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CENTRAL DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: 

1
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6 Plaintiff Pro Se

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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12
13 NATAN AVRAHAM,
14 PLAINTIFF,

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17 v.
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19
20 COMMISSIONER MATTHEW ST.,
21 GEORGE, STATE OF CALIFORNIA,
22 DEFENDANTS.

No. CV17-05792 VAP (JCG)

FIRST AMENDED
COMPLAINT FOR
DAMAGES
FOR DEFAMATION,
DECLARATORY RELIEF
AND INJUNCTION TO
PREVENT VIOLATIONS
OF U. S. CONSTITUTION
AND U.S. CIVIL RIGHTS
ACT

JURY TRIAL DEMANDED

23
24 Plaintiff, Natan Avraham, shows:

25 JURISDICTIONAL STATEMENT

26 1. This matter arises under the rights granted to citizens of the United States
27 under the United States Constitution and Civil Rights Act of 1986, as amended.
28

1 Plaintiff made a claim to Commissioner Matthew St. George, the Los Angeles
2 Superior Court and the State of California at various times between September
3 2015 and April and May of 2017. This claim was rejected by letter from D. Brett
4 Bianco, Court Counsel of the Los Angeles Superior court on May 26, 2017. The
5 letter contained a warning that plaintiff had only 6 months from the date of the
6 letter to file a court action pursuant to Government Code Section Sec. 945.6.
7 This suit is filed within 6 months of the date of notice of rejection, May 26,
8 2017.

9 3. All the individual parties to the complaint are residents of the County of
10 Los Angeles, California. All the actions taken by the parties took place in Los
11 Angeles County, California.

12 4. The defendants attempted to deprive the plaintiff of rights secured by the
13 U.S. Constitution while acting under color of state law. Defendant Matthew St.
14 George took over duties of trial judge in Dissolution proceedings in Santa
15 Monica Courthouse in 2103, no. SD027039 and continued to hear the matter
16 until entry of judgment in 2016.

17 5. An appeal was filed and not pursued due to the unfair decisions of St.
18 George that had the affect of depriving plaintiff of his civil rights without an
19 adequate remedy in state court. The biased actions of St. George created an
20 impossible situation as St. George ordered an investment property on Wooster
21 Avenue, to be sold without first determining the rights of the parties. At the time
22 both petitioner and respondent did NOT want the property sold. Yet St. George
23 ignored the parties and common sense and ordered the sale to proceed. This
24 absurd decision had the effect of making any appeal moot as the Wooster
25 property had already been sold due to the efforts of St. George to destroy the
26 property rights of the Plaintiff. Requiring the property to be sold cast in stone the
27 consequences of the sale. These included adverse tax events and other harm to
28 the Plaintiff. This decision went beyond incompetence it was a willful disregard

1 of the law, common sense and due process.

2 6. Since the assignment of St. George to hear the matter in June, 2013, the
3 commissioner consistently denied the rights of the plaintiff to a fair hearing. In
4 this connection, the Commissioner made highly prejudicial rulings that thwarted
5 the attempts of the plaintiff to have his matter heard. At every turn when a more
6 reasoned judicial officer might have decided an issue one way or another, St.
7 George always ruled for the petitioner. The animosity shown by his rulings lead
8 the Plaintiff to determine that a fair trial could not be obtained from St. George.

9 7. For example, St. George violated the rules of evidence by accepting
10 hearsay statements as evidence of facts while refusing to allow the plaintiff to
11 obtain and submit evidence to show that the facts claimed to be true by Mr.
12 Berman, the petitioner's attorney, were in fact not true. The only way such
13 rulings can be explained is that they stem from pervasive bias against the
14 Plaintiff.

15 8. Due to the extreme bias shown towards the plaintiff, the plaintiff tried
16 unsuccessfully to have commissioner St. George removed from hearing the
17 matter. The reasons for Plaintiff's objections to St. George were based on
18 contradictory rulings that he made during the course of the proceeding. By
19 reason of his unsupported conclusions, St. George prevented the plaintiff from
20 having his day in court.

