

1 Alkiviades David (Alki)  
2 *Pro-Per*  
3 Address: Alkiviades David c/o Jolly Harboe  
4 Antigua Prim Min  
5 5598+9CC, Queen Elizabeth HWY  
6 St. John's, Antigua & Barbuda  
7 Main Telephone: +447879440604  
8 Email: filmonpersonal@gmail.com

9 Named Defendant

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
7/08/2024 2:34 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By J. Tang, Deputy Clerk

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES**

**JANE DOE,**

Plaintiff

vs.

**ALKIVIADES DAVID, ET AL.,**

Defendants.

Case No.: 20STCV37498

*Assigned to the Honorable Christopher LIU,  
Presiding*

**MOTION TO SET ASIDE AND VACATE  
JUDGMENT PER C.C.P. 663; FOR NEW  
TRIAL PURSUANT TO C.C.P. 659; MOTION  
FOR LIBERAL PLEADING;  
MEMORANDUM OF POINTS AND  
AUTHORITIES**

Date: TBD

Time: TBD

Department: LM 2

Trial Date: None set.

- i -

MOTION TO SET ASIDE AND VACATE JUDGMENT PER C.C.P. 663; FOR NEW  
TRIAL PURSUANT TO C.C.P. 659; MOTION FOR LIBERAL PLEADING; MEMORANDUM  
OF POINTS AND AUTHORITIES

1 COMES NOW, Alkiviades David (Hereafter "Defendant") and hereby submits to this  
2 Honorable Court the following Motion to Set Aside and Vacate Judgment, and For New Trial. The  
3 motion is based upon the Court record, memorandum of points and authorities provided here below,  
4 declaration of the Defendant, and attached exhibits. As a matter of law and in the interests of justice,  
5 and to bring the case back into accord with what the United States and California Constitutions  
6 require for due process of law, the judgment entered on June 20, 2024, or thereabouts, and all matters  
7 entered since December 2023, must be set aside and vacated, so as to not prejudice the Defendant  
8 by blatant due process violations, including deprivation of property rights, and right against  
9 defamation, right to confront accusers, to fair and impartial imposition of the law.  
10

11  
12 WHEREFORE, upon the reasons given, as matter of law and in the interest of justice  
13 the judgment must be SET ASIDE, and VACATED, with NEW TRIAL ordered so Defendant can  
14 have the case decided on merits, and upholding due process rights. Respectfully submitted this 5th  
15 Day of July, 2024.  
16

17 MOTION FOR LIBERAL PLEADING

18 Defendant is appearing *Pro Per*, and has no legal experience whatsoever. Defendant requests  
19 this Honorable Court comply with the dictates of the U.S. Supreme Court in *Haines v. Kerner*, 404  
20 U.S. 519 (1972), to afford the Defendant every benefit of the doubt, to construe the pleadings liberally  
21 and ensure that procedural pitfalls do not trump substantive matter.  
22

23 MEMORANDUM OF POINTS AND AUTHORITIES

24  
25 The California Constitution provides for certainty in jury verdicts, with exceptions:  
26

1 "No judgment shall be set aside, or new trial granted, in any cause, on the  
2 ground of misdirection of the jury, or of the improper admission or  
3 rejection of evidence, or for any error as to any matter of pleading, or for  
4 any error as to any matter of procedure, unless, after an examination of the  
entire cause, including the evidence, the court shall be of the opinion that  
the error complained of has resulted in a miscarriage of justice." (Cal.  
Const., art VI, § 13.)

5 In the present case, however, miscarriage of justice is the only explanation for how a  
6 900-million-dollar damage award was found by a jury to a civil trial, against a Defendant, who  
7 found out about it via news media coverage of a sensationalist event -- a damage award well  
8 above any other in California for conduct that was found by a jury after a non-adversarial trial  
9 that Defendant was neither noticed of, present for, or even had ability to be present for.  
10 Not just for excessive amounts awarded, but by the due process violations that occurred along  
11 the way, a prejudicial outcome was guaranteed, and so long as it remains, it undermines the  
12 credibility to a judiciary that would permit such obviously unequal imposition of the law in  
13 its courtroom.  
14

15  
16 California Civil Code of Procedure (CCP) Section 663 states:

17  
18 "A judgment or decree, when based upon a decision by the court, or the  
19 special verdict of a jury, may, upon motion of the party aggrieved, be set  
20 aside and vacated by the same court, and another and different judgment  
entered, for either of the following causes, materially affecting the  
substantial rights of the party and entitling the party to a different  
judgment:

21 1. Incorrect or erroneous legal basis for the decision, not consistent with or  
22 not supported by the facts; and in such case when the judgment is set  
23 aside, the statement of decision shall be amended and corrected."

