

1 Sharon Bridgewater
2 965 Mission Street, Suite 409
3 San Francisco, CA 94103

4 In Pro Se

FILED

2011 SEP 19 P 4:00

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

6 UNITED STATES DISTRICT COURT FOR
7 NORTHERN DISTRICT OF CALIFORNIA

10-4966 MMC

9 Sharon Bridgewater,

) CASE No. C10-04966(MMC)

10 Plaintiff,

) EX-PARTE APPLICATION
11) APPOINTMENT OF TRO/ TEMPORARY
12) RECEIVER ORDER TO SHOW CAUSE
13) RE PRELIMINARY INJUNCTION AND
14) PERMANENT RECEIVER

Vs.

15 Roger Tonna, Mary Tonna(AKA Mary F
16 Tonna) and does 1 thru 50 inclusive

) Date: TBA

17 Defendants

) Time: TBA

18 William Gilg and does 1 thru 50 inclusive

) Dept: 7 Floor 19th

19 Legal Defendants

)

20 Jo-Lynne Q. Lee

)

21 individually and in his/her official capacity as
22 Justice of the Superior Court of Alameda
23 County

24 Co-Legal Defendant

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28 *Sharon Bridgewater vs. Roger Tonna, Mary Tonna and William Gilg and Does 1-50*
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1

EX-PARTE APPLICATION

**EX PARTE APPLICATION
TEMPORARY RESTRAINING ORDER WITH ASSET FREEZE, APPOINTMENT OF
TEMPORARY RECEIVER EXPEDITED DISCOVERY AND OTHER EQUITABLE
RELIEF AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION AND
PERMANENT RECEIVER**

The Plaintiff, Sharon Bridgewater hereby moves pursuant to Rule 66 of the Federal Rules of Civil
On an ex parte basis, because if the defendants are “tipped off” of this motion they would
immediately move, transfer assets, “WHAT’S LEFT” as they have done in the past.

I. Introduction

When and during the pendency of an action, it shall appear, by affidavit or proof that the defendant threatens to render the judgment ineffectual, a temporary restraining order and an appointment of temporary receiver may be granted to restrain such removal or transferring property to preserve the status quo pending a final decision on the merits of the case.

Pursuant to Federal Rule 66, when it appears, by the verified complaint, and/or declaration plaintiff is entitled to the relief demanded, and such relief during the litigation, it appears that the defendant is doing, or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the plaintiff's rights respecting the subject of the action, and. It may, also, be granted in any case where it is specially authorized by statute.

Plaintiffs seek a temporary restraining order with a temporary receiver, preliminary injunction and a permanent injunction via permanent receiver against Defendants imposing a restrain their ability to dissipate or dispose of any assets in order to preserve the status quo.

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1 The nature of this motion is due to cause of action of the Plaintiff [proposed] original
2 amended Complaint, declaration and memo. and points of Authority. This Motion is also based
3 on the Defendants' fraudulent conduct of the defendants disposing and fraudulently transferring
4 assets into other persons and/or businesses names to defraud the Plaintiff and to preserve the status
5 quo Temporary Restraining Order demonstrated below.
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II. Facts

10 The Defendants tortuously interfered with the Plaintiff's governmental contract, concealed known
11 facts they were under a duty to disclose, defrauded the Plaintiff out of money and/or property,
12 violated the Plaintiff's civil rights, causing extensive damage to the Plaintiff; and now they are
13 continuing this conduct by fraudulently transferring property into other individual names to
14 defraud the Plaintiff, and render a monetary judgment ineffective in this court.
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17 The "criminal" activity of the Defendants defrauding the Plaintiff out of her apartment and
18 money warrants a TRO, asset freeze and an appointment of a temporary receiver preliminary
19 injunction and permanent receiver.
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**TRO/ TEMPORARY RECEIVER ORDER TO SHOW CAUSE
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2 **Legal Standard for Granting a Rule 66 Temporary Restraining Order and/or an**
3 **Appointment of Receiver**

