

Arg
No.

**IN THE
SUPREME COURT OF THE
UNITED STATES**

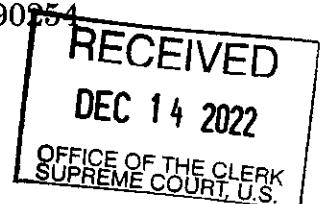
ALICJA HERRIOTT
Petitioner
V.

PAUL B. HERRIOTT
Respondent

On Petition For Writ Of Certiorari
To The Supreme Court Of
The State Of California

APPENDIX

ALICJA HERRIOTT
Petitioner
123-24th St
Hermosa Beach, CA 90254
(310) 254-5202



APPENDIX A

DECISION OF THE COURT OF APPEAL, SECOND APPELLATE DISTRICT

Case No B317298

ALICJA HERRIOTT
Petitioner
V.
PAUL B. HERRIOTT
Respondent

June 10, 2022

Order
Denying Pre-Filing Order of Vexatious Litigant

ALICJA HERRIOTT
Petitioner
123-24th St
Hermosa Beach, CA 90254
(310) 254-5202

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT **COURT OF APPEAL - SECOND DIST.**

DIVISION P

F I L E D

Jun 10, 2022

DANIEL P. POTTER, Clerk

apalencia-huerta Deputy Clerk

PAUL BARRETT HERRIOTT,

B317298

Petitioner and Respondent,

(Super. Ct. No. BD415787)

v.

Los Angeles County

ALICJA Z. HERRIOTT,

DISMISSAL ORDER

Appellant.

THE COURT:

On October 21, 2021, declared vexatious litigant Alicja Herriott^[1] filed in propria persona a notice of appeal from the October 14, 2021 order denying her application filed pursuant to Code of Civil Procedure section 391.8^[2] to vacate the injunctive prefiling order entered against her in the above-captioned case under section 391.7, subdivision (a) on May 1, 2012. The May 1, 2012 prefiling order requires Herriott, before filing new litigation in propria persona, to seek permission of the presiding justice or presiding judge of the court where the new litigation is proposed to be filed.

¹ Paul Barrett Herriott and Alicja Herriott share a last name. Where the court uses just the last name, the court is referring to Alicja Herriott.

² Further statutory references are to the Code of Civil Procedure.

Herriott failed to obtain permission from this court before filing her notice of appeal in propria persona. (Section 391.7, subd. (a).) On January 4, 2022, the clerk sent notice to Herriott requesting her to demonstrate that her appeal has merit and was not taken for purposes of harassment or delay. (Section 391.7, subds. (b)-(c).) On January 12, 2022, Herriott responded to the notice.

In her response to the clerk's notice, Herriott puts forth that since she is the captioned trial court respondent in the above case, she was exempt from the prefilings order requirements of section 391.7, subdivision (a) when she filed her notice of appeal, relying in that argument on *John v. Superior Court* (2016) 63 Cal.4th 91, 100 (*John*) where the court held that “[s]ection 391.7’s prefilings requirements do not apply to a self-represented vexatious litigant’s appeal of a judgment or interlocutory order in an action in which he or she was the defendant.” (*Ibid.*) Herriott’s reliance on *John* is misplaced in this case since Herriott initiated the separate section 391.8 application for relief from the prefilings order injunction imposed by section 391.7, subdivision (a), and she was not a defendant in that proceeding. In fact, section 391.8 applications may be filed yearly, well after all cases involving the vexatious litigant have terminated. Meanwhile, other parties to any earlier litigation may be excluded from the section 391.8 proceeding since “they are not connected with the request to erase the prefilings order.” (*Luckett v. Panos* (2008) 161 Cal.App.4th 77, 96, fn. 17 (*Luckett*).) The record in this case indicates that petitioner Paul Barrett Herriott did not participate in the proceedings surrounding the section 391.8 application or appear at the October 14, 2021 hearing on the application and that he was “not connected with the request to erase the prefilings order.” (*Ibid.*) The section 391.8 application proceeding was initiated by Herriott, irrespective of the family law litigation involving Paul Barrett Herriott, and *John* does not apply here.

