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March 3, 2001

Mr. Alejandro Mayorkas - U.S. Attorney
Central District - 1400 U.S. Courthouse
312 North Spring Street
Los Angeles, CA 90012

CERTIFIED MAIL

re: **My repeated request that your office investigate the law firm of Haight, Brown & Bonesteel for:**
1. "systematically" conducting illegal searches &
2. compromising several Los Angeles judges.
Complaint about your doing nothing - when there are 58-million reasons (and more) why you should have.

Dear Mr. Mayorkas:

This letter follows my 6-14-99 three (3) page letter, with enclosures (and my 1-5-99 eleven (11) page letter, with enclosures, and earlier 9-18-96 letter, with exhibits) to your office. I have heard nothing from your office, since the 4-14-99 letter Mr. Arkow sent to me, which stated in its entirety:

> "This is to acknowledge receipt of your letter to United States Attorney Alejandro N. Mayorkas dated January 5, 1999. We are evaluating the allegations in your letter and the attached material. Based on that review, this Office will determine whether the allegations indicate a prosecutable violation of a federal criminal statute, and will take action, if deemed appropriate."

Again, you have never contacted me for further information; nor Ms. Barker, Mr. Caillouette or Mr. Sharp. Why? It thus would appear that you have done nothing. As shown below, there in fact are 58-million reasons (and more) why you should have undertaken a major investigation here, and without doubt you would have been confronted with evidence - requiring that charges be brought.

I also must note another recent matter of a clear appearance of impropriety (or worse): ex-President Clinton's pardons, especially Marc Rich and of particular relevance here, Carlos Vignali. A 2-13-01 front page LA Times article **"U.S. Attorney Pursued Clemency Case - L.A. Prosecutor made calls regarding dealer. Clinton aides say such an attorney's support was a key to granting pardon."**, reports in its beginning paragraphs:

> "The federal prosecutor whose office won a conviction of Carlos Vignali on narcotics charges in 1984 said Monday

> that he received two telephone calls form Alejandro N. Mayorkas, the U.S. Attorney in Los Angeles, asking about the extent of Vignali's involvement in a drug ring that stretched from California to Minnesota. [P] Todd Jones, the U.S. attorney in Minnesota, said he received the calls from Mayorkas in early 1999. [P] Former officials in the Clinton White House, meantime, said that a favorable recommendation from a U.S. attorney was a key factor in the former president's decision to commute the 15-year prison sentence of the convicted drug trafficker on Clinton's last day in office."

That article was followed with a 2-19-01 front page LA Times article **"L.A. Leaders' Support Cited in Decision to Free Vignali - U.S attorney's backing is singled out"**, which reports:

> "In the first formal explanation of the matter, the chief of staff to former President Clinton said Sunday that convicted drug dealer Carlos Vignali was released form prison because of intervention by a 'broad range' of influential Los Angeles community leaders--singling out U.S. Atty. Alejandro N. Mayorkas and Roman Catholic Roger M. Mahoney.
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> "The Minneapolis prosecutors said Mayorkas had twice called them asking questions about the case. [P] On Sunday, [John] Podesta [Clinton's former Chief of Staff was asked on NBC's 'Meet the Press' about the Vignali case, in which 800 pounds of cocaine was shipped from Los Angeles to Minneapolis, and about how Vignali's father had donated $166,000 to California politicians, mostly Democrats. [P] Clinton's decision to commute the sentence, Podesta said, was made 'with support form a broad range of people in Los Angeles, including at the time, the U.S. Attorney.
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> "Mayorkas, who has steadfastly declined to comment, would not budge Sunday, 'I can't comment on it,' he said."[1]

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[1]Also see: 2-~~1~~23-01 front page Daily Journal **"Mayorkas Uses E-Mail to Send His Apologies - U.S. Attorney Labels His Phone Call About Vignali a 'Mistake'"**; 2-22-01 front page LA Times **"Clinton Brother-in-Law Was Paid $400,000 to Help in Clemencies [Vignali and Braswell]"**; 2-22-01 front page Daily News **"New Pardon Scandal - Hillary's brother took $400,000 to help Vignali, Braswell"**; and 2-23-01 LA Times p.B14 editorial **"Pardons and M-o-n-e-y"**.

Clearly Mr. Mayorkas your duty is to put away drug dealers, not intervene and help one of them get undeserved clemency. Why on earth would you ever do such a thing? What could you have been thinking? As shown directly below, per the 2-21-01 Daily News editorial cartoon **"Everything is FOR SALE"** and letters to the editor - others also question your conduct and what is going on in our legal and political systems.

VIEW FROM THE VALLEY
BY PATRICK O'CONNOR

PATRICK O'CONNOR / L.A. DAILY NEWS

PUBLIC FORUM

They don't understand

My cherished son, Dennis, died of a drug overdose after 24 years of drug hell. He had been clean for three years before his fatal relapse. Now, I read that mayoral candidates Antonio Villaraigosa and Xavier Becerra, as well as state Assembly Speaker Bob Hertzberg, were instrumental in Clinton's pardon of convicted drug dealer Carlos Vignali.

These politicians are now pleading that they didn't "understand." Wow, how can any credible politician deal with the president for a convicted drug dealer without understanding? How many young lives must end or be wasted before we reject politicians who only understand campaign contributions? Please, always remember all of the young drug victims whenever we see Villaraigosa, Becerra or Hertzberg on future ballots.

— Richard Jones
Canoga Park

14 — NEWS / WEDNESDAY, FEBRUARY 21, 2001 / DAILY NEWS

LOS ANGELES TIMES
SECTION B p.B12
WEDNESDAY
FEBRUARY 21, 2001

LETTERS TO THE TIMES

Vignali Clemency

■ Frank del Olmo's reasoning on the Vignali clemency stunned me (Commentary, Feb. 18). Carlos Vignali conspired to sell 800 pounds of cocaine, so certainly he was no lightweight in the drug trade, and it was no kindergarten type of deal. Undercover cops risk their lives and spend months on a "buy" of one or two kilos. There are dealers serving longer terms for half a pound, and some are jailed years for deals involving half an ounce.

OK, Frank, so a little politics and the guy got pardoned, but let's not pull this soft-shoe shuffle on the public about it. Almost half a ton!

HOWARD E. MORSEBURG
Buellton

■ How unfortunate that an associate editor of The Times describes former Assembly Speaker Antonio Villaraigosa, U.S. Rep. Xavier Becerra and Sheriff Lee Baca as "L.A.'s Latino elite," when their actions on behalf of the Vignali family clearly establish that they are nothing more than politicians who can be bought, for amazingly small sums.

NOEL JOHNSON
Glendale

Back to my 6-14-99 letter. There at page 2, I refer to where you were provided (by Mr. Caillouette, Mr. Sharp's attorney in Sharp v. Haight, Brown & Bonesteel, et. al., USDC-Central District Cal. Case No. CV98-6225 CAS(CWx) with the four (4) volumes of the Ben Ortiz deposition taken in Ortiz v. Haight, Brown & Bonesteel, et. al., LASC Case No. SC041998.

Recall, that Ortiz in his complaint alleged Haight "systematically" ordered illegal searches.[2] Those allegations were reported in the 5-10-96 Daily Journal front page article **"Suit Charges Firm Asked for Illegal Searches"** (which I provided with my initial 9-18-96 letter to your office, and then again to your office on 1-5-99) and the 12-17-98 New Times LA cover story **"THE FIRM - Haight, Brown & Bonesteel, one of L.A.'s most prestigious law firms, stands accused of illegally spying on courtroom foes. Documents in the case, including those sealed by a judge, are explosive. A New Times Special Report" (which I provided with my 1-5-99 letter).**

In his deposition Mr. Ortiz, in fact repeatedly testified, against both his pecuniary and penal interest, that several of the Haight partners routinely requested and ordered him (and other investigators employed by the firm) to perform illegal searches on opposing parties/counsel. (See deposition of Ben Ortiz in Ortiz

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[2]Ortiz (and his attorney Richard Katz) stated in his 6-3-96 opposition papers to Haight's Application for Writ of Possession, about Haight's illegal searches, at p. 1, ftnt. 2:

> "The acts that were demanded of Mr. Ortiz by DEFENDANTS constituted violations of various State and Federal statutes, the California Penal Code and the California Constitution, privacy rights. The prohibited and illegal acts included obtaining personal banking information, consumer credit checks, credit reports and home addresses of opposing counsel, plaintiffs, witnesses, expert witnesses, and other persons or entities connected with pending matters. Obtaining private unlisted telephone numbers for law enforcement officers in violation of Penal code Section 146e. Using law enforcement connections to illegally access government files concerning opposing counsel, plaintiffs, witnesses, expert witnesses, and other persons or entities with pending matters."

v. Haight at Vol. I - pgs. 34, 36, 62, 104, 141, 142 & 145; Vol. II - 281, 282, 284, 286, 287, 288, 290, 291, 293, 295, 297-301, 307, 309-312; Vol. III - 338, 341, 342, 345, 348, 350, 351, 365, 367-373, 378, 379, 381, 383, 385, 398-400, 402, 403, 405, 407-409, 410, 412, 418, 419, 423, 428, 442, 444-447, 449-455, 470-473, 476-479 & 484; Vol. IV - 531, 576, 577, 596-604, 609, 613-615, 620, 621 & 668.)[3] Apparently you have ignored this evidence.

Clearly that evidence would provide the basis for - and require - any competent U.S. attorney to begin an investigation; and if such allegations proved true - the basis for charges. Yet I have heard nothing from you or your office for over eighteen (18) months. Why? Please explain.

Further, on several occasions during the deposition, Mr. Ortiz was instructed by defense counsel for Haight not to name those who the searches concerned. (Ortiz depo., Ortiz v. Haight at Vol. III - pgs. 400, 419, 442, & 481.) Later that same counsel wrote in pertinent part:

> "Based upon the pleadings which I have obtained from Messrs. Sharp and Zerman, authored in the past several weeks, and now having observed them first hand in Court, I feel relatively confident in predicting that Mr. Ortiz, and perhaps you, will soon be sued by Mr. Sharp.
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> "I also feel reasonably confident that if they obtain Mr. Ortiz' deposition they will undoubtedly sue Mr. Ortiz as he repeatedly confirmed his involvement in what he characterized as illegal investigations.
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> "I hope you can now appreciate some of the problems you created by publicly and privately publicizing this lawsuit. I am not sure how one goes about unringing the bell, but I think we had better explore that possibility." (Atty. Karl Keener 8-20-96 letter to Atty. Richard Katz.)