24 The Judgment against Defendant by the jury came as a surprise, having learned of it  
25 via a news media outlet after the fact. Defendant was not aware that a trial was already  
26

1 underway, as he has not been noticed in advance of any proceedings since December of 2023.  
2 Defendant does not presently know what the actual finding of the trial jury was, what  
3 evidence it was based upon, nor why this Honorable Court did not ensure that Defendant was  
4 being given notice concerning the trial, nor why anyone in the courthouse took any steps to  
5 ensure that the Defendant would be able to enter the country and appear so that he could  
6 defend against whatever claims were being made against him, so in the very least, he could  
7 cross-examine witness(es). A new trial is warranted, but limitations to C.C.P. Section 659  
8 do not contemplate litigation such as this case, wherein Defendant has been completely  
9 excluded from the case litigation, and is without any minutes or other information outside  
10 of news media reporting on the verdict.  
11

12 Currently, Defendant still lacks a visa to lawfully enter the country with, holding a jury trial  
13 in an action against him, without him having any ability to defend against the cause of action  
14 claimed, makes mockery of the adversarial process the California Judiciary requires to achieve equal,  
15 fair and impartial imposition of the law. Litigation impropriety undermines the solemn dignity of the  
16 judiciary in the public's perception of the courts. It also violates the 14th Amendment to the  
17 United States Constitution that holds that no one may be deprived of life, liberty or property,  
18 without the due process of law. Due process requires non-prejudicial litigation procedure and  
19 practice, which is absent in this case.  
20

21 While Defendant does not have direct knowledge of the proceedings, Defendant is informed and  
22 believes that an unfair trial resulting in an unjust outcome, a miscarriage of justice, likely the fault  
23 of his former attorney's Fred Heather and Dana Cole, for not informing this Honorable Court that  
24 they were no longer representing Defendant, or alternatively, failing to file a motion to withdraw as  
25  
26

1 counsel, therefore this Honorable Court was unaware that Defendant was without counsel, and  
2 without notice of any of the case proceedings in advance of them for the entirety of 2024 to the  
3 current date.

4 That Defendant only became aware of a 900 million judgment against him by news  
5 media sensationalist reporting, demonstrates the depth of the miscarriage of justice occurring.  
6 Defendant has filed separately, and incorporates by reference as well by attachment as Exhibit A  
7 to this pleading, his Objections concerning case litigation in which a 900-million-dollar judgment  
8 was awarded against him via jury trial in his absence, and with a host of questionable issues  
9 regarding how the case has been litigated, and likelihood the majority of issues proving due  
10 process violations.  
11

12 Defendant is not versed in law, but nevertheless, makes the following arguments  
13 for setting aside the judgment and findings of the jury, for reason of unlawful or erroneous  
14 violations of lawfully required due process, among other claims.  
15

16 **Argument 1: Excessive Damages Shocks Conscience & Must Be Set Aside.**

17 Defendant has not been able to confront his accuser(s) or witness(es) at the jury  
18 trial, he was neither present for, nor noticed. The jury trial resulted in a special verdict  
19 finding by the jury, including compensatory damages that are not believable by news media  
20 reports, stating the jury found 100 million in compensatory damages, and 800 million in  
21 punitive damages. For comparison, 710 females were sexually assaulted by a gynecologist  
22 working for the University of Southern California. USC settled for 852 million dollars, or 1.2 million  
23 dollars per person.  
24

25 URL=[www.npr.org/2021/03/25/981435791/usc-agrees-852-million-settlement-to-end-sex-abuse-litigation](http://www.npr.org/2021/03/25/981435791/usc-agrees-852-million-settlement-to-end-sex-abuse-litigation)

1 The judgment after a trial without any adversarial process taking place, does not appear  
2 to be based in reality of actual compensatory damages. Without being present, or able to be present  
3 for trial, it is uncertain what the plaintiff alleged that could possibly constitute 100 million in  
4 compensatory damages. While California law does not limit compensatory damages for most  
5 instances, the compensatory damage cap for medical malpractice is \$500,000.

