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June 9, 2014

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Chief Justice Tani Cantil-Sakauye
Chair, Judicial Council
Chair, Comm. on Judicial Appointments
455 Golden Gate Ave.
San Francisco, CA 94102

Commission on Judicial Performance
455 Golden Gate Avenue
Suite 14400
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Marin County Grand Jury
3501 Civic Center Drive
San Rafael, CA 94903

The Honorable Faye D'Opal
Presiding Judge
Marin County Superior Court
3501 Civic Center Drive
San Rafael, CA 94903

Sheriff Robert Doyle
Marin County Sheriff's Department
3501 Civic Center Drive #145
San Rafael, CA 94903

Re: Report of Evidence Tampering, Obstruction of Justice by:
Marin Superior Court Judge Beverly Wood
Marin Court Executive Officer Kim Turner

Dear Sir/Madam:

I am writing to report what appear to be very serious violations by Marin Superior Court Judge Beverly Wood and former CA Judicial Council Member/current Marin Court Executive Officer Kim Turner, of, among other things, Government Code section 6200, CA Penal Code sections 182 and 96.5, and Federal RICO statutes.

As will be detailed below, the Marin County Superior Court Registers of Actions are being deliberately altered, and false certified Registers of Actions and minute orders are intentionally being created and disseminated, in cases involving Marin Superior Court bench

officer Beverly Wood. This is being done with the knowledge and assistance of Marin Court Executive Officer (former Judicial Council Member) Kim Turner. Both have been notified of the falsification of records; both have been offered the opportunity to remedy the falsification of Court records; both have declined that opportunity. Turner went so far as to suggest in writing that the falsified information in the Marin court register of actions and minute orders was true and could be relied upon as true. The actions of Turner and Wood have irreparably harmed Petitioner/Mother herein, and undermined any confidence the public or others (including the Court of Appeal) could or should have with respect to the integrity of the Marin County Superior Court Register of Actions and Minute Orders, perhaps, but not necessarily, especially those involving Judge Beverly Wood and her husband's law firm, Freitas McCarthy.

Summary of charges herein: On October 3, 2013, Petitioner/Mother (hereafter "Mother") in Marin court case number FL 064080 filed a California Code of Civil Procedure section 170.1 request for disqualification of Judge Beverly Wood, citing, among other things, four documented instances of substantive, illegal, and prejudicial *ex parte* communications and proceedings between Wood and Respondent/Father (hereafter "Father"), a former client of Wood's law firm, Freitas McCarthy in the time period June 10, 2013 through August 30, 2013. Wood orally struck the disqualification request that same day, October 3, 2013. Mother has proof that the unsigned, written minute order striking the disqualification was entered 25 days later, on October 28, 2013. The certified register of actions and certified minute order state that the minute order striking the disqualification was entered on October 3, 2013. The date the order was entered is crucial to Mother's legal position that according to statutory and case law, Wood was disqualified by operation of law because the written order was not officially entered and effective within 10 days of service of the request for disqualification. Mother and her counsel have asked Court Executive Officer Kim Turner and Judge Beverly Wood for an official Notice of Entry of Order striking the disqualification motion. Both have refused, although pursuant to CCP Section 170.3(d), *service of written Notice of Entry of the order striking the disqualification* triggers a 10-day time limit within which to file a writ challenging a disqualification order.

Prior allegations: In 2010, Marin family law attorney Paul Camera reported to Marin Presiding Judge Terence Boren and the Commission on Judicial Performance the secret retroactive alteration of family court records (the register of actions and a minute order) in a case involving Beverly Wood. Mr. Camera pointed out that pursuant to Government Code section 6200, it is a crime punishable by 2-4 years in state prison, for "every officer having the custody of any record, map, or book, or of any paper or proceeding of any court, filed or deposited in any public place", to "alter or falsify" such record. See Mr. Camera's 3/23/2010 complaint to the Commission on Judicial Performance with referenced 3/22/2010 letter to then Presiding Judge Terence Boren, submitted herewith as **Exhibit "A"** and incorporated herein by this reference. Mr. Camera reports the behavior of then-Commissioner Beverly Wood and includes the documentary proof of the alteration of official court records seven months after the fact. He reports Wood's unprofessional inclusion of inaccurate, inappropriate and irrelevant personal attacks in her order defending the alteration of records, in an apparent attempt to discredit Mr. Camera and his client, and in Mr. Camera's words, "deflect attention *away from what happened*". (It is believed but has not been confirmed by checking the file that Wood's court clerk subsequently claimed she served a Notice of Entry of Judgment on the attorneys in this

case, but none of the attorneys on either side of the case received it, thereby compromising appellate remedies. It is believed that Judge Faye D'Opal was the judge on the case at the time the Notice of Entry of Judgment issue was addressed.)

