Lodged Proposed Order

KAREEM SALESSI
30262 Crown Valley, Pkwy, B-174
LAGUNA NIGUEL, CA. 92677
TEL: (949) 870 6352

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

Chapter 11

In re KAREEM SALESSI, **Debtor / Appellant,**	**)APPEAL CASE #: SACV 09-01257 DOC;** **)APPEAL CASE #: SACV 09-01258 DOC;** **) Honorable David O. Carter**
KAREEM SALESSI, aka KARIM SALESI; **Plaintiff,** **Vs.** **"WACHOVIA MORTGAGE, FSB FKA WORLD SAVINGS BANK, FSB, A FEDERAL SAVINGS BANK" [a Fictional Non-Entity],** **And DOES 1 TO 10, Inclusive,** **Defendants / Appellees,**	**)Appellant's Joint Requests & Motions for:** **) SUMMARY REVERSALS and REMANDS,** **) or, in the alternative, for:** **)- Request for corporate disclosure, FRAP 26.1;** **)- Consolidation of both appeals;** **) - Extension of time to file opening brief;** **)** **) Date: Time:** **)**

Chapter-11 Appellant Kareem Salessi, Debtor In Possession (DIP), and Plaintiff [by inadvertent error] ("Salessi"/ "I") on, or about, 10/10/09, filed a direct notice of appeal to the United States Court of Appeal for the Ninth Circuit from the final, and interlocutory, orders of the Bankruptcy court, and those of the Bankruptcy Appellate Panel (BAP), entered in disposing of the underlying core adversary case on 10/2/2009, and all other adverse final, and interlocutory orders, of the bankruptcy court leading to the filing of the said single notice of appeal.

For reasons, yet unknown to Salessi, this single filing of the notice of direct appeal to the Ninth Circuit Court of Appeal resulted in three separate appellate cases namely:

1- 9th Circuit Court of Appeal Case # 09-60050 (Recently dismissed);
2- Central District APPEAL CASE #: SACV 09-01257 DOC;
3- Central District APPEAL CASE #: SACV 09-01258 DOC;

After months of motions and filings with the 9th Circuit, the 9th decided to dismiss **09-60050** on the ground that the original "NOTICE OF APPEAL" to BAP had been filed one day late, and thus the 9th Cir. had no jurisdiction.

Recently, Salessi received multiple documents regarding the assignment, and reassignment of one of the above cases pending in this court, and finally more recently received a notice of deadline to file opening briefs by 10/11/10. This came as a surprise since Salessi had not heard anything on the status of these appeals for nearly a year.

Although contacts with the bankruptcy court, and with the district court's clerk, never resolved appellant's confusion in the creation of the three separate appeals, what became evident was that three separate appellate cases had indeed been created, and that the two active appeals (in this court) are from the orders of bankruptcy court as to all three hearings on: 6/9/09; 8/6/09; and 9/17/09. Appellate case # **09-01257** above appears to be from the remand of the ambushed adversary proceeding of **9/17/09**, while case # **09-01258** appears to be from orders of the hearings of **6/9/09** and **8/6/09**, which pertained to the granting of a relief from stay to Appellee and its subsequent denial of Salessi's tolling motion for reconsideration, whose order was eventually filed and entered on 12/2/09 **(Exhibit-A).**

Appellant is submitting this joint request for the summary reversals of Bankruptcy court's orders, pursuant to the Bankruptcy's court's order of 6/9/10, and filed in the above appellate dockets, effectively reversing its own rulings, as we will see in Salessi's declarations, and the concurrently filed (**RJN-1**), which is incorporated herein full with this reference. As can be read, and heard from the voice recordings of the three above hearings, the court had repeatedly stated that, if it had made a mistake in its rulings, the Court of Appeal was the only venue to tell the bankruptcy court of its mistake/s and to remand the causes for further prosecution, for which this appellant is seeking relief in this honorable court, now that these appeals are active once again and the BK-court has confirmed (in its 6/9/10 order) its 6/9/09 declaration as to having found a purported foreclosure **invalid**.

In the alternative that this court denies a summary reversal of orders appealed from, appellant herein requests for extension of time to file a joint opening brief, of the two appeals in this court, by at least 90 days and further prays that the two appeals be consolidated into one since they arise from the same case, questions of laws and facts, and the fact that the adversary proceeding hearing of 9/17/09 was prejudged, and pre-decided, without due process of law, and upon the court's abuse of discretion, on 8/6/09, during the same hearing that the motion for reconsideration of the stay relief was heard. It was not decided on 9/17/09, when it was calendared. Therefore, the two cases **09-01257** and **09-01258** are indivisibly interlocked and should be consolidated for judicial economy and because of the unity of facts and laws of both cases.

Appellant further prays that the fictional Appellees be ordered to file an immediate corporate disclosure with truthful supporting documentation, or that, in the alternative, this court enter default judgments against them.

Respectfully submitted.

Dated: 10/8/10

Kareem Salessi, Appellant

Affidavit in support of summary reversals and remands, or, in the alternative, for: consolidation & extension of time for filing brief, and to compel Appellees to file corporate disclosures, per FRAP 26.1:

Appellant Kareem Salessi, being duly sworn, declares:

1- Affiant is the appellant, acting in pro per, and makes this affidavit in support of *his* joint motion for the summary reversal and remand of both cases, or, in the alternative, for consolidation of the two cases and an extension of time for filing and serving *appellant's main brief.*

2- Affiant presents this declaration in two parts, part one regarding why this court should summarily reverse, and remand, both appeals to the bankruptcy court. Part two of this affidavit deals with Salessi's request for consolidation of both cases and an extension of time to file the brief, in the alternative that it denies summary reversals.

Part One: ***SUMMARY REVERSALS and REMANDS:***

3- On 6/9/09, during a hearing by fictional Appellees, acting under the fraudulent disguise of Wachovia[1], influenced the bankruptcy court to grant them a relief from stay of the underlying bankruptcy case, paving the way for their lawyers to steal my house at 28841 Aloma Ave., 92677.

