

OFFICE OF THE  
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

GOVERNMENT CENTER  
(408)454-2040  
FAX(408)454-2115

701 OCEAN STREET, ROOM 505, SANTA CRUZ, CALIFORNIA 95060-4068

DWIGHT L. HERR  
COUNTY COUNSEL

DEBORAH STEEN  
SAMUEL TORRES, JR.  
CHIEF ASSISTANTS

## GOVERNMENT TORT CLAIM RECOMMENDED ACTION

HARRY A. OBERHELMAN III  
MARIE COSTA  
JANE M. SCOTT  
RAHN GARCIA  
TAMYRA CODE  
PAMELA M. E.  
ELLEN LEWIS  
KIM BASKETT  
LEE GULLMR  
DANA McRAE

ASSISTANTS

Agenda June 9, 1998

To: The Board of Supervisors

Michael Scott Ioane, No. 798-138

Re: Claim of \_\_\_\_\_

Original Document and associated materials are on file at the Clerk to the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

- 1 X . Deny ~~the~~ claim of Michael Scott Ioane, No. 798-138 and refer to County Counsel.
2. Deny the application to file a late claim on behalf of \_\_\_\_\_ and refer to County Counsel.
- 3 . Grant the application to file a late claim on behalf of \_\_\_\_\_ and refer to County Counsel.
4. Approve the claim of \_\_\_\_\_ in the amount of \_\_\_\_\_ and reject it as to the balance, if any, and refer to County Counsel.
5. Reject the claim of \_\_\_\_\_ as insufficiently filed and refer to County Counsel.

cc: Christine Patton, Executive Officer/Clerk  
Municipal and Superior Courts

RISKMANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By DeJewis

LTR9.WPT

PER 5107 Rev. 4/97

certified #

Z 187 843 820

CLA I hi FOR DAMAGES.

May 5, 1998

Risk Management Insurance/ claim Divisions  
Santa Cruz County  
701 Ocean Street  
Santa Cruz, California, 95060

Re: Claim for **willful** violation of Federal Bankruptcy Order  
by Judge Samuel S. Steven's  
Superior Court Case # CV133337

To who it may concern:

This is a claim pursuant to Government code 910. et al.

I, Michael Scott loane, hereby make claim against the County of Santa Cruz for the acts of Judge Samuel S. Steven's.

On or about February 27, and April 22, 1998 case# 133337 Judge Samuel S. Steven's without **cause** over my objection and in violation of law violated a federal bankruptcy court Order of an automatic stay. By himself issuing an Order from State Court attempting to set aside the Federal Court Order in bankruptcy case number # 98-51454-JRG.

Attached hereto and incorporated herein as exhibit A please review, Order of Steven's, bankruptcy Order and date of said Order, Affidavit of Citizens arrest against Judge Samuel Steven's and others, Affidavit of probable cause for prosecution of Judge Samuel Steven's, Disqualification for cause of Judge Samuel Steven's and not limited thereto.

Within your court system I have been extremely prejudiced not just by Judge Samuel Stevens; but also by **your** Clerks. It appear that it will be inevitable that I sue the County of Santa Cruz for a number of causes of action.

I have experience discrimination, harassment and prejudice by Judge Samuel Stevens and your Clerks **office. You have done nothing to correct the problem! PS I suggest you consult with competent outside counsel.**

Judge Samuel S. Stevens has issued Orders against me absent all jurisdiction and same Orders have prejudiced me and injured me in the amount of \$375,000.

Judge Samuel S. Stevens had a duty to Claimant (Ioane) to obey the federal court Order and to treat (Ioane) Me with fairness and without prejudice. Judge Samuel S. Stevens has failed to comply with the basic rules of a Judge. He is not immune from prosecution or civil penalties see: Pulliam v. Allen Supreme Court 1983;

This Claimant believes and so this Claimant states that Judge Samuel S. Stevens has a financial interest in the defendants and therefore Ioane can never get a fair hearing from this Judge. The English lords wrested by force of arms from King John the promise that "To no one will we sell, to no one will we refuse or delay right or justice." In the case of Judge Samuel S. Stevens' justice is bought and sold to the highest bidder so long as it is a brother Attorney.

Without cause and with the will of intent to injure **Claimant(Ioane)** Judge Samuel S. Steven's has violated the **Order of** the Federal bankruptcy court, in an attempt to cover up grand theft on the part of the defendants in case #133337.

