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9
10 UNITED STATES DISTRICT COURT

11 EASTERN DISTRICT OF CALIFORNIA

12 NINA RINGGOLD, JUSTIN) Case No.:
13 RINGGOLD-LOCKHART, THE LAW)
14 OFFICES OF NINA RINGGOLD AND) COMPLAINT
15 ON BEHALF OF ALL CURRENT) (Jury Trial Demanded)
16 CLIENTS THEREOF, AND ON)
17 BEHALF OF PERSONS SIMILARLY)
18 SITUATED IN THE STATE OF)
19 CALIFORNIA)
20)
21 Plaintiffs,)
22)
23 v.)
24)
25 JERRY BROWN in his Individual and)
26 Official Capacity as Governor of the)
27 State of California and in his Individual)
28 and Official Capacity as Former)
Attorney General of the State of)
California; KAMALA HARRIS in her)
Individual and Official Capacity as)
Current Attorney General of the State of)
California, COMMISSION ON)
JUDICIAL PERFORMANCE OF THE)
STATE OF CALIFORNIA as a state)
agency and constitutional entity,)
ELAINE HOWLE in her Individual and)
Official Capacity as California State)
Auditor and DOES 1-10.)
Defendants.)
_____)

CAUSES OF ACTION SPECIFIED IN THE COMPLAINT:

- 1
- 2 **1. Declaratory, Injunctive, and Equitable Relief (Title 28 U. S. C. § 2201-2202)**
- 3 **2. Title II of ADA, 42 U.S.C. §§ 12131, 12132**
- 4 **3. 504 of the Rehabilitation Act**
- 5 **4. Title 42 U. S. C. §§ 1981, 1982, 1983, 1985, 1986**
- 6 **5. Cal. Gov. Code § 11135 et seq.**
- 7 **6. Violation of the Public Trust Doctrine**
- 8 **7. Violation of Cal. Govt. Code § 8547 et seq. (Whistleblower Protection Act)**
- 9 **8. Violation of Cal. Civil Code § 51, 52**
- 10 **9. Violation of Cal. Civil Code § 51.7 & 52**
- 11 **10. Violation of Cal. Civil Code § 52.1 & 52**
- 12 **11. Violation Cal. Civil Code § 52.3**
- 13 **12. Violation Cal. Civil Code § 53 (b)**
- 14 **13. Violation Cal. Civil Code § 54, 54.1, 54.3, 55**
- 15 **14. Conversion**
- 16 **15. Equitable Relief and Imposition of Constructive Trust**
- 17 **16. Interference With Prospective Economic Advantage**
- 18 **17. Intentional Infliction of Emotional Distress**
- 19 **18. Negligent Infliction of Emotional Distress**
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1 Plaintiffs NINA RINGGOLD (“Ringgold”), JUSTIN RINGGOLD-LOCKHART
2 (“Lockhart”), the LAW OFFICES OF NINA RINGGOLD AND ON BEHALF OF ALL
3 CURRENT CLIENTS THEREOF (“Law Office”), and ON BEHALF OF ALL PERSONS
4 SIMILARLY SITUATED IN THE STATE OF CALIFORNIA to complain against
5 defendants herein as follows:
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7 **JURISDICTION AND VENUE**

8 1. Jurisdiction of this Court over the subject matter of this action is predicated on
9 28 U.S.C. § 1331. Plaintiffs’ claims arise from violation of rights guaranteed under the
10 First, Fifth, and Fourteenth Amendment of the United States Constitution and laws of the
11 United States, including but not limited to, Title II of the Americans with Disabilities Act,
12 504 of the Rehabilitation Act, and Title 42 U.S.C. §§ 1981, 1982, 1983, 1985, and 1986.
13 Given the substantial controversy this court also has jurisdiction to grant the declaratory,
14 injunctive, and equitable relief sought under 28 U.S. C. §§ 2201-2202.
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16 2. Jurisdiction is also predicated on 28 U.S.C. § 1343 (a)(1)-(3) which provides that
17 the district courts shall have original jurisdiction of any civil action authorized by law to
18 be commenced by any person:
19

20 (1) To recover damages for injury to his person or property, or
21 because of the deprivation of any right or privilege of a citizen of
22 the United States, by any act done in furtherance of any conspiracy
23 mentioned in section 1985 of Title 42;

24 (2) To recover damages from any person who fails to prevent or
25 to aid in preventing any wrongs mentioned in section 1985 of Title
26 42 which he had knowledge were about to occur and power to prevent; or
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28 (3) To redress the deprivation, under color of any State law,
statute, ordinance, regulation, custom or usage, of any right,

1 privilege or immunity secured by the Constitution of the United
2 States or by any Act of Congress providing for equal rights of
3 citizens or of all persons within the jurisdiction of the United
4 States;

5 3. Supplemental jurisdiction in this court also exists over the state claims asserted
6 herein in that they are so related to the claims within this court's original jurisdiction that
7 they form part of the same case or controversy under Article III of the United States
8 Constitution.

9 4. Venue in this district is proper pursuant to 28 U.S.C. § 1391 (a) and (b). All
10 defendants reside in the State of California and this is the district in which defendant
11 Jerry Brown performs his duties and the district in which he resides. Venue is also proper
12 in this district because this is the district with the largest number of state court judgeships
13 in the State of California which are not impacted by the self-effectuating constitutional
14 resignations caused by the receipt of supplemental benefits that were held to be
15 unconstitutional in Sturgeon v. County of Los Angeles, 167 Cal.App.4th 630 (Cal. 2008)
16 ("Sturgeon I"). (See **Exhibit 1** Supplemental Judicial Benefits by Court as of July 1, 2008).¹
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20 PARTIES

21 5. Plaintiff Ringgold is citizen of the State of California. Ringgold is a licensed
22 attorney in the State of California in good standing since 1986. In September 2010
23 Ringgold had a life threatening medical emergency resulting in a physical disability.
24 Since that time she has been an attorney practicing in the courts of the State of California
25 and has requested reasonable accommodations consistent with federal and state law and
26 rules of court. Plaintiff was formerly the Director of the Mediation Center and Director of
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¹ Historical Analysis of Disparities in Judicial Benefits (December 15, 2009), Appendix D-9

1 Options Counseling of the Western Law Center for Disability Rights at Loyola Law
2 School. She is a trustee of the Aubry Family trust, an executor under the will of Robert
3 Aubry, and an heir of the Aubrys. Ringgold is African American.

4 6. Plaintiff Lockhart is citizen of the State of California. Lockhart is a client of the
5 Law Office of Nina Ringgold. He is a beneficiary and interested person with respect to
6 the trusts and estates of Mary Louise Aubry and Robert Aubry (“Aubrys”). Lockhart is
7 an heir of the Aubrys and the adult son of Ringgold. Lockhart is African American.

8 7. Plaintiff Law Office conducts business in the State of California through Nina
9 Ringgold as a licensed attorney and sole practitioner. All current clients of the Law
10 Office, including Lockhart, are members of a protected class and persons who have
11 historically have had limited access to the courts in the State of California. Each client of
12 the Law Office (including Lockhart) have been adversely impacted by the events
13 described in this complaint, including incidents of retaliation for presenting grievances or
14 by assertion First Amendment rights, or due to their association with the Law Office after
15 it asserted federal constitutional claims with respect to the operation of the probate
16 department of the Los Angeles Superior Court. Said clients are representative of persons
17 similarly situated in the State of California who have common questions of law and fact
18 regarding the constitutionality a state statute, a need fair and equal access to the courts by
19 persons operating with valid constitutional authority (and are free from conflicts of
20 interests), need disclosure and acknowledgement of self-effectuating constitutional
21 resignations under Article VI § 17 as to the judges operating in the County of Los Angeles,
22 and need relief as discussed herein.

23 8. Defendant Jerry Brown (“Brown”) is currently the Governor of the State of
24 California. As Governor, he is vested with “the supreme executive power” of the State
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1 and “shall see that the law is faithfully executed.” Cal. Const. art. § 1. Defendant Brown
2 was also the former Attorney General of the State of California during various events at
3 issue in this complaint. He was the “chief law officer” of the State and had the duty to
4 “see that the laws of the State were uniformly and adequately enforced.” Cal. Const. art.
5 5, § 13. Additionally, former Attorney General Brown had “direct supervision over every
6 district attorney” in the State. *Id.* If, at any point a district attorney of the State fails to
7 enforce adequately “any law of the State,” the Attorney General must “prosecute any
8 violations of the law.” *Id.* Finally, the Attorney General “Shall assist any district attorney
9 in the discharge” of duties when “required by the public interest or directed by the
10 Governor...” *Id.* The former Governor prior to Brown was Arnold Schwarzenegger.