21 9. St. George denied two motions for disqualification for bias and gave no
22 any credence to Plaintiff's claims, even though they were supported by the
23 records of the court. Plaintiff had renewed his efforts to request a less biased
24 judge at the time that St. George made highly critical comments about Plaintiff
25 that was on calendar for September 3, 2015. Besides implying that Plaintiff was
26 a terrorist or crazy person he again denied the Plaintiff's motion for
27 disqualification.

28 This ruling was made by St. George alone without referring the matter to another

1 hearing officer. St. George was the judge and jury when it came to the question
2 of his bias and animus towards the Plaintiff.

3 10. Had St. George allowed an independent court officer to hear the
4 complaints, the commissioner would have been excused from hearing the case
5 further. Whether or not St. George was actually biased his record of rulings
6 against the Plaintiff demonstrated at least the appearance of impropriety. The
7 impropriety was sufficient to require St. George to recuse himself from hearing
8 further matters in the proceeding.

9 11. The plaintiff, exercised his constitutional right of free speech to protest the
10 refusal of St. George to relinquish control of the case. Plaintiff exercised this
11 right by placing a sign on his truck complaining of the lack of fairness and the
12 refusal of the commissioner to recuse himself.

13 12. St. George reacted to the sign by issuing a warning to the plaintiff, in open
14 court, that he would not tolerate this free expression of the plaintiff's views on
15 the fairness of the proceedings. In his remarks St. George compared the
16 plaintiff's free speech efforts to achieve justice, as those of a terrorist and
17 implied that the plaintiff was a crazy person.

18 13. The commissioner claimed that he would act fairly but continued his
19 biased rulings against the Plaintiff, violating his rights to procedural and
20 substantive due process. St. George's threats to report his actions to the police
21 was an interference with the Plaintiff's right of free speech. This statement
22 exceeded the bounds of what a judge may say or do according to the Rules of
23 Judicial Conduct. These defamatory statements show the deep animosity that St.
24 George had for the Plaintiff.

25 14. While any judge is entitled to his own opinions, the Rules of Judicial
26 Conduct require that a judge conduct himself in an impartial manner and not
27 show any animosity to any party before him. The commissioner was way over
28 the line of what is considered proper conduct for a judge. Derogatory remarks

1 by a Judge have a special resonance that magnifies what has been said. When the
2 President sends a derogatory tweet about someone's character it is especially
3 hurtful because of the source, even if totally untrue. Here, St. George sitting as a
4 Judge of the Los Angeles Superior Court, implied in open court that Plaintiff was
5 a terrorist or crazy person. The remarks were directed at Plaintiff who had
6 attempted to call attention to the bias that St. George displayed, time and time
7 again, against the Plaintiff. The remarks were not made in a casual conversation,
8 nor were they related to any pending matter before the court. The remarks were
9 directed at the sign that Plaintiff displayed that complained about the biased
10 actions of St. George in his botched handling of the dissolution case before him.

11 15. The plaintiff is claiming damages, injunctive and declaratory relief. The
12 harsh comments of the commissioner concerning the attempt of the Plaintiff to
13 exercise his free speech rights and complaints about injustice entitle the Plaintiff
14 to substantial monetary damages and injunctive and declaratory relief. While the
15 defendants may claim that their actions are exempt from liability under the
16 eleventh amendment to the U.S. Constitution, that is not the law. Judicial
17 immunity may be claimed, but it has no application to a situation where the
18 biased rulings of the court result in a denial of due process and right to free
19 speech, guaranteed by the U.S., Constitution. While judicial immunity may be
20 raised as a defense, this does not apply to situations where the court is acting
21 against the law and making rulings that have no lawful justification.

22
23 **PARTIES**

24 16. The plaintiff, Natan Avraham, is a resident of Los Angeles County,
25 California.

