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No. 24A253

IN THE SUPREME COURT OF THE UNITED STATES

KENT KNOX JOHNSON,
Applicant,

v.

EL DORADO COUNTY SUPERIOR COURT,
et al.,
Respondents.

To the Honorable Elena Kagan, Associate Justice of the
Supreme Court of the United States and
Circuit Justice for the Ninth Circuit Court of Appeals.

**EMERGENCY APPLICATION TO STAY
THE EL DORADO COUNTY SUPERIOR COURT
PRIOR TO CONTEMPT HEARING ON
FRIDAY, SEPTEMBER 13, 2024 AT 1:30 PM**

Kent Knox Johnson, *Pro se*
PO Box 17691
South Lake Tahoe, CA 96151
(530) 318-5459
kent@kjmwave.com

September 5, 2024

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SUPREME COURT, U.S.

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APPLICATION

To the Honorable Elena Kagan, Associate Justice of the
Supreme Court of the United States and
Circuit Justice for the Ninth Circuit Court of Appeals.

On Friday, September 13, 2024 at 1:30 PM in the El
Dorado County Superior Court, California, Clerk Wendy
Warden at (530) 573-3139, scheduled a hearing in case
SC20180141 to hold the *pro se* Applicant [Petitioner for Writ of
Certiorari, Kent K. Johnson] in Contempt of Court for
interference with the sale of a partitioned property and failure to
appear. *See*, Exhibit #1 – ‘Contempt Hearing’, Bates 1.

The Applicant, however, contends the Superior Court is
acting without all jurisdictional authority, resulting from an
interstate racketeering and extortion scheme, that leveraged a
Department of Defense (DoD) DX-A2 rated procurement of the
“highest national defense urgency”, *see* 15 CFR§700.11(a)(1),
enabled by the Judges of the Superior Court. *See*, Exhibit #6 –
‘DX Rated’. *See accompanying*, ‘Petition for Writ of Certiorari’.

The Applicant, under 28 U.S.C. §2101(f), seeks an order
staying the Superior Court, until the Supreme Court of the

United States reviews or denies his Petition of a Writ of Certiorari, preventing further harm to the Applicant's reputation.

EXHAUSTION OF COURTS BELOW

This Application presents from the exhaustive appeals of four cases.

The three initial El Dorado County Superior Court Related Cases, for brevity are referred to as the:

'Trust Petition', 'Partition Complaint' and, 'Determination of Issue' cases, herein.

The 'Trust Petition' Judgment was appealed to State exhaustion. The 'Partition Complaint' Interlocutory Judgment was appealed to State exhaustion. The 'Determination of Issue' Decrees were appealed to State Exhaustion.

The Applicant realizing he discovered irrefutable evidence of corruption in the State Courts, then filed an independent (RICO) Complaint alleging extensive State Court corruption, with the United States District Court, E.D.O.C., which was promptly, errantly and summarily dismissed. *See, Exhibit #9 – 'Exhaustion Below', Bates 4 – 10.*

The Applicant appealed the District Court dismissal to the United States Court of Appeal for the 9th Circuit, which was again summarily affirmed, exhausting all opportunity to be heard below the United States Supreme Court for the loss of jurisdictional authority from the corruption in the California Courts. *See*, Exhibit #9 – ‘Exhaustion Below’, Bates 3. The Applicant motioned for reconsideration, which was denied. *See*, Exhibit #9 – ‘Exhaustion Below’, Bates 1 – 2.

A complete summary of all cases, including State cases with judgment dates, is available. *See, accompanying* ‘Petition for Certiorari, pages vii–x’.

STATEMENT OF THE CASE

(Ultra-Concise Version)

Respondent, Ross V.D. Johnson, henceforth Ross, fraudulently committed the *Trustee de son Tort*, falsely claiming to be the sole Trustee of the Johnson Living Trust after the passing of the last settlor. Ross then sought the approval of the Superior Court for his inequitable distribution plan, to avoid the liabilities of his torts.

Ross hired ALLING & JILLSON, LTD, a Nevada LLC law firm whose members are engaged in racketeering, using a Nevada LLC money laundering scheme to evade California income taxes. *See*, 18 U.S.C.§1956(a)(1).

ALLING & JILLSON, LTD is a professional Nevada LLC, *see*, Exhibit #2 – ‘Nevada LLC’, unregistered with the California Secretary of State (SOS),’ *see*, Exhibit #3 – ‘No Record’.

Professional LLC’s are neither permitted in California nor authorized to maintain an action in California. *See*, CA CORP§17701.04(e), CORP§17708.07(a), BPC§6126 and BPC§16240.¹

Ross and ALLING & JILLSON, LTD, using embezzled Trust funds for an unlawful purpose of professional LLC litigation in California, filed the ‘Trust Petition’ case against Kent [Applicant and Petitioner], seeking Superior Court approval

¹ Statutes and legal arguments are available. *See accompanying Petition for Writ of Certiorari.*

of an inequitable distribution plan. *See*, PEN§506 and Exhibit #4 – ‘Embezzled Trust Funds’.

Initially, Kent was unaware of the frauds upon the Superior Court, that Ross and the Agents of ALLING & JILLSON, LTD were committing in their scheme to defraud the State of California of tax obligations, the Trust of embezzled funds and Kent of his equitable share of the Trust.

However, Kent did realize litigation in the ‘Trust Petition’ case was likely to be a protracted proceeding and chose to economize by self-representing after the initial phase of trial.

Ross, and ALLING & JILLSON, LTD Agents, joined by Curtis W. Johnson, henceforth Curtis, saw an opportunity with Kent self-representing and presumed a *pro se* would quickly lose in Court to the ALLING & JILLSON, LTD law firm.

Conspiring, they attempted to harass and extort Kent into a settlement in the ‘Trust Petition’ case by filing a second simultaneous Civil ‘Partition Complaint’ in the Superior Court. *See*, Exhibit #5 – ‘Partition Complaint’, Bates 1.

The Civil ‘Partition Complaint’ scheme was to intentionally interfere with Kent’s business, by partitioning the vested life

estate property Kent operated his business, KJ Microwave, from in the middle of production contracts of the 'highest national defense urgency'. *See*, Exhibit #6 – 'DX Rated'. The extortion plot would either force Kent to settle in the 'Trust Petition' and 'Partition Complaint' cases or have his business, reputation and livelihood destroyed using the Superior Court's power to evict KJ Microwave during the production of a DX-A2 rated DoD procurement.

However, the property being partitioned, located at 1017 Blue Lake Avenue, South Lake Tahoe, CA, henceforth '1017', was a life estate gifted to the undesignated 'Issue' (offspring) of the now deceased life tenant (William V.D. Johnson). *See*, Exhibit #5 – 'Partition Complaint', Bates 12, item 4. The Issue (offspring) had not yet been determined in Probate Court, as there were no designated remainderman other than the life tenant in the preliminary decree of distribution.

None of the Parties had ownership title to '1017'. The 'Partition Complaint' was an improper complaint, commenced without ownership title and standing for harassment and extortion purposes. *See*, CA CCP§872.210(a) and CCP§128.7(b).

ALLING & JILLSON, LTD had abused process filing the 'Partition Complaint' in Civil Court rather than Probate Court, so Kent could not become a special administrator of '1017' and complete the DX-A2 rated contracts that were being used to extort Kent. *See*, Exhibit #6 – 'DX Rated'.

Conspiring with ALLING & JILLSON, LTD's abuse of process, the Superior Court Judge granted an interlocutory judgment to partition '1017', after a third Probate Court "Determination of Issue" case decreed Curtis, Ross and Kent 'Issue' (offspring) and fraudulently owners of '1017' approximately one year after the 'Partition Complaint' was commenced. *See*, CA CCP§872.210 and *See dates*, Exhibit #5 – 'Partition Complaint', Bates 1 and Exhibit #7 – 'County Recorder', Bates 2–3.

The Referee, also conspiring with and aiding ALLING & JILLSON, LTD, setup the auction of '1017' and the Superior Court Judge sold the property, all still without any of the Parties having perfected ownership title.

Kent has repeatedly sought to challenge thirteen (13) Superior Court jurisdictional issues, *see* Exhibit #ER8 – 'Notice of

Special Appearance #3², and consistently failed to get a relevant statement of decision, *see accompanying*, 'Petition for Writ of Certiorari', pages 9 – 10, despite appealing the 'Partition Complaint' Interlocutory Judgment to exhaustion.

The California Courts also refused to grant Kent's application for Notice of Pendency of Action, so Kent had no protection from the frauds being committed in the Superior Court and damages to '1017' by the litigation.

Kent's business, KJ Microwave was destroyed by the litigation, creating substantial liabilities for the Superior Court. The Superior Court also now had a problem of transferring title to the buyers, which was still in the deceased life tenant's name.

Kent refused to aid in the fraudulent transfer of '1017', and lacking a denied Notice of Pendency of Action for his appeals, notified the title companies they might be involved in a

² Complaint, TRO and TRO Brief Exhibits have been omitted but are available on PACER through case No. 2:23-cv-02843-DJC-CKD.

fraudulent transfer of title that was part of ALLING & JILLSON, LTD's racketeering.

Kent continued to appear, attempting to reason with the Superior Court to futility, explaining it was not logically possible to commence the 'Partition Complaint' without ownership title or have jurisdiction in Civil Court for a Probate Court matter.

The Referee L. Mark Bissonnette then silenced Kent by successfully motioning the Superior Court on June 17, 2023 to wrongly declare Kent, a defendant, to be vexatious, requiring a prefiling order.

Subsequently, Kent thrice motioned the Superior Court to file a Notice of Special Appearance to challenge jurisdiction, but was denied a prefiling order, so Kent cannot challenge jurisdiction on the record. *See Exhibit #ER8 – 'Notice of Special Appearance #3', Bates 1.*

The Superior Court denied Kent's U.S. Constitutional 14th Amendment right to be heard, regarding the Superior Court's lack of jurisdiction on thirteen (13) separate grounds, which is essential to Kent's defense of his actions in disregarding the Superior Court's orders to not interfere with the sale of '1017' by

providing his motion to vacate the Superior Court's interlocutory judgment to the title companies. See Exhibit #ER8 – 'Notice of Special Appearance #3', Bates 2 – 12.

Under *Judson v. Superior Court*, 21 Cal.2d 11 (Cal. 1942) Kent is unable to engage in a defense or the usual business of the Superior Court and was forced to walk out of a hearing and fail to appear for another.³

The Referee then found a real estate attorney who transferred title from the deceased life tenant to the new owners.

Now the Referee is motioning the Superior Court to hold Kent in Contempt issuing substantial fines, further destroying his good reputation, presumably to later arrest and jail Kent during the period his opening brief would be due if a Writ of

³ The Applicant believes that this is a rare case where general appearance does not waive personal jurisdiction rights. However, this is an issue of first impression, with no known holding, so the election not to engage in further Superior Court business under *Judson v. Superior Court* was made. See accompanying, 'Petition for Certiorari', page 28–30.

Certiorari were to be granted in the United States Supreme Court. *See Exhibit #1 – ‘Contempt Hearing’.*

A detailed overview of the case, is found in the Petition for Certiorari, pages 4 – 11, and a less word restricted version, is available in the Complaint. *See United States District Court, E.D.O.C. case No. 2:23-cv-02843-DJC-CKD, Complaint, page 10–23.*

The Judges of the Superior Court are acting without jurisdictional authority, refusing to grant a prefiling order to hear jurisdictional arguments, depriving the right to be heard and should be stayed by the United States Supreme Court, prior to the the Applicant being held in contempt.

The Applicant requests the United States Supreme Court stays the El Dorado County Superior Court in case SC20180141 until such time jurisdiction can be reviewed by the Supreme Court.

REASONS FOR GRANTING THE APPLICATION

The United States Supreme Court is probably no stranger to *pro se* Petitioners who have alleged judicial misconduct, particularly in probate and trust proceedings.

However, this case should stand out, not only for its undisputed evidence and statutory clarity, but also because it harmed an important DoD procurement, precluding U.S. access to technologies of National importance, from racketeering enabled in the courtroom.

Treble damages in racketeering cases underscores the severity of such crimes. When racketeering is enabled by Judges conspiring to deprive rights, it cries out loudly for justice.

The circumstances of this case have left the Applicant in a very dangerous situation. The Superior Court Judges conspiring with racketeering, are still falsely claiming authority to hold the Applicant in contempt of court.

The Law is well settled that jurisdiction can be challenged in any Court, at any time, *Rook v. Rook, 353 S.E.2d 756 (1987)*. The United States Supreme Court is currently the last resort for the Applicant.

The Superior Court held the Applicant, a Defendant, to be vexatious requiring a pre-filing order, and is now denying the right to file or be heard on the record regarding thirteen (13) jurisdictional issues. *See*, Exhibit #ER8 – ‘Notice of Special Appearance #3’. Bates 03–12 This should be alarming to a Court with supervisory authority.

A. Certiorari Probably will be Granted.

The Applicant’s Petition for Writ of Certiorari squarely fits under Rule 10(a) with the California Courts departing from accepted and usual course of judicial proceedings, acting without jurisdiction, calling for supervisory powers.

The Applicant is just guessing, but it is probably not every day that the Supreme Court gets a petition where nine State Judges⁴ are part of a RICO and conspiracy to deny rights Complaint, with undisputed evidence, that was summarily dismissed and summarily affirmed in the Federal Courts.

⁴ Three additional Judges could be added to the Complaint.

A factually strong Petition with unambiguous statutory Laws is not necessarily sufficient, to demand Supreme Court review, but this Petition warrants far more attention.

The Applicant could go on extensively on the technical details of the equipment being manufactured by the Applicant, and why KJ Microwave's DTR-1722A was the first choice for a key piece of the high data rate microwave downlink, for a U.S. reconnaissance satellite program.

Interference with such a program tells a convincing story about why the Supreme Court might want to discipline the California Courts that intentionally interfered with an urgent DoD procurement for National Security.

The Applicant could also go on about the personal hardships he has suffered in his quest for justice, but will assume the Justices of the Supreme Court realize the Petition before the Court is only a few highlights⁵ of six years of constant Superior

⁵ The RICO Complaint, District Court, E.D.O.C. case number 2:23-cv-2843 DJC CKD (PS), has 103 claims.

Court abuses.⁶ The destruction of the Applicant's business and loss of livelihood six years before retirement, speaks for itself.

The Applicant, however, believes the primary consideration which overwhelmingly necessitates review, is the destruction of the utility and reputation of the Judicial System, by corrupt Judges.

If the Superior Court can partition a piece of property before one even owns it and hold one in contempt of court, possibly jailing one for objecting, then one's reputation can be destroyed, property taken and freedom lost, by corrupt Judges acting without all authority.

The Applicant pursued his MBA in part to learn how to operate complex businesses within the Law. Aside from a few traffic tickets in his youth, the Applicant successfully operated his high-tech business for many years and has never been involved in any Court proceeding, until his brothers and the

⁶ The Applicant also believes outside of Court there may have been two foiled attempts on his life.

Nevada ALLING & JILLSON, LTD law firm initiated three actions against him.

The Applicant took for granted the California Court system would be reasonably fair and firmly adhere to the statutory law. Shockingly, he found out otherwise.

How could a defendant, with a lifetime total of three cases, all filed by the same individuals and law firm against him, be declared vexatious and continually be denied the right to file in a California Court and be denied the right to be heard for his jurisdictional challenges?

Restoring the utility of the Courts compels granting this Application and the accompanying Petition for Writ of Certiorari.

The future of the Nation is dependent on the integrity of its Courts.

The Supreme Court is the Court of last resort. In this case, there will either be justice and equity or there will be tribalism.

The binding force of a Nation, is its Constitutional contract with its citizens. The Constitution must be enforced by those in a supervisory position, to adhere to the rule of Law.

If prejudicial favoritism to bar members, attorneys or judges, supersede the honest truth, the rule of Law gets replaced with tribal politics.

Tribalism is often characterized by the arbitrary, irrational and self-serving decisions of the chief. Tribalism is vastly inferior to the statutory consistency of the legislature and rationally debated and enacted Law.

The Applicant, as all citizens, relies on the Judiciary to interpret and enforce the Law to make contracts, operate businesses and financially transact.

The Applicant's reliance was based on a false belief of honest Judges in the California Courts, meaningfully enforcing rational interpretations of the Law. In the corrupt State jurisdiction, statutory adherence has turned out to be utterly absent and Constitutional rights flagrantly disregarded.

In microwave communications, the Applicant's field of expertise, data links are measured by two primary metrics, Quality of Service (QoS) and Availability of Service (AoS).

QoS is typically a measure of bit errors per the number of bits sent. Consumer cell phones achieve an error rate generally better than one error in every thousand bits sent (10^{-3}).

The California Courts have erred, on all of the many dispositive issues presented by the Applicant, one hundred percent of the time, across three cases. Such a high error rate is not due to random human error, but is a product of corruption invoking a predetermined outcome.

The AoS metric measures what percentage of the time a data link is available for use. Typical consumer cell phone data links in most areas provide useful service better than ninety nine percent (99%) of the time. Rarely does rainfall preclude the use of the phone.

On the contrary, thus far State Courts have failed to provide a single rational statement of decision on any of the thirteen (13) jurisdictional challenges. See Exhibit #ER8 – ‘Notice of Special Appearance #3. See *accompanying*, ‘Petition for Writ of Certiorari’, page 9 – 10.

Not to be outdone, the Federal District and Circuit Court have provided zero percent (0%) availability to hear the Applicant's plight. *See Exhibit #9 – 'Exhaustion Below'.*

Relative to the communications industry, such high Judgment error rates and total lack of availability to be heard or produce a meaningful statement of decision, is beyond frustrating, it is useless.

If the Courts cannot be relied upon to act in accordance with the statutory Laws and the Constitution, how does one do anything in the jurisdiction with any reasonable expectation of a fair legally bound outcome on the merits? How does one contract, buy or sell, anything? What legal warrantee does one have that one's hard work will ever go to his heirs?

We all depend on the legal system to be free of corruption and at least the majority of the time to offer justice and equity based on statutory holdings and Constitutional rights.

If the Nation's judicial system cannot provide justice and equity, the Nation is doomed to failure.

Those that provide the tools for the Nation's security, like the Applicant, will find other jurisdictions, which are more

dependable, where the fruits of their labors are not stolen by corrupt officers of the court, enabling racketeering in the courtroom.

The DoD did not get their first choice in technology from KJ Microwave, because the California Courts are corrupt. In this case, the local Courts forced second best on the Nation's security. How many more times can that happen before the Nation is at risk?

Who is guarding the integrity of the Nation's Courts?

The Supreme Court has a duty to act, the evidence in this case is clear and everyone knows it. No one has ever disputed the Secretary of State's 'No Record' of ALLING & JILLSON, LTD. No one has ever disputed the El Dorado County Recorder showing the Plaintiffs did not own the '1017' property until over a year after filing their harassment and extortion 'Partition Complaint'.

The Law is unambiguous, professional LLCs are not permitted in California and you have to own the property prior to partitioning it.

The honor of all the decent Judges out there who are not corrupt, doing a difficult job, deserve to have their reputations

preserved from this scandalous obscene behavior of those State Judges who lack the moral turpitude to live up to their oath to defend the U.S. Constitution and the Laws of this State.

Consider for a moment the \$332,257 award for attorney fees made by the Superior Court, for the services of a law firm not permitted in the State, stolen from the Applicant. Do such judicial decisions enhance the reputation of the Courts, or is it an absolute embarrassment or outrage to the honest Judges?

The Applicant's Petition for Writ of Certiorari and Complaint, filled with 103 very disturbing claims, backed by brutally clear undisputed evidence and unambiguous statutes.⁷

It is now before the most competent, independent Judiciary the Nation has to offer. The likelihood the Court will recognize the corruption and injustice is very high. The likelihood at least four justices will recognize the importance to the Nation of rooting out the corruption, is also very high.

⁷ Perhaps this case was intentionally pushed up to the Supreme Court for the good of the Nation (no opportunity to appeal, minimizing public confidence loss).

The probability the Supreme Court will grant certiorari and review on the merits of the case is high.

B. Review has a “Fair Prospect” of Reversal.

The District Court erred summarily dismissing the Applicant’s (RICO) Complaint under the *Rooker-Feldman* doctrine and *Younger* abstention doctrine.⁸ *See accompanying*, ‘Petition for Certiorari’, pages App. 4 – 10.

Under *Younger*, “The court need not abstain if the state court proceedings were undertaken for bad faith or for purposes of harassment or the statute at issue is “flagrantly and patently violative of express constitutional prohibitions.” Dubinka [v. Judges], 23 F.3d at 223 & 225 [1994]; Lebbos [v. Judges], 883 F.2d at 816 [1989].” *See (or search), Tommy Nichols v. Stanislaus Superior Ct.*, case 1:08-cv-01338-TAG, Decision page 4.

Fraudulently contending in the first three lines of a Complaint a law firm not permitted in the state and unregistered

⁸ Likely to be moot by the time the Supreme Court would grant certiorari.

with the SOS, will be appearing and providing representation services as the Attorney of Record in the Superior Court, is not only a serious 'fraud upon the Court' but a clear act of bad faith. *See, Exhibit #5 – 'Partition Complaint, Bates 1.* The District Court failed to recognize this fact, erring in its dismissal.

