

App.1a

**ORDER OF THE SUPREME COURT OF
CALIFORNIA DENYING PETITION FOR REVIEW
(NOVEMBER 14, 2018)**

IN THE SUPREME COURT OF CALIFORNIA
En Banc

SONJA COLBERT TR.,

Plaintiff and Appellant,

v.

CLEVELAND MITCHELL,

Defendant and Respondent.

S251024

Court of Appeal, First Appellate District,
Division Two—No. A153580

Before: CANTIL-SAKAUYE, Chief-Justice

The petition for review is denied.

Cantil-Sakauye
Chief-Justice

CC: TRIAL COURT FILE

ORDER OF THE COURT OF APPEALS
OF THE STATE OF CALIFORNIA
(AUGUST 24, 2018)

IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA, FIRST APPELLATE DISTRICT
DIVISION TWO

SONJA COLBERT TR.,

*Plaintiff
and Appellant,*

v.

CLEVELAND MITCHELL,

*Defendant
and Respondent.*

A153580
(Alameda County
Super. Ct. No. RG16830884)
Before: MILLER, J.

Appellant's "motion to vacate the involuntary [dismissal] and reinstate the appeal, recall of remittitur to issue 10/10/2018" filed on August 13, 2018, is denied.

/s/ Miller, J
Acting P.J.

Date: Aug 24 2018

ORDER OF THE COURT OF APPEALS
(AUGUST 10, 2018)

IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA, FIRST APPELLATE DISTRICT
DIVISION TWO

SONJA COLBERT TR.,

*Plaintiff
and Appellant,*

v.

CLEVELAND MITCHELL,

*Defendant
and Respondent.*

A153580

(Alameda County Super. Ct. No. RG16830884)

Before: MILLER, J.

The record in this matter shows appellant Sonja Colbert Tr. filed a limited civil unlawful detainer complaint against respondent Cleveland Mitchell in September 2016. The case proceeded to trial where a jury ruled in favor of Mitchell on November 16, 2016. Judgment was entered the same day. Appellant filed motions for new trial and for judgment notwithstanding the verdict. The trial court denied both in an order filed on April 17, 2017. Appellant filed an appeal to the Appellate Division of the Alameda County Superior

Court. The Appellate Division affirmed the trial court's judgment on December 15, 2017. Appellant apparently filed a petition for rehearing. The Appellate Division denied that petition in an order filed on January 16, 2018.

Appellant filed a notice of appeal to this court on January 4, 2018, and an amended notice on January 17, 2018.

The court has reviewed the record and has determined that an appeal from the judgment and orders appellant has identified is either not timely or the orders are not appealable.

First appellant purports to appeal the November 16, 2016, judgment and the court's April 17, 2017, order denying her motions for new trial and for judgment notwithstanding the verdict. Under California Rules of Court, rule 8.104(a)(1)(C), a notice of appeal must be filed no more than 180 days after the order or judgment at issue.

Appellant's notices, filed on January 4, 2018, and January 17, 2018, were filed more than 180 days after the judgment and orders she has identified. Dismissal is mandatory. (See Cal. Rules of Court, rule 8.104(b).)

Appellant also purports to appeal the Appellate Division's December 15, 2017, decision affirming the trial court's judgment, and January 16, 2018,¹ order

¹ Appellant's Civil Case Information Statement actually states she is appealing an order dated December 16, 2018. Since that date has not occurred yet, and because the document attached to the Civil Case Information Statement is dated January 16, 2018, we presume that is the document appellant intends to appeal.

App.5a

denying her petition for rehearing. Rulings issued by the appellate division of the superior court are not appealable. (*Anchor Marine Repair Co. v. Magnan* (2001) 93 Cal.App.4th 525, 528.)

In sum, the judgment and orders appellant has identified are either not appealable or the appeal is not timely. Accordingly, the appeal is dismissed.

/s/ Miller, J
Acting P.J.

Date: Aug 10 2018

App.6a

**RULING ON APPEAL
(DECEMBER 15, 2017)**

**SUPERIOR COURT
OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA**

SONJA COLBERT,

Plaintiff/Appellant,

v.

CLEVELAND MITCHELL,

Defendant/Respondent.

