandro
2 City Attorney Jane Williams and former employee Pat Smith; was for their fraudulently
3 fabricating evidence in 1999 and planting that evidence favorable to the defendants in the case
4 files SIX years AFTER the case was closed, engaged in spoliation of remaining evidence in the
5 court files from 1991, fostering Rescue trial Judge David C. Lee's allowance of the illegal
6 product of fabricated and planted evidence, spoliated evidence and unclean hands by defendant/
7 hostile intervener AAA Insurance; Ron Cook and Willoughby, Stuart & Bening; defense counsel
8 Steve Barber and the law firm of Ropers Majeski; the other underlying defendants; and the
9 Oakland City Attorney's Office; to be admitted as evidence, subjected to testimony based on this
10 planted evidence in the al-Hakim v CSAA and the underlying Rescue Rooter case that was
11 created thru EXTRINSIC FRAUD with accompanying testimony procured thru admitted
12 suborned and solicited perjurious acts and fostered it's use to prejudice the jury. During the
13 Rescue trial, testimony revealed that there were numerous documents and photos of a very
14 damning nature to the defense and AAA as the hostile intervener, that were missing, altered, or
15 incomplete, and providing the case file to defendants Stephan Barber and Ron Cook for nearly a
16 year, Russo and your office failed to notify the court of this unpardonable illegal breach in the
17 chain of custody of the file, and engaged in actions to destroy the litigation of my legal case;
18 Russo and your office engaged in actions to coverup your unlawful acts; as you committed, aided
19 and abetted this criminal activity.

20 After review in the U. S. Attorney General Office, the case was thought of as being so egregious
21 that even the infamous Bradley Schlozman, whom is now fired and facing Federal indictment
22 with resigned former Attorney General Alberto Gonzalez for removing Democratic attorneys
23 from the U. S. Attorneys Generals offices nationwide, sent al-Hakim a letter referring the matter
24 (because of jurisdictional limitations) to then California State Attorney General- now Governor
25 Jerry Brown, California State Bar Association, the California State Judicial Council, and
26 California State Insurance Commissioner for investigation and prosecution. And these were
27 Republican Judges and attorney's being complained of!

28 Full Story with Videos and Documents at <http://tinyurl.com/ljk8av>

The Alameda County District Attorney (DA), the Attorney General of The State of California
(AG) and the Alameda County Department of Child Support Services (DCSS) and their judicial
team of covert illicit participants the putative accounting expert that created and complied the

1 entire presumptively inadmissible product and evidence of admitted fraud and bribery, the
2 accounting report used as the sole basis for the judgment by Commissioner Glenn Oleon despite
3 the fact he knew it was the product of fraud.

4 al-Hakim and Family assert that good cause exists to question the legality of the standing of ALL
5 the Parties including the Attorney General of The State of California (AG), Kamala Harris,
6 whom substituted in as Attorney of Record allegedly representing The People of The State of
7 California, et. al., In The Interest of Justice in this case for the Alameda County District Attorney
8 (DA) and the Alameda County Department of Child Support Services (DCSS) as they exercised
9 a clearly illegal conflict of interest in misrepresenting the family, conducting a complete trial to
10 defend their illegal actions and evidence before admitting the conflict AFTER the trial was
11 completed. This act makes them ALL a co-conspirator in the DCSSs continuing fraud upon The
12 People of The Sate of California, the Superior Court and the al-Hakim Family, continuing their
13 persecution of our family. They did not have standing then and CAN NOT NOW!

14 Then California Attorney General and now Governor Jerry Brown, responsible for carrying out
15 the investigation of Oakland City Attorney John Russo, former Oakland and current San Leandro
16 City Attorney Jayne Williams, former District Attorney Tom Orloff, current District Attorney
17 Nancy E. O'Malley, Alameda County Superior Court, the State Appeals and Supreme Court
18 judges, and various corporate defendants in this case is himself defending some of the criminals
19 and covering up the very same corruption he is supposed to be investigating and prosecuting!
20 Once served with the complaint, he denied rejecting it for investigation and NEVER moved
21 forward with it.

22 al-Hakim has complained in letter of Clay's State Sponsored Atmosphere of TERROR,
23 Oppression, Persecution and Unfairness in COURTROOM filed September 25, 2018, and (see
24 "Clay's State Sponsored Atmosphere of TERROR, Oppression, Persecution and Unfairness in
25 COURTROOM", Challenge for Cause of judge C. Don Clay filed October 3, 2018, Page 4-8)
26 al-Hakim has complained of Clay's Own Alleged Vexatious Litigant Proceeding! (see "Clay's
27 Own Alleged Vexatious Litigant Proceeding", Challenge for Cause of judge C. Don Clay filed
28 October 3, 2018, Page 15-19, and 29-33)

al-Hakim Complained of Clay's Independently Investigation of Him

The Code of Conduct for United States Judges and American Bar Association's Model Code of
Judicial Conduct address searches by judges. The Model Code does, however, contain a relevant

1 comment in Canon 3 ("A judge shall perform the duties of judicial office impartially and
2 diligently"). The commentary to that canon states, "A judge must not independently investigate
3 facts in a case and must consider only the evidence presented. This comment suggests that judges
4 who obtain information from the Internet and apply the information in resolving factual disputes
5 may be acting inappropriately. (see "Clay's Ex-Parte Investigation, Corruption, Collusion,
6 Conspiracy and Code of Conduct", Challenge for Cause of judge C. Don Clay filed October 3,
2018, Page 31-34)

7 In Total Disregard for The Rule of Law, On Two Occasions Clay Failed and Refused to Timely
8 File an Answer Striking both Challenges on Peremptory Bias Grounds Pursuant to California
9 Civil Code §170.6 and otherwise "For Cause" Pursuant to California Civil Code §§170.1-170.5
10 Before Ruling on The Matters. (see "Clay's Total Disregard for The Rule of Law in Challenges",
11 Challenge for Cause of judge C. Don Clay filed October 3, 2018, Page 19-24)

12 al-Hakim has documented the History Ongoing Fraud, Corruption, Collusion and Conspiracy as
13 al-Hakim vs. EBMUD because the case has NOT been Dismissed as reported in Clay's TWO
14 orders! (see "History Ongoing Corruption as al-Hakim vs. EBMUD has NOT been Dismissed",
15 Challenge for Cause of judge C. Don Clay filed October 3, 2018, Page 26-28)

16 al-Hakim complained of Clays Heinous Action in Alleged Denial of Challenge for Cause, (see
17 "Clays Heinous Action in Alleged Denial of Challenge for Cause", Challenge for Cause of judge
18 C. Don Clay filed October 3, 2018, ¶¶ 7, Page 78-83)

19 Clay never had standing in this case to rule by virtue of not having timely answered, filed and
20 served properly any acceptable answer to the Second Challenge BEFORE he ruled on the matters
21 at the hearing July 11, 2018. (see "Clay Did Not Answer Second Challenge BEFORE Ruling on
22 Matters Passed upon His own Disqualification", Challenge for Cause of judge C. Don Clay filed
23 October 3, 2018, Page 23-24)

24 This Issue Presents An Actual Controversy

25 al-Hakim argues that the issues raised in this motion presents an actual controversy. The court
26 ordered that this matter be investigated and both Judges Rolefson and Freedman has refused, and
27 engaged now the courts attempt to cover up their transgressions when they are exposed for being
28 guilty of willful corrupt misconduct, they refused to acknowledged plaintiff's memorandum
filled with the courts abuses by Petrou and ALL those referenced herein with that of Meyers
Nave and Ropers in both the CSAA and Rescue cases and by Judges Jacobson and Rolefson and

1 previously Freedman. This matter is of the character which the principles of U.S. Const. amend.
2 I, V, VI, and XIV, as adopted by the Due Process Clause, protect. This is a clear denial of al-
3 Hakim Family's rights under the United States and California State Constitution. (see "This Issue
4 Presents An Actual Controversy", Challenge for Cause of judge C. Don Clay filed October 3,
5 2018, Page 117-121)

6 The court's denying plaintiff's rights thereto in defiance of the law implicates the fundamental
7 issues of violating plaintiff's right to due process and civil rights AND CAUSE IRREPARABLE
8 HARM TO HIS CASE. The court has let their personal convictions interfere with the duty to be
9 scrupulously fair as the exclusive trier of fact. (*People v. Cook*, (1983), 33 Cal.3d at p. 408;
10 *People v. Friend*, (1958), 50 Cal.2d at pp. 577-578.) There is no question that Judge Petrou is
11 violating this tenant of fairness and further SHE CAN NOT SERVE IN THIS MATTER.

12 Judge Clays presence in this case, summarily denies plaintiff's rights to a fair hearing without
13 any statutory or contractual basis authorizing such a ruling and places an intolerable burden on
14 him, denying his legitimate and undeniable rights and strikes at the heart of his fundamental civil
15 rights and due process under the law, guaranteed by the United States Constitution and California
16 Constitution. No statute in California authorizes the court to deny a right that is uncontroverted
17 while in the process denying such precious fundamental rights of due process and justice. The
18 use of judicial power to permit such injustice raises significant legal questions, and an order from
19 this Court is necessary to prevent this abuse.

20 **al-Hakim has filed and served the following letters of complaints with and against Clay:**

- 21 1) "Opposition to Vexatious Litigation Proceedings" Letter to Chad Finke, Chief Justice Cantil-
22 Sakauye, Judge Michael M. Markman, Judge Jon Rolefsen, Judge Evelio Grillo, Judge Morris
23 Jacobson, Judge C. Don Clay, Judge Winifred Smith, Judge Yolanda Northridge, Judge Stephen
24 Pulido, Judge Jo-Lynne Lee, Judge Kevin R. Murphy, Superior Court of Alameda County
25 Departments 1,6, 14, and 15, Judge Wynne Carvill, filed March 29, 2018
- 26 2) "Complaint for Case Fixing" filed April 4, 2018
- 27 3) "Opposition to Vexatious Litigation" filed July 2, 2018
- 28 4) "Clay Courtroom Terror Conspiracy Declaration" filed September 25, 2018
- 5) Letter to Judge Michael M. Markman, Judge C. Don Clay, Superior Court of Alameda County
Departments 1, and 6, Judge Wynne Carvill and Defendants Interserver Inc, and Equinix (US)
Enterprises Inc, Michael Lavrik, John Quaglieri re: Stolen Server with Intellectual Property,

1 Proprietary Data, Trade Secrets; Investigation of our WHM, cPanel and Stolen Emailist, al-
2 HAKIM v. Interserver Equinix, Case: #RG18888371, Dated July 6, 2018; 3 Pages, filed
3 September 5, 2018;

4 6) Letter to Judge Michael M. Markman, Judge C. Don Clay, Superior Court of Alameda County
5 Departments 1, and 6, Judge Wynne Carvill and Defendants Interserver Inc, and Equinix (US)
6 Enterprises Inc, Michael Lavrik, John Quaglieri re: Reservation for Ex-Parte Motion for Return
7 of Property, Server AMWFTRUST.ORG, al-HAKIM v. Interserver Equinix, Case:
8 #RG18888371, Dated August 13, 2018; 2 Pages, filed September 5, 2018;

9 7) Letter to Judge Michael M. Markman, Judge C. Don Clay, Superior Court of Alameda County
10 Departments 1, and 6, Judge Wynne Carvill and Defendants Interserver Inc, and Equinix (US)
11 Enterprises Inc, Michael Lavrik, John Quaglieri re: Second Request for Reservation for Ex-Parte
12 Motion for Return of Property, Server AMWFTRUST.ORG, al-HAKIM v. Interserver Equinix,
13 Case: #RG18888371, Dated August 22, 2018; 2 Pages, filed September 5, 2018;

14 8) Letter to Judge Michael M. Markman, Judge C. Don Clay, Superior Court of Alameda County
15 Departments 1, and 6, Judge Wynne Carvill and Defendants Interserver Inc, and Equinix (US)
16 Enterprises Inc, Michael Lavrik, John Quaglieri re: Third Request for Reservation for Ex-Parte
17 Motion for Return of Property, Server AMWFTRUST.ORG, al-HAKIM v. Interserver Equinix,
18 Case: #RG18888371, Dated August 23, 2018; 2 Pages filed September 5, 2018;

19 9) Letter to Defendants Interserver Inc, and Equinix (US) Enterprises Inc, Michael Lavrik, John
20 Quaglieri re: Notice of Transferring Server AMWFTRUST.ORG, al-HAKIM v. Interserver
21 Equinix, Case: #RG18888371, Dated August 2, 2018; 1 Pages, filed September 5, 2018;

22 10) Letter to Judge Michael M. Markman, Judge C. Don Clay, Superior Court of Alameda
23 County Departments 1, and 6, Judge Wynne Carvill and Defendants Interserver Inc, and Equinix
24 (US) Enterprises Inc, Michael Lavrik, John Quaglieri re: To File Ex-Parte Motion for Return of
25 Property, Server AMWFTRUST.ORG, al-HAKIM v. Interserver Equinix, Case: #RG18888371,
26 Dated August 31, 2018; 2 Pages, filed September 5, 2018;

27 11) Letter to Judge Michael M. Markman, Judge C. Don Clay, Superior Court of Alameda
28 County Departments 1, and 6, Judge Wynne Carvill and Defendants Interserver Inc, and Equinix
(US) Enterprises Inc, Michael Lavrik, John Quaglieri re: Clay enforces the Interest of Judges,
Clay does NOT employ the rule of law, rather his law of the ruler! Clay thinks he IS the RULER
OF LAW! Third Request for Reservation for Ex-Parte Motion for Return of Property, Server

1 AMWFTRUST.ORG, al-HAKIM v. Interserver Equinix, Case: #RG18888371, Dated August 22,
2 2018; 2 Pages, filed September 5, 2018;

3 12) Letter to Judge Michael M. Markman, Judge C. Don Clay, Superior Court of Alameda
4 County Departments 1, and 6, Judge Wynne Carvill and Defendants Interserver Inc, and Equinix
5 (US) Enterprises Inc, Michael Lavrik, John Quagliari re: Response to First Available
6 Reservation Date for Ex-Parte Motion is September 21, 2018 and Law and Motion matters are
7 heard on the 1st and 3rd Friday of the month, in Request for for Return of Property, Server