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5 The egregious facts of this case and Defendants' pattern of fraudulent conduct warrant the
6 entry of a Temporary Restraining Order, temporary receiver, and order to show cause re
7 preliminary injunction and/or permanent receiver. A party seeking a temporary restraining order
8 or preliminary injunction, temporary receiver must show the following: (1) a substantial likelihood
9 of success on the merits; (2) irreparable injury; (3) that the injury to Plaintiffs outweighs the harm
10 an injunction may cause Defendants; and (4) that granting the injunction would not harm the
11 public interest. Plaintiffs, in the instant action satisfy each of these elements as further described
12 herein. A court's power to grant injunctive relief should be exercised when intervention is
13 essential to protect property or other rights from irreparable injury. "both money damages and
14 equitable relief are sought ..., the controlling authority where a plaintiff, seeking equitable and
15 legal relief, sued the defendant for numerous claims as pled in the proposed original amended
16 complaint, it authorizes injunctive relief and/or a TRO and/or an Appointment of temporary
17 receiving, when the defendants are fraudulently transferring property and/or assets pursuant to
18 Rule 65 relief and encumbered the assets of the defendant to protect a future money judgment.
19 Such is the equitable relief Plaintiffs seek. Where it appears that the debt is due and owing and
20 there is danger that the Defendants or the Debtor may dispose of assets so as to defeat it before
21 judgment the court has jurisdiction to grant a judgment as to prevent him/her from disposing
22 assets.
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III.

STATEMENT OF FACTS

Injunctive Relief--Court Orders

Any person who engages, has engaged, or proposes to engage in unfair business practices may be enjoined in any court of competent jurisdiction. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment by any person of any practice which constitutes unfair competition, as defined in this chapter, or as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of such unfair competition..

Further, Roger and Mary Tonna “Trust” and/or William Gilg Transferred to Close Friends and Relatives

On or about Nov. 1, 2010, the Plaintiff filed and served the Defendants with the complaint on or about Feb. 1, 2010, after the Plaintiff filed a writ of attachment in this federal court, which was denied due to the Plaintiff failure to state a claim the Defendants transferred "ALL" their properties in the San Francisco Bay area to family members and friends occasions since the filing of this complaint in this US Federal Court. It is plaintiff's belief they have dissipated assets by transferring money as well.

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AURGUMENT

Appointment of "federal" Receiver and/or officer of the court" are necessary to manage Roger Tonna, Mary Tonna and William Gilg business, to protect the debtor company for the benefit of the Plaintiff Sharon Bridgewater; as the Defendants have assets located in more than one jurisdiction. It is necessary for the receiver to control the debtor's real property to maintain and preserve its value and to collect rents of Roger and Mary Tonna, and/or William Gilg to insure a monetary judgment. This Court should issue a preliminary injunction freezing assets, ordering an accounting, and ordering repatriation of assets. To obtain preliminary relief in a statutory enforcement action such as this, the Plaintiff need only show a likelihood of success on the merits and that the balance of equities tips in its favor, giving far greater weight to the public interest. Here, the Plaintiff Sharon Bridgewater was a victim of a malicious crime by the Defendants, and has shown in her complaint that her claims have merit. The Court has authority to grant the preliminary injunction; (B) impose an asset freeze, to preserve the possibility of effective final relief for the Plaintiff; and it is imperative for this court to grant a temporary receiver.

A. Plaintiffs' claims asserted in this lawsuit have a substantial likelihood of success on the merits:

Plaintiffs have asserted claims of already presented sufficient facts to establish the elements of each of the claims there is a substantial likelihood of success on the merits of the plaintiff's claim.

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3 **B. Irreparable Injury will occur if Temporary Restraining Order is not granted**

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5 Plaintiffs is facing irreparable injury as it is quite obvious that Defendants have already changed
6 their names on other properties the plaintiff is unaware of and/or have fraudulently transferred
7 (fraudulent conveyance) property and are disposing of their assets. If the court does not grant the
8 Plaintiff relief a court awarded judgment against Defendants following trial will likely be
9 worthless. Plaintiffs respectfully implore the Court to exercise its equitable powers as requested
10 herein.

