I. ARGUMENT – *THE BANK OF NEW YORK* ISSUE - CONVERSION:

A. Review Is Necessary To Secure Uniformity Of Decision Regarding Conversion of "A Document In Which Intangible Rights Are Merged"

A-1. Defendants' Counsel Admitted In Oral Argument In The Court of Appeal That –

- **Both *Freemont Indemnity Company v. Freemont General Corporation, et. al.*, 55 Cal.3d 621, 148 Cal.App.4th 97 (Cal.App. Second Dist. 2007) and *Thrifty-Tel, Inc. v. Bezenek*, 54 Cal.3d 468, 46 Cal.App.4th 1559 (Cal.App. Fourth Dist. 1996) Recognized That The Unauthorized Taking of "A Document In Which Intangible Rights Are Merged" Is Actionable As Conversion, and**

- **Well Within This Rule Is The Plaintiff's Complaint For Conversion Of His Trade Secret Which, Per The Complaint, Was Not Only Required To Be Contained In The Report Which Was Stolen, But Also Could Not Even Be Comprehended Without The Transaction Steps, Technical Analysis and Diagrams That Were Contained In The Report That Was Stolen**

Defendants' Answer claims that the decision of the Court of Appeal does not conflict with any other decisions.

However, the Court of Appeal decision is diametrically opposed to *Freemont Indemnity Company v. Fremont General Corporation, et. al.,* 55 Cal.3d 621, 148 Cal.App.4th 97 (Cal.App. Second Dist. 2007) and *Thrifty-Tel, Inc. v. Bezenek,* 54 Cal.3d 468, 46 Cal.App.4th 1559 (Cal.App. Fourth Dist. 1996):

1. Both *Freemont Indemnity Company v. Fremont General Corporation, et. al.,* 55 Cal.3d 621, 148 Cal.App.4th 97 (Cal.App. Second Dist. 2007) and *Thrifty-Tel, Inc. v. Bezenek,* 54 Cal.3d 468, 46 Cal.App.4th 1559 (Cal.App. Fourth Dist. 1996) recognized the general rule that (p. 638 of the *Freemont* opinion and p. 472 of the *Thrifty-Tel* opinion):

> "Courts have traditionally refused to recognize as conversion the unauthorized taking of intangible interests that are **not** merged with, or reflected in, something tangible." (citations omitted)

2. The *Freemont* Court, after considering the normal rule of "merged in, or identified with, something tangible," explicitly expanded the rule by holding that the misappropriation of a net operating loss for U.S. tax purposes "supports a cause of action for conversion" even though it was not "merged or reflected in" something tangible. Ibid, p. 643.
3. The *Thrifty-Tel* Court also considered explicitly expanding the normal rule in the case of a computer access code "which was never reduced to paper or reflected on a computer disk" (p. 472 of the *Thrifty-Tel* opinion) before holding that it was not necessary to do so because the jury verdict for conversion could

be justified as trespass which had not been pleaded (also p. 472 of the *Thrifty-Tel* opinion).

A transcript of the hearing before the Court of Appeal on December 8, 2010 will show that after the Plaintiff made these points, Court of Appeal Justice Martin Jenkins asked Defendants' Counsel how he would respond and Defendants' Counsel had no response regarding *Freemont* or *Thrifty-Tel.*

A-2. <u>Moreover, The Court Of Appeal Decision Is Diametrically Opposed To *Gladstone v. Hillel,* 250 Cal. 372, 203 Cal.App.3d 977 (Cal.App. First Dist. 1988)</u>

Gladstone v. Hillel, 203 Cal.App.3d 977, 250 Cal.Rptr. 372 (First Dist. 1988) holds that an "idea" (aka, artist's concept) for fine jewelry which is embodied in molds is the proper subject of an action for conversion and that even new molds made from the stolen molds had to be destroyed or given to the plaintiff under the Court's decision. The Court of Appeal's opinion involved in *Karls v. The Bank of New York, et. al.* (pp. 11-12), however, dismisses all arguments based on "ideas" which are artist's concepts, such as Mark Gladstone's jewelry design or Leonardo da Vinci's Mona Lisa, as a mere analogy which is "inapt" with no further elaboration. However, **<u>this is not a mere analogy but is directly on point, as demonstrated by the older *Corpus Juris* formulation of the rule as</u>**

discussed in the Petition for Review and, indeed, as reflected by the California Legislature when it enacted in Cal. Code Civ. Proc. 338(c) which tolls the 3-year statute of limitations for conversion in three cases involving ideas – articles of "interpretive, scientific or artistic significance." Nobody has ever suggested that the Plaintiff's Trade Secret Report was not an article of "interpretive" significance, just like unpatented scientific inventions are also Trade Secrets of "scientific" significance. It is easy to forget, as has the Court of Appeal, that articles of "artistic" significance are also in this same class of "ideas."

