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Appellant's Memorandum of Jurisdiction W/ Bookmarks
Paginated All Orders and Complete Motions Heard On 6/29/18
and 8/22/18. Total Pages 107.

APPENDIX M

Appellant's Notice of and Reconsideration and / or a Motion for Error from Default and the Reinstating of Appeal Case E071535 Due to Filing Error CCP 473(b) Contains Entire Designation on Appeal

VOLUME III

APPENDIX N

Appellant's Notice of and Motion for Relief from Default and the Reinstating of Appeal Case E071535. Motion Ruled on February 19, 2019. This includes Entire Designation and All Transcripts submitted as record for appeal as Follows:

One

Transcript of August 22, 2017 Ex Parte Hearing, Appl/Cation Motion For 90 Day Continuance.

Two

Transcript of August 24, 2017 Ex Parte Hearing Regarding Application Motion for Leave to File A Second Amended Complaint

Three

Transcript of September 7, 2017 Communication with Court Call.

Four

Transcript 9 /7 /17 Motion Continued

Five

Transcript of September 12, 2017 Question of Association Jurisdiction and Plaintiffs' Request Dismissal of Case Without Prejudice

Six

Transcript of May 26, 2017 U. S. Ninth Circuit Court of Appeals
Court Clerk Delay of Interlocutory Appeal.

Seven

Transcript of Oct. 5, 2017 Plaintiffs Request Case is Dismissed
Without Prejudice Judge and Defendants are Yelling for First
Time.

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Rejected on February 19, 2019. Appellant's Notice of
and Reconsideration and / or a Motion for Error from
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VOLUME V

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VOLUME VI

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Complete judicial notice granted by the California Supreme
Court under the extrinsic fraud doctrine, Case S235392.

VOLUME VII

APPENDIX R

Entire Petition for Review of State Bar Decision
with supplemental declarations filed in the California

SUPREME COURT
FILED

MAY 15 2019

Court of Appeal, Fourth Appellate District, Division Two - No. E071535

Jorge Navarrete Clerk

S254815

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

MICHELLE STOPYRA YANEY et al., Plaintiffs and Appellants,

v.

REBECCA MASON et al., Defendants and Respondents.

The petition for review is denied.

CANTIL-SAKAUYE

Chief Justice

Appellate Courts Case Information

Supreme Court

Change court ▼

Court data last updated: 04/29/2019 06:53 PM

Case Summary

Supreme Court Case:	S254815
Court of Appeal Case(s):	Fourth Appellate District, Division Two E071535
Case Caption:	YANEY v. MASON
Case Category:	Review - Civil Appeal
Start Date:	04/09/2019
Case Status:	case initiated
Issues:	none
Case Citation:	none

Cross Referenced Cases:

No Cross Referenced Cases Found

[Click here](#) to request automatic e-mail notifications about this case.

APPENDIX
B

MICHELLE STOPYRA YANEY et al.,

Plaintiffs and Appellants,

v.

REBECCA MASON et al.,

Defendants and Respondents.

E071535

(Super.Ct.No. CIVDS1518281)

The County of San Bernardino

THE COURT

The court has considered the motion to recall the partial remittitur filed by Peter De Bellis (DeBellis) on February 19, 2019. The motion is DENIED.

This appeal was dismissed as to DeBellis on November 14, 2018, for appellant's failure to pay the statutory filing fee or to show cause why the fee should be waived. (Cal. Rules of Court, rule 8.100(c).) The partial remittitur issued on January 17, 2019. (Cal. Rules of Court, rule 8.272.)

As grounds for the motion DeBellis states that he has been suffering from depression and mental distress after the death of his mother and did not pursue his appeal, choosing to spend time with his family. He has now decided that this appeal is important to him. Appellant cites *People v. Ribero* (1971) 4 Cal.3d 55, 65 for the proposition that the appellate courts should liberally construe their power to grant relief from default to protect the right to appeal. While that rule may have applied prior to the issuance of the remittitur, DeBellis did not seek relief during that time.

The circumstances allowing this court to recall a remittitur are limited. (Eisenberg, et al., Cal. Practice Guide: Civil Appeals & Writs (The Rutter Group 2017) ¶ 14:36 et seq., p. 14-8 et seq.; *Pacific Legal Foundation v. California Coastal Com.* (1982), 165 (Pacific).) This court's dismissal of the appeal for appellant's failure to pay the required filing fee or to show cause why it should be waived (DeBellis does not dispute the fact that he had not done so), was authorized by the rules of court. (Cal. Rules of Court, rule 8.100(c)(3).) The court's action in dismissing the appeal, therefore, was not the product of "clerical error," "fraud," "mistake," "inadvertence," "oversight,"

“neglect,” or “accident” listed as the grounds for recall of the remittitur in *Pacific, supra* at p. 165. (See also *In re Gray* (2009) 179 Cal.App.4th 1189, 1195-1198.)

