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4 PRO PER

FILED

NOV 13 2023

Clerk of the Court
Superior Court of CA County of Santa Clara
BY [Signature] DEPUTY
M. JOHNSON

5
6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **IN AND FOR THE COUNTY OF SANTA CLARA**

8 KOSTIANTYN MARS

9 Petitioner,

10 vs.

11 HANNA MARS,

12 Respondent.

) Case No.: 22FL003144

) [Hon. Beth McGowen,
) Presiding Judge of Superior Court of California]

) [Dept. 79 – Hon. Andrea Flint,
) Judge to be served the Disqualification
) Statement]

) **NOTICE OF PETITIONER'S VERIFIED**
) **STATEMENT OF DISQUALIFICATION**
) **OF SANTA CLARA SUPERIOR COURT**
) **JUDGE ANDREA E. FLINT**
) **FOR IMPERMISSIBLE CONFLICT OF**
) **INTEREST;**
) **REQUEST FOR HER**
) **DISQUALIFICATION AND**
) **RETROACTIVE NULLIFICATION OF**
) **HER ORDERS**

[Statement of Disqualification and
Memorandum of Points and Authorities filed
concurrently]

(Code Civ. Proc. 170.1(a)(6)A(iii);
170.1(a)(3)A; 170.3)

**TO THE SANTA CLARA COUNTY SUPERIOR COURT AND PRESIDING JUDGE,
HONORABLE BETH MCGOWEN AND RESPONDENT THROUGH COUNSEL:**

Petitioner Kostiantyn Mars hereby gives notice of his verified statement of disqualification against Santa Clara County Superior Court Honorable Andrea E. Flint, by which he makes request for her disqualification and nullification of her orders in this case.

The Verified Disqualification Statement and accompanying memorandum of points and authorities will be filed and served. Code of Civil Proc. 170.3(c)(1)

Respectfully submitted,

DATED: November 12, 2023


KOSTIANTYN MARS
Pro Per

FILED

NOV 13 2023

Clerk of the Court
Superior Court of the County of Santa Clara
BY M. JOHNSON DEPUTY

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6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **IN AND FOR THE COUNTY OF SANTA CLARA**

8 KOSTIANTYN MARS

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10 Petitioner,

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13 Respondent.

) Case No.: 22FL003144

) [Hon. Beth McGowen,
Presiding Judge of Superior Court of California]

) [Dept. 79 – Hon. Andrea Flint,
Judge to be served the Disqualification
Statement]

) **PETITIONER'S VERIFIED
WRITTEN STATEMENT OF
DISQUALIFICATION AGAINST JUDGE
ANDREA E. FLINT
AND FOR RETROACTIVE
NULLIFICATION OF HER ORDERS**

) [Memorandum of Points and Authorities and
Notice filed concurrently]

) (Code Civ. Proc. 170.1(a)(6)A(iii);
170.1(a)(3)A; 170.3)

19
20
21 **TO THE HONORABLE COURT AND RESPONDENT (c/o Counsel):**

22 Petitioner Kostiantyn Mars hereby provides his verified statement for retroactive
23 disqualification of Santa Clara County Superior Court Judge Hon. Andrea E. Flint and request
24 retroactive nullification of her orders back to 10/31/2022.

