

LIST OF DEFENDANTS

MOLLY C. DWYER, CLERK OF COURT, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, P.O. Box 193939, San Francisco, CA 94119-3939 (415) 355-8000

SUSAN Y. SOONG, CLERK OF COURT, OFFICE OF THE CLERK, UNITED STATES DISTRICT COURT, 450 Golden Gate Avenue, San Francisco, CA 94102-3489 415-522-2000

THE LYNNMOORE AT LAWNWOOD ASSISTED LIVING AND MEMORY CARE, 1550 N Lawnwood Cir, Fort Pierce, FL 34950 (801) 383-2461

CITY OF SAN DIEGO; COUNTY OF SAN DIEGO; JOHN KERR; IVAN BAROYA; DOMINICK ADDARIO; THOMAS J. MASSEY; TANI CANTIL-SAKAUYE; JUDITH MCCONNELL; PATRICIA D. BENKE; JUDITH L. HALLER; JOAN IRION; ALEX C. MCDONALD; JAMES A. MCINTYRE; GILBERT NARES; CYNTHIA AARON; RICHARD D. HUFFMAN; TERRY B. O'ROURKE; YURI HOFMANN; ROBERT C. TRENTACOSTA; BONNY HSU; KEITH PHILLIPS; GEORGE W. BREWSTER, JR.; WILLIAM P. FLYNN; CHRISTOPHER J. SKORINA; JAN I. GOLDSMITH; JOHN RILEY; THOMAS MONTGOMERY; CHRISTINA VILASECA; MATHEW SOUTHER; NEIL, DYMOTT, FRANK, MCFALL & TREXLER; MARYBEL BATJER, PRESIDENT, CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC); MICHAEL R. PEEVEY; MICHAEL PICKER; KAMALA D. HARRIS; XAVIER BECERRA; ROB BONTA, CALIFORNIA ATTORNEY GENERAL; SAN DIEGO GAS & ELECTRIC (SDG&E); ITRON, INC.; EDMUND G. BROWN, FORMER CALIFORNIA GOVERNOR; RICK SCOTT, FORMER FLORIDA GOVERNOR; CITY OF WHITE SULPHUR SPRINGS; CITY OF VERO BEACH; INDIAN RIVER COUNTY; FLORIDA POWER & LIGHT (FPL); MONPOWER; AT&T CORP.; LEWIS, BRISBOIS, BISGAARD & SMITH, LLP; VOCELLE & BERG, LLP; DEAN, RINGERS, MORGAN & LAWTON, P.A.; DIAMOND LITTY; KIERNAN MOYLAN; DOROTHY NAUMANN; LYDIA PITTAWAY; BRUCE H. COLTON; BRIAN WORKMAN; DAVID DODD; ELISE BRAWNER; JEFFREY R. SMITH, CLERK OF COURT; MICHAEL RODDY, COURT EXECUTIVE OFFICER; HENRY COKER; RANDY MIZE; BONNIE DUMANIS; SUMMER STEPHAN, SAN DIEGO DISTRICT ATTORNEY; STAN IDEKER; FARMERS INSURANCE; STEWART TITLE INSURANCE; AMERICAN STRATEGIC INSURANCE (ASI); NEW HAMPSHIRE INSURANCE COMPANY; SEACOAST BANK; WHOLE FOODS; WALMART, INC.; CUMBERLAND FARMS; KEITH H. RUTMAN; BRYAN W. PEASE; NICHOLAS J. LEWIS; JOHN SERRANO; STEPHEN I. OSTROW; TENANTS LEGAL CENTER; RICHARD M. BENRUBI; ROONEY & ROONEY, P.A.; EARL K. MALLORY; ANDREW B. METCALF; THOMAS A. KENNEDY; KEVIN M. ROLLIN; WILLIAM TERRY; JUSTIN CLARK; CITY OF SEBASTIAN; TOWN OF INDIAN RIVER SHORES; 90 SOUTH FLORIDA EVALUATION AND TREATMENT CENTER (SFETC); MIKE CARROLL, SHEVAUN HARRIS, SECRETARY, DEPARTMENT OF CHILDREN AND FAMILIES (DCF); CORRECT CARE SOLUTIONS, LLC.; CORE CIVIC, INC. FRATERNAL ORDER OF POLICE (FOP); POLICE BENEVOLENT SOCIETY; PEACE

OFFICERS RESEARCH ASSOCIATION OF CALIFORNIA (PORAC); FLORIDA SHERIFF'S ASSOCIATION; COAST TO COAST LANDSCAPING; COLDWELL BANKER; PUBLIX; GLOBAL TEL LINK; BURLE INDUSTRIES; COURT PROGRAMS OF THE TREASURE COAST (CPTC); CTIA; FRONTIER COMMUNICATIONS CORPORATION; A-1 BAIL BONDS; JIM JUSTICE; ROBERT CLARK; HOSKINS, TURCO, LLOYD & LLOYD; BRIAN MCMAHON; TAREK KIEM; CHAD VAN HORN; LEO DESMOND; CHRISTOPHER JACOBS; FLORIDA RURAL LEGAL SERVICES; JOHN POWERS; T. CHARLES SCHAFER; MURPHY & WALKER; JASON HERMAN; FIRST PRESBYTERIAN CHURCH; FIRST BAPTIST CHURCH; PROTECT MY MINISTRY; DARDEN RESTAURANTS, INC.; CARNIVAL CRUISE LINE; CONSULATE HEALTH CARE OF VERO BEACH; GRACE REHABILITATION CENTER OF VERO BEACH; FIRST CHURCH OF CHRIST SCIENTIST; THE LYNMOORE AT LAWNWOOD ASSISTED LIVING AND MEMORY CARE; MARTINELLI & ASSOCIATES; NATIONAL RADIO ASTRONOMY OBSERVATORY (NRAO); JORGE CORTINA DEL VALLE; MARINE BANK; CENTERSTATE BANK; FIDELITY INVESTMENTS; FLORIDA INSTITUTE OF TECHNOLOGY (FIT); HARRIS CORPORATION; DAVID MORGAN; ROBERT PEGG; CYNTHIA COX; ST. LUCIE COUNTY; MARTIN COUNTY; GEICO INSURANCE; TRAVELERS INSURANCE

1 Deborah Cooney, Plaintiff, In Propria Persona
2 P. O. Box 700013
3 Wabasso, FL 32970
4 858-380-6594
5 celestecan@hotmail.com

6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO**

8 DEBORAH COONEY,

9 Plaintiff,

10 vs.

11 MOLLY C. DWYER, CLERK OF COURT,
12 UNITED STATES COURT OF APPEALS
13 FOR THE NINTH CIRCUIT; SUSAN Y.
14 SOONG, CLERK OF COURT, OFFICE OF
15 THE CLERK, UNITED STATES DISTRICT
16 COURT; CITY OF SAN DIEGO;
17 COUNTY OF SAN DIEGO; JOHN KERR;
18 IVAN BAROYA; DOMINICK ADDARIO;
19 THOMAS J. MASSEY; TANI CANTIL-
20 SAKAUYE; JUDITH MCCONNELL;
21 PATRICIA D. BENKE; JUDITH L.
22 HALLER; JOAN IRION; ALEX C.
23 MCDONALD; JAMES A. MCINTYRE;
24 GILBERT NARES; CYNTHIA AARON;
25 RICHARD D. HUFFMAN; TERRY B.
26 O'ROURKE; YURI HOFMANN; ROBERT
27 C. TRENTACOSTA; BONNY HSU; KEITH
28 PHILLIPS; GEORGE W. BREWSTER, JR.;
WILLIAM P. FLYNN; CHRISTOPHER J.
SKORINA; JAN I. GOLDSMITH; JOHN
RILEY; THOMAS MONTGOMERY;
CHRISTINA VILASECA; MATHEW
SOUTHER; NEIL, DYMOTT, FRANK,
MCFALL & TREXLER; MARYBEL
BATJER, PRESIDENT, CALIFORNIA
PUBLIC UTILITIES COMMISSION
(CPUC); MICHAEL R. PEEVEY;
MICHAEL PICKER; KAMALA D.
HARRIS; XAVIER BECERRA; ROB
BONTA, CALIFORNIA ATTORNEY
GENERAL; SAN DIEGO GAS &
ELECTRIC (SDG&E); ITRON, INC.;
EDMUND G. BROWN, FORMER
CALIFORNIA GOVERNOR; RICK SCOTT.

AMENDED VERIFIED COMPLAINT

JURY TRIAL DEMANDED

Action Filed: March 8, 2021

1 FORMER FLORIDA GOVERNOR; CITY
2 OF WHITE SULPHUR SPRINGS; CITY OF
3 VERO BEACH; INDIAN RIVER COUNTY;
4 FLORIDA POWER & LIGHT (FPL);
5 MONPOWER; AT&T CORP.; LEWIS,
6 BRISBOIS, BISGAARD & SMITH, LLP;
7 VOCELLE & BERG, LLP; DEAN,
8 RINGERS, MORGAN & LAWTON, P.A.;
9 DIAMOND LITTY; KIERNAN MOYLAN;
10 DOROTHY NAUMANN; LYDIA
11 PITTAWAY; BRUCE H. COLTON; BRIAN
12 WORKMAN; DAVID DODD; ELISE
13 BRAWNER; JEFFREY R. SMITH, CLERK
14 OF COURT; MICHAEL RODDY, COURT
15 EXECUTIVE OFFICER; HENRY COKER;
16 RANDY MIZE; BONNIE DUMANIS;
17 SUMMER STEPHAN, SAN DIEGO
18 DISTRICT ATTORNEY; STAN IDEKER;
19 FARMERS INSURANCE; STEWART
20 TITLE INSURANCE; AMERICAN
21 STRATEGIC INSURANCE (ASI); NEW
22 HAMPSHIRE INSURANCE COMPANY;
23 SEACOAST BANK; WHOLE FOODS;
24 WALMART, INC.; CUMBERLAND
25 FARMS; KEITH H. RUTMAN; BRYAN W.
26 PEASE; NICHOLAS J. LEWIS; JOHN
27 SERRANO; STEPHEN I. OSTROW;
28 TENANTS LEGAL CENTER; RICHARD
M. BENRUBI; ROONEY & ROONEY, P.A.;
EARL K. MALLORY; ANDREW B.
METCALF; THOMAS A. KENNEDY;
KEVIN M. ROLLIN; WILLIAM TERRY;
JUSTIN CLARK; CITY OF SEBASTIAN;
TOWN OF INDIAN RIVER SHORES;
SOUTH FLORIDA EVALUATION AND
TREATMENT CENTER (SFETC); MIKE
CARROLL, SHEVAUN HARRIS,
SECRETARY, DEPARTMENT OF
CHILDREN AND FAMILIES (DCF);
CORRECT CARE SOLUTIONS, LLC.;
CORE CIVIC, INC. FRATERNAL ORDER
OF POLICE (FOP); POLICE
BENEVOLENT SOCIETY; PEACE
OFFICERS RESEARCH ASSOCIATION OF
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SHERIFF'S ASSOCIATION; COAST TO
COAST LANDSCAPING; COLDWELL
BANKER; PUBLIX; GLOBAL TEL LINK;
BURLE INDUSTRIES; COURT
PROGRAMS OF THE TREASURE COAST
(CPTC); CTIA; FRONTIER
COMMUNICATIONS CORPORATION; A-
1 BAIL BONDS; JIM JUSTICE; ROBERT

1 CLARK; HOSKINS, TURCO, LLOYD &
 2 LLOYD; BRIAN MCMAHON; TAREK
 3 KIEM; CHAD VAN HORN; LEO
 4 DESMOND; CHRISTOPHER JACOBS;
 5 FLORIDA RURAL LEGAL SERVICES;
 6 JOHN POWERS; T. CHARLES SCHAFER;
 7 MURPHY & WALKER; JASON HERMAN;
 8 FIRST PRESBYTERIAN CHURCH; FIRST
 9 BAPTIST CHURCH; PROTECT MY
 10 MINISTRY; DARDEN RESTAURANTS,
 11 INC.; CARNIVAL CRUISE LINE;
 12 CONSULATE HEALTH CARE OF VERO
 13 BEACH; GRACE REHABILITATION
 14 CENTER OF VERO BEACH; FIRST
 15 CHURCH OF CHRIST SCIENTIST;
 16 THE LYNMOORE AT LAWNWOOD
 17 ASSISTED LIVING AND MEMORY
 18 CARE; MARTINELLI & ASSOCIATES;
 19 NATIONAL RADIO ASTRONOMY
 20 OBSERVATORY (NRAO); JORGE
 21 CORTINA DEL VALLE; MARINE BANK;
 22 CENTERSTATE BANK; FIDELITY
 23 INVESTMENTS; FLORIDA INSTITUTE
 24 OF TECHNOLOGY (FIT); HARRIS
 25 CORPORATION; DAVID MORGAN;
 26 ROBERT PEGG; CYNTHIA COX; ST.
 27 LUCIE COUNTY; MARTIN COUNTY;
 28 GEICO INSURANCE; TRAVELERS
 INSURANCE

Defendants

16 _____
 17 _____
 18 _____

19 Pursuant to Federal Rules of Civil Procedure (FRCP), Rule 15(a)(1), "Plaintiff", Deborah
 20 Cooney, in propria persona, hereby amends the "Verified Complaint" filed March 8, 2021.

I. INTRODUCTION

21
 22 1. Pursuant to 42 U.S.C. §§1983, 1985-6 and 18 U.S.C. §1964(c) Plaintiff seeks declaratory and
 23 injunctive relief as well as compensatory damages for the criminal conduct of all Defendants.
 24 Many of the Defendants were parties in previous actions (Underlying Cases) in which they
 25 committed intrinsic and extrinsic fraud on the courts. The remaining Defendants assisted in
 26 committing the fraud on the courts, although they had not been named as parties to the original
 27 actions. All of the Underlying Cases were brought pursuant to 42 U.S.C. §1983 and other legal

1 theories. This action incorporates the violation of federal rights which resulted in fraud on the
2 court, as well as the transgressions enumerated in the Underlying Cases.

3 2. As to the "Federal Defendants" (Dwyer, Soong, and Doe Clerks 1-60 and Doe Judges 251-
4 280), Plaintiff brings this suit pursuant to *Bivens v. Six Unknown Named Agents of Federal*
5 *Bureau of Narcotics*, 403 U.S. 388 (1971) and/or the Federal Tort Claims Act of 1946. The
6 relief is necessary to address the errors of the Federal Defendants in the "Underlying Case"
7 *Cooney v. San Diego*, No. 4: 18-cv-0 1860-JSW in the District Court and No. 19-16180 in the
8 Court of Appeals. A federal tort claim was filed on March 8, 2021. Pursuant to 28 U.S. Code §
9 2675(a), the tort claim will have been denied on September 8, 2021. This Complaint is filed a
10 few days early to comply with other legal requirements. The Court can either order this
11 Complaint to be amended again after that date or waive the requirement as moot because the
12 time has since elapsed.

