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FILED

DEC 06 2022

Chief Executive Officer/Clerk
Superior Court of CA/County of Santa Clara
BY  DEPUTY
CARLA JACKSON

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA – FAMILY JUSTICE CENTER

ROBERT BASSI,

Petitioner,

v.

SUSAN BASSI,

Respondent.

CASE NO. 6-12-FL-009065

[Dept. 79 - Hon. Andrea Flint, Judge Presiding,
APJ in case]

[Dept. 79 - Hon. James Towery, Judge to be
served the Disqualification Statement]

**NOTICE OF RESPONDENT SUSAN
BASSI'S VERIFIED STATEMENT OF
DISQUALIFICATION OF SANTA
CLARA SUPERIOR COURT JUDGE
JAMES E. TOWERY; REQUEST FOR
HIS DISQUALIFICATION AND
NULLIFICATIO OF HIS ORDERS**

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

**(Code Civ. Proc. §§ 170.1(a)(3)A);
170.1(a)(6)A(iii); §170.3(c)(1)**

**[Dissolution Judgment entered: August 18,
2018; case on appeal, H046284]**

**TO THE SANTA CLARA COUNTY SUPERIOR COURT AND PRESIDING
JUDGE, HON. THEODORE ZAYNER AND RESPONDENT THROUGH COUNSEL:**

1 Respondent SUSAN BASSI gives notice of her verified statement of disqualification
2 against Santa Clara County Superior Court Honorable James E. Towery, by which she makes
3 request for his disqualification and nullification of his orders in the case.

4
5 The Verified Disqualification Statement and accompanying memorandum of points
6 and authorities will be filed and served. Code of Civil Proc. §170.3(c)(1)
7

8 Respectfully Submitted,

9 DATED: Dec. 5, 2022

LAW OFFICE OF PATRICK J. EVANS

11 

12 By: _____

PATRICK J. EVANS

13 Attorneys for Respondent SUSAN BASSI
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Attorney for Respondent, Susan Bassi

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DEC 06 2022

Chief Executive Officer/Clerk
Superior Court of Santa Clara
BY Carla Jackson DEPUTY
CARLA JACKSON

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA – FAMILY JUSTICE CENTER**

ROBERT BASSI,	CASE NO. 6-12-FL-009065
Petitioner,	[Dept. 79 - Hon. Andrea Flint, Judge Presiding, APJ in case]
v.	[Dept. 79 - Hon. James Towery, Judge to be served the Disqualification Statement]
SUSAN BASSI,	RESPONDENT SUSAN BASSI'S VERIFIED STATEMENT OF RETROACTIVE DISQUALIFICATION AGAINST SANTA CLARA SUPERIOR COURT JUDGE JAMES E. TOWERY AND FOR NULLIFICATION OF HIS ORDERS
Respondent.	[Memorandum of Points and Authorities and Notice filed concurrently] (Code Civ. Proc. §§ 170.1(a)(6)A(iii); § 170.3(c)(1) [Dissolution Judgment entered: August 18, 2018; on appeal, H046284]

TO THE HONORABLE COURT AND PETITIONER (c/o Counsel):

Respondent Susan Bassi hereby provides her verified statement for retroactive disqualification of Santa Clara County Superior Court Judge Hon. James E. Towery.

Respectfully Submitted,

DATED: December 5, 2022

LAW OFFICE OF PATRICK J. EVANS

By: _____

PATRICK J. EVANS
Attorney for Respondent Susan Bassi

VERIFIED STATEMENT OF DISQUALIFICATION AGAINST HON. JAMES TOWERY

1 **VERIFIED STATEMENT OF DISQUALIFICATION OF**
2 **SANTA CLARA COUNTY SUPERIOR COURT JUDGE JAMES TOWERY**

3 Respondent Susan Bassi, states and declares:

4 1. I am 58 years old and the Respondent wife in this family law case, regarding
5 dissolution of marriage. My ex-husband, Petitioner, Robert Bassi, filed for divorce September
6 18, 2012. Honorable Mary Ann Grilli was assigned to the case as the All-Purpose Judge,
7 "APJ." Judge Grilli formally designated the case complex pursuant to Family Code § 2032,
8 and appointed attorney Nat Hales as discovery referee.