25 Respectfully submitted,

26
27 DATED: November 12, 2023

28 
KOSTIANTYN MARS
Pro Per

1
2
3 **VERIFIED STATEMENT OF DISQUALIFICATION OF**
4 **SANTA CLARA COUNTY SUPERIOR COURT JUDGE ANDREA E. FLINT**
5

6 Petitioner Kostiantyn Mars, states and declares:

- 7 1. Regrettably, I am compelled to request recusal of Hon. Andrea E. Flint from presiding over
8 case 22FL003144, because of documented undeniable personal conflict of interest of Hon.
9 Andrea E. Flint with Petitioner, after Petitioner stated on record that Judge Flint is
10 investigated for suspect of bribery (punishable by up to 5 years in jail for judge) and
11 intentional severe repetitive misconduct (punishable by resignation from Court)
- 12 2. Hon. Andrea E. Flint confirmed her personal financial interest in the outcome of the case
13 22FL003144 on hearing 10/25/2023 when she removed all witnesses from courtroom and
14 Teams, and confirmed that she is knowingly and intentionally in repetitive violation of Code
15 Civ. Proc. 170.1(a)(6)A(iii); 170.1(a)(3)A; 170.3 despite she has personal interest in the
16 case, and is in obvious undeniable conflict of interest with Petitioner
- 17 3. Hon. Andrea E. Flint, by series of consecutive intentional harmful and wrongful orders,
18 facilitated abduction of my child outside of the United States with the intention to get rid of
19 witness of her bribery;
- 20 4. Hon. Andrea E. Flint knowingly and intentionally falsified court records and removed
21 Emergency Screener recommendations, therefore denying recommended Child Abduction
22 Prevention orders. Judge Flint also knowingly and intentionally denied Child Abduction
23 prevention orders 3 (THREE) times in a row, to facilitate child abduction outside US.
- 24 5. Hon. Andrea E. Flint knowingly and intentionally violated CCP 170.1(a)(6)A(iii);
25 170.1(a)(3)A; 170.3 by repetitive refusal to recuse 7 (SEVEN) times in a row (Evidence 1 –
26 11) despite documented conflict of interest and confirmed personal financial interest in
27 outcome of this case.
28

- 1 6. Hon. Andrea E. Flint, knowingly and intentionally, by consecutive series of intentionally
2 wrongful orders and falsifications of Court records, facilitated orders granting abduction of
3 my son Max Mars outside of the United States by biological mother, violent abuser with
4 documented history of child abduction outside of the United States (2019-2020, Evidence
5 24), and child abduction inside United States (2022-2023, Evidence 34, 35). It is suspected
6 that Hon. Andrea E. Flint is facilitating abduction of my son Max Mars because he became
7 witness of facilitation of bribery while living in full custody of his biological mother, and
8 Hon. Andrea E. Flint is attempting to get rid of witness.
- 9 7. Hon. Andrea E. Flint is suspected in receiving bribe from Respondent, Hanna Mars, in April
10 2023, when parents of Hanna Mars brought lump sum of cash across American border with
11 the goal of illegal influencing outcome of the divorce case 22FL003144 in favor of their
12 daughter, Respondent Hanna Mars. Father of Respondent is well known for illegal criminal
13 activities in Ukraine and has extensive experience in bribing judges and governmental
14 officials in Ukraine using similar scheme with untraceable lump sums of cash.
- 15 8. It is documented in multiple evidence, that Hon. Andrea E. Flint changed her position from
16 legal and lawful to completely opposite right after April 2023. By series of consecutive
17 orders on 06/29/2023, 07/31/2023, 08/01/2023, 09/05/2023, 09/07/2023 Judge Flint made
18 multiple falsifications of Court records solely in favor of Respondent, completely ignoring
19 and unreasonably removing from Court records all evidence, witness statements and even
20 signed emergency screener recommendations. Specific actions of Hon. Andrea E. Flint,
21 confirming her intentional facilitation of Child abduction outside of the United States by
22 Respondent, despite Respondent's documented history of child abduction:
- 23 ☐ Judge Flint unreasonably removed signed Emergency Screener Recommendations
24 (Evidence 18) from Court records, completely denying all recommendations without
25 any consideration (which included Child Abduction Prevention Orders, Mental
26 Health Treatment for Respondent, Parenting Counseling, Prohibition of Domestic
27 Violence, Relief of Custody and Visitations)
- 28