13 3. All defendants are sued both individually and in their official capacities where this designation
14 is appropriate.

15 II. JURISDICTION

16 4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331
17 because Plaintiff's claims arise under the laws of the United States. This Court has original
18 jurisdiction over the civil rights claims in this action pursuant to 28 U.S.C. §1343(a) and over the
19 racketeering claims pursuant to 18 U.S.C. §1964(c). This Court has mandamus jurisdiction to
20 compel an officer or employee of the United States or any agency thereof to perform a duty
21 owed to the plaintiff, pursuant to 28 U.S.C. §1361. This Court has original jurisdiction over
22 "claims against the United States, for money damages... caused by the negligent or wrongful act
23 or omission of any employee of the Government while acting within the scope of his office or
24 employment..." pursuant to 28 U.S.C. §1346(b)(1). This Court has diversity of citizenship
25 jurisdiction over this action pursuant to 28 U.S.C. section 1332 because the matter in controversy
26 exceeds \$75,000 exclusive of interests and costs and because the parties reside in different states
27 (28 U.S.C. section 1332(a)(1)). This Court has supplemental jurisdiction over this action

1 pursuant to 28 U.S.C. §1367(a). The declaratory and injunctive relief requested is authorized by
2 28 U.S.C. §§2201, 2202, 2283, 2284 and 18 U.S.C. §1964(a) and FRCP Rule 65.

3
4 **III. VENUE**

5 5. Venue is appropriate in this judicial district pursuant to 28 U.S.C. §1391(b)(1) because several
6 of the Defendants reside in Northern California and pursuant to 28 U.S.C. §§1391(b)(2) and
7 1402(b) because a substantial part of the events and omissions giving rise to the claim occurred
8 in Northern California. The Underlying Case was filed in this Court.

9 **IV. FRAUD ON THE COURT**

10 6. All of the Defendants worked together to sentiently set in motion an unconscionable scheme
11 calculated to interfere with the judicial system's ability impartially to adjudicate the Underlying
12 Cases by improperly influencing the trier of fact and/or unfairly hampering the presentation of
13 the Plaintiff's claims. Thus, these judgments and orders are void for fraud on the court. Some
14 are also void for other reasons, such as lack of jurisdiction, *per incuriam*, etc. The Court found
15 that no claims were stated, yet it proceeded to dismiss all claims with prejudice. No court can
16 dismiss a claim that does not exist. This is oxymoronic, futile, meaningless, empty, and void.
17 Even if this Court refuses to declare that the judgments are void, Plaintiff can still assert these
18 claims again here because they have never been adjudicated. The claims have been filed but
19 never heard nor dismissed nor decided on the merits.

20 7. This case arises out of the criminal and tortious conduct of rogue clerks, Defendants Dwyer,
21 Soong, and/or Does 1-60 and 301-360, who impersonated federal judges, forged the judges'
22 signatures on orders, and filed the fraudulent and unauthorized orders in an Underlying Case, a
23 1983 action to address fraud on the courts. The "Defendant Clerks" committed federal crimes
24 pursuant to 18 U.S. Code §§ 242, 244, 245, and 912, and 25 CFR § 11.432, as well as similar
25 state crimes (Cal. Penal Code 470, 529), and various torts, including fraud. The Defendant
26 Clerks did not act within the scope of their duties. Their conduct was neither ministerial nor
27 discretionary. They knowingly acted in violation of law. There is also evidence of judicial
28 misconduct on the part of Doe Judges 251-280 and state judges named herein.

V. FACTS

DEFENDANT MOLLY DWYER

8. On October 21, 2019 and March 18, 2020 Defendant Dwyer and/or Doe Defendants 1-20 on Dwyer's behalf, fraudulently, unlawfully and without authority, issued "Orders" dismissing the appeal (by denying the IFP Application) and denying a motion for en banc rehearing in case No. 19-16180. The Orders bore the names of Judges Barry Silverman, William Fletcher, and Johnnie Rawlinson; however, none of these judges issued the Orders, nor did they see any of the case documents.

9. Plaintiff proved that not a single judge saw any case documents, by inserting a request for a notarized verification of receipt on page 10 of the November 4, 2019, "Petition" for En Banc Rehearing, to which she received no response. Defendant Dwyer failed to perform her ministerial duty to circulate the petition to every judge on the Ninth Circuit, pursuant to Appellate Procedure Rule 35, Circuit Advisory note 2. Plaintiff also proved that Judge Fletcher never saw any case documents by sending a certified letter with restricted delivery on August 9, 2019, requesting a notarized verification of receipt, to which she received no response. Furthermore, if the IFP Application had been properly denied by an impartial panel of judges, Plaintiff would have been afforded an opportunity to pay the \$505 filing fee, as is just. Instead, the appeal was dismissed with no opportunity to pay the fee.

10. Neither Defendant Dwyer nor Doe Defendants 1-20 had any authority to dismiss the appeal. Neither Defendant Dwyer nor Doe Defendants 1-20 are Article III judges.

11. Defendant Dwyer and/or Doe Defendants 1-20 had previously made attempts to unlawfully derail the appeal. On June 12, 2019, they issued an unlawful Clerk's Order commanding Plaintiff to file the IFP Application in the Ninth Circuit, rather than in the District Court, as required by Rule 24(a)(1) of Appellate Procedure. Plaintiff properly filed the IFP Application in the District Court, which did not consider it, but instead sent it to Defendant Dwyer. Defendant Dwyer and/or Doe Defendants 1-20 issued an unlawful Clerk's Order to show cause regarding

1 the IFP Application, although Plaintiff had already submitted the requested information.
2 Nevertheless, Plaintiff submitted it again.

3 DEFENDANT SUSAN SOONG

4 12. Plaintiff filed case No. 4:18-cv-01860 on March 22, 2018, in the District Court. The case
5 was assigned to Magistrate Kandis Westmore, who promptly recused herself. Defendant Soong
6 and/or Doe Defendants 21-40 reassigned the case to Magistrate Joseph Spero, but failed to
7 forward him the case documents. Magistrate Spero never saw them.

8 13. On June 28, 2018, Defendant Soong and/or Doe Defendants 21-60 unlawfully and without
9 authorization issued two orders with Magistrate Spero's name rubber-stamped on them: 1. An
10 "Order" directing to Defendant Soong to reassign the case to an Article III judge, and 2. an
11 unlawful "Report" and Recommendation to dismiss the complaint. The Order reassigning the
12 case was redundant, unnecessary, and untimely because Plaintiff had already filed on April 8,
13 2018, a "Declination" of Magistrate pursuant to 28 U.S. Code § 636(c). Defendant Soong was
14 required to reassign the case upon receipt of the Declination, but she failed to do so. The Report
15 was unauthorized because no judge had ordered it and Magistrate Spero had no authority to file
16 any document in the case after the April 8, 2018, when the Declination was filed. The contents
17 of the unauthorized Report further breached the law. Most importantly, Magistrate Spero,
18 himself, did not issue the Order or the Report, nor did he authorize Defendant Soong or the Doe
19 Defendants 21-60 to do so.

20 14. On June 28, 2018, Defendant Soong and/or Doe Defendants 21-60 reassigned the case to
21 Judge Jeffrey White, but again failed to forward the case documents. Judge White never saw the
22 case documents, nor did he issue any of the orders in the case, although his name was rubber-
23 stamped on the orders. Again, some of the contents of these unauthorized orders further
24 breached the law.

25 15. The errors in the Orders were so glaring that even a first-year law student would know better.
26 It is unlikely that Judge White and Magistrate Spero are that incompetent, and we hope that they
27 haven't been unduly influenced. Nevertheless, if Judge White and/or Magistrate Spero testify

1 that they did sign and authorize the flawed Orders, Plaintiff reserves the right to name them as
2 Doe Defendants 251 and 252, respectively, and to amend the pleadings accordingly to show
3 incompetence, undue influence, conflicts of interest, breach of judicial canons, and other
4 theories. The Judge in the case at bar would also have a duty to report their misconduct,
5 pursuant to the Code of Conduct for U.S. Judges, Canon 3B(6).

6 16. On April 16, 2019, Plaintiff filed a Request for Entry of Default with Defendant Soong, who
7 refused to perform this ministerial duty. Pursuant to Rule 55(a) of Civil Procedure, "the clerk
8 must enter the party's default" when a defendant "has failed to plead or otherwise defend, and
9 that failure is shown by affidavit".

10 17. Neither Defendant Soong nor any of the Doe Defendants 21-60 had any authority to issue
11 orders in the case, nor did they have any such authorization from Judge White or Magistrate
12 Spero. Neither Defendant Soong nor Doe Defendants 21-60 are Article III judges.

13 FEDERAL DEFENDANTS

14 18. The unlawful actions of the Federal Defendants were prejudicial because they ended the legal
15 action, foreclosing the requested relief. The Federal Defendants caused measurable harm to the
16 Plaintiff by depriving her of over \$100,000,000 in compensatory damages plus costs of \$88,000
17 and damages from the Underlying Cases, as well as declaratory and injunctive relief to stop the
18 ongoing abuses described in the Underlying Case. Plaintiff was legally entitled to this relief.

19 STATE DEFENDANTS

20 19. The State Defendants are the Defendants in the Underlying Case, referred to in the Verified
21 Complaint as Doe Defendants 61-250, and named herein. The State Defendants include all of
22 the Federal Defendants in their individual capacity. For the purposes 42 U.S.C. §1983, 1985-6,
23 all of the Defendants are fairly said to be state actors because of their close nexus, symbiotic
24 relationship, and joint action with city, county, and state employees. The State Defendants all
25 worked in concert to unduly influence the triers of fact, to unfairly hamper Plaintiff's ability to
26 present her claims, and to mislead the Court as stated below.

27 VI. HISTORY OF THE UNDERLYING CASE

1 **A. Fraud on the Court**

2 20. The Plaintiff filed four federal 42 U.S.C. §1983 actions and followed all procedural
3 guidelines set forth by law in all four of the Underlying Cases styled Cooney v. San Diego, et al,
4 3:2013cv00677 and 3:2013cv01373; Cooney v. CPUC et al, 4:2012cv06466; Cooney v. White
5 Sulphur Springs et al, 5:2013cv10377; and Cooney v. Vero Beach et al, 2:2015cv14284. None
6 of these cases were adjudicated, heard, or decided on the merits. Plaintiff was legally entitled to
7 the relief that she sought in all four of the Underlying Cases and all of the other cases that she
8 has filed in various courts of law. Plaintiff has never and would never file an action in which she
9 was not entitled to relief. Plaintiff is an ethical person.

10 21. In Cooney v. San Diego, Plaintiff had a right to a jury trial to decide the facts of an
11 underlying case in state court. Justices of the California Court of Appeals made up their own set
12 of facts, which differed from the facts submitted by the parties. Judges are prohibited from
13 acting as lawyers by arguing and asserting facts. Furthermore, appellate courts have no
14 jurisdiction to decide facts. Thus, the state court judgment is void on its face for lack of
15 jurisdiction. Plaintiff sought a declaration to this effect in federal court. The federal claim also
16 cited fraud on the state court and chilling of First Amendment rights. Defendant Soong and/or
17 Doe Defendants 21-60 fraudulently, unlawfully, and without authorization issued "Orders" with
18 Judge Edward Chen's name rubber-stamped on them. However, Judge Chen never saw the case
19 documents nor did he issue the Orders, which erroneously transferred the case to S. California,
20 where Doe Clerks 281-300 fraudulently, unlawfully, and without authorization issued "Orders"
21 with Judge John Houston's name rubber-stamped on them. However, Judge Houston never saw
22 the case documents nor did he issue the Orders mindlessly dismissing the Defendant California
23 Judges, despite their criminal conduct. The case was reassigned to Judge Cynthia Bashant, who
24 was newly confirmed to the federal bench after serving as a state judge alongside some of the
25 Defendants. She had an obvious conflict of interest. Plaintiff later learned that all San Diego
26 judges contribute to each other's campaigns, creating a cabal of judicial misconduct, breaching
27 judicial canons, and insuring a miscarriage of justice. The Defendants, their attorneys, and

1 unions induced Judge Bashant to improperly dismiss the claim, through ex parte
2 communications, threats of scandal and impeachment, contributions to her state judge campaign
3 and/or other financial incentives. The case was headed for Ninth Circuit, where it stood an
4 excellent chance of achieving justice with Alex Kozinski serving as Chief Judge. He was not a
5 proponent of the type of police and prosecutorial misconduct stated in the complaint. The
6 Defendants doubled down to ensure that the case could not proceed, tampering with Plaintiff's
7 mail, housing, liberty, personal relationships, access to telephone and computer such that she was
8 unable to present the case. Judge Kozinski was forced to resign as the police unions and mafias
9 made good on their threats. Thus, the Defendants perpetrated both intrinsic and extrinsic fraud
10 on the court.

11 22. In Cooney v. CPUC, Plaintiff asserted a constitutional right to be free from harmful radio
12 emissions in her own home. Defendant Soong and/or Doe Defendants 21-60 fraudulently,
13 unlawfully, and without authorization issued "Orders" with Judge Claudia Wilken's name
14 rubber-stamped on them. However, Judge Wilkens never saw the case documents nor did she
15 issue the Orders, which ridiculously decided that the Court had no jurisdiction over constitutional
16 claims, then proceeded to exercise jurisdiction by dismissing with prejudice. Thus, the judgment
17 is void on its face for lack of jurisdiction and for fraud on the court. Defendant Dwyer and/or
18 Doe Defendants 1-20 on Dwyer's behalf, fraudulently, unlawfully and without authority, issued
19 "Orders" dismissing the appeal (by denying the IFP Application). The Orders bore the names of
20 Judges Barry Silverman and Richard Clifton; however, neither judge issued the Orders, nor did
21 any Ninth Circuit judge see any of the case documents. The case proceeded to Supreme Court
22 on a writ of certiorari. Clerk Scott S. Harris and/or Does 301-320 were induced to unlawfully
23 reject the filings. Defendants interfered with Plaintiff's mail and prevented her from refileing.
24 Thus, Defendants perpetrated both intrinsic and extrinsic fraud on the court.