6 Considering medical malpractice can result in death, or lifetime chronic pain and  
7 suffering, it shocks the conscience to believe anyone suffered damages 2,000 times greater  
8 than the most damaging medical malpractice event possible. In looking to precedent in  
9 recent years, just in 2021, the 2nd District Court of Appeals held:  
10

11 **"The \$30 million verdict is so large that it shocks the conscience and**  
12 **suggests passion or prejudice on the part of the jury. *Burchell v.***  
13 ***Faculty Physicians & Surgeons etc.* (2020) 54 Cal.App.5th 515, 527.**  
14 Jocelyne lived at home, was not employed, was contemplating marriage,  
15 and was still attending fashion design school. We may consider not only  
16 the amount of the award, but also other 'indications in the record that the  
17 fact finder was influenced by improper considerations, 'such as  
18 'inflammatory evidence, misleading jury instructions, improper argument  
19 by counsel, or other misconduct.' Id. Each case must be decided on its own  
20 facts and circumstances." *Plascencia v. Deese*, (2021) 59 Cal.App.5th  
21 1148. (emphasis added)

22 If 30 million shocks the conscience for compensatory damages for wrongful death,  
23 100 million in compensatory damages, is over 3 times as shocking to the conscience  
24 and suggests passion or prejudice on the part of the jury, a likely outcome to a one-sided  
25 trial without opposition.

## 26 **Argument 2: Unequal Imposition of the Law.**

27 It is due to such a large judgment being handed down by the jury that the news media  
28 has reported on it. It shows that the adversarial process is proved necessary for fair outcomes in  
litigation, as in its absence a completely insane compensatory damage award alleged at 100 million

1 dollars, and equally outrageous punitive damage award, allegedly at 800 million dollars, was found  
2 by the jury.

3           The total of 900 million dollars in damages awarded by the jury, was noted as one of  
4 the largest ever in California. It inherently implies unequal imposition of the law, and its  
5 punitive award amount, 800 million, fails to achieve any legitimate goal, as for deterrence,  
6 in 2023, only 186 billionaires lived in California. They are the only people who could be  
7 deterred by such a large punitive award, as over 99% of Californians will never have 1% of  
8 that amount in liquid assets. Of 186 billionaires in California in 2023, none became so from  
9 compensatory and punitive damage awards.  
10

11           In fact, the amount is so disproportionately large, it appears to be simply a function of  
12 some kind slandering of the Defendant at trial, specifically to prejudice the jury towards a  
13 larger award by giving out inapplicable, or prejudicial claims with no probative value,  
14 concerning Defendant's access to resources. This is partially evidenced by news media reports,  
15 all describing Defendant by his name, and the use of the word "Billionaire" in almost every report.  
16 This leads a person of reasonable prudence and intelligence to believe an impropriety occurred  
17 in the litigation process, and the Defendant subjected to enhanced damage awards that no  
18 equally-situated Defendant would be subjected to.  
19

20           Sexual assault awards average in the hundreds of thousands of dollars in  
21 compensatory damages. Some go as high as 1.2 million per person injured by sexual assault in  
22 especially egregious cases of ongoing sexual assault misconduct, such as the USC Settlement.  
23 This makes the Defendant being subjected to a compensatory damage award over 80  
24 times more than some of the most egregious sexual misconduct known in California, simply  
25  
26

1 inconceivable as to what was alleged or claimed at the jury trial that Defendant had no  
2 meaningful access to or participation in. The amount of both compensatory and punitive damages  
3 are so incredibly higher than any other in California, it proves in and of itself that some deliberately  
4 prejudicial use of damages has occurred, a violation equal protection before the law, and 14th  
5 Amendment Due Process rights on deprivation of life, liberty or property.

6 **Argument 3: Due Process Violation, Lack of Meaningful Adversarial Process Essential**

7 to any fair adjudication in California Jurisprudence is the adversarial process by which lawsuits  
8 are conducted. This is demonstrated by multiple different statutory codes and rules, such as Evidence  
9 Code 711, wherein the Defendant would have a right to cross-examine witnesses, had he been aware  
10 of the trial, and been granted a means by which to attend. Evidence Code 711 states, "At the trial of  
11 an action, a witness can be heard only in the presence and subject to the examination of all the  
12 parties to the action, if they choose to attend and examine." Defendant was never given such choice,  
13 as he was not notified of the trial date.

14  
15 Similarly, CCP 607a states:

16  
17 **"In every case which is being tried before the court with a jury, it shall**  
18 **be the duty of counsel for the respective parties, before the first witness**  
19 **is sworn, to deliver to the judge presiding at the trial and serve upon**  
20 **opposing counsel, all proposed instructions to the jury covering the**  
21 **law as disclosed by the pleadings.** Thereafter, and before the  
commencement of the argument, counsel may deliver to such judge, and  
serve upon opposing counsel, additional proposed instructions to the jury  
upon questions of law developed by the evidence and not disclosed by the  
pleadings." (emphasis added)

22 By contrast, Defendant was not served any proposed jury instructions, nor could Defendant  
23 propose any jury instructions, as Defendant wasn't aware of the trial taking place, in his absence.  
24 Only recently Defendant became aware, that May 15th, 2024 there was a hearing, after the hearing,  
25 Defendant's former attorney, Fred Heather attempted to blackmail his mother via email demands,  
26

1 based upon an upcoming trial, not disclosing any dates, and the attorney's perceptions of the  
2 demeanor of the Trial Court judge, Honorable Christopher Liu. See, Email to Defendant's Mother,  
3 from attorney, Fred Heather, dated May 15, 2024 attached hereto as Exhibit B.

