

SUPREME COURT
FILED

AUG 28 2019

Court of Appeal, Sixth Appellate District - No. H046935

Jorge Navarrete Clerk

S257084

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

WYLMINA LOUEMNA HETTINGA, Plaintiff and Appellant,

v.

ARCADIA MANAGEMENT SERVICES CO., Defendant and Respondent.

The petition for review is denied.

CANTIL-SAKAUYE

Chief Justice

7

App C

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

COPY

WYLMINA LOUEMNA HETTINGA,
Plaintiff and Appellant,

v.

ARCADIA MANAGEMENT SERVICES CO.,
Defendant and Respondent.

H046935

Santa Clara County Super. Ct. No. SC075545, Santa Clara County Super. Ct. No. SC076972

BY THE COURT:

The request to file new litigation by vexatious litigant is denied.

Date: 06/19/2019

Mary J. Greenwood P.J.

Name and Address of Court
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
191 North First Street
San José, California 95113

SC-130

SMALL CLAIMS CASE NO.: 18SC075545

NOTICE TO ALL PLAINTIFFS AND DEFENDANTS:

Your small claims case has been decided. If you lost the case, and the court ordered you to pay money, your wages, money, and property may be taken without further warning from the court. Read the back of this sheet for important information about your rights.

AVISO A TODOS LOS DEMANDANTES Y DEMANDADOS:

Su caso ha sido resuelto por la corte para reclamos judiciales menores. Si la corte ha decidido en su contra y ha ordenado que usted pague dinero, le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte. Lea el reverso de este formulario para obtener información de importancia acerca de sus derechos.

PLAINTIFF/DEMANDANTE (Name, street address, and telephone number of each):

Wylmina E Hettinga
1587 17th Street
Los Osos CA 93402

DEFENDANT/DEMANDADO* (Name, street address, and telephone number of each):

Arcadia Management Services Co
5185 Cherry Ave Ste 10
San Jose CA 95118

Telephone No:

Telephone No.

Telephone No.

☒ See attached sheet for additional plaintiffs and defendants

Date of Hearing: November 20, 2018

Hearing officer: Sandra DeLateur

NOTICE OF ENTRY OF JUDGMENT

Judgment was entered as checked below on 11/20/2018

1. ☒ Defendant (name, if more than one): Arcadia Management Services Co shall pay plaintiff (name, if more than one): Wylmina E Hettinga \$5,520.23 principal and: \$135.00 costs on plaintiff's claim.
2. ☐ Defendant does not owe plaintiff any money on plaintiff's claim.
3. ☐ Plaintiff (name, if more than one): shall pay defendant (name, if more than one): \$ principal and: \$ costs on defendant's claim.
4. ☐ Plaintiff does not owe defendant any money on defendant's claim.
5. ☐ Possession of the following property is awarded to plaintiff (describe property):
6. ☐ Payments are to be made at the rate of: \$ per (specify period): beginning on (date) and on the (specify day): day of each month thereafter until paid in full. If any payment is missed, the entire balance may become due immediately.
7. ☐ Dismissed in court ☐ with prejudice. ☐ without prejudice
8. ☐ Attorney-Client Fee Dispute (Attachment to Notice of Entry of Judgment) (form SC-132) is attached.
9. ☒ Other (specify): See attached judgment.
10. ☐ This judgment results from a motor vehicle accident on a California highway and was caused by the judgment debtor's operation of a motor vehicle. If the judgment is not paid, the judgment creditor may apply to have the judgment debtor's driver's license suspended.
11. Enforcement of the judgment is automatically postponed for 30 days or, if an appeal is filed, until the appeal is decided.
12. ☐ This notice was personally delivered to (insert name and date):
13. CLERK'S CERTIFICATE OF MAILING—I certify that I am not a party to this action. This Notice of Entry of Judgment was mailed first class, postage prepaid, in a sealed envelope to the parties at the addresses shown above. The mailing and this certification occurred at the place and on the date shown below. Plaintiff/Defendant

Place of mailing: San Jose, California.

Date of mailing: 11/30/2018

Clerk, by _____, Deputy
Diane Macias

The county provides small claims advisor services free of charge. Read the information sheet on the reverse.

