

1 PHILIP A. PUTMAN CSB 51368  
2 LAW OFFICE OF PHILIP A. PUTMAN  
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6 Attorney for Plaintiff

7 IN THE UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA AT SANTA ANA

9 PHILIP A. PUTMAN, an	) Case No.:
10 individual, on behalf of	)
11 himself and all others	) <b>COMPLAINT AND DEMAND FOR</b>
12 similarly situated,	) <b>JURY TRIAL FOR VIOLATION OF</b>
13 Plaintiffs,	) <b>18 U.S.C. §1962 RICO ACT and</b>
14 vs.	) <b>42 U.S.C. §1983 CIVIL RIGHTS</b>
15	) <b>VIOLATION</b>
16	)
17 ROBERT MONARCH, individually;	) <b>CLASS ACTION</b>
18 RONALD KLINE, individually;	)
19 GARY B. TRANBARGER,	)
20 individually; RONALD BAUER,	)
21 individually; RANDELL	)
22 WILKINSON, individually;	)
23 FRANCISCO FIRMAT, individually;	)
24 DAVID CHAFFEE, individually;	)
25 JOHN WATSON, individually;	)
26 THOMAS THRASHER, individually;	)
27 FREDERICK HORN, individually;	)
28 and DOES 1-100, INCLUSIVE,	)
Defendants.	)

23 COMES NOW, the Plaintiff, PHILIP A. PUTMAN, by and through his  
24 attorneys and for its Complaint shows the Court as follows:

25 **PRELIMINARY ALLEGATIONS**

26 1. Plaintiff, PHILIP A. PUTMAN, individually and on behalf  
27 of all others similarly situated, alleges the matters set out in  
28 this complaint on information and belief except for those

1 allegations that pertain to plaintiff and plaintiff's attorneys,  
2 which are based on personal knowledge.

3 2. Plaintiff PHILIP A. PUTMAN, is an attorney duly licensed  
4 to practice law (CSB #51368) before all the Courts in the State  
5 of California since 1972 with his principal place of business  
6 located within the United States District Court, Central District  
7 of California.

8 3. Each of the defendants were aware of the acts of the  
9 other defendants in support of the illegal acts of the enterprise  
10 and each defendant is culpable of the acts of misprision of a  
11 felony by the other defendants and party's to the actions stated  
12 herein. None of the defendants have signed the oath of office  
13 and are thus without jurisdiction.

14 4. The court system is an enterprise and judges are not  
15 cloaked with immunity when acting out of personal vindictiveness.  
16 Harper v. Merckle, 638 F.2d 848, 859 (5<sup>th</sup> Cir. 1981): When a  
17 judge has acted out of personal motivations and has used his  
18 judicial office as an offensive weapon to vindicate personal  
19 objectives, these non-judicial acts, are not cloaked with  
20 judicial immunity from suit under Section 1983.

21 5. Defendant ROBERT MONARCH is and was a resident of the  
22 State of California, and is and was a Judge of the Superior Court  
23 for the County of Orange during all times pertinent herein he  
24 acted under color of that capacity and all acts complained of  
25 were in furtherance of the conspiracy alleged and was intended to  
26 and did constitute precatory acts of racketeering and intended to  
27 and did cause plaintiff's damages.

28

1           6. Defendant RONALD KLINE, is and was a resident of the  
2 State of California, and is and was a Judge of the Superior Court  
3 for the County of Orange during all times pertinent herein he  
4 acted under color of that capacity and all acts complained of  
5 were in furtherance of the conspiracy alleged and was intended to  
6 and did constitute precatory acts of racketeering and intended to  
7 and did cause plaintiff's damages.

8           7. Defendant GARY B. TRANBARGER, is and was a resident of  
9 The State of California, and is and was a Judge of the Superior  
10 Court for the County of Riverside during all times pertinent  
11 herein he acted under color of that capacity and all acts  
12 complained of were in furtherance of the conspiracy alleged and  
13 was intended to and did constitute precatory acts of racketeering  
14 and intended to and did cause plaintiff's damages.