8 AMWFTRUST.ORG, al-HAKIM v. Interserver Equinix, Case: #RG18888371, Dated August 16,
9 2018; 2 Pages, filed September 5, 2018;

10 13) Letter to Judge C. Don Clay, Superior Court of Alameda County Departments 6, and
11 Defendants Interserver Inc, and Equinix (US) Enterprises Inc, Michael Lavrik, John Quagliari
12 re: Standing Opposition to ALL Tentative Rulings made by Judge Clay, al-HAKIM v. Interserver
13 Equinix, Case: #RG18888371, Dated July 9, 2018; 2 Pages, filed September 5, 2018;

14 14) Letter to Defendants Interserver Inc, and Equinix (US) Enterprises Inc, Michael Lavrik,
15 John Quagliari re: Your actions are continuing harassment, vindictive, retaliatory measures part
16 of report in "meet and confer" as ordered by the court, al-HAKIM v. Interserver Equinix, Case:
17 #RG18888371, Dated June 20, 2018; 3 Pages, filed September 5, 2018;

18 15) Letter to Defendants Interserver Inc, and Equinix (US) Enterprises Inc, Michael Lavrik,
19 John Quagliari re: Your actions are continuing harassment, vindictive, retaliatory measures part
20 of report in "meet and confer" as ordered by the court, al-HAKIM v. Interserver Equinix, Case:
21 #RG18888371, Dated June 21, 2018; 2 Pages, filed September 5, 2018;

22 16) Letter to Defendants Interserver Inc, and Equinix (US) Enterprises Inc, Michael Lavrik,
23 John Quagliari re: Login Error, Invalid Login or Password, al-HAKIM v. Interserver Equinix,
24 Case: #RG18888371, Dated June 18, 2018; 1 Pages, filed September 5, 2018;

25 17) Letter to Defendants Interserver Inc, and Equinix (US) Enterprises Inc, Michael Lavrik,
26 John Quagliari re: Investigation of our WHM, cPanel and Stolen Emaillist, al-HAKIM v.
27 Interserver Equinix, Case: #RG18888371, Dated June 13, 2018; 2 Pages, filed September 5,
28 2018;

18) Letter to Defendants Interserver Inc, and Equinix (US) Enterprises Inc, Michael Lavrik,
John Quagliari re: We need access to our WHM and cPanel Emaillist gone, al-HAKIM v.
Interserver Equinix, Case: #RG18888371, Dated June 7, 2018; 1 Pages, filed September 5, 2018;

1 19) Letter to Defendants Interserver Inc, and Equinix (US) Enterprises Inc, Michael Lavrik,
2 John Quaglieri re: The Server has failed, Email list continue to be censored and misconfigured!
3 FIX THIS IMMEDIATELY!!!, al-HAKIM v. Interserver Equinix, Case: #RG18888371, Dated
4 June 7, 2018; 1 Pages, filed September 5, 2018;

5 20) Letter to Defendants Interserver Inc, and Equinix (US) Enterprises Inc, Michael Lavrik,
6 John Quaglieri re: Retaliatory measures part of report in "meet and confer" as ordered by the
7 court, al-HAKIM v. Interserver Equinix, Case: #RG18888371, Dated June 20, 2018; 1 Pages,
8 filed September 5, 2018;

9 21) “ Denied Requests for Reservation Numbers to File Motions to Vacate Clay Orders” filed
10 October 29, 2018

11 22) al-Hakim Complaint to Chief Justice RE: Judge Clay Denial Hearing Dates, Reservation
12 Numbers, Corruption Conspiracy, filed November 30, 2018

13 23) Letter to Judge C. Don Clay, Superior Court of Alameda County Departments 1, 6, 14, and
14 16, Judge Wynne Carvill and Defendants Interserver Inc, and Equinix (US) Enterprises Inc,
15 Michael Lavrik, John Quaglieri re: Annual Retreat for Ramadan, al-HAKIM v. Interserver
16 Equinix, Case: #RG18888371, Dated April 10, 2018; 2 Pages, filed September 5, 2018;

17 24) Opposition to Vexatious Litigation filed September 5, 2018,

18 25) Declaration of al-Hakim Communications with Clay Detail Corruption Cover UP and
19 Complaint of Judge Clay’s State Sponsored Atmosphere of TERROR, Oppression, Persecution
20 and Unfairness with Courtroom Security; Ongoing Corruption, Collusion and Conspiracy of
21 Judges C. Don Clay, Stephen Kaus, Robert Freedman, Morris Jacobson, Jon Rolefson, Evelio
22 Grillo, Ioana Petrou, Wynne Carvill, Frank Roesch, Jo-Lynne Lee, Paul Herbert, Kim Colwell,
23 Kevin Murphy, Michael Markman and Director Chad Finke, among others, al-HAKIM v.
24 Interserver Equinix, Case: #RG18888371, Dated December 2, 2018, 24 Page, filed December 19,
25 2018;

26 16 Letters December 19, 2018 Miscellaneous Filing Letters to Judges Interserver Equinix Filed
27 71 pages

28 26) Letter to Chief Justice Cantil-Sakauye, Judges Phyllis Hamilton, Jacobson, Rolefson, Carvill,
Kaus, Colwell, Krashna, Clay, Lee, Murphy, Smith, Patton, Freedman, Grillo, Markman and
Carvill; Alex Tse, Xavier Becerra, Ms. Henley, Mr. Finke, Mr. Hoshino and OTHERS re: Clay’s
State Sponsored Atmosphere of TERROR, Oppression, Persecution and Unfairness; and Judicial

1 and Superior Court Administration Corruption, Collusion, and Conspiracy in al-Hakim v.

2 Interserver, Case No.: RG18888371;_al-Hakim vs. EBMUD, Alameda County Case No. RG

3 14-740943; Abdul-Jalil al-Hakim VS. AT&T Corporation, RG17-788130, Case: #RG18888371,

4 Dated September 24, 2018, 14 Pages, filed December 19, 2018;

5 27) Letter to Chief Justice Cantil-Sakauye, Judges Phyllis Hamilton, Jacobson, Rolefson, Carvill,

6 Kaus, Colwell, Krashna, Clay, Lee, Murphy, Smith, Patton, Freedman, Grillo, Markman and

7 Carvill; Alex Tse, Xavier Becerra, Ms. Henley, Mr. Finke, Mr. Hoshino, ACLU, LCCR, East Bay

8 Community Law Center, Bay Area Legal Aid, USC Gould School Of Law, Western Center On

9 Law & Poverty, Electronic Frontier Foundation, National Coalition to Protect Civil Freedoms,

10 Equal Justice Society, Center for Constitutional Rights, Southern Poverty Law Center, and

11 OTHERS re: Clay's Denial Hearing Dates, Reservation Numbers, State Sponsored Atmosphere

12 of TERROR, Oppression, Persecution and Unfairness; and Judicial and Superior Court

13 Administration Corruption, Collusion, and Conspiracy in al-Hakim v. Interserver,

14 Case: #RG18888371, Dated December 6, 2018, 8 Pages, filed December 19, 2018;

15 28) Letter to Judges Clay, Carvill, and Markman, Defendants Interserver Inc, and Equinix (US)

16 Enterprises Inc, Michael Lavrik, John Quagliari re: Standing Opposition to ALL Tentative

17 Rulings made by Judge Clay; al-Hakim Denied Litigation Right; Clay's Atmosphere of

18 TERROR, Oppression, Persecution and Unfairness in Courtroom, al-HAKIM v. Interserver

19 Equinix, Case: #RG18888371, Dated December 5, 2018, 6 Pages, filed December 19, 2018;

20 29) Letter to Judges Clay, Carvill, and Markman, Defendants Interserver Inc, and Equinix (US)

21 Enterprises Inc, Michael Lavrik, John Quagliari re: Standing Opposition to ALL Tentative

22 Rulings made by Judge Clay; al-Hakim Denied Litigation Right; Clay's Atmosphere of

23 TERROR, Oppression, Persecution and Unfairness in Courtroom, al-HAKIM v. Interserver

24 Equinix, Case: #RG18888371, Dated December 10, 2018, 6 Pages, filed December 19, 2018;

25 30) Letter to Judges Clay, Carvill, and Markman; Defendants Interserver Inc, and Equinix (US)

26 Enterprises Inc, Michael Lavrik, John Quagliari re: Standing Opposition to ALL Tentative

27 Rulings made by Judge Clay; al-Hakim Denied Litigation Right; Clay's Atmosphere of

28 TERROR, Oppression, Persecution and Unfairness in Courtroom, al-HAKIM v. Interserver

Equinix, Case: #RG18888371, Dated October 1, 2018, 2 Pages, filed December 19, 2018;

1 31) Letter to Judge Clay, Defendants Interserver Inc, and Equinix (US) Enterprises Inc, Michael
2 Lavrik, John Quagliari re: Standing Opposition to ALL Tentative Rulings made by Judge Clay,
3 al-HAKIM v. Interserver Equinix, Case: #RG18888371, Dated September 24, 2018, 2 Pages;

4 32) Letter to Judges Clay, Carvill, and Markman; Defendants Interserver Inc, and Equinix (US)
5 Enterprises Inc, Michael Lavrik, John Quagliari re: Clay enforces the Interest of Judges, Clay
6 does NOT employ the rule of law, rather his law of the ruler! Clay thinks he IS the RULER OF
7 LAW! Third Request for Reservation for Ex-Parte Motion for Return of Property, Server
8 AMWFTRUST.ORG, al-HAKIM v. Interserver Equinix, Case: #RG18888371, Dated August 22,
9 2018, 2 Pages, filed December 19, 2018;

10 33) Letter to Judges Clay, Carvill, and Markman; Defendants Interserver Inc, and Equinix (US)
11 Enterprises Inc, Michael Lavrik, John Quagliari re: Reservation for Ex-Parte Motion for Return
12 of Property, Server AMWFTRUST.ORG, al-HAKIM v. Interserver Equinix, Case:
13 #RG18888371, Dated August 13, 2018, 2 Pages, filed December 19, 2018;

14 34) Letter to Judges Clay, Carvill, and Markman; Defendants Interserver Inc, and Equinix (US)
15 Enterprises Inc, Michael Lavrik, John Quagliari re: Confusing Calendar, Rulings and Motions
16 made by Judge Clay, State Sponsored Atmosphere of TERROR, al-HAKIM v. Interserver
17 Equinix, Case: #RG18888371, Dated September 26, 2018, 2 Pages, filed December 19, 2018;

18 35) Letter to Judges Clay, Carvill, and Markman; Defendants Interserver Inc, and Equinix (US)
19 Enterprises Inc, Michael Lavrik, John Quagliari re: Ex-Parte Motion for Return of Property,
20 Server AMWFTRUST.ORG, al-HAKIM v. Interserver Equinix, Case: #RG18888371, Dated
21 August 31, 2018, 2 Pages, filed December 19, 2018;

22 36) Letter to Judges Clay, Carvill, and Markman; Defendants Interserver Inc, and Equinix (US)
23 Enterprises Inc, Michael Lavrik, John Quagliari re: Reservation Number to File Noticed Motion
24 to Vacate Orders made by Judge Clay, Atmosphere of TERROR, Oppression, Persecution and
25 Unfairness in Courtroom, al-HAKIM v. Interserver Equinix, Case: #RG18888371, Dated
26 October 31, 2018, 2 Pages, filed December 19, 2018;

27 37) Letter to Judges Clay, Carvill, and Markman; Defendants Interserver Inc, and Equinix (US)
28 Enterprises Inc, Michael Lavrik, John Quagliari re: Second Request for Reservation for Ex-Parte
Motion for Return of Property, Server AMWFTRUST.ORG, al-HAKIM v. Interserver Equinix,
Case: #RG18888371, Dated August 22, 2018, 2 Pages, filed December 19, 2018;

1 38) Letter to Judges Clay, Carvill, and Markman; Defendants Interserver Inc, and Equinix (US)
2 Enterprises Inc, Michael Lavrik, John Quagliari re: Third Request for Reservation for Ex-Parte
3 Motion for Return of Property, Server AMWFTRUST.ORG, al-HAKIM v. Interserver Equinix,
4 Case: #RG18888371, Dated August 23, 2018, 2 Pages, filed December 19, 2018;

5 39) Letter to Judges Clay, Carvill, and Markman; Defendants Interserver Inc, and Equinix (US)
6 Enterprises Inc, Michael Lavrik, John Quagliari re: Reservation Number to File Noticed Motion
7 to Vacate Orders made by Judge Clay, Atmosphere of TERROR, Oppression, Persecution and
8 Unfairness in Courtroom, al-HAKIM v. Interserver Equinix, Case: #RG18888371, Dated
9 October 24, 2018, 3 Pages, filed December 19, 2018;

10 40) Declaration of al-Hakim Communications with Clay Detail Corruption Cover UP and
11 Complaint of Judge Clay's State Sponsored Atmosphere of TERROR, Oppression, Persecution
12 and Unfairness with Courtroom Security; Ongoing Corruption, Collusion and Conspiracy of
13 Judges C. Don Clay, Stephen Kaus, Robert Freedman, Morris Jacobson, Jon Rolefson, Evelio
14 Grillo, Ioana Petrou, Wynne Carvill, Frank Roesch, Jo-Lynne Lee, Paul Herbert, Kim Colwell,
15 Kevin Murphy, Michael Markman and Director Chad Finke, among others, al-HAKIM v.
16 Interserver Equinix, Case: #RG18888371, Dated December 2, 2018, 24 Pages, filed December
17 19, 2018;

18 41) 7) Letter to Chief Justice Cantil-Sakauye, Judges Phyllis Hamilton, Jacobson, Rolefson,
19 Carvill, Kaus, Colwell, Krashna, Clay, Lee, Murphy, Smith, Patton, Freedman, Grillo, Markman
20 and Carvill; Alex Tse, Xavier Becerra, Ms. Henley, Mr. Finke, Mr. Hoshino, ACLU, LCCR, East
21 Bay Community Law Center, Bay Area Legal Aid, USC Gould School Of Law, Western Center
22 On Law & Poverty, Electronic Frontier Foundation, National Coalition to Protect Civil
23 Freedoms, Equal Justice Society, Center for Constitutional Rights, Southern Poverty Law Center,
24 and OTHERS re: Clay's Denial Hearing Dates, Reservation Numbers, State Sponsored
25 Atmosphere of TERROR, Oppression, Persecution and Unfairness; and Judicial and Superior
26 Court Administration Corruption, Collusion, and Conspiracy in al-Hakim v. Interserver, Case:
27 #RG18888371, Dated November 30, 2018, 16 Pages, filed December 19, 2018.