13 9. Defendant Kamala Harris (“Harris”) is the current Attorney General of the State
14 of California. She is the “chief law officer” of the State and has the duty to “see that the
15 laws of the State are uniformly and adequately enforced.” Cal. Const. art. 5, § 13.
16 Additionally, Attorney General Harris has “direct supervision over every district
17 attorney” in the State. *Id.* If, at any point a district attorney of the State fails to enforce
18 adequately “any law of the State,” the Attorney General must “prosecute any violations of
19 the law.” *Id.* Finally, the Attorney General “Shall assist any district attorney in the
20 discharge” of duties when “required by the public interest or directed by the Governor...”
21 *Id.*

24 10. Plaintiff Commission on Judicial Performance is the independent state agency
25 charged with investigating complaints of judicial misconduct and judicial incapacity and
26 for disciplining judges. Its jurisdiction includes all judges of the state superior courts and
27 the justices of the Court of Appeal and Supreme Court. Cal. Const. art. 6 § 18 (d). “The
28 Commission on Judicial Performance consists of one judge of a court of appeal, and two

1 judges of superior courts, each appointed by the Supreme Court; two members of the
2 State Bar of California who have practiced law in this State for 10 years, each appointed
3 by the Governor; and six citizens who are not judges, retired judges, or members of the
4 State Bar of California, two of whom shall be appointed by the Governor, two by the
5 Senate Committee on Rules, and two by the Speaker of the Assembly.” Cal. Cons. Art. 6 §
6 8 (a). The California Constitution does not permit the Legislature to restrict the
7 constitutional scope of the commission’s authority. Nevertheless Section 5 of Senate Bill
8 SBX2 11, at issue in this complaint, usurps and restricts the constitutional scope of the
9 authority of the Commission on Judicial Performance to the detriment of the plaintiffs,
10 clients of Law Office, and the citizens of the State of California.
11

12
13 11. Plaintiff Elaine Howle (“Howle”) is the State Auditor of the State of California.
14 California Government Code § 8543 creates the Bureau of State Audits which is “to be free
15 of organizational impairments to independence” and is therefore “independent of the
16 executive branch and legislative control”. Its audits are required to be in conformity with
17 Government Auditing Standards published by the Comptroller General of the United
18 States and the standards published by the American Institute of Certified Public
19 Accountants. The State Auditor administers the California Whistleblower Protection Act
20 and is she required to investigate and report improper governmental activities.
21 (California Government Code §§ 8547, 8547.5). Plaintiffs have reported improper
22 governmental activities and were retaliated and severely penalized. Plaintiffs again
23 report such conduct and report such conduct to Howle by this complaint. Plaintiffs seek
24 protection pursuant to statutory authority. The State Auditor identifies its mission as
25 promoting “the efficient and effective management of public funds and programs by
26 providing citizens and government independent, objective, accurate, and timely
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1 evaluations of state and local governments' activities".

2 (<http://bsa.ca.gov/aboutus/mission>). Howle may conduct performance audits, financial
3 audits, and investigations of every office or department of the executive and judicial
4 branch of the state government.

5 12. There is a constitutional conflict and dispute between state and local agencies
6 and the Commission on Judicial Performance which prohibit the plaintiffs and citizens of
7 the State of California from taking action to preserve their legal and constitutional rights.
8 The judges receiving supplemental benefits that were deemed unconstitutional are paid
9 as both employees of the state and the county. To the extent it is unclear whether there
10 has been constitutional self-effectuating resignations and a need for a special judicial
11 election, the legal remedy available for constitutional injury is unclear. Plaintiffs contend
12 it is not a reasonable proposition for this matter to be resolved by litigation against each
13 judge for that normally would be a function of the State Attorney General. However, the
14 State Attorney General's Office appears to have a conflict in that it does and has
15 represented judges subject to the constitutional challenge and judges who benefit from
16 the retroactive immunity provision of section 5 of SBX2 11. Therefore, plaintiffs allege
17 herein, that by failing to enforce the law and the constitution, the Governor and the State
18 Attorney General stand in the shoes of the judges causing the constitutional injuries and
19 damages. Plaintiffs and persons who cannot effectively protect their own legal rights and
20 claims, said claims are effectively assigned temporarily to the Governor and Attorney
21 General as a public trustee. For the purposes of pleading and statutory interpretation,
22 pending a declaratory determination by this court, the Governor and Attorney General
23 should be treated as the state employer and person as to the challenged conduct.
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1 Plaintiffs therefore request that this court allow leave to amend this complaint, as
2 necessary, to add as parties the judges relating to this complaint.

3
4 **GOVERNMENT CLAIM**

5 13. To the extent applicable, plaintiffs timely filed claims and this action including
6 as to causes of action that may be covered under the California Government Claims Act.
7 Attached hereto as **Exhibit 2** is the Government Claim Forms submitted to the California
8 Victim Compensation and Government Claims Board ("Board") by Ringgold and
9 Lockhart. Attached hereto as **Exhibit 3** is a copy of the notice of rejection of the claims of
10 Ringgold and Lockhart. Plaintiffs have timely filed this complaint following denial of
11 their claim by the board.
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13

14 **CALIFORNIA CONSTITUTION, ARTICLE VI, § 17**
15 **VERSUS**
16 **SECTION 5 OF SENATE BILL X2 11 ("SBX2 11")**
17

18 14. Senate Bill SBX2 11 chaptered on February 20, 2009 is attached hereto as **Exhibit**
19 **4**. Section 5 of SBX2 11 which is not published in the California Government Code states
20 as follows:
21

22 *"Notwithstanding any other law, no governmental entity, or officer or employee*
23 *of a governmental entity, shall incur any liability or be subject to prosecution*
24 *or disciplinary action because of benefits provided to a judge under the*
25 *official action of a governmental entity prior to the effective date of this act*
26 *on the ground that those benefits were not authorized by law."* (Emphasis
27 added)

28 15. Section 5 of Senate Bill X2 11 purports to grant retroactive immunity
notwithstanding the United States Constitution or federal law, and in disregard of

1 whether the relief sought by the aggrieved person is under the United States Constitution
2 or federal law, and it purports to amend or revise the California Constitution without the
3 required constitutional procedures.²

4 16. Plaintiffs on behalf of themselves and those similarly situated bring this action,
5 in part, based on 42 U.S.C. § 1983 seeking declaratory and injunctive relief against
6 enforcement of Senate Bill SBX2 11 introduced to the California State Legislature by
7 Senator Steinberg on February 11, 2009. **(Exhibit 4)**.

8 17. California Constitution Article VI § 17 prohibits judges from accepting public
9 employment or office. See also Abbott v. McNutt, 218 Cal. 225 (Cal. 1933). California
10 Article VI § 17 states:
11

12
13 “SEC. 17. A judge of a court of record may not practice law and
14 during the term for which the judge was selected *is ineligible for*
15 *public employment or public office* other than judicial employment or
16 judicial office, except a judge of a court of record may accept a
17 part-time teaching position that is outside the normal hours of his
18 or her judicial position and that does not interfere with the regular
19 performance of his or her judicial duties while holding office. A
20 judge of a trial court of record may, however, become eligible for
21 election to other public office by taking a leave of absence without
22 pay prior to filing a declaration of candidacy. *Acceptance of the*
23 *public office is a resignation from the office of judge.*

24 A judicial officer may not receive fines or fees for personal use.

25 A judicial officer may not earn retirement service credit from a
26 public teaching position
27

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² See Legislature v. Eu, 54 Cal.3d 592, 506 (Cal. 1991).

1 18. On October 10, 2008 the California Court of Appeal for the Fourth Appellate
2 District in Sturgeon v. County of Los Angeles, 167 Cal.App.4th 630 (Cal. 2008) ("Sturgeon
3 I") held that the compensation which the County of Los Angeles had been paying the
4 judges of the Superior Court of the County of Los Angeles was unconstitutional under
5 Article VI § 19 of the California Constitution.

6
7 19. Article VI § 19 of the California Constitution states as follows:

8
9 "SEC. 19. The Legislature shall prescribe compensation for judges of
10 courts of record.

11 A judge of a court of record may not receive the salary for the
12 judicial office held by the judge while any cause before the judge
13 remains pending and undetermined for 90 days after it has been
14 submitted for decision."

15 20. Sturgeon I found that as of January 1, 2007 that the California Legislature had set
16 salaries of superior court judges at \$172,000 and that additional, supplemental benefits
17 paid by the County raised that compensation by \$46,346, or approximately 27 %, to
18 \$218,346 in 2007. Sturgeon I at 635-636. Sturgeon also expressly found that the judges of
19 the Superior Court of the County of Los Angeles were treated as salaried employees of
20 the county. Id. at 635.

21
22 21. After Sturgeon I was decided SBX2 11 was enacted by emergency legislation on
23 February 20, 2009. Section 5 of SBX2 11 contains the above referenced provision which
24 grants retroactive immunity to the County of Los Angeles and the Superior Court of the
25 County of Los Angeles and its judges for conditions determined by Sturgeon I to be
26 unconstitutional.
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28

1 22. Plaintiffs and others similarly situated were adversely impacted during the
2 periods in which the unconstitutional condition existed. Plaintiffs will suffer irreparable
3 harm because they will be unable to recover damages based on claims of immunity
4 including but not limited to those asserted under Section 5 of SBX2 11. See California
5 Pharmacists Ass'n v. Maxwell-Jolly, 563 F.3d 847, 851-852 (2009)(plaintiffs irreparably
6 harmed and entitled to injunctive relief when they demonstrate they would be unable to
7 recover damages due to claims of immunity).
8

9 23. The retroactive immunity provision of Section 5 of SBX2 11 is not readily
10 accessible to the public because it is omitted from the California Government Code.
11

12 24. There was a subsequent decision decided December 28, 2010 entitled Sturgeon
13 v. County of Los Angeles, 191 Cal.App.4th 344 (Cal. 2010) (Sturgeon II). However, the
14 state court in Sturgeon II completely omits reference to the retroactive immunity
15 provision of Section 5 of SBX2 11.
16

17 25. California Government Code § 29320 provides that officers of the county include
18 the Superior Court. California Code of Civil Procedure § 38 states that a judicial district
19 as it relates to the Superior Court means the County. Liability for nonperformance or
20 malperformance of County Officers (including judges of the Superior Court) attaches to
21 the official bond of the officer and the premium is paid for by the County and not the
22 state. Cal. Govt. Code §§ 1505, 1651.
23

24 26. Sturgeon I confirms that judges of the Superior Court are County employees and
25 California Government Code § 29320 provides that officers of the county include the
26 superior. Therefore, under both California constitutional and statutory authority there
27 was an automatic resignation of judges during the period in which plaintiffs were
28 harmed.

1 27. During the period of injuries to plaintiffs there was a constitutional resignation
2 of judges and an unconstitutional condition existed under Sturgeon I.

3 28. On April 3, 2009 and May 23, 2011 the Commission on Judicial Performance
4 provided an opinion to Harris that SBX2 11 was unconstitutional.