4- The bankruptcy court, having reviewed, some, but not all of the documents I had filed in response to the motion, had made the correct observation that both the purported foreclosure and its subsequent

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[1] Reference is made to "Appellant's Consolidated Addendum..." filed in these cases in late Nov. 09. All footnotes, exhibits & references are incorporated herein with this reference as if fully set forth.

unlawful detainer action (UDA) proceedings, orders, and judgments, had been replete with felony fraud and forgery, similar to the uncontested forgeries of the loan and deed documents pertaining to the above house. Thereupon the Bankruptcy-Court made a clear and honest finding that the sham foreclosure had been **in**valid, and *void ab initio*, but made a flawed decision to grant movants relief from stay in spite of the **in**validity.

5- Despite the available voice-recording of the 6/9/09 motion, the attorney for movants, Mr. Martin Phillips, in his moving papers of my 8/6/09 reconsideration motion, perjured himself by declaring to the contrary that the court had not made any findings of **in**validity, and thus pressured the bankruptcy judge to deny not only my meritorious motion for reconsideration on 8/6/09, but also to deny an emergency motion requested that day, in addition to prejudging a core adversary proceeding I had filed in conjunction with the removal of the UDA to the BK-Court.

6- After 8/11/10, I ordered the written transcripts of both 6/9/09, and 8/6/09 hearings. To my shocking surprise I found out that Briggs Reporting Company (Briggs) had forged the transcripts in critical sections. The charge of forgery applies because thereafter Briggs conceded that their transcript was very different from what had actually been recorded. Briggs first pretended it would rectify the crucial errors, and killed precious time, but eventually evaded responsibility. Thereafter, the Bankruptcy Court's operations manager, Mr. Ben Verrella concealed their forgeries by creating a cover-up for Briggs.

7- Eventually, upon my filing of a request for judicial notice, and the posting of the voice-recordings on www.KareemSalessi.wordpress.com the Bankruptcy court accepted my version of the transcript and filed an

order to that effect on **6/9/10** (ie: one year later) affirming its finding of fact regarding the invalidity of the purported foreclosure. Sometime in July 2010 the bankruptcy court filed its order in these appellate dockets.

8- The bankruptcy court's entry of its 6/9/10 order, amounting to the acceptance of my version of the transcript of 6/9/09 as follows, results in the resjudicata effect of the finding of the invalidity fact but making a prejudicial mistake in siding with movants, in the court's own words:

> "...I am granting the motion and I am granting the motion because as far as and I am looking at very narrow view of this. Foreclosure did occur whether you believe it was valid or invalid. **I already believe it was invalid which you believe is invalid.** Wachovia believes is valid. It did occur before the bankruptcy was filed, OK? So, it has already happened.."[TR 6/9/09: Page 6: Lines 9-15]
>
> Now, couple the above, with the already undisputed line below:
>
> **"...And indeed it would not make sense for me to say that the foreclosure sale was improper and then grant the motion for relief from stay".** [TR 8/6/09: P.9, L.6]

9- As we see above, and in the previously filed documents in these appeal cases, the Bankruptcy Court made the above findings of the **in**validity facts, and retroactively invalidated its 6/9/09 order with its 8/6/09 statement above, upon its acceptance of the above transcript with its 6/9/10 order, despite its repeated denials of same for a whole year. Therefore, this court can now summarily reverse and remand both of the cases to the bankruptcy court with directions to issue annulments of the fictional Apellee's felonious foreclosure and writ of possession.

10- In spite of BK-court's acceptance of the above transcript, with its 6/9/10 order, it continued to side with the fictional movants which never

had a case to begin with, by declaring in BK-court's 6/9/10 order that it did not intend to made the finding of the invalidity of the foreclosure, but that since it can not contest having made this finding, it must have made a mistake to have done so! This contradiction of the BK-court is similar to wanting to eat the cake and having it too, after it is swallowed, which is impossible. Therefore, having already determined the invalidity (i.e.: eaten the cake), its finding of fact is final, irrefutable, and irreversible, despite its apparent desires to do so (i.e.: to keep the cake), pursuant to some apparent allegiance to either the fictional movant, or its lawyer, coupled with an inherent bias against self-represented parties.

11- It is worth to point out that in this country, in the past three years, courts' blind allegiance to banks has caused colossal waves of injustice, which waves arose from banks' criminal forgeries, and laundering of millions of forged documents to accomplish the plunder of the bulk of American real estate, as Salessi documented in his 2004 lawsuit #04CC11080, thus leaving no doubts as to the fact that the colossal financial meltdowns we see today had been fully engineered exactly as Salessi had documented it since 2004. (See Salessi's blog for proof). Therefore, I, Appellant Salessi, as a victim and a best proof of this global criminal counterfeiting enterprise, have proved its ***Modus Operandi***, upon my personal knowledge, with my know-how of financial markets.

12- Having created the above contradictions, the BK-court has evaded to *sua sponte* set aside its erroneous orders and has placed the burden on this court of appeal to order it to do so. Because Bankruptcy court's two declarations quoted above suffice for these determinations and reversals,

this court of appeal can now summarily reverse and remand its orders without any further briefings.

