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7 **PLAINTIFF**
8 *in pro per*

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 **JOSEPH ZERNIK**

12 *Plaintiff*

11 **DOCKET: CV-08-01550-VAP-CW**
12 **HON CARLA WOHRLE, JUDGE**

13 **V.**

14 **JACQUELINE CONNOR ET AL**

15 *Defendants*

14 **REQUEST FOR JUDICIAL NOTICE:**
15 **EXHIBITS VOLUME III-**
16 **REPORTERS' TRANSCRIPTS**
17 **FILED IN SUPPORT OF PLAINTIFF'S**
18 **OPPOSITION TO MOTIONS TO DISMISS**
19 **COMPLAINT**

19 **DATE: NONE ON FILE**
20 **TIME:**
21 **DEPT: 640**
22 **JUDGE: CARLA WOHRLE**

23 **TO ALL PARTIES AND COUNSELS OF RECORD:**

24 **PLAINTIFF HEREBY FILES EXHIBITS VOLUME III – REPORTERS'**
25 **TRANSCRIPTS WITH A REQUEST FOR JUDICIAL NOTICE AND**
26 **INTRODUCTION, AND INTRODUCTORY EXHIBITS IN SUPPORT OF**
27 **HIS OPPOSITION TO THE MOTIONS TO DISMISS COMPLAINT AND FIRST**
28 **AMENDED COMPLAINT.**

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EXHIBITS VOLUME III – REPORTERS’ TRANSCRIPTS

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5 **No Transcript Available**

6 12/26/07 – Defendant Ex Parte Application for Various Court Orders 1-14

7 **No Transcript Available**

8 01/11/08 – Order Striking Statement of Disqualification and Verified Answer
9 of Judge Terry B Friedman

No Transcript Available

10 01/15/08 – Peremptory Challenge Pursuant to Section 170.6 of the Code of Civil
11 Procedure

No Transcript Available

12 01-29-08 – Ex Parte Appearance by Zernik for Immediate Release of Funds- denied

13 **No Transcript Available**

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15 All Zernik’s Funds Held by Los Angeles Superior Court - **376**

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17 the July 23, 2007 Protective Order Against Defendant Joseph Zernik, for
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21 Held in Contempt **378**

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24 Timely Serve Summons, and Insufficient Time for Preparation of
25 Opposition – **No Transcript Available**

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27 Conference **No Transcript Available**

28 **PROOF OF SERVICE**

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EXHIBITS VOLUME III – REPORTERS’ TRANSCRIPTS

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REQUEST FOR JUDICIAL NOTICE

Plaintiff hereby requests Judicial Notice of the following facts and records:
EXHIBITS VOLUME III- TRANSCRIPTS OF SAMAAN V ZERNIK (SC087400), pursuant to
the *Federal Rules of Evidence, Rule 201*.

Respectfully submitted,

Dated: May 9, 2008



JOSEPH ZERNIK
PLAINTIFF
in pro per

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INTRODUCTION

In support of Plaintiff’s Opposition to Motions to Dismiss Complaint, to avoid repetitions, to facilitate comprehensive review of litigation in *Samaan v Zernik* (SC087400), to demonstrate the extraordinary circumstances in *Samaan v Zernik* (SC087400) that justify Plaintiff’s complaint filed with this court and also justify the intervention by US District Court in the business of its peers, the State of California Courts, and to focus attention on issues of significant public policy interest, Plaintiff files the following records herein –

EXHIBITS VOLUME III –TRANSCRIPTS

The comprehensive body of exhibits in support of the Opposition to Motions to Dismiss Complaint includes so far:

- a. **EXHIBITS VOLUME I –** **1 -195**
US DISTRICT COURT DOCKET #39
Case History of Samaan v Zernik (SC087400)
Oct 25, 2005 - Dec 31, 2007
- b. **EXHIBITS VOLUME I - ADDENDUM** **195.1-33**
US DISTRICT COURT DOCKET #?
Case History of Samaan v Zernik (SC087400)
Jan 1 – April 30, 2008
- c. **EXHIBITS VOLUME II** **196 - 388**
US DISTRICT COURT DOCKET #?
Minute Orders in Samaan v Zernik (SC087400)
Oct 25, 2005 - Dec 31, 2007
- d. **EXHIBITS VOLUME II - ADDENDUM** **388- 412**

EXHIBITS VOLUME III – REPORTERS’ TRANSCRIPTS

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US DISTRICT COURT DOCKET #?

