



Law Office of Albert M Sterwerf, PC
1352 Irvine Blvd.
Tustin, California 92780
Office: (714) 508-7000
Mobile: (949) 648-9066
Fax: (714) 508-7002



COMPLAINT ORIGINALLY FILED AGAINST JUDGE BOBB IN THE MARSHALL STERN CASE

(This was initially prepared in December 2005 and January 2006 and was filed with the Judicial Commission around January 27, 2006. At that time Marshall Stern was still alive.)

BACKGROUND OF JUDICIAL MISCONDUCT

I have provided background information for the cases I am involved in before Judge Bobb. However, based on what I have witnessed in my cases and other cases while I have been present in Judge Bobb's courtroom, I felt it was necessary to file this complaint not just for me, but for all of the victims of Judge Bobb's illegal conduct. Based on my experience working with the California State Assembly and Senators Feinstein and Boxer, I know it is important that wrongs be revealed in order for them to be corrected.

I believe it is necessary to make this report in order to protect my father-in-law who has been a very important part of my life for twenty-years and who was there when I broke my back and could not work and I needed him. Now is the time for me to stand up for him. I care for him and not his estate. I am trying to protect him from those who are only interested in his money. I have fought for him, and I will continue to fight for him! I also believe this report is necessary to protect other conservatees who do not have anyone to look out for them in what I believe is a corrupt system.

This case concerns a conservatorship petition for Marshall L. Stern, my father-in-law. In April of 2004, Marshall asked me to come to California from my home in Alabama. Marshall had had a General Power-of-Attorney and a Durable Power-of-Attorney for Health Care prepared, naming me as his Attorney-in-Fact. (In the Health Care Power-of-Attorney Marshall nominated me to be his conservator if one became necessary.) Marshall also made me the Trustee of his Living Trust. All of these documents were either properly witnessed or notarized as per California law. All of these documents were prepared for signature prior to my arrival in California.

In January 2005, Marshall decided that he wanted to move to Louisiana and he wanted me to find a place where he could live with Donna (my wife and Marshall's daughter) and me. He directed me to find some properties that met his requirements, i.e. a separate guest house for him and his caretaker, close to hospitals, etc. I found 5 or 6 possibilities and sent Marshall the information on them. Marshall selected the property that he wanted and I began the process to purchase the property. Marshall directed me to put the property in Donna's name because she was to receive the property after his death. Despite his directions, I attempted to have the title in Marshall's and Donna's names alone, but Louisiana law required my name since it is a community property state. Since Marshall was not present to sign the documents, they refused to put his name on the title. I have subsequently modified the title to include Marshall.

In April 2005, Marshall was hospitalized. While he was in the hospital, I was injured through the fault of the hospital. The hospital then informed us that they could not continue to treat Marshall without a

conservatorship. Marshall agreed to a conservatorship naming me as his conservator. My attorney prepared the paperwork and filed the petition for a conservatorship based on the statements from the hospital. Prior to the filing of the petition, Marshall hired attorney Albert Sterwerf to represent him during the conservatorship proceedings.

The day after the petition was filed, Judge Bobb, on her own initiative and without any evidence of Marshall's need for a counsel, and without determining if Marshall had already obtained a private counsel (he had), appointed Ronald Berman from the Probate Volunteer Program (PVP) panel. As I would later learn, this appointment, which was contrary to Probate Code § 1470 since Marshall already had a counsel, was a common and standard practice in Judge Bobb's court when large estates come before her.

The PVP counsel appointed by Judge Bobb then proceeded to make numerous false allegations of wrongdoing against me in order to deny my appointment as conservator and to justify the appointment of a "professional conservator". These allegations were based on the PVP counsel's repetition of comments from unnamed third parties who had informed him of things that Donna and I had allegedly said and done, while Marshall was hospitalized. (This is hearsay and double hearsay). None of these allegations came anywhere near disqualifying me to be Marshall's conservator and none of them have been proven. The allegations from the unnamed "hospital employees" included the allegation that Donna and I had plugged our cellular phones in to charge in the hospital room (which we deny), the allegation that Donna was doing her nails in the hospital room (which she denies), and me telling someone that I was a "doctor" and a "lawyer". I do have a juris doctorate and may have told someone that, but I never asserted that I was a medical doctor.

Apparently in Judge Bobb's court all that is required are the unfounded and un-provable allegations by the PVP counsel and the professional conservators favored by Judge Bobb. Evidence of their allegations (i.e. any foundation in fact) is not necessary.

The PVP counsel contacted Marshall's other children Andrea Hodges and Howard Stern. Andrea Hodges had not visited Marshall in over 2-years and Howard Stern had not visited for nearly a decade. Both Andrea and Howard informed the PVP attorney that Donna and I had isolated Marshall from them. They never have explained how we did that since they live in Oregon (800 miles from Marshall) and we live in Alabama (nearly 3,000 miles from Marshall). The allegations of Andrea and Howard were give full weight and consideration by Judge Bobb, despite repeated efforts of my attorney to discredit them, such as pointing out their repeated false statements and the false statements of their attorneys.

The PVP counsel did not contact Marshall's sister (Ilene) who lives in Chicago and who had visited Marshall in either December or January just before these cases got started. Instead the PVP counsel then contacted Marshall's brother (Herman Stern) who lives in Hawaii and who by his own admission has not had anything to do with Marshall or his family for 35-years, to select a "professional conservator" for Marshall. The PVP counsel contacted the attorney for the professional conservator (James Schneiders) selected by Herman and a petition was filed for Schneiders to be made the conservator of Marshall and more importantly to Judge Bobb Marshall's estate (i.e. Marshall's money).