5 29. The April 3, 2009 opinion of the Commission on Judicial Performance sent to
6 former Attorney General Brown stated:
7

8 “The commission understands that judges in a number of courts receive
9 supplemental compensation, and the value of the supplemental compensation
10 varies between courts. In Los Angeles County, the county contributes 19 percent
11 of the judge’s salaries to a MegaFlex Cafeteria Benefit Plan. The judges either
12 spend it on medical, dental or vision coverage, or life and disability insurance (all
13 in addition to the salary and benefits provided to them by the state.). Any portion
14 of the county’s contribution that is not used to purchase such benefits is paid to the
15 judges as taxable income. The county also matches the judge’s 401k contributions
16 up to four percent of salary. In the fiscal year 2007, each judge was eligible to
17 receive \$46,436 in supplemental compensation from the county, representing 27
18 percent of his or her salary prescribed by the Legislature, at a cost to the county of
19 \$21 million. *Sturgeon*, 167 Cal.App.4th at 635-636... Judges in some counties receive
20 nothing.”

21 “There were no public hearings on SB 11. It was inserted into the Budget Act of
22 2008 at the last minute on February 14, 2008, and passed the same day.”

23 30. As to the authority to enact legislation purporting to preclude the
24 Commission from disciplining judges for authorizing supplemental compensation to be
25 paid to themselves from public funds, and/or receiving that supplemental compensation
26 Director and Chief Counsel of the Commission stated:
27

28 “The commission concludes that the Legislature does not have this authority, and
section 5 of SBX2 11 is invalid and unconstitutional as a violation of the separation
of powers principle. Cal. Const., art II, § 33. Under article VI, section 18 of the

1 Constitution, the commission and the California Supreme Court have exclusive
2 authority over judicial discipline.” ..

3 “There is a conflict between the grant of immunity in section 5 of SB 11 and the
4 commission’s constitutional authority to discipline judges....There is nothing in the
5 Constitution that permits the Legislature to restrict the constitutional scope of the
6 commission’s authority over judicial discipline.” ...

7 “...[W]e have located nothing in the legislative history of SBX2 11 that meets the
8 standard of *Evangelatos*, 44 Cal.3d at 1209 (in the absence of an express retroactivity
9 provision it must be ‘very clear from extrinsic sources that the Legislature... must
10 have intended a retroactive application’).”

11 “There are two Attorney General opinions on the Legislature’s nondelegable duty
12 to prescribe judges’ compensation that appear relevant to whether the Legislature
13 has adequately prescribed the supplemental compensation purportedly authorized
14 by SB 11.”

15
16 “Most clearly with respect to the unrestricted cash payments judges are receiving,
17 it does not appear that simply attaching the label ‘benefit’ to the payment could
18 legitimately convert it into something other than an impermissible payment of
19 enhanced judicial salary. Judges are entitled to these cash and ‘cash-in-lieu’
20 payments simply by virtue of holding the office of judge, and receive the money
21 regardless of the quantity or quality of work performed. *These types of cash*
22 *benefits appear to be ‘salary’, as commonly defined. As stated in People ex rel.*
23 *Lockyer v. Pacific Gaming Technologies (2000) 82 Cal.App.4th 699, 701 & fn 1, ‘if it*
looks like a duck, and sounds like a duck, it is a duck’.....” Id.

24 31. The May 23, 2011 opinion sent to Attorney General Harris states:

25
26 “Although the supplemental compensation in Los Angeles was *authorized by the*
27 *county*, judges in other counties have authorized supplemental compensation for
28 themselves from court funds without any action by legislative body.”

1 32. The Office of the State Attorney General as early as 1983 provided an opinion
2 consistent with plaintiffs' claims in this complaint. California State Attorney General's
3 Opinion 83-607, 66 Cal. Attorney General 440 (Nov. 1983) states that California
4 Constitution Article VI § 17 prohibits public employment and office of a Superior Court
5 judgment even before expiration of his/her term of office. See also Alex v. County of Los
6 Angeles, 35 Cal.App.3d 994 (Cal. 1973).
7

8 33. The fact that the proceedings are being conducted without a valid or authorized
9 judicial function in accord with the California Constitution should be disclosed to the
10 litigants and they should be afforded an opportunity to decline to participate in the
11 unconstitutional condition. Rooney v. Vermont Investment Corporation, 10 Cal.3d 351
12 (cal. 1973). Currently the courts where supplemental payment by the county without
13 constitutional authority leads to a private organization housed in facilities owned and
14 operated by the state. It would be one thing if this was a theoretical exercise, however,
15 citizens who have been forced to participate in this unconstitutional enterprise (without
16 disclosure) have been deprived of equal protection, due process, and fair proceedings
17 consistent with the law. SBX2 11 is claiming to provide retroactive immunity (even for
18 claims under federal law and the United States Constitution). There have been
19 overwhelming number of grievances arising in the probate department and other areas.
20 This is not just about budget matters but rather involve existing and severe constitutional
21 structural problems. The probate department of the County of Los Angeles has a direct
22 economic stake in the operation of the probate department (including through attorney
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1 fees, estate administration fees by the County Public Administrator (not an elected
2 official), and other fees.³

3 **RETALITATION AND DISCRIMINATION IN THE STATE COURT**

4 **California Code of Civil Procedure § 391.7**
5 **And Recent Legislative Modification**
6

7 34. On July 1, 2011 a segment of the California Vexatious Litigant Statute, CCP §
8 391.7 was modified to allow a justice of an appellate court to bar an appeal by imposition
9 of a pre-filing order. Also, for the first time in the statute's history there is a method to be
10 removed from the vexatious litigant list maintained by the California Judicial Council.
11 **(Exhibit 5)**. Plaintiffs assert facial and as applied challenges to this provision. Also,
12 plaintiffs on behalf of themselves and those similarly situated bring this action, in part,
13 based on 42 U.S.C. § 1983 seeking declaratory and injunctive relief against enforcement of
14 CCP § 391.7 as applied in the first instance in a state appellate court without the
15 mandatory statutory due process motion in the trial court, as applied to persons acting in
16 a representative capacity (i.e. attorneys, trustees, executors, guardians, conservators), as
17 applied to persons requesting an accommodation for disability.
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21 35. Plaintiffs Ringgold and Lockhart have a constitutionally protected legal and
22 property interest in the persons designated as owning the intangible property right in the
23 power of appointment and discretion in a private family trust. Family member trustees
24 were named as owning this intangible property right and final orders were entered on
25 October 14, 2003. These orders are now governed under the doctrines of collateral
26
27

28

³ See In re Estate of Claeysen, 161 Cal.App.4th 465 (Cal. 2008) (holding that probate department graduated filings fees as a percentage of estate was unconstitutional).

1 estoppel and res judicata. Plaintiffs have a direct property interest in the named trustees
2 specified in the trust instrument maintaining (1) the legal right to act in legal proceedings
3 in a representative capacity and (2) the power to control and dispose of trust property
4 under the express terms of the trust instrument.

5 36. A trustee acting in a representative capacity may only appear in a legal
6 proceeding through an attorney. See Ziegler v. Nickel (1998) 64 Cal.App.4th 545. An
7 attorney is not a party in the proceedings and also acts in a representative capacity.
8

9 37. Through a nonappealable order the Los Angeles Superior Court appointed a
10 trustee without bond who is liquidating a private family trust. The primary
11 unencumbered and revenue generating real estate assets of the trust were sold in one of
12 the worst real estate markets in United States history. While and the named trustee and
13 counsel of record, Plaintiff Ringgold used proper procedures to attempt to prevent the
14 adverse sale she was determined to be a vexatious litigant in the first instance in the
15 California Court of Appeal. The determination was made when no motion was ever filed
16 in the state trial court in accord with the statutory due process procedures mandated by
17 statute and it was made in the first instance in the appellate court to a named trustee and
18 counsel of record when there would be no opportunity for appellate review. See De Long
19 v. Hennessey, 912 F.2d 1144 (9th Cir. 1990); Weissman v. Quail Lodge Inc. (1999) 179 F.3d
20 1194, 1197, In re Natural Gas Anti-Trust Cases I, 137 Cal.App.4th 387 (Cal. 2006). Ringgold
21 had not filed any litigation in any court in the United States in over 7 years.
22
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25 38. CCP § 391.7 is not applicable to persons who are appearing in a legal proceeding
26 propria persona.
27

28 39. Lockhart is within a class of beneficiaries of a trust whose current rights vest by
exercise of discretion by the trustee named in the trust instrument. Through application

1 of CCP § 391.7 to a name trustee designated to act and to own the intangible property
2 right of appointment and discretion directly impairs Lockhart's property interest in the
3 trust and all beneficiaries and heirs of the youngest generation. This class of beneficiaries
4 and heirs and the trustee designated with ownership of the power of discretion to make
5 distributions to such class of beneficiaries and heirs are impacted by application of CCP §
6 391.7. Plaintiff Ringgold is the only living trustee and confirmed by court order. The
7 premature liquidation of the private trust divests an entire generation of heirs without
8 notice.
9

10 40. CCP § 391.1 states:
11

12 "In any litigation pending in any court of this state, at any
13 time until final judgment is entered, a defendant may move the
14 court, upon notice and hearing, for an order requiring the plaintiff
15 to furnish security. The motion must be based upon the ground, and
16 supported by a showing, that the plaintiff is a vexatious litigant
17 and that there is not a reasonable probability that he will prevail
18 in the litigation against the moving defendant"

19 41. CCP § 391.7, as recently amended, in part states:
20

21 "391.7. (a) In addition to any other relief provided in this title, the court may,
22 on its own motion or the motion of any party, enter a prefiling order which
23 prohibits a vexatious litigant from filing any new litigation in the courts of
24 this state in propria persona without first obtaining leave of the presiding
25 **justice or presiding** judge of the court where the litigation is proposed to be
26 filed. Disobedience of the order by a vexatious litigant may be punished as a
27 contempt of court.

