

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: ARTHUR LOPEZ FIRM NAME: STREET ADDRESS: PO BOX 13081; NEWPORT BEACH, CA CITY: STATE: ZIP CODE: TELEPHONE NO.: 949.278.7793 FAX NO.: 92658 E-MAIL ADDRESS: ARTHURLOPEZ10112011@ICLOUD.COM ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPREME COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 350 Mcallister SAN FRANCISCO MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA BRANCH NAME:	CASE NUMBER: 5288184
PLAINTIFF/PETITIONER: Arthur Lopez DEFENDANT/RESPONDENT: OC FIRE AUTHORITY, et al	JUDICIAL OFFICER:
PROOF OF ELECTRONIC SERVICE	DEPARTMENT:

1. I am at least 18 years old.

a. My residence or business address is (specify):

PO Box 13081 Newport Beach, CA 92658

b. My electronic service address is (specify):

arthurlopez10112011@icloud.com

2. I electronically served the following documents (exact titles):

POS Petition For Review

The documents served are listed in an attachment. (Form POS-050(D)/EFS-050(D) may be used for this purpose.)

3. I electronically served the documents listed in 2 as follows:

a. Name of person served: **OC FIRE Authority, et al**

On behalf of (name or names of parties represented, if person served is an attorney):

OC Fire Authority, et al

b. Electronic service address of person served:

CAPA@OCFA.org

c. On (date):

December 7th, 2024

The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment. (Form POS-050(P)/EFS-050(P) may be used for this purpose.)

Date: **December 7th, 2024**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

ARTHUR LOPEZ
(TYPE OR PRINT NAME OF DECLARANT)

Arthur Lopez
(SIGNATURE OF DECLARANT)

SHORT TITLE:	CASE NUMBER:
--------------	--------------

ATTACHMENT TO PROOF OF ELECTRONIC SERVICE (PERSONS SERVED)

(This attachment is for use with form POS-050/EFS-050.)

NAMES, ADDRESSES, AND OTHER APPLICABLE INFORMATION ABOUT PERSONS SERVED:

Name of Person Served <small>(If the person served is an attorney, the party or parties represented should also be stated.)</small>	Electronic Service Address	Date of Electronic Service
		Date: _____
Superior Court	apalumbro@occourts.org	Date: 12/7/2024
Superior Court	RBrandes@occourts.org	Date: 12/7/2024
Court of Appeal	HDCAT3CONTACTUS@jud.ca.gov	Date: 12/7/2024
Court of Appeal	Dana.Johnson@jud.ca.gov	Date: 12/7/24
County of Imperial	etal response@ocgov.com	Date: 12/7/24
County of Orange, etal	leon.page@COCO.OCgov.com	Date: 12/7/24
Superior Court	JMCCOY@OCcourts.org	Date: 12/7/24
		Date: _____
		Date: _____
		Date: _____
		Date: _____

Document received by the CA Supreme Court

In The Supreme Court of the State
of California

Arthur Lopez, Petitioner COA: 6064899 / 6064900

v.
Superior Court of California,
County of Orange, Respondent,

Trial Case No.
30-2024-01437412

(County of Orange, Orange County Fire Authority, et al,
Real Party In Interest)

Petition For Review

Following Denial of Pre-Filing Order on November 5th, 2024
and Notice of Denial Mailed 11/6/2024 - Superior Court, Co. of Orange
Judge Cheri Pham, Assist Presiding Judge, Dept 6

Arthur Lopez
P.O. Box 13081
Newport Beach, CA 92658
949.278.7793
ARTHUR LOPEZ, Self Represented

Document received by the CA Supreme Court.

Table of Contents

Cover	1
Table of Contents	2
Table of Authorities	3-10
Petition For Review	11-45
Relief Sought	
Conclusion	47
Exhibits / Appendix Y-Z	50-59
Verification	48
Certificate of Compliance	49
Proof of Service	

Table of Authorities

United States Supreme Court

* 18) Slack v. McDaniel, 529 U.S. 473
(April 26, 2000)

The Supreme Court holding:

"The Court Reversed the decision because Petitioner's subsequent federal habeas petition was not a second or successive petition since the initial petition was dismissed without an adjudication on the merits..."

19) Flores v. Georganos, 191 Cal. App. 4th, 881

1/10/11

The Court concluded that the trial Court erred in dismissing the action, pursuant to § 391.7, subd. (a), on the ground Plaintiff failed to obtain prior approval of the litigation.

Table of Authorities

United States Constitution Civil Rights (Deprived)
1st, 4th, 6th, 14th Amendments Included.

1.) California DUL Lawyers Association

v.

California Department of Motor Vehicles,

77 Cal. App. 5th 517 (2022)

2.) Brown v. Valverde, 183 Cal. App. 4th 1531
(2010)

3.) Petrus v. Dept. of Motor Vehicles, 194 Cal. App. 4th 1240, 44

California Administrative Procedure Act, Gov Code
§ 11340.1
California Vehicle Code § 13353.2

Table of Authorities
Memorandum of Points and Authorities
In Support

Doctrines

* 1.) Richards v. CH2M Hill, Inc.,
26 Cal. 4th 798

... "Failure to reasonably accommodate disabled employee was subject to "Continuing Violation"...
"for purposes of the Statute of Limitations..."
Reversed and Remanded.

... An employer's persistent failure to reasonably accommodate a disability, or to eliminate a hostile work environment targeting a disabled employee, is a continuing violation for purposes of the statute of limitations..."

Table of Authorities

Tolling Doctrines

2) *Fay Brome vs. California Highway Patrol*,
44 Cal. App. 5th 786, Court of Appeals, First
District, Division Five (January 28th, 2020)

"whereby the CA Highway Patrol knowingly permitted the intolerable conditions of harassment and discrimination against a patrol officer, ("Brome"), because of his sexual orientation was in violation of the Fair Employment and Housing Act and that he was constructively discharged..."

Therefore, 1.) Triable Issue of Fact precluded Summary Judgment on Application of equitable Tolling Doctrine;

2.) Triable Issue of Fact precluded Summary judgment on Application of "Continuing Violations" Doctrine; and

3.) Triable Issue of Fact precluded Summary Judgment on Constructive Discharge (can.

* Reversed and Remanded.

Entppment

TABLE OF AUTHORITIES CITED

Entppment CASES: * United States Supreme Court / U.S. (out of Appeals) (PAGE NUMBER)

- 1) Mathews v. United States, 485 U.S. 58, 63 (1988)
- 2) Jacobsen v. United States, 503 U.S. 540, 548 (1992)
- 3) Sherman v. United States, 356 U.S. 369 (1958)
- 4) Smells v. United States, 287 U.S. 435 (1932)
- 5) United States v. Howell, 37 F.3d 1197B, 1204 (7th Cir. 1994)
- 6) United States v. Banta, 776 F.3d 931 (7th Cir. 2015)
- 7) United States v. Mayfield, 771 F.3d 417 (7th Cir. 2014)
- 8) United States v. Kapstein, 759 F.3d 168 (2d Cir. 2014)
- 9) United States v. McGill, 754 F.3d 452 (7th Cir. 2014)
- 10) STATUTES AND RULES Block, 750 F.3d 1053 (9th Cir. 2014)
- 11) United States v. Cortes, 757 F.3d 850 (9th Cir. 2013)
- 12) United States v. Pillado, 656 F.3d 754 (7th Cir. 2011)
- 13) United States v. Theogene, 565 F.3d 911 (5th Cir. 2009)
- 14) United States v. Luisi, 482 F.3d 43 (1st Cir. 2007)
- 15) United States v. Sandoval-Mendoza, 472 F.3d 645 (9th Cir. 2006)
- 16) Bradley v. Duncan, 315 F.3d 1091 (9th Cir. 2002)
- 17) United States v. Mendoza-Prado, 314 F.3d 1099 (9th Cir. 2002)
- 18) United States v. Thomas, 134 F.3d 975 (9th Cir. 1998)
- 19) United States v. Duran, 133 F.3d 1324 (10th Cir. 1998)
- 20) OTHER United States v. Aligh, 142 F.3d 761 (4th Cir. 1998)
- 21) United States v. Burt, 143 F.3d 1215 (9th Cir. 1998)
- 22) United States v. Joast, 92 F.3d 7 (1st Cir. 1996)
- 23) United States v. Montanez, 105 F.3d 36 (1st Cir. 1997)
- 24) United States v. Gamache, 156 F.3d 1 (1st Cir. 1998)

TABLE OF AUTHORITIES CITED (Cont.)