McKINSTER
Acting P. J.

cc: See attached list

COURT OF APPEAL
STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION TWO

PARTIAL REMITTITUR

MICHELLE STOPYRA YANEY et al.,
Plaintiffs and Appellants,
v.
REBECCA MASON et al.,
Defendants and Respondents.

E071535

(Super.Ct.No. CIVDS1518281)

The County of San Bernardino

I, KEVIN J. LANE, Clerk of the Court of Appeal, State of California, Fourth Appellate District, certify the attached is a true and correct copy of the original opinion or decision entered in the above entitled cause on November 14, 2018 and this opinion or decision has now become final as to appellant Peter DeBellis.



Witness my hand and seal of the Court
this January 17, 2019

Kevin J. Lane, Clerk/Executive Officer

By: S. Driller, Deputy Clerk

cc: All parties

Court of Appeal, Fourth Appellate District, Division Two
Kevin J. Lane, Clerk/Executive Officer
Electronically FILED on 11/14/2018 by B. Ramirez, Deputy Clerk

COURT OF APPEAL -- STATE OF CALIFORNIA
FOURTH DISTRICT
DIVISION TWO

ORDER

MICHELLE STOPYRA YANEY et al.,
Plaintiffs and Appellants,
v.
REBECCA MASON et al.,
Defendants and Respondents.

E071535

(Super.Ct.No. CIVDS1518281)

The County of San Bernardino

THE COURT

The appeal is DISMISSED as to appellant Peter DeBellis for failure to pay the statutory filing fee or to show cause why the fee should be waived. (Cal. Rules of Court, rule 8.100(c).)

RAMIREZ

Presiding Justice

cc: See attached list

MAILING LIST FOR CASE: E071535
Michelle Yaney et al. v. Rebecca Mason et al.

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Omero Banuelos
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Los Angeles, CA 90067

Jayleen Biery
1022 Balsa Ave
Yucca Valley, CA 92284

I, Kevin J. Lane, Clerk of the Court of Appeal,
Fourth Appellate District, State of California, do
hereby Certify that the preceding and annexed is a
true and correct copy of the original on file in my
office.

WITNESS, my hand and the seal of the Court
this 1/17/19



KEVIN J. LANE, CLERK/ADMINISTRATOR

By Susie Driller
Deputy Clerk

Appellate Courts Case Information

4th Appellate District Division 2

Change court ▼

Court data last updated: 02/17/2020 08:27 PM

Docket (Register of Actions)

Michelle Yaney et al. v. Rebecca Mason et al.
Case Number E071535

Date	Description	Notes
10/29/2018	Notice of appeal lodged/received.	dtd Oct 24, 2018; Michelle Stopyra Yaney
10/29/2018	Notice of appeal lodged/received.	dtd Oct 25, 2018; Peter Debellis
10/29/2018	Default notice sent-appellant notified per rule 8.100(c).	appellant Yaney
10/29/2018	Default notice sent-appellant notified per rule 8.100(c).	appellant DeBellis
11/06/2018	Returned document for non-conformance	by Yaney-CCIS-Cannot be handwritten. Fee waiver must be sent separately. Omit first page, as this court does not accept faxes. First page must be the 1st page of the civil case information statement.
11/06/2018	Returned document for non-conformance	by Yaney-POS-Proof of service must be attached to document being served, not by itself
11/06/2018	Returned document for non-conformance	by Yaney-Letter heading with Kane County Sheriff's Office-Must have a cover page. Place document you are trying to submit all together with a cover page and proof of service as to last page.
11/06/2018	Returned document	by Yaney-POS-Documents is upside down and a proof of service cannot be filed by itself.