B. Review Is Necessary To Secure Uniformity Of Decision Regarding Federal Copyright Law Preemption Because The Court Of Appeal Decision Is Diametrically Opposed To *Gladstone v. Hillel*, 250 Cal. 372, 203 Cal.App.3d 977 (Cal.App. First Dist. 1988) And The Extensive Authorities Cited Therein

Gladstone v. Hillel, 203 Cal.App.3d 977, 250 Cal.Rptr. 372 (First Dist. 1988) holds that the wrongful possession in an action for common-law conversion constitutes the "extra element" that precludes preemption under the federal copyright law. *Gladstone* states (203 Cal.App.3d at p. 987):

> "In a much quoted passage, Nimmer postulates an 'extra element' test to distinguish valid state causes of action from those 'equivalent' to copyright claims:
>
> > "[A] right which is 'equivalent to copyright' is one which is infringed **by the mere act** of reproduction, performance, distribution or display….If under state law the

> act of reproduction, performance, distribution or display,…will *in itself* infringe the state created right, then such right is preempted. But if other elements are required, **in addition to** or instead of, the acts of reproduction, performance, distribution or display, in order to constitute a state created cause of action, then the right does not lie 'within the general scope of copyright' and there is no preemption." (1 Nimmer, The Law of Copyright, *op. cit supra*, § 1.01[B] at pp. 1-11, 12.)
>
> "While generally accepting this test, the courts have demanded that the extra element 'must be one which changes the nature of the action so that it is *qualitatively* different from a copyright infringement claim. (citations omitted)
>
> "**Under the extra element test, it is clear that federal copyright law does not preempt state causes of action alleging fraud or conversion** – the two theories pleaded in the complaint. Fraud involves 'the extra element of misrepresentation.' (citation omitted) **Conversion entails the 'wrongful possession of the tangible embodiment of the work.'** (2 Nimmer, The Law of Copyright, *op. cit. supra*, § 8.23, fn. 1 at p. 8-272.9, *Harper & Row Publishers, Inc. v. Nation Enterprises* (2d Cir. 1983) 723 F.2d 195, 201, rev'd on other grounds in *Harper & Row Publishers, Inc. v. Nation Enterprises* (1985), 471 U.S. 539 [85 L.Ed.2d 588, 105 S.Ct. 2218; *Oddo v. Ries* (9th Cir. 1984) 743 F.2d 630, 635.)"

A typical state-law claim that would be preempted would be for breach of contract not to make copies of copyrighted material of which the Defendant is in lawful possession.

However, as set forth in *Gladstone, supra, Nimmer, supra, Harper & Row, supra and Oddo, supra,* making copies of copyrighted material of which Defendant is in "wrongful possession" is not preempted.

Indeed, the California Court of Appeal in *Gladstone* recognized that molds for making fine jewelry was copyrightable and that the Defendant had made new molds from the stolen molds. Nevertheless, the Court of Appeal First ordered destroyed or returned to Plaintiff both the new and old molds and jewelry made from either set of molds. The Court did not fail to take action because copies of the stolen molds had been made.

C. Review Is Necessary To Secure Uniformity Of Decision Regarding Extent Of The "Mere-Intermeddling" Landlord-Tenant Disputes

Sec. IV-B of the Court's Opinion (pp. 12-13) claims that the *Bank of New York* FAC does not allege substantial interference. The second paragraph of the Opinion states (p. 12):

> "To state a claim for conversion, a plaintiff must allege an intention on a defendant's part to 'convert the owner's property, or to exercise some act of ownership over it, or to prevent the owner's taking possession of his property [Citation.]' (*Simonian v. Patterson* (1994) 27 Cal.App.4th 773, 782.)" [emphasis added]

As discussed above, the Plaintiff has indeed alleged the unauthorized taking of "a document in which intangible rights are merged" with respect to which the Defendants exercised an action of ownership.