As you should be aware Mr. Mayorkas, if your office did even a

[3] Of course, this record was made while Ortiz was still adverse to Haight, before he entered into the "confidential" settlement with Haight and his silence was bought. Ortiz further testified that he had his own business: "Criminal Investigation & Intelligence Agency". (Ortiz depo. Vol. I - pgs. 35, 95, 109 and Vol. II - pgs. 247 & 250.)

cursory investigation of this matter, you would have learned that Mr. Ortiz is a former LAPD officer, (Ortiz depo., Ortiz v. Haight at Vol. I - pgs. 41 & 83; Vol. III - pgs. 432 & 433), as were other investigators employed by Haight, and at one time Ortiz worked as an LAPD "Intelligence Investigator" and in its "Special Investigation Section". (Ortiz depo. Vol. - I, exb. 3, Ortiz 4-pg. curriculum vitae, at 3).[4]

Surely, I hope that you can appreciate the significance of these

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[4]A 2-6-00 LA Times p.B12 article **"New Claremont Chief Disciplined in '80's LAPD Spying Unit Scandal - Thomas Scheidecker was suspended for 15 days but not charged in the mishandling of documents"**, in part reported earlier widespread privacy violations:

> "As an LAPD lieutenant almost two decades ago, he [Scheidecker] served as custodian of records fro the agency's Public Disorder Intelligence Division, which was disbanded in 1983 after revelations that it was spying on law-abiding citizens, including civic leaders, judges, police commissioners, clergy and actors.
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> "A police probe concluded Scheidecker had kept confidential classified information at this Westminster home and had made false statements to investigators as to what that data included.
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> "Because some of the information came from military sources, he was also investigate by federal and state agencies. He was never charge with a crime, but was suspended for 15 days.
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> "The LAPD Public Disorder Intelligence Division was established in 1970 at the height of the antiwar movement. It became tainted by a scandal in 1977 when a woman in various left-wing groups turned out to be an LAPD officer and spy.
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> "In 1983, the controversy reemerged when LAPD Det. Jay Paul acknowledged that he had stored 180 boxes of the intelligence materials inside a mobile home and garage. ... [P]. In the investigation into Paul's off-site storage, police searched the home of Scheidecker, who was Paul's superior. They found numerous classified documents, including some that Scheidecker said he received from a CIA officer. ..."

facts in light of the recent LAPD Rampart, et. al., scandals. If not, here is what Judge Newman stated in Rufo, Goldman, Brown, et. al., v. O. J. Simpson, LASC Case No. SC031947, c/w SC036876, where both sides were using former LAPD officers as their investigators:

> MR. BAKER: Your Honor, I'd just like them to comply with your August 2nd order and that's to turn over and make available all the documents they received for the LAPD. I don't want to go through all we've argued before in front of you.
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> MR BAKER: The reason I **don't trust them** is because history is a good barometer of what's been going on. You know **they have three investigators working for their law firm, two of which are former LAPD officers** who investigated O.J. Simpson following the crimes. ... I don't believe they know, that the city attorney, whether Paul Tippen, William Galey, and Otis Marlowe went to their old buddies at the LAPD and said what else do you have and they turned over documents.
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> THE COURT: You should produce a declaration that if you don't want to go through the -- take the time to go through all the documents so you can compare what each of you have, why shouldn't you give the declaration that indicates that you have given them or made available for them, if they want them, everything that you got for the LAPD.
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> MR. GELBLUM: That's what I'm suggesting. ...
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> MR. BAKER: As long as it also includes a declaration from the three investigators.
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> THE COURT: **They're suspicious. I don't blame them for being suspicious. I have to tell you very frank, it has nothing to do with your credibility. I would not be surprised if the three investigators were able to get things from their colleagues in the LAPD that otherwise wouldn't have been normally turned over.**
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> MR. GELBLUM: Your Honor, you got to remember that there was a prediscovery in the criminal case.
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> THE COURT: **Otherwise, there was no reason to hire them.** (Rufo, et. al., v. Simpson, et. al., 8-14-96 hearing transcript, 2:19-10:18.)

No reason to hire them? How about privacy rights. The law. That was an indisputable acknowledgement of how connections, a "code of silence", influence, power and the abuse of power work to subvert our legal system. Judges have known what police have been doing from the beginning. USC Professor Erwin Chemerinsky reports that many times judges simply look the other way when confronted with police misconduct. (See ftnt.9, p.12, below). Such misconduct is also chronicled in People v. Mooc (2000) 97 Cal.Rptr. 456, where the appellate court discovered and determined that the Santa Ana PD and Santa Ana City Attorney's Office "regularly, systematically and secretly" censored and purged officer's files before turning them over to the court for in-camera viewing per Pitchess motions.[5]

A 12-31-99 LA Times front page article **"Scandal Shows Why Innocent Plead Guilty - The Rampart police probe casts light on cases in which suspects admit to crimes they didn't commit rather than risk much longer prison terms if convicted at trial."** provides an explanation why the misconduct persists. The article states in pertinent part at pg.A20:

> "Los Angeles Superior Court Judge James Albracht, a former deputy district attorney, thinks he knows why. There is tremendous pressure on prosecutors and judges to ignore police lying, he said. A young prosecutor who challenges a veteran cop's claim is 'dead meat', said Albracht. 'They'll complain to your supervisor: "You've got some Jerry Brown liberal here."'
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> "Judges are in a pickle too, said Albracht, who was appointed by Brown. The district attorney's office, which prosecutes all felony cases in the county, can, and does or rare occasions, boycott a judge it does not like by filing peremptory challenges against him is every case.
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> "'If you called the police liars, they'd paper you,' the

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[5]Although Justice Sills (author of Mooc) is to be praised for reversing Mr. Mooc's wrongful conviction, citing prosecutorial misconduct and writing such a revealing opinion, it nonetheless appears that none of the government personnel involved in "This mountain of bureaucratic disobedience" of the law - were punished. Another chronicling of similar failures of the legal system and judges to discipline governmental employees in the legal and judicial systems, is found in "Mean Justice" (1999) Simon & Schuster, by Pulitzer Prize winning author Edward Humes.

> judge said. Then, 'instead of working on a nice assignment near your home, they [your fellow judges] send you downtown or to juvenile or dependency court, where they send the slugs.'"[6]

A matter in Sharp v. Kelly & Cogan (mentioned earlier in my 1-5-99 letter at 8) directly followed the above Rufo v. Simpson matter. There in my letter to your office I wrote:

> "It is equally clear, that Haight, Brown & Bonesteel has gone from "systematically" illegally obtaining confidential and private information on opposing parties to compromising law enforcement and legal personnel. Power, abuse of power and arrogance - works that way. It is now equally clear that Haight, Brown & Bonesteel then went on to compromise judicial personnel and judges.
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> "For example, is the illicit actions of Judge Newman on 8-14-96. There the parties returned to his department (after plaintiff's statement of disqualification of Newman for his demonstrated bias and prejudice had been denied, which plaintiff contends wrongly, by Judge Kathleen O'Leary on 6-10-96) on defense counsel Haight's motion to resume trial. That motion was vigorously opposed by plaintiff Sharp, due to the 5-10-96 front page Daily Journal article on the Ortiz case and because the Haight attorneys twice refused to provide a declaration stating that they had not engaged in similar illegal

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[6]Although what Judge Albracht said above is largely true, there is a problem - what he said is only half of the story. The other half: those who play ball, cut corners, are rewarded; they get the plum assignments. In that regard, the reporter was remiss in not asking: Who has probably the best L.A. County Superior Court judge assignment? An assignment out in the sun, with the palm trees, and the beach? Just minutes from his home? Why could it be Judge Albracht? Yes. He has held the only superior court judgeship out in Malibu. Now how did that happen? (Re Judge Albracht, see below at p.16, 28 & 29.)

searches on Mr. Sharp.[7] First, Judge Newman announced he was recusing himself (thereby divesting himself of jurisdiction), yet then without any hearing on the matter or any consideration of plaintiff's opposition, illegally went on to rule on the matter. Second, in an attempt to cover up his illicit conduct, he left out of the minute order the fact that he had recused himself. Third, he then without any basis (other than he was disgruntled over the fact that his abuse of his power had been challenged), in clear violation of CJP judicial canons improperly attacked plaintiff's counsel. Fourth, when called on his unfounded and unsubstantiated attack, that he in fact had not disclosed (inter alia) the fact that he had attended parties at Haight, stated:

> 'THE COURT: **The whole courthouse attends parties at Haight, Brown & Bonesteel.**
>
> MR. ZERMAN: Exactly the point, Your Honor.' (Sharp v. Kelly 8-14-96 Trial Transcript, 7:6-8.)

"The whole courthouse. Judges. Clerks. Bailiffs. Clearly this was a fix."

A fix Mr. Mayorkas. A cursory review of the court file alone in Ortiz v. Haight, Brown & Bonesteel, et. al., LASC Case No. SC041998, raises a big brilliant red flag and provides the requisite basis for any competent U.S. attorney to have started an investigation. First, after Haight publicly denied the allegations

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[7]Because of that refusal, Sharp on 8-2-96 served notice setting the depositions for Moyer, Behar and Ortiz for 9-4-96; personal service was accomplished that day on Ortiz. On 8-9-96 Ortiz attorney Katz wrote a letter advising Ortiz would not appear for his deposition. On 9-5-96 Judge Parnell wrongly granted Kelly & Cogan's (Haight's) motions quashing service on those depositions and for a protective order. Parnell was protecting Haight/Ortiz and their "confidential" pact. (See pgs.13-16 below, re Parnell.)

in the Ortiz complaint[8], the next day Haight ran down to the courthouse to get the court to order return of all documents from Ortiz and his attorney Richard Katz. Where Judge Lorna Parnell in

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[8]The 5-10-96 Daily Journal front page article **"Suit Charges Firm Asked for Illegal Searches"** about the Ortiz complaint, states in pertinent part:

> "Sayers, the firm's managing partner, said in an interview Thursday that none of Ortiz' claims are based on fact and the suit is 'absolutely bogus.'"

Yet in contradiction, Haight rushed to court and filed its writ, which had to admit/assert that: 1) the property (here documents) existed; and, 2) that the property-documents belonged to Haight. Thus a blatant lie. Evidenced further by Ortiz' deposition and the Haight/Ortiz "confidential" settlement.