Action No. 3231

Trial Court RG16830884

Before: Hon. Judge Kevin MURPHY, Presiding
Judge, C. Don CLAY Judge, Michael MARKMAN,
Judge

The judgment of the trial court is affirmed. Appellant Colbert has not raised any cognizable legal issues for this court to review

Copies of this minute order mailed this date.
December 18, 2017

App.7a

Sonja Colbert
In Pro Per
P.O. Box 31894
Oakland, CA 94604

Cleveland Mitchell
In Pro Per
1864 11th Avenue #4
Oakland, CA 94606
Appellant's Attorney

Eviction Defense Center
1611 Telegraph Avenue #726
Oakland, CA 94612
Respondent's Attorney

CC: TRIAL COURT FILE

App.8a

**HEARING ON APPEAL
(DECEMBER 15, 2017)**

**SUPERIOR COURT
OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA**

SONJA COLBERT,

Plaintiff/Appellant,

v.

CLEVELAND MITCHELL,

Defendant/Respondent.

Action No. 3231

Trial Court RG16830884

Before: Hon. Judge Kevin MURPHY, Presiding
Judge, C. Don CLAY Judge, Michael MARKMAN,
Judge

The above-entitled action was placed on calendar for hearing on appeal on December 15, 2017. Oral argument was requested and presented. The Court takes the matter under submission.

Copies of this minute order mailed this date:
December 18, 2017.

App.9a

Sonja Colbert
In Pro Per
P.O. Box 31894
Oakland, CA 94604

Cleveland Mitchell
In Pro Per
1864 11th Avenue #4
Oakland, CA 94606
Appellant's Attorney

Eviction Defense Center
1611 Telegraph Avenue #726
Oakland, CA 94612
Respondent's Attorney

CC: TRIAL COURT FILE

**ORDER ON MOTION FOR JUDGMENT
NOT WITHSTANDING THE VERDICT
(APRIL 17, 2017)**

SUPERIOR COURT OF CALIFORNIA, COUNTY
OF ALAMEDA HAYWARD HALL OF JUSTICE

COLBERT,

Plaintiff/Petitioner(s),

v.

MITCHELL,

Defendants/Respondent(s).

No. RG16830884

Before: Honorable Paul SLAVIT, Commissioner

The Motion for Judgment notwithstanding the Verdict was set for hearing on 04/17/2017 at 02:00 PM in Department 509 before the Honorable Paul Slavit.

Debtor Sonja Colbert Tr. not appearing.

The matter was argued and submitted, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

The Motion for Judgment notwithstanding the Verdict was set for hearing on 04/17/2017 at 02:00 PM in Department 509 before the Honorable Paul Slavit.

App.11a

Debtor Sonja Colbert Tr. not appearing represented by Verne Petty.

Cleveland Mitchell not appearing represented by Peter Selawsky.

The matter was argued and submitted, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

The Court DENIES the Motion for Judgment notwithstanding the Verdict and DENIES Motion for a New Trial. The motion is denied.

Dated: 04/17/2017

/s/ Paul Slavit
Commissioner Paul Slavit

DECLARATION OF SERVICE BY MAIL

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, addressed as shown on the foregoing document or on the attached, and that the mailing of the foregoing and execution of this certificate occurred at 1225 Fallon Street, Oakland, California.

Executed on 04/25/2017.

Chad Finke
Executive Officer/Clerk of
the Superior Court

/s/ San Seng
Deputy Clerk

JUDGMENT OF THE
SUPERIOR COURT OF CALIFORNIA
(NOVEMBER 16, 2016)

SUPERIOR COURT OF CALIFORNIA, COUNTY
OF ALAMEDA HAYWARD HALL OF JUSTICE

COLBERT,

Plaintiff/Petitioner(s),

v.

MITCHELL,

Defendants/Respondent(s).

No. RG16830884

Department 507

Before: Honorable Paul SLAVIT, Commissioner

IT IS ADJUDGED that the Plaintiff(s), Sonja Colbert Tr. take nothing by this action from the Defendant(s), Cleveland Mitchell and that said defendant(s) recover from the Plaintiff(s) \$0.00 costs.

This Judgment was entered on 11/16/2016

Dated: 11/16/2016

/s/ Paul Slavit

Commissioner Paul Slavit

DECLARATION OF SERVICE BY MAIL

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, addressed as shown on the foregoing document or on the attached, and that the mailing of the foregoing and execution of this certificate occurred at 24405 Amador Street, Hayward, California.

Executed on 03/01/2017.

