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January 31, 2019

Supreme Court of New Jersey  
Advisory Committee on Judicial Conduct  
Richard J. Hughes Justice Complex  
P.O. Box 037,  
Trenton, New Jersey 08625-0037

**Re: Complaint regarding violations of Canons of Judicial Conduct by Judge Mark P. Ciarrocca.**

Dear Sir/Madam,

I ("Kaul") wish to file a formal complaint against Judge Mark P. Ciarrocca ("Ciarrocca") for violations of the New Jersey Code of Judicial Conduct.

Please find below a chronology of the relevant facts, and the CANONS that were violated by the alleged misconduct of the accused jurist.

## **Chronology of Relevant Fact**

1. **August 12, 2018: Allstate v Casatelli – UNN-L-1762-12 + Allstate v Kaul – UNN-L-322-15 + Santos v Kaul – UNN-L-3322-15:** On August 9, 2018 Kaul argued three motions before Ciarrocca, and upon conclusion of the hearing obtained a copy of the court audio file. Kaul subsequently discovered that the audio recording had been falsified, and on August 12, 2018 he sent a letter (**Exhibit 1**) to Ciarrocca, in which, amongst other things, he stated:

### **Evidence Tampering**

**“On August 9, 2018 upon conclusion of argument, I proceeded to the records and transcript office in order to obtain an audio file of the hearing. The process involves a copy + paste from the Court server onto a CD, and on previous occasions when I have requested the file in person, it has taken no longer than ten (10) minutes. However, on August 9, 2018 it took almost one (1) hour from the time I made the request to the moment I received the CD.**

**On August 11, 2018 I discovered that the audio file had been truncated, and that it stopped at a point just before the commencement of argument regarding Allstate’s motion for default judgment, this being the segment in which I raised the issue of political corruption in the Christie administration.**

**Within this section I also want to bring to the Court’s attention further evidence in support of the charge of Evidence Tampering. On July 6, 2018 during oral argument on a motion in Santos v Kaul, Judge Kenneth Grispin characterized as “*queer*” my e-mail response of “*Thank you*” to an e-mail from his law clerk, Katherine Diccicco. I specifically remember thinking it was an inappropriate term, but one that I considered to be evidence of the bias held towards me by Judge Grispin, and evidence that would be relevant to a complaint of judicial misconduct. However, when I listened to the audio file this term had been deleted.”**

Ciarrocca did not contest any of Kaul’s assertions.

2. **January 15, 2019: Kaul v Christie: 16-CV-02364 + Allstate v Kaul-UNN-L-322-15:** On January 8, 2019, Allstate New Jersey Insurance Company, a defendant in K1 + K2, filed a motion to enter default judgment against Kaul. The motion was a seventeen thousand and fifty-page (17,050) submission, with a return date of January 25, 2019. Kaul sent a letter to Judge Steven C. Mannion, in the matter of K1, that sought to ensure that any judgments rendered by Ciarrocca were held null + void, based on the doctrine of ‘Fraud on the Court’ and Ciarrocca’s refusal to recuse himself from the case (**Exhibit 2**). Below is an excerpt from a motion for summary judgment, that by the time this complaint is submitted, will have been filed in the United States District Court, District of New Jersey in K1. The excerpt

details the chronology of the events surrounding Ciarrocca's improper involvement in the case:

**Excerpt Start**

1. **K1/K2 defendant Allstate's conversion of the Union County Court of the New Jersey Superior Court System, into a RICO enterprise:** On January 8, 2019 K1/K2 defendant Allstate filed a motion in the Union County Court of the New Jersey Superior Court system, that sought to have default judgment entered against Kaul in the matter of Allstate v Kaul: UNN-L-322-15. The case was submitted before Mark P. Ciarrocca, a lawyer who had been appointed to the bench by K2 defendant Christie, and an individual that has received and receives bribes from K1/K2 defendant Allstate. The motion was made returnable on January 25, 2019. The total number of pages submitted was seventeen thousand and fifty (17,050). The following sequence of events confirm that there is no question of material fact that K1/K2 defendant Allstate has converted the Union County Court of the New Jersey Superior Court system into a racketeering enterprise, in which state judges, Kenneth J. Grispin + Mark P. Ciarrocca have, in collusion with K1/K2 defendant, engaged in criminal violations of RICO, that Kaul will request be referred to the Washington Bureau of the FBI, by the both the United States Supreme Court and the Third Circuit Federal Court of Appeals. The corruption in this court is profound and is a fundamental threat to the fabric of democracy:

(a) **January 15, 2019:** Kaul sent a letter to Judge Mannion, United States District Court, District of New Jersey, that sought to hold null + void any judgments rendered by Mark P. Ciarrocca:

***"Defendant Allstate's motion in a corrupted New Jersey state court will result in judgments that have no legal validity. Kaul, therefore, moves this Court, in the interests of justice and based on the doctrine of 'Fraud on the Court' to recognize as null + void any such judgments."***

