

1 Beatrice Pacheco  
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**ENDORSED  
FILED**

2013 APR 23 AM 11:32

David H. Yamasaki, Clerk of the Superior Court  
County of Santa Clara, California

By: \_\_\_\_\_  
Deputy Clerk

R. Delgado

9 **SUPERIOR COURT OF CALIFORNIA**  
10 **COUNTY OF SANTA CLARA**

11 In re Conservatorship of BEATRICE  
12 K. PACHECO

Case No. 1-12-PR-171580

13 **CONSERVATEE MOTION**  
14 **TO DISQUALIFY JUDGE**  
15 **THOMAS CAIN FROM CASE**  
16 **CCP § 170.6 PREEMPTORY**  
17 **CHALLENGE**

18 Date: April 23, 2013  
19 Dept.: 3

20 [Attachment: Declaration of  
21 Beatrice Pacheco]

22 The Conservatee, Beatrice Pacheco, comes before this Court  
23 pursuant to CCP 170.6 requesting Judge Cain to recuse himself from this  
24 conservatorship case and request the presiding judge to appoint a non-  
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26  
27  
28

1 biased judge therefrom, based on Conservatee's belief that she cannot get  
2 fair and impartial review or decisions from Judge Cain.  
3

4 Conservatee began to become aware of Judge Cain's bias and  
5 prejudice after he conducted hearings to take control of her estate and  
6 person, which resulted in an involuntary separation from her new  
7 husband, and theretofore domestic partner, without summoning her  
8 before him or otherwise seeking to obtain input directly from her. Judge  
9 Cain seems to have either gone along with her son's plan to take away her  
10 basic rights, or he blindly accepted the self-serving and slanted evidence  
11 presented by Stephen Pacheco. Judge Cain took Stephen Pacheco's and  
12 his Michael Desmarais sides, without hearing or seeking to hear from  
13 Beatrice Pacheco herself before making such a serious and detrimental  
14 order against her and her interests'. The judge has subjected Conservatee  
15 to a very abusive son who has been failing to do what is in her best  
16 interests; refuses to even comply with the Judge's order to provide her  
17 monthly funds; verbally abusive; scheming and conniving against her;  
18 acting on the basis of racial discrimination against her husband and  
19  
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1 physically assaulting her on April 22, 2013. *Declaration of Beatrice*  
2  
3 *Pacheco.*

4 It appears that Judge Cain has made predeterminations against her  
5  
6 husband based solely on the fabricated facts produced by Michael  
7 Demarias and Stephen Pacheco who are obviously only interested in  
8  
9 getting at Conservatee's funds to unjustly enrich themselves, and do not  
10  
11 have any interests of Conservatee in mind. *Ibid.*

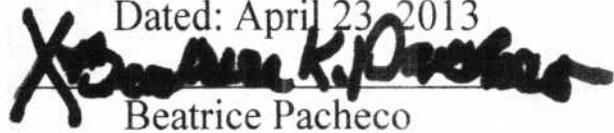
12 Conservatee is in her right state of mind, although physically ailing,  
13  
14 and Judge Cain failed or refused to do the most simple and basic inquiry  
15  
16 into whether fraud was being perpetrated upon this Court and her. The  
17  
18 Conservatee has not lost her faculties and was not being duped or abused  
19  
20 by Mr Starks and so it appears that Judge Cain is incapable of being  
21  
22 impartial since he has either brought his own racial or gender biases to  
23  
24 this case, or has improperly taken the sides of those who has  
25  
26 Conservatee's detriment in mind.

27 In support of this motion Conservatee submits the attached  
28  
29 declaration in support of this disqualification and request for the Court to

1 assign another judge who does not maintain racial, gender or other biases  
2 which would prevent them from impartially investigating this matter.  
3

4 Additionally, Conservatee authorizes David Merritt to present this  
5 motion and declaration on her behalf to the court as a direct expression of  
6 her wishes and interests'.  
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8  
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11 Dated: April 23, 2013

12   
13 Beatrice Pacheco