

Study K-402

May 20, 2015

First Supplement to Memorandum 2015-13

**Relationship Between Mediation Confidentiality and Attorney Malpractice
and Other Misconduct: Public Comment**

Paul Rieker submitted written materials to the Commission at the meeting on April 9, 2015, in connection with Study K-402 on the relationship between mediation confidentiality and attorney malpractice and other misconduct. See Exhibit pages 1-8 for non-confidential material that may be of interest in the current study. The staff has redacted some names and other identifying information because it might be defamatory and there is no need to present those details for purposes of this study.

Respectfully submitted,

Barbara Gaal
Chief Deputy Counsel

April 9, 2015

To:
Governor Jerry Brown
State of California
State Capitol, Suite 1173
Sacramento, CA 95814

Craig Holden
President California Bar Association
Lewis, Brisbois, Bisgaard & Smith LLP
633 W 5th St Ste 4000
Los Angeles, CA 90071

Tani Cantil-Sakauye, Chief Justice of California
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-4797

Kamala Harris
Attorney General
State of California
1300 I Street
Sacramento, CA 95814

James Tisch
Chairman
Loews Corporation
667 Madison Avenue
New York, NY 10065-8087

This letter is a notice to inform:
the State of California, the California Governor, the California State Bar Association and the California Court System, of
these concerns.

I have been morally injured by the behavior of the Licensed Attorneys and The California Court Process, including
Judges.

Due to the injury I have endured, I cannot and will not serve Jury Duty in the State of California.

Further notice to the State of California, January 15th 1976, I made an oath to defend the United States Constitution with
my life. This notice to you, is an extension of that oath. By refusing Jury Duty, I am informing the State of California of the
problems I have witnessed or experienced within the activities of the Attorneys who practice by license.

The licensed attorneys of the State of California practice theft of property -against citizens of the state of California-, while
neither citing law, nor placing on-notice applied law to be observed in the future, by all parties relative to the lawsuit.

**A specious process- being the sole authority to practice law, by law- we enter their office for continued hourly
billing until our inheritance, our work efforts- considering the meager accumulations of net net earning,
accumulated over decades, are stolen.**

The use of Insurance for Professional Liability and other forms of Legal Defense Insurance has been utilized to extend,
our -requirement -citing of law- to the furthest possible ambiguous future event, thereby exacting a process of extortion,
which culminates with the theft of property, and ultimately our longevity.

Beyond the theft of our property, our reliance on the Legal System is, not only mis-placed, but destroyed. Thereby my
statement, I am Morally Injured. Leading to my refusal to serve Jury Duty.

My family's work outcome, inheritance of Grandfather and Father, Patent Filings and Product Development, Real Estate Equity, each a capacity for my family's longevity have been deprived from me- due to the unfaithful acts of the actors around the "[REDACTED] Experience" and San Diego Superior Court, the Attorneys who Practice in the State of California.

The ongoing PONZI SCHEME of [REDACTED] has interrupted my ability to respond to the request for Medical Study of Abreaction, Desensitization and Emotional Reframing. (Letters of the Department of Defense are available, to substantiate this claim).

Mr. James Tisch, do you now agree:

Lawsuit Case Number: [REDACTED]

Mr. Tish, you must agree this problem should have been resolved, as an outcome of the result of this lawsuit, because [REDACTED] believed the situation was. The then failure of the Committee led to their non-renewal of insurance.

Mr Tisch, [REDACTED] should have safeguarded us. With an outcome of that lawsuit which would come with ADJUDICATION of [REDACTED] authority, how it is applied, and the LIMITATIONS BY LAW, as this need of law, we entered the Office of [REDACTED]

Our road maintenance fees were redirected to the [REDACTED] Policy, and denied Road Maintenance, where we could not faithfully submit a mortgage application, nor offer our property for sale without continuing the PONZI SCHEME which [REDACTED] chose to continue legal defense, as that insurance, paying attorneys of record, was used to thwart our access to adjudication of the Committee's authority and to have complete access to the adjudication of the Easement Maintenance Obligations, and the legal authority, and limitation of that authority, with legal definition.

[REDACTED] were informed of high risk safety issues, in addition to the legal aspects. None of these have been addressed.