Chad Finke
Executive Officer/Clerk of
the Superior Court

/s/ Kristi Victor
Deputy Clerk

**DECLARATION IN SUPPORT OF MOTION
TO VACATE THE INVOLUNTARY DISMISSAL
AND REINSTATE THE APPEAL, RECALL
OF REMITTITUR TO ISSUE 10/10/2018**

**(NUNC PRO TUNC)
(AUGUST 13, 2018)**

**COURT OF APPEAL OF THE STATE OF
CALIFORNIA IN AND FOR THE FIRST DISTRICT**

SONJA COLBERT TR,

Appellant and Plaintiff,

v.

CLEVELAND MITCHELL,

Respondent and Defendant.

Court of Appeal No. A153580

Superior Court No.: RG16830884

**DECLARATIONS W/EXHIBITS;
POINTS AND AUTHORITIES**

Appellant Sonja Colbert Tr., by and through Former counsel, respectfully requests that this Court exercise its power under California Rules of Court, rule 8.272(c)(2) to recall the Remittitur to issue 10/10/2018, set aside the involuntary dismissal and reinstate the appeal so appellant may file a timely opening brief for review in the First District Court of Appeals. This

App.15a

application is based on the attached points and authorities and declaration of Appellant/Plaintiff Trustee for Plaintiff.

Dated: August 13, 2018

Respectfully submitted,

/s/ Sonja Colbert TR
Plaintiff/Appellant
By; Sonja Colbert Trustee

[...]

7. All of the orders or judgments Appellant/Plaintiff Appealed from are attached to the Amended Notice of Appeal with the orders/judgments labeled with Exhibits numbers filed January 17, 2018 in the Appellant Division Superior court Ex 9 and the Civil Case Information Statement filed in this court of Appeals February 15, 2018 Ex 10

8. Appellant/Plaintiff admits it also asked to Appeal issue Exhibit 2 identified in the Amended Notice of Appeal Filed 01/17/2018 For Rehearing as follows: "Appellant/Plaintiff also Appeals, the "Denied Motion for Rehearing."

Appellant/Plaintiff Not knowing, Rehearing is non appealable of rulings issued by the appellate division of the superior court (*Anchor Marine Repair Co. v. Magnan* (2001) 93 Cal.App.4th 525, 528.)

But, All of Plaintiffs other Judgment/Orders after Jury trial identified in Appellant/Plaintiff 03/30/2017, 4/25/2017, and 1/4/2018 and 1/17/2018 Notices Of Appeal in (Exhibit 1, 3 and 4 are timely and appealable).

Appellant/Plaintiff does not wish to appeal the Denied petition for Rehearing denied 01/16/2018. The reason Appellant/Plaintiff ask to appeal that ruling is due to the fact that a rehearing would have resolved this Second Appeal, and the First District Court of Appeals needs to know that Appellant/Plaintiff did everything possible to correct the clear error and the court simply continued to fail its system as shown above.

9. Appellant/Plaintiff respectfully request that this court vacate and set aside the involuntary dismissal due to oversight of (two) previously timely filed notices of appeal filed 03/30/2017 and 4/25/2017 omitted in the review of the court record, and recall the Remittitur scheduled to issue on 10/10/2018, and Reinstate the Appeal. For all Notices were filed timely and served on Defendant.

10. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 13, in Hayward, California.

App.18a

**CIVIL CASE INFORMATION STATEMENT
(FEBRUARY 15, 2018)**

**COURT OF APPEAL,
FIRST APPELLATE DISTRICT, DIVISION 2**

SONJA COLBERT TR,

Appellant,

v.

CLEVELAND MITCHELL,

Respondent.

Court of Appeal Case Number: A153580

Superior Court Case Number: RG16830884

Before: Com. Paul SLAVIT

Name: Sonja Colbert Tr

Street Address: PO Box 31894

City: Oakland

State: CA

Zip Code: 94604

Attorney for: Plaintiff in Pro Per

Superior Court of California, County of Alameda

Street Address: 1225 Fallon St.

Mailing Address: 1225 Fallon St.

City and Zip Code: Oakland, CA 94612

Branch Name: Rene C. Davidson Courthouse

App.19a

NOTE TO APPELLANT: You must file this form with the clerk of the Court of Appeal within 15 days after the clerk mails you the notification of the filing of the notice of appeal required under rule 8.100(a)(1). You must attach to this form a copy of the judgment or order being appealed that shows the date it was entered (see Cal. Rules of Court, rule 8.104 for definition of "entered"). A copy of this form must also be served on the other party or parties to this appeal. (CAUTION: An appeal in a limited civil case (Code Civ. Proc., § 85) maybe taken ONLY to the appellate division of the superior court (Code Civ. Proc., § 904.2) or to the superior court (Code Civ. Proc., § 116.710 [small claims cases]).