In 2009, while a Joint Legislative Audit Committee investigation of the Marin Family Court was pending, CA Judicial Council Member/Marin Court Executive Officer Kim Turner, with approval by the CA Administrative Office of the Courts, and knowledge of the Marin Superior Court bench, ordered the mass destruction of child custody evidence contained in Marin Family Court Services files, while blocking the state auditor's access to Marin family court documents and employees. The longtime Marin Family Court Services supervisor resigned while Turner was denying auditor access to court employees, and was thereafter unavailable to be interviewed by the state auditor.

Background of this case: Mother has unsuccessfully sought the disqualification of Commissioner-turned-Judge Beverly Wood since Wood first entered this case in 2008 and commenced a pattern of prejudicial conduct favorable to multimillionaire Father, *a former client of the Freitas McCarthy law firm*. Wood's husband, Peter Kleinbrodt, is a managing partner at the Freitas McCarthy law firm with Neil Moran, husband of Wood's good friend Marin Judge Lynn Duryee (who just retired this year). Wood was an associate at the Freitas McCarthy law firm before being selected to serve as a Marin County Commissioner. Each year Wood reports a hefty interest in the Freitas McCarthy law firm.

Delivered herewith as **Exhibit "B"** are communications with the Marin Superior Court questioning the very close financial and political ties between Freitas McCarthy and key members of the Marin bench, including the fact that Freitas McCarthy was the top campaign donor to many of the Marin judges' election efforts, and Freitas McCarthy partner Neil Moran (Judge Duryee's husband) was the campaign treasurer for said election campaign efforts. Also questioned in those communications was the selection of Beverly Wood by the Marin Superior Court *from a field of 50 or more applicants* to serve as Marin Court Commissioner. Father's former attorney, Freitas McCarthy attorney Ali Quam, was subsequently selected by the Marin Superior Court to serve as their Family Law Facilitator, and Father is able to consult with her for free now.

Between June 10, 2013, and August 30, 2013 alone, while Mother was represented by child custody counsel, had a pro per Federal lawsuit pending against Wood, and was asking that Wood recuse herself in every pleading and at every hearing, Wood engaged in at least *four documented incidents of inappropriate and highly prejudicial ex parte communications with the Father*. Unbeknownst to Mother until months later, this began on June 10, 2013, when Father gave Wood a detailed secret letter denigrating Mother and telling Wood specifically what vacation and custody orders he wanted. He and Wood followed that letter up on June 21, 2013, at which time they engaged in unreported secret ex parte proceedings at which Wood secretly gave Father the vacation order he requested. Father left the country with the child, without Father or the Court serving Mother with the secret letter, the secret ex parte application, or the resulting secret order. On July 17, Father and Wood again engaged in unreported ex parte communications, at which time Father presented an ex parte application without notice to Mother's counsel. Mother had been informed by a third party that this was Father's intention,

and Mother's counsel warned Wood's clerk in advance that Father was intending to bring another secret ex parte. Father told Wood when he appeared on July 17, 2013 that he would not serve Mother's counsel with the ex parte application. *Rather than summarily informing Father that he had to comply with proper ex parte procedures involving notice and service of the ex parte application as required by the CA Family Code, and State and Local Rules of Court, Wood moved the ex parte hearing to the next day and had her court clerk give Mother's counsel notice and service of Father's ex parte papers.* Mother noticed and served her own ex parte application for hearing the same day.

On July 18, 2013, when Mother's counsel tried to make an objection on the court-reported record to the secret ex parte proceedings and secret orders being issued, Wood and Father repeatedly interrupted Mother's counsel. Wood told Mother's counsel that "we're not going to go there"; and "I don't want to go into this whole conspiracy and secret things" and "for God's sake would you please try to stay on topic". Wood denied Mother's ex parte application (which included a request that the child be able to travel to New York for his vacation time with her as she was ill and could not travel) and granted Father's request (which included a request that the child not be allowed to go to New York) without bothering to read Mother's ex parte application. **Wood ordered that the parties' child had to stay in the State of California.**

The early morning of July 19, 2013, Mother's counsel called and asked that the Marin records department immediately make a copy of the July 18, 2013 minute order (prohibiting out of state travel) available by fax, email, or for pick up, because Mother feared that Father was going to remove the child from California in violation of that order. Mother wanted the order to provide to Father with a demand that he not remove the child from California. The Marin records department initially refused to fax or email the order to Mother's counsel, or release the order to a messenger or anyone but Mother's counsel (who was already out of town), or Mother (who was ill in New York). Mother's counsel wrote a scathing email to court administration, pointing out that Father, a former client of Wood's Freitas McCarthy law firm, was getting special treatment. Specifically, that Wood was having secret ex parte hearings with Father, issuing secret orders to Father without service to Mother, had used public resources (her clerk) to effect notice and service of Father's July 18, 2013 ex parte, yet Mother could not even get a copy of the resulting July 18, 2013 order. Mother's counsel asked that her July 19, 2013 e-mail to court administration be forwarded to Marin Presiding Judge James Ritchie, and Marin Family Law Presiding Judge Verna Adams, and considered a complaint and request for investigation about the improper use of Wood's courtroom to provide special treatment and advocacy for Father. *Mother's counsel reminded the Court that in 2010 minor's counsel had been appointed in the case, payable by public resources, although Father is a multi-millionaire.* The Court ultimately emailed the July 18, 2013 order to Mother's counsel, but it was too late. Father reportedly informed Mother that he had indeed taken the child out of the state in violation of Wood's order.

