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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

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10 UNITED STATES DISTRICT COURT
11 MIDDLE DISTRICT OF FLORIDA, ORLANDO

12 MICHAEL W. WATKINS, MICHAEL D.
13 WATKINS

14 Plaintiffs,

15 vs.

16 KAJIMA CORPORATION, KUD
17 INTERNATIONAL, KAJIMA BUILDING &
18 DESIGN GROUP (KBD GROUP) KAJIMA
19 USA GROUP, AUSTIN GROUP; KCS
20 WEST; CDI; IDI; KAJIMA DEVELOPMENT
21 CORPORATION (KDC); BATSON-COOK
22 DEVELOPMENT COMPANY; BATSON-
23 COOK COMPANY; HAWAIIAN
24 DREDGING CONSTRUCTION COMPANY
25 (HDCC); RONALD M. GEORGE,
26 individually, and in his official capacity as
27 Chief Justice of the California Supreme Court
28 city of Sacramento, California; ART
MCKINSTER, individually, and in his official
capacity as Associate Judge city of Riverside,
California; BETTY RICHLI, individually, and
in her official capacity as Associate Judge city
of Riverside, California; JEFF KING,
individually, and in his official capacity as
Associate Judge city of Riverside, California;
MANUEL A. RAMIREZ, individually, and in
his official capacity as Presiding Judge city of
Riverside, California; PETER NORELL,
individually, and in his official capacity as

Civil Docket No.

6:12-cv-515-021-225JK

VERIFIED COMPLAINT

**FOR PUBLICATION IN OFFICIAL
RECORDS.**

**REQUEST FOR JURY TRIAL
INJUNCTIVE RELIEF SOUGHT**

1 Supervising Judge city of San Bernardino;)
2 ANNE HUNTER, individually, and in her)
3 official capacity as Deputy Attorney General)
4 city of Los Angeles, California; PAUL)
5 HOGAN, individually, and in his official)
6 capacity as Administrative Law Judge city of)
7 Los Angeles, California; JAMES F. AHERN)
8 individually, and in his capacity as Deputy)
9 Attorney General city of Los Angeles,)
10 California; BILL LOCKYER, individually,)
11 and in his official capacity as California)
12 Attorney General city of Los Angeles,)
13 California; DONALD ALVEREZ,)
14 individually, and in his official capacity as)
15 Associate Judge in the county of San)
16 Bernardino, California; ROBERT FOWLER,)
17 individually and in his official capacity as pro)
18 temp judge juvenile court City of San)
19 Bernardino, CYNTHIA LUDVIGSEN,)
20 individually and in her official capacity as)
21 juvenile court judge city of San Bernardino.)
22 DAVID PROULX, individually and in his)
23 official capacity as Court Commissioner of)
24 Victorville Superior Court of San Bernardino)
25 County, DAVID WILLIAMS individually,)
26 and in his official capacity as Associate Judge)
27 in the Victorville Superior Court of San)
28 Bernardino County, DAVID COHN,)
individually and in his official capacity as)
Supervising Justice of Victorville Superior)
Court of San Bernardino County, STEVEN)
SANDS, individually and in his official)
capacity as Registrar of Contractors State of)
California, MICHAEL MARKEL individually)
and in his official capacity as County Counsel)
San Bernardino County, SANDY PARKER)
individually and in her official capacity as San)
Bernardino County Social Worker, TERESA)
BENNETT in her official capacity as judge)
County of San Bernardino, PETER VAIL,)
TOM CAVALLO, individually and in his)
official capacity as Contractors License Board)
investigator, SHERRY A. THOMPSON,)
PABLO CASTRO; VIRGINIA L. WATKINS;)
William A. Rice Jr. individually and in his)
official capacity as President of American)

1 Welding Society (AWS), AMERICAN
2 WELDING SOCIETY, STEPHANIE
3 CLEDENIN, individually and her official
4 capacity of Office of Statewide Health
5 Planning & Development (OSHPD), OFFICE
6 OF STATE WIDE HEALTH PLANNING &
7 DEVELOPMENT, LOUIS WILLIAMS,
8 LARRY ALLEN individually and in his
9 official capacity as Supervising Judge of
10 Victorville court, YOON-MI JO individually
11 and in her official capacity as deputy labor
12 commissioner, STATE OF CALIFORNIA
13 Defendants.

14 INTRODUCTION

15 The below complaint contains both Patent infringement and how the so called 4th branch of
16 government was used **oppressively** and **maliciously** to violate Plaintiffs' rights and fraud
17 Plaintiffs out of the use of their patent and profits. If the 4th branch did not exist as is specified in
18 the Constitution there would not have been such an ability to **violate Plaintiff's rights**. You will
19 see how that Plaintiffs were framed by state agents in the name of the state to stop Plaintiffs from
20 using the patent.

21 Plaintiffs want this court to know that we are talking about how the state fraudulently and
22 maliciously framed Plaintiffs, **not** where the state might have made a mistake in their rulings.
23 This was malicious prosecution by the state employees because they were paid for there framing
24 of Plaintiffs by Kajima group of companies and is where they were able to use the so called 4th
25 power to do it. **This would not have happened so easily in a court of record.** Kajima has
26 holdings of 16 billion dollars and welded this power to pay state agents. You will see the trick as
27 old as man kind is old. The trick of **bate and switch fraud** that goes as far back as when Cain
28 killed Abel. Here you have a state that has set up courts that don't exist according to the

1 constitution. They bate you with the name of the court, (Superior Court). Then they switch it to
2 a court with no jury trial provision in the court. The court is no longer a Superior Court (court of
3 record) but they want you to believe that it is a Superior Court of record so they keep the name.
4 Of course anyone paying attention knows that it is no longer a Superior Court of record but a
5 Tribunal Court. The Courts that they call Superior Courts deny discovery and many other
6 violations of rights to the constitution to include the baring of civil procedures but you are to still
7 believe that they are real Superior Courts. Then they set up agencies with courts that have no
8 mention in the constitution. Of course these courts proceed as if they have judicial powers that
9 go far beyond any judicial court. When reviewing these agency courts the so called Superior
10 Courts that do the review do not allow for jury trial nor is it allowed in the agency court. Yet the
11 agency courts order judicial orders committing more fraud on the citizen. This is just an
12 introduction so Plaintiffs will stop here since it is detailed below, but it is so far reaching with so
13 many counts of fraud that even though there is 100 plus pages in this claim, still Plaintiffs have
14 probably missed many of the acts of fraud that was done to Plaintiffs. Plaintiffs have always had
15 to fight for something. Plaintiff Michael W. Watkins is the 9th of 10 children and has always had
16 to fight for something including the right to eat. In Plaintiffs family the breast of chicken was
17 the most desirable when his mother would fry chicken. Plaintiff had to write down when it was
18 his turn to have the breast of chicken or someone else would claim it was their turn. Plaintiff
19 makes this remark because you see adults in the case below acting like children are trying to
20 steal your breast of chicken.
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25 Man kind has throughout the ages tried to find a way to have the benefits of government
26 without the oppression of government is why the Constitution was formed with the bill of rights.
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1 In Ecclesiastes 4: 1-3 Solomon was King and noticed the **oppression around him**. This was the
2 form of government where **all 3 powers were under the King**.

3 He states, "*Then I looked again at all the acts of oppression which were being done under the*
4 *sun. And behold I saw the tears of the oppressed and that they had no one to comfort them;*
5 *and on the side of their oppressors was power, but they had no one to comfort them. So I*
6 *congratulated the dead who are already dead more than the living who are still living. But*
7 *better off then both of them is the one who has never existed, who has never seen the evil*
8 *activity that is done under the sun.*" (The New American Standard Bible). A power can be
9 created by the constitution but not by the limited power of the Legislature as stated in all state
10 constitutions.
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12

13 What we are talking about is the oppression of the illegally created 4th powers by the
14 Legislature of a state including agencies, tribunal courts and the like. There is no reason to
15 question the 4th power or a King for that matter if due process of law is followed and fairness is
16 observed. The state of California alone has created through the Legislature over 1000 agencies
17 and tribunal courts (King head or God courts). There are only a very few actually created by the
18 Constitution who prohibits these creations unless by express words in the Constitution itself and
19 comes with many restrictions as clarified by both case law and the Federal Constitution. This is
20 where they violated Plaintiffs' rights by illegally created 4th powers and where Plaintiffs were
21 damaged.
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23
24 The California Supreme Court held (in part): "*...we regard the conclusion as irresistible that*
25 *the constitution of this state has in unmistakable language created a [railroad] commission*
26 *having control of the public utilities of the state, and has authorized the legislature to confer*
27 *upon that commission such powers as it may see fit, even to the **destruction of the safeguards,***
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1 privileges, and immunities guaranteed by the constitution to all kinds of property and its
2 owners. And while, under our republican form of government (a form of government under
3 which the three departments—administrative, executive, and judicial—have in the past one and
4 all been controlled by the limitations of a written constitution. {In re Duncan, 139 U. S. 449,[35
5 L. Ed. 219, 11 Sup. Ct. Rep. 573]), it is perhaps the first instance where a constitution itself has
6 declared that a legislative enactment shall be supreme over all constitutional provisions,
7 nevertheless this is but a reversion to the English form of government which makes an act of
8 parliament the supreme law of the land. ...the present day jurisconsults are agreed that an act
9 of parliament is not controlled by natural justice, but is controlled solely by what is deemed to
10 be expedient and wise to the law-making power itself. (Bryce's American Commonwealth, chap.
11 23.) So, here, the state of California has decreed that in all matters touching public utilities the
12 voice of the legislature shall be the supreme law of the land. Therefore, the following
13 conclusions appear to be irresistible: that when the constitution itself, as here, declares that a
14 legislative enactment touching a given subject shall not be controlled by any provisions or the
15 written constitution, such a legislative enactment addressed to that subject ex proprio vigore
16 carries with it all the force of an act of parliament.... This constitutional decree is, of course,
17 binding upon this court, and under it becomes the duty of this court to lend its aid in giving effect
18 to every power and prerogative with which the legislature may vest or clothe the railroad
19 commission. This, however, is subject to one all-important limitation. There is still the
20 constitution of the United States—the supreme law of this state, supreme over its constitution
21 and over its legislature; and of no protection accorded by that instrument to a litigant before
22 this court can that litigant be deprived. Therefore, if it shall be among the powers conferred by
23 the legislature upon the railroad commission are those whose exercise by that commission under
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1 *the constitution of the United States, protection under that constitution will be awarded him.*

2 *The fourteenth amendment to the constitution of the United States prohibits a state from*
3 *depriving any person of life, liberty, or property without due process of law, and from denying*
4 *to any person within its jurisdiction the equal protection of the laws." (emphasis added). Pacific*
5 *Telephone etc. Co. v. Eshleman (1913), 166 Cal. 640, 658-661, 137 P. 1119.*

7 Plaintiffs come to Federal Court for protections and reimbursement of the loss that was
8 perpetrated on Plaintiffs. The judges of these state tribunal and agency courts committed acts of
9 obstruction of justice and misconduct to the violation of Plaintiffs rights and stole livelihood, a
10 patent which costs Plaintiff into the millions of dollars and many other irreparable injuries
11 without any regard to the rule of law. They violated the Constitution with simulation of process
12 and damaged Plaintiffs into the millions of dollars including many other damages. They did this
13 because of payoffs from the user of the Patent. Kajima a billion dollar corporation and user of
14 the patent with many subsidiaries in the United States who used their influence to the courts with
15 lots of money going to state employees. Kajima used the patent by and through their many
16 subsidiaries.
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23 JURISDICTONAL BASIS

- 24
- 25 1. A. Plaintiffs bring this matter to the federal courts and claim federal jurisdiction
26 because it is a patent infringement case. All Defendants conspired and did
27 infringe on Plaintiff's United States Patent #5,894,704. Patent infringement cases
28 arise under Federal patent law over which the Federal courts have **exclusive**

1 jurisdiction pursuant to Title 28 U.S. Code § 1338(a). Title 35 U.S. Code § 271
2 (a) "...**whoever** without authority makes, uses, offers to sell, or sells any patented
3 invention during the term of the patent therefore, infringes the patent." (Emphasis
4 added). Title 35 U.S. Code § 271 (b) "**Whoever** actively induces infringement of
5 a patent shall be liable as an infringer." (Emphasis added). Title 35 U.S. Code §
6 271 (h) "As used in this section, the term '**whoever**' includes any State, any
7 instrumentality of a State, and any officer or employee of a State or
8 instrumentality of a State acting in his official capacity. Any State, and any such
9 instrumentality, officer, or employee, **shall be subject to the provisions of this**
10 **title in the same manner and to the same extent as any nongovernmental**
11 **entity.**" (emphasis added).

14 B. This court has the right of jurisdiction to hear all cases related to the instant
15 case before the court under common law to take care of all claims under one
16 forum and the following Title 28 US Code § 1367. "Except as provided in
17 subsections (b) and (c) or as expressly provided otherwise by Federal statute, in
18 any Civil action of which the district courts have original jurisdiction, the district
19 courts shall have supplemental jurisdiction over all other claims that are so related
20 to claims in the action within such original jurisdiction that they form part of the
21 same case or controversy under Article III of the United States Constitution. Such
22 supplemental jurisdiction shall include claims that involve the joinder or
23 intervention of additional parties." This case can be heard by the District Court
24 since the assets of the patent will be decided and there are crimes of infringement
25 of the patent that will be decided at the same time. The principles of
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1 supplemental jurisdiction 28 USC § 1367, the right exist to remove the entire
2 case.

3
4 C. Rule 42(a) of the Federal Rules of Civil Procedure permits a court to
5 consolidate actions pending before it if those actions involve "a common question
6 of law or fact." That standard "is an expansive one, allowing consolidation of the
7 broad range of cases brought in federal court." 8 Moore's Federal Practice §
8 42.10[1][a], at 42-9 (3d ed. 1998). Federal courts have broad discretion to
9 consolidate actions that satisfy this expansive standard if, under the
10 circumstances, such consolidation will serve the interests of justice. *See, e.g., In*
11 *re Air Crash Disaster at Stapleton Int'l Airport*, 720 F. Supp. 1505, 1513 (D.
12 Colo. 1989). Consolidation has been found to be appropriate in virtually every
13 kind of action that can be brought in federal court, including antitrust actions. *See,*
14 *e.g., State of Ohio ex rel. Montgomery v. Louis Trauth Dairy, Inc.*, 163 F.R.D.
15 500, 503 (S.D. Ohio 1995).

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21 2. Plaintiffs bring the matter pursuant to Diversity Jurisdiction. Under diversity
22 jurisdiction the United States District Court holds jurisdiction pursuant to Act of
23 Congress 1789 as codified 28 U.S.C. § 1332 "*The district courts shall have*
24 *original jurisdiction of all civil actions where the matter in controversy exceeds*
25 *the sum or value of \$75,000.00, exclusive of interest and costs, and is between-(1)*
26 *citizens of different States;*"

27
28 The amount in controversy is greater than \$75,000.00.

1 There is complete diversity among the parties since Michael W. Watkins, Michael
2 D. Watkins are Plaintiffs that reside in Tennessee. All defendants reside in California Florida
3 and Tokyo Japan and Florida. At the time the action is commenced all Plaintiffs reside in
4 Tennessee as their primary residence. Plaintiffs intend to stay in Tennessee indefinitely. See
5 *Strawbridge v. Curtis*, 7 U.S. (3 Cranch) 267, 2 L.Ed. 435 (1806).
6

7 3. Plaintiffs claim Federal Jurisdiction under Title 18 § 1964 (c). Plaintiffs were
8 injured under the 4th amendment as well as other amendments and by Title 18 §
9 1962 & § 1961. Racketeering is a Federal Crime.
10

11 4. Plaintiffs are suing State Agents who conspired and did infringe on the Federal
12 Patent. Plaintiffs claim federal jurisdiction pursuant to Article III § 2 which
13 extends the jurisdiction to cases arising under the U.S. Constitution. Article III §
14 2 was created by Congress for the exact reason that the States were becoming
15 corrupt. Even in Roman times a Roman Citizen could appeal to Rome a higher
16 power when a judge would take money make a decision fraudulently.
17

18 **The state agents sold their judgments and their time in court to stop Plaintiffs from**
19 **using their own patent. Plaintiffs have the right to damages for money to recover**
20 **the loss that these Court Defendants took from Plaintiffs. The following to wit:**
21

22 First, Even if Congress had not given the right in unmistakable language for which Congress did
23 under the patent laws Title 35 U.S. Code § 271 (b), Article III, Section 2's right to justice without
24 purchase is enforceable by a civil action for damages. However in this case Title 35 U.S. Code §
25 271 (b) is an exact law that allows a judge for patent infringement to be sued for money damages
26 for the patent infringement. It is law that even without a statute authorizing a private right of
27 action, a private right of action may arise directly from acts violating a fundamental right secured
28

1 by a constitution. *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403
2 U.S. 388, 29 L.Ed.2d 619, 91 S.Ct.1999 (1971). *Bivens* held that a violation of the Fourth
3 Amendment by federal agents acting under color of their authority gave rise to a private right
4 of action for money damages:

5
6 "The question is merely whether Appellants, if they can demonstrate an injury consequent
7 upon the violation by federal agents of his Fourth Amendment rights, is entitled to redress
8 his injury through a particular remedial mechanism normally available in the federal courts.
9 Cf. *J.I. Case Co. v. Borak*, 377 U.S. 426, 433 (1964); *Jacobs v. United States*, 290 U.S. 13,
10 16 (1933). 'The very essence of civil liberty certainly consists in the right of every individual to
11 claim the protection of the laws whenever he receives an injury.' *Marbury v. Madison*, 1 Cranch
12 137, 163 (1803). Having concluded that appellant's complaint states a cause of action under
13 the Fourth Amendment, we hold that appellant is entitled to recover money damages for any
14 injuries he has suffered as a result of the agents' violation of the Amendment." 403 U.S. at

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17 **397.4 According to the United State Supreme Court, from Chief Justice Marshal in 1803**
18 **through *Bivens*, in 1971 to deny an individual a remedy consequent upon a violation of**
19 **his constitutional rights would be to deny that individual "the very essence of civil**
20 **liberty." 403 U.S. at 397.**

21
22 This is not an abstract right, or a right based upon general principles. Americans enjoy the right
23 not to be asked or compelled to pay for justice. The Federal Constitution protects citizens from
24 having to pay state officials for justice, just as surely as the Fourth Amendment to United
25 States Constitution protects citizens from unauthorized searches and seizures. Moreover,
26 appellants' right not to have a judge take a portion of the money or a patent, is as clear and as
27 fundamental as *Bivens*' right not to have FBI agents search his home without a warrant. The
28

1 right to justice without purchase is a “concrete” right. Indeed, the trial court holds that Article 1,
2 Section 5's right to justice without purchase is a clear mandate: “[the language of the
3 Federal Constitution clearly mandates that every person should be able to procure justice
4 without purchase – a fundamental principle of our judicial system with which, obviously,
5 there can be no quarrel.” In this case the opposition paid for justice in their favor to steal from
6 Plaintiffs and stop Plaintiffs from using their patent.
7

8 To be self-executing, not only must there be an actual right in issue, but the Constitutional
9 provision should provide the means for its enforcement and enjoyment. The Court, in *Bandoni*,
10 analyzed whether the framers of the victims’ rights amendment expressly provided a cause of
11 action for damages.
12

13 'The very essence of civil liberty certainly consists in the right of every individual to claim the
14 protection of the laws whenever he receives an injury.' *Marbury v. Madison*, 1 Cranch 137,
15 163 (1803).
16

17 First, courts have held that a damage action may be necessary and appropriate means to
18 vindicate the right to justice without purchase provision of a state constitution. Courts
19 construing provisions in their state constitutions similar to Article 1, Section 5 of the Rhode
20 Island Constitution recognize that these cases frequently involve flagrant abuses of official
21 power, and that the remedy of money damages is both necessary and appropriate to prevent
22 fraud. An Illinois appellate court has addressed this precise issue in a case arising out of the
23 bribery of a **United States Circuit Court Judge. Skelly Oil Company v. Universal Oil**
24 **Products Company**, 338 Ill. App. 79 (1949) (Feinberg, P.J.). Defendant Universal Oil
25 Products ["Universal"] **bribed a United States Circuit Court Judge** to obtain a favorable
26 judgment in a *******patent infringement suit ******. Universal then set up the corrupt opinion
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1 and judgment as res judicata in a series of other patent infringement suits. Skelly Oil Company,
2 one of the victims of this corrupt scheme, sued Universal for litigation costs expended in
3 defending against Universal's claim of res judicata and for exemplary damages. In refusing to
4 dismiss the complaint on defendant's theory that no cognizable claim was stated under law
5 against Universal the appellate panel in Skelly Oil Company based its legal analysis on Article
6 II, § 19 of the Illinois State Constitution of 1870, a provision virtually identical to Article 1,
7 Section 5 of Rhode Island's Constitution. Skelly Oil Company relied on the "shocking" and
8 "unprecedented type of fraud" to conclude that the "situation demands a remedy." The court
9 held that the right to justice without purchase provision in its state constitution is self-
10 executing and supports a claim for damages: The designation of the action is of no moment. If
11 the facts, as set up in the instant complaint, disclose the unprecedented type of fraud we are
12 dealing with, then the situation demands a remedy. The framers of the Rhode Island State
13 Constitution of 1870, Article II, §19, wisely inserted this provision: 'Every person ought to
14 find a certain remedy in the laws for all injuries and wrongs which he may receive in his
15 person, property or reputation; he ought to obtain, by law, right and justice freely, and without
16 being obliged to purchase it, completely and without denial, promptly and without delay.' This
17 is a clear mandate to the courts, that wherever the legislature has failed to provide a remedy
18 the courts must. This constitutional protection should be here invoked, especially when the
19 legislature has not provided a remedy. Courts should not be helpless to find a remedy for a fraud
20 of the instant type. If the statute fails to provide a remedy, the court can, as it has in many
21 instances under the common law and equitable principles. In the cases of fraud and deceit the
22 remedy is generally provided for by the courts, not by statute. It is perfectly clear that the
23 Constitution had not in mind only remedies created by legislative enactment..." Id., at 84-85. In
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1 allowing plaintiff to proceed with it's damage action, Skelly also held that: "courts of justice
2 had better be abolished if they can afford no redress in such situations." Id,at 92 citing
3 Spaid v. Barrett, 57 Ill. 289. Emphasis added.
4