INFORMATION AFTER JUDGMENT

INFORMACION DESPUES DEL FALLO DE LA CORTE

Your small claims case has been decided. The judgment or decision of the court appears on the front of this sheet. The court may have ordered one party to pay money to the other party. The person (or business) who won the case and who can collect the money is called the judgment creditor. The person (or business) who lost the case and who owes the money is called the judgment debtor.

Enforcement of the judgment is postponed until the time for appeal ends or until the appeal is decided. This means that the judgment creditor cannot collect any money or take any action until this period is over. Generally, both parties may be represented by lawyers after judgment.

IF YOU LOST THE CASE

1. If you lost the case on your own claim and the court did not award you any money, the court's decision on your claim is FINAL. You may not appeal your own claim.
2. If you lost the case and the court ordered you to pay money, your money and property may be taken to pay the claim unless you do one of the following things:

a. PAY THE JUDGMENT

The law requires you to pay the amount of the judgment. You may pay the judgment creditor directly, or pay the judgment to the court for an additional fee. You may also ask the court to order monthly payments you can afford. Ask the clerk for information about these procedures.

b. APPEAL

If you disagree with the court's decision, you may appeal the decision on the other party's claim. You may not appeal the decision on your own claim. However, if any party appeals, there will be a new trial on all the claims. If you appeared at the trial, you must begin your appeal by filing a form called a Notice of Appeal (form SC-140) and pay the required fees within 30 days after the date this Notice of Entry of Judgment was mailed or handed to you. Your appeal will be in the superior court. You will have a new trial and you must present your evidence again. You may be represented by a lawyer.

c. VACATE OR CANCEL THE JUDGMENT

If you did not go to the trial, you may ask the court to vacate or cancel the judgment. To make this request, you must file a Motion to Vacate the Judgment (form SC-135) and pay the required fee within 30 days after the date this Notice of Entry of Judgment was mailed. If your request is denied, you then have 10 days from the date the notice of denial was mailed to file an appeal. The period to file the Motion to Vacate the Judgment is 180 days if you were not properly served with the claim. The 180-day period begins on the date you found out or should have found out about the judgment against you.

IF YOU WON THE CASE

1. If you were sued by the other party and you won the case, then the other party may not appeal the court's decision.
2. If you won the case and the court awarded you money, here are some steps you may take to collect your money or get possession of your property:

a. COLLECTING FEES AND INTEREST

Sometimes fees are charged for filing court papers or for serving the judgment debtor. These extra costs can become part of your original judgment. To claim these fees, ask the clerk for a Memorandum of Costs.

b. VOLUNTARY PAYMENT

Ask the judgment debtor to pay the money. If your claim was for possession of property, ask the judgment debtor to return the property to you. **THE COURT WILL NOT COLLECT THE MONEY OR ENFORCE THE JUDGMENT FOR YOU.**

c. STATEMENT OF ASSETS

If the judgment debtor does not pay the money, the law requires the debtor to fill out a form called the Judgment Debtor's Statement of Assets (form SC-133). This form will tell you what property the judgment debtor has that may be available to pay your claim. If the judgment debtor willfully fails to send you the completed form, you may file an Application and Order to Produce Statement of Assets and to Appear for Examination (form SC-134) and ask the court to give you your attorney's fees and expenses and other appropriate relief, after proper notice, under Code of Civil Procedure section 708.170.

d. ORDER OF EXAMINATION

You may also make the debtor come to court to answer questions about income and property. To do this, ask the clerk for an Application and Order for Appearance and Examination (Enforcement of Judgment) (form EJ-125) and pay the required fee. There is a fee if a law officer serves the order on the judgment debtor. You may also obtain the judgment debtors financial records. Ask the clerk for the Small Claims Subpoena and Declaration (form SC-107) or Civil Subpoena Duces Tecum (form SUBP-002).

e. WRIT OF EXECUTION

After you find out about the judgment debtor's property, you may ask the court for a Writ of Execution (form EJ-130) and pay the required fee. A writ of execution is a court paper that tells a law officer to take property of the judgment debtor to pay your claim. Here are some examples of the kinds of property the officer may be able to take: wages, bank account, automobile, business property, or rental income. For some kinds of property, you may need to file other forms. See the law officer for information.

f. ABSTRACT OF JUDGMENT

The judgment debtor may own land or a house or other buildings. You may want to put a lien on the property so that you will be paid if the property is sold. You can get a lien by filing an Abstract of Judgment (form EJ-001) with the county recorder in the county where the property is located. The recorder will charge a fee for the Abstract of Judgment.