25 23. In Cooney v. White Sulphur Springs, Plaintiff was falsely arrested, without probable cause,
26 for making a U-turn, after she had signed a notice to appear and made the required appearance.
27 The WV state court correctly found that the U-turn was perfectly legal. The bogus citation was

1 dismissed. Plaintiff filed a 42 U.S.C. §1983 claim because she had been arrested without
2 probable cause. The false arrest caused Plaintiff to lose her work contract with The Greenbrier,
3 the largest employer in White Sulphur Springs, WV. Doe Clerks 321-340 fraudulently,
4 unlawfully, and without authorization issued "Orders" with Judge Irene Berger's name rubber-
5 stamped on them. However, Judge Berger never saw the case documents nor did she issue the
6 Orders, which unlawfully waited several years before ruling on the Plaintiff's IFP Application.
7 Doe Clerks 321-340, who have ties to Defendant Jim Justice, owner of the Greenbrier,
8 improperly dismissed the claim based upon a fraudulent magistrate's "Report" which was
9 unlawfully issued, not by a magistrate, but by Does Clerks 321-340. The Report was never
10 ordered by any Article III judge and it grossly misstated the facts. The Defendants orchestrated a
11 false arrest and malicious prosecution which prevented Plaintiff from responding. Thus, the
12 Defendants committed extrinsic fraud on the court.

13 24. In *Cooney v. Vero Beach*, Plaintiff was falsely arrested, without probable cause, while
14 exercising her constitutional right to visit the public library. The U.S. Supreme Court has
15 declared that "presence in the library was unquestionably lawful. It was a public facility, open to
16 the public." *Brown v. Louisiana*, 383 U.S. 131, 139 (1966). This false arrest, itself, was
17 extrinsic fraud on the court. It was the Defendants' aborted first attempt to prevent Plaintiff from
18 presenting her 42 U.S.C. §1983 claims in the other three cases. The Defendants schemed to keep
19 Plaintiff falsely imprisoned and committed to a mental institution, although they were well aware
20 that the Plaintiff had never committed a crime, nor had she ever been mentally disordered. Their
21 effort failed because Plaintiff returned to her San Diego home after filing a motion to dismiss and
22 a waiver of appearance. Plaintiff filed a 42 U.S.C. §1983 action to address the false arrest and
23 malicious prosecution. Doe Clerks 341-360 fraudulently, unlawfully, and without authorization
24 issued "Orders" with Judge Robin Rosenberg's name rubber-stamped on them. However, Judge
25 Rosenberg never saw the case documents nor did she issue the Orders, which improperly
26 dismissed the Defendants. Judge Rosenberg, and Doe Clerks 341-360 have ties to the
27 Defendants and their police unions through her husband, Michael McAuliffe, the former Palm

1 Beach State Attorney. The Defendants filed specious motions to dismiss and prevented the
2 Plaintiff from responding by orchestrating another false arrest, this time for a felony. Thus, the
3 Defendants committed both intrinsic and extrinsic fraud on the court.

4 **B. Curtailment of Free Speech**

5 25. Plaintiff exercised her First Amendment right to petition for redress of grievances. She filed
6 various legal actions in state and federal courts. She filed administrative complaints. She
7 contacted supervisors and public attorneys to informally address the misconduct of their
8 underlings and clients. She went through proper channels and procedures to resolve the issues.
9 Defendants responded by retaliating against her. All of the Defendants conspired to deprive
10 Plaintiff of liberty, work, health, housing, mail delivery, legal representation, police protection,
11 justice, transportation, communication, access to telephone and computer, libraries, food,
12 gasoline, water, electricity, and other goods and services. Defendants retaliated by subjecting
13 Plaintiff to illegal stop and frisk, false arrest, false imprisonment, malicious prosecution, battery,
14 radiation injury, and forcible drugging. Defendants committed crimes against Plaintiff such as
15 trespass, theft, burglary, vandalism, extortion, racketeering, and mail fraud. Defendants defamed
16 and slandered, lying about her health, words, and actions. Defendants “gaslighted” Plaintiff’s
17 friends, family, and associates, i.e., falsely claimed she was mentally ill. Defendants abused
18 legal process to destroy Plaintiff’s professional and personal reputation. Defendants engaged in
19 a prolonged, organized, and systematic abridgment of Plaintiff’s First Amendment rights, as well
20 as other federal rights, including those enumerated in the Fourth, Fifth, Sixth, Seventh, Eighth,
21 and Fourteenth Amendments, the right to privacy, and freedom of association.

22 **C. Applicable Statutes**

23 26. Plaintiff brings this suit pursuant to 42 U.S.C. §1983 (Civil action for deprivation of civil
24 rights), §1985 (Conspiracy to interfere with civil rights), §1986 (Action for neglect to prevent),
25 and 18 U.S.C. §1964 (RICO Act civil remedies). The Defendants conduct was not only tortious;
26 it was criminal conduct proscribed by 18 U.S.C. §201 (bribery), §§241-2 (deprivation of civil
27

1 rights), §1341 (mail fraud), §1343 (wire fraud), §1346 (honest services fraud), §1347 (health
2 care fraud), § 1349 (attempt and conspiracy), §§1961-2 (RICO Act),

3 27. This case raises significant issues of federal law including 18 U.S.C. § 3182 (extradition),
4 Equal Credit Opportunity Act of 1974, the Equal Employment Opportunity Act of 1972, the Fair
5 Credit Reporting Act of 1971 (FCRA), the U.S. Constitution, Amendments I, IV, V, VI, VII,
6 VIII, IX, X and XIV, Right to free exercise of religion and freedom of speech, Right to petition
7 the government for redress of grievances, Right of the people to be secure in persons and houses,
8 Right to life, liberty, and property, Right to due process of law, Right to counsel, Right to a
9 speedy trial, Right to a civil jury trial, Right to be free from excessive restraint or punishment,
10 Rights retained by the people, Right to privacy, States shall not deprive citizens of privileges,
11 life, liberty or property, due process of law, and/or equal protection of the laws.

12 28. The following sections of the California Government Code establish liability to the Plaintiff:

13 815.2(a) A public entity is vicariously liable for the negligence of an employee.

14 815.6 A public entity is liable for its failure to discharge a mandatory duty to protect.

15 820(a) A public employee is liable for injury caused by his act or omission.

16 820.8 Nothing exonerates a public employee from liability for injury caused by his own
17 negligence.

18 11120 The people retain sovereignty over the State agencies which serve them.

19 The following sections of the California Civil Code further establish the Defendants' liability:

20 43 Right of protection from bodily restraint or harm.

21 1708 All persons must abstain from injuring the person or property of another or infringing upon
22 the rights of another.

23 1709 One who willfully deceives another is liable for damages.

24 1710 Deceit is defined as an untrue assertion, suppression of a fact so as to mislead, or a false
25 promise.

26 1714(a) Liability for injury arises from want of ordinary care or skill.

27 3523 For every wrong there is a remedy.

1 29. The insurance company Defendants are also liable pursuant to California Insurance Code
2 §790.03(h) and/or Florida statute 626.954(i), unfair claim settlement practices. The following
3 Florida statutes apply: §768.28, Waiver of sovereign immunity in tort actions, Florida Criminal
4 Procedure.

5 30. The following sections of the West Virginia Code establish liability to the Plaintiff: §29-
6 12A-4(c)(2)(4) and (5); §29-12A-5(b) and (c); §29-12A-8.

7 **D. Statute of Limitations**

8 31. This case is a collateral attack on various judgments and orders in the Underlying Cases. An
9 action for fraud on the court can be brought at any time. *Hazel-Atlas Glass Co. v. Hartford*
10 *Empire Co.*, 322 U.S. 238, 244, 64 S. Ct. 997, 1001, 1003, 88 L.Ed. 1250 (1944). The abuse is
11 ongoing. Plaintiff was falsely arrested on October 24, 2015, and wrongfully held in custody until
12 April 25, 2017. Time for filing is tolled during those 18 months. (*Osbourne v. United States*,
13 164 F.2d 767, 769 (2d Cir. 1947)). Under the California Code of Civil Procedure §352.1(a), if
14 the plaintiff is imprisoned, the statute of limitations will be tolled either until the plaintiff is
15 released, or for a period of two years – depending on which comes sooner.

16 **E. Compliance with Federal Rules of Civil Procedure (FRCP)**

17 32. Plaintiff has complied with FRCP Rule 20(a)(2)(A) and (B). (A) Plaintiff asserts her right to
18 relief against all Defendants jointly, severally, and with respect to the same transaction,
19 occurrence, or series of transactions and occurrences. (B) Questions of law or fact common to
20 all Defendants will arise in this action. All of the Defendants participated in an elaborate scheme
21 to chill Plaintiff's free speech and deprive Plaintiff of other federal rights. All of the Defendants
22 played a role in perpetrating fraud on the court.

23 **VII. UNDERLYING FACTS**

24 **A. Aiding, Abetting, and Conspiracy**

25 33. All of the Defendants participated in all of the wrongdoing and crimes stated herein. Each
26 Defendant's role is more specifically stated below for clarity. However, every Defendant is
27 responsible for every wrong stated herein because all of the Defendants worked together to

1 defraud the courts, to injure and harm the Plaintiff, and to abridge her rights. On March 19, 2018,
2 Plaintiff wrote a letter to the FBI stating the facts regarding the transgressions. This letter was
3 included in the Underlying Complaint filed with this Court on March 22, 2018. Plaintiff
4 incorporates by reference the FBI letter and all documents filed in this case and in the
5 Underlying Cases.

6 **B. San Diego Defendants**

7 34. Defendants City of San Diego, County of San Diego, John Kerr, Ivan Baroya, Dominick
8 Addario, Thomas Massey, Tani Cantil-Sakauye, Judith McConnell, Patricia Benke, Judith
9 Haller, Joan Irion, Alex McDonald, James McIntyre, Gilbert Nares, Cynthia Aaron, Richard
10 Huffman, Terry O'Rourke, Yuri Hofmann, Robert Trentacosta, Bonny Hsu, Keith Phillips, and
11 George Brewster, had been named as Defendants in the Underlying Case, *Cooney v. San Diego*.
12 Defendants Whole Foods, William Flynn and Christopher Skorina had not yet been named as
13 Doe Defendants. Jan Goldsmith, John Riley, Thomas Montgomery, Christina Vilaseca, Matthew
14 Souther, and Neil, Dymott, Frank, McFall, & Trexler, were attorneys representing the
15 Defendants. All of these Defendants will be referred to collectively herein as the "San Diego
16 Defendants".

17 35. At all relevant times, the San Diego Defendants committed intrinsic fraud on the federal and
18 state courts by lying about matters of fact and law in their pleadings and motions. They misled
19 the courts on various issues including, but not limited to, whether the Plaintiff was mentally ill,
20 whether they had proceeded in accordance with law, whether due process had been observed,
21 and other matters. They misstated the complaint as well as the law. Defendants Baroya, Addario,
22 Kerr, and Massey maintained that the Plaintiff was mentally disordered, when they knew that
23 this was untrue. The Attorney Defendants breached professional ethics by misleading the courts.
24 The Defendant California Judges had knowledge of these transgressions, yet neglected their duty
25 to report them. On or about October 2016, Defendant Haller denied Plaintiff habeas corpus
26 without jurisdiction to do so. Plaintiff never filed a habeas corpus petition with the California
27 Court of Appeals. Moreover, Haller harbors a bias against the Plaintiff due to the Underlying

1 Case. Haller neglected her duty to recuse herself in light of the conflict of interest. All of the San
2 Diego Defendants proceeded with a devil may care attitude, flagrantly flouting the law, knowing
3 that they had all of the judges in their pocket.

4 36. At all relevant times, the San Diego Defendants committed extrinsic fraud on the court by
5 unduly influencing the triers of fact, falsely arresting and maliciously prosecuting Plaintiff on
6 July 26, 2016, subjecting her to numerous illegal stop and frisk detentions between July-
7 December 2015 and June-July 2016, tampering with her mail in 2015-7, impeding her access to
8 courts, public buildings, public libraries, and computers, denying her police protection and legal
9 representation, unlawfully taking her San Diego home and all of her possessions. They
10 contributed to the campaigns of all California judges, including Judge Cynthia Bashant, Judge
11 Joel Pressman, City Attorney Jan Goldsmith, District Attorney Bonnie Dumanis, and others in
12 order to throw the cases their way. They, their employees, and/or their affiliates received
13 campaign contributions which created a conflict of interest. They participated with the local drug
14 mafia in killing, drugging, and injuring Plaintiff's common law husband, John Tallent, who died
15 on July 3, 2015. They defamed and slandered the Plaintiff, writing false official reports,
16 gaslighting her family, friends, and associates. On or about July - October 2016, they convinced
17 her parents to write false statements. On or about November 2015, they prevented Plaintiff from
18 working under her employment contract with California Music Studios.

19 37. All of the San Diego Defendants participated in this scheme and/or benefitted by it. On
20 August 25, 2015, and September 17, 2015, the San Diego Public Library sent letters to the
21 Plaintiff threatening to falsely arrest her for trespass if she ever visited the library again, and
22 accusing her of viewing pornography and harassing patrons. Plaintiff has never viewed
23 pornography in any public library, nor has she ever harassed anyone. Plaintiff has quietly or
24 silently asked other patrons or staff to observe the rules and laws prohibiting smoking and cell
25 phones. In doing so, Plaintiff was exercising her First Amendment right. On or about August
26 2017, a postal worker witnessed the library staff harassing the Plaintiff. The postal worker was
27

1 aghast at the misconduct and offering to be a witness, provided contact information. This
2 information was stolen.

3 38. Defendant Michael Roddy, Court Executive Officer of the San Diego court, neglected or
4 refused to perform his ministerial duty to issue a clerk's judgment in favor of the Plaintiff in an
5 unlawful detainer action against the trespassers in her home. The trespassers had defaulted, and
6 Plaintiff was entitled to a default judgment. Roddy worked in tandem with the other Defendants
7 to deny Plaintiff due process and equal protection, as well as her right to property.

8 39. Defendants Henry Coker and Randy Mize were San Diego public Defenders who neglected
9 or refused to defend Plaintiff in the extradition case. They violated her Sixth Amendment right to
10 counsel. Defendants Bonnie Dumanis and Summer Stephan were District Attorneys who
11 maliciously prosecuted the extradition which was not authorized by law. Defendants Roddy,
12 Coker, Mize, Dumanis, and Stephan can all be included in the San Diego Defendants.

13 C. Police Union Defendants

14 40. Defendants Fraternal Order of Police (FOP), the Police Benevolent Society, the Peace
15 Officers Research Association of California (PORAC), the Florida Sheriff's Association, and
16 Does 361-380, herein collectively referred to as the "Police Union Defendants", participated in
17 the crimes against the Plaintiff. In 2009, Defendant Kerr testified under oath that the unions were
18 involved in the case. In 2010, Defendant John Serrano advised Plaintiff that the unions were
19 determining the outcome of her case.

