

EXHIBIT [E13]

CONVERSATION BETWEEN ADAM BEREKI (PLAINTIFF/PETITIONER) AND
INVESTIGATOR ANDERSON OF THE
ORANGE COUNTY SHERIFF-CORONER DEPARTMENT¹

SEPTEMBER 15, 2020

[ringing]

[(0:02)] Inv. Anderson: Investigation. Investigator Anderson.

[(0:04)] Plaintiff: Hi! My name is Adam Bereki. How are you?

[(0:07)] Inv. Anderson: I'm well, Sir.

[(0:08)] Plaintiff: I'm calling in regards to a case that was assigned to you. Just to follow up with you on it, see where you are at, and I have some more stuff to add. Is now a good time to talk?
Or...

[(0:22)] Inv. Anderson: Well, here's a couple of things. The quick rundown is, I'm going to submit it to the DA at this point, to have them look at it because based on what I see in the report it looks like I'm trying to figure out if this is the appropriate agency to be. because essentially, it sounds like you're alleging that a judicial officer is violating your constitutional rights and conducting cruel conduct which is related to this civil court proceedings Is that a somewhat accurate summary.

[(0:55)] Plaintiff: Yes, but it's not just him. It's the whole state. It's a policy that the judicial branch has. They're doing this and my issue with coming to you guys is that the law was promulgated by the legislature.

The judicial branch has upheld it. It is effectively like the policy of California. And there are essentially few other alternative ways to do anything about it, other than to have the executive branch, in forth, to do it's duty to enforce the law and hold the other two branches accountable. Does that make sense?

[(1:41)] Inv. Anderson: Yeah. I hear what you're saying and it's reference to the deputy's reports that they took. The idea of whole checks and balances. My concern is finding the appropriate agency to conduct that investigation whether it's you or whether this actually belongs in this

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judicial system for the due process, right, which I think, reading your report you've been through some of that and didn't get as far as you would have liked.

So that's what I had it. I'm looking at it. I need to talk to the DA's office. It is a strong possibility that there might be another agency, Mr. Bereki, that would be better suited for this, thinking like State DOJ perhaps? Or maybe the FBI. right because we're talking about a potential criminal investigation into which judiciary, right?

[(2:34)] Plaintiff: Right.

[(2:35)] Inv. Anderson: So, that's what I'm looking at. I'm asking for some other people who take a look at it before I get you involved with it. I will definitely keep you posted, okay?

[(2:46)] Plaintiff: I respect that.

[(2:47)] Inv. Anderson: My concern is [inaudible] because I want to make sure that it is handled correctly. Okay?

[(2:55)] Plaintiff: I totally get that. Just to give you other a little bit more info, I did file a complaint with the Council on the Commission on Judicial Performance, which is the agency that reviews the judges. They kick my-

[(3:10)] Inv. Anderson: Who are they, Adam?

[(3:12)] Plaintiff: That's a California agency. It's called the Commission on Judicial Performance.

[(3:18)] Inv. Anderson: Is that in the Governor's office or the state?

[(3:20)] Plaintiff: No. It's run by the Judicial Council of California, I believe. It falls under them.

[(3:28)] Inv. Anderson: Judicial-

[(3:29)] Plaintiff: Performance. Commission on Judicial Performance.

[(3:33)] Inv. Anderson: On Judicial Performance

[(3:34)] Plaintiff: Yes. Now, they kicked my report back and said, "Basically, you're complaining about legal errors by the judge." My issue with that is, that they might be legal errors but there are also deprivations of rights. They're criminal if they take property without going through the channels that are established by the constitutions.

That's one agency that I've gone to. I did contact the FBI twice. The first time- I called the FBI because, on the Department of Justice's website, the US DOJ's website, they say when you have a deprivation of rights case by under 18, U.S.C 241 or 242, call the FBI. So, I called the FBI and whoever the joker was that answered the phone basically said, "We don't investigate that," and then hanged up on me when I tried to ask him more questions. I called him back- go ahead.

[(4:34)] Inv. Anderson: Did you call the public access line? The tel. line?