NOTICE TO THE PARTY WHO WON: As soon as you have been paid in full, you must fill out the form below and mail it to the court immediately or you will be fined. If an Abstract of Judgment has been recorded, you must use another form; see the clerk for the proper form.

SMALL CLAIMS NO.: 18SC075545

ACKNOWLEDGEMENT OF SATISFACTION OF JUDGMENT

(Do not use this form if an Abstract of Judgment has been recorded.)

To the Clerk of the Court:

I am the ☐ judgment creditor☐ assignee of record.

I agree that the judgment in this action has been paid in full or otherwise satisfied.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

SMALL CLAIMS JUDGMENT

Case Number: 18SC075545
Case Name: Hettinger v. Arcadia Management
Date of Hearing/Time: 11/20/18 8:30am

JUDGMENT

PLAINTIFF

DEFENDANT

AWARD

\$5,520.23*

\$

COSTS

\$ 135.00

\$

TOTAL

\$ 5,655.23

\$

*The proper deductions from plaintiff's security deposit is \$279.77. Defendant owes a refund of \$520.23 less the check already provided. Damages for improper disclosure pursuant to an invalid subpoena are \$5,000.00.

PLAINTIFF TAKES NOTHING:

(re: Plaintiff's Claim)

DEFENDANT TAKES NOTHING:

(re: Defendant's Claim)

DATED:

11/20/18

SIGNATURE:

[Signature]

JUDGE/Commissioner/Pro Tem

Copyright: KPM



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

DOWNTOWN COURTHOUSE
191 NORTH FIRST STREET
SAN JOSE, CALIFORNIA 95113
CIVIL DIVISION

Wylmina E Hettinga
1587 17th Street
LOS OSOS CA 93402

RE: Wylmina Hettinga vs Arcadia Management Services Co
CASE NUMBER: 18SC076972

NOTICE TO APPEAR IN COURT

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD IN THE ABOVE ENTITLED CASE:
YOU ARE HEREBY DIRECTED TO APPEAR IN THIS COURT FOR A HEARING:

Date: February 01, 2019 Time: 8:45 AM Dept.: Department 6

For: Hearing on Small Claims Appeal

Location:

191 N. First Street

San Jose California 95113

THEODORE ZAYNER

Date: January 02, 2019

To Be Assigned, Judge of the Superior Court

If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the American with Disabilities Act, please contact the Court Administrator's office at (408) 882-2700, or use the Court's TDD line, (408) 882-2690 or the Voice/TDD California Relay Service, (800) 735-2922.

DECLARATION OF SERVICE BY MAIL: I declare that I served this notice by enclosing a true copy in a sealed envelope, addressed to each person whose name is shown below, and by depositing the envelope with postage fully prepaid, in the United States Mail at San Jose, CA on January 02, 2019. CLERK OF THE COURT, by Frances Miller, Deputy

cc: Arcadia Management Services Co 5185 Chery Ave Ste 10 SAN JOSE CA 95118

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Wymina Hettinga FIRM NAME: STREET ADDRESS: 1587 17th Street CITY: LOS OSOS TELEPHONE NO.: 805-235-1699 E-MAIL ADDRESS: ATTORNEY FOR (name): DFO per		STATE BAR NUMBER: STATE: CA ZIP CODE: 93402 FAX NO.:	FOR COURT USE ONLY (ENDORSED) FILED FEB 22 2019 Clerk of the Court Superior Court of CA County of Santa Clara BY <u>LIGAYA BALLESTEROS</u> DEPUTY
<input type="checkbox"/> COURT OF APPEAL <input checked="" type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 N First Street MAILING ADDRESS: 191 N First Street CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Small Claims Court		APPELLATE DISTRICT, DIVISION	
PLAINTIFF/PETITIONER: Wymina Hettinga DEFENDANT/RESPONDENT: Arcadia Management Services Co. OTHER:		CASE NUMBER:	
ORDER TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT Type of case: <input type="checkbox"/> Limited Civil <input type="checkbox"/> Unlimited Civil <input checked="" type="checkbox"/> Small Claims <input type="checkbox"/> Family Law <input type="checkbox"/> Probate <input type="checkbox"/> Other			