To the merits of the appeal, the appealed October 14, 2021 minute order attached to the notice of appeal, which records the trial court's denial of Herriott's section 391.8 application, reveals multiple violations by Herriott of the 2012 prefilings order. According to the trial court, Herriott has initiated eight new litigations without permission of the courts where the litigations were filed since the prefilings order was entered. The trial court also observed that Herriott put forth to the court in her application that she had sought permission to file a litigation that was denied while no record of such a request exists in the court file. The trial court further observed that Herriott did not demonstrate in her application the "material change in the facts upon which the order [pursuant to section 391.7] was granted" (section 391.8, subd. (c)) necessary to obtain relief from the injunctive prefilings order and determined that Herriott's apparently disingenuous application, her rejection of the facts that led to her being declared vexatious, and her violations of the prefilings order were "persuasive evidence that the ends of justice would not be served by vacating the [prefilings] order and that the prefilings order should remain in place."

On the record before the court, the court is unable to glean merit in the appeal and declines to issue a prefilings order allowing the appeal to proceed. (Section 391.7, subds. (b)-(c).) Consequently, the appeal initiated by the notice filed on October 21, 2021 is dismissed. (Section 391.7, subd. (c).)

The court reminds Herriott that disobedience of the prefilings order may be punished as a contempt of court. (Section 391.7, subd. (a).)



Elwood Lui, Administrative Presiding Justice

APPENDIX B

DECISION OF THE COURT OF APPEAL, SECOND APPELLATE DISTRICT

Case No B317298

ALICJA HERRIOTT

Petitioner

V.

PAUL B. HERRIOTT

Respondent

July 6, 2022

Order

Denying Petition for Reconsideration

ALICJA HERRIOTT

Petitioner

123-24th St

Hermosa Beach, CA 90254

(310) 254-5202

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

DIVISION: p

PAUL BARRETT HERRIOTT,
Petitioner and Respondent,
v.
ALICJA HERRIOTT,
Appellant.

B317298
Los Angeles County Super. Ct. No. BD415787

COURT OF APPEAL - SECOND DIST.

FILED

Jul 06, 2022

DANIEL P. POTTER, Clerk

epalencia-huerta Deputy Clerk

THE COURT:

The court has read and considered appellant's petition for reconsideration of June 10, 2022 decision filed June 16, 2022. The motion is denied.

Elwood Lui, Administrative Presiding Justice

APPENDIX C

DECISION OF THE LOS ANGELES SUPERIOR COURT, DISTRICT CENTRAL

Case No BD415-787

ALICJA HERRIOTT
Petitioner
V.
PAUL B. HERRIOTT
Respondent

October 14, 2021

Order
Denying reversal of declaring
Defendant Vexatious Litigant

ALICJA HERRIOTT
Petitioner
123-24th St
Hermosa Beach, CA 90254
(310) 254-5202

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Family Division

Stanley Mosk Dept. - 42

BD415787

PAUL BARRETT HERRIOTT VS ALICJA Z HERRIOTT

October 14, 2021

1:30 PM

Honorable Christine Byrd, Judge

Lily Yu, Judicial Assistant

Geraldine Viray (#7267), Court Reporter

NATURE OF PROCEEDINGS: Application RE: Application for Order to Vacate Prefiling Order and Remove from Judicial Council Vexatious Litigant List filed by Respondent on September 7, 2021

The following parties are present for the aforementioned proceeding:

Appearance via LACourt Connect-Video:

Alicja Z. Herriott, Respondent, Respondent

Respondent is provided with the Court's tentative ruling by electronic mail at: alicjaherriott@yahoo.com
Respondent confirms receipt of the Court's tentative ruling.

The matter is called for hearing.

The Court hears argument by Respondent.