13- In further support of my requested summary reversal and remands, I herewith borrow support from a recent published opinion of the 9th Circuit Case of: *In re: DAVID DOUGLAS TAYLOR No. 08-60033*; (Decided 3/22/2010), as quoted below:

> **"II. Standard of Review**
> This court reviews the decision of the BAP de novo. *Aalfs v. Wirum (In re Straightline Invs., Inc.)*, 525 F.3d 870, 876 (9th Cir. 2008). We review the bankruptcy court's decision for abuse of discretion: "The bankruptcy court's conclusions of law are reviewed de novo, and its findings of fact are reviewed for clear error." *Id.* In applying our abuse of discretion test, we first "**determine de novo whether the [bankruptcy] court identified the correct legal rule to apply to the relief requested.**" *United States v. Hinkson*, 585 F.3d 1247,1262 (9th Cir. 2009). **If the bankruptcy court identified the correct legal rule, we then determine whether its "application of the correct legal standard [to the facts] was (1) illogical, (2)implausible, or (3) without support in inferences that may be drawn from the facts in the record."** *Id.* (internal quotation marks omitted). If the bankruptcy court did not identify the correct legal rule, or **its application of the correct legal standard to the facts was illogical, implausible, or without support in inferences that may be drawn from the facts in the record, then the bankruptcy court has abused its discretion.** ***Id."***

14- In the case at bar, I believe that the bold sections above are directly applicable in that the BK-court identified, and declared, the fact of the purported foreclosure's **in**validity (6/9/09), and even stated the law it should have applied upon finding the **in**validity (8/6/09), but failed to apply that legal standard to the fact of case, thus abusing its discretion.

15- In the alternative, if this court of appeal decides against a summary reversal, and for full appellate proceedings, Appellant Salessi respectfully requests this court to first order the fictional Appellee to immediately file corporate disclosures, and thereupon such unlikely filing by Appellee to consolidate both appeals and grant an extension of time to file brief, according to Salessi's continuing declarations in:

Part Two:
- Request to compel movant to file corporate disclosure, FRAP 26.1;
- Consolidation of both appeals;
- Extension of time to file opening brief;

16- Affiant Salessi is the appellant, acting in pro per, and makes this continued affidavit in support of *his* motions to compel Appellee to file corporate disclosure documents with this court before anything further; for consolidation of both appeals; and for extension of time for filing and serving *appellant's main brief.*

17- *Appellant's* brief is due to be filed by 10/11/10.

18- The reasons why the requested disclosure, consolidation, and extension, is necessary are set forth in the motion, incorporated herein by reference.

19- *Appellant* requests an additional period of 90 days within which to file and serve the brief, as is requested in the motion, upon the unlikely filing of Appellee's accurate corporate disclosure statements, followed by the consolidation of the two appeals.

20- I, Appellant Salessi, never had a loan from any entities with the word **"WACHOVIA"** as a part of their corporate name. Even my feloniously forged loans were in the name of World Savings Bank, FSB. No

assignments of my forged loans, or their forged deeds of trust, were ever presented, or recorded from World Savings to any Wachovia entities. Some Wachovia lawyers, now defendants in my federal case # **SACV 08-01274 DOC (MLGx)** had conspired with my former attorney and with the William Monroe, and Richard Pacheco Courts to appear as a fraudulent, fictional, and unregistered artifice called: **"WACHOVIA MORTGAGE, FSB FKA WORLD SAVINGS BANK, FSB, A FEDERAL SAVINGS BANK" (ARTIFICE)** which is also the purported Appellee in these appeals. I have proven, without a doubt, that above **ARTIFICE** is a fraudulent, and fictional, name fabricated to steal hundreds of thousands of houses, while its principals have already cashed in excess of their full outstanding mortgages through TARP, the Fed., U.S. Treasury, FDIC, IRS and other federally related sources, and in violation of *inter alia*: *Title 18 USC §1342*; *California Civil Codes §§2466; 2468; 2469*; *In re William S. Ellis, et al., 674 F.2d 1238 (9th Circuit) 1982;* the case of *NATIONAL CITY FINANCE CO. et al. v. LEWIS, 216 Cal. 254, 14 P.2d 298*; and the *California's Business and Professions Code § 7503,* all of which prohibit and prevent deceptive abuses of names in taking title to property or for appearing in lawsuits as real parties in interest, as happened in such cases. See **RJN-1** for details.

21- Further, in court documents and on my blog, I have proven that in 2007-2008, when WACHOVIA claims to have paid over $20 Billions for the purchase of World Savings loans, WACHOVIA was already entering insolvency, and receivership, by the FDIC as it was already a financial black-hole, and that its sole money making activity was the systemic laundering of Mexican-American drug money of historic proportions (i.e.: **half a Trillion dollars**), and that it must have paid World Savings with

drug money, thus making the purchase of World Savings the first single largest official drug money laundering operation in human history!

22- I am now unveiling to this Federal Court, and to the authorities, that yet the greatest ever known drug money laundering operation must be the laundering of the entire $1/2 Trillions from WACHOVIA into Wells Fargo entities, under a totally criminal operation facilitated by the FDIC under the disguise of a government assisted sale of Wachovia to Wells Fargo. The east coast U.S. Attorneys evidently closed their eyes to this colossal crime with hand-shakes and a miserly fine of $160 millions, which fine is less than the interest Wells Fargo/Wachovia cash from one month of lending the $1/2 trillion in financial markets. In fact, in credit markets, this $1/2 trillion drug cash was worth between twenty to 100 times, that is between $10 trillions and $50 trillions.

23- *Title 18 Untied States Codes §§1956-1957* **(Money Laundering Statutes)**, coupled *21 USC §846* (Drug Conspiracies), with many other laws, render all the above mentioned operations acts of global high-crimes, and render all the deals made among the named parties criminal deals, or at the very least, illegal, and / or *void ab initio.* The only "theoretically possible" way such deals could be compromised by law-enforcing authorities would be under what is commonly known as "Nixon's Laws" (i.e.: when a president does it, it is no longer illegal). The above statute plus pertinent sections of RICO (*18 U.S.C. §§1961:1969*) make the bulk of assets commingled with these drug funds subject to criminal forfeitures. I found no laws in this country legalizing any part of the above deals, even under the disguise of "prosecutorial discretion". I believe that according to the United States statutory and common laws the public in this country have a legal right,

and duty, to compel, or cause the foreclosure and forfeiture of Wells Fargo [assets] which publicly took over Wachovia by changing its name to Wells Fargo, as an act of concealment and continuous money laundering, on 3/20/2010, three days after Wachovia executives signed their "Deferred Prosecution Agreement" (indictment) conceding to the drug running charges above as publicly known, which crimes transformed Wachovia's status to **"Wachovia Drug Cartel"**- as a American Drug Cartel, in addition to rendering all Wachovia entities illegitimate and illegal to operate, just as it occurred with Enron, WorldCom, Arthur Anderson, Al Capone and Murder Inc. (Segal-Lansky assassinations). **(Exhibit-B)**

24- As one leg of the criminal operations related to the above, and numerous other financial crimes, I believe that the U.S. Treasury's Office of Thrift Supervision (OTS) was simultaneously folded to assure that no disclosures would leak from the OTS crime source, which source I believe had originally been created AS A key player in the engineering of the colossal counterfeiting, and the fruition of the financial meltdowns we see today.