20 41. The Police Union Defendants served as a nexus between all of the Defendants and law
21 enforcement in various locales, including California, Florida, and West Virginia. The Police
22 Union Defendants helped to coordinate efforts among peace officers, judges, attorneys, elected
23 officials, corporate members, and the underworld of drug cartels and mafias. They funnel money
24 to various judicial and other campaigns to create undue influence and ensure that the courts will
25 find in favor of the offending officers, no matter how egregious their conduct. The Police Union
26 Defendants maintain a blacklist of dissidents, including the Plaintiff, who become their targets
27 for police harassment. The blacklist is informally transferred to and acted upon by the various

1 police agencies. The Police Union Defendants ensure that those who contribute get the best
2 police protection and those who criticize are denied police protection. Everyone else is afforded
3 minimal police protection. They inflict special punishment on those who criticize often, such as
4 the Plaintiff, by sending in the mafia to rough them up. This is a protection racket prohibited by
5 the RICO Act. Plaintiff is a victim of this protection racket and has standing to sue.

6 42. The Defendant Police Unions act not only as labor unions, but also as trade unions, lobbying
7 for corporate interests and special interests. When individuals, attorneys, drug cartels, or
8 corporations, such as Defendants Coast to Coast, AT&T, Coldwell Banker, Walmart,
9 Cumberland Farms, Publix, Whole Foods, or Defendant Insurance Companies, want to disobey
10 the law, they can do so with impunity by joining or donating to a police union. Membership is
11 not restricted to law enforcement officers. Anyone with money can join.

12 43. Law enforcement officers do the bidding of the Police Unions, rather than acting in the
13 public interest. If an individual officer refuses to kowtow to the will of the Police Unions, he or
14 she is summarily fired and blacklisted. This is how our law enforcement has been hijacked.

15 **D. Prison Contractor Defendants**

16 44. There are special privileges available for police and prison contractors who join the police
17 unions. Defendants Global Tel Link, Burle Industries, A-1 Bail Bonds, Martinelli, various
18 defense attorneys, SFETC, Core Civic, Correct Care, and Court Programs of the Treasure Coast
19 (CPTC), hereafter referred to as Defendant Prison Contractors, pay dues to the police unions in
20 exchange for lucrative contracts predicated on false arrest, malicious prosecution, and excessive
21 restraint. Defendant Prison Contractors caused physical injury to the Plaintiff, as well as
22 abridgment of her constitutional rights.

23 45. On or about 2010, Martinelli defrauded the Court and the Plaintiff by failing to disclose that
24 they exclusively represented the interests of police and police unions rather than the public
25 interest. They declined to provide services to the Plaintiff alleging that she was a criminal.

26 46. On or about October 26, 2015, A-1 misinformed the IRC state court that Plaintiff had
27 executed a contract for a bail bond, when in fact, no such contract had been executed. Plaintiff

1 posted cash bail. A-1 assisted in falsifying the clerk's notes and unlawfully held Plaintiff's car
2 for several days.

3 47. On or about October-December 2016 and February-March 2017, in the Indian River County
4 (IRC) jail, Global Tel Link's defective telephone equipment proximately caused headaches,
5 toothaches, and damage to Plaintiff's teeth. On or about October-December 2016 and February-
6 March 2017, in the IRC courthouse, Burle's defective equipment proximately caused radiation
7 injury to the Plaintiff including tissue heating, coughing, wheezing, sinus, throat, and lung
8 congestion. On or about March 24, 2017, CPTC attached a faulty GPS ankle monitor which
9 caused Plaintiff's right foot and ankle to swell up and turn blue.

10 48. On or about October 2016, Core Civic carried out an extradition of the Plaintiff from San
11 Diego to Vero Beach which was not authorized by 18 U.S.C. § 3182. CoreCivic's employees
12 improperly shackled Plaintiff's ankles, without socks, pants, or padding, and forced Plaintiff to
13 walk fast. This caused Plaintiff to fall and injure her left knee and elbow. The improper shackling
14 was also the proximate cause of irritation and red marks on Plaintiff's ankles. CoreCivic's
15 employees denied Plaintiff access to food, water, meals, dental prophylactics, bathrooms, and
16 showers in violation of federal standards. On some days, Plaintiff was given only a small bottle
17 of water and a few pieces of lettuce. Plaintiff was denied a shower for the entire weeklong
18 extradition. Defendants then falsely claimed that Plaintiff was mentally ill because she had not
19 showered in a week.

20 49. On or about December 20, 2016-February 2017, SFETC and Correct Care subjected Plaintiff
21 to battery on at least three occasions, forcible taking her blood pressure, forcibly injected
22 Plaintiff with an unknown substance that they claimed was tuberculosis, and forcibly drugged
23 Plaintiff with Risperdal. The Risperdal made Plaintiff extremely ill. They kept Plaintiff in
24 conditions which fall below the standard of care. They returned Plaintiff's laundry soaking wet,
25 refusing to allow Plaintiff access to the dryer. They placed Plaintiff in a filthy cell with no
26 running water and a backed-up toilet. On another occasion, they locked her in a closet-sized
27

1 room with three dangerous mental patients, unsupervised. One patient urinated on the floor,
2 causing Plaintiff to gag. The same patient threatened to hit the Plaintiff.

3 50. SFETC enlisted a patient to batter the Plaintiff on at least two occasions, Jan. 3 at 10 pm and
4 Jan 14 at 10 pm. The assailant broke Plaintiff's teeth with blows to the head and broke Plaintiff's
5 right hand when she placed it over her head for protection. Plaintiff reported the beatings to the
6 police and Defendant DCF. SFETC turned the police away and retaliated against Plaintiff for
7 reporting the crimes. Plaintiff was again denied police protection. The assailant was rewarded
8 with early release, extra snacks, and better treatment from the staff. The Plaintiff witnessed this
9 same scenario play out against other people, especially those who, like the Plaintiff, did not meet
10 the criteria for involuntary hospitalization. She often helped them to report the crimes. She was
11 thwarted and retaliated against. Medication was used to cause aggressive behavior. SFETC,
12 Correct Care, and DCF fostered an environment where all of the patients beat each other.
13 Protection was offered only to those who cooperated with the forcible drugging, the abuse, and
14 the racketeering. Needless to say, this treatment does not meet the standard of care.

15 51. Plaintiff also suffered radiation injury on numerous occasions from X-ray scanners, metal
16 detectors, Stingrays, Tasers, radar, radios, Wi-Fi, and/or other radiation-emitting devices. The
17 police Defendants often misused these devices to deliberately inflict harm. The Doe 381-400
18 manufacturers, distributors, or operators are unidentified at this time.

19 **E. CPUC Defendants**

20 52. Defendants CPUC, Michael Peevey, Kamala Harris, SDG&E, and Itron, had been named as
21 Defendants in the Underlying Case, Cooney v. CPUC. Defendants Michael Picker, Marybel
22 Batjer, Rob Bonta, and Xavier Becerra had not yet been named as Doe Defendants. Picker
23 succeeded Peevey and Batjer succeeded Picker as CPUC President. Becerra succeeded Harris
24 and Bonta succeeded Becerra as Attorney General. Defendant Lewis Brisbois, Harris, and
25 Becerra were attorneys representing the Defendants. All of these Defendants will be referred to
26 collectively herein as the "CPUC Defendants".

1 53. At all relevant times, the CPUC Defendants committed intrinsic fraud on the court by lying
2 about matters of fact and law in their pleadings and motions. They misled the court on various
3 issues including, but not limited to, whether the U.S. District Court had jurisdiction over
4 constitutional issues, whether the complaint stated constitutional violations, whether due process
5 had been observed in the CPUC proceedings, and other matters. They misstated the complaint as
6 well as the law. The Attorney Defendants breached professional ethics by misleading the courts.

7 54. At all relevant times, the CPUC Defendants committed extrinsic fraud on the court by unduly
8 influencing the triers of fact and working with the other Defendants, especially the Police Union
9 Defendants, to prevent Plaintiff from presenting her case. They arranged a series of false arrests
10 and malicious prosecutions, numerous illegal stop and frisk detentions, tampering with her mail,
11 impeding her access to courts, public buildings, public libraries, and computers, denying her
12 police protection and legal representation, unlawfully taking her homes and all of her
13 possessions. They contributed to the campaigns of Judge John True, the husband of Judge
14 Claudia Wilken, and others in order to throw the case their way. They participated with the local
15 drug mafia in killing, drugging, and injuring Plaintiff's common law husband, John Tallent, who
16 died on July 3, 2015. He had sustained serious injury to his heart from the Smart Meters, as
17 stated in the Underlying Case. They defamed and slandered the Plaintiff, writing false official
18 reports, gaslighting her family, friends, and associates. On or about July - October 2016, they
19 persuaded her parents to write false statements which mentioned Smart Meters. They prevented
20 Plaintiff from working under her employment contracts. All of the CPUC Defendants
21 participated in this scheme and/or benefitted by it.

22 **F. Wireless Defendants**

23 55. Defendants CTIA, FPL, Monpower, Frontier Communications, and AT&T participated in the
24 extrinsic fraud on the court by polluting Plaintiff's home with unwanted radiation, forcing her
25 out of her home, injuring her and others, restricting her access to telephone, internet, electricity
26 and other services. They also cyberstalked her with their internet trolls, defaming, slandering,
27

1 misinforming, and gaslighting. The Wireless Defendants wrongdoing presents the same issues of
2 fact and law as the CPUC Defendants.

3 56. The CTIA has worked for many years to defraud the courts and public officials regarding the
4 harm caused by EMF radiation. They manipulated the science, propagandized, and unduly
5 influenced public officials. Like the tobacco industry, they are merchants of doubt. Through
6 these actions, the CTIA has infringed upon the Plaintiff's right to due process, as well as that of
7 the general public.

8 57. On or about November 2011, Frontier worked with the Pocahontas County (WV) Sheriff to
9 deny or delay Plaintiff's order for telephone service. Again, Plaintiff was subjected to unlawful
10 detention.

11 58. On or about July 2012, Monpower activated its Smart Grid in the radio-free zone of Green
12 Bank, WV. Plaintiff was again injured by the radiation from her Smart Meter and forced out of
13 her home. On or about October 2013, FPL activated its Smart Grid, injuring Plaintiff and forcing
14 her out of her home. On or about October 21, 2019, FPL installed a Smart Meter on Plaintiff's
15 Vero Beach home, even after she had opted out. After several weeks they replaced it with a safe
16 analog meter. However, Plaintiff continues to be injured every day on an ongoing basis from
17 FPL's installations in the community. There is a new injury every day, creating yet a new cause
18 of action against FPL.

19 59. On or about April 2013, Defendant AT&T performed a faulty installation of telephone
20 service which caused excessive radiation levels in Plaintiff's Sebastian, FL home. The telephone
21 line was erroneously connected to the electric meter. A serviceman was sent out to fix the
22 problem, but instead he made a false police report and tried to have the Plaintiff arrested. At the
23 behest of AT&T, Defendant Sebastian's police officers continued to harass the Plaintiff over
24 several months, performing "wellness checks" and other illegal detentions, noting Sig 20 which
25 is cop slang for mentally ill. This was yet another gaslighting effort to defame the Plaintiff.
26 Plaintiff was denied phone service. On or about October 2013, Defendant AT&T created a
27 wiring fault, connecting the telephone wires to the Smart Meter. in another house in Sebastian.

1 Again, Plaintiff had to disconnect the service. Again, Plaintiff was denied telephone access. On
2 or about September 2015, Defendant AT&T connected the telephone line to the electric meter in
3 Plaintiff's San Diego house, causing the same radiation issue as in Sebastian. Again, Plaintiff
4 had to disconnect the service. Again, Plaintiff was denied telephone service.

5 60. On or about Oct. 2020, FIT and Harris Corporation installed a harmful radio transmitter at
6 Treasure Shores Beach. They misled and defrauded the IRC Commission at a meeting on Jan.
7 19, 2021, by claiming that the emissions were no more powerful than a cell phone and claiming
8 that cell phones are harmless. Plaintiff presented the true scientific facts, but no one listened.
9 Thus, due process was denied, and the Plaintiff and the public are being injured.

10 **G. West Virginia Defendants**

11 61. Defendant WSS was named as a Defendant in the Underlying Case, Cooney v. WSS. The
12 city is virtually owned by Defendant Jim Justice, owner of the Greenbrier, the largest employer
13 in town. Justice also owns every judge and public official. He has used his wealth to create
14 undue influence and to wrongfully terminate the Plaintiff's employment at the Greenbrier. Thus
15 Defendants WSS and Justice perpetrated extrinsic fraud on the courts.

16 61. Defendant NRAO, located in Green Bank, WV, is a research facility which is open to the
17 public for tours, town meetings, and educational programs. On or about July 2012, NRAO
18 banned Plaintiff from the facility because of her volunteer work for the public health and her
19 exercise of First Amendment rights. NRAO threatened to falsely arrest Plaintiff for trespass.

20 **H. Florida Defendants**

21 62. Defendants Indian River County (IRC) and Vero Beach were named as a Defendants in the
22 Underlying Case, Cooney v. Vero Beach. Defendants Vocelle & Berg and Dean Ringers were
23 attorneys representing the Defendants. Although they had not yet been named as Defendants in
24 the Underlying Case, Defendants Diamond Litty and Kiernan Moylan improperly represented the
25 Plaintiff in the malicious prosecution for criminal trespass. They denied Plaintiff her Sixth
26 Amendment right to counsel. Defendant Thomas Kennedy was the private defense attorney that
27 the Plaintiff initially hired. He failed to file a crucial motion to dismiss, to which Plaintiff was

1 entitled. He breached ethics by improperly withdrawing from the case, breaching the contract
2 and attorney-client privilege. Defendants Bruce Colton, David Dodd, and Elise Brawner
3 advanced the malicious prosecution. All of these Defendants will be referred to collectively
4 herein as the "Florida Defendants".

5 63. At all relevant times, the Florida Defendants committed intrinsic fraud on the court by lying
6 about matters of fact and law in their pleadings and motions. They misled the court on various
7 issues including, but not limited to, whether the Plaintiff had committed trespass, whether
8 Plaintiff was mentally competent, whether Plaintiff had a constitutional right to visit a public
9 library, whether the federal complaint stated constitutional violations, whether the Defendants
10 were immune from prosecution, and other matters. They misstated the complaint as well as the
11 law. The Attorney Defendants breached professional ethics by misleading the courts.