PART I-APPEAL INFORMATION

A. Appealability

1. Appeal is from: Judgment after jury trial
2. Does the judgment from dispose of all causes of action, including all cross-actions between the parties?
Yes

B. Timeliness of Appeal

1. Date of entry of judgment or order appealed from: 11/16/16 And 12/18/17 + 12/16/17
2. Date that notice of entry of judgment or a copy of the judgment was served by the clerk or by a party under California Rules of Court, rule 8.104: 3/1/17, 12/18/17, 12/16/18
3. Was a motion for new trial, for judgment notwithstanding the verdict, for reconsideration, or to vacate the judgment made and denied?

App.20a

Yes

Date notice of intention to move for new trial
file: 2/27/17, 3/16/17

Date motion filed: 2/27/17, 3/16/17

Date motion denied: 4/17/17

Date denial served: 5/1/17 and 8/16/17

4. Date notice of appeal filed: 3/30/17, 1/4/18
amended on 1/17/18

C. Bankruptcy or Other Stay

Is there a related bankruptcy cases or a court-
ordered stay that affects this appeal?

No

App.21a

AMENDED NOTICE OF APPEAL
(JANUARY 17, 2018)

APPEALS DIVISION OF THE SUPERIOR COURT
OF CALIFORNIA COUNTY OF ALAMEDA-
UNLAWFUL DETAINER-LIMITED JURISDIC-
TION

SONJA COLBERT,

Appellant/Plaintiff,

v.

CLEVELAND MITCHELL ET AL.,

Respondent/Defendants.

Appeals No. 3231

Case No. RG16830884

Appellants Notice of Appeal to the 1st District Court
of Appeals

TO CLEVELAND MITCHELL and HIS ATTORNEY
OF RECORD IF ANY:

PLEASE TAKE NOTICE that on 01/04/2018 PLAINTIFF hereby filed and served it's NOTICE OF APPEAL that was taken from a minute order mailed on 12/18/2017, thus minute order stating, "The judgment of the trial court is affirmed. Appellant Colbert has not raised any cognizable legal issues for this court to review." This Appeal is from an Affirmed Judgement

App.22a

Affirmed on 12/15/2017 by the Appeals Division of the Alameda County Superior Court, located at 1225 Fallon Street, Oakland, CA 94612 in Dept 1 before Honorable Kevin R. Murphy, Don C. Clay and Michael M. Markman. Ex. 1

Appellant/Plaintiff also Appeals, the “Denied” Motion for Rehearing, by the Appeals Division of the Alameda County Superior Court, located at 1225 Fallon Street, Oakland, CA 94612 in Dept 1 before Honorable Kevin R. Murphy, Don C. Clay and Michael M. Markman, dated 01/16/2018, Ex 2

Appellant/Plaintiff also Appeals, the “Denied” Motion for Judgment notwithstanding the verdict/new trial, by Commissioner Paul Slavit dated 04/17/2017, Ex 3

Appellant/Plaintiff also Appeals, the JUDGMENT after jury trial, by Commissioner Paul Slavit dated 11/16/2016 and entered 03/01/2017, Ex 4

Appellant/Plaintiff SONJA COLBERT Tr, will and does hereby, move the Court of Appeals for reversal of orders/Judgment to be in favor of Plaintiff due to continued court ERROR before and ERROR judgment after jury trial. Appellant/Plaintiff SONJA COLBERT Tr, prevailed in it's court Granted motion in Limine #6 which disallows Good Faith/Bad Faith issues before the jury with section 8 subsidized tenancies per the City of Oakland “Rent Control Law” and the court omitted the granted motion ruled on in its final Judgment in Error making the Defendant the prevailing party. Therefore Appellant/Plaintiff also Appeals, Jury instruction #8 and Jury Verdict #8 which is only legally relevant and intended for private non section 8 tenancies in the City of Oakland California and not

App.23a

relevant to any "Eviction Control Law" unlawful detainer action for any type of tenancy.

Date: 01/17/2018

/s/ Sonja Colbert

Trustee For

Appellant/ Plaintiff

Sonja Colbert Tr.