Similarly, dismissal under the *Rooker-Feldman* doctrine was in error, disregarding the allegedly illegal act of interstate fictitious name fraud under 18 U.S.C. §1342, *ibid.*

"If, on the other hand, a federal plaintiff asserts as a legal wrong an allegedly illegal act or omission by an adverse party, Rooker-Feldman does not bar jurisdiction." *See, Kougasian v. TMSL, Inc.*, 359 F.3d 1140 (9th Cir. 2004), citing *Noel v. Hall*, 341 F.3d 1161-1162 (9th Cir. 2003).

These and many other bad faith acts with undisputed evidence, will likely result in a majority of the Supreme Court concluding upon review that the District Court decision below on the merits was erroneous. The right to be heard for the (RICO) Complaint was denied and "requires a reversal". *Council Of Federated Org. v. MIZE*, 339 F.2d 901 (5th Cir. 1964).

C. Irreparable Harm Will Result from Stay Denial.

Calumny is a serious sin, as it is impossible to fully redress.

The Applicant first and foremost desires to preserve what is left of his reputation. At 65 years of age, it is impossible for him to fully regain his reputation if wrongly held in contempt.

Holding the Applicant in contempt of court destroys his reputation and may be difficult to expunge, if it is erroneously declared by a Superior Court acting without all jurisdiction.

If the Applicant refuses to pay unjustly levied fines, he could be jailed, further defaming his reputation.

The Applicant is under duress and fears serious harm or death if jailed by the Superior Court under a wrongful contempt charge.

Being declared vexatious, or in contempt, is no joke for a person who relied on his honest reputation.

The Applicant has held a variety of U.S. Federal government clearances and has often relied on his good reputation in business.

On a more personal level, consider the Applicant, a 'Johnson', is well known in the small community from the long pioneering history of his family arriving in the Lake Tahoe area

in the 1860's. Defamation of his character by California Courts acting without all authority, in a courthouse built on land donated from the 'Johnson's', is truly scandalous.

The Applicant uncovered serious white-collar organized crime in his independent Federal (RICO) Complaint. Based on years of outrageous behavior of the Judges of the El Dorado County Superior Court, the Applicant would not put anything past them, including intentional interference with the Petition for Writ of Certiorari and any subsequent brief or Supreme Court hearing.

Judges conspiring to enable racketeering in the courtroom, knowingly harming an urgent DoD procurement, should get long criminal sentences in any related prosecution. These California Judges are still at large sitting on the bench and pose a significant risk to the Applicant.

The Superior Court should be stayed, precluding any action, until a determination of jurisdiction is made by the United States Supreme Court.

D. Balance of Equities Favors Public and Applicant.

This case is unusual in that, the racketeering extortion attempt destroyed KJ Microwave, which developed and qualified a sole source product for over \$8,000,000 of follow on work. Given the treble damages for racketeering, redress could easily exhaust the assets of all the individuals named in the (RICO) Complaint. This would leave the balance of the Superior Court damages, ultimately on the tax paying Public.

Adding anything to the already high damages, particularly new claims arising from a false contempt declaration and fraudulently levied fees, made without jurisdiction, would not be in the Public's interest.

Additional reputation harm would also not be in the Applicant's interest.

The harm to the Public and Applicant must be weighed against the potential harm to the Referee and Superior Court in delaying payment of contempt fines, which is insignificant.

Originally, the final Superior Court 'Partition Complaint' hearing was scheduled for January 10, 2025 and was recently moved up at the Referee's request. *See Exhibit #1 – 'Contempt Hearing', Bates 1.*

Interest on such fines for sixty- or ninety-day delay, while the Supreme Court grants or denies the Petition for Writ of Certiorari, is insignificant relative to the substantial award likely if the Applicant were to be unjustly held in contempt by a Superior Court acting without authority.

The balance of equities strongly favors the tax paying Public and Applicant.

E. Bond Should Not be Required.

Federal Rule of Civil Procedure 65(c) “invests the district court ‘with discretion as to the amount of security required if any’” *Jorgensen v. Cassidy*, 320, F 3d 906919 (9th cir. 2003) (citation omitted). A Court can waive the posting of bond where important federal rights are involved, see, e.g., *Diaz v. Brewer*, 656 F. 3d 1008, (9th Cir. 2005) or *Cont’l Oil Co. v. Frontier Ref. Co.*, 338 F.2d 780, 782 (10th Cir. 1964.).

The Court therefore should waive the posting of any bond in this application to stay the Superior Court as there is extensive deprivation of Constitutional rights. See United States District Court, E.D.O.C. case No. 2:23-cv-02843-DJC-CKD, (RICO) Complaint, pages 3–7.

CONCLUSION

The Applicant urges Justice Elena Kagan to grant this Application to maintain the *status quo* preventing further harm to the Applicant's reputation for the brief period necessary for Supreme Court review.

Dated: September 5, 2024 Respectfully submitted,



Kent K. Johnson *pro se*

//

CERTIFICATE OF COMPLIANCE

I hereby certify that this Application contains 4845 words, including footnotes.

In making this certification, I have relied on the word count of the computer program used to prepare the Application.

Dated: September 5, 2024 Respectfully submitted,



Kent K. Johnson *pro se*

///

1 L. MARK BISSONNETTE, CBN 165236
2 **LAW OFFICES OF L. MARK BISSONNETTE**
3 2520 Lake Tahoe Blvd., Suite 2
4 South Lake Tahoe, CA 96150-7744
5 Telephone: (530) 544-5092
6 Facsimile: (530) 544-5095

7 Court Appointed Referee

8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO**
9 **SOUTH LAKE TAHOE SESSION**

10 **CURTIS JOHNSON AND ROSS JOHNSON,** Case No. SC2018-0141

11 **Plaintiffs,**

12 **v.**

13 **KENT JOHNSON**

14 **Defendant.**

**NOTICE OF AND MOTION: RE-
SETTING CONTEMPT HEARING AND
FOR CONTEMPT SANCTION AGAINST
KENT JOHNSON; FOR FINAL DISTRIBUTION;
FOR ORDER DISCHARGING
REFEREE, AND; FOR ORDER TAKING
REVIEW HEARING OFF CALENDAR**

15 **Date: September 13, 2024**
16 **Time: 1:30 pm**
17 **Dept.: 4**

18 Please take notice that on September 13, 2024, at 1:30 PM, in Dept. 4 of this court, located
19 at 1354 Johnson Blvd., South Lake Tahoe, California, or as soon thereafter as the matter may be
20 heard, L. Mark Bissonnette, court appointed referee (hereinafter "Referee") will move this court for
21 an order: 1) sanctioning Defendant, Kent Johnson (hereinafter "Defendant"); 2) ordering final
22 distribution of the \$50,000 of sale proceeds remaining in Referee's attorney trust account; 3)
23 discharging Referee, and; 4) taking the January 10, 2025 review hearing in this matter off calendar.
24 This motion is based on the pleadings and papers on file with this court, on the memorandum of
25 points and authorities and argument contained herein, on the declaration of L. Mark Bissonnette filed

26 ///

27 ///

28 ///

Referee's Motion Re: Contempt Sanctions, Final Distribution, Etc.

1 concurrently herewith, and on such argument and evidence as may be introduced at hearing on the
2 matter.

3 Dated: July 27, 2024

LAW OFFICES OF L. MARK BISSONNETTE

4 By: 

5 L. Mark Bissonnette
6 Court Appointed Referee

7 STATEMENT OF FACTS

- 8 1. On or about September 6, 2022, this court entered an Order After Hearing Re: Contempt.
9 That order found Defendant in contempt and ordered him: to pay Referee \$2,130 as and for
10 attorney fees and an additional \$105 for reasonable costs, and; pay the court a total of \$2,500.
11 2. On or about, August 11, 2023, Referee filed a motion for contempt sanctions against
12 Defendant. That motion requested that the court find Defendant in contempt and sanction
13 him for his conduct in concocting "a completely bogus, and unmeritorious document, which
14 has no basis in law and attempting to file it with the Supreme Court [of California]." Referee's Motion for Contempt Sanctions, filed herein August 11, 2023, p. 8, lns. 3-4. The
15 motion is incorporated herein by this reference as if fully set forth herein. The motion also
16 requested an award of \$5,790 as and for Referee's fees and costs in bringing the motion and
17 that the court order that Defendant immediately pay the \$2,500 in sanctions and \$2,235 in
18 costs and fees previously ordered in the September 6, 2022 contempt order.
19 3. On or about August 21, 2023, Referee filed and served a notice of change of date for the
20 hearing on the August 11, 2023, contempt motion, indicating that the clerk of the court had
21 continued the date for the hearing from September 22, 2023 to September 29, 2023, at 1:30
22 PM in Dept. 4. The proof of service indicates that Defendant was served by both regular and
23 e-mail.
24 4. On or about November 16, 2023, the court entered an order on the August 11, 2023,
25 contempt motion. The order was issued after a November 3, 2023 hearing on the matter.
26 The order stated and explained in pertinent part:

27 "Hearing on the matter was originally set for September 29, 2023.

28 No opposition to the motion was filed, no appearances or requests for

Referee's Motion Re: Contempt Sanctions, Final Distribution, Etc.

1 oral argument were made and on September 29, 2023 the court's
2 minute order adopted its' tentative ruling and stated "Defendant Kent
3 Johnson is ordered to appear in person at 1:30 PM. Friday October
4 20, 2023, in Department 4 to show cause why contempt sanctions
5 should not be issued against him for failure to comply with court
6 orders." The courts minute order of that date indicates it was
7 forwarded to Kent Johnson at his address of record by regular mail.
8 A Notice of Entry of Order, filed October 2, 2023 by Referee,
9 indicates that the order was again mailed to Kent Johnson by regular
10 mail and was forwarded to Kent Johnson by e-mail. On October 5,
11 2023, on the court's own motion this matter was continued by minute
12 order to November 3, 2023, at 1:30 PM in Department 4 of the court.
13 That minute order stated "Defendant Kent Johnson is ordered to
14 appear in person to show cause why contempt sanctions should not
15 be issued against him for failure to comply with court orders." The
16 courts' minute order of that date indicates it was forwarded to Kent
17 Johnson at his address of record by regular mail. A Notice of Entry
18 of Order, filed October 10, 2023 by Referee, indicates that the order
19 was again mailed to Kent Johnson by regular mail and was forwarded
20 to Kent Johnson by e-mail. Referee was present at the hearing.
21 Plaintiffs were present at the hearing represented by their attorney of
22 record, Kara Hayes, Esq. Defendant was not present at the hearing.
23 Considering the foregoing the court orders:

- 24 1. This matter is continued until December 8, 2023, at
25 1:30 PM, in Department 4, at which time the court
26 will determine whether to appoint defense counsel for
27 defendant Kent Johnson.
- 28 2. Defendant Kent Johnson is ordered to personally

Referee's Motion Re: Contempt Sanctions, Final Distribution, Etc.

1 appear at the continued hearing on December 8, 2023,
2 at 1:30 PM, in Department 4.”

- 3 5. The minute order from the December 8, 2023 hearing indicates: that Defendant Kent Johnson
4 failed to appear at the December 8, 2023 hearing as ordered; that Julie Moukoian, Esq., was
5 present at the hearing from the El Dorado County Public Defenders office; that Ms.
6 Moukoian presented to the Court a copy of a letter to the Public Defenders office from
7 Defendant stating the he will continue to represent himself and that he does not want to be
8 represented by the Public Defenders office. The December 8, 2023, minute order also
9 indicate that the Court would on its own motion continue the matter until December 15,
10 2023, at 1:30 PM, in Dept. 4. The minute order also stated “Defendant Kent Johnson is
11 ordered to appear in person at 1:30 PM, December 15, 2023, in Department 4 to show cause
12 why contempt sanctions should not be issued against him for failure to comply with court
13 orders” and “Notice of hearing to be given to Mr. Kent Johnson by clerk.” The minute order
14 further indicates that it was served on Defendant by court clerk by both mail and e-mail.
- 15 6. The minutes from the December 15, 2023, hearing indicate that no appearance was made by
16 Defendant and, at the request of Referee, the court took the contempt matter off calendar
17 subject to resetting on two weeks notice.
- 18 7. On or about December 21, 2023, this court issued an Order After Ex-Parte Hearing
19 Regarding Sale (“December 21, 2023 Order”). Paragraph 1, of that order stated:
20 “Because of Defendant’s non-cooperation and interference with the court ordered
21 partition sale of the Subject Property, the Referee has been unable to retain the
22 services of a title company to issue title insurance or facilitate the escrow for the sale
23 of the Subject Property. As described below, the Buyers have knowingly,
24 voluntarily, and intelligently agreed to proceed with the acquisition of the Subject
25 Property without a policy of title insurance. To facilitate the escrow for the sale of the
26 Subject Property, the court appoints attorney Peter Adamco, as Attorney Escrow
27 Holder to act as escrow holder and to provide escrow services including but not
28 necessarily limited to drafting a deed, executing escrow instructions, recording the

1 deed and any other documents required to transfer title and consummate the sale of
2 the Subject Property, pay him or herself their reasonable fees, and pay commissions
3 and other closing/recording costs. In no event shall the services of the Attorney
4 Escrow Holder exceed what is reasonably necessary to close escrow. Then at close
5 of escrow (COE) the Attorney Escrow Holder will distribute the remaining proceed
6 of sale to Referee to be maintained in Referee's trust account pending further order
7 of the court. The Referee is authorized to contract with Attorney Escrow Holder for
8 services to be billed at \$500 per hour plus costs and the Attorney Escrow Holder is
9 authorized to compensate himself or herself, up to \$10,000 for fees, plus costs, at
10 close of escrow, provided he or she provides a detailed description of the services
11 provided. Any additional charges beyond \$10,000 shall be submitted to the court for
12 approval at the time Referee notices the hearing regarding distribution of proceeds
13 of sale."

14 8. Paragraph, 4, of the December 21, 2023 Order, stated:

15 "That the court approves Referee granting a lien, such lien being confirmed
16 by the court's signature below, to Attorney Escrow Holder, Buyers, Buyers' and
17 seller's real estate agents and their brokers against \$50,000 of the sale proceeds to be
18 held by Referee in his trust account to secure against any later allowed costs of
19 partition which may include, subject to applicable California law and the court's
20 approval, costs related to necessary litigation or defense costs incurred due to
21 Defendant's actions. This amount shall also secure any later amounts of Referee's
22 costs or attorney fees incurred for the mutual benefit of the parties. Said amount to
23 be subject to distribution at the discretion of the court, upon noticed motion, to the
24 parties in this action and the Appointed Parties, and order of the court. Any
25 Appointed Party, party herein or the Referee may make such a motion. The Referee
26 will make such a motion on behalf of any Appointed Party who advises Referee of
27 such claim. The court, by separate minute order, shall set a review hearing for the
28 purpose of addressing the disbursement of this amount, if not previously distributed,

1 approximately one year after the date this order is signed. For the avoidance of doubt,
2 the lien on the \$50,000 to be held by the Referee in his trust account represents a cap
3 on the amount of any later, meaning post-COE, costs of partition that may be allowed
4 by the Court against Plaintiffs in their individual capacities or against Plaintiffs'
5 share of the sales proceeds from the Subject Property.”

- 6 9. On or about February 16, 2024, this court issued an Order After Ex-Parte Hearing Regarding
7 Approval of Engagement Letter and Setting Date for Review Hearing. That order approved
8 the engagement letter of Attorney Escrow Holder, Peter Adamco (“AEH”) and set a review
9 hearing in this matter for January 10, 2025, at 1:30 PM.
- 10 10. On or about March 14, 2024, title to the subject property was transferred to the Buyer’s,
11 Robert Riva and Jeanette Riva, in this matter. A copy of the recorded deed is attached to the
12 Declaration of L. Mark Bissonnette in Support of Motion for Hearing to Distribute Sale
13 Proceeds Etc., filed herein on March 25, 2024, as Exhibit 1.
- 14 11. On or about March 25, 2024, Referee moved this court for an order directing distribution of
15 sale proceeds, including distributions to Referee and AEH through close of escrow March
16 14, 2024.
- 17 12. On May 3, 2024, the tentative ruling of this court bearing that date became the order of the
18 court. That order awarded Referee and AEH costs and fees through March 14, 2024 pursuant
19 to the Court’s December 21, 2023 Order.
- 20 13. Since COE on March 14, 2024, and through the drafting of this motion Referee has expended
21 63.5 hours on this matter. Referee anticipates that he will spend 3 hours in drafting a reply
22 regarding the instant motion, another 3 hours in preparing for and attending a hearing on this
23 matter, an additional 1.5 hours in finalizing the order after hearing and an additional .9 hours
24 in drafting and forwarding checks pursuant the order for final distribution requested herein,
25 or an additional 8.4 hours for a total of 71.9 hours since COE. At Referee’s normal hourly
26 rate of \$300 per hour that amounts to \$21,570.00 (71.9 x 300). In addition Referee has
27 incurred costs in this matter in the amount of \$973.40. Therefore, the total amount Referee
28 requests he be awarded since COE is \$22,543.40. See, Declaration of L. Mark Bissonnette,

1 paragraph 13, filed concurrently herewith.

2 14. Since COE on March 14, 2024, and through the drafting of this motion Attorney Escrow
3 Holder, Peter Adamco, has expended time in the amount of \$1,600.00 for fees. See, fee
4 statement of Peter Adamco attached to the Declaration of L. Mark Bissonnette, filed
5 concurrently herewith, as Exhibit 2.

6 15. On or about December 6, 2023, Defendant filed a federal RICO action against the plaintiffs
7 in this matter, several judges of the El Dorado County Superior Court, Referee, Plaintiff's
8 counsel and five judges of the California Third District Court of Appeals, among other
9 defendants. This matter was summarily dismissed on December 7, 2023. On or about
10 January 5, 2024, Defendant filed an appeal to the United States Ninth Circuit Court of
11 Appeal. On or about April 24, 2024, the Ninth Circuit Court granted Referee's motion for
12 summary disposition, and affirmed the Eastern District of California's ruling. See,
13 Declaration of L. Mark Bissonnette filed concurrently herewith.

14 POINTS AND AUTHORITIES

15 A. This Court Should Find Defendant to be in Contempt of Court and Sanction Him
16 Accordingly

17 As discussed in the August 11, 2023, contempt motion this court should find Defendant in
18 contempt and sanction him for his conduct in concocting "a completely bogus, and unmeritorious
19 document, which has no basis in law and attempting to file it with the Supreme Court." August 11,
20 2023 contempt motion, p. 8, lns. 3-4. In that document Defendant, among other things threatened
21 Referee with possible disbarment and imprisonment. This conduct is a clear attempt at "obstruction
22 or sabotage of the ... sale of the property" and to intimidate "the referee, the real estate brokers or
23 agents, the purchasers" and all others who might be "involved in the sale." All in direct
24 contravention of this court's October 19, 2021, February 8, 2022 and February 15, 2022, orders. See,
25 August 11, 2023 contempt motion, pp. 6-8.

26 California Code of Civil Procedure Section 1209(a) states in pertinent part: "The following
27 acts ... are contempts of court: ... (5) Disobedience of any lawful judgment, order, or process of
28 court... (9) Any other unlawful interference with the process or proceedings of a court."

1 California Code of Civil Procedure Section 1218(a) states:

2 “Upon the answer and evidence taken, the court or judge shall determine whether the
3 person proceeded against is guilty of the contempt charged, and if it be adjudged that
4 the person is guilty of the contempt, a fine may be imposed on the person not
5 exceeding one thousand dollars (\$1,000), payable to the court, or the person may be
6 imprisoned not exceeding five days, or both. In addition, a person who is subject to
7 a court order as a party to the action, or any agent of this person, who is adjudged
8 guilty of contempt for violating that court order may be ordered to pay to the party
9 initiating the contempt proceeding the reasonable attorney's fees and costs incurred
10 by this party in connection with the contempt proceeding.”

11 There are many more instances of conduct by Defendant, Kent Johnson, that could be asserted as
12 conduct in contempt of this court's orders. Referee requests the one original count of contempt
13 regarding the purported motion to the California Supreme Court, as that count has been fully noticed
14 and briefed and has been ripe for decision since December 15, 2023. Furthermore Referee requests
15 the court find defendant in contempt for his failure to appear as ordered on November 3, 2023,
16 December 8, 2023 and December 15, 2023. Considering Defendant's conduct throughout these
17 proceedings Referee suggests that the court should impose the maximum sanction of \$1,000 for each
18 of these four (4) counts of contempt. Additionally, this court should order Defendant to pay attorney
19 fees and costs of \$5,790, as requested in the August 11, 2023 contempt motion. The court should
20 order that Defendant immediately pay the sanctions, costs and fees, previously ordered by this court
21 of \$2,500 and \$2,235, respectively. Therefore, the court should order that Defendant pay within
22 10 days of its order \$6,500 (\$2,500 + \$4000) in sanctions to the court and \$8,025 (\$2,235 + \$5790)
23 as and for fees and costs. Finally, Referee suggests that the fees and costs awarded be paid to
24 Plaintiffs in this matter as they have effectively born these costs and fees.