Minute Orders in Samaan v Zernik (SC087400)

Jan 1-April 30, 2008

c. EXHIBITS VOLUME III

Transcripts in Samaan v Zernik (SC087400) **413 -**

d. EXHIBITS VOLUME IV

To be filed

Briefs in Samaan v Zernik (SC087400)

Page number are consecutive throughout the exhibits.

///

Each of the exhibits volumes is furnished with a ***Table of Contents***, and a volume-specific ***Introduction***. The introducdtions are primarily aimed to focus on certain entries in the respective volumes that are false and deliberately misleading litigation records. Once a record is identied and unequivocally demonstrated to be false and misleading, that records must not be discarded. Such records should not be considered as part of the body of valid evidence regarding the true and correct proceedings in *Samaan v Zernik* as a whole. Such records are critical evidence in a number of ways:

- a. Examination of the specific corrupt record provides insights into the specific proceeding that the record belongs to. Finding a corrupt record immediately raises a number of questions: Who perpetrated that act? Was one person alone able to accomplish it? Did such act require the cooperation or consent of others? Did they all have to be Court employees? Could others, who were not Court employees be involved? Under what circumstances?
- b. Such records are also useful in flagging particular individuals as prone to engage in such acts.

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- c. Each corrupt record also flags a particular part of the record that was uniquely disagreeable and/or harmful to the interests of some party, to the degree that such party felt the need, and believed it held the license, which was foreign to the furtherance of justice, to corrupt such record.
- d. Such records are also contribute to the overall assessment of litigation records in *Samaan v Zernik*. One finds deliberately corrupt records among the minute orders, among the transcripts, among the paper briefs, and among the electronic file records. Such abundance of corrupt records, across the board, in all types of records, in and of itself is strong evidence of the abuse of Plaintiff’s Due Process rights, and sufficient grounds for **Mistrial**.

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1. Mechanics of Transcript Production Orders production, and overall conditions in West District, LA Superior Court, that allowed the abuse of litigation records described herein.

Transcripts are produced by Court Reporters, some of them are assigned regularly to the same courtroom, and others seem to be assigned only transiently. Based on information provided by the Office of Court Reporters, Plaintiff holds that at present, the technology employed is as follows:

- a. The Court Reporter enters during the hearing itself a “Raw Notes” or “Shorthand Notes” transcript, which is save as a digital file.
- b. Later, that file is uploaded into a server, that is claimed to be “LA County Property”.
- c. If a request is made for a certified transcript, then the Raw Notes file is downloaded, and the shorthand is converted into longhand notes.
- d. The final Transcript is edited and formated, certified and delivered .

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3 2. *Plaintiff learned first from his Counsel that the Aug 21, 2007*
4 *hearing trascript was adulterated, not a full and complete record of*
5 *the hearing.*

6 The hearing of Aug 21, 2007 was a critical event in the various deception schemes
7 in this litigation. It was called by Plaintiff’s counsel for “entry of judgment”, albeit –
8 later Judge Connor created records that state that judgment had already been entered on
9 Aug 9, 2007. In fact, the Judgment was entered on Aug 28, 2007, as seen in Audit File
10 data in Sustain. But the Case History in itself only shows the Date of Filing, That
11 discrepancy may be one of the reasons that LA Superior Court denies Plaintiff access to
12 Audit File data, out of compliance with the Law. Plaintiff holds that the review of the
13 chronology of litigation as a whole supports as most plausible explanation for Judge
14 Connor’s conduct at that time the following:

15 Judge Connor intended to have Plaintiff Zernik, and Samaan’s Counsel hold
16 diametrically opposite perspectives regarding the Aug 9, 2007 Judgment by Court.
17 Plaintiff was to believe that it was a final Judgement by Court, a reasonable compromise,
18 and that he had more to lose by appealing it than he could ever gain. That his equity in
19 the home will be safe, and that the trouble of litigation was almost over.

