



Superior Court of California County of San Diego

CENTRAL COURTHOUSE
220 W. BROADWAY
PO BOX 120128
SAN DIEGO CA 92112-0128

FILED

November 3, 2004

FEB 14 2005

Clerk of the Court
United States District Court for the
Eastern District of California, Sacramento Division
United States Courthouse
501 "I" Street, Suite 4-200
Sacramento, California 95814

**CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**
BY CLERK *[Signature]*

Re: *Paul Andrew Mitchell v. AOL Time Warner, et al.*; San Diego Superior Court
Case No. GIC807057, removed May 15, 2003, to U.S. District Court, Southern
District of California Case No. 03CV993, venue transferred July 9, 2003, to
Eastern District of California, Case No. 03CV1513

Dear Sir or Madam:

Enclosed please find further documents submitted by Plaintiff and related to the above-referenced case, currently pending in your Court after it was removed to federal court and venue was transferred.

Sincerely,

THE OFFICE OF
COURT COUNSEL

Encs.

**2/7/05 Notice and Demand for Exhibition of Certificate, with attachments (2 pages);
*2/4/94 Report to City Council, stamped "Copy";
*California State Bar attorney search for Janis L. Sammartino, printed 2/6/05, stamped "Copy";
*Central District Subpoena, dated 3/1/04, stamped "Past Due" (3 pages);
*Mail receipts (2 pages);
*11/16/03 Notice and Demand for Exhibition of Oath of Office to Peter Eng, stamped "Past Due" (2 pages);
*12/18/03 Notice and Demand for Exhibition of Oath of Office to Jay Goldman, stamped "Past Due" (2 pages);

**12/15/03 letter from Jay Goldman stamped "Copy" with handwriting, "Refused for Causes: See Attached Itemized Details RTS";

*12/18/03 "Notice of Refusal for Causes by Affidavit," stamped "Copy" (4 pages); and

*12/15/03 letter from Jay Goldman, stamped "Copy."

1 Via First Class U.S. Mail
2
3
4

February 7, 2005 A.D.

5 **NOTICE AND DEMAND FOR**
6 **EXHIBITION OF CERTIFICATE**
7
8

9 Ms. Janis Lynn Sammartino
10 San Diego Superior Court
11 Department 71
12 P.O. Box 120128
13 San Diego 92112-0128
14 CALIFORNIA, USA
15

16 Subject: Sections 6002, 6067, 6068, 6126, 6127 and 6128,
17 California Business and Professions Code;
18 State Bar Number ("SBN") #65884
19
20

21 Greetings Ms. Sammartino:

22 Enclosed please find documentary evidence of your previous membership
23 in The State Bar of California, SBN #65884, during the period between
24 January 1, 1994 A.D. and February 2, 1994 A.D.
25

26 Also enclosed is a copy of the outstanding SUBPOENA to The State Bar
27 of California for all licenses to practice law of all members during
28 the ten (10) calendar years beginning January 1, 1994 A.D.
29

30 As such, said SUBPOENA now commands discovery of your license to
31 practice law, as required by sections 6067 and 6068 of the California
32 Business and Professions Code, during the period in question.
33

34 Due in part to the failure by The State Bar of California to answer
35 said SUBPOENA properly, we specifically deny that you were ever a
36 member, in good standing, of The State Bar of California. See Section
37 6002 *supra*.
38

39
40
41 **NOTICE**
42

43 Section 6067 of the California Business and Professions Code reads as
44 follows:
45

46 Every person on his admission shall take an oath to support the
47 Constitution of the United States and the Constitution of the
48 State of California, and faithfully to discharge the duties of
49 any attorney at law to the best of his knowledge and ability. **A**
50 **certificate of oath shall be indorsed upon his license.**
51

52 [bold emphasis added]
53
54

DEMAND

Formal DEMAND is hereby made of you to deliver a certified copy of said certificate of oath to the mailing location shown below, no later than 5:00 p.m. on Friday, February 18, 2005 A.D. (approximately ten (10) days hence).

Failure to perform will give us probable cause to charge you with violating Section 6126 of the California Business and Professions Code (a misdemeanor). See also 4 U.S.C. 101 *in pari materia* with the Article VI, Clause 3 and the Supremacy Clause (Constitution, Laws and Treaties of the United States are all supreme Law of the Land).