- 1 □ Judge Flint knowingly and intentionally denied Child Abduction Prevention Orders
- 2 consecutively 3 (three) times in a row, despite Respondent's documented history of
- 3 child abduction outside of the United States by Respondent (2019-2020, Evidence
- 4 24) and inside United States (2022-2023, Evidence 34, 35)
- 5 □ Judge Flint denied Minor's Counsel to ensure that there is nobody except self-
- 6 represented Petitioner in this case, who protects safety and best interest of the Child
- 7 □ Judge Flint denied Parenting Counseling to enforce absolutely unreasonable parental
- 8 alienation and ensure that there will be no healthy resolution of custody in
- 9 foreseeable future (which perfectly works for her goal of facilitating abduction of
- 10 minor Child outside of the United States)
- 11 □ Judge Flint denied Mental Health Treatment to Respondent (which was
- 12 recommended by Emergency Screener due to severe symptoms of mental disorder of
- 13 Respondent, documented history of domestic violence, child and elderly abuse, and
- 14 even worth – documented history of repetitive child abduction).
- 15 □ Judge Flint absolutely unreasonably denied relief of Child Custody and Visitations,
- 16 completely ignoring Emergency Screener Recommendations and about 50 pieces of
- 17 Evidence and Witness Statements – but in opposite, absolutely unreasonably granted
- 18 full custody to Respondent, violent abuser with documented history of child and
- 19 elderly abuse and child abduction, and ordered no contact to Petitioner, primary
- 20 parent, who was protecting child from domestic violence of Respondent.
- 21 □ Orders of Judge Flint lead to endorsing and enforcing domestic violence by
- 22 Respondent against minor Child, enforcing parental alienation (because primary
- 23 parent, father, was unreasonably completely removed from Child's life), grant and
- 24 facilitate Child Abduction outside of the United States (by denying Child Abduction
- 25 Prevention Orders, granting full custody to parent who abducted Child, and ordering
- 26 primary parent to give up Child's passport and all documents to violent abuser who
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- 28

1 threatened to abduct and “bury our child in Ukrainian soil so you will never see him
2 again”

3 9. Extreme prejudice of Judge Flint in favor of Respondent is documented in multiple orders
4 that completely ignore Law, evidence and facts of the case, and ultimately just blindly serve
5 in favor of Respondent, including:

- 6 ☐ Denying Motion to Put Respondent in Contempt of Court (08/01/2023) for Child
7 Abduction in April 2023, malicious custody and visitation deprivation that violates
8 CCP 278.5, impermissible pressure on Emergency Screener and Professional
9 Supervisors that lead to blocking Emergency Screening and withdrawal of
10 supervisors - therefore violating Court orders from 10/31/2023 (that prescribed to
11 participate and cooperate in Emergency Screening and Professionally Supervised
12 Visitations). Judge Flint denied Motion without any consideration and refused to
13 review multiple pieces of evidence and witness statements, filed with the Court
- 14 ☐ Denying Motion to Disqualify Opposing Counsel (08/01/2023) for impermissible
15 conflict of interest, impermissible pressure on emergency screener and professional
16 supervisors, unethical conduct and violation of professional and ethical standards.
17 Judge Flint denied motion without any consideration, and refused to review any
18 evidence
- 19 ☐ Denying Child Abduction Prevention Orders and unreasonably removing signed
20 Emergency Screener Recommendations from Court records (06/29/2023), refusing to
21 subpoena Emergency Screener on safety and best interest of the Child, denying Child
22 Abduction Prevention Orders (despite those were requested due to Child Abduction
23 in April 2023 and were also recommended by Emergency Screener), granting full
24 custody to violent abuser with documented history of child and elderly abuse, and
25 documented history of Child Abduction outside of the United States, and granting
26 no-contact orders with primary parent, father, without any legal or ethical grounds
27 for that.

1 10. Hon. Andrea E. Flint, knowingly and intentionally, by consecutive series of intentional
2 wrongful orders and falsifications of Court records, facilitated full custody over my son Max
3 Mars, to his biological mother, violent abuser with documented history of child and elderly
4 abuse.