App.24a

**APPELLANT NOTICE OF APPEAL TO THE
1ST DISTRICT COURT OF APPEALS
(JANUARY 4, 2018)**

**APPEALS DIVISION OF THE SUPERIOR COURT
OF CALIFORNIA COUNTY OF ALAMEDA-
UNLAWFUL DETAINER-LIMITED JURISDICTION**

SONJA COLBERT,

Plaintiff,

v.

CLEVELAND MITCHELL ET AL.,

Defendants.

Appeals No. 3231

Case No. RG16830884

Appellants Notice of Appeal to the
1st District Court of Appeals

**TO CLEVELAND MITCHELL and HIS ATTORNEY
OF RECORD IF ANY:**

PLEASE TAKE NOTICE that on 01/04/2018
PLAINTIFF hereby filed i's NOTICE OF APPEAL.
This APPEAL is taken from a minute order filed on
12/18/2017 with two court holidays added making this
notice of Appeal timely. This appeal is from an Affirmed
Judgement Affirmed on 12/18/2017 by the Appeals
Division of the Alameda County Superior Court, located

App.25a

at 1225 Fallon Street, Oakland CA 94612 in Dept 1
Before Honorable Kevin R. Murphy, Don C. Clay, and
Michael M. Markman.

Plaintiff SONJA COLBERT TR, will and does
hereby, move the Court of Appels for a reversal of an
order in favor of Plaintiff due to court ERROR judgment
after Jury Trial. The Superior Court entering a final
judgment in error, the court granted Plaintiff's Motion
in Limine, thereafter omitting the granted motion in
its final Judgment. Also Plaintiff Appeals, that the
parties are Not exempt from rent control Law in
Oakland California due to being a Section 8 government
Subsidized landlord/tenancy in the City of Oakland
California.

Appellant also appeals Jury Instruction #8 and
Jury Verdict #8 intended for Private Non Subsidized
Tenancies in Oakland CA.

/s/ Sonja Colbert Tr.

/s/ Sonja Colbert Trustee

Date 1/4/2018

App.26a

**NOTICE OF FILING NOTICE OF APPEAL
(APRIL 25, 2017)**

~~SUPERIOR COURT OF CALIFORNIA,~~
COUNTY OF ALAMEDA-RENE C. DAVIDSON
ALAMEDA COUNTY COURTHOUSE

COLBERT,

Plaintiff(s),

v.

MITCHELL,

Defendant(s).

Case No. RG16830884

TO EACH PARTY OR TO THE ATTORNEY(S) OF
RECORD FOR EACH PARTY: Please take notice that a
Notice of Appeal was filed in the above-entitled action
by: Sonja Colbert Tr.

Appeal Filed: 03/30/2017

This notice is given pursuant to California Rule
of Court 8.821(d).

Note: Pursuant to CRC 8.821(b) and 8.821(c)(2)
this appeal may be dismissed within 15 days of this
notice if the filing fee is not paid.

Dated: 04/25/2017

App.27a

Chad Finke
Executive Officer/Clerk of
the Superior Court

By

/s/

Deputy Clerk

**AMENDED NOTICE OF APPEAL OR CROSS-
APPEAL (LIMITED CIVIL CASE)
(APRIL 25, 2017)**

Instructions

- This form is only for appealing in a limited civil case. You can get other forms for appealing in unlimited civil cases at any courthouse or county law library or online at www.courts.ca.gov/forms.
- Before you fill out this form, read Information on Appeal Procedures for Limited Civil Cases (form APP-101-INFO) to know your rights and responsibilities. You can get form APP-101-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.
- You must serve and file this form no later than 30 days after the trial court or a party serves a document called a Notice of Entry of the trial court judgment or a file-stamped copy of the judgment or 90 days after entry of judgment, whichever is earlier (see rule 8.823 of the California Rules of Court for very limited exceptions). If your notice of appeal is late, your appeal will be dismissed.
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- Serve a copy of the completed form on each of the other parties and keep proof of this service. You can get information about how to serve court papers and proof of service from What Is

App.29a

Proof of Service? (form APP-109-INFO) and on the California Courts Online Self-Help Center at www.courts.ca.gov/self-serving.htm.

- ~~Take or mail the original completed form and proof of service on the other parties to the clerk's office for the same court that issued the judgment or order you are appealing. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.~~

1. Your Information

- a. Name of appellant (the party who is filing this appeal): Sonja Colbert Tr.
- b. Appellant's contact information
Street address: PO Box 31894
City: Oakland
State: CA
Zip: 94604
Phone: 510-776-5929

2. This is

- a. The first appeal in this case.

