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Par recommandé

Ministère public du canton de Genève
Monsieur Adrian HOLLOWAY
Premier procureur
Case postale 3565
1211 Genève 3

Envoi par courriel anticipé à :
efaxmp.avocats@justice.ge.ch

Gstaad, le 22 août 2022

Concerne : P./22539/2021 : Plainte pénale d'Alkiviades DAVID contre Lauren REEVES du 19 novembre 2021 ; P./23339/2021 : Plainte pénale d'Alkiviades DAVID contre Mahim KHAN du 30 novembre 2021

Monsieur le Premier procureur,

Vous savez notre Étude représenter les intérêts de M. Alkiviades DAVID dans le cadre des plaintes pénales précitées.

La présente fait suite à la lettre recommandée de notre mandant datée du 18 août 2022.

Vous trouverez en annexe une copie de l'action fédérale déposée aux États-Unis le 19 août 2022 par notre mandant contre Me Gloria ALLRED et contre Lauren REEVES, et ce tel qu'annoncé dans la lettre précitée du 18 août 2022.

L'action susmentionnée conclut à ôter toute possibilité de procéder à l'exécution forcée en Suisse du jugement frauduleux obtenu par Lauren REEVES au détriment de notre mandant (cf. pièce n° 9 du bordereau de la plainte pénale de M. DAVID datée du 19 novembre 2021).

Notre mandant vous informera immédiatement de l'issue de cette procédure dont la nature veut qu'une sentence soit rendue rapidement.

En attendant un retour de votre part à propos de la requête d'audition Me Ronda KENNEDY, M. Michael KENNEDY ainsi que Ronald GOTTSCHALK datée du 24 mars 2022, réitérée par lettre recommandée du 18 août 2022, je vous prie de croire, Monsieur le Premier procureur, à l'assurance de ma respectueuse considération.

Annexe : ment.

Exct Béatrice STAHEL
Arthur SEPPEY



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8 Attorneys for Plaintiffs

9
10 **UNITED STATES DISTRICT COURT**
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

12 Alkiviades David, an individual;

Case No.

13 Plaintiffs,

14 vs.

**COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF**

15 Gloria Allred, Esq., an individual, Lauren
16 Reeves, an individual, and DOES 1-100

17 Defendants.

18
19 Plaintiff Alkiviades David, *et al.* ("Plaintiff"), by and through counsel
20 of record, bring this complaint for injunctive and declaratory relief against
21 the named Defendants, and allege as follows:

1 //

2 **INTRODUCTION**

3 The Constitution states command twice, the guarantee of requirement
4 of due process. The genesis of the fundamental right to due process found in
5 the United States Constitution is as follows: the Fifth Amendment stipulates
6 that according to the federal government, no one shall be “deprived of life,
7 liberty or property without due process of law.” The Fourteenth Amendment,
8 ratified in 1868, uses the same eleven words, called the Due Process of law.”
9 The Fourteenth Amendment, ratified in 1868, uses the same eleven words,
10 called the Due Process Clause, to describe a legal obligation of all states,
11 which includes California as well as the counties and municipalities
12 incorporated therein. Section One of the Fourteenth Amendment to the
13 United States Constitution states in the relevant part.” ...[N] or shall any
14 State deprive any person of life, liberty, or property, without due process of
15 law....” These words have as their central promise an assurance that all
16 levels of American government must operate within the law (“legality”) and
17 provide fair procedures.

18
19 The U.S. Supreme Court has published many opinions on this issue
20 and has arrived at the conclusion that both procedural and substantive due
21 process embody a person’s right to be provided “notice” and “an opportunity

1 to be heard” regarding all issues in dispute. Such a requirement provides that
2 notice must be in advance so that one is given the opportunity to speak up to
3 be heard prior to any other action taken. In the U.S. Supreme Court case of
4 *Granis v Ordean* (1914) 234 U.S. 385, 34 S.Ct. 779, 58 L.Ed. 1363[234 U.S.
5 385], the Court stated, “The fundamental requisite of due process of law is
6 the opportunity to be heard. Plaintiff contends that, if he had been “heard,”
7 by the Court as well as by the State Bar of California, the merits of his case
8 would have prevailed.

9 **California Constitution Article 1- Declaration of Rights:**

10 Section 1. "All people are by nature free and independent and have
11 inalienable rights. Among these are enjoying and defending life and liberty,
12 acquiring, possessing, and protecting property, and pursuing and obtaining
13 safety, happiness, and privacy." Section 7. (a) "A person may not be deprived
14 of life, liberty, or property without due process of law or denied equal
15 protection of the laws;"

16 Section 13. The right of the people to be secure in their persons,
17 houses, papers, and effects against unreasonable seizures and searches may
18 not be violated;"

19 Under both the U.S. Constitution and the California Constitution
20 Plaintiff Alkiviades David has unalienable due process rights. Under both
21

1 the Fifth and fourteenth Amendment of the U.S. Constitution and Under
2 section 1, 7, and 13 of the California Constitution. Plaintiff David was
3 denied due process in the trial in the California Superior Court case
4 BC643099. The Plaintiff Lauran Reeves in those court proceedings, through
5 her attorney Gloria Allred obtained the services of Tom Girardi who was
6 latter named the “Fixer” when it came to securing a judge. The Los Angeles
7 Times article reported that Tom Girardi had a secretive world of private
8 judges. [https://www.latimes.com/california/story/2022-08-04/tom-girardi-
9 erika-corruption-private-judges](https://www.latimes.com/california/story/2022-08-04/tom-girardi-erika-corruption-private-judges) There is an ongoing investigation into the
10 corrupt world of Tom Girardi his network of lawyers and judges. Any case
11 where Tom Girardi has any connection should be stayed until the conclusion
12 of the investigation.

