No. 22-782

In The

Supreme Court of the United States

CAROL PULLIAM,

Petitioner,

vs.

UNIVERSITY OF SOUTHERN CALIFORNIA,

Respondent.

On Petition For A Writ Of Certiorari To The Supreme Court Of The State Of California

PETITION FOR REHEARING

RICHARD ISAAC FINE, ESQ.
P.O. Box 789, 1187 Coast Village Rd., Ste. 1
Santa Barbara, CA 93102-0789
Telephone: (310) 622-6900
Email: richardfine@richardfinelaw.com
Counsel for Petitioner Carol Pulliam

COCKLE LEGAL BRIEFS (800) 225-6964
WWW.COCKLELEGALBRIEFS.COM

QUESTION PRESENTED FOR REHEARING

If the Rehearing is denied, should the order denying the present Petition for a Writ of Certiorari become a precedent with reasons stated for the denial of a "Waived Opposition" Petition for a Writ of Certiorari seeking the Court to enforce Article III, Clause 2, and/or Article VI, Clause 2, and/or the due process clause of the 14th Amendment against:

(1) counties who through their sworn elected officials or sworn employees are unconstitutionally and/or unlawfully paying monies to state elected/appointed, exclusively state paid trial judges before whom the county appears or is likely to appear; and/or

(2) state trial judges who are accepting such monies, state Court of Appeal and/or state Supreme Court justices and/or U.S. District Court judges who accepted such monies when they were state trial judges; and/or

(3) any state judge or justice and/or U.S. District Court judge who represented the county paying such monies prior to becoming a state judge or justice and/or U.S. District Court judge.

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GROUNDS FOR PETITION FOR REHEARING "SUBSTANTIAL OR CONTROLLING CIRCUMSTANCES AND GROUNDS NOT PREVIOUSLY MENTIONED"

(1) The Waiver of Opposition by Respondent University of Southern California was not set forth in the Petition for Writ of Certiorari (Petition) as it occurred after the Petition was filed.

(2) Implicit in the Petition through the following citation to *Cooper v. Aaron*, 358 U.S. 1, 18 (1958) at pages 7-9 was the argument that *Cooper v. Aaron* is a controlling precedent:

> **"Article VI of the Constitution makes the Constitution the "supreme Law of the Land." In 1803, Chief Justice Marshall, speaking for a unanimous Court, referring to the Constitution as "the fundamental and paramount law of the nation," declared in the notable case of *Marbury v. Madison*, 1 Cranch 137, 177, that "It is emphatically the province and duty of the judicial department to say what the law is." This decision declared the basic principle that the federal judiciary is supreme in the exposition of the law of the Constitution, and that principle has ever since been respected by this Court and the Country as a permanent and indispensable feature of our constitutional system. It follows that the interpretation of the Fourteenth Amendment enunciated by this Court in the *Brown***

> **case is the supreme law of the land, and Art. VI of the Constitution makes it of binding effect on the States "any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Every state legislator and executive and judicial officer is solemnly committed by oath taken pursuant to Art. VI, cl. 3, "to support this Constitution." Chief Justice Taney, speaking for a unanimous Court in 1859, said that this requirement reflected the framers' "anxiety to preserve it [the Constitution] in full force, in all its powers, and to guard against resistance to or evasion of its authority, on the part of a State. . . ."** *Ableman v. Booth*, 21 How. 506, 524.
>
> **No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it."** (Emphasis added.)

(3) The controversial 2022 Supreme Court decision of *Dobbs v. Jackson Women's Health Organization, et al.*, 597 U.S. ___, 39-41 (2022) demonstrated the justices of the Supreme Court adhered to the above *Cooper v. Aaron* interpretation of Article VI, Clause 2 without referencing either Article VI, Clause 2 or *Cooper v. Aaron*, supra;

Dobbs, supra, held at 597 U.S. 78-79 in relevant part:

> "Abortion presents a profound moral question. The Constitution does not prohibit

> citizens from each State from regulating or prohibiting abortion. Roe and Casey arrogated that authority. We now overrule those decisions and return that authority to the people and their elected representatives."