25- The two government links provided in the middle of my blog's home-page **(Exhibit-C)** document that Wachovia Mortgage FSB never had any assets and was set up as a straw-man to accomplish the *Modus Operandi* of a criminal nationwide real estate, and money laundering enterprise, as documented in the introduction to my Appellate Opening Brief filed in Santa Ana's Court of Appeal on 8/11/10; **G040958 & G041464 (Exhibit-D)**.

26- The fraudulent "Trustee's Deed Upon Sale" (TDS) recorded on my house, and probably on more than <u>one million houses</u> nationwide bear the phony artifice named above, which is not registered anywhere, thus it can not appear in this court of law, as I have formerly documented in this

court and in the 9th Circuit case **#09-60050**, and in the underlying cases and in all other related cases (See **RJN-1** concurrently filed).

27- Also in case # **SACV 08-01274 DOC (MLGx),** in my opposition to a motion to quash service of process filed by attorney Fredrick Hickman I had proved with documentation, that Mr. Hickman's declarations were perjurious and that no entities of the defunct Wachovia Corporation could claim to have any legal corporate interests in the **ARTIFICE,** appearing herein as Appellee. **08-01274** above was stayed on the court's own motion.

28- **P**ursuant to *FRAP 26.1* these Appellees must make a full, and truthful, corporate disclosure at the time of their first appearance. The lawyers failed to do so in the 9th Circuit case when they appeared. Appellant requests that this honorable court order their attorneys to file this disclosure now, ASAP, and before any further steps are taken. This is in the interest of justice and judicial economy, because I believe they will not be able to produce any truthful disclosures and will have to lose by default, thus relieving this appellant of further grief and expense, and relieving this court of additional time to spend on these appeals. Further, it makes no sense to file anything else unless Appellee's can produce proof of their legitimacy, applicable also after their 3/17/10 indictments.

29- In the unlikely event that Appellee **ARTIFICE** do manage to produce proof of their legitimacy, it would then make the most sense to consolidate these two appeals as I herewith further declare:

30- In pending appellate cases where the parties are the same and questions of law and fact are virtually the same, and the records are the same, cases are appropriate for consolidation. Fed.Rules Civ.Proc. rule 42(a), 28 U.S.C.A. Separate appeals that shared identical facts and a

common record were "companioned … for disposition" by the court of appeals. Allison v. Bank One-Denver, 289 F.3d 1223, 1230 n. 1 (10th Cir. 2002) (citing Rule 3(b)). This applies directly to the two pending appellate cases here, both of which arose from attorney Martin Phillips' filing a fraudulent notice of claim, in the form of a motion for relief from stay, while Mr. Phillips accepted on the record (see the 6/9/09 transcript), by waiver and estoppel, that the movant he was representing (ie: **ARTIFICE)** was a fraud, a non-entity, and without any standing or capacity to appear in the bankruptcy court, or in any other courts, or to take title to property as they claimed to have done here. Everything else followed this fraudulent claim filing, which I have been consistently requesting that the U.S.Trustee, as an arm of the Department of Justice, refer to F.B.I. for prosecution.

31- **Must be pending in the same court:** The court may consolidate actions only if they are pending in the same district. However, the cases do not need to be pending before the same judge. Indeed, local rules often address consolidation of actions pending before different judges in the same district, such as by determining which judge will handle the consolidated proceedings. Breaux v. American Family Mut. Ins. Co., 220 F.R.D. 366, 367–368, 58 Fed. R. Serv. 3d 883 (D. Colo. 2004). If overlapping cases are pending in different districts, however, the courts can consider transferring one or the other case so that they may then be consolidated under Rule 42(a). *See* 28 U.S.C.A. § 1404(a) (federal statute governing transfer of case to another district); *see, e.g.*, Scarborough v. National Ass'n of Sur. Bond Producers, 474 F. Supp. 2d 64, 69 (D.D.C. 2007) (case transferred for transferee court's determination of whether to consolidate). Fortunately, in these current

cases, both are in the same court, thus the simplest form of consolidation above is applicable, and prayed for by this appellant.

32- Despite the dismissal of the 9th Circuit Case # **09-60050,** since I had raised, and preserved, all the issues which I have appealed from, in these two appellate cases, I will be able to fully appeal the adverse rulings. If the issues presented by the dismissed appeal were properly preserved in the other appeals, however, they could be considered on those appeals. U.S. v. State of Wash., 573 F.2d 1121, 1123 (9th Cir. 1978).

Continued declaration re:

Motion to Compel JAMS Arbitration:

33- Early in 2008, I had entered a voluntary arbitration agreement with Commonwealth Title Insurance, lead defendant in my case # **SACV 08-01274 DOC (MLGx).** The arbitration began through JAMS but was stayed owing to external factors, and eventually by my bankruptcy filing. Thereafter Commonwealth requested approval of the BK-court to reinstate the JAMS arbitration. The BK-court approved the resumption on the arbitration on 9/2/10, but Commonwealth refused to reinstate. Now pending in the BK-court is a **"Motion to Compel JAMS Arbitration"**, calendared for 11/4/10. I am currently preparing the motion papers. I expect that the BK-court will compel arbitration, which may lead to the expungement of fraudulently recorded fabricated documents of title and loan, thus leading to the quieting of title to me. This potential outcome would also make the prosecution of these appeals unnecessary. I expect this to take between Nov.-Jan. Therefore, a ninety day extension to these appeals should suffice for the conclusion of this potential arbitration.