Sincerely yours,

Paul Kitcher

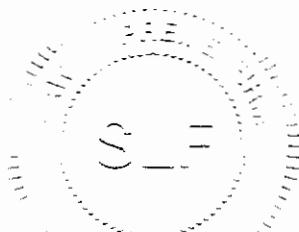
Paul Andrew Mitchell, B.A., M.S.
Private Attorney General, Criminal Investigator and
Federal Witness: 18 U.S.C. 1510, 1512-13, 1964(a)
<http://www.supremelaw.org/decs/agency/private.attorney.general.htm>

All Rights Reserved without Prejudice

U.S. Mail:

c/o Forwarding Agent
501 W. Broadway #A332
San Diego 92101
CALIFORNIA, USA

copy: San Diego City Council
202 "C" Street
San Diego 92101
CALIFORNIA, USA



February 2, 1994
REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

APPOINTMENT OF JANIS SAMMARTINO TO THE BENCH

I am pleased to inform you that yesterday Governor Wilson appointed Senior Chief Deputy City Attorney Janis L. Sammartino to the Municipal Court in the San Diego Judicial District. Judge Sammartino will take her oath of office at 4:00 this afternoon.

The appointment is well deserved. The Governor could not have made a better choice. Janis Sammartino's distinguished career as a municipal lawyer is a positive indication that her judicial career will be outstanding. I am sure you join me and her colleagues in the City Attorney's Office in extending to her the heartiest of congratulations.

It is not without regret however, that we see Janis leave us. She has been an important player on the City Attorney team. Her outstanding professional talents, personality, friendship and compassion will be impossible to replace.

Janis Sammartino became a deputy in our Criminal Division on February 17, 1976. After nearly two years as a prosecutor, she was transferred to the Planning and Property Division on January 16, 1978. In the ensuing 16 years, she became a recognized expert in redevelopment and land use law. On August 31, 1991, Janis was appointed Senior Chief Deputy and placed in charge of our three "advisory" divisions. While maintaining a full professional workload in her fields of expertise, she was also an important member of the office's management team. Regrettably, she stands as the 41st lawyer to leave our staff in the past two years.

Judge Sammartino will be undertaking a transition period for a brief period of time. Staff changes reflecting her departure will be announced as soon as they are made.

Respectfully submitted,
JOHN W. WITT
City Attorney

JWW:c:020.1(043.1)

RC-94-8

COPY

THE STATE BAR OF CALIFORNIA

Sunday, February 6, 2005

[State Bar Home](#)[Home > Attorney Search](#)[Search Calbar Site](#)

63

[Attorney Resources](#)[Public Services](#)[About the Bar](#)

ATTORNEY SEARCH

Attorney Name or Bar Number[Advanced Search »](#) [Include similarly sounding names and alternate spellings](#)**Your search for *Janis L Sammartino* returned 1 result.**Sort By:

Name	Status	Number	City	Admission Date
Sammartino, Janis Lynn	Judge	65884	San Diego	December 1975

[Contact Us](#) [Site Map](#) [Notices](#) [© 2005 State Bar of California](#)**COPY**

Issued by the

District Court of the United States

CENTRAL DISTRICT OF CALIFORNIA

Paul Andrew Mitchell

v.

AOL Time Warner, Inc. et al.,

In re: United States ex rel. of the United States

TO: Board of Governors % Chief Executive Officer,
The State Bar of California, 1149 S. Hill St.,
Los Angeles 90015-2299, CALIFORNIA USA YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

PAST DUE

DATE AND TIME

 YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

 YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See attached Directions for Delivery etc.

PLACE

DATE AND TIME

See attached (1 page)

March 1, 2004 A.D.

 YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

SHERIFF CLERK

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

BY: 1 DEPUTY CLERK

DATE

Dec. 1, 2003 A.D.

ISSUING OFFICER'S NAME, ADDRESS AND TELEPHONE NUMBER

411 W. FOURTH STREET

PM

SANTA ANA, CA 92701

(714) 338-4750

(See Rule 45, Federal Rules of Civil Procedure, parts C & D on reverse)

¹ If action is pending in district other than district of issuance, state district under case number.

Directions for Delivery of Following Documents
Commanded by Attached SUBPOENA IN A CIVIL CASE

Certified copies of all licenses to practice law with oaths of office indorsed thereon by all members of the State Bar of California during the ten (10) calendar years beginning on January 1, 1994 A.D. and ending on December 31, 2003 A.D., as required by section 6067 of the California Business and Professions Code and as authorized by the federal statute at 18 U.S.C. 1964(a).