I have **been** damaged mentally and emotionally.

My Case has been jeopardized.

Judge **Samuel S** Steven's and the Defendants have made an agreement to violate Claimants rights under the federal bankruptcy laws.

I, Michael Scott **Ioane**, hereby makes claim in the amount of **\$375,000.00** for Potential actual lose.

**The foregoing amount is based on an acceptance of my claim as a settlement, or a refusal of my claim will justify a substantial increase in the amount claimed pending a court action.**

The jurisdiction of this case should this **claim** be denied will lie in either Federal Court, Bankruptcy Court or the Superior Court.

(a) Claimants mailing location: C/O 2059 Camden Ave **ste 242 San** Jose California 95124

(b) **Claimant** desires Notices to be mailed at the above stated mailing location.

(c) The date the occurrence took place February 27, 1998 and April 22, 1998.

(d) The Injury for lose of property, costs of additional **filing now** required, grand theft and not limited thereto.

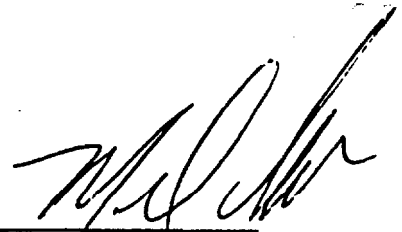
(e) The name of the Public employee whom caused the injury Judge Samuel S. Steven's

(f) The amount claimed \$375.000.

**Respectfully** submitted under Title 28 section 1746 (1) and CCP 2015.5

Dated this \_\_\_\_ day of May, 1998.

cc: Federal Bureau of Investigation

  
Michael Scott Ioane  
Claimant

cc'd mail # 21  
Z 187 843 817

May 5, 1998

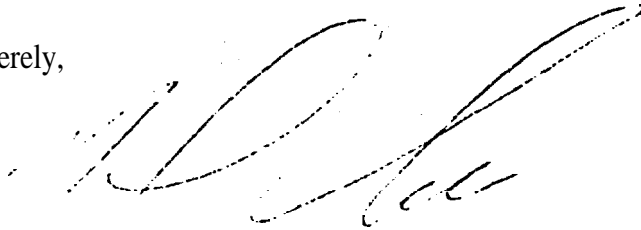
Office of the Sheriff  
County of Santa Cruz  
701 Ocean St.  
Santa Cruz, California

RE: Citizens arrest PC 837

I am contacting your department requesting assistance in a Citizens arrest pursuant to California Penal Code section 837: California peace **officer** must accept custody of person placed under citizens arrest for crime when requested to do so by person making arrest, even though **officer** is satisfied that there is **insufficient** grounds for making criminal complaint against person arrested, but **officer** may then release person **from** custody pursuant to California Penal Code section 849, subd (b)( 1). 73 Ops **Atty** Gen 291,

It is not my desire to escalate this issue; however if your department operating under executive order and color of law will not perform on its contract to the people I will proceed with **further** actions.

Sincerely,



Michael Scott Ioane  
800-425-99 13

Office of the Sheriff  
County of Santa Cruz  
701 Ocean St.  
Santa Cruz, California

Cert. Mail No. 71878438/7  
(Return receipt requested.)

Date: May 5, 1998

RE: Citizens arrest PC 837

Pursuant to California Penal Code section 837 I hereby demand and require that you arrest ~~the~~ following individuals identified below for violation of California Penal Code section 182 -- conspiracy to cheat and defraud any person of any property; California Penal Code section 422.6 -- no person shall **willfully** injure, intimidate or interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right secured by the Constitution of the United States of America, or laws or Constitution of California; California Penal Code section 487 -- Grand Theft; California Penal Code section 27 -- aiding and abetting to **willfully** injure, intimidate or interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right secured by the Constitution of the United States of America, or laws or Constitution of California; section 27 -- aiding and abetting to cheat and defraud any person of any property

**PARTIES TO BE ARRESTED UNDER AUTHORITY OF CITIZEN'S ARREST:**

Santa Cruz Superior Court Judge Samuel Stevens  
701 Ocean Street  
Santa Cruz, California

Edward A. Treder  
920 Village Oaks Drive  
Covina, California

Robert D. McKinely  
201 S. Lake Avenue, Suite 606  
Pasadena, California

**PLEASE TAKE NOTICE PURSUANT TO CALIFORNIA PENAL CODE SECTION 142** that any "... peace officer who has the authority to receive or arrest a person charged with a criminal offense and **willfully** refuses to receive or arrest such person shall be punished by a **fine** not exceeding ten thousand dollars, or by imprisonment in the state prison, or in a county jail not **exceeding one year, or by both such fine and** imprisonment."