9 2. I made several attorney fees motions to access community funds controlled by
10 Robert so that I could hire an attorney. The motions were denied by Referee Hales and later
11 Judge Towery. This left me involuntarily self-represented (pro per) for portions of the case. At
12 other times, I was represented by attorney Robert Tennant who anticipated that an attorney
13 fees motion would eventually be granted and he would be paid, such as at the end of the case.
14 Chronologically, I was involuntarily pro per from July 28, 2014 through December 10, 2015.
15 Before and after that time frame, including through the final trial on June 5, 2018 and in post-
16 judgment proceedings, I was represented by Mr. Tennant, to whom I owe over \$1 million in
17 legal fees.

18 3. I have been the publisher-owner of Bassi Productions LLC since 1996. Bassi
19 Productions initially produced local community events and publications, and later progressed
20 to producing and publishing a print magazine, *My Out & About*, beginning in 2012. **Exhibit**
21 **A.** The publication operated out of my Gilroy property and was distributed to readers via
22 grocery stores, tech campuses, and other locations throughout the South Bay Area. *My Out &*
23 *About* had readership of 40,000 local residents per month, employed a diverse group of
24 freelance writers and had approximately \$225,000 in annual advertising revenue. **Exhibit B.**

25 4. The Gilroy property provided office space and meeting areas for my writers and
26 graphic designers, and the garage was used as a warehouse to store the monthly print runs of
27 *My Out & About*. Customers came and dropped off artwork or ad copy. Per the agreement my
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1 husband and I made, Bassi Productions, LLC paid \$2,100 per month for the property. For a
2 time, I voluntarily made those payments to opposing attorney Brad Baugh's trust account.
3 Referee Hales recommended and ordered that all of these rental payments to go to my ex-
4 husband, Robert Bassi.

5 5. Although Judge Grilli was assigned as the all-purpose judge in the case, while I
6 was involuntarily pro per Judge Towery appeared at a January 20, 2015 hearing on an ex parte
7 motion to sell the Gilroy property filed by opposing attorney Brad Baugh. Judge Towery did
8 not become the all-purpose judge until 2016. At the Jan. 20, 2015 ex parte hearing, I objected
9 to Judge Towery making orders to sell our Gilroy property on the grounds it would disrupt my
10 livelihood; specifically, the business operations of Bassi Productions, including publication of
11 *My Out & About*. Judge Towery overruled my objection. He ordered me and my business to
12 vacate the Gilroy property.

13 6. Judge Towery's orders compelled the sale of the print magazine to local,
14 competing publisher Dan Pulcrano at a fire-sale price. That sale required me to enter a non-
15 compete covenant that greatly restricted my income earning opportunities. I was compelled to
16 sell a business worth approximately \$250,000 for \$10,000 and was required to work
17 exclusively for Dan Pulcrano for 6 months for which I was to be paid \$10,000. After that, my
18 work was restricted by the non- compete clause. By the time Judge Towery had been in the
19 case for two months, over my objections, his orders had destroyed my print publishing business
20 and my income opportunities as a publisher and print journalist.

21 7. In 2016, I began formal training to be an investigative digital journalist. That
22 training included industry conferences and educational seminars as well as collaborations with
23 mainstream and freelance journalists. My training and experience includes knowledge and use
24 of First Amendment protected newsgathering activities that provide information to the public
25 on matters related to police, courts, domestic violence, private judging, use of taxpayer funds,
26 local government issues and government transparency. My experience is on par with other
27 local and national journalists. After the sale of my print magazine, I sought to migrate my
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1 work as a journalist and publisher to digital and video media reporting.

2 8. This Verified Statement of Disqualification is filed in the Superior Court in my
3 divorce case, *Marriage of Bassi*, 6-12-FL-009065. The judgment is on appeal, No. H046284.

4 9. I make this verified statement of disqualification of my own personal knowledge
5 as to which, if called upon, I could so testify under oath, and in support of my request herein
6 and demand to disqualify, in this case, Judge of the Santa Clara County Superior Court, Hon.
7 James E. Towery and to nullify all his orders, decisions, rulings made or adopted in or for this
8 case from his first appearance January 20, 2015 until his December 10, 2018 recusal.