	conformance	
11/06/2018	Returned document for non-conformance	by Yaney -Fee waiver-Please resubmit request only, (first 2 pages). Please remove order, (last 2 pages).
11/07/2018	Application for waiver of filing fee filed.	Michelle Yaney
11/07/2018	Civil case information statement filed.	Michelle Yaney
11/07/2018	Appellant's notice designating record on appeal filed in trial court on:	re applt Yaney
11/07/2018	Order waiving filing fee.	Appellant Michelle Yaney
11/08/2018	Order filed.	Appellant Yaney to serve and file a copy of the signed, file-stamped judgment with the clerk of this court on or before 15 days from the date of this order. In addition, appellant Yaney to serve and file a letter memorandum explaining whether the order is appeal, also due in 15 days.
11/14/2018	To presiding justice for signature.	proposed order for appellant DeBellis
11/14/2018	Appeal dismissed per rule 8.100(c)	As to appellant Peter DeBellis.
11/21/2018	Returned document for non-conformance	Fee waiver by Yaney-already granted on Nov 7, 2018
11/21/2018	Returned document for non-conformance	Petition for writ of mandate (By Yaney). Must be filed under original proceeding not under this case number; must be paginated and bookmarked.

11/21/2018	Returned document for non-conformance.	Renewed motion to set aside case dismissal (by Yaney) 2 parts-Missing bookmarks. Bookmarks must include all headings, subheadings and components. Any exhibit/attachment must include the letter or number and a brief description of the exhibit/attachment. Please see order filed Nov 8, 2018. Do not include Facsimile transmission cover sheet, documents cannot be accepted at this court with this sheet and will be rejected.
11/26/2018	Returned document for non-conformance	memorandum by appellant-Missing bookmarks. Bookmarks must include all headings, subheadings and components. Any exhibit/attachment must include the letter or number and a brief description of the exhibit/attachment.

11/27/2018	Returned document for non-conformance.	memorandum-Missing electronic bookmarks. Bookmarks must include all headings, subheadings and components. Any exhibit/attachment must include the letter or number and a brief description of the exhibit/attachment. Also, must submit as one document, not 2 separate documents.
11/27/2018	Returned document for non-conformance	memorandum-Document is missing bookmarks. If you are unable to comply with the electronic requirements, you can mail in your document.
11/30/2018	To court.	copy of Nov 8, 2018 order re appellant has failed to comply.
11/30/2018	Returned document for non-conformance	Memorandum-Missing bookmarks. Bookmarks must include all headings, subheadings and components. Any exhibit/attachment must include the letter or number and a brief description of the exhibit/attachment.
12/03/2018	Returned document for non-conformance	POS by appellant; should be attached to document-doc was rejected on Friday Nov 30, 2018
12/05/2018	Default notice received-appellant notified per rule 8.140(a)(1).	Dtd Dec 4, 2018
12/06/2018	Filed document entitled:	"Second corrected appellant's memorandum w/bookmarks, pagination, all orders and motions heard on 6/29/18 and 8/22/18 mailed to court per docket instructions total pages 105"
12/06/2018	To court.	Memo & Ntc of entry of default re designations.
12/21/2018	Dismissal order filed.	no final judgment has been entered and appellant has failed to procure the record. As requested in memorandum filed Dec 6, 2018, a copy of that filing has been placed for consideration w/the petn for writ of mandate filed in case number E071680.
12/28/2018	Mail returned, unable to forward.	order dtd Dec 21, 2018 addressed to Jayleen Biery; not deliverable as addressed, unable to forward.
01/07/2019	Filed document entitled:	Appellant's notice of an request for clarification as a statement of decision on jurisdiction of appeal and order of dismissal rendered on Dec 21, 2018 by this Court
01/07/2019	To court.	request filed Jan 7, 2019 by appellant
01/16/2019	To presiding justice for signature.	Proposed order