4 **Argument 4: Former Counsel Misconduct Prophylactic to Fair Litigation.**

5 In December of 2023, Defendant fired his counsel, due to not zealously advocating in his  
6 legal defense, in addition to keeping critical information and evidence from Defendant.  
7 See Exhibit C, December 18, 2023 email Terminating Contract for Counsel's Services, attached  
8 hereto.  
9

10 In May of 2024, former Counsel Fred Heather, attempted to blackmail the Defendant's elderly  
11 Mother as well as Defendant, into acquiescence by joint signatures to waive conflicts of interest,  
12 a new retainer agreement and payment by a third party, also demanding an apology for being fired,  
13 due to Defendant's commentary about the lackluster job performance. What is not included,  
14 is a substitution of attorney form, nor that notice of withdrawal by counsel of record had been filed  
15 with this Honorable Court. Id. at Exhibit B.  
16

17 Defendant, without any notification by former counsel or from the court, has been awaiting  
18 instructions on how to proceed in the litigation, and on May 15th, 2024, was suddenly presented with  
19 new facts via email, indicating an upcoming trial, without any dates stated. As the blackmail letter  
20 further undermined any trust in Fred Heather or Dana Cole, Defendant was without any means to  
21 engage in the adversarial process, being both out of the country, and with disabilities, with no  
22 accommodations to date or time.  
23

24 While Defendant does not know if his former attorneys filed the necessary  
25 paperwork for seeking accommodations, it is clear that no such action took place, deeply prejudicing  
26

1 the Defendant by his counsel's dereliction of duty and attorney malpractice, if not outright fraud  
2 committed against Defendant, by promising legal performance never delivered, charging great sums  
3 of money to accomplish nothing, failing to even secure ADA Accommodations for the Defendant's  
4 disability.

5 **Argument 5: Americans with Disabilities Act Violation, No Accommodations.**

6 For the case litigation to be valid in terms of lawful due process, the Defendant must not  
7 be prejudiced by way of disability. These protections are enshrined in the Americans with  
8 Disabilities Act, or ADA. The Americans with Disabilities Act is a Federal Mandate, which  
9 incorporates the protections provided in the 14th Amendment of the United States Constitution, to be  
10 binding on the States which is also supplemented by specific terms in the Act's language. See 42  
11 USC Chapter 126, Subchapter II, Part A, Section 12131(1)(A), (B), defining the States as covered  
12 entities, and at Section 12132, prohibiting discrimination against qualifying individuals.  
13

14 That Defendant' was not even evaluated for ADA Accommodations, and that former Counsel  
15 Fred Heather and Dana Cole failed to submit any pleadings or judicial counsel forms necessary, to  
16 secure Defendants' ADA Accommodations, which is not this Honorable Court's fault, however  
17 nonetheless is reason to set aside and vacate the judgment entered, as it is prejudicial to a Defendant  
18 suffering from disability, to be subjected to a jury trial verdict and judgment, without proper ADA  
19 Accommodations, to ensure fair treatment in litigation and equal access to the courtroom and case,  
20 by ensuring Defendant's ability to access the litigation process, in spite of his disability.  
21

22 As a matter of law, the Defendant has disabilities and qualifies for the ADA  
23 Accommodations. Defendant's attorneys were aware of his disabilities, however failed to take the  
24 necessary steps required, to ensure that Defendant was protected and covered under the  
25

1 American with Disability Act, by means of securing his ADA Accommodations. Instead, Defendants  
2 attorneys enjoined in exploited Defendants' disabilities, thus casing further harm to his health,  
3 wellbeing and this case.

#### 4 CONCLUSION

5 The above arguments are not exclusive or exhaustive, they are the limit of what a *Pro Per*  
6 litigant could produce on short notice, when finding out about a judgment against him after jury  
7 trial he was not noticed of, given a likely deadline of 15 days after judgment was entered, presumed  
8 to be June 20th, 2024, the date of the news media reporting on it, which calculates to July 5th, 2024.


9 That the news media has reported the jury verdict amount as possibly the largest ever in  
10 California, alone speaks to the miscarriage of justice that has occurred. That it was the result of a jury  
11 trial without any adversarial process taking place, should have suspended the process to begin with.  
12 Defendant does not know why the jury trial was permitted to proceed, without Defendant present or  
13 lawfully noticed. Defendant does not know what former counsel Fred Heather or Dana Cole has  
14 claimed or filed with this Honorable Court, but as stated above, Fred Heather and Dana Cole  
15 were fired in December of 2023, and had duty to inform the Court, submit a motion to withdraw as  
16 counsel, and notice the Defendant as to these actions, and provide the Defendant with his client file,  
17 which has not occurred to date. See, Objections attached hereto as Exhibit A.