5 Similarly, a North Carolina appellate court, interpreting the "right to justice" provision of that
6 state's constitution, Article 1, Section 18, held that a person who commits an act of embracery
7 is liable to the one damaged thereby. Employers Ins. of Wausau v. Hall, 270 S.E.2d 617
8 (1980), cert. denied, 276 S.E.2d 283 (1981). An attorney, who was representing a plaintiff in a
9 tort claim against a hospital, personally contacted a juror and attempted to influence her verdict.
10 Thereafter, the attorney pled guilty to the common law felony of embracery and was
11 sentenced to prison. His law license was subsequently suspended. The insurance company
12 which paid for the hospital's defense in the tort claim brought suit against the attorney to recover
13 its costs. The Court found that this constitutional provision provided a money damages remedy
14 to one harmed by embracery.
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17 Fraud upon litigants, upon the Courts and upon the Constitution are matters serious
18 enough that both equitable and legal remedies may be necessary and proper. In Matter of
19 Almeida, 611 A.2d 1375 (R.I. 1992) the Court found it necessary and appropriate to analyze
20 a broad array of remedies to vindicate the public's interest when Judge Almeida committed
21 a fraud upon our Courts. Both equitable and legal remedies should be considered because the
22 offense of selling justice undermines the constitutional basis of judicial power: "It is our clear
23 duty, however, to ensure that no judge attempts to put himself above the law. Judicial power
24 has its limits. A judge who transcends those limits strikes at the vitality of the very
25 constitution under which he holds his judicial office." In re Benoit, 487 A.2d at 1162." Matter
26 of Almeida, 611 A.2d at 1382. Similarly, a broad array of remedies should be available to a
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1 litigant when a Judge has committed fraud upon the litigant by exacting money. Regarding
2 violations of “Obviously, the aggrieved person should be able to set aside any judgment or
3 order obtained by the unauthorized purchase or sale of justice, on appeal or otherwise. See
4 Bradley v. Fisher, 80 U.S. 646, 651 (1872).” [Appendix, Exhibit 1, p. 14]. That is precisely
5 true and it is what Plaintiffs attempted to do. Upon learning of the corrupt decision and his
6 corrupt disbursements, Plaintiffs filed the action. Fraud, once disclosed, “demands the exercise
7 of the historic power of equity to set aside fraudulently begotten judgments.”⁹ Hazel-Atlas Glass
8 Co., 322 U.S. at 245.
9
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11 Equitable relief is inadequate because it will not help Appellants’ get back from the Judges
12 the money exacted. Basic principles of restitution require the Judges to pay back the money,
13 more or less, that they took. Moreover, equitable relief would not provide Plaintiffs with the
14 opportunity to ask a jury to award him punitive damages against the Judges is much like
15 Bivens’ claim against the unknown named agents of the Federal Bureau of Narcotics: “[i]t is
16 apparent that damages in some form is the only possible remedy for someone in Bivens’
17 alleged position.” Bivens, supra, 403 U.S. at 409-10 (Harlan, J. concurring).
18

19 As you will see judges and other state agents used their positions to stop Plaintiffs from
20 using their own patent and shall be liable for money damages.
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- 23 5. Kajima Corporation an International Company doing business in the United States
24 used the Patent in the United States through its group of companies as mentioned
25 above without authorization of the owners. Michael W. Watkins and Michael D.
26 Watkins.
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1 Kajima was caught red handed using the patent because Michael W. Watkins was the
2 resident inspector on one of the projects that Kajima was using the patent. Kajima also
3 paid state officials to keep Plaintiffs from using the Patent through law suits in the state
4 court system as in 4 above.
5

6 6. Plaintiff Michael D. Watkins was an agent of the Federal Government engaged in
7 military service when defendants violated Federal law, Federal statutes and
8 treaties entered into by the Congress of the United States during the process of
9 their conspiracy and infringement on the Federal patent. Plaintiffs claims Federal
10 jurisdiction under the Soldiers and Sailors civil relief act, Treaties entered into by
11 the United States at the Geneva Convention, and pursuant to Article III § 2 which
12 extends the jurisdiction to cases arising under the U.S. Constitution.
13

14 7. Plaintiff claims federal jurisdiction pursuant to Article III § 2 which extends the
15 jurisdiction to cases arising under the U.S. Constitution. Plaintiff brings this
16 action against named defendants above, as officers, pursuant to Title 28 U.S.
17 Code § 1331, in claims arising from violations of federal constitutional rights
18 guaranteed in the First, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Fourteenth
19 amendments to the U.S. Constitution and redressable pursuant to *Bivens v. Six*
20 *Unknown Narcotics Agents* 403 U.S. 388 (1971)." As stated in 5 above.
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22

23 8. Plaintiffs bring this suit pursuant to Title 42 U.S. Code § 1983 for violation of
24 certain protections guaranteed to them by the First, Fourth, Fifth, Sixth, Seventh,
25 Eighth, Ninth and Fourteenth Amendments of the federal Constitution, by the
26 defendants under color of law in his/her capacity as a judge in the Administrative
27 Court in San Bernardino [Contractors State License Board (CSLB)] [Juvenile
28

1 Court sitting in separate session as Superior Court] in the Divorce Superior Court
2 of Victorville, San Bernardino County, the appellate court of Riverside California
3 and the Supreme Court in California all of which were used by the Billion Dollar
4 Corporation Kajima to infringe on the patent and Plaintiffs will add the fact that
5 actions started out in courts that do not exist under the constitution (nonexistent
6 courts) as in 5 above.

7
8 9. Plaintiffs bring this suit pursuant to Title 42 U.S. Code § 1983 for violation of
9 certain protections guaranteed to them by the First, Fourth, Fifth, Sixth, Eighth,
10 Ninth and Fourteenth Amendments of the federal Constitution, by the defendants
11 under color of law in his/her capacity as California Attorney General, Deputy
12 Attorney Generals, California Registrar of Contractors, County Counsel San
13 Bernardino County, Social Worker San Bernardino County. Also other
14 Defendants under color of law including the state itself.

15
16
17 10. Plaintiffs bring this suit pursuant the rights afforded to them by the Constitution
18 of the State of California to bring the matter to the Federal Courts. Even if the
19 California Constitution had set up illegal courts mentioned below, Due Process
20 Rights are still guaranteed by the United States Constitution. The California
21 Supreme Court held (in part): "*...we regard the conclusion as irresistible that the*
22 *constitution of this state has in unmistakable language created a [railroad]*
23 *commission having control of the public utilities of the state, and has authorized*
24 *the legislature to confer upon that commission such powers as it may see fit, even*
25 *to the destruction of the safeguards, privileges, and immunities guaranteed by*
26 *the constitution to all kinds of property and its owners. And while, under our*
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1 *republican form of government (a form of government under which the three*
2 *departments—administrative, executive, and judicial—have in the past one and*
3 *all been controlled by the limitations of a written constitution. {In re Duncan, 139*
4 *U. S. 449, [35 L. Ed. 219, 11 Sup. Ct. Rep. 573]}, it is perhaps the first instance*
5 *where a constitution itself has declared that a legislative enactment shall be*
6 *supreme over all constitutional provisions, nevertheless this is but a reversion to*
7 *the English form of government which makes an act of parliament the supreme*
8 *law of the land. ...the present day jurisconsults are agreed that an act of*
9 *parliament is not controlled by natural justice, but is controlled solely by what is*
10 *deemed to be expedient and wise to the law-making power itself. (Bryce's*
11 *American Commonwealth, clap. 23.) So, here, the state of California has decreed*
12 *that in all matters touching public utilities the voice of the legislature shall be the*
13 *supreme law of the land. Therefore, the following conclusions appear to be*
14 *irresistible: that when the constitution itself, as here, declares that a legislative*
15 *enactment touching a given subject shall not be controlled by any provisions or*
16 *the written constitution, such a legislative enactment addressed to that subject ex*
17 *proprio vigore carries with it all the force of an act of parliament.... This*
18 *constitutional decree is, of course, binding upon this court, and under it becomes*
19 *the duty of this court to lend its aid in giving effect to every power and*
20 *prerogative with which the legislature may vest or clothe the railroad*
21 *commission. This, however, is subject to one all-important limitation. There is*
22 *still the constitution of the United States—the supreme law of this state,*
23 *supreme over its constitution and over its legislature; and of no protection*
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1 accorded by that instrument to a litigant before this court can that litigant be
2 deprived. Therefore, if it shall be among the powers conferred by the legislature
3 upon the railroad commission are those whose exercise by that commission do
4 violence to a petitioner's rights under the constitution of the United States,
5 protection under that constitution will be awarded him. The fourteenth
6 amendment to the constitution of the United States prohibits a state from
7 depriving any person of life, liberty, or property without due process of law, and
8 from denying to any person within its jurisdiction the equal protection of the laws
9 (emphasis added). *Pacific Telephone etc. Co. v. Eshleman (1913), 166 Cal. 640,*
10 *658-661, 137 P. 1119.* There you have it even if the California Constitution
11 declares the Agency it still comes under the U.S. Constitution for rights to due
12 process.
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16 Plaintiffs agree that commissions of government can be created but it must be in the express
17 words of the constitution but they must follow civil procedures and the rights to due process.

18 The California Constitution did not create the Contractors State License Board, Juvenile Court,
19 nor did it create Divorce Court. Courts are required to have a provision for a **jury trial** or else
20 they are a **tribunal court** or agency court not permitted under the constitution **unless by express**
21 **words.**
22

23
24 **“Parties”**

- 25 11. Plaintiff Michael W. Watkins herein is an individual in the City of Knoxville,
26 Tennessee.
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- 1 12. Plaintiff Michael D. Watkins is herein is an individual in the City of Knoxville,
2 Tennessee.
- 3 13. Defendant Kajima Corporation is located in Japan with offices and operations in
4 the United States with service of process in Tokyo Japan and owns Kajima USA.
- 5 14. Defendant KUD INTERNATIONAL is located in the United States with office in
6 the City of Orlando Florida and is a subsidiary of Kajima USA.
- 7 15. Defendant Kajima Building & Design Group (KBD GROUP INC) is located in
8 the United States and is a Subsidiary of Kajima USA.
- 9 16. Defendant The Austin Group is located in the United States and is a Subsidiary of
10 Kajima USA.
- 11 17. Defendant Batson Cook Company is located in the United States and is a
12 Subsidiary of Kajima USA.
- 13 18. Defendant Batson-Cook Development Company is located in the United States is
14 a Subsidiary of Kajima USA
- 15 19. Defendant KCS WEST is located in Los Angeles California and is a Subsidiary of
16 Kajima USA.
- 17 20. Defendant CDI is located in the United States and is a Subsidiary of Kajima USA.
- 18 21. Defendant IDI is located in the United States and is a Subsidiary of Kajima USA.
- 19 22. Defendant Kajima Development Corporation (KDC) is located in the United
20 States is a Subsidiary of Kajima USA.
- 21 23. Defendant Hawaiian Dredging Construction Company (HDCC) is located in
22 Hawaii United States.
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- 1 24. Defendant Yoon-mi Jo is a deputy labor commissioner presiding in the city of Los
- 2 Angeles, California.
- 3 25. Defendant Stephanie Clendenin is located in the City of Sacramento California
- 4 and is the acting director of OSHPD.
- 5 26. Defendant Office of Statewide Health Planning & Development is located in the
- 6 City of Sacramento California.
- 7 27. William A. Rice Jr. is located in the City of Miami Florida and is the President of
- 8 American Welding Society.
- 9 28. America Welding Society is located in the City of Miami Florida.
- 10 29. Defendant Larry Allen is an associate judge presiding in the city of Victorville.
- 11 30. Defendant Louis Williams is an attorney presiding in the city of Nashville,
- 12 Tennessee.
- 13 31. Defendant Ronald M. George as Chief Justice presiding in Sacramento,
- 14 California.
- 15 32. Defendant Art McKinster is an Associate Judge presiding in the city of Riverside,
- 16 California
- 17 33. Defendant Betty Richli is a Associate Judge presiding in the city of Riverside,
- 18 California
- 19 34. Defendant Jeff King is an Associate Judge presiding in the city of Riverside,
- 20 California.
- 21 35. Defendant Peter Norell is a Supervising Judge in the city of San Bernardino,
- 22 California.
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1 36. Defendant Anne Hunter is a Deputy Attorney General residing in the city of Los
2 Angeles, California.

3 37. Defendant Paul Hogan (ALJ) is an Administrative Law Judge presiding in the city
4 of Los Angeles, California.

5 38. Defendant James F. Ahern is a Deputy Attorney General residing in the city of
6 Los Angeles, California.

7 39. Defendant Bill Lockyer is an Attorney General residing in the city of Sacramento,
8 California.

9 40. Defendant Donald Alvarez is an Associate Judge in the county of San Bernardino,
10 California, city of Victorville.

11 41. Defendant George Lasko is an individual residing in the city of Victorville,
12 California.

13 42. Defendant Peter Vail is an individual residing in the city of San Diego, California.

14 43. Defendant Tom Cavallo is an individual residing in the city of San Bernardino
15 California.

16 44. Defendant Army Rovel is an individual residing in the city of Riverside California
17 and was the attorney for Belottis.

18 45. Defendant Virginia L. Watkins is an individual residing in San Bernardino
19 County, State of California, in the City of Apple Valley California.

20 46. Defendant Sherry A. Thompson is, and at all times material herein has been, an
21 individual residing in San Bernardino County, State of California, in the City of
22 Victorville, California.

1 47. Defendant David Proulx is a Court Commissioner presiding in San Bernardino
2 County, State of California, in the City of Victorville, California.

3 48. Defendant David Cohn is a Supervising Justice presiding in San Bernardino
4 County, State of California, in the City of Victorville, California.

5 49. Defendant Sandy Parker is, and at all times material herein has been, an
6 individual residing in San Bernardino County, State of California, in the City of
7 Victorville, California.

8 50. Defendant Pablo Castro is, and at all times material herein has been, an individual
9 residing in the City of San Bernardino, State of California

10 51. Defendant Robert Fowler is Pro Temp Judge presiding in the Juvenile Court City
11 of San Bernardino, State of California.

12 52. Defendant Cynthia Ludvigsen as Juvenile Court Judge presiding in the city of San
13 Bernardino, State of California.

14 53. Defendant John Vega is, and at all times material herein has been, an individual
15 residing in San Bernardino County, State of California, in the City of San
16 Bernardino, California.

17 54. The true names, identities and capacities of the parties herein sued as Does 1
18 through 60, inclusive, whether individual, corporate or otherwise are unknown to
19 Plaintiff. Accordingly, Plaintiff sues such defendants by their fictitious names.
20 Plaintiff will seek leave to amend this Complaint to specify the true names and
21 capacities of these fictitiously named defendants when the same have been
22 ascertained. Plaintiff is informed and believes, and based thereon alleges, that all
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1 defendants sued herein as Roes 1 through 50, inclusive, are in some manner
2 responsible for the acts and omissions alleged in this Complaint.

3 55. Plaintiff is informed and believes, and based thereon alleges, that at all times
4 mentioned herein, defendants, each of them, were the agents, servants, employees,
5 representatives, subsidiaries, owners, members and/or partners of each other and
6 were acting within the course and scope of such agency, service, employment,
7 representation, association, subsidiary relationship, ownership, membership or
8 partnership and with the knowledge, consent or authority of their principles,
9 employers, associates, parent corporation, members and/or partners in doing some
10 or all of the acts alleged herein.

11 56. Plaintiff is informed and believes and thereon alleges that Defendants individually
12 and in their official capacities as Federal and State Actors as mentioned above
13 worked together to violate Plaintiffs civil rights and each one individually and all
14 together did partake in the conspiracy to fraud Plaintiffs and to steal a **Federal**
15 **patent and to infringe on said Patent.**

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20 "STATEMENT OF THE CASE"

21 57. Plaintiffs rights were violated when Kajima infringed on Plaintiffs Patent by using
22 the patent at Orlando Florida address of University of Central Florida through
23 KUD International and at Alameda and 6th street in Los Angeles California
24 through KBD Group (Kajima Building & Design Group and other projects
25 through out the United States through other subsidiaries of Kajima including
26 Kajima USA, Aston Group and the other Kajima Defendants as mentioned above.
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1 Also Kajima paid state officials to keep Plaintiffs from using the patent. They
2 were able to get to every judge who touched this case.

3 58. Plaintiffs claims federal jurisdiction pursuant to Title 28 § 1338 (a). District
4 courts shall have exclusive jurisdiction over any case arising under the U.S. Patent
5 laws. Federal and State Actors are presumed to know the law and therefore
6 willfully acted to usurp authority and jurisdiction of the Federal courts by
7 prosecuting and hearing in State courts the matters herein alleged involving Patent
8 infringement. Both Plaintiff's own said patent, and Plaintiff's have been
9 irreparably damaged by the states' simulation of process. Where as the sate
10 judicial system even after being warned that the suits each and every one of them
11 involved the infringement of a Federal Patent continued simulation of process to
12 irreparable damage to Plaintiffs. Defendants (Judges) were supposed to protect
13 Plaintiffs' rights but conspired and induced others to use the Patent owned by
14 Plaintiffs'.
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16 59. Plaintiffs bring this suit pursuant to Title 42 U.S. Code § 1983 for violation of
17 certain protections guaranteed to them by the First, Fifth, sixth, Eighth, Ninth and
18 Fourteenth Amendments of the federal Constitution, by the defendants under
19 color of law in his/her capacity as a judge in the Administrative Court in San
20 Bernardino [Contractors State License Board (CSLB)] [Juvenile Court sitting in
21 separate session as Superior Court] in the Superior Court of Victorville, San
22 Bernardino County, the appellate court of Riverside California and the Supreme
23 Court in California.
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1 60. The whole case started out when Plaintiffs built the first house using the concrete
2 wall system developed by Michael W. Watkins Plaintiff. First Michael W.
3 Watkins had applied for a grant from the Federal Government. They said that
4 Plaintiff needed to try to get a bank loan first, for if Plaintiff could get a loan then
5 they could not offer a grant. Plaintiff was able to get a loan and built the first
6 house and was successful using the Patent. There was a partner who had invested
7 money in the corporation formed and shortly there after sued trying to steal the
8 patent. The state court threw the case out after about a year and one half as
9 frivolous law suit.
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12 Then Plaintiff was approached by the Belottis wanting a house built for them.
13 Unbeknown to Plaintiff the Belottis were members of the under world. Richard Belotti
14 went to prison for seven years for selling cocaine. The house was built by the
15 corporation to the roof level. Belottis found away to sue to try to steal the Patent by
16 signing change order to change the pitch of the roof. This required a change in
17 engineering. Belottis signed the change order that stated the Belottis were required to
18 have the engineering done. Belottis were required to pay \$20,000.00 to bring the
19 concrete walls to the new pitch and to put up shoring to the new pitch. The corporation
20 could not go further on the project until the engineering was performed. Belotti then
21 made a complaint to the California Contractors License Board (CSLB) stating breach of
22 contract. This led to Plaintiffs finding out that Belottis had a relative named Army Rovel
23 that was their attorney who had worked for the CSLB and had worked with the Deputy
24 Attorney General and the CSLB investigator and Peter Vail the Expert Witness and were
25 involved with Kajima group of companies.
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1 What happened is they were able to frame Plaintiffs by the CSLB investigator withholding the
2 change orders from the expert. Then latter removed the change orders from the record that was
3 logged. The experts report had shown many costs to fix things that did not need to be fixed
4 because the change orders had removed walls and several other changes that the expert had said
5 were missing and had to be fixed. The experts report was relied on as true when many
6 arguments were raised showing that the report was false and that the change orders were
7 removed from the record. Even when Plaintiffs tried to enter them again in the superior court
8 and the appellate court both courts ruled that they could not be added because they were not part
9 of the original records.
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12 They committed fraud on the court knowing they had been removed by the attorney
13 generals office, who has charge of the record a violation of due process where the record is
14 required to be independent. The record is not an independent record since the attorney generals
15 office has full charge of the record. This story is picked up in detail below.
16