Similarly, in the 7-10-96 Daily Journal front page article **"Lawyer [Sharp] Claims Firm [Kelly & Cogan] Misused Criminal Case - Malicious Prosecution"**, (provided in with my 9-18-96 and 1-5-99 letters) defense counsel and Haight partner Lori Behar stated:

> "Other than Mr. Sharp's unsubstantiated allegations, there is not one shed of evidence... to support any theory of liability in this matter."

Another lie, as contrary to Behar's claim Sharp's evidence was overwhelming. As I wrote in my 1-5-99 letter, the jury rather easily found against defendants Kelly & Cogan, et. al., and further found under clear and convincing evidence, the basis for punitive damages, which we were trying when Cogan staged his going "berserk" ploy in the courtroom during a recess, shutting down the trial and the courthouse. (Affirmed on appeal, 2nd Dist., Div. 7, B110703, rehr'g denied, cert. denied; see below at p.28.) For more Behar/Haight lies, see ftnt.25, p.29, below.

fact ordered such returned.[9]

Second, after Haight took the four (4) sessions of Ortiz' deposition, Ortiz filed an amended complaint, now captioned for personal injury - yet <u>no</u> personal injury allegations are set forth in the body of the complaint - and <u>all</u> the allegations of the "systematic" illegal searches have <u>disappeared</u>.[10] Third, that action was shortly followed by Ortiz filing a request for dismissal.[11] Fourth, somewhere during this time Ortiz entered into a "confidential" settlement, which it has been established was for

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[9]Judge Parnell was required to turn over those documents and report Haight's alleged "systematic" illegal searches to the appropriate authorities, pursuant to <u>California Code of Judicial Ethics</u>, CANON 3-D. Disciplinary Responsibilities (effective 4-14-96), which provides in relevant part:

> (2) Whenever a judge has personal knowledge that a lawyer has violated any provision of the Rules of Professional Conduct, the judge shall take appropriate corrective action.

CANON 3-D is cited in Professor Erwin Chemerinsky's 9-11-00 report "Independent Analysis of the LAPD's Board of Inquiry Report on the Rampart Scandal, at Recommendation #29, p. 98. There he faults judges for ignoring false police officer testimony and recommends that a law be passed to require judges to report police officers misconduct, as CANON 3-D(1)&(2), requires them to report judges and attorneys.

[10]Ortiz was allowed to file that amended complaint without filing a <u>required</u> motion for leave. How and why did the Santa Monica court and judges allow that? How and why did Ortiz (Haight) get such favored treatment? (See ftnt.28, p.32 & ftnt.25, p.29.)

[11]The <u>Ortiz</u> case passed through the hands of several Superior Court judges in the Santa Monica courthouse, yet apparently <u>none</u> turned Haight and the documents evidencing its "systematic" illegal searches, over to the authorities. Why? Instead, those judges readily enabled and facilitated the return of the documents to Haight, and Oritz's (Haight's) attempt to erase the record. Why?

a "substantial" amount of money.[12] Fifth, Mr. Ortiz disappeared - and was unable to be found for his deposition in Sharp v. Haight, et. al.[13]

Regarding Judge Parnell, recall the cover story **"THE FIRM"** (and set forth in my 1-5-99 letter to you at pages 1 & 2) stated:

> "Haight, Brown won the battle for the documents. L.A. Superior Court Judge Lorna Parnell ordered all of them returned to the firm. In late 1996, Ortiz reached an out-of-court settlement with Haight, Brown, with the ex-cop agreeing never to publicly discuss it terms. His lawsuit was amended and all allegations of illegal investigations were deleted.
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> "`I don't think I've ever heard of that happening,' says David Isell, a veteran Washington, D.C. attorney who is the former chair of the American Bar Association's standing Committee on Ethics and Professional Responsibility. `I would be reasonably confident that amending the complaint was a condition of settlement... The idea of doing that is to amend the record, to erase the record.'[14]
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> "Robert Pugsley, the Southwestern law school professor, said Parnell `definitely should have reported' the substance of Ortiz's documents to law-enforcement authorities. `As a member of the bench, she had

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[12]Recall also, that with my 1-5-99 letter I provided you with a copy of the 4-26-96 Richard Katz seven (7) paage letter to Haight demanding $1,455,000 to settle the claims of Ortiz, prior to filing suit.

[13]The same was true with Craig Fallenberg, another investigator Haight used and a named defendant, like Ortiz in Sharp v. Haight, et. al. See exb.5 to my 9-18-96 letter, a 12-6-95 letter from Fallenberg-C.F. Investigations to Haight-Ben Ortiz, about having obtained Sharp's private records; and see"THE FIRM" at 16. Also see ftnt.17, p.15, below, re Fallenberg's 12-5-96 letter to Haight about Andrew Echivarria.

[14]Why would the Santa Monica judges (particularly Parnell) let that happen? Why did those judges ignore and violate CANON 3(D)? What have you done to investigate that conduct Mr. Mayorkas?

> credible evidence of alleged criminal wrongdoing.' "Parnell's clerk told New Times the judge doesn't comment on litigation."[15]

My 1-5-99 letter to you continued Mr. Mayorkas, at page 2:

> "Judge Parnell doesn't comment on litigation? (See above, New Times story **"THE FIRM"** at page 15.) Mr. Mayorkas, enclosed is a copy of my 11-3-97 letter the California Commission on Judicial Performance (CJP). Note there at ~~page~~ 5, I ~~reported and complained~~ to the CJP what had occurred in Ortiz before Judge Parnell, and stated that the judicial cannons required her to turn those documents over to the proper authorities for investigation. I then further state that in Sharp v. Kelly & Cogan, we twice brought the subject of those documents to her again and not only did she fail again to do nothing - but in fact twice sanctioned Mr. Sharp and me. Clearly Judge Parnell was in fact running cover for and covering up for Haight, Brown & Bonesteel. Then the CJP also did nothing. Clearly this has the appearance of a fix."[16]

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[15]Credible evidence of alleged criminal wrongdoing, Mr. Mayorkas. Judge Parnell would not comment because her conduct is criminal. Has Judge Parnell been interviewed yet, Mr. Mayorkas?

[16]A fix Mr. Mayorkas. What have you done to investigate this matter? Recall in my 6-14-99 letter, I stated in pertinent part:

> "Mr. Mayorkas and Mr. Arkow, I would suggest also that you read the dissent in the recent 9th Circuit Court of Appeals decision in U.S. v. Frega, Malkus, Adams (1999 Daily Journal D.A.R. 5633), for a good review of judicial bribery - just how it is done and also how the clerks and bailiffs are brought in and compromised."

A review U.S. v. Isaacs 493 F.2d 1124 (7th Cir.), cert. denied, 417 U.S. 976 (1974), U.S. Maloney 71 F.3d 645 (7th Cir. 1995) and Bracey v. Gramley 520 U.S. 899 (1997) about "Operation GREYLORD", will show patterns of judicial corruption similar to those here, in the Los Angeles courts. The first sentence of Maloney states:

> "This is yet another in an unfortunately long line of public corruption cases which have left a blot on the escutcheon of Chicago justice."

As reported in "THE FIRM", at p.16, Haight also conducted illicit searches against others: Andrew Echavarria and his family (see below); Carl Hodous; and Desiree Edlund.

In Sharp v. Kelly & Cogan, we filed opposition papers (to Kelly & Cogan's [Haight's] 9-5-96 motions to quash/protective order re our noticed depositions of Haight partners Moyer & Behar, and Ortiz) that brought up: the Haight illegal search documents Ortiz had possessed and that Haight had repeatedly committed extrinsic fraud. Ortiz attorney Richard Katz filed a declaration, supporting Haight. Haight partner Gary Ottoson appeared for Haight. There was no hearing; Parnell granted Kelly & Cogan's (Haight's) motions, stating Sharp had no competent evidence and sanctioned Sharp and Zerman $882.00. (See Sharp v. Kelly & Cogan 9-5-96 reporter's transcript of proceeding and the filed papers.)

On 9-13-96 Sharp filed motion for reconsideration, based upon: Parnell being involved with and was protecting Haight (ordering Ortiz/Katz to return the illegal search documents to Haight, rather than turning such over to the authorities); that immediately after Parnell ruled on 9-5-96 Haight served Sharp with a motion in limine and request for an Evidence Code section 402 hearing re the very same testimony Sharp was seeking in the above depositions; and attached exhibits concerning personal-private information about Mr. Echivarria.[17] On 10-2-96 the matter came before Judge Parnell. Mr. Echavarria appeared to testify regarding exbs.10-14 (recall Parnell had "ruled" there was no competent evidence on 9-5-96). There Judge Parnell: refused to allow - in fact blocked Mr. Echivarria from testifying; permitted no hearing; denied Sharp's motion; granted Haight's motion to seal documents, which was not even before the court; and she took sanctions against Sharp and Zerman under submission. Judge Parnell was advised she was "aiding and abetting criminal activity in her courtroom". (See Sharp v. Kelly & Cogan 10-2-96 reporter's transcript of proceeding and the filed papers.)

On 12-20-96 (over 75-days after defendants Kelly & Cogan, et. al.'s

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[17]Those exhibits consisted of: exb.10 - a 11-7-95 Haight internal memorandum to "Ben" showing searches of private matters concerning Andrew Echivarria; exb.11 - 11-25-96 Haight internal memorandum to "Steve" requesting "a full Credit Report on the below individuals. Andrew and Silvia Echavarria."; exb.12 - 12-5-96 Craig Fallenberg letter to Haight's Special Investigation Unit about taking "the liberty of running a few other searches" and doing "credit checks"; exbs.13-14 credit reports on Echavarria.

request was heard and after Judge Albracht had beat us up[18]), Judge Parnell granted sanctions against Sharp and Zerman in the amount of $625. (See Judge Parnell's 12-2-96 minute order.)

Returning to my 1-5-99 letter to you Mr. Mayorkas, at page 3:

> "Back to the New Times story **"THE FIRM"**. There, at the end of page 16 and throughout most of page 18, you will read about the clearly illicit conduct of Haight, Brown & Bonesteel on behalf of its client PG&E, in the case of the Hinkley residents against PG&E."