The Wall Street Journal article that was attached to, and made a part of, the Complaint alleges that the Defendants exercised an act of ownership over it by claiming that it was their confidential trade secret, and alleges

that they used the trade secret to the mutual advantage of Barclays Capital Ltd. (the admitted thief) and themselves in deals they implemented with Barclays Capital. The unauthorized use of the trade secret which was "merged" in the stolen document, of course, was a wrongful interference with the Plaintiff's right of dominion over the trade secret and his right to prohibit its unauthorized use.

The next paragraph of the Opinion and the last paragraph on federal copyright preemption (bottom of page 12 – top of page 13) cites only *Zaslow v. Cronert*, 29 Cal.2d 541 (1946) for the principle that the "[F]ailure to allege substantial interference with possession or the right to possession permits rejection of the conversion claim."

The Defendants had, in addition, cited *Jordan v. Talbot*, 55 Cal.2d 597 (1961). *Jordan* involved an apartment occupied by a plaintiff. The owner of the apartment building removed the plaintiff's furniture and other property and stored it in a warehouse in the plaintiff's name.

Zaslow also involved a dispute of occupancy rights following which the plaintiff's personal property was removed and stored – again in the name of the plaintiff. Both courts held that there was mere "inter-meddling" because neither plaintiff had been deprived of full and

immediate possession or enjoyment of their property – only interference with where that possession and enjoyment could occur.

Such "intermeddling" cases that do not deprive the owner of full and immediate possession or enjoyment of his property are no authority for the Court of Appeal's position in this case.

D. The Supreme Court Should Not Avoid The Lack Of Uniformity By Attempting On Its Own Motion To Rationalize A Failure To Accept The Appeal On The Basis Of, For Example, Preemption Under The Uniform Trade Secrets Act

Preemption under the Uniform Trade Secrets Act was raised by the Defendants in the California Superior Court.

The Petitioner pointed out that his Trade Secret was stolen in the U.K. by a U.K. citizen and a U.K. corporation, that when the U.K. corporation transmitted the Trade Secret to The Bank of New York the transmittal occurred in either the U.K. or New York, and that neither the U.K. nor New York has adopted the American Uniform Trade Secrets Act.

On November 12, 2009, The Bank of New York effectively conceded this "choice of law" issue in oral argument in the California Superior Court before Judge Woolard (Plaintiff's Opening *Bank of New York* Appendix, Vol. 2 of 2, pp. 174-189) and The Bank of New York

abandoned this "choice of law" issue in its answering brief in the California Court of Appeal filed April 23, 2010.

II. ARGUMENT – *MELLON CAPITAL MANAGEMENT* ISSUE - WHETHER AN UNINCORPORATED ASSOCIATION FORMED PURSUANT TO AN ELECTION BY ITS MEMBERS UNDER FEDERAL LAW AND ACTING AS A CRIMINAL GANG CAN BE SUED UNDER THE NAME BY WHICH IT IS KNOWN

A. Review Is Necessary To Secure Uniformity Of Decision Because The Court Of Appeal Decision Is Diametrically Opposed To *People ex. rel. Totten v. Coplinia Chiques*, 156 Cal.App.4th 31 (Second District 2007) and *Barr v. United Methodist Church*, 153 Cal. 322, 90 Cal.App.3d 259 (Cal.App. Fourth Dist. 1979) That An Unincorporated Association Operating As A Criminal Gang Can Be Sued Under The Name By Which It Is Known

Defendants' Answer claims that the decision of the Court of Appeal does not conflict with any other decisions.

The order of Superior Court Judge Woolard (Appendix, pp. 3-4 at page 4) makes a factual finding that "The Mellon Financial Corporation U.S.-Tax 'Consolidated Group' of Corporations" does not exist.

She cites as the authority for her factual finding "*Karls v. The 26 U.S.C. § 1504(a)(1) 'Affiliated Group' of The Wachovia Corporation 26 U.S.C. § 1504(b) 'Includible Corporations'*, CGC-08-483297." The factual finding in that case was based on an affidavit of a member of the legal department of The Wachovia Corporation.