We sought documents, payments, obligations, legal authority, for one purpose, so to be ABSOLUTLEY ASSURED:. Our application for mortgage loan would not place us in a position to defraud Mortgage Application, as we must inform the Mortgage Company of any known future litigation possibility.

[REDACTED] did not investigate Insurance application fraud, after Jan 2010, even as [REDACTED] hired the Law Firm [REDACTED] now identified, [REDACTED]

[REDACTED] had no evidence to indicate the obligations of the "Develpers" were paid BY the developers, and due to complaints, he should have come to the conclusion, these contract obligations were withheld from the surrounding property owners, and obscured with each demand of payment required by the "Committee".

The Deposition noted Discovery of Internal Hidden Documents, not available to us in the 2006, legal action the benefit of the Real Estate Developments by [REDACTED] the Conditions of Improvement and Private Road Maintenance Agreements, which are San Diego County documents, required for Real Estate Development, to benefit, some if not all of the Committee members, who called themselves Committee Members, [REDACTED] profited by the refusal of maintenance to our property, taking our money, refusing similar and fair treatment, BENEFITTING the Committee's Property Value increase, and therefore future profit, using [REDACTED], insurance, for financial gain.

Clearly, if we, or any other citizen considered, or in the current process of purchasing property in [REDACTED] these issues are not available to their open access and decision making process for their similar Life Critical Decision. This makes this situation, an on going Ponzi Scheme.

[REDACTED] caused us to enter the offices of members of the California Bar Association; whose sole interest was to "TAKE MORE MONEY" from us, sign agreements which we were defrauded, where disclosures to all property owners make the ongoing PONZI a situation which I am now making notice to all parties, and agencies in the State of California.

Mr. Tisch, We are not, nor ever been a conspirator to the ongoing Ponzi Scheme, created for the purpose of compelling unsuspecting future owners, in [REDACTED] to be a pawn, to pay for the estimated \$1,000,000 of County Contracts required for the Off-site improvements of "Committee Members" who "got it over" during the lawsuit of 2006, hiding the County of [REDACTED] Private Road Maintenance Agreements, nor will we defraud a next owner; our next owner of our property will have to be informed of these County Contracts, where they occur and the disparity of easement surface and maintenance requirements, between our lot, and perhaps 40 other lots on the property B of our deed.

I bring to your attention the Definition of "FRAUD"

The term 'fraud' is generally defined in the law as an intentional misrepresentation of material existing fact made by one person to another with knowledge of its falsity and for the purpose of inducing the other person to act, and upon which the other person relies with resulting injury or damage.

Your legal representation, which [REDACTED] paid: [REDACTED] per deposition, of [REDACTED] (attached), Underwriter of [REDACTED] legal defense attorney of [REDACTED] withheld the deposition, and facts of the non-renewal from myself and my family. My own attorney [REDACTED] attended the Deposition (see attached) withdrew from our representation shortly after the deposition, not disclosing the attached facts, taking \$35,000 from us. [REDACTED] has since been disbarred. Is it not known if he was disbarred due to our complaints, or the complaints of a client named [REDACTED]

The policy of the California Bar Association leaves us without ALL FACTS to take lawsuit against [REDACTED]. But, what benefit would that be to us? Spend another 10s of thousands of dollars, to repair damage of a co-conspirator with your [REDACTED]

The attorney for [REDACTED], even after the withdrawal of our attorney [REDACTED], allowed us to continue to be as risk of the \$35,000 lien on our property, this is to say, [REDACTED] knew the claims against us were false- and left us to continue in jeopardy of additional loss of property, money and emotional turmoil.

You see Mr. Tisch, [REDACTED], continued to (refer to the definition of fraud) intentional misrepresentation of material existing fact made by one person to another with knowledge of its falsity and for the purpose of inducing the other person to act. [REDACTED] continued to watch a litigation against me, to induce me to relinquish \$35,000 to the "Committee" an agency with no known legal authority.

The attorneys who attended (each noted in the attached) deposition, continued a claim which according to [REDACTED] was false, fraudulent or even fraud upon the court, while the "Committee" was seeking a lien on our property of \$35,000, to compensate the Committee for increased insurance Premiums, which [REDACTED] indicated was caused by the Committee's failure of Risk Management.