17 Plaintiffs learned that the Belottis were involved with Kajima when they were observed
18 meeting with Kajima representatives on the project at Alameda. Later Plaintiff observed
19 Attorney Thompson, who after the divorce was filed was representing Plaintiffs wife in
20 the divorce case, meeting with Kajima representatives. When defendants did not win in
21 the civil suit to try to steal the patent and to try to keep Plaintiffs from using the patent
22 because of appeal they went to Plaintiff's wife and mother and paid her to help them who
23 intern filed for divorce. Plaintiffs discovered that Judge Cohn was also involved with the
24 patent and had direct contact with Kajima who was the Supervising Judge of the
25 Victorville court where the Divorce case was taking place and later was moved to
26 Juvenile.
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1 The divorce started with an ex parte motion and hearing on 06-01-2005 where there was
2 an alleged abuse and David Proux ordered Plaintiff from his home from his records and
3 from his rights beyond the limits of his jurisdiction and a violation of the 4th, 6th, 7th, 8th,
4 9th, 10 and 14th amendments of the constitution *Kalb v. Luce*, 291 N.W. 841, 234, WISC
5 509 and (48A *Corpus Juris Secundum* §86). Also on the same day and at the same
6 hearing there was discussed the money that Virginia had stolen from Plaintiff. There was
7 reporter there and I watched her reporting the case (her fingers were moving on the
8 reporter machine. Later Plaintiff inquired to get the transcript of the hearing. First
9 Plaintiff was told that the transcript would be sent out in a few days. When Plaintiff did
10 not receive the document, Plaintiff called back she stated that the hearing was unreported
11 she said, "you did not see my fingers move." It is on the record in the minute order now
12 listed as unreported. There were lies told on the record by Virginia Watkins about the
13 \$225,000.00 stolen by Virginia Watkins which were later proved to be false a very
14 material part of the case removed from the record. Here again for a Commissioner to
15 state that it was unreported and for the Commissioner to hold a hearing unreported
16 without the consent of the parties is beyond the limits of his jurisdiction a violation of the
17 4th, 6th, 7th, 8th, 9th, 10 and 14th amendments of the constitution *Kalb v. Luce*, 291 N.W.
18 841, 234, WISC 509.. Since it was a violation of Plaintiff's rights Plaintiff objected to
19 Commissioner Proux and asked the case to be transferred to a civil court of record with a
20 provision for a jury trial. However Proux did not transfer the case to a court of record but
21 to divorce court with Judge Williams presiding. After this the accusation of physical
22 abuse was heard and was thrown out. However the home was never returned to Plaintiff
23 beyond the jurisdiction of Judge Williams to keep Plaintiff from his home when he
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1 ordered that there was no abuse a violation of the 4th, 6th, 7th, 8th, 9th, 10 and 14th
2 amendments of the constitution *Kalb v. Luce*, 291 N.W. 841, 234, WISC 509. Plaintiff
3 had won joint physical custody of the 17.5 year old daughter who has down syndrome
4 after a long battle and working with family court services on or about 07/15/2005. Then
5 Attorney Thompson and the wife accused Plaintiff of rape after only two week ends and
6 got full physical custody returned to her on 08/04/2005 8:30 AM DEPT. V12X with an ex
7 parte hearing where Plaintiffs rights were violated on an accusation from Virginia L.
8 Watkins a violation of the 4th, 6th, 7th, 8th, 9th, 10 and 14th amendment to the constitution to
9 remove Plaintiffs rights on an ex parte hearing without a fair trial before a jury when a
10 jury trial was requested is beyond the limits of the Judges jurisdiction *Kalb v. Luce*, 291
11 N.W. 841, 234, WISC 509 and (48A *Corpus Juris Secundum* §86). Plaintiff appealed
12 the order on or about 08-11-2005 and the appeals court denied the appeal. Hear again the
13 divorce court would not transfer the case to a civil court of record where there is a
14 provision for a jury trial. Also on 10/17/2005 - 8:30 AM DEPT. V12. Plaintiff was deemed a
15 vexatious litigant because Plaintiff had challenged the courts jurisdiction and the
16 opposition stated that Plaintiff had made other suits. To limit Plaintiff to a court that has
17 no provision for a jury trial when being tried for a criminal offense is another violation of
18 the 4th, 6th, 7th, 8th, 9th, 10 and 14th amendment and is beyond the limits of the judges
19 jurisdiction *Kalb v. Luce*, 291 N.W. 841, 234, WISC 509 and (48A *Corpus Juris*
20 *Secundum* §86). Virginia had opened credit cards in Plaintiffs name after the divorce was
21 filed to pay her attorney Sherry Thompson \$15,000.00 dollars and another \$10,000.00
22 and since Judge Williams had already shown himself to be biased and would do nothing
23 about credit cards opened in Plaintiff's name, Plaintiff sued in a civil court of record for
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1 credit card fraud both Sherry Thompson and Virginia. So Judge Williams used this and
2 the challenge to subject matter jurisdiction to deem Plaintiff a vexatious litigant to keep
3 Plaintiff from putting any motions into the court is beyond the limits of his jurisdiction a
4 violation of the 4th, 6th, 7th, 8th, 9th, 10 and 14th amendments of the constitution *Kalb v.*
5 *Luce*, 291 N.W. 841, 234, WISC 509.. Plaintiff has the right to challenge subject matter
6 jurisdiction and the right to a jury trial and a right to sue in another court that has a
7 provision for a jury trial. Plaintiff was trying to find fairness somewhere. **The irony of**
8 **this is that it went to Juvenile court and Juvenile court eventually threw it out**
9 **stating that there was no evidence of a crime.** Further the rights to the home the rights
10 to the daughter were never returned to Plaintiff even when there was never any proof of
11 wrong doing a violation of the 4th, 6th, 7th, 8th, 9th, 10 and 14th amendments of the
12 constitution *Kalb v. Luce*, 291 N.W. 841, 234, WISC 509. The Juvenile court was but
13 another frame up to keep Plaintiffs from using the patent. Plaintiff Michael W. Watkins
14 was never allowed to even see the daughter because it was ordered by Teresa Bennett that
15 **it could have happened** so therefore Plaintiff is banned from the child. She based her
16 decision on the decision of the Juvenile court who also had stated even though there was
17 no evidence, that it could have happened. After 30 years of marriage and not one family
18 member was ever touched in a wrong way by Plaintiff nor did any of the other daughters
19 ever accuse Plaintiff of any wrong doing nor did the daughter that the wrong doing was
20 alleged ever accuse Plaintiff but accused Plaintiffs wife Virginia of wrong doing is why
21 the child was first taken away to foster care. Virginia is the only one that accused
22 Plaintiff of wrong doing for the purpose that she stole \$225,000.00 from Plaintiff and she
23 was helping Kajima now because Kajima was paying her to destroy Plaintiff. After
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1 Virginia's own brothers wrote affidavits to the court including 23 other affidavits of
2 character Judge Williams and Judge Bennett takes away Plaintiffs child, his house on an
3 ex-parte hearing. Plaintiff is the father of 4 children which the oldest son is joining in
4 this suit. It is against everything this country has stood for to steel from Plaintiff these
5 rights when there is no evidence and when they had determined that they don't have
6 evidence. These Judges were way beyond the limits of their jurisdiction but proceeded in
7 a **simulation of process** a violation of the 4th, 6th, 7th, 8th, 9th, 10 and 14th amendments of
8 the constitution *Kalb v. Luce*, 291 N.W. 841, 234, WISC 509. **Every one knows that**
9 **you cannot take away someone's daughter or their house or their money without**
10 **determining that the person is actually guilty.**

13 To add to the above Plaintiff had put many motions to the fact that Virginia had
14 worked in accounting and that she was capable of doing accounting work. A professional
15 was hired that is accepted by both federal and state governments to determine income for
16 a person for the courts. The professional stated that Virginia could make up to
17 \$75,000.00 doing accounting for the experience that she had and so there was no reason
18 for Plaintiff to pay her attorney fees or take care of her and that she had investigated
19 companies within 40 minutes from the house where Virginia lived and Virginia could get
20 employment there. The court made there decision for Plaintiff to pay as if she had never
21 worked and that Plaintiff had to take care of her which was knowingly committing fraud
22 on the court a violation of the 4th, 6th, 7th, 8th, 9th, 10 and 14th amendments of the
23 constitution *Kalb v. Luce*, 291 N.W. 841, 234, WISC 509. All of the above is fraud on
24 the court. "Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to
25 "embrace that species of fraud which does, or attempts to, defile the court itself, or is a
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1 fraud perpetrated by officers of the court so that the judicial machinery can not perform
2 in the usual manner its impartial task of adjudging cases that are presented for
3 adjudication". Kenner v. C.I.R., 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed.,
4 p. 512, ¶ 60.23. Also the above mentioned Divorce Court is a tribunal court because
5 there is no provision for a jury trial a court of record must also comply with the rest of the
6 constitution of California that secures a jury trial to all. The California Constitution
7 states:

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10 *Article 1 § 16. "Trial by jury is an inviolate right and shall be secured to all..." emphasis*
11 *added*

12 *Article 3 § 3. "The powers of state government are legislative, executive, and judicial. Persons*
13 *charged with the exercise of one power may not exercise either of the others except as*
14 *permitted by this Constitution." Emphasis added.* Here you see another power could be added
15 in California but only by express words.
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18 *Article 1 § 26 of the California Constitution states "The provisions of this Constitution are*
19 *mandatory and prohibitory, unless by express words they are declared to be otherwise".* Here
20 again by express words could something be changed.
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23 *Article 6 § 1 states "The judicial power of this State is vested in the Supreme Court, courts of*
24 *appeal, and superior courts, all of which are courts of record."*

25 Divorce Court is not mentioned as a court of record nor is Juvenile Court nor is CSLB
26 court. The paper work for Juvenile court is required to state "Juvenile court setting in
27 separate session as superior court." It is a falsification of the record for a court to set as a
28 superior court without having provision for a jury trial. The above stated courts cannot

1 take property or award another person damages or try crimes of rape or any other
2 criminal act without having provisions for a jury trial. They took my house and my
3 daughter through ex parte motions in awarding damages and decided a crime that was not
4 even allowed by California statutory law and did it all for money from Kajima to hold up
5 Plaintiff from using the patent and from profits of the patent.
6

7 Swickheimer v. King (9171) 22 Cal. App. 3d 220, 226, 99 Cal. Rptr. 176. § 1.04 (5)(a)
8 Public Agency Practice states. "*The constitutional right to a jury trial prevents an*
9 *administrative agency, which does not conduct hearings before a jury, from awarding*
10 *damages. The right to a jury trial in civil matters applies to actions, like those for*
11 *damages that have been historically legal actions rather than equitable actions."* See
12 Gov. Code § 11512(a) (ad judicatory matters heard by ALJ and/ or agency for agencies
13 subject to APA). Also C&K Engineering Contractors v. Amber Steel co. (1978) 23 Cal.
14 3d 1, 8, 151 Cal Rptr. 323, 587 P.2d 1136.

15 Even if the California Constitution had set up CSLB and the tribunal courts, Due Process Rights
16 are still guaranteed by the United States Constitution. The California Supreme Court held (in
17 part): "*...we regard the conclusion as irresistible that the constitution of this state has in*
18 *unmistakable language created a [railroad] commission having control of the public utilities of*
19 *the state, and has authorized the legislature to confer upon that commission such powers as it*
20 *may see fit, even to the destruction of the safeguards, privileges, and immunities guaranteed by*
21 *the constitution to all kinds of property and its owners. And while, under our republican form of*
22 *government (a form of government under which the three departments—administrative,*
23 *executive, and judicial—have in the past one and all been controlled by the limitations of a*
24 *written constitution. {In re Duncan, 139 U. S. 449,[35 L. Ed. 219, 11 Sup. Ct. Rep. 573]}, it is*
25 *perhaps the first instance where a constitution itself has declared that a legislative enactment*
26 *shall be supreme over all constitutional provisions, nevertheless this is but a reversion to the*
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1 English form of government which makes an act of parliament the supreme law of the land.

2 ...the present day jurisconsults are agreed that an act of parliament is not controlled by natural
3 justice, but is controlled solely by what is deemed to be expedient and wise to the law-making
4 power itself. (Bryce's American Commonwealth, chap. 23.) So, here, the state of California has
5 decreed that in all matters touching public utilities the voice of the legislature shall be the
6 supreme law of the land. Therefore, the following conclusions appear to be irresistible: that
7 when the constitution itself, as here, declares that a legislative enactment touching a given
8 subject shall not be controlled by any provisions or the written constitution, such a legislative
9 enactment addressed to that subject ex proprio vigore carries with it all the force of an act of
10 parliament.... This constitutional decree is, of course, binding upon this court, and under it
11 becomes the duty of this court to lend its aid in giving effect to every power and prerogative with
12 which the legislature may vest or clothe the railroad commission. This, however, is subject to
13 one all-important limitation. There is still the constitution of the United States—the supreme
14 law of this state, supreme over its constitution and over its legislature; and of no protection
15 accorded by that instrument to a litigant before this court can that litigant be deprived.

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19 Therefore, if it shall be among the powers conferred by the legislature upon the railroad
20 commission are those whose exercise by that commission ll under the constitution of the United
21 States, protection under that constitution will be awarded him. The fourteenth amendment to the
22 constitution of the United States prohibits a state from depriving any person of life, liberty, or
23 property without due process of law, and from denying to any person within its jurisdiction the
24 equal protection of the laws (emphasis added). Pacific Telephone etc. Co. v. Eshleman (1913),
25 166 Cal. 640, 658-661, 137 P. 1119. There you have it even if the California Constitution
26 declares the Agency or a tribunal court it still comes under the U.S. Constitution for rights to due
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1 process. It is an undisputed fact that Divorce Court, Juvenile Court, and California State
2 License Board Court was created by the Legislature and not by the constitution and wherefore
3 had no jurisdiction given it by the California Constitution (non existent courts). Where as when
4 a Plaintiff challenged the illegal CSLB court Ann Hunter in her official capacity as
5 Supervising Attorney General of the State of California stated since the CSLB court does
6 not exist none of the Constitutional courts have any jurisdiction over it. After making this
7 statement she was demoted to Deputy Attorney General. These illegal courts set up in the name
8 of the state did irreparable damage to Plaintiff. It is a falsification of the record for a court to
9 appear to be real superior court when it has no provision for a jury trial. It is a Superior Court in
10 name only and has no power what so every. All real Superior Courts must have a provision for
11 jury trial else the Constitution did not authorize it. In reality it is a non existent court as Ann
12 Hunter stated. It is fraud on all American citizens where the citizen objects to the court.
13 These agencies and tribunal courts are little Kingships having all 3 powers under one. Just take
14 Stephen Stands of the California Contractors Board, he makes regulations, he has to sign the
15 order of court before it is an order and he has an executive position, a very oppressive condition.
16 The irony here is that the appeals court overturned the order of the CSLB court stating that it did
17 not have a writ of execution. These agency courts know that they cannot make such decision but
18 they are doing it any way. Man kind throughout the ages have tried to find a way to have the
19 benefits of government without the oppression is why the constitution was created.
20 In Ecclesiastes 4: 1-3 Solomon was King and noticed the oppression around him. This was a
21 form of government where all 3 powers were under the King.

22 He states, *"Then I looked again at all the acts of oppression which were being done*
23 *under the sun. And behold I saw the tears of the oppressed and that they had no one to*
24

1 *comfort them; and on the side of their oppressors was power, but they had no one to comfort*
2 *them. So I congratulated the dead who are already dead more than the living who are still*
3 *living. But better off then both of them is the one who has never existed, who has never seen*
4 *the evil activity that is done under the sun.*

5
6 If anyone is brought to one of the courts where the Constitution is not being observed you
7 can understand **exactly what Solomon was saying.** As you will see with reading the full
8 complaint nothing in these courts are for the citizen or his rights. You are in the middle of hell
9 just having to come to such a wicked and evil corrupt institution. It is why those men gave their
10 lives to form the Constitution and fought the revolutionary war. However these unlawful
11 institutions have found their way back into this country through evil and wicked people who are
12 protecting their interests is the only reason they are here and they break the highest laws of the
13 land the constitution itself. See case law below and in OSHPD below also. There is no good
14 reason for the 4th power as it has been called. It is a lie that has been fostered on the citizens of
15 this country unaware to the citizen that they are false institutions. The legislature has committed
16 fraud by forming them. The legislature is not WE THE PEOPLE, is not the political power. The
17 constitution states that all political power belongs to the people. The people can set up other
18 powers but not the Legislature who did set up the 4th power illegally and fraudulently. The
19 following to wit:

20
21
22
23 The greatest of all the ironies of the present American age is that the majority of the only proper
24 sovereigns in America are hopelessly ignorant and unaware of their status as sovereigns. They
25 are blissfully ignorant that they are the only possessors of the American political power, pursuant
26 to natural law, the common law of immemorial antiquity, the law of nations, God's law, the
27 Declaration of Independence (1776), *etc.*, and evidenced in the nation's state and federal
28

1 constitutions. In their profound ignorance, often gloriously wallowed in, they meekly agree to
2 play the role of “serf” and “bond slave” to their political trustees, a.k.a. public servants,
3 proceeding in *de facto* governmental enterprises erected in the name of **The State** engaging
4 routinely in acts of usurpation of authority. These enterprises which go by many names to
5 include, but not limited to “commissions” tribunal courts and agencies” have been foisted off on
6 the sovereign people by employing legal sophistries, metaphysical flimflam, and transcendental
7 nonsense to convince said sovereigns that they are mere subjects of glorious dictions erected in
8 the name of American government – local, state, and federal. The people are to believe these
9 lawless fictions, wrapped in *de facto* veils and claims of sovereign immunity are the people’s
10 sovereigns in a Pantheon of sovereigns with the federal-level sovereigns occupying the highest
11 Temple found on the new American Acropolis for worshippers of “**The State**” as god-head. To
12 go along with the above they are erected de facto blocking of the peoples rights to the
13 Constitution of the United States of America to make judges as god head to place absolute
14 immunity upon their heads to allow them to be out right criminals by simulation of process and
15 many hundreds of counts of falsification of the record.

16
17
18
19 And in the present version we find:

20 All political power is inherent in the people Article II §1 Constitution of the State of
21 California. The enunciation herein of certain rights shall not be construed to deny or impair
22 others retained by the people Article III § 3 Constitution of the State of California.

23
24
25 Using their political power, the people created their state governments. As will be
26 explored herein, said state governments have no powers greater than those the people had in their
27 rightful possession which they might delegate to their state governments, a truism derived
28

1 directly from the people's Law of Agency found from their "common law of immemorial
2 antiquity."

3
4
5 Pursuant to the concept of agency and agent as known to the people's common law, the
6 following maxims are instructive, to wit:

7
8 "If a man grant that which is not his, the grant is void." *Sheppard's Touchstones* 243;
9
10 *Watkins' Conveyancing* 191. The legislature did not have the right set up tribunal courts or
11 agency courts, because they are not the people.

12
13 "The derivative power cannot be greater than the original from which it is derived."
14 *Noy's Maxim; Wingate's Maxims of Law* 66; *English Chancery Reports tempore Finch*, b. 1,
15 c. 3. The legislature is not greater than the people.

16
17
18 "Power can never be delegated which the authority delegating never possessed itself."
19 *N.J. Steam Co. v. Merchant Bank*, 47 U.S. 344, 407. The legislature does not have the power set
20 up another power such as agency courts or tribunal courts, only the people is reserved to that
21 right.

22
23
24 No power granted by the people in the Constitution of Powers part of their California
25 Constitution can abridge the peoples' implied and express unalienable rights which are protected
26 by Article I, their Declaration of Rights part, of said constitution. **No amount of legal**
27 **metaphysical flimflam can change this constitutional fact regarding the very nature and**
28

1 **rationale for the existence of the government of the State of California or the Constitution**
2 **of the United States.**
3

4
5 There are no “four corners” to the document where the Constitution of Rights part of said
6 constitution is concerned. In fact, the implied unalienable rights of the people of the State of
7 California originate in their unwritten state constitution. Neither the people, nor their governing
8 representatives – local, state, or national, can deny unalienable rights, hardly limited to plenary
9 due process of law and the right to due process in a judicial court of law use the public courts
10 throughout the Union of states inasmuch as said courts are merely held in trust for the people by
11 their government officials. If any person needs confirmation of this *prima facie* fact of political
12 and jural business in the State he need look no further than the Supreme Court in rulings, such
13 as:
14

15
16
17 “Primacy of position in our state constitution is accorded the Declaration of Rights; thus
18 emphasizing the importance of those basic and inalienable rights of personal liberty and private
19 property which are thereby reserved and guaranteed to the people and protected from arbitrary
20 invasion or impairment from any governmental quarter. The Declaration of Rights constitutes a
21 limitation upon powers of every department of the state government.” State ex rel. Davis v.
22 Stuart, 64 A.L.R. 1307, Fla. 69, 120 So. 335
23

24 **So do you think that these illegal courts would listen to statutory law? The answer is the**
25 **below law and many other statutory laws were ignored even though Plaintiff raised them.**
26

27 **The following was raised in Juvenile court when Juvenile court refused to listen to the**
28 **constitution in regards to asking for a jury trial, discovery and many other requirements to**

1 the constitution of due process rights. The below law requires disabled child's protection
2 to be heard in a court of record and to go through the district attorneys office, not through
3 some social worker.