13 PARTIES

14 Plaintiff Alkiviades, is a natural person, a resident of California and
15 a citizen of the United Kingdom.

16 Defendants Gloria Allred, Esq., is a natural person, a resident of
17 California and Lauren Reeves, is a natural person, whose residence is
18 unknown.

19 JURISDICTION AND VENUE

20 This Court has jurisdiction over all claims for relief pursuant to
21

1 U.S.C. § 1331, 1343, 2201, and 2202, and 42 U.S.C. §§ 1983 and 1988, as this
2 action seeks to redress the deprivation under color of the laws, statutes,
3 ordinances, regulations, customs, and usages of the State of California, and of the
4 rights, privileges or immunities secured by the United States Constitution.

5 Venue lies in this Court under 28 U.S.C. § 1391, as the events giving
6 rise to Plaintiffs' causes of action arose or exist in this District in which the action
7 is brought.

8
9 **STATEMENT OF FACTS COMMON TO ALL CLAIMS**

10 In 2019, Lauren Reeves, represented by Attorney Gloria Allred,
11 sued Plaintiff David and Plaintiffs Hologram USA and Alki David
12 Productions, LASC Case No. BC643099, for sexual battery and sexual
13 harassment. Attorney Allred's partners, Nathan Goldberg and Dolores Y. Leal
14 of the Attorney Allred's firm, Allred, Maroko & Goldberg, represented
15 Reeves, who worked as a comedy writer for Plaintiff Hologram USA.

16 On April 15, 2020, Judgment for Plaintiff Lauren Reeves was
17 entered against the corporate defendants Hologram USA, Inc., Alki
18 David Productions, Inc., FilmOn TV in the amount of \$650,000 for
19 compensatory damages. A punitive damages award in the amount of
20 \$4.35 million was entered against Defendant Alkiviades David. Lauren
21

1 Reeves v. Hologram USA, Inc., Alki David productions, Inc., FilmOn,
2 TV., Civ. No. BC643099, Superior Court of Los Angeles County,
3 Stanley Mosk Courthouse.

4 Reeves later agreed to a reduction in her compensatory award in
5 the amount of \$445,000 because Los Angeles Superior Court Judge
6 Rafael Ongkeko found the amount of out-of-pocket damages awarded to
7 Reeves was excessive.

8
9 Plaintiffs respectfully submit that the court proceedings were
10 conducted contrary to the fundamental principles of due process and
11 fairness to which every Defendant is entitled. Specifically, it has now
12 been publicly revealed that the State Bar of California has entirely failed
13 to investigate bar complaints against Thomas V. Girardi and those
14 closely connected to him, including Attorney Gloria Allred.

15 Defendant Alki David has *four times* sought to have the State Bar
16 of California address his legitimate claims concerning the egregious and
17 unethical conduct of attorney Allred and her partners. *See* Exhibit 1
18 (Plaintiff David's Correspondence with Leah Wilson, the Executive
19 Director of The State Bar of California and the three prior complaints
20 that Plaintiff David sent to the State Bar of California.).
21

1 On June 19, 2022, David sent Leah Wilson, the Executive Director
2 of The State Bar of California, an email concerning the State Bar’s *entire*
3 *failure* to address the merits of any of his three prior complaints. *See*
4 *Exhibit 1*. He did so after it was revealed that the State Bar had failed to
5 investigate attorney misconduct (Exhibit 1).
6

7 Ms. Wilson, who apparently had not even read the attachments sent
8 to her, by David consisting of the three prior bar complaints filed by
9 David, responded on June 25, 2022 asking “have you considered filing a
10 complaint against Ms. Allred or Ms. Bloom?” (Exhibit 2)

11 Ms. Wilson’s cursory response to Plaintiff David, inquiring
12 whether he has considered filing complaints against Attorneys Allred and
13 Bloom manifestly reveal that it is palpably obvious that The State Bar of
14 California has entirely failed to investigate pending claims against
15 Attorney Allred and her partners.
16

17 *However, just as incredible* is the fact that it is public record that
18 the State Bar has failed to investigate many complaints. The press has
19 widely reported that The State Bar of California *has failed to effectively*
20 *discipline* corrupt attorneys, allowing lawyers to repeatedly violate
21 professional standards and harm members of the public, according to a

1 long-awaited audit of the agency).