In the meantime, Judge Bobb had dismissed Marshall's retained counsel (Sterwerf), because, "He is not on the PVP panel." (My Attorney and I have determined that there is no requirement for a privately retained counsel to be on the PVP in either statutory law or court rules, in fact the law states that if there is a privately retained counsel then a PVP counsel CANNOT be appointed, but little things like the law do not apply to Judge Bobb.)

Judge Bobb also dismissed my petition for me to be the Marshall's conservator due to a procedural error. She has never explained any defects or "procedural errors" in any of her findings to dismiss my pleadings and/or proceedings. A review by other attorneys has not revealed any "procedural errors" in the documents as they were filed. The counsels opposing me do not seem to have the same problem despite their following the same formats and their pleadings containing false and misleading statements. Some of which will be discussed below.

On July 7, 2005, Commissioner Brenda Penny (a subordinate to Judge Bobb), denied my petitions to be the conservator of Marshall Stern, based on the allegations of the PVP counsel and appointed the "professional conservator" as the temporary conservator of Marshall.

The "professional conservator" then proceeded to illegally remove \$148,512.00 of trust assets from Marshall's Living Trust and moved Marshall into a nursing facility without any authorization or permission from the court as required by law. Judge Bobb has never reprimanded the professional conservator for this violation of law or the illegal removal of trust assets. A review of the State evaluation of the nursing home showed that the facility was deficient in every category except for billing. Due to the poor treatment of the facility, the court appointed conservator hired people to sit with Marshall and observe him. (That is right; the conservator was paying more money for someone to sit with Marshall and observe him. (That is right; the conservator was paying more money for someone to watch Marshall in the nursing facility that he was paying to care for Marshall.) On a side note, the conservator's spouse is an employee at the nursing facility.

In the months that followed, Marshall's other children became objectors to me and supported the "professional conservator" appointed by the court. Andrea Hodges, Marshall's other daughter, filed an objection under oath that she had personal knowledge of various events, which she could not have knowledge of since she has not visited Marshall in over 2-years and therefore could not have been present for the events she claimed knowledge of. The correct identification for those statements would be perjury under California Penal Codes. Judge Bobb dismissed the motion to strike the perjurious pleadings of Andrea because it "did not follow procedure." Perjury is admissible before Judge Bobb if you are of a select group of attorneys, but pointing out their perjury is not acceptable or even acknowledged by Judge Bobb.

Currently, as will be discussed below, my petition to be conservator has been denied, the "professional conservator" has been appointed as the temporary conservator and temporary trustee for Marshall. Marshall has been isolated from his friends and family, he is in a nursing home of questionable quality (despite Judge Bobb ordering the temporary conservator to move Marshall to a better facility and the temporary conservator agreeing to do so at the December 23, 2006 hearing), and I have been sent to jail for criminal contempt for not filing a document that was in the file in front of Judge Bobb when she convicted me of criminal contempt of court (See Attachments 1 and 2).

ON-BENCH ABUSE OF AUTHORITY IN PERFORMANCE OF JUDICIAL DUTIES

Prior to the onset of this case, Marshall Stern hired a private attorney to represent him in these proceedings. Judge Bobb fraudulently informed that counsel that he could not represent Mr. Stern since he was not on the PVP panel. This is false since there is no such requirement. Judge Bobb appointed the PVP counsel in this case in violation of Probate Code § 1470. Since Marshall Stern had hired an attorney to represent him, Judge Bobb had no authority, either by Probate Code § 1470 or the Rules of the Court to appoint a PVP counsel.

At the December 12, 2005 hearing, based on a medical report prepared in July 2005, Judge Bobb determined that Marshall Stern was suffering from dementia in April 2005 and he could not have hired his private attorney. Doctors at Cedar-Sinai Hospital specifically determined that Marshall Stern did not

have dementia in February 2005.

Even if Marshall Stern had had dementia, Judge Bobb's determination is contrary to California Law. Under California law the presumption is that a party is competent unless there is evidence to the contrary. No evidence was presented that Mr. Stern lacked capacity at the time he hired his private counsel. Judge Bobb again ignored the inconvenient law in order to protect her PVP counsel who she had unlawfully appointed.

The medical report relied on by Judge Bobb was prepared by a doctor hired by the PVP counsel and has never been confirmed by any other doctors since Judge Bobb has assisted in the isolation of Marshall from nearly all outside contacts. During the three months between the time the counsel was hired and the report was completed, the temporary conservator moved Marshall from his home into the nursing home, which could have been a cause for dementia like symptoms. Additionally, people who know Marshall and who have seen him have stated that he appears to be heavily drugged at the medical facility selected by the court appointed conservator.

As discussed above, under Probate Code § 1870, Judge Bobb is directed by the legislature to appoint me as conservator since Marshall Stern appointed me as his conservator in two separate signed and witnessed or notarized writings. Yet Judge Bobb ignored the law and refused to appoint me and has failed to state any basis for not appointing me.

I am currently worried that Judge Bobb will illegally attempt to take control of Marshall's Trust. I am the Trustee of the Trust and I live in Louisiana. Therefore, by California Probate Law, any action regarding the Trust must be brought in the county where the Trustee conducts the day-to-day administration of the Trust, which in this case would be in Louisiana. Therefore, Judge Bobb has no jurisdiction over the Trust or me as the Trustee. However, based on her past performance of ignoring inconvenient laws and having allowed the temporary conservator to illegally remove \$148,000 of Trust assets from the Trust, I believe she will again violate the law and try to take control of the Trust which has been the objective of the PVP counsel, the other attorneys, and Judge Bobb.