18 It is important for this Honorable Court to prevent unnecessary litigation, such as an appeal,  
19 when it can remedy the miscarriage of justice itself. The compensatory damage award in this case,  
20 and the punitive award based upon it, is simply not credible or believable to have been calculated  
21 based on real information regarding the plaintiff's proved damages, and shocks the conscience, as  
22 does how the verdict came about. An unopposed jury trial without the presence of the Defendant,  
23  
24  
25  
26

1 or even knowledge that it was underway, undermines any confidence that it was a fair and impartial  
2 judicial process. Finally, without any means to defend, as it would require entry into the Country, a  
3 process that was not facilitated whatsoever, while equally not facilitated was the Defendant's need  
4 for ADA Accommodations due to his disability, makes his non-participation virtually guaranteed, and  
5 prejudicial outcome almost certain. Prejudicial outcomes are by their nature, miscarriages of justice,  
6 as it is in this case.

7  
8 WHEREFORE, the Defendant PRAYS this Honorable Court SET ASIDE the Judgment  
9 entered in this case, and VACATE the same for being a miscarriage of justice, and GRANT  
10 NEW TRIAL with proper notice, by code, allow any and all newly discovered evidence to be put  
11 forth, to allow a fair and impartial trial/process, allow ADA Accommodations to be in place for  
12 Defendant', prior to any further court proceedings stay in the trial court case, pending the final  
13 disposition of case 2:2024cv01665 United States District Court, Central District of California  
14 and any other relief that this Honorable Court deems just and proper. Notice of hearing for the motion  
15 for new trial shall be provided to all parties of record and counsel, upon this Honorable Court  
16 providing the date.

17  
18 Respectfully Submitted this 5th Day of July, 2024.



19  
20  
21  
22  
23 Alkiviades David  
24 Named Defendant  
25 Declaration

# EXHIBIT A

1 Alkiviades David (Alki)  
2 *Pro-Per*  
3 Address: Alkiviades David c/o Jolly Harboe  
4 Antigua Prim Min  
5 5598+9CC, Queen Elizabeth HWY  
6 St. John's, Antigua & Barbuda  
7 Main Telephone: +447879440604  
8 Email: filmonpersonal@gmail.com

9 Named Defendant

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES**

**JANE DOE,**  
Plaintiff  
  
vs.  
**ALKIVIADES DAVID, ET AL.,**  
Defendants.

Case No.: 20STCV37498  
*Assigned to the Honorable Christopher LIU,  
Presiding*  
**DEFENDANT' ALKIVIADES DAVID'S  
OBJECTIONS TO TRIAL AND  
IRRIGULARITIES IN CASE  
NO. 20STCV37498**  
  
Date: July 5, 2024  
  
Time: Unknown  
  
Department: LM 2  
  
Trial Date: Unknown

**DEFENDANT' ALKIVIADES DAVID'S OBJECTIONS TO TRIAL AND  
IRRIGULARITIES IN CASE NO. 20STCV37498**

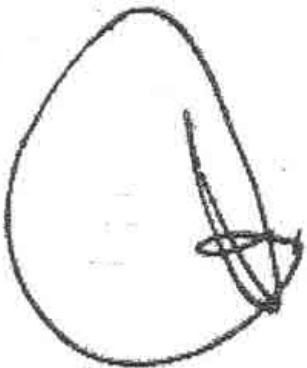
1 **DEFENDANT' ALKIVIADES DAVID'S OBJECTIONS TO CASE NO. 20STCV37498**

2 Exception is taken under Code of Civil Procedure Section 646 to the following:

- 3 1.) Objection to litigation procedures without notice to or appearance by Defendant, including  
4 hearings and the jury trial conducted, for all phases thereof from void dire to final submission or  
5 presentation for jury deliberations, and after deliberations were over with the verdict(s) and any  
6 subsequent hearing(s).  
7  
8 2.) Objection to any conduct or participation by Fred Heather or Dana Cole after December 18,  
9 2023, acting as counsel of record or friend of the court.  
10 3.) Objection to trial in case No. 20STCV37498.  
11 4.) Objection to June 2024 trial, without Defendant present to participate and cross examine  
12 witness.  
13 5.) Objection to pre-trial discovery and or lack of pre trial discovery, as Defendant's due process  
14 rights were not observed.  
15 6.) Additional objections/concerns attached hereto as EXHIBIT 1.  
16  
17 7.) Objection to lack of ADA Accommodation for Defendant, Alkiviades David during this  
18 case and through trial as well as post-trial.