5 11. Judge Flint repetitively refused to recuse 7 (SEVEN) times in a row, which confirms her
6 determination to stay on the case despite clearly confirmed personal interest in the case
7 outcome – which confirms that Hon. Andrea E. Flint is in intentional repetitive violation of
8 Code Civ. Proc. 170.1(a)(6)A(iii); 170.1(a)(3)A; 170.3

9 12. 10/25/2023 Hon. Andrea E. Flint had confirmed her personal financial interest in this case,
10 and personally confirmed that she knowingly and intentionally refuses to clear allegations of
11 bribery by conscious recusal. Furthermore, Judge threatened to punish me personally for
12 request for recusal on a Trial on November 13, 2023, 9:00am.

13
14 In the light of aforementioned, I am compelled to request recusal of Hon. Andrea E. Flint from
15 presiding over case 22FL003144, pursuant Code Civ. Proc. 170.1(a)(6)A(iii); 170.1(a)(3)A; 170.3;
16 and request retroactive nullification of her orders back to 10/31/2022.

17
18 I declare on penalty of perjury under the laws of the State of California that the foregoing is true
19 and correct, and I separately verify this statement by the attached verification.

20
21 Executed at San Jose, California.

22
23
24 DATED: November 12, 2023


KOSTIANTYN MARS

25
26 [Verification attached]

27 [Evidence List and Evidence 1 – 36 attached]
28

1 **VERIFICATION**

2 I, Kostiantyn Mars, declare as follows:

- 3
- 4 1. I am the Petitioner in this case.
- 5 2. I have personal knowledge of the foregoing facts. I make this declaration because I
- 6 have personal knowledge and experience with the facts.
- 7 3. I certify that the facts attested to in the foregoing verified Statement of
- 8 Disqualification are true and correct.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is

10 true and correct and that this verification is executed on

11 November 12, 2023, at San Jose, California.

12

13 

14

KOSTIANTYN MARS

FILED

NOV 13 2023

Clerk of the Court
Superior Court of California County of Santa Clara
BY M. JOHNSON DEPUTY

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PRO PER

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA**

KOSTIANTYN MARS

Petitioner,

vs.

HANNA MARS,

Respondent.

Case No.: 22FL003144

[Hon. Beth McGowen,
Presiding Judge of Superior Court of California]

[Dept. 79 – Hon. Andrea Flint,
Judge to be served the Disqualification
Statement]

**PETITIONER'S
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF HIS
VERIFIED STATEMENT OF
DISQUALIFICATION AGAINST SANTA
CLARA SUPERIOR COURT JUDGE
ANDREA E. FLINT
AND FOR NULLIFICATION OF HER
ORDERS**

[Verification Statement of Disqualification
and Notice filed concurrently]

(Code Civ. Proc. 170.1(a)(6)A(iii);
170.1(a)(3)A; 170.3)

**TO THE SANTA CLARA COUNTY SUPERIOR COURT AND PRESIDING JUDGE,
HONORABLE BETH MCGOWEN AND RESPONDENT THROUGH COUNSEL:**

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I. INTRODUCTION

Petitioner Kostiantyn Mars seeks to disqualify the Hon. Andrea E. Flint retroactively in order to void her orders for the time period she presided in this case, Dissolution of Family Mars, from October 31, 2023 until today.

This Memorandum accompanies Petitioner's Verified Statement of Disqualification to be filed and served Judge Flint.

Hon. Andrea E. Flint has documented and undeniable personal conflict of interest with Petitioner, after Petitioner stated on record that he reported Judge Flint to government authorities for suspect of bribery and intentional severe and repetitive judicial misconduct.

Hon. Andrea E. Flint knowingly and intentionally, by series of intentional harmful and wrongful orders, facilitated abduction of Petitioner's child outside of the United States, with the clear goal to get rid of witnesses of bribery, that is suspected to happened in April 2023.