If in fact you failed to read that cover story, or failed to understand what I was referring to, let me make it clear for you now. At the end of page 16 and on page 18, **"THE FIRM"** cover story states:

> Although Haight, Brown & Bonesteel's investigative efforts were intended to give it advantages on the legal battlefield, New Times has uncovered one high-profile case which appears to have backfired on the firm, costing ia corporate client an extra $58 million.
>
> In that case, Haight, Brown was up against Thomas V. Girardi, one of the most successful plaintiff lawyers in California. The L.A. Daily Journal recently dubbed Girardi "The Billion Dollar Gentleman" is a special issue on the 100 most influential attorneys in the state. Girardi has "racked up more than $1 billion in verdicts and settlements in the last two years alone," the newspaper said.
>
> One of Girardi's biggest wins in recent years was against San Francisco-based Pacific Gas & Electric Co., which he sued on behalf of 650 residents of Hinkley, a small Mojave Desert town hear Barstow. The plaintiffs alleged

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[18] Albracht without basis blocked our attempts to get loan applications from Cogan and Kelly, falsely blamed Cogan's going "berserk" on us, and granted their motions for mistrial and forfeiture of the Sharp claim for punitive damages against Cogan and Kelly. Albracht thus blocked and torpedoed the imposition of punitive damages, justice from being done by the jury, and allowed bandit/pirate attorneys Cogan and Kelly to escape with impunity and to victimize more clients. Cogan's going "berserk" was a ploy - and Albracht was right in the middle of it.

they had contracted cancer and other serious illnesses from spent chromium that seeped into local drinking water from a PG&E gas pumping station. Girardi contended in the suit that PG&E knew about the problem for years but did nothing about it.

Haight, Brown was one of the firms that defended PG&E. While the case was underway in 1996, Ben Ortiz informed Girardi that Haight, Brown investigators had targeted his clients for unlawful intelligence gathering, the attorney told <u>New Times</u>.

"The information I got form Mr. Ortiz was that Haight had consumer credit reports on my clients in the PG&E case," Girardi said. [P] Girardi refused to disclose more details about his association with Ortiz or the alleged illegal investigation of his clients by Haight, Brown.[19] But <u>New Times</u> obtained a letter Girardi and his partners wrote to the plaintiffs in the case saying that because of the spying, they were able to wring an additional $58 million out of PG&E to settle the lawsuit.[20]

Girardi explained in the letter that while he was negotiating with PG&E in June 1996, the utility offered $276 million to settle the case. But when Girardi and his partners found out about the credit reports, the settlement shot up.

"We then learned that all 29 plaintiffs during the last trial had been thoroughly investigated by private investigators hired by PG&E's lawyers." the letter said. "In some cases, confidential consumer credit information

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[19]Ortiz testified that Girardi was his attorney and that he had in fact met with Girardi. (Ortiz depo. Vol. I - pgs. 7 & 165.)

[20]No wonder California is suffering a energy crisis when its utilities (and their attorneys/executives) can act in such a manner. Who was responsible at PG&E for allowing this illicit conduct to occur? (See also 3-4-01 <u>Daily News</u> p.3-News **"PG&E Parent Under Fire for Loan, Payout".**) Who picked up the $58-million tab? Where was the CPUC? What did the JAMS judges, who presided over this case do about this illicit conduct? Did any of those individuals report this illicit conduct to the authorities? Where was/is the California State Bar?

> was obtained illegally. While PG&E claims that work was perpetrated without its knowledge or consent, this was certainly further grounds for us to threaten separate litigation for 'invasion of privacy.'"
>
> Girardi went on to say in the letter that on June 12 "PG&E agreed to pay $333,000,000 cash within 30 days to settle all claims... [but] We must further agree not to initiate any invasion of privacy suits."
>
> Attached to the letter was the settlement agreement and release, which, Girardi wrote, "prevents any of you [plaintiffs] from suing PG&E for the invasion of privacy we mentioned in the above Newsletter. Even though only 29 plaintiff's privacy appears to have been violated by PG&E, all plaintiffs must agree never to claim or sue for invasion of privacy against PG&E arising out of this litigation."
>
> Two Haight, Brown attorneys who defended PG&E declined to comment. PG&E officials did not return phone calls requesting an interview.

For further corroboration of Haight's illegal searches and a clearer understanding of what went on in the Hinkley matter, see **"Erin Brockovich: The Real Story"** by Kathleen Sharp, 4-14-00 @ Salon.com. There Ms. Sharp reports in pertinent part:

> But many plaintiffs in the Hinkley case say the movie misrepresents what happened. Far from being the populist victory the movie depicts, the Hinkley lawsuit was a case study in how the rise of private arbitration, as an alternative to costly public trials, is creating a two-tiered legal system that not only favors litigants who can afford it over those who cannot, but is open to potential conflicts of interest and cronyism. The case never went to trial because Pacific Gas & Electric, the utility accused of polluting Hinkley, and the plaintiffs' lawyers agreed to private arbitration before a panel of for-hire judges, some of whom had socialized with the plaintiffs' attorneys.
>
> Now many of the townspeople who sued complain their awards were smaller than they deserved. Some have even hired lawyers to get back excessive legal fees charges to children. They say the attorneys kept their awards for six months after the settlement money was delivered,

and that they didn't receive interest on it. They complain that there was little or no apparent logic behind the varying amounts of money individual plaintiffs received; some claim that the arbitrators never even looked at their medical records.

Some of these charges and complaints are the predictable result of the sudden, uneven disbursement of a lot of money into a small town. But evaluating these charges is difficult to do, because the arbitration process is shrouded in secrecy. The formula for disbursing the money has been kept secret, as has the entire transcript and the disbursement would be a matter of public record.

After the settlement, the Hinkley plaintiffs' attorneys took some of the arbitrators in the case on a steeply discounted Mediterranean luxury cruise.[21] The fraternization between the private judges and the plaintiffs' lawyers led California Supreme Court Chief Justice Ronald George to begin a study of the business of arbitration. And while Brockovich appears on 'Oprah,' some townspeople are preparing for a hew round of lawsuits--this time against their former lawyers, including Brockovich's firm.

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[21]See also the following newspaper articles:

1. 10-7-97 LA Times p.B8 **"Judges' Role in Cruise Raises Questions - Foundation spent $350,000 on trip that included 10 jurists. Eight Said they paid; 2 others gave lectures on ship."**;
2. 10-11-97 LA Times p.A20 **"Judge's Removal From Case Sought - Lawyers want Pasadena jurist to recuse himself because he was on the same cruise as one of the trial's expert witnesses."**;
3. 11-11-97 LA Times p.B8 **"Trial Lawyer [Girardi] Linked to Judges' Vacation Withdraws Donation - Attorney's letter cites possibility of the $1.2-million gift's being misconstrued."**;
4. 12-30-97 Daily Journal front page **"Court of Appeal Unseals Cruise Inquiry Memo - Motion is Backed to Oust JAMS Referee From PG&E Case."**;
5. 1-24-98 LA Times p.B16 **"Third Judge Quits in Toxic Pollution Case."**;
6. 1-27-98 Daily Journal front page **"Impartiality of JAMS Cruise Probe Queried - Outside Investigator Pays Rent, Share of Profits to ADR Firm. Appearance Problem."**;
7. 7-23-98 LA Times p.B15 editorial **"Secrecy Debate Running Into Some Troubled Waters."**

* * *

'The movie is mostly lies,' said Carol Smith, one of the real-life plaintiffs. 'I wish the truth would come out because a lot of us are upset. I understand the movie is going to make Erin and the attorneys out to be heroes. 'But where's the rest of our money?'

* * *

The case started in open court in front of Judge LeRoy Simmons. But before too long, Simons retired. (Ironically, in view of later events, he became a private arbitrator and landed a paying part in the movie playing his former self, a sitting judge.) ...

* * *

... arbitration has snowballed into an unlicensed industry that's conservatively a $350 million in annual sales, according to a spokeswoman at the nonprofit American Arbitrators Association.

Not everyone thinks it's a good idea. In 1981 Rose Bird, then chief justice of the California Supreme Court, called private judging a 'long step backward,' because it 'allows those who can afford it to play by different rules' by permitting rich litigants to leapfrog past others who must wait their turn for a hearing. Eight years later, then-Chief Justice Malcolm Lucas appointed a study of the trend, which ultimately supported the practice but urged that arbitration files be kept in courthouses where the public and press could freely inspect them. That recommendation was never acted upon.

The trouble with civil arbitrations such as the Hinkley case is that public-welfare issues can in effect be decided secretly between corporations and high-powered plaintiffs' attorneys who represent unsophisticated victims. In the wake of the PG&E litigation, for example, there is no public record of whether an enormous, publicly held utility did or did not poison a town.

* * *

In the PG&E arbitration, Girardi, Masry and Lack expected to settle the case against the utility for $400 million, according to a July 2, 1996, letter to their clients. The case was heard before a panel of judges in San Francisco and Los Angeles.

The former judges who heard the case were all employed by a Irvine arbitration company called JAMS/Endispute

--one of the biggest such firms in the West. JAMS boasts about 300 arbitrators, including some of the more prominent retired judges in California. But the firm has also seen some controversy in its 21-year existence. In 1993, the then-chairman of JAMS, John Trotter, hired Michael Greer, a former San Diego County Superior Court judge who at the time was being investigated for accepting gifts from lawyers in his courtroom. Trotter publicly defended the hire, calling the allegations against Greer 'inconsequential and in some cases absurd.' But in March 1996, right before the PG&E settlement, the ex-judge pleaded guilty to accepting $75,000 to rule favorably in cases before him. Greer eventually testified against two judges in one of California's biggest judicial scandals.

* * *

As it turned out, Girardi had ties to at least three of the private judges in the PG&E case: Jack Tenner, John Trotter and Jack Goertzen. Had this occurred in public court, judicial rules would have forced the judges to recuse themselves form the case due to a conflict of interest. But no such ethical standards bind participants in private arbitration.

* * *

'I became aware that I should absolutely stay away from JAMS or its retired judges when it came to any dealing with Tom Girardi,' says Laurence Janssen, a partner in the Los Angeles office of Washington law firm Steptoe & Johnson. As the defense attorney in Girardi's infamous Lockheed case, he wanted to keep his case in open court. 'The common lore imparted to me was that it would be crazy to get in front of any JAMS arbitration with Girardi.

* * *

PG&E's attorneys may have been wary of Girardi as well. Indeed, what happened next provides a rare glimpse into the sometimes cloak-and-dagger wold of nine-figure lawsuits. During negotiations in June 1996, PG&E appeared to be stalling, Girardi told his clients in the July 2 letter. The Girardi learned that PG&E's outside counsel, Haight, Brown and Bonesteel of Santa Monica, had hired private investigators to snoop into his bank records and private affairs, as well as those of his clients. It's against California law to obtain confidential private records. One of the firm's operatives, who had just been fired, took the damning information to Girardi.