On January 27, 2006, Judge Bobb granted a temporary restraining order concerning the Marshall L. Stern Trust. The petition for the order was filed in the wrong venue and therefore Judge Bobb had no statutory or other legal basis for her action under Probate Law.

BP 096 488 - On January 27, 2006, in an ex parte move, Judge Bobb granted an action to remove me as trustee of the Marshall Stern Trust. The action was filed in the wrong venue per Probate Code §§ 17000 - 17005 and the court lacked personal jurisdiction over me since I am a citizen of Louisiana and was never served in California for that matter. (See Attachment 9)

ABUSE OF CONTEMPT POWER AND FAILURE TO ENSURE RIGHTS

During a hearing on December 23, 2005, Judge Bobb stated words to the effect, "Someone is going to be prosecuted today." In light of the numerous perjuries committed by the opposing parties and their counsels, this could have been any of them.

Instead Judge Bobb appointed an opposing counsel (who was representing Howard Stern one of the objectors to my appointment as conservator) as a "special prosecutor" to "prosecute" me concerning a charge of criminal contempt. The counsel volunteered for this position when Judge Bobb asked for a "special prosecutor" in open court.

I was never served with a written copy of the order that I was being prosecuted under, as required by California law. Therefore, under California law I could not be prosecuted for failing to follow an order that had not been served on me.

I was never informed that I was the subject of a criminal contempt prosecution either before the trial or at the trial and I was not informed of my Fifth Amendment Right Against Self Incrimination. My attorney and I believed that the proceeding was on the merits of my appointment as conservator for Marshall and that the appointment of the "special prosecutor" by Judge Bobb was to facilitate that process.

Judge Bobb's "special prosecutor" conducted the questioning as if this were a civil case. Judge Bobb allowed him to call me as a witness against myself and was allowed to treat me as a "hostile witness" which enabled him to ask leading questions on direct examination. The entire process was in violation of my Constitutional and Due Process Rights.

Judge Bobb allowed her "special prosecutor" to present evidence obtained from an unofficial website, which reads on its face that it was not valid for admission for legal proceedings. This document asserted that I had been convicted of a felony in Florida. Judge Bobb overruled my attorney's objection to its admission of the document and allowed it in. At the subsequent hearing, I provided the court with an "official record" of my "complete exoneration" for the arrest in Florida. The "special prosecutor" then stated that he had done more research and had found out that it was really a misdemeanor. I was then forced to correct Judge Bobb's "special prosecutor" by informing the court that I was completely exonerated and all charges had been dropped without any prosecution. The special prosecutor was not reprimanded by Judge Bobb for presenting false and misleading evidence to the court. I on the other hand was sentenced to 5-days for not filing a document which was in the court's record.

On January 12, 2006, Judge Bobb sentenced me to 5-days in jail and a \$1,000 fine for criminal contempt for failure to file an accounting of the assets of the conservatee for the period of June 1, 2003 to June 30, 2005. (Attachment 1) The accounting that I am accused of not providing was filed with the court on November 18, 2005 and covered the entire period. As was pointed out in the attached brief, (Attachment 2) the conservatee had transferred all of his assets into his trust in 1992 and thus the conservatee had no assets in accordance with California Probate Law.

The brief also pointed out that I had no control over or access to the conservatee's assets prior to April of 2004 and thus was unable to provide an accounting for that timeframe. It is also important to note that California Probate law does not give the court authority to order a 2-year accounting.

Judge Bobb found beyond a reasonable doubt that I had not filed a document that was physically in the file before her at the time of my trial for contempt of court. (Attachment 1 - the Sentencing Order and Minute Order, Attachment 2 - a copy of the accounting filed on November 18, 2005)

Judge Bobb also ordered me to pay the "special prosecutor" and his client \$6,640.00 for 16.6 hours of work at \$400/hour while preparing to prosecute the criminal contempt charges against me. The \$400 rate is \$275 over the \$125 county rate and \$175 over the \$225 rate if the estate is responsible for paying. Therefore, I was required to pay the attorney who was appointed by Judge Bobb to prosecute me, at a rate well in excess of the legal rates of the court.

On January 23, 2006 I paid the \$1,000 fine and submitted myself for incarceration. On that date Sheriff Astorga hit my head against the car that he was using to transporting me to the jail while I was handcuffed. Sheriff Astorga stated as he was battering me, "That was a message from the Judge." Or

words to that effect. He then kicked me into the car wrenching my broken back in the process. During the next day and a half I was denied my medication for my broken back or the concussion I received from Sheriff Astorga's attack on me. I was told, "That's what you get for messing with a Judge." That message was repeated several times during my incarceration.

I spent 3-days in jail in great pain from the bruise on my head and in my back and legs, unable to speak to my family or my attorney on a 5-day sentence. Other inmates who were sentenced to 90-days or more served only 10-day of their sentences. (My attorney was informed of this fact when he came to the jail to check on me and was not allowed to see me.) I was kept for so long because I was transferred to the medical department, but my file was not transferred with me. On the day I was released, the sheriffs at the jail had to "find" my file so that I could be processed out. I was kept in custody without the ability to communicate with my attorney because the jail personnel had conveniently "lost" my file.

When I was supposed to be released, my attorney was informed by the Watch Commander that by directive of the court, i.e. Judge Bobb, I could only be released to Marshall Stern. Since Marshall Stern is the conservatee in this case and since he is in a nursing home, there is no way he could sign for my release.