Hon. Andrea E. Flint knowingly and intentionally falsified court records, removed Emergency Screener recommendations, and denied Child Abduction orders 3 (THREE) times in a row, therefore preparing grounds for Child abduction outside of the United States with the goal to get rid of witness of bribery.

On 10/25/2023 Hon. Andrea E. Flint, after removal all witnesses from both courtroom and Teams, confirmed her personal financial interest in this case, repetitively refused to recuse 7th (SEVENTH) time in a row, and personally confirmed that she knowingly and intentionally refuses to clear allegations of bribery by conscious recusal.

Furthermore, Judge Flit threatened to punish Petitioner personally for request for recusal on a Trial on November 13, 2023, 9:00am.

Judge who has personal conflict of interest with party in the case, or has personal interest in the case, is legally obliged to recuse themselves pursuant Code Civ. Proc. 170.1(a)(6)A(iii); 170.1(a)(3)A; 170.3;

In the light of aforementioned, I request retroactive nullification of orders back to 10/31/2022.

II. BACKGROUND FACTS

1. Regrettably, I am compelled to request recusal of Hon. Andrea E. Flint from presiding over case 22FL003144, because Hon. Andrea E. Flint confirmed that she has personal financial interest in the outcome of the case 22FL003144, is knowingly and intentionally in repetitive violation of Code Civ. Proc. 170.1(a)(6)A(iii); 170.1(a)(3)A; 170.3; and is suspected in facilitation of Child abduction outside of the United States with intention to get rid of witness of her bribery.
2. Hon. Andrea E. Flint knowingly and intentionally violated CCP 170.1(a)(6)A(iii); 170.1(a)(3)A; 170.3 by repetitive refusal to recuse 7 (SEVEN) times in a row (Evidence 1 – 11) despite her clear confirmation of personal financial interest in outcome of this case.
3. Hon. Andrea E. Flint, knowingly and intentionally, by consecutive series of intentionally wrongful orders and falsifications of Court records, facilitated orders granting abduction of my son Max Mars outside of the United States by biological mother, violent abuser with documented history of child abduction outside of the United States (2019-2020, Evidence 24), and child abduction inside United States (2022-2023, Evidence 34, 35). It is suspected that Hon. Andrea E. Flint is facilitating abduction of my son Max Mars because he became witness of facilitation of bribery while living in full custody of his biological mother, and Hon. Andrea E. Flint is attempting to get rid of witness.
4. Hon. Andrea E. Flint is suspected in receiving bribe from Respondent, Hanna Mars, in April 2023, when parents of Hanna Mars brought lump sum of cash across American border with the goal of illegal influencing outcome of the divorce case 22FL003144 in favor of their daughter, Respondent Hanna Mars. Father of Respondent is well known for illegal criminal activities in Ukraine and has extensive experience in bribing judges and governmental officials in Ukraine using similar scheme with untraceable lump sums of cash.

1 5. It is documented in multiple evidence, that Hon. Andrea E. Flint changed her position from
2 legal and lawful to completely opposite right after April 2023. By series of consecutive
3 orders on 06/29/2023, 07/31/2023, 08/01/2023, 09/05/2023, 09/07/2023 Judge Flint made
4 multiple falsifications of Court records solely in favor of Respondent, completely ignoring
5 and unreasonably removing from Court records all evidence, witness statements and even
6 signed emergency screener recommendations. Specific actions of Hon. Andrea E. Flint,
7 confirming her intentional facilitation of Child abduction outside of the United States by
8 Respondent, despite Respondent's documented history of child abduction:

- 9 ☐ Judge Flint unreasonably removed signed Emergency Screener Recommendations
10 (Evidence 18) from Court records, completely denying all recommendations without
11 any consideration (which included Child Abduction Prevention Orders, Mental
12 Health Treatment for Respondent, Parenting Counseling, Prohibition of Domestic
13 Violence, Relief of Custody and Visitations)
- 14 ☐ Judge Flint knowingly and intentionally denied Child Abduction Prevention Orders
15 consecutively 3 (three) times in a row, despite Respondent's documented history of
16 child abduction outside of the United States by Respondent (2019-2020, Evidence
17 24) and inside United States (2022-2023, Evidence 34, 35)
- 18 ☐ Judge Flint denied Minor's Counsel to ensure that there is nobody except self-
19 represented Petitioner in this case, who protects safety and best interest of the Child
- 20 ☐ Judge Flint denied Parenting Counseling to enforce absolutely unreasonable parental
21 alienation and ensure that there will be no healthy resolution of custody in
22 foreseeable future (which perfectly works for her goal of facilitating abduction of
23 minor Child outside of the United States)
- 24 ☐ Judge Flint denied Mental Health Treatment to Respondent (which was
25 recommended by Emergency Screener due to severe symptoms of mental disorder of
26 Respondent, documented history of domestic violence, child and elderly abuse, and
27 even worth – documented history of repetitive child abduction).

- 1 □ Judge Flint absolutely unreasonably denied relief of Child Custody and Visitations,
2 completely ignoring Emergency Screener Recommendations and about 50 pieces of
3 Evidence and Witness Statements – but in opposite, absolutely unreasonably granted
4 full custody to Respondent, violent abuser with documented history of child and
5 elderly abuse and child abduction, and ordered no contact to Petitioner, primary
6 parent, who was protecting child from domestic violence of Respondent.
- 7 □ Orders of Judge Flint lead to endorsing and enforcing domestic violence by
8 Respondent against minor Child, enforcing parental alienation (because primary
9 parent, father, was unreasonably completely removed from Child’s life), grant and
10 facilitate Child Abduction outside of the United States (by denying Child Abduction
11 Prevention Orders, granting full custody to parent who abducted Child, and ordering
12 primary parent to give up Child’s passport and all documents to violent abuser who
13 threatened to abduct and “bury our child in Ukrainian soil so you will never see him
14 again”
- 15 6. Extreme prejudice of Judge Flint in favor of Respondent is documented in multiple orders
16 that completely ignore Law, evidence and facts of the case, and ultimately just blindly serve
17 in favor of Respondent, including:
- 18 □ Denying Motion to Put Respondent in Contempt of Court (08/01/2023) for Child
19 Abduction in April 2023, malicious custody and visitation deprivation that violates
20 CCP 278.5, impermissible pressure on Emergency Screener and Professional
21 Supervisors that lead to blocking Emergency Screening and withdrawal of
22 supervisors - therefore violating Court orders from 10/31/2023 (that prescribed to
23 participate and cooperate in Emergency Screening and Professionally Supervised
24 Visitations). Judge Flint denied Motion without any consideration and refused to
25 review multiple pieces of evidence and witness statements, filed with the Court
- 26 □ Denying Motion to Disqualify Opposing Counsel (08/01/2023) for impermissible
27 conflict of interest, impermissible pressure on emergency screener and professional
28

supervisors, unethical conduct and violation of professional and ethical standards. Judge Flint denied motion without any consideration, and refused to review any evidence

- Denying Child Abduction Prevention Orders and unreasonably removing signed Emergency Screener Recommendations from Court records (06/29/2023), refusing to subpoena Emergency Screener on safety and best interest of the Child, denying Child Abduction Prevention Orders (despite those were requested due to Child Abduction in April 2023 and were also recommended by Emergency Screener), granting full custody to violent abuser with documented history of child and elderly abuse, and documented history of Child Abduction outside of the United States, and granting no-contact orders with primary parent, father, without any legal or ethical grounds for that.

7. Hon. Andrea E. Flint, knowingly and intentionally, by consecutive series of intentional wrongful orders and falsifications of Court records, facilitated full custody over my son Max Mars, to his biological mother, violent abuser with documented history of child and elderly abuse.