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13 **C. The Injury to Plaintiffs outweighs the harm an injunction may cause Defendants;**

14 The entry of a temporary restraining order and preliminary injunction giving Plaintiffs
15 control over the property, assets, will cause no harm whatsoever to Defendants.

16
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18 **D. The granting of the injunction would not harm the public interest.**

19 Where a party demonstrates both the likelihood of success on the merits and irreparable
20 injury, it almost always will be the case that the public interest will favor the issuance of an
21 injunction. *American Telephone and Telegraph Co.*, 42 F.3d 1421,1427 n. 8 (3rd Cir. 1994). In
22 fact, the granting of this injunction will protect the public interest and prevent further schemes by
23 Defendants to prey on other victims.

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2 **E. Scope of Injunction**
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4 As deemed proper by this Honorable Court to prevent the Defendants from disposing cash,
5 property, dissipating banking accounts, etc. over sees and in America; as Roger and Mary Tonna
6 have banking accounts and properties in other countries, also prevent the Defendants from filing
7 bankruptcy to insure the Plaintiff obtain a monetary Judgment rendered by this court in the amount
8 of and punitive damages award as deem just by this court.
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13 **Plaintiff Should Not Be Required to Post an Undertaking**
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15 Plaintiff should not be required to post an undertaking due to limited monthly income
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18 **VI. Conclusion**
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20 Based on the foregoing, Plaintiffs respectfully request that this Court exercise its
21 discretionary power to maintain the status quo by entering an Order for Temporary Restraining re-
22 preliminary injunction, appointment of temporary and/or permanent receiver.
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25 **WHEREFORE** Plaintiffs respectfully request that this Court enter:
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28 1) A temporary restraining order pursuant to Fed. Rule Civ. Proc. 65 and/or 66 of the Federal
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1 Rules of Civil

2 1. For a Temporary Restraining Order, temporary receiver and/or permanent receiver re
3 preliminary because: (a) Plaintiffs have a reasonable probability of success on the
4 merits; (b) there is a danger of real, immediate, and irreparable injury which may be
5 prevented by injunctive relief; (c) there is no other plain, speedy, and adequate remedy
6 at law; (d) the granting of a preliminary injunction will not disserve the public interest;
7 (e) the balance of equities favors the injunction; and (f) the injunction will preserve the
8 status quo pending a trial on the merits (G) Order the Defendants to deposit funds into
9 the court registry and post a bond, at

10 2) A temporary restraining order pursuant to Fed. Rule Civ. Proc. 65 and/or 66 of the Federal

11 Rules of Civil

12 *PARTITE* 3) Judgment against the defendants in the amount of \$ 356.409.60 as pled in
13 the Plaintiff's complaint entitled to see (for proof of damages exh.) 4th cause of action.
14 4) Punitive damages according to proof at trial, and *per* *trebled damages for all causes*
15 *of action*.
16 5) Enjoin Defendants from concealing, converting, selling, transferring, or otherwise
17 dissipating any assets, including cash, in which they have an ownership interest, legal or
18 beneficial, as deem appropriate by this court.
19 6) Order for defendants to produced sensitive financial and/or net worth Information to assess
20 Punitive damages restrict the documents to produce to those that represents the present net
21 Worth of the defendants, for trial, to assess a fair settlement of this case AND/OR A
22 PERMANENT INJUNCTION ORDER THE DEFENDANTS DEPOSIT WITH THE
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1 COURT A MONEY JUDGMENT RENDERED AND/OR THE TEMPORARY RECEIVER.

2 7) Order the defendants to produce a list of other defendants (names) that should be added to
3 this complaint.

4 8) Order the defendants to produce names of "any aliases" names in the Real Property they
5 Own and/or of any banking accounts, trust, etc.

6 9) Order the Defendants to produce a "sworn financial statement" under oath of all natural
7 persons, entities, partners, etc. to be included to this complaint, and allow the Plaintiff to
8 amend the complaint to include added defendants, and their correct spelling of their names.

9 10) Order the Defendants Jail time and/or sanctions if they conceal, and/or make intentional
10 misrepresentation pursuant to the sworn statements.

11 11) For cost of suit and "reasonable attorney fee's.