When I was released, all of my clothes and my medications had been lost and or tampered with. I was forced to wear LA County Jail shoes to the hospital because my new \$150 Nikes had been "lost". The sheriffs gave me some clothes they found somewhere and a pair of the Jail's shoes. As I was leaving with my counsel I was informed by a sheriff that if I took the shoes out of the jail I would be arrested. I was released about 5:00 p.m. in downtown Los Angeles in January with a concussion and difficulties from a broken back and the Sheriff's office who caused my physical difficulties are threatening to arrest me for "borrowing" their \$5 shoes after they "lost" my shoes. My attorney returned their shoes the next day.

I have been medically evaluated since my release and I have been diagnosed with a concussion.

In light of the repeated "messages" I received from "the Judge" during my incarceration I can only assume my difficulties were instigated by Judge Bobb.

BP 096 488 - On January 27, 2006, the temporary conservator filed a new case to remove me as the trustee of Marshall Stern's Living Trust. By California Probate Law, any action to remove me from my position must be filed in the county where I conduct the day to day activities of the Trust. Since I live in Louisiana the action should have been filed in Louisiana. The temporary conservator filed the case and requested an ex parte hearing before Judge Bobb on the same day. (Attachment 9) No notice of the new case was provided to me. Judge Bobb, while sitting on the bench in another trial, signed the order prepared by the temporary conservator's attorney. My attorney had no opportunity to point out to Judge Bobb that she did not have personal jurisdiction over me (since I am not a resident of California) even though he was right outside in the hallway. Judge Bobb made the ex parte order against me without any consideration of my Due Process Rights or any opportunity to be heard despite my attorney's presence in the building.

Violating Due Process is not new for Judge Bobb, in In re Conservatorship of the Person and Estate of Schaeffer, 98 Cal.App.4th 159, 119 Cal.Rptr.2d 547 (Cal.App.Dist.2 2002) (Attachment 3), the Court of Appeals overturned Judge Bobb's grant to the PVP in that case, who happens to be the same PVP as in this case, the right to file "secret reports" with the court. A review of that case with this case is remarkable in the similarities, the Judge Bobb appointed conservator isolated the conservatee from his family and friends, special communications between Judge Bobb and court appointed PVP attorney and

the court appointed conservator, and special treatment by Judge Bobb for the PVP attorney and court appointed conservator. The Appellate Court held that the "secret document" was a Due Process violation and ordered the court, i.e. Judge Bobb, to turn the document over to Mr. Schaeffer's wife. (Attachment 3)

BIAS OR APPEARANCE OF BIAS

In the attached letter from Lisa MacCarley to a previous attorney in this case, Ms. MacCarley stated, "[P]lease explain to Mr. Ritch that there is no judge in the Los Angeles Superior Court building which will appoint him as conservator and allow him to remain as Trustee of Mr. Stern's trust." (Attachment 4 - See page 3 next to last paragraph.)

Since that letter was sent, Judge Bobb has ruled that I cannot be the conservator and removed me as trustee. On the other hand, Ms. MacCarley's client was appointed to be Mr. Stern's conservator and Trustee, and will most likely have those positions made permanent if Judge Bobb has her way in this case. It appears that Ms. MacCarley was right, she does have some inside connection with Judge Bobb and maybe all of the Judges in the Superior Court Building.

The bias of Judge Bobb is apparent since she had to violate Probate Code § 1870 in order to not to appoint me as the conservator of Marshall Stern. In two separate writings, including a notarized Durable Power-of-Attorney for Health Care, Mr. Stern nominated me to be his conservator. Under Probate Code § 1870 the court "shall" appoint the person the conservatee nominates in a writing. No credible evidence has been presented that my appointment would not be in the best interest of Marshall Stern. Therefore, Judge Bobb by law must appoint me as the conservator, and she refused to follow the law.

The "relationship" that the other counsels in this case have with Judge Bobb is evidenced by an out of court conversation between the other counsels and my counsel on January 12, 2006, the day I was sentenced. The other counsels informed my counsel that if I would relinquish my position as trustee of the trust, then they would have the judge drop the 5-day sentence. Obviously the attorneys have some influence with Judge Bobb if they can get her to change her sentence in exchange for my turning over a trust to them

In Judge Bobb's court, the allegations of the PVP counsels and the professional conservators are all that is needed. Evidence for the foundation of the allegations is not necessary. On the other hand, for the conservatees, their families, and non-PVP counsels, even evidence with indisputable foundations is insufficient to sway Judge Bobb away from her preferred attorneys and conservators.

Thus far in these proceedings, my attorney has pointed out numerous cases of false and misleading statements/allegations made to the court by the opposing counsels and their clients, both by their in court statements and via their pleadings. Some of these statements by the opposing parties and their counsels are perjurous since they were made under oath. The falseness of the statements/allegations can be proven from the pleadings themselves. This is because the "facts/evidence" used to "prove" one allegation actually proves that another allegation is false. Yet to date, Judge Bobb has not even directed them to correct the false allegations much less reprimanded them for their violations of Business and Professions Code § 6068. Three examples follow:

- 1) The Probate Volunteer Program (PVP) attorney appointed by Judge Bobb, stated correctly in his first report that the General Power of Attorney for Marshall Stern was prepared and signed on April 27, 2004. (See Attachment 5 page 6 line 11) In his subsequent report to the court, and repeated by all of the other counsels in their pleadings, the date of the General Power-of-Attorney was changed to April 27, 2005, seven days after the conservatorship petition was filed. (See Attachment 6 page 5 line 26 -

allegations following and Attachment 7 page 2 line 9) (A copy of the General Power-of-Attorney was made available to opposing counsel and the PVP counsel and other counsels have submitted it into the record.)