2 <https://www.latimes.com/california/story/2022-04-14/california->
3 [state-bar-failed-stop-corrupt-attorneys-tom-girardi-audit](https://www.latimes.com/california/story/2022-04-14/california-). See also,

4 <https://www.courthousenews.com/ex-california-state-bar->
5 [director-joe-dunn-facing-](https://www.courthousenews.com/ex-california-state-bar-)

6
7 Recently, it has been revealed that Tom Girardi was involved with
8 securing Judges to rule for a particular party in many cases. Tom Girardi was the
9 “Fixer” of cases for a certain network of attorneys. On information and belief
10 Defendant Gloria Allred is one of these attorneys for whom Tom Girardi fixed
11 several cases including Defendants’ case in this action.

12 This corruption was recently discovered and has been in the U.S. and global
13 news as many articles are laying out the vast corruption. The matter is still being
14 investigated and every day there is more corruption exposed. See e.g.,

15 <https://www.reuters.com/legal/legalindustry/california-bar-wants-get->
16 [proactive-attorney-discipline-cases-2022-07-25](https://www.reuters.com/legal/legalindustry/california-bar-wants-get-); See also,

17 <https://www.reuters.com/legal/legalindustry/california-bar-bungled->
18 [attorney-misconduct-cases-new-audit-finds-2022-04-14](https://www.reuters.com/legal/legalindustry/california-bar-bungled-).

19
20 Clearly, Plaintiffs have been prejudiced by the State Bar of
21 California’s systematic negligence in addressing his complaints regarding

1 unethical and unlawful conduct by Attorneys Allred, Nathan Goldberg and
2 members of their law firm. The State Bar complaint that Plaintiff David filed
3 is Exhibit 3 hereto.

4 Clearly, Plaintiff was denied his constitutional right of due process. The
5 violation of these rights are enforceable through the United States Federal Court
6 system. Specifically, as set forth in the ignored State Bar Complaint, Attorney
7 Allred, Attorney Nathan Goldberg and their law firm partners in *Reeves*, and in
8 inter-related cases, including *Mahim Khan v. Hologram USA, Inc.*, *Alki David*
9 *Productions, Inc.*, *FilmOn TV, Inc.*, *Alkiviades David*, Case No. BC 654017,
10 switched exhibit and witness lists in those trials, and forged the signature of Ellyn
11 Garofolo, counsel for Plaintiffs.

12 To clarify for the Court, Plaintiffs characterize those cases as “inter-related”
13 because Plaintiff David, like many successful men, has been the victim of
14 fallacious “me too” complaints asserted by his company’s former employees.
15

16 Those plaintiffs who sued Plaintiff David and the Entity Plaintiffs colluded,
17 conspired and contrived, with the guidance of their legal counsel, to fabricate
18 fallacious claims against Alki David and his companies.

19 The Defendant’s fraud upon the court has caused a deprivation of
20 Plaintiff David’s constitutional rights are not confined to the United States.

21 Indeed, Attorney Allred and her client, Lauren Reeves, attempted to illegally

1 enforce this judgment against Plaintiff David for punitive damages which are not
2 collectible in Switzerland. Despite Defendants' being told by their Swiss attorney
3 that punitive damages could not be collected in Switzerland they filed to enforce
4 the judgment in Switzerland.

5 Throughout the entire, years-long campaign to obliterate Plaintiff
6 David's reputation and bankrupt him and the Plaintiff Entities, Defendant Allred
7 exceeded all respectable boundaries of advocacy, violated The Code of Ethics by
8 which all attorneys must adhere. Further, she has exceeded the boundaries of the
9 United States as well, maligning Defendant Alki's character and reputation in
10 Switzerland.

11 In Switzerland, Defendant Allred wrongfully sought to enforce a
12 non-final judgment against Plaintiff David *and his family*, none of whom
13 were parties to any relevant litigation filed by Defendants' Attorneys, in
14 *Mahim Kahn v. Alki David, et. al*, in violation of Swiss law.

15 Béatrice Stahel, of MC Avocats SA (Ltd.) in Gstaad, Switzerland,
16 represents Plaintiff David in Switzerland with regard to these matters.
17 Plaintiff David has filed criminal complaints in Switzerland against Reeves,
18 alleging Reeves is guilty of willful defamation (art. 174 SCC) / defamation
19 (art. 173 SCC). Reeves is represented by Attorney Defendant Allred. Stahel
20 informs in an English translated letter that Allred has violated Swiss law.⁴
21

1 In Switzerland, Defendant Allred also wrongfully sought to enforce a
2 non-final judgment against Plaintiff David *and his family*, none of whom
3 were parties to any relevant litigation filed by Defendant Attorneys, in
4 *Mahim Kahn v. Alki David, et. al*, in violation of Swiss law (Exhibit 4).

5 The Swiss courts rejected Allred's extraterritorial efforts to collect on
6 the *Mahim Khan* judgment because appellate proceedings are ongoing in that
7 case. Indeed, Defendant David and the named Entity Defendants in the
8 *Mahim Khan* case have a Petition for Review pending before the California
9 Supreme Court. *Mahim Khan v. Alkiviades David*, B305849, B3088727 that
10 case remains under appeal and is pending before the California Supreme
11 Court.