(b) **January 16, 2019:** Kaul filed a motion for judicial disqualification of Mark P. Ciarrocca, in which he made the following arguments:

***"Judge Mark P. Ciarrocca must be disqualified from the case because he was appointed to the bench by K2 defendant, Christopher J. Christie, and because his actions, words and appearance of impropriety have proved his [sic] is unable to adjudicate the matter in a fair and unbiased manner."***

***"Judge Mark P. Ciarrocca must be disqualified from the case because on August 9, 2018 he engaged in Evidence Tampering, when either he or a representative of is chamber, ordered the falsification of the court audio recording."***

(c) **January 21, 2019:** Kaul sent an e-mail to counsel for Allstate that requested the motion be adjourned to February 8, 2019.

(d) January 22, 2019: Kaul received an e-mail from counsel for Allstate, that denied his request for an adjournment.

(e) January 22, 2019: Kaul filed a Writ of Mandamus with the New Jersey Supreme Court that sought the following:

**"1. Enter an order that immediately stays any and all motions/litigation/judgment enforcement in Allstate v Kaul: UNN-L-322-15, pending the conclusion of all claims against Defendant Allstate in Kaul v Christie: 16-CV-02364 + Kaul v Christie: 18-CV-08086"**

**"2. Enter an order that immediately disqualifies Judge Mark P. Ciarrocca from the case, and re-appoint the case to a County Court that is not in Union, Morris or Bergen County."**

The New Jersey Supreme Court did not respond.

(f) January 23, 2019: Kaul filed opposition papers to the motion of K1/K2 defendant Allstate, that chronicles the judicial violations and crimes committed within the Union County Court by Kenneth J. Grispin + Mark P. Ciarrocca. The process server was verbally abused by the filing clerk in the Union County Court, who misrepresented that she had told Kaul that his submission was too large, and that the judge would not read it. Kaul's submission was approximately two hundred and fifty pages (250), while that of Allstate was seventeen thousand and fifty (17,050). In the papers Kaul states, amongst other things:

**"No other insurance company in the United States, including Medicare, that of the United States Federal Government, found any of the "fantastical" and frivolous claims that K1/K2 defendant Allstate alleges, in what Kaul assures this K1/K2 defendant, will become an increasingly isolated position, a precursor to their corporate annihilation. Enron + Tyco and many others never imagined they would 'crumble', but they are no more."**

(g) January 25, 2019: Mark P Ciarrocca entered an order, in which he refused to consider Kaul's submission, and in which he granted the entirety of K1/K2 defendant Allstate's evidence free complaint + illegally conducted motion.

This order and the case that caused it, provide evidence in support of Kaul's claims against K1/K2 defendant Allstate: **(i) COUNT TWO – VIOLATIONS OF 18 U.S.C. § 1962(C)-(D) THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT, 18 U.S.C. § 1961 ET SEQ (By Plaintiff against Defendants Allstate + Geico + TD + Kothari). The CAGTK RICO Association-In-Fact-Enterprise; (ii) COUNT ELEVEN – Deprivation of Right under Color of Law (By**

*Plaintiff against Defendants Kaufman in his official capacity + Przybylski in his official capacity + Allstate + Geico); (iii) COUNT TWELVE – Commercial disparagement (By Plaintiff against Defendants ASIPP + Kaufman + Przybylski + Peterson + Allstate + Geico + UH + Mitchell + Cohen + HUMC + AHS); (iv) COUNT THIRTEEN – Intentional interference with prospective economic advantage (By Plaintiff against Defendants ASIPP + Kaufman + Staats + Przybylski + CNS + Peterson + Allstate + Geico + UH + Mitchell + Cohen + HUMC + AHS); (v) COUNT FOURTEEN – Aid in the Commission of Tort (Against all Defendants).*

**Excerpt End**

3. January 16, 2019: Allstate v Kaul-UNN-L-322-15: Kaul filed a motion for judicial disqualification of Ciarrocca (**Exhibit 3**). Ciarrocca ignored the motion.
4. January 22, 2019: Allstate v Kaul-UNN-L-322-15: Ciarrocca's failure to respond to Kaul's motion caused Kaul to submit a Writ of Mandamus to the New Jersey Supreme Court (**Exhibit 4**).
5. January 25, 2019: Allstate v Kaul-UNN-L-322-15: Ciarrocca entered an order on January 25, 2019 that granted Allstate's motion in its entirety, with a monetary award against Kaul of almost \$ 6 million. Ciarrocca refused to consider Kaul's opposition papers.

## **Canons Violated**

### **CANON 1:**

An independent and impartial judiciary is indispensable to justice. A judge therefore shall uphold and should promote the independence, integrity and impartiality of the judiciary.

#### **RULE 1.1 Independence, Integrity and Impartiality of the Judiciary.**

A judge shall participate in establishing, maintaining and enforcing, and shall personally observe, high standards of conduct so that the integrity, impartiality and independence of the judiciary is preserved. This Code shall be construed and applied to further these objectives.

