

Subject: Notice of case citation

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To: Integrity-Complaint <Integrity-Complaint@cigie.gov>

Hello CIGIE-IC WG —

You are currently (pre-)investigating the complaint(s) I have submitted to you. In the spirit of "full disclosure," I write here to inform you of a legal citation I have discovered. This is sort-of like a "Brady disclosure" (https://en.wikipedia.org/wiki/Brady_disclosure), except in reverse, namely, it ends up favoring me.

The case citation is *Han Ye Lee v. Colorado Times*, 222 P3d 957 (Colo. Ct. App., 2009), available at <https://www.courtlistener.com/opinion/2583006/han-ye-lee-v-colorado-times-inc/> (and on my website at <https://judicialmisconduct.us/sites/default/files/2019-09/HanYeLee-v-ColoradoTimes.pdf>).

This citation is relevant to my case for the following reason:

I have always held that (paraphrasing) that: "**No honest/sane judge**, at Summary Judgment time, would ever knowingly/intentionally credit movant's story over nonmovant's, because **all rules/laws/cases unconditionally** (that is, no judicial discretion allowed/permitted) **require the exact opposite**; and if they did, they would be **reversed** upon appeal." Now, I do still hold the same, with just the sole (partial) exception of *Lee*. (There may still be other relevant cases out there, but I haven't discovered them, despite diligent research; maybe you can find some.)

However, the exception is only partial/ephemeral, because the screw-up happened only at the lower court level, and it was indeed correctly reversed upon appeal. Here's what the appellate court writes in the cited case (distinguishing between "standard of review" and "standard of review of applied"):

A. Standard of Review Applied

Lee contends the trial court applied an incorrect standard of review in granting summary judgment on the defamation claim. We agree because the trial court treated all defendants' factual allegations as true rather than viewing the facts in the light most favorable to the nonmoving party, Lee.

The trial court concluded defendants' first motion for summary judgment raised "a matter of law which may be addressed while treating all of Defendants' factual allegations as true." Although possibly unintended, this was error.

Of course, this favors me: it's what my district court falsely did, and what my appeals court should/must have done (but didn't).

Three final notes:

Universality: The *Lee* case happened in a state court, as opposed to federal. But that doesn't matter, because the carved-in-stone Summary Judgment Tenets of Review (SJTOR, so-called at https://en.wikipedia.org/wiki/Summary_judgment, a.k.a. Standard of Review) are the same in all U.S. state jurisdictions as at federal jurisdiction.

Transsubstantiality: The *Lee* case concerns defamation, as opposed to my case which concerns employment discrimination. But that doesn't matter either, because the SJTOR are "transsubstantial," i.e., apply to all civil actions.

Self-contradiction/incrimination: Finally, the *Lee* judge qualified their transgression by mumbling something about "a matter of law ..." (which was correctly found illicit by the appellate court). But my judge committed the **far worse** transgression (actually criminal illegality) by **promising** to credit my story but **knowingly lying** and **actually doing the exact opposite**.

Thank you.

— Walter Tuvell