19 Respectfully Submitted this 5th Day of July, 2024.

20  
21  
22  
23  
24  
25  
26  
27  
28



---

Alkiviades David  
Named Defendant

# EXHIBIT 1

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

JANE DOE Plaintiff,

vs. ALKIVIADES DAVID, ET AL., Defendant

Case No.: 20STCV37498

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

July 1 2024

TO THE HONORABLE CHRISTOPHER K LIU

**INTRODUCTION**

Defendant Alkiviades David, appearing pro se, hereby submits this Objection to the proceedings in the above-captioned matter on the grounds that (1) the presiding judge has a personal conflict of interest, which impairs impartiality and fairness, and (2) the case was improperly proceeded to a surprise jury trial. Defendant respectfully requests that this Court address these critical issues to ensure the integrity of the judicial process.

**FACTUAL BACKGROUND**

- 1. Conflict of Interest:** The presiding judge, Hon. Christopher K. Liu, has a known personal and/or professional conflict of interest involving the subject matter of the above-styled cause and that of two pending federal matters. The first is captioned *In re Alkiviades David*, Case number 2:2024cv01665, United States District Court, Central District of California, filed February 29, 2024. This federal action pleads in relevant part, "where the absence of jurisdiction by the herein named state courts, and the product of extrinsic fraud on the state courts committed by the REAL PARTIES OF INTEREST produced unlawful domestic and international debt collections which are void ab initio." The second federal case is *DAVID et al v. COMCAST INC. et al* (4:23-cv-00435), filed in Texas. These conflicts compromise Judge Liu's ability to remain impartial and objective in adjudicating the instant matter. Due process requires a fair trial before a judge without actual bias against the defendant or an interest in the outcome of his particular case. *Bracy v. Gramley*, 520 U.S. 899 (1997). It certainly violates the Fifth and Fourteenth Amendments and deprives the defendant in a criminal case of due process of law to subject his liberty or property to the judgment of a court, the judge of which has a direct, personal, or substantial pecuniary interest in reaching a conclusion against him in his case. *Tumey v. Ohio*, 273 U.S. 510 (1927).
- 2. Public Accusation Against Judge Liu's Father:** Defendant has publicly and personally accused Judge Christopher K. Liu's father, Judge Elwood Liu, of gross abuse of power by inserting false witness statements in his opinion of the Mahim Kahn appeal. The accusations include fabrications and personal gain from a \$54 million order. This conflict raises significant

relations and the serious nature of the allegations against his father.

3. **Termination of Counsel:** On December 13, 2023, at 1:25 PM, Defendant terminated attorney Fred Heather as represented by the attached email. (SEE DEC 13, 2023 EMAIL TO FRED HEATHER). Defendant terminated attorney Fred Heather due to unethical conduct and for failure to represent Defendant's interest properly. More specifically, Defendant wrote: "Fred you're fired.... YOU DO NOT REPRESENT ME - YOU ARE LIKE DANA - YOU ARE COMPLICIT AND CORRUPT. This is not my head injury in any way talking of it is based on legal advice too. Fred and Dana you are not to be involved with my cases ever again. Alki David" On May 18, 2024, Defendant again asserted to Fred Heather by way of email, that Heather was no longer representing Defendant in any capacity due to counsel's unethical behavior in a scheme to obtain millions of dollars from the elderly mother of the Defendant, representing that Defendant would face imminent criminal sanctions if money was not paid to his firm in the instant civil case. Counsel thereafter failed to either withdraw from the case or inform the court that counsel had been fired by the Defendant. As the court is aware, counsel made no defensive filings on the record including but not limited to Motion In Limine and proposed jury instructions. Nor did counsel notify the court as to the need for a writ of habeas corpus ad testificandum so as to require United States Immigration to issue a temporary visa to Defendant (a non-U.S. citizen) that his attendance would be available at such a trial.
4. **Improper Jury Trial:** On or about June 12, 2024, this Court proceeded to a jury trial without proper notice to the Defendant as discussed above. At the time, Defendant had terminated the services of Defendant's counsel of record, Fred Heather, as described above. The Court, however, moved forward with the June 2024 trial absent knowledge or notice to the Defendant, thereby causing severe prejudice to the Defendant's right to a fair trial. Moreover, at no time on the record or elsewhere did the Defendant waive his right to notice. "Notice and opportunity to be heard are fundamental to due process of law. We would reverse these cases out of hand if they were suits of a civil nature to establish a claim against petitioners. Notice and opportunity to be heard are indispensable to a fair trial whether the case be criminal or civil." *Joint Anti-Fascist Committee v. McGrath*, 341 U.S. 123, 178 (1951).
5. **New Evidence Exonerating Defendant:** Recently, new evidence has surfaced in the form of text messages and communications, previously buried, revealing a conspiracy involving prominent figures like Tom Girardi and Gloria Allred. This evidence exonerates Defendant Alkiviades David and exposes a malicious plot against him. The death of attorney Barry Rothman, under mysterious circumstances, led to the loss or concealment of crucial documents and evidence that are now emerging, further supporting Defendant's claim of innocence and conspiracy against him.
6. **Indictment of Associated Attorneys:** The original lawsuit against Defendant was initiated by Girardi Keese, with Keith Griffin of Dordick Law and Gary Dordick being involved. Both attorneys have since been