> The investigator, Ben Ortiz, a retired LAPD officer, was suing his former employers at Haight, Brown and Bonesteel. Around the same time, another, unrelated case against the firm alleged similar spying practices by Haight, Brown; it also detailed the Ortiz-Girardi snooping. Buried inside this second case, worthy of a John Grisham novel, are allegations of racketeering and collusion among judges and attorneys throughout Los Angeles County. David Sharp, the attorney in that latter case, alleges Girardi and Lack used the Ortiz affair to pressure PG&E into making a large settlement--'part of which was used to curry favor with active and retired judges involved in that case and others,' according to Sharp. His suit is on appeal.
>
> Ortiz and Sharp claimed that PG&E's hired counsel routinely broke the law to gain inside information in order to win its cases. In the July 2 letter, Girardi told clients that he had confronted PG&E with the damning evidence: 'This was certainly grounds for us to threaten separate litigation for invasion of privacy.'
>
> PG&E fired its law firm and hired another. On June 12, 1996 PG&E settled the Hinkley case with Girardi for $333 million, and delivered the money a few weeks later. It was trumpeted as the largest settlement of its kind.

Mr. Mayorkas, there is a mountain - range - of evidence that supports the allegations that Ortiz made in his complaint that Haight, Brown & Bonesteel "systematically" engaged in illegal searches, thereby warranting an investigation. To recap some:

1. The $58-million PG&E paid to the Hinkley plaintiffs and their attorneys Masry and Girardi, as reported in **"THE FIRM"** and **"Erin Brockovich: The Real Story"**;

2. the Ben Ortiz $1,455,000 demand in his attorney Richard Katz' 4-26-96 letter to Haight, prior to filing suit;

3. the four (4) volumes of Ben Ortiz' deposition;

4. the 8-20-96 Karl Keener letter to Richard Katz about the Ortiz deposition;

5. the documents that Ortiz and Katz had - that Judge Parnell ordered them to return to Haight;

6. the allegations in the Ortiz complaint, followed by Ortiz amending his complaint in an attempt to erase the record of his allegations "systematic" illegal searches;

7. Ortiz dismissing his complaint, followed by the Ortiz/Haight confidential settlement for a "substantial" sum;

8. the Ortiz/Haight confidential settlement agreement;

9. the subsequent disappearance of Ortiz (and Craig Fallenberg);

10. the documents sent to Mr. Sharp - Haight internal memorandums that report illegal searches of his private records and home (see exbs. to my 9-18-96 letter, and again with my 1-5-99 letter and the 11-1-95 memo re BoA with my 6-14-99 letter); and,

11. the illegal searches Haight conducted regarding:

- a. Andrew Echavarria and his family;
- b. Carl Hodous
- c. Desiree Edlund

If that is not enough evidence Mr. Mayorkas, there is more. First, Bank of America, was a Haight client. (Ortiz depo. Vol. IV, pgs. 532 & 586.) The memorandum I provided to you in my 1-5-99 and 6-14-99 letters (Haight in-house memo, exb. 4, to my 9-18-96 letter) shows Mr. Sharp's Bank of America records were illegally obtained.

Second, another Haight client was (is?) Golden Eagle Insurance Company (GEIC). A 2-1-97 Orange County Register, Business-pg.1, article **"State Seizes Golden Eagle - The Company's Owner and Top Executive are Ousted in one of California's largest takeovers"** was seized by the California State Insurance Commissioner Chuck Qackenbush for risky business practices and a 2-28-97 LA Times pg.D2 article **"State Accuses Golden Eagle of 'Shell Games' - Commissioner says memos, computer files provide new evidence of mismanagement at the firm"** reported the memos and files "detail a 'continuing pattern of deceit' and improprieties designed to hide

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the insurer's reserve shortage [exceeding $138-million]."[22]

Risky business practices. Shell games. A continuing pattern of deceit. Hiding reserve shortage. And illegal searches.

GEIC was the insurer for Kelly & Cogan in Sharp v. Kelly & Cogan, providing a $1-million dollar policy, with a "burning" provision for attorney fee (i.e. - the coverage amount diminished as the attorney fee increased). Kelly & Cogan (Haight) never made a single written settlement offer (recall Behar's "not one shed of evidence" statement above, at ftnt.8, p.11), thereby exposing their clients to liability, punitive damages and very probable

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[22]The record is clear that Golden Eagle was crooked. But then it appears - so was Quackenbush. See the following articles:

1. 1-17-01 LA Times p.A3 **"Ex-Qackenbush Aide Pleads Guilty" - As part of deal with prosecutors, George Gray will face a reduced sentence in the kickback case. He is first official to be charged in the scandal that drove his boss from office";**
2. 1-19-01 LA Times p.A3 **"Quackenbush Case Brings 2nd Indictment";**
3. 2-20-01 LA Times front page **"Quackenbush Took Trips as Insurance Firms' Guest - Companies Paid Quackenbush's Way";**
4. 2-21-01 LA Times front page **"Quackenbush's Agency Hid Purpose of Insurer's Payment - Invoice said $400,000, actually used for legal fees, was for 'educational training'".**

Where has the Department of Insurance been regarding what **"THE FIRM"** and **"Erin Brockovich: The Real Story"** reported about Haight's illicit activities in representing PG&E? Where also has Attorney General Lockyer been?

disbarment.[23] Clearly, GEIC had to be aware of Haight's pattern and practice of conducting these illegal searches - they were billed for them. GEIC paid for them. Clearly, the GEIC file on Sharp v. Kelly & Cogan would a very valuable piece of evidence that could corroborate Mr. Ortiz charges against Haight. Have you obtained that file yet Mr. Mayorkas? If not, Why? Please explain.

Third, there is Santa Monica PD Detective L.C. Brown, who played a part in the malicious prosecution of Mr. Sharp. (See my 1-5-99 report at pg. 8.) Recall, Brown was the one that referred her investigation of Guevara's false assault charges against Mr. Sharp, over to Santa Monica Asst. City Attorney Jerry Gordon and stated "file" charges. Gordon in fact prepared and filed the bogus criminal complaint against Mr. Sharp. Brown's investigation report was absent of any contact/interview of the four (4) corroborating witnesses listed by Guevara.

Recall in my 1-5-99 letter, I informed you that in a post-trial debriefing with Judge Albracht (where he expressly improperly excluded counsel, the parties and press from), one juror commented:

> "'JUROR 11: It seems she should have been on trial for not doing her job. L.C. Brown. Why weren't they suing her?' (Sharp v. Kelly & Cogan, 12-16-96 Trial Transcript, Vol. 15, 2902:8-10; see also my 6-9-97 letter to Santa Monica Mayor Pam O'Connor)."

My 6-9-97 letter to Mayor O'Conner was a complaint about SMPD Chief Butts - doing nothing about my complaint about Detective Brown's

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[23]After Haight depleted the GEIC policy on its billings for attorney fees, it jettisoned its clients, filing a 8-2-00 motion to be relieved as counsel based on a bogus claim of a "new" conflict of interest. (Bogus because Haight continued to represent the same clients [and Golden Eagle Insurance Corporation] in a bogus interpleader action Kelly & Cogan, et. al. v Sharp, et. al., LASC Case No.SC062219, filed for the improper purpose of keeping Sharp from getting his recovery from the first phase of Sharp v. Kelly & Cogan; and the "conflict" was now near eight years old and Haight had ignored numerous earlier express warnings it existed.) ? In his opposition to Haight's motion, client J. Michael Kelly stated in his 7-21-00 declaration that Haight was abandoning him now because: it had exhausted the policy (receiving over $600,000 from GEIC for fees & costs); and, the purported "conflict" was known to Haight "four years ago" and should have been addressed then.

misconduct.[24] Apparently nothing was done about Brown, and she went on and shot her married-lover, fellow SMPD Officer Kevin Cummings four (4) times. According to People v. Brown (2000) 83 Cal.App. 4th 1037, 2nd Dist., Div. 5, No.BA134542, Brown was convicted of attempted voluntary manslaughter and personal use of a firearm in the commission of the offense and inflicting great bodily injury - and given a ten (10) year sentence.

Of particular note here, are the following facts from that appellate opinion (see also the unpublished portion): 1) Brown illegally used DMV computers for illegal searches; 2) she removed telephone records from Cummings possession; 3) she hired a private investigator to investigate Cummings; 4) lied to investigating police officers about her involvement in the shooting; and, 5) she destroyed evidence of the crime scene (her home).

Back to Jerry Gordon - who filed the bogus criminal complaint against Mr. Sharp. Gordon had worked at the LA County public defender's office with Haight partner Steven Moyer. In fact, thereafter they remained personal friends - a fact that Moyer actively concealed (including during the taking of Gordon's deposition) until it was inadvertently disclosed by Judge Newman. Both Gordon and Moyer also worked with and under Gerald Chaleff at the public defender's office. Amazingly, Moyer called Chaleff as an expert witness in Sharp v. Kelly & Cogan. Chaleff's opinions were transparent and not credible in the first instance, but destroyed when the jury was informed of the cabal of the Moyer-Gordon-Chaleff triangle relationship. Chaleff's opinions were bought. Regarding Chaleff's connections and influence, see the following articles:

1. 5-1-97 Daily Journal front page **"Chaleff Joins Orrick [Harrington & Sutcliffe] as Head of White-Collar - 'Irresistible Combination'"**;

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[24]Brown was the subject of a 12-4-96 NBC's "Dateline" program entitled **"Screams in the Night"**, where two rape victims complained that dealing with Detective Brown in the investigation, was worse than the rape. I mentioned such in my complaint to Chief Butts. See also 5-20-99 New Times LA cover story **"INTERNAL AFFAIRS - When one Santa Monica cop shot another after a broken romance, a window opened on a police department in serious turmoil"** and 11-6-98 LA WEEKLY p.12 Offbeat column **"Honky Tonk P.D."**

2. 6-25-97 LA Times front page **"Mayor to Name 2 Attorneys to Police Panel"**;

3. 7-15-99 New Times LA pg.6 **"Gerry the Leaker - Watch Out, Angelenos: The sneakiest would-be Machiavelli on the L.A. Police Commission may be about to become its president"**; and,

4. 11-6-00 Daily Journal p.2 **"Firm Donates Services to Decree Negotiations"**, which reported in pertinent part:

> "San Francisco's Orrick Harrington & Sutcliffe donated significant resources to the negotiations between the city and the Department of Justice over monitoring reform of the LAPD, including 600 billable hours for its litigation partner Gerald L. Chaleff.
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> * * *
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> "The 114-page agreement between the city and the Department of Justice took nearly six months of negotiations to produce. Orrick's downtown Los Angeles office provided conference rooms, food, parking, telephones, computers, word processing and copying assistance. [P] 'I think it's a truly remarkable contribution for the firm to make to the city,' said Steven R. Rosenbaum, chief of the special litigation section of the Justice Department's civil rights section. ... [P] 'Chaleff has been very gracious with the use of Orrick's offices for all these months of meetings we've had,' Hahn said. 'He's been at every meeting, he's put in long hours and brought a lot of valuable insight to the process.
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> "Considering the benefits to the firm, Sobel [Larry Sobel, managing partner of Orrick's Los Angeles Office] said, 'It helps put us on the map in Los Angeles in the legal and business community, and it's good profile for Orrick in Southern California generally, not just the white-collar practice.'"