25 B. The Court Should Issue an Order Directing Final Distribution of Sale Proceeds Received by
26 Referee from Escrow

27 More than 90 days have passed since the Ninth Circuit Court of Appeals granted Referee's
28 motion for summary disposition and affirmed the Eastern District of California's dismissal of

1 Defendant, Kent Johnson's appeal. Therefore, the only possible avenue for further contesting these
2 proceedings and the Eastern District of California's dismissal order is no longer available as the time
3 for a writ of certiorari to the United States Supreme Court has passed. See, United States Supreme
4 Court Rule 13.1. Considering the foregoing, it is Referee's firm hope and belief that this matter is
5 finally concluded and a final distribution should be made.

6 California Code of Civil Procedure section 873.820, states in pertinent part that the "proceeds
7 of sale for any property sold shall be applied ... [to] Payment of the expenses of sale ... [and]
8 Distribution of the residue among the parties in proportion to their shares as determined by the
9 court."

10 California Code of Civil Procedure Section 873.820 states:

11 "The proceeds of sale for any property sold shall be applied in the following order:

12 (a) Payment of the expenses of sale.

13 (b) Payment of the other costs of partition in whole or in part to secure any cost of
14 partition later allowed.

15 (c) Payment of any liens on the property in their order of priority except liens which
16 under the terms of sale are to remain on the property.

17 (d) Distribution of the residue among the parties in proportion to their shares as
18 determined by the court."

19 Under California Code of Civil Procedure Section 874.010(b), costs of partition include "the fee and
20 expenses of referee." California Code of Civil Procedure Section 873.110, states in pertinent part:

21 "[T]he court may:

22 (a) Authorize or approve contracts of the referee for the services and expenses of surveyors,
23 engineers, appraisers, attorneys, real estate brokers, auctioneers, and others.

24 (b) Allow and direct payment of or reject claims under such contracts."

25 California Code of Civil Procedure Section 873.110 vests the court with broad discretion to approve
26 contracts for services, with corresponding duty to provide adequate lien protection for persons who
27 render such services. It recognizes that the court is the supervising entity in carrying out the
28 partition. California Forms of Practice and Pleading, Partition (August 1983) citing Cal L Review

1 Comm Comment to CCP§873.110.

2 Considering the foregoing, Referee requests that this court issue an order distributing the
3 \$50,000.00 proceeds of sale remaining in Referee's attorney trust account as follows:

- 4 1. Referee shall pay Referee, from the remaining \$50,000.00 proceeds of sale deposited in
5 Referee's trust account, the sum of \$22,543.40, that being \$21,570.00 as and for fees since
6 COE and \$973.40 as and for costs since COE.
- 7 2. Referee shall pay AEH, from the remaining proceeds of sale deposited in Referee's trust
8 account the sum of \$1,600.00, representing amounts due from COE.
- 9 3. The residue of the proceeds of sale, in the amount of \$25,856.60, remaining in Referee's
10 attorney trust account, after the above referenced payments shall be paid equally to Plaintiffs
11 Curtis Johnson and Ross Johnson in the amount of \$12,928.30 each.

12 Referee believes the residue of the proceeds should be divided equally between the Plaintiffs,
13 consistent with the court's previous distribution of sale proceeds. See, Court's May 3, 2024, ruling
14 on distribution of sale proceeds, p. 3.

15 C. The Court Should Issue an Order Discharging the Referee

16 California Code of Civil Procedure Sections 873.820 states in pertinent part: "(b) The court may
17 (3) Fix the reasonable compensation for the services of the referee and provide for payment of
18 the referee's reasonable expenses.... (5) Require the filing of interim or final accounts of the referee,
19 settle the accounts of the referee, and discharge the referee."

20 Once the payments to be order herein are made Referee believes his duties to this court as
21 referee will be complete. Therefore, the court should enter an order directing final distribution of
22 the \$50,000 held in Referee's attorney trust account, as requested herein above, and discharging
23 Referee. Considering the foregoing, Referee request the court enter an order as follows:

- 24 1. Upon making the final distributions as directed herein above, Referee is fully discharged
25 from all duties, responsibilities and obligations as partition referee.
- 26 2. Referee and his agents, professionals and associates, and each of them, are fully exonerated
27 from all liability as provided by law. Referee shall not be liable in any manner for any
28 outstanding obligations and debts of the partition estate or of the Parties. Whether known or

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unknown, nor liable to any taxing authority, other governmental authority, person or entity.

3. All persons and entities shall be enjoined and restrained from commencing or prosecuting any action or proceeding against Referee, stemming from Referee's actions related to this matter, or on account of the debts, claims, and obligations of the partition estate.

4. Should Referee, his agents, professionals or associates be called as witness in any future proceeding, or be required to respond to a subpoena or legal proceeding, of any kind, in relation to Referee's services and actions in this partition matter, that requesting or moving party shall pay Referee or such other person's then current billing rate for time expended on such matter and shall reimburse Referee or such other person all fees and expenses incurred in connection with such response(s) or appearance(s).

D. The Review Hearing Currently Set for January 10, 2025 Should be Taken off Calendar


As discussed above in Section C., more than 90 days have passed since the Ninth Circuit Court of Appeals granted Referee's motion for summary disposition and affirmed the Eastern District of California's dismissal of Defendant, Kent Johnson's appeal. Therefore, the only possible avenue for further contesting this proceeding or the Eastern District of California's dismissal order is no longer available as the time for a writ of certiorari to the United States Supreme Court has passed. See, United States Supreme Court Rule 13.1. Considering the foregoing, it is Referee's firm hope and belief that this matter is finally concluded and Referee believes the review hearing should be taken off calendar.

CONCLUSION

For the reasons stated herein above, this court should enter an order: 1) Sanctioning Defendant as set forth herein above; 2) Ordering final distribution of the \$50,000 of sale proceeds remaining in Referee's attorney trust account; 3) discharging Referee, and; 4) taking the January 10, 2025 review hearing off calendar.

Dated: July 27, 2024

LAW OFFICES OF L. MARK BISSONNETTE

By: 
L. Mark Bissonnette
Court Appointed Referee

1
2 **PROOF OF SERVICE**

3 **I. L. Mark Bissonette, declare:**

4 I am employed in the State of California, over the age of 18 years and not a party to the within
5 action; my business address is 2520 Lake Tahoe Blvd., Ste. 2, South Lake Tahoe, CA 96150.
6 On the below date I served the document(s) listed below as follows:

7 _____ By transmitting via facsimile the listed document(s) to the fax number (s) set
8 forth below on this date before 5:00 p.m.; and simultaneously,

9 X By placing the document(s) listed below in a sealed envelope with postage
10 thereon fully prepaid for first class mail in the United States mail at South Lake
11 Tahoe, California, addressed as set forth below.

12 _____ By personally delivering the document(s) listed below to the person at the
13 address set forth below.

14 X By email transmission.

15 _____ By forwarding the documents by express mail/express delivery.

- 16 1) Referee's Motion for Contempt Sanctions, Final Distribution, etc.
17 2) Declaration of L. Mark Bissonette in Support of Motion for Contempt Sanctions, Final
18 Distribution, etc.
19 3) Proposed Order Re: Motion for Contempt Sanctions, Final Distribution, etc.

20 **NAME/ADDRESS:**

21 Kara Hayes, Esq.
22 Alling & Jillson, LTD,
23 P.O. Box 3390
24 Stateline, NV 89449
25 khayes@ajattorneys.com

26 Kent Johnson
27 PO Box 17691
28 South Lake Tahoe, CA 96151
johnsonkk@earthlink.net

Wisi Betschart
Compass Realty
2028 Lake Tahoe Blvd.
South Lake Tahoe CA 96150
wisi.betschart@compass.com

Robert & Jeanette Riva
c/o Wisi Betschart
Compass Realty
2028 Lake Tahoe Blvd.
South Lake Tahoe CA 96150
jmkaelin@yahoo.com

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Doug Clymer
Chase Realty
989 Tahoe Keys Blvd
South Lake Tahoe CA 96150
doug@dougclymer.com

Peter Adamco, Esq.
P.O. Box 1564
Zephyr Cove, NV 89448
padamco@aol.com

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

DATED: July 29, 2024



L. Mark Bissonnette

1 L. MARK BISSONNETTE, CBN 165236
2 **LAW OFFICES OF L. MARK BISSONNETTE**
3 2520 Lake Tahoe Blvd., Suite 2
4 South Lake Tahoe, CA 96150-7744
5 Telephone: (530) 544-5092
6 Facsimile: (530) 544-5095

7 Court Appointed Referee

8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO**
9 **SOUTH LAKE TAHOE SESSION**

10
11 **CURTIS JOHNSON AND ROSS JOHNSON,** Case No. SC2018-0141

12 **Plaintiff,**

13 v.

14 **KENT JOHNSON, DOES 1-10**

15 **Defendants.**

**DECLARATION OF L. MARK
BISSONNETTE IN SUPPORT OF
MOTION FOR CONTEMPT SANCTIONS;
FOR FINAL DISTRIBUTION; FOR
ORDER DISCHARGING REFEREE AND;
FOR ORDER TAKING REVIEW
HEARING OFF CALENDAR**

16 **Date: September 13, 2024**
17 **Time: 1:30 PM**
Dept.: 4

18 I, L. MARK BISSONNETTE, declare as follows:

19 I am the court appointed referee in this matter. I am an adult over the age of 18. I have
20 personal knowledge of the facts contained in this declaration and, if called as a witness, I could
21 competently testify thereto.

- 22 1. On or about September 6, 2022, this court entered an Order After Hearing Re: Contempt.
23 That order found Defendant in contempt and ordered him: to pay Referee \$2,130 as and for
24 attorney fees and an additional \$105 for reasonable costs, and; pay the court a total of \$2,500.
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26 Defendant. That motion requested that the court find Defendant in contempt and sanction
27 him for his conduct in concocting "a completely bogus, and unmeritorious document, which
28 has no basis in law and attempting to file it with the Supreme Court [of California]."

Declaration of L. Mark Bissonnette in Support of Mot. for Contempt, Final Dist., etc

1 Referee's Motion for Contempt Sanctions, filed herein August 11, 2023, p. 8, Ins. 3-4. The
2 motion is incorporated herein by this reference as if fully set forth herein. The motion also
3 requested an award of \$5,790 as and for Referee's fees and costs in bringing the motion and
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10 e-mail.

11 4. On or about November 16, 2023, the court entered an order on the August 11, 2023,
12 contempt motion. The order was issued after a November 3, 2023 hearing on the matter.
13 The order stated and explained in pertinent part:

14 "Hearing on the matter was originally set for September 29, 2023.
15 No opposition to the motion was filed, no appearances or requests for
16 oral argument were made and on September 29, 2023 the court's
17 minute order adopted its' tentative ruling and stated "Defendant Kent
18 Johnson is ordered to appear in person at 1:30 PM. Friday October
19 20, 2023, in Department 4 to show cause why contempt sanctions
20 should not be issued against him for failure to comply with court
21 orders." The courts minute order of that date indicates it was
22 forwarded to Kent Johnson at his address of record by regular mail.
23 A Notice of Entry of Order, filed October 2, 2023 by Referee,
24 indicates that the order was again mailed to Kent Johnson by regular
25 mail and was forwarded to Kent Johnson by e-mail. On October 5,
26 2023, on the court's own motion this matter was continued by minute
27 order to November 3, 2023, at 1:30 PM in Department 4 of the court.
28 That minute order stated "Defendant Kent Johnson is ordered to

1 appear in person to show cause why contempt sanctions should not
2 be issued against him for failure to comply with court orders.” The
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5 of Order, filed October 10, 2023 by Referee, indicates that the order
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7 to Kent Johnson by e-mail. Referee was present at the hearing.
8 Plaintiffs were present at the hearing represented by their attorney of
9 record, Kara Hayes, Esq. Defendant was not present at the hearing.
10 Considering the foregoing the court orders:

- 11 1. This matter is continued until December 8, 2023, at
12 1:30 PM, in Department 4, at which time the court
13 will determine whether to appoint defense counsel for
14 defendant Kent Johnson.
- 15 2. Defendant Kent Johnson is ordered to personally
16 appear at the continued hearing on December 8, 2023,
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- 18 5. The minute order from the December 8, 2023 hearing indicates: that Defendant Kent Johnson
19 failed to appear at the December 8, 2023 hearing as ordered; that Julie Moukoian, Esq., was
20 present at the hearing from the El Dorado County Public Defenders office; that Ms.
21 Moukoian presented to the Court a copy of a letter to the Public Defenders office from
22 Defendant stating the he will continue to represent himself and that he does not want to be
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24 indicate that the Court would on its own motion continue the matter until December 15,
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further indicates that it was served on Defendant by court clerk by both mail and e-mail.

6. The minutes from the December 15, 2023, hearing indicate that no appearance was made by Defendant and, at the request of Referee, the court took the contempt matter off calendar subject to resetting on two weeks notice.

7. On or about December 21, 2023, this court issued an Order After Ex-Parte Hearing Regarding Sale ("December 21, 2023 Order"). Paragraph 1, of that order stated:
"Because of Defendant's non-cooperation and interference with the court ordered partition sale of the Subject Property, the Referee has been unable to retain the services of a title company to issue title insurance or facilitate the escrow for the sale of the Subject Property. As described below, the Buyers have knowingly, voluntarily, and intelligently agreed to proceed with the acquisition of the Subject Property without a policy of title insurance. To facilitate the escrow for the sale of the Subject Property, the court appoints attorney Peter Adamco, as Attorney Escrow Holder to act as escrow holder and to provide escrow services including but not necessarily limited to drafting a deed, executing escrow instructions, recording the deed and any other documents required to transfer title and consummate the sale of the Subject Property, pay him or herself their reasonable fees, and pay commissions and other closing/recording costs. In no event shall the services of the Attorney Escrow Holder exceed what is reasonably necessary to close escrow. Then at close of escrow (COE) the Attorney Escrow Holder will distribute the remaining proceed of sale to Referee to be maintained in Referee's trust account pending further order of the court. The Referee is authorized to contract with Attorney Escrow Holder for services to be billed at \$500 per hour plus costs and the Attorney Escrow Holder is authorized to compensate himself or herself, up to \$10,000 for fees, plus costs, at close of escrow, provided he or she provides a detailed description of the services provided. Any additional charges beyond \$10,000 shall be submitted to the court for approval at the time Referee notices the hearing regarding distribution of proceeds of sale."

1 8. Paragraph, 4, of the December 21, 2023 Order, stated:

2 “That the court approves Referee granting a lien, such lien being confirmed
3 by the court’s signature below, to Attorney Escrow Holder, Buyers, Buyers’ and
4 seller’s real estate agents and their brokers against \$50,000 of the sale proceeds to be
5 held by Referee in his trust account to secure against any later allowed costs of
6 partition which may include, subject to applicable California law and the court’s
7 approval, costs related to necessary litigation or defense costs incurred due to
8 Defendant’s actions. This amount shall also secure any later amounts of Referee’s
9 costs or attorney fees incurred for the mutual benefit of the parties. Said amount to
10 be subject to distribution at the discretion of the court, upon noticed motion, to the
11 parties in this action and the Appointed Parties, and order of the court. Any
12 Appointed Party, party herein or the Referee may make such a motion. The Referee
13 will make such a motion on behalf of any Appointed Party who advises Referee of
14 such claim. The court, by separate minute order, shall set a review hearing for the
15 purpose of addressing the disbursement of this amount, if not previously distributed,
16 approximately one year after the date this order is signed. For the avoidance of doubt,
17 the lien on the \$50,000 to be held by the Referee in his trust account represents a cap
18 on the amount of any later, meaning post-COE, costs of partition that may be allowed
19 by the Court against Plaintiffs in their individual capacities or against Plaintiffs’
20 share of the sales proceeds from the Subject Property.”

21 9. On or about February 16, 2024, this court issued an Order After Ex-Parte Hearing Regarding
22 Approval of Engagement Letter and Setting Date for Review Hearing. That order approved
23 the engagement letter of Attorney Escrow Holder, Peter Adamco (“AEH”) and set a review
24 hearing in this matter for January 10, 2025, at 1:30 PM.

25 10. On or about March 14, 2024, title to the subject property was transferred to the Buyer’s,
26 Robert Riva and Jeanette Riva, in this matter. A copy of the recorded deed is attached to the
27 Declaration of L. Mark Bissonnette in Support of Motion for Hearing to Distribute Sale
28 Proceeds Etc., filed herein on March 25, 2024, as Exhibit 1.

- 1 11. On or about March 25, 2024, Referee moved this court for an order directing distribution of
2 sale proceeds, including distributions to Referee and AEH through close of escrow March
3 14, 2024.
- 4 12. On May 3, 2024, the tentative ruling of this court bearing that date became the order of the
5 court. That order awarded Referee and AEH costs and fees through March 14, 2024 pursuant
6 to the Court's December 21, 2023 Order.
- 7 13. Since COE on March 14, 2024, and through the filing of this motion Referee has expended
8 more than 63.5 hours on this matter. Referee anticipates that he will spend 3 hours in
9 drafting a reply regarding the instant motion, another 3 hours in preparing for and attending
10 a hearing on this matter, an additional 1.5 hours in finalizing the order after hearing and an
11 additional .9 hours in drafting and forwarding checks pursuant the order for final distribution
12 requested herein, or an additional 8.4 hours for a total of 71.9 hours since COE. At Referee's
13 normal hourly rate of \$300 per hour that amounts to \$21,570.00 (71.9 x 300). In addition
14 Referee has incurred costs in this matter in the amount of \$973.40. Therefore, the total
15 amount Referee requests he be awarded since COE is \$22,543.40. See, Client Ledger print
16 out attached hereto as Exhibit 1.
- 17 14. Since COE on March 14, 2024, and through the drafting of this motion Attorney Escrow
18 Holder, Peter Adamco, has expended time in the amount of \$1,600.00 for fees. See, fee
19 statement of Peter Adamco attached hereto as Exhibit 2.
- 20 15. On or about December 6, 2023, Defendant filed a federal RICO action against the plaintiffs
21 in this matter, several judges of the El Dorado County Superior Court, Referee, Plaintiff's
22 counsel and five judges of the California Third District Court of Appeals, among other
23 defendants. This matter was summarily dismissed on December 7, 2023. On or about
24 January 5, 2024, Defendant filed an appeal to the United States Ninth Circuit Court of
25 Appeal. On or about April 24, 2024, the Ninth Circuit Court granted Referee's motion for
26 summary disposition, and affirmed the Eastern District of California's ruling. A print of a
27 Pacer Case Query regarding the Ninth Circuit Case and an order of that court granting
28 summary disposition are attached hereto collectively as Exhibit 3. Referee requests the court take

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judicial notice of these documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 29, 2024, at South Lake Tahoe, California.