There was no affidavit of a member of the legal department of Mellon Financial Corporation or any other scintilla of evidence to support Judge Woolard's factual finding. Indeed Judge Woolard's factual finding, supporting a pre-trial motion to dismiss, was made in the face of expert testimony:

- that there has been only one American corporation in the last 44 years that failed to form a U.S.-Tax Consolidated/Affiliated Group,
- that it is impossible to obtain Directors' and Officers' Liability Insurance without doing so, and
- that the name by which the Defendant Mellon Unincorporated Association was designated in Plaintiff's Complaint was indeed the name by which it is known around the world in financial and governmental-regulatory circles.

Cal. Code Civ. Proc. § 369.5(a) provides in its entirety:

> "A partnership or other unincorporated association, whether organized for profit or not, may sue or be sued in the name it has assumed or by which it is known."

Cal. Corporations Code § 18035(a) provides in its entirety:

> "'Unincorporated association' means an unincorporated group of two or more persons joined by mutual consent for a common lawful purpose, whether organized for profit or not."

Cal. Corporations Code § 10835(a), as written, has been satisfied because the Plaintiff's Complaint alleged:

- "The following Defendant Corporations have been members of The Mellon Financial Corporation U.S.-Tax 'Consolidated Group' of Corporations", thereupon naming four Defendant corporations (Plaintiff's Opening *Mellon Capital Management* Appendix, pp. 4-5). Their number exceeds the two required by Cal. Corporations Code § 18035(a).
- "The Mellon Financial Corporation U.S.-Tax 'Consolidated Group' of Corporations was formed by its members for the purpose of reducing their combined U.S. income tax liability." (Plaintiff's Opening *Mellon Capital Management* Appendix, p. 4). There has never been a suggestion from the Defendants or Courts that this reason why the Internal Revenue Code permits such groups to file consolidated income tax returns is unlawful.

Nevertheless, the Court of Appeal's opinion states (pp. 7-8):

> "Labor unions, political parties, social clubs, religious organizations, environmental societies, condominium owners, lodges, gangs, stock exchanges, and veterans are common types of unincorporated associations. (*Barr, supra,* 90 Cal.App.3d at p. 266; *Totten, supra,* at pp. 38-39)."

This point was addressed by the Plaintiff in the oral argument on December 8, 2010 with three points:

1. Cal. Corporations Code § 18035(a) is satisfied by its terms and the courts should not add additional requirements that were not included by the California Legislature.

2. The list set forth above, which purports to be exclusive, did not cause the Court in *Barr v. United Methodist Church,* 90 Cal.App.2d 540 (Fourth Dist. 1979) to require the Plaintiff to show that the United Methodist Church was a criminal gang or some other type of unincorporated organization that was already on the list prior to *Barr*, which was the first time a religious organization was added to the list.

3. The *Mellon* Defendants were in fact acting as a "criminal gang" which is on the list.

Regarding the third point, the Plaintiff's Complaint (Plaintiff's Opening *Mellon Capital Management* Appendix, pp. 4-11) contains the following:

- The Wall Street Journal article (O.A., pp. 10-11) that was attached to, and made part of, the Complaint states that Barclays Capital Ltd. had used the Property in deals with at least nine other banks (there were, in fact, 15 banks, all of which were sued as set forth in the Statement of Facts),
- An allegation (O.A., p. 5) that "The Property belongs to the Plaintiff."

- Allegations (O.A., p. 5) that the Defendants had converted Plaintiff's Property.
- An allegation (O.A., p. 6), that "The Defendant Corporations' agent, Mellon Financial Corporation, was reckless in its failure to obtain the permission of the Plaintiff to use The Property."

Taken together, these allegations present a clear picture that Barclays Capital Ltd. stole the Plaintiff's Property, the Defendants' agent Mellon Financial Corporation had received the stolen Property, and the Defendants' agent Mellon Financial Corporation was reckless in its failure to obtain the permission of the Plaintiff to use The Property. In other words, the Defendant *Mellon* Unincorporated Association of Mellon corporations was guilty of the crime of receiving stolen property.

The Court of Appeal might have leapt to the erroneous conclusion that the Defendants were not acting as a criminal gang because, presumably, they did not ordinarily do so. However, in *People ex. rel Totten v. Colinia Chiques,* 156 Cal.App.4th 31 (Second Dist. 2007), the defendant criminal street gang argued that it could not be sued as an "unincorporated association" because Cal. Corporations Code § 18035 requires a "common lawful purpose." The Court held that an association can have more than one purpose, and so long as one of them is lawful, the

definition is satisfied. By the same token, the Defendant *Mellon* Unincorporated Association can have more than one purpose and so long as one of them is unlawful, it is acting as a "criminal gang" with respect to that purpose.