28 Clay was also involved in the following cases of targeting, threats and intimidation of al-Hakim
with the use of the Sheriffs by courts; the embezzlement of child support funds paid to the
District Attorney in their fiduciary capacity for al-Hakim's children; the continuing fraud,
obstruction, and perversion of justice involving judge Colwell:

- 1) August 10, 2016 fax and email sent requesting a Reservation number and Calendaring Motion to Vacate to Superior Court Judges Colwell and Patton, 1 Page
- 2) August 12, 2016 second fax and email sent requesting a Reservation number and Calendaring Motion to Vacate to Superior Court Judges Colwell and Patton, 4 Page
- 3) Letter of January 7, 2014 to Superior Court Judges Clay, Pulido and Bean Commissioner Hendrickson, 2 Pages
- 4) Letter of January 9, 2014 to Superior Court Judges Smith, Clay, Pulido and Bean, 3 Pages
- 5) Letter of January 30, 2014 to Superior Court Judges Smith, Clay, Pulido Bean and Commissioner Hendrickson, 14 Pages

Brand orders:

Many of al-Hakim's challenges under CCP 170.1 and 170.3 are very lengthy. Challenges in al-Hakim v. CSAA have been 11, 120,52, and 67 pages. Challenges in al-Hakim v. AT&T have been 72, 66, 77, 41, 49, 56, 67, 11, and 88 pages. Attached to Exhibit A are two examples. To achieve this length, al-Hakim often includes material that is not germane to the judicial officer or case at hand. Many of the challenges repeat information from prior challenges that have been stricken in the same case and other cases. Al-Hakim takes the position that proceedings cannot proceed until the court reads and decides a challenge. A judge might not be able to delay the start of a hearing to read a 60 page challenge, so al-Hakim's filing of challenges frequently results in the continuing of motions from date to date to date without any judicial decision.

RESPONSE to "repeat information from prior challenges":

Brand selected answers striking challenges are indicative and evidence of the collusion and conspiracy complained of as they are a vast departure from the other 99% of the answers filed in the courts effort to "make a record" of frivolous, meritless challenges by al-Hakim for the purposes of supporting this planned vexatious motion. ALL the other Judges answers are standard, "cut-n-paste", canned replies, non-answers are remarkably the same and have NEVER truthfully answered the challenges, which is why they are repeatedly requested and required to do so, and the factual, evidence established in these issues are uncontested by the judges because they would admit perjury, fraud, corruption, and conspiracy. They are admitting guilt by omission.

This "cut and paste" sworn statement under the penalty of perjury is factually untrue and a complete fabrication.

The judges do not provide any answers to the Challenges served on them because they can't afford to incriminate themselves so al-Hakim incorporated those entire challenges therein until such time as they answered the challenges!

1 The challenges also incorporate evidence the fraud, corruption, collusion and conspiracy that has
2 been rampant in al-Hakim's cases which accounts for the alleged "material that is not germane to
3 the judicial officer or case at hand" and "information from prior challenges that have been
4 stricken in the same case and other cases" that has NEVER been answered and the court wants to
5 "ignore away"!

6 Judges Clay, Grillo and Kaus, thru the ingenuity of their research attorney Sarah Strom, even
7 resorted to using the motion pleading limit of 20 pages as a desperate means to deny a challenge
8 for not having prior court approval to file an oversized brief!

9 In the September 27, 2018 order Judge Kaus states:

10 *"HEARING PROCEDURE AND JUDICIAL CHALLENGE*

11 *These motions were heard on September 12, 2018. At the start of the hearing, Al-Hakim*
12 *presented a 49-page judicial challenge. Al-Hakim did not seek or receive leave of Court to file an*
13 *oversized brief. (See R. Ct. 3.1113(d), (g).) The COURT has, in its discretion, considered the*
14 *oversized brief, which it denied and ordered stricken. (Order of September 18, 2018.*

15 ALL the documents, evidence, and testimony that indicates that the Judges, clerks and court
16 administration independently committed fraud on the court is sourced solely and directly from
17 the Judges, clerks and court administrations OWN hands and actions!

18 They seek to ignore the evidence of their fraud on the court, court administration manipulating
19 the system, altering the register of actions, bias in the issuing of reservation numbers to file
20 motions, setting hearing dates, the hearings, and judgement of motions, briefs, arguments,
21 announcing the tentative rulings, tentative rulings, orders, filing documents, serving documents,
22 and other such misconduct. They did not obey their oath, the law, or the constitution wherein
23 their rulings and orders as part of the record show their inability to follow local rules of court and
24 case law.

25 The Judges are forever silent regarding the Challenges, it's facts, testimony and evidence;
26 mainly, due to his fraud placed upon the court. "Silence can only be equated with fraud where
27 there is a legal or moral duty to speak or when an inquiry left unanswered would be intentionally
28 misleading." (See U.S. v. Tweel, 550 F. 2d. 297 (5 th cir. 1977)). Fraud upon the court also
warrants dismissal (see Hazel-Atlas Glass Co. v. HartfordEmpire Co., 322 U.S. 238 (1944)).

This sworn statement under the penalty of perjury is factually untrue and a complete fabrication
as they attempts to use as a shield because they can NOT answer any of the undisputed,
uncontroverted issues raised with the facts and evidence provided in the Challenge that clearly
any other reasonable person could understand the vindictiveness, retaliation, racism, bias,

1 prejudice and partiality. THEY ARE NOT BELIEVABLE, and can't plead "the Fifth" nor "not
2 guilty" of the criminal, corrupt acts listed in the challenge naming him.

3 In these cases, the Judges has written, signed and submitted willfully perjurious, deceptive and
4 fraudulent tentative rulings; written, signed and submitted willfully perjurious, deceptive and
5 fraudulent orders in response to their motion for disqualification in attempting to deceive the
6 public in support of their rulings; responded to their disqualification by their failure and refusal
7 to answer any of the issues; repeatedly lied under oath by failing and refusing to answer the
8 issues of the motion; made knowingly false statements and omissions of truth in their rulings and
9 orders as evidence of their lying under oath and perjury; dishonesty; fraudulent deception;
10 calumny deceit; willful and prejudicial misconduct; abuse of discretion; negligence; bias;
11 prejudice; misrepresentation; incompetence; conflict of interest; bad faith; collusion; denial of
12 due process; obstruction of justice; racism; bigotry; has exhibited, expressed and shown a fixed
13 opinion of al-Hakim; displayed favoritism towards the defendants in prior cases; made false
14 accusations; harassed al-Hakim; has willfully, deceitfully and recklessly indulged in a series of
15 offensive acts against plaintiff and has displayed disdain, malice, and a mental attitude or
16 disposition toward al-Hakim that prohibits the right to a fair hearing or trial; conduct prejudicial;
17 and advocated a judicial imprimatur of a legal opponents position are grounds for
18 disqualification under Code Civ. Proc. §170.1(a)-6(B), §170.3(a)(1)-4(c), and §170.4(a)-(3);
19 Business and Professions Code sections 6068, subdivisions (b) and (f), 6103 and 6106 and
20 former rule 7-105(1) of the Rules of Professional Conduct; and Cal. Code Jud. Conduct Cannons
21 1, 2, 2A, 2B(2), 3B(2), 3B(4), 3B(5), 3B(8), 3C, 3D(1), 3E, 3E(1), 3E(2), 4, 4D(1) and 4(E). The
22 Judges persistent willful misconduct, bad faith, mistreatment, retaliation and "atmosphere of
23 unfairness" determines that there is a high probability he would continue his unethical behavior
24 if he were to continue in a judicial capacity in the future violates and strikes at the heart of al-
25 Hakim's fundamental civil rights and due process under the law guaranteed by the United States
26 Constitution Amendments I, V, VI, and XIV, and as applicable to this state of California
27 Constitution by the first clause of Section 13 of Article I; Article VI, section 13, as a
28 "miscarriage of justice."; Article VI, section 18, subd. (d)(3).

The number of actions filed doesn't reflect the merits of the cases, and as permitted, and even
required, are not frivolous as such. The opinions of the courts are not immune from error which
is why we have the courts, and appeals at several levels.

Brand orders:

As a result of al-Hakim's practice, some judges who have received al-Hakim's challenges have taken the challenges under submission, heard the substantive motions, taken the substantive motions under submission, reviewed the challenges, and then, if the judge then decided to strike the challenge, issued an order on the substantive motion after striking the challenge. This procedure ensured both that the court reviewed and decided the challenge before issuing a substantive decision and that the resolution of the substantive motion was not unduly delayed.

RESPONSE:

The only issue in these matter are "Did the Judges commit prejudicial misconduct in refusing to refer the case out to another judge pending their answering the properly served and filed challenge, by continuing to preside over the case and conduct hearings before answering the properly served and filed challenge, not just make administrative rulings, without having filed a written verified answer to al-Hakim's challenge or their disqualification and recusal that they failed and refused to answer?"

In the September 27, 2018 order Judge Kaus writes:

"HEARING PROCEDURE AND JUDICIAL CHALLENGE

These motions were heard on September 12, 2018. At the start of the hearing, Al-Hakim presented a 49-page judicial challenge. Al-Hakim did not seek or receive leave of Court to file an oversized brief. (See R. Ct. 3.1113(d), (g).) The COURT has, in its discretion, considered the oversized brief, which it denied and ordered stricken. (Order of September 18,2018.) The Court offered Al-Hakim the opportunity to present oral argument against Defendants' demurrer to the FAC. Al-Hakim declined, arguing that the COURT may take only "administrative" actions with regard to his case while his challenge remained outstanding. Al-Hakim waived the opportunity to present oral argument on both motions. The Court took both matters under submission and now decides them on their merits."

Kaus and the other judges were challenged PURSUANT TO CALIFORNIA CCP §§170.1-5, (CCP §170.1(6)(A)(iii)), § 170.3 (c) (1)), the Canons of the Code of Judicial Conduct 1, 2, 2A, 2B(2), 3B(2), 3B(4), 3B(5), 3B(8), 3C, 3D(1), 3E, 3E(1), 3E(2), 4, 4D(1) and 4(E)(a corresponding Federal Statute, 28 United States Code section 455(a) (adopted by Congress in 1974); and FOR CAUSE UNDER CCP DUE TO CRIMINAL CONDUCT IN VIOLATION OF 18 U.S.C. §242, NOT just CCP §170.1 or 170.3.

At the hearing on February 25, 2019, Brand denied the challenge as to CCP §170.1 ONLY, after a five minute break claiming he read the challenge. He refused to address any of the aspects of

1 the challenge after being repeatedly asked and insisted that it was being denied as to CCP §170.1
2 ONLY, He remained silent as to ALL other aspects of the challenge!

3 Procedure for Recusal

4 On determining that a ground for disqualification exists, the judge must initiate recusal by
5 notifying the presiding judge. CCP §170.3(a)(1). A disqualified judge who is the presiding judge
6 or the sole judge of the court must notify the person with authority to assign another judge, i.e.,
7 the Chairperson of the Judicial Council. CCP §§170.3(a)(2), 170.8. In practice, this usually
8 means informing the Assignments Unit of the Administrative Office of the Courts.

9 In certain circumstances, the disqualified judge may ask the parties if they wish to waive the
10 disqualification (see CCP §170.3(b)) and, if so, may proceed with the case after obtaining a valid
11 waiver. See §2.24. A judge who does not discover the basis for the disqualification until after
12 making one or more rulings in the proceeding, but before judicial action has been completed,
13 must recuse himself or herself. CCP §170.3(b)(4). In the absence of good cause, the rulings made
14 up to that time should not be set aside by the replacement judge. CCP §170.3(b)(4). See
15 *Sincavage v Superior Court* (1996) 42 CA4th 224, 231, 49 CR2d 615 (no requirement that
16 conviction in criminal case be set aside when grounds for disqualification were discovered at
17 post conviction hearing).

18 The procedure to limit the actions of a judge that has been properly challenged TO
19 ADMINISTRATIVE DUTIES is for the MOST important rights a litigant has, to assure the right
20 to a fair and impartial judge, and the right to a fair and impartial hearing/trial that follows.
21 NO JUDGE CAN SIT IN JUDGEMENT OF HIS OWN FAIRNESS, BIAS, IMPARTIALITY,
22 AND AUTHORITY WITH THE LOSS OF JURISDICTION AND IN THE VERY SAME
23 PROCESS DENY A LITIGANT THE VERY SAME RIGHT TO A JUDGE WITHOUT THOSE
24 SAME BLEMISHES AND TAINT!

25 IF A JUDGE DENIES A LITIGANT THE RIGHT TO A FAIR JUDGE, THERE IS NO FAIR
26 HEARING/TRIAL! ANY REMOTE POSSIBILITY OF THAT EVER HAPPENING IS OVER!

27 Court MUST answer challenge BEFORE ruling on motions, al-Hakim can not argue merits of
28 the case unless he waives his rights to a fair hearing and all biases and prejudices of the court;
then judges decide the case without al-Hakim right to argue the issues, denial of basic civil right

(see 2/25/19 Brand Challenge at ¶¶ 55, Page 55-57)

1 A judge is disqualified if:

2 • The judge believes that recusal would serve the interests of justice (CCP §170.1(a)(6)(A)(i)),
3 • The judge has substantial doubt that he or she could be impartial (CCP §170.1(a)(6)(A)(ii)), or
4 • A person who was aware of the facts might reasonably entertain a doubt about the judge's
5 impartiality (CCP §170.1(a)(6)(A)(iii)); Commentary to Cal Rules of Ct, Code of Judicial Ethics,
6 Canon 3E. See *Housing Auth. of Monterey County v Jones* (2005) 130 CA4th 1029, 1041–1942,
7 30 CR3d 676 (judge who decided pretrial motions against defendant in limited civil case was
8 disqualified under CCP §170.1(a)(6)(A)(iii) from sitting on appellate division panel that heard
9 defendant's appeal); *DCH Health Servs. Corp. v Waite* (2002) 95 CA4th 829, 833, 115 CR2d 847
10 (recusal may be required on basis of mere appearance of impropriety); *Gai v City of Selma*
11 (1998) 68 CA4th 213, 230–233, 79 CR2d 910 (this provision does not apply to administrative
12 hearing officers).