12 Defendant Allred's illegal actions in Switzerland have caused,
13 and continue to cause, Plaintiff David extreme expense and have, and
14 continue to cause, further damage to Plaintiff David's reputation as such
15 filings are public record in Switzerland. Plaintiff David has gone to great
16 expense to hire legal counsel to fight the criminal enterprise conducted by
17 Defendant Allred and Defendant Bloom's continuous, wrongful spurious
18 actions and defamatory actions.

19 Defendant Allred's corrupt, willful and intentional actions,
20 constituting criminal acts under relevant Swiss law, were committed under
21

1 the auspices of an otherwise legitimate enterprise, Allred, Maroko &
2 Goldberg.

3 Accordingly, pursuant to Rule 65(b), Federal Rules of Civil Procedure, and
4 upon good cause, Plaintiffs respectfully seek injunctive relief and a temporary
5 restraining order enjoining the enforcement of the Judgement entered in this case,
6 BC643099 so as to preserve the status quo of the case, both here and in
7 Switzerland, where Defendants Allred and Reeves, as well as their Swiss Counsel
8 has defamed Plaintiff David in their efforts to collect.

9 Not only did the Defendants commit fraud upon the Court in California the
10 Defendants also committed fraud upon the Swiss Courts. The Defendants told the
11 Swiss Court David was “convicted of sexual assault” which is an out right lie.
12 Indeed, David has never been convicted of any offense anywhere in the world.

13 Plaintiffs respectfully request injunctive relief under Federal Rule of
14 Civil Procedure 65(b) which requires the moving party to show that “it clearly
15 appears from specific facts shown by affidavit or by the verified complaint that
16 immediate and irreparable injury, loss, or damage will result to the applicant
17 before the adverse party . . . can be heard in opposition....”

18 Here, Plaintiff David and his family are in peril of having their real
19 estate and other assets liquidated in Switzerland imminently and therefore Mr.
20 David faces irreparable harm if injunctive relief is not granted.
21

1 Under Rule 65(b) and Ninth Circuit case law, a plaintiff may obtain a
2 temporary restraining order only where he or she can “demonstrate immediate
3 threatened injury.” See, e.g., *Caribbean Marine Servs. Co. v. Baldrige*, 844 F.2d
4 668, 674 (9th Cir. 13 1988) (emphasis in original). The party seeking the
5 temporary restraining order or a preliminary injunction must prove the
6 prerequisites by clear and convincing evidence. *Granny Goose Foods, Inc. v.*
7 *Brotherhood of Teamsters*, 415 U.S. 423, 441 (1974). 1

8 The standards for a restraining order are basically the same as for a
9 preliminary injunction. While courts are given considerable discretion in
10 deciding whether a preliminary injunction should enter, and injunctive relief
11 is not obtained as a matter of right, it is also considered to be an extraordinary
12 remedy that should not be granted unless the movant, by a clear showing,
13 carries the burden of persuasion. See *Sampson v. Murray*, 415 U.S. 61
14 (1974); *Brotherhood of Locomotive Engineers v. Missouri-Kansas-Texas R.*
15 *Co.*, 363 U.S. 528 (1960); and *Stanley v. Univ. of Southern California*, 13
16 F.3d 1313 (9th Cir. 1994).

17
18 In the case of *Martin v. Int’l Olympic Comm.*, 740 F.2d 670, 674-675
19 (9th Cir. 1984), the Ninth Circuit stated that a party seeking preliminary
20 injunctive relief must meet the following test. a court may issue a
21 preliminary injunction if it finds that: (1) the Plaintiffs will suffer irreparable

1 harm if injunctive relief is not granted, (2) the Plaintiffs will probably prevail
2 on the merits, (3) in balancing the equities, the Defendants will not be harmed
3 more than Plaintiffs are helped by the injunction, and (4) granting the
4 injunction is in the public interest.

5 With the ongoing investigation of corruption surrounding the California
6 judicial system involving many players in Mr. David's case, if an injunction
7 is granted Defendants will not be harmed however David will suffer
8 irreparable harm Defendants are attempting to take David's home in
9 Switzerland where his elderly mother lives.

10 Granting this injunction would be in the public interest, The public has
11 lost trust in our judicial system. The exposure of the corruption buying of
12 judges, fixing cases with no oversight from the State Bar it has caused the
13 public to lose faith in our judicial system.

14
15 **CONCLUSION**

16 WHEREFORE, for the foregoing reasons, Plaintiff respectfully request
17 A preliminary injunction restraining Defendants and their officers, agents, servants,
18

19 //

20 //

21 //

1 employees, and all persons in concert or participation with them who receive notice
2 of the injunction, from enforcing Defendants' judgment in Switzerland.

3

4 Respectfully submitted this 19th day of August 2022

5

/s/ Ronda Baldwin-Kennedy

6

Ronda Baldwin-Kennedy

7

Attorneys for Plaintiffs

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Alkiviades David) The Jury returned 8 - 4 in my favor because they believed there was a Fraud on the Court. Despite the Court being loaded from the Start as Lisa Bloom would commit perjury in wholesale.