15           8. Defendant FRANCISCO FIRMAT is and was a resident of the  
16 State of California, and is and was a Judge of the Superior Court  
17 for the County of Orange during all times pertinent herein he  
18 acted under color of that capacity and all acts complained of  
19 were in furtherance of the conspiracy alleged and was intended to  
20 and did constitute precatory acts of racketeering and intended to  
21 and did cause plaintiff's damages.

22           9. Defendant DAVID CHAFFEE, is and was a resident of the  
23 State of California, and is and was a Judge of the Superior Court  
24 for the County of Orange during all times pertinent herein he  
25 acted under color of that capacity and all acts complained of  
26 were in furtherance of the conspiracy alleged and was intended to  
27 and did constitute precatory acts of racketeering and intended to  
28 and did cause plaintiff's damages.

1           10. Defendant RONALD BAUER, is and was a resident of the  
2 State of California, and is and was a Judge of the Superior Court  
3 for the County of Orange during all times pertinent herein he  
4 acted under color of that capacity and all acts complained of  
5 were in furtherance of the conspiracy alleged and was intended to  
6 and did constitute precatory acts of racketeering and intended to  
7 and did cause plaintiff's damages.

8           11. Defendant RANDELL WILKINSON, is and was a resident of  
9 the State of California, and is and was a Judge of the Superior  
10 Court for the County of Orange during all times pertinent herein  
11 he acted under color of that capacity and all acts complained of  
12 were in furtherance of the conspiracy alleged and was intended to  
13 and did constitute precatory acts of racketeering and intended to  
14 and did cause plaintiff's damages.

15           12. Defendant JOHN WATSON, is and was a resident of the  
16 State of California, and is and was a Judge of the Superior Court  
17 for the County of Orange during all times pertinent herein he  
18 acted under color of that capacity and all acts complained of  
19 were in furtherance of the conspiracy alleged and was intended to  
20 and did constitute precatory acts of racketeering and intended to  
21 and did cause plaintiff's damages.

22           13. Defendant THOMAS THRASHER, is and was a resident of the  
23 State of California, and is and was a Judge of the Superior Court  
24 for the County of Orange during all times pertinent herein he  
25 acted under color of that capacity and all acts complained of  
26 were in furtherance of the conspiracy alleged and was intended to  
27 and did constitute precatory acts of racketeering and intended to  
28 and did cause plaintiff's damages.

1           14. Defendant FREDERICK HORN, is and was a resident of the  
2 State of California, and is and was a Judge of the Superior Court  
3 for the County of Orange during all times pertinent herein he  
4 acted under color of that capacity and all acts complained of  
5 were in furtherance of the conspiracy alleged and was intended to  
6 and did constitute precatory acts of racketeering and intended to  
7 and did cause plaintiff's damages.

8           15. This Court has subject matter jurisdiction pursuant to  
9 28 U.S.C. §1331 in that this Complaint arises under the laws of  
10 the United States.

11           16. Defendant is subject to jurisdiction of this Court and  
12 venue lies with this Court pursuant to 28 U.S.C. §139(b).

13           17. This Court has pendent jurisdiction over those claims  
14 asserted herein that arise under the laws of the State of  
15 California.

16           18. On or about 1992, Plaintiff filed suit against one  
17 Warmack who had defrauded plaintiff. Plaintiff filed suit in the  
18 Superior Court. On the day of trial, Plaintiff's attorney was  
19 engaged in trial in Department 1 of the Superior Court for the  
20 County of Orange. Judge Bauer called him into court, read him  
21 the riot act and then dismissed Plaintiff's case. The conduct of  
22 defendant Bauer was done with malice and spite and was the  
23 beginning of the conspiracy against Plaintiff.