3. Judgment or Order You Are Appealing

I am /My Client is appealing:

- a. The final judgment in the trial court case identified in the box on page 1 of this form. The date the trial court entered this judgment was: 3/1/2017, 11/16/16
- b. Other

App.30a

1. An order made after final judgment in the case. The date the trial court entered this order was: 3/1/2017 & 4/12/2017

~~6. An order denying a motion for judgment notwithstanding the verdict. The date the trial court entered this order was: 3/1/2017 & 4/12/2017~~

9. Other action

3/1/2017 the court denied the Ex-Parte App for and Order to enter judgment in favor of Plaintiff or in the alternative, Judgment notwithstanding the verdict due to filing the Ex-parte App on 2/27/2017. On 3/1/2017 the court entered judgment for defendant. 3/16/2017 we hired an attorney and he filed a noticed motion for JNOV/New trial it was heard and denied on 4/12/2017. #8 is not valid in this non payment of rent case.

4. Record Preparation Election

a. I have/My client has completed Appellant's Notice Designating Record on Appeal (Limited Civil Case) (form APP-103) and attached it to this notice of appeal.

Reminder: Except in the very limited circumstances listed in rule 8.823, you must serve and file this form no later than (1) 30 days after the trial clerk or a party serves either a document called a Notice of Entry of the trial judgment or a file-stamped copy of the judgment or (2) within 90 days after entry of judgment whichever is earlier. If your notice of appeal is late, your appeal will be dismissed.

App.31a

Date: 4/25/2017

/s/ Sonja Colbert Tr.
Signature of appellant/ cross-
appellant or attorney

App.32a

**NOTICE OF APPEAL
(MARCH 30, 2017)**

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ALAMEDA-RENE C. DAVIDSON
ALAMEDA COUNTY COURTHOUSE

SONJA COLBERT TR.,

Plaintiff,

v.

CLEVELAND MITCHELL,

Defendant.

Case No. RG16830884

Plaintiff Sonja Colbert Tr hereby appeal the judgement entered against her as noticed on March 1, 2017 without waiving the currently pending motion for new trial/judgement notwithstanding the verdict

March 30, 2017

/s/Verne A. Perry
Attorney At Law

PROOF OF SERVICE BY MAIL

I hereby declare under penalty of perjury that I am a citizen of the United States, over the age of eighteen years, and not a party to the within action. My business address is 225 West Winton Ave., Ste. 106, Hayward, California 94544-1216. On the date of execution shown below, I served the within document by placing the same for collection and mailing, following our ordinary business practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in Hayward, California, in a sealed envelope with postage fully prepaid. I declare under penalty of perjury of the law of the State of California that the foregoing is true and correct. Executed on March 30, 2017, at Hayward, California.

/s/ Iris Padilla

Addressed to:

Joey Coangelo
Eviction Defense Center
1611 Telegraph Avenue, Suite 726
Oakland, CA 94612

CLEVELAND MITCHELL
1864 11th Ave., #4
Oakland, California 94606

**DOMAIN CASE SUMMARY
(JUNE 27, 2017)**

**COUNTY OF ALAMEDA, RENE C. DAVIDSON
ALAMEDA COUNTY COURTHOUSE**

Case Number RG16830884
Case Title: Colbert vs Mitchell
Type: General Civil
Status: Disposed
Filing Date: 09/13/2016
Stage: PostDisposition
Location: Rene C. Davidson Alameda County
Courthouse
Jurisdiction: Limited

Matter Filed Date	Matter Title	Matter Status	Disposition Type	Date
09/13/2016	Complaint Unlawful Detainer	Disposed	Judgment	11/16/2016
Plaintiff	Judgment Sonja Colbert Tr.			
Defendant	Answered Cleveland Mitchell			
02/28/2017	Ruling after Jury Trial	Enforceable		
Debtor	Sonja Colbert Tr.			
Creditor	Cleveland Mitchell			