9 **I. BBMP existed for 30 years, and in recent years Judge Towery was chair where**
10 **he met with my competitors in the media, giving them an advantage over me, and did**
11 **not disclose that he had.**

12 10. Earlier this year, while covering a workplace harassment case of my
13 competitor, *San Jose Mercury v, Paul Gacke*, Santa Clara Superior Court Case No.
14 #21CH010230, I discovered that Hon. Carol Overton, disclosed the existence of a Bench-
15 Bar – Media – Police committee, “BBMP,” that was unfamiliar to me. I therefore sought
16 records from the court pursuant to California Court Rule 10.500. **Exhibit C.**

17 11. From July through mid-November the court produced some BBMP records.

18 12. BBMP records disclose a court funded Steering Committee with a purpose of
19 planning five “off record” dinner meetings each year. All Santa Clara Superior Court Judges
20 were invited to participate in “off record” dinner meetings with select reporters, lawyers,
21 police officers, and local political candidates. Certain judges were BBMP members, while all
22 judges were designated ex officio members, along with my media competitors the San Jose
23 Mercury and others. **Exhibit D.**

24 13. BBMP Steering Committee records show that in 2015 through 2019, Judge
25 Towery was BBMP chair with co-chair Judge Lori Pegg. For courthouse Steering
26 Committees, Judge Towery invited *San Jose Mercury* Reporters and made them BBMP
27 members, and with them planning topics, guests, and speakers for BBMP secret dinner
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1 meetings at Three Flames Restaurant in San Jose California to which no public notice or
2 open invitation was made. Judge Towery did not disclose to me that he had invited my
3 competitors in 2015 and again in 2017 to secret meetings where matters of public interest
4 were discussed, including the 2017 recall of Judge Persky. **Exhibit E.**

5 14. In a letter dated March 6, 2015, (**Exhibit F**) Judge Towery invited federal
6 Judge Davila to attend secret off record BBMP dinner meetings. In the letter Judge Towery
7 explained and described BBMP purpose:

8 BBMP is a standing committee that has existed for over thirty years. The goals
9 are to host dinner meeting programs five times a year with topics that have a
10 cross appeal between the core constituencies, which are the Bench, members of
11 the Bar Association, media, and law enforcement. BBMP strives to provide an
12 off- the- record forum for full and frank presentations and, through that means,
a meaningful mechanism for exchanging views, concerns and ideas among the
various disciplines composing its membership.

13 (Letter dated March 6, 2015, Exhibit F attached.)

14 15. While Judge Towery was chairperson of BBMP, he invited NBC and San Jose
15 Mercury News reporters, lawyers from Facebook , government attorneys including DA Jeff
16 Rosen and his own wife, Karyn Sinunu Towery, to speak to BBMP unnoticed, and off
17 record meetings. **Exhibit G.**

18 16. Court records are that the grand jury and jury services budget and staff paid
19 for speaker dinners and resources needed for the presentations that were not noticed to the
20 public, not open to similarly situated persons, and conducted off record. **Exhibit H.**

21 17. Court produced records show no public notice postings for BBMP meetings.
22 No record indicates how media persons were invited other than at the private invitation of
23 the judges acting as BBMP chairpersons. Judge Towery invited reporters to secret BBMP
24 meetings. I was not invited to attend or observe. Judge Towery did not invite or notice my
25 lawyers of any BBMP meetings or dinners.

26 18. BBMP records show early as 1989 Judge Towery attended secret Bench- Bar-
27 Media – Police Committee, “BBMP” dinner meetings as president of the local bar. From
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1 2014 to 2022, Judge Towery served as the committee chair. **Exhibit I.**

2 19. Court produced some records that show, judges permitted select members of
3 the media to record BBMP dinner meetings and use the information on their news platforms,
4 giving them an exceptional competitive advantage for local reporting on the courts and local
5 political forums. Judge Towery did not invite me or disclose the opportunity for me to
6 compete in the same way, obtaining information directly from the judges. **Exhibit J.**

7 20. While presiding over my personal divorce case, at BBMP Judge Towery met
8 with and heard from my media competitors, advertisers, and prospective employers, off
9 record, where Judge Towery shared his views and opinions. Judge Towery never disclosed
10 that for the three years he presided in my case, he attended, prepared, and planned dozens of
11 hours of socializing, dinning and presentations on matters of public interest with my
12 competitors where issues discussed were related to local government, police, jails, media
13 censorship, and social media. Judge Towery appeared to act as journalism expert, political
14 forum arranger, and event planner, but never found the time to disclose these activities for
15 the three years he presided over my divorce case and issued orders that bankrupted my print
16 publishing business and income as a journalist.