In my case Self-governing Judges who have been corrupted by Girardi et al; Judge Michelle Williams Court or Judge Yolanda Orozco for example; Are judges that have obvious conflicts with adjudicating cases like mine. Extreme egregious reasons. Regardless, these people are openly extorting me in Court hiding behind the cover of the Judiciary.

Although the FBI have and continue to investigate these matters; 70 k a year is not often enough for these men and women to care to go up against the entire Judicial machine of California.

Therefore, it is left to people like myself who have had enough of being trafficked through this broken criminal system the State Bar is meant to police. I have taken it upon myself to build a strong team of lawyers including Alan Dershowitz, Blair Berk, Dana Cole, Glaser Weil Firm. I have several other firms in Switzerland, London and the Caribbean from where I am filing criminal prosecutions. They are at various stages of imminence.

In these affairs I am righteous Leah. There are many whistleblowers and ex employees who have never been voiced due to the corrupted process.. Several people who have either recanted or have been coreced by these people and have written adjudicated affidavits in my support.

My strength is my transparency and I expect to prevail in all matters relating to the State Bar of California and its corruption.

Therefore please reach out to me or any one of my representatives and let's try to collaborate rather than continue down this dark road from which I will no doubt emerge victorious.

Despite my bullishness, my experience has been at times terrifying. I have even had run-ins with the Sheriff's department in and out of courtrooms as a direct result of Allred and Blooms manipulation of the Court System.

I have no criminal record anywhere in the world. The most jail time I've done is 1 day for importing hemp to St Kitts. Which ironically turns out to be one of the international jurisdictions issuing "red notices' ' on Girardi, Boom Allred et al.

Sincerely
Alki David

www.ANAKANDO.com

Alki David
Founder & CEO Anakando Ltd.

Hello Mr. Alki:

I am writing to confirm receipt of the below. Have you filed a complaint with the State Bar against Ms. Allred or Ms. Bloom?

Thank you,
Leah Wilson

Leah Wilson (she/her/hers)|[Hear my name](#)
Executive Director, Office of the Executive Director
[The State Bar of California](#) | 180 Howard Street | San Francisco, CA 94105
415-538-2257 | leah.wilson@calbar.ca.gov

Working to protect the public in support of the mission of the State Bar of California.

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Murray B. Greenberg
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April 29, 2020

STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
INTAKE DEPARTMENT 845 SOUTH FIGUEROA STREET LOS ANGELES, CA 90017

I, Murray B. Greenberg, Esq. submit this complaint on behalf of Alkiviades (“Alki”) David against attorneys Gloria Allred, Nathan Goldberg, Dolores Y. Leal and Renee Mochkatel based on their professional misconduct in the case held before Judge Michelle Williams Court in Los Angeles Superior Court, Central District Case No. BC654017 entitled MAHIM KHAN, Plaintiff v. HOLOGRAM USA, Inc.; ALKI DAVID PRODUCTIONS, INC.; FILMON TV, INC.; ALKIVIADES (“ALKI”) DAVID, an individual; and DOES 1 through 25, Defendants

The State Bar complaint form is attached to this letter submitting the complaint. Also appended to this letter is a statement by Mr. David authorizing me to act on his behalf in this complaint. There are several attachments that are pertinent to his matter. Please let me know if you have any difficulty opening them.

This was a highly contentious lawsuit which involved allegations of battery and harassment against the defendant, Mr. David and associated companies. The above-named attorneys used dishonest means and violated their ethical responsibilities during the trial which hampered Mr. David’s ability to properly mount a defense.

The most egregious ethical breach involved the manipulation of a joint

exhibit list by plaintiff's attorneys which caused a doctored list to be filed with the court. As if this action was not serious enough, the plaintiff's attorneys also removed the signature page with defendant's attorney's (renowned litigator and trial attorney, Ellyn S. Garofalo) signature affixed to it from a previous agreed upon version (See Attachment 3 EXHIBIT A – page 31). They then attached it to the fraudulent version (Attachment 3 EXHIBIT B – page 31) when she was unavailable. Mr. Goldberg then signed the exhibit list and filed it with the court. This was done without the knowledge, permission or authorization of Ms. Garofalo or anyone else in her office. (Attachment 3 Declaration of Ellyn S. Garofalo page 2, paragraphs 6-9).

A comparison between the doctored document and the original agreed upon version indicates that one document was added (EXHIBIT B, page 5 - Ex. #131 – “Dr. Reading Documents”) and three documents were deleted (EXHIBIT B, page 30 – Exs. #647, 648 and 649).

Ms. Leal and Ms. Mochkatel were two other attorneys listed on the pleading as well as Gloria Allred who is a partner of the law firm

In addition to the above referenced misconduct, the attorneys for plaintiff sought to exclude documents that were previously produced to plaintiff's attorneys by indicating falsely to the court that they were not disclosed or produced in discovery. Based upon the fact that the documents were Bates stamped, these items were in fact provided to plaintiff's attorneys during discovery (Attachment 3 Declaration of Ellyn S. Garofalo page 1, paragraphs 2 -3).