Even though there is a plethora of authority that complaints should not allege legal conclusions, the Court of Appeal's decision claims without citing any authority that the Complaint should have contained an allegation stating a legal conclusion that the elements of the crime of receiving stolen property which were described in the Complaint, do in fact comprise that crime.

B. If *People ex. rel. Totten v. Coplinia Chiques*, 156 Cal.App.4th 31 (Second District 2007) And *Barr v. United Methodist Church*, 153 Cal. 322, 90 Cal.App.3d 259 (Cal.App. Fourth Dist. 1979) Are Honored, Then There Is Not Even Reached The Diametric Opposition Of The Court Of Appeal Decision To *The People ex rel. John Garamendi vs. American Autoplan, Inc., et. al.*, 20 Cal.App.4th 760 (Second Dist. 1993) Regarding The Use Of Code Civ. Proc. § 430.10(c) To Justify A Dismissal Of The *Mellon* Action

Code Civ. Proc. § 430.10(c) requires "**the same parties**" in both actions. Even if the Defendant Unincorporated Associations in both actions are disregarded, there are still five corporate defendants in *The Bank of New York* action that are not defendants in the *Mellon* action. *The People ex rel. John Garamendi vs. American Autoplan, Inc., et. al.,* 20 Cal.App.4th 760

(Second Dist. 1993) emphasized at considerable length the requirement of Cal. Code Civ. Proc. § 430.10(c) which requires that "**the same parties**" in both lawsuits must be precisely identical.

III. ARGUMENT – UNDER CAL. RULES OF COURT § 8.500(b)(1), THE DENIAL OF "EQUAL PROTECTION OF THE LAW" IN VIOLATION OF THE FOURTEENTH AMENDMENT OF THE U.S. CONSTITUTION IS AN IMPORTANT QUESTION OF LAW

A. The Intentional Refusal To Permit 10 Million California Inner-City Children To Enjoy The Protection Of The Law That Is Routinely Accorded First-Class American Citizens Is A Violation Of The Fourteenth Amendment Of The U.S. Constitution

Defendants' Answer claims that the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution has not been violated because the Plaintiff is not facing a Holocaust.

A-1. Facing A Holocaust Was Not A Required Element Of Common-Law Conversion In *Freemont Indemnity Company v. Freemont General Corporation, et. al.*, 55 Cal.3d 621, 148 Cal.App.4th 97 (Cal.App. Second Dist. 2007) or *Gladstone v. Hillel*, 250 Cal. 372, 203 Cal.App.3d 977 (Cal.App. First Dist. 1988)

Contrary to the Defendants' argument, there has never been a case that required as an element of common-law conversion the facing of a Holocaust. Indeed, both *Freemont Indemnity Company v. Freemont*

General Corporation, et. al., 55 Cal.3d 621, 148 Cal.App.4th 97 (Cal.App. Second Dist. 2007) and *Gladstone v. Hillel,* 250 Cal. 372, 203 Cal.App.3d 977 (Cal.App. First Dist. 1988) had no difficulty in holding that common-law conversion had occurred without any discussion of whether either Plaintiff was facing a holocaust. Indeed, *Freemont* was only facing the theft of a U.S. tax loss and *Gladstone* was only facing the theft of molds for making fine jewelry.

A-2. The 10 Million California Inner-City Children Are Indeed Facing A Kind Of Holocaust Which Comprises "A Fate Worse Than Death"

As set forth in Section C of the Statement Of Facts in the Petition For Review, the 10 million California inner-city children are the real parties at interest in this case and the Plaintiff-Appellant John S. Karls long ago pledged in legally-binding fashion 100% of any proceeds from the exploitation of his Trade Secret to provide them with tutoring and mentoring from Kindergarten to High School Graduation with a guarantee of college tuition – and the only reason why he is forced to protect their rights on a pro se basis is that the National "I Have A Dream"® Foundation, the California local "I Have A Dream"® Foundations, and the 51 inner-city clergy from San Francisco, Los Angeles and Oakland with

whom he has been working to form a foundation, are not in a financial position to shoulder the cost of legal counsel.

