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8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10 MARY CUMMINS

11 *Petitioner*

12 v.

13 AMANDA LOLLAR

14 *Respondent*

) Case No. BS143169
)
) MOTION TO RECUSE,
) DISQUALIFY JUDGE CAROL BOAS
) GOODSON CCP §170.3(c)(1);
) MOTION FOR SANCTIONS CCP
) §128.7
)
) Date:
) Time:
) Dept:
)
)
)

17
18 Now comes Mary Cummins Petitioner and moves to recuse, disqualify Judge
19 Carol Boas Goodson from the above entitled matter under 28 USCS Sec. 455, and
20 Marshall v Jerrico Inc., 446 US 238, 242, 100 S.Ct. 1610, 64 L. Ed. 2d 182 (1980), and
21 CCP §170.3(c)(1). "The neutrality requirement helps to guarantee that life, liberty, or
22 property will not be taken on the basis of an erroneous or distorted conception of the
23 facts or the law."

24 The above is applicable to this court by application of Article VI of the United
25 States Constitution and Stone v Powell, 428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L.
26 Ed. 2d 1067 (1976). "State courts, like federal courts, have a constitutional obligation
27 to safeguard personal liberties and to uphold federal law." Also see RI Supreme Court
28 Article VI and Canons 1, 2, and 3.B.6.

MOTION TO RECUSE, DISQUALIFY JUDGE CAROL BOAS GOODSON CCP §170.3(c)(1); MOTION FOR
SANCTIONS CCP §128.7

1 The above mentioned Judge has in the past deliberately violated this litigant and
2 other litigant's personal liberties and has wantonly refused to provide due process and
3 equal protection to all litigants before the court and has behaved in a manner
4 inconsistent with that which is needed for full, fair, impartial hearings.

5 The United States Constitution guarantees an unbiased Judge who will always
6 provide litigants with full protection of ALL RIGHTS. Therefore, Petitioner
7 respectfully demands said judge recuse herself and/or Court recuse, disqualify the
8 Judge in light of the evidence attached and Declaration of Petitioner Cummins
9 detailing prior unethical and illegal conduct or conduct which gives Petitioner good
10 reason to believe the above Judge cannot hear the above case in a fair and impartial
11 manner. Judge Carol Boas Goodson is scheduled to oversee a hearing September 27,
12 2013.

13 Respondent's attorneys Rocco, McSweeney and Lollar committed fraud and perjury
14 upon the court and should be sanctioned under CCP § 128.7 .

15 **STATEMENT OF FACTS**

16 Petitioner Cummins applied for a TRO against Respondent Lollar May 24, 2013
17 and received it # BS143169. Court Commissioner Carol Jane Hallowitz who became
18 an attorney in 1977 signed the order. The Court told Cummins to be sure to bring all of
19 her evidence and witnesses to the hearing to show the Court. Cummins had Lollar
20 served in Texas May 28, 2013.

21 June 14, 2013 was the restraining order hearing. The Court Coordinator Sharon
22 Charles stated an experienced attorney would hear the cases that day. Cummins signed
23 a form stating that she agreed to have Judge pro tem Marjorie A. Marenus oversee the
24 case. Marenus lists as one of her main specialities in her website "Civil Harassment
25 Restraining Orders." Marnenus has over 25 years of experience. Lollar did not show
26 but her attorney Dean Rocco showed. Rocco requested a two week extension so Lollar
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1 could arrange to “personally appear.” Lollar received the extension with a new hearing
2 date of July 1, 2013. The TRO was also extended by Marjorie Marenus.

3 Lollar’s attorney Dean Rocco filed a response to Cummins’ request for restraining
4 order. The response included unsigned documents, an unsworn statement by Lollar and
5 an unsworn statement by an unknown attorney Katherine McSweeney. At least 70% of
6 what was stated in the inch thick response was completely false, misleading, unrelated,
7 or inadmissible in court. Rocco, McSweeney, Lollar committed fraud and perjury upon
8 the court and should be sanctioned under California Code of Civil Procedure Section
9 128.7.

10 Cummins filed a reply to their response noting the falsities with attached exhibits as
11 proof. The Judge quickly flipped through Cummins’ 13 page reply with 12 exhibits
12 within a minute right before the case was heard July 1, 2013. Judge Carol Boas
13 Goodson oversaw the hearing and called the case.