17 21. BBMP records show early as 1989 Judge Towery attended secret Bench- Bar-
18 Media – Police Committee, “BBMP” dinner meetings as president of the local bar. From
19 2014 to 2022, Judge Towery served as the committee chair. (Exhibit I) In BBMP meetings,
20 Judge Towery was meeting with my competition, which he failed to disclose. Specifically,
21 records produced by the court show that Judge Towery invited Tracey Kaplan of San Jose
22 Mercury News to be a BBMP member (Exhibit E). He also invited Ms. Kaplan to attend
23 secret off record dinner meetings at a time when my freelance associate Stephen James and I
24 were competing with Ms. Kaplan and other reporters from the Mercury to report on a
25 domestic violence case involving ex NFL 49er football player ray McDonald, whose
26 custody case was before Judge Towery.

27 22. BBMP court produced records indicate there was no charter, no public notice,
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1 and no formal procedures for BBMP operations. Invitations for BBMP Steering membership
2 or secret BBMP dinners were at the direction of the judges chairing the BBMP.

3 23. BBMP dinner meetings included judicial and non- judicial candidate forums
4 for political positions in the San Jose area where Judge Towery and his wife own real estate.
5 **Exhibit K.**

6 24. BBMP records show that, at all times as he presided over my divorce case,
7 Judge Towery used his court email and letterhead to invite my media competitors to secret
8 off record dinners. He thanked my media competitors for participating in " off record"
9 meetings where Judge Towery expressed his "views," "opinions" and "ideas" with my
10 competitors in the media "off-record" as he issued rulings that negatively impacted my
11 publishing business and reputation and work as a journalist. **Exhibit L.**

12 25. In BBMP meetings, Judge Towery was meeting with my competition, which
13 he failed to disclose. Specifically, records produced by the court show that as Judge
14 Towery issued rulings in my personal divorce case, he invited Tracey Kaplan of San Jose
15 Mercury News to be a BBMP member and as a guest at BBMP dinner meetings. This was
16 during a time when my freelance associate Stephen James and I were competing with Ms.
17 Kaplan and other reporters from the Mercury to report on a domestic violence case
18 involving ex NFL 49er football player Ray McDonald, whose custody case was before
19 Judge Towery. During this time, Judge Towery also sent emails to Ms. Kaplan and his wife,
20 Karyn Sinunu Towery, discussing BBMP meetings, finances, and attendance. None of which
21 Judge Towery ever disclosed as he presided over my divorce case. **Exhibit M.**

22 26. Secret BBMP meetings gave my competitors tremendous advantage over me.

23 **II. At a hearing on June 15, 2015 Judge Towery held secret , ex parte**
24 **communication with referee Hales and opposing counsel Brad Baugh after Ms. Bassi,**
25 **left the courtroom .**

26 27. Following the court hearing on June 15, 2015, I left the court and Brad Baugh
27 and Nat Hales were still in the courtroom. While I was in the court clerk's office
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1 immediately after the hearing, a man approached me and told me that after I left the court,
2 Brad Baugh and referee Hales had engaged in ex parte communication with Judge Towery.

3 28. I returned to the courtroom and saw nothing. I ordered the transcript from the
4 hearing and there was no reference of any ex parte communication.

5 29. Recently, while reviewing my record on appeal, I discovered a Minute Order
6 which confirmed the existence of ex parte communication Judge Towery engaged in with
7 opposing counsel Brad Baugh and referee Hales on June 15, 2015. **Exhibit N.**

8 30. The June 15, 2015 Minute Order for the hearing was prepared by a court clerk
9 not regularly assigned to Judge Towery's courtroom states: "While walking out of
10 courtroom, Mr. Hales was threatened by Ms. Bassi as to being reported to the State Bar.
11 Hales noted this on the record after Ms. Bassi left."