The "Opinion of the Court" discussed "Stare Decisis" at 597 U.S. at 39, 69-72 and decisions that applied the Supremacy Clause without mentioning Article VI, Clause 2 at 597 U.S. 39, 40-41 (in overruling prior decisions citing to *Brown v. Board of Education*, 347 U.S. 483, 491 (1954), *West Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937) and *West Virginia Bd. of Ed. v. Barnette*, 319 U.S. 624 (1943), and FN 48) and 69-72.

In contrast, the "Concurring Opinion" of Justice Kavanaugh stated at 597 U.S. at 6:

> "Stare decisis is rooted in Article III of the Constitution and is fundamental to the American judicial system and to the stability of American law."

(4) On April 19, 2023, the Supreme Court in a 7-2 decision entered an administrative stay until the 5th Circuit rules on a Texas District Court decision conflicting with a ruling by an Eastern District of Washington Court decision establishing a potential conflict between circuit decisions bringing the case of abortion pills to the Supreme Court and re-examining *Dodd*, supra.

(5) The Petition has gained national attention amongst the victims of judicial misconduct, judicial

abuse of power and others as it has been published after filing in/on:

(a) courtvictim.com;

(b) uglyjudge.com;

(c) cleancourts.org;

(d) chat.courtvictim.com;

(e) jail4.uglyjudge.com;

(f) twitter; and

(g) Facebook;

(6) The issue of federal judges having taken the county payments when they were California Superior Court judges is now in the Central District of California and may be in other federal courts.

The Petition was filed in the case of *Robert George Kincaid v. County of Los Angeles*, USDC Case No. 2:22-CV-09056-JLS-MAA transferred from the USDC Hawaii on the County of Los Angeles' Motion to Change Venue filed after the close of discovery and the setting of a trial date in USDC Hawaii.

The Pro Se Plaintiff (Kincaid) filed a copy of the Petition and moved by objection to disqualify the Magistrate Judge who admitted to advising the County of Los Angeles to file a motion to remand the case back to the Los Angeles Superior Court and making a ruling without fully reading the file.

Kincaid also made a motion by objection to disqualify the judge who had received illegal payments

from the County of Orange (Orange County) California in addition to her exclusive State of California compensation while she was a California state Superior Court judge for Orange County.

The federal district court judge did not disclose the payments when assigned, admitted to such in writing after the disqualification was filed and refused to recuse herself claiming the Orange County payments were over ten years ago.

Prior to filing the disqualifications, Kincaid filed an objection to the Magistrate Judge's order for the County of Los Angeles to file a motion to remand the case to the Los Angeles Superior Court and/or dismiss on Rooker-Feldman grounds showing:

> "(1) There is no present pending state case nor can there be one because all of the Superior Court judges in the California Superior Court for the County of Los Angeles are disqualified for having received and are receiving "local or supplemental judicial benefit" payments from Defendant County of Los Angeles (LA County) in violation of federal criminal code 18 U.S.C. Section 1346 (the intangible right to honest services) disqualifying the judges under:
>
> (a) CCP Section 170.1(a)(6)(A)(iii); and
>
> (b) California Code of Judicial Ethics, Canon 3E(1) and (2);
>
> (2) The decision in the former underlying state case *County of Los Angeles v. Robert*

> *George Kincaid* was void as it violated the holdings of U.S. Supreme Court decisions *United States v. Throckmorton*, 98 U.S. 61, 65-66 (1878) (fraud vitiates everything); *Hazel-Atlas Co. v. Hartford Co.*, 322 U.S. 238, 247-248 (1944) (stating equitable relief is available to overturn judgments obtained by fraud) and *Cooper v. Aaron*, 358 U.S. 1, 18 (1958) ("No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it.") because Superior Court Judge Trent-Lewis and all LA Superior Court judges received "local or supplemental judicial benefit" payments from LA County in violation of federal criminal code 18 U.S.C. Section 1346 (the intangible right to honest services) disqualifying Judge Trent-Lewis and all LA Superior Court judges; and
>
> (3) Judge Trent-Lewis did not disclose such and did not recuse himself, nor did any other LA Superior Court judge in their cases involving LA County, rendering his and their decisions void."