8. Judge Flint repetitively refused to recuse 7 (SEVEN) times in a row, which confirms her determination to stay on the case despite clearly confirmed personal interest in the case outcome – which confirms that Hon. Andrea E. Flint is in intentional repetitive violation of Code Civ. Proc. 170.1(a)(6)A(iii); 170.1(a)(3)A; 170.3

9. 10/25/2023 Hon. Andrea E. Flint had confirmed her personal financial interest in this case, and personally confirmed that she knowingly and intentionally refuses to clear allegations of bribery by conscious recusal. Furthermore, Judge threatened to punish me personally for request for recusal on a Trial on November 13, 2023, 9:00am.

In the light of aforementioned, I am compelled to request recusal of Hon. Andrea E. Flint from presiding over case 22FL003144, pursuant Code Civ. Proc. 170.1(a)(6)A(iii); 170.1(a)(3)A; 170.3; and request retroactive nullification of her orders back to 10/31/2022.

III. LEGAL STANDARD TO DISQUALIFY JUDGE

A judge shall be disqualified if “a person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial” (Cal. Code Civ. Pro 170.1(a)(6)(A)(iii)) as the California Supreme Court explained:

[I] It is not enough that a judicial decision be sound. It is of next importance that the tribunal rendering it be free from the charge of interest or the taint of partiality, else public confidence will be destroyed and judicial usefulness gravely impaired.

Meyers v. San Diego (1898) 121 Cal. 102, 104

Judges are required to be impartial and unbiased by the due process clause – applicable to state judges under US Const., Amend. XIV Aetna Life Ins. Co v Lavoie (1986) 475 US 813 The main underlying policy is to promote public confidence in the integrity of the judicial process. Lilieberg v Health Services Acquisition Corp, (1998) 484 US 874, 859-860

The standard for recusing judge under Sec. 170.1(a)(6) is an objective standard:

*The standard for disqualification provided for in subdivision (a)(6)(C) of section 170.1 is fundamentally an objective one. It represents a legislative judgment that due to the sensitivity of the question and inherent difficulties of proof as well as the importance of public existence of an actual bias. **Rather, if a reasonable man would entertain doubts concerning the judge’s impartiality, disqualification is mandated.***

UFW of Am. v Superior Court, 170 Cal. App. 3d 97, 104 (1985)

Implicit in this time-honored standard of review is the assumption that such findings were made fairly and impartially. Actual bias is not required. Due process may require recusal even where there is no actual bias shown and there exists a sufficient motive for bias.

Tumey v Ohio, (1927) 273 US 510, 523

1
2
3 **IV. MANDATORY REASONS FOR DISQUALIFICATION**

4 Judge Flint, knowingly and intentionally, through a series of consecutive wrongful and
5 intentionally harmful orders, facilitated abduction of my son, minor child, outside of the United
6 States, by granting full custody to biological mother, Respondent, with documented history of
7 child abduction outside of the United States, and ordering primary parent, father, Petitioner, to
8 give up child's passport and all documents to biological mother – despite clear threats of
9 biological mother to abduct and “bury our son in Ukrainian soil so you will never see him again”.

10 Judge Flint completely ignored and unreasonably removed from Court records Emergency
11 Screener Recommendations, knowingly and intentionally falsifying Court records, and therefore
12 denying whole group of protective orders that Emergency Screener recommended after thorough
13 investigation of Child's safety and best interest. Those recommendations included:

- 14 - Child abduction prevention orders
15 - Mental health treatment for Respondent
16 - Parenting counseling
17 - Relief of custody and visitation

18 Besides those orders, Judge Flint also knowingly and intentionally falsified multiple other
19 Court records (including removal of Petitioner's statements made on record in courtroom), and
20 denied other protective orders, requested by Petitioner, including:

- 21 - Child abduction prevention orders
22 - Minor's counsel
23 - Parenting counseling
24 - Free unsupervised visitations
25 - Sanctioning Respondent for child abduction and malicious custody deprivation in
26 violation of CCP 278.5
27
28

