

COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION \_\_\_\_\_

JOHN CLARK

Petitioner

v.

HONORABLE FREDERICK P. HORN, JUDGE

Respondent

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HONORABLE ARNOLD H. GOLD, JUDGE

Real party in interest

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Los Angeles Superior Court Case No.: BD 296 320  
The Honorable Arnold H. Gold, Judge

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PETITION FOR PEREMPTORY WRIT OF MANDATE/PROHIBITION FROM ORDER  
DENYING DISQUALIFICATION OF JUDGE ARNOLD GOLD; MEMORANDUM OF  
POINTS AND AUTHORITIES IN SUPPORT THEREOF; EXHIBITS

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JOHN CLARK  
Petitioner In Propria Persona  
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Topanga, California 90290  
(310) 455-1334

**IMMEDIATE STAY REQUESTED**

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## STATUTES

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## LIST OF EXHIBITS

<u>Document</u>	<u>Exhibit Number</u>
Petitioner's Application to disqualify Judge Gold for cause	A
Supplement to Application to disqualify, w/exh [B][C][E]	B
Declaration of Emily Edelman, Esq. in opposition w/attachments	C
Answer of Judge Gold	D
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Ruling of Judge Horn denying motion	F
Relevant transcripts dated Oct.23, 27, and Nov. 1, 3, 2000	G

## INTRODUCTION

Petitioner is an in pro per defendant, having been sued for divorce by his former wife of 32 years, the actress and movie star Lynn Redgrave. [case number BD 296 320] For reasons best known to her, she has been vindictive towards me. As far as I can tell, there are no real issues, apart from the division of the marital estate. A bifurcated divorce was granted upon her application on December 22, 2000. I have never been arrested, until Judge Gold ordered me arrested for reasons that were punitive in nature, and that I don't understand.

Petitioner is also a defendant in a lawsuit filed by Nicolette Clark, who was my daughter-in-law. [case number BF 013 155]. Again, there are no real issues in that case, except for the fact that I consented to be the surrogate father of a child who is now 10 years old, and, she claims, he doesn't want to have anything to do with me. I pay for the support of this child, although there has never been a test proving that I am the biological father of this child. I have been ordered by Judge Gold to supply housing for her, the child, and apparently her boyfriend, as well as cash. Judge Gold makes no attempt for me to see this child on an unmonitored basis.

Judge Gold is handling both of these cases, deeming them to be "related". I believe he has shown bias towards me in both of these cases, although I have not yet filed for the disqualification of Judge Gold in the second case. This second case is currently in trial, and I am attempting to present my own case before Judge Gold.

Two years have now passed, and I am unable to move forward with my life, pending a just and level playing field upon which this litigation should be advanced. I am now 68 years old, and life is passing me by.

## PETITION

By this verified petition, I, John Clark, allege that bias has been shown towards me by Judge Gold as set forth in great detail in the enclosed documents.

I am not a lawyer, I have had no training in law. I have previously hired lawyers to handle these matters, but due to the fact that my wife's attorney has blocked my efforts at having her client contribute to the community costs and expenses of the upkeep of the community property, and to help pay my legal bills, I have run out of money. I have no work, because my wife's career was my work, and she fired me.

I do not believe that I have to cite cases here, because I am relying on the meaning of section 170.1 of the CCP. I have not cited section 170.3 (2)(A) "The judge has a personal bias or prejudice concerning a party." because that bias becomes clear in the case concerning the child, and is not before us in this case, except for the fact that Judge Gold brings an attitude towards me in the marital case.

I am relying on the true meaning of the words appearing at section 170.1(6)(C) which are plain English. "A person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial. Bias or prejudice towards a lawyer in the proceeding may be grounds for disqualification."

In the instant case, the documents and the November 1 transcript will show that there was no outstanding problem of discovery. I had produced all of the required discovery except for one item, which was stipulated for me to produce the next day at my wife's lawyers' offices.

I still do not know why Judge Gold had me arrested. Certainly he knew that it would be

an experience for me of utter degradation and humiliation. I was taken to the Twin Towers, to sit alongside criminals and prostitutes and drug offenders. I was not allowed to lie down until 4 o'clock in the morning when I was forced to strip naked and bend over and spread my buttocks. I believe this was a violation of my Civil Rights.

Judge Gold believed that the next day I would be brought to court to start my defense of the trial. But of course, I would have no time to go home and get my paperwork! Result would have been an easy victory for my wife, who I have accused of transferring assets by forming secret companies, and keeping income away from me.

I am positive that "a person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial" [emphasis mine]. Unfortunately all of the facts are not contained in the instant case, but Judge Gold is certainly aware of all of the facts, and he should have recused himself.

Judge Horn cites the statute incorrectly in any case, for on page 2 he states, fourth paragraph down the page, that ". . . .aware of the facts in this case would entertain a doubt . . ." [emphasis mine]. The statute does not say that. The words "in this case" do not appear and they are not there for a reason, perhaps for the reasons apparent in my case.

I intend to file a supplement to this Petition giving the facts in the other case concerning the "Paternity", and which perhaps are the facts that were Judge Horn to have become familiar with them, he might have ruled differently.

Judge Gold's spur-of-the-moment decision to have me arrested on the spot belies the assertion of Judge Horn that I had had the mandated fair hearing. What I got were threats from the bench, and instead of bowing down in fear, I steeled myself for the inevitable. Judge Gold

appeared to be out of control, and I feared for my safety and my well-being. Furthermore, Judge Gold sanctioned me an amount of \$3,600, as well as putting me in prison.

If I had been granted a proper hearing, I would have brought a lawyer to represent me, for I was filled with fear at that moment, and was in no position to think rationally and calmly.

**PRAYER**

WHEREFORE, Petitioner John Clark prays that this court:

1. Issue a peremptory writ of mandate, prohibition, or a writ of certiorari directing the Respondent to set aside and vacate its order dated February 7, 2001 which denied my motion to disqualify Judge Gold.
2. Award Petitioner costs incurred in this proceeding
3. Grant whatever further relief may be just and proper.

Respectfully Submitted,

Dated: February 26, 2001

JOHN CLARK

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Petitioner in Propria Persona

## VERIFICATION

I, John Clark, declare as follows:

I am the Petitioner in the above-entitled matter. I have read the foregoing Petition For Peremptory Writ of Mandate/Prohibition Or Other Appropriate Relief and know its contents.

The facts alleged in the Petition are true to my own knowledge.

I declare under penalty of Perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed on February 26, 2001 at Topanga, California.

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John Clark

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**EXHIBITS**

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