14 Cummins has never received a copy of any court order. Cummins had to go online
15 and pay for a copy of the court order. The court order states “Oral argument taken from
16 the petitioner.” Petitioner Cummins was NOT allowed to give oral argument. Cummins
17 came prepared with videos and a two inch tall stack of evidence of over 150 violations
18 of the temporary restraining order. She had another two inch stack of paper evidence
19 and videos of past harassment, death threats and the physical assault. The Judge
20 instantly ruled without allowing Cummins to present her case or any evidence. Judge
21 stated in court she ruled based on the TRO application alone which was only a
22 summary. The Judge admitted she prejudged the case.

23 Judge Goodson instantly stated that the events happened in 2010 so it’s too late to
24 do anything. Cummins replied that her application for TRO stated the events started in
25 2010 and were ongoing to the present.

26 Judge Goodson then allowed Lollar’s attorney to plead his response without
27 allowing Cummins to first plead her case. Attorney Rocco mentioned a previous case
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1 between Cummins and Lollar. Cummins stated “objection” because that case is
2 inadmissible as evidence in this case as it is not related. Judge Goodson ignored
3 Cummins’ objection completely, did not even say “over ruled” or “sustained.”

4 Attorney Rocco then referred to the unsworn statements in his reply. Cummins
5 again objected as hearsay. They were not even sworn statements. Neither Lollar nor the
6 other attorney appeared in the case. Even if attorney Katherine M. McSweeney
7 appeared she was not a witness to anything. Again, Judge Goodson did not even
8 acknowledge Cummins’ objections.

9 Attorney Rocco then mentioned a search for the common name “Cummins” in legal
10 filings in all of LA County in the last 30 years. Rocco tried to infer that Petitioner was
11 every “Cummins” in the search results to make it appear that Petitioner is litigious.
12 Cummins again tried to object because Petitioner is not every person in the search
13 results. Previous litigation is also inadmissible as it is not related. Rocco tried to
14 portray Cummins in false light by making it seem that she is not only litigious but also
15 loses most lawsuits which is completely false.

16 Rocco told the court that Cummins tried to get a restraining order on her neighbor
17 but was denied. Cummins did indeed get a restraining order on her neighbor Simas
18 after he assaulted her multiple times. Rocco’s own exhibit shows Cummins received
19 the restraining order. Rocco, McSweeney and Lollar all committed fraud upon the
20 court in their false written and oral statements to the Court in violation of California
21 Code of Civil Procedure Section 128.7 and should be sanctioned accordingly.

22 Judge Goodson instantly stated to Cummins that she finds her application for
23 restraining order “annoying.” Judge Goodson also said that Cummins was “annoying.”
24 Judge Goodson stated that restraining orders are only for people who are “stabbed with
25 a knife” or “hit with a two by four.” Cummins then quoted Cal. Cod of Civ. Proc. §
26 527.6 (b)(3) which states the criteria for a civil harassment restraining order i.e.
27 “‘Harassment’ is unlawful violence, a credible threat of violence, or a knowing and
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1 willful course of conduct directed at a specific person that seriously alarms, annoys, or
2 harasses the person, and that serves no legitimate purpose. The court of conduct must
3 be such as would cause a reasonable person to suffer substantial emotional distress.”

4 Judge Goodson then stated that Cummins did not show substantial emotional distress.
5 Cummins tried to plead her case of emotional distress but was denied. Cummins has
6 suffered severe emotional distress as a result of Lollar’s harassment. Evidence of this
7 was even included in the application for TRO.

8 Cummins stated in her application that Lollar paid a man to serve her documents
9 who instead hit her with the documents after trespassing. Judge Goodson said
10 paraphrased “that was legal service. Things get a little physical with service.” Judge
11 Goodson seems to have only read Respondent’s reply and not Petitioner’s response to
12 Respondent’s reply which proves their allegations false.

13 Cummins then asked Judge Goodson for permission to ask one question. Cummins
14 asked “if I had no grounds for a restraining order, why did the police officers,
15 detectives, LAPD lawyer tell me to get a restraining order? Why did the restraining
16 order clinic state that I should get the restraining order and my documents looked fine?
17 Why did the Commissioner allow the TRO? Why did the judge pro tem agree to an
18 extension?”