4 CALIFORNIA CODE, WELFARE AND INSTITUTIONS CODE § 5004.5 first,
5 second & third paragraphs specifically states:

6
7 *“Notwithstanding any other provision of law, a legal guardian, conservator,*
8 *or any other person who reasonably believes a mentally disordered or*
9 *developmentally disabled person is the victim of a crime may file a report*
10 *with an appropriate law enforcement agency. The report shall specify the*
11 *nature of the alleged offence and any pertinent evidence. Notwithstanding*
12 *any other provision of law, the information in such report shall not be*
13 *deemed confidential in any manner. No person shall incur any civil or*
14 *criminal liability as a result of making any report authorized by this section*
15 *unless it can be shown that a false report was made and the person knew or*
16 *should have known that the report was false.*

17
18 *Where the district attorney of the county in which the alleged offence*
19 *occurred finds, based upon the evidence contained in the report and any*
20 *other evidence obtained through regular investigatory procedures, that a*
21 *reasonable probability exists that a crime or public offense has been*
22 *committed and that the mentally disordered or developmentally disabled*
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1 *person is the victim, the district attorney may file a complaint verified on*
2 *information and belief.*

3
4 *The filing of a report by a legal guardian, conservator, or any other person*
5 *pursuant to this section shall not constitute evidence that a crime or public*
6 *offense has been committed and shall not be considered in any manner by the*
7 *trier of fact.*” (emphasis added). Same code as above § 5008 (k) ““Court”, unless
8 *otherwise specified means a court of record.*”

9
10
11 **Here you see that the trial was required to be in a court of record not a tribunal**
12 **court for a handicapped child the law suit pursued by the District Attorney not some social**
13 **worker.**

14
15 The District Attorney was called into the case of the allegation of rape by Virginia and
16 because of lack of evidence he would not get involved so the case then was transferred to
17 Juvenile Court where Judge Ludvigsen was brought in. Judge Ludvigsen was the Judge
18 in the CSLB (patent) case and then later was brought to the Juvenile hearing and refused
19 to recuse herself and refused to let Plaintiff represent himself until she was sued (see
20 **below continuation of Ludvigsen & Juvenile court).**

21
22 During this time the Divorce court continued on. On 02/17/2006 - 8:30 AM DEPT. V12X
23 Judge Williams then ordered spousal support without taking out expenses from the
24 income consideration. On 04/04/2006 Notice of Removal to Federal Court was given to the
25 divorce court. On 04/06/2006 Judge Williams then ordered withholding from a business
26 income without taking out expenses proceeding beyond the limits of his jurisdiction a
27 violation of the 4th, 6th, 7th, 8th, 9th, 10 and 14th amendments of the constitution *Kalb v.*
28

1 *Luce*, 291 N.W. 841, 234, WISC 509. Plaintiff noticed Judge Williams of the law
2 regarding removals in court the next time in court. Judge Williams took it off calendar.
3 However the record now shows that he never took it off calendar another falsification of
4 the record. And from then on Judge Williams had the case on calendar according to the
5 record. Plaintiff Michael W. Watkins was never notified of any hearing from that time
6 on. The court was proceeding beyond the limits of its jurisdiction a violation of the 4th,
7 6th, 7th, 8th, 9th, 10 and 14th amendments of the constitution *Kalb v. Luce*, 291 N.W. 841,
8 234, WISC 509 and. without noticing Plaintiff. Also now there is a change in the record
9 saying that the case number for the federal court was missing off of the case. The case
10 number was not missing and a copy of the removal is still in federal court. Plaintiff also
11 has a right to be noticed of hearings. No notice was given of any hearings after the last
12 time Plaintiff appeared in court to notice the judge of violation of the federal law that
13 states the case cannot continue in state court once removed. Attorney Thompson got
14 herself off of the case on 05-17-2007, just before it is recorded that the clerk had given
15 the notice that the case had been removed to federal court to Teresa Bennett on 05-18-
16 2007 who then made the divorce decree without giving notice to Plaintiff knowing that
17 the case was removed to federal court a violation of the 4th, 6th, 7th, 8th, 9th, 10 and 14th
18 amendment to the constitution. Teresa Bennett proceeded beyond the limits of her
19 jurisdiction *Kalb v. Luce*, 291 N.W. 841, 234, WISC 509. The clerk recorded that she put
20 the notice of removal in Beckys personal bin on 05-18-2007. The trial was held on 05-
21 21-2007. Judgment of dissolution of marriage filed on 06-21-2007. A judgment was
22 made on the removal on 05-31-2007. When ever Plaintiff looked at the case it was
23 recorded as off calendar. It is now recorded that hearings were set and Plaintiff did not
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1 attend. As stated above a falsification of the record but it shows now even more fraud
2 because if they new that the case was removed and continued the case is violation of
3 federal law and also beyond the limits of their jurisdiction a violation of the 4th, 6th, 7th,
4 8th, 9th, 10 and 14th amendments of the constitution *Kalb v. Luce*, 291 N.W. 841, 234,
5 WISC 509. Just before the case was transferred to Juvenile court Judge Williams
6 ordered Plaintiff to come to court and stated that Plaintiff could not be on court call
7 because he planned to have Plaintiff arrested if Plaintiff had not been arrested already.
8 However the jurisdiction belonged to the University Police at the time who had asked for
9 proof from the Victorville Police. Proof never came so the Campus Police refused to
10 arrest Plaintiff. At the time of the hearing two very large policemen came to the area
11 where attorneys sit in court and Sherry Thompson shook her head no. They turned
12 around and left. There was no evidence of wrong doing and the Victorville police did not
13 have jurisdiction. Plaintiff was questioned by the judge if anyone had contacted Plaintiff
14 about being arrested and Plaintiff said no. The Judge replied back saying, "There is a
15 county wide investigation going on." He said this with a big smile. Being biased is a
16 violation of the 4th, 6th, 7th, 8th, 9th, 10 and 14th amendments of the constitution *Kalb v.*
17 *Luce*, 291 N.W. 841, 234, WISC 509.

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21
22 **Juvenile Court continued:** Now back to the Juvenile court, Judge Ludvigsen was the Judge in
23 the CSLB (patent) case and then later was brought to the Juvenile hearing and refused to recuse
24 herself and refused to let Plaintiff Michael W. Watkins represent himself until she was sued a
25 violation of the 4th, 6th, 7th, 8th, 9th, 10 and 14th. She would not allow motions by Plaintiff and
26 would not allow the case to be transferred to a civil court of record nor would she allow a jury
27 trial when Plaintiff was on trial for an alleged criminal act nor would she allow for discovery.
28

1 On 09-07-2005 Pablo Castro (attorney assigned to Plaintiff) waved Plaintiffs rights with Robert
2 G. Fowler presiding where Plaintiff stood up and stated "I do not wave my rights and I want to
3 represent myself." Fowler stated "sit down we will decide who will represent you." The
4 minute order states that Fowler denied the request for Plaintiff to represent himself. Plaintiff
5 sued in federal court because Plaintiff did not consent to the Counsel that was ordered for him.

6
7 On 09-16-2005 Pablo finally stepped down as Counsel who had struck violence to Plaintiffs
8 rights by waving Plaintiffs rights at the first hearing. He had also told Plaintiff that he did not
9 believe that Plaintiff had the right to represent himself. The clerks record on appeal is missing
10 this document where Plaintiff had motioned the court based on a Faretta right to represent
11 himself. However it is mentioned in the minute order on appeal that the Faretta Motion would be
12 heard on 9-26-05. On 09-16-05 the minute order states that proof of service was not completed
13 properly. However what was said in court was that the substitution of attorney was untimely.
14 Plaintiff had put in a substitution of attorney which is not in the transcript on appeal. These
15 judges tried to cover themselves by removing documents having minute orders restated. On 9-
16 26-05 Plaintiffs motion to modify visitation rights of the mother denied as untimely. The Faretta
17 motion for Plaintiff to represent himself was denied. The judge had started the hearing out with
18 the statement, "in California we don't believe you have the right to represent yourself". I asked
19 her if California had seceded from the union and I stated it had been a right sense the foundation
20 of the Country. She asked about Plaintiffs education, knowledge of the law. She concluded that
21 Plaintiff could not represent himself. The matter was continued to 9-28-06 to appointment of
22 counsel. On 9-28-05 the attorney who was going to represent Plaintiff, asked Plaintiff, "is
23 subject matter jurisdiction a Federal term." Plaintiff explained to him that the court did not
24 have subject matter jurisdiction because under California Statutory law since the child in
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1 question has Downe Syndrome and therefore would be required to be in a court of record where
2 there is a provision for a jury trial and besides the constitution guarantees a jury trial for a
3 criminal allegation to be heard. He refused to represent Plaintiff. The minute order states that
4 Plaintiff refused to talk to the attorney which is not true. Counsel was relieved on 9-28-06. The
5 motion to modify mothers visitation rights was denied. Plaintiff was given a partial report of
6 allegations from Sandy Parker. Plaintiff put in a written objection to the report showing how that
7 mothers declarations in the divorce court were full of lies and again mother is lying again and
8 that Plaintiffs rights were being violated against the constitution and many other laws and case
9 law and that the report included words where Sandy Parker had included words that things
10 happened as though she was at the scene and not as alleged. At the time Plaintiff had not
11 received most of the documents showing what was for or against him. Way later on 01-18-06
12 Plaintiff finally got a report done by detectives and Forensic Interview Specialist and Supervisor
13 Mary Alice Grosser at the children's assessment center which had been done on 08-25-05.
14 However the report was not given to Plaintiff until 1-18-06. In this report the specialist had
15 reported that Esther said things way off the board where that Plaintiff shot her with a rifle and the
16 blood was gushing out and all kinds of crazy things. Also they recorded where Esther talked to
17 imaginary figures. See, Esther for years was talking to imaginary figures and everyone in the
18 family knows that. A therapist wanted to give her drugs for this. When she would talk to
19 imaginary figures she would laugh and cry with them.

24 The report also stated which had not been given Plaintiff and is quoted, "*Due to the*
25 *minors suggestibility and tendency to parrot others, the leading questions posed by her mother*
26 *and the officer may have greatly influenced the minor's disclosures during the forensic interview*
27 *or any other interview.*" Also what was missing from Sandy Parkers report was the information
28

1 about the child (Esther) had told the Police officer detective Watkins accusing Virginia Watkins
2 of sexual crimes. Sandy Parker knew of the fact that Detective or Deputy Watkins is the one that
3 removed the child from the mother. Sandy Parkers report was silent about any interview with
4 Detective Watkins and why that Detective Watkins had removed the child from the mother.

5 **This was a direct cover up by Sandy Parker trying to frame Plaintiff.** It was also withheld
6 from the transcript on appeal. They did not want the appeal court to see that Plaintiff had been
7 cleared yet the court was still holding Plaintiff in court. There was a lot more said about the
8 mother than was said about the Father to Detective Watkins according to Detective Watkins.

9 Detective Watkins is no relation to Plaintiff it is just a coincidence that her last name is Watkins.
10

11 The court with all the cases went against Plaintiff even though they knew that there was more
12 said by the daughter against the mother. Also at the same time that the motion was heard
13 Plaintiff also complained that he had not gotten a copy of the official report nor any of the
14 amendments to the report or any official documents. On 10-07-05 Plaintiff was ordered that he
15 could represent himself. **Plaintiff had requested co counsel it was denied. Remember this**
16

17 **because later this was overruled by the next judge.** Also judge ordered that the motion to
18 challenge subject matter jurisdiction be heard and opposition by 10-28-05. Michael Markel
19 county council opposed the motion giving statutory law that had nothing to do with the
20 Constitutional challenge another falsification of the record since the constitution is the higher
21 law. Plaintiff then puts in several motions to challenge the jurisdiction of the court on several
22 areas of violation to the constitution. Then John Vega attorney for mother puts in an objection to
23 the motions stating that the court does not have to answer the motions because Plaintiff was
24 declared a vexatious litigant by the divorce court. On 11-14-2005 Plaintiff was brought before
25 Supervising Judge James C. Mcguire who threatened Plaintiff that if he put in any more motions
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1 without obtaining permission from the Supervising Judge of the County then there would be a
2 jail sentence. He ordered the motions stayed for 10 days for Plaintiff to get motions approved by
3 the Supervising Judge Peter Norell. Of course you know what happened the Supervising judge
4 would not allow the motions to be heard without any findings whatsoever except that he found
5 them to be unmeritorious another fraud on the court with no supporting findings. 11-21-05
6 Plaintiff is brought before Supervising Judge McGuire again and the motions are denied because
7 of no permission granted. Plaintiff had asked for discovery stating that Plaintiff has a right to
8 discovery and there was a lot of material talked about which Plaintiff had not gotten a copy of.
9 McGuire ordered discovery be provided. On the next hearing which is recorded as 01-18-2006
10 Plaintiff had a demand for documents as McGuire had ordered and the new Judge Cohn refuses to
11 allow it and stated on the record, "we do not do discovery in this court". Later in the hearings
12 Judge Cohn accused Plaintiff of being a vexatious litigant because he had requested discovery.
13 Plaintiff removed the case to Federal court for relief. The court proceeded anyway on 01-18-06
14 and ordered Plaintiff to come to court. However at this time Judge Cohn had allowed for co
15 counsel. Remember Ludvigsen had denied it earlier. This attorney assigned as co counsel
16 asked if he would be Plaintiffs co counsel, what would Plaintiff want him to do? Plaintiff said to
17 him we want to challenge subject matter jurisdiction since the court was not a court of record.
18 He asked Plaintiff, "what do you mean they are all courts of record." Plaintiff stated, "I guess
19 you guys don't read the constitution anymore." Plaintiff proceeded to explain to the attorney
20 how that the constitution requires the court to be mentioned and a requirement for a jury trial.
21 The attorney then went into court and refused to be co counsel. Ronald M. George(chief
22 justice of the CA Supreme Court) who was being sued had moved Supervising Judge Cohn (of
23 Victorville court) who was already being sued by Plaintiffs to hear hearings in the Juvenile
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1 Court. Judge Cohn then would not allow for discovery and over ruled the Presiding Judge of the
2 Juvenile court Mecguire, Mecguire had herd the motion for discovery and ordered discovery.
3 When Plaintiff complained Judge Cohn said, "we do not do discovery in this court". Then Judge
4 Cohn set the hearing on 02-10-06 and Plaintiff was sick and was in court and told the Judge he
5 was sick and had to leave and the Judge went on with the hearing anyway. This even
6 embarrassed County Council who then asked for the hearing to be challenged. The document
7 where county counsel asked for the hearing to be challenged has been removed or is not in the
8 clerk's transcript on appeal. In the transcript on appeal it is reported that Judge Cohn stated
9 Plaintiff did not appear to be sick. We would have to ask the question here is he a doctor? The
10 Judge went on anyway even after County Counsel asked the hearing to be challenged. As has
11 been stated several times in this complaint these Judges believe that they are God Heads. Judge
12 Cohn went right for the throat and ruled that some of the allegations true and some stricken when
13 Plaintiff was sick and not in court and when Plaintiff never had seen any of the documents that
14 were demanded so that Plaintiff could prepare his defense. You see here that he denied
15 discovery documents that had been withheld from Plaintiff and Plaintiff did not even receive the
16 analysis by the Forensic specialist until 01-17-06. And this document was never discussed by
17 Judge Cohn because he knew that it cleared Plaintiff. This document was also withheld from the
18 record on appeal. Also not mentioned above Judge Cohn had ordered that Plaintiff could not
19 cross examine the witness Esther Watkins.
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24 However he again was replaced and Plaintiff was no longer noticed of any hearings. The
25 new judge had ruled that the allegations were to be taken as not true but he also ruled they could
26 have happened so the child was to be kept from Plaintiff. There was no evidence to show that
27 something did happen and nothing did happen as alleged perpetrated by Plaintiff. Plaintiff has
28

1 never seen what was against him except on a partial report with not allegations, but a complaint
2 perpetrated as facts and not substantiated as proof. The proof that cleared Plaintiff was provided
3 later and was not given to Plaintiff until 01-17-06 would have cleared Plaintiff which had been
4 done on 8-25-05. All of the above is a violation of the 4th, 6th, 7th, 8th, 9th, 10 and 14th
5 amendments of the constitution *Kalb v. Luce*, 291 N.W. 841, 234, WISC 509 and (48A *Corpus*
6 *Juris Secundum* §86). In all the cases mentioned above so far Plaintiff was not given the **right to**
7 **cross exam witnesses, the actual allegations against him, time to prepare his defense, a time**
8 **to be heard before final decision.** The following to wit:

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10
11 *“While due notice and a reasonable opportunity to be heard to present one’s claim or*
12 *defense have been declared to be two fundamental conditions almost universally prescribed in*
13 *all systems of law established by civilized countries.” Twining v. New Jersey, 211 U.S. 78, 110*
14 *(1908); Jacob v. Roberts, 223 U.S. 261, 265 (1912).*

15
16 There was no justice in any of these courts just as the supreme court justices stated at the turn of
17 the century when the railroad commission became an all in one commission which they stated
18 that all juriconsults were in agreement at the time that commissions were a reversion to the law
19 of **Parliament and not natural justice.**

20
21 Back to the Bellotis, when they did not win they took out bankruptcy and the Bankruptcy Trustee
22 tried to reopen the case for them and took money for the same. This corruption goes on and on
23 and defendants stole from Plaintiff millions. It is time that they are brought into check. The
24 Deputy Attorney General introduced false documents to hearings and lied on the record and later
25 admitted to the lies. The construction was new and yet there was an expert of the new process?
26
27 The CSLB investigator came to a meeting before Belottis filed a complaint and introduced
28 himself as the Belottis friend. Later he denied being at the meeting. A complaint was made to

1 CSLB and Page Rouch responded stating that she did not believe that Tom Cavallo was there but
2 that it was Army Rovel the Belottis attorney who had worked earlier for CSLB. However there
3 were several witnesses who saw Tom Cavallo there. The transcript said there was a phantom
4 attorney at the CSLB hearing for the RMO where there was no one there, nor was the RMO
5 there. Deputy Attorney Ahern later admitted that there was no one there and it is part of the
6 transcript of the writ hearing in the higher superior court. The superior court judge did nothing
7 to correct the CSLB court ruling and said in his findings that he could not see that the transcript
8 had been changed even though Ahern admitted that the transcript had been altered by admitting
9 that there was not another attorney there when the transcript had questions to a nonexistent
10 attorney and had findings based on what the nonexistent attorney said. In the CSLB hearing
11 Belotti said the engineering was not done and latter admitting in the civil case that the
12 engineering had been done was up on charges for perjury and took out bankruptcy to put a stay
13 on the proceedings. The appeals court said that Plaintiff that was in the armed forces could not
14 come under the jurisdiction of the license board because he is not a licensee but never corrected
15 the fact that he was not served and still allowed the order baring him from being a officer of
16 another licensee. Plaintiff and his captain notified after the hearing that he did not know about
17 the hearing yet it was never corrected even though the Appeals Court threw out most of the
18 corrupt decision by CSLB court. Plaintiffs have been fighting and defending the patent for about
19 seven years. It is time that the Federal Courts get involved since patent infringement is the
20 exclusive jurisdiction of this court. That is why that Plaintiff is suing in this court. The account
21 of what has happened could go on for 200 pages because of all of the illegal acts by state
22 officials getting paid to help Kajima. Kajima has billions and has been able to weld there billion
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1 dollar power to cause state officials to break the law and to commit fraud against Plaintiffs and to
2 induce Kajima to be able to use the patent without the restriction of the court.

3
4 The state courts as mentioned above and CSLB **framed** Plaintiff to keep Plaintiff from
5 prosecuting the patent and from using it. Once the Corporation that Plaintiff was a part of was
6 destroyed by CSLB Plaintiff was no longer able to use the Patent. And since Plaintiff has spent
7 the rest of time in court defending against **all kinds of frame ups against Plaintiff**, Plaintiff has
8 not been able to use the Patent. Meetings to plan the use of the patent by Kajima took place in
9 both California, Tennessee and in Florida and many other places. Kajima representatives and
10 Attorney Thompson had many meetings together who came to one project in California where
11 Plaintiff was the resident inspector and Kajima was the Contractor and the patent was being used
12 by Kajima. She has been a key player making agreements and meeting with Kajima and other
13 defendants in Florida. Some of the meetings took place while Plaintiff Michael W. Watkins was
14 at the other end of the trailer as the resident inspector for the project that Kajima was using the
15 patent on. Kajima is also working through Sub Contractors to use the patent in different states.
16 They continue to use the patent even though they have been sued. Kajima tries to hide behind
17 their Sub Contractors and subsidiaries and keeps Plaintiff tied up in court so that Plaintiff cannot
18 use the Patent.

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22 **Now let's look at the opinion on appeal for Contractors State License Board** which
23 was on appeal as stated above to the Superior Court and then to the Court of appeal. I want to
24 preference this with the fact that Sharon was caught in perjury and has since withdrawn her
25 complaint to the Board. This came about in the hearing in Bankruptcy court where the Judge had
26 stepped way outside her Judicial capacity to try to force Plaintiff into a deal where Sharon Belotti
27 would be free from further prosecution against her and that Plaintiff would not sue her, the
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1 trustee or the Judge who got caught on the record. That is another case that Plaintiff could take a
2 lot of pages for but since there is an agreement Plaintiffs won't go into detail other than to state
3 the above. However even after all of this CSLB will not reverse their decision of the barring of
4 Plaintiff Michael D. Watkins from being an officer for a licensee.
5

6 The opinion of the appeals court on page 3 states how a corporation can be licensed. On
7 page 4 you will see the fraud of the appeals court because the judges had also been paid by
8 Kajima to slant their opinion. Remember this is the same appeals court that later denied appeal
9 in the divorce case and the Juvenile case. Here stated as a fact that "*Advanced, however, never*
10 *billed for engineering. Accordingly, the Belottis never paid for it, and as far as Sharon knew, it*
11 *was never done. She never saw any plans that provided for a 9/12 pitch, and the city never*
12 *received any.*" This statement is false statement and the appeals court knew it be false. Plaintiffs
13 had inquired at the city and found the plans is how that Sharon was caught in perjury in the civil
14 case going on at the same time as the CSLB case. Sharon had paid for engineering because she
15 was responsible to pay for it and admitted on the record. Plaintiffs motioned the appeals court to
16 augment the record but they refused even though Plaintiffs had claimed it all along and notified
17 them of the development in the civil court to this information.
18

19
20 The set of Plans were submitted to the city on 12-8-00 and the opinion was done on 06-10-05.
21 See exhibit E. On page 7 the opinion shows that the administrative hearing took place on 04-12-
22 2001. Sharon was lying. They were working with Kajima and Richard Bellotti and came to the
23 meeting where Plaintiff was the resident inspector and discussed the patent. The civil suit came
24 to and end about this time since Sharon Bellotti was caught in a lie, declaration by Sharon. Back
25 to page 4 you see where the change to the roof 3rd par. Ok now go to page 6 where they take
26 Vail's report stating what Vail said was wrong according to his plans. Everyone of these items
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1 were in change orders. This was admitted by investigator Tom Cavallo that these change orders
2 were there and was part of the record.