On August 5, 2013, Father reportedly attempted to bring another secret ex parte before Wood, but Wood was not available so he brought it before Judge Verna Adams. Mother learned of this when the parties' young child reported that he had gone to Court with Father (prohibited by local rules) and he had talked to the judge with white hair. The register of actions reveals the child's "appearance", that it was an unreported proceeding, that Adams read, considered, and returned to Father his ex parte application, with direction that he should bring the matter before

Wood when she was back in session. Father's ex parte papers and the resulting orders were never served on Mother, and the ex parte application is not in the Court file. Mother has no idea what Judge Adams read or what Father told Judge Adams. That same day, August 5, Father unilaterally continued a hearing he had scheduled for August 22, 2013. The register of actions reveals this was done "by agreement", but Father had never mentioned this to Mother's counsel, there was no agreement, and the continuance was granted without Father providing a letter confirming such an agreement as is normally required.

On August 30, 2013, Father again brought a secret ex parte application before Wood, again without notice and with no reporter present. Mother found out about it after the fact only because she had heard from Father that he had received some type of ex parte order from the Court ensuring he would have the upcoming Labor Day weekend with the parties' child. The minute order from the hearing reveals that Wood told Father to serve Mother's counsel, he refused, so Wood set the matter for a hearing, made a referral to Family Court Services recommending mediation, and told Father to file his papers. *The register of actions reveals that Father then stated concerns about a custody issue that day, Judge Wood passed the matter, ordered the Court file, re-called the matter, and gave Father a copy of an order in the file.* In other words, Wood again heard substantive ex parte argument from Father, and used court resources (her court clerk) to perform research and provide documents on his behalf.

On September 19, 2013, Mother's counsel emailed court administration, asking whether her July 19, 2013 emailed complaint had been forwarded to Judge Adams and Judge Ritchie, and inquiring as to the status of the complaint. She informed administration of what had transpired since her July 19, 2013 emailed complaint, and asked that her September 19, 2013 follow-up email be forwarded to Judge Ritchie and Judge Adams.

On October 3, 2013, Mother served a California Code of Civil Procedure section 170.1 judicial disqualification request on Wood, citing the above instances of prejudicial ex parte proceedings and more. The disqualification request was accompanied by a meticulous record supporting Mother's claims. The 170.1 application, without attachments, is attached hereto as **Exhibit "C"**. The supporting documents are in the Court file.

Notwithstanding the fact that CCP Section 170.3(c)(5) provides that a judge who refuses to recuse himself or herself shall not pass upon his or her own disqualification, Wood orally struck Mother's disqualification herself on October 3, 2013, and then forced a custody hearing to go forward. She indicated she would prepare a written order. For weeks after Wood's oral pronouncement Mother and her attorney checked the register of actions to see if a written order striking the disqualification had been entered, because pursuant to CCP Section 170.3(d) service of Notice of Entry of the order striking the disqualification triggers a 10-day time limit within which to file a writ challenging the order. Mother and/or her counsel twice (October 11 and 16) obtained copies of the register of actions entries to prove no order regarding the disqualification had yet been entered. Commencing October 10, 2013, Mother and her counsel requested the court file so they could get a certified copy of a DCSS fee order Father had violated in order to place an abstract of judgment on Father's home before he sold it. Wood kept the file sequestered in her chambers.

On October 28, 2013 Mother's counsel commenced an email dialogue with Marin Administration, complaining that the file had been unavailable for 18 days, while Mother was trying to get an order from those files so she could file an abstract of judgment on Father's house before he sold it. That same day, she was informed that the file was available.

On October 29, 2013, Wood issued a written custody order prejudicial to Mother stemming from the October 3, 2013 custody hearing, but the order did not include a written determination of Mother's October 3, 2013 disqualification request.

Mother's counsel subsequently learned via a telephone call with Marin court clerk Vita Johanson that a minute order *dated October 3, 2013* striking the disqualification was in the file. Mother's counsel asked Vita to look up the date the minute order was entered, and Ms. Johanson stated that it had been entered on *October 28, 2013*.