26 17. The defendants are Matthew St. George, Commissioner of the Los
27 Angeles Superior Court, and the State of California. St. George presumably
28 resided in Los Angeles County at the time he was presiding over the Avraham

1 dissolution matter.
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5 **I STATEMENT OF CLAIMS FOR VIOLATION OF DUE PROCESS**

6 18. The plaintiff was a respondent in a dissolution proceeding pending in the
7 Los Angeles Superior Court, at the Santa Monica Courthouse, Case No.
8 SD027039. The case was begun in 2009 and a property settlement agreement
9 was approved in February of 2010. There was no issue of custody as the children
10 of the marriage as they were adults. From inception to July, 2013, this case was
11 heard before Commissioner David Cowan.

12 19. In July of 2013, Commissioner Cowan retired and the case was transferred
13 to Matthew St. George. St. George showed his bias towards the plaintiff from the
14 day he took the bench.

15 20. When St. George took over, the parties had reached a property settlement
16 agreement in September of 2010. The children were adults and the court was
17 solely charged with following the settlement agreement with respect to the
18 division of the community property.

19 21. At that point, the court had to deal with the parties's interest in a rental
20 building known as the Wooster property. St. George began issuing rulings that
21 ignored the law and denied the plaintiff substantive and procedural due process
22 and his right to a fair hearing.

23 22. An example of this was the claim by the petitioner's attorney, Mr. Berman,
24 that in an IRS audit, the petitioner had successfully claimed the status of an
25 innocent spouse and that she had paid the IRS, \$ 146,000 for which she claimed
26 reimbursement. These claims was made consistently by Mr. Berman.

27 23. Plaintiff's counsel, Mr. Green, objected to these claims as being made
28 totally without proof. Despite this objection, the Commissioner took the claim of

1 classification as innocent spouse and payment to the IRS to be true. It was not.
2 Later investigation by the plaintiff, showed that IRS had never granted “innocent
3 spouse” treatment for petitioner and in fact such request had never been made to
4 the IRS as Mr. Berman claimed. Based on the unsubstantiated claim, St. George
5 allocated all the tax burden for the sale of the Wooster property solely to the
6 Plaintiff. This was a reckless, biased ruling.

7 24. Later through investigation of the IRS files by the plaintiff showed that the
8 claim that petitioner had paid the IRS \$ 146,000 in taxes was totally false.
9 Despite this lack of evidence and over the objection of plaintiff’s attorney, St.
10 George gave credit to petitioner’s claim that she had paid the sum of \$ 146,000
11 to the IRS. Thus, she received reimbursement for the false claim for
12 reimbursement.

13 25. Over the objection of the plaintiff’s attorney, St. George accepted the
14 unsworn testimony of Mr. Berman that these IRS events had taken place. These
15 were crucial facts that required the court in all fairness to respondent to withhold
16 judgment until at least a sliver of admissible evidence to support the claim was
17 submitted. This basic principle was ignored by St. George.

18 26. A second major mistake that St. George made was to allow sales of the
19 Wooster property BEFORE all claims to the proceeds of the sale were
20 determined. At a hearing the hearing on September 3, 2015, St. George relied on
21 a statement called out in open court by the broker of the sale that the property
22 must be sold to avoid severe tax consequences. St. George should not have let
23 the broker dictate his decision in the case. The broker’s only interest was to
24 obtain a large commission.

25 27. At this time, both plaintiff and the petitioner in the dissolution did not
26 want the property sold. Plaintiff had offered to buy the property at its fair market
27 value but this was rejected by St. George. The sale had dire consequences for the
28 Plaintiff as allowing the sale without determining the rights of the parties

1 removed the division of the Wooster property from the matters to be decided by
2 the Court. The sale further exposed the plaintiff to substantial tax liability as St.
3 George decreed that all tax liability should be borne by Plaintiff. The property
4 was community property and any tax burden should have been shared equally.