Based on this fraudulent "new" date, the PVP counsel, and subsequently all of the other counsels in their pleadings, made numerous accusations of wrong-doing against me. (For example, the allegation that the General power-of-attorney was signed after I had sworn that Marshall Stern lacked capacity and thus could not legally signs the document. The other allegations were based on the power-of-attorney being invalid.) Despite the fact that their error was pointed out to them numerous times and to the court by my counsel, none of them have retracted their false allegations and Judge Bobb thus far has granted their false allegations her full support. This is only one of many false allegations made against me, including the "felony conviction" discussed above, which Judge Bobb has taken no action to correct. I on the other hand was found in criminal contempt without any Due Process and was sent to jail for not filing a document that was in the court's record.

2) Lisa MacCarley, attorney with the special relationship with the Superior Court Judges, has repeatedly stated in court and in her pleadings that the Court ordered me to file an accounting of the Trust. (See Attachment 8, page 3 lines 25-26 and Attachment 9 page 5 line 28 to page 6 line 1) These assertions by Ms. MacCarley are false. The court has never ordered me to file an accounting of the trust. The court ordered an accounting of the assets of the "conservatee" not the trust. (Attachment 10 the July 13, 2005 minute order and Attachment 1 the sentencing document for my incarceration on page 1 line s 27-28) Therefore Ms. MacCarley's allegations (which led to my incarceration) are false, but Judge Bobb has never reprimanded Ms. MacCarley for her false and misleading allegations despite my attorney informing the Judge of the false statements.

3) BP 096488 - On January 27, 2006, Judge Bobb signed an order removing me without Notice or Due Process from the position as Trustee of the Trust of Marshall L. Stern. She did this at the request of the attorney Lisa MacCarley. There was no opportunity for my counsel in the previous case, who was in the hallway outside of the court, to present my side of the case, i.e. that the action was brought in the wrong venue under the California Probate Code and that she did not have personal jurisdiction over me. Judge Bobb granted the action ex parte based on the pleading of one of the attorneys that Judge Bobb apparently has a special relationship in case BP 091 574.,

EX PARTE COMMUNICATIONS

I have no direct evidence of ex parte communications. However events in the courtroom appear to have been orchestrated prior to the beginning of the hearings in ex parte meetings of the counsels and Judge Bobb.

The "special prosecutor" was ready to act in that capacity and volunteered to do so when Judge Bobb apparently spontaneously asked for someone to act in that capacity. By Judge Bobb's own statements in her minute order, the "special prosecutor" had spent 16.6 hours preparing to volunteer to be the "special prosecutor." There is no way the "special prosecutor" could have been preparing to volunteer to be a "special prosecutor" unless he had been informed by Judge Bobb that he would be needed in that capacity.

Judge Bobb's "special prosecutor" has never explained why it took him 16.6 hours at \$400/hr, to prepare to prosecute me for allegedly failing to file the accounting. Other than obtaining an inadmissible document from Westlaw which incorrectly implied that I had been convicted of a felony in Florida, what was the "special prosecutor" doing for all of that time.

Another event on December 23, 2005 appeared to be preplanned. Judge Bobb ruled against a Motion to

Strike prepared by my counsel concerning a pleading prepared by an objecting party. Judge Bobb only referred to a motion to strike, of which there were several scheduled that day. It was one of about twenty matters scheduled for that day, but Judge Bobb did not refer to the motion or in any way identify it by party or docket number. Yet, despite the total lack of any identification, the counsel responsible for the pleading was able to identify Judge Bobb's action as being related to him and his client. The opposing counsel asked Judge Bobb, "Are you referring to the motion to strike the objections of my client your honor?" or words to that effect. To which Judge Bobb identified the pleadings as being related to that attorney. Judge Bobb made no ruling as to why the Objections prepared by this attorney (which was inadmissible for lack of personal knowledge at best and should have indicted him and his client for perjury) would not be struck in a process which took less time than my counsel had to turn to the documents at issue. The way the counsel and Judge Bobb spoke on the issue it was apparent that the outcome on the motion to strike had been previously discussed between them.

There has been a consistent and ongoing pattern of bias by Judge Bobb for the PVP counsel she appointed and the counsels that have joined him in opposing my appointment as conservator for Marshall Stern. At no time in these proceedings has Judge Bobb denied anything requested by the opposing counsels.

ON GOING PATTERN OF MISCONDUCT

I am afraid that I am not the only person that Judge Bobb has taken her improper actions against. As I have sat in her court, I have watched her consistently take the side of the PVP counsels and professional conservators that she appoints over the conservatees, other attorneys, and parties appearing before her. I have also read the LA Times articles concerning professional conservators. It appears from those articles that Judge Bobb has taken the side of the people she appoints to the detriment of the conservatees she was supposed to protect. An example was Judge Bobb's approval of a will that was prepared after the conservatee was in a care facility and which gave all of his estate to his care giver. The will was obviously in violation of the law, yet Judge Bobb approved it giving the caregiver the man's entire estate. She later, after it was reported in the LA Times, reversed her decision. (See Attachment 11 - LA Times article dated November 18, 2005, "Caretaker to Return \$60,000 Bequest")

It is obviously apparent from her conduct in this case and other cases I observed that Judge Bobb has no respect for the rule of law and appears to be overly close in her involvement with the other attorneys and the professional conservator in this case. Since as was discussed above, the entire Los Angeles Superior Court is implicated by Lisa MacCarley as being part of Judge Bobb's ongoing pattern of misconduct, I felt it would be prudent to inform your body of the above issues.

Please indicate how you became aware of the Commission on Judicial Performance.

My attorney went to the California Supreme Court website and was directed to your website from there.

Additional Note: I have heard that Judge Bobb's "special prosecutor" David Coleman has been considered for a judgeship. Based on his conduct in my case and using Judge Bobb as a standard, he appears to be morally deficient enough for such an appointment.

