

No. _____

In The
Supreme Court of the United States

—————◆—————
CAROL PULLIAM,

Petitioner,

vs.

UNIVERSITY OF SOUTHERN CALIFORNIA,

Respondent.

—————◆—————
**On Petition For A Writ Of Certiorari
To The Supreme Court Of The State Of California**

—————◆—————
PETITION FOR WRIT OF CERTIORARI

—————◆—————
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QUESTION PRESENTED

Do state court trial judges, court of appeal justices and supreme court justices “war against the (United States) Constitution” by denying state litigants Fourteenth Amendment Constitutional due process when each and/or all these judicial officers did not disclose and recuse themselves as required by state law, state Code of Judicial Ethics and/or other state or federal requirements when he/she:

(1) currently receives or in the past received payments from:

(a) the county currently paying or paid the Respondent for Respondent’s services; and/or

(b) an entity jointly offering services with Respondent;

(c) a partner, representative and/or affiliate of the Respondent; and/or

(d) another county; and/or

(2) as a lawyer who personally represented and/or his/her firm represented the county making the payments to the judges in cases involving:

(a) the legality and/or the constitutionality of the payments; and

(b) subsequent statutes relating to the payments.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page: (1) Carol Pulliam; and (2) University of Southern California.

MSS Nurses Registry was a defendant in the trial court.

CORPORATE DISCLOSURE STATEMENT

Nether Petitioner nor Respondent are stock corporations. No public corporation owns 10% or more of the shares of either Petitioner or Respondent.

RELATED CASES

No related cases exist.

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**LIST OF ALL PROCEEDINGS
AND DECISIONS BELOW**

The decision of the highest state court to review the merits was the California Supreme Court's Denial of the Petition for Review which appears at Appendix 1 to the Petition and is unpublished.

The decisions of the California Court of Appeal denying the Petition for Rehearing and deciding the appeal each appear at Appendix 2 and 3 respectively. Each are each unpublished.

The relevant decisions of the State of California Superior Court for the County of Los Angeles identifying the Denial of the combined Motion for New Trial and the Motion to Vacate the Judgment and the Judgment each appear at Appendix 24 and 26, respectively. Each are unpublished.

The removal from the State of California Superior Court for the County of Los Angeles to the U.S. District Court for the Central District of California.

The decision of the U.S. District Court for the Central District of California.

The remand to the State of California Superior Court for the County of Los Angeles from the U.S. District Court for the Central District of California.



JURISDICTION

The date on which the California Supreme Court denied the Petition for Review was November 16, 2022. A copy of the decision appears at Appendix 1.

The jurisdiction of this Court is invoked under 28 U.S.C. Section 1257(a).



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED IN THE CASE

United States Constitution and Statutes

United States Constitution, Fourteenth Amendment.

18 U.S.C. Section 1346.

Code of Conduct for United States Judges

Canons 1, 2A, 3C, 4A, D, E, G and H.

The Ethics Reform Act of 1989.

California Constitution and Statutes

California Constitution

Article 1, Section 7, Section 8, Section 24,
Section 26 and Section 28;

Article 2, Section 18;

Article 4, Section 17 and Section 18;

Article 6, Section 14, Section 16, Section 17,
Section 18, Section 19, Section 20, Section 21
and Section 22; and

Article 11, Section 10.

CCP Section 170.1(a)(6)(A)(iii).

California Code of Judicial Ethics

Canon 1, 2A, 3B, C, D, E and 4D.



STATEMENT OF THE CASE

A. Facts in Underlying Case

Summary of relevant underlying state case facts underscoring the Question Presented:

(1) Respondent (USC) owns, operates and staffs hospitals;

(2) Petitioner (Carol) was a nurse employed in one of USC's owned and operated hospitals, USC Verdugo Hills;

(3) USC admits and publicizes the County of Los Angeles (LA County) currently pays USC \$170 million per year to "staff and operate" the Los Angeles County/USC Hospital and has maintained the relationship for over 100 years resulting in a LA County interest in the outcome of the underlying state case as a demonstration of USC's operational and staffing abilities;

(4) Since the 1980s, LA County paid and currently pays state Superior Court Judges sitting on the California Superior Court for the County of Los Angeles “supplemental judicial benefit” payments in addition to their state compensation; and

(5) Such payments were held to be unconstitutional by the California Court of Appeal, Review Denied by the California Supreme Court, declared criminal by California statute SBX 2 11, Section 5 and violate 18 U.S.C. Section 1346.

The facts in the underlying case are most accurately described in Petitioner’s Petition for Rehearing of the California Court of Appeal’s Decision, Appendix No. 48 and Petitioner’s Petition for Review, Appendix No. 68.