19 Judge Goodson then stated “The restraining order clinic is run by a bunch of law
20 students who don’t know anything. Commissioners approved the TRO and extension.
21 They approve all TRO’s. They don’t know anything.”

22 Judge Goodson denied Cummins’ request for restraining order. Judge Goodson then
23 ordered Cummins to pay \$6,350 in Lollar’s legal fees. Judge Goodson added referring
24 to a judgement on appeal in an unrelated case “you better get out there and start
25 working to pay the judgement! It will follow you for 20 years! 20 YEARS!!!! Mr.
26 Rocco, make sure you give Cummins your address so she can send you the check
27 within ninety days” while sneering directly at Cummins.
28

1 Immediately after returning home from the hearing Cummins called the court to
2 request a transcript of the proceedings. Cummins was then informed there is no audio
3 or written transcript because there are no court reporters. This was the first time
4 Cummins was notified that there are no court reporters.

5 Cummins then researched Judge Carol Boas Goodson history and reviews on the
6 Internet. Cummins found many cases where Judge Carol Boas Goodson showed
7 extreme bias to certain litigants in violation of constitutional right to due process,
8 committed grave errors in proceedings which prevented parties from having a fair trial,
9 showed extreme bias by prejudging cases, committed grave errors of law, refused to let
10 parties give oral argument and refused to let litigants offer evidence or even call
11 witnesses. These litigants appealed Judge Carol Boas Goodson's orders and her orders
12 were reversed on appeal. The Appeals Court ruled that Judge Goodson did not give
13 litigants a fair and impartial trial. One such case which is eerily similar is Radha
14 Bharadwaj v William Mears, Case # B222911¹, 2011. Judge Carol Boas Goodson did
15 these exact same things in Cummins' case. This case was reversed. Appellant was
16 allowed a new trial by a new judge due to the bias and improper behavior of Judge
17 Carol Boas Goodson.

18 Cummins then filed an amended motion to reconsider² based on appeals of Judge
19 Goodson's cases August 15, 2013 citing a Claim of Bias in Violation of Constitutional
20 Due Process, Errors Alleged to Justify a New Trial Under Cal. Code of Civ. Proc. §
21 657, Irregularities in the Section 527.6 Proceeding and Errors in Law. Cummins
22 attached a form 170.6 to the motion. Cummins included notice that she would be
23 legally recording the audio of the hearing as there were no court reporters and she
24 could not afford to hire her own reporter. This motion included motion for new trial
25 and new judge.

26
27 ¹ <http://caselaw.findlaw.com/ca-court-of-appeal/1575708.html>

28 ² http://www.marycummins.com/judge_carol_boas_goodson_motion_reconsider_restraining_order.pdf

1 Respondent's attorney Rocco filed an opposition to motion for reconsideration. In
2 Respondent's opposition they admit (Opposition, pg 2) "Judge Goodman denied the
3 RRO on the face of the application itself." This shows pre-judging, pre-bias.

4 Cummins' case was called and Cummins placed the audio recorder on the table in
5 full view of the Judge. Judge Carol Boas Goodson stated "is that a recording device?"
6 Cummins answered "yes, I gave notice that I would record." Judge Goodson stated
7 "you're not allowed to record." Cummins stated "There's no court reporter." Judge
8 Goodson stated "you could have hired one. Put that phone away." Cummins again
9 quoted the law that states parties are allowed to audio record hearings. Judge Goodson
10 then stated "you would have to use proper recording equipment. That is not proper
11 equipment. Bailiff, take her phone away from her." The bailiff instantly took
12 Cummins' iPhone. The iPhone is capable of recording 25 hours of very high quality
13 audio. An mp3 of what was recorded was made³.

14 Judge Carol Boas Goodson then asked Cummins if she had new evidence.
15 Cummins stated yes. Judge Goodson then refused to allow Cummins to show the new
16 evidence which was phone records which showed Respondent called Cummins.
17 Respondent threatened to kill Cummins on the phone. Judge Goodson again did not
18 allow Petitioner to argue her case or show any evidence. Judge Goodson denied the
19 motion to reconsider claiming there was no new evidence. Cummins stated to the court
20 she would appeal the case. Cummins went home and began writing her appeal
21 assuming the case was closed in Superior Court.