United States Supreme Court / U.S. Court of Appeals
 CASES: PAGE NUMBER

- 25) United States v. Rodriguez, 858 F.2d 809 (1st Cir. 1988)
- 26) United States v. Bradley, 820 F.2d 3 (1st Cir. 1987)
- 27) United States v. Khurani, 791 F.2d 260 (2nd Cir. 1986)
- 28) United States v. Berkery, 889 F.2d 1281 (3rd Cir. 1989)
- 29) United States v. Fedraff, 874 F.2d 178 (3rd Cir. 1989)
- 30) United States v. Pervez, 871 F.2d 310 (3rd Cir. 1989)
- 31) United States v. Bradfield, 113 F.3d 515 (5th Cir. 1997)
- 32) United States v. Sandoval, 20 F.3d 134 (5th Cir. 1994)
- 33) United States v. Kang, 934 F.2d 621 (5th Cir. 1991)
- 34) STATUTES AND RULES Cantu, 876 F.2d 1134 (5th Cir. 1989)
- 35) United States v. Robinson, 887 F.2d 651 (6th Cir. 1989)
- 36) United States v. Graham, 856 F.2d 756 (6th Cir. 1988)
- 37) United States v. Hollingsworth, 27 F.3d 1196 (7th Cir. 1994),
en banc
- 38) United States v. Jusko, 869 F.2d 1048 (7th Cir. 1989)
9 F.3d 593 (7th Cir. 1993)
- 39) United States v. Martinez, 122 F.3d 1161 (9th Cir. 1997)
- 40) United States v. Ramirez-Rangel, 103 F.3d 1501 (9th Cir. 1996)
- 41) United States v. Beece, 60 F.3d 660 (9th Cir. 1995)
- 42) United States v. Steiner, 23 F.3d 250 (9th Cir. 1994)
- 43) United States v. Leonard, 17 F.3d 303 (9th Cir. 1994)
- 44) OTHER
 States v. Mkhsian, 5 F.3d 1306 (9th Cir. 1993)
- 45) United States v. Keese, 992 F.2d 1001 (9th Cir. 1993)
- 46) United States v. Becerra, 992 F.2d 960 (9th Cir. 1993)
- 47) United States v. Skarie, 971 F.2d 317 (9th Cir. 1992)
- 48) United States v. Tallmadge, 829 F.2d 767 (9th Cir. 1987)
- 49) United States v. Beal, 961 F.2d 1512 (10th Cir. 1992)

Table of Authorities

14) Addison v. State of California, 21 Cal. 3d 313 (1978)
Supreme Court of California

15) McDonald v. Antelope Valley Community College,
45 Cal 4th 88 (October 27th, 2008)

16) James v. City of Inland, 924 F. 3d 1093
(May 15, 2019) U.S. Court of Appeals, 10th Cir.

17) Daviton v. Columbia HCA Healthcare Corp.
241 F. 3d 1131, U.S. Court of Appeals, Ninth Cir.

→ ADA - Table of Authorities

18) Young v. UPS, 575 U.S. 206 (2015)
United States Supreme Court

19) U.S. Airways v. Barnett, 535 U.S. 391 (April 29th, 2002)
United States Supreme Court

Leave To Amend Complaint:

20) Aubrey v. Tri City Hospital District,
2 Cal 4th 962

21) Berg & Berg Enterprises, LLC v. Boyle,
178 Cal. App. 4th, 1020 (Oct. 29, 2009)

22) Carreau & Co v. Security Pacific Business Credit, Inc,
222 Cal App 3d 1371 (8/17/11)

Constitutional and Statutory Provisions

United States Constitution Civil Rights

14th, 7th, 1st, 8th Amendments included

- Tolling Doctrines:

* Continuing Violations Doctrine

* 2nd / Alternative Claims Doctrine

- Americans with Disabilities Act of 1990
Including Title 42 U.S.C §§ 12101-12213,
12102(3)(A) Part A Section 504 § 35.130(a)(b)(1),
12131 - 12133 also known as § 35.17B, § 35.149
TITLE 28 II

California Code of Civil Procedure; CCP § 430.41

California Rules of Court : CRC § 3.1332

CRC § 2.135

CRC § 2.118

* Petition For Review Error(s) By The Lower Court - Relief Sought

- 1.) The Trial Court Abused Their Discretion and Erred In Denying Pre-Filing Order on 11/5/2024 By Assist Presiding Judge Chen Pham whose spouse and her home was Raided By FBI just one month Earlier Related To a Criminal Investigation For The Misappropriation of \$10,000,000.00 of Federal Covid Funds - See Press Release By U.S Attorney's Office for the Central District Appendix Z. This presents a grave Conflict of Interest given Plaintiff is in litigation against the County of Orange who her spouse held a "supervisor for the County" position @ the time of her home being raided by the F.B.I. Moreover, the Superior Court, Co. of Orange is also a defendant in the ongoing Civil Case. As such her order denying pre-filing order should be vacated.

2) The Trial Court also Abused Their Authority by refusing To provide electronic Notice of Ruling despite Plaintiff's repeated requests to Michael from Dept 6 Clerk of the court for electronic notification since Plaintiff remains self represented and disabled. Please take judicial Notice the Certificate of Service reflects 11/6/24 Mailing, Appendix Y.

Furthermore, the Trial court also provided interference / conflict with other pre-existing deadlines to the Supreme Court of the United States (11/15/2024) on matters related to Superior Court Employees - Court Clerks, CA DMV, NBPD, Tustin PD and the Cathedral of Los Angeles Knowing of Plaintiff's self represented - Disabled Status and deadlines for this case in Appellate Court processes. As such Serial Order should be Vacated.

3.) The Trial Court Erred In Depriving Plaintiff Leave To Amend Complaint, ^{Abused Its Discretion}
See Foman v. Davis, 371 U.S. 178 (1962)
"Leave To Amend Should Be Freely Given..."
and also see Haines v. Kerner, 404 US 519 (1972)
Holding: "Complaints Prepared By Prose Litigants
Should Be Held To a Less Stringent Standard
Than Those Prepared By Attorneys..."
As such Denial / Dismissal order of 11/5/2002
should be vacated by writ issuance.

4.) The Trial Court Erred / Abused Their Discretion
In Failing To accept facts contained in
Complaint and Application for Pre Filing
Order as True and sufficient To state
a claim upon which relief could be
granted By Court / Trial under 7 causes
of action. As such Denial Order
should be vacated and Complaint Filed
for litigation + jury Trial.

5.) Trial Court - Superior Court of CA, County of Orange is notoriously bias against Plaintiff and moreover is also a defendant in a Civil Action with County of Orange as a codefendant (30-2022-01287806-CU-PO-CJC)

Given these facts are widely known by the Executive Office of the Superior Court - Judge Chen Pham Abused Her Discretion and Erred in failing to Transfer Case In Its Entirety To a Neutral County as Plaintiff Requested Formally in the Complaint on the Signature Page (Marked #35), Plaintiff suggested Ventura County as Los Angeles County has also been hostile and problematic and San Diego Co continues to struggle with Extension of Time Requests in the present active case, All California Code of Civil Procedure, CCP § 394(a) which mandates Transfer to County other than where "City" is situated when it is a defendant. As such, Denial order of 11/5/24 should be Vacated.

In addition, the Court's Denial Order of 11/5/24 ^{Should be} vacated
6.) ^{Because} Trial Court - Judge Cheri Pham also
abused her discretion and erred in failing
to recognize defendants liability for depriving
Plaintiff of Civil Rights, under Color of Law
as mandated as actionable under 42 USC 1983/1981
and by precedent set by the United States
Supreme Court in "City of Canton, Ohio v. Harris,
(1989) 489 U.S. 378, the Court held a Municipality
is liable for failure to provide adequate
training to an employee (ie police officer) that
resulted in a deprivation of Constitutional
Rights" - Justice Byron R. White wrote the
opinion. In this case the Orange Police
officers barred Plaintiff from 14th amendment
Rights To Equal Protection Under Law as well
as Due Process and also then attempted to
prevent medical care @ a second location
(CHOC) after preventing Medical Care @ St. Joseph E.R.

Statement of Facts

1 Plaintiff Arthur Lopez brings this (Civil Unlimited
2 action for damages against defendants
3 Orange County Fire Authority, Brian Fennessy,
4 Gutierrez, County of Orange, Brian Kim,
5 Does 1-100, inclusive (defendants) and each
6 of them. Defendant Orange County Fire
7 Authority headquarters/offices are located at
8 1 Fire Authority Road, Irvine, CA 92602
9 (714.573.6000). Defendant Gutierrez office is located
10 @ 1354 W. Maple Ave; Orange, CA 92868 and
11 Defendant Brian Fennessy office is also located
12 @ 1 Fire Authority Road; Irvine, CA 92602.
13 In addition defendant County of Orange and
14 Brian Kim are located @ 400 West Civic
15 Center Drive; 6th Floor; Santa Ana, CA 92702-0607,
16 (755.886.5400). As such these defendants are
17 located in the County of Orange, CA.
18
19
20
21
22
23
24
25
26
27
28

TITLE OF DOCUMENT: _____ CASE NO.: _____

PAGE NO. ___ OF ___ [JDC TEMPLATE]

15

Document received by the CA Supreme Court.

* 7 Causes of Action

- 1.) Violations under The California Tort Claims Act, Govt. Code §§ 810-996.6
- 2.) Deprivation of Civil Rights under the United States Constitution, Title 42 U.S.C. §§ 1983/1985
- 3.) Infliction of Emotional Distress
Civ. Code § 1708.7, § 1714
- 4.) Fraud
a. Civ. Code § 1572, § 3294
a. Civ. Code § 3333
- 5.) Negligence, a. Civ. Code § 1714
- 6.) Violations under the Americans with Disabilities Act of 1990, Title 42 U.S.C. §§ 12101-12213
- 7.) Violations under The Unruh Act, Section 51 et seq.