The following is a succinct description of the relevant facts in the underlying case disclosing:

(1) USC “admitted” its relationship with LA County to be a joint venture of “Los Angeles County + USC Medical Center” in the hospital business since 1885 (over 100 years) with USC also benefitting by LA County paying “supplemental judicial benefits” to the California Superior Court judges sitting on the Superior Court for the County of Los Angeles ensuring USC and LA County would win any cases against each of them and/or jointly;

(2) the actions by USC to “cover up” its failure as a hospital administrator through USC’s retaliation against Carol for her refusal to cooperate in the

suppression of the cause of the death of a patient in a USC hospital (USC Verdugo Hills) by:

(a) forging Carol's signature on the "incident report" blaming the other nurse for the incident (death of the patient);

(b) inventing and spreading a story that Carol "removed" drugs from the hospital's drug vending machine, which was proven to be false when it was shown USC claimed the removal occurred on a day Carol did not work at the hospital;

(c) spreading a story the DEA was investigating Carol while knowing such story was untrue;

(d) sending out a "do not hire" notice relating to Carol to nurse staffing agencies and others based upon the above false stories; and

(e) presenting these false stories to both the federal and California courts as part of the scheme to prevail on summary judgment motions, a jury trial, an appeal, a petition for rehearing and a petition for review in addition to the "supplemental judicial benefits" USC's joint venture partner (LA County) currently paid to Superior Court Judges Lu and Martin and previously paid to Court of Appeal Justices Ashman-Gerst and Chavez when each of them was sitting as a Superior Court Judge for the County of Los Angeles as determined from their "Judicial Biographies" the years each were Superior Court judges and the years LA County made the "supplemental judicial benefit" payments to the Superior Court judges;

(3) the refusal of Judges Lu and Martin, Justices Ashmann-Gerst and Chavez to disclose these LA County payments in violation of Canon 3E (2) of the California Code of Judicial Ethics and the refusal of each to disqualify herself pursuant to Canon 3E (1) and CCP Section 170.1(a)(6)(A)(iii);

(4) the refusal of Justice Liu to recuse himself despite the fact he was the lead counsel for the County of Los Angeles in *Sturgeon v. County of Los Angeles*, 167 Cal.App.4th 630, 635 (2008) (Review Denied 12/23/2008) (*Sturgeon I*), *Sturgeon v. County of Los Angeles*, 191 Cal.App.4th 344 (2010) (*Sturgeon II*) and *Sturgeon v. County of Los Angeles*, 242 Cal.App.4th 1437 (2015) (*Sturgeon III*);

(5) the refusal of California Supreme Court Chief Justice Tani Gorre Cantil-Sakaue, who denied the Petition for Review, to disclose the “supplemental judicial benefit” payments she received from Sacramento County when she was a Superior Court Judge sitting on the Superior Court for the County of Sacramento in violation of Canon 3E (2) of the California Code of Judicial Ethics and disqualify herself pursuant to Canon 3E(1) and CCP Section 170.1(a)(6)(A)(iii) as determined from the years she was a Superior Court judge from her “Judicial Biography” and the years Sacramento County made the “supplemental judicial benefit” payments to the Superior Court judges;

(6) The “supplemental judicial benefit” payments were:

- (a) held to be unconstitutional under Article 6, Section 19 of the California Constitution in the decision of *Sturgeon I*;
- (b) denoted as criminal in SBX 2 11, Section 5 giving retroactive immunity from criminal prosecution, civil liability and disciplinary action as of July 1, 2008 to the judges who received the “supplemental judicial benefit” payments and the governments and employees who paid them; and
- (c) violated 18 U.S.C. Section 1346 (the intangible right to honest services).



REASONS FOR GRANTING THE PETITION

A. The California Supreme Court’s Denial of the Petition for Review and the Court of Appeal’s Denial of Petition for Rehearing each “decided an important federal question in a way that conflicts with relevant decisions of this Court.”

The California Supreme Court’s Denial of the Petition for Review, App. 1 and the California Court of Appeal’s Denial of the Petition for Rehearing, App. 2 each “decided an important federal question in a way that conflicts with relevant decisions of this Court.”

The U.S. Supreme Court decision is *Cooper v. Aaron*, 358 U.S. 1 (1958) stating at page 18 in relevant part:

“Article VI of the Constitution makes the Constitution the “supreme Law of the Land.” In 1803, Chief Justice Marshall, speaking for a unanimous Court, referring to the Constitution as “the fundamental and paramount law of the nation,” declared in the notable case of *Marbury v. Madison*, 1 Cranch 137, 177, that “It is emphatically the province and duty of the judicial department to say what the law is.” This decision declared the basic principle that the federal judiciary is supreme in the exposition of the law of the Constitution, and that principle has ever since been respected by this Court and the Country as a permanent and indispensable feature of our constitutional system. It follows that the interpretation of the Fourteenth Amendment enunciated by this Court in the *Brown* case is the supreme law of the land, and Art. VI of the Constitution makes it of binding effect on the States “any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” Every state legislator and executive and judicial officer is solemnly committed by oath taken pursuant to Art. VI, cl. 3, “to support this Constitution.” Chief Justice Taney, speaking for a unanimous Court in 1859, said that this requirement reflected the framers’ “anxiety to preserve it [the Constitution] in full force, in all its powers, and to guard against resistance to or evasion of its authority, on the part

of a State. . . .” *Ableman v. Booth*, 21 How. 506, 524.