#### **RULE 1.2 Compliance with the Law.**

A judge shall respect and comply with the law.

#### **COMMENT:**

Violations of this Code, or violations of law or court rules that reflect adversely on a judge's honesty, impartiality, temperament or fitness constitute a failure to respect and comply with the law

### **CANON 2:**

A judge shall avoid impropriety and the appearance of impropriety.

#### **RULE 2.1 Promoting Confidence in the Judiciary.**

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

#### **COMMENT:**

[1] Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. A judge must avoid all impropriety and appearance of impropriety and must expect to be the subject of constant public scrutiny. This principle applies to both the professional and personal conduct of a judge. A judge must therefore accept restrictions on personal conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.

[2] Actual impropriety is conduct that reflects adversely on the honesty, impartiality, temperament or fitness to serve as a judge.

[3] With regard to the judicial conduct of a judge, an appearance of impropriety is

created when a reasonable, fully informed person observing the judge's conduct would have doubts about the judge's impartiality.

With regard to the personal conduct of a judge, an appearance of impropriety is created when an individual who observes the judge's personal conduct has a reasonable basis to doubt the judge's integrity and impartiality.

**RULE 2.2 External Influences on Judicial Conduct**

**Judges shall decide cases according to the law and facts. Judges shall not permit family, social, political, financial or other relationships or interests to influence their judicial conduct or judgment.**

**RULE 2.3 Avoiding Abuse of the Prestige of Judicial Office**

**(A) A judge shall not lend the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.**

COMMENT:

[1] It is improper for judges to use or attempt to use their position to gain personal advantage or deferential treatment of any kind. For example, it would be improper for a judge to allude to his or her judicial status to gain favorable treatment in encounters with others, such as persons in official positions and members of the public.

**RULE 3.3 Judicial Independence**

**A judge shall be unswayed by partisan interest, public clamor or fear of criticism.**

COMMENT:

A judge shall decide cases without regard to whether particular laws or litigants are popular or unpopular with the public, the media, government officials, or the judge's friends or family. Confidence in the judiciary is eroded if judicial decision-making is perceived to be subject to outside influences.

**RULE 3.5 Demeanor**

**A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall not permit lawyers, court officials, and others subject to the judge's direction and control to display impatience or discourtesy or to detract from the dignity of the court.**

**RULE 3.6 Bias and Prejudice**

**(C) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice or harassment on the bases specified in Rule 3.6(A), and shall not permit court staff, court officials or others subject to the judge's direction and control to do so. This section does not preclude reference to the listed bases when they are issues in or relevant to the proceeding.**

COMMENT:

[2] Examples of manifestations of bias or prejudice include but are not limited to epithets, slurs, demeaning nicknames, negative stereotyping, attempted humor based on stereotypes, threatening, intimidating, or hostile acts, suggestions of connections between race, ethnicity, or nationality and crime and irrelevant references to personal characteristics. Even facial expressions and body language can convey to parties and lawyers in the proceeding, jurors, the media and others an appearance of bias or prejudice. A judge must avoid conduct that may reasonably be perceived as prejudiced or biased.

**RULE 3.8 Ex Parte Communications**

COMMENT:

[2] The proscription against communications concerning a proceeding generally includes communications with or from lawyers and other persons who are participants in the proceeding. It does not preclude a judge from consulting with other judges on pending matters, provided that the judge avoids *ex parte* discussions of a case with judges who have previously been disqualified from hearing the matter and with judges who have appellate jurisdiction over the matter, or from consulting with court personnel whose function is to aid the judge in carrying out adjudicative responsibilities.

**RULE 3.15 Responding to Judicial and Lawyer Misconduct**

**A judge has the following disciplinary responsibilities:**

**(A) A judge who receives reliable information indicating a substantial likelihood that another judge has committed a violation of this Code should take appropriate action. A judge having knowledge that another judge has committed a violation of this Code that raises a substantial question as to the other judge's fitness for office shall inform the appropriate authority.**

**RULE 3.17 Disqualification**

**(B) Judges shall disqualify themselves in proceedings in which their impartiality or the appearance of their impartiality might reasonably be questioned, including but not limited to the following:**

**(1) Personal bias, prejudice or knowledge. Judges shall disqualify themselves if they have a personal bias or prejudice toward a party or a party's lawyer or have personal knowledge of disputed evidentiary facts involved in the proceeding.**

**(C) A judge shall address disqualification or issues of recusal and disqualification promptly upon recognition of grounds which would give rise to partiality or the appearance of partiality.**

COMMENT:

[2] In determining whether disqualification is necessary, the applicable standard is as follows: Would a reasonable, fully informed person have doubts about the judge's impartiality. DeNike v. Cupo, 196 N.J. 502.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Kaul'.

Richard Arjun Kaul, MD