Jurisdiction and Venue

As such, jurisdiction over this matter (pursuant to California Code of Civil Procedure, CCP § 395) lies with this court. Moreover, the events which produced the causes of action and harm to Plaintiff occurred in large part in the County of Orange, State of California. Additionally, venue is proper (at this time for filing) in the County of Orange because a substantial part of the events, acts, omissions, and/or transactions complained herein occurred in and/or originated from County of Orange, State of California. The amount demanded in relief for damages exceeds \$25,000.- and exceeds the jurisdiction minimum of this court.

Parties

1) Plaintiff - Arthur Lopez
P.O. Box 13081; Newport Beach
California 92658

2) Defendants: - County of Orange
400 W. Santa Ana Blvd
Santa Ana, Ca 92701
855.886.5400

3) Frank Kim
400 W. Santa Ana Blvd.
Santa Ana, Ca 92701
855.886.5400

Parties

1
2 4.) Orange County Fire Authority
3 Fire Authority Road
4 Irvine, California 92602
5 714.573.6000

6
7 5.) Brian Fennessy (Fire Chief)
8 Fire Authority Road
9 Irvine, CA 92602
10 714.573.6000

11
12 6.) Gutierrez (Fire/Paramedic)
13 1354 W. Maple Ave; Orange, CA 92868
14 No # Listed - Main # 714.573.6000

15
16
17
18
19
20
21
22
23
24
25
26
27
28
TITLE OF DOCUMENT: _____ CASE NO.: _____

PAGE NO. ____ OF ____ [JDC TEMPLATE]

18

Statement of The Case

1
2
3 On October 7th, 2023 Plaintiff Arthur
4 Lopez while parked @ 333 East 17th St;
5 Costa Mesa, Ca 92626 in front of "The Washin'gton",
6 owned by Daniel L. Chavez, was hit
7 from behind by a Black 2007 Nissan
8 Maxima, Lic. Plate # 8EKH965 Driven By
9 U.S. Military associate James John Stanfield.
10 Following this incident Plaintiff attempted to
11 gather the driver's License and Vehicle Information
12 from his registration, but instead a passenger
13 from the rear passenger seat of the Maxima
14 proceeded to physically assault Plaintiff by
15 striking Plaintiff's Right Arm/Hand in an
16 attempt to prevent Plaintiff from taking
17 pictures or video of the rear of their car
18 and/or license plate. This full force strike
19 dislodged Plaintiff's phone from his right
20 hand causing extensive damage to the
21 phone and injury to Plaintiff's Right Arm
22 and hand. Moreover, the assailants jumped
23 back into their vehicle and fled the scene
24 while Plaintiff retrieved his phone several
25 feet away and proceeded to file Police Reports
26 for both the hit + run and the assault and
27 Battery. The responding officers provided two
28 Police Report #'s 23-014764 and 23-014765.

TITLE OF DOCUMENT: _____ CASE NO.: _____

PAGE NO. ____ OF ____ [JDC TEMPLATE]

19

1 No Arrest has been made by Costal Mesa Police
2 nor Yucaipa Police who was advised by
3 Plaintiff of Incident as the Registered Owner's
4 address is in Yucaipa.

5
6 Following, the two Police officers completing
7 their onsite questioning of Plaintiff directly
8 in front of the laundromat towards the rear
9 of this car and Plaintiff finishing his tasks
10 at the laundromat he drove to St Joseph
11 Hospital, E.R. located @ 1100 W. Howard Dr;
12 Orange, CA 92868 (714.771.8000) to be examined
13 and evaluated due to the elevated soreness/
14 pain to his neck and back and Right Arm/Right
15 Hand. Upon arriving @ the E.R. Plaintiff
16 checked in - provided his I.D./DL and told
17 staff he'd wait outside the front door where his
18 car parked in the first stall and as such would be
19 able to lay flat in his passenger seat. However
20 after a long wait he asked a security guard
21 who had walked in front of his car if there
22 was any indication how much longer it
23 would be to see a doctor. Plaintiff learned
24 soon after he had been omitted from the
25 waiting list because he had been waiting in his car
26 outside, but the E.R lobby had no beds or
27 benches where Plaintiff could lay horizontal and he advised
28 Hence, he phoned Paramedics to respond to the hospital
staff of such.

Document received by the CA Supreme Court.

TITLE OF DOCUMENT: _____ CASE NO.: _____

PAGE NO. ___ OF ___ [JDC TEMPLATE]

20

Surprisingly

1 scene to provide Medical services and to
 2 admit Plaintiff to the Hospital ER However,
 3 When the Fire Paramedic Responders arrived they
 4 claimed to not know where to find the
 5 main entry to the E.R. - 1100 W. Stewart Dr., Orange.
 6 This was shocking since the E.R. is visible from
 7 the Main Street in front which is La Vista.
 8 Eventually, Dispatcher directed the responders
 9 to the Main Entry walkway where Plaintiff
 10 and his vehicle were stationary. Unfortunately,
 11 despite Plaintiff making everyone involved
 12 aware of the incidents in Costa Mesa that
 13 preceded the Hospital visit, the Fire Paramedic
 14 Captain persisted with his barrage of hostility,
 15 badgering and even uttered demands to Plaintiff
 16 to "Shut Up" and it did not stop there
 17 he and his crew refused to provide medical
 18 services outside the ER and moreover denied
 19 transport to the E.R. admissions gateways
 20 Instead, he opted to walk in the same
 21 door Plaintiff had been refused to be called
 22 for check in before. Captain Gutierrez also
 23 refused to summon a supervisor or a
 24 replacement paramedic to provide the needed
 25 medical care. He was abusive, defiant,
 26 belligerent and was fixated on exhibiting
 27 some type of prowess in front of his crew
 28 like some type of fighter/boxer rather than

Document received by the CA Supreme Court

TITLE OF DOCUMENT: _____ CASE NO.: _____

PAGE NO. ____ OF ____ [JDC TEMPLATE]

1 a medical care provider. It was made abundantly
2 clear Captain Gutierrez did not want to provide
3 a record of treatment and given the hospital
4 staff had also been abusive-hostile he
5 was attempting to cover that up and instead
6 attempt to compel Plaintiff to submit
7 to further abuse. Plaintiff made further
8 attempts to reason with dispatcher but
9 having no resolve walked himself across
10 the street and was promptly admitted
11 without abuse, hostility or drama by
12 the staff @ CHOC hospital ER -
13 1201 W. LaVeta Ave; Orange, CA 92868.
14 (714) 509.9095.

15 The Hostile Actions by the County of Orange
16 Fire Authority - Fire/Paramedic Responders this
17 day fell way short of providing the medical
18 service they are established to provide
19 the community, they discriminated against
20 Plaintiff for his Catholic Christian Religious
21 Beliefs, Male Gender, Disabilities, Mexican
22 Latin - Hispanic Heritage causing Emotional
23 Distress, Sleep Deprivation, Exasperation of
24 Plaintiff's Injuries and furthermore these actions
25 were malicious, fraudulent and negligent
26 In fact, a Thyroid Nodule was discovered
27 a few months later in January of 2024
28 through an MRI and Ultra Sound,

TITLE OF DOCUMENT: _____ CASE NO.: _____

1 which should have been the course of action
2 by the St. Joseph Hospital E.R. had Plaintiff
3 been properly admitted and given their direct
4 access to Plaintiff's vast medical history
5 going back to 2015 as St. Joseph Medical
6 Clinic in Santa Ana has been providing care for
7 Plaintiff's permanent spine injuries for this entire
8 period. It is also noteworthy that Plaintiff
9 later learned former Diocese of Orange Bishop
10 Tod Brown was a patient @ St. Joseph during
11 this time and perished @ this same hospital
12 on October 15th, 2023. In addition, Plaintiff
13 also recently discovered the laundromat
14 where Plaintiff was assaulted before
15 arriving @ St. Joseph Hospital, is owned by
16 a sole proprietor named Daniel L. Chavez
17 and neighboring City of Newport Beach. I
18 concurrently also employ through their Police
19 Department, a Detective, also named
20 Daniel L. Chavez (#1582 Badg) (although neither
21 N.B. Police nor C.M. Police will provide spelling
22 of the middle names).
23 Furthermore, defendants were apprised of the incidents
24 preceding the Plaintiff's hospital visit and Plaintiff's
25 pre-existing spine injuries (which were cause for previous
26 paralysis from the neck down). Despite all
27 of this background information Paramedic-Fireman
28 Captain Gutierrez chose to continue his badgering

Document received by the CA Supreme Court.