01/17/ 2019	Remittitur issued.	Partial, as to appellant Peter DeBellis.
01/18/ 2019	Order filed.	Applnt's Jan 7, 2019 rqst for clarification is construed to be a mtn to vacate dismissal and the rqst is denied.
02/15/ 2019	Motion to vacate dismissal filed.	by appellant Yaney
02/15/ 2019	To court.	mtn to vacate
02/19/ 2019	Filed document entitled:	Appellant DeBillis declaration and motion to recall partial remittitur and to reinstate appeal.
02/19/ 2019	Filed document entitled:	Appellant Yaney's Supplemental declaration in support of motion to reinstate appeal
02/19/ 2019	Filed proof of by appellant DeBillis re motion to reinstate appeal.	
02/19/ 2019	Filed proof of Motion to recall remittitur and reinstate appeal by appellant DeBillis.	
02/19/ 2019	Order on motion filed.	Appellant's Yaney's motion filed Feb 15, 2019, for relief from default & for reinstating appeal, & the supplemental declaration filed by appellant on Feb 19, 2019 is denied. There is no judgment to appeal & this court has no jurisdiction.
02/19/ 2019	Filed proof of Motion to recall remittitur and reinstate appeal by appellant DeBillis.	
02/20/ 2019	Returned document for non-conformance	supplemental motions submitted at 11:42 pm on 02/19/19 by Michelle Yaney; this court no longer has jurisdiction, motion was denied
02/25/ 2019	Returned document for non-conformance	Motion by Michelle Yaney-Lack of Jurisdiction.
02/25/ 2019	Remittitur issued.	
02/25/ 2019	Case complete.	
02/25/ 2019	Motion filed.	Motion to recall remittitur by appellant Yaney
02/26/ 2019	To court.	Motion to recall remittitur by appellant Yaney
03/07/ 2019	Order on motion filed.	The court has considered the motion to recall the partial remittitur filed by Peter DeBellis on February 19, 2019. The motion is denied.
03/11/ 2019	Returned document for non-conformance	Motion to recall remit by Peter DeBellis; Missing Proof of Service

03/11/ 2019 Motion filed. Appellant DeBellis motion to recall remittitur entitled " Appellant's motion to stay the issuance of full remittitur and reinstating appeal case E071535 additionally appellant request this courts consideration of this as a petition for rehearing on appeal case E071535"

03/11/ 2019 Returned document for non-conformance Motion to recall remit by Peter DeBellis; duplicate

03/11/ 2019 To court. motion to recall remit by Peter DeBellis

03/11/ 2019 Filed proof of re Appellant DeBellis motion to recall remittitur entitled service.

03/20/ 2019 Service copy by Peter DeBellis of petition for review received.

03/20/ 2019 Service copy by Michelle Yaney of petition for review received.

03/25/ 2019 Received: Letter dtd March 20, 2019 re: returning unfiled petition for review, lack of jurisdiction.

03/28/ 2019	Received copy of Supreme Court filing.	Petition for writ of certiorari by appellant Yaney
04/09/ 2019	Service copy of petition for review received.	by appellant Yaney
05/21/ 2019	Petition for review denied in Supreme Court.	dtd May 15, 2019; S254815
01/06/ 2020	Received copy of Supreme Court filing.	appellants' petition for writ of certiorari
01/07/ 2020	Received copy of Supreme Court filing.	appellants' petition for writ of certiorari (corrected copy)
01/07/ 2020	Received copy of Supreme Court filing.	Appellants' declaration of timely filing of petition for writ of certiorari-S254815
01/13/ 2020	Returned document for non- conformance	appellants' request for stay of issuance of remittitur; remittitur issued on Feb 25, 2019.
01/13/ 2020	Received copy of Supreme Court filing.	Appellants' request to timely file petition for review, etc.

Click here to request automatic e-mail notifications about this case.

APPENDIX
C



APRIL BOELK
AUTOMATIC APPEALS SUPERVISOR

CART WARREN BUILDING
550 MALLISTER STREET
SAN FRANCISCO, CA 94102
(415) 865-7000

Supreme Court of California

JORGE E. NAVARRETE
CLERK AND EXECUTIVE OFFICER
OF THE SUPREME COURT

March 20, 2019

Michelle Stopyra Yaney
78365 Highway 11
La Quinta, CA 92253

Re: **E071535 – Michelle Yaney et al. v. Rebecca Mason et al.**

Dear Ms. Yaney:

We hereby returned unfiled your petition for review via Truefiling, which we received on March 19, 2019. A check of the Court of Appeal docket shows that a dismissal order was filed on December 21, 2018. This court lost jurisdiction to act on any petition for review on February 19, 2019. (See Cal. Rules of Court, rule 8.500(e).) Without this jurisdiction, this court is unable to consider your request for legal relief.

Very truly yours,

JORGE E. NAVARRETE
Clerk and
Executive Officer of the Supreme Court

By: K. Castro, Asst. Deputy Clerk

cc: Court of Appeal, Fourth Appellate District, Division 2
Omero Banuelos
Rec

Court of Appeal, Fourth Appellate District, Division Two
 Kevin J. Lane, Clerk/Executive Officer
 Electronically FILED on 2/19/2019 by S. DeLeon, Deputy Cler

COURT OF APPEAL -- STATE OF CALIFORNIA
 FOURTH DISTRICT
 DIVISION TWO

ORDER

MICHELLE STOPYRA YANEY,

Plaintiff and Appellant,

v.