24           19. In 1995 Plaintiff was locked out of his offices due to  
25 his partner's FRANK J. LAYOYA IV and MICHAEL KAYLOR fraudulent  
26 conduct to steal Plaintiff's law practice, personal files, client  
27 trust funds, etc. Plaintiff was, however, able to liberate some  
28

1 files from his own offices and took them to one Frank Nunes, **an**  
2 **attorney**. Nunes thereafter failed to handle the cases  
3 competently and thereafter engaged in illegal conduct by forging  
4 documents and lying to clients about the status of their cases.  
5 Plaintiff sued Nunes on behalf of six individuals that were  
6 harmed by Nunes gross and incompetent legal representation, acts,  
7 and omissions. Defendant defaulted. At the prove-up hearing  
8 held by declaration before defendant RANDALL WILKINSON, defendant  
9 maliciously reduced the damage award to \$30,000.00 from a default  
10 of \$300,000.00.

11 20. On or about 1989 one Robert Hayes entered into a  
12 business venture with one Gino Battaglia and consulted one  
13 Darrell Clendenen, **an attorney**, to structure the deal. Clendenen  
14 went into business with Hayes and both were later sued by the  
15 buyer Gino Battaglia. Clendenen advised Hayes to file for  
16 bankruptcy and then went into business with Gino Battaglia.  
17 Clendenen then defrauded Battaglia of \$75,000.00 plus \$300,000 in  
18 stone product from the subject quarry estimated to have \$100  
19 million of granite. Plaintiff sued Clendenen on behalf of  
20 Battaglia and Hayes for various causes of action, including  
21 fraud. Battaglia created an irreconcilable conflict of interest  
22 by demanding 51% of the transaction profit rather than the 33  
23 1/3% to which he had agreed to previously. This action was filed  
24 in the Superior Court for the County of Riverside in 1994 and the  
25 case was eventually assigned to defendant TRANBARGER. Defendant  
26 TRANBARGER overruled all of Plaintiff's motions and eventually  
27 refused to allow Plaintiff to withdraw as attorney of record for  
28 Battaglia, set up the case for summary judgment for the defendant

1 Clendenen which was granted despite Plaintiff's well documented  
2 opposition establishing extensive issues of fact for the jury,  
3 and finally held that Plaintiff had "abandoned his client" and  
4 was not entitled to a lien on the case. The unlawful malicious  
5 and oppressive conduct of defendant resulted in an appeal and  
6 three new lawsuits and losses to plaintiff of \$33,000,000.

7       21. Plaintiff brought one Frank J. Lozoya IV and one  
8 Michael Kaylor both **attorneys** in as 1/3 partners each into his  
9 multimillion dollar law practice in 1993. In 1995, Lozoya  
10 carried out his masterminded evil and illegal plot to steal  
11 Plaintiff's law practice. He changed the locks on the premises  
12 in consort with Plaintiff's landlord Albert Lin, stole  
13 Plaintiff's client files and personal files, stole Plaintiff's  
14 client trust funds, stole Plaintiff's accounts receivables, stole  
15 Plaintiff's personal property and exposed Plaintiff to six legal  
16 malpractice suits. Plaintiff spent many thousands of dollars  
17 pursuing his former partners Lozoya and Kaylor in the court  
18 system. Plaintiff filed suit against them and the landlord and  
19 retained counsel. Defendant KLINE demonstrated his ignorance of  
20 the law of real estate and his maliciousness in that case having  
21 chased off two prior attorneys for plaintiff. Plaintiff moved to  
22 recuse defendant KLINE pursuant to Code of Civil Procedure  
23 §128.1. In retaliation defendant KLINE dismissed Lozoya and  
24 Kaylor as defendants, placed Plaintiff's case on stay as to the  
25 defendant Lin over the objection of Plaintiff's counsel, Suanne  
26 I. Honey. On the trial date despite defendant's own stay,  
27 defendant KLINE maliciously dismissed Plaintiff's case.

1 Plaintiff was forced to accept an \$80,000.00 settlement rather  
2 than appeal defendant's outrageous and malicious conduct thus  
3 causing over \$1,000,000 damages to plaintiff. On a later case  
4 being handled by Plaintiff on behalf of a client, defendant KLINE  
5 was assigned to that case. Plaintiff filed a motion to recuse  
6 defendant KLINE from that case. Defendant KLINE voluntarily  
7 recused himself from the case rather than have another judge hear  
8 the charges of defendant's outrageous conduct.