22 September 3, 2013 Petitioner Cummins emailed Respondent's attorney Rocco
23 stating that Cummins has been in bed due to her ongoing back problem (Exhibit 1).
24 Cummins stated that for that reason she has not been able to get to her mail box which
25 is 25 miles away from Cummins. Cummins told Rocco that if he has mailed anything
26 recently, he should email it to her. Rocco then stated in email that he filed a motion for
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28 ³ http://www.marycummins.com/judge_carol_boas_goodson.mp3

1 vexatious litigant status. Rocco was trying to make it impossible for Cummins to
2 appeal the order. Rocco is taking advantage of the fact that Cummins cannot afford an
3 attorney. Cummins has the right to appeal the order. Cummins asked for a copy via
4 email but Rocco didn't send one stating the file was too large.

5 September 5, 2013 Petitioner was finally able to get out of bed to get her mail.
6 Cummins saw that this motion would be heard in Dept 75 which is Judge Goodson's
7 court so she instantly filed a 170.6 Affidavit of Prejudice Peremptory Challenge to
8 Judicial Officer Judge Carol Boas Goodson. Judge Goodson has been assigned by the
9 supervisor Judge to only hear restraining order petitions. Cummins had no idea Judge
10 Goodson would or could be hearing a motion for vexatious litigant. Petitioner filed the
11 170.6 as timely as physically possible because of her back injury. When Cummins
12 returned home Rocco had finally emailed a copy of the body of the filing.

13 September 9, 2013 Judge Carol Boas Goodson ruled that the 170.6 was not timely.
14 Cummins filed the 170.6 within an hour of being notified that the motion for vexatious
15 litigant would be heard by Judge Goodson. Cummins also filed one August 15, 2013.
16 This case was assigned to Dept 75. It was not assigned to a particular Judge. Petitioner
17 would only know which Judge will hear the case the morning of the hearing. It was
18 timely. The hearing was not until September 27, 2013, two weeks later.

19 Petitioner now files this motion to recuse, disqualify Judge Goodson from this case.
20 Petitioner will again not receive a fair trial if any trial at all if Judge Goodson hears this
21 case. Judge Carol Boas Goodson has abused her discretion and denied Petitioner the
22 right to a fair trial.

23 Cummins searched online reviews by lawyers, Judges and peers of Judge Carol
24 Boas Goodson. Some come from a book, others from Judicial review sites. The below
25 review is from a 1996, 1998 book "California Courts and Judges, Volume 1,⁴"
26

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⁴ "California Courts and Judges, Volume 1." Authors: Helen Y. Chang, Kathy Morris Wolf, Kenneth Jams Arnold. 1998,
1996, pg 370.

1 "GOODSON, Carol. Boas. JUDGE SUPERIOR COURT, Los Angeles County.
2 Appointment/Election: Appointed by Governor Brown Jr. Jan. 11, 1981 (date of oath
3 Jan. 13, 1981), elected in 1982, and reelected in 1988, 1994, and 2000: "But a lawyer
4 who represents tenants said that in one trial, she treated his client so harshly that the
5 client suffered a seizure right outside the courtroom, collapsed on the floor, and had to
6 be carried out..." Lawyers who represent tenants in disputes with landlords said they
7 think Judge Goodson is "nasty," "heavy-handed," "horrible," and ... "Her fiercest critic
8 among interviewees said, "She doesn't belong [on the bench]. I think she belongs in a
9 prison guarding violent prisoners. That fits her personality. She is that vicious." Two
10 attorneys recounted instances in which Judge Goodson called them liars in open court
11 even though they said she had no basis for making the accusation. Even defense
12 attorneys, who are much more favorably disposed toward her, agreed that her
13 temperament is "questionable," and "on the strong side," "stern," and "critical."
14 Lawyers said she can be quick to impose stiff sanctions."

11 Online review by lawyer⁵, "Now if you get a limited civil case downtown, your
12 choices are so limited. If you ding Carol Boas Goodson, the most evil, biased judge
13 I've ever seen, you may get this ding bat."

14 Online review by lawyer⁶ "Her husband is Mark Goodson of tv fame. She is pro large
15 corporate parties and very anti-underdog. She will try to set you up and play games.
16 She is lazy and should not have anything to do with the law. She will not entertain oral
17 argument unless you push hard or cite a statute requiring oral argument on that
18 particular type of hearing. You will be forced to tell your argument to the law clerk (I
19 think his name is John) who goes back into Chambers to see the Wizard (Judge). The
20 law clerk comes out again and says sorry, tentative stands. I think I saw her sanction an
21 attorney \$100 who insisted on oral argument before the Judge. File your 170.6 as to
22 this woman."