SUMMARY OF CRIMINAL CONDUCT BY JUDGE BOBB AND HER ASSOCIATES IN THE MARSHALL STERN CASE

HOBBS Act – 18 U.S.C. § 1951 (Tab HOBBS)

The below descriptions of criminal conduct or other illegal conduct that are part of an overall pattern of extortion under color of law by the conspirators, i.e. a violation of the HOBBS Act. The perjury, attorney misconduct, and judicial misconduct are used to strip the victims any judicial, statutory, or civil (due process) rights. Once the victim's rights are lost, the conspirators then proceed to steal the assets of the estate under color of the law. These assets of the estates include businesses, investments, real and personal property many of which affect interstate commerce.

The primary victims of these crimes are the elderly, the infirm, the young, the mentally disabled, etc. That is these are the most vulnerable citizens of the United States and they are the ones being hurt by the very system supposedly setup to protect them.

The primary manner of the theft is via over inflated attorney's fees and conservator fees, which the conspiring judges then award to their co-conspirators without question. The estates are also stripped of assets by the sale of the properties of the victims to relatives and friends (or themselves) of the conspirators at grossly deflated prices. In some cases the conspirators simply take the property.

Additional fees are created for the conspirators by filing false police reports against parties. The head of the LA Police Department Elder Abuse Section, Det. Lillie Franklin, is a close friend of conspirator James Schneider (She calls him Jimmy.) Schnieders filed a police report against Ricky Ritch based on the same false statements he has made in court (perjury). Det. Franklin conducted a 2 ½ year investigation into allegations against Ricky Ritch, after evidence was provided to Det. Franklin that the actual perpetrator was her friend Jimmy (Schnieders). During this 2 ½ year period, Det. Franklin periodically requested additional "evidence" from Schnieders, who then charged the estate for his assistance to Det. Franklin, these fees always came from Donna Ritch's portion of the estate.

When a subpoena was served on the LA Police Department/City Attorney for a copy of the Police Report and file on Mr. Ritch, the file was not available and had not been properly logged into the system after 2 ½ years. It appears that Det. Franklin is keeping the file under wraps even though the DA's office has decided not to prosecute Mr. Ritch.

It is believed that a portion of the improperly obtained money is then funneled to the judges who are part of the conspiracy. Judge Bobb, who is a co-defendant with the conservator, several attorneys and law firms in this matter, has retained the case in her court and awarded hundreds of thousands of dollars of attorney and conservator fees to her co-defendants, while denying attorney's fees to Ricky and Donna Ritch's attorneys and allowing the court appointed conservator/trustee/executor not to pay Donna any of her portion of the estate.

If any victims objected to their treatment by the conspirators, then the conspiring judges used their positions of power to threaten (extort) the victims with threats of incarcerations or fines. Non-conspiracy attorneys fighting for their clients were threatened with judicial complaints to the State Bar for sanctions. The conspiring judges will use their judicial powers to deny their

victims their Constitution Civil and Due Process Rights in order to convict them of contempt of court and illegally sentence them to jail for crimes that were never committed. (Example: Ricky Ritch found criminally in contempt of court and sentenced to 5 days in jail for not filing a document that was in the court's record at the time of the conviction.)

If these are illegal actions are insufficient to dissuade their victims, the judges have directed sheriffs to deliver more personal messages to individuals in their custody, i.e. battery, assault, murder threats, etc. One example of this conduct was a message from "The judge," delivered by a sheriff smashing Ricky Ritch's head against a sheriff's cruiser and the officer's subsequent threats to shoot Mr. Ritch as he was "trying to escape".

The cover up of the above activities continues into the regulatory agencies who are supposed to regulate and prevent the illegal conduct of the attorneys and judges, i.e. the California State Bar and the California Judicial Commission. Neither agency, when the illegal conduct was reported to them, has taken any action against the conspirators. The State Bar stated that it could find no problems with the perjury and attorney misconduct reported to it and the Judicial Committee assigned Judge Bobb to sit on a committee to oversee misconduct in the California Conservatorship System (after Judge Bobb's misconduct had been reported to the Commission).

RICO – 18 U.S.C. §§ 1961-1964 (Tab RICO)

The below descriptions of criminal conduct are part of an overall pattern of Criminal Racketeering by the conspirators. The perjury, attorney misconduct, and judicial misconduct are used to strip the victims any judicial, statutory, or civil (due process) rights. Once the victim's rights are lost, the conspirators then proceed to steal the assets of the estate. These assets of the estates include businesses, investments, real and personal property.

The criminal conduct of the conspirators, i.e. extortion, battery, assault, theft, perjury, etc., are protected by the fact that the very people committing these despicable acts are the judges, attorneys, and law enforcement and regulating agencies that are supposed to be protecting the people.

See the above description of the HOBBS Act violation for a summary of the manner of how the illegal activities were involved in the conspiracy/racketeering.

Civil Rights Violations – 42 U.S.C. § 1983 & 18 U.S.C. § 241 (Tab CIVIL)

The below descriptions of criminal conduct are part of an overall pattern of violation of victim's Civil Rights under color of law by the conspirators. The perjury, attorney misconduct, and judicial misconduct are used to strip the victims any judicial, statutory, or civil (due process) rights. Once the victim's rights are lost, the conspirators then proceed to steal the assets of the estate. These assets of the estates include businesses, investments, real and personal property.

The violation of the victim's civil and due process rights is being carried out by the very people supposed to be protecting those rights, i.e. judges and attorneys.

See the above description of the HOBBS Act violation for a summary of the manner of how the illegal activities were involved in the conspiracy.