12 31. However, I paid Judge Towery's long time court reporter, Kris Tresidder, to
13 prepare the transcript for the June 15, 2015 hearing. The exparte communication was not
14 included in the transcript I paid Ms. Tresidder to prepare. **Exhibit O.**

15 32. In 2019 Ms. Tresidder provided a witness statement through the Santa Clara
16 County District attorney which referenced "threats" and "state bar," words which were
17 reflected in the minute order, but not the official transcript prepared by Kris Tresidder. She
18 noted an exparte not in the transcript. **Exhibit P.**

19 33. Inconsistency between court minutes and transcript raise disquieting questions
20 about other incidence of ex parte communication that was kept out of a transcript.

21 **III. Ms. Bassi and her associate's attendance at a local holiday bar party made**
22 **Judge Towery so angry that he began a hearing 19 days later with a rant against her**
23 **which is reflected in a December 21, 2016 transcript.**

24 34. On December 2, 2016 I visited and reported on the San Jose Rotary Club
25 holiday party for attorneys, judges, media, and guests hosted by the County Bar Association.

26 35. Judge Towery, his bailiff and his court reporter were at the party. Local
27 journalists were in attendance.

1 36. My husband's attorney Brad Baugh did not attend. However, he was feted for
2 service to the family law section of the Santa Clara County Bar Association for his
3 contribution in publishing the bar's "family law" newsletter.

4 37. At the 2016 holiday party, Judge Towery joined to applaud Mr. Baugh for his
5 work as editor of the Santa Clara County family law bar newsletter.

6 38. The newsletters started in the 1990s. For decades, Mr. Baugh had been editor.
7 The Brad Baugh newsletters covered the local family law community, attorney
8 announcements, law office rentals and job openings. It was a "family law lawyer" newsletter
9 with classified local advertising and news about the court or legal topic.

10 39. I found the Brad Baugh newsletters newsworthy and of public interest. Each
11 cover had a Brad Baugh catchphrase, his wise words to family law lawyers, including:

- 12 • "We need your money to avoid rational discussion, advise that compromise is hopeless,
13 and keep up well funded antagonism." (Vol. 6, 6/17/13)
- 14 • "Where perpetrators and liars are celebrated as victims." (V. 1, 1/22/14)
- 15 • "Providing intrusion and voyeurism into the tragedy that is your life." (V. 2, 2/14/14)
- 16 • "Litigation where you enter as a human and exit as something else." (V.5, 5/13/11)

17 Newsletter Brad Baugh family law catchphrases and slogans are attached. **(Exhibit Q)** and
18 sample Newsletter cover pages. **(Exhibit R)**

19 40. At the December 2, 2016 holiday party where Judge Towery was present, the
20 Santa Clara Bar Association representative asked photojournalists who had accompanied me
21 to take pictures and record video of the attendee lawyers and judges.

22 41. When the photos and video were being taken, I observed the judge-attorney-
23 media-police interactions were made and conducted out of the public eye; as there was no
24 public notice or announcement of the holiday party.

25 42. Because the Santa Clara County Bar Association did not pay the journalists the
26 photos and video became freely available for reporting on the judge-lawyer holiday party.

27 43. I found newsworthy video of family law attorneys performing and singing
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1 Christmas carol melodies with lyrics about family law.

2 44. Also newsworthy was the party seating chart and program with "family law"
3 lawyer and judge holiday songs, spoofs of Christmas carols. (Exhibit S)

4 45. The family law lawyers parodied Christmas songs to make light of family
5 law litigants, especially "pro per" litigants like me, who are about ninety percent (90%) of
6 family law litigants.

7 46. Song lyrics lauded the court and judges for awarding lawyers legal fees,
8 including a family law / divorce attorney serenading a family law judge:

9 "Think of all the motions I brought,
10 Sitting on the bay on my expensive yacht.
11 At trial in March, we'll get it done,
12 thousands in fees under two seven one . . .
Please get me to the bank tonight."

13 47. A photojournalist posted photos and video of the family law lawyer chorus.

14 48. Three weeks after the holiday party, in a hearing Dec. 21, 2016 on my child
15 support arrearages request, Judge Towery was visibly angry. He chastised me and the
16 photographer for internet and news coverage of the judge and attorney holiday party.

17 49. Before ruling to deny my child support arrearages request, Judge Towery
18 spoke about the December 2, 2016 holiday party stating:

19 The COURT [Judge Towery]: "Everybody have a seat for a moment, please.

20 First of all, there is a matter about which I want to make a record. On Friday
21 December 2nd the Santa Clara County Bar Association held its annual family
22 law luncheon. This was a private event for members of the family law bar,
judges and judges' staff, an event that has been going on for years.

