

1 BURTON H. WOLFE
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3 San Francisco, CA 94103-1631
4 Telephone: (415) 487-1787

5 Plaintiff in propria persona

ORIGINAL
FILED

MAR 27 2000

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

PJH

6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA

8 BURTON H. WOLFE,
9 on behalf of himself and all
10 persons appearing or trying
11 to appear in the Courts of
12 California without counsel,

13 Plaintiff,

14 v.

15 GARY E. STRANKMAN, ALFRED G.
16 CHIANTELLI, DAVID A. GARCIA,
17 RONALD E. QUIDACHAY, RONALD
18 M. GEORGE, DEBORAH SILVA,
19 WILLIAM K. COBLENTZ, AMITAI
20 SCHWARTZ, NICOLE MEREDITH,
21 WENDELL GODDARD, and GREGORY
22 McCORMICK, all in their
23 individual, official, and
24 representative capacities;
25 JUDICIAL COUNCIL OF
26 CALIFORNIA; STATE OF
27 CALIFORNIA; BMG DIRECT
28 MARKETING, INC.; JOHN M.
TRUE, III; MERRILL, REESE,
INC.; EMERALD FUND; NIBBI
BROTHERS; THE GRANT BUILDING
COMPANY; and SIX UNKNOWN
INSURANCE COMPANIES,

Defendants.

C 00 1047

COMPLAINT FOR DECLARATORY AND
PROSPECTIVE INJUNCTIVE RELIEF

(Civil Rights)

COMPLAINT FOR DECLARATORY AND PROSPECTIVE INJUNCTIVE RELIEF

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3 of the Court and all parties in referring to the various
4 sections and causes of action, Plaintiff provides the following
5 paginated Table of Contents.

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Complaint for Declaratory and Prospective Injunctive Relief

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COMPLAINT FOR DECLARATORY AND PROSPECTIVE INJUNCTIVE RELIEF

Now comes Plaintiff Burton H. Wolfe, acting on behalf of himself and all persons appearing or trying to appear in the Courts of California without benefit of counsel; and in that dual capacity Plaintiff alleges as follows:

Nature of the Action

1. Through this action Plaintiff seeks a declaration of the Court that California Code of Civil Procedure Sections 391-391.7 are unconstitutional on their face and as applied to him and to all other persons to whom they have been or may be applied, and therefore those Sections of the Code of Civil Procedure are null and void and of no effect. A true copy of CCP §§ 391-391.7, as published in Deering's California Civil Codes, is attached to this complaint and is thereby made a part of the complaint. Because CCP §§ 391-391.7 are commonly referred to in the singular as "California's Vexatious Litigant Statute," Plaintiff refers to them collectively throughout this complaint in the singular as "CCP 391."

2. Plaintiff also seeks temporary, preliminary, and permanent injunctions enjoining Defendants and all other persons and entities from enforcing CCP 391 in any manner against Plaintiff and all other persons against whom it has been enforced or against whom it may be enforced in the future, no matter who those persons may be and no matter what their records may be in the state and federal courts.

Board of Directors

Edward R. King
Andrew Kotakis
Julian P. Lagos
James L. Szekely
Burton H. Wolfe

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H.E.L.P.
Homosapiens Educational & Legal Project



1095 Market Street, #814
San Francisco, CA 94103-1631
Telephone: (415) 487-1787

March 27, 2000

ANNOUNCING THE MOST DYNAMIC OF ALL CHALLENGES TO
"CALIFORNIA'S VEXATIOUS LITIGANT STATUTE,"
CODE OF CIVIL PROCEDURE SECTIONS 391-391.7
[ACTUALLY THE BAN ON SELF-REPRESENTATION STATUTE (BOSS)]:

Burton H. Wolfe vs. Gary E. Strankman, et al.

(U.S. District Court Case No. C-00-1047-PJH)

[Note: Gary Strankman is the Presiding Judge of the California
Court of Appeal, First Appellate District, Division One]

To everyone interested in the ongoing controversy over
the discriminatory, vindictive treatment of men and women
proceeding in California's courts without benefit of counsel:

After providing a model complaint to other self-represented persons
(pro se litigants), I myself now have filed a complaint, 82 pages in length,
attacking California Code of Civil Procedure Sections 391-391.7 (the misnamed
"Vexatious Litigant Statute" which is actually California's Ban on Self-
Representation Statute), on constitutional grounds. The complaint was filed
today in the U.S. District Court for the Northern District of California.

Enclosed are the face sheet of the complaint, a table of its contents,
and the page describing the action. I believe this complaint is the most
dynamic of all attacks on this frequently challenged, draconian law. I
believe it will convince a federal judge to strike down the statute in its
entirety, and declare it to be null and void and of no effect, on the ground
that it is **flagrantly and patently violative of express constitutional prohibitions
in every clause, sentence and paragraph, and in whatever manner and
against whomever an effort might be made to apply it.** [That language is
borrowed from a U.S. Supreme Court opinion concerning the circumstances
under which it becomes appropriate for a federal court to strike down a
state law - Younger v. Harris, 401 U.S. 37, 53-54 (1971).]

My costs in battling the state, the California Attorney General, and
a battery of lawyers struggling to preserve the statute against my attack
on it, have become so burdensome that I can no longer afford to send out
materials free. If you would like to have a copy of the complaint, send
a check or money order in the amount of \$20.00 to me at the above
address, made payable to Burton H. Wolfe.

Yours for the restoration of democracy to the courts of California,

Burton H. Wolfe
Burton H. Wolfe

Who's Who in America®

2000



MARQUIS
Who's Who®

WOLFE, BURTON H., non-profit organization executive: b. Washington, Sept. 2, 1932; s. Simon and Gertrude (Hinkle) W.; m. Sandra Sue Smith, Jan. 22, 1962 (div. Nov. 1966); children: James Burton, Brendan Simon. BA, George Washington U., 1954. Reporter/editor Stars & Stripes, Darmstadt, Germany, 1955-56; reporter/feature writer Burlington (Vt.) Free Press, 1956-57, Internat. News Svc., San Francisco, 1957-58; editor/pub. The Californian, San Francisco, 1960-62; pub. rels. writer B'nai B'rith, Washington, 1963; pub. editor AFSCME, AFL-CIO, Washington, 1964-65; writer/editor Civic Edn. Svc., Washington, 1965-66; founder, dir. Homosapiens Ednl. and Legal Project, San Francisco, 1986—; lectr. in field. Author: The Hippies, 1968, Hitler and the Nazis, 1970, The Devil and Dr. Noxin, 1973, Pileup on Death Row, 1973, The Devil's Avenger: A Biography of Anton Szandor LaVey, 1974; contbr. numerous articles to profl. journs.; contbr. San Francisco Bay Guardian, San Francisco Frontlines, Washington Free Press. Sgt. U.S. Army, 1954-56. Recipient Newswriting award AP, 1956-57, Journalism award Cath. Press Assn., 1960, 70, Writing award Bar Assn. Calif., 1975. Mem. Am. Legion, Elks, Phi Beta Kappa. Avocations: working out, programming music tapes. Office: 1095 Market St Ste 814 San Francisco CA 94103-1631.