

1534 Clay Street – Unit 1
San Francisco, CA 94109
john@johnkarls.com
May 18, 2011

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(Please send questions
(or comments by e-mail
(since itinerary is fluid

The Honorable Barack H. Obama
President of the United States
1600 Pennsylvania Avenue
Washington, DC 20500

(This is a copy of a letter sent to each of 21 governmental officials listed on the next page.)

Dear Mr. President:

Re: \$84 Billion Legally Pledged For Education of Californian Inner-City Children Rapidly Slipping Away Due To Judicial Improprieties – Amicus Briefs Under US Supreme Court Rule 37(2) Needed Urgently!!!

You may not recall the attached letter of June 18, 2010 which was sent to you and 20 of your colleagues. It requested your assistance in obtaining *Amicus Curiae* (“Friend of the Court”) Briefs in each of:

- *Karls v. The Goldman Sachs Group, Inc., et. al.* (U.S. Supreme Court Docket No. 09-1527) before the Court’s consideration of a Petition for Certiorari (request to accept an appeal) pursuant to Supreme Court Rule 37(2);
- *Karls v. Wachovia Trust Co. of Cal., et. al.* (Cal. Appeal No. 126669) and *Karls v. Wells Fargo & Co.* (Cal. Appeal No. 126671) which were combined and were pending before the California Court of Appeal;
- *Karls v. The Bank of New York, et. al.* (Cal. Appeal No. 127444) which was also pending before the California Court of Appeal.

NB: Additional background is provided in the enclosed letter to 51 inner-city clergy from Los Angeles, San Francisco and Oakland, CA.

Unfortunately, no *Amicus Curiae* Briefs were filed. On September 27, 2010, the U.S. Supreme Court denied the Petition for Certiorari in *Karls v. The Goldman Sachs Group, Inc., et. al.*

Nevertheless, in the California Court of Appeal, the *Karls v. Goldman Sachs* opinions could not be cited or considered under California law because of the “due process” and “equal protection” violations by the U.S. District Court and the Ninth Circuit (as more fully described in the two-page 9/2/2010 letter attached to the enclosed letter to 43 news-media superstars).

In oral argument in the California Court of Appeal, opposing counsel admitted that the state trial court (as well as the federal courts which were involved in *Karls v. Goldman Sachs* and which were supposed to be following state law) were wrong. Nevertheless, the California Court of Appeal in a decision that followed the infamous practice of a court’s specifying that its decision cannot be published or cited because it is contrary to well-settled law affirmed the state trial court’s decision even though it was diametrically opposed to one of the Court of Appeal’s own recent decisions (which was held inapplicable with no explanation) and recent decisions of two other California Courts of Appeal (which were disingenuously held to provide the opposite of what they in fact had provided).

The California Supreme Court refused to accept an appeal.

On June 14, 2011, a Petition for Certiorari will be filed with the U.S. Supreme Court in *Karls v. The Bank of New York, et. al.* that the decisions of the California state courts violated the U.S. Constitutional requirements of due process and equal protection.

Accordingly, you are again urged to represent the interests of your constituents by joining with your colleagues in ensuring that *Amicus Curiae* briefs are filed at least by:

- The U.S. Justice Department
- The State of California
- Each of the Cities of Los Angeles, San Francisco and Oakland

U.S. Supreme Court *Amicus Curiae* Briefs, to be effective, must be filed before the Supreme Court decides whether to grant the Petition for Certiorari (accept the appeal). Per U.S. Supreme Court Rule 37(2), an *Amicus* Brief filed before consideration of the Petition for Certiorari must be accompanied by a Motion For Leave To File if consent is not obtained from Defense Counsel - Peter Obstler, Esq., Bingham McCutchen LLP, Three Embarcadero Center, San Francisco, CA 94111 (Direct = 415-393-2578).

Thank you for your consideration.

Sincerely yours,

John S. Karls
JD, Harvard Law School, 1967
Who’s Who in American Law, 1988-2003
Who’s Who in America, 1988-2003
Who’s Who in the World, 1994-2003

Recipients of the Letters of April 4, 2010 and June 18, 2010 (both of which included this list):

A. National Level

President Barack Obama
Chief of Staff Rahm Emanuel
U.S. Attorney General Eric H. Holder, Jr.
U.S. Education Secretary Arne Duncan

B. California State Level

Attorney General Edmund G. Brown, Jr. (1300 I St./Sacramento & Gubernatorial Campaign Office & Oakland residence)
U.S. Senator Barbara Boxer (San Francisco Office)
U.S. Senator Dianne Feinstein (San Francisco Office)

C. San Francisco

Mayor Gavin Newsome
8th Congressional District – The Hon. Speaker of the House Nancy Pelosi (San Francisco Office)
12th Congressional District – Representative Jackie Speier (San Mateo Office)

D. Oakland

Mayor Ron Dellums
9th Congressional District – Representative Barbara Lee (Oakland Office)