CONCLUSION:

Having hopefully clarified the actuality of the pending cases herein, appellant Kareem Salessi prays that this court grant the following requests:

- Ordering Apeellee attorney/s to immediately file a truthful, documented, corporate disclosure statement with this court (Which I believe they will not be able to do and that this court could enter default against them);
- Consolidation of these two appeals;
- A 90 day extension of time to file opening brief;

I, appellant Kareem Salessi, am the petitioner in the above-entitled proceeding. I have personally drafted the foregoing petition and know the contents to be true of my own knowledge, except as to those matters that are therein alleged on information and belief, and, as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in Orange County, California.

Dated: 10/8/2010

Kareem Salessi

Appellant/Petitioner

Exhibit-A

ORIGINAL

KAREEM SALESSI
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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re KAREEM SALESSI, Debtor,	) Case No.: 8:09-bk-13791-ES) Honorable Erithe A. Smith) [proposed] ORDER) Debtor's MOTION FOR CONTINUANCE OF THE) FORMER STAY, or in the alternative, for Reimposition) of Stay As to Property of the Estate pursuant to) 11 U.S.C. § 105;)) Courtroom: 5A, Fifth Floor

On 8/6/09, Debtor Kareem Salessi's Motion was heard as filed against:

"WACHOVIA MORTGAGE, FSB FKA WORLD SAVINGS BANK, FSB, A FEDERAL SAVINGS BANK"

and was **DENIED** as per tentative ruling attached.

Dated: 11/25/09

Honorable Judge Erithe A. Smith
Federal Bankruptcy Judge

United States Bankruptcy Court
Central District of California

Santa Ana

Judge Erithe Smith, Presiding

Courtroom 5A Calendar

Thursday, August 6, 2009 **Hearing Room 5A**

10:30 am

8:09-13791 **Kareem Salessi** **Chapter 13**

#33.00 Hearing RE: AMENDED Motion for Continuance of the former stay, or in the alternative, for reimposition of stay as to property of the estate pursuant to 11 U.S.C. Section 105

Docket #: 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 6, 2009

Deny the motion in its entirety.

This motion appears to be in the nature of a motion for reconsideration of the court's prior order granting Wachovia (bank) relief from the automatic stay, notwithstanding the fact that the motion does not cite the relevant rules governing such request for relief, i.e., FRCP 59 and 60. Under either rule, grounds for reconsideration have not been stated.

This court has already issued its order granting relief from the automatic stay and did not make a finding that the foreclosure was invalid. The court has listened to a recording of that hearing wherein it expressly stated that it was making no finding or ruling at all regarding the validity of the foreclosure. As for the writ of possession, the court ruled that as the writ had been obtained after the bankruptcy filing, it was enforceable and that the bank would have to obtain a new writ of possession. The June 29, 2009 order granting relief from the automatic stay permitted the bank to do so and, therefore, the bank did not violate the stay by seeking a new writ of possession.

To the extent that the motion seeks injunctive relief against the bank, such relief can only be sought through the commencement of an adversary proceeding. See Rule 7001(7) of the Federal Rules of Bankruptcy Procedure.

The fact that Moving Party has now removed the state court action into this court does not void the court's prior order granting relief from the automatic stay. Finally, the June 29,

DECIDING THE 9-17-09 ADVERSARY PROCEEDING HEARING ON 8/6/09. K. S.

United States Bankruptcy Court
Central District of California

Santa Ana

Judge Erithe Smith, Presiding

Courtroom 5A Calendar

Thursday, August 6, 2009 **Hearing Room 5A**

10:30 am

Cont.... Kareem Salessi **Chapter 13**

2009 order is a final order and has not been stayed by any court pending appeal.

Party Information

Debtor(s):

Kareem Salessi

Movant(s):

Kareem Salessi

Trustee(s):

Amrane Cohen

In re: KAREEM SALESSI Debtor(s).	CHAPTER: 11 CASE NUMBER: **8:09-bk-13791-ES**

NOTE TO USERS OF THIS FORM:

1) Attach this form to the last page of a proposed Order or Judgment. Do not file as a separate document.
2) The title of the judgment or order and all service information must be filled in by the party lodging the order.
3) Category I. below: The United States trustee and case trustee (if any) will always be in this category.
4) Category II. below: List ONLY addresses for debtor (and attorney), movant (or attorney) and person/entity (or attorney) who filed an opposition to the requested relief. DO NOT list an address if person/entity is listed in category I.

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) **_ORDER: Debtor's MOTION FOR CONTINUANCE OF THE FORMER STAY, or in the alternative, for Reimposition of Stay As to Property of the Estate pursuant to 11 U.S.C. § 105; Request For Judicial Notice (RJN-3);** was entered on the date indicated as on the first page of this judgment or order and will be served in the manner indicated below:

I. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (ANEF@) B Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of 7/30/2009, the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.