13 The most common examples of disqualifying bias are a judge's personal bias against a party,
14 which may not be waived (CCP §170.3(b)(2)(A)), and bias toward a lawyer in the proceeding
15 (CCP §170.1(a)(6)(B)). See *In re Buckley* (1973) 10 C3d 237, 256, 110 CR 121 (judge must be
16 so personally embroiled with lawyer that judge's capacity for impartiality is destroyed). Bias
17 toward a witness is also grounds for disqualification. *In re Henry C.* (1984) 161 CA3d 646, 653,
18 207 CR 751.

19 Judges should use an objective standard in deciding whether a person aware of the facts might
20 entertain doubts concerning the judge's impartiality. *Briggs v Superior Court* (2001) 87 CA4th
21 312, 319, 104 CR2d 445; *Flier v Superior Court* (1994) 23 CA4th 165, 170, 28 CR2d 383; see
22 *Roitz v Coldwell Banker Residential Brokerage Co.* (1998) 62 CA4th 716, 723, 73 CR2d 85
23 (standard for arbitrator). In deciding the question of recusal, judges should ask themselves if a
24 reasonable person would entertain such doubts looking at the circumstances at the present time.
25 *United Farm Workers of Am. v Superior Court* (1985) 170 CA3d 97, 104, 216 CR 4. See *Ceriale*
26 *v AMCO Ins. Co.* (1996) 48 CA4th 500, 506, 55 CR2d 685 (relationship between arbitrator and
27 attorney for party, although indirect, could raise doubts about arbitrator's impartiality).

28 No actual bias required as actual bias need not be present. *Roitz v Coldwell Banker Residential*
Brokerage Co., supra, 62 CA4th at 723. If an average person could entertain doubt about the
judge's impartiality, disqualification is mandated. *Catchpole v Brannon* (1995) 36 CA4th 237,
246, 42 CR2d 440. An appellate court will not speculate about whether the bias was actual or

1 merely apparent; reversal is required in such a case, with remand of the matter to a different
2 judge for a new hearing on all issues. CCP §170.1(c); *In re Wagner* (2005) 127 CA4th 138, 147–
3 149, 25 CR3d 201; *Roitz v Coldwell Banker Residential Brokerage Co.*, supra, 62 CA4th at 723;
4 *Catchpole v Brannon*, supra, 36 CA4th at 247; discussion in §§2.20–2.21.

5 Brand made critical rulings that negatively impacted the case causing irreparable harm, far
6 beyond simple administrative duties. Brand’s attempt to subvert the system of justice and force
7 al-Hakim to have the Appeals court compel her to comply with the laws. Brand’s efforts were to
8 evade the law and remain in the case unless and until a court of review determined that the
9 disqualification challenge was granted and required that it be heard by a judge, and he is
10 disqualified to preside at any further proceedings, was prohibited from hearing ANY and ALL
11 such motions. Brand’s own writing bore witness and further attest to his malfeasance in
12 continuing to preside over the case despite the evidence. Rather than participating in the case
13 under these circumstances, he should have recused himself. (See former Cal. Code Jud. Conduct,
14 canon 3A(4), as adopted eff. Jan. 1, 1975, see now Cal. Code Jud. Ethics, canon 3B(7); Code
15 Civ. Proc., § 170.1, subd. (a)(6).) In failing to do so, he committed prejudicial misconduct.
16 For Brand to proceed in the matter is in defiance of the law and proved that he did NOT review
17 the challenge and allegedly decided the challenge admittedly as to one aspect, 170.1, of it even
18 after being questioned on the record about it then proceeded with the illegal hearings of the
19 substantive motions knowing al-Hakim can not argue the merits of the issues UNLESS he
20 waives his rights to Brand and the courts bias before issuing a decision.

21 This procedure is antithetical to the rule of law and as performed by Brand is permitted to
22 preserve order, to provide for the orderly conduct of proceedings, and to make the court's process
23 conform to law and justice.

24 al-Hakim has filed his challenges at the earliest and most appropriate time that includes the
25 evidence of fraud on the court, abuse of discretion, abuse of process, obstruction and perverting
26 justice, corruption and conspiracy encompassed in the tentative ruling usually made a day before
27 the hearing that the challenge is served. al-Hakim has NO other way to preserve and present his
28 argument of the contested issues subject to the fraud, abuse of discretion, perversion of justice
and corruption except to present them in the challenge they are contained in.

As prescribed by law, when al-Hakim serves the challenge, he can not argue the merits of the
issues UNLESS he waives his rights reserved under the filing of the challenge to the judges

1 conflicts, bias, prejudice, and impartiality, thereby paving the way for the judges fraud, abuse of
2 discretion, perversion of justice and corruption with impunity. That would defeat the purpose of
3 the challenge and give the judge “carte blanche” for any willy nilly action or ruling to follow. As
4 the system is designed, the challenged judge is supposed to refer the matter out to the presiding
5 judge who assigns another judge to resolve the disqualifying issue. Upon the decision, the issues
6 before the court would then be heard with al-Hakim able to present his arguments on the merits
7 of the tentative rulings on the issues. THIS HAS NEVER HAPPENED IN ANY OF THE
8 CHALLENGES SERVED BY al-HAKIM AS THE JUDGES HAS PROCEEDED WITHOUT
9 FOLLOWING THE LAW TO ALLOW HIS ARGUMENT POST SERVICE OF CHALLENGE,
10 THUS DEPRIVING al-HAKIM OF DUE PROCESS AND HIS CIVIL RIGHTS UNDER THE
11 LAW IN VIOLATION OF THE UNITED STATES AND CALIFORNIA STATE
12 CONSTITUTIONS!

13 al-Hakim has NO other way to preserve and present his argument of the contested issues subject
14 to the fraud, abuse of discretion, perversion of justice and corruption except to present them in
15 the challenge they are contained in.

16 ORDER TO SHOW CAUSE

17 *The court ORDERS Mr. al-Hakim to appear and to SHOW CAUSE (1) whether the court should*
18 *declare al-Hakim to be a vexatious litigant (CCP 391(b)) and, if so, (2) whether the court should*
19 *require al-Hakim to furnish security (CCP 391.3(a)) or enter a "prefiling order" that prohibits al-*
20 *Hakim from filing any new litigation or motion in propria persona without first obtaining*
21 *permission from the presiding judge (CCP 391.7).*

22 *The court may on its own motion issue an order to show cause why a person should not be*
23 *declared a vexatious litigant. (In re Shieh (1993) 17 Cal.App.4th 1155.) A person who is a*
24 *vexatious litigant directly impacts the operations and procedures of the court and through the*
25 *use of court resources indirectly imposes financial obligations that directly affect the court's*
26 *operations. (Curle v. Superior Court (2001) 24 Cal.4th 1057, 1069 [circumstances when trial*
27 *court may assert its own interests and file briefs in Court of Appeal]; Luckey v. Superior Court*
28 *(2014) 228 Cal.App.4th 81, 95-97 [same].)*

See RESPONSE at “al-Hakim aware of Superior Court Criminal/Civil Vexatious Entrapment

Litigation Strategy” that includes “Entire “Illegal” Proceedings are Grand, Systemic and

Endemic Corruption (see at Page 15) and Grand, Systemic, Endemic Corruption at Page 16, and
“WRIT RACKET” at Page 17.

Brand orders:

The court may declare a person to be a vexatious litigant if they repeatedly file unmeritorious
motions. CCP 391(b)(3) states that a person who does the following is a vexatious litigant: "In
any litigation while acting in propria persona, repeatedly files unmeritorious motions, pleadings,

1 *or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or*
2 *solely intended to cause unnecessary delay." The motions may all be in the same case, or they*
3 *may be in different cases. (In re Marriage of Rifkin & Carty (2015) 234 Cal.App.4th 1339,*
4 *1348-1349; Golin v. Allenby (2010) 190 Cal.App.4th 616,639.)*

5 **SEE RESPONSE to “purpose of delay” at page 21:**

6 Brand orders:

7 *Specifically, the court may declare a person to be a vexatious litigant if they repeatedly file*
8 *unmeritorious statements of disqualification under CCP 170.1 and 170.3. "Like any other*
9 *verified pleading, a statement of disqualification under sections 170.1 and 170.3 must not be*
10 *presented primarily for an improper purpose, such as to cause unnecessary delay, and its*
11 *allegations and other factual contentions must have evidentiary support." (Magana v. Superior*
12 *Court (2018) 22 Cal.App.5th 840, 865-865.)*

13 *A challenge under CCP 170.1 and 170.3 is a motion. (Fry v. Superior Court (2013) 222 Cal.App.*
14 *4th 475,482.) Challenges to judges are included in CCP 391(b)(3)'s phrase "repeatedly files*
15 *unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages*
16 *in other tactics that are frivolous or solely intended to cause unnecessary delay” excludes. (In re*
17 *Marriage of Rifkin & Carty (2015) 234 Cal.App.4th 1339, 1348-1349 [motions seeking an order*
18 *to show cause for contempt "appear to fall within both the letter and the spirit of the [vexatious*
19 *litigant] statutory scheme"].)*

20 **RESPONSE: SEE RESPONSE to “purpose of delay” at page 21:**

21 This vexatious litigant proceeding is because al-Hakim has filed challenges, BUT FOR CAUSE,
22 none are frivolous or unmeritorious nor are the suits al-Hakim filed, but challenges for cause!

23 There have been many, fifteen (15) successful recusals from Challenges filed in al-Hakim cases
24 for Judges Paul Herbert, Evelio Grillo, Stephan Kaus, Jennifer Madden, Yolanda Northridge, Sue
25 Alexander, Taylor Culver, James Reilly, Micheal Ballachey, Winifred Smith; where Kim
26 Colwell, Henry Needham Jr. and Judith Ford (appellate review timed out without court response)
27 did not answer the last challenges filed and served against them thus consenting to the
28 challenges. Judges Judges Evelio Grillo, after five (5) challenges and Stephan Kaus, after four
(4) challenges, were recused in two cases each, the AT&T and EBMUD cases!

Additionally, Judges Ronni MacLaren, Frank Roesch and Jo-Lynne Lee issued ORDERS OF
SELF DISQUALIFICATION/REFUSAL pursuant to C.C.P. §170.1 (a)(6)(A)(ii) and C.C.P.
§170.1 (a)(6)(A)(iii). This fact demonstrates that there has been and continues to be pervasive
illegal ex-parte communications between the judges regarding al-Hakim because al-Hakim has
NEVER had any contact with some judges that recused.

That’s fifteen (15) successful judicial recusals and (3) additional failures to file answers striking
the challenges before leaving the court/department, with Brands challenge matter still pending
CLEARLY DEMONSTRATE THEY ARE NOT MERITLESS NOR FRIVOLOUS BUT

1 PREEMINENT, THE EMBODIMENT OF THE RULE OF LAW, AND MANDATED TO
2 ESTABLISH AND PRESERVE ALL OF al-HAKIM'S CONSTITUTIONAL RIGHTS!

3 Ret. Judge Richard Hodge recused after being appointed an umpire by Roesch in the CSAA
4 appraisal case (administrative hearing) after being a judge in the case.

5 Defendants argue "*Mr. al-Hakim's repetitive challenges to any judge assigned to the instant case*
6 *have delayed the proceedings. Mr. al-Hakim should know better since he filed at least seven*
7 *challenges to Judge Tigar in the same case.*"

8 These fifteen (15) successful recusals DO NOT include Judge Jon Tigar's staged recusal granting
9 the April 30, 2007 al-Hakim first Challenge for Cause on June 7, 2007 pursuant to C.C.P. section
10 107.6, ONLY, disregarding ALL the other causes plead! (see Tigar order Granting Challenge of
11 June 7, 2007, CSAA, case no.: C-811337)

12 In doing so, he violated the law as he disregarded the facts, gravity and truth of al-Hakim's
13 charges, and altered the controlling law and entitlement of the disqualification in an attempt to
14 avoid the proper litigation of al-Hakim's charges and scrutiny thereto. Knowing that Tigar had
15 changed the disqualification from a just cause with irrefutable evidence to support the
16 disqualification, to one that was easily defeated, CSAA defense counsel Stephan Barber moved
17 to represent Tigar, the interest of the Insurance Company, and himself by filing a Motion for
18 Reconsideration to deny Tigar's recusal and restore his illegal place in this case. Tigar
19 GRANTED THE MOTION, restoring HIMSELF as judge, officially made himself a defendant
20 and fourth element in this case though sitting as the judge in this matter, he is now a defendant,
21 co-defense counsel and deputy defense judge ruling in matters that he has lied and has been
22 deceitful about and is personally involved in, was represented by defense counsel Barber himself
23 in an action that was brought by Barber BEFORE TIGAR to establish HIS right to sit and rule in
24 the same matter that HE is now personally involved in and HE sits in judgment of HIMSELF
25 BEFORE HIMSELF!!! (see Tigar July 6, 2007 order Granting CSAA Motion for
26 Reconsideration on Tigar's own motion Vacating Order of June 7, 2007, CSAA, case no.:
27 C-811337) Tigar's representation by the defense has the unfortunate consequence of making the
28 judge a litigant, obliged to the defense and their counsel by leaving his defense to one of the
litigants appearing before him in the same case. (Kerr v. United States District Court, supra, 426
U.S. at pp. 402-403 [48 L.Ed.2d at p. 732].) Judges should be umpires rather than players. This is

1 a travesty and a mockery of justice with clear conflict while it wreaks of corruption and
2 collusion.