One has to wonder about the wisdom and ethics of nominating and placing on a police commission, the head of a national law firm's white collar crime department? Then making him its president? One also has to wonder about the wisdom and ethics of the DOJ accepting significant resources donated from that law firm and using its law office for months? Has not some ethical boundary been crossed? Is there not a clear appearance of impropriety? Appearance of a connection? Of influence? "Helps put us on the map in LA... It's good profile for Orrick in Southern California, not just the white-collar practice." It begins to have an insider look/smell like the recent Clinton pardons. Is this what "We the people" pay taxes for?

Fourth, as referred to in my 1-5-99 letter at pages 4-8, Judge Albracht's grant of the mistrial and order that plaintiff forfeit punitive damages was a "fix". Clearly Cogan going "berserk" was a poly - and Judge Albracht was in on it. The appellate decision in Sharp v. Kelly & Cogan, 2nd Dist., Div. 7, No. B110703 (rehr'g denied, cert. denied) affirmed the first phase of the trial (that Sharp was maliciously prosecuted and done so with malice fraud and oppression - the basis for punitive damages), reversed Albracht's order for forfeiture of the punitive damage claim, and starting at page 7-8 stated:

> "The court [Albracht] set the matter for the punitive damage phase, and a hearing was set on December 3, 1996, to consider Sharp's demand for the production of relevant financial documents. ....
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> "During his [Zerman's cross] examination of Cogan [on resumption of trial on December 6, 1996] on the issue of his financial status, which had consisted of routine questions concerning his basis of Cogan's net worth calculation, Sharp's counsel asked Cogan whether he had provided any 'loan documents,' to which Cogan replied, 'I have one in the car.' Defendants' counsel objected, citing misconduct. Cogan then continued his testimony, stating, 'If you want it I have it in the car. Doesn't mean anything. I'd like to produce it. I don't like this. This is completely unfair. I don't want the implication I'm lying. That's not fair to me, Your Honor. I have it in the car. I'll go get it [and] he can look at it. I'll walk out. Give me two minutes.' The court then ordered a recess.
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> "At this point, in the words of the court (which made a statement for the record), Cogan became 'enormously agitated' and 'strode from the courtroom.' Cogan was 'screaming, making loud gutteral [sic] noises.' He was met by his wife at the door to the courtroom, and his wife was heard to say, 'they have sliced you up and cut you up' and as they proceeded down the hall there were 'very, very loud screams uttered by Mr. Cogan and his wife.' The "court noted that the jury was very much taken aback. Sat absolutely silent and ashen in their seats.' Bailiffs were then called, and 'Mr. Cogan was

ultimately taken out front where he continued to yell.'[25]

* * *

"... We will reverse if the trial court's [Albracht's] action were arbitrary, capricious or beyond the bounds of reason. (Citations omitted.) We find the trial court [Albracht] abused its discretion because the sanctions imposed was disproportionate to the act of misconduct, and an analysis of the facts demonstrates any irreparable prejudice resulting from the misconduct was actually defendants' fault. Therefore, the matter is remanded for a retrial of the punitive damages phase only. (ftnt. 4 - omitted.) (at 10.)

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"... The trial court apparently believed Cogan's outburst, while caused by the question, was also the <u>fault</u> of Sharp's counsel, and therefore Sharp should be punished for the entire fiasco. However, Cogan's outburst was the sole cause of any prejudice. His statements (and his wife's audible commentary in the hallway) brought matters before the jury that the mere

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[25]The court [Albracht] <u>never</u> brought Cogan (an attorney for over 25 years) back for <u>any</u> inquiry about his intolerable behavior. Why? In fact Albracht should have found Cogan in direct contempt for disrupting the trial and courtroom, and indirect contempt for the incident in the courtroom hallway. Nor did Albracht bring the bailiffs who restrained Cogan in for <u>any</u> inquiry. Why? Nor did the bailiffs ever write a report on this incident. Why? In fact Cogan should have been arrested for disturbing the peace, but was not. Why?

On 4-15-97 I sent Sgt. Goldsmith (LA Cnty Sheriff Dept.), who was the bailiff-in-charge at the Malibu courthouse, a certified letter-return receipt, about the Cogan "berserk" incident on 12-6-96 in Dept. W and requested he advise if a report was done, and if so, send me a copy of such. Goldsmith <u>never</u> picked up the letter. On 5-9-97 I sent Goldsmith another letter, with a certificate of mailing (and which enclosed the 4-15-96 letter). There I asked him to explain, why he had <u>failed</u> to pick up the certified mail letter and asked if that was any way for a law enforcement officer to behave? The letter was not returned; Goldsmith <u>never</u> replied to either letter. Why?

On 5-20-97 I filed a complaint (via certified mail) against Sgt. Goldsmith re the above, with the LA County Sheriff Dept. and its Ombudsman. Nothing was done. Why?

> question 'did you produce loan documents' did not. Respondents should not be permitted to benefit from their own misconduct, which the court's ruling permits them to do. (at 12-13.)
>
> * * *
>
> "We disagree with respondents' evaluation of the evidence and find substantial direct and circumstantial evidence supports the jury's finding all defendants were 'actively instrumental' in instigating and maintaining the prosecution of the assault action against Sharp. Guevara told Officer Olding she wanted to prosecute an assault action against Sharp. Wright told Sharp the assault action would go away if he dismissed the [Phillips] malpractice action against Kelly & Cogan, implying Kelly & Cogan had something to do with the institution and maintenance of the prosecution of the assault action; similarly, Detective Brown told Sharp to settle the matter with 'Kelly & Cogan.' Copies of the Kelly & Cogan employee memos (which initially had not even been mentioned or given to the police) regarding the incident were faxed to the City Attorney form Kelly & Cogan's offices. Kelly & Cogan's attorney in the malpractice action, Robert Scherk, coincidentally attended two of the hearings in the assault action [<u>People v. Sharp</u>]. These facts all support the jury's conclusion defendants collectively procured the criminal action against Sharp. (at 17.)
>
> * * *
>
> "There was sufficient other evidence of a pattern of harassment of Sharp such that the jury likely found the tape just one piece of evidence to support Sharp's conspiracy theory." (at 24.)

Fifth, regarding <u>Sharp v. Haight, et. al.</u>, prior to Mr. Sharp amending the case and adding the RICO cause of action and its removal to federal court, two state court judges found that their was sufficient evidence to establish the <u>crime-fraud</u> exception to

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the Haight-Kelly & Cogan attorney-client privilege.[26] Thereafter Haight, repeatedly refused to provide ordered discovery and disobeyed several court orders. Haight removed the case to federal court.

In federal court, the case was first steered to two judges who recused themselves: Judge Ronald Lew; Judge George King. The case was then steered to Judge Christina Snyder. Judge Snyder early on issued a "gag" order in the case; and repeatedly blocked Sharp's discovery - thus Haight <u>never</u> had to produce the discovery that Judge Siegel had repeatedly ordered.[27] Judge Snyder also appointed a former partner of her's (Earl P. Willens) as the discovery referee; she also was a law school classmate and friend of Haight partner Roy Weatherup (defense appellate counsel in <u>Sharp v. Kelly & Cogan</u>), yet did <u>not</u> disclose the relationship. Judge Snyder granted Haight's motion for summary judgment and dismissed the case. It is now on appeal, No. 00-55325. With Sharp's discovery outstanding, conceptually a motion for summary judgment could not and should not have even been entertained.

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[26]Those judges were: 1) Judge Charles H. McCoy, LASC Dept. 24. He later recused himself (followed by the entire LA County bench) because of Mr. Sharp's allegation that many of the Superior Court judges in the Santa Monica courthouse were corrupt) and the case was transferred to Orange County; 2) Judge Warren H. Siegel, OCSC Dept. 32. After two attempts to steer the case to Haight connected judges, the case was assigned to Judge Siegal. There defendants Haight refused to comply with his discovery orders, and monetary sanctions had no effect in persuading them; continuing to refuse to produce the ordered documents, Haight forced Judge Siegel to grant evidentiary and issue sanctions against Haight. Before those could take effect, Haight filed a writ with the appellate court (but failed to provide it the underlying record). That writ was abandoned by Haight, when they escaped to federal court by removing the case. (See Chart C, pg. 59, <u>Sharp v. Haight</u>, Appellant's Reply Brief, C.A. (9th Cir.) 00-55325.)

[27]During 12-20-95 meet & confer session in <u>Sharp v. Kelly & Cogan</u>, Haight partner Lori Behar stated <u>no</u> investigation occurred in the case by Haight. However during <u>Sharp v. Haight</u>, Haight's position changed from that "none": first, to a revised 28 items listed in the privilege log; then revised to 60 items; revised to 67 items; revised to 112 items. (See Chart A, pg. 56, <u>Sharp v. Haight</u>, Appellant's Reply Brief, C.A. (9th Cir.) 00-55325.) The above documents were turned over to the court, but not to Sharp.