No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it.” (Emphasis added.)

B. The California Supreme Court has a Clear and Present Pattern of Violating *Cooper v. Aaron*.

The California Supreme Court violated *Cooper v. Aaron*, supra, on three occasions since 2021 establishing a clear and present pattern to violate Article VI of the Constitution and deny the California citizens’ and residents’ due process.

The previous two denials were:

(1) The Third Appellate District appeal in *RYAN CLIFFORD v. ALPHA EPSILON PI FRATERNITY, INC.*, Appeal No. CO87528, Petition for Review Denied Supreme Court No. S274222 (06/15/2022); and

(2) The Sixth Appellate District appeal in *PETRA MARTINEZ, STANLEY ATKINSON v. U4RIC INVESTMENTS, LLC*, Appeal No.H049626, Petition for Transfer of Writ of Error Coram Nobis Denied, Supreme Court No. S273818 (6/01/2022).

This clear and present pattern suggests the Court reaffirm *Cooper v. Aaron*, supra, either by:

- (a) granting the Petition for Writ of Certiorari by accepting the case for a full

hearing; or reversing the California Supreme Court and Court of Appeal Denials, Per Curiam and voiding all decisions of the judicial officers who refused to disclose and recuse themselves.

- (b) Either alternative will send the underlying case back to an unbiased trial court, if one exists in California, or sending the case to a U.S. District Court judge who had not accepted “supplemental judicial benefit” payments.

C. California has a Long History of Unlawful “supplemental judicial benefit” Payments.

Sturgeon I showed the “supplemental judicial benefit” payments began in the 1980s. The payments were justified by the Los Angeles County Board of Supervisors with argument the payments were necessary to “attract and retain qualified people to serve as judges on the LA Superior Court.”

No evidence was given to support the argument.

The LA County Supervisors did not disclose Article II, Section 4 of the Los Angeles County Charter allowed the LA County Supervisors to receive the same compensation as “**that now or hereafter prescribed by law for a judge of the Superior Court in and for the County of Los Angeles**” (Emphasis added.)

By 2007, LA County had paid out approximately \$400 million to approximately 437 Superior Court judges and simultaneously raised the compensation to the LA County Supervisors.

Other counties followed LA County.

A report ordered in SBX 211, Section 6 entitled “Report Prepared by the Administrative Office of the Courts, Judicial Council of California: Historical Analysis of Disparities in Judicial Benefits: Report to the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, and the Senate and Assembly Committees on Judiciary (Dec. 15, 2009)” (Report) at Appendix D Supplemental Judicial Benefits in FY 2007-2008 and showed at page 1 approximately 90% of California’s approximate 1,600 Superior Court judges received “supplemental judicial benefit” payments.

The Report also showed at page 12, the judges worked to overturn *Sturgeon I*, using public money of the Superior Court of Los Angeles and the Administrative Office of the Courts as follows:

“In response to the Sturgeon case, the California Judges Association, the Superior Court of Los Angeles County, several judicial leaders, and the Administrative Office of the Courts worked together to propose legislation that would adequately prescribe supplemental benefits.”

SBX 2 11 shows Darryl Steinberg, the then-President Pro Tempore of the California State Senate “pushed through” SBX 2 11 in three days.

In addition to Section 5, SBX 2 11 reinstated the “supplemental judicial benefit” payments in Section 2, which was codified as Govt. Code 68220 (a) allowing the counties to keep paying the sitting judges the monies they paid them on July 1, 2008 “on the same terms and conditions as were in effect on that date.”

This provision was held to be constitutional as an interim revenue measure in *Sturgeon II* in which the Court also affirmed *Sturgeon I*.

The *Sturgeon II* Court concluded that since judicial compensation is a state and not a county responsibility, it expected the Legislature to adopt a uniform statewide system of judicial compensation.

This did not occur. In *Sturgeon III*, the Court extended the payments to all judges sitting in a court in which judges received county payments on July 1, 2008, stating at 1450 in relevant part:

“The bottom line: Section 68220 subdivision (a) plainly requires any county paying its judges supplemental benefits as of July 1, 2008 to continue to pay its judges supplemental benefits, including all judges who took office after July 1, 2008 – albeit subject to the right of the county in the first two sentences of subdivision (b) to terminate those benefits after specified notice. The county has no choice and no discretion to “fix” judicial

compensation, which has thus been prescribed by the Legislature. The opt-out provisions of the first two sentences of subdivision (b) provide the only choice a county has in that situation, and even then **there's no fixing of compensation, just a choice to pay the prescribed amount or not to pay any supplemental compensation at all.** The last sentence of subdivision (b) is unconstitutional surplusage." (Emphasis added.)