pattern of legal malpractice and unethical behavior surrounding this case.

7. **Federal Cases Impacting the Current Matter:** Defendant has filed two federal cases that directly impact the current matter:

- *DAVID et al v. COMCAST INC. et al* (4:23-cv-00435), Texas
- *Alkiviades David et al v. Los Angeles County Superior Court No. BC654017 Hon. Michelle Williams et al*

8. **Collusion and Extortion Revealed:** There are 27 pages of text messages between Lauren Reeves, Chasity Jones, Elizabeth Taylor, Mary Rizzo, and Mahim Kahn revealing their collusion to extort Defendant Alkiviades David. These messages, which were buried by Fred Heather at Robert Shapiro's firm, demonstrate a coordinated effort driven by Gloria Allred to falsely accuse and extort Defendant. Attorney Fred Heather's conflict of interest, representing Defendant while withholding this evidence, further compromised Defendant's right to a fair trial. Robert Shapiro also personally threatened Defendant, adding to the misconduct and abuse in this case.

### **LEGAL GROUNDS FOR OBJECTION**

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

II. **Improper Jury Trial and Due Process Violation** Pursuant to the California Constitution, Article I, Section 16, and the Code of Civil Procedure § 631, parties are entitled to adequate notice and an opportunity to prepare for trial. Proceeding to a jury trial without proper notice and while the Defendant, being a disabled person under the ADA, was in the process of changing legal representation constitutes a violation of due process and the right to a fair trial.

III. **New Evidence Supporting Defendant's Innocence** The new evidence, including text messages and communications revealing a conspiracy against Defendant, further invalidates the proceedings and the jury's verdict. This evidence indicates a deliberate and malicious effort to prosecute Defendant unlawfully.

### **ARGUMENT**

1. **Impartiality is Fundamental to Justice** The right to a fair and impartial tribunal is a cornerstone of the American judicial system. Given the conflict of interest involving Judge Christopher K. Liu, proceeding with this judge to the June 2024 trial threatened the fairness of the trial where an unreasonable \$900 million verdict was returned. An impartial judge is essential to the credibility and integrity of the judicial process.
2. **Right to Adequate Notice and Representation** Defendant's constitutional and statutory rights were infringed when the Court advanced to a jury trial without proper notice and during a transition of legal counsel. This surprise jury trial deprived the Defendant of adequate time to secure new counsel and prepare a defense, thereby undermining the fairness of the

3. **Consideration of New Evidence** The newly surfaced evidence exonerating Defendant must be considered by the Court. This evidence reveals a coordinated conspiracy involving prominent legal figures, and its exclusion from consideration would result in a miscarriage of justice.

### **CONCLUSION**

For the reasons set forth above, Defendant Alkiviades David respectfully requests that:

1. Judge Christopher K. Liu be recused from this case due to the personal and/or professional conflict of interest.
2. Any orders or judgments entered during the surprise jury trial be vacated.
3. A new trial be scheduled, providing sufficient time for Defendant to retain and prepare with new legal counsel.
4. All further proceedings in this matter be stayed pending full resolution in the United States District Court case as referenced above.
5. The new evidence exonerating Defendant be fully reviewed and considered in any subsequent proceedings.

### **PRAYER FOR RELIEF**

WHEREFORE, Defendant prays for relief as follows:

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

Respectfully submitted, DATED: June 26, 2024

A handwritten signature in black ink, appearing to be 'Alkiviades David', written over a large, hand-drawn oval shape.

Alkiviades David  
23768 MALIBU ROAD  
MALIBU CA 90265

Alkiviades David, Pro Se

**NOTE:** I am a disabled person of sound mind and body. I have not ever been given my accommodations under ADA 2008 Amendment of Disabilities Act. I have been entirely ignored, and my severe disability repeatedly abused.