During closing argument, Mr. Goldberg indicated on several occasions that Mr. David did not call witnesses on his behalf. He also suggested that if he were not culpable, witnesses would have testified for him. (See Attachment 10 – page 83, lines 27-28, page 84, lines 1-4; page 146, lines 20-27; page 147, lines 1-4 and page 148, lines 17-25). This was done even though the judge had previously ruled outside the jury's presence that Mr. David would not be able to call any witnesses (including himself) on his behalf.(See Attachments 3 through 9 – Motions in Limine by plaintiff, response by defendants and court rulings) This created a false and unfair impression to the jury.

By filing a doctored document purporting to be a joint exhibit list, making a false statement to the court regarding the status of discovery in order to gain an unfair advantage in litigation and creating a false impression to the jury, attorneys

Gloria Allred, Nathan Goldberg, Dolores Y. Leal and Renee Mochkatel breached their ethical responsibility under Rule of Professional Conduct, rule 3.3 Candor Toward the Tribunal; rule 3.4 Fairness to Opposing Party and Counsel; rule 5.1 Responsibilities of Managerial and Supervisory Lawyers; rule 8.4 Misconduct; and Business and Professions Code section 6106 Moral Turpitude

Mr. David is ready, willing and able to supplement this complaint with any further information required and Ms. Garofalo has also indicated her willingness to clarify any questions that might arise during the investigation of this matter.

Please do not hesitate to contact me regarding this complaint. I thank you in advance for your attention to this matter.

Respectfully submitted,

Murray B. Greenberg, Esq. on behalf of Alkiviades David

ALKIVIADES DAVID ELLYN S. GAROFALO C/O VENABLE LLP 23768 MALIBU
ROAD 2049 CENTURY PARK EAST, SUITE 2300 MALIBU, CA 90265 LOS
ANGELES, CA 90067 (310) 703-7575 ESGAROFALO@VENABLE.COM (310) 229-
9900

ATTACHMENTS

Attachment 1 – State Bar Complaint Form

Attachment 2 – Mr. David's authorization for Murray Greenberg to act on his behalf in filing this complaint.

Attachment 3 – Defendant's Response to Mahim Khan's Notice of Evidence Subject to Court's Grant of Plaintiff's Motion In Limine to Exclude Third Party Witnesses and Documents Not Disclosed or Produced in Discovery. Declaration of Ellyn S. Garofalo. Joint Exhibit List (EXHIBIT A) and (EXHIBIT B)

Attachment 4 – Plaintiff's Motion In Limine No. 1 to Preclude Alkiviades David from Testifying in the Defense Case; Memorandum of Points and Authorities;

Declaration of Dolores L. Leal

Attachment 5 – Plaintiff’s Motion in Limine No. 2 To Exclude Any Third Party Witnesses Not Disclosed In Discovery and Documents Not Previously Produced by Defendants

Attachment 6 – Plaintiff’s Mahim Khan Notice of Evidence Subject to Court’s Grant of Plaintiff’s Motion In Limine #2 to Exclude Third Party Witnesses Not Disclosed or Produced in Discovery; Declaration of Dolores Y. Leal

Attachment 7 – Proposed Order Re: Exclusion of Evidence Based on Plaintiff Mahim Khan’s Motion in Limine #2 to Exclude Third Party Witnesses and Documents Not Disclosed or Produced in Discovery

Attachment 8 – Trial Transcript dated October 28, 2019 (Motions in Limine arguments and ruling)

Attachment 9 – Minute Order dated October 28, 2019

Attachment 10 – Trial Transcript dated November 25, 2019 (Jury Instructions and Final Argument)

RULES OF PROFESSIONAL CONDUCT AND BUSINESS AND PROFESSIONS CODE SECTION

Rule 3.3 Candor Toward the Tribunal

(a) A lawyer shall not:

(1) knowingly* make a false statement of fact or law to a tribunal* or fail to correct a false statement of material fact or law previously made to the tribunal* by the lawyer;

(2) fail to disclose to the tribunal* legal authority in the controlling jurisdiction known* to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel, or knowingly* misquote to a tribunal* the language of a book, statute, decision or other authority; or

(3) offer evidence that the lawyer knows* to be false. If a lawyer, the lawyer’s client, or a witness called by the lawyer, has offered material evidence, and the lawyer comes to know* of its falsity, the lawyer shall take reasonable* remedial measures, including, if necessary, disclosure to the tribunal,* unless disclosure is

prohibited by Business and Professions Code section 6068, subdivision (e) and rule 1.6. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes* is false.

(b) A lawyer who represents a client in a proceeding before a tribunal* and who knows* that a person* intends to engage, is engaging or has engaged in criminal or fraudulent* conduct related to the proceeding shall take reasonable* remedial measures to the extent permitted by Business and Professions Code section 6068, subdivision (e) and rule 1.6.

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding.

(d) In an ex parte proceeding where notice to the opposing party in the proceeding is not required or given and the opposing party is not present, a lawyer shall inform the tribunal* of all material facts known* to the lawyer that will enable the tribunal* to make an informed decision, whether or not the facts are adverse to the position of the client.