28 (b) The presiding **justice or presiding** judge shall permit the filing of that
litigation only if it appears that the litigation has merit and has not been filed
for the purposes of harassment or delay. The presiding **justice or presiding**

1 judge may condition the filing of the litigation upon the furnishing of
2 security for the benefit of the defendants as provided in Section 391.3.”
3 (Emphasis added to show statutory revisions)

4 42. CCP § 391.7 presumes that a vexatious litigant determination has already been
5 made. (...the court may, on its own motion or the motion of any other party, enter a
6 prefiling order which prohibits *a vexatious litigant* from...). In other words, it presumes
7 that a due process motion has already taken place in the trial court. This process provides
8 a right of appellate review.
9

10 43. When a defendant seeks to require a plaintiff to post security under CCP § 391.1
11 he has the burden to establish the requirements of the statute. Under CCP § 391.7 a
12 presiding judge may condition the filing of litigation upon the furnishing of security for
13 the benefit of a defendant only in the manner specified in CCP § 391.3. CCP § 391.3 only
14 allows posting of security after hearing on evidence of a motion under CCP § 391.1. So
15 again, application of CCP § 391.7 is based on a statutory due process motion taking place
16 in the trial court.
17

18 44. For a single justice of the state appellate court to render a determination of
19 whether an appeal has merit and has been filed for purposes of harassment or delay when
20 no statutory due process motion has been filed under CCP § 391.7 (b) violates both
21 sections 3 and 14 of Article VI of the California Constitution.
22

23 Article VI, section 3 states:
24

25 “The Legislature shall divide the State into districts each containing a court of
26 appeal with one or more divisions. Each division consists of a presiding
27 justice and 2 or more associate justices. It has the power of a court of appeal
28 and shall conduct itself as a 3-judge court. Concurrence of 2 judges present
at the argument is necessary for a judgment.”

1 Two qualified justices are necessary to render a decision on the merits in the Court
2 of Appeal. People v. Castellano (1978) 79 Cal.App.3d 844, 862. Permitting the merits of a
3 pending or future appeal to be resolved directly or indirectly by the presiding justice
4 alone violates or impairs this constitutional requirement. Article VI, section 14 of the
5 California Constitution requires that “[d]ecisions of the Supreme Court and courts of
6 appeal that determine causes shall be in writing with reasons stated.”
7

8 45. After Ringgold encountered a medical emergency and although acting as
9 counsel of record, in order to penalize Ringgold for exercising her First Amendment
10 rights and limit the legal issues which could be raised by clients of the Law Office, the
11 court imposed a pre-filing requirement under CCP § 391.7 in order to seek an
12 accommodation for disability. Additionally, even in cases in which Ringgold was counsel
13 of record (and was retained long before an issue of vexatious litigant status arose), the
14 clients of the Law Office have been required to obtain court approval to file pleadings in
15 pending litigation.
16
17

18 46. Plaintiffs contend that CCP § 391.7 is being applied as a penalty for raising
19 legitimate grievances concerning discrimination and operation of the Superior Court of
20 the County of Los Angeles, concerning the discriminatory operation of the probate
21 department, and to impair Ringgold’s ability to practice her profession.
22

23 **FIRST CAUSE OF ACTION**
24 **Declaratory, Injunctive Relief, Equitable**
25 **Title 28 U. S. C. § 2201-2202**
26 **(Against All Defendants)**

27 47. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
28 1 through 48 above.

1 48. There is an actual controversy within this court's jurisdiction in which the
2 plaintiffs require immediate declaration of the rights, legal duties, and legal relations,
3 duties and obligations and a controversy with respect to the constitutionality of SBX2 11
4 in light of the express requirements of the California and United States Constitution.
5 There is also a controversy as to application of CCP § 391.7. Plaintiffs request all
6 necessary or proper declaratory, injunctive, and equitable relief to restore their property
7 interest and protect their legal rights. Plaintiffs request that the court order injunctive
8 relief to prohibit the continuation of divesting of property of the plaintiffs.
9

10 49. Plaintiffs also request that this court order defendant Howle to conduct a
11 performance, financial, and investigative audit of the courts impacted by self-effectuating
12 resignations. Moreover, plaintiffs specifically request that there be specific investigation
13 as to the probate department of the Los Angeles Superior Court which includes fees
14 which are paid to court adjuncts which exceed the statutory limits allowed by law,
15 methods of handling bonding requirement, publication of notice, method of case
16 management procedures to distinguish between private inter vivos trust and
17 administration of decedent's estates, and other matters.
18
19

20 50. Plaintiffs request that defendants establish a grievance procedure (including
21 with respect to ADA requests, civil appeals, court reporter's department, an other
22 matters), and method of monitoring and that the procedure be transparent to allow input
23 from the public.
24

25 51. As a direct and proximate result of defendants' conduct, plaintiffs have suffered
26 and will continue to suffer damages including economic and compensatory, in an amount
27 according to proof.
28

SECOND CAUSE OF ACTION
Title II of the Americans with Disabilities Act ("ADA")
42 U. S. C. § 12131, 12132
(All Defendants, Except the Commission)

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52. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs 1 through 53 above.

53. The courts of the State of California are public entities under 42 U.S.C § 12131.

54. Plaintiff Ringgold is a qualified individual with a disability who, without or without reasonable modification to rules, policies, or practices, meets the essential eligibility requires for receipt of services or the participation in programs and services of the state courts where she practices her provision.

55. Plaintiff was discriminated against within the meaning of 42 U.S.C. § 12132 by being denied the benefits of services, programs, or activities this includes but is not limited to:

a. Intentionally being denied telephonic access to the court including when six non-disabled attorneys were allowed telephonic access on the same day.

b. Being denied reasonable modification of rules and policies

c. Being denied access to funds to manage emergency medical needs

d. Having confidential information regarding the disability posted on the court's website

e. Being charged for fees for the accommodation requested by the sole authorized court vendor.

f. Being burden with undue and unwarranted administrative obstacles

g. By the court's failure or refusal to follow its own ADA procedure specified in

1 the California Rules of Court

2 h. Being subjected to a prefiling requirement in order to request and
3 accommodation

4 i. Requiring motions to be filed in order to request an accommodation when
5 the rules of court identify an confidential nonjudicial procedure then being sanctioned
6 for filing a motion for requesting an accommodation
7

8 j. By the various courts failing to have an ADA coordinator available as stated
9 is available in the rules of court.

10 k. By denying requests for accommodation to effectively participate in the
11 proceeding, then conducting the proceedings on the merits and deeming the requested
12 accommodation to be "moot".
13

14 l. By the failure to rule on the requests for accommodation which conformed to the
15 requirements of the rules of court.
16

17 56. The ADA Coordinator in the Central District of the Los Angeles Superior Court
18 which probably services the largest population of persons with disabilities confirmed that
19 the sole function was to handle equipment and was unable to address any of Ringgold's
20 requests for accommodation to obtain access to the court. The alleged ADA Coordinator
21 was located in the facilities department and indicated that it the accommodation was not
22 for assistive listening devices or equipment he was unable to discuss the needed
23 accommodation.
24

25 57. Each court did not have a grievance procedure or persons designated to oversee
26 Title II compliance. (See Title II Technical Assistance Manual II-8.1000).
27

28 58. Plaintiffs have been injured and will continue to suffer injuries and damages and
requests declaratory and injunctive relief. Plaintiffs have or will incur attorney's fees,

1 expert fees, and costs and seek an award in an amount according to proof. The request
2 for fees includes but is not limited to fees under the Civil Rights Attorney Fees Awards
3 Act of 1976 (42 U.S.C § 1988).

4
5 **THIRD CAUSE OF ACTION**
6 **504 of the Rehabilitation Act**
7 **(All Defendants, Except the Commission)**

8 59. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
9 1 through 60 above.

10 60. Plaintiff Ringgold qualified person with a disability as specified above.

11 61. The State of California receives substantial federal funds under the American
12 Recovery and Reinvestment Act. This act is intended to modernize the nation's
13 infrastructure and to protect those greatest in need. It also receives other sources of
14 federal funds. A portion of those funds are used for equipment and other needs to
15 provide access to the courts whether criminal or civil or for matters pertaining to the
16 administration of justice.
17

18 62. Plaintiff was discriminated against within the meaning of Section 504 of the
19 Rehabilitation Act by being denied the benefits of services, programs, or activities this
20 includes but is not limited to:
21

- 22
- 23 a. Intentionally being denied telephonic access to the court including when six
24 non-disabled attorneys were allowed telephonic access on the same day.
 - 25 b. Being denied reasonable modification of rules and policies
 - 26 c. Being denied access to funds to manage emergency medical needs
 - 27 d. Having confidential information regarding the disability posted on the
28

1 court's website

2 e. Being charged for fees for the accommodation requested by the sole
3 authorized court vendor.

4 f. Being burden with undue and unwarranted administrative obstacles

5 g. By the court's failure or refusal to follow its own ADA procedure specified in
6 the California Rules of Court

7
8 h. Being subjected to a prefiling requirement in order to request and
9 accommodation

10 i. Requiring motions to be filed in order to request an accommodation when
11 the rules of court identify an confidential nonjudicial procedure then being sanctioned
12 for filing a motion for requesting an accommodation

13
14 j. By the various courts failing to have an ADA coordinator available as stated
15 is available in the rules of court.

16
17 k. By denying requests for accommodation to effectively participate in the
18 proceeding, then conducting the proceedings on the merits and deeming the requested
19 accommodation to be "moot".

20
21 l. By the failure to rule on the requests for accommodation which conformed to the
22 requirements of the rules of court.

23 63. The ADA Coordinator in the Central District of the Los Angeles Superior Court
24 which probably services the largest population of persons with disabilities confirmed that
25 the sole function was to handle equipment and was unable to address any of Ringgold's
26 requests for accommodation to obtain access to the court. The alleged ADA Coordinator
27 was located in the facilities department and indicated that it the accommodation was not
28 for assistive listening devices or equipment he was unable to discuss the needed

1 accommodation.