The Court in *Sturgeon III* again called for the Legislature to solve the problem.

The Legislature has not acted to this day.

During this entire time, none of the California judges or justices were, or are, disclosing the payments in cases in which the county was a party, was a part of a joint venture or had an interest in the outcome of the case as shown in the underlying case.

The result was, and is, as shown in the underlying case, California's citizens' and residents' constitutional rights were violated in every type of case from civil, civil rights, criminal, dependency, eminent domain, family law, injury, probate, property, etc.

In essence, the entire California judicial system was and is corrupted by the judges and justices committing "war against the (United States) Constitution."

A further result of the judges' and justices' "war against the (United States) Constitution" should be rendering their decisions legally void due to Fraud

Upon the Court by a judicial officer, who concealed his/her plan to refuse to obey the law and disclose he/she was receiving illegal “supplemental judicial benefit” payments.

**WHEN AND WHERE FEDERAL QUESTIONS
SOUGHT TO BE REVIEWED WERE RAISED
AND HOW TREATED BY THE COURTS**

The Federal Questions sought to be reviewed were raised in the Court of Appeal Petition for Rehearing, Appendix 48, Denied by the Court of Appeal, Appendix 2; and the California Supreme Court Petition for Review, Appendix 68, Denied by the California Supreme Court, Appendix 1.

**OTHER MATERIAL PETITIONER
BELIEVES IS ESSENTIAL TO
UNDERSTAND THE PETITION**

1. Report Prepared by the Administrative Office of the Courts, Judicial Council of California: Historical Analysis of Disparities in Judicial Benefits: Report to the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, and the Senate and Assembly Committees on Judiciary (Dec. 15, 2009).
2. SBX 2 11.

**ARGUMENT AMPLIFYING THE
REASONS RELIED UPON FOR THE
ALLOWANCE OF THE WRIT**

California's population is 39 million people according to Census Bureau estimates.

It will reach 41.372 by July 1, 2023, and accounts for 12% of the population of the United States according to 2023 Population USA.

The socio-economic effect of 12% of the population of the United States being denied United States Constitutional due process because California's judicial officers are at "war against the (United States) Constitution" mandates the Court accept the Petition for Writ of Certiorari or reverse the California Courts Per Curiam with an order voiding their decisions in which the judicial officers did not disclose their conflict of interest and did not mandatorily recuse themselves.

The precedent of *United States v. Throckmorton*, 98 U.S. 61, 65-66 (1878) was cited to the California Court of Appeal in the Petition for Rehearing, Appendix 63.

The Court is respectfully invited to review the holding of *Hazel-Atlas Co. v. Hartford Co.*, 322 U.S. 238, 247-248 (1944) stating equitable relief is available to overturn judgments obtained by fraud in relevant part:

"We have, then, a case in which undisputed evidence filed with the Circuit Court of Appeals in a bill of review proceeding reveals such fraud on that Court as demands, under

settled equitable principles, the interposition of equity to devitalize the 1932 judgment despite the expiration of the term at which that judgment was finally entered. Did the Circuit Court have the power to set aside its own 1932 judgment and to direct the District Court likewise to vacate the 1932 decree which it entered pursuant to the mandate based upon the Circuit Court's judgment? Counsel for Hartford contend not. They concede that the District Court has the power upon proper proof of fraud to set aside its 1932 decree in a bill of review proceeding, but nevertheless deny that the Circuit Court possesses a similar power for the reason that the term during which its 1932 judgment was entered had expired. The question, then, is not whether relief can be granted, but which court can grant it.

Equitable relief against fraudulent judgments is not of statutory creation. It is a judicially devised remedy fashioned to relieve hardships which, from time to time, arise from a hard and fast adherence to another court-made rule, the general rule that judgments should not be disturbed after the term of their entry has expired. **Created to avert the evils of archaic rigidity, this equitable procedure has always been characterized by flexibility which enables it to meet new situations which demand equitable intervention, and to accord all the relief necessary to correct the particular injustices involved in these situations.**" (Emphasis added.)

The California judicial officer's fraud is clear and manifestly demonstrated in this Petition for Writ of Certiorari.



CONCLUSION

Petitioner respectfully submits for the above reasons Certiorari be granted or a Per Curiam decision be issued: (1) reversing the California Supreme Court and Court of Appeal Denials, and (2) voiding all decisions of the judicial officers who received county “supplemental judicial benefit” payments and refused to disclose such payments and recuse themselves.

Dated: February 14, 2023

Respectfully submitted,

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