3 Brand orders:

4 *The orders and other filings attached to this OSC and the registers of action in the five cases*
5 *reflect that al-Hakim has a practice of filing challenges for cause under CCP 170.1 and 170.3.*
6 *Judges consistently strike the challenges as not stating facts that support a challenge, suggesting*
7 *they lack merit. Al-Hakim has a practice of filing challenges on the date of hearings, suggesting*
8 *they are filed for purpose of delay. This strongly suggests that al-Hakim's practice of filing*
9 *challenges is a tactic that is frivolous and is solely intended to cause unnecessary delay.*

10 RESPONSE to Register of Actions:

11 The register of actions Is Evidence of the Manipulation of the Record and Register of Actions;
12 Criminal Conduct In Violation of The Law; Conduct To Pervert or Obstruct Justice, or the Due
13 Administration of the Laws (Pen.Code, §§ 182, subd. (a)(1), 4570) 1 and Conspiracy to Pervert
14 or Obstruct Justice (§ 182, subd. (a)(5)); Fraud Upon The Court, Corruption and Conspiracy

15 The register of actions is replete with evidence of fraud on the court, abuse of process,
16 obstruction and perverting justice, corruption, collusion and conspiracy **compounded with the**
17 **Grand, Systemic and Endemic Corruption** (see 2/25/19 Brand Challenge at ¶¶ 3, Page 23-25) of
18 Judicial and Superior Court Administration that al-Hakim has filed complaints with California
19 Supreme Court Chief Justice Cantil-Sakauye, and former Chief Justice Ronald M. George;
20 Federal Northern District Chief Justice Phyllis Hamilton, and former Chief District Judge
21 Claudia Wilken; Alameda County Superior Court Judges **C. Don Clay, Stephen Kaus, Robert**
22 **Freedman, Morris Jacobson, Jon Rolefson, Evelio Grillo, Jennifer Madden, Stephen**
23 **Pulido, Ioana Petrou, Wynne Carvill, David Krashna, Scott Patton, George Hernandez,**
24 **Tara Desautels, Leo Dorado, Dennis Hayashi, Julia Spain, Winifred Smith, Yolanda**
25 **Northridge, Frank Roesch, Jo-Lynne Lee, Paul Herbert, Kim Colwell, Kevin Murphy, and**
26 **Michael Markman**; Alex Tse- Director, U. S. Attorney's Office; Xavier Becerra-Attorney
27 General of California; Martin Hoshino- Director Judicial Council of California; Victoria Henley-
28 Director Chief Counsel Commission on Judicial Performance; Chad Finke- Executive Officer
Superior Court of Alameda County; Superior Court Commissioners Sue Alexander, Glenn Oleon,
and Boydine Hall, and 90 OTHERS.

In the first three months of 2018 alone, on January 29, 2018, al-Hakim filed a 117 page Judicial
and Superior Court Administration Grand, Systemic and Endemic Corruption Complaint that was
already outdated before he could file it (see 2/25/19 Brand Challenge at ¶¶ 52, Page 53) The

1 Complaints concerns the Judicial and Superior Court Administration Corruption; Manipulation
2 of the record and Register of Actions; Obstruction of Justice in Motions for Peremptory
3 Challenge; Demand for Removal of Judges For Cause; Due to Criminal Conduct In Violation of
4 The Law; Conduct To Pervert or Obstruct Justice, or the Due Administration of the Laws
5 (Pen.Code, §§ 182, subd. (a)(1), 4570) 1 and Conspiracy to Pervert or Obstruct Justice (§ 182,
6 subd. (a)(5)); Fraud Upon The Court, compounded with the Grand, Systemic and Endemic
7 Corruption (see 2/25/19 Brand Challenge at ¶¶ 3, Page 23-25) by Judge Kim Colwell; and to
8 Vacate ALL Rulings and Orders Issued IN THE MATTERS OF: al-Hakim v. EBMUD, al-Hakim
9 v. CSAA; and Miller v. al-Hakim.

10 al-Hakim filed and served other complaints for the same conduct on February 9, 2018, February
11 22, 2018, March 1, 2018, March 12, 2018, and April 2, 2018, where there have many others filed
12 and served over the years.

13 On August 24, 2018, al-Hakim filed and served on the above a 125 page Judicial and Superior
14 Court Administration Grand, Systemic and Endemic Corruption Complaint against **Judges C.**
15 **Don Clay, Stephen Kaus, Robert Freedman, Morris Jacobson, Jon Rolefson, Evelio Grillo,**
16 **Ioana Petrou, Wynne Carvill, Frank Roesch, Jo-Lynne Lee, Paul Herbert, Kim Colwell,**
17 **Kevin Murphy, and Michael Markman with Chad Finke,** among others, **with Criminal**
18 **Conduct In Violation of The Law!**

19 On September 24, 2018, and November 30, 2018, al-Hakim filed and served on the above a 140
20 page Judicial and Superior Court Administration Grand, Systemic and Endemic Corruption
21 Complaint against Judge C. Don Clay detailing his State Sponsored Atmosphere of TERROR,
22 Oppression, Persecution and Unfairness in his courtroom as he TRIPLED DOWN WITH
23 THREE Sheriffs deputy's and the denial of requested hearing dates and reservation numbers to
24 file any litigation!

25 These complaints pending against the above provide proof of **the** Grand, Systemic and Endemic
26 Corruption (see 2/25/19 Brand Challenge at ¶¶ 3, Page 23-25), that they have subverted,
27 obstructed, perverted and defeated the course of justice, the due administration of the laws and
28 administration of justice by manipulating the calendar, changing motions and the calendar,
without any pleadings nor notice, mishandling of motions with them being mis-titled or changing
the title of motions as filed, calendared unwanted motions without notice or cause, calendared
motions without notice, motions being dropped from the calendar without notice, parties missing

1 from rulings without notice or cause, parties being removed without notice or cause, changing
2 orders, changing tentative rulings, calendaring motions that were NOT requested, posting
3 tentative rulings AFTER the scheduled hearing time, deleting items from the register of actions,
4 and falsifying the record (for appeal), are VERY SERIOUS threats to the Rule of Law as
5 practiced by the acceptable courts in America!! Perhaps even MORE dangerous is the silence
6 that pervades the court when al-Hakim asked several times of the Superior Court and it's appeals
7 division "Why and how did this motion manage to be removed from the calendar, by who and
8 when? This also happened with motions to compel as they were left off the calendar but
9 mysteriously the motion to vacate and set aside the renewed judgment and the motion for
10 terminating sanctions and other relief was placed on the calendar! On two consecutive hearing
11 dates the Case Management Conferences were also left off the calendar and tentative rulings on
12 December 13, 2017. (see 2/25/19 Brand Challenge at ¶¶ 38-41, Page 45-46)

13 Here the court was presented with their OWN evidence of emails, faxes, documents, letters,
14 motions, tentative rulings and orders establishing their Extrinsic fraud upon the court, the People
15 of the State of California. Brand has done nothing but cover-up these actions and attempt to end
16 his and the judges suffering of exposing their crimes with this vexatious motion!

17 al-Hakim presents clear, uncontroverted, unopposed, uncontested, corroborated proof Brand and
18 his staff has written, signed and submitted willfully perjurious, deceptive and fraudulent rulings
19 and orders in attempting to deceive the public in support of his rulings; made knowingly false
20 statements and omissions of truth in his rulings and orders as evidence of his lying under oath
21 and perjury; dishonesty; fraudulent deception; willful and prejudicial misconduct; abuse of
22 discretion; negligence; bias; prejudice; misrepresentation; incompetence; conflict of interest; bad
23 faith; collusion; and denial of due process. (see 2/25/19 Brand Challenge at ¶¶ 20, Page 36-38)

24 Brand, who has been trained in disclosure requirements and recusal obligations as well as
25 judicial ethics, issues these orders that has merely substantiated the evidence of the continuing
26 Superior Court Administration Grand, Systemic and Endemic Corruption; Conduct To Pervert or
27 Obstruct Justice, or the Due Administration of the Laws (Pen.Code, §§ 182, subd. (a)(1), 4570) 1
28 and Conspiracy to Pervert or Obstruct Justice (§ 182, subd. (a)(5)); Fraud Upon The Court; and
Manipulation.

Brand' willful and intentional perjurious order to show cause is circumscribed in fraud on the
court, his ruling on the matters before him as an abuse of discretion making his order void upon

1 being challenged to vacate and set aside; which ALL fall under fraud per CCP § 473 and CCP §
2 1008. This willful blindness on the part of Brand is further evidence of why he can not serve in
3 this matter as he can not find any justice in his inhumanity.

4 SEE Brand, Colwell and Department 511 Court Administration History of Perverting
5 Obstructing Justice, or the Due Administration of the Laws in al-Hakim v. CSAA-Wellpoint (see
6 2/25/19 Brand Challenge at ¶¶ 29-37, Page 43-45)

7 On November 21, 2018, al-Hakim filed and served a three (3) page letter regarding his having to
8 make FIVE (5) request for reservations numbers for Ex-Parte Motions with Judge Colwell and
9 Clerks of Dept. 511.

10 In response to his Fifth written request and two phone calls in the week for THREE (3)
11 reservations numbers for Ex-Parte Motions on the courts rulings in Defendant CSAA's Motion
12 for Sanctions, Plaintiff's Motions to Vacate, and City of Oakland's Motion to Quash, to schedule
13 the hearing on Wednesday, November 21, 2018, he received an email from Scott Sanchez on
14 November 20, 2018, at 4:20 p.m. confirming the date and providing reservation #:R-2022402,
15 2023706, and 2023707.

16 However, it also was untimely as the email was sent AFTER 4:00 p.m. and too late to notify the
17 parties to appear as per court rules.

18 It will have to be set for Monday, November 26, 2018, so please confirm. I will use those
19 reservations numbers.

20 On Wednesday, November 21, 2018, al-Hakim received an email from Scott Sanchez confirming
21 that the hearing was set for Monday, November 26, 2018, at 9:15 a.m.

22 al-Hakim had to make FIVE (5) requests over 10 days, including TWO phone calls, for the
23 reservation number to file the previous ex-parte motions due to the continued persecution,
24 bigotry, and hate induced harassment by Department 511.

25 On October 11, 2018, al-Hakim sent a four page letter via fax and email referencing his
26 “Standing Opposition to ALL Tentative Rulings made in al-Hakim vs. CSAA, Case: #C-811337
27 hearing date of October 15, 2018, 9:00 a.m., and Complaint of Department 511 Still Engaging in
28 Perverting and Obstructing Justice, and Due Administration of the Law in Tentative Ruling
issued in two motions of September 20, 2018” to Judges Colwell, Brand and defendants. (see
2/25/19 Brand Challenge at ¶¶ 29-31, Page 43-44; and **and Declaration and Exhibits to Motion
to Vacate tentative order of 9/20/18 on Motion of CSAA with order granted 1/26/18 that**

1 **permitted Wellpoint to sell the dwelling at 7633 Sunkist Drive, Oakland, CA 94605 Filed**
2 **12/6/18)**

3 On September 18, 2018, al-Hakim previously filed and served notice via fax and email on the
4 court that he had a Standing Opposition to ALL Tentative Rulings made in al-Hakim vs. CSAA,
5 Case: #C-811337, and that he was unavailable for hearing on Thursday, September 20, 2018, and
6 that the court has scheduled that hearing on a date they know he will not be available and
7 requested that they continue the hearing to a date that they KNOW he will.

8 **The court continued the dates, but issued an order that the tentative ruling was**
9 **“uncontested”. That was NOT TRUE!**

10 As stated, al-Hakim contacted the court THREE (3) times via fax and email PRIOR to the 4:00
11 PM deadline, and provided the faxes and emails therein to prove it! In one email exchange on
12 September 19, 2018, the department 511 court clerk replied to the filed opposition with a
13 facetious question of “*Do you have a case number?*”; to which al-Hakim replied “*It's in the*
14 *Subject line, the REFERENCE: line and the body of the letter. Did you miss it somehow?*”. (see
15 **2/25/19 Brand Challenge at ¶¶ 32-36, Page 44-45, and Declaration and Exhibits to Motion**
16 **to Vacate tentative order of 9/20/18 on Motion of CSAA with order granted 1/26/18 that**
17 **permitted Wellpoint to sell the dwelling at 7633 Sunkist Drive, Oakland, CA 94605 Filed**
18 **12/6/18)**

19 **That intentionally erroneous ruling/order shows clearly Department 511 is still engaging in**
20 **perverting and obstructing justice, and the due administration of the law.**

21 **One of the motions is a motion to vacate Colwell’s order granting the sale of al-Hakim’s**
22 **home which she had continued since April 2018, under the guise that it is subject to stay**
23 **from the appeal, which it is NOT no differently than the motion to sell the home with an**
24 **undertaking, in her effort to assure the home would be sold BEFORE the motion could be**
25 **heard! (see 2/25/19 Brand Challenge at ¶¶ 32-37, Page 44-45)**

26 **SEE Brand, Colwell and their Court Administration perverts or obstructs justice, or the due**
27 **administration of the laws (see 2/25/19 Brand Challenge at ¶¶ 42-45, Page 47-48) and Judge**
28 **Brand, Colwell and their court administrative staff has subverted and obstructed, perverted and**
defeat the course of justice, the due administration of the laws and administration of justice. (see
2/25/19 Brand Challenge at ¶¶ 38-41, Page 45-46)

1 Brand's recent six orders of March 24, 2019 has merely substantiated the evidence of the
2 continuing Judicial and Superior Court Administration Grand, Systemic and Endemic
3 Corruption; Manipulation of the Record and Register of Actions; Obstruction of Justice in
4 Motions; Demand for Removal of Judges For Cause; Criminal Conduct In Violation of The Law;
5 Conduct To Pervert or Obstruct Justice, or the Due Administration of the Laws (Pen.Code, §§
6 182, subd. (a)(1), 4570) 1 and Conspiracy to Pervert or Obstruct Justice (§ 182, subd. (a)(5));
7 Fraud Upon The Court.