3
4 What had happened is that Tom Cavallo had removed the change orders from the
5 information that he had given to Vail so that Vail's report would be overstated on the amount to
6 fix. All of the things that were mentioned were not fixes at all they were changes, including
7 missing walls and the like. James Ahern also removed them from the record after they were
8 logged into the record. Tom Cavallo committed fraud on the court by removing these change
9 orders. The appeals court knew this because it is all talked about in the opinion as you can see.
10 Yet said they were not a part of the record so therefore did not have to take them into
11 consideration through a pantheon of blocking of Plaintiffs rights to due process. Also cost to
12 correct was \$89,000.00 and the cost to complete was \$95,565.10. Total 184,914.89 last par. On
13 page 33 last par the opinion states that the change order not relevant and it did not undermine all
14 of his report so the rest of it could be relied on. To the Trier fact, the fact is that there were many
15 change orders. The whole report was the fact that he did not have the change orders a
16 falsification of the record and fraud on the court by the appeals judges who made the opinion and
17 fraud on the part of Tom Cavallo who had been paid by Kajima to falsify Vail's report and to
18 overstate it so that it would look like that Advanced had run out of money. This plan was
19 premeditated and is a fact now before this court. It is a fact that the appeals court knew that
20 Tom Cavallo and the court below committed fraud committed more fraud on the court also. In
21 the administrative hearing both Tom Cavallo and Sharon admitted that there were more change
22 orders. Here you have all 3 courts knew that Vails report was overstated but and knew that they
23 were committing fraud yet proceeded anyway. Except for the civil court of record going on at
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1 the same time, the CSLB court, the superior court reviewing CSLB and the Appeals Court were
2 all in on the fraud.

3 The civil court of record going on at the same time, as the CSLB court and appeals to it,
4 ruled the opposite of these unconstitutional courts. They ruled that Michael was not served, that
5 Sharon Belotti had committed perjury was taking into consideration the change orders. The
6 outcome was totally different. Arny Rovel Belottis attorney got himself off the civil case as soon
7 as it was shown to the court that he had worked for CSLB and that he was part of the conspiracy
8 to frame Advanced and Plaintiffs herein. The appeals court opinion page 34 they reversed there
9 reasoning when they stated that the change order could be ignored last par. when they had said
10 that the other change orders could be ignored because they were not part of the record even
11 though the one change order was not removed from the record. Same page relevance of the
12 contract price the calculations are done without change order and other change orders that Vail
13 did not see or know about in his testimony at the administrative hearing until the day of the
14 hearing. The change order was for \$20,000.00 that was still in the record. The \$20,000.00 still
15 owed to advance for taking the walls to the new pitch was not taken into the calculation. The
16 other change orders that included all the items that Vail had stated need to be fixed because he
17 did not have them. The other costs to fix were costs that did not need to be fixed because there
18 were other change orders. You do not have to fix a missing wall if there is a change order
19 removing the wall. Also see page 40 here their just side stepping the truth. Also on page 39 the
20 appellant judges continue to state that Michael only needed \$1,500.00. The \$1,500.00 was a
21 down payment if they were going to have Plaintiff to design the plans but they could use
22 someone else and that is exactly what they did. The change order in question was not for
23 engineering but was to bring the walls to the new pitch for which was already done and testified
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1 by Vail in his report. This is the change order that had the amount do to Advanced for
2 \$20,000.00. The appeals court on page 39, 3rd par state finding the plans and the engineering are
3 outside the record. They state it would be somewhat bizar if it were true and bring up the
4 1,500.00 Plaintiff said he needed for the plans. What happened here is the lie fostered by Tom
5 Cavallo and the ALJ who knows for a fact that Belotti had the option to have someone else do
6 the plans and was also given in paper work to the appeals court who ignored it. The change
7 order did not stipulate that the Belottis were required to use Plaintiff to do the redesign of the
8 roof. Just because Plaintiff did the original plans does not mean that Plaintiff has to do any new
9 plans. Just like they all know that it is a false statement that they can withhold evidence in their
10 possession to overstate a cost to fix purposely and remove evidence that was logged into the
11 record purposely to fraud Advance out of its good standing. Also that is just like the appeals
12 court who was informed knows that the change orders and the approved plans were withheld
13 from the expert witness but because of a payment made to them they accept the fraud. In all the
14 cases the appeals court states that they believe they can use and accept an erroneous report, that
15 is not just wrong in one area but was wrong in all the areas stated for cost to complete which is
16 the bases for the ALJ's decision, is false because when you read the cases that they did not
17 address the actual situation that was before them to give these cases is just another proof of their
18 fraud. Once the plans were found and the change orders showed that the cost to fix was false
19 because there was nothing to fix then the court knew and that Sharon Belotti had told a bold face
20 lie and knew that Tom Cavalo told a bold face lie. Tom Cavalo admitted that he had been given
21 the change orders and admitted that he did not give them to the expert witness. **This was**
22 **pointed out all along to both lower court and to the appeals court and the appeals court**
23 **admits that they know about the change orders and knows that they were addressed even if**

1 they were removed from the transcript still information about them was still in the
2 transcript.

3 Here you have it these change orders and plans were mentioned as stated above which
4 gave Plaintiff the right for them to be part of the record but was denied by both courts. The
5 following to wit: California Evidence Code Section 356 in pertinent part provides that where
6 part of the evidence is given by one party the whole on the same subject may be inquired into
7 by an adverse party and any evidence which is necessary to make it understood may also be
8 given in evidence.
9

10
11 So you see they knew that they were a part of a conspiracy to steal a patent and knew that
12 fraud was committed and knew that it did not give them the right to use superficial case law to
13 try to make their actions look good. Theses judges in the appeals court knew they were
14 committing fraud but think that they will never be brought to trial so they can steal anything
15 they want and fraud anyone out of a patent or anything else and get away with it. They believe
16 that they are kings and can get away with anything a corruption of judges out of control.

17
18 Remember these judges by law are to be treated like anyone that is not a Judge. The
19 60 million dollar question here is will this court really abide by that law or will it employ legal
20 sophistries, metaphysical flimflam, and transcendental nonsense to convince said sovereign that
21 they are mere subjects of glorious dictions and can steal from Plaintiff also. Once the
22 engineering would be done then depending on what the engineer required would be a new charge
23 order for new costs and these judges new this. This whole opinion was not written by the judges
24 but was written by some attorney just out of college who was told to make the CSLB court look
25 good. On page 38 multiple grounds. Hear again there were several change orders not just one.
26
27 There were not multiple legal grounds only trumped up grounds by withholding evidence
28

1 (change orders and plans from the expert witness). **Another reverse in there logic is when the**
2 **Appeals Court is accepting the plans that were not part of the record.** Look on page 37 last
3 par the opinion state he had 11 pages of plans but only one was introduced into evidence.
4 Plaintiff was there and only the electrical plan was there not 11 pages like their opinion stated.
5 According Vails own testimony all that he had was an electrical plan. Although according to
6 their statement then the **other plans cannot be ruled upon** as the appellat court states that the
7 other change orders cannot be ruled upon because they were not introduced into evidence. Here
8 according to there logic then the opinion should have been thrown out because the expert witness
9 did not have the plans that were required to be used for the experts report to be relied on. If they
10 are not part of the record then they cannot be relied on, that he had the approved plans.

13 The truth is **he did not have the approved plans** since **there was a change in plans at**
14 **the Building department that were already done that showed all of the changes** that he said
15 had to be fixed. If he would have gone to the city he would have gotten the approved plans
16 showing all of the changes that he said had to be fixed. He would also have found out that all the
17 work was approved by the Building official that was done so far. What a falsification of the
18 record by these judges who think that they are the King and the King of course can do anything
19 they want and take money to make a decision. However the change orders were part of the
20 written record but fraudulently removed so that they could get paid from Kajima. They were
21 given as evidence as part of the writ also. **The plans that were engineered had the change**
22 **orders incorporated into them so we know that the expert did not have the approved plans**
23 **nor did he go to the city where he was required to get the approved plans.** The superior
24 court and the appeals court struck the change orders from the record and the appeals court struck
25 the newly found plans from the appellate record knowing now that the expert did not have the

1 plans but the appellate court goes on to state that the expert had the approved plans. The experts
2 own testimony was that he had what was given him by Sharon Belotti. Mr. Vail, admitted that
3 he had not seen or had any knowledge of any modifications to the contract as stated above and
4 then he testified "But there may or may not have been some **changes that I don't know about.** I
5 didn't make a big issue of that. I didn't know about that. I'm **only going by what my set of**
6 **plans had**" (ART p117 13-16). What set of plans did he have? Mr. Vail answered, "It's more of
7 an **electrical plan. But this is all I had to look at**" (ART p.118 15-16). Remember that the
8 Appellate judges told a bold face lie as mentioned above. They said that the record showed that
9 he had the full set of plans. But Vail's own testimony states that the judges lied on the record
10 and that the judges knew full well that they were lying. Remember if there are no checks on
11 what these judges can do, then you will have runaway fraud on all citizens everywhere. So
12 Plaintiff is asking the judges in this case are you going to do something about it or are you going
13 create a lot flem flam and falsify the record yourselves.

14 **This shows they were all in on the conspiracy.** The change orders were talked about in
15 investigator Cavalos testimony where admitted he had the change orders, which means that they
16 are part of the record, but Vail had not received them, they were illegally withheld from the
17 transcript. Now look at page 32 3rd par the opinion admits that they knew about the other change
18 orders and they know that Vail did not have any other change orders as discussed above and is
19 the cost to fix and they went on with there calculation as if there are no change orders and the
20 appellate court beyond all rules of law state that they could have been stricken from the record.
21 They also state that Plaintiffs never objected to the motion to strike in the trial court a direct lie
22 same page. There was a notice of obstruction of justice claiming these very things. Sharon
23 admitted to the change orders in her declaration and so did Tom Cavallo. In Mr. Cavallo's report

1 on 04-25-00, Mrs. Belottis summarized statements that included “We did agree to pay an extra
2 \$600.00 to change the side window to a sliding glass door. We also agreed to remove a (15 ft)
3 wall upstairs to make the area larger for a pool table. The front entry was to be a closet area, but
4 we changed it to be left open...All changes, about 8 to 9...” According to the expert’s testimony,
5 he was not aware of any changes to the original contract including the change to the roof , a
6 major change, and **he listed the changes as deviations from the plans and contract which**
7 **needed to be corrected** (CT p571 and p572 line 17). Mr. Cavalo did not give him this
8 information nor did Mrs. Belotti. Same information on page 37 3rd par. Here the appellate
9 court tried to act like the changes were not part of the record.
10
11

12 Plaintiff will remind the court here now that the case was dismissed against Plaintiffs and
13 Sharon Belontti withdrew her complaint against Plaintiffs to CSLB but the court still will not
14 reverse the order against Michael D. Watkins. The order that Michael may not be an officer on a
15 corporation has not been reversed. The appellate court will not do anything either.
16

17 **So it is up to this court to reverse this fraudulent order.**

18 **It is also up to this court to go after these corrupt judges to cause justice to be put**
19 **back into the state court system.**
20

21 Below the statement of undisputed facts that were proffered with the summary judgment
22 motion, that was presented in the Civil Court that was going on at the same time as the CSLB
23 case and was finished before the time that the appellate court made their fraudulent decision,
24 shows why Sharon Belotti withdrew her complaint. She was caught for perjury on many counts.
25 Do you see from the below that discovery is so important and it was not allowed in most of the
26 courts that Plaintiffs were required to come to against Plaintiffs will before the court of record
27 required it. If the case had been heard in a court of record alone then all of these facts would
28

1 have been brought up in the beginning. But when a citizen is brought to one of these illegal
2 courts such as the CSLB court there are multiple counts of violations of the citizens rights and
3 multiple counts fraud, fraud on the court and many other forms of wickedness including
4 malicious prosecution and the denial of discovery.
5

6 Undisputed Material Facts:

7
8 1. The Contract for the
9 construction of Belottis
10 house was between Richard
11 and Sharon Belotti,
12 Plaintiffs and Advanced
13 Technologies for Building
14 Inc., Defendant and no
15 others.

16 2. The only evidence for triable issues
17 provided to this court is Sharon Belottis
18 declaration.

19
20 3. Sharon Belotti essentially admitted that she
21 breached the contract in her declaration.

22
23 4. Perjury is a crime and can be fraud.

24
25
26
27 5. Preparing false documents for the purpose
28 of deceit is a felony.

Supporting Evidence:

See Contract-Exhibit "A"
and
Exhibit "C" Both
declarations

Exhibit "C", p. 16, L. 1-8

CPC § 118, 126, 122, 123,
134. Also Brownlee v.
Vang (1965); Wilke v.
Coinway, Inc. (1967)

CPC § 134

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6. Cases may be dismissed that are without merit in a summary judgment motion.

Code of Civil Procedure
437c-438

7. Sharon Belotti declared under perjury "My testimony was that I knew there were additional engineering required to change the pitch from 9/12 to 12/12, that I was responsible for paying for that additional engineering, and that I never did actually pay for the additional engineering...."

Exhibit "C", p. 16, L. 1-8

8. When Sharon Belotti was asked if she ever had the engineering completed for the change in the roof design, she said "It was never done".

Exhibit "D"--Reporters
Transcript (RT) page 82
line 18

9. Sharon Belotti did complete the engineering for the roof change before the statement was issued in # 8 above.

Exhibit "F"

10. Sharon Belotti said under perjury, "I am informed and believe that because there were no inspections the city will not pass any of the concrete pours. Defendants were required to employ a registered deputy inspector, approved by the building department for

Exhibit "C", p. 5, lines
5-10; p15 lines 1-3.

1 placing all concrete with an f'c in excess of
2 2500 psi, ..."

3
4 11. Sharon Belotti hired and paid for the
5 (deputy inspectors) special inspectors. She
6 hired and paid Michael W. Watkins \$465.00
7 to inspect the footings. She hired and paid
8 Dan Johnon \$465.00 for the second floor slab.
9 She hired Philip Wood to inspect the 1st floor
10 walls.
11

Exhibit "I", "B"

12 12. Plaintiff as the owner knew she was
13 responsible for providing the special
14 inspectors and their reports to the City.
15

California Building Code §
1701.1, p 10 of this
motion lines 13-15.
Signed contract by Sharon
Belotti. Exhibit "A"
section 8.

16
17 13. Los Angeles City forms require that the
18 special inspector sign that he did not work for
19 the contractor.
20

Exhibit "J"

21 14. The City of Big Bear Lake did not
22 receive the special inspectors reports
23 according to Sharon Belotti.
24

Exhibit "C",

25
26 15. Special inspection reports verified that the
27 work was according to the plans
28 specifications and building code

Exhibit "B"

1
2 16. Sharon Belotti provided Core tests that
3 were taken on the second floor walls and
4 testing revealed that the strength of the cores
5 were all over 5,000 pounds per square inch
6 (psi).

Exhibit "H" provided by
Sharon Belotti in
discovery.

7
8 17. The required minimum strength was
9 3,000 psi.

Exhibit "B" and
Declaration of Michael W.
Watkins. Also Declaration
of Walid Azar Structural
Engineer. Also CBC §
1905.6.4.4 as part of this
motion p. 11 lines 9-12.

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14 18. Sharon Belotti stated, "**Watkins alone**
15 **had the ability to redesign the plans...**"

Exhibit "C", p.15 lines
13-14

16
17
18 19. Sharon Belotti stated, "The redesign for
19 the wood roof that was eventually designed
20 cost \$600". **Fred Sheu designed the**
21 **redesign.**

Exhibit "C", p.15 lines
17-18, Exhibit "F"

22
23 20. Sharon Belotti concealed the special
24 inspection reports, from the Building Official,
25 the expert witness and from this court. She
26 also did not provide them in discovery for this
27 court.

Exhibit "C" p. 15 1-9, p.
14 lines 26-27, p. 5 lines
5-8; Exhibit "D", RT p.
122 lines 8-20

21. Sharon Belotti concealed the change orders from the expert witness and this court when she entered the complaint stating that the original contract was the complete agreement.

Exhibit "D", RT p. 122 lines 8-20; Exhibit "C"; Also original summons.

And to give this court a taste to what was argued in the writ of mandamus to the Superior Court please see writ below. This is not to be confused with the civil court of record as mentioned above where the above statement of undisputed facts was entered which caused that court to be completed. This is the Superior Court review of the CSLB hearing only. Now remember the appellate court had this writ also and was given many other motions as well explaining these facts. The appellate court was into the same fraud. And remember this writ was denied by the Superior without giving any reasons specified by law, a totally false decision. These things were all settled in the civil court of record where discovery was allowed and the appellate court was made aware of the civil courts facts done in discovery. They ignored this simulating process to support the states illegally created CSLB. Fraud, Fraud, Fraud. Now see writ below SECOND WRIT:

WRIT OF MANDAMUS 2

INTRODUCTION

Petitioners are requesting that this court Vacate the Decision made by the Contractor's State License Board (CSLB) and that this court will hear any new proceedings. Petitioners challenge CSLB's subject matter jurisdiction. Petitioners are requesting that CSLB be Compelled to answer this challenge as required by law with no evasive answers.

STATEMENT OF FACTS

- 1. PETITIONERS WERE NOT GIVEN A FULL EVIDENTIARY HEARING.

1 The respondent stated that on August 28, 2001 petitioners were
2 given a full evidentiary hearing. This is false because petitioners
3 were given notice that the hearing would commence on Tuesday, August
4 28, 2001 and continue through Thursday, August 30, 2001. Petitioners
5 did not determine nor were they told that the hearing was ended.
6 Petitioners expected to be allowed to present documents and the rest
7 of their case on the following day or days. Petitioners fully
8 expected that information provided for use and submission at the
9 hearing would be entered subsequently in the following days. The only
10 petitioner represented by George Lasko was the corporation, not the
11 individuals. Please see exhibit A. (Notice of defense signed by
12 George Lasko & letter by George Lasko to Thomas Cavallo of CSLB where
13 Mr. Lasko states that he represented the corporation only). Also Mr.
14 Lasko said at the hearing that he was representing the corporation and
15 so was Virginia Watkins. Mr. Lasko was never authorized to represent
16 anyone besides the corporation. **Petitioner Virginia Watkins was
17 representing herself and was never allowed the opportunity to speak
18 and to present her case.** Since there was not a full evidentiary
19 hearing, to not allow the evidence to be provided at this hearing is
20 in direct violation of due process of law. Article 1, Section 7(a),
21 Constitution of the State of California that states; A person may not
22 be deprived of life, liberty, or property without due process of law
23 or denied equal protection of the laws. Also Postal Telegraph Cable
24 Co. v. Newport, 247 U.S., 464, 476 (1918); Baker v. Baker, Eccles and
25 Co., 242 U.S. 294, 403 (1917); Louisville & Nashville RR v. Schmidt,
26 177 U.S. 230, 236 (1900) A state may not, consistent with the due
27 process clause, enforce a judgment against a party named in the
28 proceeding without having given him an opportunity to be heard
sometime before final judgment is entered. Proceedings in which due
process must be observed. While due notice and a reasonable
opportunity to be heard to present one's claim or defense have been
declared to be two fundamental conditions almost universally
prescribed in all systems of law established by civilized countries.
Twining v. New Jersey, 211 U.S. 78, 110 (1908); Jacob v. Roberts, 223
U.S. 261, 265 (1912).

2. THE FACTS REGARDING THE BELOTTI PROJECT

21 Advanced Technologies for Building Inc. acted in a professional manner
22 to observe and follow the codes of the construction industry and by
23 producing professional contracts with owners and subcontractors. The
24 subcontractors were all professionals in their trades with many years
25 of experience and of good reputation. They performed according to the
26 laws and statutes and building codes of the state of California. They
27 worked diligently and professionally to complete their work. **Their
28 work was inspected by not only the city building department but also
certified licensed special inspectors.** In addition, the daily
activity was supervised by Michael D. Watkins, an officer of the
corporation who worked full time who is also a certified licensed
inspector who had previous experience in this type of shotcrete
construction. He was trained by the designer who had over thirty
years experience in the industry and holds many licenses and
certifications applicable to the construction done on the job. Both
the Designer and the Responsible Managing Officer made regular timely

1 visits to the jobsite to insure that the job was in compliance with
2 plans, changes, specifications, code requirements and approvals of
3 both building inspectors, special inspectors, bank inspectors and
4 owners approval. There were no correction notices of work to be
5 completed on the project by any parties. No one, including the owner,
6 requested or required any corrections or repairs to any of the work
7 that was done. All work was approved and in good workmanlike manner.
8 **All subcontractors were paid after their work was approved. There are
9 no outstanding debts or liens on the project by any subcontractors or
10 material suppliers provided by Advanced Technologies for Building Inc.**
11 **The only reason the work stopped on the project is because the owners
12 failed to meet their obligation under the contract.** The owners never
13 provided the required designed plans, specifications and engineering
14 for changes they made as per contract signed by the owner.
15 Petitioners requested many times verbally and in writing that they
16 provide what was needed legally for work to continue. The Building
17 Department could not allow any more work to be completed without the
18 design plans, specifications and engineering for the roof change. The
19 owners **paid Twenty Thousand dollars to have the roof changed** (see
20 exhibit B) and were obligated to provide plans and engineering as soon
21 as possible after the change order was signed in October. Plans and
22 engineering had to be completed by the owner according to their
23 specifications and approval as stated in the change order (see exhibit
24 C) and could not be done by the contractor. **No one can draw plans and
25 force them on the owners and continue with construction as respondents
26 have suggested. The new plans would change the look of the house and
27 would require the owner's approval.** The owner made a false complaint
28 to the Contractors State License Board claiming that the work was
abandoned when **they knew that in fact they were holding up the work by
not providing plans that were owner's legal obligation.** The owners
stated that they were paying for materials and purchasing furnishings
for the house using construction funds from the bank (that were
intended for the construction of the job). This spending was outside
the banks funding (including the twenty thousand dollars paid for the
change of the roof). Mrs. Belotti said she did not have the money to
pay for the October invoice at the meetings in January. She also
requested that the contractor take the shoring down for the roof and
put it back up to meet the original design and apply the twenty
thousand dollars toward paying the invoice (see exhibit E
declarations). The contractor explained to the owners that it was not
possible at that time because the shoring was already in place, the
concrete walls were already changed to facilitate the necessary
requirements for the change in the roof and it would cost more to
change it again. She became very upset and said they could not pay
the \$38,902.50 long over due invoice and did not know what they would
do.