2 64. Each court did not have a grievance procedure or persons designated to oversee
3 Title II compliance. (See Title II Technical Assistance Manual II-8.1000). Plaintiff was
4 discriminated against within the meaning of 42 U.S.C. § 12132 by being denied the
5 benefits of services, programs, or activities this includes but is not limited to:

- 6
- 7 a. Intentionally being denied telephonic access to the court including when six
8 non-disabled attorneys were allowed telephonic access on the same day.
- 9 b. Being denied reasonable modification of rules and policies
- 10 c. Being denied access to funds to manage emergency medical needs
- 11
- 12 d. Having confidential information regarding the disability posted on the
13 court's website
- 14 e. Being charged for fees for the accommodation requested by the sole
15 authorized court vendor.
- 16
- 17 f. Being burden with undue and unwarranted administrative obstacles
- 18 g. By the court's failure or refusal to follow its own ADA procedure specified in
19 the California Rules of Court
- 20
- 21 h. Being subjected to a prefiling requirement in order to request and
22 accommodation
- 23 i. Requiring motions to be filed in order to request an accommodation when
24 the rules of court identify an confidential nonjudicial procedure then being sanctioned
25 for filing a motion for requesting an accommodation
- 26
- 27 j. By the various courts failing to have an ADA coordinator available as stated
28 is available in the rules of court.
- k. By denying requests for accommodation to effectively participate in the

1 proceeding, then conducting the proceedings on the merits and deeming the requested
2 accommodation to be “moot”.

3 1. By the failure to rule on the requests for accommodation which conformed to the
4 requirements of the rules of court.

5 65. The ADA Coordinator in the Central District of the Los Angeles Superior Court
6 which probably services the largest population of persons with disabilities confirmed that
7 the sole function was to handle equipment and was unable to address any of Ringgold’s
8 requests for accommodation to obtain access to the court. The alleged ADA Coordinator
9 was located in the facilities department and indicated that it the accommodation was not
10 for assistive listening devices or equipment he was unable to discuss the needed
11 accommodation.
12

13
14 66. Each court did not have a grievance procedure or persons designated to oversee
15 Title II compliance. (See Title II Technical Assistance Manual II-8.1000).
16

17 67. Plaintiffs have been injured and will continue to suffer injuries and damages
18 and requests declaratory and injunctive relief. Plaintiffs have or will incur attorney’s fees,
19 expert fees, and costs and seek an award in an amount according to proof. The request
20 for fees includes but is not limited to fees under the Civil Rights Attorney Fees Awards
21 Act of 1976 (42 U.S.C § 1988).
22

23 **FOURTH CAUSE OF ACTION**
24 **Title 42 U.S.C. §§ 1981, 1982, 1983, 1985, 1986**
25 **(All Defendants)**

26 **TITLE 42 U.S.C. § 1981**
27

28 68. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
1 through 69 above.

1 69. All persons within the jurisdiction of the United States shall have the same right
2 in every State and Territory to make and enforce contracts, to sue, be parties, give
3 evidence, and to the full and equal benefit of all laws and proceedings for the security of
4 persons and property as is enjoyed by white citizens, and shall be subject to like
5 punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

6
7 70. By imposition of the prefiling requirement on the clients of the Law Office when
8 said clients had never been determined to be vexatious litigants was to prohibit plaintiff
9 Ringgold from making and enforcing contracts comparable to white attorneys

10 71. By imposition of prefiling requirement on non-white clients who were litigants
11 in valid and proper pending litigation was to prohibit them from protecting their legal
12 rights, from presenting evidence, and from the full and equal benefit of the law as enjoyed
13 by white citizens.
14

15 72. As a direct and proximate result of its conduct, plaintiffs have suffered and will
16 continue to suffer damages including economic and compensatory, in an amount
17 according to proof.
18

19 73. As a direct and proximate result of its conduct, plaintiffs have or will incur
20 attorney's fees, expert fees, and costs and seek an award in an amount according to proof.
21 The request for fees includes but is not limited to fees under the Civil Rights Attorney
22 Fees Awards Act of 1976 (42 U.S.C § 1988).
23

24 74. Defendant's acts were malicious and were willful and oppressive and justify an
25 award of punitive damages according to proof particularly in light of the fact that they are
26 charge with the obligation to protect the public. There could be no legitimate public
27 interest in attempting to provide retroactive immunity even to actions maintained under
28 the United States Constitution and federal law.

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75. Plaintiffs seeks declaratory and injunctive relief against these defendants.

TITLE 42 U.S.C. § 1982

76. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs 1 through 57 above.

77. All citizens of the United States have the same right as enjoyed by white citizens to inherit, purchase, lease, sell, hold, and convey real and personal property. Defendants were aware of the substantial grievances made by members of the African American community and the community at large concerning the discriminatory conduct, rules, policies, and practices in the Superior Court of the County of Los Angeles probate department and other departments (i.e., ADA compliance, civil appeals unit, court reporter services unit). Defendants were also aware that there was not sufficient information available to the public concerning the internal administrative operation of the Superior Court of the County of Los Angeles in order to determine the proper method to pursue relief by legal action against the proper entities. In addition, defendants acted to conceal the retroactive immunities provision of SBX211, in part because they were aware of the grievances of the public which had been made about the operation and funding of the Superior Court of the County of Los Angeles. The retroactive immunity provisions of SBX2 11 has substantial impact on members of the African American community because they are the portion of the public substantially harmed by the rules, customs, and policies implements in the Superior Court of the County of Los Angeles probate and other departments.

1 78. There is no rational basis for exclusion of the retroactive immunity provisions of
2 SBX2 11 from being published in the California Government Code given its substantial
3 impact on the general public.

4 79. The plain language of the California Constitution prohibits judges of the Los
5 Angeles Superior Court for the County from Los Angeles from accepting public
6 employment and being county officials and defendants are charged with the duty to
7 understand and enforce the California Constitution.
8

9 80. The history of section 42 U.S.C. § 1982 unequivocally expresses an intent to
10 abrogate the states sovereign immunity. Also, the congressional intent is unequivocally
11 framed as an unqualified guarantee of racial equality in the right to inherit property.
12

13 81. Section 1982 derived from the Civil Rights Act of 1866. Section § 1983 had its
14 roots in the Ku Klux Klan Act of 1871 which was passed as a means to enforce the
15 provisions of the Fourteenth Amendment. "In contrast to the reach of the Thirteenth
16 Amendment, the Fourteenth Amendment has only limited applicability, the commands of
17 the Fourteenth Amendment are addressed only to the State or to those acting under color
18 of its authority." District of Columbia v. Carter, 409 U.S. 418, 423 (1974). Section 1 of the
19 Ku Klux Klan Act of 1871 was to provide a remedy against those who representing a State
20 in some capacity or acting under color of state law were unable or unwilling to enforce
21 state law and violating the civil rights of others and at the time of enactment there did not
22 exist general federal question jurisdiction. Id. at 426-428.
23
24
25

26 82. As a direct and proximate result of its conduct, plaintiffs have suffered and will
27 continue to suffer damages including economic and compensatory, in an amount
28 according to proof.

1 83. As a direct and proximate result of its conduct, plaintiffs have or will incur
2 attorney's fees, expert fees, and costs and seek an award in an amount according to proof.
3 The request for fees includes but is not limited to fees under the Civil Rights Attorney
4 Fees Awards Act of 1976 (42 U.S.C § 1988).

5 84. Defendant's acts were malicious and were willful and oppressive and justify an
6 award of punitive damages according to proof particularly in light of the fact that they are
7 in charge with the obligation to protect the public. There could be no legitimate public
8 interest in attempting to provide retroactive immunity even to actions maintained under
9 the United States Constitution and federal law.
10

11 85. Plaintiffs seeks declaratory and injunctive relief against these defendants.
12
13

14 **TITLE 42 U. S. C. § 1983, CIVIL RIGHTS ACT OF 1871**
15 **(Brown, Harris, Howle)**

16 86. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
17 1 through 46 above.
18

19 **United States Constitution –Fourteenth Amendment**
20 **(Equal Protection)**

21 87. There is neither a rational basis for nor a compelling state interest in differential
22 compensation between state trial court judges based on whether the county or court in
23 which they sit pays supplemental benefits particularly when the supplemental benefits
24 paid by County were declared to be unconstitutional.
25
26

27 88. The California Constitution Article VI 18 prohibits state court trial judges in the
28 County of Los Angeles from acting as County officials or as employees of the County
thereby causing a self effectuating resigning of a judge. Thus, any proceeding take place

1 before the judge as a County employee or official required disclosure and written consent.

2 89. In addition to not obtaining consent from the parties the proceedings were not
3 conducted in a manner to obtain subject matter jurisdiction by publication of notice.