L. MARK BISSONNETTE

EXHIBIT 1

Client Ledger
From Mar/15/2024

Date	Entry #	Received From/Paid To Explanation	Chg# Rec#	----- General -----		Fees	Bld ----- Trust Activity -----		Balance
				Rcpts	Disbs		Inv#	Acc	
EDCSCT El Dorado County Superior Court, Case No									
edcsct-001 Court Appointed Referee, SC20180141									
Resp Lawyer: LMB									
Mar 15/2024	27813	El Dorado County Recorder Clerk							
		Filing Fee	6803		37.00			3864	
Mar 15/2024	27815	USPS							
		Postage	6804		45.05			3864	
Mar 15/2024	28337	Lawyer: LMB 5.50 Hrs X 300.00							
		Prepare Federal Ninth Circuit				1650.00		3864	
		reply (finish) and Affidavit;							
		File and serve same by mail							
Mar 17/2024	27858	Lawyer: LMB 0.50 Hrs X 300.00							
		Telephone call from AEH (left				150.00		3864	
		message); Draft e-mail to AEH							
		regarding recorder fees and							
		treatment of charges over							
		\$10,000							
Mar 18/2024	27860	Lawyer: LMB 0.80 Hrs X 300.00							
		Receipt of e-mail from buyer				240.00		3864	
		regarding timing of							
		reimbursement; Draft reply to							
		same; Copy relators with same;							
		Receipt of second e-mail from							
		buyer regarding entering the							
		property; Draft reply to same;							
		Copy relators with same							
Mar 19/2024	27904	Lawyer: LMB 0.40 Hrs X 300.00							
		Review statute regarding				120.00		3864	
		application of proceeds of							
		sale in preparation of							
		drafting motion regarding							
		same; Prepare billing and							
		client ledger regarding same							
Mar 20/2024	27906	Lawyer: LMB 0.40 Hrs X 300.00							
		Check Pacer to confirm filing				120.00		3864	
		of reply; Telephone AEH							
		regarding sale proceeds (left							
		message)							
Mar 21/2024	27908	Lawyer: LMB 2.50 Hrs X 300.00							
		Prepare draft motion for				780.00		3864	
		hearing regarding distribution							
		of proceeds of sale (start);							
		Receipt of e-mail from AEH							
		regarding billing through COE;							
		Draft e-mail to AEH regarding							
		same; Telephone conference							
		with AEH							
Mar 22/2024	27910	Lawyer: LMB 4.20 Hrs X 300.00							
		Prepare draft motion for				1260.00		3864	
		hearing regarding distribution							
		and for order ascertaining							
		title (cont.); Receipt of							
		revised settlement statement							
		from AEH; Telephone buyer							
		regarding same; Telephone							
		conference with realtor							
		regarding same; Sign and date							
		same; Drafting e-mail							
		forwarding same to buyer and							
		buyer's agent for review and							
		signature; prepare proposed							
		order ascertaining state of							
		title; Meeting with AEH to							
		pick-up sale proceeds; Deposit							
		same							
Mar 23/2024	27900	USPS							
		Postage, Dist Mot	6808		64.35			3864	
Mar 23/2024	27912	Lawyer: LMB 3.80 Hrs X 300.00							
		Prepare motion for distribution				1140.00		3864	
		(finish), declaration							
		supporting same and order							
		ascertaining state of title							
		for filing and service; Mail							
		same via express mail							
Mar 25/2024	27888	Clerk of Court							
		Filing Fee Dist Mot	6807		90.00			3864	
Mar 25/2024	27914	Lawyer: LMB 0.80 Hrs X 300.00							
		File motion for distribution at				240.00		3864	
		court; Forward copies of same							
		to relators, AEH and Buyers;							
		Receipt of e-mail from Buyers							
		regarding time to return keys;							
		Reply to same and request input							
		on proposed order; Receipt of							
		second e-mail from Buyers							
		regarding title order; Reply							
		to same							
Mar 26/2024	27916	Lawyer: LMB 0.90 Hrs X 300.00							
		Receipt of e-mail from Buyer				270.00		3864	
		regarding purpose of Order							
		Ascertaining State of Title;							
		Pick-up filed motion and							

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General		Fees	Bld		Trust Activity		Balance
				Rcpts	Diabs		Inv#	Acc	Rcpts	Diabs	
		declaration at court; Receipt, review and analysis of e-mail from attorney Hayes regarding timing of motion for apportionment									
Mar 27/2024	27919	Lawyer: LMB 2.30 Hrs X 300.00 Receipt of e-mail from Kara Hayes; Draft reply to same; Copy Kent Johnson; Notice ex-parte application; Forward copy of reply e-mail to AEH; Draft ex-parte application and proposed order; e-mail same to Hayes and Kent; Deliver same to court				690.00		3864			
Mar 28/2024	27894	Clerk of Court Filing Fee Ex-parte Mot	6810		60.00			3864			
Mar 28/2024	27920	Lawyer: LMB 2.40 Hrs X 300.00 Telephone call from court clerk regarding \$60 filing fee; Travel to court to deliver check for same; Telephone court clerk regarding ex-parte hearing; Receipt of e-mail from Kent Johnson regarding return of keys; Forward same to all involved; Telephone call from court clerk regarding 4/3/24 for ex-parte hearing; Prepare draft writ of possession; declaration supporting same and Sheriff's instructions				720.00		3864			
Mar 29/2024	27903	Clerk of the Court Filing Fee Writ	6814		40.00			3864			
Mar 29/2024	27923	Lawyer: LMB 1.80 Hrs X 300.00 Prepare writ and declaration for filing and service; File and serve same; Pick-up filed ex-parte application; Notice ex-parte hearing by e-mail and phone; Complete local forms regarding ex-parte notice; Deliver forms to court				540.00		3864			
Mar 29/2024	27925	Lawyer: LMB 2.30 Hrs X 300.00 Review distribution scenarios in preparation for hearing on April 3, 2024; Draft notes regarding same				690.00		3864			
Apr 1/2024	27985	Lawyer: LMB 0.50 Hrs X 300.00 Receipt of e-mail from Kent; Draft e-mail forwarding same to Buyers; Forward same to Hayes; Copy Kent				150.00		3864			
Apr 2/2024	27988	Lawyer: LMB 1.40 Hrs X 300.00 Receipt of e-mail from Buyers regarding difficulty accessing property; Draft reply to same; Copy realtors; Telephone conference with realtor; Receipt of e-mail from Buyer indicating keys were where stated; Reply to same; Copy realtors with same; Receipt of e-mail from buyer regarding abandoned property; Prepare draft letter to Judge McLaughlin regarding indemnity and defense; Receipt of additional e-mails (2) from buyer regarding attempted access to workshop and then access to workshop				420.00		3864			
Apr 3/2024	27992	Lawyer: LMB 1.60 Hrs X 300.00 Prepare for and attend ex-parte hearing				480.00		3864			
Apr 4/2024	27993	Lawyer: LMB 0.20 Hrs X 300.00 E-mail buyers and realtors regarding continued disbursement hearing				60.00		3864			
Apr 7/2024	27997	Lawyer: LMB 0.60 Hrs X 300.00 Draft Civil Code Section 1980 et al notice regarding abandoned property; Mail and e-mail same				180.00		3864			
Apr 11/2024	27998	Lawyer: LMB 0.20 Hrs X 300.00 Receipt of e-mail from orange coast title regarding deposit; Telephone OC regarding same				60.00		3864			
Apr 15/2024	28003	Lawyer: LMB 0.40 Hrs X 300.00 Telephone call from AEH regarding non-foreign				120.00		3864			

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General		Fees	Bld Inv#	Trust Activity		Balance
				Repts	Disbs			Repts	Disbs	
		statement (actually 4/13/24); Review files regarding same; Telephone AEH regarding same (left message)								
Apr 16/2024	28006	Lawyer: LMB 0.40 Hrs X 300.00 Telephone call to court clerk regarding motion to tax costs; Travel to court to pick up copy of same				120.00	3864			
Apr 17/2024	28007	Lawyer: LMB 0.30 Hrs X 300.00 Review and analysis of motion to recover costs				90.00	3864			
Apr 18/2024	28010	Lawyer: LMB 0.30 Hrs X 300.00 Draft e-mail to Mr. Laster regarding service by e-mail; Telephone Laster regarding same				90.00	3864			
Apr 19/2024	28012	Lawyer: LMB 0.70 Hrs X 300.00 Receipt, review and analysis of e-mailed motion for costs and accompanying documents				210.00	3864			
Apr 22/2024	28018	Lawyer: LMB 1.60 Hrs X 300.00 Prepare response to Plaintiffs' motion for costs; File and serve same				480.00	3864			
Apr 24/2024	28025	Lawyer: LMB 0.50 Hrs X 300.00 Receipt, review and analysis of Plaintiffs' reply regarding motion for costs; Check status of Ninth Circuit Court of Appeals docket; Obtain order dismissing appeal; Draft e-mail forwarding same to Ms. Hayes and Mr. Johnson				150.00	3864			
Apr 25/2024	28044	Lawyer: LMB 2.90 Hrs X 300.00 Prepare reply regarding motion for distribution; Serve and file same				870.00	3864			
May 2/2024	28115	Lawyer: LMB 0.60 Hrs X 300.00 Obtain and review tentative ruling; Draft e-mail forwarding same to buyers, realtor and AEH; Telephone conference with AEH				180.00	3864			
May 6/2024	28064	Void Photocopies SC2018-0141	6838		7.00		3864			
May 6/2024	28055	Void Photocopies SC2018-0141	6838		-7.00		3864			
May 6/2024	28057	Clerk of Court Photocopies SC2018-0141	6839		7.00		3864			
May 6/2024	28059	Fees To Lawyer LMB For Services Rendered				-90.00	3826			
May 6/2024	28061	LMB Trust EDC9CT-001 PMT - On Account of Fees and Disbursements	01920	2379.64						
May 6/2024	28062	LMB Trust EDC9CT-001 PMT - On Account of Fees and Disbursements	01920	114420.00						
May 6/2024	28121	Lawyer: LMB 1.10 Hrs X 300.00 Draft checks for Buyers; Plaintiffs and AEH; Meeting with Buyers regarding same; Telephone conference with AEH regarding treatment of 1099s; Meeting with Rose regarding picking up check; Meeting with AEH regarding picking up check				330.00	3864			
May 7/2024	28123	Lawyer: LMB 0.50 Hrs X 300.00 Receipt of e-mail from attorney Hayes regarding forwarding check to Curtis and attaching 1099 certification; Mail check to Curtis; Draft e-mail to attorney Hayes regarding check being mailed this date				150.00	3864			
May 7/2024	28295	Kerry David Accounting	6846		540.00		3864			
May 9/2024	28131	Lawyer: LMB 0.20 Hrs X 300.00 Receipt of e-mail from Ms. Hayes regarding tracking number; Draft reply to same				60.00	3864			
May 10/2024	28137	Lawyer: LMB 0.30 Hrs X 300.00 Receipt of e-mail and telephone call (left message) from AEH regarding FTB letter to Kent; Reply to e-mail and telephone call (left message)				90.00	3864			
May 31/2024	28157	Lawyer: LMB 0.30 Hrs X 300.00 Calculate date for motion for final distribution and to relieved as referee, etc.; Calendar same				90.00	3864			

Client Ledger
From Mar/15/2024

Date	Entry #	Received From/Paid To Explanation	Chg# Rec#	General			Fees	Bld		Trust Activity		Balance
				Receipts	Disbs			Inv#	Acc	Receipts	Disbs	
Jul 18/2024	28315	Lawyer: LMB 3.60 Hrs X 300.00 Prepare draft motion and declaration for final distribution (start)					1080.00		3864			
Jul 19/2024	28316	Lawyer: LMB 3.20 Hrs X 300.00 Prepare draft motion and declaration for final distribution (cont.); Telephone conference with AEM regarding post COE fees and costs					960.00		3864			
Jul 20/2024	28320	Lawyer: LMB 1.00 Hrs X 300.00 Prepare draft motion for final distribution (cont.)					300.00		3864			
Jul 22/2024	28322	Lawyer: LMB 2.10 Hrs X 300.00 Prepare draft motion for final distribution (cont.)					630.00		3864			
Jul 24/2024	28328	Lawyer: LMB 1.60 Hrs X 300.00 Prepare draft declaration in support of sanctions and final distribution motion (cont.)					480.00		3864			
Jul 25/2024	28330	Lawyer: LMB 3.90 Hrs X 300.00 Prepare draft proposed order (start)					1170.00		3864			
Jul 26/2024	28332	Lawyer: LMB 1.50 Hrs X 300.00 Prepare draft proposed order (finish)					450.00		3864			
Jul 27/2024	28333	Lawyer: LMB 3.30 Hrs X 300.00 Review and revise proposed order, declaration and motion for final distribution in preparation of filing same; Prepare proof of service regarding same noticing all appointed participants in sale as well as the parties					990.00		3864			
Jul 27/2024	28336	Clerk of Court Filing Fee Fin. Dist. Mot.	6889				90.00		3864			
Jul 27/2024	28339	Billing on Invoice 3864 FEES 19050.00 DISBS 973.40					0.00		3864			

TOTALS	UNBILLED				BILLED				BALANCES		TRUST
	CHE	RECOV	FEES	TOTAL	DISBS	FEES	TAX	RECEIPTS	A/R		
PERIOD	0.00	0.00	0.00	0.00	973.40	18960.00	0.00	116799.64	-96866.24	0.00	
END DATE	0.00	0.00	0.00	0.00	3353.04	133470.00	0.00	116799.64	20023.40	0.00	

FIRM TOTAL	UNBILLED				BILLED				BALANCES		TRUST
	CHE	RECOV	FEES	TOTAL	DISBS	FEES	TAX	RECEIPTS	A/R		
PERIOD	0.00	0.00	0.00	0.00	973.40	18960.00	0.00	116799.64	-96866.24	0.00	
END DATE	0.00	0.00	0.00	0.00	3353.04	133470.00	0.00	116799.64	20023.40	0.00	

REPORT SELECTIONS - Client Ledger

Layout Template: Default
Advanced Search Filter: None
Requested by: ADMIN
Finished: Saturday, July 27, 2024 at 11:11:35 AM
Ver: 14.4 (14.4.20200413)
Matters: edcsct-001
Clients: All
Major Clients: All
Client Intro Lawyer: All
Matter Intro Lawyer: All
Responsible Lawyer: All
Assigned Lawyer: All
Type of Law: All
Select From: Active, Inactive, Archived Matters
Matters Sort by: Default
New Page for Each Lawyer: No
New Page for Each Matter: No
No Activity Date: Dec/31/2199
Firm Totals Only: No
Totals Only: No
Entries Shown - Billed Only: No
Entries Shown - Disbursements: Yes
Entries Shown - Receipts: Yes
Entries Shown - Time or Fees: Yes
Entries Shown - Trust: Yes
Incl. Matters with Retainer Bal: No
Incl. Matters with Neg Unbid Disb: No
Trust Account: All
Working Lawyer: All
Include Corrected Entries: No
Show Check # on Paid Payables: No
Show Client Address: No
Consolidate Payments: No
Show Trust Summary by Account: No
Show Interest: No
Interest Up To: Jul/27/2024
Show Invoices that Payments Were Applied to: No

Client Ledger
From Mar/15/2024

Date	Received From/Paid To	Chq#	----- General -----			Fees	Bld	----- Trust Activity -----		
Entry #	Explanation	Rec#	Rcpts	Disbs		Inv#	Acc	Rcpts	Disbs	Balance

Display Entries in Date Order

EXHIBIT 2

PETER P. ADAMCO, LTD.

ATTORNEY AT LAW

NEVADA AND CALIFORNIA

Telephone (775) 588-4200
padamco@aol.com

295 US Highway 50, Suite 9
Post Office Box 1564
Zephyr Cove, Nevada 89448

L. Mark Bissonette/Court Appointed Referee
(Johnson Escrow – July 2024)

<u>DATE:</u>	<u>SERVICES:</u>	
3/22/24	Meeting with LMB re: final executed closing documents and distribution of final documents and deeds and related matters re: 1099 preparation.	.8
4/5/24	Revise and finalize corresp. to Calif. FTB re: form 593 and related court orders and withholding; prepare documentation concerning above for FTB.	.9
4/17/24	Review closing statement re: prep. of 1099s related to escrow of funds for distributions to brokers; review IRS 1099 requirements and criteria for notices to distribute; continue preparation of same for broker distributions.	1.5
		3.2
TOTAL ATTORNEY'S FEES:	3.2 HOURS @ \$500.00 PER HOUR	\$1,600
COSTS:		
TOTAL CREDITS:		
	TOTAL ATTORNEY'S FEES AND COSTS DUE AND PAYABLE UPON RECEIPT:	\$1,600

THANK YOU FOR YOUR BUSINESS.

EXHIBIT 3

ACMS Case Query

23-4328 Johnson v. El Dorado County Superior Court, et al.

Associated Case	Short Title	Type	Start	End	Status
24-438	Johnson v. United States District Court for the Eastern District of California, Sacramento	Cmp-Mbr	01/25/2024		Closed

Originating Case	Lead Case	Filed	Execution Date	Judgment	NOA	Originating Judge	Court Reporter
2:23-cv-02843-DJC-CKD		12/06/2023		12/07/2023	12/19/2023	Daniel J. Calabretta	

Party	Party Type	Terminated from Case	Attorney

Attorney	Party Type(s) Represented	Representation End

PACER Service Center			
Transaction Receipt			
U.S. Court of Appeals for the 9th Circuit - 07/22/2024 10:10:31			
PACER Login:	bissonnette	Client Code:	
Description:	Case Query	Search Criteria:	23-4328
Billable Pages:	1	Cost:	0.10

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 24 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KENT KNOX JOHNSON,

Plaintiff - Appellant,

v.

EL DORADO COUNTY SUPERIOR
COURT, et al.;

Defendants - Appellees.

No. 23-4328
D.C. No.
2:23-cv-02843-DJC-CKD
Eastern District of California,
Sacramento

ORDER

Before: BENNETT, R. NELSON, and MILLER, Circuit Judges.

The motion for an extension of time to file the opening brief (Docket Entry No. 4) is granted. The Clerk will file the opening brief and excerpts of record submitted at Docket Entry Nos. 11 and 12.

A review of the record and the opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard). Accordingly, the motion for summary disposition (Docket Entry No. 9) is granted.

The motion for a pre-filing review order contained in Docket Entry No. 9 is denied.

AFFIRMED.

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2 **PROOF OF SERVICE**

3 **I, L. Mark Bissonette, declare:**

4 I am employed in the State of California, over the age of 18 years and not a party to the within
5 action; my business address is 2520 Lake Tahoe Blvd., Ste. 2, South Lake Tahoe, CA 96150.
6 On the below date I served the document(s) listed below as follows:

7 _____ By transmitting via facsimile the listed document(s) to the fax number (s) set
8 forth below on this date before 5:00 p.m.; and simultaneously,

9 X By placing the document(s) listed below in a sealed envelope with postage
10 thereon fully prepaid for first class mail in the United States mail at South Lake
11 Tahoe, California, addressed as set forth below.

12 _____ By personally delivering the document(s) listed below to the person at the
13 address set forth below.

14 X By email transmission.

15 _____ By forwarding the documents by express mail/express delivery.

- 16 1) Referee's Motion for Contempt Sanctions, Final Distribution, etc.
17 2) Declaration of L. Mark Bissonette in Support of Motion for Contempt Sanctions, Final
18 Distribution, etc.
19 3) Proposed Order Re: Motion for Contempt Sanctions, Final Distribution, etc.

20 **NAME/ADDRESS:**

21 Kara Hayes, Esq.
22 Alling & Jillson, LTD,
23 P.O. Box 3390
24 Stateline, NV 89449
25 khayes@ajattorneys.com

26 Kent Johnson
27 PO Box 17691
28 South Lake Tahoe, CA 96151
johnsonkk@earthlink.net

Wisi Betschart
Compass Realty
2028 Lake Tahoe Blvd.
South Lake Tahoe CA 96150
wisi.betschart@compass.com

Robert & Jeanette Riva
c/o Wisi Betschart
Compass Realty
2028 Lake Tahoe Blvd.
South Lake Tahoe CA 96150
jmkaelin@yahoo.com

1 Doug Clymer
2 Chase Realty
3 989 Tahoe Keys Blvd
4 South Lake Tahoe CA 96150
5 doug@dougclymer.com

6 Peter Adamco, Esq.
7 P.O. Box 1564
8 Zephyr Cove, NV 89448
9 padamco@aol.com

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

12 DATED: July 29, 2024

13 
14 L. Mark Bissonnette

1 L. MARK BISSONNETTE, CBN 165236
2 **LAW OFFICES OF L. MARK BISSONNETTE**
3 2520 Lake Tahoe Blvd., Suite 2
4 South Lake Tahoe, CA 96150-7744
5 Telephone: (530) 544-5092
6 Facsimile: (530) 544-5095

7 Court Appointed Referee

8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO**
9 **SOUTH LAKE TAHOE SESSION**

10
11 **CURTIS JOHNSON AND ROSS JOHNSON,** Case No. SC2018-0141

12 **Plaintiff,**

13 **v.**

14 **KENT JOHNSON, DOES 1-10**

15 **Defendants.**

**(PROPOSED) ORDER AFTER HEARING
RE: CONTEMPT; FINAL DISTRIBUTION;
DISCHARGING REFEREE; AND
TAKING REVIEW HEARING OFF
CALENDAR**

**Date: September 13, 2024
Time: 1:30 PM
Dept.: 4**

16 _____ /
17 This matter came on regularly for hearing on September 13, 2024, pursuant to court
18 appointed referee's, L. Mark Bissonnette's ("Referee") Motion: For Order Resetting Contempt
19 Hearing and for Contempt Sanctions; For Final Distribution; For Order Discharging Referee, and;
20 For Order Taking Review Hearing Off Calender. After considering the evidence presented, as well
21 as the papers and pleadings on file in this matter, most particularly the declaration of Referee in
22 support of the instant motion, and on the argument presented at the hearing, if any, the court makes
23 the following findings of fact and findings and orders.

24 A. Contempt Sanctions

25 California Code of Civil Procedure Section 1209(a) states in pertinent part: The following
26 acts... are contempts of court: ... (5) Disobedience of any lawful judgment, order, or process of court.

27 California Code of Civil Procedure Section 1218(a) states:

28 " Upon the answer and evidence taken, the court or judge shall determine whether the

Order Re: Contempt Sanction, Final Distribution, Etc.

1 person proceeded against is guilty of the contempt charged, and if it be adjudged that
2 the person is guilty of the contempt, a fine may be imposed on the person not
3 exceeding one thousand dollars (\$1,000), payable to the court, or the person may be
4 imprisoned not exceeding five days, or both. In addition, a person who is subject to
5 a court order as a party to the action, or any agent of this person, who is adjudged
6 guilty of contempt for violating that court order may be ordered to pay to the party
7 initiating the contempt proceeding the reasonable attorney's fees and costs incurred
8 by this party in connection with the contempt proceeding."

9 On August 11, 2023, Referee filed a motion for contempt sanctions against Defendant, Kent
10 Johnson ("Defendant"). On October 5, 2023, on the court's own motion the matter was continued
11 by minute order to November 3, 2023, at 1:30 PM in Department 4 of the court. That minute order
12 stated "Defendant Kent Johnson is ordered to appear in person to show cause why contempt
13 sanctions should not be issued against him for failure to comply with court orders." The courts'
14 minute order of that date indicates it was forwarded to Kent Johnson at his address of record by
15 regular mail. A Notice of Entry of Order, filed October 10, 2023 by Referee, indicates that the order
16 was again mailed to Kent Johnson by regular mail and was forwarded to Kent Johnson by e-mail.
17 Referee was present at the hearing. Plaintiffs were present at the hearing represented by their
18 attorney of record, Kara Hayes, Esq. Defendant was not present at the hearing.

