IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

SAM MASSIAH	)	
	)	Case No. S247989
Petitioner,	)	
	)	2nd District Court of
v.	)	Appeal Case No. **B287613**
	)	
DEMAND MEDIA INC., ENOM INC.	)	[Los Angeles County
	)	Superior Court Case No. BC610801]
Respondents.	)	
	)	

PETITION FOR REVIEW

APPEAL FROM THE DISMISSAL OF THE MOST JUST CASE BY THE SUPERIOR COURT, COUNTY OF LOS ANGELES TERRY GREEN, JUDGE PRESIDING.

APPEAL FROM THE DISMISSAL OF THE NOTICE OF APPEAL WITHOUT "ORDERLY OPINION". ELWOOD LUI, PRESIDING ALONE IN VIOLATION OF CA CONSTITUTION ARTICLE VI SECTION 3.

DEFENDANTS ISSUED PLAINTIFF (PETITIONER) A **BAD CHECK** [**BOUNCED BACK UNPAID**]. AS A DIRECT RESULT, PLAINTIFF SUFFERED DAMAGES [**THIS IS NO BRAINIER**] HOWEVER, BECAUSE THE JUDICIAL SYSTEM IS SO CORRUPT, TERRY GREEN WANTED TO REWARD THE OFFENDERS (DEFENDANTS) BY DISMISSING THE JUST CASE TO MAKE DEFENDANTS THE PREVAILING PARTY (NOT ON THE MERITS). HE DID NOT STOP THERE. Whatever Ben Soffer asked for, Terry Green rubber stamped any sum been asked for. THE CORRUPTION DID NOT STOP THERE BECAUSE THE JUDGMENT WHICH WAS BASED ON THE COSTS WAS ENTERED IN A DIFFERENT AMOUNT THAN THE COSTS' AWARD, NO REGARD FOR ETHICS OR MORALS, SEVERE MISCARRIAGE OF JUSTICE AND TOTAL DERELICTION OF HIS JUDICIAL DUTY AND THE CANONS OF JUDICIAL CONDUCT, KNOWING THAT AN APPEAL WILL NOT BE HEARD AND ANY APPEAL WILL BE SABOTAGED, SEVERE VIOLATIONS OF PETITIONER'S CIVIL RIGHTS. ALSO, GREEN MADE AN OPINION ON THE MERITS HOWEVER HE REFUSED TO BE RECUSED.

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DIVISION "P" IN THE SECOND APPELLATE DISTRICT IS ILLEGITIMATE BECAUSE IT VIOLATES CA CONSTITUTION ARTICLE VI SECTION 3

Said section clearly states that each division shall have 3 judges and a decision (judgment) requires 2 judges in agreement. No twists, turns or corruption period. Thus Lui's decision is in violation of CA Constitution period. Moreover, Lui's saying that this petitioner did not meet the burden of proof is at the least totally disingenuous. Where is that BURDEN WRITTEN OR EXIST. More details of my response to Lui is in the rehearing papers which was denied by one man not at least two as required by section 3 of Article vi of Constitution.

TERRY GREEN MADE AN OPINION ON THE MERITS OF THE SUIT ON 9/15/16 (PREJUDGED THIS SUIT WHEN NO EVIDENCE WAS PRESENTED BY ANY PARTY) HE SHOULD HAVE DISQUALIFIED HIMSELF FROM HEARING ANY FURTHER PROCEEDINGS BUT HE WAS ADAMANT TO CONTINUE HIS WORK FOR THE BEST INTEREST OF DEFENDANTS, THE OFFENDERS.

TERRY GREEN AWARDED COSTS TO DEFENDANTS WHEN:

i. Although a hearing was set to tax or strike costs, **NO HEARING WAS CONDUCTED.**
ii. Some of those costs were outrageous e.g. $255.00 for process server (one time)
iii. Other **unnecessary and unreasonable** amounts for other items.
iv. Terry Green's signature was no more than a rubber stamp.

JUDGMENT WAS DIVIDED BASED ON SOFFER'S DEMAND WHICH AGAIN GREEN RUBBER STAMPED.

i. The awarded costs went to Enom Inc. despite the fact that Enom is no longer incorporated in any of the 50 states. MOREOVER, THE JUDGMENT AMOUNT IS **DIFFERENT** FROM THAT IN THE ORDER AWARDING COSTS.
ii. GREEN AWARDED $250.00 SANCTIONS ON DISCOVERY MOTIONS IN SPITE OF THE FACT THAT SOFFER DID NOT FULFILL THE REQUIREMENT OF MEET AND CONFER. WHAT IS OUTRAGEOUS IS: GREEN INCREASED SAID SUM TO $750.00 i.e. sanctioned the sanctions and there is no legal authority allowing him to do such thing and said sum was the judgment to Demand Media Inc.
iii. Soffer admitted, in writing, that Enom was responsible to defend Demand Media which tells us: THAT ENOM WAS RESPONSIBLE, AT LEAST IN MAJOR PART, FOR THE BAD CHECK. PLAINTIFF WAS UNABLE TO CONDUCT HIS DISCOVERY BECAUSE GREEN DISMISSED THE CASE.