3. CONTRACTORS STATE LICENSE BOARD HAS COMMITED FRAUD

27 Fraud has been committed by the CSLB in the following ways: 1)
28 They have falsely said the job was abandoned. They knew the job was
not abandoned because the Belottis and Tom Cavallo were at a meeting
on January 10, 2000 where the status of the job was discussed. The
issue of the **change order** to the roof was discussed and the fact that

1 the contractor was waiting for the Belottis to provide the plans,
2 specification and engineering and it was an urgent issue because it
3 was holding up the construction. The Belottis had been asked many
4 times for the required information both verbally and also in writing.
5 It was pressed upon them that the building department would not allow
6 any more work to be completed without approved plans, specifications
7 and engineering for the change to the roof. **The owner and Mr. Cavallo**
8 **had knowledge and information of the changes** that the Belottis made to
9 the contract. In the complaint originally filed with the CSLB by
10 Belottis to Mr. Cavallo on 4-25-00; Mrs. Belotti stated that there
11 were many **changes** to the contract and they are listed on Mr. Cavallo's
12 **investigation report**. Proof of this is shown in the CSLB Investigation
13 Report by Tom Cavallo, copy of page attached hereto (exhibit F). The
14 boards own expert did his report in September of 2000. The expert
15 stated in the hearing that **he did not have any information** on any
16 **changes when he did his report (AR TR p. 101)**. Mrs. Belotti and Tom
17 Cavallo both purposely withheld this information about the **changes**
18 which they knew was **pertinent** to the **accuracy of the experts report**.
19 The omitted information materially affected his report and caused it
20 to be **false**. The change orders amended the contract from \$248,950.00
21 to \$269,350.00. In his report, the expert said that his report was
22 based solely on the contract (as it was originally before the **change**
23 **orders** were completed) and his **visual inspection**. For proof of this
24 please see State's exhibit 7. Mr. Cavallo and Mrs. Belotti falsely
25 told the expert that the job was abandoned. This is obstruction of
26 justice by **tampering with the witness and falsifying the report**. 2)
27 Besides the false information given to him, the expert himself
28 **falsified his report** because he said that the plumbing vents were not
through the roof. (See Response to Vail's Report exhibit G). There
are pictures of the job provided by the expert, which prove this is
false (see exhibit H). He also said that the plumbing in the
downstairs bathroom for the toilet was placed under the sink. That is
false and ridiculous because he could not see the rough in for the
plumbing because it was in the concrete. The picture of the plumbing
at the rough in stage is proof of this and shows how the plumbing
lines run. (see exhibit I picture). There is a **change order** for the
change in position of the toilet. He states that the exposed rebar is
a correction. This is false because it is not wrong as done nor
should it be corrected. It is purposely exposed to connect in the
next phase of the construction. A true expert would have known this.
The expert said he did a visual inspection only and he made comments
that things inside the walls needed to be corrected in his report,
(states exhibit 7). This is purposely falsifying his report because
if one cannot see it one would not know. He also made representations
about a plumbing leak that was hear say from the owner, as if it was a
true fact for which he could not verify because the plumbing is
installed inside the wall. In addition all work was inspected and
approved by the building department and special inspectors and the
project superintendent before the concrete slab was poured. 3) They
have unlawfully accepted for consideration and adopted as evidence a
fraudulent report by the board's own appointed expert for which they
knowingly helped to create in bad faith and used it for their basis

1 for the decision made against the Petitioners. This was done by: A)
 2 Making an estimate of costs to correct things that were not
 3 corrections but rather were valid changes made by the owners to the
 4 original contract. B) CSLB unlawfully accepted "expert testimony of
 5 facts" which contradict the building code and the building official
 6 who has jurisdictional authority in the matter of the of the state of
 7 California. The California building code being the jurisdictional
 8 authority in such matters not the CSLB. The California Building Code
 9 (CBC) states that the Building Official has the authority to approve
 10 construction and to interpret the CBC not CSLB, CBC §104.2.1 Volume I,
 11 §108.1 Volume I. **There is no law that allows CSLB to approve work or
 12 not approve work. The decision was in direct conflict with the
 13 Building Department who had jurisdiction.** 4) The expert witness
 14 claims to be an expert in the type of construction used but in fact is
 15 not at all an expert. He shows his lack of understanding by the
 16 statement made in the hearing where he stated that the walls could be
 17 repaired by floating them off. This statement shows he does not know
 18 shotcrete. He is not even certified for shotcrete. Many cities will
 19 not allow anyone to inspect shotcrete without first passing the exam
 20 and being certified. 5) CSLB has fraudulently altered or caused to be
 21 altered the transcript of the administrative hearing from the hearing
 22 proceedings (Please see the Declarations of Virginia Watkins and
 23 Michael Watkins in Exhibit (J) and have omitted two exhibits that were
 24 submitted at the hearing from the exhibits, (notebook of Sharon
 25 Belotti and investigation report by Tom Cavallo). Please see Exhibit
 26 (F) Investigation Report by Tom Cavallo attached hereto. The
 27 Administrative record was significantly altered and is not an accurate
 28 record of the proceedings of the hearing, thus it is not reliable for
 use in this hearing making it essential to all allow all the
 Petitioners exhibits in the interest of justice. California Evidence
 Code Section 356 in pertinent part provides that where part of the
 evidence is given by one party the whole on the same subject may be
 inquired into by an adverse party and any evidence which is necessary
 to make it understood may also be given in evidence.

4. CSLB LACKS JURISDICTION IN THE CASE

Stephen P. Sands as Registrar of Contractors for the Contractors'
 State License Board, (Respondent) claims the board was created by the
 State Legislature under the Contractors' State License Law (Business
 and Professions Code section 7000, et seq.). **Petitioners challenge
 the Board's jurisdiction in the case.** The written Constitution of
 the State of California establishes two general jurisdictions of a
 judicial nature pursuant to the will of the people; one is civil, the
 other criminal. For there to be specific subject matter jurisdiction
 in the case there must also be a statutorily created cause of action
 which establishes a jurisdictional condition precedent, a. k. a.
 jurisdictional prerequisite, in order to invoke one or the other of
 said two jurisdictions. In this case, provisions if the California
 Statutes are invoked, memorandum will establish, the California
 Statutes are null and void having no force and effect of law on any
 subjects or objects of the State of California. In the event that
 subject-matter jurisdiction cannot be proven and on this ground there
 is none, then **jurisdiction of the CSLB extends only to the ministerial**

1 **act of dismissing the case with prejudice.** This memorandum addresses
2 failure of the opposing council to cite any provisions of law having
3 the force and effect of law in the State of California in accordance
4 with the California Constitution. The Contractor's State License Laws
5 are from a body of law known as the California Statutes, and this
6 entire body of law and its annual adoption which allegedly adopts and
7 enacts it fail to comply with the mandatory provision of Article 4,
8 Sections 9, of the California Constitution meaning that the entire
9 body of the California Statutes, as well as said adoption act, are
10 null and void law as will be set forth below. Upon the face of the
11 public record, the California Statutes, taken either in their entirety
12 or in parts, are not duly enacted and duly promulgated law of the
13 State of California nor is the adoption act which either presumptively
14 or allegedly adopts and enacts said California Statutes.
15 Consequently, said statutes have no force and effect of law upon any
16 subjects or objects to include Petitioners in the case. A decision
17 was made against petitioners with no provisions of law of the state
18 legislature of the State Of California, hereinafter California
19 legislature, that are duly enacted and duly promulgated in accordance
20 with the aforesaid mandatory provisions of the California
21 Constitution. As previously stated, neither the California Statutes
22 nor the aforesaid adoption act duly enacted in accordance with
23 prescribed forms and solemnities mandated by the aforesaid section of
24 the Article 4 of the California Constitution, nor are they duly
25 published so as to be available and made known to the people of the
26 State of California as the authentic laws of the State of California
27 as mandated by the aforesaid section of Article 4, of the California
28 Constitution.

There are three major jurisdictional defects in this case and
each is a constitutional issue and any one of which alone denies the
CSLB subject-matter jurisdiction in this case. These three major
jurisdictional defects and constitutional issues are: 1. The first
jurisdictional defect and constitutional issue mentioned above is that
the aforesaid California Statutes, upon their face and the face of the
public record, are not laws of the State of California having the
force and effect of law on any subjects or objects because they are
not law duly enacted in accordance with Article 4, Sections 8, 9 of
the California Constitution and also because they are not duly
promulgated, to include published, in accordance with Article 4,
Section 8(b) of the California Constitution. 2. The second
jurisdictional defect and constitutional issue mentioned above is that
California Statutes are upon their face and the face of the public
record, intended by said legislature to be from a body of
administrative law under the statutorily created administrative
jurisdiction of the Business and Professions Code exclusively for its
administration and enforcement by use of legislative, executive, and
judicial powers exercised within and without the agency, but that said
powers statutorily delegated to them are not within the powers of the
California Legislature to delegate as granted to said legislature by
the will of the people by and through their California Constitution
and said presumption of legislative powers violates the letter and
spirit of the California Constitution. Article 3, Section 3. The

1 powers of state government are legislative, executive, and judicial.
2 **Persons charged with the exercise of one power may not exercise either**
3 **of the others except as permitted by this Constitution.** The CSLB is
4 exercising judicial, legislative and executive powers, which violates
5 Article 3, Section 3 of the California Constitution. The founding
6 fathers of the Constitution knew that separation of powers was
7 important to prevent fraud and corruption. Since the CSLB has all
8 three powers, as the founding fathers imaged regarding fraud and
9 corruption, this is exactly what they did. The constitution was never
10 changed to allow for a CSLB which would have required a vote of the
11 people. "While commissions created by Legislature may be empowered to
12 determine questions of administrative or ministerial character,
13 **Legislature is without authority to vest such commissions with**
14 **judicial powers."** Collier & Wallis v. Astor, 56P.2d 602; Dis. Ct.
15 Appl, 2nd Dist. Calif. (1936), Hearing Dnd S.C. (1936)
16 "Ministerial officers are incompetent to receive grants of judicial
17 power from the legislature, their acts in attempting to exercise such
18 powers are necessarily nullities". Burn v. Supreme Court. 140 Cal. 1.
19 3. The third jurisdictional defect and constitutional issue mentioned
20 above is that no person is automatically subject to said agency
21 administrative jurisdiction and body of law without there being first
22 an agency specific jurisdictional nexus connecting said persons to
23 said body of administrative laws. And whereas, in the case no nexus
24 is alleged, nor can be alleged, which presumptively might connect
25 Petitioners to said body of administrative law. Decision made against
26 Petitioners by CSLB agency Created a Violation of Letter and Spirit of
27 California Constitution and Neither is Jurisdictional Nexus Connecting
28 Petitioners to CSLB. Petitioners have been charged with subjecting
their license to discipline pursuant to Sections 7107, 7109(a)(b),
7113, 7115, 7164, 125.3, 721 of the Business and Professions Code,
which have been misapplied and misinterpreted by CSLB. The Sections
listed were not violated by the Petitioners, have not been proved,
petitioners were not given a fair hearing. Further, the CSLB has
committed fraud in its Decision based on fraudulent reports and
testimony by CSLB and their own expert and complainant, and by
significantly altering the administrative record of the hearing,
withholding evidence that was submitted at the hearing. At the
hearing, Mr. Lasko **objected to the hearing** because of their lack of
jurisdiction in the case. He said that the license was expired for
the corporation and CSLB lacked jurisdiction over the respondents and
therefore the hearing was mute. The litigation had been conferred
upon a civil court by the complainant thereby nullifying the action of
CSLB in the hearing. His objection was not refuted or answered by
anyone there. **It was ignored!** His objection and comments were
omitted from the Transcript. Furthermore, those Statutory Sections
listed above are not validly enacted and validly promulgated laws of
the State of California because from their respective faces neither
the California Statutes nor the aforesaid adoption act which allegedly
adopt and enact the California Statutes are validly enacted and
promulgated law in accordance with either in letter or spirit of the
aforesaid constitutional mandates. The CSLB is absent subject-matter
jurisdiction in this case.

1 5. UNLAWFUL DECISION AGAINST UNLICENSED OFFICERS

2 **Unlawfully the Contractor's State License Board (CSLB) made a**
 3 **decision to discipline the corporation's officers other than the**
 4 **Responsible Managing Officer (RMO) which is a violation of the rights**
 5 **of those individuals. The corporation was at all times relevant to**
 6 **the CSLB Decision licensed and was the licensee. The laws cited in**
 7 **the Decision relating to discipline of the licensee specify that any**
 8 **disciplinary action is limited to suspension or revocation of the**
 9 **license of the licensee under the contractor's license law. Further,**
 10 **CCP 125.3 limits CSLB actions in that only a licentiate found to have**
 11 **committed a violation or violations of the licensing act may be**
 12 **ordered to pay a sum not to exceed the reasonable costs of the**
 13 **investigation and enforcement of the case. The law is very specific**
 14 **here. In the case of a disciplined licentiate that is a corporation,**
 15 **the order may only be against the licensed corporate entity. There is**
 16 **no section 721 of the code which is cited in the decision as authority**
 17 **for an order of prohibition against the unlicensed individuals. There**
 18 **is no law that gives CSLB jurisdiction to order unlicensed individuals**
 19 **to pay restitution and CSLB's investigation and enforcement cost.**
 20 **Under the Contractors State License Law Section 7068.2 paragraph 6 of**
 21 **the Business & Professions Code the RMO is responsible for all**
 22 **operations of the corporation until such time the RMO disassociates**
 23 **himself from the corporation in writing to the board. Also § 7122.5**
 24 **of the Business & Professions Code Provides that the RMO is the**
 25 **responsible party and is the one that is subject to disciplinary**
 26 **action; whether or not he had knowledge of or participated in the**
 27 **prohibited act or omission. The RMO disassociated himself from the**
 28 **corporation under pressure from the CSLB investigator on May 10, 2000**
long after the time relevant to the Decision. Please see license
attached as Exhibit D and Notice of disassociation Exhibit P. Clearly
this is abuse of discretion in a matter which is beyond the CSLB's
jurisdiction. CSLB ignored the responsible party, which is not
according to law according to CCP§1094.5 & (b).

19 6. INDEMNIFIED OFFICERS

20 **The corporation has indemnified all its officers and directors**
 21 **past and present in its articles. Section 210 (b) of Corporations Code**
 22 **provides that a corporation shall have power to indemnify any**
 23 **directors or officers who was or is a party or is threatened to be**
 24 **made a party to any proceeding which also constitutes abuse of**
 25 **discretion pursuant to CCP §1094.5(b).**

23 7. UNLAWFUL DECISION AGAINST PFC MICHAEL D. WATKINS

24 **Unlawfully a Decision was made against PFC Michael D. Watkins.**
 25 **PFC Watkins was not at the hearing. Nor did he have counsel. The**
 26 **civil rights of PFC Watkins have been prejudiced because he was not**
 27 **served, was not aware of the hearing or the proceedings against him,**
 28 **was not represented at the hearing, and a judgment was entered against**
him. Please see exhibit (K) Petition for reconsideration and letter
from Dept. of the Army, and PFC Watkins. USC 520 §50 provides before
any default judgment can be entered and made final, the plaintiff must
file an affidavit setting forth facts showing that the defendant was
not in military service. CSLB did not comply with SSCRA as it relates

1 to this case even though they were given notice of his military
2 service.

3 8. THE DECISION WAS MADE ON FALSE INFORMATION & MISAPPLIED LAWS

4 Number 2 of the Decision is false because Registrar of
5 Contractors did not issued the above described license in
6 classification B (general building contractor) to **respondents** above-
7 named. **The Registrar of Contractors issued a contractors**
8 **license to Advanced Technologies for Building Inc., the RMO and no**
9 **others.** The decision was made against unlicensed individuals. §7090
10 provides that the **Registrar of Contractors only has jurisdiction over**
11 **the holder, while a licensee or applicant.** The corporation is the
12 holder, licensee and applicant and the RMO is a licensee, there is no
13 other.

14 Number 3 of the Decision is false and misleading because the
15 corporation is the respondent that entered into the written agreement
16 and was the respondent that was the recipient of all amounts paid by
17 Belottis under the contract. No amounts were paid to any other
18 respondents. The cancelled checks (state's exhibit 6) proves that the
19 Corporation was the recipient of all payments under the contract.

20 Number 4 of the decision is false and misleading because various
21 disputes did not arise among the owners and the **several respondents.**
22 The respondents were compliant and worked hard to fulfill all their
23 part of the agreement made with the owner. The \$1,500 advance
24 mentioned was not for or to the corporation or respondents.

25 Number 5 of Decision is false because there was never any facts
26 established or proven that contractor could not complete the work for
27 the budgeted contract price. Respondents did not represent to the
28 owners that \$37,000 additional funds would be needed to complete the
roof, regardless of its pitch. **Facts are only established by proof.**
This statement is false and no proof was given. It was refuted by
Michael W. Watkins (witness) testimony at the hearing transcript page
181 line 19. In fact the owner was **several months overdue on making**
payment of the October invoice of \$38,902.50.

Number 6 of the Decision is false in its entirety because
Respondents did not claim that they could not complete the project
because of the respondent's failure to advance the required \$1,500.

Number 7 of the decision mentions treaded lumber that must be
obtained and installed. This is totally incorrect and is a lack of
knowledge of the California Building Code. There are letters from the
Building Officials of two different cities explaining this fact, plus
information provided in the code attachments. See exhibit (U). To
admit the opinion of an expert based upon an erroneous statement of
law is Unlawful. Again this is abuse of discretion per CCP §1094.5.
Also §803 of the California Evidence Code specifically states, "The
court may and upon objection, shall, exclude testimony in whole or in
significant part on matter that is not a proper basis for such an
opinion." It is clear that Mr. Vail based his report and opinions
entirely on a contract that did not represent the agreement of the
parties at the time and on a lack of knowledge of both the law and a
lack of expertise. His report was objected to as erroneous and false
and he admitted it was not correct at the hearing. Where the decision
states that only one-third of the work had been completed in Number 7

1 of the decision was because it was based on the expert's report that
2 did not include changes made by the owners. Please see exhibit (B).
3 90% of the expert's report refers to alleged defects that were in fact
4 deviations from the original plans by virtue of change orders signed
5 by the Belotti's and admitted to by Sharon Belotti at the hearing.
6 The other 10% was a lack of knowledge by the expert of the California
7 Building Codes and a **lack of familiarity with the type of construction**
8 **being used.** See exhibit (U) & (V). Also where he said that the first
9 floor walls had voids and were out of plumb as **he did not understand**
10 **the wall system being constructed and was not certified in the area of**
11 **shotcrete.** He said at the hearing that the walls could be "repaired"
12 if there was another coat applied. This is not a repair and in fact,
13 **is the normal process, which was provided for in the remaining line**
14 **items of the contract.** See exhibit (V).

15 The fireplaces that are mentioned in number 7 of the decision
16 were a change order. See Exhibit (B). Also §803 of the California
17 Evidence Code as mentioned above.

18 Numbers 7 through 13 of the Decision are all statements from the
19 expert witness report which he said at the hearing was not correct
20 because he was not given any of the changes made by the owner. Mr.
21 Vail said that the project looked like any other concrete structure at
22 that phase of construction. This statement has been removed from the
23 transcript (see exhibit L).

24 Number 8, of the decision is false because **Advanced Technologies**
25 **did not abandon the project.** Legally the project could not go
26 forward without the required design and engineering for the roof
27 change(see exhibit L & exhibit M video).

28 Number 9 of the decision is false because it was based upon Mr.
Vail's assertion that because the project was not finished it was not
built according to trade standards. (AR TR Page 121, lines 6, 7) He
said that trade standards would be obviously a completed system. (AR
TR Page 121 lines 11, 12) **This is false because trade standards are**
methods of construction that are governed by California Building Code
(CBC) and the California Building Code Standards listed in CBC Chapter
35. **In fact the project did not deviate from accepted standards and**
the standard for alternate design and methods of construction in
§104.2.8 of CBC. Furthermore, the **tests and inspections prove that**
the project complied with trade standards. See Lab Tests Exhibit (T).
California law §108.1 of the CBC states in pertinent part that all
construction work for which a permit is required shall be subject to
inspection by the building official and the work shall remain exposed
for inspection purposes until **approved by the building official.** To
say that it does not comply with accepted trade standards is in **direct**
conflict with the building department's inspections for conformity and
the law. The Inspection Records are located at the local building
department. When an expert witness does his report, he **must** find out
if the building department has approved the construction because the
Building Official has the authority to render interpretations to the
California Building Code (CBC) and approve the construction **not CSLB**
according to § 104.2.1 of CBC. There is no law that gives Mr. Vail
the authority to approve or disapprove construction as to whether it
is according to building trade standards (see exhibit L).

1 Number 10 of the Decision says that respondents failed to install
2 a door opening. On the second floor there were no missing door
3 openings, these are covered by changes the Belottis made and are
4 proven in the change orders. See exhibit (G). §803 of the California
5 Evidence code (see exhibit L).

