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4 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

6 JANE DOE

7 *Plaintiff,*

8 vs.

9 ALKIVIADES DAVID, ET, AL,

10 *Defendant*

Case No.: 20STCV37498

DEFENDANT'S OBJECTION PROCEEDINGS  
INCLUDING JURY VERDICT DUE TO  
JUDICIAL CONFLICT OF INTEREST AND  
IMPROPER JURY TRIAL

11 TO THE HONORABLE CHRISTOPHER K. LUI:

13 INTRODUCTION

14 Defendant Alkiviades David, appearing pro se, hereby submits this Objection to the proceedings in the  
15 above-captioned matter on the grounds that

- 16 (1) the presiding judge has a personal conflict of interest, which impairs impartiality and fairness, and  
17 (2) that the case was improperly proceeded to a surprise jury trial.

18 Defendant respectfully requests that this Court address these critical issues to ensure the integrity of the  
19 judicial process.

21 FACTUAL BACKGROUND

22 1. Conflict of Interest: The presiding judge, Hon. Christopher K. Lui has a known personal and or  
23 professional conflict of interest involving the subject matter to the above styled cause and that of a pending  
24 federal matter captioned *In re Alkiviades David*, Case number 2:2024cv01665, United States District Court,  
25 Central District of California, filed February 29, 2024. Said federal action pleads in relevant part, "where  
26 the absence of jurisdiction by the herein named state courts, and the product of extrinsic fraud on the state  
27

28 DEFENDANT'S OBJECTION PROCEEDINGS INCLUDING JURY VERDICT DUE TO JUDICIAL  
CONFLICT OF INTEREST AND IMPROPER JURY TRIAL - 1

1 courts committed by the REAL PARTIES OF INTEREST produced unlawful domestic and international  
2 debt collections which are *void ab initio*.” This conflict compromises the here named judge’s ability to  
3 remain impartial and objective in adjudicating the instant matter. Due process requires a fair trial before a  
4 judge without actual bias against the defendant or an interest in the outcome of his particular case. *Bracy v.*  
5 *Gramley*, 520 U.S. 899 (1997). It certainly violates the Fifth and Fourteenth Amendments and deprives the  
6 defendant in a criminal case of due process of law to subject his liberty or property to the judgment of a  
7 court, the judge of which has a direct, personal, or a substantial pecuniary interest in reaching a conclusion  
8 against him in his case. *Tumey v. Ohio*, 273 U.S. 510 (1927) Id 523.

9  
10 2. On December 13, 2023, 1:25 PM, Defendant fired attorney Fred Heather as represented by the attached  
11 email. (SEE DEC 13, 2023 EMAIL TO FRED HEATHER) attached and incorporated herein. More  
12 specifically Defendant wrote:

13 “Fred you'e fiired.... YOU DO NOT REPRESENT ME - YOU ARE LIKE  
14 DANA - YOU ARE COMPLICIT AND CORRUPT. This is not my head injury  
15 in any way talking 0 it is based on legal advice too. Fred and Dana you are not  
to be involved with my cases ever again. Alki David”

16 On May 18, 2024, Defendant again asserted to Fred Heather by way of email, that Heather was no longer  
17 representing Defendant in any capacity due to counsel’s unethical behavior in a scheme to obtain millions of  
18 dollars from the elderly mother of the Defendant, representing that Defendant would face imminent criminal  
19 sanctions if money was not paid to his firm in the instant civil case. Counsel thereafter failed to either  
20 withdraw from the case or inform the court that counsel had been fired by the Defendant. As the court is  
21 aware counsel made no defensive filings on the record to include but not limited to Motion In Limime and  
22 proposed jury instructions. Nor did counsel notify the court as to the need for writ of habeas corpus ad  
23 testificandum so as to require United States Immigrations to issue a temporary visa to Defendant (a non-U.S.  
24 citizen) that his attendance would be available at such a trial.