19 On November 16, 2023 this Court issued an Order After Hearing Re: Contempt. On or about
20 November 20, 2023, Referee filed a Notice of Entry of Judgment or Order, indicating that the
21 November 16, 2023, contempt order, was served on Defendant, on November 20, 2023. The
22 November 16, 2023, contempt order stated, in pertinent part:

- 23 1. This matter is continued until December 8, 2023, at 1:30 PM, in Department
24 4, at which time the court will determine whether to appoint defense counsel
25 for defendant Kent Johnson.
- 26 2. Defendant Kent Johnson is ordered to personally appear at the continued
27 hearing on December 8, 2023, at 1:30 PM, in Department 4.

28 The minutes order from the December 8, 2023 hearing indicates: that Defendant Kent Johnson failed

Order Re: Contempt Sanction, Final Distribution, Etc.

1 to appear at the December 8, 2023 hearing as ordered; that Julie Moukoian, Esq., was present at the
2 hearing from the El Dorado County Public Defenders office; that Ms. Moukoian presented to the
3 Court a copy of a letter to the Public Defenders office from Defendant stating the he will continue
4 to represent himself and that he does not want to be represented by the Public Defenders office. The
5 December 8, 2023, minute order also indicate that the Court would on its own motion continue the
6 matter until December 15, 2023, at 1:30 PM, in Dept. 4. The minute order also stated "Defendant
7 Kent Johnson is ordered to appear in person at 1:30 PM, December 15, 2023, in Department 4 to
8 show cause why contempt sanctions should not be issued against him for failure to comply with
9 court orders" and "Notice of hearing to be given to Mr. Kent Johnson by clerk." The minute order
10 further indicates that it was served on Defendant by the court clerk, by both regular mail and e-mail.
11 Defendant failed to appear as ordered at the December 15, 2023. At that hearing the court, upon
12 request of the Referee, took the matter off calendar subject to resetting on two weeks notice. The
13 present matter comes on by regularly noticed motion of more than two weeks.

14 The instant motion requests the court find Defendant liable for contempt on one original
15 count of contempt regarding a purported motion to the California Supreme Court, which Referee
16 contends was a "completely bogus, and unmeritorious document, which has no basis in law and
17 attempting to file it with the Supreme Court." Referee contends that in the purported motion
18 Defendant, among other things threatened Referee with possible disbarment and imprisonment.
19 Referee Further contends that this conduct was a clear attempt at "obstruction or sabotage of the ...
20 sale of the property" and to intimidate "the referee, the real estate brokers or agents, the purchasers"
21 and all others who might be "involved in the sale." All in direct contravention of this court's
22 October 19, 2021, February 8, 2022 and February 15, 2022, orders. See, August 11, 2023 contempt
23 motion, pp. 6-8.

24 Referee requests the court find defendant in contempt for his failure to appear as ordered on
25 November 3, 2023, December 8, 2023 and December 15, 2023. Additionally, Referee requests the
26 court order Defendant to pay attorney fees and costs of \$5,790, as requested in the August 11, 2023
27 contempt motion. Referee further requests the court order that Defendant immediately pay the
28 sanctions, costs and fees, previously ordered by this court, on September 6, 2022, of \$2,500 and

Order Re: Contempt Sanction, Final Distribution, Etc.

1 \$2,235, respectively. Referee requests that the fees and costs be paid to Plaintiffs in this matter as
2 they have effectively born these fees and costs.

3 After having considered the instant motion and the August 11, 2023, contempt motion, filed
4 by Referee, as well as this court's prior order finding Defendant in contempt, filed September 6,
5 2022, and based on the entire court file in this matter, the court finds as follows:

- 6 1. The court finds that Defendant was in contempt of court on July 17, 2023 when Defendant
7 forwarded the purported motion entitled "Motion to Stay and Rehear" to Referee via e-mail.
8 Defendant had notice of this court's October 19, 2021, February 8, 2022 and February 15,
9 2022, orders, instructing Defendant not to attempt "obstruction or sabotage of the ... sale of
10 the property" or to intimidate "the referee, the real estate brokers or agents, the purchasers"
11 or others who might be "involved in the sale." The court has previously found that
12 Defendant had notice of these orders. See, September 6, 2022, Order Re: Contempt, pp. 7-8.
13 The purported motion threatened Referee with possible disbarment or imprisonment. The
14 court finds that by forwarding the purported motion Defendant attempted to obstruct the sale
15 by attempting to intimidate Referee. There is no evidence that Defendant was unable to
16 comply with the orders. The court sanctions Defendant \$1,000 for this contempt;
- 17 2. The court finds that Defendant was in contempt of court on November 3, 2023, when he
18 failed to appear as ordered at the hearing in this matter. As discussed above Defendant had
19 notice of the order to appear. There is no evidence that he was unable to comply with the
20 order. The court sanctions Defendant \$1,000 for this contempt;
- 21 3. The court finds that Defendant was in contempt of court on December 8, 2023, when he
22 failed to appear as ordered at the hearing in this matter. As discussed above Defendant had
23 notice of the order to appear. There is no evidence that he was unable to comply with the
24 order. The court sanctions Defendant \$1,000 for this contempt;
- 25 4. The court finds that Defendant was in contempt of court on December 15, 2023, when he
26 failed to appear as ordered at the hearing in this matter. As discussed above Defendant had
27 notice of the order to appear. There is no evidence that he was unable to comply with the
28 order. The court sanctions Defendant \$1,000 for this contempt;

1 5. Additionally, Defendant is ordered to pay attorney fees and costs of \$5,790, as requested in
2 the August 11, 2023 contempt motion. Defendant shall also pay the sanctions, costs and
3 fees, previously ordered by this court of \$2,500 and \$2,235, respectively. Therefore, within
4 10 days of this order Defendant shall pay \$6,500 (\$2,500 + \$4000) in sanctions to the court
5 and \$8,025 (\$2,235 + \$5790) as and for fees and costs. The fees and costs awarded herein
6 shall be paid to Plaintiffs.

7 B. Order for Final Distribution of \$50,000 Sale Proceeds

8 California Code of Civil Procedure Section 873.820 states:

9 "The proceeds of sale for any property sold shall be applied in the following order:

10 (a) Payment of the expenses of sale.

11 (b) Payment of the other costs of partition in whole or in part to secure any cost of
12 partition later allowed.

13 (c) Payment of any liens on the property in their order of priority except liens which
14 under the terms of sale are to remain on the property.

15 (d) Distribution of the residue among the parties in proportion to their shares as
16 determined by the court."

17 Under California Code of Civil Procedure Section 874.010(b), costs of partition include "the fee and
18 expenses of referee." California Code of Civil Procedure Section 873.110, states in pertinent part:

19 "[T]he court may:

20 (a) Authorize or approve contracts of the referee for the services and expenses of surveyors,
21 engineers, appraisers, attorneys, real estate brokers, auctioneers, and others.

22 (b) Allow and direct payment of or reject claims under such contracts."

23 After having considered the instant motion and declaration filed by Referee and based on the
24 entire court file in this matter, the court finds as follows:

25 1. Referee shall pay Referee, from the remaining \$50,000.00 proceeds of sale deposited
26 in Referee's trust account, the sum of \$22,543.40, that being \$21,570.00 as and for
27 fees since COE and \$973.40 as and for costs since COE.

28 2. Referee shall pay AEH, from the remaining proceeds of sale deposited in Referee's

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trust account the sum of \$1,600.00, representing amounts due from COE.

- 3. The residue of the proceeds of sale, in the amount of \$25,856.60, remaining in Referee's attorney trust account, after the above referenced payments shall be paid equally to Plaintiffs Curtis Johnson and Ross Johnson in the amount of \$12,928.30 each.

C. Referee is Discharged

After having considered the instant motion, filed by Referee, and based on the entire court file in this matter, the court finds as follows:

- 1. Upon making the final distributions as directed herein above, Referee is fully discharged from all duties, responsibilities and obligations as partition referee.
- 2. Referee and his agents, professionals and associates, and each of them, are fully exonerated from all liability as provided by law. Referee shall not be liable in any manner for any outstanding obligations and debts of the partition estate or of the Parties. Whether known or unknown, nor liable to any taxing authority, other governmental authority, person or entity.
- 3. All persons and entities shall be enjoined and restrained from commencing or prosecuting any action or proceeding against Referee, stemming from Referee's actions related to this matter, or on account of the debts, claims, and obligations of the partition estate.
- 4. Should Referee, his agents, professionals or associates be called as witness in any future proceeding, or be required to respond to a subpoena or legal proceeding, of any kind, in relation to Referee's services and actions in this partition matter, that requesting or moving party shall pay Referee or such other person's then current billing rate for time expended on such matter and shall reimburse Referee or such other person all fees and expenses incurred in connection with such response(s) or appearance(s).

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D. The January 10, 2025 Review Hearing Is Ordered Off Calendar

After having considered the instant motion, filed by Referee, and based on the entire court file in this matter, the court finds as follows: The Review Hearing currently set for January 10, 2025, at 1:30 PM, in Dept. 4 is ordered off calendar.

The clerk of the court shall give notice of the entry of this order.

IT IS SO ORDERED

Dated: _____

Judge of the Superior Court

1
2 **PROOF OF SERVICE**

3 I, **L. Mark Bissonette**, declare:

4 I am employed in the State of California, over the age of 18 years and not a party to the within
5 action; my business address is 2520 Lake Tahoe Blvd., Ste. 2, South Lake Tahoe, CA 96150.
6 On the below date I served the document(s) listed below as follows:

7 _____ By transmitting via facsimile the listed document(s) to the fax number (s) set
8 forth below on this date before 5:00 p.m.; and simultaneously,

9 X By placing the document(s) listed below in a sealed envelope with postage
10 thereon fully prepaid for first class mail in the United States mail at South Lake
11 Tahoe, California, addressed as set forth below.

12 _____ By personally delivering the document(s) listed below to the person at the
13 address set forth below.

14 X By email transmission.

15 _____ By forwarding the documents by express mail/express delivery.

- 16 1) Referee's Motion for Contempt Sanctions, Final Distribution, etc.
17 2) Declaration of L. Mark Bissonette in Support of Motion for Contempt Sanctions, Final
18 Distribution, etc.
19 3) Proposed Order Re: Motion for Contempt Sanctions, Final Distribution, etc.

20 **NAME/ADDRESS:**

21 Kara Hayes, Esq.
22 Alling & Jillson, LTD,
23 P.O. Box 3390
24 Stateline, NV 89449
25 khayes@ajattorneys.com

26 Kent Johnson
27 PO Box 17691
28 South Lake Tahoe, CA 96151
johnsonkk@earthlink.net

Wisi Betschart
Compass Realty
2028 Lake Tahoe Blvd.
South Lake Tahoe CA 96150
wisi.betschart@compass.com

Robert & Jeanette Riva
c/o Wisi Betschart
Compass Realty
2028 Lake Tahoe Blvd.
South Lake Tahoe CA 96150
jmkaelin@yahoo.com

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Doug Clymer
Chase Realty
989 Tahoe Keys Blvd
South Lake Tahoe CA 96150
doug@dougclymer.com

Peter Adamco, Esq.
P.O. Box 1564
Zephyr Cove, NV 89448
padamco@aol.com

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

DATED: July 29, 2024



L. Mark Bissonnette

SECRETARY OF STATE



CERTIFICATE OF EXISTENCE WITH STATUS IN GOOD STANDING

I, Barbara K. Cegavske, the duly qualified and elected Nevada Secretary of State, do hereby certify that I am, by the laws of said State, the custodian of the records relating to filings by corporations, non-profit corporations, corporations sole, limited-liability companies, limited partnerships, limited-liability partnerships and business trusts pursuant to Title 7 of the Nevada Revised Statutes which are either presently in a status of good standing or were in good standing for a time period subsequent of 1976 and am the proper officer to execute this certificate.

I further certify that the records of the Nevada Secretary of State, at the date of this certificate, evidence, **ALLING & JILLSON, LTD.**, as a **DOMESTIC LIMITED-LIABILITY COMPANY (86)** duly organized under the laws of Nevada and existing under and by virtue of the laws of the State of Nevada since 08/15/2001, and is in good standing in this state.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office on 07/25/2019.

Barbara K. Cegavske

BARBARA K. CEGAVSKE
Secretary of State

Certificate Number: B20190725114140

You may verify this certificate
online at <http://www.nvsos.gov>

State of California
Secretary of State

CERTIFICATE OF NO RECORD
LIMITED LIABILITY COMPANY

I, ALEX PADILLA, Secretary of State of the State of California, hereby certify:

That, the Corporations Code of the State of California provides for the execution and acknowledgment of the Articles of Organization and the subsequent filing in the office of the Secretary of State and,

That, the Corporations Code of the State of California provides for the filing in the office of the Secretary of State of an Application for Registration in order to register a Foreign Limited Liability Company to transact intrastate business in this State.

I further certify that no record has been found in the Limited Liability Company files of this office of a California or Foreign Limited Liability Company, active or inactive, of the name: **ALLING & JILLSON, LTD**

Please note that the search that was conducted was restricted to current Limited Liability Company names. Therefore, if you requested information for a Limited Liability Company under its previous name, those records are not available and cannot be searched.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of August 6, 2019.



A handwritten signature in black ink, appearing to read "Alex Padilla".

ALEX PADILLA
Secretary of State

BofA Interest Checking - 2744: Account Activity Transaction Details

Check number: 00000000416

Post date: 07/13/2018

Amount: -13,458.47

Type: Check

Description: Check

Merchant name: Check

Transaction category: Cash, Checks & Misc: Checks



Browse with Specialist

BofA Interest Checking - 2744: Account Activity Transaction Details

Check number: 00000000411

Post date: 06/11/2018

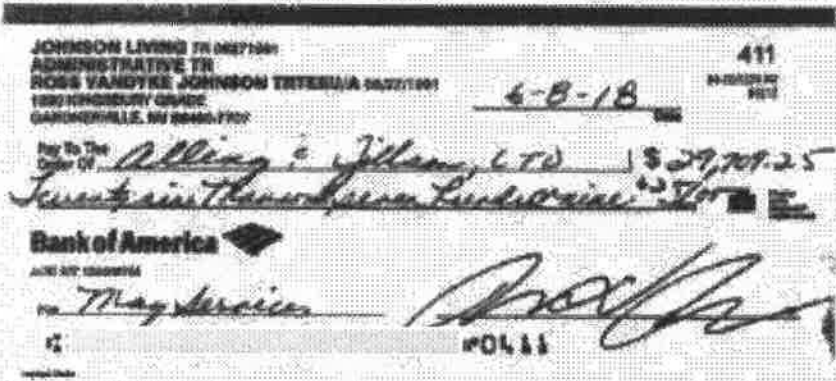
Amount: -29,709.25

Type: Check

Description: Check

Merchant name: Check

Transaction category: Cash, Checks & Misc: Checks



BofA Interest Checking - 2744: Account Activity Transaction Details

Check number: 00000000400

Post date: 05/11/2018

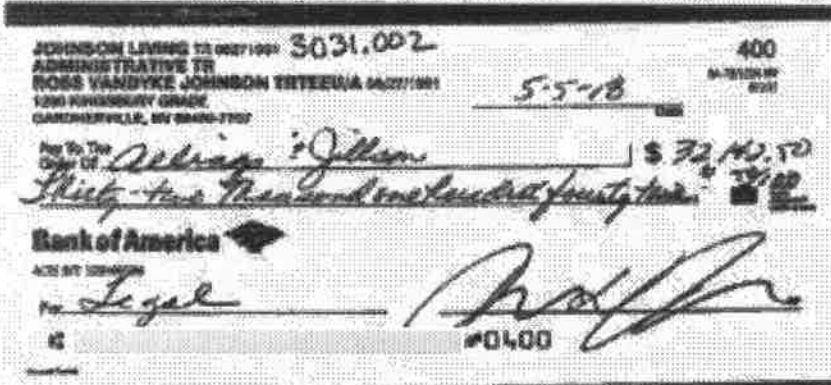
Amount: -32,142.50

Type: Check

Description: Check

Merchant name: Check

Transaction category: Cash, Checks & Misc: Checks



Browser with Specialist

BofA Interest Checking - 2744: Account Activity Transaction Details

Check number: 00000000394

Post date: 04/25/2018

Amount: -15,625.52

Type: Check

Description: Check

Merchant name: Check

Transaction category: Cash, Checks & Misc: Checks

JOHNSON LIVING TR 04/27/1901 8031.007
 ADMINISTRATIVE TR
 ROSS VANDYKE JOHNSON TRUSTEE 04/27/1901
 1200 KINGSBURY CIRCLE
 GARDENVILLE, NY 09402-7707

394
 04/25/2018
 0425

Pay To the Order of Alling - Jitter LTD \$15,625.52
Fifteen Thousand six hundred twenty five and 52/100

Bank of America
 4321 97 11600704
 For Balance of trust [Signature]
 121 00394

BofA Interest Checking - 2744: Account Activity Transaction Details

Check number: 00000000392

Post date: 04/13/2018

Amount: -4,590.00

Type: Check

Description: Check

Merchant name: Check

Transaction category: Cash, Checks & Misc: Checks

JOHNSON LIVING TR 06/27/1961 3081.002- 392
 ADMINISTRATIVE TR
 ROSS VANDYKE JOHNSON TRUST/A 06/27/1961
 1280 BIRDBURY GRACE
 GARDNERVILLE, NY 12040-7707

4-9-18

Pay To The Order Of Alting: Jiffen LTD \$ 4590.00
Trusty for Husband's trust

Bank of America
 29709

392

BofA Interest Checking - 2744: Account Activity Transaction Details

Check number: 00000000378

Post date: 03/14/2018

Amount: -4,590.00

Type: Check

Description: Check

Merchant name: Check

Transaction category: Cash, Checks & Misc: Checks

JOHNSON LIVING TRUST 3031.002 378
 ADMINISTRATIVE TR
 ROSE VANDYKE JOHNSON TRUST/A 03/14/18
 1200 KINGSBURY BLVD
 GARDNERVILLE, NY 12520-7707
 3-7-18
 Pay to the Order of Allison J. Johnson LTD \$ 4590-
Forty five hundred ninety
 Bank of America
 ACH BY DEPOSIT
 For 29588
 #0378

Exhibit #4 - 'Embezzled Trust Funds' 06

BofA Interest Checking - 2744: Account Activity Transaction Details

Check number: 00000000369

Post date: 02/12/2018

Amount: -4,035.30

Type: Check

Description: Check

Merchant name: Check

Transaction category: Cash, Checks & Misc: Checks

JOHNSON LIVING TRUST 3031.002
 ADMINISTRATIVE TR
 BOSS VANDYKE JOHNSON TRUST
 1280 KINGSBURY CIRCLE
 GARDNERVILLE, NY 12525-7707

2-6-18
 380
 ELIZABETH
 NY

Pay To The Order Of Alling: Julian LTD \$ 4035.30
Four thousand thirty five and 30/100

Bank of America
 ACN: 07 180878
 P# 29333
 #: 00369

TO THE ACCOUNT OF
 AT THE BANK OF AMERICA

BofA Interest Checking - 2744: Account Activity Transaction Details

Check number: 00000000358

Post date: 01/10/2018

Amount: -1,236.25

Type: Check

Description: Check

Merchant name: Check

Transaction category: Cash, Checks & Misc: Checks



BofA Interest Checking - 2744: Account Activity Transaction Details

Check number: 00000000339

Post date: 12/08/2017

Amount: -5,853.75

Type: Check

Description: Check

Merchant name: Check

Transaction category: Cash, Checks & Misc: Checks



BofA Interest Checking - 2744: Account Activity Transaction Details

Check number: 00000000324

Post date: 11/10/2017

Amount: -4,631.25

Type: Check

Description: Check

Merchant name: Check

Transaction category: Cash, Checks & Misc: Checks

2017 002

JOHNSON LIVING TRUST 1991
ADMINISTRATIVE TR
ROSS VAN DYKE JOHNSON TRUSTEE (A) 01/07/1991

1200 KINGSBURY GRADE
GARDNERVILLE, NY 14456-7707

11-6-17

324

Pay To The Order Of Ally + Jillian \$ 4631.25

Four thousand thirty one 25/100

Bank of America

ACC BY 12000000

no 28754

0324

Exhibit #4 - 'Embezzled Trust Funds' 11

BofA Interest Checking - 2744: Account Activity Transaction Details

Check number: 00000000296

Post date: 10/11/2017

Amount: -1,335.00

Type: Check

Description: Check

Merchant name: Check

Transaction category: Cash, Checks & Misc: Checks

JOHNSON LIVING TRUST
 ADMINISTRATIVE TR
 ROSS VAN DYKE JOHNSON TRUSTEE
 1000 KNOXBORO BRIDGE
 GAITHERSBURG, MD 20878-7701

296
 10-11-17

Pay To The Order Of Rollins & Gilliam LTD \$ 1335-
Three Hundred Thirty-five

Bank of America
 3031.00
 For Legal fees trust

01 00296

MICR LINE
 2816429002

1 Ronald D. Alling, Esq. #47387
2 Scott W. Souers, Esq. #271325
3 ALLING & JILLSON, LTD.
276 Kingsbury Grade, Suite 2000
4 Post Office Box 3390
Lake Tahoe NV 89449-3390
5 Ph. (775) 588-6676 ♦ Fx. (775) 588-4970
ralling@ajattorneys.com
6 ssouers@ajattorneys.com
Attorneys for the Plaintiffs

FILED

AUG 01 2018

EL DORADO CO. SUPERIOR COURT

BY W. Warden
(DEPUTY CLERK)

8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

9 COUNTY OF EL DORADO

10 CURTIS JOHNSON, and ROSS CASE NO.:
11 JOHNSON,

12 Plaintiffs,

VERIFIED COMPLAINT FOR PARTITION OF
13 REAL PROPERTY

14 KENT JOHNSON, and DOES 1-20,
15 inclusive,

16 Defendants.

Date:

Time:

17 Dept:

18 COME NOW Plaintiffs Curtis Johnson, and Ross Johnson, (hereinafter collectively, "Plaintiffs"),
19 by and through their counsel, Alling & Jillson, Ltd., and file their Complaint for Partition of Real Property
20 as follows:

21 **FIRST CLAIM FOR RELIEF**

22 **PARTITION OF REAL PROPERTY**

23 1. The Plaintiffs and Defendant are the owners of the real property which is commonly known
24 as 1017 Blue Lake Avenue, A.P.N. 031-103-02-1, located in El Dorado County, South Lake Tahoe,
25 California 96150, (hereinafter the "Property") more particularly described on **Exhibit 1**.