5 28. St George tried to avoid the contradictory issues by ordering the property
6 to be sold in 2015 and the division of the funds be handled at a later time. As a
7 result of St. George's rush to judgment, the plaintiff lost the opportunity to buy
8 the property and to achieve a fair division of the profit. This was a violation of
9 due process and caused the Plaintiff to receive an assessment from the IRS for
10 over \$ 400,000 in taxes that would have been avoided had he been allowed to
11 buy the property. His former wife escaped this claim due to her claim of innocent
12 spouse (an untrue statement by Mr. Berman). At that time even the petitioner in
13 the dissolution did not want the property sold but St. George took the word of
14 the broker (who obviously had a conflict of interest) to dictate what should be
15 done rather than the parties themselves.

16 29. At this point, the proceedings were totally out of control. The Plaintiff told
17 his attorney that he was afraid to step foot in the courtroom as every time he
18 appeared before St. George he lost money or property. The handling of the sale
19 of the Wooster property was totally unsupported by the facts in the situation.

20 30. One of the basic rules of court's deciding cases is that they will be decided
21 on the evidence. It is understood that this means evidence that is admissible
22 under the evidence code of California. Due to the bias of the St. George, Plaintiff
23 filed at least three motions to disqualify St. George. All were summarily denied.

24 25 **II. FREE SPEECH PROTEST**

26
27 31. On September 3, 2015, the plaintiff again requested that St. George bow
28 out of the case. The atmosphere in the courtroom had become tense and Plaintiff

1 filed a Substitution of Attorney taking his attorney off the case temporarily. As a
2 pro per, Plaintiff filed a Statement of Disqualification pursuant to Code of Civil
3 Procedure Sec. 170.3(c). After it was filed Mr. Green again became his attorney
4 of record.

5 32. St. George adjourned the court until the afternoon. Plaintiff left the
6 courthouse and Mr. Green appeared for him. When the Commissioner returned to
7 the bench after lunch, he denied the request for disqualification. Later it appeared
8 that the Commissioner had made disparaging and defamatory statements about
9 the Plaintiff, the full extent of which were not known to the Plaintiff until
10 January of 2016 when a transcript was obtained.

11 33 About September 15, 2015, Plaintiff was startled to receive a copy of a
12 minute order which advised the parties that St. George was considering having a
13 Sheriff patrol his house and if Plaintiff was seen he would be arrested. Later
14 when he saw the transcript, Plaintiff learned that St. George had implied he was
15 crazy and a terrorist.

16 34. Prior to the hearing on September 3, 2015, Plaintiff had prepared a sign
17 which he placed on his car. The purpose of the sign was to voice his complaints
18 about the many abuses St. George had committed. The sign read, "JUSTICE
19 FOR AVRAHAM, justiceforavraham.weebly.com." Below this heading the
20 following words appeared, "If Commissioner MATTHEW ST. GEORGE is not
21 going to follow the law and disqualify himself from my case, I'm going to do my
22 best to enforce the law on him."

23 35. In early January of 2016, Plaintiff obtained a copy of the transcript that
24 showed St. George made disparaging remarks about the plaintiff, in open court.
25 His remarks were reported by a court reporter. According to the court reporter's
26 transcript, the following statements were made. (From page 10 of the transcript
27 for hearing on September 3, 2015.)

28 36. At page 10, line 7, "AND IF HE [Plaintiff] WANTS TO SPEND HIS TIME

1 DRIVING AROUND TOWN, HE'S FREE TO DO SO. HE CAN PUT A PLACARD UP
2 WHEREVER HE WANTS.

3 BUT I WANT TO LET HIM KNOW THIS. I AM CONSIDERING HAVING SHERIFF
4 PATROLS AROUND MY HOUSE BECAUSE PEOPLE LIKE HIM [Plaintiff] ARE A
5 THREAT TO SOCIETY. WE'VE SEEN IT IN THE NEWS EVERY DAY. EVERYBODY
6 SAYS, OH, THEY ARE JUST A LITTLE CRAZY. YEAH, AND THE NEXT THING YOU
7 KNOW THEY GET A GUN AND SHOOT A LOT OF PEOPLE OR KILL MY FAMILY.