Without revealing what Ms. Johanson had told her, on November 5, 2013, Mother's counsel emailed court administration, informing them that Mother had not yet received a minute order, a regular order, or a Notice of Entry of Order regarding Wood's ostensible striking of the October 3, 2013 disqualification request, although it was well outside the 10 days within which Wood had to act on Mother's request. Mother's counsel asked a) when the Notice of Entry would be forthcoming; b) for confirmation of the date the minute order was entered striking the disqualification; and c) direction to a rule or handbook stating the time frame within which a minute order had to be entered by a court clerk. She also noted that she had called Judge Ritchie's clerk to find out the status of the July 19, 2013 and September 19, 2013 complaints, and to ask if the case had been reassigned due to Wood's non-action. She inquired as to whether the complaints had actually been forwarded to Judge Ritchie. She noted that Judge Ritchie had oversight responsibility of then-Commissioner Wood as of June 2013, when Wood engaged in her June 10 and June 21 secret ex parte communications with Father; that he thereafter had oversight responsibility to report her behavior as a judge if it did not comport with the Code of Judicial Ethics, and that he needed to know what was going on in his courthouse. Mother's counsel reminded administration that she "was involved in apprising the legislature of what was transpiring in the Marin Family Court requiring a JLAC audit and have no problem going back and telling everyone again that the problems continue unabated, with Marin Superior Court judges now completely and with impunity eliminating the due process rights of litigants, perhaps especially targeting those like [Mother] who initially provided evidence to the State Auditor."

On November 7, 2013, Mother followed up with another email to court administration, asking with respect to the October 3, 2013 proceedings what orders were entered into the permanent minutes, when (date and time) and by whom; what minute orders had been entered, when (date and time) and by whom; what changes to the minutes had been made, when (date and time), and by whom; what orders had been served, when, and by whom.

On November 8, 2013, Mother and her counsel went to the Marin Records Department to look at the register of actions and court file. They observed that the Court register of actions *had been altered* to indicate a minute order striking the disqualification was entered on October 3, 2013, and that *an unsigned minute order striking the disqualification without stating a basis had been issued indicating that it was entered on October 3, 2013*. They obtained a certified

copy of the register of actions as of 11/8/2013 at 12:30 p.m., and a certified copy of the minute order falsely dated October 3, 2013 from the records department, and then, upon request to the Marin records department supervisor, had the records department file clerk Lindsay Lara look up the actual date the minute order was entered. Ms. Lara reported (as Ms. Johanson had before her) that the actual date the minute order was entered was October 28, 2013, not October 3, 2013, and Ms. Lara confirmed this information in an informal signed writing on a copy of the minute order.

Meanwhile, on November 8, 2013, former Judicial Council Member/current Court Executive Officer Kim Turner sent a reply e-mail to Mother's counsel (obviously without knowledge of Lindsay Lara's signed statement), telling her as follows:

"The Presiding Judge will not respond to your complaints about Judge Wood and is not required to investigate your many perceptions about what transpired between clerks in the courtroom and the Clerk's office. As you well know, you have written volumes over the years about your theories of misconduct. The court has diligently researched and investigated those complaints and found them to be without merit, time and again".

*"The court is under no obligation to respond to the litany of questions about who entered minutes, on what date, at what time, whether the minutes were amended, what orders have been served, by whom, and other like inquiries. **All judicial orders are also in the register of actions. All documents filed and proofs of service, when filed, are in the court file. The register of actions and the documents contained in the court file provide you with answers to those questions to which you are entitled to answers**".*

The above-referenced communications between Mother's counsel and Court Administration from July 19, 2013 and November 8, 2013 are delivered herewith as **Exhibit "D"**.

The excerpt from the October 11, 2013 register of actions showing that no minute order had been entered for October 3, 2013, the excerpt with the false October 3, 2013 entry from the certified November 8 register of actions, the falsified certified "October 3, 2013" minute order striking the disqualification, and the uncertified copy of the minute order with the signed statement of Lindsay Lara are delivered herewith as group **Exhibit "E"**.

Based on the fact that Wood had not issued, filed or served a signed order (which arguably is required pursuant to CCP section 581d) of any kind striking Mother's disqualification, and that the unsigned minute order striking the disqualification had not been entered until 25 days after service of the disqualification on Judge Wood (although a judge's authority to strike a statement of disqualification must be exercised within 10 days of service of the disqualification), on November 15, 2013, Mother brought an ex parte application before Marin's then-presiding Judge James Ritchie, arguing that Wood had been disqualified as a matter of law, and asking that the case be re-assigned. At the hearing Ritchie declined to reassign the case, stating his belief that Wood's oral order was sufficient to strike the disqualification request. However, the Minute order stemming from the hearing specifically states: "NO FINDINGS-NO ACTION TAKEN". Judge Ritchie retired soon thereafter.