4 90. Property belonging to the trust and the subject of Lockhart's inheritance was
5 sold without Lockhart's knowledge or consent and in proceedings in which there was not
6 compliance with the mandatory requirement for publication of a sale.
7

8 91. Plaintiffs were denied due process by enforcement of a judicial rule which
9 makes discriminatory qualification criteria for a trustee of a private family trust by
10 requiring the named trustee to be a lawyer known to the judge or a retired judge contrary
11 to the terms of the trust instrument. Such criteria adversely impacts African American
12 family members named in the trust who may or may not be lawyers but don't happen to
13 be known by the judge.
14

15 92. Persons designated to act in a representative capacity on behalf of a trust or
16 estate are being deprived of fair access, equal protection, and due process by application
17 of California Code of Civil Procedure § 391.7 in the first instance in a state appellate court
18 without the required due process motion or hearing in trial court.
19

20 **United States Constitution - First and Fourteenth Amendment**
21 **(Freedom of Expression)**
22

23 93. Plaintiffs have been deprived their constitutional rights under the First
24 Amendment of the United States Constitution by conduct including but not limited to:
25

26 a. Suffering penalties and deprivation of property for making grievances and
27 asserting right of free speech as to the enforcement of discriminatory rules, customs,
28 policies, and procedures of qualification of trustees of private family trusts which require

1 the trustee to be a lawyer known to the judge or a retired judge which is contradictory to
2 the express language of the trust. Such criteria adversely impacts African American
3 family members named in the trust even though they are lawyers and unknown to the
4 judge. Such criteria strips the named executors and trustees in the will and trusts of Mary
5 Louise Aubry and Robert Aubry of the property interest in the power of appointment and
6 access to trust income and principal.
7

8 b. Suffering penalties for grievances including (1) application of the California
9 Code of Civil Procedure 391.7 without any hearing or motion being filed by a defendant
10 in the trial court and when this provision directly impacts Lockhart's interest in a private
11 trust, (2) being placed in jail for not executing an indemnity agreement in favor of the
12 court appointed trustee appointed without bond, and (3) being refused accommodations
13 for disabilities and access t funds needed for medical, health, and other needs.
14

15 c. Suffering penalties for seeking defensively seeking appellate review of a state
16 court orders obtained by a trustee appointed by the court without bond and for
17 defensively asserting objections to the termination of an income producing private family
18 trust in violation of its express terms.
19

20 d. Suffering penalties for raising grievances about and court proceedings.
21

22 **United States Constitution Fifth Amendment**
23 **(Deprivation of Property Without Due Process of Law and Taking of Property without**
24 **Just Compensation)**

25 94. Plaintiffs have been deprived his constitutional rights under the Fifth
26 Amendment of the United States Constitution by conducted including but not limited to:

27 a. Being deprived of both liberty and property without due process of law and
28 for taking of property without just compensation. The transfer of the power of
appointment and discretion of trust and/or estate property against the express terms of

1 the trust and wills without a petition to remove is a taking with direct pecuniary loss to
2 plaintiffs.

3 b. Being denied due process by enforcement of a judicial rule which makes
4 discriminatory qualification criteria for a trustee of a private family trust by requiring a
5 trustee to be a lawyer known to the judge or a retired judge contrary to the term of the
6 trust instrument. Such criteria adversely impacts African American family members
7 named in the trust even though they are lawyers and no known to the judge. Such
8 criteria strips the named executors and trustees in the will and trusts of Mary Louise
9 Aubry and Robert Aubry of the property interest in the power of appointment and access
10 to trust income and principal.
11

12 c. By being deprived of access to the court under California Code of Civil
13 Procedure § 391-391.7 without any hearing or motion being filed by a defendant in the
14 trial court and refusal of reasonable accommodation for disabilities under California Rule
15 of Court Rule 1.100.
16

17 e. By not affording due process according to express constitutional, statutory,
18 or common law authority within the State of California.
19

20 f. By failing to provide adequate notice of the proceedings prior to divestment
21 of liberty and property interests.
22

23 95. For the foregoing reasons, and others, SBX211 and CCP§ 391.7 as applied in the
24 first instance in a state appellate court and to persons acting in a representative capacity is
25 unconstitutional under the United States Constitution. These statutes cause plaintiffs and
26 those similarly situated to be subjected to the deprivations of rights, privileges, and
27 immunities secured to them by the Constitution and laws of the United States. Therefore,
28 these statutory provisions of the State of California constitute a deprivation of rights

1 actionable under 42 U.S.C. § 1983.

2 96. Plaintiffs have been injured and will continue to suffer injuries and damages and
3 requests declaratory and injunctive relief. Plaintiffs have or will incur attorney's fees,
4 expert fees, and costs and seek an award in an amount according to proof. The request
5 for fees includes but is not limited to fees under the Civil Rights Attorney Fees Awards
6 Act of 1976 (42 U.S.C § 1988).
7

8 **TITLE 42 U.S.C. § 1985**

9
10 97. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
11 1 through 57 above.

12 98. Defendants obstructed justice by conspiring with local governments and others
13 to allow the unconstitutional supplemental benefits to be made without adequate state
14 supervision and control and without review of the constitutional amendments supported
15 and voted upon by the citizens of the state of California.
16

17 99. Any officer of the court that attempts to raise a legitimate constitutional issue
18 and question concerning the impact of SBX2 11 is submitted to threats, intimidation, and
19 violence to their person and property.
20

21 100. Because there have been complaints lodge with the state attorney general and
22 other law enforcement agencies the defendants' non-action supports the continued
23 conspiracy, threats, intimidation, and violence to person and property.
24

25 101. As a direct and proximate result of its conduct, plaintiffs have suffered and will
26 continue to suffer damages including economic and compensatory, in an amount
27 according to proof.
28

102. As a direct and proximate result of its conduct, plaintiffs have or will incur

1 attorney's fees, expert fees, and costs and seek an award in an amount according to proof.
2 The request for fees includes but is not limited to fees under the Civil Rights Attorney
3 Fees Awards Act of 1976 (42 U.S.C § 1988).

4 103. Defendant's acts were malicious and were willful and oppressive and justify an
5 award of punitive damages according to proof particularly in light of the fact that they are
6 charge with the obligation to protect the public. There could be no legitimate public
7 interest in attempting to provide retroactive immunity even to actions maintained under
8 the United States Constitution and federal law.
9

10 104. Plaintiffs seeks declaratory and injunctive relief against these defendants.
11

12 **TITLE 42 U.S.C. § 1986**
13

14 105. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
15 1 through 57 above.
16

17 106. Defendants knew and were in a position to know the acts specified above and
18 had the power to prevent or aid in the prevention of such conduct and refused to do so.

19 107. As a direct and proximate result of its conduct, plaintiffs have suffered and will
20 continue to suffer damages including economic and compensatory, in an amount
21 according to proof.
22

23 108. As a direct and proximate result of its conduct, plaintiffs have or will incur
24 attorney's fees, expert fees, and costs and seek an award in an amount according to proof.
25 The request for fees includes but is not limited to fees under the Civil Rights Attorney
26 Fees Awards Act of 1976 (42 U.S.C § 1988).
27

28 109. Defendant's acts were malicious and were willful and oppressive and justify an
award of punitive damages according to proof particularly in light of the fact that they are

1 charge with the obligation to protect the public. There could be no legitimate public
2 interest in attempting to provide retroactive immunity even to actions maintained under
3 the United States Constitution and federal law.

4 110. Plaintiffs seeks declaratory and injunctive relief against these defendants.

5 **FIFTH CAUSE OF ACTION**
6 **California Government Code § 11135 et seq.**
7 **(All Defendants, Except the Commission)**
8

9 111. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
10 1 through 112 above.

11 112. Plaintiffs have been denied full and equal access to proceedings, programs,
12 activities, and services provided by or conducted in the Los Angeles Superior Court of the
13 County of Los Angeles. Plaintiffs have been subjected to discrimination on the basis of
14 race and/or disability in the manner and method in which the probate and other
15 department in the method in which it conduct its affairs. As to the client of the law office
16 they have been discriminated on the basis of race, national origin and/or disability. The
17 discrimination is systemic and pervasive covering various related departments essential
18 to meaningful and fair access to the court.
19

20 113. The courts receive funds from both the county and the state operates the
21 programs and activities at issue.
22

23 114. As a direct and proximate result of its conduct, plaintiffs have suffered and will
24 continue to suffer damages including economic and compensatory, in an amount
25 according to proof.
26

27 115. As a direct and proximate result of its conduct, plaintiffs have or will incur
28 attorney's fees, expert fees, and costs and seek an award in an amount according to proof.

1 116. Defendant's acts were reckless or with a callous indifference to the federally
2 protected rights of the plaintiffs. Also, defendant's acts were malicious and were willful
3 and oppressive and justify an award of punitive damages according to proof particularly
4 in light of the fact that they are charge with the obligation to protect the public.

5 117. Plaintiffs seek declaratory and injunctive relief against these defendants.

6
7 118. Plaintiffs seek the restitution and to provide information and training and legal
8 services in the underrepresented communities regarding the rights of family member
9 trustees of inter vivos trust and that portion of the funds from the Sargent Shriver Civil
10 Counsel Act or the California Community Services Block Grant Program be made
11 available.
12

13 **SIXTH CAUSE OF ACTION**
14 **Violation of Public Trust Doctrine**
15 **(All defendants)**

16 119. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
17 1 through 120 above.

18 120. Defendants as public officials occupy positions of public trust and they stand in
19 a fiduciary relationship to the people who then have been elected and appointed to serve.
20

21 121. If a public trust is to have any meaning or vitality, the members of the public
22 who are the beneficiaries of that trust must have the right and standing to enforce it.
23 There are irreconcilable conflicts and grievances and complaints of the public lodged with
24 the office of the defendants and gone unanswered.
25

26 122. The Attorney General has not released any opinion as requested by the
27 Commission on Judicial Performance.

28 123. The Commission of Judicial Performance has failed to make any public

1 announcement or take any action.

2 124. Defendants cannot dispose of unique public resources in a way that the public's
3 access is substantially impaired.

4 125. The counties operation of the courts and payment of supplemental benefits
5 (particular in the court departments it has a direct economic interest) impairs public
6 access and functions for its own benefit.

7
8 126. "When a state holds a resource which is available for the free use of the general
9 public, a court will look with considerable skepticism upon any governmental conduct
10 which is calculated to reallocate that resource to more restricted uses or to subject public
11 uses to self-interest of private parties." Illinois Central Railroad Co. v. Illinois, 146 U.S.
12 387 (1892).

13
14 127. Defendants have alienated the trust property and each defendant, including
15 defendant Howle must perform that duties to restore the trust property to the people of
16 the State of California.

17
18 128. As a direct and proximate result of its conduct, plaintiffs have suffered and will
19 continue to suffer damages including economic and compensatory, in an amount
20 according to proof.