TITLE OF DOCUMENT: _____ CASE NO.: _____

1 of Plaintiff so as to cover up the ER's
2 negligent conduct in also failing to
3 provide medical services through the abusive
4 intake staff (Wesley) since direct contact
5 was made by Paramedic/Fire Personnel with
6 Hospital ER staff ahead of arrival.
7 Unfortunately, this is not the first time
8 the Fire Authority has intentionally
9 sought to fudge the record so to speak.
10 Incident reports from events of Dec. 22nd, 2015/10/22/20
11 in addition to the events of October 7, 2023
12 were also manipulated to present facts as
13 obscure - such as Plaintiff's Paralysis after
14 falling @ the U.S. District Courthouse on
15 12/22/2015 and also omitting other facts from
16 the report such as the tending paramedics.
17 Moreover, Fire Truck sirens are also
18 triggered intermittently on certain occasions
19 in Newport Beach and elsewhere without
20 an emergency call being tended to but in
21 proximity of Plaintiff's location (such as in
22 vicinity of Our Lady Queen of Angels Catholic Church
23 where Plaintiff would worship multiple times
24 a day and evening). Plaintiff's Catholic Christian
25 Religion is widely known among first responders (Fire/Police)
26 in Newport Beach @ the very least, but more
27 likely beyond Newport Beach. These hostilities
28 were and are cause for torment and Emotional Distress.

Document received by the CA Supreme Court.

TITLE OF DOCUMENT: _____ CASE NO.: _____

PAGE NO. ___ OF ___ [JDC TEMPLATE]

71

1 In addition, Defendant County of Orange
2 through its association - partnership with
3 the Orange County Fire Authority has
4 colluded its joint powers to harm
5 Plaintiff physically through obstruction,
6 harassment, psychological warfare
7 schemes and collusion. The County of Orange
8 and the O.C. Fire Authority maintain joint
9 projects and as such use these leverages
10 to target Plaintiff to cause sleep
11 deprivation, intimidation, distress regularly
12 impeding the processes related to ongoing
13 Civil Litigation (including separate cases
14 where County of Orange is a defendant).
15 The events of October 19, 2023 are
16 a continuation of these acts of collusion,
17 fraud to inflict Emotional Distress
18 and again cause sleep deprivation
19 as Plaintiff was not released from
20 the hospital until circa 5 AM
21 due to the delays created by these
22 defendants. In fact, it is a standard operating
23 practice for County of Orange to utilize
24 any and all resources/associations to attack illegally
25 Plaintiff regularly - daily, such as was
26 discovered with its partnership with Medical
27 and Cal Optima whereby defendant County
28 of Orange also schemes to deprive Medical and

Document received by the CA Supreme Court.

TITLE OF DOCUMENT: _____

CASE NO.: _____

PAGE NO. ____ OF ____ [JDC TEMPLATE]

25

1 to plaintiff despite life threatening
2 spine injuries.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TITLE OF DOCUMENT: _____ CASE NO.: _____

PAGE NO. ____ OF ____ [JDC TEMPLATE]

Document received by the CA Supreme Court.

1
2 Damages: Defendants Negligence, Fraud,
3 Infliction of Emotional Distress,
4 Violations Under The California Tort Claims Act,
5 Americans with Disabilities Act, U.S. Constitution
6 Title 42 USC 1983/1985 and Allah Act-Section 51
7 have caused Plaintiff Enormous Harm
8 as these schemes are on going daily
9 causing torment, disturbing peace, due to
10 their harassment, stalking, abuse
11 and much more. In fact, St. Joseph Hospital
12 ER. continues to refuse service following
13 the events of 10/7/24 and the Fire Authority
14 continues to track Plaintiff's whereabouts
15 to harass. These unscrupulous operating
16 procedures are cause for much physical
17 harm - On January 24th, 2024 a
18 Thyroid Nodule was discovered by an
19 M.D. of The Cervical Spine at Hoag
20 Hospital in Irvine and a Biopsy performed
21 at Mission Hospital in Mission Viejo in
22 August of 2024.

23
24 Accordingly, Plaintiff seeks Monetary,
25 Compensatory Relief in the Amount of
26 \$3,333,333.33 net after taxes, and
27 Attorneys Fees if Applicable, along with
28 all just relief deemed appropriate by the Court.

TITLE OF DOCUMENT: _____

CASE NO.: _____

PAGE NO. ___ OF ___ [JDC TEMPLATE]

27

1 **First CAUSE OF ACTION**

2 **Violations Under The CA Tort Claims Act, Govt Codes**

3 Insert # of cause of action
4 **(As against Defendant(s): OC Fire Authority, Gutierrez, 810-9966**

5 **Brian Fennessy, County of Orange, Frank Kuhn)**

6
7 Insert #

8 Defendants have Habitually Targetted Plaintiff
9 Due To His Catholic Christian Religion, Male Gender,

10 Mexican Heritage Hispanic Latino Race, Disabilities Depriving
11 Medical Care - Medical Services in a conspired scheme
12 to cause physical harm, to torment, torture, inflict
13 Emotional Distress Under Color of Law while On Duty In
14 Uniform, on and off Fire Truck Including on 10/7/2023
15 in the City of Orange while Plaintiff remained outside

16 St Joseph Hospital E.R. after being involved in a hit and run car
17 accident and a Assault + Battery Incident in Costa Mesa
18 which was reported To Costa Mesa PD @ 333 E. 17th St, CA
19 in front of Laundromat owned by Daniel L. Chavez who
20 operated Security Camera directly in front of Scene. Despite

21 Insert #

22 Plaintiff's Pre Existing Spine Injuries and the events described
23 above defendants led by Captain Gutierrez refused to provide
24 Medical services or transport Plaintiff to E.R. Admission
25 and instead proceeded to badge, taunt and verbally attack Plaintiff

26 In addition, Defendant OC Fire Authority Harasses and Torments
27 Plaintiff in Other Cities using Fire Dept. Vehicles and Siren
28 w/o being on a service call. Moreover, Defendant County of Orange
regularly executes obstructions - delays - Interferences Including
depriving medical care through various departments/associates to
harm Plaintiff causing
Emotional Distress, Physical
Harm, Torment.

Document received by the CA Supreme Court.

First CAUSE INCLUDING:

- 1.) ONGOING OBSTRUCTIONS AND DELAYS BY DEFENDANTS INCLUDING "COUNTY OF ORANGE, OC SHERIFF, COUNTY OF RIVERSIDE, et al"
- 2.) OBSTRUCTIONS-DEPRIVATION OF MEDICAL CARE SERVICES BY DEFENDANTS INCLUDING COUNTY OF ORANGE, OC SHERIFF, COUNTY OF RIVERSIDE, et al
- 3.) OBSTRUCTIONS-DEPRIVATION OF MEDICAL CARE SERVICES BY DEFENDANTS' ASSOCIATES/DIVISIONS INCLUDING MEDICAL-HEALTHCARE OPTIONS-CAL OPTIMA-COMMUNITY CARE-PROVIDENCE,etc (COUNTY OF ORANGE, OC SHERIFF, COUNTY OF RIVERSIDE, et al):

Related To: PERMANENT INJURIES OF RIGHT ARM/HAND/THUMB, SPINE, SPINE COMPRESSION, LOWER/MID BACK, EDEMA, THYROID NODULE DISABILITIES, DR APPOINTMENTS, DEADLINE CONFLICTS, DAILY OBSTRUCTIONS/INTERFERENCE ETC. *To Impede* ADDITIONAL MEDICAL RECORDS *and*

Access to VARIOUS DOCTOR-SPINE SURGEON-PHYSICAL THERAPY-MRI-LAB/ONGOING APPOINTMENTS.

On October 7, 2023 Defendant
Refused to provide Medical services and to
admit Plaintiff to the Hospital ER However, Surprisingly
When the Fire Paramedic Responders arrived they
claimed to not know where to find the
main entry to the E.R. - 1100 W. Stewart Dr, Orange.
This was shocking since the E.R. is visible from
the Main Street in front which is La Vista.
Eventually, Dispatcher directed the responders
to the Main Entry walkway where Plaintiff
and his vehicle were stationary. Unfortunately,
despite Plaintiff making everyone involved
aware of the incidents in Costa Mesa that
preceded the hospital visit, the Fire Paramedic
Captain persisted with his barrage of hostility,
Badgering and even uttered demands to Plaintiff
to "Shut Up" and it did not stop there
he and his crew refused to provide medical
services outside the ER and moreover denied
transport to the E.R. admissions gateways
Instead, he opted to walk in the same
door Plaintiff had been refused to be called
for check in before. Captain Gutierrez also
refused to summon a supervisor or a
replacement paramedic to provide the needed
medical care. He was abusive, defiant,
belligerent and was fixated on exhibiting
some type of prowess in front of his crew
like some type of fighter/boxer rather than medical
care.

Document received by the CA Supreme Court.