The tentative ruling is adopted as the Court's order as follows:

**Paul Barrett Herriott v. Alicja Z. Herriott,
Case No. BD 415 787**

On May 1, 2012, this Court issued an order finding that Ms. Herriott was a vexatious litigant and requiring prefiling approval pursuant to Code Civ. Proc. §391.7.

On September 7, 2021, Respondent Alicja Herriott filed an Application For An Order To Vacate Prefiling Order And Remove [Respondent] From Judicial Council Vexatious Litigant List ("Application").

A vexatious litigant subject to a prefiling order may file an application to vacate the prefiling order and to remove his or her name from the Judicial Council's list of vexatious litigant subject to prefiling orders. Code Civ. Proc. §391.8. The application may be granted "upon a showing of a material change in the facts upon which the order was granted and that the ends of justice would be served by vacating the order." Ms. Herriott's Application fails to meet that standard.

This is Ms. Herriott's second application to vacate. The first application was filed in February 2020. The application was denied on August 3, 2020. At that time, the Court found that Ms. Herriott had violated the pre-

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Family Division

Stanley Mosk Dept. - 42

BD415787

PAUL BARRETT HERRIOTT VS ALICJA Z HERRIOTT

October 14, 2021

1:30 PM

filings approval order by filing at least 4 new cases without obtaining leave of the presiding judge to file them, and that she had not revealed that information in her application.

After that ruling, Ms. Herriott violated the prefiling approval order four more times.

- On October 28, 2020, she filed Case No. 20 TRRO 00730. The case was dismissed on December 9, 2020, for failing to obtain prefiling approval.
- On October 28, 2020, she filed Case No. 20 TRRO 00731. The case was dismissed on December 9, 2020, for failing to obtain prefiling approval.
- On November 18, 2020, she filed Case No. 20 TRRO 00775. The case was dismissed on December 11, 2020, for failing to obtain prefiling approval.
- On December 29, 2020, she filed an RFO in this case, Case No. BD 415 787, requesting a “post-death QDRO” without giving notice to anyone and without obtaining prefiling approval. (On January 29, 2021, the Clerk of the Court rejected it due to the lack of notice. Nevertheless, the matter was placed on the court’s calendar for hearing.) At the time of hearing on April 6, 2021, the RFO was taken off calendar for failure to obtain prefiling approval.

According to Ms. Herriott’s Application, on April 8, 2021, she sought prefiling approval for the QDRO request. Her request was denied on July 26, 2021. The court file does not reflect these filings or ruling.

This Application was filed on September 7, 2021.

The current Application argues strenuously that the original vexatious litigation order was erroneous and should not have been issued. The fact that she has ignored it on so many occasions during those years is persuasive evidence that the ends of justice would not be served by vacating the order and that the prefiling order should remain in place.

Based on all the facts and circumstances and in the exercise of the Court’s discretion, the Application is DENIED and the vexatious litigant finding and prefiling order remain in full force and effect.

APPENDIX D

DECISION OF THE SUPREME COURT OF THE STATE OF CALIFORNIA

Case No S275893

ALICJA HERRIOTT
Petitioner
V.
PAUL B. HERRIOTT
Respondent

September 14, 2022

Order
Denying Petition for Review

ALICJA HERRIOTT
Petitioner
123-24th St
Hermosa Beach, CA 90254
(310) 254-5202

SUPREME COURT
FILED

SEP 14 2022

Court of Appeal, Second Appellate District - No. B317298

Jorge Navarrete Clerk

S275893

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

PAUL BARRETT HERRIOTT, Petitioner and Respondent,

v.

ALICJA HERRIOTT, Appellant.

The petition for review is denied.