On January 3, 2014, Father noticed another non-emergency ex parte application on January 7, 2014 before Judge Wood. He did not specify the relief requested. On January 5, 2014, Mother's counsel asked him to serve his papers in advance. He did not. Mother's counsel appeared by Courtcall, and objected to the ex parte given that it was not an emergency, and he had not served his ex parte papers as required by state and local laws and rules of court. Wood granted Father's request for vacation time, although Wood conceded this request was not an emergency, and set Father's other requests for further hearing. Neither Father nor Wood ever served the resulting signed order granting vacation time (which Wood gave to Father on January 7, 2014) on Mother's counsel, notwithstanding her repeated request for same.

On January 8, 2014, Mother filed "Petitioner's Objection to Judicial Authority of Beverly Wood", voicing her "continuing objection to Judge Beverly Wood's authority to hear or act in this case for any purpose". She attached her November 15, 2013 ex parte application to Judge Ritchie (without exhibits), noted that he had stated his "belief" that an oral order striking the disqualification was sufficient, and then provided the law making clear that an "order" is by definition a direction of a court or judge, *made or entered in writing* (CCP section 1003); and that pursuant to Marriage of Drake (1997) 53 Cal.App.4th, 1139, 1170 in family law cases, as in other cases, *an order of the court must be written to be effective, because a court may change its ruling until such time as the ruling is reduced to writing and becomes its order*.

Mother stated as follows in her above-mentioned objection to Wood's authority:

"Petitioner invites Judge Wood and the Presiding Judge of the Superior Court to consult with counsel about the legal issues raised herein before any further matters in this case are calendared before and heard by Judge Wood. Petitioner believes that in the first instance Judge Wood disingenuously and improperly attempted to claim there was no basis for disqualification when she made her oral ruling striking the disqualification. Petitioner believes Wood has used and continues to use her position on the bench to a) advocate for Respondent, a former client of the law firm at which Wood's husband is the managing partner, and b) deprive Petitioner of her due process rights and advocate against Petitioner, who has named Wood in a federal lawsuit for her egregious behavior in this case. At this point Petitioner's beliefs are secondary to the fact that it appears very clear that pursuant to the authority cited above, Wood was disqualified by operation of law; that she has no power to act in this case; and that the orders she continues to make notwithstanding Petitioner's continuing objections to her authority and to her ongoing violations of Petitioner's due process rights are made in violation of the law".

A courtesy copy of Mother's January 8, 2014 Objection was served on Marin Presiding Judge Faye D'Opal. A copy of the Objection is delivered herewith as **Exhibit "F"**.

On January 16, 2014, Mother filed an ex parte request for recusal of Judge Wood, correction of the official record, a formal Notice of Entry of Order with respect to Wood's October 3, 2013 disqualification order, and attorney's fees so she could file a writ of Wood's disqualification order and an appeal of her custody orders. She said:

“Because Wood continues to entertain procedurally defective ex parte proceedings, and issue prejudicial secret orders that are not served, if she does not recuse herself as ethically required I will have to take her to the Court of Appeal and other oversight entities”.

*“I must have a correct official record of when the minute order was entered. I want a formal Notice of Entry of Order from Gina Compton stating when it was entered and I want the minute order and register of actions corrected to reflect that date. **It would be a highly prejudicial obstruction of justice to deny me this**”.* (bold emphasis added).

“I am also requesting \$7,500 in fees for a writ, and \$15,000 in fees for an appeal”.

Mother’s Income and Expense Declaration reflected \$671 per month in Worker’s compensation income, and estimated that Father’s income was \$30,000 per month.

Father neither responded to object to the ex parte application, nor appeared at the hearing. Judge Wood nonetheless stated it was not an emergency, denied the application in its entirety, told Mother’s counsel to “writ, appeal, whatever”, and when Mother’s counsel again tried to ask for a Notice of Entry of Order, was told by Wood “not to disrupt her courtroom” and to “leave”. A copy of the transcript from the January 16, 2014 hearing is delivered herewith as **Exhibit “G”**.

Mother filed the ex parte application for hearing on the Court’s regular calendar, February 27, 2014.

On January 24, 2014, Mother filed another continuing objection “to Judge Beverly Wood’s authority and jurisdiction to act in this case for any purpose”, and to an improperly noticed custody motion filed by Father set for hearing on February 6, 2014.

On February 5, 2014, Wood issued a tentative ruling on Father’s custody motion, continuing the hearing to February 27, 2014, the same date as Mother’s motion. Mother’s counsel nonetheless traveled to Marin for the February 6, 2014 hearing, in case Father objected to the tentative ruling and she had to appear. Father did not call Mother’s counsel to state his intention to contest the ruling and appear on February 6, 2014 as required by local rules, and as a consequence Mother’s counsel did not appear in court on Mother’s case on February 6, 2014.