App.35a

RofADate	RofA Text
09/13/2016	Complaint Unlawful Detainer Filed
09/13/2016	Civil Case Cover Sheet Filed for Sonja Colbert Tr.
09/13/2016	Summons on Complaint issued and Filed
09/15/2016	Notice of Delayed Access to UD Case Issued
09/15/2016	Proof of Service on Complaint As to Cleveland Mitchell Filed
09/23/2016	Answer to Complaint Filed for Cleveland Mitchell
09/23/2016	Request Re: Waive Court Fees Filed for Cleveland Mitchell
09/23/2016	Request Re: Waive Court Fees As to Cleveland Mitchell Granted
09/29/2016	Memo To Set Filed for Plaintiff
09/30/2016	Civil Pre-Trial Settlement Conference 10/26/2016 09:30 AM 09:30 D-511
09/30/2016	Unlawful Detainer Court Trial 10/27/2016 09:30 AM D-511
10/12/2016	Request Re: Waive Additional Court Fees Filed for Cleveland Mitchell
10/12/2016	Request Re: Waive Additional Court Fees As to Cleveland Mitchell Routed to Judge
10/12/2016	Memo to Set-Counter Filed for Defendant

App.36a

10/13/2016	Request Re: Waive Additional Court Fees As to Cleveland Mitchell Granted
10/13/2016	Hearing Vacated: Civil Pre-Trial Settlement Conference 10/26/2016 09:30 AM D-511
10/13/2016	Hearing Vacated: Unlawful Detainer Court Trial 10/27/2016 09:30 AM D-511
10/13/2016	Civil Pre-Trial Settlement Conference 10/16/2016 09:30 AM D-511
10/13/2016	Civil Pre-Trial Settlement Conference 10/26/2016 09:30 AM D-511
10/13/2016	Master Jury Trial 10/31/2016 09:30 AM D-511
10/26/2016	Civil Pre-Trial Settlement Conference Commenced and Completed
10/26/2016	Civil Pre-Trial Settlement Conference Commenced and Completed
10/31/2016	Master Jury Trial Called and Completed
10/31/2016	Civil Jury Trial 10/31/2016 09:30 AM D-514
10/31/2016	Civil Jury Trial Commenced and Completed
Report Id:	Case Reports-Register of Action
10/31/2016	Hearing Reset to Master Jury Trial 11/07/2016 09:30 AM D-511

App.37a

11/07/2016	Civil Jury Trial Called and Completed
11/07/2016	Civil Jury Trial 11/07/2016 09:30 AM D-507
11/07/2016	Civil Jury Trial Commenced and Continued
11/07/2016	Hearing Continued to Civil Jury Trial dept: 507 date: 11/08/2016 time: 09:30 AM
11/08/2016	Civil Jury Trial Commenced and Continued
11/08/2016	Miscellaneous Stipulation for Commissioner to Sit as Temporary Judge for all purposes Filed
11/08/2016	Memorandum of Points and Authorities in Support Filed
11/08/2016	Miscellaneous Plaintiff's statement of the case Filed
11/08/2016	Plaintiff's Proposed Jury Instructions Filed
11/08/2016	Trial Brief Filed
11/08/2016	Motion in Limine Plaintiff's re: evidence Filed
11/08/2016	Miscellaneous to Bifurcate Defendants Affirmative Defense Filed
11/08/2016	Motion in Limine Plaintiff's to Exclude Witnesses Filed
11/08/2016	List of Witness Plaintiff's and Exhibit List Filed

App.38a

11/08/2016	Plaintiff's Proposed Jury Instructions Filed
11/08/2016	Miscellaneous Defendants proposed trial documents Filed
11/08/2016	Hearing Continued to Civil Jury Trial dept: 507 date: 11/09/2016 time: 09:30 AM
11/09/2016	Hearing Continued to Civil Jury Trial dept: 507 date: 11/10/2016 time: 09:30 AM
11/09/2016	Civil Jury Trial Commenced and Continued
11/09/2016	Miscellaneous Plaintiff's Objection to CACI 4320 on Habitability Filed
11/09/2016	Other Ex Parte Reservation Set for dept: 511 date: 11/10/2016 time: 09:15 AM
11/09/2016	Exhibit Lists Plaintiff's Supplemental Filed
11/09/2016	Motion for Reconsideration Filed for Defendant
11/09/2016	Motion for Reconsideration 11/10/2016 09:00 AM D-507
11/10/2016	Civil Jury Trial Commenced and Completed
11/10/2016	Miscellaneous Opposition to Motion for Reconsideration Filed
11/10/2016	Civil Law and Motion Hearing Commenced and Completed

