

Case No. 10-O-07882, In re James Hung Xia, et al

James Hung Xia
P. O. box 367
Berkeley, CA 94701-0367
E-mail: seasprout9@yahoo.com
Date: 11/7/2011; Monday
State Bar No. 166112
Counsel for defendant James Hung Xia (myself)

FILED

NOV 07 2011

**STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO**

State Bar Court, Hearing Department
180 Howard Street, San Francisco, CA 94105-1639
Tel (415) 538-2384
Fax (415) _____
E-mail address: _____
Website Address: _____

In RE James Hung Xia, et al (including State Bar Court, and all the named persons or entities in my previous letter/motion dated 10/15/2011 are incorporated by reference)

Title of Document: ANSWER & CROSS CLAIMS



1 JURISDICTION

2 1. # No subject jurisdiction

3 As to paragraph 1 at p.2, I deny it except that I acknowledge that I was admitted in 1993 to State
4 bar of California, I have been continuously its member since then, I have been inactive through al this
5 period.

6 As to para. 1, I deny that there are valid charges against me in the said Complaint.

7

8 GENERAL DENIAL

9 2. # I generally deny the entire Complaint, or the Complaint signed by Susan Chan in its
10 entirety (p.2: L.3).

11 3. # I allege that all of my civil actions since 1999 are unquestionably valid exercise of my
12 rights under California and US constitutions, statut3es, common law of England, and general
13 equity, and also under international law (treaties binding on US), thereby denying all the
14 Compalint's allegations on that subject.

15 4. # I allege that all of my challenges to qualification of judicial officers in all these cases of
16 mind are valid, proper, within Civ. Code sec.47 (absolute litigation privilege), tgherfeby denying
17 all of Compalint's allegations that said motions were improper.

18 5. # I allege that all of my motions, though "denied", were based on correct, proper analysis
19 of the issues, in all of my cases in the period since 1999.

20 6. # I allege that all of my appeals and appellate writ petitions in the past 11 years since 1999
21 have been valid, legitimate, and even correct analysis of the issues involved.

22 7. # I allege that all of the exhibits attached by Susan Chan and others of Office of Chief Trial
23 counsel are void on the face of the documents, on face of records, because of extrinsic fraud,
24 because of violation of international law/treaties, because of crimes of which they are parts.

25 8. # I allege that all the judicial officers who rendered the orders of the exhibits did not have
26 the authority to render these "orders."

27 PARTICULAR DENIAL AND/OR ALLEGATIONS

28 1. # In early 2003 if not end of 2002, while being one of two regular judges of the Motion
29 Department (Dept. 31) of Superior Court in and for Alameda County, Mr. James A. Richman
30 issued a letter to the Clerk of Court and Presiding Judge of Dept. 1, declaring that Hung Ha, this
31 writer, were a vexatious litigant per ccp s.391 et seq., and made me subject to a prefilling order.

32 Because of that order, Clerk of court refused to file my new complaint unless I had obtained a
33 prefilling order from P.S. of Dept. 1. On a certain date, and I did immediate on that day went up to Dept.
34 1 from Clerk's office where I left my Complaint and my copy for the clerk.

35 DEFENSES

36 1. # Defense of insufficient Notice

37 I allege that the Notice given by Susan Chan on behalf of State of California (i.e., Office of the
38 Chief Counsel) is plainly, certainly insufficient as to constitute no notice at all, given the complexity of
39 the situation, issues, given the poor quality of the Complaint, given the difficulties of my personal
40 situation (e.g., disabilities, chronic lack of regular sleep and the adverse effects thereof).

41 These people give me "20 days" from 10/18/2011 on which Complaint was mailed to me, in
42 which to file Answer. Judicial notice may be taken of the truth that although a day has 24 hours, the
43 amount of time that one can devote to a task is much less than that, and varies from individual to
44 individual depending on particular person's circumstances.

45 I allege, therefore, there is really no complaint although I do have actually received it, served on
46 10/18/2011.

47

48 2. # Defense of flippancy

49 I allege that Complaint signed by Susan Chan is flippant.

50 I demands the judicial relief that bar court rule that on grund of flippancy, said complaint does
51 not confer subject jurisdiction on the court.

52

53 3. # Defense of frivolity

54 I allege that the Complaint signed by Susan Chan is totally frivolous.

55 I demands the relief that court rule that said complaint does not confer subject jurisdiction on
56 this court.

57

58 4. # defense of malice

59 I allege that Complaint signed by Susan Chan is malicious, with intent to hurt, and evil intent.

60 I demand the judicial relief that court rule that said Complaint confer no subject jurisdiction on
61 the court.

62

63

64 5. # Defense of Unclean Hands

65 I allege that the hands of the State of California are unclean because its employees and agents
66 have committed wild violence on me on March 4, 2001, and since that beginning have been committing
67 numerous crimes in order to cover up the initial and subsequent crimes.

68

69 6. # Defense of unclean hands

70 I allege that the hands of the State of California are unclean because the authors of the
71 Complaint, Susan Chan and others of the Office of the Chief Counsel, are the latest participants in that
72 pattern of criminal activities dating back to March 4, 2001 at about 6:45 p.m..

73

74 7. # Defense of Unclean Hands

75 I allege that the hands of State f California are unclean because its judicial officers have been
76 committing crimes in obstructing justice in my civil cases since I first filed my civil rights actions in 2002
77 at the Superior Court in and for Alameda County.

78

79 8. # Defense of unclean Hands

80 I allege that the hands of State of California are unclean because back in 1999, plaintiff's lawyer
81 and judicial officers and staff employees of Municipal Court of Berkeley Courthouse connived to caused
82 me to be illegally forced out of my home, thereby giving rise to allthese events underlying the present
83 Complaint against me.