8 "WHAT AM I SUPPOSED TO DO? I'M DOING MY JOB. SO MR AVRAHAM
9 SHOULD KNOW THAT I'M CONSIDERING GETTING A SHERIFF PATROL, AND SHOULD
10 HE COME NEAR MY HOUSE -- I'M NOT TELLING YOU WHERE I LIVE. I LIVE
11 SOMEWHERE IN LOS ANGELES -- IF HE COMES BY MY HOUSE HE WILL BE
12 DETAINED AND POSSIBLY ARRESTED."

13 37. Following the tirade by the Commissioner, Plaintiff's attorney, Charles M.
14 Green, resigned as plaintiff's counsel and refused to assist Plaintiff further in the
15 dissolution . This placed Plaintiff in a very difficult position of having to act as
16 his own attorney in subsequent proceedings. Other attorneys who were consulted
17 were doubtful they could help Plaintiff due to the bias of St. George which
18 apparently was well known.

19 38. At no time did the plaintiff threaten St. George with violence or harm. The
20 Plaintiff was simply expressing his views of what should happen in his
21 dissolution case, then pending in the Santa Monica Courthouse. Plaintiff took
22 this route of protest, as St. George was determined to remain the judge in the
23 case. At no time did Plaintiff indicate any intention of harming the
24 Commissioner or his family. Despite the complete absence of any threat, the
25 Commissioner indicated that he would obtain the services of the Los Angeles
26 County Sheriff to patrol the streets of Los Angeles with a view to arresting the
27 Plaintiff for his exercise of free speech, a right guaranteed by the First
28 Amendment of the U.S. Constitution.

1 39. The Commissioner at the time and now (as far as Plaintiff is aware) is an
2 employee of the Los Angeles Superior Court, an agency of the State of
3 California.

4 40. The threats made by St. George were intended to stop the Plaintiff from
5 exercising his right to free expression of his ideas and views. The intent of St.
6 George was to limit Plaintiffs civil rights as expressed in the First Amendment to
7 the U.S. Constitution. Said actions are prohibited the U.S. Civil rights law, 11
8 U.S.C. sec.1986 et seq. Said actions are also a violation of the Rules of Judicial
9 Conduct for Judges and Commissioners in the State of California. These rules
10 include the requirement that judges act with propriety and avoid the appearance
11 of partiality.

12 41. The Plaintiff seeks an injunction to prevent further attempts by the
13 defendants to inhibit the Plaintiff's exercise of free speech under the First
14 Amendment to the U.S. Constituion. The Eleventh Amendment to the
15 constitution does not prohibit such action if appropriate.

16 42. The Plaintiff further seeks a declaration that the Commissioner in making
17 his remarks in court violated the Rules of Judicial Conduct applicable to all
18 judges and lesser officials of the State of California. Further the declaration
19 should contain an admission that the St. George had no information available to
20 him at the time of his disparaging remarks to support the conclusion that the
21 Plaintiff was a terrorist or crazy person. The Eleventh Amendment does not
22 prohibit a remedy of injunctive or declaratory relief in an appropriate case. As St.
23 George's actions and remarks were far outside the conduct expected by judicial
24 officers, he is not protected by judicial immunity.

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27 **III. CLAIMS AGAINST ALL DEFENDANTS FOR DEFAMATION OF**
28 **CHARACTER AND REPUTATION OF THE PLAINTIFF.**

1 43. Commissioner St. George defamed the reputation of Plaintiff with his
2 caustic remarks made in open court on September 3, 2015, as set forth above.
3 These remarks stemmed from Plaintiff's out of court objections about the lack of
4 fairness and due process in the dissolution proceedings as conducted by St.
5 George.

6 44. There was no judicial immunity that would allow St. George to issue a
7 disparaging torrent of abuse against a party before him. The remarks were further
8 hurtful as they indicated that St. George would continued his biased rulings in
9 the future. The fact that St. George denied a request that he recuse himself
10 contributed to the appearance of impropriety and the fear of Plaintiff that he
11 could no longer get a fair hearing from St. George. This proved true as St.
12 George continued to abuse his judicial position and continue with his rulings that
13 were outside the law and caused great damage to the Plaintiff both in a monetary
14 sense. By branding Plaintiff a terrorist or crazy he confirmed the appearance of
15 bias against the Plaintiff that had existed since St. George took over the case.