App.39a

11/10/2016	Motion for Reconsideration Denied
11/10/2016	Notes: Petition for Peremptory Writ of Mandate-RG16838575/Appellate No. 3194
11/10/2016	Civil Jury Trial 11/14/2016 09:30 AM D-507
11/14/2016	Civil Jury Trial Commenced and Continued
11/14/2016	Hearing Continued to Civil Jury Trial dept: 507 date: 11/15/2016 time: 09:30 AM
11/15/2016	Civil Jury Trial Commenced and Completed
11/15/2016	Civil Jury Trial 11/16/2016 09:30 AM D-507
11/16/2016	Civil Jury Trial Commenced and Completed
11/16/2016	General Civil Jury Trial Judgment for Defendant
11/16/2016	Judgment Entered
11/16/2016	Jury Verdict (Special) Filed
11/16/2016	Miscellaneous Jury Instructions Filed
11/30/2016	Receipt for Withdrawal of Exhibit(s) Filed
02/24/2017	Entry of Judgment Reservation Set for dept: 03/01/2017 time: 09:15 AM
02/27/2017	Application Re: Other Ex Parte Filed:

App.40a

Report Id:	Case Reports-Register of Action
02/27/2017	Civil Ex-Parte 03/01/2017 09:15 AM D-511

02/28/2017	Declaration of Notice From Plaintiff's Trustee, Sonja Colbert 24 hour Notice Filed
03/01/2017	Civil Ex-Parte Commenced and Completed
03/01/2017	Application Re: Other Ex Parte Denied
03/06/2017	Returned Mail: application re other ex parte denied Filed
03/08/2017	Motion for Judgment Notwithstanding Verdict Reservation Set for dept: 511 date: 04/05/2017 time
03/08/2017	Hearing Reset to Motion for Judgment Notwithstanding Verdict 04/12/2017 09:00 AM D-511
03/16/2017	Motion for Judgment not withstanding the Verdict Filed by Sonja Colbert Tr.
03/16/2017	Motion for Judgment not withstanding the Verdict Hearing Confirmed for 04/12/2017 09:00 AM D-5
03/29/2017	Opposition to Plaintiff's Motion for Judgment not withstanding the Verdict Filed
03/30/2017	Notice of Appeal Filed by Sonja Colbert Tr.

App.41a

04/05/2017	Hearing Reset to Motion for Judgment not withstanding the Verdict 04/17/2017 02:00 PM D-509
04/05/2017	Substitution of Attorney Filed for Cleveland Mitchell
04/07/2017	Reply ISO Motion for Judgment Filed
04/17/2017	Civil Law and Motion Hearing Commenced and Completed
04/17/2017	Motion for Judgment not withstanding the Verdict Denied
04/24/2017	Substitution of Attorney Filed for Sonja Colbert Tr.
04/24/2017	Proof of Service by Mail Filed
04/24/2017	Designation of Clerk's Transcript on Appeal Filed by Sonja Colbert Tr.
04/24/2017	Proposed Settled Statement Filed by Sonja Colbert Tr.
04/25/2017	Amended Notice of Appeal Filed
04/25/2017	Amended Notice of Designating Record on Appeal Filed
04/25/2017	Proposed Settled Statement Filed by Sonja Colbert Tr.
04/25/2017	Proof of Service by Mail Filed
04/25/2017	Notification of Filing Notice of Appeal Issued
04/27/2017	Proof of Service by Mail Filed
04/27/2017	Designation of Clerk's Transcript on Appeal Filed by Sonja Colbert Tr.

App.42a

05/26/2017	Order Concerning Appellant's Proposed Statement on Appeal Filed
06/05/2017	Notice of billing Issued
06/07/2017	Motion to Amend Judgment Reservation Set for dept: 511 date: 07/13/2017 time: 09:00 AM
06/07/2017	Motion to Amend Judgment Filed for Debtor
06/07/2017	Motion to Amend Judgment Hearing Confirmed for 07/13/2017 09:00 AM D-511
06/16/2017	Proof of Service by Mail on Motion to Amend due to clerical error Filed
06/16/2017	Proof of Service by Mail on Motion to Amend due to a clerical error Filed
Report Id:	Case Reports-Register of Action

CERTIFICATE OF CLERK

I, Chad Finke, Executive Officer/Clerk of the Superior Court of the State of California, in and for the County of Alameda, do hereby certify that the foregoing are full and correct copies of the originals on file and of record in my office and that, the foregoing constitutes the Transcript on Appeal.

Given under my hand and seal of the Superior Court of the State of California, in and for the County of Alameda this June 27, 2017.

Chad Finke
Executive Officer of the
Court/Clerk

By:

/s/ San Seng
Deputy Appeals Clerk