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4 In Pro Per

(ENDORSED)
FILED

AUG 30 2005

KIRI TORRE
Chief Executive Officer/Clerk
Superior Court of CA, County of Santa Clara
By J. Borman Deputy

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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SANTA CLARA
10 LIMITED JURISDICTION

11
12 Jimmy Sutton,

13 Plaintiff,

14 vs.

15 Katrina Hartwell,
16 et al.

Defendants.
17 _____/

4-03-003174
CASE No. ~~4-03-00374~~ SC-00374

DECLARATION IN SUPPORT TO
DISQUALIFY ALL SANTA CLARA
COUNTY SUPERIOR COURT JUDGES
COMMISSIONER PURSUANT TO §
170.3. (3) CODE OF CIVIL PROCEDURE

18 Defendant Katrina Hartwell herein fills this disqualification of all Superior Court Judges and
19 Commissioners as being prejudice and bias in their decision making and showing actual favoritism
20 toward plaintiff by permitting and allowing the plaintiff to (1) appeal small claims court final
21 judgment, which is prohibited by state law, (2) Permitting a plaintiff to exceed the jurisdictional limit
22 of small claims court, and (3) To deny a defendant their Due Process Rights. (4) To totally Disregard
23 prior Court Orders and (5) The Superior Court County of Santa Clara County denies a defendant
24 their mandated Federal Constitutional Rights to contest a unconstitutional judgment obtain in
25 violation of defendants constitutional right and seeking to enforce said unconstitutional judgment.

26 These undisputed factual showings is that in Santa Clara County the currently Small Claims
27 Court has unlimited jurisdiction and judgments have been entered in the amounts of \$42,000.00 and
28 above.

Disqualification of all Santa Clara County Superior Court Judges

1 This application is made based upon the total refusal of the Presiding Judge and the appellate
2 Department of the Santa Clara County Superior Court who assert that they have no jurisdiction to
3 review the issue of the unconstitutionality of the entry of a judgments that exceed the jurisdictional
4 limit of small claims court and done to circumvent a defendants constitutional rights to legal counsel,
5 the right to cross examine witness and the right to a jury trial and the rights to an appeal of right as
6 the judgment exceeded the \$25,000.00.

7 The Santa Clara County Superior Court Judges have asserted that a defendant has no rights
8 to contest the taking of property in violation of Due Process even through the United States Supreme
9 court and the California Supreme Court holds other wise.

10 Defendant herein moves disqualify all the Santa Clara County Superior Court Judges and
11 commissioners as these rulings and determinations and permitting small claims courts to circumvent
12 the jurisdictional limit and done to prevent a defendants their constitutional rights shows actual bias
13 and prejudice against defendant herein that defendant cannot receive a fair and impartial hearing
14 in any matter.

15 As clearly the Superior Court Judges in Santa Clara County have overruled higher court
16 decision.

17
18 Dated August 25, 2005

By _____

Katrina Hartwell

DECLARATION IN SUPPORT

I Declare as Follows;

1. I am the defendant herein and if called to testify I can do so based upon first hand personal knowledge.

2. That I cannot receive a fair and impartial determination in by any Santa Clara County Superior Court Judge or Commissioner in this case.

3. That these judgments were obtained in violation of California Law and Federal Law in that plaintiff Jimmy Sutton appealed a dismissal of his small claims case and the Superior Court Judges hold that the state law does not apply.

4. That Santa Clara County Superior Court Judges assert that a plaintiff can file as many cases in small claims court and have all the cases held at the very same time and there will be no limit on the dollar amount of small claim court judgments.

5. That these practices and procedure have and continues to violate my due process rights and equal protections rights as it constitutes the taking of property without due process of law.

6. That Santa Clara County Superior Court and the presiding Judge have been informed of these practices and have permitted these illegal acts to continue.

7. That I have attempted to contested the jurisdictional amount by filing a writ of mandate into the Superior Court appellate department seeking to contest a post judgment issue and the Santa Clara County Superior Court Appellate Dept. denied the petition for mandate by asserting that it has no jurisdiction over small claims court, even through the California Court of Appeal held to the contrary in G.E. vs Appellate Department of La County Superior Court, 88 Cal App 4th 136.

8. These determinations and out right rulings which prevent me from contesting the unconstitutional judgments in this case violate and continue to violate my Due Process Rights and I can not receive a fair decisions on the merits of how small claims court can circumvent my rights to Due Process of Law and enter a \$42,276.00 judgment with absolutely no rights

9. That I fully believe that all Santa Clara County Superior Court Judges and Commissioners are bias and prejudice against me as they have and continue allow plaintiffs to file as many actions against defendants and have all the actions heard at once and permit the small claims court to enter

1 multiple judges after one trial.

2 10. That based upon these policies and practices and determinations I cannot receive a proper
3 and fair, impartial determination by any Santa Clara County Superior Court Judge or Commissioner
4 which is required before any enforcement action can take place.

5 I declare under penalty of perjury that all of the foregoing is true and correct.

6 Dated August 25, 2006

7 AT Burlingame, California

By _____ -

8 Katrina Hartwell

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PROOF OF SERVICE BY MAIL

I declare as follows:

I am over the age of 18 years and not a party to the within action.

That I placed a true and correct copy of Defendant's Declaration and Application to Disqualify all Santa Clara County Superior Court Judges in a sealed envelopes addressed as follows:

CALIFORNIA JUDICIAL COUNSEL
ATTN. ATCS
455 GOLDEN GATE AVENUE
SAN FRANCISCO, CA 94102

CHIEF JUSTICE RONALD GEORGE
CALIFORNIA SUPREME COURT
350 MC ALLISTER STREET
SAN FRANCISCO, CA 94102

PRESIDING JUDGE DANNER
SANTA CLARA COUNTY SUPERIOR COURT
191 NORTH FIRST STREET
SAN JOSE CALIFORNIA 95113

JIMMY SUTTON
14231 HILLTOP WAY
SARATOGA, CA 95070

HON. DIANE NORTHWAY, SUPERVISING JUDGE
191 NORTH FIRST STREET
SAN JOSE, CA 95113

That I then placed said envelopes in the U.S. mail box at Burlingame, California on August 25, 2005 with first class postage fully prepaid

I declare under penalty of perjury that all of the foregoing is true and correct.

Dated August 25, 2005
at Palo Alto, California

By _____