20 Samaan and her counsel were to believe that the Aug 9, 2007 Judgment was not a
21 valid judgment at all, that it will allow them to gain control of the property, but later on,
22 also Plaintiff’s equity in the property will be fair game, since it will be held by the court
23 as part of the escrow process. They just needed to be patient and let Judge Connor take
24 care of Plaintiff for them.

25 Muc of this was to be achieved on Aug 21, 2007, if things went according to plan.
26 It was supposed to take place on Aug 14, 2007, in ex parte called by Samaan’s Counsel.
27 But Zernik did not appear. Since fooling Zernik was one of the main objectives, that ex
28 parte application was continued to Aug 21, 2007. That was of course unheard of. There

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3 was no need to continue and ex parte that was noticed, and that was for a technical issue
4 like “entry of Judgment”, especially if Judgment had already been entered on Aug 9,
5 2007, in order to have opposing party present.

6 The other extremely unusual feature of the Aug 21, 2007 proceeding, was the
7 presence of a Court Reporter. As a rule, Judge Connor tried to leave as few records of
8 the litigation as possible, and have them appear inconclusive as possible. Therefore,
9 whereas much of the litigation was through ex parte appearances, she did not allow
10 recording of ex parte appearances. This proceeding was the only proceeding in the whole
11 litigation, where a Court Reporter was taking notes during ex parte proceeding.

12 Judge Connor herself was not necessarily committed to either position on the
13 outcome of the litigatio, she wanted the situation to be murky, with plausible deniability
14 in any future review, so that it appears as if it was all the result of some clerical errors
15 and possibly some minor negligence, with no clear smoking gun of fraud in litigation.

16 The only goal that Judge Connor was trying to achieve was to get this messy
17 litigation done and over as soon as possible, while taking care of Countrywide’s interests
18 – have them stay out of the litigation (at least the impression of that), have their
19 documents never reviewed formally, burry any claims by Plaintiff Zernik of fraud by
20 Countrywide.

21 Plaintiff’s counsel appeared on Aug 21, 2007, but Plaintiff himself was not
22 present in the hearing, which was an unusual but unanticipated opportunity for Judge
23 Connor. It was Plaintiff’s Counsel whoh evntually pointed out to Plaintiff that the Aug
24 21, 2007 Reporter’s Transcirpt was adulterated, that major passages were deleted, and
25 that Judge Connor engaged in Attorney Client interference in that hearing. Among
26 other things, according to Att Hoffman, she stated that Plaintiff was a “*Pest*” and that
27 she “*treated him accordingly*”. Zernik quoted that in his Aug 30, 2007 Brief (See
28 **EXHIBITS VOLUME IV**), and that is most likely what Judge Connor is referring to in the

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3 Aug 30, 2007 Transcript (See instant **Exhibits Volume III**), when at the opening, after
4 reading the briefs, she make a comment about *Zernik dishing it in her face*. But she
5 did not deny it.

6 Att Hoffman himself appeared shaken by the events that he witnessed in Samaan
7 v Zernik on Aug 21, 2007, and Plaintiff, who met him shortly after that proceeding
8 ended, noticed the change in his conduct, and in trying to debrief him on what took
9 place, realized that it was a significant event.

10
11 3. **Concerns Regarding Transcripts of Other Proceedings: Oct 10, Oct**
12 **11, 2007 Proceedings before Judge Segal, and initial Sept**
13 **2007 Proceeding before Judge Goodman.**

14 Like other events in Samaan v Zernik, Plaintiff was not suspicious at all to start
15 out, and never thought that the Court Reporters would adulterated transcripts. But once
16 the events of Aug 21, 2007 sank in, Plaintiff started producing his own verified
17 statements after certain hearings, so that he may compare them to transcripts that may
18 arrive at a much later time. Such verified statements ended up showing problems with
19 certain other proceedings, such as the Oct 10, Oct 11, 2007 hearing, and the first two
20 hearings before Judge Goodman September 2007. Eventually, any transcript coming
21 from a Court Reporter that was found to produce report different from the records
22 otherwise available was noted as “objectionable”, and Plaintiff demanded to compare such
23 finalized transcripts against “raw notes”. The Court continues to deny access to such
24 “raw notes” which are litigation records and therefore public records.