26 2. A Decree of Preliminary Distribution was ordered on July 18, 1958 by the Court and
27 recorded at the El Dorado County Recorder's Office on July 18, 1958 (hereinafter the "Decree"),
28 distributing Lot 2 in Block 5 of Johnson Acres Subdivision No. 2 to William Van Dyke Johnson, for his
life, with the remainder to his issue. A copy of the Decree is attached hereto as **Exhibit 2** and incorporated
herein by reference.

Alling & Jillson, Ltd.
Post Office Box 3390 ♦ 276 Kingsbury Grade
Lake Tahoe, Nevada 89449
PH (775) 588-6676 ♦ FX (775) 588-4970

1 3. On December 19, 2016, upon the death of William Van Dyke Johnson, and the termination
2 of his life estate in the Property, the parties hereto each acquired a 33.33 % interest as tenants in common
3 in the Property, which consists of a 1,507 square foot main residence and a 506 square foot workshop. A
4 copy of the Certificate of Death is attached hereto as **Exhibit 3** and incorporated herein by reference.

5 4. Pursuant to the appraisal dated July 14, 2017, The Johnson Valuation Group ascribed an
6 appraised value of four hundred and seventy-five thousand dollars (\$475,000.00) for the Property as of
7 December 19, 2016. A true and accurate copy of the appraisal summary letter is incorporated herein by
8 reference as **Exhibit 4** attached hereto.

9 5. Plaintiffs, through their respective ownership as tenants in common, own the following
10 interests in the Property:

11 A) Curtis Johnson, a married man, as his sole and separate property: 33.33%

12 B) Ross Johnson, a married man, as his sole and separate property: 33.33%

13 6. Defendant, through his respective ownership interest in the Property as a tenant in common,
14 owns 33.33% in the Property.

15 7. Defendant has exclusively occupied the Property, precluding Plaintiffs from the use and
16 enjoyment of the same.

17 8. Plaintiffs are informed and believe there are no liens or encumbrances appearing of record
18 on the Property that will be affected by this action.

19 9. Plaintiffs have no knowledge of any other parties who claim an interest in the Property or
20 who will be materially affected by the action, other than Plaintiffs and Defendant.

21 10. Plaintiffs have not procured a Preliminary Title Report at this time.

22 11. The estate on which partition is sought is the fee title to the Property described in this
23 Complaint.

24 12. Plaintiffs request that the Property described in this Complaint be partitioned by sale.

25 13. Plaintiffs are informed and believe and thereon allege that a partition by sale of the
26 Property, rather than physical division, would be more equitable to the parties by virtue of the
27
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1 impracticability of physical division.¹ The Property cannot be divided equally without the value of each
2 party's interest therein being substantially diminished.


3 WHEREFORE, Plaintiffs pray for the following relief:

- 4 1. For this Court to order partition of the Property by sale and set aside the proceeds to be
5 divided among the parties based on their respective ownership interests in the Property.
- 6 2. For reasonable expenses necessarily incurred by the Plaintiffs for the common benefit of
7 the parties hereto for the protection and repair of the Property;
- 8 3. For any costs incurred by Plaintiffs in obtaining a title report for the Property;
- 9 4. For costs of suit;
- 10 5. For reasonable attorney's fees incurred by Plaintiffs in the prosecution of this action; and
- 11 6. For such further relief as this Court may deem just and equitable.

12
13 Dated: August 1, 2018

Respectfully Submitted,

ALLING & JILLSON, LTD.

By: 
RONALD B. ALLING, ESQ. #47387
SCOTT W. SOUERS, #271325
Attorneys for the Plaintiffs

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Alling & Jillson, Ltd.
Post Office 390 276 Kingsbury Grade
Lake Tahoe, Nevada 89449
PH (775) 588-6676 FX (775) 588-4970

¹The respective codes of the Tahoe Regional Planning Agency, El Dorado County, and City of South Lake Tahoe preclude further subdivision of the Property.

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VERIFICATION

I, Curtis Johnson, declare:

I am a Plaintiff in the above-entitled matter. I have read the foregoing Complaint for Partition of Real Property and know its contents; and the same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters I believe them to be true.

Executed on July 26, 2018, at KING County, Washington.

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



CURTIS JOHNSON

g & Jillson, Ltd.
Post Office Box 3390 ◊ 276 Kingsbury Grade
Lake Tahoe, Nevada 89449
PH (775) 588-6676 ◊ FX (775) 588-4970

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VERIFICATION

I, Ross Johnson, declare:

I am a Plaintiff in the above-entitled matter. I have read the foregoing Complaint for Partition of Real Property and know its contents; and the same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters I believe them to be true.

Executed on July ___, 2018, at Douglas County, Nevada.

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



ROSS JOHNSON

Aling & Jillson, Ltd.
Post Office 990 ◊ 276 Kingsbury Grade
Las Vegas, Nevada 89449
PH (775) 588-6676 ◊ FX (775) 588-4970

EXHIBIT 1

EXHIBIT 1

LEGAL DESCRIPTION

All that certain real property situate in the County of El Dorado, State of California as follows:

Lot 2 in Block 5 of Johnson Acres Subdivision No. 2, as said lot is shown on the Official Map of Johnson Acres Subdivision No. 2, filed in the office of the County Recorder of El Dorado County, on June 12, 1946, in Map Book A, at Page 44.

APN No.: 031-103-02-1

EXHIBIT 2

EXHIBIT 2

1 FRANKLIN A. DILL
 2 711 Crocker Building
 3 620 Market Street
 4 San Francisco 4, California
 5 Telephone: EXbrook 2-7025
 6
 7 Attorney for Executors

FILED

1958
 RUTH LANG, Clerk
 BY DEPUTY

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR
 9 THE COUNTY OF EL DORADO

11 In the Matter of the Estate of
 12 STELLA VAN DYKE JOHNSON, No. 3919
 13 Deceased.
 14

15 DECREE OF PRELIMINARY DISTRIBUTION

17 KNOX VAN DYKE JOHNSON, PAUL LAIOLO and CROCKER-ANGLO
 18 NATIONAL BANK, as Executors of the Last Will of the above named
 19 decedent, having heretofore filed a petition for preliminary dis-
 20 tribution and said petition coming on this day for hearing, the
 21 Court finds:

22 Due and legal notice of the hearing of said petition
 23 has been given for the period and in the manner prescribed by law.

24 All the allegations of said petition are true.

25 Notice to creditors has been published for the peri-
 26 od and in the manner prescribed by law. Within thirty days after
 27 completion of publication of notice to creditors there was filed
 28 with the Clerk of this Court an affidavit showing due publication
 29 of notice to creditors in the manner and form required by law.

30 More than twelve months have elapsed since the is-
 31 suance of Letters Testamentary in this estate and since the first
 32 publication of notice to creditors.

FRANKLIN A. DILL
 ATTORNEY AT LAW
 711 CROCKER BLDG.
 SAN FRANCISCO 4
 TELEPHONE EX-27025

1 All claims heretofore filed or presented against
2 the estate have been paid. The estate is not little indebted.

3 The California inheritance tax and the federal es-
4 tate tax payable in this estate have not yet been determined or
5 paid.

6 Although the estate is not now in a condition to
7 be closed, there may be distributed at this time, without loss to
8 the creditors or injury to the estate or any person interested
9 therein, the property hereinafter described in accordance with
10 decedent's will.

11 Said distributions may be made without requiring
12 any of the distributees to execute a bond payable to the Execu-
13 tors.

14 The State Controller, through an assistant inheri-
15 tance tax attorney, has consented in writing to distribution.

16 IT IS THEREFORE ORDERED that the following de-
17 scribed property be distributed to the following described per-
18 sons and the Executors of decedent's will be and they are hereby
19 directed to deliver said property to said persons:

- 20 1. To ENOX VAN DYKE JOHNSON and WILLIAM VAN DYKE
21 JOHNSON, in equal shares, the property described in Sub-paragraph
22 1 of Paragraph V of decedent's Will and more particularly de-
23 scribed as follows:

24 All that certain real property situate in the County of
25 El Dorado, State of California, described as follows:

26 That portion of Lot 12, Section 4, T. 12 N. R.
27 18 E., N.D.B. & M. described as follows:
28 Beginning at the N. E. corner of the tract herein
29 described a one inch diameter capped pipe from which
30 the N. E. corner of said Lot 12, bears N. 89° 23' 30"
31 E. 541.67 feet; thence from the point of beginning
32 S 35° 42' E. 896.56 feet to the S. E. corner thereof
in the North boundary of Highway No. 50; thence along
said boundary S 49° 38' W. 454.03 feet to a 3/4 inch
diameter pipe at the S. W. corner thereof and in the
East line of El Dorado Avenue of Country Cross Roads
Village Subdivision; thence along said line W 24° 20'
N. 850.93 feet to a similar pipe at the N.W. corner
thereof; thence N 88° 28' 40" E. 348.42 feet to the
point of beginning.

Containing 6.312 acres.
This parcel is improved with a store building.

FRANKLIN A. DILL
ATTORNEY AT LAW
217 BUREAU BLDG.
SAN FRANCISCO 4
EXHIBIT 8-7028

1 2. To MARJORIE ANNE JOHNSON SPRINGMEYER, for her
2 life, with the remainder to her issue, the property described in
3 Sub-paragraph 2 of Paragraph V of decedent's Will, which property
4 is more particularly described as follows:

5 All that certain real property situate in the County of
6 El Dorado, State of California, described as follows:

7 That portion of Lots 11 and 12, in Section 4,
8 T. 12 N. R. 18 E., M.D.B. & M.

9 Beginning at the most southerly corner of Lot 64
10 of Country Cross Roads Subdivision, a 3/4 inch diameter
11 capped pipe; thence from the point of beginning N 49°
12 38' E. 402.00 feet along the Southeastery line of
13 Lots 64, 63, 62, 61, 60 and 59 to a point on the South-
14 easterly line of Lot 58, a similar pipe from which the
15 most easterly corner of Lot 58, of said Subdivision bears
16 N 49° 38' E. 25.00 feet; thence S 40° 22' E. 339.50 feet
17 to a similar pipe in the North line of Highway No. 50;
18 thence along said line S. 49° 47' W., (Recorded S 49°
19 38' W.,) at 351.10 feet a similar pipe on the right
20 bank of the Upper Truckee River; 441.10 feet to a point
21 in the channel of said river; thence along the channel
22 of said river S 48° 12' 35" E. 482.97 feet to a point
23 in said channel; thence leaving the channel of said
24 river N. 49° 35' E. at 40.00 feet a one inch diameter
25 pipe and at 105.00 feet a 3/4 inch diameter capped
26 pipe on the Westerly line of Fonderosa Street; thence
27 along the Westerly line of said street and the westerly
28 line of said Lot 64 S 40° 22' E. 140.00 feet to the
29 point of beginning.
30 Containing 3.92 acres.

31 3. To KNOX VAN DYKE JOHNSON, for his life, with
32 the remainder to his issue, the property described in Sub-para-
33 graph 3 of Paragraph V of decedent's Will, which property is
34 more particularly described as follows:

35 All that certain real property situate in the County
36 of El Dorado, State of California, described as follows:

37 That portion of Lots 11 and 12 in Section 4,
38 T. 12 N. R. 18 E.; M.D.B. & M.

39 Beginning at the N.W. corner of the tract herein
40 described, identical with the N.W. corner of Lot 12
41 in Section 4, T. 12 N. R. 18 E., M.D.B. & M.; thence
42 from the point of beginning N 89° 12' 30" E., 195.00
43 feet to the N.E. corner thereof a one inch diameter
44 capped pipe; thence S 35° 23' 30" E. 507.38 feet to a
45 similar pipe; thence S 32° 28' 55" W. 2.40 feet to a
46 3/4 inch diameter capped pipe on the Easterly boundary
47 of Sunset Drive in the Country Cross Roads Subdivision;
48 thence along the West boundary of said Subdivision along
49 a curve to the left with a radius of 40.00 feet, the

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chord of which bears N 81° 35' 35" W., 56.57 feet (Recorded W 81° 37' 05" W.); thence along said curve with a radius of 49.09 feet the chord of which bears S 8° 24' 35" W., 56.57 feet (Recorded S 8° 28' 55" W.) thence leaving said curve S 10° 27' 15" E., 48.07 feet (Recorded S 10° 02' 45" E.) to a similar pipe; thence S 7° 13' 30" E. (Recorded S 7° 09' E.) 240.24 feet to a similar pipe; thence S 8° 14' 30" W. (Recorded S 0° 19' W.) 139.30 feet to a similar pipe; thence S 37° 47' 30" E. (Recorded S 37° 43' E.) 67.80 feet to a similar pipe; thence W 49° 34' 30" E. (Recorded S 49° 38' E.) 262.35 feet to a similar pipe on the West boundary of said Sunset Drive; thence along the West boundary of Sunset Drive S 40° 29' 30" E. (Recorded S 40° 22' E.) 420.85 feet to a similar pipe at its intersection with the Northerly boundary of Penderosa Street; thence along the northerly boundary of Penderosa Street S 49° 33' 30" W. (Recorded S 49° 28' W.) at 317.57 feet, a one inch diameter capped pipe on the East side of the Upper Truckee River and at 307.57 feet at a point in the channel of said river; thence along the channel of said river S 48° 18' 35" E., 483.15 feet to a point in said channel on the northerly boundary of U. S. Highway No. 50; thence leaving said channel and along said highway boundary S 69° 42' 40" W., at 40.00 feet, a similar pipe and at 308.59 feet (Recorded S 49° 38' W.) a pipe 1-1/4 inches in diameter; thence leaving said highway W 34° 41' 10" W 744.25 feet (Recorded W 34° 44' W.) to a one inch diameter capped pipe at the west easterly corner of Block 1 of Tamarack Subdivision; thence S 0° 11' 30" W., 1801.28 feet (Recorded 1801.45 feet) to the point of beginning. Containing 31.28 acres.

4. To WILLIAM VAN DYKE JOHNSON, for his life, with the remainder to his issue, the property described in Sub-paragraph 4 of Paragraph V of decedent's Will, which property is more particularly described as follows:

All that certain real property situate in the County of El Dorado, State of California, described as follows:

Lot 2 in Block 5 of Johnson Acres Subdivision No. 2, as said lot is shown on the Official Map of Johnson Acres Subdivision No. 2, filed in the office of the County Recorder of El Dorado County, on June 12, 1946, in Map Book A, at Page 44.

This parcel is improved with a residence.

IT IS FURTHER ORDERED that there be distributed to each of the above named distributees any increment or rents received by the Executors from the property distributed to him or her as above set forth.

IT IS FURTHER ORDERED that the requirement of the

FRANKLIN A. DILL
ATTORNEY AT LAW
111 CALIFORNIA BLDG.
SAN FRANCISCO 4
EXHIBIT 5-7385

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bond from any of the distributees above named be and it hereby
is dispensed with.

Done in open Court this 18th day of July, 1958.

RECEIVED

Judge of the Superior Court

THE FOREGOING INSTRUMENT IS A CORRECT COPY
OF THE ORIGINAL FILED IN THIS OFFICE.

ATTEST:

County Clerk of the Superior Court
of the State of California, in and for the County of
El Merced.

By _____
Deputy Clerk

VOL. 431 PAGE 415
OFFICIAL RECORDS
RECORDED AT REQUEST OF
Charles Angelo Red Ben
JUL 15 1958
AT 11:00 AM. FIRST 11 O'CLOCK P.M.
EL MERRICK COUNTY, CALIFORNIA
S. H. Jones
RECORDER

FRANKLIN A. DILL
ATTORNEY AT LAW
711 BROADWAY BLDG.
SAN FRANCISCO 4
EMERSON 8-7888

6289

-5-

EXHIBIT 3

EXHIBIT 3

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

EL DORADO COUNTY
HEALTH AND HUMAN SERVICES AGENCY
PLACERVILLE, CALIFORNIA

3052016048824		CERTIFICATE OF DEATH	3201609001172	
1. NAME OF DECEASED - LAST, FIRST, MIDDLE WILLIAM VAN DYKE		2. LAST NAME OF SURVIVOR JOHNSON		
3. DATE OF BIRTH 03/21/1951		4. SEX MS		5. RACE W
6. SOCIAL SECURITY NUMBER 581-32-8057		7. MARITAL STATUS <input checked="" type="checkbox"/> WIDOWED		8. DATE OF MARRIAGE 12/18/2018
9. OCCUPATION MANAGER		10. TYPE OF BUSINESS OR INDUSTRY PROPERTY MANAGEMENT		11. YEARS IN OCCUPATION 40
12. ADDRESS OF DECEASED AT TIME OF DEATH 1078 BLUE LAKE AVE. SOUTH LAKE TAHOE EL DORADO 99180 CA				
13. ADDRESS OF DECEASED AT TIME OF BIRTH 1078 BLUE LAKE AVE. SOUTH LAKE TAHOE EL DORADO 99180 CA				
14. NAME OF DECEASED AT BIRTH WILLIAM VAN DYKE				
15. NAME OF DECEASED AT TIME OF DEATH WILLIAM VAN DYKE				
16. NAME OF DECEASED AT TIME OF DEATH - IF DIFFERENT FROM 15 WILLIAM VAN DYKE				
17. DATE OF DEATH 12/20/2018				
18. PLACE OF DEATH HAPPY HOMESTEAD CEMETERY 1261 JOHNSON BLVD., SOUTH LAKE TAHOE, CA 96150				
19. MANNER OF DEATH <input checked="" type="checkbox"/> CRU <input type="checkbox"/> NOT EMBALMED				
20. CAUSE OF DEATH END STAGE HEART FAILURE				
21. ICD-10 CODE I25.91				
22. ICD-9 CODE 410.91				
23. ICD-10 CODE I25.91				
24. ICD-9 CODE 410.91				
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CERTIFIED COPY OF VITAL RECORDS
STATE OF CALIFORNIA, COUNTY OF EL DORADO



000177652

This is a true and exact reproduction of the document officially registered and placed on file in the office of the El Dorado County Health and Human Services Agency.

DEC 20 2018

Nancy J. Williams, M.D., MPH
HEALTH AND HUMAN SERVICES AGENCY
PLACERVILLE, CA 95267

DATE ISSUED: _____

This copy is not valid unless prepared on an engraved border, dated by the date, and in the presence of an official of the County Health Agency.

ANY ALTERATION OR ERASURE VOID THIS CERTIFICATE

CALL 530-777-1100

EXHIBIT 4

EXHIBIT 4



July 14, 2017

Via Electronic Mail: ross4443@gmail.com

Mr. Ross Johnson

Re: A Narrative Appraisal of a Single Family Residence located at 1017 Blue Lakes Avenue, South Lake Tahoe, El Dorado County, California

Dear Mr. Johnson:

This letter is in response to your request for a Narrative Appraisal addressing the Market Value of the 100% Fee Simple Interest of a Single Family Residence located at 1017 Blue Lakes Avenue, South Lake Tahoe, El Dorado County, California. The subject property is under the ownership of The Life Estate of William V.D. Johnson. This property is also known as El Dorado County Assessor's Parcel Number 031-103-02-1.

This appraisal report sets forth pertinent data, statistics and other information considered necessary in order to establish the 100% fee simple Market Value of the subject property. The effective date of valuation for this report is December 19, 2016. It is my understanding that the appraisal is to establish the "as is" Market Value for use in filing an estate tax return. The intended users are the representatives of the Estate of William V.D. Johnson. The purpose of this assignment is to estimate the Market Value of the subject property as of December 19, 2016.