23 I noted when I arrived that Ms. Bassi was at the luncheon. I later learned that
24 there as a photographer at the luncheon whom by I believed to be Stephen
25 James who was taking photos of and video of the events at the luncheon.
26 There is a website by the name of John and Jane Q Public where there was -
27 -- I received an email regarding a posting on that website with a number of
28 comments about the Bassi case. I believe this website to be ---- I believe Ms.
Bassi to be contributing to the website. So, number one m this is an ex parte
communication and Mr. Tennant, I am going to ask you to instruct your
client not to have ex parte communication with the Court. It is not proper
whether she's represented or not represented. Any time I do receive an ex

1 parte, I am going to disclose it to the other counsel as I believe it is my
2 obligation.”

3 [See, Transcript 12/21/16, Exhibit T , page 2, line 7 to page 3, line 1.]

4 50. Judge Towery reprimanded me for ex parte communication, but at the holiday
5 party he had agreed with someone else, not me, to allow the taking of photos and video.

6 51. I had no ex parte communication with Judge Towery at the party.

7 52. Judge Towery accused me of exparte communications, but he did not disclose
8 his June 15, 2015 exparte contact with Mr. Baugh and Mr. Hales (See, Exhibit N)

9 53. On December 21, 2016 Judge Towery stated: “If ever I get to the point where
10 I don’t feel I can be fair and objective, I will recuse myself. I do not believe that is the case.”
11 (12/21/2016 transcript, pg. 4, line 13; Exhibit T)

12 54. Judge Towery made false assumptions about me, my business, my associate,
13 and blogs he believed were critical of him, as he did not disclose his membership and
14 association in the San Jose Rotary Club, site and sponsor for the December 2, 2016 holiday
15 party and where he interacted with Dan Pulcrano, who bought my publishing business “*My*
16 *Out and About*” in court proceeding before Judge Towery. I also recently learned that Judge
17 Towery and Mr. Pulcrano have known each other through the Rotary Club. Judge Towery
18 did not disclose this club connection with a person that figured prominently in my divorce.

19 55. Judge Towery did not disclose BBMP contacts and conflicts that directly
20 impacted my income and divorce settlement while he refused me past due child support.

21 56. Judge Towery’s lack of disclosure had a negative financial and other impact
22 on me in my divorce, my publishing business, and my work as a journalist.

23 **IV. Public Records request revealed that in 2017 communications to the State Bar**
24 **Judge Towery Declared Me (Ms. Bassi to be “dangerous”). This is an open display of**
25 **bias and prejudice**

26 57. Recently , while investigating now disbarred and disgraced attorney Thomas
27 Girardi and Judge Towery’s involvement in State Bar’s abject failure to act on complaints
28 of Girardi stealing millions in client funds, the state bar produced public records related to

1 requests I made pursuant to California's Public Records Act. Included in the state bar
2 production were emails between Judge Towery and the State Bar. Hereto attached as
3 Exhibit G are Judge Towery's 2017 emails that were not produced until 2022.

4 58. In one email, on August 28, 2017, Judge Towery, then the All-Purpose Judge,
5 "APJ," presiding over my personal divorce case, discussed with State Bar officials me and
6 my personal divorce case.

7 59. Judge Towery told the State Bar I was "Dangerous on a Number of Levels:"

8 I am not an expert on PRA, though I am inclined to disagree with
9 you on whether the target is entitled to see proposed productions.
10 However, I accept your offer to notify me if you conclude further
documents pertaining to me require production.

11 On a personal note, I have had **strong friendly relationships**
12 with a number of your predecessors, including Diane Yu, Marie
13 Moffett and Starr Babcock. I have no desire to get into a
14 contentious relationship with you or the State Bar. I only want to
protect my privacy from **Ms. Bassi, whom I consider to be**
dangerous on a number of levels." (Emphasis added)

15 (See, Exhibit U, email exchange, including Judge Towery August 28, 2017,
16 5:09 p.m. email to Ms. Holton, State Bar General Counsel)

17 60. While presiding over my divorce, Judge Towery labeled me "dangerous" on
18 "a number of levels." Judge Towery did not write how I was "dangerous." (Exhibit V)

19 61. Judge Towery asserted and highlighted to State Bar General Counsel
20 Vanessa Holton his "strong friendly relationships" with her "predecessors."