REBECCA MASON et al.,

Defendants and Respondents.

E071535

(Super.Ct.No. CIVDS1518281)

The County of San Bernardino

THE COURT

The court has reviewed the motion for relief from default and for reinstating of the appeal filed by appellant on February 15, 2019, and the supplemental declaration filed by appellant on February 19, 2019. The motion is DENIED.

As stated in this court's order filed January 18, 2019, denying appellant's motion to vacate the dismissal of her appeal, the appeal was dismissed on two separate grounds: (1) no final, appealable judgment exists; and (2) appellant failed to procure the record on appeal. (Cal. Rules of Court, rule 8.140(a).) While appellant describes her attempts to procure a record for this appeal and attaches transcripts as exhibits, in her motion and declaration appellant confirms once again that no final, appealable judgment yet exists. Therefore, there is no judgment to appeal and this court has no jurisdiction. (*Jennings v. Marralle* (1994) 8 Cal.4th 121, 126.)

FIELDS
 Acting P. J.

cc: See attached list

Court of Appeal, Fourth Appellate District, Division Two
 Kevin J. Lane, Clerk/Executive Officer
 Electronically FILED on 12/21/2018 by B. Ramirez, Deputy Clerk

COURT OF APPEAL -- STATE OF CALIFORNIA
 FOURTH DISTRICT
 DIVISION TWO

ORDER

MICHELLE STOPYRA YANEY,

Plaintiff and Appellant,

v.

REBECCA MASON et al.,

Defendants and Respondents.

E071535

(Super.Ct.No. CIVDS1518281)

The County of San Bernardino

THE COURT

The court has reviewed the memorandum filed by appellant Michelle Stopyra Yaney on December 6, 2018, in response to this court's order filed November 8, 2018. That order requested appellant to provide a copy of the signed, file-stamped judgment underlying the order appealed purporting to deny vacating that judgment. Appellant indicates that no final judgment has been entered and that this court has no jurisdiction over the appeal. In addition, this court has received notice from the trial court, dated December 4, 2018, that appellant is in default for failing to procure the record. (Cal. Rules of Court, rule 8.140(a).) Consequently, the appeal is DISMISSED. As requested in her memorandum, a copy of that filing has been placed for consideration with the petition for writ of mandate filed in case number E071680.

McKINSTER
 Acting P. J.

cc: See attached list

COURT OF APPEAL
STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION TWO

REMITTITUR

MICHELLE STOPYRA YANEY et al.,
Plaintiffs and Appellants,

v.

REBECCA MASON et al.,
Defendants and Respondents.

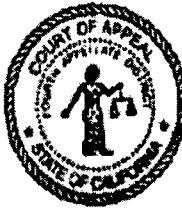
E071535

(Super.Ct.No. CIVDS1518281)

The County of San Bernardino

I, KEVIN J. LANE, Clerk of the Court of Appeal, State of California, Fourth Appellate District, certify the attached is a true and correct copy of the original opinion or decision entered in the above entitled cause on December 21, 2018, and this opinion or decision has now become final.

Respondent shall recover costs on appeal.



Witness my hand and seal of the Court
this February 25, 2019.

Kevin J. Lane, Clerk/Executive Officer

By: B. Ramirez, Deputy Clerk

cc: All parties

MAILING LIST FOR CASE: E071535
Michelle Yaney et al. v. Rebecca Mason et al.

Superior Court Clerk
San Bernardino County
8303 N. Haven Ave
Rancho Cucamonga, CA 91730

Michelle Stopyra Yaney
78365 Highway 111, #302
La Quinta, CA 92253

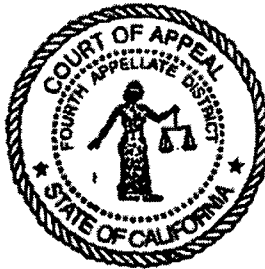
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Omero Banuelos
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2029 Century Park East, 400 N
Los Angeles, CA 90067

Jayleen Biery
1022 Balsa Ave
Yucca Valley, CA 92284

I, Kevin J. Lane, Clerk of the Court of Appeal,
Fourth Appellate District, State of California, do
hereby Certify that the preceding and annexed is a
true and correct copy of the original on file in my
office.

WITNESS, my hand and the seal of the Court
this 2/25/19



KEVIN J. LANE, CLERK/ADMINISTRATOR

By Belinda Ramirez
Deputy Clerk

**Additional material
from this filing is
available in the
Clerk's Office.**