21 These are but a few reviews all of which are extremely negative which claim
22 similar bias and improper courtroom decorum. Minute transcripts included in appeals
23 show very similar behavior of not allowing oral argument/testimony, Judge Goodson
24 making fun of parties, her demeaning behavior and yelling at litigants. Her hearings
25 end with with attorneys having to yell "I declare a mistrial! I declare a mistrial!"
26 Cummins has filed a complaint against Judge Carol Boas Goodson with the Judicial

27 ⁵ <http://www.underdoglaw.com/showthread.php?183-Judge-Ray-L.-Hart-Dept.-10-Stanley-Mosk-Courthouse>

28 ⁶ <http://www.underdoglaw.com/showthread.php?21-Carol-B.-Goodson-LASC-Dept.-75>

1 Commission. Cummins will be responding to Respondent’s motion for vexatious
2 litigant.

3 ARGUMENT

4 **1. Judge has the duty to be impartial**

5 Judges have a duty to make their decisions free from any bias or prejudice. Cal
6 Rules of Ct, Standards of J Admin 10.20; Cal Rules of Ct, Code of Judicial Ethics,
7 Canon 3B(5). Because of this obligation, judges must disqualify themselves in
8 proceedings in which their disqualification is required by law (see CCP §170.1(a);
9 discussion in §§2.11–2.19) or in which their impartiality might reasonably be
10 questioned (CCP §170.1(a)(6)(A)(iii); see Commentary to Cal Rules of Ct, Code of
11 Judicial Ethics, Canon 3E; discussion in §§2.15–2.17).

12 **2. Grounds for disqualification**

13 a. [§2.15] Interests of Justice, Bias, and Appearance of Bias

14 In general. A judge is disqualified if

- 15 • The judge believes that recusal would serve the interests of justice (CCP §170.1(a)(6)
16 (A)(i)),
- 17 • The judge has substantial doubt that he or she could be impartial (CCP §170.1(a)(6)
18 (A)(ii)), or
- 19 • A person who was aware of the facts might reasonably entertain a doubt about the
20 judge’s impartiality (CCP §170.1(a)(6)(A)(iii)); Commentary to Cal Rules of Ct, Code
21 of Judicial Ethics, Canon 3E. See *Housing Auth. of Monterey County v Jones* (2005)
22 130 CA4th 1029, 1041–1042, 30 CR3d 676 (judge who decided pretrial motions
23 against defendant in limited civil case was disqualified under CCP §170.1(a)(6)(A)(iii)
24 from sitting on appellate division panel that heard defendant’s appeal); *DCH Health*
25 *Servs. Corp. v Waite* (2002) 95 CA4th 829, 833, 115 CR2d 847 (recusal may be
26 required on basis of mere appearance of impropriety); *Gai v City of Selma* (1998) 68
27

1 CA4th 213, 230–233, 79 CR2d 910 (this provision does not apply to administrative
2 hearing officers).

3 Examples. The most common examples of disqualifying bias are a judge’s personal
4 bias against a party, which may not be waived (CCP §170.3(b)(2)(A)), and bias toward
5 a lawyer in the proceeding (CCP §170.1(a)(6)(B)). See *In re Buckley* (1973) 10 C3d
6 237, 256, 110 CR 121 (judge must be so personally embroiled with lawyer that judge’s
7 capacity for impartiality is destroyed). Bias toward a witness is also grounds for
8 disqualification. *In re Henry C.* (1984) 161 CA3d 646, 653, 207 CR 751. Here
9 Petitioner is Petitioner, Witness and acting as her own attorney. Judge Goodson is
10 biased against Petitioner in all three instances.