By: Michael Scott Ioane  
800-425-9913

**Affidavit of Probable Cause In Support Of Arrest and Criminal Complaint, Affidavit Being The Highest Form of Prima Facia Evidence In this Instant Matter U.S. VS. KIS 658 F2D 526,536.**

**IN RE: SANTA CRUZ COUNTY SUPERIOR COURT JUDGE SAMUEL STEVENS,**

I, **Michael Scott Ioane**, on **first hand information** and belief, do **hereby** attest to the following facts: that on or about Santa **Cruz** County **Superior** Court **Judge Samuel** Stevens on April 22, 1998 did commit a:

Violation of California **Penal Code** section 487, Grand **Theft**, California Penal code section 422.6 - no **person** shall willfully **injure, intimidate** or interfere with, oppress, or threaten any other person in the **free** exercise or **enjoyment** of any right **secured** by the Constitution or laws of California, and California **Penal Code** section 182 -- conspiracy to **cheat** and **defraud** any person of any property, or to obtain **property** by **false** pretenses.

Report: On April 22, 1998 Santa **Cruz** County **Superior** Court Judge Samuel Stevens with will of **intent conspired** with Edward A. Treder, and Robert D. McKinley to cheat and defraud **affiant** of certain **real property** located within Santa Cruz County.

1. **Having foreknowledge** and **under** color of **legal** authority, Santa Cruz County Superior Court **Judge Samuel** Stevens **made an agreement between** Edward A. Treder, and Robert D. McKinley to **cheat and defraud affiant** of **certain real property located** within Santa Cruz County by taking a **financial interest** in the subject matter, or in defendants in the case of **Ioane v. Bank United et al.**, Civil No. CV 133337, and **aided** and abetted Edward A. Treder, and Robert D. McKinley from **being responsible** for their vicarious criminal liability by not **requiring** either Edward A. Treder, and Robert D. McKinley to file **notice of appearance** required by California Civil Code section 1014.

2. **Having foreknowledge** and **under** color of **legal** authority, Santa Cruz County Superior Court **Judge Samuel** Stevens **committed** grand **theft** with the will of **intent** to cheat and defraud affiant of certain **real property located** within Santa Cruz County by taking a financial interest **in** the subject **matter**, or in defendants in the case of **Ioane v. Bank United et al.**, Civil No. CV 133337, and **aided** and abetted Edward A. Treder, and **Robert D. McKinley** from being **responsible** for their vicarious criminal liability by not **requiring either** Edward A. **Treder**, and Robert D. McKinley to **file notice of appearance** required by California Civil **Code** section 1014.

3. **Having foreknowledge** that **affiant submitted** evidence of **ownership** in the same certain real **property located** in Santa Cruz County to Santa Cruz **County Superior** Court Judge **Samuel Stevens**; Santa Cruz **County** to Santa **Cruz County Superior** Court Judge Samuel Stevens, acting **under** color of law did willfully **injure, intimidate** or interfere with, oppress, or threaten affiant in the **free** exercise or **enjoyment** of **affiant's** real **property** rights secured by the Constitution or laws of California.

~

ving foreknowledge and under color of legal authority, Santa Cruz County Superior Court Judge Samuel Stevens made an agreement between Edward A. Treder, and Robert D. N. and defraud affiant of certain real property located within Santa Cruz County in violation of automatic federal bankruptcy court stay order, particularly, Santa Cruz County Superior Court Judge Samuel Stevens has violated Title 11 United States Code section 362, and Title 11 United States Code section 2283.

BEFORE, Probable Cause exists for criminal complaint and arrest; affiant and in more requests that a warrant be issued and that, Santa Cruz County Superior Court Judge Stevens be dealt with according to law. I declare under penalty of perjury, and if found true, that the foregoing is correct.

dated on May 5, 1998

  
 Scott Loane, Affiant  
 1 Party

1 Michael Scott Ioane  
 2 2059 Camden Avenue, #242  
 3 San Jose, California (95124)  
 4 Telephone (800) 425-9913  
 5  
 6  
 7

8 SUPERIOR COURT OF CALIFORNIA  
 9 SANTA CRUZ COUNTY

10  
 11 Michael Scott Ioane,

12 Plaintiffs,

13 vs.