TITLE OF DOCUMENT: _____

PAGE NO. ___ OF ___ [JDC TEMPLATE]

30

First Cause of Action: A Tort Claim Art Claims

CA Tort Code: §§ 810-816, 818.6, 830(a)(d)(e), 835, 835.2, 840, 840.2, 840.4

CA Code of Civil Procedure: CCP § 846(d)

- Intentional Tort

- Infliction of Emotional Distress: CA Tort, Govt. § 815.2, 815.3
31 CA Civ Code, Civ § 1714

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Second CAUSE OF ACTION
Deprivation of Civil Rights under The United States Constitution,
Title 42 U.S.C. 1983/1985
(As against Defendant(s): O.C. Fire Authority, Gutierrez, Brian Fennessy,
County of Orange, Frank Kim)

Under Color of Law defendants have
deprived Plaintiff of Equal Protection
and Due Process Under Law
while in Uniform in Department
vehicles - Fire Trucks and O.C. Passenger
vehicles due to his Catholic Christian
Religion, Mexican Heritage Latino Hispanic Race
and Male Gender, including on 10/7/23
when uniformed Captain Gutierrez berated
Patient Plaintiff - telling him to "Shut Up"
and refusing Medical Care - Medical Services
after Hit + Run Accident and Assault + Battery
Event. These deprivation of Civil Rights
occurred @ St Joseph Hospital Parking Lot
Moreover, Fire Dept. Dispatch refused to
provide replacement paramedic service to scene.

Document received by the CA Supreme Court.

On October 7, 2023 Defendant
Refused to provide Medical services and to
admit Plaintiff to the Hospital ER However, Surprisingly
When the Fire Paramedic Responders arrived they
claimed to not know where to find the
main entry to the E.R. - 1100 W. Stewart Dr, Orange.
This was shocking since the E.R. is visible from
the Main Street in front which is La Vista.
Eventually, Dispatcher directed the responders
to the Main Entry walkway where Plaintiff
and his vehicle were stationary. Unfortunately,
despite Plaintiff making everyone involved
aware of the incidents in Costa Mesa that
preceded the Hospital visit, the Fire Paramedic
Captain persisted with his barrage of hostility,
Badgering and even uttered demands to Plaintiff
to "Shut Up" and it did not stop there
he and his crew refused to provide medical
services outside the ER and moreover denied
transport to the E.R. admissions gateways
Instead, he opted to walk in the same
door Plaintiff had been refused to be called
for check in before. Captain Gutierrez also
refused to summon a supervisor or a
replacement paramedic to provide the needed
medical care. He was abusive, defiant,
belligerent and was fixated on exhibiting
some type of prowess in front of his crew
like some type of fighter/boxer rather than medical
care.

Document received by the CA Supreme Court.

TITLE OF DOCUMENT: _____

PAGE NO. ___ OF ___ [JDC TEMPLATE]

33

First

CAUSE INCLUDING:

- 1.) ONGOING OBSTRUCTIONS AND DELAYS BY DEFENDANTS INCLUDING "COUNTY OF ORANGE, OC SHERIFF, COUNTY OF RIVERSIDE, et al"
- 2.) OBSTRUCTIONS-DEPRIVATION OF MEDICAL CARE SERVICES BY DEFENDANTS INCLUDING COUNTY OF ORANGE, OC SHERIFF, COUNTY OF RIVERSIDE, et al
- 3.) OBSTRUCTIONS-DEPRIVATION OF MEDICAL CARE SERVICES BY DEFENDANTS' ASSOCIATES/DIVISIONS INCLUDING MEDICAL-HEALTHCARE OPTIONS-CAL OPTIMA-COMMUNITY CARE-PROVIDENCE,etc (COUNTY OF ORANGE, OC SHERIFF, COUNTY OF RIVERSIDE, et al):

Related To: PERMANENT INJURIES OF RIGHT ARM/HAND/THUMB, SPINE, SPINE COMPRESSION, LOWER/MID BACK, EDEMA, THYROID NODULE DISABILITIES, DR APPOINTMENTS, DEADLINE CONFLICTS, DAILY OBSTRUCTIONS/INTERFERENCE ETC. To Impede ADDITIONAL MEDICAL RECORDS and

Access to VARIOUS DOCTOR-SPINE SURGEON-PHYSICAL THERAPY-MRI-LAB/ONGOING APPOINTMENTS.

Third CAUSE OF ACTION.

Infliction of Emotional Distress

(As against Defendant(s): OC Fire Authority, Muterrez, Brian Fenney, County of Orange, Frank Kuhn)

Defendants have habitually targetted Plaintiff due to his Catholic Christian Religion, Male Gender, Mexican Heritage Hispanic Latino Race, Disabilities Depriving Medical Care - Medical Services in a conspired scheme to cause physical harm, to torment, torture, inflict emotional distress under color of law while on duty in uniform, on and off Fire Truck including on 10/7/2023 in the City of Orange while Plaintiff remained outside St Joseph Hospital E.R. after being involved in a hit and run accident and a Assault + Battery Incident in Costa Mesa which was reported to Costa Mesa PD @ 333 E. 17th St, CA in front of Laundromat owned by Daniel L. Chavez who operated Security Camera directly in front of scene. Despite Plaintiff's pre-existing spine injuries and the events described above defendants led by Captain Muterrez refused to provide medical services or transport Plaintiff to E.R. admission and instead proceeded to badge, taunt and verbally attack Plaintiff. In addition, Defendant OC Fire Authority Harasses and torments Plaintiff in other cities using Fire Dept. vehicles and siren w/o being on a service call. Moreover, Defendant County of Orange regularly executes obstructions - delays - Interferences including depriving medical care through various departments/associates to harm Plaintiff causing Emotional Distress, Physical Harm, Torment.

Document received by the CA Supreme Court.

On October 7, 2023 Defendant
Refused to provide Medical services and to
admit Plaintiff to the Hospital ER However, Surprisingly
When the Fire Paramedic Responders arrived they
claimed to not know where to find the
main entry to the E.R. - 1100 W. Stewart Dr, Orange.
This was shocking since the E.R. is visible from
the Main Street in front which is La Vista.
Eventually, Dispatcher directed the responders
to the Main Entry walkway where Plaintiff
and his vehicle were stationary. Unfortunately,
despite Plaintiff making everyone involved
aware of the incidents in Costa Mesa that
preceded the Hospital visit, the Fire Paramedic
Captain persisted with his barrage of hostility,
Badgering and even uttered demands to Plaintiff
to "Shut Up" and it did not stop there
he and his crew refused to provide medical
services outside the ER and moreover denied
transport to the E.R. admissions gateways
Instead, he opted to walk in the same
door Plaintiff had been refused to be called
for check in before. Captain Gutierrez also
refused to summon a supervisor or a
replacement paramedic to provide the needed
medical care. He was abusive, defiant,
belligerent and was fixated on exhibiting
some type of prowess in front of his crew
like some type of fighter/boxer rather than medical
care.

Document received by the CA Supreme Court.

TITLE OF DOCUMENT: _____

PAGE NO. ___ OF ___ [JDC TEMPLATE]

36

3.) Infliction of Emotional Distress Third - CAUSE INCLUDING:

1.) ONGOING OBSTRUCTIONS AND DELAYS BY DEFENDANTS INCLUDING "COUNTY OF ORANGE, OC SHERIFF, COUNTY OF RIVERSIDE, et al"

2.) OBSTRUCTIONS-DEPRIVATION OF MEDICAL CARE SERVICES BY DEFENDANTS INCLUDING COUNTY OF ORANGE, OC SHERIFF, COUNTY OF RIVERSIDE, et al

3.) OBSTRUCTIONS-DEPRIVATION OF MEDICAL CARE SERVICES BY DEFENDANTS' ASSOCIATES/DIVISIONS INCLUDING MEDICAL-HEALTHCARE OPTIONS-CAL OPTIMA-COMMUNITY CARE-PROVIDENCE, etc (COUNTY OF ORANGE, OC SHERIFF, COUNTY OF RIVERSIDE, et al):

Related To: PERMANENT INJURIES OF RIGHT ARM/HAND/THUMB, SPINE, !SPINE COMPRESSION, LOWER/MID BACK, EDEMA, THYROID NODULE DISABILITIES, DR APPOINTMENTS, DEADLINE CONFLICTS, DAILY OBSTRUCTIONS/INTERFERENCE ETC. To Impede ADDITIONAL MEDICAL RECORDS and

Access to VARIOUS DOCTOR-SPINE SURGEON-PHYSICAL THERAPY-MRI-LAB/ONGOING APPOINTMENTS.

First Cause of Action: A Tort Claim Art Claims

CA Tort Code: §§ 810-816, 818.6, 830(a)(d)(e), 835, 835.2, 840, 840.2, 840.4

CA Code of Civil Procedure: CCP § 846(d)

- Intentional Tort

- Infliction of Emotional Distress: CA Tort, Govt. § 815.2, 815.3
CA Civ Code, Civ § 1714

Third CAUSE OF ACTION.