6 Under the section Conclusions of Law of the Decision is
7 misleading and false because not all respondents had a license to
8 subject to discipline pursuant to Sections 7115 and 7164 of the Code.
9 The contract documents were not required to include the approximate
10 beginning and ending dates of the contemplated work, or to include the
11 language of the notice required by the Contractors State License
12 Board. **That law does not apply** to this contract because the
13 corporation was retained by the owner to build the house in **less than
14 one year** as stated by Mrs. Belotti at the hearing.

9 9. IMPROPERLY WITHHELD INFORMATION

10 Improperly withheld information to the hearing CSLB investigator
11 purposely falsified documents to the hearing knowing they were false.
12 He knew of both the change orders and that the wall system was a newly
13 patented system before the expert was contacted to inspect the
14 project. In the original filing of the complaint and also in the
15 later statements, Sharon Belotti listed the various changes she had
16 made to the contract and provided that information. (Please see
17 exhibit L & ex. M).

14 CONCLUSION

15 It is requested that this court hear the evidence that was
16 improperly excluded at the hearing and vacate the decision made by the
17 CSLB against the corporation and the individuals and not allow the
18 CSLB to pursue it further. They have a duty as a ministerial agency
19 to be fair to both parties. They have never been fair to the
20 contractor. They did not obtain any information from Petitioners
21 during the investigation or hearing process. They have used cunning
22 and deceit to give the appearance that they did a full investigation
23 and a full evidentiary hearing. The CSLB caused and helped assemble a
24 deliberate false report in an attempt to unlawfully and unfairly make
25 its case for abandonment and to falsely inflate alleged monetary
26 damages. There is no proof to support their accusations. The entire
27 investigation and hearing was one-sided, unfair and unlawful. The
28 CSLB investigator was involved with the owner working together against
the contractor before the complaint was ever filed. The investigation
was totally one sided from the start with no information gathered from
the contractor. The CSLB provided and accepted as evidence
information that was contested and known to be false by all parties.
The individual providing the report even stated several times and in
many different ways in the hearing that his report was based on
incorrect information because he was never aware of any change orders
nor given information that they existed. The CSLB decision was made
on known false "evidence". Even though the transcript has been
altered extensively, it still contains statements that verify the
truth of the above. Pursuant to the Cal CCP Section 1094.5 (e) last
part specifically states "the court may admit the evidence at the
hearing on the writ without remanding the case." The Petitioners have
provided evidence of law in #4, #5, #6 #8 and #9 above that the CSLB

1 did not have jurisdiction in this case over unlicensed individuals and
2 in the subject matter. CCP § 1094.5 (b) states The inquiry in such a
3 case shall extend to the questions whether the respondent has
4 proceeded without, or in excess of jurisdiction; whether there was a
5 fair trial; and whether there was any prejudicial abuse of discretion.
6 Abuse of discretion is established if the respondent has not proceeded
7 in the manner required by law, the order or decision is not supported
8 by the findings, or the findings are not supported by the evidence.
9 §803 of the California Evidence Code specifically states, "The court
10 may and upon objection, shall, exclude testimony in whole or in
11 significant part on matter that is not a proper basis for such an
12 opinion." CSLB proceeded without jurisdiction, did not provide a fair
13 trial and prejudicially abused their discretion by not ruling
14 according the evidence, not ruling according to law, not ruling
15 according to fairness and by not having jurisdiction to make a ruling
16 at all. The CSLB decision should be vacated for the above reasons and
17 dismiss the case against Petitioners for want of subject matter
18 jurisdiction.

11 **PETITIONERS HEREBY PRAY THAT THE COURT ISSUE AN
12 APPROPRIATE WRIT ORDERING RESPONDENTS TO:**

- 13 1. Vacate the above referenced decision and dismiss the case
14 against Petitioners;
- 15 2. That the material effects of his service in the army be
16 given due consideration with respect to PFC Watkins; and
17 proper service be effected on him for future proceedings;
- 18 3. That petitioners be given notice on an equal standing
19 with the complainants on all future proceedings;
- 20 4. That any expert opinions to be considered in any future
21 hearings be based upon the true and accurate terms of the
22 contract including all valid change orders;
- 23 5. That any new hearing on this case be heard by this court.
- 24 6. That the costs of the investigation and prosecution
25 including experts report of \$6,179.66 not under any
26 circumstances be charged to petitioners.
- 27 7. That the petitioners are entitled to costs and attorneys
28 fees according to proof and such other and further
relief as the court deems just and proper and;
- 8. That the respondents pay a monetary sum of \$1,000,000 for
punitive damages, pain and suffering to the petitioner.

Dated: May 10, 2002

All of the records of these cases will be presented at future date after discovery is done.

25 Lets reflect on the juvenile court and divorce court here for just a second. In both courts
26 Plaintiff had asked for discovery and was called a vexatious litigant for doing so. In the
27 appellant opinion they stated that discovery was past the time. There was never a time given see
28 page 45 2nd par then look at same page last par where the opinion states a case where discovery

1 is allowed for constitutional right to due process. Excuse me, constitutional right of due process
2 is what the request was about. The request was about the fact that the administrative hearing had
3 withheld change orders and not allowed them and other information and the fact that it was an
4 illegal court not adhering to civil procedures or due process. Every court that Plaintiff has been
5 brought to except the 3 courts mentioned above give a period for discovery. These courts
6 (juvenile, divorce, CSLB) all deny it like it doesn't exist and no time is provided on the calendar
7 for it. On page 44 C they admit that the lower court stated that the CSLB court was not a judicial
8 court. The fact is there is no time for discovery granted. Besides when Tom Cavallo was asked
9 if he entered all the evidence he had he said yes. And you know that he said he had the change
10 orders. So even though they think they got away with fraud doing Plaintiff out of being able to
11 continue using the patent and helped Kajima to keep using it unchecked they forgot to remove all
12 the evidence against them. **Remember these are judges presumed to know the law.**

13
14
15
16 Now lets look at page 20 2nd par and 21 this may be considered the ultimate of all sins.
17 Here the judges state that because licensees must notify any changes that they had they had a
18 right to serve Michael D. Watkins Plaintiff at the corporation. And they have the Gaul to state
19 that Michael never suggested a flaw to these arguments so they are valid. Michael had argued all
20 along that he was not personally served, so how is that not a suggested a flaw with their
21 argument that states he can be served through the mail? Service by mail to another entity is not
22 personal service and that is what Michael had argued all along. Michael was not a licensee so he
23 was not required to make an argument especially when he was not served and not part of the
24 proceeding so that he could make any argument at all. See 5 at bottom of page 20. Also see
25 page 17 2nd par last sentence where Virginia & Michael are not licensees. What fraud on the
26 court are these people doing? Here Michael has put his life at risk and does not know about the
27
28

1 hearing. Here the appeals court refuses to reopen the hearings and stated that the lower court
2 cannot open the hearings even after all the information is presented to them. They make false
3 arguments on the record a fraud on the court. Legal council did not represent Michael D.
4 Watkins. Any representation assumed is hearsay and is false representation, which equals no
5 representation at all. Declarations of Michael D. Watkins, Richard Collins, attorney for
6 Advanced, Virginia Watkins and exhibit "D"-Minute Order of Judge Dest. Also a letter brought
7 in after the fact stating that George Lasko represented all the appellants is not of any value or
8 proof that Michael D. Watkins was represented by counsel, even Richard Collins first answered
9 assuming he was representing all appellants in error, Geroge Lasko never talked to Michael D.
10 Watkins nor did he represent him nor did he put any documents in to the hearing on behalf of
11 Michael D. Watkins. Michael has filed a complaint to the California State Bar and found that
12 that Lasko has already given up his license because of similar accounts of misconduct. Lasko is
13 no longer a licensed attorney in the state of California. Also statement by Lasko of who he was
14 representing, which is signed by Lasko states he was representing Advanced only (CT p 370-
15 372). Plaintiff was not served or represented yet; Stephen Sands of the California Contractors
16 License Board (CSLB) made an order against him. According to the *Soldiers and Sailors Civil
17 Relief Act of 1940, before any default judgment can be entered and made final, the plaintiff must
18 file an affidavit setting forth facts showing that the defendant is not in the military service, which
19 Stephen Sands, CSLB and the Administrative Law Judge did not do. Deputy Attorney General,
20 Mr. Ahern admitted HE WAS NOT SERVED (Clerks Transcript p.192, lines1-2). An attorney
21 did not represent Michael D. Watkins. Any representation claimed or assumed is hearsay and is
22 false representation, which equals no representation at all. Declarations were given by Michael
23 D. Watkins to this fact.*

1 Defendant, SGT Michael D. Watkins, was not served with summons by any means of
2 proper service as required by the SSCRA. Without service of process, the order and decision is
3 illegal.
4

5 In Allen v. Allen it was decided that: "*Any implication in the Russ case that mere service*
6 *of process upon attorneys of record in the divorce action is sufficient in a modification*
7 *proceeding to satisfy the requirements of the Act is **disapproved.**" emphasis added. Also in the*
8 *same case "This court held that where the servicemen is notified of the proceeding and appoints*
9 *attorneys to represent him"---"the court is not required to appoint another attorney ". Allen v.*
10 *Allen, 30 Cal. 2d 433, 182 P.2d 551, (1947) As can be seen from this case mere serving the*
11 *corporation does not constitute service under the meaning of the Act and should be **disapproved.***
12 *Also it can be seen from the above-cited case the service man must be noticed as in satisfying the*
13 *Act and must have appointed an attorney. **Neither was done.** In the same case the defendant*
14 *was appealing an order to vacate the order of the lower court because the lower court refused to*
15 *allow the service member to defend himself. The court decided that the burden of proof is on the*
16 *party in opposition to the motion. "in effect, places the burden of proof upon the party resisting*
17 *a postponement" Also the SSCRA itself demands that the attorney must be authorized.*
18
19

20 And to wit: "*Here, no appearance was made by the defendant. Further, defendant did*
21 *not hire or otherwise obtain an attorney to represent him or appear for him at the child support*
22 *hearing. The judgment was, in fact, a default judgment. Consequently, all the protections*
23 *afforded defendant under section 520 of the Act remain available to him" Smith v. Davis 364*
24 *S.E. 2d 156, 88 N. C. App. 557 (1988). The case cited here was printed in its entirety in the*
25 *motion before both Appeals court and the CSLB's court. Of course you know what*
26
27
28

1 **happened with these corrupt individuals they denied opening of the case and frauded**

2 **Michael out of a fair trial.**

3
4
5 Defendant was not served or represented. He resigned as an officer of Advanced before
6 beginning his military service, long before the ensuing action occurred. Please see exhibit "A"-
7 Resignation.

8
9 *Article 1 section 7 of the California Constitution requires due process of law. "A person*
10 *may not be deprived of life, liberty, or property without due process of law or denied equal*
11 *protection of the laws."*

12 *Also Postal Telegraph Cable Co. v. Newport, 247 U.S., 464, 476 (1918); Baker v. Baker,*
13 *Eccles and Co., 242 U.S. 294, 403 (1917); Louisville & Nashville RR v. Schmidt, 177 U.S. 230,*
14 *236 (1900) A state may not, consistent with the due process clause, enforce a judgment against a*
15 *party named in the proceeding without having given him an opportunity to be heard sometime*
16 *before final judgment is entered. Proceedings in which due process must be observed. While*
17 *due notice and a reasonable opportunity to be heard to present one's claim or defense have*
18 *been declared to be two fundamental conditions almost universally prescribed in all systems of*
19 *law established by civilized countries. Twining v. New Jersey, 211 U.S. 78, 110 (1908); Jacob v.*
20 *Roberts, 223 U.S. 261, 265 (1912); Smith v. Davis 364 S.E. 2d 156, 88 N. C. App. 557 (1988).*
21
22
23 *[Emphasis added]*

24 Deputy Attorney General, Mr. Ahern, representing Stephen Sands and CSLB, admitted
25 "respondents could not properly serve Michael David Watkins, Jr. at an address of which
26 they were not aware" (see CT p191, line 19-20 and p192 line1-2)
27
28

1 Furthermore, SGT Michael D. Watkins did not authorize anyone to seek representation
2 for him. The record clearly shows that there was no affidavit from the service member to any
3 attorney.
4

5 Before the order was made final by CSLB there was a declaration from Sgt Michael D.
6 Watkins stating he had no representation, a letter from his commander verifying his military
7 status and lack of proper service that was sent with the petition, a true copy is attached herein
8 (Copy of Petition for Reconsideration, declaration and letter from his commander, proof of
9 service, and CSLB letter dated December 28, 2001 acknowledging receipt of Petitions for
10 Reconsideration).
11

12
13
14 **Michael D. Watkins, Richard Collins, attorney for Advanced, and Virginia L. Watkins all**
15 **made declarations to this fact to the court to no avail.**

16 Although defendant had the right to authorize an attorney for his defense, because
17 he did not know of the actions against him he had no opportunity to do so.
18 The CSLB court did not appoint an attorney for him. If they had appointed him an attorney, that
19 attorney would have had to contact the defendant and get his consent for any work done by the
20 attorney.
21

22
23 *" In any action or proceeding in which a person in military service is a party if such*
24 *party does not personally appear therein or is not represented by an authorized attorney, the*
25 *court may appoint an attorney to represent him; and in such case a like bond may be required*
26 *and an order made to protect the rights of such person. But no attorney appointed under this*
27 *Act (sections 501 to 593 of this Appendix), to protect a person in military service shall have*
28 *power to waive any right [new language is "waive any defense of the servicemember or*

1 otherwise bind the service member” SSCRA HR 100 § 201(B)(2) also the service member must
2 be contacted] of the person for whom he is appointed or bind him by his acts.” SSCRA 50 USC
3 § 520 (3). [Emphasis added].
4

5 The law is clear that the appearance argument has to be construed by the fact that the
6 attorney is authorized by defendant and in the following cases it is clear that the phrase used is
7 his attorney not someone else’s attorney. Smith v. Davis 364 S.E. 2d 156, 88 N. C. App. 557
8 (1988) reprinted in its entirety (exhibit F). Also see Allen v. Allen, 30 Cal. 2d 433, 182 P.2d
9 551, (1947). An unauthorized attorney is no appearance by defendant.
10
11

12 Even with all this information the appeals court refused to vacate the decision against
13 Michael and have the hearing redone. According to 50 USC §520 (4) and HR 100 § 201 (g) Any
14 judgment rendered in any action against any person in military service during his service or
15 within thirty days thereafter in which that person was prejudiced by his military service in
16 making his defense, such judgment shall upon application made by him not later than ninety days
17 after the termination of such service, be opened by the court rendering the same and defendant
18 let in to defend.
19

20 When Plaintiff learned of the default against him, both he and his commanding officer
21 sent notice in writing to Registrar of Contractors on December 20, 2001 that he was serving in
22 the military in Germany and he had not been notified of the hearing. Again, registrar did not
23 comply with the law pursuant to SSCRA 50 U.S.C. Appx. § 501 et seq.
24 SSCRA 50 USC § 520 (4) and HR 100 § 201 (g) gives the service member the right of plenary
25 due process to open the case even if closed and a final order has been issued. In the interest of
26 justice proceedings should have been opened in the CSLB court when Plaintiff requested it.
27
28

1 Since service member, SGT Michael D. Watkins, had the right to open this case in that court.
2 The Court has the authority to open proceedings upon application by the service member and
3 also shall open proceedings upon application. 50 USC §520 (4); Smith V. Davis 364 S.E. 2d
4 156, 88 N.C. App. 557 (1988); Allen v. Allen, 30 Cal.2d 433, 182 P.2d 551 (1947).
5

6 **Plaintiff made application to the Registrar of Contractors to reopen the**
7 **proceedings. The Registrar refused. Plaintiff also made application to the Appeals Court**
8 **who also refused. This Application was filed timely. According to 50 USC §520 (4):**
9

10 *“If any judgment shall be rendered in any action or proceeding governed by this*
11 *section against any person in military service during the period of such service or within thirty*
12 *days thereafter, and it appears that such person was prejudiced by reason of his military*
13 *service in making his defense thereto, such judgment may [new language is “shall” SSCRA,*
14 *HR 100 § 201 (g) (1)] upon application, made by such person or his legal representative, not*
15 *later than ninety days after the termination of such service, be opened by the court rendering the*
16 *same and such defendant or his legal representative let in to defend”. [Emphasis added] 50*
17 *USC § 520 (4) Also see Allen v. Allen, 30 Cal 2d 433, 182 P.2d 551 (1947) Also Smith v.*
18 *Davis 364 S.E. 2d 156, 88 N. C. App. 557 (1988). Defendant had a meritorious defense that he*
19 *has not had opportunity to present. He has documentary evidence to prove that the CSLB*
20 *complainant, (Belotti), lied under oath in the CSLB court and those lies materially effected the*
21 *outcome of the CSLB Decision and Order. He also has documentary evidence to prove that*
22 *CSLB’s “expert” witness report was a false report based on false assumptions and not facts.*
23 *That report was the basis of the Decision and Order. He also had documentary evidence to prove*
24 *that CSLB Decision and Order was in error in several areas.*
25
26
27
28

1 Defendant has other defenses of merit—his inalienable right to a fair trial cannot be
2 waived. His right of plenary due process including the right of discovery, to cross-examine
3 witnesses, to testimony, to enter documents and to otherwise present his case have not been
4 given him.
5

6 As the Secretary of Advanced, Plaintiff SGT Michael D. Watkins was the most knowledgeable
7 person about the project (subject of the CSLB Decision and Order) since he worked full time on
8 the job under the Responsible Managing Officer (Vice President) of Advanced. He was in
9 charge of field operations. Through meta physical flim flam and nonsensical case law they think
10 that they can do away with Plaintiffs rights.
11

12 Now another thing to consider here is that the Appeals court had previously ruled that
13 SGT Michael D. Watkins was prejudiced by his military service and that other defendants would
14 be prejudiced by his absence if proceedings were allowed to continue without him. The Appeals
15 court therefore granted him and other defendants a stay of all proceedings in the appeals court
16 itself. They reversed this line of thinking when they did the opinion. How was he not prejudiced
17 in the Administrative hearing without being there and knowing nothing about it. **Just look at**
18 **all the fraud!**
19

20 The SSCRA is to be construed liberally with a friendly eye to the one who has
21 answered his country's call:
22

23 Le Maistre v. Leffers, 333 U.S. 1, 68 S.Ct. 371, 92 L.Ed. 429 (1948); Boone v. Lightner, 319
24 U.S. 561, 63 S. Ct. 1223, 87 L.Ed. 1587 (1943); Smith v. Davis 364 S.E. 2d 156, 88 N. C. App.
25 557 (1988).
26
27
28

1 CSLB court is required to set aside a judgment where, because of his military service, the
2 defendant was prejudiced **if we are to take them as having judicial authority**. Of course if not
3 then the decision has to be reversed anyway.
4

5 Smith v. Davis 364 S.E. 2d 156, 88 N. C. App. 557 (1988); Allen v. Allen, 30 Cal.2d
6 433, 182 P.2d 551 (1947).

7 *“the California Supreme Court pointed out that section 520(4) authorizes the trial court to set*
8 *aside a judgment where, because of his military service, the defendant was prejudiced in*
9 *making his defense.”; [Emphasis added].*

10 Also Plaintiff reminds the court here that the civil court of record ruled that Michael was not
11 served. When this happened the case was move out of that court’s hands and moved from Big
12 Bear Court to San Bernardino Court. Here the judge had ruled that there was perjury by Sharon
13 Belotti. This judge then disappeared off of the case. This is when Ludvigsen who latter became
14 the judge in the Juvenile case became the new judge. To keep Sharon from going to jail for
15 perjury the Belottis took out bankrupsy which put a stay on the state case. Kajima had paid off
16 some very high up state officials. You see they got caught with their fraud in the court of record.
17 Now you can see what happened with the forth power courts and fraudulent agency that finds no
18 mention in the constitution and the fraud that is perpetrated by the state and how through these
19 nonexistent powers can take payoffs and have power to satisfy the one paying them. No justice
20 here.
21
22
23

24
25 **All these people need to be put behind bars.** The irony is that because they are paid by
26 Kajima to make this decision they just state anything they want but try to make it look good by
27 meta physical falsehood and nonsensical case law. Then the next thing is on page 19 where they
28

1 state in the top paragraph once licensed in a business... The truth hear again is that Michael &
2 Virginia were not licensed. See page 17, 2nd par where they state that they were not licensed.
3 This opinion talks and back talks itself constantly. Anyone that reads this opinion can see the
4 fraud on the court that is being perpetrated on Plaintiffs.
5

6 Ok now let's look at the challenge to subject matter jurisdiction which is the most
7 falsification of the record. You see in the civil court of record where civil procedures are
8 followed which is been stated that to have fairness there must be procedures that have to be
9 followed (civil procedures) the Belottis did not get anywhere. You see this is pretty important to
10 note. See pages 12, 1st par how the appellate court goes on to commit fraud on the court by
11 stating and trying to convince Plaintiffs that by some troubled times forced courts to recognize
12 these administrative agencies to have judicial tools. Now here is the cruncher they don't quote
13 any constitutional language that allows the Contractors State License Board. The challenge was
14 that the Constitution must authorize another power or it is just plain not allowed. To give you
15 an example the labor board is an authorized administrative agency in the state of California and
16 is mentioned in the constitution by express words and as stated above by the California supreme
17 court about the railroad commission being mentioned in the Constitution by express words.
18
19

20 **Plaintiffs also noticed them that evasive answer to the challenge or not answering at**
21 **all was obstruction of justice.** So they answered evasively a fraud on the court because
22 of a payoff to them. The court below would not answer the challenge at all except to
23 deny the challenge. So you see they committed fraud on the court. All the above is fraud
24 on the court and is because of a payoff from Kajima. These officials new that they were
25 excepting false documents to a hearing knowing that the change orders were withheld
26 from the expert witness and from the transcript a falsification of the record and knowing
27
28

1 that they were committing fraud on the court through legal trickery. When Tom Cavallo
2 was asked did you log all the evidence you have? He stated yes admitting earlier that he
3 had the change orders and then the Deputy Attorney General who put in a motion to
4 strike stated that they were not part of the record. This is all fraud on the court. The
5 Federal Courts are the ones to solve such issues. See Bivens action. None of the courts
6 above had jurisdiction nor did they have authority granted them for judicial powers. The
7 following to wit:
8

9 “Since the appellate court may not proceed on the merits of a controversy without subject
10 matter jurisdiction, it must determine whether it has jurisdiction any time the issue is
11 raised.
12

13 Keiffer v. Bechtel Corp. (1998) 65 Cal. App. 4th 893, 896, 76 Cal. Rptr. 2d 827.

14 “While commissions created by Legislature may be empowered to determine questions of
15 administrative or ministerial character, **Legislature is without authority to vest such**
16 **commissions with judicial powers.**” Collier & Wallis v. Astor, 56P.2d 602; Dis. Ct.
17 Appl, 2nd Dist. Calif. (1936), Hearing 2nd S.C. (1936)
18

19 “Ministerial officers are incompetent to receive grants of judicial power from the
20 legislature, their acts in attempting to exercise such powers are necessarily nullities”.
21 Burn v. Supreme Court. 140 Cal. 1.
22

23 “Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the
24 court lacks jurisdiction, the court has no authority to reach merits, but, rather should
25 dismiss the action”. Melo v. U.S., 505F.2d 1026
26

27 “There is no discretion to ignore lack of jurisdiction.” Joyce v. U.S. 474 F 2nd 215
28

1 “The burden shifts to the court to prove jurisdiction.” *Rosemond v. Lambert*, 469 F.2d
2 416 “Court must prove on the record, all jurisdiction facts related to the jurisdiction
3 asserted.” *Lantana v. Hopper*, 102 F.2d 188; *Chicago v. New York* 37 F. Supp. 150.