21
22 129. As a direct and proximate result of its conduct, plaintiffs have or will incur
23 attorney's fees, expert fees, and costs and seek an award in an amount according to proof.
24 Defendant's acts were malicious and were willful and oppressive and justify an award of
25 punitive damages according to proof particularly in light of the fact that they are charge
26 with the obligation to protect the public.

27
28 130. Plaintiffs seek declaratory and injunctive relief against these defendants.

131. Plaintiffs seek the restitution and to provide information and training and legal

1 services in the underrepresented communities regarding the rights of family member
2 trustees of inter vivos trust and that portion of the funds from the Sargent Shriver Civil
3 Counsel Act or the California Community Services Block Grant Program be made
4 available.

5 **SEVENTH CAUSE OF ACTION**

6 **Cal. Govt. Code § 8547 et seq.**

7 **Whistleblower Protection Act**

8 **(All Defendants, Except the Commission)**

9 132. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
10 1 through 133 above.

11 133. The State of California receives substantial federal funds under the American
12 Recovery and Reinvestment Act. This act is intended to modernize the nation's
13 infrastructure and to protect those greatest in need.
14

15 134. California Attorneys are covered by the Whistleblower Protection Act. Under
16 the act an employee means an individual appointed by the Governor, or employed or
17 holding office in a state agency as defined by Section 11000. It also means and a person
18 employed by the Supreme Court, court of appeal, superior court, or administrative office
19 of the courts. Although attorneys are not employees of the court they are officers of the
20 court and can only appear as such officer through license. Garrison v. McGowan 48 Cal.
21 592, 595 (1874). Also the California State Supreme Court has held that the State Bar is
22 analogous to a state agency. See Keller v. State Bar of California 47 Cal.3d 1152, 1167(Cal.
23 1989). Pursuant to California Government Code § 8547.2 the statutory term "employee"
24 includes an individual holding office in a state agency as defined in California
25 Government Code § 11000. (Cal. Govt. Code § 11000 includes every state office, officer,
26 department, and commission.)
27
28

135. Defendants were a substantial factor in the harm to plaintiffs.

136. As a direct and proximate result of defendants' conduct, plaintiffs have suffered and will continue to suffer damages including economic and compensatory, in an amount according to proof.

137. Defendants' acts were willful and oppressive and justify an award of punitive damages according to proof.

EIGHTH CAUSE OF ACTION
Violation of California Unruh Civil Rights Act
Cal. Civil Code § 51, 52
(Brown, Harris)

138. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs 1 through 139 above.

139. California Civil Code § 51 provides:

“ (b) All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.”

140. Disability under this provision means any physical disability as defined in California Government Code §§ 12926, 12926.1

141. Defendants, their employees, agencies, affiliates, contractors direct and indirectly aided and allow a condition to exist which denies plaintiff Ringgold and Lockhart to be denied full and equal accommodations, advantages, facilities based on race.

1 142. Defendants, their employees, agencies, affiliates, contractors direct and
2 indirectly aided and allow a condition to exist which denies plaintiff Ringgold denied full
3 and equal accommodations, advantages, facilities based on disability or medical
4 condition.

5 143. Defendants, their employees, agencies, affiliates, contractors direct and
6 indirectly aided and allow a condition to exist which denies the Law Office and its clients
7 who are all members of a protected class and persons who generally have limited access
8 to legal resources and representation from full and equal accommodations, advantages,
9 facilities of the courts.
10

11 144. Defendants failure to enforce the law and the constitution fosters discriminatory
12 condition and disparate discriminatory impact to members of a protect class and persons
13 of limited financial means by continued state funding without adequate supervision,
14 monitoring, control, grievance procedure, and compliance with the requirements of the
15 California Constitution.
16

17 145. The condition in the probate department allows discriminatory qualification
18 rules; taking of private property; lack of grievance procedures, lack of safeguards to
19 prohibit discrimination, misconduct, conflicts of interest; equal access to the court for
20 persons with disabilities (who are the largest population of persons in need of use of the
21 probate department); inequitable application of filing fees, court reporter services;
22 improper case management and file management, and lack of and ADA Coordinator as
23 specified in Rule 1.100, and conduct described in the claim filed with the Board.
24

25 146. The condition described herein by the failure to enforce the law acts to abridge
26 the rights afforded by plaintiffs provided by the Unruh Civil Rights Act. See Gibson v.
27 County of Riverside 181 F.Supp. 1057 (C.D. Cal. 2002). (i.e. allowing adjuncts in the
28

1 probate department to proceed without bond and amass fees higher than the statutory
2 limit or allowed by law, private vendor/contractor Courtcall imposing liens for telephonic
3 access to persons requiring access for disability).

4 147. Plaintiffs were harmed and defendants' conduct was a substantial factor in
5 causing harm.

6
7 148. As a direct and proximate result of defendants' conduct, failure to enforce the
8 law and constitution, and control its employees, plaintiffs have suffered and will continue
9 to suffer damages including economic and compensatory, in an amount according to
10 proof. Plaintiffs also seek declaratory, injunctive, and equitable relief. By this complaint
11 plaintiffs seek immediate enforcement of the law of the state and the California
12 Constitution.

13
14 149. Plaintiffs also seek statutory penalties under California Civil Code § 52 and
15 reasonable attorneys' fees and costs.

16
17 150. Defendants' acts were willful and oppressive and justify an award of punitive
18 damages according to proof.

19 **NINTH CAUSE OF ACTION**
20 **Violation of California Ralph Civil Rights Act**
21 **Cal. Civil Code § 51.7 & 52**
22 **(Brown, Harris)**

23 151. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
24 1 through 152 above.

25 152. California Civil Code § 51.7 provides:

26 “(a) All persons within the jurisdiction of this state have
27 the right to be free from any violence, or intimidation by threat of
28 violence, committed against their persons or property because of
political affiliation, or on account of any characteristic listed or

1 defined in subdivision (b) or (e) of Section 51, or position in a
2 labor dispute, or because another person perceives them to have one
3 or more of those characteristics. The identification in this
4 subdivision of particular bases of discrimination is illustrative
5 rather than restrictive.”

6 153. Plaintiffs have suffered intimidation and threats of violence to their persons or
7 property by defendants, their employees, agencies, affiliates, contractors for acts
8 including for (association with the Law Office)

9 154. As a direct and proximate result of defendants’ conduct, failure to enforce the
10 law and constitution, and control its employees, plaintiffs have suffered and will continue
11 to suffer damages including economic and compensatory, in an amount according to
12 proof. Plaintiffs also seek declaratory, injunctive, and equitable relief. By this complaint
13 plaintiffs seek immediate enforcement of the law of the state and the California
14 Constitution.
15

16 155. Plaintiffs also seek statutory penalties under California Civil Code § 52 and
17 reasonable attorneys’ fees and costs.
18

19 156. Defendants’ acts were willful and oppressive and justify an award of punitive
20 damages according to proof.
21

22 **TENTH CAUSE OF ACTION**
23 **Violation of California Bane Civil Rights Act**
24 **Cal. Civil Code § 52.1 & 52**
25 **(Brown, Harris)**

26 157. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
27 1 through 158 above.

28 158. California Civil Code § 52.1 prohibits any person(s), whether or not acting under
color of law, interferes by threats, intimidation, or coercion, or attempts to interfere by

1 threats, intimidation, or coercion, with the exercise or enjoyment by any individual or
2 individuals of rights secured by the Constitution or laws of the United States, or of the
3 rights secured by the Constitution or laws of the State of California.

4 159. Plaintiffs have suffered intimidation and threats of violence to their persons or
5 property by defendants, their employees, agencies, affiliates, contractors for acts
6 including for (association with the Law Office).
7

8 160. As a direct and proximate result of defendants' conduct, failure to enforce the
9 law and constitution, and control its employees, plaintiffs have suffered and will continue
10 to suffer damages including economic and compensatory, in an amount according to
11 proof. Plaintiffs also seek declaratory, injunctive, and equitable relief. By this complaint
12 plaintiffs seek immediate enforcement of the law of the state and the California
13 Constitution.
14

15 161. Plaintiffs also seek statutory penalties under California Civil Code § 52 and
16 reasonable attorneys' fees and costs.
17

18 162. Defendants' acts were willful and oppressive and justify an award of punitive
19 damages according to proof.
20

21 **ELEVENTH CAUSE OF ACTION**
22 **Violation Cal. Civil Code § 52.3**
23 **(Brown, Harris)**

24 163. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
25 1 through 164 above.

26 164. California Civil Code § 52.3 provides:

27 "(a) No governmental authority, or agent of a governmental
28 authority, or person acting on behalf of a governmental authority,
shall engage in a pattern or practice of conduct by law enforcement

1 officers that deprives any person of rights, privileges, or
2 immunities secured or protected by the Constitution or laws of the
3 United States or by the Constitution or laws of California.”

4 165. Defendants Brown and Harris are the highest law enforcement officers of the
5 State of California and the enforcement of section 5 of SBX2 11 in conflict with California
6 Constitution Article VI § 17 and in derogation of the constitutional authority of the
7 California Commission on Judicial Performance deprives plaintiffs and the citizens of the
8 State of California of the rights and privileges protected by the Constitution and laws of
9 the United States and the State of California.

10
11 166. The rights of plaintiffs and citizens of the State of California, particularly those
12 of underrepresented and indigent communities and vulnerable members of the State of
13 California have been adversely impacted. Because of the constitutional crisis arising in
14 the state there is no reasonable or legitimate way for persons to protect their legal rights
15 or reasonable manner to determine which governmental entities are responsible for the
16 claims and injuries arising in the courts in where there has been a self-effectuating
17 constitutional resignation of judges and to take such action within pertinent limitation
18 periods currently specified in the law.

19
20
21 167. As a direct and proximate result of defendants’ conduct, failure to enforce the
22 law and constitution, and control its employees, plaintiffs have suffered and will continue
23 to suffer damages including economic and compensatory, in an amount according to
24 proof.