Infliction of Emotional Distress

(As against Defendant(s): OC Fire Authority, Muterrez, Brian Fenney, County of Orange, Frank Kuhn)

Defendants have habitually targetted Plaintiff due to his Catholic Christian Religion, Male Gender, Mexican Heritage Hispanic Latino Race, Disabilities Depriving Medical Care - Medical Services in a conspired scheme to cause physical harm, to torment, torture, inflict Emotional Distress under Color of Law while on duty in uniform, on and off Fire Truck including on 10/7/2023 in the City of Orange while Plaintiff remained outside St Joseph Hospital E.R. after being involved in a hit and run accident and a Assault + Battery Incident in Costa Mesa which was reported to Costa Mesa PD @ 333 E. 17th St, CA in front of Laundromat owned by Daniel L. Chavez who operated Security Camera directly in front of scene. Despite Plaintiff's pre-existing spine injuries and the events described above defendants led by Captain Muterrez refused to provide medical services or transport Plaintiff to E.R. admission and instead proceeded to badge, taunt and verbally attack Plaintiff. In addition, Defendant OC Fire Authority Harasses and torments Plaintiff in other cities using Fire Dept. vehicles and siren w/o being on a service call. Moreover, Defendant County of Orange regularly executes obstructions - delays - Interferences including depriving medical care through various departments/associates to harm Plaintiff causing Emotional Distress, physical Harm, Torment.

Document received by the CA Supreme Court.

Third CAUSE OF ACTION.

Infliction of Emotional Distress

(As against Defendant(s): OC Fire Authority, Muterrez, Brian Fenney, County of Orange, Frank Kuhn)

Defendants have habitually targetted Plaintiff due to his Catholic Christian Religion, Male Gender, Mexican Heritage Hispanic Latino Race, Disabilities Depriving Medical Care - Medical Services in a conspired scheme to cause physical harm, to torment, torture, inflict emotional distress under color of law while on duty in uniform, on and off Fire Truck including on 10/7/2023 in the City of Orange while Plaintiff remained outside St Joseph Hospital E.R. after being involved in a hit and run accident and a Assault + Battery Incident in Costa Mesa which was reported to Costa Mesa PD @ 333 E. 17th St, CA in front of Laundromat owned by Daniel L. Chavez who operated Security Camera directly in front of scene. Despite Plaintiff's pre-existing spine injuries and the events described above defendants led by Captain Muterrez refused to provide medical services or transport Plaintiff to E.R. admission and instead proceeded to badge, taunt and verbally attack Plaintiff. In addition, Defendant OC Fire Authority Harasses and torments Plaintiff in other cities using Fire Dept. vehicles and siren w/o being on a service call. Moreover, Defendant County of Orange regularly executes obstructions - delays - Interferences including depriving medical care through various departments/associates to harm Plaintiff causing Emotional Distress, Physical Harm, Torment.

Document received by the CA Supreme Court.

Fourth
Friend

CAUSE OF ACTION

(As against Defendant(s))

OC Fire Authority, Muterrez,
Brian Ferrey, County of Orange, Frank Kuhn

Defendants have Habitually Targetted Plaintiff
Due To His Catholic Christian Religion, Male Gender,

Mexican Heritage Hispanic Latino Race, Disabilities Depriving
Medical Care - Medical Services in a conspired scheme
to cause physical harm, to torment, torture, inflict
Emotional Distress Under Color of Law while On Duty In
Uniform, on and off Fire Truck Including on 10/7/2023
in the City of Orange while Plaintiff remained outside

St Joseph Hospital E.R. after being involved in a hit and run car
accident and a Assault + Battery Incident in Costa Mesa
which was reported To Costa Mesa PD @ 333 E. 17th St, CA
in front of Laundromat owned by Daniel L. Chavez who
operated Security Camera directly in front of Scene. Despite

Plaintiff's pre Existing Spine Injuries and the events described
above defendants led by Captain Muterrez refused to provide
medical services or transport Plaintiff to E.R. admission
and instead proceeded to badge, taunt and verbally attack Plaintiff.

In addition, Defendant OC Fire Authority Harasses and Torments
Plaintiff in Other Cities using Fire Dept. vehicles and screen
ups being on a service call. Moreover, Defendant County of Orange
regularly executes obstructions - delays - Interference including
depriving medical care through various departments/associated to
harm Plaintiff causing

Emotional Distress, Physical
Harm, Torment.

Page Number

41

+ Present
Medical Record

Document received by the CA Supreme Court.

CAUSE OF ACTION

Fifth Negligence

(As against Defendant(s))

OC Fire Authority, Muterrez, Brian Fenney, County of Orange, Frank Kuhn

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Defendants have Habitually Targetted Plaintiff
 Due To His Catholic Christian Religion, Male Gender,
 Mexican Heritage Hispanic Latino Race, Disabilities Depriving
 Medical Care - Medical Services in a conspired scheme
 to cause physical harm, to torment, torture, inflict
 Emotional Distress under Color of Law while On Duty in
 Uniform, on and off Fire Truck Including on 10/7/2023
 in the City of Orange while Plaintiff remained outside
 St Joseph Hospital E.R. after being involved in a hit and run car
 accident and a Assault + Battery Incident in Costa Mesa
 which was reported To Costa Mesa PD @ 333 E. 17th St, CA.
 in front of laundromat owned by Daniel L. Chavez who
 operated Security Camera directly in front of Scene. Despite
 Plaintiff's pre Existing Spine Injuries and the events described
 above defendants led by Captain Muterrez refused to provide
 medical services or transport Plaintiff to E.R. admission
 and instead proceeded to badge, taunt and verbally attack Plaintiff.
 In addition, Defendant OC Fire Authority Harasses and Torments
 Plaintiff in Other Cities using Fire Dept. vehicles and Siren
 w/o being on a service call. Moreover, Defendant County of Orange
 regularly executes obstructions - delays - Interference including
 depriving medical care through various departments associated to
 harm Plaintiff causing
 Emotional Distress, Physical
 Harm, Torment.

Page Number

+ Present Medical Record

Document received by the CA Supreme Court.

Sixth
Deprivation of ADA Rights

CAUSE OF ACTION

(AS against Defendant(s))

OC Fire Authority, Muterrez,
Brian Ferrey, County of Orange, Frank Kuhn

Defendants have Habitually Targetted Plaintiff
Due To His Catholic Christian Religion, Male Gender,
Mexican Heritage Hispanic Latino Race, Disabilities Depriving
Medical Care - Medical Services in a conspired scheme
to cause physical harm, to torment, torture, inflict
Emotional Distress Under Color of Law while On Duty In
Uniform, on and off Fire Truck Including on 10/7/2023
in the City of Orange while Plaintiff remained outside
St Joseph Hospital E.R. after being involved in a hit and run car
accident and a Assault + Battery Incident in Costa Mesa
which was reported To Costa Mesa PD @ 333 E. 17th St, CA
in front of laundromat owned by Daniel L. Chavez who
operated Security Camera directly in front of Scene. Despite
Plaintiff's pre Existing Spine Injuries and the events described
above defendants led by Captain Muterrez refused to provide
medical services or transport Plaintiff to E.R. admission
and instead proceeded to badge, taunt and verbally attack Plaintiff.
In addition, Defendant OC Fire Authority Harasses and Torments
Plaintiff in Other Cities using Fire Dept. vehicles and Siren
w/o being on a service call. Moreover, Defendant County of Orange
regularly executes obstructions - delays - Interference including
depriving medical care through various departments associated to
harm Plaintiff causing
Emotional Distress, Physical
Harm, Torment.

Page Number

43

+ Present
Medical Record

Document received by the CA Supreme Court.

Seventh CAUSE OF ACTION
 Deprivation of Civil Rights under the United States Constitution,
 Title 42 U.S.C. 1983/1985 and Civil Rights Act
 (As against Defendant(s): O.C. Fire Authority, Gutierrez, Brian Fennessy,
 County of Orange, Frank Kim)

Under Color of Law defendants have
 deprived Plaintiff of Equal Protection
 and Due Process Under Law
 while in Uniform in Department
 vehicles - Fire Trucks and O.C. Passenger
 vehicles due to his Catholic Christian
 Religion, Mexican Heritage Latino+Hispanic Race
 and Male Gender, including on 10/7/23
 when uniformed Captain Gutierrez treated
 Plaintiff - telling Him to "Shut Up"
 and refusing Medical Care - Medical Services
 after Hit + Run Accident and Assault + Battery
 Event. These deprivation of Civil Rights
 occurred @ St Joseph Hospital Parking lot
 Moreover, Fire Dept. Dispatch refused to
 provide replacement paramedic service to scene.

Document received by the CA Supreme Court.

VI. REQUEST FOR RELIEF

WHEREFORE, the Plaintiff requests: Damages

Insert ¶ # \$3,333,333.33 Net After Taxes
(Three Million Three Hundred Thirty Three
Thousand Three Hundred Thirty Three Dollars
and thirty three cents net after taxes.)
As stated on Govt. claim form.

Insert ¶ #

Insert ¶ #

Dated: OCTOBER 5th, 2024

Sign: Arthur Lopez

Print Name: ARTHUR LOPEZ

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Plaintiff hereby requests a jury trial on all issues raised in this complaint.

OCTOBER 5, 2024
Dated: _____
Sign: Arthur Lopez
Print Name: ARTHUR LOPEZ

4831-5981-9291, v. 1

Document received by the CA Supreme Court.

For all the facts stated above and authorities cited
Writ should issue vacating the Trial Court's 11/5/24 Order
Denying Plaintiff's Pre Filing Order Application.

See Exh A -ZZZ In Support

CONCLUSION

The petition for a writ should be granted.