STATEMENT OF CASE FACTS

The following are some of the relevant underlying state case facts underscoring the Question Presented as set forth in the Petition:

"(1) Respondent (USC) owns, operates and staffs hospitals;

(2) Petitioner (Carol) was a nurse employed in one of USC's owned and operated hospitals, USC Verdugo Hills;

(3) USC admits and publicizes the County of Los Angeles (LA County) currently pays USC $170 million per year to "staff and operate" the Los Angeles County/USC Hospital and has maintained the relationship for over 100 years resulting in a LA County interest in the outcome of the underlying state case as a demonstration of USC's operational and staffing abilities;

(4) Since the 1980s, LA County paid and currently pays state Superior Court Judges sitting on the California Superior Court for the County of Los Angeles "supplemental judicial benefit" payments in addition to their state compensation; and

(5) Such payments were held to be unconstitutional by the California Court of Appeal, Review Denied by the California Supreme Court, declared criminal by California statute SBX 2 11, Section 5 and violate 18 U.S.C. Section 1346.

The facts in the underlying case are most accurately described in Petitioner's Petition for Rehearing of the California Court of Appeal's Decision, Appendix No. 48 and Petitioner's Petition for Review, Appendix No. 68.

The following is a succinct description of the relevant facts in the underlying case disclosing:

(1) USC "admitted" its relationship with LA County to be a joint venture of "Los Angeles County + USC Medical Center" in the hospital business since 1885 (over 100 years) with USC also benefitting by LA County paying "supplemental judicial benefits" to the California Superior Court judges sitting on the Superior Court for the County of Los Angeles ensuring USC and LA County would win any cases against each of them and/or jointly;

(2) the actions by USC to "cover up" its failure as a hospital administrator through USC's retaliation against Carol for her refusal to cooperate in the suppression of the cause of the death of a patient in a USC hospital (USC Verdugo Hills) by:

(a) forging Carol's signature on the "incident report" blaming the other nurse for the incident (death of the patient);

(b) inventing and spreading a story that Carol "removed" drugs from the hospital's drug vending machine, which was proven to be false when it was shown USC claimed the removal occurred on a day Carol did not work at the hospital;

(c) spreading a story the DEA was investigating Carol while knowing such story was untrue;

(d) sending out a "do not hire" notice relating to Carol to nurse staffing agencies and others based upon the above false stories; and

(e) presenting these false stories to both the federal and California courts as part of the scheme to prevail on summary judgment motions, a jury trial, an appeal, a petition for rehearing and a petition for review in addition to the "supplemental judicial benefits" USC's joint venture partner (LA County) currently paid to Superior Court Judges Lu and Martin and previously paid to Court of Appeal Justices Ashman-Gerst and Chavez when each of them was sitting as a Superior Court Judge for the County of Los Angeles as determined from their "Judicial Biographies" the years each were Superior Court judges and the years LA County made the "supplemental judicial benefit" payments to the Superior Court judges;

(3) the refusal of Judges Lu and Martin, Justices Ashmann-Gerst and Chavez to disclose these LA County payments in violation of Canon 3E(2) of the California Code of Judicial Ethics and the refusal of each to disqualify herself pursuant to Canon 3E(1) and CCP Section 170.1(a)(6)(A)(iii);

(4) the refusal of Justice Liu to recuse himself despite the fact he was the lead counsel for the County of Los Angeles in *Sturgeon v. County of Los Angeles*, 167 Cal.App.4th 630, 635 (2008) (Review Denied 12/23/2008) (*Sturgeon I*), *Sturgeon v. County of Los Angeles*, 191 Cal.App.4th 344 (2010) (*Sturgeon II*) and *Sturgeon v. County of Los Angeles*, 242 Cal.App.4th 1437 (2015) (*Sturgeon III*);

(5) the refusal of California Supreme Court Chief Justice Tani Gorre Cantil-Sakaue, who denied the

Petition for Review, to disclose the "supplemental judicial benefit" payments she received from Sacramento County when she was a Superior Court Judge sitting on the Superior Court for the County of Sacramento in violation of Canon 3E (2) of the California Code of Judicial Ethics and disqualify herself pursuant to Canon 3E(1) and CCP Section 170.1(a)(6)(A)(iii) as determined from the years she was a Superior Court judge from her "Judicial Biography" and the years Sacramento County made the "supplemental judicial benefit" payments to the Superior Court judges;

(6) The "supplemental judicial benefit" payments were:

> (a) held to be unconstitutional under Article 6, Section 19 of the California Constitution in the decision of *Sturgeon I*;
>
> (b) denoted as criminal in SBX 2 11, Section 5 giving retroactive immunity from criminal prosecution, civil liability and disciplinary action as of July 1, 2008 to the judges who received the "supplemental judicial benefit" payments and the governments and employees who paid them; and
>
> (c) violated 18 U.S.C. Section 1346 (the intangible right to honest services."