9       22. On or about 1996, Plaintiff represented one Bedross in  
10 tort action arising from an automobile accident. The case was  
11 settled at a Mandatory Settlement Conference for \$12,500.00 of  
12 which Bedross was to receive \$5,000.00, contingent upon reduction  
13 of his medical bills. Plaintiff, as Bedross' attorney, was only  
14 able to reduce the medical bills by \$1,000.00 and Plaintiff  
15 voluntarily chose to cut his fee another \$1,000.00 giving Bedross  
16 about \$3,000.00. Bedross communicated ex parte with defendant  
17 FRANCISCO FIRMAT who called Plaintiff by telephone and attempted  
18 extortion by threatening that if Plaintiff did not pay Bedross  
19 more money defendant FIRMAT would report Plaintiff to the State  
20 Bar of California. FIRMAT then filed a complaint by U.S. Mail  
21 against plaintiff in furtherance of the extortion plot with the  
22 State Bar of California to further the goals of the conspiracy  
23 and the enterprise.

24       23. On or about 1998, Plaintiff was retained to  
25 represent one Martha Kay Foxx in an action against her previous  
26 **attorneys** Laurie Schiff and Ralph C. Shelton of Schiff & Shelton.  
27 In that action, a cross-complaint was filed for violation of  
28 ethics rules and malpractice for "fees" which were barred by the  
Statute of Limitations. Inadvertently



1  
2 Plaintiff failed to timely file an answer to the cross-complaint.  
3 At the default prove defendant CHAFFEE granted Schiff & Shelton  
4 attorney fees of \$78,000.00 despite the fact that they had  
5 represented themselves in all the underlying litigation that took  
6 place and contrary to Trope v. Katz 11 CA4th 274. Various timely  
7 motions were filed by Plaintiff on behalf of his client,  
8 including a motion to set aside the default within the proscribed  
9 period with a affidavit of fault by the attorney to set aside the  
10 default. Defendant CHAFFEE, despite being advised by valid and  
11 binding case law, maliciously ruled against Plaintiff's client in  
12 furtherance of the judicial conspiracy to injure plaintiff and  
13 thereby caused an appeal to be filed with the Court of Appeals.

14         24. In an unrelated case, Hoffman v. Gehlar, pending  
15 before defendant CHAFFEE wherein Plaintiff represented Gehlar, An  
16 associate of Plaintiff, an attorney, in the case overheard other  
17 attorney in the case say that "As long as Putman is in this case  
18 we can't lose with Chaffee. He hates Putman."

19         25. On or about 1996, Plaintiff assigned twenty personal  
20 injury cases to one Richard Lenard, **an attorney**. He began  
21 working the files but became lax and allowed most of the cases to  
22 be dismissed for failure to appear. On all of the cases,  
23 Plaintiff became aware of the dismissals well beyond the time to  
24 file motions to set side the dismissals. Plaintiff then sued  
25 Lenard on a written agreement for binding Christian arbitration.  
26 Defendant WATSON commented after ordering the case to arbitration  
27 with a Christian arbitration organization: "I hope they hold  
28 this arbitration in the coliseum," meaning the Roman coliseum

1 where Christians were fed to the lions thus demonstrating a  
2 religious discrimination and prejudice against plaintiff and all  
3 other Christians.