However, on February 6, 2014, Father – who at this point had many times prepared ex parte papers, and repeatedly had been admonished to give notice of ex parte applications and serve ex parte papers--nonetheless DID appear ex parte in Judge Wood’s Courtroom. This was one of the few ex parte applications that were reported, and the transcript gives insight to the type of interactions he had likely been having with Wood for months. He orally explained to Judge Wood that he wanted to take the parties’ child out of school, and to the Bahamas, the following week. Wood noted that Mother’s counsel “adores finding technical issues” and he and Wood then engaged in a remarkable exchange during which Wood advised Father to bring an ex parte application the following Monday, February 10, and to give notice to Mother’s counsel. Instead of referring Father to the Family Law Facilitator’s office to prepare proper papers in compliance with state and local rules of court, Wood said: “So what we have to do. . .is we have to properly notice. . .an ex parte application... So what you need to do is you need to

put together a sheet of paper and say "I am going to the Court--...to ask for this. . .OK? . . .And then you can e-mail, scan, whatever--... to [Mother's counsel]. . .and I would do it a couple of days in advance. . . .But you have to do that, and you have to be very careful about it, okay. . .so that we can avoid all these writs and appeals." Father said *"But most importantly, I want to take him [the child] with me on the 13th".* Wood responded: *"I understand. . . .That's why you need to notice her, and you could—you could come in on Monday if you notice her by the end of business day today. But write out on a sheet of paper what it is you want, and if you can e-mail or scan it, or something like that, so that we have a record of having done it---...that would be good too."* Mother's counsel obtained this transcript on June 4, 2014. It is delivered herewith as **Exhibit "H"**. Delivered herewith as **Exhibit "I"** is the law regarding ex parte applications (Family Code section 3064; CRC 5.151 and 5.167; California Judge's Benchguide 200—Child Custody and Visitation 2012, section 200.7, 200.35; Marin Superior Court Local Rules 6.6) If a practicing lawyer advised a client to do what Judge Wood instructed Father to do to get a non-emergency vacation order ex parte ("write on a sheet of paper what it is you want") the lawyer could face malpractice charges, and the client could face sanctions.

On Friday, February 7, Father gave e-mail notice to Mother's attorney that he was going to make an ex parte application on February 10, 2014 for extended visitation time with the parties' child. With respect to relief requested he stated as follows: *"I am seeking to move the presently scheduled 2/20 hearing as per the most recent order to 2/27 when another hearing is already scheduled as well as to extend [child's] next visitation with me which starts this afternoon until 2/26 when my second visitation with him this month ends."*

Mother's counsel asked Father to provide the ex parte papers in advance of the hearing, and arranged to appear by Courtcall. Father did not provide any ex parte papers to Mother's counsel, and arrived in Court on February 10, 2014, without papers. Instead of being sent away, Mother's counsel heard Wood's clerk tell him he had to "go down the hall" to prepare ex parte papers. This took a full hour, and when Father returned, Mother's counsel first objected "for the record" to Wood hearing the case, and noted she had not received a Notice of Entry of Judgment regarding the disqualification. Wood told her "there is no record, because there is no reporter". Mother's counsel then objected that obviously she had not seen Father's papers, because he had just done them. Wood told her that all the application said was one sentence to the effect of "Father is seeking makeup vacation time". **Neither Wood nor Father told Mother's counsel that Father had appeared the prior Thursday and asked that the child miss school and travel to the Bahamas with Father.** Mother's counsel stated that this was not an emergency, reiterated ALL of the law regarding ex parte applications set forth in **Exhibit I**, and reiterated that Father and the Court were not following those laws. Wood asked Mother's counsel if she had "any objections other than the law", and then granted Father's request without specifying what she was ordering. She apparently issued a written order on the spot. Neither Father nor Wood provided a copy of the order to Mother or her counsel. Father delivered a copy to the police and the child's school to ensure enforcement of the order, and announced that he intended to take the child to the Bahamas returning February 25, 2014. Mother's counsel tried to get the order from the police, the child's school, and Father; none would provide them to her. Mother tried to get a copy of the register of actions or a minute order or the actual order. Nothing was reflected in the register of actions, no minute order was entered, and Wood sequestered the file in her chambers. Mother was unable to get a copy of the order until the next hearing took place on

February 27, 2014. The police let Mother see the order, however, and it *a) required the child to be back in school by February 24, 2014; b) required return to Mother on February 25, 2014, and c) made no mention of out-of-country travel.* Father returned the child to school and Mother on February 26, 2014. In other words, Father got the order, delivered the order to the police and school, announced that he was going to violate the order, and did violate the order. Mother's counsel did not see or receive the February 10, 2014 order until February 27, 2014, when Wood's clerk gave it to her at a court hearing. The register of actions does not reflect that a hearing took place on February 10, 2014. There is no entry at all for 2/10/14. There is an entry for 2/19/14 reflecting that a 2/10/14 order prepared by Wood was entered on February 19, 2014. There is no entry reflecting service of the order.