CANTIL-SAKUYE

Chief Justice

APPENDIX E

THE COURT OF APPEAL,
SECOND APPELLATE DISTRICT

Case No B317298

ALICJA HERRIOTT
Petitioner
V.
PAUL B. HERRIOTT
Respondent

January 12, 2022

Declaration of
the Vexatious Litigant

ALICJA HERRIOTT
Petitioner
123-24th St
Hermosa Beach, CA 90254
(310) 254-5202

ALICJA HERRIOTT
123-24TH ST
HERMOSA BEACH, CA 90254
IN PRO PER

**COURT OF APPEAL
STATE OF CALIFORNIA
SECOND DISTRICT**

Petitioner and Respondent,)	
)	COURT OF APPEAL
PAUL BARRETT HERRIOTT,)	No B317298
Vs.)	SUPERIOR COURT
Appellant and Defendant)	No BD415-787
)	
ALICJA Z.HERRIOTT		DEFENDANT/APPELLANT'S DECLARATION

Defendant/Appellant declares that:

This Notice on Appeal of the Superior Court decision, in the family law case, denying the motion to remove Respondent from the Judicial Council's list of vexatious litigants is not been taken for purposes of harassment or delay, that there is no pending litigation filed by Appellant.

THE APPELLANT IS A DEFENDANT; THEREFORE, SHE IS NOT SUBJECTED TO THE PREFILLING ORDER OF VEXATIOUS LITIGANT, *CODE CIV. PROC.*, SEC. 391.7, *SUBD. (A)*,

Pursuing *Code Civ. Proc.*, §§ 391-39, and this Court law case *JOHN v. SUPERIOR COURT* “ “(*Mahdavi, supra*, 166 Cal.App.4th at p. 41, Appellant, self-represented Defendant, is not subjected to the prefilling order of Vexatious Litigant) “ **the defendant must be permitted to defend himself as any other defendant would**”. (*Id.* at p. 42.) “In 2011,

The Legislature retained its original focus on plaintiffs as vexatious litigants when it added the term “justice” to section 391.7, while making clear that the statute applies to vexatious litigant plaintiffs in both the trial and appellate courts. (*Assem. Com. on Judiciary, Rep. on Sen. Bill No. 731 (2011-2012 Reg. Sess.)* as amended March 29, 2011, p. 4; see *Sen. Judiciary Com., Rep. on Sen. Bill No. 731 (2011-2012 Reg. Sess.)* as introduced, p.5.)”.

The vexatious litigant statutory scheme (*Code Civ. Proc.*, §§ 391-391.7) applies only to self-represented Plaintiffs. “*Section 391.7, subdivision (a)*, authorizes a trial or appellate court to enter, “on its own motion or the motion of any party,” a prefilling order that prohibits a self-represented vexatious litigant from “filing any new litigation in the courts of this state . . . without first obtaining leave of the presiding justice or presiding Judge of the court where the litigation is proposed to be filed.” (*§ 391.7, subd. (a)*, as amended by Stats. 2011, ch. 49, § 1.), but section 391.7’s prefilling process applies only to self-represented plaintiffs

who have been declared vexatious litigants (*See Shalant v. Girardi (2011) 51 Cal.4th 1164, 1169-1170 (Shalant).* ”

BACKGROUNDS FACTS OF THE CASE

On May 1, 2012, during the divorce proceedings filed by Paul Herriott, the court grants Petitioner with the request to proclaim In Pro Per Defendant as a Vexatious Litigant.

Neither Petitioner presents any evidence of litigations ever filed by Respondent in the State of California, nor the court conducts the hearing to review objections filed by Respondent.

Respondent petitions to the Los Angeles Superior Court to be removed from the Judicial Council’s List of Vexatious Litigants in the year 2013. Even though Defendant is not Petitioner in any filed litigations, the motion was denied.

A defendant is not seeking from the court to be removed from the Judicial Council’s list of vexatious litigants until the years 2019 and 2021. Each time, the Judge who proclaimed Defendant as vexatious litigant denies the motion based on its discretion.

When Petitioner continues his prosecution and harassment by filling for: Petition for the restraining orders, Unlawful Detainer, civil lawsuit, Defendant is left without any protection under the law that prefilling order to file any motion in own defense is denied.

