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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION
HONORABLE A. HOWARD MATZ, U.S. DISTRICT JUDGE

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BIG SCREEN ENTERTAINMENT GROUP,)	
INC.,)	
)	
PLAINTIFF,)	
)	
vs.)	No. CV06-3800-AHM(AJWx)
)	
B.J. DAVIS,)	
)	
DEFENDANT.)	
_____)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS
LOS ANGELES, CALIFORNIA
MONDAY, DECEMBER 14, 2009

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U.S. Official Court Reporter
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1 LOS ANGELES, CALIFORNIA; MONDAY, DECEMBER 14, 2009

2 10:20 A.M.

3 - - - - -

4 THE CLERK: Calling Item Number 1, CV06-3800, Big
5 Screen Entertainment Group, Inc., et al. versus B.J. Davis.

6 Counsel, Mr. Davis, will you state your appearances,
7 please.

8 MR. GARDINER: Good morning, Your Honor. Michael
9 Gardiner and Nicholas Browning for plaintiff Big Screen
10 Entertainment Group, Inc.

11 THE COURT: Good morning.

12 MR. BROWNING: Good morning, Your Honor.

13 MR. DAVIS: Good morning, Your Honor. B.J. Davis,
14 pro se.

15 THE COURT: Okay. Everyone may be seated.

16 Mr. Davis has moved to vacate the civil contempt
17 ruling. His motion on the merits is utterly lacking in merit,
18 and I deny it.

19 The Exhibit 3, the email that is the primary basis
20 for his motion, doesn't justify any change in any of the
21 numerous prior orders and findings, much less the September
22 24th order, and so that's denied on the merits as utterly
23 lacking in any basis under the law.

24 Now, in your opposition, Mr. Gardiner, you requested
25 that Mr. Davis be declared a vexatious litigant so that you and

1 the Court and everyone else affected by the court proceedings
2 doesn't have to continually go through this drill.

3 Mr. Montes, hand to counsel the May 22nd ruling.

4 THE CLERK: I already have.

5 THE COURT: Okay. Did you hand it to Mr. Davis, too?

6 THE CLERK: Yes.

7 THE COURT: Okay. That was already done.

8 On May 22nd, 2009, the Court entered an order
9 precluding the clerk's office from accepting this very kind of
10 motion. And I don't know what happened. I am not a member of
11 the clerk's office, and I'm not down there at the filing desk,
12 and I've asked my courtroom deputy -- and it's not his
13 responsibility --

14 MR. DAVIS: Your Honor, if I may be heard.

15 THE COURT: I'll give you a chance to be heard. I'll
16 give you a chance, of course. Since you're here, I'll give you
17 a chance.

18 MR. DAVIS: Well, I don't see the relevance if I am
19 denied, because I have outstanding evidence here this man has
20 committed perjury.

21 THE COURT: Mr. Davis, just wait. But I'm explaining
22 to both sides that the May 22nd order is still in place. There
23 was some kind of snafu and a document having been filed. I
24 ruled on it and I have now ruled, but no further remedy is
25 necessary, except that I am now orally supplementing the May

1 22nd ruling, subject to listening to Mr. Davis, to add -- and I
2 will do this in writing just as in a very brief addendum -- the
3 additional requirement that I didn't impose the first time,
4 that any filing that Mr. Davis proposes to make that falls
5 within the scope of this previous vexatious litigation order
6 not only has to be authorized but a bond would have to be
7 posted.

8 Now, if you'd like to be heard, Mr. Davis, please
9 proceed to the lectern.

10 MR. DAVIS: Thank you, Your Honor.

11 In regards to being handed the May 22nd, 2009
12 document, that's a very narrow scope as a vexatious litigant.
13 It only pertains to disqualifying you, sir.

14 THE COURT: It doesn't.

15 MR. DAVIS: Well, originally -- in the original
16 paperwork it did read that way, and so you are denying my due
17 process rights, my -- well, first of all, let's clarify.

18 On the September 24th hearing, which I was not
19 contacted, per Mr. Montes' perjured declaration and Mr.
20 Gardiner's failure to notify me of that hearing, this Court --
21 all four parties here present, Gardiner, Browning, Mr. Montes
22 and yourself -- were defendants in a Rico lawsuit.

23 On September 23rd, prior to the September 24th
24 hearing of 2009, you were served with a Bivens lawsuit against
25 you, so, respectfully, I think the Court should disqualify

1 itself, as well as Mr. Gardiner, who is a defendant in a Rico
2 lawsuit right now as well.

3 It pertains to the same issue of the movie that was
4 muscled with irrefutable facts and perjury. When the man
5 presents to the Court that distribution deals are being
6 interrupted with Showcase -- which he's in arbitration with
7 Showcase right now, which you have that document from Ron Berg,
8 the attorney of record in that case.

9 And then in his own email -- which I'd like to call
10 him as a witness in this proceeding as well. In his own email,
11 he opines that Illumination handling a domestic that I have
12 intentionally interrupted, it's now threatened by whatever
13 contentions he contends that I asserted.

14 But the point of the issue is that to facilitate my
15 false imprisonment of September 24th -- and it's the third
16 false imprisonment, by the way, as a result of this Court --
17 Mr. Gardiner misrepresented facts. He misrepresented
18 Showcase's standing, Illumination's standing. They don't
19 exist. Illumination is being bought. It's going out of
20 business. And Showcase is in arbitration. You can't sell or
21 distribute something that's in litigation.