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26 168. Plaintiffs also seek declaratory, injunctive, and equitable relief. By this
27 complaint plaintiffs seek immediate enforcement of the law of the state and the California
28 Constitution.

1 169. Plaintiffs also seek statutory penalties under California Civil Code § 52 and
2 reasonable attorneys' fees and costs.

3 170. Defendants' acts were willful and oppressive and justify an award of punitive
4 damages according to proof.

5 **TWELTH CAUSE OF ACTION**
6 **Violation Cal. Civil Code § 53 (b)**
7 **(Brown, Harris)**

8 171. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
9 1 through 172 above.

10 172. California Civil Code § 53 (b) provides:

11 “(b) Every restriction or prohibition, whether by way of covenant,
12 condition upon use or occupation, or upon transfer of title to real
13 property, which restriction or prohibition directly or indirectly
14 limits the acquisition, use or occupation of that property because of
15 any characteristic listed or defined in subdivision (b) or (e) of
16 Section 51 is void.”

17 173. Plaintiff Ringgold is the lawful owner of all real property of the Aubry Family
18 Trust. She is a trustee named in the trust instrument and confirmed by final order which
19 was never challenged by motion for reconsideration, writ of mandate, or appeal in the
20 state court. The condition upon use or occupancy solely is based on the existence of a
21 non-appealable order appointing Myer Sankary as a trustee based on an unconstitutional
22 trustee “qualification rule” instituted in the probate department of the Los Angeles
23 Superior Court. The restriction on title and ownership of the African American trustees
24 named in the trust instrument is based on a discriminatory requirement and is void and is
25 an unconstitutional taking and divestment of property.
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174. As a direct and proximate result of defendants' conduct, failure to enforce the

1 law and constitution, and control its employees, plaintiffs have suffered and will continue
2 to suffer damages including economic and compensatory, in an amount according to
3 proof.

4 175. Plaintiffs also seek declaratory, injunctive, and equitable relief. By this
5 complaint plaintiffs seek immediate enforcement of the law of the state and the California
6 Constitution.
7

8 176. Plaintiffs also seek statutory penalties under California Civil Code § 52 and
9 reasonable attorneys' fees and costs.

10 177. Defendants' acts were willful and oppressive and justify an award of punitive
11 damages according to proof.
12

13 **THIRTEENTH CAUSE OF ACTION**
14 **Violation Cal. Civil Code § 54, 54.1, 54.3, 55**
15 **(Brown, Harris)**

16 178. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
17 1 through 179 above.

18 179. California Civil Code § 54 provides that individuals shall have the same right as
19 the general public to the full and free use of public places. Civil Code § 54.1 provides that
20 they shall also be provided to full and equal access as other members of the general public
21 to telephone facilities and other places to which the general public is invited (including
22 the courts). Any person who denies or interferes with admittance or to enjoyment of the
23 public facilities or interferes with the rights of an individual with a disability under is
24 liable damages.
25

26 180. The failure to provide and interference with telephonic access to Ringgold as an
27 accommodation for a physical disability gain access to the courtroom to practice her
28

1 profession and the denial of such access to impair her rights and those clients of the Law
2 Office violates Civil Code § 54 and 54.1.

3 181. As a direct and proximate result of defendants' conduct, failure to enforce the
4 law and constitution, and control its employees, plaintiffs have suffered and will continue
5 to suffer damages including economic and compensatory, in an amount according to
6 proof.
7

8 182. Plaintiffs also seek declaratory, injunctive, and equitable relief. By this
9 complaint plaintiffs seek immediate enforcement of the law of the state and the California
10 Constitution.
11

12 183. Plaintiffs also seek statutory penalties and reasonable attorneys' fees and costs.

13 184. Defendants' acts were willful and oppressive and justify an award of punitive
14 damages according to proof.
15

16 **FORTEENTH CAUSE OF ACTION**

17 **Conversion**

18 **(Brown, Harris)**

19 185. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
20 1 through 186 above.
21

22 186. Plaintiffs owned or had a right to possession of property of the trust. The
23 proceedings conducted without consent by plaintiffs or in a manner consistent with the
24 California Constitution deprived plaintiffs of access to property, their inheritance, to the
25 lawful possession of the intangible right of the power of appointment and discretion
26 owned by the trustees named by the Aubrys in order to benefit a young generation of
27 heirs such as Lockhart.

28 187. The defendants' fail to act or implement reasonable procedures, policies, and
procedures, including but not limited, to prohibiting supplemental compensation to

1 judges which has been deemed unconstitutional, handling and verification of bond of
2 appointees, verification of notice of publication (necessary for subject matter jurisdiction
3 or jurisdiction to sell property), and managing the affairs of the probate department, court
4 reporter services department, and other departments. Plaintiffs did not consent to this
5 conduct and were harmed by this conduct.

6
7 188. Defendants were a substantial factor in the harm to plaintiffs.

8 189. As a direct and proximate result of defendants' conduct, plaintiffs have suffered
9 and will continue to suffer damages including economic and compensatory, in an amount
10 according to proof.

11
12 190. Defendants' acts were willful and oppressive and justify an award of punitive
13 damages according to proof.

14
15 **FIFTEENTH CAUSE OF ACTION**
16 **Equitable Relief and Imposition of Constructive Trust**
17 **(All Defendants, Except the Commission)**

18 191. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
19 1 through 192 above.

20 192. There is no plain, speedy, or adequate remedy at law. The matters are of broad
21 interest in this district because African American families are being deprive the right to
22 property by the erroneous application of rules, policies, and procedures which allow the
23 family member designated with the power of appointment of trust and estate property
24 from exercising discretion and maintaining ownership of property. The result is a loss of
25 wealth and transfer of this wealth to outsiders.
26
27

28 193. Plaintiffs seek equitable relief by barring defendants from proceeding and/or
continuing in their actions. A constructive trust should be established in order to recover

1 the losses to the trust and monies wrongfully transferred.

2 194. As a direct and proximate result of defendants' conduct, plaintiffs have suffered
3 and will continue to suffer damages including economic and compensatory, in an amount
4 according to proof.

5 195. Defendants' acts were willful and oppressive and justify an award of punitive
6 damages according to proof.
7

8 **SIXTEENTH CAUSE OF ACTION**
9 **Interference With Prospective Economic Advantage**
10 **(All Defendants, Except the Commission)**

11
12 196. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs
13 1 through 197 above.

14 197. Defendants were aware of that there were persons who would not consent to
15 proceedings before a judge who had been deemed resigned under California Constitution
16 Article VI § 18 and that there persons such as Lockhart who would object. Defendants
17 cause a breach of trust, premature termination of the trust, and to breach the contracts
18 with respect to the trust in proceeding which were void as a matter of law. Defendants
19 conduct caused a breach or premature termination of the income producing trust and
20 conducts of the trust.
21

22
23 198. Defendants' conduct was a substantial factor in causing plaintiffs' harm.

24 199. As a direct and proximate result of defendants' conduct, plaintiffs have suffered
25 and will continue to suffer damages including economic and compensatory, in an amount
26 according to proof.
27

28 200. Defendants' acts were willful and oppressive and justify an award of punitive
damages according to proof.

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SEVENTEENTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress
(Brown, Harris)

201. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs 1 through 202 above.

202. Defendants engaged in outrageous conduct. Such conduct was continuous, extreme, intentional, and outrageous and said conduct was done for the purpose of causing plaintiffs to suffer humiliation, mental anguish and emotional distress and was done with wanton and reckless disregard of the probability of causing such distress.

203. As a direct and proximate result of defendants' conduct, plaintiffs have suffered and will continue to suffer damages including economic and compensatory, in an amount according to proof.

204. Defendants' acts were willful and oppressive and justify an award of punitive damages according to proof.

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EIGHTEENTH CAUSE OF ACTION
Negligent Infliction of Emotional Distress
(Brown, Harris)

205. Plaintiffs refer to and incorporate, as though set forth herein in full, paragraphs 1 through 206 above.

206. Defendants engaged in conduct with caused plaintiffs to suffer serious emotional distress. The conduct of defendants was negligent and was a substantial factor in causing plaintiffs serious emotional distress.

207. As a direct and proximate result of defendants' conduct, plaintiffs have suffered and will continue to suffer damages including economic and compensatory, in an amount

1 according to proof.

2 208. Defendants' acts were willful and oppressive and justify an award of punitive
3 damages according to proof.

4 **DEMAND FOR JURY TRIAL**

5 Plaintiffs demand a jury trial of all issues so triable.

6 WHEREFORE, Plaintiffs pray for judgment as follows:

- 7
- 8 1. For actual, general, compensatory, and consequential damages in an amount to be
9 proven at trial;
 - 10 2. For costs of suit;
 - 11 3. For punitive damages in a sum sufficient to punish and set an example of
12 defendant;
 - 13 4. For restitution of all money, property, profits and other benefits and any thing of
14 value that defendants or their employees, agents, affiliates, contractors, and the like
15 received preceding this lawsuit;
 - 16 5. For discharge of all fees and costs which are liens based on plaintiffs' fee waiver in
17 the proceedings of the Aubry Family Trust or in any proceeding of the clients of the
18 Law Office;
 - 19 6. For temporary and permanent declaratory, injunctive relief, and equitable relief;
 - 20 7. For interest at the rate of ten percent (10%) per annum;
 - 21 8. For all statutory penalties allowed by law;
 - 22 9. For reasonable attorney's fees and costs;
 - 23 10. For such other and further relief as this Court deems just and proper.
 - 24 11. For declaratory and injunctive relief;
 - 25 12. For equitable relief;
 - 26
 - 27
 - 28

13. For reasonable attorney's fees and costs;

14. For such other and further relief as this Court deems just and proper.

Dated: March 20, 2012

LAW OFFICE OF NINA RINGGOLD

By: s/ Nina R. Ringgold, Esq.

Nina Ringgold, Esq.

Attorney for the Plaintiffs