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4 IN PROPRIA PERSONA

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6
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF LOS ANGELES
9

10
11 IN RE MATTER OF:) Case No. BD 296 320
12)
12 Petitioner: LYNN REDGRAVE)
CLARK)
13) ANSWER TO MEMORANDUM OF
14) POINTS AND AUTHORITIES IN
and) JUDGE GOLD'S ANSWER TO
15) APPLICANT'S SUPPLEMENTAL
16) STATEMENT OF DISQUALIFICATION
16 Respondent: JOHN CLARK)
17) [CCP Section 170.1]
18)
18 Trial date: TBA
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21 I, JOHN CLARK, declare:

22 1. I am the respondent, In Pro Per, in this dissolution of
23 marriage case.

24 2. This Declaration is in response to Judge Gold's answer
25 to my Supplemental Statement of Disqualification filed November
26 17, 2000.

27 3. My Supplemental Statement was intended to add the
28 transcript, and provide context to my Application to Disqualify

1 Judge Gold filed November 3, 2000. The few hours I had
2 available between release from prison and being ordered to
3 appear in court to begin trial made my application an emergency
4 requiring the filing of this supplement due to the lack of time
5 to obtain certified transcripts. All essential transcripts have
6 now been filed in this procedure. The transcripts are dated
7 October 23, October 27, November 1 and now November 3 which was
8 attached to my Supplement. [My notice that I would provide a
9 supplement is to be found at Page 4, Para. 8, of the November 3
10 application.] This supplement is not part of a series of
11 multiple applications, but rather a supplement to a single
12 application which is presently under adjudication. These
13 supplements and statements and answers are incorporated
14 together, and are intended to be considered as one single
15 application.

16 4. Judge Gold states "Such a supplement is not permitted
17 and should be disregarded." I believe he is mistaken for
18 another reason: On page 1 Judge Gold cites from the Code of
19 Civil Procedure Section 170.4, subdivision (c)(3) which states,
20 inter alia, "...unless facts suggesting new grounds for
21 disqualification are first learned of or arise after the first
22 statement of disqualification was filed." I believe I have this
23 basis for the supplemental filing in any case, which
24 demonstrates continuing prejudice favoring petitioner.

25 The November 3 transcript reveals EVENTS that took place
26 AFTER I had served Judge Gold with my application for his
27 disqualification.

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1 As revealed in the November 3 transcript attached to my
2 supplement, I emerged from the L.A. County jail where Judge Gold
3 had incarcerated me on November 2, 2000. I had to prepare my
4 application for his disqualification for the following morning
5 at 8:30am and file it BEFORE the commencement of the first day
6 of the dissolution trial with my wife, Lynn Redgrave Clark on
7 November 3, 2000 at the same time, 8:30am. I had only a few
8 hours to prepare. At 8:40am while I was attempting to file my
9 recusal downstairs in the filing office, Judge Gold started the
10 trial without me. At page 1, line 14 my wife's attorney Emily
11 Edelman, Esq. states:

12 MS. EDELMAN:AND WE ARE READY TO PROCEED.

13 THE COURT: ANY IDEA WHERE MR. CLARK IS?

14 MS. EDELMAN: NO, I DO NOT.

15 THE COURT: OKAY. WELL, HAVE WE GOTTEN ANY CALLS, MS.
16 CLERK?

17 THE CLERK: NO.

18 MS. EDELMAN: I DID FILE THIS MORNING WITH THE CLERK, YOUR
19 HONOR, A REQUEST FOR SANCTIONS.....LITTLE HOUSEKEEPING
20 MATTERS.

21 My fear of future imprisonment by Judge Gold at the behest
22 of Ms. Edelman becomes apparent at this juncture. However, it
23 should be noted that I was not present, and that what followed
24 had an "ex parte" quality in a hearing going forward without me.

25 At page 2 line 6:

26 THE COURT: I THINK WE'RE GOING TO GO FORWARD.

27 Then at page 3, line 23:

28

1 THE COURT: MS. EDELMAN, I WOULD ASK MR CLARK THE SAME
2 QUESTION IF HE WERE HERE, BUT HE'S NOT HERE. AND I'M GOING TO GO
3 FORWARD WITH THE HEARING.