A summary of Ricky Ritch's Constitutional Due Process Rights violated during his "trial" for criminal contempt include: (Discussed in detail in Fifth Cause of Action – Tab CIVIL)

- Civil Rights Violation of 14th Amendment - Due Process - Guilt Must Be Proven Beyond A Reasonable Doubt/Presumed Innocent
- Civil Rights Violation of 14th Amendment - Due Process Fifth Amendment - Failure To Give Notice of Criminal Prosecution
- Civil Rights Violation of 14th Amendment & Fifth Amendment - Failure To Give Self-Incrimination Warning
- Civil Rights Violation of 14th Amendment Due Process - Criminal Contempt Trial Not Held Before An Unbiased Judge
- Civil Rights Violation of 14th Amendment/Sixth Amendment Denied Right To Jury Trial in a Criminal Prosecution
- Civil Rights Violation of 14th Amendment Due Process -Appointment Of Opposing Counsel in Civil Case as "Special Prosecutor"
- Civil Rights Violation Of 14th Amendment Due Process - Allowing Special Prosecutor to call Criminal Defendant as Witness
- Civil Rights Violation Of 14th Amendment Due Process - Special Prosecutor Allowed to treat Criminal Defendant as a "Hostile Witness"

PERJURY

The below describe perjuries were material because they were used to discredit Ricky Ritch, attack his reputation and thereby justify the denial of his appointment as Marshall Stern conservator and the removal of Ricky Ritch as Marshall Stern's (Marshall Stern) trust's trustee. The perjury was part of the scheme that violated the HOBBS Act and facilitated the racketeering scheme of the conspirators.

One perjury not discussed below was made by various conspirators. The perjury concerned Mr. Ritch's trial for contempt of court. Specifically the conspirators repeatedly stated that the court ordered an Accounting of the Marshall Stern TRUST and thus Mr. Ritch was in contempt of court for not providing an Accounting for the Trust. **There was no such order.** Yet this perjurious statement was repeated numerous times (also discussed in the section on attorney misconduct) to discredit Ricky Ritch and to justify a criminal prosecution and conviction for contempt of court based on an Order that did not exist.

The descriptions of the perjuries below will be duplicative because the conspirators/racketeers repeated the same lies over and over, even after they were proven to be false. Not all of the perjuries are reported here, there are so many. Those perjuries below are the critical ones and set the pattern for the overall racketeering scheme.

The conspiring judges never even verbally reprimanded their co-conspirators for their illegal conduct.

1 – Perjury by Berman – Count 1 (Tabs - PB-1)

After correctly stating that Marshall Stern executed a General Power of Attorney (GPOA) in April of 2004, Berman changes the date to April 27, 2005 in a subsequent report to the court (under oath) which is after the conservatorship was filed.

After knowingly changing the date of the GPOA to a date he knows would make the GPOA invalid and its procurement illegal, Berman uses the new imaginary date to accuse Ricky Ritch of illegally getting the GPOA signed after claiming Marshall Stern was incompetent. Berman then alleges that Ricky Ritch then used the illegally obtained GPOA to steal money from the estate and Marshall Stern.

It is important to note that all of Marshall Stern's property was in his Trust and not in his estate. The property had been transferred to the trust years before while Mr. Stern was the trustee of the trust. Mr. Stern made Mr. Ritch the trustee of his trust in April of 2004. Therefore all of the allegations of Mr. Ritch's illegal use of the GPOA are false, since as trustee he did not need the GPOA to conduct Trust business.

2 – Perjury by Berman – Count 2 (Tabs PB-2)

After correctly stating that Marshall Stern executed a General Power of Attorney in April (GPOA) of 2004, Berman changes the date to April 27, 2005 in a subsequent pleading filed with the court (under oath) which is after the conservatorship was filed.

After knowingly changing the date of the GPOA to a date he knows would make the GOPA invalid and its procurement illegal, Berman uses the new imaginary date to accuse Ricky Ritch of illegally getting the GPOA signed after claiming Marshall Stern was incompetent. Berman then alleges that Ricky Ritch then used the illegally obtained GPOA to steal money from the estate and Marshall Stern.

3 – Perjury Berman – Count 3 (Tabs PB-3 & PB-3-1)

Berman stated in a pleading in August 2005 that he did not know the location of \$100,000.00 transferred to two checking accounts in California by Ricky Ritch. Berman was accusing Ricky Ritch of stealing the money. Berman knew the money was in the possession of James Schnieders at the time he made the accusation against Ricky Ritch.

Again the funds and the checking accounts were trust assets under the control of Mr. Ritch at that time.

4 – Perjury Berman – Count 4 (Tabs PB-4)

Berman stated in a pleading in October 2005 that he did not know the location of \$100,000.00 transferred to two checking accounts in California by Ricky Ritch. Berman was accusing Ricky Ritch of stealing the money. Berman knew the money was in the possession of James Schnieders (JS) at the time he made the accusation against Ricky Ritch based on a pleading served on Berman by JS and Lisa MacCarley (LM).

5 – Perjury James Schnieders and Lisa MacCarley – Count 1 (Tab PJ-1)

See counts 1 & 2 for Perjury – Berman above. The false statements and accusations made by James Schnieders & Lisa MacCarley in a pleading on December 12, 2005 are essentially word for word the same ones made by Berman described above.

6 – Perjury James Schnieders and Lisa MacCarley – Count 2 (Tab PJ-2)

See counts 3 & 4 for Perjury – Berman above. The false statements and accusations made by James Schnieders & Lisa MacCarley in a pleading on December 12, 2005 are essentially word for word the same ones made by Berman described above.