14 Bank United, Not-west Mortgage, Inc., Lonestar  
 15 Mortgagee Services, L.L.C., DOES 1 through 50  
 16 et al., .

17 Defendants.

} Case No. CV 133337

} **STATEMENT OF DISQUALIFICATION**

} RE: Superior Court Judge Samuel Stevens,

} [Cal. Code Civ. **Proc. § 170.1(a)**] and

} Reference that said Judge be Requested to

} Abstain from his Participating in this Matter

} [Cal. Code Civ. **Proc. § 170.41**

18 Plaintiff Michael Scott Ioane (hereinafter "Ioane") hereby disqualifies Superior Court Judge  
 19 Samuel Stevens for cause on the ground that a person aware of the facts might reasonably entertain  
 20 a doubt that judge Samuel Stevens would be able to be impartial, and that judge Samuel Stevens  
 21 has a financial interest in the subject matter in the proceeding or in a party to the proceeding the  
 22 record in this case in so far considered and referenced as though set forth in full herein.

23 In support hereof, Ioane respectfully shows unto this Court:

24 1. On April 22, 1998 Judge Samuel Stevens issued an order in clear absence of all  
 25 jurisdiction setting aside the automatic stay order of the federal bankruptcy court in violation of  
 26 Title 11 United States Code section 362, and Title 28 United States Code section 2283.

2. On April 22, 1998, Judge Samuel Stevens issued an order setting aside the automatic stay order of the federal bankruptcy court in retaliation to Joane's **tort** claim.

3. Judge Samuel Stevens, having foreknowledge that notices of appearances have not been filed as required by C.C.P. § 1014, that the defendants are in default, and having advocated for and on behalf of the defendants; Judge Samuel Stevens has a financial interest in the subject matter in this proceeding, or in defendants to **these** proceedings.

4. Judge Samuel Stevens, having foreknowledge that notices of appearances have not been filed as required by C.C.P. § 1014, that the defendants are in default, and having advocated for and on behalf of the defendants; Judge Samuel Stevens is beholden to defendant Bank United and its parent company the Federal Reserve, a private banking cartel, Lewis v. United States, 680 F.2d 1239 (9th Cir. 1982), and therefore Judge Samuel Stevens has a financial interest in the subject matter in this proceeding, **or** in defendants to these proceedings.

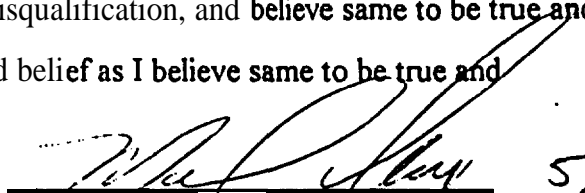
5. **Incorporated** herein and made a part hereof by reference and attached as exhibit A. Demand to Santa **Cruz** Sheriff for Citizens arrest upon Judge Samuel S. Stevens, **Affidavit** of probable cause for arrest upon Judge Samuel S. Stevens, Tort claim filed against Judge Samuel S. Stevens.

During the **pendency** of this disqualification, Ioane hereby demands that Judge Samuel Stevens cease and desist from any further participation in this case **pursuant** to C.C.P. § 170.4.

Wherefore, the foregoing **considered**, Ioane demands a hearing to conduct **an examination** of Judge Samuel Stevens before another judge of this Court in the issues raised by this disqualification for cause, and not limited thereto.

#### VERIFICATION

I, Michael Scott Ioane hereby declare under penalty of perjury under the laws of the State of California that I have reviewed the statement of disqualification, and **believe same to be true and correct to the best of my knowledge, information and belief as I believe same to be true and correct.**

  
Michael-Scott Ioane

5/5/98

EDWARD A. TREDER  
 State Bar No. 116307  
 Law Offices  
 ROBERT E. WEISS INCORPORATED  
 920 Village Oaks Drive  
 Covina, California 91724  
 (626) 9673302

**FILED**

C. PATTON, CLERK  
 JUDICIAL BRANCH  
 COUNTY

Attorney for Defendant  
 LONESTAR MORTGAGEE SERVICES, L.L.C.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 COUNTY OF SANTA CRUZ

MICHAEL SCOTT IOANE;

CASE NO. 133337

Plaintiff,

VS.

BANK UNITED, NORWEST  
 MORTGAGE, INC., LONESTAR  
 MORTGAGEE SERVICES, L.L.C., and  
 DOES 1 through 100, inclusive,

Defendants.