On February 26, 2014, Mother's counsel noticed an ex parte application set for hearing on February 27, 2014, based on Father's premeditated contempt of the Court's apparent 2/10/14 orders that resulted in the child being taken out of the country and missing four or five days of school. Mother requested sole custody, alternate weekend visitation for Father, return of the child's passport, and an order forbidding travel with the child outside of Marin without court order.

At the February 27, 2014 hearing on Mother's motion for recusal, correction of the record, Notice of Entry of Order, and attorney's fees, Wood orally denied Mother's request for attorney's fees, and took Mother's request for a Notice of Entry of Order under submission. Wood continued Father's custody motion to April 7, 2014 and referred the parties to Family Court Service mediation. She gave Mother's counsel permission to appear at all non-evidentiary hearings, including the April 7 hearing, by Courtcall. She stated that she would prepare a written order on all issues. Wood denied Mother's ex parte request for temporary custody orders, stating it was not an emergency—although the concerns stated in Mother's application—that Father would again take the child out of the country in violation of court orders—falls specifically within the Family Code section 3064 category “immediate risk that the child will be removed from the State of California”. Mother set her custody ex parte for hearing on April 10, 2014.

The written order stemming from the February 27, 2014 hearing, issued April 2, 2014, stated that Mother's request for disqualification “is merely another in a long line of Mother's theories of conspiracies against her by this Court. . .” and accused Mother's counsel of focusing on “procedural minutia”. Wood made no order on Mother's request for correction of the record, or for a Notice of Entry of Judgment.

On April 7, 2014, Mother's counsel appeared by Courtcall for the further hearing on Father's custody motion. Father had brought his oldest son from another relationship to testify although it was supposed to be a non-evidentiary hearing. Mother's counsel objected and reminded the Court that Mother had asked for a long-cause evidentiary hearing “from the get-go” [she provided a witness list including the boy, the police, the Family Court Services mediator, and more with her responsive papers] and was asking and entitled to a long-cause evidentiary hearing so she could call the boy and other witnesses. Wood admonished Mother's counsel not to interrupt or she would hang up. Mother's counsel said, one more time, that she had asked for an evidentiary hearing. Wood hung up and proceeded to take testimony from the boy and conclude the hearing without participation by Mother's counsel.

On April 10, 2014, Mother appeared on her custody request initially made by ex parte application on February 27, 2014. Mother's counsel reiterated her request for a Notice of Entry of Judgment stemming from the October 3, 2013 disqualification. Mother then addressed her motion, noting that Father had filed no responsive pleadings, and it was essentially unopposed. She reiterated her request for an evidentiary custody hearing. Wood focused the hearing on three items raised by Father that were not a part of the calendared hearing or Wood's tentative ruling (including Father's new, unnoticed request to take the child to Sugar Bowl) and took the matter under submission.

On May 8, 2014, Wood issued a scathing custody order giving Father sole legal custody of the parties' child. She went to great lengths to denigrate Mother, characterize Mother's concerns as "paranoid" and accuse Mother and Mother's counsel of having an agenda to establish a "secret conspiracy". However, *Wood again did not rule on Mother's request for correction of the record or for issuance of a formal Notice of Entry of Judgment.*

It is long past 90 days since the submission on February 27, 2014 of Mother's request for correction of the record and Issuance of a Notice of Entry of Judgment determining Mother's disqualification request. Pursuant to Article 6, Section 19 of the California Constitution, as of May 28, 2014, it appears Wood is not entitled to receive her salary until she rules on Mother's request for correction of the record and Notice of Entry of Judgment. Mother does not know if Wood executed a Government Code section 68210 affidavit falsely stating that no matters remain pending before her submitted for more than 90 days, and whether she has collected her paycheck.

It appears that Judge Wood and Court Executive Officer Kim Turner are now in great professional and legal peril. If a Notice of Entry of Order is issued reflecting that the disqualification order was entered on October 28, 2013, rather than October 3, 2013, a) it supports Mother's argument that Wood's order is void on its face, and she has had no authority to act; and b) it proves that the current certified register of actions and certified minute order with respect to October 3, 2013 contains entries both Wood and Turner know are false. As it now stands, they are both knowingly and intentionally perpetuating a false official record.

California Rule of Court 10.603 (Authority and Duties of Presiding Judge) required Judge D'Opal to ensure that no cause under submission remains undecided and pending for longer than 90 days. It requires her to notify the Commission on Judicial Performance of a judge's substantial failure to perform judicial duties. It requires her to provide general direction to and supervision of Court Executive Officer Kim Turner.