This perjury by James Schnieders & Lisa MacCarley is especially egregious in light of their admission in a pleading dated September 28, 2005 that James Schnieders had taken the money out of the checking account they were now accusing Ricky Ritch of stealing. (See Tab PB-3-3)

After Marshall Stern's death, James Schnieders was appointed as the executor of the estate. In pleadings filed in that capacity, James Schnieders admitted taking the \$100,000.00 to prevent Ricky Ritch from absconding with the money. However, checks written on the accounts by Ricky Ritch to use that money included quarterly tax payments to the I.R.S. and The State Franchise Tax Board as well as for the maintenance of Marshall Stern and his home.

ATTORNEY MISCONDUCT

The below describe attorney misconduct, while not criminal *per se*, the misconduct was material and necessary to the racketeering scheme because they were used to discredit Ricky Ritch, attack his reputation and thereby justify the denial of his appointment as Marshall Stern's conservator and the removal of Ricky Ritch as trustee of the MARSHALL STERN TRUST. Thus the attorney misconduct was part of the violation of the HOBBS Act.

While the Attorney misconduct is not criminal *per se*, the conduct was part of the overall scheme to deny the victims their Constitutional Rights and Protections which violated the HOBBS Act through the color of the law. By allowing the improper conduct of the conspiring attorneys, the conspiring judges were able to facilitate the theft of estate property.

The various attorney misconduct violations are documented from pages 87 to 129 of the brief. (Tab AMC) The specific state code violations include:

Business and Professions Code § 6068: It is the duty of an attorney to do all of the following:

- (a) To support the Constitution and laws of the United States and of this state.
- (b) To maintain the respect due to the courts of justice and judicial officers.
- (c) To counsel or maintain those actions, proceedings, or defenses only as appear to him or her legal or just, except the defense of a person charged with a public offense.
- (d) To employ, for the purpose of maintaining the causes confided to him or her those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.
- (f) To advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he or she is charged.
- (g) Not to encourage either the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest.

The most egregious violations are subsections c, d, f and g. The sole purpose for the action by the conspirators was for the corrupt purpose of stealing the money from the estate (§ g). To accomplish this illegal objective, the various conspiring attorneys repeatedly reported false facts to the court in an effort to mislead the court, attacked the reputation of Ricky Ritch and others relying on false statements of fact, and blatantly disrespected the Constitution of the United States and the State of California and the court.

JUDICIAL MISCONDUCT

The below describe judicial misconduct, while not criminal *per se*, the misconduct was material and necessary to the racketeering scheme because they were used to discredit Ricky Ritch, attack his reputation and thereby justify the denial of his appointment as Marshall Stern's conservator and the removal of Ricky Ritch as trustee of MARSHALL STERN TRUST. Thus the judicial misconduct was part of the violation of the HOBBS Act.

The Judicial misconduct was part of the overall scheme to deny the victims their Constitutional Rights and Protections in violation of the HOBBS Act. By allowing the improper conduct of the

conspiring attorneys, the conspiring judges were able to facilitate the theft of estate property under the color of the law.

The various judicial misconduct violations are documented from pages 129 to 145 of the brief. (Tab JMC) These include discussions on:

- Several - On-Bench Abuse of Authority in Performance of Judicial Duties
- Abuse of Contempt Power and Failure to Ensure Rights
 - * In a similar probate case, an attorney was found in contempt of court and sent to jail for refusing to sign a document being presented to the court (which apparently the court itself had not read) before she had an opportunity to even read the document. The attorney walked into the court and the judge ordered her to sign the document, when she asked to read the document the judge said, “No! Just sign it!” When the attorney refused to sign a document she was not allowed to read, the court found her in contempt of court and had her arrested.
- Bias or Appearance of Bias
 - * The attorney who had prepared the document in the contempt described above and who was in the court at the time, is a member of a probate law firm that has a long history in the LA probate courts. It is the law firm that provided the “special prosecutor” in this case, the law firm apparently has a very close (read “bias”) relationship with the probate courts. The probate judges never fail to pay this law firm their legal fees, no matter how extreme they are.
- Ex Parte Communications
 - * In a similar probate case, an attorney was accidentally included on an e-mail that was part of an ongoing e-mail conversation between a LA probate judge and another attorney on the matter. The entire communication was being done ex parte and only by accident did the attorney learn of the e-mail communication.

* Nina Ringgold, Esq.
9420 Reseda Blvd. #361
Northridge, CA 91324
818-773-2409 Tel
866-340-4312 Fax

FRAUD AND DECEIT

The perjury, attorney misconduct, libel/slander, and attorney misconduct are all part of the fraud used to perpetrate the racketeering schemes of the conspirators.

Two specific incidents of fraud are documented under the Fraud Tab in the brief. (Tab FRAD) These include the initial fraud used by the court (i.e. Judge Bobb) to deny Marshall Stern his legal representation and to place he co-conspirator Berman in a position where he could perpetrate their conspiracy.

The second fraudulent act was by the hospital that initially induced Marshall Stern to request a conservatorship, which then resulted in all of the following racketeering activities.

MISCELLANEOUS

The remaining criminal claims are fairly strait forward, i.e. Battery, Assault, Conversion, Extortion, Kidnapping/False Imprisonment, Obstruction of Justice, and Conspiracy.

The Kidnapping/False Imprisonment – concerns both Marshall Stern’s illegal removal from his home and the subsequent isolation from his friends and family.

Ricky Ritch’s false imprisonment was under color of the law for contempt of criminal court for a contempt that never happened and despite a complete lack of Due Process Protections.

The Section on Libel/Slander/Invasion of Privacy documents the multiple lies and false statements made against Ricky Ritch and Donna Ritch in continuance of the conspiracy/racketeering activities.