Rule 3.4 Fairness to Opposing Party and Counsel

A lawyer shall not:

(a) unlawfully obstruct another party's access to evidence, including a witness, or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person* to do any such act;

(b) suppress any evidence that the lawyer or the lawyer's client has a legal obligation to reveal or to produce;

(c) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;

(d) directly or indirectly pay, offer to pay, or acquiesce in the payment of compensation to a witness contingent upon the content of the witness's testimony or the outcome of the case. Except where prohibited by law, a lawyer may advance, guarantee, or acquiesce in the payment of:

(1) expenses reasonably* incurred by a witness in attending or testifying;

(2) reasonable* compensation to a witness for loss of time in attending or

testifying; or

- (3) a reasonable* fee for the professional services of an expert witness;
- (e) advise or directly or indirectly cause a person* to secrete himself or herself or to leave the jurisdiction of a tribunal* for the purpose of making that person* unavailable as a witness therein;
- (f) knowingly* disobey an obligation under the rules of a tribunal* except for an open refusal based on an assertion that no valid obligation exists; or
- (g) in trial, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the guilt or innocence of an accused.

Rule 5.1 Responsibilities of Managerial and Supervisory Lawyers

(a) A lawyer who individually or together with other lawyers possesses managerial authority in a law firm,* shall make reasonable* efforts to ensure that the firm* has in effect measures giving reasonable* assurance that all lawyers in the firm* comply with these rules and the State Bar Act.

(b) A lawyer having direct supervisory authority over another lawyer, whether or not a member or employee of the same law firm,* shall make reasonable* efforts to ensure that the other lawyer complies with these rules and the State Bar Act.

(c) A lawyer shall be responsible for another lawyer's violation of these rules and the State Bar Act if:

(1) the lawyer orders or, with knowledge of the relevant facts and of the specific conduct, ratifies the conduct involved; or (2) the lawyer, individually or together with other lawyers, possesses managerial authority in the law firm* in which the other lawyer practices, or has direct supervisory authority over the other lawyer, whether or not a member or employee of the same law firm,* and knows* of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable* remedial action.

Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (a) violate these rules or the State Bar Act, knowingly* assist, solicit, or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud,* deceit, or reckless or intentional misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability to influence improperly a government agency or official, or to achieve results by means that violate these rules, the State Bar Act, or other law; or
- (f) knowingly* assist, solicit, or induce a judge or judicial officer in conduct that is a violation of an applicable code of judicial ethics or code of judicial conduct, or other law. For purposes of this rule, "judge" and "judicial officer" have the same meaning as in rule 3.5(c).

California Business and Professions Code section 6106
Moral Turpitude, Dishonesty or Corruption Irrespective of Criminal Conviction

The commission of any act involving moral turpitude, dishonesty or corruption, whether the act is committed in the course of his relations as an attorney or otherwise, and whether the act is a felony or misdemeanor or not, constitutes a cause for disbarment or suspension.

If the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding is not a condition precedent to disbarment or suspension from practice therefor.

See Exhibit I (State Bar Complaints and Plaintiff David's Email Colloquy with Leah Wilson, Executive Director of the State Bar of California).

Recommended letter

Ministère public du canton de Genève
Monsieur
Olivier JORNOT
Procureur général
Case postale 3565
1211 Genève 3

Gstaad, December 16th 2021

Concerning : Criminal complaint of Alkiviades DAVID against Lauren REEVES ; American judicial system; information concerning punitive damages; Criminal complaint in original version

Dear Attorney General,

You know that I represent the interests of Mr Alkiviades DAVID.

This letter is in response to the criminal complaint filed by my principal against Mrs. Lauren REEVES on November 19th, 2021 (hereinafter "the Complaint").

In order to better circumscribe the context of the facts presented in the Complaint, my client wishes to highlight a few particularities inherent in the functioning of the American judicial system.

First of all, it is common in the United States for a party to claim damages, especially punitive damages.

In this context and by way of introduction, it appears that the American lawyers of Mrs. Lauren REEVES are specialised in building up cases with a view to obtaining damages in favour of their clientele, in particular in civil, labour law and sexual harassment cases (cf. **all. n° 29 and 30 of the Complaint**) (cf. **exhibits n° 10 to 12 of the Complaint**).

Indeed, according to the GLOBAL ARBITRATION REVIEW (cf. **article n° 1, page no. 4**), punitive damages - prohibited by Swiss public policy - are widely available and may be awarded in commercial and contractual cases (« *Under US law, punitive damages are widely available and may be awarded in commercial and contractual cases.* »).

It is noted in this respect that, as illustrated in the Complaint (cf. **incl. all. n° 31 to 42 of the Complaint**), it is not a judge who decides on the award of compensation, including punitive damages, but a popular jury. In other words, the judge does not decide on the law, so that the award of

punitive damages, which frequently reach unreasonable sums as will be shown below, depends solely on the permeability of the jury, which is made up of citizens chosen by lot, i.e. without any legal training whatsoever, and which can be easily manipulated, particularly by an attorney who is well versed in oratory.