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26 4. **Referee O’Brien and ADR continues ot refuse to provide any report**
27 **of the “Hearing” of Sept 10, 2007.**

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3 As a person claiming to be a Neutral, Retired Judge O'Brien is required to provide
4 reports of his proceedings. But in fact, eventually O'Brien himself consented that he had
5 no valid appointment as an Escrow Referee in Samaan v Zernik, and sought an order to
6 that effect from Judge Goodman, who denied his request. (Sept 20, 2007).

7 And yet, O'Brien and ADR insisted, in disregard of Zernik's protests, on
8 convening a "Hearing" on Sept 10, 2007, in which Counsel for Samaan Keshavarzi, and
9 Samaan's husband (Lloyd) were stated by Keshavarzi to be the participants. According to
10 Keshavarzi's statements on the record in the Oct 11, 2007 Transcript, O'Brien and
11 Keshavarzi conspired in that "Hearing" to deceive Plaintiff Zernik regarding the Aug 9,
12 2007 Judgment by Court.

13 Plaintiff made numerous requests to O'Brien and ADR to produce a report of the
14 "Hearing" of Sept 10, 2007, but O'Brien continues to refuse to provide such a report.

15
16 **5. The Court refuses to provide Dec 7, 2007 Transcript of Ex Parte**
17 **Hearing in Judge Collins Courtroom.**

18 Judge Collins, acting Supervising Judge, held an Ex Parte Proceeding on Dec 7,
19 2007, after the disqualification of Judge Hart-Cole earlier that morning in Beverly Hills
20 Court by Plaintiff Zernik (see **Dec 7, 2007 Transcript** in instant **EXHIBITS VOLUME III-**
21 **TRANSCRIPTS**).

22 That proceeding before Judge Collins was one of the highlights of abuse of
23 Plaintiff's civil rights pursuant to the United States Constitution, it represented extreme
24 abuse on all fronts: Free Speech, Due Process, and Possession.

25 The most plausible explanation for the continued refusal of the LS Superior Court
26 to provide the transcript of that proceeding is that the LA Superior Court realized that
27 much itself.
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2 For description of events on that day, see Plaintiff **Zernik's Verified Statement**
3 **on Dec 7, 2007 Ex Parte Proceedings**, in **EXHIBITS VOLUME IV – PROCEEDINGS &**
4 **MISC.**

5
6 6. **Conclusion**

7 In sum, review of Litigation records regarding Transcripts shows the same picture
8 seen with Minute Orders – critical records are adulterated or corrupted, but the LA
9 Superior Court refuses to address such issues, and expects Plaintiff to use such corrupt
10 records in his appeal. With that, the LA Superior Court deliberately undermines any
11 further review by State Courts.

12 Respectfully submitted,

13 Dated: May 9, 2008



14 **JOSEPH ZERNIK**
15 **PLAINTIFF**
16 *in pro per*

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**VERIFICATION OF REQUEST FOR JUDICIAL NOTICE-
EXHIBITS VOLUME III – TRANSCRIPTS
WITH INTRODUCTION AND INTRODUCTORY EXHIBITS
*SAMAAN V ZERNIK (SC087400)***

I have written and read the foregoing **REQUEST FOR JUDICIAL NOTICE** including the **INTRODUCTION**, and I compiled the documents in **EXHIBITS VOLUME III – TRANSCRIPTS IN *SAMAAN V ZERNIK (SC087400)***. I know the content thereof to be true and correct based on my own personal knowledge as Defendant & Cross Complainant in *Samaan v Zernik*, except as to those matters therein stated as based upon information and belief, and as to those matters, I believe them to be true and correct as well.

I make this declaration that the foregoing is true and correct under penalty of perjury pursuant to the laws of California and the United States.

Executed here in Los Angeles, County of Los Angeles, on this 9th day in May, 2008.



JOSEPH ZERNIK
PLAINTIFF
in pro per

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