12 12) Expedited Discovery

13 13) Hold each defendant jointly and severally liable for concert of action.

14 14) Debar William Gilg and Jo-Lynne-Q Lee from practicing law, after judgment has been
15 paid to the Plaintiff.

16 15) Grant the Plaintiff and interest in Property/Cash or to satisfy judgment
17 rendered by this court.

18 16) Order the defendants to Deposit in the Courts Registry the amount of Judgment ~~& Permanent Judgment~~
19 rendered by this court in favor of the Plaintiff and Order the defendants to immediately
20 Deposit into the Court's Registry the amount of Judgment of 356,409.60

21 *(Three thousand three hundred and fifty six Dollars) for the Plaintiff immediate pick-up.*
22 *Three thousand four hundred and sixty six cents.*

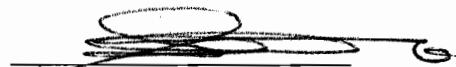
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1 17) Dissolve the injunction and/or discharge the temporary and/or permanent receiver after
2 the Plaintiff is fully compensated for the Judgment rendered by this court.
3
4 18) Pre-judgment and/or post judgment interest at the maximum legal rate.
5
6 19) Order the Defendants to file a bond with the court by a party against whom a judgment has
7 been rendered, in order to stay execution of the judgment pending appeal to a higher court.
8 The bond guarantees that the judgment will be satisfied if determined to be correct.
9
10 20) Stay any and all legal proceedings, execution, and enforcement of Orders, Judgment,
11 writs, etc. requested of the Plaintiff in this U.S. Federal District.
12
13 21) Permanent injunctive relief, and dissolve the injunction after the Defendants have fully
14 satisfied the money judgment rendered by this court.
15
16 22) The Plaintiff respectfully asks for the courts assistance to write the TRO, preliminary
17 injunction, temporary receiver and/or permanent receiver.
18
19 24) IMMEDIATE POSSESSION OF THE APARTMENT.
20
21 23) Any other relief as deemed appropriate by this court.

Sept 19, 2011 (SB)

22 Dated: SEPT 13, 2011



23 24 25 26 27 28 Sharon Bridgewater

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3 San Francisco, CA 94103

4 In Pro Se

5 **UNITED STATES DISTRICT COURT FOR**
6 **NORTHERN DISTRICT OF CALIFORNIA**

8 Sharon Bridgewater,

) CASE No. C10-04966(MMC)

9 Plaintiff,

)
) **MEMPORUDUM AND POINTS OF**
) **AUTHORITY IN SUPPORT IN SUPPORT**
) **OF THE PLAINTIFF EX-PARTE**
) **APPLICATION FOR TRO WITH ASSET**
) **FREEZE, APPOINTMENT OF TEMP.**
) **RECEIVER, EXPEDITED DISCOVERY**
) **AND OTHER EQUITABLE RELIEF AND**
) **ORDER TO SHOW CAUSE**
) **PRELIMINARY INJUNCTION AND**
) **PERMANENT RECEIVER**

10 Vs.

12 Roger Tonna, Mary Tonna(AKA Mary F
13 Tonna) and does 1 thru 50 inclusive

14 Defendants

15 William Gilg and does 1 thru 50 inclusive

) Date: TBA

17 Legal Defendants.

) Time: TBA

18 Jo-Lynne Q. Lee

19 individually and in his/her official capacity as
Justice of the Superior Court of Alameda
County

) Dept: 7 floor 19th

21 Co-Legal Defendant

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24 **MEMORDUM AND POINTS AUTHORITY IN SUPPORT OF**
25 **EX-PARTE APPLICATION FOR ORDER TO SHOW CAUSE TEMPORARY**
26 **RESTRAINING ORDER RE PRELIMINARY**

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In any case when a party violates a citizen United States Constitutional rights as guaranteed by the United States of America, a Plaintiff is entitled to injunctive relief and it is axiomatic that you cannot proceed on an unlawful detainer for ZERO AMOUNT OF RENT DUE when all the rents are current, and WITHOUT PROVIDING A "Notice to Pay Rent or Quit" AND/OR A NOTICE OF TERMINATION OF TENANCY AS REQUIRED BY FEDERAL AND STATE LAW.