# EXHIBIT B

On 18 May 2024, at 02:01, Fred D. Heather <[fheather@glaserweil.com](mailto:fheather@glaserweil.com)> wrote:

Dear Themis,

I am writing to follow up on my May 12 email below and the attached documents. We requested that these documents be executed and returned to us (together with Alki's apology) by May 14 in order for us to reenter and defend the Jane Doe case. That deadline passed 72 hours ago, and we have heard nothing from you. Based on the Judge's demeanor during the May 15 hearing, we believe that the situation has greatly deteriorated, and that it has become increasingly difficult (if not impossible) for us to take the steps that we feel are necessary to put on an adequate defense of Alki in this case. Nevertheless, because of our great respect and appreciation for Mrs. David, we are providing one last chance for Alki to get us back into the case. Accordingly, if we receive by no later than Saturday, May 18, 2024, at 5:00 p.m. pacific time, all three of the attached documents (without any changes) fully signed and executed, personally by Mrs. David and Alki, as instructed below along with the requested email apology from Alki for his March 1 statements, then we will reengage and attempt to get a necessary trial continuance which would hopefully permit us with some opportunity to develop a defense at the trial of this matter. Anything less than full compliance with this new deadline will result in our having to regretfully confirm that we are not going to reengage as Alki's counsel in this matter.

Best regards,  
Fred

<C2 signature gw logo 105x50-01jc 0b6cba64-695b-4b05-8d36-b2d19a1f7270.png>

**Fred D.  
Heather**

PARTNER AND  
CO-CHAIR OF THE  
INVESTIGATIONS,  
COMPLIANCE AND STRATEGIC  
RESPONSE  
PRACTICE

[fheather@glaserweil.com](mailto:fheather@glaserweil.com)  
T 310.282.6285

<C2 signature gw linkedin 20x20 01jc d9133250-7612-4b05-bc4b-0665a72d988f.png>

Glaser Weil Fink  
Howard Jordan &  
Shapiro LLP  
10250 Constellation  
Blvd., 19th Floor  
Los Angeles, CA  
90067  
[glaserweil.com](http://glaserweil.com)

<C2 signature gw x 20x17-01jc 537301ca-b3db-4f5b-9ff4-d4dc37d181e9.png>

This message and any attached documents may contain information from the law firm of Glaser Weil Fink Howard Jordan & Shapiro LLP that is confidential and/or privileged. If you are not the intended recipient, you may not read, copy, distribute or use this information. If you have received this transmission in error, please notify the sender immediately by reply e-mail and then delete this message.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.

<2024-05-10 Retainer Letter.pdf>

<2024-05-10 Conflict Waiver Letter.pdf>

<2024-05-10 Disclosure and Consent Agreement-Third-Party Payment of Client Fees and Costs.pdf>

# EXHIBIT C

From: **Alki David** <[filmonpersonal@gmail.com](mailto:filmonpersonal@gmail.com)>

Date: Mon, Dec 18, 2023 at 1:25 PM

Subject: CEASE AND DESIST

To:

Dana Cole <[dana@danacolelaw.com](mailto:dana@danacolelaw.com)>, Fred Heather

<[Fheather@glaserweil.com](mailto:Fheather@glaserweil.com)>

Dana COle you are OUT you HAVE ZERO rights represent me or speak on my behalf - the same for Fred Heather

If Themis Sofos or Alex Troeller communicate on my behalf it must be for handing over of case files. which will go directly to Matt Huzeniah's office in Los ANgeles.

Dana Cole has misrepresented me - I demanded to speak but was silenced wrongfully by Dana

Dana misrepresented me and did not advocate what I wanted

I wanted the full deposition that was used against me to be seen by the jury

The text messages that Dana himself handed over to Barry Rothman was never brought up by Dana

Dana Cole did not argue for me the way I asked him. And he took the executive decision to silence me.

You didnt bring up the writ of prohibition and only brought up Wexler about my head injury during the SETTLEMENT phase with Punitive damages. The case was over!!!

Fred you'e fiired.... YOU DO NOT REPRESENT ME - YOU ARE LIKE DANA - YOU ARE COMPLICIT AND CORRUPT.

This is not my head injury 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 agin.

Alki David

--

[www.ANAKANDO.com](http://www.ANAKANDO.com)

Alki David

Founder & CEO Anakando Ltd.

Anakando Media Group <http://www.ANAKANDO.com>

some of our great sites & services<http://www.FilmOn.com>

<http://www.HologramUSA.com>

<http://www.ETV.com>

<http://www.MondoTunes.com>

<http://www.BattleCam.com>

<http://www.TVmix.com>

<http://www.Shockya.com>

The information contained in this message may be privileged. If you have received this communication in error, please notify me immediately by replying to the message and deleting it from your computer. Thanks!