4 “Since jurisdiction is fundamental, and it is jurisdiction alone that gives a court power to
5 hear, determine, and pronounce judgment on the issues before it, jurisdiction must be
6 continuing in the court throughout the proceedings.” *Re. Cavitt*, 254 P. 599.

7 “Since jurisdiction is fundamental to any valid judicial proceeding, the first question that
8 must be determined by a trial court in any case is that of jurisdiction.” *Dillion v. Dillon*,
9 187 P. 27. “Without subject-matter jurisdiction, all of the orders and judgments issued by
10 a judge are void under law, and are of no legal force or effect. **In Interest of M. V.**, 288
11 Ill. App. 3d 300, 681 N.E.2d 532 (1st Dist. 1997) (“Every act of the court beyond that
12 power is void”)

13 (“Every federal appellate court has a special obligation to satisfy itself not only of its own
14 jurisdiction, but also that of the lower courts in a cause under review, even though the
15 parties are prepared to concede it”) (citation omitted). If the district court lacked
16 jurisdiction, “Our jurisdiction extends not to the merits but merely for the purpose of
17 correcting the error of the lower court in entertaining the suit.” *New York Life Ins. Co. v.*
18 *Deshotel*, 142 F. 3d 873, 882 (5th Cir. 1998)

19 Now let’s look at Michael D. Watkins divorce. Judges Bennett and Allen held hearings
20 and made orders in state court after the case had been removed to Federal Court and after
21 written notices that they were proceeding without jurisdiction.

22 According to the record on 12-26-2007, Donna Scipio (reported as Donna Shepio
23 on the transcript) admitted that she did not personally serve Michael D. Watkins. She
24
25
26
27
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1 claims (among other false statements) that she left it on his door step. It should be noted
2 here that Donna Scipio is Lucinda Watkins mother and was a party to the action besides.
3 Judge Bennett ignored the fact that Michael D. Watkins was not served, that the case had
4 been removed to Federal Court and proceeded to set another hearing.
5

6 According to the record on 1-3-2008, Judge Allen heard the case (this is untrue as
7 another Judge had been brought in from San Bernardino, the court reporter removed most
8 of this information from the transcript however failed to edit out all mention of the other
9 judge for instance when Mr. Mcandrew asked "Does your honor know when Judge
10 Bennett will be next available for hearing?" The Judge who heard the case said "I would
11 have to check to be honest with you. Yesterday was my first day in this courthouse, so
12 I'm not up on anybody's schedule." Judge Allen would never have said this as he had
13 been a judge in the Victorville Court for years including being the supervising judge of
14 the Victorville Court.
15
16

17 Never the less Judge Allen's name is on the transcript as ruling that Michael D.
18 Watkins was served in the case. Richard Mcandrew knowingly made false statements to
19 the court stating that Lucinda was allowing phone calls and visitation with the child
20 Justin Watkins. The Judge then ordered custody of the minor child to Lucinda and
21 completely ignored the fact that she was living in the same house as her brother Hector
22 Trujillo a registered sex offender who had been convicted of molesting a three year old
23 child when he was living with the child's mother. Many violations to the constitution are
24 done in this incident including the 4th amendment and the 6th, 7th, 8th, 9th, 10th, 14th. It
25 should be stated here that the information about Hector Trujillo was also removed from
26 the transcript. The Judge then turned around and ordered supervised visitation for
27
28

1 Michael D. Watkins of his son Justin even though there was no accusation against
2 Michael D. Watkins of any wrong doing what so ever a violation of the 4th 6th 7th 8th 9th
3 10, 14th amendment.
4

5 According to the record on 1-30-2008, Richard Mcandrews knowingly made false
6 statements to the court stating that Judge Allen had made rulings and orders in the last
7 hearing. Richard Mcandrews knew that Judge Allen was not the one who presided over
8 the previous hearing.
9

10 Judge Bennett was requested to recuse herself from hearing the case because she
11 was being sued in a Federal case by Michael D. Watkins a conflict of interest. In all of
12 this the due process was not allowed. The case was removed to Federal Court and the
13 parties made decisions against Plain and continued on the case and made orders against
14 Plaintiff. As in all of the cases herein there was falsification of the record, abuse of
15 process, malicious prosecution fraud on the court to infringe on a us patent many other
16 forms of misconduct in office as articulated through out this complaint. The judge in this
17 case ruled supervised visitation rights a violation of Plaintiffs right to his child and the 4th
18 amendment to the constitution among other violations. There was no basis for this ruling.
19 This was just another form of malicious prosecution to destroy Plaintiffs so that Plaintiffs
20 could not prosecute the patent or use the patent as in all the other cases proffered herein.
21
22
23

24 61. Plaintiff Michael D. Watkins was an agent of the Federal Government engaged in
25 military service when defendants violated Federal law, Federal statutes and
26 treaties entered into by the Congress of the United States during the process of
27 their conspiracy and infringement on the Federal patent. Plaintiffs claims Federal
28

1 jurisdiction under the Soldiers and Sailors civil relief act, Treaties entered into by
2 the United States at the Geneva Convention, and pursuant to Article III § 2 which
3 extends the jurisdiction to cases arising under the U.S. Constitution. The district
4 courts shall have original jurisdiction of all civil actions arising under the
5 Constitution, laws, or treaties of the United States and according to Title 28
6 U.S.C. § 1332 the case may be heard in this court as diversity.
7

8 62. Defendants worked together to help Persons use a patent (infringement) and were
9 paid by a person from the under world to steal the above mentioned patent and
10 some of the Defendants even admitted on the record to tampering with evidence,
11 falsifying documents, extortion, taking pay offs, simulation of process, unclean
12 hands and other forms of criminal obstruction of justice all for the purpose of
13 stealing a patent. And even though it was admitted the outcome is the same. The
14 state is standing behind them. The defendants not only violated law after law of
15 the State Constitution and statutes they in the process violated many federal laws
16 in the process both of the federal constitution and federal statutes and Federal
17 Patent laws.
18

19 63. Defendants did not serve Plaintiff Michael D. Watkins but continued their lawless
20 acts of obstruction of justice, criminal misconduct in office, simulation of process
21 and numerous criminal acts for the purpose of stealing a patent and continuing the
22 infringement of said patent.
23

24 64. Defendants were noticed that they were violating the law and that they were
25 proceeding in their personal capacities not in their official capacities and hence
26 were no longer protected under qualified immunity doctrines. Defendants ignored
27
28

1 the notices and warnings given by Plaintiffs and willfully continued in criminal
2 violation against Plaintiffs.

3
4 65. Judge Michael Dest of Big Bear Lake Superior Court ruled and there is a minute
5 order that says that Michael D. Watkins was not served. As soon as this ruling
6 took place the case was immediately moved out of his hands to San Bernardino.

7 66. The Judge there ruled a summary adjudication for Plaintiff Michael W. Watkins
8 and stated that it seems obvious that Sharon Belotti committed perjury but it must
9 go to trial. The case was moved to Judge Ludvigsen's court and then Belottis
10 took out Bankruptcy which put a stay on the state proceedings. Sharon Belotti
11 later withdrew her complaint to the state contractors board but the board refuses
12 to take away there decision even though they know it to be false.

13
14 67. Judge Ludvigsen became the judge in the Juvenile case where Defendant's have
15 purposely conspired to assassinate the character of Michael W. Watkins. Judge
16 Ludvigsen was notified and demanded to recuse herself because she was in a
17 conflict of interest but she would not recuse herself. Then after she was sued she
18 disappeared off of the case and then Ronald M. George moved Supervising Judge
19 Cohn to hear the case who was already being sued by Plaintiff in the Divorce
20 case. He falsified documents to the hearings in the Divorce case. He also would
21 not recuse himself. He also had a transcript destroyed in the divorce case. It was
22 claimed by the reporter that the transcript was ordered destroyed by Judge Cohn.

23
24
25 68. There has been a pay off and promises of protection from litigation to Virginia L.
26 Watkins to file for divorce and assassinate the character of Plaintiffs. Virginia L.
27 Watkins henceforth joined Defendants conspiracy. She previously had been sued
28

1 along with Plaintiffs in Defendants attempts to steal the patent and further their
2 infringement. The strategic advantage of “divide and conquer” that Defendants
3 have employed to break up a family of over thirty years should be noted to be the
4 tactics of depraved and immoral individuals. She is also getting paid for the
5 patents use at this time.
6

7 69. Virginia L. Watkins filed for divorce and made numerous false allegations and
8 perjured herself to “railroad” Michael W. Watkins (she bragged to Plaintiff that
9 everyone in the Victorville Court is together and you don’t have a chance). She
10 stole over \$225,000.00 before she filed for divorce. Virginia L. Watkins was
11 observed leaving the same building shortly after the above stated members of the
12 underworld. She has done these things to attempt to reduce Plaintiffs’ assets,
13 exhaust their will power, and hamper their ability to defend against patent
14 infringers. Later her and Sherry Thompson committed credit card fraud of over
15 \$15,000.00 with \$10,000.00 going directly to Sherry Thompson. Virginia L.
16 Watkins then brought a false accusation of rape two weeks after a long battle over
17 custody where Michael W. Watkins had been granted joint physical custody.
18

19
20 70. There was a summary judgment motion for perjury against individuals (Richard
21 Belotti) in the under world one whom is a convicted felon who served a seven
22 year prison term for selling cocaine. Then these individuals took out bankruptcy
23 to avoid the perjury which put a stay on the State proceedings (an asset
24 bankruptcy). N. L. Hanover then decided to take up the case after a pay off to
25 him even though he was noticed that the case involved the infringement of the
26 above mentioned Patent a Federal Patent issued by the United States
27
28

1 Commissioner of Patents and Trademarks. There was a prior suit against them by
2 Plaintiff but since that date there has been a settlement with both N. L. Hanover
3 and the people from underworld and an agreement that Plaintiffs will not sue
4 them any further for which Sharon Belotti withdrew her complaint to the
5 Contractors License Board. CSLB still will not overturn there order baring
6 Michael D. Watkins from serving as an officer on another corporation.
7

8 71. Virginia was paid to file for divorce and took \$225,000.00 cash from the home in
9 the process. She has gotten money from the defendants so defendants can steal
10 and use the above mentioned patent.
11

12 72. The judges in the divorce case have violated the civil rights of Michael W.
13 Watkins by simulation of process to use and or infringe on the above mentioned
14 patent. The motive here is to continue to use the above mentioned patent.
15

16 73. In the case that was originally brought by the California Contractors State License
17 Board (CSLB) James Ahern Deputy attorney general admitted that Michael D.
18 Watkins was not served. Judge Alvarez at the writ appeal just ignored that
19 statement and ruled because that Michael was a licensee he could be served at the
20 corporation even though Michael was not a licensee and James Ahern said that
21 Michael was not served properly and did not no anything about the hearing since
22 he was in Germany in the United States Army. Also James Ahern in the same
23 hearing admitted that the transcript has been altered but Judge Alvarez did
24 nothing about this either nor did the appellate court even though Plaintiffs made
25 statements that the transcript was altered by obstruction of justice. Each one of
26 these persons were noticed that they did not have subject matter jurisdiction and
27
28

1 that the case involved infringement of a United States Patent. Defendants are
2 presumed to know the law and the law is clear. **The United States District**
3 **Court has exclusive jurisdiction for patent infringement cases.** Court
4 defendants became a part of the infringement and conspired with other patent
5 infringement perpetrators to infringe on the above mentioned patent.
6

7 74. As stated above Judge Michael Dest in the civil case ruled that Michael D. was
8 not served.

9
10 75. The Appeals Court ruled in their opinion that Michael D. Watkins was not a
11 licensee but did not correct the fact that he could not have been served. They did
12 reverse much of the lower courts decision but allowed the simulation of process to
13 continue even though the Appellate Judges knew that Michael was not served
14 because they were paid off not to reverse on the service requirement.

15
16 76. To serve Michael, there was a requirement to serve according to the Hague
17 Convention. The courts were notified by the Jag office that they must serve
18 Michael by the Hague Convention. This notification happened after Michael
19 found out that there was a hearing and that he was not notified nor knew about it.
20 He asked for the hearing to be reopened so that he would have a chance to defend
21 himself. Steven Sands of CSLB ignored his request and went forward with a
22 despicable ruling. Steven Sands was notified that the case involved an
23 infringement on U.S. Patent. The subject matter jurisdiction was challenged but
24 still Defendants continued simulation of process.
25
26
27
28

1 77. Michael D. Watkins has never been heard and the higher courts said that he could
2 not have a hearing in their courts or trial because that had to be done in the lower
3 court. Criminal obstruction of justice is the only thing that anyone could see here.

4
5 78. There is a 65 foot high Concrete building where the Patent was used. Defendants
6 were caught red handed because Michael W. Watkins was the resident inspector
7 on the project and was at the other end of the trailer when the meetings were
8 being held. Defendants did not know that the inspector at the other end of the
9 trailer was the owner of the patent at first. There is much more and not enough
10 room to put in this complaint. There was a challenge of jurisdiction that has not
11 been answered by any of the courts even though the challenge can be brought at
12 any time and the courts must answer. More simulation of process where the
13 Courts knew that CSLB did not have subject matter jurisdiction yet simulated
14 process as if they did. All of the above is a violation of federal statutes and the
15 federal Constitution to name a few. There is fraud, tampering with evidence,
16 simulation of process, taking pay offs or bribes, extortion, collusion, unclean
17 hands and the like.

18
19
20 79. The army had to let Michael go because the Appeals Court would not let the stay
21 go on any further even though Michael was deployed to Iraq on secret missions.
22 So the commander gave the court a date that he would let Michael come back to
23 defend himself in the Appellate process.

24
25 80. Both Michael the father and Michael the son have been taken through hell by the
26 judicial system and punished by it because of the patent just because of corrupt
27 state officials and a corporation is infringing on the Patent.
28

1 85. Title 35 U.S. Code § 271 (b) **“Whoever** actively induces infringement of a patent
2 shall be liable as an infringer.” (emphasis added)

3 86. Title 35 U.S. Code § 271 (h) “As used in this section, the term ‘**whoever**’
4 includes any State, any instrumentality of a State, and any officer or employee of
5 a State or instrumentality of a State acting in his official capacity. Any State, and
6 any such instrumentality, officer, or employee, **shall be subject to the provisions**
7 **of this title in the same manner and to the same extent as any**
8 **nongovernmental entity.**” (emphasis added)

9 87. Each and every one of the aforementioned defendants each and all of them
10 violated Title 35 U.S. Code § 271 (a) and (b). Title 35 U.S. Code § 271 (h)
11 encompasses all Defendants and allows no exceptions for qualified immunity of
12 their respective offices. All of the defendants were parties to the conspiracy to
13 infringe on the aforesaid patent to use it. They were paid monies and/or promised
14 monies, granted favors, promised future favors, received promotions, promised
15 future promotions, took bribes, promised future bribes, received kickbacks,
16 promised future kickbacks, received certain protections, promised future
17 protections, received all manner of compensations and future compensations.
18 Relying on their knowing, wanton, malicious and willful falsification of the
19 record. Defendants wantonly, maliciously, and willingly take and maintain action
20 against Plaintiffs under color of law and not under color of law with intent to
21 criminally fraudulently deceive Plaintiffs into believing they had subject matter
22 jurisdiction to steal a Patent and use said patent to Plaintiffs irreparable harm,
23 damage, and injury with willful intent to take Plaintiffs’ property and liberty. All
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1 of this was done in the clear absence of subject matter jurisdiction and a
2 simulation of process to use or infringe on said patent.

3 **Defendants were successful in stopping Plaintiffs from using the**
4 **patent against all law that is the foundation of this country.**

5
6 88. A. Kajima Companies, (Kajima): KUD International, Kajima Building and
7 Design Group (KBD GROUP INC), Kajima Corporation, Kajima USA, Austin
8 Group, Batson Cook Company, Batson Cook Development Company, KCS
9 WEST, CDI, IDI, Kajima Development Corporation (KDC), Hawaiian Dredging
10 Construction Company (HDCC) did this by using the patent and paying public
11 officials to keep Plaintiffs from using and prosecuting the patent **they were able**
12 **to stop Plaintiffs from using the patent.** Kajima Corporation has holdings of 16
13 billion dollars and was able use there abilities to buy so called justice in there
14 favor. Defendant Kajima Corporation is located in Japan with offices and
15 operations in the United States with service of process in Tokyo Japan and owns
16 Kajima USA and whereas the rest of the companies mentioned above herein are
17 under Kajima USA. Plaintiffs refer to these companies as Kajima here after and
18 above. **A Substantial amount of the patent infringement was done in the state**
19 **of Florida and in this district.** But, the patent was used throughout the United
20 States. Kajima has continued to use the patent here in this district and has an
21 office here as KUD International.

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25 1. Kajima owed a duty to Plaintiffs of not using the patent that belongs to
26 Plaintiffs unless agreed by Plaintiff.
27
28

- 1 2. Kajima group of companies infringed the patent by using it without
2 permission of the holders of the patent which was the breach of duty as
3 stated in (1.) above. Patent #5,894,704.
- 4
5 3. Kajima injured Plaintiffs by infringing the patent without permission and
6 by paying state officials to destroy Plaintiffs so they could not continue
7 using the patent and that Plaintiffs could not prosecute the patent or use in
8 fact **stopped** Plaintiffs from using the patent in the state courts. Kajima is
9 guilty of fraud, fraud on the court, patent infringement, malicious
10 prosecution, and many other acts of obstruction of justice including
11 falsifying the record. Kajima violated Plaintiffs rights of the 4th, 6th, 7th,
12 8th, 9th, 10th, 14th, amendments to the United States constitution.
- 13
14 4. **Damages: Plaintiff demands that Kajima group of companies pay 100**
15 **million dollars for the use of the patent since Plaintiff was injure from**
16 **lost revenues, lost ability to use the patent and has cost Plaintiff for**
17 **law suits that were brought by Kajima and many other damages**
18 **amounting to 100 million plus punitive damages.**
- 19
20 5. Plaintiffs have given notice to Kajima Companies that they have infringed
21 on the patent and to stop using it.
- 22
23 6. Plaintiffs own the above mentioned patent #5,894,704 that Kajima group
24 of companies are using.
- 25
26 7. This court has jurisdiction because of the above mentioned laws and the
27 fact that Kajima's KUD International has done projects using the patent in
28 this district including the University of Central Florida Orlando. Also

1 Kajima has a regular place of business in this district. Also the parent
2 company is an international corporation and can be sued in any district.

3 B. The other infringers mentioned above (non Kajima Defendants) infringed on
4 the Patent by helping Kajima Defendants to use the patent without having to
5 pay Plaintiffs for its use.

6
7 1. They had personal knowledge that they were infringing on the patent and
8 were noticed of such and continued.

9
10 2. This court has jurisdiction over them because they helped Kajima use the
11 patent by inducement and had contact with Kajima companies in different
12 states and in Florida.

13 C. Judge Williams infringed on the patent by taking a pay off from Kajima
14 ignoring laws that were presented to him including federal laws because of a
15 payoff from Kajima. He is guilty of fraud on the court, simulation of process
16 and many other forms of obstruction of justice and misconduct in office.

17
18 1. Judge Williams had a civil duty to Plaintiff to be fair and not to be bias in
19 his judgments, to not take payoffs for judgments given, to adhere to law,
20 to adhere to the constitution in the protection of the laws clause and other
21 amendments to the US constitution. He was noticed that it was a patent
22 case and that he was in violation of law. He was motioned for jury trial
23 and he refused. Instead had Plaintiff designated a vexatious litigant for
24 requesting a jury trial. He later admitted he did not have jurisdiction after
25 he had done all the damage he could do to Plaintiff.
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