4       26. After Plaintiff was able to rescue some files in 1995  
5 from his office that was seized by Lozoya, Plaintiff took the  
6 files to an **attorney** named Frank Nunes. One of the files was  
7 Dileo v. Kilstofte involving a legal malpractice claim. Dileo  
8 signed not one but two retainer agreements with Nunes and paid  
9 \$5,000.00 to Nunes. Plaintiff never received any funds but  
10 simply maintained a lien for services rendered. Nunes blew the  
11 statute of limitations on the case. Thereafter Dileo retained  
12 one George Rodda and one Afroohkteh as his **attorneys** and sued  
13 Plaintiff for legal malpractice. Plaintiff prevailed in the  
14 action and obtained a defense judgment after about \$30,000.00 of  
15 effort. Plaintiff then, through his attorney, sued Dileo and his  
16 attorneys, Rodda and Afroohkteh for malicious prosecution.  
17 Defendant THOMAS THRASHER was assigned and did hear the case.  
18 Immediately, defendant took up the cudgel against Plaintiff and  
19 his attorney and in furtherance of the judicial conspiracy  
20 against plaintiff, found for defendants Rodda and Afroohkcdteh  
21 and demeaned plaintiff and his attorney stating "It would have  
22 been malpractice for them not to sue Putman for malpractice.

23       27. On or about 1995 Plaintiff and one Tim Cook began  
24 negotiations regarding the formation of a Christian satellite  
25 television station. Plaintiff also paid Cook to do a commercial  
26 for Plaintiff's book "Strive To Be Happy" and his Christian  
27 Gospel music. The venture fell apart and the commercial only  
28 aired a few times if at all. Cook began harassing Plaintiff by

1 phone. Plaintiff took action by written letters to GTE and  
2 Pacific Bell requesting that they advise Plaintiff to cease and  
3 desist with copies to Tim Cook and the local police departments.  
4 Finally, Plaintiff had to obtain a restraining order against  
5 Cook. Cook then used Plaintiff's signatures on these letters to  
6 fabricate a \$28,000.00 promissory note and a death threat letter  
7 allegedly on plaintiff's letterhead. He finally found an  
8 **attorney** vicious and stupid enough to file suit and take it to  
9 trial, one Vladimir Khiterer. Throughout the trial Tim Cook and  
10 his family engaged in flagrant perjury in the presence of the  
11 jury and defendant Monarch. Monarch failed to refer the matter  
12 to the Orange County District Attorney and thus became an  
13 accessory to the fact and after the fact in furtherance of the  
14 racketeering conspiracy of the enterprise. The jury found that  
15 the documents were forgeries and that the entire Cook family  
16 perjured themselves on the stand. Nonetheless Monarch gave Cook  
17 a \$28,000.00 judgment with interest of \$21,000.00 because  
18 Defendant Monarch refused to allow evidence of defendant.  
19 Defendant ROBERT MONARCH maliciously allowed the judgment to  
20 stand despite meritorious motions by plaintiff's attorney for  
21 JUDGMENT NON OBSTANTE VERDICTO and for attorney fee's on the  
22 phony promissory note. The matter has been reported to the  
23 Orange County District Attorney's office, and the California  
24 Attorney General but no action has been taken against the Cooks  
25 or Monarch or Klieterer.

26 28. On 12-15-99 as Plaintiff watched the trial sitting in  
27 the back row as a spectator of Hoffman vs. Gehlhar in Defendant  
28 Monarch's court. Plaintiff was immediately confronted by a  
"brown shirt" marshal to determine if Plaintiff was a witness or  
what. Plaintiff explained he was just a public spectator with no

1 other interest in the case than he knew defendant and defendant's  
2 attorney. After about 15 minutes Plaintiff was called into the  
3 hall by Investigator Allen Rieckhof of the Marshal's Department  
4 Judicial Protection Unit and interrogated. Plaintiff was told  
5 that he should leave because "the Judge doesn't like you staring  
6 at him". When Plaintiff indicated he wished to continue to watch  
7 the trial, the "brown shirt" Rieckhof told Plaintiff that "the  
8 Judge could exclude anyone he wanted to" and "invited me to  
9 leave". Plaintiff has been deprived of his right to witness  
10 public trials and has been ostracized from the "legal community"