- MARTIN W. PHILLIPS **marty.phillips@att.net**
- UNITED STATES TRUSTEE (SA) **ustpregion16.sa.ecf@usdoj.gov**

☐ Service information continued on attached page

II. SERVED BY THE COURT VIA U.S. MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States Mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

☐ Service information continued on attached page

III. TO BE SERVED BY THE LODGING PARTY: Within 72 hours after receipt of a copy of this judgment or order which bears an AEntered@ stamp, the party lodging the judgment or order will serve a complete copy bearing an AEntered@ stamp by U.S. Mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following person(s) and/or entity(ies) at the address(es), facsimile transmission number(s), and/or email address(es) indicated below:

☐ Service information continued on attached page

Exhibit-B

8-25-2010
Court of Appeal
Fourth Appellate District Division Three
601 West Santa Ana Blvd.
Santa Ana, Ca. 92701
P.O.Box 22055
Santa Ana, Ca. 92702
Tel: 714- 571 2600
Fax: 714- 664 0897

Kareem Salessi
30262 Crown Valley Pkwy, D-174
Laguna Niguel, Ca.92677
Tel: 949- 870 6352

To the Clerk of the court of the Court of Appeal:

Please take notice that all the parties named as defendants in the underlying action now appearing in consolidated cases # G G040958; G041464 are also respondents in these appeals. They are:

"WACHOVIA MORTGAGE, FSB FKA WORLD SAVINGS BANK, FSB, A FEDERAL SAVINGS BANK" (a Fiction); GOLDEN WEST SAVINGS ASSOCIATION SERVICE CO.; FIDELITY NATIONAL AGENCY SALES AND POSTING; ANGLIN FLEWELLING RASMUSSEN CAMPELL & TRYTTEN LLP;

In the above list defendant/respondent **"FIDELITY NATIONAL AGENCY SALES AND POSTING"** appeared by Mr. Bill Steward, Esq. of 428 OLD NEWPORT BLVD. NEWPORT BEACH, CA. 92663. Defendant / respondent "ANGLIN FLEWELLING RASMUSSEN CAMPELL & TRYTTEN LLP" is the law firm which has been defending the banking defendants under the aliases of Wachovia and "Golden West..." appearing above.

According to the proof I provided to this court in a Request for Judicial Notice, filed 6/24/10, Wachovia, under all its acronyms and disguises, lost its business licenses on 3/17/10 by the signing of a no-contest plea bargain to drug running, and drug-money laundering, charges of historic proportions, namely half a **TIRILLION** dollars in just four years, during which time it was insolvent, thus operating solely on drug money, and was forced to shut down or be given to another bank.

In any event, on 3/17/10 all Wachovia names presumed the status of illegal, and criminal, entities, much worse than the indictments of ENRON, WorldCom, and Arthur Anderson, which caused the loss of their business licenses. Therefore, having lost their legal status, and assumed a criminal status (like the Mafia), they can no longer appear in any court of law. Owing to its new crime status, Wachovia changed its name to "Wells Fargo..." three days later, on 3/20/2010. This is in addition to the preexisting fact that as their name appears above they were not registered anywhere and their appearances in the underlying action was fraudulent per se. (See exhibits).

Respectfully submitted,

Kareem Salessi

WACHOVIA'S

By MICHAEL SMITH

DRUG HABIT

The bank, now a unit of Wells Fargo, leads a list of financial firms that have moved dirty money for Mexico's narcotics cartels—helping a $39 billion industry that has killed more than 22,000 people since 2006.

Mexican troops burn **cocaine** seized from a jet bought through two U.S. banks.

Photograph by ABRAHAM MARTINEZ/PROCESOFOTO

JUST BEFORE SUNSET on April 10, 2006, a DC-9 jet landed at the international airport in the port city of Ciudad del Carmen, 500 miles east of Mexico City. As soldiers on the ground approached the plane, the crew tried to shoo them away, saying there was a dangerous oil leak. So the troops grew suspicious and searched the jet. They found 128 black suitcases, packed with 5.7 tons of cocaine, valued at $100 million. The stash was supposed to have been delivered from Caracas to drug traffickers in Toluca, near Mexico City, Mexican prosecutors later found. Law enforcement officials also discovered something else. The smugglers had bought the DC-9 with laundered funds they transferred through two of the biggest banks in the U.S.: Wachovia Corp. and Bank of America Corp.

This was no isolated incident. Wachovia, it turns out, had made a habit of helping move money for Mexican drug smugglers. Wells Fargo & Co., which bought Wachovia in 2008, has admitted in court that its unit failed to monitor and report suspected money laundering by narcotics traffickers—including the cash used to buy four planes that shipped a total of 22 tons of cocaine.

The admission came in an agreement that Charlotte, North Carolina–based Wachovia struck with federal prosecutors in March, and it sheds light on the largely undocumented role of U.S. banks in contributing to the violent drug trade that has convulsed Mexico for the past four years. Wachovia admitted it didn't do enough to spot illicit funds in handling $378.4 billion for Mexican-currency-exchange houses from 2004 to 2007. That's the largest violation of the Bank Secrecy Act, an anti-money-laundering law, in U.S. history—a sum equal to one-third of Mexico's current gross domestic product.

"Wachovia's blatant disregard for our banking laws gave international cocaine cartels a virtual carte blanche to finance their operations," says Jeffrey Sloman, the federal prosecutor who handled the case.

Since 2006, more than 22,000 people have been killed in drug-related battles that have raged mostly along the 2,000-mile (3,200-kilometer) border that Mexico shares with the U.S. In the Mexican city of Ciudad Juarez, just across the border from El Paso, Texas, 700 people had been murdered this year as of mid-June. Six Juarez police officers were slaughtered by automatic weapons fire in a midday ambush in April. Mexican President Felipe Calderon vowed to crush the drug cartels when he took office in December 2006, and he's since deployed 45,000 troops to fight the cartels. They've had little success.

Among the dead are police, soldiers, journalists and ordinary citizens. The U.S. has pledged Mexico $1.1 billion in the past two years to aid in the fight against narcotics cartels. In May, President Barack Obama said he'd send 1,200 National

Guard troops, adding to the 17,400 agents on the U.S. side of the border to help stem drug traffic and illegal immigration.

Behind the carnage in Mexico is an industry that supplies hundreds of tons of cocaine, heroin, marijuana and methamphetamines to Americans. The cartels have built a network of dealers in 231 U.S. cities from coast to coast, taking in about $39 billion in sales annually, according to the Justice Department. Twenty million people in the U.S. regularly use illegal drugs, spurring street crime and wrecking families. Narcotics cost the U.S. economy $215 billion a year— enough to cover health care for 30.9 million Americans—in overburdened courts, prisons and hospitals and lost productivity, the department says.