84

85 9. # Defense of unclean hands

86 I allege that the hands of California government are unclean because an undeclared war is being
87 waged against the outsiders such as I am.

88 I allege that the legal profession, the judiciary, and the like have illegally seized control of
89 society, obliterating the supposedly republican form of government.

90 10. # Defense of so-what

91 I litigate within the bounds of reason and ethics, within the purview of Civil Code s.47 at all the
92 times since 1999, the beginning.

93 CRFOSS CLAIMS

94 11. # RE Susan Chan and others

95 I allege Susan Chan and others of Office of the Chief Counsel are committing extremely egregious
96 unethical conduct, and I ask that Court consider disciplinary action as to them.

97 12. # RE Andrew Ross, Thomas Orloff, Judge Winton McKibben, Judge Thomas Reardon Judge
98 Kenneth Mark Burr, et al

99 I allege. . .

100 13. # Re Magistrate Larson and his law clerk .

101 I allege. . .

102 14. # Other judicial officers of US District Court for Northern Cal.

103 I allege. . . .

104 15. # RE judicial officers of US Court of Appeals for Ninth Circuit

105 I allege. . . .

106 16. # RE lawyers of Law Department of Alameda County

107 I allege. . . .

108 17. # RE Judge Richman

109 I allege. . .

110 18. # RE Justice William E. McGuiness

111 I allege. . .

112 19. #RE justices of First Appellate Court of Appeals of California

113 I allege . . .

114 20. #Re Lawyers of California Judicial Council

115 I allege. . .

116 21. #Re lawyers of law firm Lombardi. . . (1999 Harrison Street, Oakland)

117 I allege. . .

118 22. # Re lawyers of Patton Wolan & Carlise

119 I allege, generally, lawyers of this law firm are go-betweens connecting their clients (governmental
120 entities and their agents or employees) and judicial officers, to fix outcome of cases.

121 In that regard, I allege those lawyers are Steven C. Wolan, Andrea Carlise, Maureen Duffy,
122 Robert Gaumer, J. . .

123 23. # RE lawyers who appear at proceedings in Ha v. Whelan-Steven et al, C 09-05281

124 I allege. . . .

125 24. RE lawyers of Cal. DOJ (Amy W. Lo, Tyler B. Pon)

126 I allege. . . .

127 25. # RE certain judicial officers of Alameda Superior Court

128 I allege. . . .

129 26. # RE Judicial officers of SF superior Court (Judge James McBride)

130 I allege. . . .

131 27. # RE Judge ____ (Ha v. McGuiness in Alameda Superior Court)

132 I allege. . . .

133 MISCELLANEOUS ADDITIONS

134 28. # I ALLEGE THAT Judge Steven Brick had in effect denied the motion made by Amy Lo and
135 Tyler Bon as of 1/20,2005 for vexatious litigant orders, by "recusing" himself , in Ha v. Ross, et al,
136 2002074172 (Alameda)

137 29. # I allege that Judge Zika, Judge Ford, Judge Brick had ruled, in Ha v. Ross, 2002074172,
138 and Ha v. Harrison, 2002077102, that I was innocent of violent crimes committed by Officers
139 Rhoden and Jason Coliom on March 4, 2001, at about 6:45 to 7:00 p.m. in Dwinelle Hall, on UCB>

140

141

142

143

/s/ James Hung Xia / Hung Ha

144 James Hung Xia/aka Hung Ha

145 Defendant

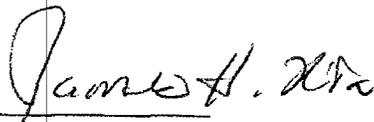
146 Berkeley City

PROOF OF SERVICE—Answer & Cross Claims

I, James Hung Xia (aka Hung Ha, James Ha), state and declare under penalty of perjury as below:

1. I am the very person known as James Hung Xia (aka Hung Ha, James Ha). My California state bar number is 166112. My mailing address or business is P. O. box 367, Berkeley, CA 94701-0367. My e-mail address is www.seasprout9@yahoo.com. I don't have a phone or my phone, however.
2. I reside in Berkeley City, Alameda County, California. I have been residing in Berkeley continuously for the past 10 years and longer.
3. I am competent to testify before this Court unless circumstances have changed
4. I lack the resources of a law firm, or a practicing attorney of California. I have never practiced law, in the sense of "practice" as defined by California law. I am living on public assistance, and I don't have other income unless it is public money. I have lost my good health; I have also lost my youth. I have multiple disabilities (e.g., eye sight/vision problem, loss and/or decay of teeth). I have been experiencing chronic lack of regular sleep, and the harmful effects thereof, continuously for more than ten years, before and since March 4, 2001. It is to the credit of our government, via its public assistance, I have barely managed to survive as of this date, literally.
5. I have served the document, which is identified next, on Office of the Chief Trial Counsel, STATE BAR OF CALIFORNIA, which is located at 180 Howard Street, 6th floor, San Francisco, CA 94105-1639, by my own personal hand-delivery, on 11/7/2011
6. The title of the document served (noted above in item #4) is the following/this: Answer & Cross Claims
7. As to manner in which I mail the served document, I state the following: I personally handed the said document to a staff member at the Office of the Chief Trial Counsel, on 11/7/2011
8. On the original of the said document served and the proof of service, the fingerprint next to my signature (if any) is that of my right thumb (in ordinary ink).

28 UNDER PENALTY OF PERJURY, I, the undersigned, declare that the foregoing is true and correct, in Berkeley City, California, on this 11/7/2011.

/s/ 

James Hung Xia/Hung Ha

Cal. State Bar Number: 166112