4 Then at page 5, line 27:

5 THE COURT: OH, MR. CLARK HAS DECIDED TO JOIN US. COME
6 FORWARD, MR. CLARK. GOOD MORNING.

7 Then at page 6, line 6:

8 THE COURT: MR. CLARK, IT'S NOW 6 MINUTES TO 9.

9 With the day's calendar full of cases that could have been
10 dealt with in the first half-hour, it is curious that Judge Gold
11 should begin with our Dissolution. Heretofore, this has not
12 been his practice. Hearings normally begin at 8:40am.

13 Then at page 14, line 21:

14 MS. EDELMAN: THIS IS MELISSA, MY ASSISTANT IN MY OFFICE.
15 AND BECAUSE THERE'S SO MANY DOCUMENTS - -

16 At line 26, I ask for some "housekeeping" time, prior to
17 the commencement of trial, which Judge Gold granted me.

18 The rest of the transcript should be examined in detail. As
19 described in my supplement and attached November 3 transcript,
20 Judge Gold is informed by me of my intention to serve my wife
21 with a subpoena for her to produce documents since, at last, she
22 is sitting there in person. I informed the judge that she had
23 been avoiding my service for a number of weeks, even going so
24 far as to move out of state to do so, and her attorney Ms.
25 Edelman indicated that she had not accepted service in lieu of
26 her client. [Although she was served. She has never responded
27 to my multiple requests that she answer whether or not she

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1 accepted service, and has been uncooperatively silent on a
2 variety of issues, requiring Judge Gold's attention to this
3 behavior on the part of an officer of the court. As a further
4 footnote in this case, upon my return home from jail on November
5 2, I discovered that the residence had been raided. All
6 production elements of our jointly created and owned Broadway
7 Tony nominated play "Shakespeare For My Father" worth many
8 thousands of dollars had disappeared from our garage. As
9 several large wooden crates were involved, a team of men and a
10 large truck would have been used, and they knew the code on our
11 security gate which I have never changed. Ms. Edelman remained
12 silent as to her involvement when I questioned her in writing.]

13 The transcript reveals that Judge Gold forbade me to serve
14 my wife in the courtroom, and I informed him I would be waiting
15 to serve her in the corridor outside the courtroom which is
16 Department 7 on the second floor, and that this would in all
17 probability be my only chance, as she was staying at a location
18 in Los Angeles kept secret from me.

19 This did not stop Judge Gold from continuing to deprive me
20 of my due process rights, and continuing to reveal his bias
21 towards me. After I had filed my application, and the
22 proceeding was concluded, I exited the courtroom, and waited
23 patiently outside in the corridor to serve my subpoena. When my
24 wife did not appear, I looked back inside the courtroom to find
25 that she and her lawyers and all of her legal records had
26 somehow vanished!

27 Judge Gold is personally responsible for the fact that my
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1 wife and her legal representatives were allowed to exit from his
2 courtroom through the back way, past his chambers. I have no
3 way of knowing how this occurred, but there is no other exit
4 from the courtroom, other than by the front door into the
5 corridor, which is the normal exit for litigants, and not by the
6 back door which leads to the judges' chambers. I have 2
7 witnesses to this event, and if called upon I could and would
8 produce them. I would also subpoena Judge Gold's clerk, and
9 other court staff then present in court to explain how and why
10 this happened. I believe that the Code provision cited above by
11 Judge Gold allows me to present this further evidence of Judge
12 Gold's bias towards me.

13 At page 5, line 4, Judge Gold quotes from the California
14 Judges Benchbook, Civil Trials, at page 38 "[M]ost judges advise
15 that the matter be decided without a hearing UNLESS THE ISSUES
16 RAISED ARE COMPLEX OR THE HEARING JUDGE NEEDS FURTHER
17 INFORMATION." [my emphasis.] I believe that the issues raised
18 herein are complex AND that the hearing judge will need further
19 information.

20 For that reason, I repeat my request that there be a
21 hearing outside the jurisdiction of Los Angeles County by a
22 judge unknown to us both, and that I also be permitted to bring
23 my witnesses including my wife to the hearing in order to give
24 oral evidence and information to the presiding judge.

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1 I declare under penalty of perjury that the foregoing is
2 true and correct, and that if called as a witness, I would
3 competently testify thereto.

4 Respectfully submitted.

5 Executed on November 29, 2000 at Topanga, California.

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11 _____
12 JOHN CLARK
13 Respondent, In Pro Per
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