The Supreme Court has repeatedly struck down excessive punitive damages awards as arbitrary deprivations of property without due process of law (cf. **article n° 2, page n° 1, article published in FORBES on 8 April 2021**).

The problems with the US Supreme Court's requirement of due process in lower courts, including their lack of fairness and consistency, have increased in recent years. Indeed, lower courts have been reluctant to comply with the US Supreme Court's jurisprudence on punitive damages, as they have continued to award excessive punitive damages (*« ... Since then, the due process defects identified by the Court - such as lack of fairness, a lack of consistency, and cumulative punishment - have only increased in severity. These changes are fueled by an increase in the size of mass tort actions, coupled with many courts' reluctance to rein in constitutionally excessive punitive damages awards. Indeed, many circuit and state courts have all but ignored the Court's admonition that, when the compensatory damages award is "substantial", the punitive damages award should be no greater »*) (cf. **article n° 2, page n° 2**).

From the above, it is clear that punitive damages are relatively easy to obtain in the United States. There is a twofold aspect to this : the ease with which the American legal system makes it possible to obtain damages, especially punitive damages, has the perverse effect of encouraging individuals to take legal action, or even to construct a legal action from scratch, thanks in particular to the help of law firms that specialise in obtaining damages for their clients.

With regard to the collaboration of several attorneys in the establishment of this pernicious judicial system, we note that contrary to the regime prevailing in Switzerland (art. 12 let. e LLCA), the *pactum de quota litis* is authorised in the United States, so that it is perfectly possible, as it is often the case, for an attorney to agree not to receive a retainer or fees but to be remunerated solely on the basis of the outcome of the proceedings, receiving a percentage which in principle varies between 30 and 40% in the event of success (cf. **article n° 3, page n° 2**), which is obviously also an incentive for attorneys, who, so to speak, "participate in this system".

The above argument is all the more true with regard to the State of California, i.e. the State in which the American judgment was rendered and on which Mrs Lauren REEVES based her application for sequestration dated 14 October 2021 (cf. **exhibits n° 8 and n° 9 of the Complaint**).

In addition to excessive punitive damages awards being an issue in California, according to MG+M (cf. **article n° 4, page n° 3**) (*« In addition to excessive punitive damages awards being an issue in California, ... »*). Moreover, a continuing issue across the country is multiple lawsuits seeking punitive damages for the same tortious conduct (*« ..., a continuing issue across the country is multiple lawsuits seeking punitive damages for the same tortious conduct. »*), which demonstrates that there is an unhealthy, and legally dubious, tendency to chase punitive damages in the United States.

MG + M (cf. article n° 4, page no. 1) also notes that punitive damages have a punitive function for the conduct of the perpetrator on the one hand and a deterrent function for the perpetrator in the future on the other. Nevertheless, the award of punitive damages sometimes exceeds these two objectives and constitutes a violation of the 14th Amendment of the US Constitution and its Fair Trial Clause which prohibits grossly excessive or arbitrary punishment (« *Punitive damages are meant to serve two purposes: punish the defendant for the conduct at issue in the lawsuit and deter similar conduct in the future. But, sometimes a punitive damages award goes beyond serving these two purposes and moves into the territory of violating the Due Process Clause of 14th Amendment to the United States Constitution. The 14th Amendment, through the Due Process Clause, prohibits the imposition of grossly excessive or arbitrary punishments* »).

In addition, and still with regard to the State of California, it has legislated on the subject of punitive damages by requiring clear and convincing evidence without, however, specifying the notion (« *Punitive damages are allowed in California ... which states "In an action for the breach of an obligation ... is proven by clear and convincing evidence ... " ... Although California does not define "clear and convincing evidence"...* ») (cf. article n° 4, page n° 1), which, along with the other factors mentioned above, contributes to the numerous abuses observed in this State in the award of such punitive damages.

In view of the above, the American judicial system, and especially California's, is a gigantic theatre where individuals can be awarded absolutely unreasonable compensation by a popular jury in proceedings where legal and judicial requirements, particularly those relating to a fair trial, are sometimes sacrificed on the altar of the plaintiffs' greed.

We note that the #MeToo movement is unfortunately not helping this trend. Indeed, while it is true that this movement allows victims to speak out and to shed light on acts of harassment that have actually been committed, which is a happy outcome, we must also acknowledge that it is unfortunately a source of inspiration, a springboard, for some unscrupulous women to falsely claim to be victims of harassment in order to obtain a sum that will exempt them from working for the rest of their lives.

In this context, it must be said that the media coverage that some of them receive, by attacking well-known personalities, only serves to unduly strengthen their claims, through public opinion which is almost always sympathetic to their cause without having had any access to the elements of the case, in particular to possible evidence.

Finally, the original version of the criminal complaint, signed by my client, is attached.

Thanking you in advance for the action you will take on this matter, I would like to assure you, Mr Prosecutor General, of my respectful consideration.

Exct Béatrice STAHEL

Arthur SEPPEY

Attached : ment.