Why was Haight's motion even considered? How could it be granted?[28]

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[28]Maybe the answer is found in **"WITHOUT MERIT: The Empty Promise of Judicial Discipline"** by Elena Ruth Sassoweer, The Long Term View, Massachusetts School of Law, Vol. 4, No. 1 (1997) pgs. 90-97. In pertinent part the article states:

> "The most serious misconduct by judges is that which is the least likely to subject them to discipline. It is not what they do in their private lives, off the bench, but what they do on the bench in the course of litigation. ... every court appearance, just like every written motion, involves a judge ruling on a procedural or substantive aspect of a case. And there are judges who, while presenting a veneer of fairness, are intellectually dishonest. They make rulings and decisions which are not only a gross abuse of discretion, but which knowingly and deliberately disregard 'clear and controlling law' and obliterate, distort, or fabricate the facts in the record to do so.
>
> "Why would a judge be intellectually dishonest? He [she] may be motivated by undisclosed bias due to personal or political interest. Judicial selection processes are politically controlled and closed, frequently giving us judges who are better connected than they are qualified. And once on the bench, these judges reward their friends and punish their enemies. Although ethical codes require judges to disclose facts bearing upon their impartiality, the don't always do so. They sit on cases in which they have undisclosed relationships with parties, their attorneys, or have interests in the outcome, and do so deliberately because they wish to advantage either one side over the another or sometimes themselves.
>
> "They exercise their wide discretion in that side's favor. That's the side for whom deadlines are flexible and for whom procedural standards and evidentiary rules don't apply. A common thread running through judicial misconduct cases is litigation misconduct by the favored side. Meanwhile, the other side struggles to meet inflexible deadlines, and has its worthy motions denied. In extreme cases, a judicial process predicated on standards of conduct, elementary legal principles, rules of evidence, simply cease to exist."

It is submitted that Judge Snyder's blocking Sharp's discovery was a deliberate disregard of the law. That act was committed to protect Haight, because if Sharp ever got the documents - the case was over for Haight. That act was the pretext for Judge Snyder's further deliberate disregard of the law - her granting of the bogus summary judgment of Haight. Judge Snyder has aided & abetted and covered up the criminal conduct of Haight.

The New Times LA's "The Finger" - put it this way in its 2-10-00 edition at pg. 8:

> "**Sharp Stuck in the Eye.** If the Finger didn't know better, it would say that U.S. District Judge **Christina Snyder**'s in the pocket of one of the most powerful law firms in the area. But federal judges are appointed for life, and though they may be on the cocktail circuit with fat-cat lawyers in big firms, they need not be beholden to nobody no time.
>
> "Okay, The Finger realizes that some judges are just plain simple, and even though it hears that Snyder may not be the sharpest knife in the drawer, she's not the absolute dumbest federal judge in history either. That said, there's the old adage, **Those who can, do, those who can't, teach** -- which, with only a small revision, could be applied to the legal profession: **Those who can, practice law, those who can't, become judges**. 'Cause let's face it, why would any successful big-time corporate lawyer become a judge? By most of our standards, the pay of a federal judge -- about 150 grand a year on average -- is by no means paltry, but compared to million-dollar-a-year-plus partner pay in a prominent L.A. firm, it's freakin' chicken feed.
>
> "Now you're probably thinking... **hold on just a minute, you damnable digit!** Judge Snyder's probably the ethical sort -- the public servant sort who's not moved by money; she simply loves the law. Who can say?! Federal judges don't talk much to the press. Hell, Snyder doesn't want **anybody** talking to the press. Snyder likes stuff done in secret; that way, big law firms that find their dicks in a vice don't have to answer the public's questions.
>
> "One thing's for sure, whatever Snyder's motivations (maybe it was just those pesky legal technicalities getting in the way again), she **did** everything in her power to swat the mosquito that was biting Santa Monica

based **Haight, Brown & Bonesteel** on the butt.

"What The Finger's getting at is Snyder's dismissal of a lawsuit filed against Haight, Brown by attorney **David Sharp**, who opposed Haight, Brown in a civil matter and found himself the victim of what he claims was an unscrupulous and illegal counterattack by the firm.

"Snyder's latest action doesn't surprise anybody who read New Times staff writer **Susan Goldsmith**'s 1998 cover story on Haight, Brown, which, among other alleged improprieties, detailed those that Snyder [Sharp] says were carried out against him. See, Haight, Brown's got powerful clients and courtroom clout. But its prestige took a serious hit in 1996 when its former chief investigator, **Ben Ortiz**, blew the whistle in a lawsuit claiming that he'd been fired 'cause he refused to participate illegal spying on legal opponents.

"Sharp was one of those foes and says he found out he'd been the target of Haight, Brown's snooping when somebody anonymously sent him documents showing that the firm's investigators had illegally obtained his banking records. Sharp also suspected that **Haight, Brown had his office burgled**.

"The firm denied that it had undertaken **any** improper research on its opponents and called the anonymous letters to Sharp a **bunch of fakes**. But in the early going, Sharp won some key rulings in his suit. An Orange County judge decreed that it must turn over internal investigative documents about Sharp that Haight, Brown had in its files. Haight, Brown attorneys reacted by asking that the case be moved to another jurisdiction. And once in the federal courtroom of Judge Snyder, the firm seemed to have found its protector.

"After denying Sharp access to the documents he needed to prove his case, Snyder simply labeled his accusations 'implausible' and tossed out his suit. Just so everybody gets the point... Even before Haight, Brown's favorite judge stepped in, the playing field was about as level as Lombard Street in San Francisco, with Sharp running up the crooked hill. Then, Judge **Snydely** (as in **Whiplash**) set up a concrete roadblock.

"'Actually, I'm relieved that I'm out of her courtroom,' Sharp tells The Finger, thumbing his nose at Snyder's loony gag order.

"Snyder may have poked a stick in his eye, but Sharp insists he'll never give up. He predicts that Snyder's orders to keep him from Haight, Brown's files will be overturned by the **Ninth Circuit Court of Appeals**.

"'Snyder set the whole thing up to grant summary judgment,' Sharp accuses. 'It's a complete fraud!'"

Mr. Mayorkas its - WHITE COLLAR CRIME!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! It's <u>criminal</u> conduct Mr. Mayorkas, and its being allowed, and aided and abetted - by our courts, our judges!!!!!!!!!!!!!!!!!!!!!! Its no secret that Los Angeles is the WHITE COLLAR CRIME capitol of the United States, if not the world. (See the California Senate Office of Research 12-94 report **"THE GROWING MENACE OF FRAUD [WHITE COLLAR CRIME] IN CALIFORNIA"**.[29]

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[29]In pertinent part, that report states:

"Often called financial, economic of white-collar crime, fraud is committed more frequently in Southern California that anywhere else in the nation. Experts frequently say California is the fraud capital of the United States, if not the world." (Summary Overview at 3.)

"'There's a problem with Superior Court judges up and down the state viewing white-collar crime as a civil thing that's not really important. .... When someone dressed in a nice business suit and a white collar, with no record, has swindled somebody out of $100,000, it's very hard for a judge to view the seriousness of that crime. It's somebody dressed like himself, who is saying all the right words of apology." (Tom Popageorge, LA County District Attorney's Office at 23.)

The state of judiciary in Los Angeles is appalling. First, many believe that the LAPD Rampart scandal was in part caused by the judiciary.[30]

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[30]See the following articles/commentaries/editorials: 1) 12-19-99 Daily News p.2-Viewpoint editorial **"Law and order - Police aren't the only ones at fault in the breakdown of the criminal justice system"**; 2) 3-19-00 LA Times p.M1 **"RAMPART - The System Has Become dysfunctional"**; 3) 3-26-00 Daily News p.2-Viewpoint editorial **"Where's Justice?"**; 4) 9-10-00 Daily News p.4-News **"Rampart Report blasts police, prosecutors-Study Says Rampart scandal indicates systemic problems"**; 5) 9-12-00 LA Times p.B5 **"Unlikely Allies Support Justice System Criticism - Police union, activists back report that says Rampart scandal exposed systemwide flaws" Reform"**; and, 6) 9-21-00 LA Times p.B15 **"Rampart Hasn't Changed How Criminal Courts Do Business"** by LA Cnty Public Defender Tamar Toister, who was the attorney for Javier Ovando. Ovando who was wrongly shot, paralyzed, and framed by ex-LAPD officers Rafael Perez and his partner. Ovando's conviction was overturned, he was set free and settled with the City of LA for $15 million. In pertinent part, Ms. Toister wrote:

> "According to the rules of evidence, the [critical] new information [about how the officers (and prosecutor) were contending the shooting occurred that prosecutor disclosed on the day trial started, not mentioned in any police report, detailed interviews conducted by LAPD officer-involved-shooting team, or preliminary hearing testimony] should have been given to me 30 days before trial. I objected to the evidence coming in. My motion was denied. I asked the judge for a few days continuance to investigate these new revelations. The deputy district attorney objected, and my motion was denied. At trial, the D.A. objected to my attempts to impeach the officers with this new information. His objections were sustained, and I was not even allowed to cross-examine Perez about the discrepancies between his preliminary hearing testimony and the trial testimony.
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> * * *
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> "... The problem is that truly innocent people are afraid to go to trial because they know they don't have a chance with cops who lie, prosecutors who defer to the cops and judges who defer to the prosecutors. The problem is that innocent people are afraid to go to trial because they know they will be punished with the maximum sentence if they lose."

Earlier reports voiced the public's lack of confidence in our Los Angeles courts.[31] A 11-23-99 PBS Frontline documentary by Bill Moyers entitled **"Justice for Sale"** explains why. Our justice system, like our political system, is more and more driven by money, and thus is becoming more and more corrupt. It is for sale. Arrianna Huffington's commentary piece **"There Ought to Be a Law Against Lawyers"** in 2-27-01 LA Times at p.B15, in pertinent part explains the moral bankruptcy of our sick legal culture:

> "The American Bar. Assn. must be very proud. Lawyers haven't gotten this much bad press since the 'Dream Team' set O.J. Simpson free ...
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> * * *
>
> "Quinn, Rodham, DiGenova, Cunningham. It's a veritable Murderer's Row of influence peddlers. All we have to do is put their exploits on tape, and we'll have a new T.V. series: 'D.C. Law.' Only problem is, there aren't any sympathetic characters.
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> * * *
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> "The preening amorality of the current scene makes this the perfect time to demand that lawyers stop hiding behind the 'I'm just a hired gun stance' that tries to legitimize anything they do--moral or immoral, right or wrong--as long as it's in the client's interest.
>
> "'Jack Quinn is an honorable man,' said former U.S. Atty. Joseph E. DiGenova of his client. 'He did what any good lawyer should do." This is the same DiGenova who a few days earlier had said: 'There is no justification for the pardon of Marc Rich, none whatsoever.' ..."