As the Court of appeal stated in **Burtscher v. Burtscher**, 26 Cal. App. 4th 720 (1994) held as follows:

"We can perceive of situations where it may be difficult to distinguish between when a lawyer is representing a client and when he or she is an integral part of a conspiracy to defraud a third person, but that is not our case. In our case, attorney Hobbs resorted to self-help (with a little help from her cousin) in going onto the property and unilaterally retaking possession in circumstances where a lawyer would be serving a notice to quit, filing an unlawful detainer action and getting a court order. Hobbs actively participated in conduct that went way beyond the role of legal representative: self-help is not the practice of law. The facts establish a *prima facie* case.

In this case as stated above the attorneys while William Gil were representing the Roger and Mary Tonna in bring an unlawful detainer, decided to deceive the Court and plaintiff herein in violation of California Criminal statute, to wit section 6128 (a) of the Business & Professions Code. Lynne-Q-Lee joined the conspiracy, as she had a answer from the Plaintiff, and knew the Plaintiff was in legal possession of her apartment and there was no jurisdiction of the Court to proceed in the unlawful detainer.

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1 It is plaintiff contention herein the Attorneys, his client the Tonna's and the Judge in
 2 question not only had a legal duty to so inform the Court that the unlawful detainer **had to be**
 3 **dismissed but by agreeing** to proceed against plaintiff herein, these attorney, their client,
 4 engaged into a civil compromise which is atrocious as clearly a cause of action for possession of
 5 the Plaintiff apartment for ZERO AMOUNT OF RENT DUE, WITHOUT PROVIDING A
 6 NOTICE OF TERMINATION OF TENANCY cannot go forward. The Court of Appeal, in
 7 Panoutsopolus v. Chambliss, 157 Cal App 4th 297 (2007) stated the controlling principles of law
 8 as follows:

11 "A civil conspiracy however atrocious,
 12 does not per se give rise to a cause of
 13 action unless a civil wrong has been
 14 committed resulting in damage. [Citations]."
 15 "The elements of an action for civil conspiracy
 16 are the formation and operation of the conspiracy
 17 and damage resulting to plaintiff from an act or
 18 acts done in furtherance of the common design.
 19 In such an action the major significance of the
 20 conspiracy lies in the fact that it renders each
 21 participant in the wrongful act responsible as a joint
 22 tortfeasor for all damages ensuing from the wrong,
 23 irrespective of whether or not he was a direct actor
 24 and regardless of the degree of his activity. [Citations.]"

25
 26 In this case the attorneys sought to deceive the Plaintiff and the Court, in violation of
 27 B & P Code section 6128 (a) that he unlawful detainer could proceed, when in fact the Court
 28 never had jurisdiction to enter a Judgment for possession of the plaintiff apartment.

29 Plaintiff in this case has established a "reasonable probability" that plaintiff can prevail in
 30 this case and has show in her [proposed]original verified complaint that a malicious, wrongful

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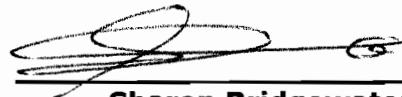
1 eviction has occurred in this case and the court did not have jurisdiction at the time of the
2 trial date, and what is even more proof of the fraudulent conduct of the attorneys in question
3 herein all defendants discriminated against the Plaintiff based on the Plaintiff being "socially
4 economically disadvantaged, and a member of a class based and/or race discriminatory animus.
5

6 The Defendants are indebted to the Plaintiff, the Defendants have fraudulently
7 transferred property and assets; remedies include: (1) voiding the transfer or obligation to satisfy
8 the debt, (2) obtaining a prejudgment seizure against the transferred asset or property of the
9 transferee, (3) restraining the further transfer or relocation of the asset, or (4) seeking the
10 appointment of a receiver to protect the asset. For this reason the Plaintiff is entitled to all above
11 action to insure a monetary judgment.
12

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15 Sept 13, 2011

16 AUGUST 2011



17 **Sharon Bridgewater**

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