Respectfully submitted,

Arthur Lopez

Date: November 14th, 2024

f 7

VERIFICATION

FORM No. 2

**Verification of Pleading (Code Civ. Proc., § 446)
Declaration under Penalty of Perjury Form (Code Civ. Proc., §§ 446, 2015.5)**

by Party

CASE TITLE Arthur Lopez v.

I, Arthur Lopez, declare:
(Name)

I am the Appellant/Petitioner in the above-entitled matter.

I have read the foregoing
(pleading, e.g., complaint) and know the contents thereof.

The same is true of my own knowledge, except as to those matters which are
therein stated on information and belief, and, as to those matters, I believe it to be true.

Executed on December 15, 2024, at Newport Beach
County, California.

I declare (or certify) under penalty of perjury that the foregoing is true and correct.

Arthur Lopez
(Signature of Party)

48

Document received by the CA Supreme Court.

CERTIFICATE OF COMPLIANCE

Counsel of Record hereby certifies that pursuant to Rule 8.204(c)(1) or 8.360(b)(1) of the California Rules of Court, the enclosed brief of Petition Review is produced using handwritten text and _____ contains approximately 8000 words, which is less than the total words permitted by the rules of court. Counsel relies on the word count of manual count used to prepare this brief.

Date: Dec. 15, 2024

Signed: Arthur Lopez
Print Name: ARTHUR LOPEZ
Attorney(s) for: Self

Document received by the CA Supreme Court.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Central Justice Center
700 W. Civic Center Drive
Santa Ana, CA 92702

SHORT TITLE: Lopez vs. County of Orange

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

CASE NUMBER:
30-2024-01437412-CU-PO-CJC

I certify that I am not a party to this cause. I certify that a true copy of the above Minute Order dated 11/05/24, Request to File New Litigation by Vexatious Litigant - Denied filed 11/05/2024 dated 11/05/24, Order to File New Litigation by Vexatious Litigant - Denied filed 11/05/2024 dated 11/05/24, Request to Waive Court Fees Denied as Moot dated 11/05/24 has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practice and addressed as indicated below. This certification occurred at Santa Ana, California on 11/5/24. Following standard court practice the mailing will occur at Sacramento, California on 11/6/24.

ARTHUR LOPEZ
P.O. BOX 13081
NEWPORT BEACH, CA 92658

Clerk of the Court, by: M. Jurevia, Deputy

Exh y

Document received by the CA Supreme Court.

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE



Public Information Officer

(213) 894-4465

ciaran.mcevoy@usdoj.gov

Kimberly Edds

Director of Public Affairs

Office: 714-347-8405, Cell: 714-504-1917

media@ocdapa.org



Late
st
Post
s



THE UNITED STATES
DEPARTMENT of JUSTICE

United States Attorney Martin Estrada
Central District of California

**Orange County Supervisor Agrees to Plead Guilty to
Bribery Conspiracy Involving \$10 Million in COVID Relief
Funds**

***OC Supervisor Andrew Do Admits Receiving More Than
\$550,000 in Bribe Payments from Funds Meant to Be
Used to Provide Meals to Elderly***

SANTA ANA, California – The District One Supervisor on the Orange County Board of Supervisors has agreed to plead guilty to a felony federal charge for accepting more than \$550,000 in bribes for directing and voting in favor of more than \$10 million in COVID funds to a charity affiliated with one

Giá
Sát
Viê
Qu
Cai
đòn
Nh
Tội
Mu
Hó
Liê
Qu
đến
Tri
đô
Tr
Qu
Cứ
Tr
CO
Oct

Document received by the CA Supreme Court.

of his daughters, Rhiannon Do, the Justice Department announced today.

Andrew Hoang Do, 62, agreed to plead guilty to one count of conspiracy to commit bribery concerning programs receiving federal funds. His plea agreement and information were filed today. He is expected to make his initial appearance in United States District Court in Santa Ana later this month.

Do is one of five supervisors on the Orange County Board of Supervisors, which is responsible for the county's \$9 billion annual budget. As a county supervisor, Do represents the cities of Cypress, Fountain Valley, Garden Grove, Huntington Beach, La Palma, Los Alamitos, Midway City, Rossmoor, Seal Beach, and Westminster. He has served as a county supervisor since February 2015.

As part of his plea agreement, Do admitted that in exchange for more than \$550,000 in bribes, beginning in 2020, he voted in favor of and directed millions of dollars in COVID-related funds to Viet America Society (VAS), a charity affiliated with his daughter. Do directed and worked together with other county employees to approve contracts with – and payments to – VAS. Do further admitted he acted corruptly and abused his position of trust as a county supervisor.

“By putting his own interests over those of his constituents, the defendant sold his high office and betrayed the public's trust,” said United States Attorney Martin Estrada. “Even worse, the money he misappropriated and accepted as bribe payments was taken from those most in need – older adults

22,
20:
Pre

Or:
Co:
Su:
Ag:
Ple
Gu:
Bri:
Co:
Inv:
\$1c
in (C
Rel:
Fu:
Oct:
20:
Pre

Thi
nin
Ad:
UC:
Pro:
Ch:
for
to
Dis:
Aft:
Pol:
De:

Document received by the CA Supreme Court.

and disabled residents. Our community deserved much better. Corruption has no place in our politics and my office will continue to hold accountable officials who cheat the public."

"While millions of Americans were dying from COVID-19, Orange County Supervisor Andrew Do was the fox in the hen house personified, raiding millions in federal pandemic relief funds and orchestrating the money intended to feed elderly and ailing residents to instead fill the pockets of insiders, himself and his loved ones all while portraying a public persona of a hometown hero guiding his constituents through the uncertainty and fear of a global pandemic," said Orange County District Attorney Todd Spitzer. "No one is above the law in Orange County and these charges should serve as a powerful warning to elected officials everywhere that actions have consequences and justice will be swift and it will be decisive."

"Elected officials have a responsibility to implement programs and policy that will benefit all the people they serve. Their role is not to squander money, solicit bribes, or to steer funds to organizations or persons, wherein a coordinated effort allows those funds to make their way to family members or friends," said Akil Davis, the Assistant Director in Charge of the FBI's Los Angeles Field Office. "Today's plea is another exclamation point to the FBI's commitment to ensuring that all local, state, or federal elected and appointed public officials perform their duties with honesty, integrity, and commitment to all the constituents they serve."

Cal
Pro
Unl
Ass
Oct
16,
Pre

Name*

Email*

Are
You
a
Human?

2 +
8 =

Subscribe

Document received by the CA Supreme Court.

Shortly after receiving the COVID-related public funds from the county government – funds that were intended to provide meals to the elderly – VAS from April 2021 to February 2024 paid a business identified in court documents as “Company #1” \$100,000 or more per month, which totaled approximately \$3,804,000. In September 2021, VAS increased its payments to Company #1 from \$100,000 to \$108,000 per month. Company #1 then began paying Rhiannon Do – Do’s daughter – \$8,000 per month, totaling by February 2024 approximately \$224,000.

In his plea agreement, Do admitted that in addition to the \$8,000 monthly payments that Company #1 had made to Do’s daughter, in July 2023, Company #1 also transferred a total of \$381,500 from the funds it had received from VAS to an escrow company. In July 2023, Do’s daughter used the escrow account funds to purchase a home, in her name, in Tustin for \$1,035,000. As part of that transaction, a mortgage for more than \$600,000 was obtained by a loan application that contained false information and with fabricated documents. In her related diversion agreement attached as an exhibit to Do’s plea agreement, Do’s daughter admitted her conduct was criminal and violated federal and state law.

Do also admitted that the \$381,500 from Company #1 that his daughter had used to purchase the Tustin house in 2023 was a disguised bribe to him. He also admitted that an additional \$100,000 in payments sent to his other daughter, including three \$25,000 checks from Company #2 – an air conditioning company that had been paid by VAS – also were bribes to him.

Some of the bribe funds that had been funneled to his daughters were spent for his direct benefit. For example, during 2022, a total of \$14,849 of funds that had been funneled to Do's daughters was used to make property tax payments for properties in Orange County owned by Do and his wife. Approximately \$15,000 was used to pay for one of Do's credit card bills.

Do knew that VAS was not providing all the meals for which the county had paid VAS. Instead, much of the funds were used for the benefit of insiders, including to buy real estate in the name of both Do's daughter and Company #1, bribe payments to both of Do's daughters, payments to other conspirators, payments to other companies affiliated with VAS's listed officers, and through hundreds of thousands of dollars in cash withdrawals.

"Mr. Do had a duty to act in the best interest of the citizens of Orange County. He neglected that duty and misused the financial system to enrich himself," said Special Agent in Charge Ryan Korner with the Federal Deposit Insurance Corp. Office of Inspector General. "Public corruption degrades the public's confidence in our political system, and FDIC OIG is proud to work alongside our law enforcement partners to identify and hold accountable individuals who abuse public service for private gain."

"Andrew Do was entrusted to ensure taxpayer dollars were used responsibly and for the purposes intended," said Special Agent in Charge Tyler Hatcher, IRS Criminal Investigation, Los Angeles Field Office. "Instead, when his constituents

depended on COVID relief programs, Mr. Do exploited his position on the Orange County Board of Supervisors not only to influence channeling of funds to the Viet America Society, but also to accept bribes that were used to purchase a home, pay property taxes, and even to pay fictitious incomes to family members. Combating public corruption is one of the most important roles federal law enforcement agencies play in our local communities, and we are proud to be a partner during this investigation."