11 Objective standard. Judges should use an objective standard in deciding whether a
12 person aware of the facts might entertain doubts concerning the judge’s impartiality.
13 *Briggs v Superior Court* (2001) 87 CA4th 312, 319, 104 CR2d 445; *Flier v Superior*
14 *Court* (1994) 23 CA4th 165, 170, 28 CR2d 383; see *Roitz v Coldwell Banker*
15 *Residential Brokerage Co.* (1998) 62 CA4th 716, 723, 73 CR2d 85 (standard for
16 arbitrator). In deciding the question of recusal, judges should ask them- selves if a
17 reasonable person would entertain such doubts looking at the circumstances at the
18 present time. *United Farm Workers of Am. v Superior Court* (1985) 170 CA3d 97, 104,
19 216 CR 4. See *Ceriale v AMCO Ins. Co.* 2–13

20 Disqualification of Judge §2.16 (1996) 48 CA4th 500, 506, 55 CR2d 685
21 (relationship between arbitrator and attorney for party, although indirect, could raise
22 doubts about arbitrator’s impartiality). No actual bias required. Actual bias need not be
23 present. *Roitz v Coldwell Banker Residential Brokerage Co.*, supra, 62 CA4th at 723.
24 If an average person could entertain doubt about the judge’s impartiality, dis-
25 qualification is mandated. *Catchpole v Brannon* (1995) 36 CA4th 237, 246, 42 CR2d
26 440. An appellate court will not speculate about whether the bias was actual or merely
27 apparent; reversal is required in such a case, with remand of the matter to a different
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1 judge for a new hearing on all issues. CCP §170.1(c); In re Wagner (2005) 127 CA4th
2 138, 147–149, 25 CR3d 201; Roitz v Coldwell Banker Residential Brokerage Co.,
3 supra, 62 CA4th at 723; Catchpole v Brannon, supra, 36 CA4th at 247; discussion in
4 §§2.20–2.21.

5 In this case Judge Carol Boas Goodson interrupted Cummins and yelled loudly at
6 her. Judge Goodson instantly stated at the beginning of the hearing that Cummins TRO
7 application is “annoying,” so is Cummins before Cummins had even spoken. Judge
8 Goodson inferred this case was a waste of her time. Dodds v Commission on Judicial
9 Performance (1995) 12 C4th 163, 176–177, 48 CR2d 106 (prejudicial conduct). “The
10 judge interrupted and yelled loudly and angrily at counsel and a litigant, that suggested
11 bias.”

12 In this case Judge Goodson also stated that restraining orders are only for people
13 “stabbed with a knife or hit with a two by four.” Catchpole v Brannon (1995) 36
14 CA4th 237, 262, 42 CR2d 440, “The judge stated that he considered sexual harassment
15 cases a misuse of the judicial system.” Judge Goodson again infers that this case is a
16 waste of her time. Judge Goodson also incorrectly interprets CCP § 526.7(b)(3) as
17 relating only to physical violence. In this case there was even actual physical violence.

18 **2. Motion to recuse, disqualify Judge is timely**

19 “The statement may be timely even if filed after the judge has made one or more
20 rulings in the case. See CCP §§170.3(b)(4), 170.4(c); Church of Scientology v
21 Wollersheim (1996) 42 CA4th 628, 655–656, 49 CR2d 620, disapproved on other
22 grounds in 29 C4th 53, 68 n5; Urias v Harris Farms, Inc. (1991) 234 CA3d 415, 419,
23 285 CR 659 (statement of disqualification was timely after judge granted motion for
24 summary judgment because litigant did not learn of grounds for disqualification
25 until then). See §2.33 for discussion of validity of judge’s rulings after judge has been
26 disqualified. However, even when the basis for disqualification is known early on, the
27 statement need not be presented until the assignment is entirely certain. See
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1 Hollingsworth v Superior Court (1987) 191 CA3d 22, 27, 236 CR 193 (filing statement
2 of disqualifi- cation in advance would be superfluous and might even be insolent and
3 offensive).

4 Petitioner filed a 170.6 August 15, 2013. Petitioner only learned very recently that
5 Judge Goodson would oversee the motion for vexatious litigant. This motion is being
6 filed at the absolute earliest time. Petitioner is a pro se. It takes a little longer for a pro
7 se to research, write and file documents with the court especially considering
8 Petitioner's back injury. Petitioner also has to drive and file documents with the court.

9 Petitioner's 170.6 preemptory challenge was also timely even though Judge
10 Goodson denied it as untimely. When Cummins first appeared in Dept 75 a different
11 Judge was in charge of the court that day. Cummins signed an agreement that she
12 allows the Judge pro tem to hear the case. Therefore Judge Goodson was not the Judge
13 assigned to the case.