E. Los Angeles

	<u>Percentage of City of Los Angeles</u>
Mayor Antonio Villaraigosa	
27 th Congressional District – Representative Brad Sherman (Sherman Oaks Office)	16.0%
28 th Congressional District – Representative Howard R. Berman (Van Nuys Office)	16.7%
30 th Congressional District – Representative Henry Waxman (Los Angeles Office)	10.8%
31 st Congressional District – Representative Xavier Bacerra (Los Angeles Office)	17.3%
33 rd Congressional District – Representative Diane Watson (Los Angeles Office)	15.8%
34 th Congressional District – Representative Lucille Roybal-Allard (L.A. Office)	5.1%
35 th Congressional District – Representative Maxine Waters (Los Angeles Office)	7.6%
36 th Congressional District – Rep. Jane Harman (El Segundo & Wilmington Offices)	<u>8.0%</u>
<u>Total</u>	<u>97.3%</u>

Mailing List Changes for Copies of the Current Letter:

A. National Level

- *Chicago Mayor* Rahm Emmanuel (on the assumption President Obama will take his call) at City Hall, 121 N. LaSalle Street, Chicago IL 60602

B. California State Level

- *Governor* Edmund G. Brown, Jr. c/o State Capitol - Ste. 1123, Sacramento CA 95814

C. San Francisco

- Mayor *Edwin M. Lee*

D. Oakland

- Mayor (*Ms.*) *Jean Quan*

E. Los Angeles

- 33rd Congressional District – Rep. *Karen Bass* at 4322 Wilshire Blvd. – Ste.302, Los Angeles 90010

A generic copy of this letter with attachment is also being sent to:

- U.S. Senator Christopher A. Coons
- Mr. David M. Axelrod – Certified Return Receipt
- Mr. David Plouffe – Certified Return Receipt
- The 43 media superstars receiving the enclosed letter of even date
- The 51 inner-city clergy from Los Angeles, San Francisco and Oakland referenced in the attached letter.

1534 Clay Street - Unit 1
San Francisco, CA 94109
June 18, 2010

The Honorable Barack H. Obama
President of the United States
1600 Pennsylvania Avenue
Washington, DC 20500

(This is a copy of a letter sent to each of 21 governmental officials.)

Dear Mr. President:

Re: Your Amicus Briefs Needed Now – US Supreme Court Rule 37(2) and Cal. Rules of Court 8.200(c)

The enclosed letter of April 4th to you and 20 of your colleagues should be self-explanatory.

Unfortunately, there were only four replies: (1) The U.S. Office of Education lavished praise on the work of the “I Have A Dream”® Foundation while noting, incorrectly, that they were not in a position to assist; (2) Rep. Jane Harman sent a very thoughtful letter that concluded that my Congressperson, The Hon. Nancy Pelosi, would be best positioned to assist; and (3 and 4) Senators Boxer and Feinstein sent form replies saying, incorrectly, that they are not permitted to intervene in judicial matters.

Contrary to some of the responses, *Amicus Curiae* (“Friend of the Court”) Briefs are commonplace.

Accordingly, I would request that you take action to file *Amicus Curiae* Briefs forthwith in each of:

- *Karls v. The Goldman Sach Group, Inc., et. al.* (U.S. Supreme Court Docket No. 09-1527) before the Court’s consideration of the enclosed Petition for Certiorari pursuant to Supreme Court Rule 37(2);
- *Karls v. Wachovia Trust Co. of Cal., et. al.* (Cal. Appeal No. 126669) and *Karls v. Wells Fargo & Co.* (Cal. Appeal No. 126671) which were combined and are pending before the California Court of Appeal – First District – Division 1; and
- *Karls v. The Bank of New York, et. al.* (Cal. Appeal No. 127444) which is pending before the California Court of Appeal – First District – Division 3.

The US Supreme Court *Amicus Curiae* Briefs, to be effective, must be filed before the Supreme Court decides whether to grant the Petition for Certiorari, since the Court only accepts three dozens cases per year. Per U.S. Supreme Court Rule 37(2), an *Amicus* Brief filed before consideration of the Cert Petition must accompany a Motion For Leave To File in the event that the parties have not consented unanimously to the filing. Counsel for the respondents is: Joseph E. Floren, Esq., Morgan Lewis & Bockius LLP, One Market – Spear Street Tower, San Francisco, CA 94105.

Cal. Rules of Court 8.200(c) require each of your two *Amicus* Briefs for the California Court of Appeals to be accompanied by an application explaining that you were unaware of the cases within 14 days after briefing was completed.

My last point is difficult to express without sounding offensive. Nevertheless, it needs to be said. Although it might be appropriate to join with your colleagues so that there is only one set of *Amicus* Briefs filed by the national recipients of this letter, by the state recipients, and by the recipients for each of San Francisco, Los Angeles and Oakland, the lack of concern already displayed for the welfare of California inner-city children and the possibility that \$84 billion for their education is slipping away force me to conclude that to the extent there is a similar lack of concern exhibited toward this letter, your lack of concern should become an issue in your re-election campaign. Please reply by June 30th what plans you have, if any, to file *Amicus* Briefs if your colleagues will not join with you in doing so.

Thank you for your consideration.

Sincerely yours,

John S. Karls
JD, Harvard Law School, 1967
Who’s Who in American Law, 1988-2003
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Who’s Who in the World, 1994-2003