(1) Forwarding Agent (1x)
c/o UPS PMB #332
501 West Broadway, Suite "A"
San Diego 92101
CALIFORNIA, USA

(2) Case No. 03-5070 (2x)
Mitchell v. AOL Time Warner, Inc. et al.
Attention: Clerk of Court
Supreme Court of the United States
One First Street, N.E.
Washington 20543-0001
DISTRICT OF COLUMBIA, USA

(3) Office of the Attorney General (1x)
Department of Justice
State of California
110 West "A" Street, Suite 1100
P.O. Box 85266
San Diego 92186-5266
CALIFORNIA, USA

AO 88 (Rev.11/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE	PLACE
SERVED <u>Dec. 1, 2003 A.D.</u>	<u>The State Bar of California 1149 South Hill Street Los Angeles 90015-2299 CALIF.</u>
SERVED ON (PRINT NAME) <u>Board of Governors Attention: C.E.O.</u>	MANNER OF SERVICE <u>Registered U.S. Mail Serial # RB474160252US</u>
SERVED BY (PRINT NAME) <u>Paul Andrew Mitchell</u>	TITLE <u>Private Attorney General (see 18 U.S.C. 1964)</u>

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on Dec. 1, 2003 A.D.

Paul Mitchell

SIGNATURE OF SERVER	Forwarding Agent c/o UPS PMB #332
ADDRESS OF SERVER	501 W. Broadway, Suite "A" San Diego 92101 CALIFORNIA, USA

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(e) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,
(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to

attend trial be commanded to travel from any such place within the state in which the trial is held, or the demanding party to contest the claim.

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

COPY

— Registered No.

Reg. Fee	\$ 0.00
Handling Charge	\$ 7.50
Postage	\$ 10.00
Received by	\$ 0.00
Customer Must Declare Full Value \$ 0.00	

To Be Completed
By Post OfficeTo Be Completed By Customer
(Please Print)
An Address Must Be In Blockprint or Typed

FROM	Paul Andrew Mitchell 90501 W. Broadway #A-332 92101 San Diego 92101 CALIFORNIA USA
TO	The State Bar of California 125 BROADWAY CA 90015 90015-2299 S. Hill ST. Los Angeles 90015-2299 CALIFORNIA USA

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
June 2002 (See Information on Reverse)For delivery information, visit our website at www.usps.com ®

COPY

SAN DIEGO DOWNTOWN STATION

SAN DIEGO, California

921019998

0567760101-0093

12/01/2003 (800)275-8777 12:46:24 PM

Sales Receipt

Product Description	Sale Qty	Unit Price	Final Price
---------------------	----------	------------	-------------

37c Purple Heart PSA	2	\$0.37	\$0.74
SAN DIEGO CA 92101			\$0.60
First-Class			

Issue PVI: \$0.60

WASHINGTON DC 20530 \$0.60
First-Class

Issue PVI: \$0.60

SAN FRANCISCO CA 94102 \$1.29
First-Class

Issue PVI: \$1.29

SAN DIEGO CA 92186 \$0.60
First-Class

Issue PVI: \$0.60

WASHINGTON DC 20543 \$0.60
First-Class

Issue PVI: \$0.60

BEVERLY HILLS CA 90211 \$0.60
First-Class

Issue PVI: \$0.60

WASHINGTON DC 20515 \$5.75
Priority Mail

Issue PVI: \$5.75

LOS ANGELES CA 90015 \$0.83
First-Class
Return Receipt \$1.75
Registered \$7.50
Insured Value : \$0.00
Article Value : \$0.00
Label Serial #: RB474160252US

Issue PVI: \$10.08

WASHINGTON DC 20024 \$2.67
First-Class

Issue PVI: \$2.67

Total: \$23.53

Paid by:
Cash \$30.55
Change Due: -\$7.02Order stamps at USPS.com/shop or call
1-800-Stamp24. Go toUSPS.com/clicknship to print shipping
labels with postage. For other

information call 1-800-ASK-USPS.

Bill#: 1000700747529

Clerk: 11

— All sales final on stamps and postage. —

Refunds for guaranteed services only.

Thank you for your business.