~~PROPOSED~~ ORDER AFTER  
 HEARING DENYING PLAINTIFF'S  
 APPLICATION FOR PRELIMINARY  
 INJUNCTION, DISSOLVING  
 TEMPORARY RESTRAINING  
 ORDER AND DISCHARGING  
 ORDER TO SHOW CAUSE

Date: February 27, 1998  
 Time: 8:30 a.m.  
 Dept: 8

AND RELATED CROSS-ACTIONS.

The Application for Preliminary Injunction by Plaintiff MICHAEL SCOTT IOANE came on for hearing by the Court on February 27, 1998 at 8:30 a.m. in Department 8 of the above entitled court, the Honorable Samuel S. Stevens, Judge presiding. Plaintiff MICHAEL SCOTT IOANE appeared in propria persona. Defendant LONESTAR MORTGAGEE SERVICES, L.L.C. appeared telephonically by its attorney of record, ROBERT E. WEISS INCORPORATED by EDWARD A. TREDER, ESQ. Defendant BANK UNITED appeared

1 telephonically by its attorney of record, **McKINLEY & CAPELOTO** by **ROBERT D.**  
 2 **McKINLEY, ESQ.** There were no other appearances by or on behalf of any other party.  
 3

4 Having read and considered the arguments, and having read and considered the pleadings  
 5 and the documentary evidence presented by the parties, and good cause appearing,  
 6

7  
 8 IT IS ORDERED, ADJUDGED AND DECREED **AS** FOLLOWS:  
 9

10 1. Plaintiff's Application for Preliminary Injunction is hereby denied in its entirety.  
 11

12 2. The Temporary Restraining Order issued on February 6, 1998 is hereby dissolved,  
 13 and the Order to Show Cause issued on February 6, 1998 is hereby discharged as of February  
 14 27, 1998, the date of the hearing on plaintiffs application.  
 15

16  
 17 3. Defendants **BANK UNITED** and/or **LONESTAR MORTGAGEE SERVICES,**  
 18 L.L.C., their agents, employees, successors and/or assigns may proceed in accordance with  
 19 applicable law with their foreclosure and/or other remedies against the real property described  
 20 in that certain deed of trust recorded December 4, 1992 as Instrument No. 91821 in Volume  
 21 5 162, Pages 417 through 424, Official Records of Santa CNZ County. Said real property is  
 22 commonly known as 409 **Bluegum** Avenue, Capitola, California 95010 and is legally.  
 23 described as follows:  
 24

25 ///

26 ///

///

Lot 81, in Block 7, as the same is shown and designed on that certain  
 map entitled "Capitola Subdivision No. 6, Santa Cruz County,  
 California, Sheet No. 3", filed for record on May 13, ~~1992~~ <sup>1922</sup> in Map  
 Book 18, Page 36, Santa Cruz County Records. <sub>rdm</sub>

Dated: APR 22 1998

CLARENCE STEVENS

HONORABLE SAMUEL S. STEVENS  
 Judge of the Superior Court

APPROVED AS TO FORM AND CONTENT:

ROBERT E. WEISS INC.

Dated: 3/23/98

By: 

Edward A. Treder, Esq.  
 Attorneys for **Lonestar** Mortgagee  
 Services, L.L.C.

MCKINLEY & CAPELOTO

Dated: 3-24-98

By: 

Robert D. McKinley, Esq.  
 Attorneys for Bank United

Dated: \_\_\_\_\_

Michael Scott Iaone. In Pro Per

Lot 81, in Block 7, as the same is shown and designed on that certain map entitled "Capitola Subdivision No. 6, Santa Cruz County, California, Sheet No. 3", filed for record on May 13, 1992 in Map Book 18, Page 36, Santa Cruz County Records.

Dated: \_\_\_\_\_

HONORABLE SAMUEL S. STEVENS  
Judge of the Superior Court

APPROVED AS TO FORM AND CONTENT:

ROBERT E. WEISS INC.

Dated: 2/23/98

By: \_\_\_\_\_

Edward A. Treder, Esq.  
Attorneys for **Lonestar** Mortgage  
Services, L.L.C.

MCKINLEY & CAPELOTO

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Robert D. McKinley, Esq.  
Attorneys for Bank United

Dated: \_\_\_\_\_

Michael Scott Taone, In Pro Per

*Object to  
AS per  
Team  
and  
content*