ORDER

Approval to file the attached document is:

a. ☐ Grantedb. ☒ Deniedc. ☐ Other:

It appears this is a request to file a New Small Claims case based upon an alleged fraud on the court. However, as petitioner failed to file a request to the Presiding Judge to file the original Small Claims action in Case #18SC075545, Judge Lucas ordered that small claims judgment obtained be vacated and the claim dismissed due to the fact that petitioner is a vexatious litigant and permission of the Presiding Judge was required prior to filing. Whether Judge Delatorio litigated the issue of petitioner's status as a vexatious litigant is not relevant since the law requires the Presiding Judge to make these determinations.

Date: 2-22-19

Deborah A. Ryan
PRESIDING JUDGE OR JUSTICE
Judge Deborah A. Ryan

Document received by the District Court of Appeal

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Wymina Hettinga FIRM NAME: STREET ADDRESS: 1587 17th Street CITY: Los Osos TELEPHONE NO.: 805-235-1699 E-MAIL ADDRESS: ATTORNEY FOR (name): PRO DER		STATE BAR NUMBER: STATE: CA ZIP CODE: 93402 FAX NO.:	FOR COURT USE ONLY (ENDORSED) FILED MAR 14 2019 Clerk of the Court Superior Court of CA County of Santa Clara BY: <u>LIGAYA BALLESTEROS</u> DEPUTY
<input type="checkbox"/> COURT OF APPEAL, APPELLATE DISTRICT, DIVISION <input checked="" type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 N First Street MAILING ADDRESS: 191 N First Street CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Small Claims Court			
PLAINTIFF/PETITIONER: Wymina Hettinga DEFENDANT/RESPONDENT: Arcadia Management Services Co. OTHER:			
ORDER TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT Type of case: <input type="checkbox"/> Limited Civil <input type="checkbox"/> Unlimited Civil <input checked="" type="checkbox"/> Small Claims <input type="checkbox"/> Family Law <input type="checkbox"/> Probate <input type="checkbox"/> Other		CASE NUMBER:	

ORDER

Approval to file the attached document is:

a. ☐ Grantedb. ☒ Deniedc. ☐ Other:

CCP 391 was amended in 1995 to eliminate the words "or recurring" ^①
 It now applies to any civil action or proceeding commenced, maintained
 or pending in any "State or federal court." Accordingly, it applies
 to requests to file small claims actions.

☐ Attachment to order. Number of pages:

Date: 3-14-19

Deborah A. Ryan
 PRESIDING JUDGE OR JUSTICE
 Judge Deborah A. Ryan

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA COURT ADDRESS: 191 North First Street, San José, CA 95113 MAILING ADDRESS: 191 North First Street CITY AND ZIP CODE: San José, CA 95113 BRANCH NAME: Downtown Courthouse		FOR COURT USE ONLY Filed March 26, 2019 Clerk of the Court Superior Court of CA County of Santa Clara 18SC075545 By: dpinheiro
PLAINTIFF: Wylmina Hettinga		CASE NUMBER: 18SC075545
DEFENDANT: Arcadia Management Service		
REQUEST FOR ACTION		

Date: 3/11/19

To Judge: Judge Zayner

- ☒ For your review and instruction
☒ For your information
☒ Other: The clerk's office filed and served the statutory notice as per Court Order filed 2/01/19. Mailing of
statutory notice occurred on 2/01/19. There is no order permitting Plaintiff of the filing of the
litigation, and time for plaintiff to do so has expired. Please advise.


 David Pinheiro
 Legal Process Clerk

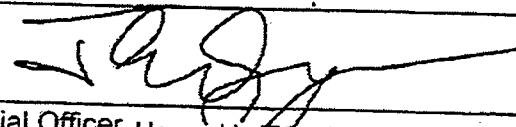

 Erick Rivas
 Supervisor/Manager Approval

Order of Court

- ☐ File Stamp
☐ Place in File – No Action Required
☐ Schedule Hearing
☒ Order(s) as Follows:

Per Order of the Presiding Judge filed and served 2/1/19, Plaintiff's Claim and Judgment in
18SC075545 are stricken. Notice of Appeal in 18SC076972 is stricken as moot.

Date: Signed: 3/25/2019 04:25 PM


 Judicial Officer Honorable Theodore Zayner