Jim Tisch, [REDACTED] could have just maintained our road, and allowed open records. Why didn't that happen?

I am not a legal expert, nor a licensed attorney. We, my family and I tried to rely on Licensed Attorneys. BUT, their behavior is a "redistribution of the truth", causing much confusion, we have no access to an adjudication of law, and a draining of our capacity to conduct commerce, and leading to loss of longevity.

As we are not experts in law, this letter is also a request to the California Bar Association, to refer these issues to the California Attorney General for an investigation of a Ponzi Scheme being continued with the knowledge of the attorneys who attended the [REDACTED] Deposition, and other possible investigations which are outside of our capacity realize which laws, even White Collar Crime and Racketeering.

California Bar Association, President Craig Holden, Please refer the Deposition of [REDACTED] to the California Attorney General with a request to determine if the Attorneys who had access to this information, withholding the cause of non-renewal from the some 150 property owners, (one in The Netherlands) was intentionally placed at risk of Real Estate Disclosure law, to not disclose this information from their Mortgage Loan, Mortgage Applications and disclosure in Sales Offer through Licensed Real Estate Agents who must disclose everything they know, so the buyer can make an informed purchase decision.

This is a request, to compel [REDACTED] to be placed on leave of absence, or even to resign his [REDACTED] status of the California Bar Association, while an investigation occurs as to what level of fraud was occurring within [REDACTED]

and [REDACTED] as to the withholding of the Deposition of [REDACTED], as the fraudulent nature of the lawsuit itself was to compel us to relinquish \$35,000 to the "Committee", lien our property (thereby making a financial disclosure to the Mortgage or Car Loan/finance as being incapable of meeting our financial obligations) or the "signing" of a lien to our property, over to the Committee due to false and fraudulent claims, even unsubstantiated by [REDACTED] "expert" Underwriter.

[REDACTED] will be receiving a demand letter for compensation, from myself and my family. This compensation to reimburse us for the past 10 years of turmoil, and psychological harm which, loss of investment, nightmares, teeth grinding, interference with my ability to respond to the call of the DoD. .

Your knowledge of Insurance [REDACTED] we would have never suffered this moral injury except for the behavior exacted upon us, even for the failure of fair dealing in a Lawsuit Case Number: [REDACTED] which brought the refusal of the "Committee" to the knowledge of [REDACTED], and [REDACTED] by way of complaints read, through and the claims of improper behavior, which led [REDACTED] to conclude, the Committee's failure of Proper Risk Management.

Our stomach acid invades our colon and our esophagus entering our mouth. This is another effect of the trauma over the past 10 years. Should we be effected by Colon Cancer or other cancers of the mouth or esophagus, we will be further damaged in the future, by the unjustness of the Attorneys, Courts, and Insurance Industry. The truth of this situation, will haunt us as long as we exist.

Barbara Gill drained ALL her savings, inheritance and worked many days 16 hours a day, sometimes 7 days a week, without break, without enjoyment of life. Without the exercise or change of thoughts and environment, for healthy human existence.

Mr Tisch, is this what [REDACTED] Insurance is designed to achieve, to capture the market of many, if not most Homeowners Associations, and in [REDACTED] pursuit of market share, party to such damage?

Now to Mr. James Tisch and Mr. Thomas Motamed:

Please interact with the California Legislature to compel the parties who purchase [REDACTED] Insurance to be **LICENCED as a FIDUCIARY**, so this episode is not repeated, elsewhere. So that the people who are without knowledge of FIDUCIARY LAW AND RESPONSIBILITY, who take control of a HOA bank account, do not call on Legal Defense in the California Court, for malicious or otherwise "self created" problems. As you are well aware, the average home owner has NO FINANCIAL CAPACITY to respond, except for giving their property to an attorney, who has the primary objective to continue billing hours, where the end action of "CITING LAW" never occurs.