12 64. At all relevant times, the Florida Defendants committed extrinsic fraud on the court by
13 unduly influencing the triers of fact and working with the other Defendants, especially the Police
14 Union Defendants, to prevent Plaintiff from presenting her case. They arranged a series of false
15 arrests and malicious prosecutions, numerous illegal stop and frisk detentions, tampering with
16 her mail, impeding her access to courts, public buildings, public libraries, and computers,
17 denying her police protection and legal representation, unlawfully taking her homes and all of
18 her possessions. Their elected officials, such as Sheriff, received campaign contributions from
19 members of the Defendant Police Unions, Defendant Attorneys, and Defendant Coast to Coast.
20 They contributed to the campaigns of Judge David Morgan, Judge Cynthia Cox, Judge Robert
21 Pegg, and former State Attorney, Michael McAuliffe, the husband of Judge Robin Rosenberg,
22 and others in order to throw the case their way. They participated with the local drug mafia in
23 killing, drugging, and injuring Plaintiff's common law husband, John Tallent, who died on July
24 3, 2015. They defamed and slandered the Plaintiff, writing false official reports, gaslighting her
25 family, friends, and associates. On or about July - October 2016, they persuaded her parents to
26 write false statements, obstructing justice. They prevented Plaintiff from working under her
27 employment contracts. On or about 2013, they issued a trespass warning threatening to falsely

1 arrest Plaintiff for visiting a tax office to pay her taxes. IRC attorneys confirmed that this threat
2 was still in force on or about 2017, and would last forever. On or about 2015, IRC illegally
3 suspended Plaintiff's Florida license because she cancelled the Florida insurance and purchased
4 California insurance upon registering her car in California. On Dec. 4, 2018, they issued a
5 trespass warning to falsely arrest Plaintiff if she ever visited the library again. On or about 2019,
6 they did the same for the Sebastian Library, and on Sep. 30, 2019, they did the same for the
7 IRSC library and the entire college campus. On Aug. 11, 2019, IRC threatened false arrest for
8 visiting the landfill. On Nov. 3, 2020, they threatened false arrest for attending an event at the
9 Fairgrounds, to which she was invited. On May 13, 2020, they threatened false arrest for visiting
10 a city park. On Aug. 20, 2020, the Chairman of the County Commission assaulted Plaintiff and
11 threatened false arrest for attending a Canvass meeting, which was purportedly open to the
12 public. He is a member of a police union. At Jan. 5, 2021, meeting, the IRC Board refused to
13 stop trafficking narcotics and refused to stop falsely arresting people for trespass when they are
14 in public places. At the Jan. 19, 2021 meeting they decided to harm beachgoers with a powerful
15 radio installation at Treasure Shores.

16 65. The Florida Defendants worked with Defendant Coast to Coast Landscaping, which operates
17 an illegal drug cartel. The IRC Sheriff participates in the drug cartel by allowing it to operate
18 outside of the law. The IRC Sheriff refuses to enforce the laws against the drug cartel. The IRC
19 Sheriff harasses everyone who objects to the narcotics trafficking and other criminal activity,
20 such as the Plaintiff. The narcotics ring could not operate without this assistance from the
21 Sheriff. Thus, it is referred to as the Sheriff's drug cartel.

22 66. On October 21, 2015, Michael Hnatusko and Cynthia Little trespassed into Plaintiff's Florida
23 home. Hnatusko threatened to kill Plaintiff and break her fingers. Hnatusko announced that he
24 and Little were working with Defendant Indian River (IR) County' Sheriff and his well-known
25 drug operation through Defendant Coast to Coast Landscaping. Deputies arrived and confirmed
26 this. The deputies pressured Plaintiff to drop her civil rights lawsuits, especially the San Diego
27 and Vero Beach cases. They repeated the mantra of the San Diego police saying, "How's that

1 working for you?" On October 23, 2015, Hnatusko and Little again trespassed into Plaintiff's
2 home. Hnatusko explained that he was working with the Sheriff to use the Plaintiff's house to
3 traffic narcotics, to put the home into foreclosure, and to have the Plaintiff locked up in a mental
4 institution and drugged. The Plaintiff did not believe him. Nevertheless, it all came to pass. On
5 October 24, 2015, Deputy Scott Sposato arrested the Plaintiff on a felony charge without
6 probable cause, thereby setting the Defendants' plan into motion. Sposato was under the
7 influence of a narcotic substance, proving that he was indeed involved with the Sheriff's drug
8 cartel. Sposato submitted a false report. Without a warrant, Sposato seized the Plaintiff's car and
9 everything in it, ransacked it, and held it for days.

10 67. On or about October 25, 2015, Judge David Morgan, a police union member, made a finding
11 of probable cause with no evidence and no hearing. He issued an illegal "no contact" order,
12 prohibiting Plaintiff from accessing her own home. This illegal act created a title issue. It also
13 gave cover to the Sheriff's drug cartel as they used Plaintiff's home for narcotics trafficking. It
14 was part of a coordinated effort to prevent Plaintiff from presenting the Underlying Cases in
15 court. Judge Robert Pegg falsely stated that Plaintiff did not appear, yet the case documents
16 proved that she did appear. He wrongfully issued a bench warrant. Judge Cynthia Cox, a well-
17 known cocaine addict, made a deal with the IRC Sheriff to unlawfully arrest innocent people,
18 throw them into a mental institution, and deny them a trial. These Defendants then would reach
19 out to the victims' families to extort ransom monies, paid through a lawyer. If the families
20 refused to pay the ransom, the innocent victim would be forced to plead guilty to a crime they
21 did not commit or be beaten or drugged to death by SFETC. These Defendants use the ransom
22 to finance their drug habits.

23 68. The State of Florida chose not to traverse Plaintiff's motion to dismiss. Pursuant to Florida
24 Criminal Procedure, Rule 3.190(d), the State admitted all of the facts stated in the motion.

25 Rule 3.190(d): "Traverse or Demurrer. The state may traverse or demur to a motion to dismiss
26 that alleges factual matters. Factual matters alleged in a motion to dismiss under subdivision
27 (c)(4) of this rule shall be considered admitted unless specifically denied by the state in the

1 traverse.” As such, these facts have already been determined by a court of law and are not
2 subject to further dispute, under the well-established doctrine of collateral estoppel. The facts
3 determined by the court include the following: “Plaintiff is innocent and immune from
4 prosecution.” “Hnatusko and Little were working in tandem with the Sheriff’s Department to
5 extort money from the Defendant in exchange for halting their attack on the Defendant and her
6 property. Hnatusko and Little were further working with the Sheriff’s Department in their
7 endeavor to install a methamphetamine lab and distribution operation in Defendant’s home.
8 Hnatusko and Little had trespassed, assaulted, battered, and attempted to remove the Defendant
9 from her home, against her will. The Sheriff’s deputies had refused to carry out their sworn duty
10 to protect and serve.”

11 69. Defendants Litty, Dorothy Naumann, and Lydia Pittaway improperly represented Plaintiff in
12 the trumped-up felony charge. Defendants Colton and Brian Workman put forth the malicious
13 prosecution, even after admitting that Plaintiff was innocent and immune. Defendant Jeffrey
14 Smith, Clerk of Court in IRC, falsified the record of the maliciously prosecuted felony case. He
15 posted misleading clerk’s notes stating that Plaintiff had “absconded” when she had, in fact,
16 properly appeared and answered the trumped-up charge against her. After the charge was
17 dropped and the case closed, he served a false notice of court hearing, giving the appearance that
18 the case was ongoing. These Defendants can be included in the Florida Defendants. They
19 committed the same crimes against the Plaintiff.

20 70. Defendants City of Sebastian and Town of Indian River Shores participated in the same
21 abuses through their police agencies. They staged numerous stop and frisk detentions and denied
22 police protection to the Plaintiff. Sebastian issued an unlawful trespass warning for Publix.
23 Indian River Shores blocked the highway for no public purpose, but only to impede Plaintiff’s
24 movement. On Jan. 7, 2020, St. Lucie County Deputies J. Walton and D. Clayton falsely
25 detained Plaintiff and threatened to falsely arrest her for trespass if she ever visited a St. Lucie
26 public library again. On Oct. 31, 2018, Plaintiff was rear-ended while stopped in the left lane
27 waiting to make a U-turn. A Martin County Deputy lied on the police report and wrongfully

1 found the Plaintiff at fault and issued a ticket. Plaintiff was unable to fight the ticket because
2 Martin County, like IRC sends innocent defendants to a mental institution and then charges them
3 \$20,000 in ransom to get out. These Defendants can also be included in the Florida Defendants.

4 **I. Governor Defendants**

5 71. On or about October 2016, Defendants Edmund Brown, California Governor and Rick Scott,
6 Florida Governor, or Does 401-420, carried out an extradition which was not authorized by 18
7 U.S.C. §3182. Neither Governor signed the orders. Scott's signature was rubber-stamped on a
8 generic document that did not name the Plaintiff or the charge. Brown's document was signed
9 by an underling or unauthorized person. Neither Governor, nor any Attorney General, looked at
10 the case documents showing that Florida had already admitted innocence and immunity. Plaintiff
11 sent letters to both Governors and Attorneys General. The unlawful extradition impeded
12 Plaintiff's ability to present the Underlying Cases in court. Thus, the Governor Defendants
13 participated in extrinsic fraud on the court. Governors are not immune from prosecution for
14 willful conduct which is proscribed by law. Governors cannot participate in a protection racket
15 or fraud scheme with impunity. No public official has immunity to commit such crimes.

16 **J. Retail Defendants**

17 72. Defendants Seacoast, Marine, and CenterState Banks, Fidelity Investments, Walmart,
18 Cumberland Farms, Whole Foods, and Publix, are herein referred to as the Retail Defendants.
19 The Retail Defendants blocked Plaintiff's access to credit, food, gasoline, and other vital goods
20 and services. They also harassed Plaintiff by initiating illegal stop and frisk detentions, making
21 false police reports, and misusing trespass statutes to exclude a blacklisted whistleblower for
22 personal and political reasons. This was coordinated through the Defendant Police Unions. This
23 harassment impeded Plaintiff's ability to present the Underlying Cases in court. Thus, the Retail
24 Defendants committed extrinsic fraud on the court.

25 73. On or about March 2009, the manager of Whole Foods in La Jolla, CA, banned Plaintiff
26 forever from shopping at the store, ostensibly because Plaintiff had reported violations of the
27 local smoke-free ordinances and the manager was a smoker. At this time, Plaintiff was dealing

1 with the sexual harassment issues of the Underlying San Diego Case. The Police Unions were
2 likely involved in this abuse. This was the first attempt to restrict Plaintiff's access to food.

3 74. On or about January 2013, an employee of Defendant Walmart in Lewisburg, WV, stole the
4 Plaintiff's shoes while she was shopping and trying on new shoes. The employee then made a
5 false police report. The police refused to arrest the employee thief and instead threatened to
6 falsely arrest the Plaintiff.

7 75. On or about August 2013, Plaintiff was falsely arrested while shopping at Publix in
8 Sebastian. She was detained for 30-40 minutes in the police vehicle and injured from radiation
9 emitted by wireless communications devices or energy weapons. The officer issued a trespass
10 warning, a written threat of false arrest for shopping at that particular Publix store ever again. On
11 or about February 26, 2018, the manager of a Vero Beach Publix prevented Plaintiff from
12 shopping and threatened false arrest. This occurred immediately after the manager met with a
13 mafia Police Union operative named Leroy. On or about April 2020, IRCISO issued a trespass
14 warning, a written threat of false arrest for shopping at the Roseland Publix store ever again.
15 Plaintiff's access to food has been unlawfully restricted.

16 76. On or about May 2014, Plaintiff visited Seacoast Bank to inquire about a mortgage. The
17 employees refused to help her and made a false police report. Seacoast specializes in banking for
18 law enforcement personnel. A trespass warning was issued in violation of federal Equal Credit
19 Opportunity laws, threatening false arrest if Plaintiff ever visits that office again. On or about
20 June 2021, Plaintiff opened a business account at another Seacoast location. Seacoast unlawfully
21 closed the account after Plaintiff asked them to rescind the threat at the other office. Plaintiff's
22 access to credit has been unlawfully restricted.

23 77. On or about September 3, 2017, at 11 pm, Plaintiff was subjected to an illegal stop and frisk
24 detention after buying gasoline at Cumberland Farms. Apparently an employee had made a false
25 call to the police. The police issued a trespass warning which threatened to falsely arrest Plaintiff
26 if she ever shopped there again. This further restricts Plaintiff's access to food and gasoline.

1 78. On or about Aug. 13, 2019, Matt McManus, Manager, Fidelity Investments threatened to
2 falsely arrest Plaintiff and refused to allow her to access her IRA, which has been there since
3 1994. On or about June 2020, Defendants Marine Bank and CenterState Bank unlawfully froze
4 or closed Plaintiff's accounts, denying her access to her own money for several weeks.
5 CenterState has ties to IRC SO and Marine has ties to Defendant Colton. All of these banks
6 participate in the local illegal drug trade and engage in money laundering.

7 **K. Defendant Attorneys**

8 79. Defendants Keith Rutman, Brian Pease, Nicholas Lewis, John Serrano, and Stephen Ostrow
9 are members of the California Bar who breached ethics in the Underlying San Diego Case. All of
10 these attorneys breached ethics because they had a conflict of interest when they advised,
11 consulted with, or represented the Plaintiff. Rutman, Pease, Serrano, and Ostrow advised
12 Plaintiff that she could not enforce her constitutional rights. Rutman had built a practice by
13 holding himself out as a civil rights lawyer who stands up to police misconduct, but in reality he
14 was working with the Police Unions to quash the claims. Pease stated that Defendant Kerr, who
15 sexually assaulted the Plaintiff, was "one of the good ones." Serrano had worked as a City
16 Attorney and was still beholden to the City. Ostrow tried to gaslight the Plaintiff and advised her
17 to do things that would destroy her case. Lewis appeared at the state court summary judgment
18 hearing and botched Plaintiff's opposition. His only legal argument was "Why couldn't they just
19 have left her alone?" He scattered her papers everywhere. Plaintiff had to take over and present a
20 serious opposition.

21 80. Defendants John Powers and Charles Schafer are Florida criminal defense attorneys. On or
22 about September 2014, after agreeing on a fee, John Powers wrongfully denied Plaintiff
23 representation on the bogus trespass charge. On or about November 2015, Defendant Charles
24 Schafer wrongfully denied Plaintiff representation on the bogus felony charge. Schafer also
25 misadvised Plaintiff about points of law.

26 81. Defendants Rooney, Mallory, Metcalf, Rollin, Murphy & Walker, Terry, and Jason Clark had
27 a conflict of interest and breached attorney-client privilege. Jonathan Rhodeback of Rooney &

1 Rooney divulged this fact to the Plaintiff during a consultation on or about 2017, stating that
2 someone had paid him to misadvise her. Murphy, a donor to the IRC Sheriff's campaign,
3 referred Plaintiff to Rollin, who misadvised Plaintiff and failed to disclose that he was
4 representing law enforcement and police unions. Terry set up a failed police entrapment of
5 Plaintiff on her way to the consultation. J. Clark stated "They are out to get you", but refused to
6 explain who he believed was out to get the Plaintiff and how they were planning to "get" her. J.
7 Clark also tried to defraud the Plaintiff into paying him and signing a contract which would not
8 provide the necessary services.