8 **Brands order of March 24, 2019 rules:**

9 *MOTION NO. 5. (see 2/25/19 Brand Challenge at ¶¶ 19-20, Page 35-36, and Declaration and*
10 *Exhibits to Motion to Vacate tentative order of 9/20/18 on Motion of CSAA with order granted*
11 *1/26/18 that permitted Wellpoint to sell the dwelling at 7633 Sunkist Drive, Oakland, CA 94605*
12 *Filed 12/6/18)*

13 *The Motion of al-Hakim to vacate and set aside tentative order of 9/20/18 is DENIED. (Filed*
14 *12/6/18) (Res # 2024389)*

15 *The Motion of al-Hakim to vacate and set aside the order of 1/26/18 that permitted Wellpoint to*
16 *sell the dwelling at 7633 Sunkist Drive, Oakland, CA 94605 was set for hearing on 9/20/18. The*
17 *court issued a tentative decision before the hearing. (CRC 3.1308; Local Rule 3.30(d).) The*
18 *order on 9/20/18 continued the hearing "because the Court of Appeal has not yet issued a*
19 *remittitur, restored jurisdiction to the trial court, and defined what issues remain for the trial*
20 *court to resolve." The Motion of City of Oakland to quash subpoena for discovery is now set for*
21 *1/9/19.*

22 *The motion is DENIED because the tentative decision issued before the hearing set for 9/20/18*
23 *was not a court order. "A tentative ruling is just that, tentative." (Guzman v. Visalia Community*
24 *Bank (1999) 71 Cal.App.4th 1370, 1378.) "[A] trial court's tentative ruling is not binding on the*
25 *court; the court's final order supersedes the tentative ruling." (Silverado Modjeska Recreation*
26 *and Parks Dist. v. County of Orange (2011) 197 Cal.App.4th 282, 300.)*

27 *The motion is DENIED because the order following the hearing set for 9/20/18 was to continue*
28 *the hearing and was not substantive.*

MOTION NO. 6. (see 2/25/19 Brand Challenge at ¶¶ 19-20, Page 35-36, and Declaration and
Exhibits to Motion to Vacate tentative order of 9/20/18 on Motion of City of Oakland to quash
subpoena Filed 12/6/18)

The Motion of al-Hakim to vacate and set aside order of 9/20/18 is DENIED. (Filed 12/6/18 (Res
2024391)

The Motion of City of Oakland to quash subpoena for discovery was set for hearing on 9/20/18.
The court issued a tentative decision before the hearing. (CRC 3.1308; Local Rule 3.30(d).) The
order on 9/20/18 continued the hearing "because the Court of Appeal has not yet issued a
remittitur, restored jurisdiction to the trial court, and defined what issues remain for the trial
court to resolve." The Motion of City of Oakland to quash subpoena for discovery is now set for
1/9/19.

The motion is DENIED because the tentative decision issued before the hearing set for 9/20/18
was not a court order. "A tentative ruling is just that, tentative." (Guzman v. Visalia Community
Bank (1999) 71 Cal.App.4th 1370, 1378.) "[A] trial court's tentative ruling is not binding on the

1 court; the court's final order supersedes the tentative ruling." (*Silverado Modjeska Recreation*
2 *and Parks Dist. v. County of Orange* (2011) 197 Cal.App.4th 282, 300.)

3 The motion is DENIED because the order following the hearing set for 9/20/18 was to continue
4 the hearing and was not substantive.

5 MOTION NO. 5.: The Motion of al-Hakim to vacate and set aside tentative order of 9/20/18 is
6 DENIED. (Filed 12/6/18) (Res # 2024389), and MOTION NO. 6.: The Motion of al-Hakim to
7 vacate and set aside order of 9/20/18 is DENIED. (Filed 12/6/18 (Res # 2024391)

8 In these two orders, Brands ruling is willfully blind, bias, prejudice, shrouded in fraud as he
9 attempts to "rule away" the blatant existence and commission of the evidence of fraud on the
10 court, abuse of process, obstruction and perverting justice, corruption, collusion, conspiracy,
11 deception and bad faith conduct of him and his court administrative staff actions of fabricating,
12 altering, manipulating, and tampering with the record and register of actions by begging the
13 excuse of "A tentative ruling is just that, tentative." to remedy the obvious fraud in the issuing of
14 the order. **THE RULINGS ARE TENTATIVE, BUT THE FRAUD IS PERMANENT AND**
15 **FOREVER AND WILL NOT BE PARDONED AS SUCH FOR THE PURPOSE OF SELF**
16 **EXONERATION!**

17 Brand, Colwell and their Court Administration perverts or obstructs justice, or the due
18 administration of the laws (see 2/25/19 Brand Challenge at §§ 42-45, Page 47-48)

19 Under section 182, subdivision (a)(5), it is a crime for two or more persons to conspire to
20 commit any act "to pervert or obstruct justice, or the due administration of the laws." (Pen.Code,
21 §§ 182, subd. (a)(1), 4570) 1 and conspiracy to pervert or obstruct justice (§ 182, subd. (a)(5)).

22 In 1950, the California Supreme Court explained the meaning of an act that perverts or obstructs
23 justice, or the due administration of the laws:

24 "Generally speaking, conduct which constitutes an offense against public justice, or the
25 administration of law includes both malfeasance and nonfeasance by an officer in connection
26 with the administration of his public duties, and also anything done by a person in hindering or
27 obstructing an officer in the performance of his official obligations. Such an offense was
28 recognized at common law and generally punishable as a misdemeanor. Now, quite generally, it
has been made a statutory crime and, under some circumstances, a felony.

Section 182, subdivision 5,[7] is a more general section making punishable a conspiracy to
commit any offense against public justice. The meaning of the words 'to pervert or obstruct
justice, or the due administration of the laws' is easily ascertained by reference either to the

1 common law or to the more specific crimes enumerated in part I, title [7]. A conspiracy with or
2 among public officials not to perform their official duty to enforce criminal laws is an obstruction
3 of justice and an indictable offense at common law.

4 **ORDER**

5 **Brand orders:**

6 *On or before 3/22/19, any party may file an opening brief of up to 20 pages, with or without*
7 *supporting evidence, to address the above issues.*

8 **Brand orders:**

9 *“On or before 4/5/19, any party may file a reply brief of up to 15 pages, with or without*
10 *supporting evidence, to address the above issues.*

11 *The parties must appear at 9:00 am on Thursday 4/18/19 in Dept 511 to address (1) why the*
12 *court should or should not declare al-Hakim to be a vexatious litigant (CCP 391(b)) and, if so,*
13 *(2) why the court should or should not enter a "prefiling order" that prohibits al-Hakim from*
14 *filing any new litigation or motion in propria persona without first obtaining permission from the*
15 *presiding judge (CCP 391.7). If the court enters a pre-filing order, then the court will enter a*
16 *Form VL-1 00 order.”*

17 Brand installed the motion practice schedule to evade evidence of fraud on the court with the
18 long pending six (6) orders so they could not presented. This vexatious motion was filed on
19 February 28, 2019, served on March 11, 2019, with opening brief due March 22, 2019, and reply
20 brief due April 5, 2019, and the hearing set for April 19, 2019. Brand finally issued he long
21 pending six (6) orders on March 24, 2019; three days AFTER the submission due date for the
22 opening brief.

23 This process handicaps al-Hakim in pro per who doesn't have the legal nor financial resources of
24 the court and it's co-counsel CSAA by setting strict, even unreasonable motion practice to assure
25 al-Hakim could not file a successful opposition.

26 Brand ordered the illegal eviction of al-Hakim by his continuing three times al-Hakim's
27 unopposed, uncontested motion to vacate the unlawful detainer and writ of execution of Green
28 Key after awarding them a default taken against al-Hakim and their THREE (3) failures to
appear to oppose that motion without al-Hakim being granted a default, **unlawfully evicting al-**
Hakim from his 40 year home, thereby strategically delaying the order to avoid further
evidence of fraud on court and to defeat this alleged vexatious litigant action wherein the judges
and courts have acted as defendants CSAA co-counsel and CSAA has acted as judges counsel
and government agent/informant for 20 years! Brand even admitted that the last two
continuances were because the CSAA matters were continued even though those matters had

1 nothing to do with other. BRANDS ACTIONS IN THESE CASES ARE INDEFENSIBLE!
2 THUS THIS VEXATIOUS ACTION.

3 al-Hakim had only two days to move ALL his belongings from 40 years of residing in the home
4 and was forced to leave EVERYTHING, a completely furnished, 5 bedroom, 19 room, 3,800 sq
5 ft home, including his business and personal property, includes ALL personal and business
6 effects, computers and electronics, jewelry, artwork, audio and video recorder equipment and
7 tapes, chandeliers, silver and china ware, valuables, clothing, household goods, bedroom goods,
8 kitchen ware, ALL food goods, supplies, gardening and pool supplies, tools, our non-profit
9 inventory, accessories and supplies, among other things. Of note is the fact he left all his files that
10 are now in the custody and control of the opposition. al-Hakim has NONE of the files he had
11 accumulated over his life of years!

12 al-Hakim waited to receive the orders BEFORE filing the opposition/reply brief to include the
13 orders as further evidence of Brands fraud on the court and exposing THIS frivolous motion as
14 his sole defense for his, the judges, and court administration continuing fraud, corruption and
15 conspiracy.

16 Brand even had the hearing set for Thursday, April 18, 2019 and then changed it to Friday, April
17 19, 2019, both dates that Brand knows al-Hakim will NOT be able to attend due to a nearly 40
18 year religious commitments know to Brand, defendants and the court, in another effort to take a
19 default against al-Hakim.

20 al-Hakim waited to receive the orders BEFORE filing the opposition/reply brief to include the
21 orders as further evidence of Brands fraud on the court and exposing THIS frivolous motion as
22 his sole defense for his, the judges, and court administration continuing fraud, corruption and
23 conspiracy.

24 Here again, Brand sets the hearing for dates that he knows al-Hakim will NOT be able to attend
25 due to a nearly 40 year religious commitments know to Brand, defendants and the court, in
26 another effort to take a default against al-Hakim.

27 Brand orders:

28 *6/25/18 Wellpoint files notice of dismissal of bankruptcy. Order of bankruptcy court states that
no stay of sale of dwelling was in effect. Order of bankruptcy court makes a factual finding that
"the above-captioned matter was part of a scheme to delay, hinder or defraud creditors that
involved multiple bankruptcy filings affecting real property." The court ordered that no
bankruptcy stay went into effect when the case was filed, that there is no stay in effect, and that*

1 *the court lifted any stay as to the property at 7633 Sunkist Drive, Oakland, CA, 94605. Sheriff*
2 *sells the dwelling at 7633 Sunkist Drive, Oakland, CA 94605*

3 See RESPONSE to The Appeals and Bankruptcy courts, Brands and the judges MINDLESS own
4 SELF-SERVING DEFENSE at Page 23-27

5 CSAA obtained the In Rem order as the product of fraud and deceit when they moved the
6 Bankruptcy court and held a hearing on May 16, 2018, when they knew al-Hakim had served
7 prior notice on ALL the courts 6 weeks earlier that he would be in the annual retreat for the Holy
8 Month of Ramadan from May 14, 2018 until June 20, 2018 and unavailable to respond to any
9 litigation and got a judgment without notice nor serving any documents.

10 Defendants using the statutory language to Deceive and Defame with “al-Hakim's scheme to
11 hinder, delay and defraud creditors.” as the motion was unserved and unopposed as usual, was
12 heard on May 16, 2018, was granted on May 21, 2018, and case was dismissed hours later on
13 May 22, 2018, while still in Ramadan. On May 8, and May 14, 2018, al-Hakim noticed this
14 Court, while on April 10, 2018, al-Hakim noticed the Superior, Appeals, and Supreme Courts,
15 that he will be in the annual retreat for the Holy Month of Ramadan from May 14, 2018 until
16 June 20, 2018 and unavailable to respond to any litigation. The parties, including CSAA, had
17 already been noticed in April as well. These letters are on file with the courts as well as filed and
18 served on Chief Judge Roger L. Efremsky-Office of the United States Trustee; Alex Tse, Director-
19 U. S. Attorney's Office No. District; Phyllis J. Hamilton- Chief District Judge- U. S. District
20 Court- No. Division; Xavier Becerra- Attorney General of California, Tracy Hope Davis-
21 Director Office of the United States Trustee; Edward J. Emmons- Clerk Office of the United
22 States Trustee and Martha Bronitsky- Trustee.

23 This was CSAA-Wellpoint scheme to delay, hinder or defraud debtor al-Hakim, CSAA made
24 false representations to the Court regarding the nature of al-Hakim’s filings and retreat for
25 Ramadan, CSAA scheduled the hearing on May 16, 2018, at 9:30 a.m. before Judge William
26 Lafferty, knowing it was Ramadan and al-Hakim would be in retreat, further they scheduled the
27 hearing on a Tuesday when they know that al-Hakim has a weekly religious conflict on
28 Tuesdays, Thursdays and Fridays that prohibits him from attending ANY process for the last
nearly 40 years, in order to obtain the order, that deprived al-Hakim of the protections of the
automatic stay in his bankruptcy case, and, as a consequence, his rights in the Property were lost
to sale. In a show of EXTREME religious intolerance, bigotry, Islamophobia, Xenophobia and

1 favoritism, Lafferty proceeds to hear the matter knowing he would NOT be able to attend due to
2 religious reasons and grants the In Rem order and denies the stay! Lafferty is guilty of clear and
3 gross white class and white privileged bias, prejudice, religious hate induced, vindictive,
4 retaliatory agenda and racism! Lafferty's denial of Universally accepted Stay for Holy Month of
5 Ramadan is the enactment of a scheme that DID delay, hinder or defraud debtor al-Hakim!
6 The Order, using the statutory language, provided no findings of an intent to hinder, delay or
7 defraud creditors; there was only a declaration to that by CSAA where al-Hakim had no
8 opportunity to address the allegations raised in support of the Order. ALL of the courts and
9 parties acknowledged and stipulated to the stay for the annual retreat that al-Hakim have
observed for nearly 50 years.

10 CSAA has sought to deprive al-Hakim of ANY notice and an opportunity to be heard in respect
11 of the In Rem Order and denies litigation due him contrary to the right to due process and
12 immunity from takings of property without due process is a gross abuse of discretion in violation
13 of the law is objectively unreasonable and was undertaken intentionally with malice, willfulness,
14 and reckless indifference to the rights of al-Hakim, causes al-Hakim injuries and this violation of
15 his constitutional rights are directly and proximately caused by the policies and practices of
16 CSAA in committing the Constitutional Violations of al-Hakim's rights, the only party who was
advantaged was CSAA!