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28 DEFENDANT'S OBJECTION PROCEEDINGS INCLUDING JURY VERDICT DUE TO JUDICIAL  
CONFLICT OF INTEREST AND IMPROPER JURY TRIAL - 2

1 3. Improper Jury Trial: On or about June 12, 2024, this Court proceeded to a jury trial without proper notice  
2 to the Defendant as discussed above. At the time, Defendant had terminated the services of Defendant's  
3 counsel of record, Fred Heather as described above. The Court, however, moved forward with the June 2024  
4 trial absent knowledge or notice to the Defendant thereby causing severe prejudice the Defendant's right to a  
5 fair trial. Moreover, at no time on the record or elsewhere did the Defendant waive his right to notice.

6  
7 "Notice and opportunity to be heard are fundamental to due process of law. We would  
8 reverse these cases out of hand if they were suits of a civil nature to establish a claim  
9 against petitioners. Notice and opportunity to be heard are indispensable to a fair trial  
10 whether the case be criminal or civil. *Joint Anti-Fascist Committee v. McGrath*, 341 U.S.  
11 123, 178 (1951)"

## 12 LEGAL GROUNDS FOR OBJECTION

### 13 I. Conflict of Interest

14 Under California Code of Civil Procedure § 170.1(a)(6)(A)(iii), a judge shall be disqualified if "[a] person  
15 aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial." The  
16 established conflict of interest in this case meets this criterion, as it raises reasonable doubts about Judge  
17 [Judge's Name]'s ability to render an unbiased decision.

### 18 II. Improper Jury Trial and Due Process Violation

19 Pursuant to the California Constitution, Article I, Section 16, and the Code of Civil Procedure § 631, parties  
20 are entitled to adequate notice and an opportunity to prepare for trial. Proceeding to a jury trial without  
21 proper notice and while the Defendant was in the process of changing legal representation constitutes a  
22 violation of due process and the right to a fair trial.

### 23 \*\*ARGUMENT\*\*

#### 24 1. Impartiality is Fundamental to Justice

25 The right to a fair and impartial tribunal is a cornerstone of the American judicial system. Given the conflict  
26 of interest involving Judge Christopher K. Lui, proceeding with this judge to the June 2024 trial threatened  
27 the fairness of the trial where an unreasonable \$900 million dollar verdict was returned. An impartial judge

1 is essential to the credibility and integrity of the judicial process.

2  
3 2. Right to Adequate Notice and Representation

4 Defendant's constitutional and statutory rights were infringed when the Court advanced to a jury trial  
5 without proper notice and during a transition of legal counsel. This surprise jury trial deprived the Defendant  
6 of adequate time to secure new counsel and prepare a defense, thereby undermining the fairness of the  
7 proceedings.

8 CONCLUSION

9 For the reasons set forth above, Defendant Alkiviades David, et, al. respectfully requests that:

- 10 1. Judge Christopher K. Lui be recused from this case due to the personal and or professional conflict of  
11 interest.  
12 2. Any orders or judgments entered during the surprise jury trial be vacated.  
13 3. A new trial be scheduled, providing sufficient time for Defendant to retain and prepare with new legal  
14 counsel.  
15 4. That all further proceedings in this matter be stayed pending full resolution in the United States District  
16 Court case as referenced above.

17 PRAYER FOR RELIEF

18 WHEREFORE, Defendants prays for relief as follows:

- 19 1. An order recusing Judge Christopher K. Lui from presiding over this matter.  
20 2. An order vacating all proceedings and judgments from the improper jury trial.  
21 3. An order for a new trial with appropriate notice and preparation time for Defendant's new counsel.  
22 4. An order to stay all proceedings in this case pending final disposition of cause 2:2024cv01665, United  
23 States District Court, Central District of California.  
24 5. Any other relief that this Court deems just and proper.

25 Respectfully submitted,

26 DATED: June 23, 2024

27 Alkiviades David  
28 [Defendant's Address]  
[Defendant's City, State, ZIP Code]  
[Defendant's Phone Number]  
[Defendant's Email Address]

[Signature]  
[Defendant's Name], Pro Se

CERTIFICATE OF SERVICE

I certify that I have served a full and complete copy of this pleading onto counsel of record for the Plaintiff  
by registered international mail: to-wit

[Name of Lawyer]

[Address]

[City, State, Zip]

Certified this \_\_\_\_\_ day of June 2024.

\_\_\_\_\_  
Alkiviades David