9 82. Defendants Robert Clark, Hoskins Turco, Brian McMahon, Brian Cohen, Tarek Kiem, Chad
10 Van Horn, Leo Desmond, and Christopher Jacobs are bankruptcy attorneys who wrongfully
11 denied Plaintiff legal services because she had been a victim of false arrest. Under U.S.C. Title
12 11 Plaintiff is required to list all legal claims and potential legal claims, including this 1983
13 claim. Hoskins, Cohen, Kiem, Van Horn, and Jacobs unlawfully used this claim as the reason for
14 denying her legal representation. McMahon made a flimsy excuse about his schedule, but in fact
15 declined the case based on the 1983 claim. This is in direct contravention of the First
16 Amendment right to petition. Moreover, these attorneys represent many clients with similar
17 claims. These events occurred on or about June – August 2018.

18 83. On or about August 10, 2018, Defendant Van Horn injured Plaintiff with cigarette smoke as
19 she entered the building and threatened false arrest. Cohen and Jacobs both argued that the IRC
20 Sheriff is a saint, that Plaintiff cannot prove the Sheriff's wrongdoing, and that Plaintiff is
21 "crazy" or "kooky".

22 84. Defendants R. Clark and Hoskins breached their contracts to represent the Plaintiff in her
23 bankruptcy case. R. Clark defrauded the Plaintiff, inducing her to pay \$1,200 for legal services
24 which were not rendered, delayed her case for over six weeks, injured her with cigarette smoke
25 inside his office, threatened false arrest, gaslighted her family, and breached both the contract
26 and attorney-client privilege. On or about June 2017, R. Clark killed and injured Plaintiff's
27

1 attorney, Susan Semmel, by forcing her to breathe cigarette smoke in their shared office in
2 contravention to Florida statutes. Semmel died of a stroke.

3 85. On or about October 2017, Florida Rural Legal Services refused to provide legal services for
4 which Plaintiff qualified. They cited the false arrest and malicious prosecution as the reason for
5 their unlawful denial. Because of the Defendant Clerk's falsification of the record, they believed
6 that the case remained open, although it was closed on April 25, 2017.

7 86. On or about October 2017, Defendant Richard Benrubi breached a contract to represent
8 Plaintiff in the homeowner's insurance claim after delaying the claim for almost eight weeks. On
9 or about April 2018, Defendant Jason Herman wrongfully denied Plaintiff representation in the
10 insurance claims. Both wrongful denials were based upon Plaintiff's 1983 claims from the false
11 arrest and malicious prosecution.

12 87. All of the Defendant Attorneys denied Plaintiff legal services based upon a Police Union
13 blacklist which may have been promulgated through the various bar associations. They violated
14 the cab rank rule. Most accepted payment to refuse the case after they has already consulted
15 with me and agreed on a fee. All of the Defendant Attorneys had a conflict of interest and
16 breached attorney-client privilege.

17 **L. Defendant Insurance Companies**

18 88. Defendants Farmers, Stewart, ASI, and New Hampshire Insurance companies wrongfully
19 denied Plaintiff's insurance claims for the damages caused by the other Defendants. In addition
20 to violating state insurance statutes, they participated in the fraud on the courts, impeding
21 Plaintiff's ability to present her case by keeping her poor and in squalid conditions. They worked
22 closely with Defendant police agencies and unions to wrongfully deny the claims. Defendants
23 Geico and Traveler's wrongfully blamed Plaintiff for the Oct. 31, 2018 accident in which she
24 was rear-ended. They relied on a false police report. They are herein referred to collectively as
25 the Insurance Defendants.

26 **M. Defendant Employers**

1 89. Defendants Carnival, Darden, Consulate, Lynmoore, Grace Rehab., Protect My Ministry,
2 First Presbyterian Church, First Baptist Church, and First Church of Christ Scientist are the
3 Plaintiff's employers or prospective employers who wrongfully terminated or denied
4 employment. They violated the Fair Credit Reporting Act of 1971 (FCRA) and/or the Equal
5 Employment Opportunity Act of 1972 (EEOA).

6 90. On or about 2014, Darden wrongfully denied Plaintiff employment. On or about September
7 2, 2017, Carnival breached its employment contract with the Plaintiff.

8 91. On or about 2014, Defendant Baptist Church wrongfully denied Plaintiff employment as a
9 music teacher based upon a false report that she trespassed. Plaintiff has never trespassed. On or
10 about 2014-2018, Defendant Christ Science Church denied Plaintiff employment as a pianist and
11 singer, stating that Plaintiff "is in trouble with the Sheriff."

12 92. On or about June 2018, Defendant Consulate and Grace denied Plaintiff employment as a
13 piano entertainer stating that a background check confirmed that she was a felon. Plaintiff has
14 never committed a crime, nor has she ever been convicted of a crime. Defendant IRC Sheriff
15 maintains a website falsely depicting Plaintiff as a criminal.

16 93. On or about June 2018, the Lynmoore wrongfully denied Plaintiff employment because of the
17 Police Union blacklist. They did not state this reason overtly, but made it clear by their actions.

18 94. On or about February 2018, Defendant Protect My Ministry provided Defendant Presbyterian
19 Church a written background check falsely stating that Plaintiff is a felon. Presbyterian Church
20 wrongfully denied Plaintiff employment as a music teacher with affiliate Primo Music.

21 95. Defendants had a duty to verify the false information. Defendants' neglected their duty.
22 Defendants are prohibited from denying employment based upon false arrest because certain
23 populations are more frequently falsely arrested thus creating disparate impact. Single women,
24 whistleblowers, political dissidents, and certain religious followers, such as the Plaintiff, suffer
25 false arrest more frequently than the general population. These groups are protected under civil
26 rights provisions.

27 **N. Landlord Defendants**

1 96. Defendant Stan Ideker rented the San Diego house to the Plaintiff for over 12 years. He
2 violated the terms of the lease by working with the Police Defendants to install the drug mafia in
3 Plaintiff's home, thereby preventing her from using or accessing her own home. He stole the
4 Plaintiff's personal possessions by denying her access to the items in her home. These items
5 included some important court documents. He worked with the Insurance Defendants to
6 wrongfully deny the claims. He failed to refund monies owed to the Plaintiff from her rent and
7 security deposit.

8 97. Defendant Coldwell Banker leased Plaintiff a house in Sebastian. They summarily breached
9 the contract, forcing Plaintiff to move out, wrongfully retaining monies paid for rent and security
10 deposit. They worked with the other Defendants, especially the Police Defendants, to deny
11 Plaintiff access to housing, effectively shutting her out of the housing market.

12 **O. Mexican Defendant**

13 98. Defendant Jorge Cortina is a Mexican citizen and land owner who operates a drug cartel on
14 his property in Baja California. Drugs are smuggled across the border into San Diego and the
15 U.S. On or about January 2016, Cortina forcibly drugged and sexually assaulted Plaintiff. On or
16 about May 2016, Cortina's drug cartel worked with agents of the U.S. Police Union drug cartel
17 to kidnap Plaintiff and bring her across the U.S. border, where operatives were poised to falsely
18 arrest and extradite the Plaintiff to Florida.

19 **VIII. UNCONSTITUTIONAL STATUTES**

20 99. THE LANTERMAN-PETRIS-SHORT (LPS) ACT and THE FORENSIC CLIENT
21 SERVICES (FCS) ACT are UNCONSTITUTIONAL both on their face and as applied because
22 they violate free exercise of religion, state-sponsored religion, liberty interests, due process, right
23 to counsel, speedy trial, protection from self-incrimination, right to privacy, cruel and unusual
24 punishment and excessiveness. Even if the LPS and FCS Acts were compatible with the
25 Constitution, Defendants are still liable for violating them. Neither the LPS Act nor the FCS Act
26 authorizes the involuntary commitment or treatment of a non-dangerous, mentally competent
27

1 law-abiding person, nor do they authorize any court to sanction such an involuntary
2 commitment.

3 **IX. PLAINTIFF HAS TAKEN RESPONSIBILITY TO MITIGATE DAMAGES**

4 100. Plaintiff has lived an exemplary and healthy lifestyle. Plaintiff takes care of her health,
5 eating fresh, nourishing, organic foods, drinking clean water and nothing else (no coffee or soft
6 drinks), getting plenty of exercise and fresh air, going to the beach or natural landscape daily to
7 practice yoga, swim, walk, hike, jog or bicycle. Consequently, Plaintiff has enjoyed excellent
8 health. Plaintiff has never suffered from a mental disorder. Plaintiff is a law-abiding citizen.
9 Plaintiff has never engaged in any dangerous behavior. Plaintiff is a teetotaler. Plaintiff has never
10 used drugs, whether prescription or street drugs. Plaintiff practices her religious belief in natural
11 healing, using only gentle, safe, effective, traditional methods of healing from illness or injury.
12 Plaintiff does not use forceful, harmful allopathic medicine.

13 **X. DEFENDANTS ACTED WITH MALICE, FRAUD, AND OPPRESSION**

14 101. Defendants recklessly and maliciously violated the Plaintiff's rights, knowing or with
15 reasonable diligence they should have known, that they were infringing upon the Plaintiff's
16 liberties and causing her to incur damages. Defendants defrauded the Plaintiff and the general
17 public by falsely asserting as fact statements that they knew, or with reasonable diligence, should
18 have known, were untrue. Defendants' reckless and criminal behavior was oppressive and
19 harmful to the Plaintiff. Plaintiff is entitled to exemplary damages against all Defendants where
20 permitted by law.

21 **XI. GROUNDS FOR INJUNCTIVE RELIEF**

22 102. There is a substantial likelihood of success on the merits of this case.

23 103. The Plaintiff faces substantial damages if injunction is not granted. Plaintiff's damages
24 consist of an ongoing loss of her Constitutional rights. Moreover, there are hundreds, if not
25 thousands, of other citizens facing similar damages and injuries.

26 104. The balance of harm to the Plaintiff and the general public weighs in favor of the Plaintiff.
27 The hardship to the Plaintiff and the general public greatly outweighs any costs that Defendants

1 would incur through the issuance of the injunction as requested. In fact, the Defendants should
2 not incur any cost at all from the proposed order and will actually save money, in the long run,
3 by immediately ceasing an unsafe, unlawful and costly practice, thus mitigating damages and
4 injuries to the population at large and reducing the number and dollar amount of claims for civil
5 rights violations or injuries.

6 105. The granting of the requested injunction would serve the public interest by setting a
7 precedent to protect all citizens from similar abuses.

8 **XII. PLAINTIFF RETAINS ALL RIGHTS**

9 106. Plaintiff reserves the right to amend the Complaint to correct legal errors or omissions due
10 to her inexperience in legal matters, or to supplement with additional information which is
11 revealed through discovery, or to adjust for Court rulings, or for any other reason.

12 107. The true names and capacities of Defendants sued herein as Does 1-1,000, inclusive, are
13 unknown to the Plaintiff, and the Plaintiff therefore sues these Defendants under fictitious
14 names. Plaintiff will amend this Complaint to allege their true names and capacities when
15 ascertained. These fictitiously named Defendants were involved in and were parties to the
16 furtherance of the acts complained of herein.

17 108. Plaintiff incorporates all paragraphs and causes of action into all other paragraphs and
18 causes of action herein. Plaintiff incorporates all documents submitted in all of the Underlying
19 Cases into the causes of action stated herein. The Underlying Cases include District Court case
20 No. 4:18-cv-01860, Appellate case No. 19-16180, and all cases underlying and included therein.

21 109. Plaintiff wishes to exercise the right to a civil jury trial conferred upon her by the Seventh
22 Amendment to the U.S. Constitution.

23 **XIII. REQUEST FOR RELIEF**

24 110. WHEREFORE, Plaintiff respectfully requests the compensatory, declaratory and injunctive
25 relief herein sought, as well as costs, and such other and further relief as the Court shall deem
26 proper.

27 **COMPENSATORY DAMAGES**

1 harassment due to lack of jurisdiction, *per incuriam*, and/or fraud on the court. Set all
2 judgements aside.

3 **Third Claim for Relief**

4 114. Issue an internal or injunctive order requiring Defendant Soong to enter the default of the
5 defendants in case No. 4:18-cv-01860 pursuant to Civil Procedure Rule 55(a), as requested by
6 the Plaintiff on April 16, 2019. Award all requested relief against the defaulted defendants.

7 **Fourth Claim for Relief**

8 115. Declare that all of the Defendants have committed or aided and abetted the commissions of
9 both intrinsic and extrinsic fraud the federal courts in the four Underlying Cases and/or the state
10 courts of California, Florida, and/or West Virginia. Declare that the Defendants violated
11 Plaintiff's civil rights under the U. S. Constitution, the highest statutory authority.

12 **Fifth Claim for Relief**

13 116. Declare that the State of Florida admitted the following facts pursuant to Florida Criminal
14 Procedure, Rule 3.190(d): "Plaintiff is innocent and immune from prosecution. The IRCSSO is
15 trafficking narcotics." Declare that the State Attorney advanced a malicious prosecution after
16 these facts were admitted on December 10, 2015.

17 **Sixth Claim for Relief**

18 117. Issue an injunction preventing Defendant Indian River County, City and County of San
19 Diego, Cities of Vero Beach, Sebastian, Indian River Shores, and White Sulphur Springs from
20 trafficking narcotics, making false arrests and detentions, and burglarizing or vandalize privately
21 owned real or personal property.

22 **Seventh Claim for Relief**

23 118. Declare that Plaintiff is legally entitled to possession of her home at 5911 Chateau Dr., San
24 Diego, CA, since the defendants in the eviction action defaulted.

25 **Eighth Claim for Relief**

26 119. Declare that all of the Judge and Attorney Defendants have violated the due process and
27 equal protection clauses by breaching professional ethics.

1 **Ninth Claim for Relief**

2 120. Issue an injunction against the use of all energy weapons, tasers, stingrays, GPS monitors,
3 x-ray scanners, wireless courtroom security installations, and other radiation-emitting devices,
4 based upon their harmfulness to human health and the environment. No state has the
5 constitutional authority to cause such harm.

6 **Tenth Claim for Relief**

7 121. Declare that Plaintiff was not at fault in the Oct. 31, 2018 accident and issue an injunction
8 to Martin County, Geico, and Travelers to correct the record.

9 **Eleventh Claim for Relief**

10 122. Declare that the IRC tax collector unlawfully suspended Plaintiff's license and issue an
11 injunction to correct the record.

12 **Twelfth Claim for Relief**

13 123. Declare that Defendants Colton, Workman, Dodd, Brawner, City and County of San Diego,
14 Vero Beach, and Indian River County falsely arrested, imprisoned, and maliciously prosecuted
15 the Plaintiff in a manner contrary to law. Enjoin this unlawful conduct.

16 **Thirteenth Claim for Relief**

17 124. Issue an injunction requiring Defendants Roddy, Smith, Vero Beach, and Indian River
18 County to seal or expunge the judicial and non-judicial arrest records and court records which
19 were brought about contrary to law.

20 **Fourteenth Claim for Relief**

21 125. Declare that the plaintiff has a right to be in any public place that is open to the public and
22 enjoin all violations of this right.