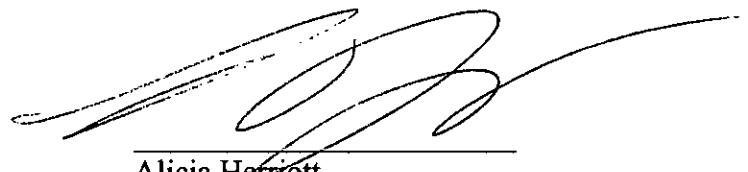
Defendant petitions the court to reverse the order and be removed from the Judicial Council’s list of vexatious litigants that the court err, proclaiming Defendant as vexatious litigant during litigations filed against her without evidence of litigations filed.

During the court hearing on October 14, 2021, the court’s denial is based not on the laws, but only on its discretion.

Pursuing *Code Civ. Proc., sec. 391.7, subd. (a)* and supported by *JOHN v. SUPERIOR COURT* “ *(Mahdavi, supra, 166 Cal.App.4th at p. 41.)* Defendant/Appellant asks this court to continue the case on its merits, that In Pro Per Defendant has the same right to defend herself as any other defendant has in the Court of the State of California.

Dated: January 12, 2022

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alicia Herriott".

Alicia Herriott
In Pro Per

Exhibits: October 14, 2021 Transcript

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

DEPARTMENT ST 42

HON. CHRISTINE BYRD, JUDGE

IN THE MATTER OF)
PAUL BARRETT HERRIOTT,)
PETITIONER,) CASE NUMBER:
AND) BD 415787
ALICJA Z. HERRIOTT,)
RESPONDENT.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

OCTOBER 14, 2021

APPEARANCES:

FOR THE PETITIONER: NON-APPEARACE

FOR THE RESPONDENT: ALICJA HERRIOTT
VIA L.A. COURT CONNECT: IN PROPRIA PERSONA
123-24TH STREET
HERMOSA BEACH, CA 90254
TEL. NO.: (310) 254-5202

GERI F. VIRAY, CSR #7267
OFFICIAL COURT REPORTER

1
2 MASTER INDEX
3
4

5 October 14, 2021
6
7

8 CHRONOLOGICAL AND ALPHABEETICAL INDEX OF WITNESSES
9
10

11 NONE
12
13

14 EXHIBITS
15
16

17 NOT OFFERED
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1 CASE NUMBER: BD 415787
2 CASE NAME: IN RE THE MATTER OF
3 PAUL BARRETT HERRIOTT
4 AND
5 ALICJA Z. HERRIOTT
6 LOS ANGELES, CALIFORNIA; OCTOBER 14, 2021
7 DEPARTMENT ST 42 HON. CHRISTINE BYRD, JUDGE
8 REPORTER: GERALDINE F. VIRAY, CSR #7267
9 TIME: 1:40 P.M.
10 APPEARANCES:
11 THE RESPONDENT, ALICJA Z. HERRIOTT, IN
12 PROPRIA PERSONA, (APPEARING VIA L.A. COURT
13 CONNECT).

14
15 THE COURT: MATTER NUMBER 2, HERRIOTT VERSUS
16 HERRIOTT.

17 THE CLERK: THE RESPONDENT HAS BEEN PROVIDED WITH
18 THE ELECTRONIC COPY OF YOUR TENTATIVE RULING. THERE WAS A
19 PROBLEM WITH HER EMAIL ADDRESS AND IT'S BEEN CORRECTED.
20 AND SHE'S CONFIRMED RECEIPT AND SHE HAS READ IT.

21 THE COURT: ALL RIGHT. MATTER NUMBER 2, HERRIOTT
22 VERSUS HERRIOTT. YOU WANT TO MAKE YOUR APPEARANCE,
23 MS. HERRIOTT.