Marin County has a long and unabated record of administrative and bench misconduct repeatedly reported to the Commission on Judicial Performance, the Chief Justice, two Attorney Generals, two Governors, the Administrative Office of the Courts, the Legislature, the Judicial Council, the JNE commission, the Marin Grand Jury, and others. Most recently there was significant public outcry when Judicial Council Member Kim Turner ordered the mass destruction of child custody evidence contained in the Marin Family Court Services mediation working files, while a Joint Legislative Audit Committee investigation of the Marin Superior

Court was pending, and while Turner was blocking auditor access to court files and personnel (meanwhile the longtime mediation supervisor resigned and was ultimately unavailable for auditor interview). Turner claimed she was destroying the files for storage purposes, and she apparently escaped prosecution for evidence tampering with the claim that the files destroyed were not "court files" covered by Government Code section 6200. Included in the mediation files destroyed were those of Mother and Father in this case, containing important child custody information relevant to prior rulings in this case.

The legislature did its job by providing CCP 170 et seq as a means to allow litigants to disqualify corrupt or biased judges. Per CCP 170.3 a judge generally is not allowed to rule on disqualification requests filed against him or her except in very narrow circumstances, and in fact cannot take further substantive action in the case until an outside judge rules on the disqualification request. Litigants are required to seek writ relief on the court's order determining the question of disqualification within 10 days of service of written Notice of Entry of the court's disqualification order. Wood thwarted this statutory protection by denying her own disqualification request, and refusing to issue a correct Notice of Entry of her disqualification order, while continuing to aggressively advocate for her law firm's former client, and issue orders favorable to her law firm's former client vociferously attacking mom and her lawyer.

The legislature did its job by providing Family Code sections 2030 et seq and Family Code section 7605, to ensure that financially disadvantaged parents can be represented by counsel in Family Law proceedings. After repeatedly taunting Mother to "go writ! go appeal!" if she didn't like what Wood was doing, Wood effectively thwarted statutory fee protections and *eliminated* Mother's ability to file a writ or appeal by denying Mother's request that multimillionaire Father provide appellate attorney's fees and costs so that she could seek appellate relief.

The legislature did its job by ordering a JLAC audit of the Marin Family Court. It was thwarted by Kim Turner, the Administrative Office of the Courts, and the Marin Bench when they participated in the mass destruction of child custody evidence and eliminated key employees before they could be interviewed, with the result that this information was not available to the State Auditor.

The public has done its job by documenting and reporting corruption in the Marin County Superior Court for almost two decades.

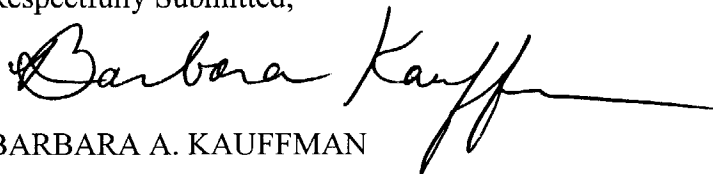
The JNE Commission, the Governor, and the Commission on Judicial Performance were repeatedly warned about Judge Wood, including her prior actions in this case, before her appointment to the Bench last fall. Nonetheless she was appointed, even as she was repeatedly violating Mother's most basic due process rights to notice and an opportunity to be heard by engaging in ongoing prohibited ex parte communications with Father.

This year alone, at least three judges (Ohio Judge Tracie Hunter, Texas Judge Denise Pratt, and Ohio Judge Harry Jacob III) have been indicted on evidence tampering charges, two directly related to backdated orders. News articles about these indictments are delivered herewith as Exhibit "J".

Mother and Mother's counsel have spent a long, brutal, year quietly making an airtight record of gross misconduct by Wood and Turner while being insulted every step of the way, including Wood's gratuitous comments inserted into her orders that Mother and her lawyer were engaging in "conspiracy theories" and focusing on "procedural minutia" with respect to Wood's ongoing violation of Mother's *most basic* due process rights to notice and opportunity to be heard by an impartial decision maker, and a true and correct official court record.

Mother and her counsel are not going to mince words. They are making a demand (not a request) for a full investigation –including a criminal investigation--of evidence tampering and other illegal/unethical activity (including but not limited to conflicts of interest, and ongoing ex parte communications between bench officers and certain favored litigants) in this and other cases; indictments Wood and Turner and others involved for all possible applicable crimes (including but not limited to Government Code section 6200, CA Penal Code sections 182 and 96.5, RICO, 18 U.S. Code 1512), and *immediate removal of Marin Court Executive Officer Kim Turner and Judge Beverly Wood from the Court system.*

Respectfully Submitted,

A handwritten signature in black ink, reading "Barbara Kauffman". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

BARBARA A. KAUFFMAN