23 **Fifteenth Claim for Relief**

24 126. Issue an injunction requiring Defendants San Diego City and County, Vero Beach,
25 Sebastian, St. Lucie and Indian River Counties to remove and rescind any trespass warnings and
26 refrain from arresting for trespass any person who is in a public place which is open to the
27 public.

1 **Sixteenth Claim for Relief**

2 127. Declare that any establishment that is open to the public cannot force a person to leave as
3 retaliation for exercising free speech. The use of any trespass statute for this purpose is
4 unconstitutional as applied. Declare that the Defendant City of San Diego's coerced agreement
5 preventing Plaintiff from visiting La Jolla Cove is void and unconstitutional.

6 **Seventeenth Claim for Relief**

7 128. Declare that the denial of the Plaintiff's habeas corpus petitions by the state and federal
8 courts was unconstitutional.

9 **Eighteenth Claim for Relief**

10 129. Declare that the LPS Act, also known as California Welfare & Institutions Code section
11 5000 et sequence, and the FCS Act, also known as Florida Statute Chapter 916 et sequence, are
12 unconstitutional both facially and as applied.

13 **Nineteenth Claim for Relief**

14 130. Declare that the conduct of Defendants SFETC, Correct Care, and DCF fell below the
15 standard of care.

16 **Twentieth Claim for Relief**

17 131. Because of the declared infringement of state and federal law, and in order to promote and
18 protect the public health and safety, and in the interest of significantly reducing monetary
19 damages, issue a preliminary injunction to immediately suspend the practice of forcibly
20 incarcerating or institutionalizing healthy, law-abiding citizens.

21 **Twenty-First Claim for Relief**

22 132. Declare that Defendant Peevey has breached ethics and violated the California Public
23 Utilities Code section 303(a) by holding an official relationship to and a financial interest in the
24 companies and/or persons that he is entrusted with regulating. Further declare all of the CPUC
25 legal proceedings under the leadership of Defendant Peevey, regarding the Smart Grid, void due
26 to fraud on the CPUC.

27 **Twenty-Second Claim for Relief**

1 133. Declare that the Defendants SDG&E, FPL, and Monpower violated 42 U.S.C. section
2 3515b and 45 CFR Part 46 by using Federal funds to subject the unsuspecting population to a
3 horrific human experiment on the non-thermal effects of non-ionizing radiation, without
4 obtaining the informed consent of the participants, and/or by subjecting the participants to
5 greater than minimal risk, and/or by imposing risks that are not reasonable in relation to
6 anticipated benefits.

7 **Twenty-Third Claim for Relief**

8 134. Declare that the Defendants SDG&E, FPL, and Monpower violated 18 U.S.C. ss. 371, 653,
9 666, 1001, and 1018 by making false and fraudulent statements in their Smart Grid Deployment
10 Plan, by which they received Federal matching funds under 42 U.S.C. section 17386. Remand
11 these Defendants and their officers to the U.S. Attorney General for criminal prosecution under
12 the Title 18 Criminal Code.

13 **Twenty-Fourth Claim for Relief**

14 135. Issue a preliminary injunction pursuant to 15 U.S.C. section 1267(a) prohibiting all
15 Defendants from transporting or receiving, or allowing the transport or receipt of hazardous
16 substances, including Smart Meters and Smart Grid equipment, across state lines. Declare that
17 Defendants Itron, SDG&E, FPL, Monpower, Peevey, and Picket are liable for damages caused
18 by their complicity in the release of hazardous substances, pursuant to 42 U.S.C. section 9607.

19 **Twenty-Fifth Claim for Relief**

20 136. Because of the declared infringement of state and federal law, and in order to promote and
21 protect the public health and safety, and in the interest of significantly reducing monetary
22 damages, Plaintiff prays for a preliminary injunction to immediately dismantle and roll back the
23 Smart Grid program, remove all associated radio frequency and digital equipment, and
24 replace with the original, safe, analog equipment which worked flawlessly for many years prior
25 to the Smart Grid installation. If necessary, Plaintiff requests that the Court declare the Smart
26 Grid Act unconstitutional as applied.

27 137. Plaintiff prays that the preliminary injunction be extended until such time as a safe, reliable,

1 and efficacious Smart Grid can be designed, manufactured, procured, properly tested for health
2 and safety, and implemented; or until the people, through a referendum or through their elected
3 representatives, decide to discard, disband, and dismantle the Smart Grid program upon finding it
4 to be a useless and wasteful diversion from the quest for clean, sustainable energy. Plaintiff prays
5 that the preliminary injunction be permanent.

6 **Twenty-Sixth Claim for Relief**

7 138. Issue an injunction against any radio transmitters on or adjacent to beaches, parks, or
8 residential neighborhoods, requiring the removal of FIT's transmitter at Treasure Shores, and
9 prohibiting any future installations.

10
11 **XIV. VERIFICATION**

12 139. I declare under penalty of perjury under the laws of the United States that the foregoing is
13 true and correct to the best of my knowledge.

14 Respectfully submitted,

15
16 DATE: August 25, 2021

_____ /s/Deborah Cooney _____

17 Deborah Cooney, In Propria Persona

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
STANDING ORDER IN CIVIL CASES**

**Judge Yvonne Gonzalez Rogers
(Updated April 28, 2021)**

1. Conformity to Rules. Parties are expected to consult and comply with all provisions of the Local Rules and the Federal Rules of Civil Procedure relating to motions, briefs, continuances, and all other matters, unless specifically superseded by this Standing Order. Any failure to comply with any of the rules and the Court's Standing Order may be deemed sufficient grounds for monetary sanctions, dismissal, entry of default judgment, or other appropriate sanctions. Parties are advised that this Standing Order is subject to change without notice and that they should check for the latest revisions on the Court's website at cand.uscourts.gov/ygrorders.

2. Scheduling days. Prior to noticing a motion, parties shall check the scheduling information on this Court's website to confirm open and available dates. However, noticed days may be reset as the Court's calendar requires, with order of call to be determined by the Court. Generally, the Court will schedule as follows:

- a. Case Management Conferences are conducted on Mondays at 2:00 p.m.
- b. Civil Law and Motion calendar is conducted on Tuesdays at 2:00 p.m.
- c. Pretrial conferences are conducted on Fridays at 9:30 a.m. Trials are set to commence on Mondays at 8:00 a.m.
- d. Before appearing for a matter before this Court, all parties shall check the Court's calendar at cand.uscourts.gov to confirm that their matter is still on calendar. Frequently, the Court will issue a written order and vacate the hearing unless oral argument appears to be necessary. Where argument is allowed, the Court will attempt to advise counsel in advance of the issues to be addressed.

In addition, if a written request for oral argument is filed before issuance of a ruling stating that a lawyer six or fewer years out of law school will conduct all or most of the oral argument, the Court will entertain oral argument on the principle that young lawyers need more opportunities for appearances than they typically receive.

Telephonic appearances for motion hearings are disfavored. The Court will grant requests to appear by telephone only upon a compelling showing of good cause. The routine inconveniences of travel do not constitute good cause.

- e. If a party intends to use audio-visual demonstratives during a hearing (*e.g.*, PowerPoint presentation), it shall provide a copy to opposing parties and the Court no fewer than **24 hours in advance** of the hearing. If a party requires use of audio-visual equipment in the courtroom, the party shall contact the Courtroom Deputy, Frances Stone, to make an appointment to test that equipment on a date at least one day in advance of the hearing.

3. Changes to Court Calendar. No changes to the Court's schedule shall be made except by signed order of the Court and only upon a showing of good cause. Parties seeking to continue hearings, request special status conferences, modify briefing schedules, or make any other procedural changes shall submit a signed stipulation and proposed order, or, if a stipulation is not possible, a Motion for Administrative Relief as contemplated by Civil Local Rule 7-11. Continuances will be granted only upon a showing of good cause, particularly focusing on evidence of diligence by the party seeking delay and of prejudice that may result if the continuance is denied. Briefing schedules may not be changed without Court approval. The Court generally will not approve elongated briefing schedules without sufficient explanation.

Parties seeking to enlarge a filing deadline by way of a Motion for Administrative Relief are admonished to file such a motion in advance of the filing deadline, rather than on the day the filing is due. *Parties are advised that requests which, in effect, do not allow the Court two weeks from the filing of the last brief until the scheduled hearing date are likely to be denied.*

4. Notice of Hearing Location. Parties shall notice hearings for the Oakland Federal District Courthouse, 1301 Clay Street, Courtroom 1, Fourth Floor. However, the courtroom location is subject to change. Hearings may be held by Zoom videoconference at the Court's discretion. Parties should check the Court's website, the case docket, and/or notifications posted at the Courthouse on the hearing date.

5. Chambers Copies. *This requirement does not apply to self-represented litigants.* Chambers copy of all filings **in excess of 15 pages**, inclusive of exhibits and attachments, whether electronically filed or manually filed at the Clerk's Office, shall be submitted to the Clerk's Office in an envelope clearly marked with the case number and "YGR Chambers Copy" for receipt by no later than 12:00 noon the second business day after the document is filed. Submission by overnight delivery such as Federal Express or UPS is sufficient.

- a. **All chambers' copies must be 3-hole punched** in the left margin in a manner suitable for placement in a 3-ring binder.
- b. Chambers copies **must include tabs between exhibits** and must fasten or attach pages of individual documents together so as to distinguish between separate documents. Do not use bottom tabs as they do not work well in binders.
- c. **Chambers copies in summary judgment motions:** Chambers copies of all summary judgment motions and oppositions (including the brief, separate statement, declarations, exhibits, and other supporting documents) are required to be provided by the filing party in a 3-ring binder or binders with tabs separating documents. Submitting chambers copies of the reply documents in a binder is optional. *This requirement does not apply to habeas corpus petitions or summary judgment motions in ERISA or Social Security cases.*
- d. **Chambers copies in administrative motions to seal:** As noted in paragraph 11 below, parties shall provide chambers copies of the **unredacted** documents with proposed redacted material highlighted **only**. Parties shall not submit chambers copies of the **redacted** versions of documents they seek to seal.

- e. Chambers copies submitted without meeting the above requirements may be rejected, and the party may be required to re-submit.
- f. In motions involving voluminous citations to evidence or records, parties are encouraged to submit chambers copies of their briefing in an electronic format with hyperlinks to the evidence, on flash drives or other removable media. Parties may request to submit such electronic copies in lieu of paper chambers copies.

6. Case Management Conference. Joint case management statements are required and must be filed **seven** days in advance of the initial case management conference date.

Updated joint case management statements are required and must be filed **seven** days in advance of all other case management conferences. In cases involving litigants unrepresented by counsel, the parties may file separate case management statements.

The format shall follow the Standing Order for All Judges of the Northern District of California re: Contents of Joint Case Management Statement (“CAND CMC Order”) found on the Court’s website at cand.uscourts.gov/ygr.

- a. These conferences are intended to be substantive and productive. Accordingly, **each party shall be represented at case management conferences by lead trial counsel or counsel with authority to enter into stipulations and make admissions** pursuant to Fed. R. Civ. P. 16(a) and (c), as well as fully prepared to address all of the matters in the CAND CMC Order and Civil L.R. 16-10(b). Failure to do so shall be considered grounds for sanctions. Because of the substantive discussions that occur during case management conferences, telephonic appearances are disfavored.
- b. The Court will grant requests to appear by telephone only upon a compelling showing of good cause. The routine inconveniences of travel do not constitute good cause.

7. Proposed Orders Required. Each party filing or opposing any motion shall also serve a proposed order that sets forth the relief or action sought and a short statement of the rationale of the decision, including citation of authority that the party requests the Court to adopt, and citations to the record evidence where applicable. The proposed order should be submitted at the same time as the motion or opposition, with a courtesy copy emailed to ygrpo@cand.uscourts.gov.

8. Discovery and Discovery Motions. The Court does not routinely refer discovery matters to a magistrate judge but may do so at its discretion. The provisions of this paragraph apply only to cases in which discovery is supervised by this Court.

Except as specifically set forth below, no motions regarding discovery disputes may be filed without prior leave of Court.

- a. **Depositions:** If a dispute arises during a deposition and involves a persistent obstruction of the deposition or a refusal to answer a material question on the basis of any ground other than privilege or the work-product doctrine, counsel may arrange a telephonic conference with the Court by contacting the Courtroom

Deputy, Frances Stone, at (510) 637-3540. Any such conference shall be attended by the court reporter recording the deposition.

- b. **Joint Discovery Letter:** All other requests for discovery relief must be summarized by the parties in **one joint** letter brief no longer than **four pages** (two pages per side). In the joint letter brief, counsel must attest that, prior to filing the request for relief, counsel met and conferred *in person*, and then concisely summarize all remaining issues that counsel were unable to resolve. **The parties may not file multiple joint letter briefs** irrespective of the number of disputes then at-issue. If there are multiple disputes at issue, the parties may provide a list of disputes as part of their joint letter brief.

The joint letter brief may cite to limited and specific legal authority only for resolution of dispositive issues. The joint letter brief may not be accompanied by declarations; however any specific excerpt of disputed discovery material may be attached. The Court will then advise the parties if additional briefing, a telephonic conference, or a personal appearance will be necessary.

Note: Discovery letter briefs must be e-filed under the Civil Events category of Motions and Related Filings: Motions—General: “Discovery Letter Brief.”

- c. **Stipulated Protective Orders:**

1. Parties submitting proposed forms of stipulated protective order shall include the following language with respect to resolution of designation disputes:

[6.3 Judicial Intervention.] If the Parties cannot resolve a challenge without court intervention, the parties shall follow the Court’s Standing Order in Civil Cases regarding Discovery and Discovery Motions. The parties may file a joint letter brief regarding retaining confidentiality within 21 days of the initial notice of challenge or within 14 days of the parties agreeing that the meet and confer process will not resolve their dispute, whichever is earlier. Failure by a Designating Party to file such discovery dispute letter within the applicable 21- or 14-day period (set forth above) with the Court shall automatically waive the confidentiality designation for each challenged designation. If, after submitting a joint letter brief, the Court allows that a motion may be filed, any such motion must be accompanied by a competent declaration affirming that the movant has complied with the meet and confer requirements imposed in the preceding paragraph. The Court, in its discretion, may elect to transfer the discovery matter to a Magistrate Judge.

In addition, the parties may file a joint letter brief regarding a challenge to a confidentiality designation at any time if there is good cause for doing so, including a challenge to the designation of a deposition transcript or any portions thereof. If, after submitting a joint letter brief, the Court allows that a motion may be filed, any motion brought pursuant to this provision must be accompanied by a competent declaration affirming that the movant has complied with the meet and confer requirements imposed by the preceding paragraph. The Court, in its discretion, may elect to refer the discovery matter to a Magistrate Judge.