"It's the banks laundering money for the cartels that finances the tragedy," says Martin Woods, director of Wachovia's anti-money-laundering unit in London from 2006 to 2009. Woods says he quit the bank in disgust after executives ignored his documentation that drug dealers were funneling money through Wachovia's branch network. "If you don't see the correlation between the money laundering by banks and the 22,000 people killed in Mexico, you're missing the point," Woods says.

Wachovia is just one of the U.S. and European banks that have been used for drug money laundering. For the past two decades, Latin American drug traffickers have gone to U.S. banks to cleanse their dirty cash, says Paul Campo, head of the U.S. Drug Enforcement Administration's financial crimes unit. Miami-based American Express Bank International paid fines in both 1994 and 2007 after admitting it had failed to spot and report drug dealers laundering money through its accounts. Drug traffickers used accounts at Bank of America in Oklahoma City to buy three planes that carried 10 tons of cocaine, according to Mexican court filings. Federal agents caught people who work for Mexican cartels depositing illicit funds in Bank of America accounts in Atlanta, Chicago and Brownsville, Texas, from 2002 to 2009.

Mexican drug dealers used shell companies to open accounts at London-based HSBC Holdings Plc, Europe's biggest bank by assets, an investigation by the Mexican Finance Ministry found. Those two banks weren't accused of wrongdoing. Bank of America spokeswoman Shirley Norton and HSBC spokesman Roy Caple say laws bar them from discussing specific clients. They say their banks strictly follow the government rules. "Bank of America takes its anti-money-laundering responsibilities very seriously," Norton says.

A MEXICAN JUDGE ON Jan. 22 accused the owners of six *centros cambiarios*, or money changers, in Culiacan and Tijuana of laundering drug funds through their accounts at the Mexican units of Banco Santander SA, Citigroup Inc. and HSBC, according to court documents filed in the case. The money changers are in jail while being tried. Citigroup, HSBC and Santander, which is the largest Spanish bank by assets, weren't accused of any wrongdoing. The three banks say Mexican law bars them from commenting on the case, adding that they each carefully enforce anti-money-laundering programs. HSBC has stopped accepting dollar deposits in Mexico, and Citigroup no longer allows noncustomers to change dollars there. Citigroup detected suspicious activity in the Tijuana accounts, reported it to regulators and closed the accounts, Citigroup spokesman Paulo Carreno says. On June 15, the Mexican

The Mexican Connection

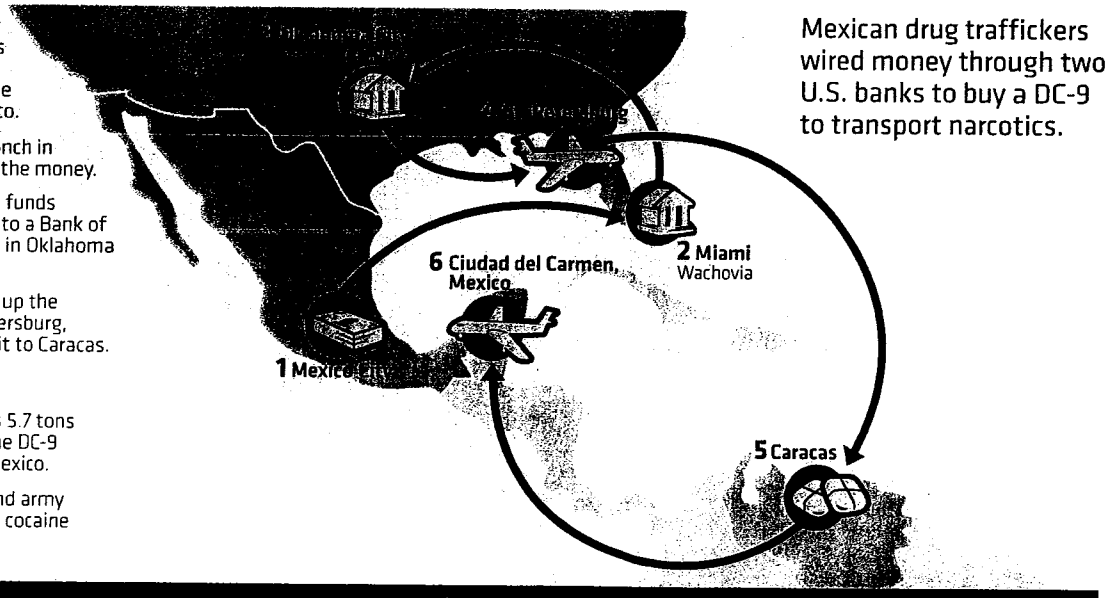
Mexican drug traffickers wired money through two U.S. banks to buy a DC-9 to transport narcotics.

Nov. 29, 2005

1. Drug smugglers start wiring $300,000 to the U.S. from Mexico.
2. A Wachovia branch in Miami receives the money.
3. Smugglers wire funds from Wachovia to a Bank of America branch in Oklahoma to buy a DC-9.
4. Smugglers pick up the plane in St. Petersburg, Florida, and fly it to Caracas.

April 10, 2006

5. The cartel loads 5.7 tons of cocaine on the DC-9 and flies it to Mexico.
6. The jet lands, and army troops seize the cocaine and the pilots.



Source: Findings by U.S. and Mexican investigators filed in court

Finance Ministry announced it would set limits for banks on cash deposits in dollars.

Mexico's drug cartels have become multinational criminal enterprises. Some of the gangs have delved into other illegal activities such as gunrunning, kidnapping and smuggling people across the border, as well as into seemingly legitimate areas such as trucking, travel services and air cargo transport, according to the Justice Department's National Drug Intelligence Center. These criminal empires have no choice but to use the global banking system to finance their businesses, Mexican Senator Felipe Gonzalez says. "With so much cash, the only way to move this money is through the banks," says Gonzalez, who represents a central Mexican state and chairs the senate public safety committee.