24 THE RESPONDENT: THIS IS ALICJA HERRIOTT PRESENT.

25 THE COURT: MS. HERRIOTT, I UNDERSTAND FROM THE
26 CLERK THAT YOU RECEIVED A COPY OF MY TENTATIVE RULING ON
27 YOUR APPLICATION FOR ORDER TO VACATE PREFILING ORDER AND
28 REMOVE YOUR NAME FROM THE JUDICIAL COUNCIL VEXATIOUS

1 LITIGANT LIST.

2 THE RESPONDENT: YES.

3 THE COURT: DO YOU HAVE ANYTHING ELSE TO PRESENT.

4 THE RESPONDENT: YES, I DO. YES, I DO, YOUR HONOR.

5 YOUR HONOR, I READ THE DECISION BASICALLY
6 BECAUSE IT'S SO LATE IN TIME, I EXPLAIN WHY I DID NOT
7 ADDRESS THE ISSUE BECAUSE I WAS NOT INTEND -- I DID NOT
8 UNDERSTAND THE LAW. I'M IN PRO PER SO I HAVE THE RIGHT
9 NOT TO UNDERSTAND THE POWER OF THE LAW.

10 I HAD MY INTENTION TO SUE AND HAVE WON, SO I
11 HAVE NO EFFECT OF THIS LAW FOR MANY YEARS, UNTIL I REALIZE
12 THAT THAT PROSECUTION BY MY HUSBAND AND HIS BROTHER
13 CONTINUES.

14 AND I REALIZE IF I DON'T -- BECAUSE I WAS
15 NOT GETTING -- I WAS APPLYING FOR PREFILING ORDERS AND BUT
16 BECAUSE IT WAS ALWAYS DENIED, I NEED TO BE ASKED TO BE
17 REMOVED FROM THAT VEXATIOUS LITIGANT LIST.

18 AND I LOOKED CLOSELY ON THE COURT ORDER
19 WHICH WAS MADE ON THE MAY 1ST, 2012. AND I LOOKED AT THE
20 LAW AND REALIZED THAT ATTORNEY FOR, FOR PETITIONER
21 COMPLETELY MISINTERPRETED THE LAW AND MISREPRESENTED THE
22 FACTS OF THE CASE.

23 AND BASED ON THAT DISCOVERY, I -- THAT'S WHY
24 I PETITION TO THE COURT THAT THERE A CASE PRESENT CHANGE
25 OF MATERIAL FACTS UPON THE COURT ORDER WAS MADE WHEN I AM
26 DEFENDANT, I WAS DEFENDANT AND I AM STILL IN THIS CASE
27 DEFENDANT.

28 THE COURT ORDER, EVEN THOUGH I WAS

1 DEFENDANT, I WAS ACCUSED FOR FILING SEVEN MOTIONS AND ALL
2 SEEK FOR MODIFY CHILD AND SPOUSAL SUPPORT, NOT A LOT OF
3 THEM SAY THEY WERE -- DID NOT HAVE MERIT.

4 A FILING AND THE MOTION AND THE PAPERS, IT
5 WAS UNDER ALL OF THEM ON MY DEFENSE. I'M RESPONDENT.
6 THAT PART OF PROCESS OF DIVORCE ARE NOT SANCTIONABLE CAUSE
7 OF ACTION. THE COURT ORDER IS NOT EVEN SAYING I AM
8 VEXATIOUS LITIGANT. LOOK AT MY BAG I AM VEXATIOUS
9 LITIGANT. WHAT IS THE MEANING OF PART OF CIVIL PROCEDURE
10 391 WHICH ONE IS ERRONEOUS BECAUSE I HAVE NO HISTORY OF
11 FILING OF FIVE LITIGATION AGAINST ANYONE FOR SEVEN YEARS.
12 COURT ORDER DOESN'T SAY THIS. IT'S CLEAR I DID NOT FILE.

13 I'M NOT FILING ANY CASES ANY AGAINST
14 DEFENDANT. I AM DEFENDANT. I HAVE NOT ONCE CASE FILED
15 AGAINST ANYONE IN MY LIFETIME. SO I'M LOOKING AT HOW IS
16 POSSIBLE THAT THAT ATTORNEY MISINTERPRETED THE FACTS OF
17 THE CASE AND THE LAW ITSELF.