This appraisal report is prepared in a narrative format. A narrative appraisal report is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the *Uniform Standards of Professional Appraisal Practice* for an appraisal report. As such, it presents only summary discussions of the data, reasoning and analyses that are used in the appraisal process to develop the appraiser's opinion of value. Supporting

www.jofinsonvaluationgroup.com



documentation concerning the data, reasoning and analyses is retained in this appraiser's file. The depth of the discussion contained in the report is specific to the needs of the client and for the intended use as stated herein.


I attest that I have the knowledge and the experience necessary to complete the appraisal assignment and that I have appraised this type of property many times before. No one other than the undersigned has prepared the analyses, conclusions and opinions concerning real estate which are set forth in this report.

After careful consideration of all data available and based upon a thorough personal inspection of the subject property and all of the comparable sale properties, it is this appraiser's opinion that the estimated Market Value of the subject property, as of December 19, 2016, is:

FINAL MARKET VALUE CONCLUSION
(100% Fee Simple Interest)

\$475,000

Respectfully Submitted,


Cynthia S. Johnson, SRA

**REVIEWED BY (DID NOT INSPECT SUBJECT
OR COMPARABLE PROPERTIES)**

**Benjamin Q.
Johnson**

Digitally signed by Benjamin Q. Johnson
DN: cn=Benjamin Q. Johnson,
o=Johnson Valuation Group, Ltd., ou,
email=ben@johnsonvg.com, c=US
Date: 2017.07.14 16:55:13 -0700

Benjamin Q. Johnson, MAI
California Certified General Appraiser
License Number AG043925

From: [REDACTED]
Subject: RE: PO is DX Rated
Date: January 28, 2019 at 3:14 PM
To: Kent Johnson kent@kjmicrowave.com, robyn Johnson robyn@kjmicrowave.com
Cc: [REDACTED]

Hello Kent,

Our customer acknowledged this is a DX Rated order.

Please use the following wording when dealing with your vendors to minimize lead time.

This is a DXA2 rated order certified for National Defense use. You are required to follow all the provisions of the defense priorities and allocations system regulations (15 cfr 700), including providing written notice of acceptance or rejection of this order within 10 workdays (DX rated orders)

Thank you,

[REDACTED]
[REDACTED]
[REDACTED]

From: Kent Johnson <kent@kjmicrowave.com>
Sent: Friday, January 11, 2019 3:07 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: PO

[EXTERNAL]

Hi [REDACTED],

We got the PO and will be issuing an invoice over the weekend for the initial progress payment. I also sent an email off to [REDACTED] to see if we can get 'creative' on fixing the lead time for the VVA.

Anxious to get moving on this as fast as possible while the litigation front is relatively quiet. We appreciate the business very much during this time of uncertainty! Thanks again...

Best Regards,

Kent Johnson

<http://kjmicrowave.com/>
P.O. Box 17691
South Lake Tahoe, CA 96151
(530) 318-5459 Cellular
(530) 544-3551 Home-Office

On Jan 11, 2019, at 9:24 AM, [REDACTED] wrote:

Here is the PO in case it didn't already make its way to you.

[REDACTED]

[REDACTED]

APN: 031-103-02-100
Assessment No.: 031-103-002-000

RECORDING REQUESTED BY:

Alling & Jillson, Ltd.
Post Office Box 3390
Lake Tahoe, NV 89449

AND WHEN RECORDED MAIL TO:

Alling & Jillson, Ltd.
Post Office Box 3390
Lake Tahoe, NV 89449



El Dorado, County Recorder
Janelle K. Horne Co Recorder Office
DOC- 2019-0033582-00

Check Number 365/388/31

Monday, AUG 19, 2019 08:05:00

Ttl Pd \$98.00 Nbr-0002031034
MMW / C1 / 1-3

**DECREE DETERMINING, ESTABLISHING, AND IDENTIFYING THE ISSUE
EMBRACED IN THE DECREE OF PRELIMINARY DISTRIBUTION, PURSUANT TO
PROBATE CODE §248**

This is a true and correct copy of the record if it bears
the Recorder-Clerk's seal.

10/12/2022

Janelle K. Horne, Recorder-Clerk

By:

Humboldt Preston
Exhibit #7 - El Dorado County Recorder' 1
El Dorado County, California

CERTIFIED COPY

1 Ronald D. Alling, Esq. #47387
2 Scott W. Souers, Esq. #271325
3 ALLING & JILLSON, LTD.
4 276 Kingsbury Grade, Suite 2000
5 Post Office Box 3390
6 Lake Tahoe NV 89449-3390
7 Ph. (775) 588-6676 * Fx. (775) 588-4970
8 ralling@ajattorneys.com
9 ssouers@ajattorneys.com
10 Attorneys for the Plaintiffs

FILED

AUG 07 2019

EL DORADO CO. SUPERIOR COURT
BY [Signature]
(DEPUTY CLERK)

8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 COUNTY OF EL DORADO

11 CASE NO.: SP20190015

12 IN RE THE MATTER OF THE REAL
13 PROPERTY LOCATED AT 1017
14 BLUE LAKE AVE., SOUTH LAKE
15 TAHOE, CA

16 [REDACTED] DECREE DETERMINING,
17 ESTABLISHING, AND IDENTIFYING THE
18 ISSUE EMBRACED IN DECREE OF
19 PRELIMINARY DISTRIBUTION, PURSUANT
20 TO PROBATE CODE §248

11 Alling & Jillson, Ltd.
12 Post Office Box 3390 • 276 Kingsbury Grade
13 Lake Tahoe, Nevada, 89449
14 PH (775) 588-6676 • FX (775) 588-4970

20 On July 18, 1958, the El Dorado County Superior Court ordered a Decree of Preliminary
21 Distribution in case number 3919, *In the Matter of the Estate of Stella Van Dyke Johnson* ("the Decree").

22 The Decree created a life estate for the benefit of William Van Dyke Johnson in Lot 2 in Block 5
23 of the Johnson Acres Subdivision No. 2, as said lot is shown on the Official Map of Johnson Acres
24 Subdivision No. 2, filed in the office of the County Recorder of El Dorado County, on June 12, 1946, in
25 Map Book A, at Page 44 ("the Property") for his life, with the remainder to his issue.

26 The Property is commonly known as 1017 Blue Lake Avenue, South Lake Tahoe, California,
27 96150, and referenced as A.P.N. 031-103-02-100, or Assessment Number 031-103-002-000.

28 ///

1 The Court hereby decrees Curtis Johnson, Ross Johnson, and Kent Johnson to be William V.D.
2 Johnson's only "Issue" embraced in the Decree¹. The Court further decrees Curtis Johnson, Ross Johnson,
3 and Kent Johnson the co-owners of the Property, with each owning a one-third (1/3) share of the Property
4 as tenants in common.

5
6 Dated: August 7, 2019

7 
8 The Honorable Judge Michael McLaughlin
9 Judge of the Superior Court 

10
11 Alling & Jillson, Ltd.
12 Post Office Box 3390 ◊ 276 Kingsbury Circle
13 Lake Tahoe, Nevada 89449
14 PH (775) 588-6676 ◊ FX (775) 588-4970

15
16 This is a true certified copy of the
17 records if it bears the seal, imprinted
18 in purple ink, the date of issuance and
19 an original signature.

20 AUG 13 2019



21 El Dorado County, California

22 By 
23 Deputy Clerk

24
25
26
27
28 ¹Mary Johnson was born to William Van Dyke Johnson and Felice Johnson, but was deceased at birth and is therefore not included in William Van Dyke Johnson's "Issue" embraced in the Decree.

08/19/2019,20190033582

Page 2 of 2

DECREE

1 Kent K. Johnson
2 PO Box 17691
3 South Lake Tahoe, CA 96150
4 Ph. (530) 318-5459

5 **IN THE SUPERIOR COURT, STATE OF CALIFORNIA**
6 **FOR THE COUNTY OF EL DORADO**
7 **SOUTH LAKE TAHOE SESSION**

8 In the Matter of

CASE NO.: SC20180141
APPEAL NO.: C094348

9 **COMPLAINT FOR PARTITION OF**
10 **REAL PROPERTY**

DEFENDANT'S EX PARTE
APPLICATION FOR LEAVE TO FILE
THIS
NOTICE OF SPECIAL APPEARANCE
#3.

11 **CURTIS JOHNSON, and ROSS**
12 **JOHNSON,**
13 **Plaintiffs,**

14 v.

Judge: Leanne Mayberry

15 **KENT K. JOHNSON,**
16 **Defendant.**

Date: December 15, 2023
Time: 1:30 PM
Dept.: 4

17 **DEFENDANT'S NOTICE OF SPECIAL APPEARANCE #3.**

18 COMES NOW, the *pro se* Defendant Kent K. Johnson who applies for leave to file this
19 Notice of Special Appearance prior to the December 15, 2023 hearing at 1:30 PM in Department
20 4.

21 If the Superior Court grants leave the Defendant will make a Special Appearance to
22 challenge all jurisdiction and defective service of process of the El Dorado County Superior
23 Court, seeking a determination of jurisdiction by the Superior Court prior to any further
24 proceedings.

25 KENT JOHNSON'S NOTICE OF SPECIAL APPEARANCE #3

1 The Defendant does not consent to this jurisdiction, as the Superior Court is without
2 authority. The Defendant has failed to get a relevant jurisdiction statement of decision on all
3 issues raised in his exhaustive appeal of the Interlocutory Judgment, and continues to seek justice
4 and equity in the Federal Courts, as an appeal of the recent dismissal is planned. *(Please see*
5 *attached federal Complaint, Motion for Temporary Restraining Order and Brief in Support of*
6 *TRO.)*

7
8 Recently, the Defendant discovered another issue with jurisdiction that has never been
9 raised in any prior hearing with service of process.

10 The Defendant's actions he is being arraigned on are rationally explainable only if he can
11 be heard on the jurisdictional issues. To hold the Defendant in Contempt of Court without
12 hearing his jurisdictional issues would not only be a violation of his Constitutional right to be
13 heard, but it would be a tremendous injustice, potentially with far reaching consequences.

14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 The Defendant does not consent to jurisdiction of the Superior Court, prior to the
16 Superior Court offering proof of jurisdiction and providing a relevant statement of decision on all
17 thirteen (13) jurisdictional issues raised.

18
19 The Defendant reserves all his rights, including the 5th amendment right to remain silent.

20 The Defendant challenges the Plaintiffs, their Counsel, and the Referee to demonstrate
21 their burden of proof, that the Superior Court has jurisdiction over this matter and they have
22 properly given notice to all who have a right to be informed or a duty to act in these proceedings.

23 **The Defendant Challenges the Superior Court's Jurisdiction.**

24 The El Dorado County Superior Court neither has subject matter jurisdiction, nor

25 KENT JOHNSON'S NOTICE OF SPECIAL APPEARANCE #3

1 personal jurisdiction or authority to exercise jurisdiction over this case for the following reasons:

2 **(1) Lack of Personal Jurisdiction.**

3 “A partition action **may be commenced** and maintained by any of the following persons:

4 (1) A coowner of personal property.

5
6 (2) An owner of an estate of inheritance, an estate for life, or an estate for years in real
7 property where such property or estate therein is owned by several persons concurrently or in
8 successive estates.” (See, CCP§872.210.)

9
10 Curtis and Ross were decreed owners on August 7, 2019, over one year **after**
11 commencing this ‘Partition Complaint’. (See, TRO¹ Exhibit #1 – ‘Partition Complaint’, page 1.)
12 (See, TRO Exhibit #2 – ‘County Recorder’, page 3.)

13 On August 1, 2018, when this complaint was filed, none of the parties were owners, and
14 Curtis and Ross did not have *locus standi* to commence the complaint.

15 To have *locus standi* (‘Standing’), an injury-in-fact must have been suffered or be
16 imminent. Curtis and Ross were not owners of the property at the time they alleged that an
17 injury-in-fact was occurring, since the property had not been through probate and was still in
18 William’s name (deceased), the real party in interest, not the Plaintiffs.

19
20 “The real party in interest is the party who has title to the cause of action, i.e., the one
21 who has the right to maintain the cause of action.” (See, *Vaughn v. Dame Construction Co.*, 223

22
23
24
25 ¹ All exhibit references are to the related TRO exhibits to avoid replication and waste of paper.
KENT JOHNSON’S NOTICE OF SPECIAL APPEARANCE #3

1 *Cal. App. 3d 146 (1990).*

2
3 Consequently, the El Dorado County Superior Court did not have personal jurisdiction
4 over Kent to commence the action and the Interlocutory Judgment Statement of Decision is void
5 *ab initio*.

6 Since CCP§872.210 was commenced without ownership, the error can no longer ever be
7 corrected. Case SC20180141 will always be an improper complaint without personal jurisdiction
8 under CCP§410.50.

9
10 ***(2) Lack of Subject Matter Jurisdiction – Probate Matter.***

11 The reason Curtis and Ross were not owners of the 1017 Blue Lake Avenue ('1017')
12 property on August 1, 2018 when they filed their complaint, was because the 'Issue' (offspring)
13 of the '1017' life estate had not been determined in the El Dorado County Superior Probate
14 Court under a PROB§248 petition. (*See, TRO Exhibit #2 – 'County Recorder', page 3.*)

15 Curtis and Ross were attempting to extort a settlement from Kent in the related 'Trust
16 Petition' case and had attempted to skip the required probate Court process to decree ownership
17 and transfer title.

18
19 This case was filed in the El Dorado County Superior Civil Court, which did not have
20 subject matter jurisdiction, and the Superior Court failed to dismiss, transferring the matter to the
21 appropriate probate court. (*See, Bloniarz v. Roloson (1969) 70 C2d 143, 149; Estate of*
22 *Linnick (1985), 171 Cal. App. 3d 752.*) The Final Statement of Decision is void *ab initio*.

23 ***(3) Lack of Subject Matter Jurisdiction – Failure to Appear.***

24 ALLING & JILLSON, LTD is Curtis' and Ross' attorney of record. ALLING &
25 KENT JOHNSON'S NOTICE OF SPECIAL APPEARANCE #3

1 JILLSON, LTD is a Nevada professional Limited Liability Company (LLC). (See TRO, Exhibit
2 #5 – ‘Nevada LLC’.)

3 “Nothing in this title shall be construed to permit a domestic or foreign limited liability
4 company to render professional services, [...], in this state.” (See, CORP§17701.04(e).)

6 Consequently, Curtis’ and Ross’ Attorney of Record could not possibly have appeared on
7 their behalf in this matter.

8 Subject matter jurisdiction is two part: the statutory or common law authority for the
9 court to hear the case and the appearance and testimony of a competent fact witness.

11 Without the appearance of Curtis’ and Ross’ attorney of record, not permitted in
12 California, the El Dorado County Superior Court lacked and still lacks subject matter jurisdiction
13 and the Final Statement of Decision is void *ab initio*.

14 **(4) Lack of Statutory Jurisdiction – Appeal Pending.**

15 The Decree of Ownership had a pending appeal review of the validity the Decree of
16 Ownership. (See, TRO Exhibit #2 – ‘County Recorder’)

18 The jurisdictional authority regarding the validity of the Decree of Ownership, essential
19 to gaining *locus standi*, rested with the 3rd District Court of Appeal.

20 Pursuant to CCP§916(a), “[...] stays all further trial court proceedings "upon the matters
21 embraced" in or "affected" by the appeal.” (In re Marriage of Horowitz, (1984) 159 Cal.App.3d
22 377, 381 [205 Cal.Rptr. 880]) and (Varian Medical Systems, Inc. v. Delfino, 35 Cal.4th 180
23 (2005).)

25 KENT JOHNSON’S NOTICE OF SPECIAL APPEARANCE #3

1 The validity of the Decree of ownership (*See, TRO Exhibit #2 – ‘County Recorder’*) was
2 being reviewed by the 3rd District Court of Appeal, where Kent has argued in his AOB: (A)
3 Superior Court is Not Authorized to Exercise Jurisdiction, (H) Superior Court Disregards
4 Probate Framework, (I) [Superior] Court Denies Right to be Heard for Administrator, and (J)
5 Judge Errantly Signs Unadjudicated Decree of Ownership. (*See, TRO Exhibit #2 – ‘County*
6 *Recorder’*)
7

8 The El Dorado County Superior Court cannot usurp the 3rd District Court of Appeal’s
9 jurisdictional authority to determine the question of validity of ownership of the ‘1017’ property,
10 with a Final Statement of Decision predicated on that ownership. The Superior Court should
11 vacate the Final Statement of Decision made without jurisdiction.
12

13 ***(5) Lack of Authority to Exercise Jurisdiction – LLC Equal Protection Violation.***

14 Professional LLCs are not permitted in this state under CORP§17701.04(e). (*See,*
15 *CORP§17701.04(e.) 1) (See, TRO Exhibit #5 – ‘Nevada LLC’*)

16 There is no rational purpose for the El Dorado County Superior Court to permit ALLING
17 & JILLSON, LTD in this state, when the California Legislature has expressly and dogmatically
18 denied the LLC from appearing in this state. (*See, TRO Exhibit #5 – ‘Nevada LLC’*)
19

20 For the El Dorado County Superior Court to prejudicially aid and abet serious crimes
21 being committed in its courtroom by permitting the LLC to practice against Kent while
22 California Law expressly forbids this action, is a violation of Kent’s right to equal protection of
23 the Laws of this state. (*See, Rosenstiel v. Rosenstiel, 278 F.Supp. 794 (S.D.N.Y. 1967).*)

24 Consequently, the El Dorado County Superior Court did not have authority to exercise

25 KENT JOHNSON’S NOTICE OF SPECIAL APPEARANCE #3

1 jurisdiction under CCP§410.10. The Final Statement of Decision is void *ab initio*. (See, *Earle v.*
2 *McVeigh*, 91 US 503, 23 L Ed 398.)

3 **(6) Lack of Authority to Exercise Jurisdiction – UPL Violation.**

4 ALLING & JILLSON, LTD is not permitted in this state under CORP§17701.04(e) and
5 CORP§17708.07(a). (See, CORP§17701.04(e).) (See, CORP§17708.07(a).)

7 Under BPC§6126, Agent attorneys of ALLING & JILLSON, LTD are committing
8 Unauthorized Practice of Law (UPL), a wobbler offense, by purporting to represent a law-firm
9 which is forbidden by statute to appear in this state.

10 For the El Dorado County Superior Court to enable and permit what California statute
11 Law expressly forbids, is a violation of the Kent's right to equal protection of the Laws of this
12 state. (See, *Rosenstiel v. Rosenstiel*, 278 F.Supp. 794 (S.D.N.Y. 1967).)

14 Consequently, the El Dorado County Superior Court did not have authority to exercise
15 jurisdiction under CCP§410.10. The Final Statement of Decision is void *ab initio*.

16 **(7) Lack of Authority to Exercise Jurisdiction – Registration Violation.**

17 ALLING & JILLSON, LTD is not permitted in this state under CORP§17701.04(e). (See,
18 CORP§17701.04(e).) (See, TRO Exhibit #5 – 'Nevada LLC')

20 ALLING & JILLSON, LTD, consequently, is unregistered with the California Secretary
21 of State to do business in this state as an LLC. (See, TRO Exhibit #6 – 'No Record'.)

22 Mr. Scott W. Souers of ALLING & JILLSON, LTD admitted ALLING & JILLSON
23 LTD is not registered to do business in this state:

25 KENT JOHNSON'S NOTICE OF SPECIAL APPEARANCE #3

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“THE COURT [Judge Michael J. McLaughlin]: All right. So, Mr. Souers, is Alling & Jillson[, Ltd] registered to do business in the state of California?

MR. SOUERS: The certificate that Mr. [Kent] Johnson submitted indicates that it's not.” (See, ‘9-13-19 Certified Transcript’, page 5:1 – 5:4.)

“THE COURT: **I'm just saying I would be very nervous about practicing law in the state of California without being qualified to do business there, so** you might have your partners look into that.” (See, ‘9-13-19 Certified Transcript’, page 6:21 – 6:24.)

“Every person who practices [...a] profession [...] which a [...] registration is required by any law of this state, without holding a current and valid [...] registration [...] as prescribed by law, is guilty of a misdemeanor.” (See, BPC§16240.)

For the El Dorado County Superior Court to enable and permit what California statute Law expressly forbids is a violation of Kent’s right to equal protection of the Laws of this state. (See, *Rosenstiel v. Rosenstiel*, 278 F.Supp. 794 (S.D.N.Y. 1967).)

Consequently, the El Dorado County Superior Court did not have authority to exercise jurisdiction under CCP§410.10. The Final Statement of Decision is void *ab initio*.

On any one of these aforementioned grounds, the El Dorado County Superior Court neither had jurisdiction to hear this matter nor authority to exercise jurisdiction, which has resulted in a Final Statement of Decision that is void *ab initio* due to lack of jurisdiction.

KENT JOHNSON’S NOTICE OF SPECIAL APPEARANCE #3

1 **Final Statement of Decision was Obtained by Fraud**

2 The Final Statement of Decision was obtained by multiple counts of fraud by Curtis and
3 Ross and their Counsel.

4
5 ***(8) Plaintiff Fraudulently Contended Title has Been Transferred.***

6 On August 3, 2018, shortly after filing and serving the 'Partition Complaint', Ross falsely
7 contended the '1017' title had been transferred: "Kent, Just a heads up that 1017 has been
8 transferred into our names."