21 62. Judge Towery wrote Ms. Holton he had "no desire to get into a contentious
22 relationship with you or the State Bar." He did not say what would be contentious.

23 63. In his formal disclosure, made June 23, 2016 in open court, Judge Towery did
24 not disclose his professed "strong personal relationships" with State Bar employees. (See,
25 **Exhibit W**- Partial transcript from June 23, 2016, where Judge Towery made "on record"
26 disclosure). Judge Towery never disclosed or followed up to disclose that he wrote the State
27 Bar about me or that he told anyone or believed that I was dangerous.

1 64. Public records the State Bar produced in 2022 (Exhibit U) show State Bar
2 General Counsel, Vanessa Holton and Judge Towery discussed my 2017 records requests to
3 the State Bar, under California's Public Records Act, "CPRA," made as part of my work as a
4 journalist, while Judge Towery presided over my personal divorce case.

5 65. Judge Towery statement: "I consider Ms. Bassi to be dangerous on a number
6 of levels" is a public record. Because Judge Towery's email is a public record, it can be
7 obtained by other reporters and the public.

8 66. The email exchange between Judge Towery and Ms. Holton include and
9 forwards email communication where Judge Towery was a "cc" with Mr. Baugh and Mr.
10 Hales concerning my journalism. The email again shows their ex parte contact. (Exh. U)

11 67. If I had known that Judge Towery was communicating with the State Bar
12 about me, my records requests, and my divorce case, I would have objected and included
13 the information in the four disqualifications I filed against Judge Towery in 2017, all of
14 which he rejected. Judge Towery concealed conflicts and material information in 2017 when
15 I sought to disqualify him from my divorce case in four statements of disqualification.

16 **V. Judge Towery Concealed and Denied Bias Four Times in 2017**

17 68. At all times in hearings before Judge Towery, when I was *pro per*, I objected
18 to Judge Towery. He ignored or denied everything I submitted.

19 69. On December 10, 2015, Mr. Robert Tennant re-appeared as my attorney. On
20 my behalf, in 2017 he filed four (4) disqualification statements against Judge Towery.

21 70. The first, January 12, 2017, called for disqualification on the grounds of bias,
22 embroilment, and appearance of favorable treatment for opposing counsel Brad Baugh.

23 71. Judge Towery answered the disqualification, on January 19, 2017, omitting
24 the hearings he had in 2015 when I was *pro per*. His answer did not mention the June 15,
25 2015 hearing where he engaged in exparte communication with referee Hales and my former
26 husband's attorney, Brad Baugh. Judge Towery did not disclose his contacts and
27 communications with opposing husband's counsel Mr. Baugh who had been honored at the
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1 December 2, 2016 holiday party. He said nothing about the BBMP.

2 72. Judge Alice Vilardi of Alameda Superior Court denied my first
3 disqualification Feb. 22, 2017. A writ was denied on July 5, 2017.

4 73. A second disqualification was filed on March 16, 2017, this time alleging
5 bias for my work as a journalist making media requests in a case before Judge Towery, *Scott*
6 *v. McDonald*, a domestic violence proceeding of public interest. Judge Towery struck the
7 statement. No writ was filed.

8 74. I filed a third statement of disqualification April 21, 2017. Judge Towery
9 struck it. A writ was filed, H044613, which the Court of Appeal denied on July 5, 2017.

10 75. A fourth statement of disqualification was filed on August 21, 2017. Judge
11 Towery struck it the same day.

12 76. A writ was filed on August 31, 2017 and served by my associate, investigative
13 reporter Stephen James, where I took photos of the service on the 8th floor of the courthouse,
14 for which I was later arrested and prosecuted.

15 77. It was after Judge Towery denied these sequential disqualifications that DA
16 Rosen charged me with violation of an invalid local court rule that prohibited photography
17 in the courthouse. On April 5, 2022, the purportedly unrelated proceedings in the criminal
18 case involve Judge Towery. **(Exhibit X)**

19 78. BBMP records show appeal court judges who denied my writs on
20 disqualifying Judge Towery were attending off record and secreted BBMP meetings at
21 Judge Towery's invitation.