ANOTHER, NOT SO IMPORTANT POINT

Soffer asked Green, his partner, to include so many names in the judgment, AGAIN

GREEN RUBBER STAMPED THAT TOO despite the fact that there is no EVIDENCE.

THE CRYSTAL CLEAR **UNCONSTITUTIONALITY** OF C.C.P. **391 et Seq.**

Caveat Lector*: Capitalized and or bold and or underlined words are for* ***EMPHASIS***

Although there are at least 7 dozen reasons said statutes are in direct conflict with both California and US constitutions I will limit my legal discussion to just some. Each one of those reasons is more than sufficient for you to declare, truthfully and honestly, said statutes **UNCONSTITUTIONAL.** I am aware that all low life persons benefit from those statutes and they are many and powerful. However, because low lives benefit that does NOT make those statutes constitutional.

1. There is no provision in either constitution to treat plaintiffs in a COMPLETELY different way. Plaintiffs in Pro Per versus plaintiffs who are represented by attorneys. As a matter of fact both constitutions MANDATE EQUAL PROTECTION.
2. 5 cases in 7 years is just ARBITRARY and not a true measure of vexation, there is no correlation whatsoever, e.g. why not 7 cases in 7 years (seven years being Biblical) The better measure is: if a defendant or defendants sue a particular plaintiff for malicious prosecution and such individual plaintiff loses 5 cases in 7 years then and only then that indicate that such plaintiff was filing UNMERITORIOUS OR MALICIOUS CLAIMS against one or more defendants, now there is correlation.
3. For the sake of argument if the 5 cases in 7 years is a TRUE MEASURE / THE STANDARD of vexation Then that measure **MUST** APPLY NOT ONLY TO **ALL** PLAINTIFFS **EQUALLY** BUT ALSO TO ATTORNEYS AS WELL because there are dozens of published cases which state: "Pro Per litigants are held to **same standards** as attorneys." A lot of times judges contradict themselves and each other and the laws as well. The fact is anyone can make any linear measurement using inches, feet, yards, etc. because those are TRUE MEASURE unlike the fake measure of 5 cases in 7 years.
4. In published cases judges say: "When a vexatious litigant knocks on the courthouse door with a colorable claim, he may enter." Who are they trying to fool ?! To my knowledge no judge of the Superior court or of courts of appeal EVER granted any such request. For the sake of argument if those judges are truthful then what is the problem in applying the same **standard** to every plaintiff whether represented by an attorney or not. Additionally, the same **standard** should apply to attorneys or to NONE at all. **Honesty** is the quality of uncorrupt people.

5. Bullies such as in schools **only** pick on small, vulnerable or persons who have less power. The legislators acted exactly in the same fashion like BULLIES picked on Pro Per litigants, small in number evidenced by the infamous vexatious litigant list which in 30 years accumulated about 2000 persons. As bullies they could not pick on the vast majority of plaintiffs who are represented or pick on attorneys for that matter who are more than 300,000 in California alone. Let the truth be told: BULLIES do not DARE to pick on the powerful or a great number of individuals.
6. Those statutes also clearly DISCRIMINATE based on economical status. Obviously Pro Per litigants DO NOT HAVE THE MONEY TO HIRE A LAWYER. Of coarse any of those pro per persons including me would like to have an attorney's representation if such attorney would take the case pro bono OR take the money in arrears. Clear discrimination which is prohibited by both constitutions and strictly forbidden by any GOOD PERSON or any person who is not crooked or corrupt. The judicial system (courts) is not made for the rich only.
7. As a matter of the fact both constitutions **guarantee** the **RIGHT** to petition the government for redress of any grievance to every citizen. There is no provision in either constitution that said right can be shackled, hindered or hampered in any way.

THE TOTAL LACK OF JURISDICTION OF ANY STATE COURT OF APPEAL TO MAKE ORIGINAL FINDING OF VEXATION OF ANY LITIGANT

C.C.P. 391.1 states: "In any litigation pending in any court of this state, **at any time until final judgment is entered**, a **defendant** may move the court, **upon notice** and **hearing**, for an order requiring the plaintiff to furnish security …."
Any person with an average I.Q. or a bit less than average understands that a motion has to be filed by a **defendant** [not appellant or respondent] before the final judgment is **entered** and to have a hearing conducted all in the trial court. Courts of Appeal DO NOT ENTER A JUDGMENT, it renders opinions. THEREFORE, a court of appeal is totally without JURISDICTION TO MAKE ORIGINAL FINDINGS. Students of law school are taught in the first year that JURISDICTION is what gives the judge the power to act and without JURISDICTION any decision made is NULL AND VOID PERIOD. This court must declare that courts of appeal in this state do not have ORIGINAL JURISDICTION to make any litigant vexatious, let alone requiring any litigant to obtain a prefiling order period. Article VI section 3 must be respected by all appellate judges. This section is HIGHER than