It is very callous of the Defendants to suggest that the 10 million California inner-city children are not facing a kind of Holocaust. As set forth in Section C of the Statement of Facts of the Petition For Review, inner-city high school graduation rates are typically **single digit** if there is taken into account the children who drop out before high school begins, the children who are killed, and the children who are incarcerated – which is no surprise because when the Plaintiff-Appellant was the volunteer treasurer of IHAD-National and the benefactor-organizer of one of the 178 local IHAD programs (most were organized by CEO's of major corporations) operating in 51 major American cities, the inner-city milieu which IHAD programs faced comprised, inter alia, 99% of the "Dreamers" coming from single-adult households, 95% of total Dreamer households headed by a single adult who was a drug addict, and 75%-80% of total Dreamer households headed by a single-adult drug addict who turned any receipts over to the pusher so that the kids had to steal just in order to eat.

If not killed or incarcerated, the inner-city children who are not covered by IHAD or IHAD-style programs will replicate the statistics set forth above when they reach adulthood.

There is a proverbial phrase – "a fate worse than death!!!"

The 10 million California inner-city children face "a fate worse than death"!!!

How dare the Defendants claim that their fate is not a kind of Holocaust!!!

B. The Use Of Cal. Rules Of Court, Rule 8.1115, To Prohibit Publication And Prohibit Citation Of Court Opinions That Deny 10 Million California Inner-City Children The Enjoyment Of The Protection Of The Law That Is Routinely Accorded First-Class American Citizens Is A Violation Of The Fourteenth Amendment Of The U.S. Constitution

It is easy to understand why the Court of Appeal ordered that its opinion will not be published and cannot be cited pursuant to Cal. Rules Of Court, Rule 8.1115, since it is diametrically opposed to well-settled law on every critical point.

Accordingly, Cal. Rules Of Court, Rule 8.1115, is being used to deny the 10 million California inner-city children Equal Protection Of The Law in violation of the Fourteenth Amendment of the U.S. Constitution because it preserves intact the well-settled law enjoyed by first-class American citizens.

This is not just a case of "separate" being "inherently unequal" as described by the former California Governor and then-current Chief Justice

of the U.S. Supreme Court in a unanimous opinion in *Brown v. Board of Education of Topeka,* 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873 (1954).

This is a case in which "separate" is "demonstrably unequal."

IV. CONCLUSION

The *Bank of New* York portion of the Court of Appeal opinion conflicts with the well-settled common law of conversion in general and conflicts, inter alia, with *Freemont Indemnity Company v. Fremont General Corporation, et. al.,* 55 Cal.3d 621, 638, 148 Cal.App.4th 97 (Cal.App. Second Dist. 2007), *Thrifty-Tel, Inc. v. Bezenek,* 54 Cal.3d 468, 472, 46 Cal.App.4th 1559 (Cal.App. Fourth Dist. 1996), and *Gladstone v. Hillel,* 203 Cal.App.3d 977, 250 Cal.Rptr. 372 (Cal.App. First Dist. 1988).

The *Mellon Capital Management* portion of the Court of Appeal opinion (A) is diametrically opposed to *People ex. rel Totten v. Colinia Chiques,* 156 Cal.App.4th 31 (Second Dist. 2007) and *Barr v. United Methodist Church,* 153 Cal. 322, 90 Cal.App.3d 259 (Cal.App. Fourth Dist. 1979) that an unincorporated association acting as a criminal gang can be sued in the name by which it is known, and (B) is diametrically opposed to the holding in *The People ex rel. John Garamendi vs. American Autoplan, Inc., et. al.,* 20 Cal.App.4th 760 (Second Dist. 1993) that the Cal. Code Civ. Proc. § 430.10(c) requirement of the "same parties" for dismissal of a

possibly-duplicative action means precisely that and not merely "some parties."

Condemning the estimated 10 million California inner-city children to "a fate worse than death" in unpublished and uncitable opinions that fail to follow well-established law constitutes jurisprudence that is not merely "separate and inherently unequal" but "separate and demonstrably unequal" in violation of the Fourteenth Amendment to the U.S. Constitution.

DATED: February 24, 2011

Respectfully submitted,

_____

John S. Karls, Plaintiff-Appellant, Pro Se

cc: (A) Mr. Michael Moore
(B) 51 Inner-City Clergy From San Francisco, Oakland and Los Angeles (Please Statement of Facts, p. 14, of the Petition For Review)