Customer Copy

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Board of Governors
 % CEO
 STATE Bar of Calif.
 1149 S. Hill ST.
 Los Angeles 90015
 CALIFORNIA, USA

2. Article Number

(Transfer from service label)

RB 474 160 252 00

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent
 Addressee

B. Received by (Printed Name)

G. J. H.

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

 Yes No

3. Service Type

<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input checked="" type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

NOTICE AND DEMAND FOR
EXHIBITION OF OATH OF OFFICE

TO: Mr. Peter Eng
dba Deputy Trial Counsel
c/o The State Bar of California
1149 South Hill Street
Los Angeles 90015-2299
CALIFORNIA, USA

PAST DUE

FROM: Paul Andrew Mitchell, B.A., M.S.
Private Attorney General, 18 U.S.C. 1964(a);
Plaintiff, Superior Court of California #GIC807057

DATE: November 16, 2003 A.D.

SUBJECT: 4 U.S.C. 101; Article VI, Clause 3,
Constitution for the United States of America;
18 U.S.C. 4, 1341

Greetings Mr. Eng:

NOTICE

Article VI, Clause 3 in the Constitution for the United States of America, as lawfully amended, and the federal statute at 4 U.S.C. 101, both require you to have executed a proper Oath of Office.

DEMAND

Formal demand is hereby made of you to produce a certified copy of your Oath of Office, as required by the Laws itemized above, by mailing same to the mailing location shown below no later than 5:00 p.m. on Friday, November 28, 2003 A.D.

Beyond the deadline above, your failure to produce certified evidence of your required Oath of Office will constitute fraud, pursuant to U.S. v. Tweel; it will activate estoppel, pursuant to Carmine v. Bowen; and it will give Me probable cause formally to charge you at least with impersonating a State officer, and mail fraud in violation of 18 U.S.C. 1341, the latter of which is a felony federal offense I am required by 18 U.S.C. 4 to report to a judge or other officer of the United States.

Please be advised that I have no intentions of violating 18 U.S.C. 4.

Thank you very much for your timely and professional consideration.

1 Sincerely yours,

2 /s/ Paul Andrew Mitchell



5 Paul Andrew Mitchell, B.A., M.S., Plaintiff
6 Mitchell v. AOL Time Warner, Inc. et al.
7 Superior Court of California, San Diego county #GIC807057
8 <http://www.supremelaw.org/cc/aol2/index.htm>

9
10 U.S. Mail to:

11
12 **Forwarding Agent**

13 c/o UPS PMB #332
14 501 W. Broadway, Suite "A"
15 San Diego 92101
16 CALIFORNIA, USA

17
18 courtesy copy:

19
20 Frederick K. Ohlrich
21 Clerk of the Supreme Court
22 Attention: R. Gilmore, Deputy Clerk
23 Supreme Court of California
24 350 McAllister Street
25 San Francisco 94102
26 CALIFORNIA, USA

27
28 Clerk of Court
29 Superior Court of California
30 P.O. Box 120128
31 San Diego 92112-0128
32 CALIFORNIA, USA

NOTICE AND DEMAND FOR
EXHIBITION OF OATH OF OFFICE

TO: Mr. Jay M. Goldman
dba Assistant General Counsel
c/o The State Bar of California
180 Howard Street
San Francisco 94105-1639
CALIFORNIA, USA

PAST DUE

FROM: Paul Andrew Mitchell, B.A., M.S.
Private Attorney General, 18 U.S.C. 1964(a);
Plaintiff, Superior Court of California #GIC807057

DATE: December 18, 2003 A.D.

SUBJECT: 4 U.S.C. 101; Article VI, Clause 3,
Constitution for the United States of America;
18 U.S.C. 4, 1341

Greetings Mr. Goldman:

NOTICE

Article VI, Clause 3 in the Constitution for the United States of America, as lawfully amended, and the federal statute at 4 U.S.C. 101, both require you to have executed a proper Oath of Office.

DEMAND

Formal demand is hereby made of you to produce a certified copy of your Oath of Office, as required by the Laws itemized above, by mailing same to the mailing location shown below no later than 5:00 p.m. on Friday, January 2, 2004 A.D.

Beyond the deadline above, your failure to produce certified evidence of your required Oath of Office will constitute fraud, pursuant to U.S. v. Tweel; it will activate estoppel, pursuant to Carmine v. Bowen; and it will give Me probable cause formally to charge you at least with impersonating a State officer, and mail fraud in violation of 18 U.S.C. 1341, the latter of which is a felony federal offense I am required by 18 U.S.C. 4 to report to a judge or other officer of the United States.