any section of any code and must be respected and strictly adhered to, no twists or corruption. Said section 3 states: : .... **Each division consists of a presiding justice and 2 or more associate justices. It has the power of a court of appeal and shall conduct itself as a 3-judge court. Concurrence of 2 judges present at the A R G U M E N T is necessary for a judgment. Hence, any decision made by a single judge is VOID since it does comply with the above stated section i.e. UNCONSTITUTIONAL, no twisting, no fallacious turning or pure corruption. Those judges are sworn to uphold the constitution, not to break any of its sections under any pretense whatsoever. Similarly, your judges are sworn to uphold the constitution because it is the highest law in California. You must strictly abide by Article VI section 2 which states:** The Supreme Court consists of the Chief Justice of California and 6 associate justices. The Chief Justice may convene the court at any time**. Concurrence of 4 judges present at the ARGUMENT is necessary for a judgment.**

DERELICTION OF DUTY AND MISCARRIAGE OF JUSTICE BY AN APPELLATE JUDGE WHO NEVER EVER ALLOWED ANY PERSON, ON THE INFAMOUS CUMULATIVE LIST MAINTAINED BY THE JUDICIAL COUNCIL TO HAVE AN OPINION BASED UPON HONEST REVIEW ON APPEAL

Despite the fact that an appeal is a litigation however it is **NOT** a new litigation because new litigation is based on new facts. An appeal is the second step or continuation of the same litigation. IT IS **A DUE PROCESS PROCEDURE** TO ENSURE THAT MISTAKES OF LAW OF THE LOWER COURT ARE CORRECTED. IT IS AN **INTEGRAL** AND ESSENTIAL. All States' courts and Federal courts have an appeal (**DUE PROCESS**) essential to the administration of JUSTICE. That appeal must not be blocked by any judge and that is yet another problem with those unconstitutional statutes. Furthermore judge Elwood Lui when he he stated "Appellant has no merit" In the past he used to state: appellant fails to meet the burden of showing that the appeal has **merit** …" First: In order for anyone to meet any burden on the merits there must be a written measure of what it takes to meet that **phantom** or **elusive** standard or scale, that is yet another problem with those statutes. Remember that those statutes apply to pro per only so there should be a written scale or standard as to how to meet that burden otherwise it is up to **whims** of judges to say anything about a phantom burden. Additionally, what Lui stated is directly contradicted by a published opinion: **In re R.H.** ***170 Cal. App. 4th 678; 88 Cal. Rptr. 3d 650*** **that court stated "**Thus, by *section 391.7*'s own terms, the presiding justice in determining whether to permit the appeal to proceed **does not pass on its merits**. The presiding justice **merely determines if there is an issue to review on appeal**." Obviously, Lui talks about **merit** while the above cited case **forbid** making any decision based on the

merits.

Judges are known to contradict themselves and other judges. That is yet another problem.

WHY REVIEW SHOULD BE GRANTED

1. As you see, the above published case **In re R.H.** ***170 Cal. App. 4th 678*** **Forbids** making decisions based on the merits but merely determining if there is an issue to review on appeal. In order to resolve that **contradiction** between the above cited case and what happened in my appeal, this court SHOULD GRANT THE REVIEW.
2. The crystal clear **UNCONSTITUTIONALITY** OF C.C.P. **391 et Seq.** based on each point stated supra and each point is more than sufficient to honestly declare said statutes unconstitutional because HONESTY, INTEGRITY and JUSTICE **dictate** that. There is no outside pressure on this court to appease or please the low lives who benefit from those statutes. **Honesty** is far more important than, for you to turn blind eyes to the flagrant violation of both constitutions. The length of time those statutes been in effect is indicative of corruption, dishonesty and powerful low lives getting their way bullying the decent, the meek and the less powerful. It is time to end the corruption and dishonesty in all branches of the state government.
3. The opinion of this court after granting and reviewing this petition has wide spread impact and the 2000 persons on the infamous list will have their constitutional rights restored whose civil rights been flagrantly violated and wrongfully branded on a permanent cumulative infamous list by totally dishonest and very low lives.
4. The United States house of representatives and Senate fully aware of those vexatious statutes for long time **REFUSED** TO ENACT SIMILAR FEDERAL LAW because they are mindful of any such law would CLEARLY VIOLATE THE FIRST AND FIFTH AND FOURTEEN AMENDMENTS OF THE US CONSTITUTION. US representatives and senators tend to have higher I.Q. than CA legislators who were faced with very small problem of few litigants who abuse the system but being lower I.Q. they failed miserably to enact a law which is meaningful and is not in violation of both constitutions.
5. To state and declare the obvious which is: Justices of the Supreme court and of each court of appeal MUST abide by Sec. 2 & 3 of Article VI of CA Constitution respectively

CONCLUSION

For the above stated issues and grounds / reasons this petition should be granted

VERIFICATION OF THIS PETITION AND ITS WORD COUNT

I declare under penalty of perjury of the state of California that the above is true and correct And all supporting documents, if any, are copies of documents on file. **The word count of this petition is: 2162**

Executed this 31th day of March 2018 in Los Angeles County, California.

By: Sam

Petitioner