9 Ross' misstatement of fact was proven to be obviously false, after the Decree of
10 Ownership was entered over one (1) year later and was raised in Kent's second twenty-one (21)
11 day Notice to Correct. *(See, TRO Exhibit #2 – 'County Recorder')*

12
13 Ross' fraud deceived Kent during the answer period, harmed Kent's case, making this an
14 unfair proceeding.

15 The Final Statement of Decision was obtained by Ross' fraudulent deception of Kent, and
16 consequently the Final Statement of Decision is void.

17
18 ***(9) Plaintiffs Fraudulently Deceived the Superior Court in Their Pleadings.***

19 Curtis and Ross lied in their pleadings, falsely contending that Kent had "exclusively
20 occupied the [1017] Property".

21 Later Kent took a photo of Ross moving furniture out of '1017' and other personal
22 property from the three-fourths (¾) of the property square footage occupied by the Johnson
23 Living Trust.

24
25 Curtis and Ross also lied in their pleadings, falsely contending, "Plaintiffs have no
KENT JOHNSON'S NOTICE OF SPECIAL APPEARANCE #3

1 knowledge of any other parties [...] who will be materially affected by the action, other than
2 Plaintiffs and Defendant.”

3
4 Between July 17, 2018 and August 2, 2018 Kent made statements at the related ‘Trust
5 Petition’ Superior Court trial and during his deposition in that case in front of Ross that Kent
6 operated a business from the ‘1017’ property, that the business had customers, and that the
7 business was currently engaged in producing products for orders of the ‘highest national defense
8 urgency’. *Ross knew or should have reasonably known that he was harming Kent’s customers.*

9 The Final Statement of Decision was obtained by Curtis’ and Ross’ fraudulent deception
10 in their pleadings and consequently the Final Statement of Decision is void. (*See, In re Village of*
11 *Willowbrook, 37 Ill. App.3d 393 (1962).*)

12
13 ***(10) Mr. Scott W. Souers Obtains Decree of ‘1017’ Ownership by Fraud.***

14 The ‘Decree of Ownership’ was obtained by Mr. Scott W. Souers fraudulently adding a
15 second unadjudicated decree of ownership to gain *locus standi*, to Curtis’ and Ross’ PROB§248
16 Petition. (*See, TRO Exhibit #2 – ‘County Recorder’*)

17 The Judgment was obtained by Mr. Scott W. Souers’ fraudulent deception in obtaining
18 ownership and *locus standi*, and consequently the Final Statement of Decision is void *ab initio*.

19
20 ***(11) Attorney of Record Agents Fraudulently Acting on Behalf of the LLC.***

21 Mr. Ronald D. Alling and Mr. Scott W. Souers, in Curtis’ and Ross’ pleadings, many
22 filings, and motions, fraudulently contend that they are providing representation services acting
23 as agents on behalf of the Attorney of Record, ALLING & JILLSON, LTD. (*See, TRO Exhibit*
24 *#1 – ‘Partition Complaint’*)

25 KENT JOHNSON’S NOTICE OF SPECIAL APPEARANCE #3

1 Professional LLC's are not permitted to provide services in California. (See,
2 *CORP§17701.04(e).*)

3 Unregistered LLC's are not permitted to maintain an action in California. (See,
4 *CORP§17708.07(a).*)

5
6 Consequently, it cannot be true that Mr. Ronald D. Alling and Mr. Scott W. Souers are
7 acting as agents for the Attorney of Record, ALLING & JILLSON, LTD and maintaining the
8 action on behalf of Curtis and Ross.

9
10 Mr. Ronald D. Alling and Mr. Scott W. Souers are acting as individuals and have
11 perpetrated a fraud upon the El Dorado County Superior Court, which has precluded a fair and
12 equitable trial on the merits, making the Final Statement of Decision void *ab initio*.

13
14 Fraud upon the Superior Court makes a decision void. These are material frauds
15 precluding a fair proceeding and the matter should be temporarily stayed until a preliminary
16 injunction can be heard.

17
18 **Service is Defective**

19 Service and proof of service is an essential part of meeting Constitutional due process
20 notification and is defective in this case, because the Secretary of State, who has a right to be
21 involved with this case, has been excluded by failure to serve, precluding enjoinder of
22 ALLING & JILLSON, LTD for denying Kent his Constitutional right to equal protection.

23
24 ***(12) No Valid Reply Entity, Precludes Due Process***

25 Curtis' and Ross' Attorney of Record is not registered with the California Secretary of
26 KENT JOHNSON'S NOTICE OF SPECIAL APPEARANCE #3

1 State and is unrecognized as an entity in California, as it is not permitted in this state. (See, TRO
2 Exhibit #6 – ‘No Record’.) (See, CORP§17701.04(e).)

3
4
5 *“If a foreign limited liability company transacts intrastate business in this state*
6 *without a certificate of registration or cancels its certificate of registration, it*
7 *shall be deemed to have appointed the Secretary of State as its agent for*
8 *service of process for rights of action arising out of the transaction of intrastate*
9 *business in this state.” (See, CORP§17708.07(d).)*

10 Providing representation services for Curtis and Ross is transacting intrastate business in
11 this state. (*Supra* (7).)

12 ALLING & JILLSON, LTD is unregistered with the California Secretary of State, so all
13 service in this matter should have been to the California Secretary of State, who would have had
14 the Attorney General enjoin the foreign LLC. (See, CORP§17708.09.)

15 Without proper service substituted on the Secretary of State, Kent’s right to due process
16 has been violated, and again the Superior Court cannot exercise jurisdictional authority under
17 CCP§410.10 and the decision is void from fraud upon the Superior Court.

18
19 ***(13) Fraudulent Proof of Service, Precludes Due Process***

20 The Court should also note that the proof of service of the ‘Partition Complaint’ indicates
21 it was served by US Mail. This is not true, it was personally served during Kent’s mid-trial
22 deposition in the ‘Trust Petition’ case. If it were true it would amount to another count of Mail
23 Fraud in the Federal Complaint.

24
25 KENT JOHNSON’S NOTICE OF SPECIAL APPEARANCE #3

1 **The Superior Court Must Dismiss, Because General Jurisdiction is Precluded.**

2 On August 1, 2018 when Curtis and Ross filed this 'Partition Complaint' they did not
3 own the '1017' property, because ownership was not Decreed until August 7, 2019 and title
4 would have had to have been subsequently transferred after the Decree.² (See, Exhibits #3 and
5 #4.)

6
7 Consequently, this 'Partition Complaint' was not "commenced" with ownership title
8 under CCP§872.210(2) and *Vaughn v. Dame Construction Co.*, 223 Cal. App. 3d 146 (1990).

9 The "commenced" required element and "and" operator precludes CCP§872.210(2) from
10 ever being satisfied, no matter what occurs in the "maintained" portion of the proceeding.

11 Under CCP§410.50(a) the conditional exception obtaining general jurisdiction can never
12 be satisfied. This case must be dismissed without prejudice.

13 The El Dorado County Superior Court does not have jurisdiction in this case and can
14 never have jurisdiction based on the admitted evidence.

15 Further hearings in an idiotic effort to attempt to gain general jurisdiction which has long
16 ago been precluded, are only adding to the Superior Court's liability.

17 The Superior Court should dismiss this case for lack of jurisdiction, acknowledging its
18 error and eliminating more unnecessary litigation in the Superior Court or Court of Appeal.

19
20 **Evidence the Defendant Seeks Admission:**

21 Exhibit #1 – "Federal Complaint"
22
23
24

25 ² The Decree of Ownership was obtained by fraud without jurisdiction, so title is still not valid.
26 KENT JOHNSON'S NOTICE OF SPECIAL APPEARANCE #3

1 Exhibit #2 – “Temporary Restraining Order”

2 Exhibit #3 – “Brief in Support of TRO”

3 **Evidence the Defendant Requests Judicial Notice Of:**

4 Exhibit #1 – “Federal Complaint”

5 **Conclusion**

6
7 Inferior Courts, like the El Dorado County Superior Court, must conclude at each hearing
8 if the Superior Court has jurisdiction to hear any matter. To conclude the Superior Court has
9 jurisdiction, the Superior Court must examine the briefs and evidence before it, which
10 overwhelmingly indicates the Superior Court does not have jurisdiction or due process
11 notification of essential Parties, like the SOS.

12 The Defendant brings this Notice of Special Appearance to challenge jurisdiction prior to
13 any further business of the Superior Court and refuses to engage the Superior Court’s regular
14 business until a statement of decision is rendered on all thirteen issues raised in this Notice of
15 Special Appearance.

16
17 The Defendant opposes anything that could give the corrupt Superior Court jurisdiction,
18 so the corrupt Superior Court, racketeering ALLING & JILLSON, LTD and conspiring Referee
19 and Plaintiffs, can fraudulently transfer the ‘1017’ property.

20 The Superior Court should dismiss the case.

21 Dated: December 12, 2023 Submitted:
22 Kent K. Johnson

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25 KENT JOHNSON’S NOTICE OF SPECIAL APPEARANCE #3

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Exhibits

KENT JOHNSON'S NOTICE OF SPECIAL APPEARANCE #3

-15-

Exhibit #ER8 – 'Notice of Special Appearance' 15

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 22 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KENT KNOX JOHNSON,

Plaintiff - Appellant,

v.

EL DORADO COUNTY SUPERIOR
COURT, et al.;

Defendants - Appellees.

No. 23-4328

D.C. No.

2:23-cv-02843-DJC-CKD

Eastern District of California,
Sacramento

MANDATE

The judgment of this Court, entered April 24, 2024, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to
Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 14 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KENT KNOX JOHNSON,

Plaintiff - Appellant,

v.

EL DORADO COUNTY SUPERIOR
COURT, et al.;

Defendants - Appellees.

No. 23-4328

D.C. No.

2:23-cv-02843-DJC-CKD

Eastern District of California,

Sacramento

ORDER

Before: BENNETT, R. NELSON, and MILLER, Circuit Judges.

Appellant's motion for reconsideration (Docket Entry No. 15) is denied. *See*

9th Cir. R. 27-10.

No further filings will be entertained in this closed case.

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

APR 24 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KENT KNOX JOHNSON,

Plaintiff - Appellant,

v.

EL DORADO COUNTY SUPERIOR
COURT, et al.;

Defendants - Appellees.

No. 23-4328

D.C. No.

2:23-cv-02843-DJC-CKD

Eastern District of California,
Sacramento

ORDER

Before: BENNETT, R. NELSON, and MILLER, Circuit Judges.

The motion for an extension of time to file the opening brief (Docket Entry No. 4) is granted. The Clerk will file the opening brief and excerpts of record submitted at Docket Entry Nos. 11 and 12.

A review of the record and the opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard). Accordingly, the motion for summary disposition (Docket Entry No. 9) is granted.

The motion for a pre-filing review order contained in Docket Entry No. 9 is denied.

AFFIRMED.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JUDGMENT IN A CIVIL CASE

KENT KNOX JOHNSON,

v.

CASE NO: 2:23-CV-02843-DJC-CKD

**EL DORADO COUNTY SUPERIOR COURT,
ET AL.,**

Decision by the Court. This action came before the Court. The issues have been tried, heard or decided by the judge as follows:

IT IS ORDERED AND ADJUDGED:

**THAT JUDGMENT IS HEREBY ENTERED IN ACCORDANCE WITH THE
COURT'S ORDER FILED ON 12/7/2023**

Keith Holland
Clerk of Court

ENTERED: December 7, 2023

by: /s/ G. Michel
Deputy Clerk

Exhibit #9 – 'Exhaustion Below' 04

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENT KNOX JOHNSON,
Plaintiff,

v.

EL DORADO COUNTY SUPERIOR
COURT, et al.,
Defendants.

No. 2:23-cv-02843-DJC-CKD

ORDER

Presently before the Court is Plaintiff's Motion for Temporary Restraining Order (Pl's Mot. (ECF No. 2)) along with Plaintiff's Complaint (Complaint (ECF No. 1)). Plaintiff seeks a temporary restraining order seeking to "[s]tay the El Dorado County Superior Court proceeding, in case SC20180141" to prevent the El Dorado County Superior Court from holding Plaintiff in contempt and issuing a bench warrant for his arrest. (Pl's Mot. at 3.)

FACTUAL BACKGROUND

Plaintiff, Kent Johnson, is a party to an action filed in El Dorado County Superior Court that seeks to partition a piece of property located at 1017 Blue Lake Avenue, South Lake Tahoe, CA.¹ (Pl's Mot. at 5; Complaint at 13.) Plaintiff, who operates his

¹ The partition action is part of a larger series of disputes concerning different issues including the assets of a family trust and ownership of the 1017 Blue Lake Avenue property. (Complaint at 12-13.) There are a number of state court actions connected with these disputes. Though the present action

1 business KJ Microwave on a portion of that property, has unsuccessfully sought to
2 prevent the partition of the property including by challenging the jurisdiction of the
3 Superior Court over the partition action itself. (Pl's Mot. at 6-7; Complaint at 17-18.)
4 The Superior Court granted partition by sale of the 1017 Blue Lake Avenue property
5 and appointed a referee. (Complaint at 21; Pl's Mot. at 55.) The property was sold at
6 auction. (Complaint at 21.) As a result of Plaintiff's alleged interference with the sale
7 of 1017 Blue Lake Avenue including Plaintiff's refusal to provide the referee access to
8 the property (Complaint at 41) and Plaintiff's "refus[al] to aid in the fraudulent transfer"
9 of the property, the referee petitioned the El Dorado County Superior Court to hold
10 Plaintiff in contempt. (Pl's Mot. at 6; Complaint at 21.) Contempt proceedings are
11 scheduled to occur before the El Dorado County Superior Court on Friday, December
12 8, 2023, at which time Plaintiff alleges a bench warrant may be issued. (Pl's Mot. at 3.)

13 The complaint and present motion both seek injunctive relief in the form of an
14 order staying the partition action in El Dorado County Superior Court. The complaint
15 also seeks an order "[d]eclar[ing] the 'Trust Petition', Partition Complaint' and
16 'Determination of Issue' complaints void from fraud upon the Court and vacate all
17 Judgments and Orders Deeming Ross, Kent and Curtis owners of '1017'" as well as an
18 order declaring a number of El Dorado County Superior Court cases "void" and
19 vacating all judgments and orders in those cases. (Complaint at 158-59.)

20 ANALYSIS

21 Plaintiff requests that the Court enter a temporary restraining order enjoining a
22 California Superior Court from conducting proceedings in an action before that Court.
23 However, in addition to other defects apparent from the face of the Complaint,
24 Plaintiff's request and this entire action fall directly afoul of the *Younger* Abstention
25 doctrine. It is also clear from the Complaint action is also barred under the *Rooker-*
26 *Feldman* doctrine.

27 _____
28 and motion for TRO are focused on the partition action and the related contempt proceedings, both
the complaint and the motion make references and connections between multiple state court cases.

1 **I. Younger Abstention Doctrine**

2 Federal courts are generally required to abstain from interfering with ongoing
3 state court proceedings. *Younger v. Harris*, 401 U.S. 37, 43–45 (1971). Abstention of
4 the federal court is required under *Younger* when “(1) there is ‘an ongoing state
5 judicial proceeding’; (2) the proceeding ‘implicate[s] important state interests’; (3)
6 there is ‘an adequate opportunity in the state proceedings to raise constitutional
7 challenges’; and (4) the requested relief ‘seek[s] to enjoin’ or has ‘the practical effect of
8 enjoining’ the ongoing state judicial proceeding.” *Arevalo v. Hennessy*, 882 F.3d 763,
9 765 (9th Cir. 2018) (citations omitted).

10 Here, there are unquestionably ongoing state judicial proceedings, as the core
11 of this action and Plaintiff’s motion is the partition proceedings occurring in El Dorado
12 County Superior Court. Further, Plaintiff’s expressly requested relief, both in the
13 present motion and in his Complaint, is to enjoin both those state court proceedings
14 and other state court proceedings, staying the partition action and vacating various
15 orders and judgments. A state’s contempt proceedings are a sufficiently important
16 state interest to require abstention under *Younger* as “interference with the contempt
17 process not only ‘unduly interfere[s] with the legitimate activities of the Stat[e],’ but
18 also ‘can readily be interpreted as reflecting negatively upon the state court’s ability to
19 enforce constitutional principles,’” *Juidice v. Vail*, 430 U.S. 327, 335–36 (1977)
20 (citations omitted) (citing *Younger*, 401 U.S. at 44 and *Huffman v. Pursue, Ltd.*, 420 U.S.
21 592, 604 (1975); See *Marciano v. White*, 431 Fed. Appx. 611, 614 (9th Cir. 2011).
22 Plaintiff also has an adequate state forum in which he can raise and pursue claims.
23 See *Penzoil Co. v. Texaco, Inc.*, 481 U.S. 1, 15 (1987) (“a federal court should assume
24 that state procedures will afford an adequate remedy, in the absence of unambiguous
25 authority to the contrary.”) Plaintiff’s complaint raises a number of complaints against
26 various California judges but the allegations against these judges do nothing to
27 invalidate the broader availability of adequate remedies in state procedures, including
28 those that address acts of bias or prejudice by judicial officers. Accordingly, each of

1 the requirements for *Younger* Abstention are met and the abstention of the Court is
2 thus required. *Arevalo*, 882 F.3d at 765.

3 "Where *Younger* abstention is appropriate, a district court cannot refuse to
4 abstain, retain jurisdiction over the action, and render a decision on the merits after
5 the state proceedings have ended. To the contrary, *Younger* abstention requires
6 dismissal of the federal action." *Beltran v. State of Cal.*, 871 F.2d 777, 782 (9th Cir.
7 1988). Therefore, the Court will deny Plaintiff's Motion for Temporary Restraining
8 Order and also dismiss this action as required where the requirements are *Younger*
9 met. See *Juror Number One v. California*, No. 2:12-cv-02199-JAM-GGH, 2012 WL
10 13040661, at *2 (E.D. Cal. Aug. 24, 2012) (finding that *Younger* Abstention applied
11 while reviewing a Motion for Temporary Restraining Order and dismissing the action).

12 **II. Rooker-Feldman Doctrine**

13 The *Rooker-Feldman* doctrine bars the Court from hearing "cases brought by
14 state-court losers complaining of injuries caused by state-court judgments rendered
15 before the district court proceedings commenced and inviting district court review
16 and rejection of those judgments." *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544
17 U.S. 280, 284 (2005); see *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *District of*
18 *Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983). This rule bars both
19 explicit and de facto appeals of state court judgments to the district court. *Cooper v.*
20 *Ramos*, 704 F.3d 772, 777 (9th Cir. 2012). In determining whether an action functions
21 as a de facto appeal, the court looks to what relief is sought by the Plaintiff. *Id.* at 777-
22 78. There exists a de facto appeal under *Rooker-Feldman* "when the plaintiff in
23 federal district court complains of a legal wrong allegedly committed by the state
24 court, and seeks relief from the judgment of that court." *Id.* at 778. If the court finds
25 that the action is a de facto appeal of a state court decision, the court cannot hear that
26 portion of the case as well as any issue "inextricably intertwined" with the issue
27 decided by the state court. *Noel v. Hall*, 341 F.3d 1148, 1158 (9th Cir. 2003).

28 Here, the relief requested in the Complaint expressly includes that the Court

1 declare five state court cases "void" and that the Court vacate "all Judgments and
2 Orders" in six state court cases. Additionally, the apparent purpose of this entire
3 action is clearly to challenge what Plaintiff believes to be wrongs of the state court in
4 its decisions and orders in the numerous cases in which Plaintiff is involved. These
5 plain requests for review of the final determinations of the state court go directly to
6 the core of what is barred by the *Rooker-Feldman* doctrine. See *Green-Jordan v.*
7 *Taylor*, No. 5:22-00170-DMG-ADS, 2023 WL 4291849, at *3 (C.D. Cal. May 3, 2023)
8 (finding that the *Rooker-Feldman* doctrine applied to bar claims which sought to
9 challenge a state court's partition order); See also *Polk v. County of Contra Costa*,
10 2014 WL 3940206, at *7 (same).

11 All claims raised in Plaintiff's complaint are inextricably intertwined with multiple
12 state court judgments. See *Noel*, 341 F.3d at 1158. Plaintiff's claims entirely revolve
13 around the series of state court judicial proceedings in which he is involved and
14 implicate the validity of the judgments of those proceedings. This is made even more
15 clear by the fact that Plaintiff has named numerous judges who presided over these
16 state court proceedings as defendants in this action. The *Rooker-Feldman* doctrine
17 applies to situations such as this where the plaintiff brings suit against state court
18 judges raising claims that constitute a challenge to the results of state court
19 proceedings. *Marciano v. White*, 431 Fed. Appx. 611, 613 (9th Cir. 2011).

20 Given the above, the Court is barred from hearing this action under the *Rooker-*
21 *Feldman* doctrine. See *Exxon Mobil Corp.*, 544 U.S. at 284. The Court dismissed this
22 action as barred under *Rooker-Feldman* in addition to the abstention required by
23 *Younger*, as detailed above.

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CONCLUSION

In accordance with the above, IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Temporary Restraining Order (ECF No. 2) is DENIED;
2. This action is DISMISSED; and
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: December 7, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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