Please be advised that I have no intentions of violating 18 U.S.C. 4.

Thank you very much for your timely and professional consideration.

1 Sincerely yours,

2 /s/ Paul Andrew Mitchell 

3
4
5 Paul Andrew Mitchell, B.A., M.S., Plaintiff
6 Mitchell v. AOL Time Warner, Inc. et al.
7 Superior Court of California, San Diego county #GIC807057
8 <http://www.supremelaw.org/cc/aol2/index.htm>

9
10 U.S. Mail to:

11
12 **Forwarding Agent**

13 c/o UPS PMB #332
14 501 W. Broadway, Suite "A"
15 San Diego 92101
16 CALIFORNIA, USA

17
18 courtesy copy:

19
20 Frederick K. Ohlrich
21 Clerk of the Supreme Court
22 Attention: R. Gilmore, Deputy Clerk
23 Supreme Court of California
24 350 McAllister Street
25 San Francisco 94102
26 CALIFORNIA, USA

27
28 Clerk of Court
29 Superior Court of California
30 P.O. Box 120128
31 San Diego 92112-0128
32 CALIFORNIA, USA



THE STATE BAR
OF CALIFORNIA

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94103-1639

Jay M. Goldman
Assistant General Counsel

TEL (415) 538-2517 • FAX (415) 538-2321

December 15, 2003

Paul Andrew Mitchell
Forwarding Agent
c/o UPS PMB, #332
501 West Broadway, Suite A
San Diego, California 92101

Re: Objection to your alleged subpoena for records in *Mitchell v. AOL Time Warner, et al.*

Dear Mr. Mitchell:

We have received by way of mail delivery your so-called subpoena in the above-cited case, issued on a Central District of California form, calling for the State Bar to produce certified copies of ten years of attorney registration cards, and send one copy to you and the Office of the Attorney General, and two copies to the Clerk of the Court of the United States Supreme Court.

If your subpoena was otherwise valid, we would object on the basis that it was burdensome and oppressive, was not personally served, and inappropriately seeks production of multiple copies of documents to various nonparties.

However, as your case no longer exists, there cannot possibly be any proper subpoena issued from that matter. A review of federal court dockets show that your case was filed in the Eastern District of California, and was dismissed by that court on January 25, 2002. Your appeal to the Ninth Circuit was denied, your petition for writ of certiorari to the United States Supreme Court was denied on October 6, 2003, and your application to that court to extend your time to file a petition for rehearing from October 31, 2003 to December 31, 2003 was denied by Justice O'Connor on October 30, 2003.

Very truly yours,

A handwritten signature of Jay M. Goldman.

Jay M. Goldman
Assistant General Counsel

COPY

NOTICE OF REFUSAL FOR CAUSES,
BY AFFIDAVIT

TO: Mr. Jay M. Goldman
dba Assistant General Counsel
c/o The State Bar of California
180 Howard Street
San Francisco 94105-1639
CALIFORNIA, USA

FROM: Paul Andrew Mitchell, B.A., M.S.
Private Attorney General, 18 U.S.C. 1964(a);
Plaintiff/Appellant/Relator, #03-5070
Supreme Court of the United States

DATE: December 18, 2003 A.D.

SUBJECT: evidence of fraud in your letter dated Dec. 15, 2003 A.D.

Mr. Goldman:

Your letter dated December 15, 2003 A.D. is hereby refused for causes including, but not limited to, all of the following:

- (1) the facts and laws as stated in my PETITION FOR WRIT OF CERTIORARI and PETITION FOR EXTRAORDINARY WRITS IN THE NATURE OF MANDAMUS have been certified under penalty of perjury; copies of both are attached, for your information;
- (2) your letter is not certified;
- (3) your letter was not accompanied by any PROOF OF SERVICE to any Proper Party(s) in the above entitled case;
- (4) the SUBPOENA IN A CIVIL CASE in question is valid, and it was properly served upon the Board of Governors of The State Bar of California via Registered United States Mail with return receipt requested and received by the Undersigned;
- (5) the case in question was never dismissed by the District Court of the United States for the Eastern Judicial District of California, for all of the reasons stated in the pleadings listed at (1) above;
- (6) the appeal was never denied by the United States Court of Appeals for the Ninth Circuit, likewise for all of the reasons stated in the pleadings listed at (1) above;
- (7) the Supreme Court of the United States has not yet served upon Me any writ or process that conforms to the mandatory requirements of the federal statute at 28 U.S.C. 1691;