- 1 - Sanctioning Respondent for impermissible pressure on emergency screener and
- 2 professional supervisors, which led to blocking emergency screening and withdrawal of
- 3 supervisors – in violation of Court orders from 10/31/2022
- 4 - Disqualification of Opposing Attorney for impermissible conflict of interest,
- 5 impermissible pressure on emergency screener and professional supervisors, unethical
- 6 conduct and violation of professional and ethical standards
- 7 - Sanctioning Respondent and her attorney for falsification of community assets and
- 8 debts balance numbers, refusal to provide any proofs of income, and falsification of
- 9 numbers of requested equalization payments

10
11 Besides falsifications and wrongful orders, Judge Flint punished Petitioner by physical pain,
12 denying continuance of hearing 07/31/2023 due to Petitioner's medical emergency, and forcing
13 Petitioner suffer from pain and stay on hearing, being physically unable to self-represent and protect
14 his rights due to extreme physical pain.

15
16 It is believed that personal financial interest, which Judge Flint confirmed on 10/25/2023, is
17 caused by receiving bribe from Respondent in April 2023, when Respondent's parents brought huge
18 lump sum of untraceable cash across American border.

19
20 It is also believed that persistence, with which Judge Flint refused to recuse 7 (SEVEN) times in
21 a row, caused not only personal financial interest in this case, but also by urgent need of Judge Flint
22 to get rid of witness of bribery – my minor son, who due to Judge's orders is trapped in hands of
23 violent abuser, biological mother, and was in their home during facilitation of bribery, and became a
24 witness of bribery facilitation.

25 Therefore orders of Judge Flint that facilitate abduction of my son outside of the United States,
26 serve not only in complete favor of Respondent, but also help Judge Flint to get rid of witness of
27 bribery – by removing minor Child outside from the United States.

1 Taking into account severity of Judge Flint repetitive misconduct and falsifications, and
2 potential grave danger to my son due to risk of abduction to country where life of my son will be
3 endangered due to ongoing war and threats of Respondent to “bury our son in Ukrainian soil”, it is
4 mandatory to recuse Judge Flint from this case, and allow another, impartial Judge to hear this
5 matter.

6 It is also mandatory to nullify all orders, made by Judge, suspected in bribery, retroactively back
7 to 10/31/2022, to restore impartiality and protect safety of my child.

8 It is also obvious, that documents that Judge Flint removed from case, do not cease existing, and
9 another, impartial Judge can review them together with evidence, and make impartial judgment – of
10 course, if Judge Flint will be recused form this case in the sake of impartiality.

1
2 **V. CONCLUSION**
3

4 Judge who has personal conflict of interest with the party in the case is legally obliged to recuse
5 themselves from the case pursuant CCP 170.1, 170.3, and specifically Code Civ. Proc.
6 170.1(a)(6)A(iii); 170.1(a)(3)A; 170.3
7

8 Hon. Andrea E. Flint has obvious, undeniable, impermissible personal conflict of interest with
9 Petitioner, after Petitioner stated on record that he reported Judge Flint to government authorities for
10 suspect of bribery (punishable up to 5 years in jail for judge) and severe intentional repetitive
11 misconduct (punishable by resignation from Court).

12 Each and every order of Judge Flint is motivated solely by desire to retaliate to Petitioner.
13

14 In the light of aforementioned, I am compelled to request recusal of Hon. Andrea E. Flint from
15 presiding over case 22FL003144, pursuant Code Civ. Proc. 170.1(a)(6)A(iii); 170.1(a)(3)A; 170.3;
16 and request retroactive nullification of her orders back to 10/31/2022.
17

18 I declare on penalty of perjury under the laws of the State of California that the foregoing is true
19 and correct, and I separately verify this statement by the attached verification.
20

21
22 Respectfully submitted,
23
24

25 DATED: November 12, 2023


KOSTIANTYN MARS