14 This case was assigned to a Department and not a specific Judge. Petitioner has no
15 way to know who will be the Judge that day until the actual morning of the hearing.
16 Petitioner therefore need only file the challenge before the hearing when Petitioner
17 knows which Judge will oversee the hearing. Petitioner filed before the hearing.

18 **CONCLUSION**

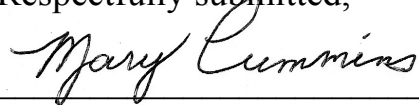
19 Judge Carol Boas Goodson has shown extreme prejudice and bias in this case.
20 Judge Goodson has in the past deliberately violated this litigant and other litigant's
21 personal liberties and has wantonly refused to provide due process and equal
22 protection to all litigants before the court and has behaved in a manner inconsistent
23 with that which is needed for full, fair, impartial hearings. Judge Goodson should be
24 recused and/or disqualified.

25 **PRAYER**

26 WHEREFORE, PETITIONER MARY CUMMINS respectfully requests that the
27 court recuse, disqualify Judge Carol Boas Goodson from this case and assign another
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1 Judge. Petitioner also requests that attorneys Dean Rocco and Katherine M.
2 McSweeney also be sanctioned for committing fraud and perjury upon the court under
3 California Code of Civil Procedure Section 128.7 .
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6 Respectfully submitted,

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Mary Cummins, Petitioner

9 Dated: September 19, 2013

10 645 W. 9th St. #110-140

11 Los Angeles, CA 90015

12 In Pro Per

13 Telephone: (310) 877-4770
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DECLARATION OF PETITIONER MARY CUMMINS

I, MARY CUMMINS, declare as follows:

1. I am Mary Cummins Plaintiff in pro per.
2. I make this declaration on my personal knowledge of the matters set forth herein. I could competently testify to the matters stated herein if called to do so.
3. May 24, 2013 I filed a TRO against Respondent Amanda Lollar.
4. June 14, 2013 the day of the RRO hearing Judge pro tem Marjorie A. Marenus was to oversee the case. Respondent's attorney filed a continuance.
5. Respondent's attorney Dean Rocco filed a written reply to my TRO application. What he and attorney Katherine McSweeney wrote in his reply was false.
6. I am not every single litigant named "Cummins" which Rocco mentions in his filing. My mother, sister, grandmother besides others have the same name. It's very common.
7. I did receive a restraining order against my neighbor Simas after he assaulted me. The documents Rocco submitted show that the order was issued. Rocco committed perjury and fraud upon the court.
8. I never stated that attorney Turner placed a bomb under my car. The documents McSweeney submitted clearly show this. McSweeney committed perjury and fraud upon the court.
9. I have never received a copy of the court order from this court.
10. I was not allowed to give oral argument or present my case in the RRO hearing or the subsequent motion to reconsider RRO.
11. I was not allowed to present any evidence.
12. I objected to Rocco's submission of hearsay items, irrelevant items...and Judge Goodson never even acknowledged the objections.

- 1 13. Judge Goodson yelled at me, stating I was annoying, my application for TRO
2 was annoying.
- 3 14. Judge Goodson told me at the RRO hearing that “restraining orders are only for
4 people who have been stabbed with knives, hit with a two by four.”
- 5 15. I quoted CCP 527.6(b)(3) in court to Judge Goodson. She replied that I did not
6 show emotional distress.
- 7 16. Even though I did show emotional distress in my TRO application I tried to
8 argue emotional distress but was again interrupted and cut off.
- 9 17. I stated in court and in my TRO application that Respondent paid a man \$750 to
10 trespass on private property, hit me with documents, videotape it then loaded the
11 video online. Judge Goodson responded “things get physical with service.”
- 12 18. Judge Goodson stated in the hearing that the people in the restraining order
13 clinic are law students who don’t know anything.
- 14 19. Judge Goodson stated in the hearing that the Commissioner and Judge pro tem,
15 both lawyers with many years of experience handling restraining orders,
16 “approve all TROs. They don’t know anything.”
- 17 20. Judge Goodson after ruling yelled at me the following “you better get out there
18 and start working to pay the judgement! It will follow you for 20 years! 20
19 YEARS!!!! Mr. Rocco, make sure you give Cummins your address so she can
20 send you the check within ninety days” while sneering directly at me.
- 21 21. I read the minutes of case Radha Bharadwaj v William Mears, Case # B2229117
22 which Judge Goodson oversaw in 2011. It is almost identical to my case. It
23 includes Judge Goodson yelling, demeaning, making fun of, threatening
24 Petitioner, her attorney and witnesses, not allowing argument or the submission
25 of evidence.
26
27