22 79. Documents and information I obtained recently show that Judge Towery was
23 wrong to deny my disqualifications, because of the facts of his relationships and interactions
24 with other persons made conflicts, which facts he should have disclosed, but did not.

25 80. To this Disqualification Statement I append exhibits A – X which I incorporate
26 herein by reference. I declare under penalty of perjury that the exhibits are true and correct
27 copies of original. I can attest their source and authenticate their original.

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2 **VI. Due Process Rights – No Impartial Judge**

3 81. The documents and information I have obtained recently demonstrate that
4 Judge Towery was wrong to deny my disqualifications, as he was required to disclose facts
5 of his relationships, contacts, and connections, but did not. As prime example, Judge Overton
6 disclosed BBMP; Judge Towery did not.

7 82. Judge Towery failures to disclose show he was not impartial.

8 83. I assert and maintain my state and federal constitutional challenges and due
9 process rights, which Judge Towery, for partiality, bias and misconduct, denied me.

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

12 Executed at San Jose, California.

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15 DATED: December 5, 2022



16 SUSAN BASSI

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18 [Verification attached]

19 [Exhibit List and Exhibits ("A" – "X") attached]
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2 VERIFICATION
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4 I, Susan Bassi, declare as follows:

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

10 I declare under penalty of perjury under the laws of the State of California that
11 the foregoing is true and correct and that this verification is executed on
12 December 5, 2022, at San Jose, California.
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16 Susan Bassi
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STATEMENT OF DISQUALIFICATION - EXHIBIT LIST

Exh "A" - X"	DQ STMNT PAGES	Doc or Item Date	Document or Item Title or Description
"A"	2	2014	<i>My Out and About</i> Magazine Marketing Kit
"B"	2	2014	<i>My Out and About</i> Magazine, information / description
"C"	4	02/07/22	Judge Overton disclosure of Bar Bench Media Police Committee in <i>Mercury v. Gackle</i>
"D"	4	2010-2022	BBMP Judge Member List 2010-2022
"E"	5	2014-2019	BBMP Records Steering Committee, T. Kaplan, Persky
"F"	5	03/06/15	Towery letter to federal judges re: BBMP purpose
"G"	5	2014- 2018	BBMP, Mercury Reporters, DA Rosen, Facebook invite
"H"	5	2015	Court record grand jury and jury services budget paid and staff administered the BBMP; i.e., spent jury funds
"I"	6	1988 -2015	BBMP Judge Towery Co-Chair, first attended 1989
"J"	6	2010	BBMP – Select Media Invited to "on record" meeting for program of radio station KLIV; usually "off record"
"K"	7	2018	BBMP political forums, – judges, mayor, et al., e.g. Supervisor Ellenberg
"L"	7	10/28/16	Judge Towery invites Mercury reporter R. Solanga
"M"	7	08/17/17	Judge Towery 2017 email to Mercury reporter Tracey Kaplan cc wife K. Sinunu Towery re: meetings location
"N"	8	06/15/15	Court Minutes 6/15/15 showing ex parte communication Judge Towery, opposing counsel, case referee
"O"	8	06/15/15	Transcript extract, 6/15/15, prepared by Judge Towery's court reporter, Kristie Tresidder, no ref. to ex parte at end
"P"	8	01/03/19 Re: 6/15/15 transcript	Judge Towery's court reporter, Kris Tresidder, witness statement to Santa Clara County District attorney noting the ex parte, that is not reflected in the transcript given
"Q"	9	2011-2013	Newsletter Cover - Brad Baugh Family Law Slogans
"R"	9	2012	Newsletter Cover Pages, examples
"S"	10	12/02/16	Holiday Party Seating Chart and Songs, 2017 Program
"T"	11-12	12/21/16	Transcript Judge Towery, angry, scolds over holiday party
"U"	12, 13	Aug. – Sept. 2017	State Bar Email Exchange, Judge Towery and V. Holton, State Bar General Counsel, and J. Bassinger
"V"	12	8/28/17	Judge Towery email calling Susan "dangerous"
"W"	12	06/23/16	June 23, 2016 transc. Judge Towery disclosure in court
"X"	14	04/05/22	Transcript, S. Bassi criminal case (for photo in courthouse)