16 45. The Plaintiff's strong desire to obtain justice and remove the stain on his
17 reputation caused him to engage in hunger strikes at the Santa Monica
18 Courthouse in a desperate attempt to call attention to the total lack of justice at
19 the hands of Commissioner St. George. The extra judicial statements made in
20 open court caused great pain and suffering to the Plaintiff. Plaintiff has never
21 been a terrorist nor a crazy person.

22 46. The hurtful statements made by St. George were not privileged as the
23 remarks involved a violation of the right to free expression guaranteed by the
24 First Amendment to the U.S. Constitution. Judges are not above the law. They
25 must respect the rights of all who come before them. Parties have the right to
26 expect the Court will hear their cases in a impartial manner and grant due
27 process to all who appear before them.

28 47. The statements made by St. George showed a high degree of animosity

1 towards the Plaintiff. St. George's refusal to recuse himself made the matter
2 worse. St. George insisted that he was not biased but whether or not he was or
3 wasn't his remarks poisoned the proceedings to such an extent that Plaintiff's
4 attorney requested to be relieved. Many attorneys who Plaintiff sought to hire,
5 told Plaintiff that he would not receive a fair hearing from St. George for the
6 matters still undecided. His bias towards wives in dissolution proceedings was
7 well know by attorneys who practiced in the Santa Monica Courthouse. Their
8 comments proved to be true as St. George continued to make one sided rulings
9 until the matter was completed. he case. St. George's bias and judicial
10 misconduct left Plaintiff with no legal counsel who could assist him in a
11 complicated dissolution proceeding.

12 48. The hurtful remarks of St. George on September 3, 2015 were etched in
13 stone in the Reporter's transcript of that day's proceedings. St. George denied
14 the Plaintiff his civil rights as there could be no due process of law in such a
15 poisoned courtroom. St. George's remarks damaged Plaintiff's reputation and
16 good name. There is no judicial immunity for such remarks and conduct.

17 49. These unfounded remarks caused great pain and suffering to the Plaintiff
18 and damaged his reputation as an honest, law biding member of society. The
19 defendants should pay damages in an amount to be determind at trial for the
20 damage that defendants caused to the reputation and good standing of the
21 Plaintiff. Plaintiff believes that damages plus costs and attorney fees. Plaintiff
22 further requests a retraction of the claims of St. George that the Plaintiff was a
23 terrorist or crazy person.

24 50. Plaintiff furthers requests the court to enjoin the defendants from further
25 interference with his exercise of free speech and procedural and substantive due
26 process as guaranteed by the U.S. Constitution. If it determined that the State of
27 California is immune from liability in some respect the claims should be assessed
28 against St. George in his individual capacity as he was not acting in a judicial

1 matter when he made his disparaging remarks.

2

3 WHEREFORE, the Plaintiff asks for relief as set forth above, attorneys and costs
4 as shall be determined.

5

6 JURY REQUESTED

7 The plaintiff requests a jury to hear his claims as provided by law.

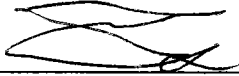
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10 January 16, 2018

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13 Natan Avraham, Plaintiff pro se.

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PROOF OF SERVICE BY U.S. MAIL

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action: my business address is 1605 W. Olympic Blvd. # 1039 ., Los Angeles, CA 90015.

On January 17, 2018 , I mailed a correct copy of the FIRST AMENDED COMPLAINT by US Mail, for delivery at the addressed as follows:

XAVIER BECERRA, Attorney General of California
RICHARD ROJO, Superivisng Deputy Attorney General
DANIEL L. HELFAT, Deputy Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013

I caused such envelope to be sent by US MAIL this date. I declare under penalty of perjury the foregoing is true and correct.

Executed on January 17, 2018 at Los Angeles, California.



David Lilly