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[31] See 11-19-98 LA Times p.B1 article **"Publice Exhibits Little Confidence in Courts - Confidence Low in Justice System, Study Finds"**; 11-19-98 front page Daily Journal article **"L.A. Courts Told 'Real Significant' Change Needed'"**; 3-11-98 front page LA Times **"[L.A. County's] Courthouse Project fails to Produce a Courtroom - Congestion continues despite $80 million being spent."; and,** 11-7-00 LA Times p.B16 editorial **"Panel [Commission on Judicial Performance] Dawdles, Some Judges [Patrick B. Murphy] Stray [Took some 400 sick paid days in 3-years]"**.

As the "THE FIRM" and "Erin Brockovich: The Real Story", above show, it is only getting worse. More recent stories confirm that is in fact the case in Los Angeles:

1)a. 8-27-00 Daily News front page **"L.A.'s $81 million stash - County court withheld trust account from public"**;
   b. 8-27-00 Orange County Register p.__ **"L.A. Courts Have A Lot Of Explaining To Do"**;
   c. 8-28-00 San Jose Mercury Hews p.3B **"Bribery Probe Reveals Secret Trust Fund"**;
   d. 8-29-00 Daily News front page **"Court Fund May Receive Close Audit - Supervisors Seek Audit Into Secret Fund"**;
   e. 8-29-00 Daily News p.10 News editorial **"Public Trust Broken"**;

2) 8-20-01 LA Times **"L.A. County Lets Judges Draw Duplicate Benefits and Perks - Jurists who get similar compensation from the state, say it's well deserved. Others see double dipping"**;

3) 2-26-01 Daily News front page article **"Gilding the Gavel? - Superior Court payments deposited in judges' private 'coffee fund'"**; and,

4) 2-27-01 Daily News, p.14-News editorial **"Bad Judgment"**.[32]

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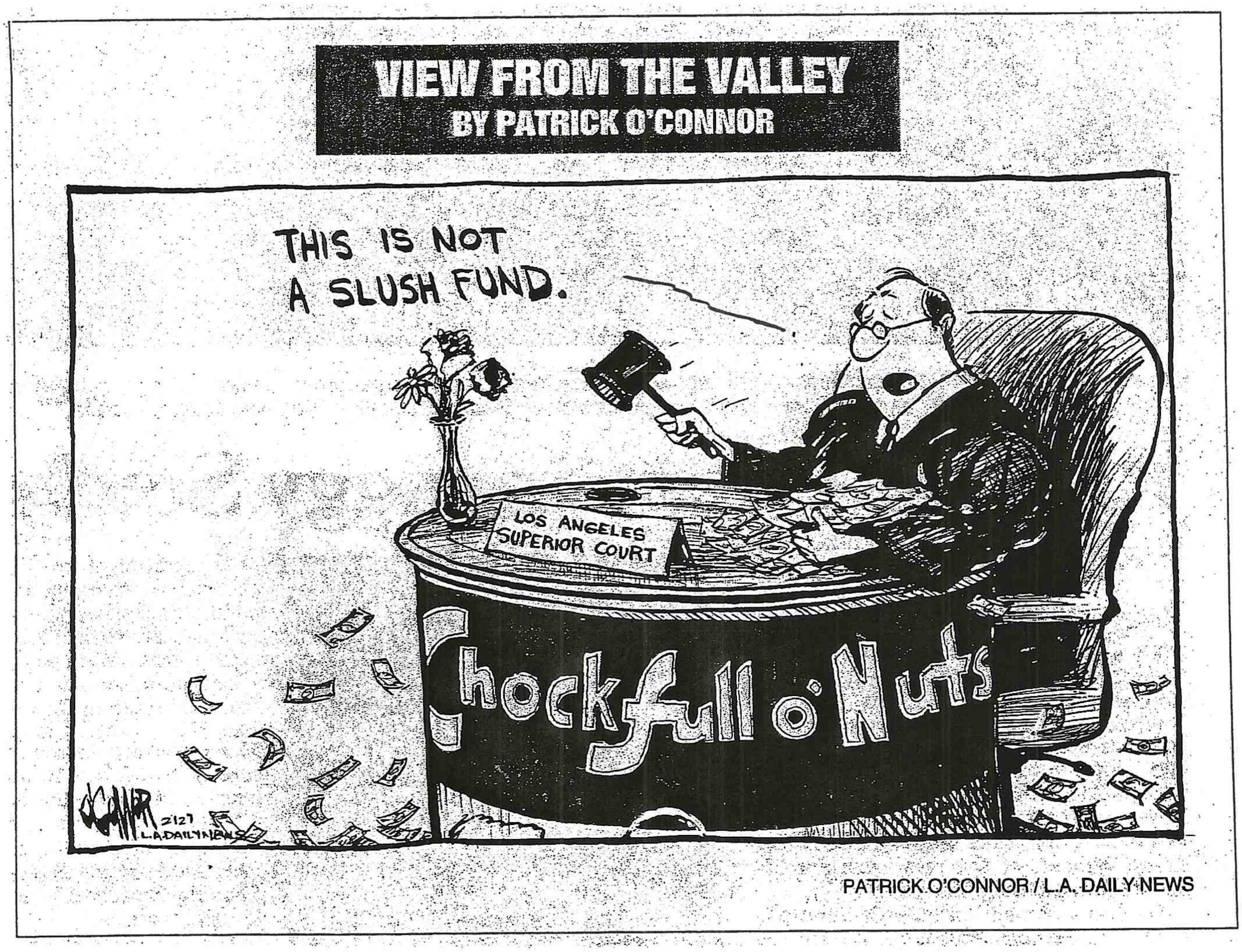
[32]The stories about the "County court stash" and the "judges' private fund" were first reported by Ms. Kelly O'Meara in Insight magazine:

1. 5-3-99 issue at p.14 **"Is Justice for Sale? - An alleged slush fund for the L.A. Superior Court Judges Association is at the heart of a sandal involving possible income-tax evasion and gifts that may affect judges rulings"**;
2. 12-6-99 issue **"New Scandals in L.A. Court"** and,
3. 9-4-00 issue **"Digging for Gold in L.A.'s Courts"**.

See also these earlier articles:

1. 12-10-96 Daily Journal front page **"$1 Million Plus Missing From Court Account - Employee Discharged"**;
2. 12-11-96 Daily Journal front page **"Board Votes to Investigate Court Fund Missing More Than $1 Million"**;
3. 12-11-96 LA Times p.B8 **"At Least $1.2 Million in Superior**

The 2-27-01 Daily News p.14-news editorial cartoon, directly below, sums it up best:



PATRICK O'CONNOR / L.A. DAILY NEWS

Court funds Missing - Investigation Focuses On A Senior Accountant";

4. 2-18 -97 Daily Journal front page "Court Finds $1.3M, but More Missing";

5. 1-23-97 Daily Journal p.2 "Superior Court to Undergo Its First Operational Audit";

6. 9-1-98 LA Times p.B8 "Auditor, Attorney Accused of Using Court Data to Cheat County", and,

7. 3-12-99 Daily Journal p.2 "Lawyer, Auditor Must Stand Trial".

Mr. Mayorkas there is a code of silence and corruption occurring here. The police are not the only group that has one, or does it. In fact just about every group has one, does it - the police just are the one that get blamed all the time. We are right to worry about the police, because they have power, and that power can, has been and is being, abused by some. Many times with extreme and even deadly consequence.

Many times though, with even more power and thus the ability for more abuse of that power - are the lawyers (particularly prosecutors) and the judges. The code of silence there has been, and is - much greater and more deafening - because lawyers (prosecutors) and judges are many times acting in positions above the police.[33] This abuse of power has to stop. This corruption has to stop. That is supposed to be your job Mr. Mayorkas. I should not have had to write this letter, nor my 6-14-99 letter.

To conclude, Mr. Mayorkas there are 58-million reasons (and more) why you should have investigated my complaint about Haight "systematically" conducting illegal searches and influencing and compromising Los Angeles judges. The evidence is overwhelming that corruption on a grand scale has occurred here.

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[33]As the LAPD Rampart scandal has shown. (See ftnt.30, p.36, above). The "code of silence" among judges and prosecutors is described quite succinctly in the 1-11-98 LA Times p.M6 commentary **"L.A. County's Dual Standard of Justice Marches On"** by Charles Lindner. See also the following articles:

1. 9-89 issue of California Lawyer p.140 **"When Lawyers Accuse Judges"**;
2. 3-20-92 Daily Journal p.7 commentary **"Taking the Hard Knocks of Judicial Immunity"**;
3. 6-10-00 LA Times front page **"Risking It All on a Legal Crusade - Lawyer defied professional standards to get a corrupt judge disbarred - 4-Year Crusade Against Judge Raises difficult Issues"**; and,
4. 11-30-00 LA Times .A18 **"Ruling Clears Quackenbush Whistle-Blower - LAWYER: Woman [Dept. of Insurance Staff attorney Cindy Ossias] Who Broke Scandal Cleared"**.

In my 6-14-99 letter to you Mr. Mayorkas, I wrote in part:

> "... [based on the Ortiz deposition] - Haight was running an intelligence operation out of its law firm for the purpose of conducting illicit espionage for litigation control. Obviously, information/secrets - can be power, and usually are utilized for monetary gain. As the last above-mentioned article [4-30-99 Daily Journal p.10 **"Two Taiwanese Execs Are First Convicted Under Espionage Act"**] concludes:
>
> > '... The act was designed to combat what federal authorities said was a rash of corporate spying...'"

I hope I am wrong, but if you have in fact done nothing Mr. Mayorkas, I would request that you - try again. Or maybe that assignment should now be given to someone else. (See 2-22-01 Daily Journal p.4 article **"Justice [U.S. Department of] Lags in Disciplining Its Lawyers, Letter Warns"**.) Recall that in my 1-5-99 letter, I requested that you send a copy of that letter to the Attorney General, the Office of Professional Responsibility at DOJ and the Chairman of both the Senate and House Judiciary Committees. Was that done Mr. Mayorkas? Please advise. If that was not done, please explain. Please do the same with this letter.

As noted below, I am sending a copy of this letter to Attorney General John Ashcroft.

I would request that you timely acknowledge receipt of this letter. I thank you for your anticipated courtesy and cooperation. Should you have any questions, or seek further information, please feel free to call or write.

Very concerned,

Gary L. Zerman

GARY L. ZERMAN

GLZ/ms
cc - U.S. Attorney General John Ashcroft