COPY

- (8) the U.S. Court of Appeals for the Ninth Circuit has not yet served upon Me any writ or process that conforms to the mandatory requirements of the federal statute at 28 U.S.C. 1691;
- (9) the District Court of the United States for the Eastern Judicial District of California has not yet served upon Me any writ or process that conforms to the mandatory requirements of the federal statute at 28 U.S.C. 1691;
- (10) two clerks allegedly employed by the Supreme Court of the United States have now failed to produce Oaths of Office upon receipt of proper DEMAND's from Me for same; they are now under formal investigation on suspicion of impersonating federal officers, mail fraud, conspiracy to engage in a pattern of racketeering activity, and entering false statements in violation of 18 U.S.C. 1001;
- (11) all personnel alleging to be judges duly commissioned and seated on the U.S. Court of Appeals for the Ninth Circuit have now failed to produce Oaths of Office upon receipt of proper DEMAND's from Me for same; they are now under formal investigation on suspicion of impersonating Article III judges, mail fraud, conspiracy to engage in a pattern of racketeering activity, and entering false statements in violation of 18 U.S.C. 1001; and,
- (12) My PETITION FOR REHEARING and My MOTION TO EXTEND TIME TO PETITION FOR REHEARING were never denied by any writ or other process that conforms to the mandatory requirements of the federal statute at 28 U.S.C. 1691.

If you have the gall to refer to any of the above verified facts as "due process of law", you are quite obviously out of your mind, Mr. Goldman. Either that, or your pitiful failure to locate the pertinent facts and laws in this matter indicates to Me that you are not qualified to serve as an employee of The State Bar of California.

To the end of ensuring that all personnel of The State Bar of California do have all proper credentials required by Law in California State, I now incorporate by reference My NOTICE AND DEMAND FOR EXHIBITION OF OATH OF OFFICE demanding that you exhibit your Oath of Office to Me on or before 5:00 p.m. on Friday, January 2, 2004 A.D.

Do NOT ask Me for any further assistance in this matter, Mr. Goldman, until you have proven to My complete satisfaction that you have executed a proper Oath of Office yourself.

No one is above the Law in this country, Mr. Goldman. If no one has ever explained this to you before now, consider yourself properly and completely notified by this lawful NOTICE.

1 **Clerk of Court**
2 Superior Court of California
3 P.O. Box 120128
4 San Diego 92112-0128
5 CALIFORNIA, USA
6

7 **Board of Governors**
8 Attention: Chief Executive Officer
9 The State Bar of California
10 1149 South Hill Street
11 Los Angeles 90015
12 CALIFORNIA, USA
13

14 attachments



THE STATE BAR
OF CALIFORNIA

180 HOWARD STREET, SAN FRANCISCO, CA 94105-1639

Jay M. Goldman
Assistant General Counsel

TEL (415) 538-2517 • FAX (415) 538-2321

December 15, 2003

Paul Andrew Mitchell
Forwarding Agent
c/o UPS PMB #332
501 West Broadway, Suite A
San Diego, California 92101

Re: Objection to your alleged subpoena for records in *Mitchell v. AOL Time Warner, et al.*

Dear Mr. Mitchell:

We have received by way of mail delivery your so-called subpoena in the above-cited case, issued on a Central District of California form, calling for the State Bar to produce certified copies of ten years of attorney registration cards, and send one copy to you and the Office of the Attorney General, and two copies to the Clerk of the Court of the United States Supreme Court.

If your subpoena was otherwise valid, we would object on the basis that it was burdensome and oppressive, was not personally served, and inappropriately seeks production of multiple copies of documents to various nonparties.

However, as your case no longer exists, there cannot possibly be any proper subpoena issued from that matter. A review of federal court dockets show that your case was filed in the Eastern District of California, and was dismissed by that court on January 25, 2002. Your appeal to the Ninth Circuit was denied, your petition for writ of certiorari to the United States Supreme Court was denied on October 6, 2003, and your application to that court to extend your time to file a petition for rehearing from October 31, 2003 to December 30, 2003 was denied by Justice O'Connor on October 30, 2003.

Very truly yours,

The handwritten signature of Jay M. Goldman, which is a stylized, cursive script.

Jay M. Goldman
Assistant General Counsel

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