And now the most significant comment to LEGISLATURE, as this story is an example of damage to the ECONOMY of the STATE of CALIFORNIA

What Assembly Member or State Senator, (with the Intestinal Fortitude) to propose the following into law:

- The Department of Commerce MUST have an "EBAY STYLE" rating system, outside of the oversight of the BAR ASSOCIATION, so that a citizen, can, and without any threat of retribution or threat of a lawsuit by attorney, for "Libel or Slander", compel a rating of their attorney, so the MARKET can weed out the hucksters and charlatans, who claim to be "OFFICERS OF THE COURT", to interrupt the scam; to bill hours without resolving the legal turmoil.

An EBAY STYLE REPORTING SYSTEM for citizens to make recommendations, or failure of actions, by their own attorney, to be maintained by the Department of Commerce

- Make it illegal for OFFICERS OF THE COURT to receive stolen money or money obtained through criminal activity? A "means test" for each invoice written to the client, to inform the parties, attorney and client alike; Bringing law to cause a FELONY, for both the Attorney to receive stolen funds, and Felony for the Client to pay the attorney with funds obtained through criminal activity, or funds co-mingled with other funds obtained through criminal activity. The client to sign: Under penalty of Felony Conviction, the funds paid to the officer of the court, have not been obtained through criminal activity.
- To compel the OFFICER OF THE COURT to report, known or suspected (by 30% probability) illegal actions of fellow OFFICERS OF THE COURT, and to link any attorney who is knowledgeable of the unlawful act of another

attorney, so to make both attorneys co-conspirators, should the reporting of the crime to then be uncovered at a later date.

Who has sufficient Intestinal Fortitude, to correct these deficiencies, so to move Commerce forward in California? IF there are too many attorneys, for the number of citizens, then provide such data, so to reduce the ratio of attorneys, so the remaining "Officers of the Court" have less need to lie to their clients to exact fees which are not "just or right".


Paul T. Rieker


Barbara Gill

24701 Leafwood Drive
Murrieta, CA 92562

COPY:

Brian Hebert
California Law Revision Commission
UC Davis Law School 400 Mrak Hall Drive Davis, CA 95616

Attached:

 Deposition

Non-renewal Letter to , attorney for the "Committee".

[REDACTED]

1

[REDACTED]

[REDACTED]

Case No. :

vs.

[REDACTED]

[REDACTED]

12:15 p.m.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1 MR. [REDACTED]: Again, objection,
2 speculation.

3 THE WITNESS: I do not know.

4 Q (By Mr. [REDACTED]) Did any information from
5 Mr. Rieker or Barbara play any role in [REDACTED]
6 decision to not renew the [REDACTED]
7 policy it issued to [REDACTED]?

8 A I guess the -- I'm a little confused
9 because the decision was based on, again, the claim,
10 and I don't recall all the parties involved in that
11 original claim.

12 Q No. What about the original claim, ma'am,
13 were you -- withdraw that.

14 What information did you have about the
15 original claim itself that caused you concern?

16 A The initial issue was that the claim went
17 into mediation, and there was an agreement, and then
18 when the formal document was presented there was
19 problems of people agreeing to that which had
20 occurred in the mediation.

21 Q Was any indemnity payment made by [REDACTED] on
22 behalf of [REDACTED] to settle that claim?

23 A I don't recall.

24 Q Other than there being an inability to
25 reach a formal agreement with respect to resolving

1 the claim you've referenced, was there any other
2 information specifically drawn from the claim that
3 caused you concern about [REDACTED] operational
4 structure?

5 A Yes. I mean, there are -- the
6 circumstances of the claim gave us concern.

7 Q What about the circumstances?

8 A Well, it was beyond the road. My
9 recollection is there were other allegations about
10 the operations of the Association.

11 Q Do you recall what the specific concerns
12 were with respect to the operation of the
13 Association?

14 A I don't recall.

15 Q And it's your understanding and
16 recollection that an actual lawsuit was filed in
17 connection with the claim, correct?

18 MR. [REDACTED]: Are you talking about that
19 [REDACTED] claim?

20 MR. [REDACTED]: Yes, sir.

21 THE WITNESS: Yes. The [REDACTED] claim, yes.

22 Q (By Mr. [REDACTED]) You know it as the [REDACTED]
23 claim?

24 A That's how we refer to it, yes, as the
25 [REDACTED] claim.