

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

MICHAEL FOSTER,
USPTO Owner
MCSI Intelligent Security

Plaintiffs,

v.

TOM GILDRED,

Defendant.

Gildred et al
Default (Defendants)

Case No.: 37-2023-00038663-CU-CO-CTL

Assigned for All Purposes to:

Hon. Bowman K. Blaine, Dept. C-74

**NOTICE OF MOTION AND MOTION FOR JUDICIAL DISQUALIFICATION
(RECUSAL)
JUDGE BOWMAN K. BLAINE**

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs FOSTER/MCSI, appearing in pro per, hereby moves this Court for an order disqualifying the Honorable Bowman K. Blaine from presiding over this matter pursuant to Code of Civil Procedure 170.1(a)(6)(A) and 170.3(c) on the grounds that Judge Blaines general conduct and scrupulous minute order exhibit bias, unfair treatment, and a lack of impartiality toward Plaintiff, thereby impairing Plaintiffs right to a fair proceeding.

This motion is based on the facts set forth below, the accompanying declaration of Plaintiff, all papers on file in the matter and any oral argument the court may permit.

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I. INTRODUCTION

Plaintiffs Foster/MCSI respectfully moves to disqualify the Honorable Bowman K. Blaine from continuing to preside over this case due to repeated conduct giving rise to a reasonable doubt as to his impartiality and judicial fairness. Judge Blaine has acted in favor of Defendant Tom Gildred and his counsel Terence Leo Greene, thereby prejudicing Plaintiff and depriving him of due process under the law.

II. LEGAL STANDARD

Under California Code of Civil Procedure 170.1(a)(6)(A), a judge shall be disqualified if, for any reason: a person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial. Grounds for disqualification include prejudicial conduct, apparent favoritism, and rulings that manifest bias or unfair procedural advantages to one party.

III. FACTUAL BACKGROUND AND GROUNDS FOR RECUSAL

1. Improper Use of Clinical Psychological Terminology (Schizophrenia) as Legal Basis for Dismissal

Judge Blaine dismissed Plaintiffs complaint solely based on a clinical psychological characterization "rambling, disjointed, and incoherent" determinative language interpretation to longterm Doctor to Patient assessments conclusive to schizophrenia in clinical psychology. This reasoning is not grounded in legal standards or the pleadings themselves. They are consistent with a separate career.

2. Denial of Procedural Fairness in Pleadings

Judge Blaine unjustly allowed Defendants attorney, Terence Leo Greene, to file a second answer to Plaintiffs first amended complaint, while refusing Plaintiff the same opportunity to respond or amend.

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3. Improper Ruling on defendant Tom Gildred Cross-Complaint Despite Lack of an Entry of Appearance

Judge Blaine ruled on a motion to dismiss a cross-complaint, inaccurately attributing it to Plaintiff, despite Plaintiffs never making such a motion and never having appeared in the cross-complaint. Plaintiffs are in subject title of the complaint. Procedurally a motion to compel a response, a stipulation between moving party and plaintiffs or at the courts discretion an appearance entry order.

4. Improper Granting of First Amended years long, no response or entry of opposition cross-Complaint

Judge Blaine granted Defendant leave to file an amended cross-complaint without legal justification.

5. Allegations: Forced Psychological Inducement (**Doctored Fish & Bear Syndrome**), Improper Judicial Succession, Appearance of Favoritism, Disrespectful Comparisons to a Female Judge rule sighting her rule as "CHANCE LAW" over Honorable Katz's "LEGAL FINDINGS" in Foster vs Gildred Demurrer #1. Hence attributing to honorable Keri G. Katz unexpected career reduction in 11 days to said order.

"Judge Blaine: a Rancho Santa Fe North San Diego neighbor to Defendant Tom Gildred. Blaine's **Legal History:** A Career at Lindley/Lazar/Scales. Named change to "Peter Ellsworth (President), w/Corbett/Seitman/McLeod". **Peter** became "President and **CEO**" of "Sharp Health Care" reputedly influence by **Defendants Gildred et al. Defendant in chief "Tom Gildred"** is currently on **Sharp's Board of Directors**".

Timing and relationship raise concerns regarding neutrality and potential conflicts of interest.

IV. PRAYER FOR RELIEF

For the reasons stated above, Plaintiff respectfully requests that:

1. The Honorable Bowman K. Blaine be disqualified and recused from further participation in this case;
2. A new, impartial judge be assigned pursuant to CCP 170.3;
3. Any orders or rulings tainted by judicial bias be vacated or set aside as permitted by law.

Respectfully submitted,

DATED: 06/04/2025

MICHAEL FOSTER
USPTO Owner
MCSI Intelligent Security



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Notary Public, State of New York
No. 01,116046403
Ounlifed in New York County
commission Expires August 14. 20

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

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DECLARATION OF MICHAEL FOSTER IN SUPPORT OF MOTION FOR RECUSAL

I, Michael Foster, declare as follows:

1. I am the Plaintiff in the above-captioned matter.
2. The facts stated in the accompanying Motion are true and based on my personal knowledge and belief.
3. I believe that Judge Bowman K. Blaine has acted in a manner showing bias and partiality in favor of Defendant, and against me, in multiple procedural and substantive rulings.
4. I respectfully request that this Court order his disqualification.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June, 02, 2025 New York, NY - - - .

SUBSCRIBED AND SWORN To eeparzr
ME ON THIS 67')-(

MICHAEL FOSTER

[Signature e]

JIANG HONG;
Notary Public, State of New York
No. 01,116046403
Qu. Riffici in New York County
Commission Expires Aticust 14, 20L-{0