[(4:38)] Plaintiff: I called whatever number was to report an incident - the crime, tip line. I've since served the public records request on the FBI to get a copy of that tape, but they're claiming, "We don't have a copy of the tape of the call." They also claim that they don't have any records of any policies on when they're supposed to take a and when they're not. I waited a couple of months and called the FBI again. I, this time spoke to a duty agent. He took my information and said that he would file a complaint but refused to give me his name or case number. I called back-

[(5:28)] Inv. Anderson: What office that was at?

[(5:30)] Plaintiff: I believe it was Orange.

[(5:33)] Inv. Anderson: Orange?

[(5:34)] Plaintiff: Yeah. And then, I called-

[(5:38)] Inv. Anderson: What day is that, Sir? If you recall.

[(5:41)] Plaintiff: I'm going to say maybe 3 months ago? 2 months ago?

[(5:46)] Inv. Anderson: 2 to 3 months ago, okay.

[(5:48)] Plaintiff: I called back again about a few weeks ago and asked to get the status of the report or to get the case number or the agent's name and they refuse to give me all of those.

[(5:59)] Inv. Anderson: Okay.

[(6:04)] Plaintiff: That's where it's at. I think that in the report, they do mention something about me, filing a claim in federal court. It's the-

[(6:16)] Inv. Anderson: The report that the deputy took from you.

[(6:19)] Plaintiff: No, it's on page 2 of 3. It says "Adam filed the complaint with the U.S Supreme Court." No, that's not true. What I did was, because California will not recognize what they're doing, I went to Federal Court to have the Federal Court vacate the void judgment that California's doing because you can't get any help in California.

So, that judge threw my case out and said basically, that she didn't have the authority to hear and determine the case and so then when I tried to file an appeal, she told the appellate Court that my appeal was bad faith and frivolous. So, I filed-

[(7:08)] Inv. Anderson:[crosstalk] federal Court, not the U.S Supreme court. Is that the correction you want.

[(7:11)] Plaintiff: Well, it's the 9th Circuit. Yes. I went to the Federal District Court for the Central District of California. She dismissed my case because the Court didn't have subject matter jurisdiction, so she says.

The kind of the basic premise of that is that the feds can't overrule a valid state judgements. My issue is that it's not a valid judgment because they did it without authority. That's why I was going to have them vacate the judgments.

Once she dismissed my case, I went to file an appeal in the 9th Circuit and the district court judge filed a document stating that my appeal was taken on bad faith and frivolous.

Back in March of 2020, this year, I was able to file a statement of why the appeal should go forward. I've not heard anything back. It's been 6 months now. I've also been reaching out to local legislators. I did the Assemblywoman Cottie Petrie-Norris in my district and up until Friday of this week, she's refused to be in touch with me for about 8 months. She's refused to communicate with me. I did also contact Senator Moorlach who's also in my district. He closed my complaint.

[(8:53)] Inv. Anderson: Yup. I don't know what to tell you other than where I am right now. I'm trying to look for someone in the DA's office to review it, to see if we move it forward, or if there is a better agency that will be more appropriate.

[(9:10)] Plaintiff: I hear you. I tried the-

[(9:13)] Inv. Anderson: I do anything as soon I get more of that, I will for sure reach out to you.

[(9:18)] Plaintiff: Great. I also did send the email to the California Attorney General, their public information unit. I asked them for the procedure to file a deprivation of rights complaint against the public official. I did that about a week ago. No one's responding to me.

I hear you with the DOJ thing, I think it's a great idea. But basically, coming to you because nobody else is doing anything. I just wanted to add one more thing, at the end of the report, it is Adam who said you would hold the sheriff's department responsible for your failure to adequately investigate his claims. Yes. I think that you guys have a duty to investigate, and also to protect me, and to intervene when my rights and property are being violated and unlawfully taken. I would like to add that too.

It's not just a matter of whether someone finds it criminal or not. It's a matter that my rights are being violated and that I'm reporting it to the executive branch of government. I feel that you guys have a duty to protect my rights and property from being taken under color of law without authority.

[(10:37)] Inv. Anderson: Alright. I'm going to do my best to figure out what correct executive branch would investigate that for you.

[(10:44)] Plaintiff: Thank you. I appreciate your help so much.

[(10:47)] Inv. Anderson: Alright.

[(10:47)] Plaintiff: Have a good day!

[(10:48)] Inv. Anderson: Talk to you in the future.

[(10:49)] Plaintiff: Okay. Bye.

[END]