"Today's actions shows that this elected official used his position of trust for personal gain. He didn't think he would get caught. He was wrong," said Adam Shanedling, Special Agent in Charge of the U.S. Department of Education Office of Inspector General's Western Regional Office. "The OIG is proud to have been a part of the task force that investigated this matter and we'll continue to work with our law enforcement partners to help safeguard the integrity of federal funds."

The plea agreement requires Do to forfeit any assets connected to the bribery scheme, including the Tustin property his daughter purchased in 2023. As part of his daughter's related diversion agreement, she also agreed to forfeit the Tustin property. The plea agreement requires Do to pay full restitution by paying back the bribe money he and his daughters received, which he has agreed to pay in full before he is sentenced. In August 2022, the government seized more than \$2.4 million from VAS's and Company #1's bank accounts.

In a related agreement with the Orange County District Attorney's Office (OCDA), attached as an exhibit to Do's plea agreement, Do has agreed to immediately resign from the Orange County Board of Supervisors and to forfeit any pension credit for the time where he participated in the bribery conspiracy.

Once Do enters his guilty plea, he will face a statutory maximum sentence of five years in federal prison.

The FBI; the Orange County District Attorney's Office Bureau of Investigation; the Federal Deposit Insurance Corp. Office of the Inspector General; IRS Criminal Investigation; and the United States Department of Education Office of the Inspector General investigated this matter.

This matter is being jointly prosecuted by the United States Attorney's Office and OCDA. The prosecution is being led by Assistant United States Attorneys Charles E. Pell, Bradley E. Marrett, and Tara Vavere of the United States Attorney's Office and Senior Deputy District Attorney Avery T. Harrison and Deputy District Attorneys Anthony J. Schlehner and L.J. Berger of the OCDA.

Any member of the public who has information related to this or any other public corruption matter in Orange County is encouraged to send information to the FBI's email tip line at <https://tips.fbi.gov> and/or to contact the FBI's Los Angeles Field Office at **(310) 477-6565**.

[Click here](#) for Full Press Release.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Arthur Lopez FIRM NAME: STREET ADDRESS: P.O. Box 13081 CITY: Newport Beach TELEPHONE NO: (949) 278-7793 E-MAIL ADDRESS: arthurlopez10112011@icloud.com ATTORNEY FOR (name): Self-Represented		STATE BAR NUMBER STATE: CA ZIP CODE: 92658 FAX NO.		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE NOV 05 2024 DAVID H. YAMASAKI, Clerk of the Court BY: <u>M. FERREIRA</u> , DEPUTY 30-2024 01437412	
<input type="checkbox"/> COURT OF APPEAL, APPELLATE DISTRICT, DIVISION <input checked="" type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center					
PLAINTIFF/PETITIONER: Arthur Lopez DEFENDANT/RESPONDENT: County of Orange, et al. OTHER:					
ORDER TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT					
Type of case: <input type="checkbox"/> Limited Civil <input checked="" type="checkbox"/> Unlimited Civil <input type="checkbox"/> Small Claims <input type="checkbox"/> Family Law <input type="checkbox"/> Probate <input type="checkbox"/> Other		CASE NUMBER 01437412			

ORDER

Approval to file the attached document is:

- a. Granted
- b. Denied
- c. Other:

Attachment to order. Number of pages:

Date: 11/5/24


 Assistant PRESIDING JUDGE OR JUSTICE

CHERI PHAM

NOV 05 2024
Denied per minute order dated

Document received by the CA Supreme Court.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE

ARTHUR LOPEZ,

Petitioner,

v.

THE SUPERIOR COURT OF
ORANGE COUNTY,

Respondent;

COUNTY OF ORANGE et al.,

Real Party In Interest.

G064899

(Super. Ct. No. 30-2024-
01437412)

O R D E R

Petitioner Arthur Lopez is a vexatious litigant subject to a prefiling order. (See Code Civ. Proc., § 391.7.)¹ Vexatious litigants must obtain permission to file “new litigation” in propria persona from the “presiding justice or presiding judge” of the court in which it is proposed to be filed. Permission shall be granted only if the presiding justice or presiding judge determines that the proposed litigation has merit and is not being filed

¹ All subsequent unspecified statutory references are to the Code of Civil Procedure.

to harass or delay. (§ 391.7, subd. (b).) The vexatious litigant statutes apply to writ petitions filed in the Court of Appeal. (*In re Kinney* (2011) 201 Cal.App.4th 951, 958.)

The vexatious litigant must support the request to file new litigation by providing “facts and legal authority telling the court with specificity why [the proposed litigation] has merit.” (*In re R.H.* (2009) 170 Cal.App.4th 678, 708, disapproved on other grounds in *John v. Superior Court* (2016) 63 Cal.4th 91.) An initial determination of “merit” under section 391.7, subdivision (b), does not mean the vexatious litigant will ultimately prevail. (*Kobayashi v. Superior Court* (2009) 175 Cal.App.4th 536, 541 [standard for assessing merit of proposed appeal is “the simple showing of an arguable issue”].)

On November 5, 2024, petitioner (without the assistance of counsel) filed a request to file a new civil lawsuit and submitted a proposed complaint to the superior court. The same day, the court denied the request: “The proposed pleading fails to meet the requirements of [section] 391.7, subdivision (b).”

On November 18, 2024, petitioner (again, without the assistance of counsel) filed a request in this court to file a writ petition challenging the denial of his request to file new litigation in the superior court. (See *In re Marriage of Deal* (2022) 80 Cal.App.5th 71, 78-79 [trial court order denying

permission to file new litigation is not appealable].) The request indicates there is merit to the petition because, in petitioner's view, he has been targeted by government officials on account of his race, ethnicity, gender, and religion. Petitioner disclaims an intent to harass or cause delay. Instead, petitioner asserts each of the seven causes of action in his proposed complaint are "actionable."

Petitioner seeks to sue the County of Orange, Orange County Fire Authority, and several individuals employed as firemen/paramedics. Petitioner's proposed complaint seeks recovery for: (1) violations of the Government Claims Act, Gov. Code, § 810 et seq.; (2) deprivation of civil rights, 42 U.S.C. § 1983, 1985; (3) infliction of emotional distress; (4) fraud; (5) negligence; (6) Americans with Disabilities Act violations, 42 U.S.C. 12101 et seq.; and (7) Unruh Act violations, Civ. Code, § 51.

The alleged factual basis for petitioner's proposed lawsuit? On October 7, 2023, petitioner was parked in Costa Mesa. An individual not affiliated with any of the proposed defendants allegedly hit petitioner's vehicle. A passenger from the offending vehicle allegedly battered and physically restrained petitioner in an attempt to prevent petitioner from documenting the incident. Petitioner drove himself to the hospital and checked in with hospital staff. But, as he was not immediately attended to by medical personnel, petitioner decided to wait in his car rather than in the

waiting room. When petitioner was not provided with sufficiently prompt assistance by hospital staff, petitioner phoned the paramedics, asking them to respond to the hospital parking lot to provide petitioner medical services and facilitate his admission to the emergency room. Paramedics refused to provide medical services and assistance to petitioner outside the emergency room. Instead, paramedics were allegedly hostile, telling petitioner to “shut up.”

Petitioner seeks more than \$3 million for his alleged injuries caused by the alleged actions and omissions of the potential defendants. Petitioner attributes his alleged ill-usage to his race, ethnicity, gender, religion, and disabilities. Petitioner links the events specifically at issue in this proposed complaint with other perceived abuses suffered by the community at large.

“The prefiling order component of the vexatious litigant statute is a necessary method of curbing those for whom litigation has become a game.” [Citation.] It does not deny the vexatious litigant access to the courts, but operates to preclude meritless litigation and the attendant expenditure of resources.” (*In re Nat. Gas Antitrust Cases* (2006) 137 Cal. App. 4th 387, 394.)

There is no potential merit to this petition, which has all the hallmarks of an abusive lawsuit filed for the purposes of harassment. Petitioner’s request for permission to file the petition is DENIED. This

proceeding is DISMISSED. (§ 391.7, subd. (c).) The application for a fee waiver is DENIED as moot.

O'Leary, P.J.

O'LEARY, P. J.

Document received by the CA Supreme Court.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE

ARTHUR LOPEZ,

Petitioner,

v.

THE SUPERIOR COURT OF
ORANGE COUNTY,

Respondent;

COUNTY OF ORANGE et al.,

Real Party In Interest.

G064900

(Super. Ct. No. 30-2024-
01437412)

O R D E R

This submission duplicates identical filings in case number G064899. For all the reasons stated in this court's order in G064899, petitioner's request for permission to file the petition is DENIED. This proceeding is DISMISSED. (§ 391.7, subd. (c).) The application for a fee waiver is DENIED as moot.

O'Leary, P.J.
O'LEARY, P. J.

Document received by the CA Supreme Court.