11 29. Plaintiff filed the case of Meeker v. Jeffries, et al.  
12 Plaintiff inadvertently failed to appear at a status conference  
13 and the case was set for an Order to Show Cause re dismissal. On  
14 the date of the Order to Show Cause Plaintiff suffered a flat  
15 tire. By the time Plaintiff contacted the clerk the case had  
16 been heard and dismissed. Plaintiff informed the clerk that he  
17 would come in anyway. Defendant FREDERICK HORN refused to hear  
18 Plaintiff. Plaintiff thereafter filed a motion to set aside the  
19 dismissal with an attorney affidavit of fault. Defendant HORN  
20 denied Plaintiff and his client any relief out of spite and  
21 animosity towards Plaintiff and in furtherance of the judicial  
22 conspiracy against plaintiff.

23 30. In a separate case before defendant HORN, Ruggerio v.  
24 Putman, Lozoya, and Kaylor, Plaintiff filed a motion to compel  
25 binding arbitration in accordance with his retainer agreement  
26 with Ruggerio and with his partnership agreement with Lozoya and

27  
28 Kaylor. Defendant HORN, instead, permitted Ruggerio, Lozoya, and  
Kaylor to enter good faith settlements over plaintiff's

1 opposition for \$5,000.00 each (which were subsequently discharged  
2 in bankruptcy), ordered binding arbitration between Ruggerio and  
3 Plaintiff whereby Ruggerio was seeking \$35,000.00 without  
4 affording Plaintiff any recourse against Lozoya and Kaylor.  
5 Throughout that proceeding defendant HORN demonstrated a clear-  
6 cut animosity towards Plaintiff in furtherance of the conspiracy  
7 to drive plaintiff from the practice of law.

8  
9 **VIOLATION OF RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT,**  
10 **18 U.S.C. §1961, et seq.**

11 This Count arises under the Racketeer Influenced and Corrupt  
12 Organizations Act, 18 U.S.C. §1961, et seq.

13  
14 Each individual defendant named herein is a "person" within  
15 the meaning of 18 U.S.C. §1961(3).

16  
17 The defendants were an enterprise within the meaning of 18  
18 U.S.C. §1961(4) which is engaged in, or the activities of which  
19 affect, interstate or foreign commerce by virtue of the positions  
20 held whereby decisions made provide a benefit, revenue, and  
21 income to parties involved in litigation appearing before them.

22  
23 The acts of the individual defendants as set forth in  
24 herein in detail repeated violations of both Federal and State  
25 law. Therefore, these activities constitute a further component  
26  
27 of a pattern of racketeering activity within the meaning of 18  
28 U.S.C. §1961 and (State Corruption Activities Act).

1 The acts of the individual defendants as set forth herein  
2 constitute repeated and continuing conduct that was neither  
3 isolated nor sporadic, but that involved a callous disregard for  
4 the law that has evolved gradually over the years.

5  
6 The acts of the individual defendants as set forth herein  
7 demonstrate that said defendants at all times pertinent, and to  
8 the present, are conducting or participating in, directly or  
9 indirectly, the affairs of a continuing criminal enterprise,  
10 which enterprise is engaged in or affecting interstate commerce  
11 under 18 U.S.C. §1961, through a pattern of racketeering  
12  
13 activity, as alleged and described fully herein through telephone  
14 communications and the U.S. Postal Service.

15  
16 **VIOLATION OF CIVIL RIGHTS UNDER 42 USC §1983, et seq.**

17  
18 WHEREFORE, Plaintiff prays judgment as follows:

19 AS TO THE FIRST CAUSE OF ACTION:

20 1. For actual damages of \$35,000.000.

21 2. For treble damages against each named defendant,  
22 jointly and severally;

23 3. For special damages for attorney's fees and expenses;

24 4. For costs of suit; and

25 \\  
26 \\  
27 \\  
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5. For such other and further relief as the Court may deem

1 proper in order to maintain due respect for the rule of law and  
2 the administration of justice.

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LAW OFFICE OF PHILIP A. PUTMAN

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Dated: December \_\_, 1999

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\_\_\_\_\_  
PHILIP A. PUTMAN  
Attorney for Plaintiff

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