ARGUMENT

The Court cannot in good faith maintain its position that an order denying a Petition for a Writ of Certiorari in this unique case is not a precedent.

The reasons are:

(1) There is a filed Waiver of Opposition, leaving the Petition unopposed;

(2) Under Article VI, Clause 2 and Article III, Clause 2, the Court determines the law and the Constitution, ratified Treaties and laws enacted are supreme;

(3) There are no facts, concepts or language to be interpreted as in the *Dobbs* case, leaving Carol's due process violated by the County, its employees, and the California judges and justices who committed the acts of paying and receiving the monies, respectively, guilty of violating the criminal laws;

(4) The Petition can be resolved with a per curiam decision reversing the California Supreme Court and Court of Appeal decisions and remanding the case for a new trial in a state trial court where the judge is not receiving county payments;

(5) Under the precedents of *U.S. v. Throckmorton*, supra, and *Hazel-Atlas Co. v. Hartford Co.*, supra, the California decisions are void;

(6) Under the precedent of *Cooper v. Aaron*, supra; the California counties and employees who paid the monies to the trial judges, the trial judges who accepted the monies, and the members of the California legislature who did nothing to remedy the situation each violated their oaths of office and by doing so engaged in "war against the Constitution";

(7) The conduct of the counties, their employees, the judges and justices impact the federal judiciary as shown by the activity in the *Kincaid v. County of Los Angeles* federal case; and

(8) The damage from the actions of the 31 California counties, their elected Supervisors, and employees paying (over a billion dollars by LA County alone to the state judges in LA County) of unconstitutional and criminal monies to 90% of the California state trial judges (some of whom became California Court of Appeal justices, California Supreme Court justices and federal judges and justices) from the mid to late 1980s through the present affected millions of people, and destroyed the integrity and legal functioning of both the California and federal legal systems.

CONCLUSION

This is the largest judicial scandal in the history of the United States and possibly the world. It effectively destroyed the lives of millions of people. It remained "under the radar" due to judicial non-disclosures, judicial retaliation against lawyers who fought it by fraudulent disbarment proceedings, false contempt charges and a requirement that members of the California Lawyers Association do not criticize the judiciary.

The California legislature has done nothing to cure the problem, despite the state court stating it was the Legislature's responsibility to cure the problem in 2010 and 2015 legislation being submitted to them resolving the problems.

The problem is shown in *Kincaid*, supra, to be affecting the federal judicial system and also violating the 5th Amendment due process clause.

Petitioner respectfully requests the Court: (1) grant a rehearing of the Petition for Writ of Certiorari; and (2) enter a per curiam order reversing the California Supreme and Court of Appeal decisions and remand the case to a trial court in which the judge is not receiving county payments in addition to his/her state compensation.

In the alternative, if the Court does not have five justices voting in favor of such solution, then Petitioner requests the Court: (1) order that the denial of the Petition for a Writ of Certiorari in this unique case is a

precedent; and (2) provide the reasons the Court elected to overturn *Cooper v. Aaron*, supra, *Brown v. Board of Education*, supra, and *Marbury v. Madison*, supra.

Dated: May 2023

Respectfully submitted,

RICHARD ISAAC FINE
P.O. Box 789,
1187 Coast Village Rd., Ste. 1
Santa Barbara, CA 93102-0789
Telephone: (310) 622-6900
Email:
richardfine@richardfinelaw.com
Counsel for Petitioner
Carol Pulliam

RULE 44, PARAGRAPH 2
CERTIFICATION OF COUNSEL

I, hereby certify this Petition for Rehearing is restricted to the grounds specified in Supreme Court Rule 44, Paragraph 2 "intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented and that it is presented in good faith and not for delay."

By: _____
RICHARD ISAAC FINE
Counsel for Petitioner
Carol Pulliam