The burden of persuasion in any such challenge proceeding shall be on the Designating Party. Frivolous challenges, and those made for an improper purpose (e.g., to harass or impose unnecessary expenses and burdens on other parties) may expose the Challenging Party to sanctions. Unless the Designating Party has waived the confidentiality designation by failing to file a letter brief to retain confidentiality as described above, all parties shall continue to afford the material in question the level of protection to which it is entitled under the Producing Party's designation until the court rules on the challenge.

2. The Northern District provides a model form of Stipulated Protective Order for Standard Litigation at cand.uscourts.gov/model-protective-orders. To the extent the parties' proposed stipulated protective order varies from the model, exclusive of paragraph 6.3 set forth above, the parties shall submit a redline comparison with the model Stipulated Protective Order for Standard Litigation, along with their electronic form of proposed order, to ygrpo@cand.uscourts.gov.

9. Motions for Summary Judgment.

- a. **Pre-filing Conference Required:** Except as specifically set forth below, no motion for summary judgment pursuant to Rule 56 of the Rules of Civil Procedure may be filed without prior leave of Court. The moving party must file a letter, with a copy to Chambers and the opposing parties, to request a pre-filing conference, and propose a date and time for such conference. Pre-filing conferences are normally set for Wednesday or Friday afternoons at 2:00 p.m. unless circumstances and the Court's calendar require otherwise, and should be requested sufficiently in advance of the deadlines established in the Court's initial case management order. Telephonic appearances will not be allowed.

The moving party's letter shall be submitted at least **seven (7) business days** prior to the proposed conference date and must explain the grounds for the motion. The letter shall be no more than three single-spaced pages in length, *including* any attached exhibits or other supporting papers. Within **three (3) business days** after receipt of the letter, any party who will oppose the motion must file a written response addressing the substance of the moving party's letter, with a copy to Chambers and the moving party. This response shall also be limited to three single-spaced pages, *including* any attached exhibits or supporting papers.

This pre-filing requirement does not apply to either side in cases where one party is self-represented. This pre-filing requirement also does not apply to habeas corpus petitions or motions in Social Security appeals.

- b. **One Motion Per Side:** All issues shall be contained within one motion, may not exceed twenty-five pages in length, and shall conform to Civil Local Rule 7-2. **Only one summary judgment motion may be filed per side, absent leave of court.** Leave of court to file more than one motion may be requested if multiple parties comprise one or both sides. This issue will be addressed at the Pre-filing Conference.

c. **Separate Statements:** Any party moving for summary judgment or opposing summary judgment is required to submit a separate statement as set forth herein.

1. **Supporting Separate Statement:** Parties moving for summary judgment must include a separate, short and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried (“Supporting Separate Statement”). The Supporting Separate Statement must: (1) identify the issue or claim number(s) to which the fact relates; and (2) list each asserted material fact and the record evidence (e.g., deposition, declaration, discovery response). Upon filing, the moving party shall provide the separate statement to all other parties in an electronic, word-processing format for ease of response thereto. The Supporting Separate Statement must follow this format:

Issue No.	Moving Party’s Undisputed Material Facts and Supporting Evidence	Opposing Party’s Response and Supporting Evidence
Issue 1 (Doe cannot establish breach of contract)	Fact 1. Doe Co. and Acme Co. entered into a written contract for sale of widgets. Roe Declaration at 2:17-21 and Exh. A [contract].	
Issue 1	Fact 2. Widgets were received by Doe’s headquarters on December 1, 2010. Roe Declaration at 3:14-19 and Exh. B [signed invoice].	

2. **Responsive Separate Statement:** The papers opposing a motion for summary judgment shall include *one* Responsive Separate Statement which: (1) incorporates the facts in the moving separate statement; (2) provides a response to each of the facts in the correspondingly numbered paragraph in the moving separate statement; **and** (3) identifies any **additional material facts** that the party contends will establish a genuine issue to be tried. For each fact, the Responsive Separate Statement shall state whether the party contends the fact is disputed and the evidence establishing any dispute. These requirements also apply to any response to additional material facts raised in the opposition.

If the opposing party contends that the fact is in dispute, the party must cite to evidence in the record which establishes the dispute. Responsive Separate Statements must follow this format:

Issue No.	Moving Party's Undisputed Material Facts and Supporting Evidence	Opposing Party's Response and Supporting Evidence
Issue 1 (No breach of contract)	<u>Fact 1.</u> Doe Co. and Acme Co. entered into a written contract for sale of widgets. Roe Decl. at 2:17-21 and Exh. A [contract].	Undisputed.
Issue 1	<u>Fact 2.</u> Widgets were received by Doe Co.'s headquarters on December 1, 2010. Roe Decl. at 3:14-19 and Exh. B [invoice].	Disputed. No widgets were received. Jackson Decl., Exh. B [Smith Depo.] at 21:04-23:19.
OPPOSING PARTY'S ADDITIONAL MATERIAL FACTS		
Issue 1	<u>Additional Fact 3:</u> An empty crate was delivered to Doe Co.'s headquarters on December 1, 2010.	Jackson Declaration, Exh. B [Smith Depo.] at 32:06-33:12.

3. **Page Limits for Separate Statements:** Unless a party has obtained prior permission from this Court, the Supporting Separate Statement is limited to no more than fifteen (15) pages, and the Responsive Separate Statement is limited to no more than five (5) additional pages beyond the number of pages in the opening statement.

4. **Attestation Required for Separate Statements:** The Supporting and Responsive Separate Statement each **must be signed** by counsel (or by the party, if unrepresented by counsel) who has reviewed the document and can attest as follows: ***"I attest that the evidence cited herein fairly and accurately supports [or disputes] the facts as asserted."***

d. **Evidence Submitted:** Parties shall underline, highlight, or otherwise specify lines of the documents and transcripts upon which they rely in support of or opposition to a motion. As noted in paragraph 5(f), parties are encouraged to submit chambers copies of their briefing in an electronic format with hyperlinks to the evidence.

e. **Cross-Motions:** Any cross-motion for summary judgment shall be contained within the opposition to any motion for summary judgment, shall contain twenty-five (25) pages or less, and shall be filed fourteen (14) days after the filing of the motion. The reply to a motion may contain up to fifteen (15) pages, shall include the opposition to any cross-motion, and shall be filed seven (7) days after the filing of the opposition. (See Civil Local Rule 7-3). The Court may, *sua sponte* or pursuant to a motion under Civil L.R. 6-3, reschedule the hearing so as to give a moving party time to file a reply to any cross-motion.

10. Experts and their Reports. All witnesses who will provide expert testimony under Federal Rule of Evidence 702, 703, or 705, whether retained or non-retained, must be disclosed and must provide written reports in compliance with Federal Rule of Civil Procedure 26(a)(2)(B). All expert reports shall number each paragraph to facilitate any motion practice challenging the specifics of any opinions and shall include a table of contents. The reports shall also include an executive summary of each opinion to be proffered.

Any percipient witness who may also testify at trial with technical expertise akin to an independent expert shall be identified by name no later than the date of expert disclosures to allow for deposition, if necessary.

At the time of disclosure of a written report, the disclosing party must identify all written materials upon which the expert relies in that report and produce those materials if they have not done so previously.

11. Motions to Seal. For documents submitted in connection with administrative motions to seal, parties shall provide chambers copies of the **unredacted** documents with proposed redacted material highlighted, as required Civil Local Rule 79-5(d)(1)(D), *only*. Do not submit chambers copies of the **redacted** versions of documents sought to be sealed.

- a. When a designating party files a declaration in support of another party’s motion to seal, as required by Civil Local Rule 79-5(e)(1), the designating party must indicate whether they join the administrative motion to seal in whole or in part. If the designating party narrows the submitting party’s sealing request(s), the designating party must specify the requests they concede should not be granted, and submit both: (1) an unredacted version of the document highlighting the narrowed proposed redacted material, and (2) a proposed order consistent with the narrowed request(s).
- b. Proposed orders on administrative motions to seal must conform to the following format:

Document or Portion of Document Sought to be Sealed	Evidence Offered in Support of Sealing	Ruling
Motion at page 2, lines 10–11	Jones Declaration ¶ 1	
Motion at page 5, lines 4–17	Jones Declaration ¶ 2	

12. Motions for Leave to Amend. Parties seeking leave to amend their pleadings shall submit a redline comparison with the operative pleading to ygrpo@cand.uscourts.gov at the time of filing their request to amend. This requirement does not apply to self-represented parties.

13. Securities Cases. Within 14 days of service of the complaint (or consolidated complaint), the plaintiff shall file a chart summarizing the information required by 15 U.S.C. § 78u-4(b)(1) and (2), specifically identifying the allegations in the operative complaint as follows: (a) each statement alleged to have been false or misleading; (b) the speaker, date, and medium by which the statement was made; (c) the reason(s) the statement was false or misleading when made; and (d) the facts alleged to show that defendant(s) knew the statement false and/or misleading. The chart should clearly identify which statements or omissions are attributable to

which defendants and, for each such defendant, the facts alleged which give rise to a strong inference that the defendant acted with the required state of mind at the relevant time. **The chart must strictly adhere to the allegations in operative complaint and may not include any new or supplemental information or explanation.** The chart should be organized in the following format:

Statement No.	The Speaker(s), Date(s), and Medium	False and Misleading Statements	Reasons Statements Were False and Misleading When Made	Facts Giving Rise to a Strong Inference of Scienter
1	When: [date] Where: [e.g. Press release] Speakers: [e.g. CEO] (Compl. ¶ __)	[Direct quotation of the alleged false and misleading statements.]	[Summarize arguments on falsity with specific references to paragraphs in the complaint.]	[Summarize arguments on scienter with specific references to paragraphs in the complaint.]

14. Communication with Court. Parties shall not contact Judge Gonzalez Rogers or her chambers staff directly by telephone, facsimile, or any other *ex parte* means, but may contact **Courtroom Deputy Frances Stone at (510) 637-3540** with appropriate inquiries. Parties should list their email address as well as their telephone numbers on their papers to facilitate communication with the Courtroom Deputy. All counsel listed on the parties' briefing must be fully apprised of the status of the pending matter and must be authorized to respond to calendar settings by the Court.

15. Service of Standing Orders. Plaintiff (or in the case of removed actions, any removing defendant) is directed to serve copies of this Standing Order in Civil Cases and the CAND CMC Order at once upon all parties to their action, and upon those subsequently joined, in accordance with the provisions of Federal Rules of Civil Procedure, Rules 4 and 5, and to file with the Clerk of the Court a certificate reflecting such service, in accordance with Civil Local Rule 5-6(a).

16. Notices of Settlement. Any notice of settlement sent to the Court must be signed by all parties to the settlement. Electronically filed notices shall be signed pursuant to Civil Local Rule 5-1(i), including, if applicable, a filer's attestation as provided by Civil Local Rule 5-1(i)(3).

17. Pronouns/Titles. Parties and attorneys may indicate their pronouns and titles (e.g. Mr., Ms., Mx.) by including them in the name block or signature line of their pleadings, or by submitting a letter directed to chambers.

IT IS SO ORDERED.

Dated: April 28, 2021


YVONNE GONZALEZ ROGERS
United States District Judge

**STANDING ORDER FOR ALL JUDGES
OF THE NORTHERN DISTRICT OF CALIFORNIA**

CONTENTS OF JOINT CASE MANAGEMENT STATEMENT

All judges of the Northern District of California require identical information in Joint Case Management Statements filed pursuant to Civil Local Rule 16-9. The parties must include the following information in their statement which, except in unusually complex cases, should not exceed ten pages:

1. **Jurisdiction and Service**: The basis for the court's subject matter jurisdiction over plaintiff's claims and defendant's counterclaims, whether any issues exist regarding personal jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served, a proposed deadline for service.
2. **Facts**: A brief chronology of the facts and a statement of the principal factual issues in dispute.
3. **Legal Issues**: A brief statement, without extended legal argument, of the disputed points of law, including reference to specific statutes and decisions.
4. **Motions**: All prior and pending motions, their current status, and any anticipated motions.
5. **Amendment of Pleadings**: The extent to which parties, claims, or defenses are expected to be added or dismissed and a proposed deadline for amending the pleadings.
6. **Evidence Preservation**: A brief report certifying that the parties have reviewed the Guidelines Relating to the Discovery of Electronically Stored Information ("ESI Guidelines"), and confirming that the parties have met and conferred pursuant to Fed. R. Civ. P. 26(f) regarding reasonable and proportionate steps taken to preserve evidence relevant to the issues reasonably evident in this action. *See ESI Guidelines 2.01 and 2.02, and Checklist for ESI Meet and Confer.*
7. **Disclosures**: Whether there has been full and timely compliance with the initial disclosure requirements of Fed. R. Civ. P. 26, and a description of the disclosures made.
8. **Discovery**: Discovery taken to date, if any, the scope of anticipated discovery, any proposed limitations or modifications of the discovery rules, a brief report on whether the parties have considered entering into a stipulated e-discovery order, a proposed discovery plan pursuant to Fed. R. Civ. P. 26(f), and any identified discovery disputes.
9. **Class Actions**: If a class action, a proposal for how and when the class will be certified, and whether all attorneys of record for the parties have reviewed the Procedural Guidance for Class Action Settlements.
10. **Related Cases**: Any related cases or proceedings pending before another judge of this court, or before another court or administrative body.
11. **Relief**: All relief sought through complaint or counterclaim, including the amount of any damages sought and a description of the bases on which damages are calculated. In addition, any party from whom damages are sought must describe the bases on which it contends damages should be calculated if liability is established.

12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific ADR plan for the case, including compliance with ADR L.R. 3-5 and a description of key discovery or motions necessary to position the parties to negotiate a resolution.
13. Consent to Magistrate Judge For All Purposes: Whether all parties will consent to have a magistrate judge conduct all further proceedings including trial and entry of judgment. ___ Yes ___ No
14. Other References: Whether the case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.
15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion, suggestions to expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any request to bifurcate issues, claims, or defenses.
16. Expedited Trial Procedure: Whether this is the type of case that can be handled under the Expedited Trial Procedure of General Order No. 64 Attachment A. If all parties agree, they shall instead of this Statement, file an executed Agreement for Expedited Trial and a Joint Expedited Case Management Statement, in accordance with General Order No. 64 Attachments B and D.
17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of dispositive motions, pretrial conference and trial.
18. Trial: Whether the case will be tried to a jury or to the court and the expected length of the trial.
19. Disclosure of Non-party Interested Entities or Persons: Whether each party has filed the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-15. In addition, each party must restate in the case management statement the contents of its certification by identifying any persons, firms, partnerships, corporations (including parent corporations) or other entities known by the party to have either: (i) a financial interest in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding. In any proposed class, collective, or representative action, the required disclosure includes any person or entity that is funding the prosecution of any claim or counterclaim.
20. Professional Conduct: Whether all attorneys of record for the parties have reviewed the Guidelines for Professional Conduct for the Northern District of California.
21. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.