28 ⁷ <http://caselaw.findlaw.com/ca-court-of-appeal/1575708.html>

- 1 22. I searched and copied reviews of Judge Carol Boas Goodson online and in books
2 by peers and lawyers. They are linked in the footnotes.
- 3 23. I filed a motion to reconsider denial of RRO, motion for new trial and new
4 Judge.
- 5 24. August 15, 2013 I filed an amended motion to reconsider along with a 170.6.
- 6 25. August 16, 2013 Judge Carol Boas Goodson oversaw the motion to reconsider.
- 7 26. I placed my iPhone in full view on the table and started to record the hearing as I
8 gave legal notice that I would record.
- 9 27. Judge Carol Boas Goodson stated “is that a recording device?” I answered “yes,
10 I gave notice that I would record.” Judge Goodson stated “you’re not allowed to
11 record.” I stated “There’s no court reporter.” Judge Goodson stated “you could
12 have hired one. Put that phone away.” I again quoted the law that states parties
13 are allowed to audio record hearings. Judge Goodson then stated “you would
14 have to use proper recording equipment. That is not proper equipment. Bailiff,
15 take her phone away from her.” The bailiff instantly took my iPhone. The iPhone
16 is capable of recording 25 hours of very high quality audio. An mp3 of what was
17 recorded was made is located here⁸.
- 18 28. Judge Carol Boas Goodson asked me if I had new evidence to present. I said yes.
19 Then she didn’t let me present it.
- 20 29. My new evidence was phone records which show Respondent had called me on
21 various occasions. Respondent has threatened to kill me on the phone besides
22 online and in emails.
- 23 30. My motion to reconsider was denied. I told the Judge I would appeal.
- 24 31. I went home and started writing my appeal awaiting to receive the written court
25 order.
- 26 32. I have not received any court order from the court.
- 27

28 ⁸ http://www.marycummins.com/judge_carol_boas_goodson.mp3

- 1 33. September 3, 2013 I emailed Respondent's attorney Rocco. Exhibit 1 is a true
2 and correct copy of that email which I downloaded from my computer.
- 3 34. I herniated a disc in my back June 2010 and have been having major problems
4 ever since standing, sitting and sleeping. I could not get to my mailbox until
5 September 5, 2013. I received Rocco's motion for vexatious litigant at that time.
- 6 35. Within an hour of seeing the document which listed Judge Goodson as the Judge
7 I filed a 170.6 as to Judge Goodson.
- 8 36. I did not receive a copy of the court order on the denial of 170.6 as "untimely."
9 37. September 17, 2013 I went online and finally saw a copy of the denial.
- 10 38. I instantly started researching and writing this motion.
- 11 39. I make this motion in good faith. I believe I am entitled to a fair and impartial
12 Judge based on the law as I have read it.
- 13 40. I am a pro se and have not had any help researching or writing this motion.

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

16 Executed on September 19, 2013 at Los Angeles, California.

17
18 By: Mary Cummins
19 MARY CUMMINS
20
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28

1 PROOF OF SERVICE BY MAIL
2 (FRCivP 5 (b)) or
3 (CCP 1013a, 2015.5) or
4 (FRAP 25 (d))

5 I am Plaintiff in pro per whose address is 645 W. 9th St. #110-140, Los Angeles,
6 California 90015-1640. I am over the age of eighteen years.

7 I further declare that on the date hereof I served a copy of:

8 **MOTION TO RECUSE, DISQUALIFY JUDGE CAROL BOAS GOODSON**
9 **CCP §170.3(c)(1); MOTION FOR SANCTIONS CCP §128.7**

10 by USPS to

11 **Rocco Dean**
12 Wilson, Elser, Moskowitz, Edelman & Dicker LLP
13 555 S Flower St #2900
14 Los Angeles, CA 90071

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

17 Executed this day, September 19, 2013, at Los Angeles, California

18
19 Respectfully submitted,

20 

21 Mary Cummins, Petitioner

22 Dated: September 19, 2013

23 645 W. 9th St. #110-140

24 Angeles, CA 90015

25 In Pro Per

26 Telephone: (310) 877-4770