Gonzalez, a member of Calderon's National Action Party, carries a .38 revolver for personal protection. "I know this won't stop the narcos when they come through that door with machine guns," he says, pointing to the entrance to his office. "But at least I'll take one with me."

No bank has been more closely connected with Mexican money laundering than Wachovia. Founded in 1879, Wachovia became the largest bank by assets in the southeastern U.S. by 1900. After the Great Depression, some people in North Carolina called the bank "Walk-Over-Ya" because it had foreclosed on farms in the region. By 2008, Wachovia was the sixth-largest U.S. lender, and it faced $26 billion in losses from subprime mortgage loans.

That cost Wachovia Chief Executive Officer Kennedy Thompson his job in June 2008. Six months later, San Francisco–based Wells Fargo, which dates from 1852, bought Wachovia for $12.7 billion, creating the largest network of bank branches in the U.S. Thompson, who now works for private-equity firm Aquiline Partners LLC in New York, declined to comment.

Martin Woods, a former Wachovia investigator, says his bosses told him to keep quiet about drug money.

As Wachovia's balance sheet was bleeding, its legal woes were mounting. In the three years leading up to Wachovia's agreement with the Justice Department, grand juries served the bank with 6,700 subpoenas requesting information. The bank didn't react quickly enough to the prosecutors' requests and failed to hire enough investigators, the U.S. Treasury Department said in March. After a 22-month investigation, the Justice Department on March 12 charged Wachovia with violating the Bank Secrecy Act by failing to run an effective anti-money-laundering program. Five days later, Wells Fargo promised in a Miami federal courtroom to revamp its detection systems. Wachovia's new owner paid $160 million in fines and penalties, less than 2 percent of its $12.3 billion profit in 2009. If Wells Fargo keeps its pledge, the U.S. government will, according to the agreement, drop all charges against the bank in March 2011.

Wells Fargo regrets that some of Wachovia's former anti-money-laundering efforts fell short, spokeswoman Mary Eshet says. Wells Fargo has invested $42 million in the past three years to improve its anti-money-laundering program and has been working with regulators, she says. "We have substantially increased the caliber and number of staff in our international investigations group, and we also significantly upgraded the monitoring software," Eshet says. The agreement bars the bank from contesting or contradicting the facts in its admission. The bank declined to answer specific questions, including how much it made by handling $378.4 billion—including $4 billion of cash—from Mexican exchange companies.

'If you don't see the correlation between money laundering by banks and the 22,000 people killed in Mexico, you're missing the point,' says Martin Woods, who left Wachovia after bank executives had ignored his warnings.

The 1970 Bank Secrecy Act requires banks to report all cash transactions above $10,000 to regulators and to tell the government about other suspected money-laundering activity. Big banks employ hundreds of investigators and spend millions of dollars on software programs to scour accounts.

No big U.S. bank—Wells Fargo included—has ever been indicted for

TOM STOCKY

U.S. Customs and Border Protection **agents**, above, search cars for cash as they head to Mexico from San Diego. A marker, left, shows the **border** as cars cross between Mexico and the U.S.

violating the Bank Secrecy Act or any other federal law. Instead, the Justice Department settles criminal charges by using deferred-prosecution agreements, in which a bank pays a fine and promises not to break the law again.

Large banks are protected from indictments by a variant of the too-big-to-fail theory. Indicting a big bank could trigger a mad dash by investors to dump shares and cause panic in financial markets, says Jack Blum, a U.S. Senate investigator for 14 years and a consultant to international banks and brokerage firms on money laundering. The theory is like a get-out-of-jail-free card for big banks, Blum says. "There's no capacity to regulate or punish them because they're too big to be threatened with failure," Blum says. "They seem to be willing to do anything that improves their bottom line, until they're caught."

Wachovia's run-in with federal prosecutors hasn't troubled investors. Wells Fargo's stock traded at $30.86 on March 24, up 1 percent in the week after the March 17 agreement was announced.

Moving money is central to the drug trade—from the cash that people tape to their bodies as they cross the U.S.-Mexican border to the $100,000 wire transfers they send from Mexican exchange houses to big U.S. banks. In Tijuana, 15 miles south of San Diego, Gustavo Rojas has lived for a quarter of a century in a shack in the shadow of the 10-foot-high (3-meter-high) steel border fence that separates the U.S. and Mexico there. He points to holes burrowed under the barrier. "They go across with drugs and come back with cash," Rojas, 75, says. "This fence doesn't stop anyone."

DRUG MONEY MOVES back and forth across the border in an endless cycle. In the U.S., couriers take the cash from drug sales to Mexico—as much as $29 billion a year, according to U.S. Immigration and Customs Enforcement. That would be about 319 tons of $100 bills. They hide it in cars and trucks to smuggle into Mexico. There, cartels pay people to deposit some of the cash into Mexican banks and branches of international banks.

The narcos launder much of what's left through money changers. Anyone who has been to Mexico is familiar with these street-corner money changers; Mexican regulators say there are at least 3,000 of them from Tijuana to Cancun, usually displaying large signs advertising the day's dollar-peso exchange rate. Mexican banks are regulated by the National Banking and Securities Commission, which has an anti-money-laundering unit; the money changers are policed by Mexico's Tax Service Administration, which has no such unit.

By law, the money changers have to demand identification from anyone exchanging more than $500. They also have to report transactions higher than $5,000 to regulators. The cartels get around these requirements by employing legions of individuals—including relatives, maids and gardeners—to convert small amounts of dollars into pesos or to make deposits in local banks. After that, cartels wire the money to a multinational bank. The people making the small money exchanges are known as Smurfs, after the cartoon characters. "They can use an army of people like Smurfs and go through $1 million before lunchtime," says Jerry Robinette, who oversees U.S. Immigration and Customs Enforcement operations along the border in east Texas.

The U.S. Treasury has been warning

SCOTT HALTON (3)