22 So I don't know -- and I beg the Court's pardon. I
23 certainly don't have a juris doctorate degree, but I'm an
24 accredited producer, and I know the procedure, and this is all
25 quite unconstitutional and illegal.

1 As far as me being vexatious, I don't know how Judge
2 Klausner could come to that conclusion when there's a judicial
3 complaint against you filed October 24th, 2007, and then in
4 December of 2007, he suggested I be a vexatious litigant. That
5 in itself I think lacks an ethical standard.

6 And more importantly, to tell the Clerk of the Court
7 to deny me due process of being able to file and litigate
8 issues that are facilitating a federal crime affiliated with
9 the Bonanno crime family -- Mr. Gardiner in his papers never
10 mentioned Salvador Bill Bonanno, who, by the way, was a
11 co-defendant that Mr. Bonanno -- rather, Mr. Gardiner defended
12 in CV08-2282, which you took jurisdiction over Judge Florence
13 Marie Cooper.

14 Also, Mr. Gardiner's client, Michael Paloma, AKA
15 Saquella, is now doing ten years in federal prison because of
16 my reports to the FBI and the SEC pertaining to that same
17 movie, *Forget About It*, that does not have a clear chain of
18 title, cannot be legally sold, and I just -- I'm amazed that --
19 well, I understand, because you presided over a now-dismissed,
20 contrived criminal case involving your constituent, Robert
21 Bonner, as a result of my wife's whistle-blowing. I understand
22 that and respect that; however, in that same time period before
23 that criminal case closed, you took jurisdiction in the civil
24 case that obviously limits my income earning ability.

25 THE COURT: All right. Mr. Davis, I've heard enough.

1 MR. DAVIS: Well, sir, I just want --

2 THE COURT: And let me --

3 MR. DAVIS: -- make this part of the record.

4 THE COURT: You've made your record and it's
5 sufficient. You didn't even have the right to be here, but
6 you're here, and I've --

7 MR. DAVIS: But, sir --

8 THE COURT: -- listened to you.

9 MR. DAVIS: Sir --

10 THE COURT: Now --

11 MR. DAVIS: The Clerk of the Court took the filing,
12 and I had -- you know, and I -- and Judge Klausner is a
13 defendant in the Bivens action, too. How can Judge Klausner
14 rule on something or -- or really in reality why am I here in
15 this court? I wanted to afford the Court the integrity and the
16 dignity to vacate this civil contempt because it's meritless,
17 and at some point in the judicial process, we will reveal that
18 publically.

19 THE COURT: Okay. That's fine. You can explore
20 whatever judicial process you want, and I'm not going to
21 comment on pending litigation against me, and --

22 MR. DAVIS: Well, then why -- well, then why am --
23 why are you presiding over this case, sir? I beg that you
24 disqualify yourself. And Mr. Gardiner and Mr. Browning and Mr.
25 Montes will be served in the Bivens.

1 THE COURT: Now, one last suggestion to you, Mr.
2 Davis. When you are challenging documents, it might be a good
3 idea for you to read them.

4 You have said that this May 22nd order -- you just
5 started out this way -- doesn't apply because it's limited to
6 vexatious litigation involving recusal motions. The plain
7 language says otherwise.

8 Just look at the bottom of Page 5. I don't have to
9 read it in the record. It's black and white. And you have a
10 tendency not to read or not to remember or not to understand or
11 not to intend in any way to comply with what orders have been
12 issued.

13 If you don't want to appear before me again, you
14 won't have to because you don't have anything further to file.
15 This case has been closed.

16 MR. DAVIS: Well, sir, then why --

17 THE COURT: Any time you try to come back here -- if
18 you try to appeal today's ruling, if you try to get me to
19 reconsider it, you are going to have to comply with the May
20 22nd order and the order that will go out today.

21 MR. DAVIS: Well, sir, I respectfully --

22 THE COURT: And you would also have to comply with
23 Judge Klausner's separate order, and you would have to comply
24 with Judge Kozinski's order.

25 MR. DAVIS: Well, sir, I -- definitely, the -- the

1 Judge Kozinski's order has no standing, as well as Judge
2 Klausner as well, because, there again, Judge Klausner made
3 that ruling while you were under judicial investigation in case
4 L -- it's 0789141 -- with an outstanding pending judicial
5 investigation.

6 And then, there again, Judge Klausner ruled in your
7 favor -- and I understand the politics, the inner workings of
8 that, however, in the process of that, due process is being
9 denied. It's the First and Fourteenth Amendment.

10 Mr. Gardiner and Mr. Browning here are violating
11 Statute 42, a 1993 violation, and this proceeding,
12 specifically, my Fifth and Fourteenth Amendment, to due process
13 because, as your duty as an officer of the court -- and I
14 respectfully submit when you know of a felony, if you waive to
15 ignore that felony, then you become -- you lose your amenities,
16 sir.

17 THE COURT: Okay. We're adjourned.

18 MR. GARDINER: Thank you, Your Honor.

19 MR. BROWNING: Thank you, Your Honor.

20 MR. DAVIS: I'll see you boys in Arizona.

21 *(Proceedings concluded.)*

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CERTIFICATE

I hereby certify that pursuant to Section 753,
Title 28, United States Code, the foregoing is a true and
correct transcript of the stenographically reported
proceedings held in the above-entitled matter and that the
transcript page format is in conformance with the
regulations of the Judicial Conference of the United States.

Date: APRIL 15, 2010

Cindy L. Nirenberg, CSR No. 5059