17 al-Hakim was the Debtor in this case and filed a Voluntary Chapter 13 Bankruptcy Petition on
18 July 26, 2018, Case No.: 18-41718, and it was assigned to Martha Bronitsky as Trustee.

19 On May 3, 2018, al-Hakim filed a petition with Case No.:18-41048 wherein there was the In
20 Rem hearing on May 16, 2018, at 9:30 a.m. before Judge William Lafferty. The In Rem Order
21 was granted on May 21, 2018, and case was dismissed hours later on May 22, 2018.

22 He had previously filed on March 8, 2018, Case: #18-40567 and was assigned Chief Judge Roger
23 L. Efremsky. That case was dismissed on March 23, 2018.

24 Each time he filed the Chapter 13, it was assigned to Martha Bronitsky whom he had filed and
25 served six (6) letters and complaints in a few months alone addressing the fact that Ms.
26 Bronitsky's presence in this case is prohibitive and he had resolved that since she has embezzled
27 money from al-Hakim and previously issued him checks drawn on her business account that
28 have bounced for insufficient funds and others that had stopped payments applied to them of
\$9,889.04, al-Hakim did not feel comfortable going forward with her as a trustee.

1 On March 28, 2018; April 3, and 18, 2018, May 8, and May 14, 2018, al-Hakim served and filed
2 notices and complaints entitled “Abdul-Jalil al-Hakim's Opposition to Assigning case to Martha
3 Bronitsky, Case: #18-40567” which are on file with the courts as well as filed and served on Chief
4 Judge Roger L. Efremsky-Office of the United States Trustee; Alex Tse, Director- U. S. Attorney's
5 Office No. District; Phyllis J. Hamilton- Chief District Judge- U. S. District Court- No. Division;
6 Xavier Becerra- Attorney General of California, Tracy Hope Davis- Director Office of the United
7 States Trustee; Edward J. Emmons- Clerk Office of the United States Trustee and Martha
8 Bronitsky- Trustee.

8 Lafferty’s Denial of Universally Accepted Stay for Holy Month of Ramadan Scheme to Delay,
9 Hinder or Defraud Debtor al-Hakim

10 Lafferty, in a show of EXTREME intolerance, bigotry, Islamophobia, Xenophobia and
11 favoritism, proceeds to hear the matter knowing al-Hakim would NOT be able to attend due to
12 religious reasons and denies the stay! Lafferty is guilty of clear and gross white class and white
13 privileged bias, prejudice, religious hate induced, vindictive, retaliatory agenda and racism!

14 Lafferty’s denial of Universally accepted Stay for Holy Month of Ramadan is the enactment of a
15 scheme that DID delay, hinder or defraud debtor al-Hakim!

15 Lafferty’s Scheme to Delay, Hinder or Defraud Debtor al-Hakim

16 Lafferty’s comments of al-Hakim’s actions of merely invoking his rights to petition the courts
17 was “part of a scheme to delay, hinder or defraud creditors “ were an inappropriate use of
18 statutory language, are the very epitome of specious retaliation and heinous denial of due process
19 FORCED on plaintiff because he is Muslim, Black, and a Whistleblower who has engaged in
20 constitutionally protected speech, namely, holding and expressing viewpoints exposing
21 corruption by courts and their retaliating actions due to his race, religion, whistleblowing
22 activities, white class and privileged bias, Islamophobic, Xenophobia, hate induced, vindictive,
23 retaliatory agenda, favoritism, bigotry and racism; repeatedly advocated imprimaturs of the
24 CSAA’s litigation theory; voiced a negative and derogatory opinion of al-Hakim; portrayed al-
25 Hakim as a “schemer”, a “fraud” and calling al-Hakim a “schemer”, a “fraud”; exhibited bad
26 faith and deceit; denied al-Hakim’s civil and human rights, the rights to the truth, justice, to
27 evidence and testimony, to due process; has had illegal ex-parte communications regarding al-
28 Hakim even through third parties; highjacked the hearings with criminal intent under the color of
law and authority in Violation of the rights guaranteed by the First, Fifth, Sixth and Fourteenth

1 Amendment U. S. Constitution; California Constitution by the first clause of Article I, section 13;
2 Article VI, section 4 1/2; Article VI, section 13, as a "miscarriage of justice."; Article VI, section
3 18, subd. (d)(3.) and under the Unruh and Ralph Civil Rights and the Bane Acts.

4 DID al-HAKIM BREAK THE LAW IN FILING HIS PETITIONS?

5 DOES al-HAKIM HAVE THE RIGHT TO A FAIR AND IMPARTIAL PROCESS?

6 DOES al-HAKIM HAVE THE RIGHT TO CONTEST THE ASSIGNMENT OF HIS CASE TO
7 TRUSTEE MARTH BRONITSKY WHOM HAS EMBEZZLED OVER \$9,000 FROM HIM?

8 What is NOT noted is that each time al-Hakim filed the Chapter 13, it was assigned to Bronitsky
9 whom he had filed and served six (6) letters and complaints addressing the fact that Ms.

10 Bronitsky's presence in this case is prohibitive and he has resolved that since she has embezzled
11 money from him and previously issued him checks drawn on her business account that have
12 bounced for insufficient funds and others that had stopped payments applied to them of
13 \$9,889.04, al-Hakim do not feel comfortable going forward with her as a trustee!

14 Lafferty exhibited clear and gross examples of white class and privileged bias, prejudice,
15 Islamophobia, Xenophobia, hate induced, vindictive, retaliatory agenda, favoritism, bigotry and
16 racism; repeatedly advocated imprimaturs of the CSAA's litigation theory; voiced a negative and
17 derogatory opinion of al-Hakim; portrayed al-Hakim as a "schemer", a "fraud" and calling al-
18 Hakim a "schemer", a "fraud"; exhibited bad faith and deceit; denied al-Hakim's civil and human
19 rights, the rights to the truth, justice, to evidence and testimony, to due process; has had illegal
20 ex-parte communications regarding al-Hakim even through third parties; highjacked the hearings
21 with criminal intent under the color of law and authority in violation of the Unruh and Bane Acts.
22 These efforts of the judges can qualify as a Hate Crime under the Unruh and Ralph Civil Rights
23 and the Bane Acts, while they are clear acts of religious bigotry and intolerance for which al-
24 Hakim will not allow.

25 Lafferty has sought to deprive al-Hakim of litigation due him contrary to the right to due process
26 and immunity from takings of property without due process is a gross abuse of discretion in
27 violation of the law is objectively unreasonable and was undertaken intentionally with malice,
28 willfulness, and reckless indifference to the rights of al-Hakim, causes al-Hakim injuries and this
violation of his constitutional rights are directly and proximately caused by the policies and
practices of Lafferty, Bronitsky, CSAA, U. S. Trustee court administration and the clerk's and
which are the moving force behind this declaration, and same as the acts described herein have

1 caused damages to al-Hakim. As a DIRECT result of the criminal conduct and ongoing
2 corruption of Lafferty in his Constitutional Violations of al-Hakim's rights, which al-Hakim will
3 NOT waive, Bronitsky's presence in this case is prohibitive and is the reason for the delay in the
4 case that has made it Impossible, Impracticable, and Futile to Proceed.

5 In his vindictive retaliation against al-Hakim and his depraved agenda of persecution, Lafferty's
6 actions were committed with criminal intent under the color of law and authority in violation of
7 the Unruh and Bane Acts.

8 These efforts of Lafferty can qualify as a Hate Crime under the Unruh and Ralph Civil Rights
9 and the Bane Acts, while they are clear acts of religious bigotry and intolerance.

10 Lafferty's or anyone else's "**Scheme to Delay, Hinder or Defraud Creditors**" argument is
11 mindless as there is no reason greater than al-Hakim's basic right to pursue litigation at all,
12 where Lafferty and Bronitsky's presence in this case is prohibitive and has denied al-Hakim's
13 civil rights and due process, an equal opportunity to participate in unbiased pursuit of his legal
14 claims as if these are still the dark days of American history when Black people had no rights at
15 all!

16 A scheme has been defined as follows in case law:

17 "A scheme is an intentional construct. It does not happen by misadventure or negligence. Thus, §
18 362(d)(4)(A) scheme is an intentional artful plot or plan to delay, hinder or defraud creditors.
19 It is not common to have direct evidence of an artful plot or plan to deceive others. In general,
20 the court must infer the existence and contents of a scheme from circumstantial evidence. The
21 party claiming such a scheme must present evidence sufficient for the trier of fact to infer the
22 existence and content of the scheme." In re Duncan & Forbes Development, Inc. (2006) 368 BR
23 27, 32.

24 Defendants nor the court provided NO evidence of ANY scheme that the trier of fact could even
25 remotely infer was even circumstantial proof of al-Hakim has "*engaged in a scheme to hinder,
26 delay or defraud creditors.*"

27 Brand orders:

28 *10/15/18 Remittitur filed. Order of Court of Appeal dismissed appeal. Court of Appeal states:
"The appellate disentitlement doctrine authorizes an appellate court to "dismiss an appeal where
the appellant has willfully disobeyed the lower court's orders or engaged in obstructive tactics,
and no formal judgment of contempt is required." ... Here, Al-Hakim "is a judgment debtor who
has frustrated or obstructed legitimate efforts to enforce a judgment." " ... Al- Hakim has sought
to delay enforcement of the trial court's January 26, 2018 order granting Wellpoint's motion to
sell the dwelling located at 7633 Sunkist Drive, Oakland, CA 94605"*

1 The appeals court bases it's decision to dismiss al-Hakim's appeal entirely on CSAA's contention
2 that al-Hakim had failed and refused to comply with an unserved discovery request that was
3 unopposed and as such should have their unserved motion to dismiss granted!

4 Defendants obtained this order from Commissioner Rausch as the product of fraud and deceit
5 when again defendants got an UNOPPOSED order as al-Hakim was NEVER served any
6 interrogatories and requests for the production of documents BUT Brand granted the Motion of
7 al-Hakim to vacate and set aside the related order on MOTION NO. 3. of 4/16/18. (Filed
8 9/14/18)

9 Nor did defendants serve a motion to dismiss the appeal by CSAA, nor did al-Hakim receive any
10 filing notice of any type from the Appeals Court of any motion to dismiss by CSAA. See
11 "Superior and Appeals Court Fraud in Motion to Dismiss and MOTION NO. 3" page 27-31

12 Six Orders of March 24, 2019

13 Brand's recent six orders of March 24, 2019 has merely substantiated the evidence of the
14 continuing Judicial and Superior Court Administration Grand, Systemic and Endemic
15 Corruption; Manipulation of the Record and Register of Actions; Obstruction of Justice in
16 Motions; Demand for Removal of Judges For Cause; Criminal Conduct In Violation of The Law;
17 Conduct To Pervert or Obstruct Justice, or the Due Administration of the Laws (Pen.Code, §§
18 182, subd. (a)(1), 4570) 1 and Conspiracy to Pervert or Obstruct Justice (§ 182, subd. (a)(5));
19 Fraud Upon The Court.

20 **Brands order of March 24, 2019 rules:**

21 1) Motion of City of Oakland to quash subpoena for discovery (filed 1/18/18) (Res #1926442)

22 (2) Motion of al-Hakim to vacate and set aside order of 1/26/18 (filed 2/20/18) (Res #1935226)

23 MOTION NO. 2

24 *The Motion of al-Hakim to vacate and set aside order of 1/26/18 is DENIED. (Filed 2/20/18)*
(Res #1935226)

25 *The order of 1/26/18 found that the dwelling at 7633 Sunkist Drive, Oakland, CA 94605 was not*
a homestead and ordered that Wellpoint was permitted to sell the property under CCP 701.510.

26 *The Motion of al-Hakim to vacate and set aside order of 1/26/18 is DENIED.*

27 *As a matter of procedure, al-Hakim filed notice of an appeal from the order of 1/26/18 and the*
Court of Appeal has dismissed the appeal. The Court of Appeal's order of 7/16/18 implicitly
affirms this court's order of 1/26/18. This trial court cannot revisit the issue. All questions
28 *decided on a Court of Appeal motion to dismiss became the law of the case. (Stock v. Meek*

1 (1952) 114 Cal.App.2d 584, 586; *Morris Plan Co. of Orange County v. Kahen* (1933) 135
2 Cal.App. 395.)

3 Al-Hakim asserts the order of 1/26/18 is invalid because (1) Judge Colwell lacked jurisdiction;
4 (2) Judge Colwell lacked standing; and (3) Judge Colwell engaged in misconduct. Regarding
5 Judge Colwell's ability to issue the order of 1/26/18, al-Hakim filed a challenge on 1/22/18 and
6 Judge Colwell denied the peremptory challenge and struck the challenge for cause in an order
7 filed 1/25/18. Al-Hakim did not seek timely writ relief from that order. (CCP 170.3(d).)

8 Al-Hakim asserts the court should set aside the order of 1/26/18 under CCP 473(b). Al-Hakim
9 has not made a showing of surprise, mistake, excusable neglect or other reason why the court
10 should set aside the order of 1/26/18.

11 Brands ruling is willfully blind, bias, prejudice, shrouded in fraud as he attempts to ignore THE
12 MOTION WAS UNOPPOSED WHEN DEFENDANTS DID NOT FILE AN OPPOSITION
13 UNTIL AFTER al-HAKIM FILED HIS REPLY AND THEY NEVER SERVED IT! (see **Reply**
14 **to Opposition and Exhibits filed March 14, 2018**)

15 Brand turns his head away from the Fraud, Deception, Misrepresentation and Bad Faith Conduct
16 of Defendants and Colwell, not just the excuse of “surprise, mistake, excusable neglect or other
17 reason”. Perhaps the strongest pillar of the right for a litigant to file a Motion to Vacate is that of
18 plain and sheer, unmitigated **FRAUD**, including extrinsic, intrinsic, collateral, fraud on the court,
19 fraud upon the court, one of the “other reason” he fails to list.

20 Here the defendants and Colwell were presented with their OWN evidence of: 1) a 2008 letter
21 from Colwell to al-Hakim establishing that at all times she knew that al-Hakim lived in the
22 home, 2) defendants sworn statements that clearly establish their fraud in the appraisal of the
23 home to justify the sale of the dwelling, and 3) the existence of al-Hakim’s homestead to deprive
24 him of the value he should receive from any sale of the home and to justify the sale; their
25 Extrinsic fraud upon the court, the People of the State of California.

26 al-Hakim addresses their Fraud in al-Hakim’s Homestead as Brand and Colwell knowingly
27 aided, and abided defendants and defrauded al-Hakim by NEVER accounting for his homestead
28 of \$175,000, as COLWELL DENIED THE HOMESTEAD EVEN EXISTED, the CSAA
“schedule A” of Litigation Guaranty from WFG National Title Insurance Company shows that
plaintiff’s Homestead was filed and recorded on December 23, 1988; al-Hakim produced the
homestead deed; and the fact that al-Hakim PRODUCED A PERSONAL LETTER FROM
COLWELL ADDRESSED TO HIM from 2006 establishing that at ALL times Colwell knew that
plaintiff lived there (see 2/25/19 Brand Challenge at ¶¶ 4-18)

1 al-Hakim presents clear, uncontroverted, unopposed, uncontested, corroborated proof Colwell
2 has written, signed and submitted willfully perjurious, deceptive and fraudulent rulings and
3 orders in attempting to deceive the public in support of her rulings; made knowingly false
4 statements and omissions of truth in her rulings and orders as evidence of her lying under oath
5 and perjury; dishonesty; fraudulent deception; willful and prejudicial misconduct; abuse of
6 discretion; negligence; bias; prejudice; misrepresentation; incompetence; conflict of interest; bad
7 faith; collusion; and denial of due process.

8 Brand's order has merely substantiated the evidence of the continuing Superior Court
9 Administration Grand, Systemic and Endemic Corruption; Conduct To Pervert or Obstruct
10 Justice, or the Due Administration of the Laws (Pen.Code, §§ 182, subd. (a)(1), 4570) 1 and
11 Conspiracy to Pervert or Obstruct Justice (§ 182, subd. (a)(5)); Fraud Upon The Court; and
12 Manipulation. (see **2/25/19 Brand Challenge at ¶¶ 2, Page 20-21; and Declaration and
13 Exhibits to Motion to Vacate filed February 20, 2018 with Reply to Opposition and Exhibits
14 filed March 14, 2018**)

15 Brand' Tentative Ruling/Orders are IRREFUTABLE EVIDENCE of Crime as Brands ruling is
16 willfully blind, bias, prejudice, shrouded in fraud as he attempts to ignore the existence of the
17 Fraud, Deception, Misrepresentation and Bad Faith Conduct of Defendants and Colwell, not just
18 the excuse of "surprise, mistake, excusable neglect or other reason". (see 2/25/19 Brand
19 Challenge at ¶¶ 2) Perhaps the strongest pillar of the right for a litigant to file a Motion to Vacate
20 is that of plain and simple **FRAUD**, including extrinsic, intrinsic, collateral, fraud on the court,
21 fraud upon the court, one of the "other reason" he fails to list. as well as abuse of discretion,
22 conduct to pervert or obstruct justice, or the due administration of the laws, conspiracy to pervert
23 or obstruct justice, willful misconduct, bad faith is without any basis in applicable fact or law as
24 it relates to the court orders contested violates al-Hakim's right to due process and civil rights.

25 **MOTION NO. 3**

26 (3) Motion of al-Hakim to vacate and set aside order of 4/16/18 (filed 9/14/18) (Res # 2000716)

27 **MOTION NO. 3. (see 2/25/19 Brand Challenge at ¶¶ 18, Page 34-35)**

28 The Motion of al-Hakim to vacate and set aside order of 4/16/18 is GRANTED IN PART. (Filed
9/14/18) (Res #2000716)

On 4/16/18, Commissioner Rasch entered an order that stated in relevant part: "On 1/22/18
Wellpoint personally served the discovery. (Exh 3.) On 1/22/18 Wellpoint sent a second copy by
mail. (Exh 4.) Responses were due within 30 days, or by 2/22/18. On 2/26/18 Wellpoint sent a

1 follow up letter requesting a response by 3/1/18. (Exh 5) Al-Halim did not provide responses. On
2 3/6/18, Wellpoint filed this motion. ... On 3/8/18, al-Hakim filed for bankruptcy. ... On 3/23/18,
3 the judge in the bankruptcy case dismissed that case. ... al-Hakim has had 20 days since the
4 dismissal of the bankruptcy case to oppose the motion and he has not opposed the motion. The
5 court GRANTS the motion. On or before 5/11/18, Al-Hakim must produce responses to
6 interrogatories (set one) and requests for the production of documents (set one). The responses
7 must be without objection and must be verified. On or before 5/11/18, Al-Hakim must produce all
8 responsive documents. The court DENIES the request for monetary sanctions.”

9 Mr. al-Hakim asserts that he did not oppose the motion because he never got notice of the
10 motion. The court accepts Mr. al-Hakim's assertion that he did not get notice of the motion and
11 on that basis extends the time for Mr. al-Hakim to file responses.

12 It is ORDERED that within 21 days of service of this order, Al-Hakim must produce responses to
13 interrogatories (set one) and requests for the production of documents (set one). The responses
14 must be without objection and must be verified. Mr. al-Hakim must produce all responsive
15 documents. The court DENIES the request for monetary sanctions.

16 Even though Brand set aside the order, his ruling is willfully blind, bias, prejudice, shrouded in
17 fraud as he attempts to ignore the existence of the Fraud, Deception, Misrepresentation and Bad
18 Faith Conduct of Defendants. Here Brand was presented with evidence of defendants sworn
19 statements that clearly establish their their fraud of plaintiff, Extrinsic fraud upon the court, the
20 People of the State of California by not having served the alleged documents, yet in his order he
21 advocated a judicial imprimatur of the defense’s theory and demands “within 21 days of service
22 of this order, Al-Hakim must produce responses to interrogatories (set one) and requests for the
23 production of documents (set one). The responses must be without objection and must be
24 verified” He totally disregards the fact that al-Hakim WAS NEVER SERVED, thus CAN NOT
25 RESPOND!!

26 THIS ORDER WAS TAKEN OUT OF SHEER FRAUD AND DECIT BY CSAA FILING
27 WITHOUT SERVING THE MOTIONS ON al-HAKIM.

28 Defendants obtained this order from Commissioner Rausch as the product of fraud and deceit
when again defendants got an UNOPPOSED order as al-Hakim was NEVER served any
interrogatories and requests for the production of documents BUT Brand granted the Motion of
al-Hakim to vacate and set aside the related order on MOTION NO. 3. of 4/16/18. (Filed
9/14/18)

Nor did defendants serve a motion to dismiss the appeal by CSAA, nor did al-Hakim receive any
filing notice of any type from the Appeals Court of any motion to dismiss by CSAA.

This failing to serve documents on plaintiff is a major part of the litigation scheme carried out
solely for the purpose of espousing defendants vitriol of Trump-esq hate induced 20 year strategy

1 of FRAUD, DECIET, RACISM, RELIGIOUS BIGOTRY, AND INTOLERANCE, PREJUDICE,
2 stirring the animus of the court to provoke acrimony toward al-Hakim, fostering calumny deceit
3 within the judicial and legal community, knowingly using fraudulent, misleading, false and
4 larcenous documentation provided by Defendants attempting to foist upon plaintiff and the
5 courts the imprimatur of substantiating documentary evidence in denial of al-Hakim's civil rights
6 and immunity from takings of property without due process is a gross abuse of discretion in
7 violation of the law is objectively unreasonable and was undertaken intentionally with malice,
8 willfulness, and reckless indifference to the rights of al-Hakim in lieu of proper litigation.

9 (4) Motion of Well point Asset Recovery for sanctions (filed 9/26/18) (Res #20005614)

10 (see 2/25/19 Brand Challenge at ¶¶ 29-31, Page 43-44; **and al-Hakim's Declaration in
11 Opposition and Exhibits to Motion of CSAA for Sanctions Filed 9/26/18**)

12 This frivolous, meritless motion was contrived through collusion on the part of CSAA and the
13 court conspiring to establish a finding of al-Hakim as filing frivolous, meritless motions to
14 substantiate their planned filing of the vexatious litigant proceedings as revealed at a hearing by
15 judge Colwell. Court administration, CSAA and the City of Oakland have also participated in
16 judge Clay's failed two vexatious litigant proceedings with defendants Interserver and Equinix.

17 (5) Motion of al-Hakim to vacate and set aside order of 9/20/18 filed 12/6/18) (Res # 2024389)

18 *MOTION NO. 5.: The Motion of al-Hakim to vacate and set aside tentative order of 9/20/18 is
19 DENIED. (Filed 12/6/18) (Res # 2024389), and MOTION NO. 6.: The Motion of al-Hakim to
20 vacate and set aside order of 9/20/18 is DENIED. (Filed 12/6/18 (Res # 2024391)*

21 ***MOTION NO. 5. (see 2/25/19 Brand Challenge at ¶¶ 19-20, Page 35-36, and Declaration and
22 Exhibits to Motion to Vacate tentative order of 9/20/18 on Motion of CSAA with order granted
23 1/26/18 that permitted Wellpoint to sell the dwelling at 7633 Sunkist Drive, Oakland, CA 94605
24 Filed 12/6/18)***

25 *The Motion of al-Hakim to vacate and set aside tentative order of 9/20/18 is DENIED. (Filed
26 12/6/18) (Res # 2024389)*

27 *The Motion of al-Hakim to vacate and set aside the order of 1/26/18 that permitted Wellpoint to
28 sell the dwelling at 7633 Sunkist Drive, Oakland, CA 94605 was set for hearing on 9/20/18. The
court issued a tentative decision before the hearing. (CRC 3.1308; Local Rule 3.30(d).) The
order on 9/20/18 continued the hearing "because the Court of Appeal has not yet issued a
remittitur, restored jurisdiction to the trial court, and defined what issues remain for the trial
court to resolve." The Motion of City of Oakland to quash subpoena for discovery is now set for
1/9/19.*

*The motion is DENIED because the tentative decision issued before the hearing set for 9/20/18
was not a court order. "A tentative ruling is just that, tentative." (Guzman v. Visalia Community*

1 *Bank (1999) 71 Cal.App.4th 1370, 1378.) "[A] trial court's tentative ruling is not binding on the*
2 *court; the court's final order supersedes the tentative ruling." (Silverado Modjeska Recreation*

3 *and Parks Dist. v. County of Orange (2011) 197 Cal.App.4th 282, 300.)*
4 *The motion is DENIED because the order following the hearing set for 9/20/18 was to continue*
5 *the hearing and was not substantive.*

6 (6) Motion of al-Hakim to vacate and set aside order of 9/20/18 (filed 12/6/18 (Res # 2024391)

7 ***MOTION NO. 6. (see 2/25/19 Brand Challenge at ¶¶ 19-20, Page 35-36, and Declaration and***
8 ***Exhibits to Motion to Vacate tentative order of 9/20/18 on Motion of City of Oakland to quash***
9 ***subpoena Filed 12/6/18)***

10 *The Motion of al-Hakim to vacate and set aside order of 9/20/18 is DENIED. (Filed 12/6/18 (Res*
11 *# 2024391)*

12 *The Motion of City of Oakland to quash subpoena for discovery was set for hearing on 9/20/18.*
13 *The court issued a tentative decision before the hearing. (CRC 3.1308; Local Rule 3.30(d).) The*
14 *order on 9/20/18 continued the hearing "because the Court of Appeal has not yet issued a*
15 *remittitur, restored jurisdiction to the trial court, and defined what issues remain for the trial*
16 *court to resolve." The Motion of City of Oakland to quash subpoena for discovery is now set for*
17 *1/9/19.*

18 *The motion is DENIED because the tentative decision issued before the hearing set for 9/20/18*
19 *was not a court order. "A tentative ruling is just that, tentative." (Guzman v. Visalia Community*
20 *Bank (1999) 71 Cal.App.4th 1370, 1378.) "[A] trial court's tentative ruling is not binding on the*
21 *court; the court's final order supersedes the tentative ruling." (Silverado Modjeska Recreation*
22 *and Parks Dist. v. County of Orange (2011) 197 Cal.App.4th 282, 300.)*

23 *The motion is DENIED because the order following the hearing set for 9/20/18 was to continue*
24 *the hearing and was not substantive.*

25 In these two orders, Brands ruling is willfully blind, bias, prejudice, shrouded in fraud as he
26 attempts to "rule away" the blatant existence and commission of the evidence of fraud on the
27 court, abuse of process, obstruction and perverting justice, corruption, collusion, conspiracy,
28 deception and bad faith conduct of him and his court administrative staff actions of fabricating,
altering, manipulating, and tampering with the record and register of actions by begging the
excuse of "A tentative ruling is just that, tentative." to remedy the obvious fraud in the issuing of
the order. **THE RULINGS ARE TENTATIVE, BUT THE FRAUD IS PERMANENT AND**
FOREVER AND WILL NOT BE PARDONED AS SUCH FOR THE PURPOSE OF SELF
EXONERATION!

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct, based on my direct first hand personal knowledge.

3 Respectfully submitted April 17, 2019, at Oakland, CA
4

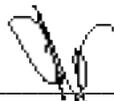
5 
6 _____
Abdul-Jalil al-Hakim

7 VERIFICATION

8 I, plaintiff Abdul-Jalil al-Hakim declare under penalty of perjury that I have read the foregoing
9 challenge for cause and the facts stated therein are true and correct:

- 10 1. I am the PLAINTIFF in the above-entitled matter.
11 2. The Honorable Jeff Brand, is prejudiced against the PLAINTIFF.
12 3. Declarant Abdul-Jalil al-Hakim, says that Judge Brand is irreparably conflicted, tainted,
13 biased, and prejudiced against the plaintiff in this action as he **has been, is and will be a**
14 **defendant and witness that is directly involved in these same cases attempting to be put**
15 **before him to serve as judge and trier of fact in!**

16 Date: April 17, 2019

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18 _____
Abdul-Jalil al-Hakim
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