18 SO EVEN THE COURT ORDER, IT IS NOT SHOWING I
19 HAVE ANY ACTION SHOWING THAT MARITAL IS NO, NO MERIT CASE
20 IS FILED, MOTION PAPERS, NOT ONE OF THEM.

21 BY THE WAY, I LOOK AT THE SEVEN MOTIONS ON
22 DEFINE, MOTIONS WHICH ARE SAYING, WHAT THE REASON WAS
23 FILE, IF THEY HAVE MERITS OR NOT, OR IT WAS DENIED. I
24 CANNOT FIND THEM ON THE LIST OF THE CASE, ON MY CASE.

25 AND THE SPOUSAL CHILD SUPPORT IS ENCOURAGED
26 TO BE MODIFIED IN MY JUDGMENT. THEN I -- WHEN THE TWO
27 CHILDREN HAVE THE PAYMENT, I HAVE THE RIGHT TO GO TO
28 COURT, ASK TO MODIFY THE SPOUSAL CHILD SUPPORT, WHICH IT

1 HAPPEN. IT DID HAPPEN.

2 AND THE ATTORNEY MISINTERPRETED THE FACTS.

3 SHE IS SAYING THAT I AM UNDERMINING THE JUDGMENT. NO,
4 IT'S OPPOSITE. I REALLY FOLLOW THE JUDGMENT.

5 SO BECAUSE I HAD NO KNOWLEDGE THAT THERE --
6 I THOUGHT EVEN I AM PROCLAIM A VEXATIOUS LITIGANT,
7 I DIDN'T UNDERSTAND THAT. AS OF -- EVEN IF MY CASE HAVE A
8 MERIT, I WILL BE GRANTED WITH PREFILING ORDER.

9 SO I SEEK SOME LEGAL ADVICE AND SAID WELL,
10 YOU HAVE TO FILE THE CASE TO BE REMOVED. WELL, IT HAD TO
11 JUST PRESENT CHANGE OF MATERIAL FACTS WHEN I AM DEFENDANT.

12 EVERY CASE IS FILED AFTER, THEY ARE SEEKING
13 FOR PROTECTION FROM PETITIONER AND HIS BROTHER PROSECUTING
14 ME SO -- OF ABUSE OF LAW BEAUTIFULLY TO PROSECUTE ME
15 THEREAFTER THAT. THERE ARE TIMES WHERE HE WANT KILL ME.

16 I AM INDEPENDENT PERSON WITH BACK INJURY. I
17 PUT IT IN, HAVE FILE FOR COMPENSATION FOR THE DAMAGES
18 BECAUSE MY ATTORNEY FORGOT TO ASK FOR PREFILING ORDER AND
19 MY CASE WAS DISMISSED. IT'S A HUGE CONSEQUENCES OF THAT
20 LAW AND I, I HAD NO KNOWLEDGE AT THAT TIME.

21 MOREOVER, THAT COURT ORDER WHICH WAS
22 STRUCTURED BY PETITIONER'S ATTORNEY, MS. MANDELL, WAS
23 NEVER GIVEN TO ME FOR REVIEW. AND IT WAS FILED.

24 I LOOK -- I'M GOING TO LOOK AT THIS --
25 PERHAPS I CAN FIND A SIGNATURE SOMEWHERE. NO, IT'S THE
26 COURT'S STAMP ONLY. I NEVER GIVEN OPPORTUNITY BECAUSE I
27 WILL CONTESTED THAT DECISION.

28 I REMEMBER THE DATE WELL AGREE ON THAT. I

1 DIDN'T UNDERSTAND AT THE TIME THAT THERE WAS A -- IT'S A
2 MISTAKE. IT WAS ERROR ON THE COURT'S BEHALF BECAUSE THE
3 ATTORNEY FOR PETITIONER MISINTERPRETED PART OF THE CASE
4 AND THE LAW ITSELF.

5 I'M AM PRO PER, DON'T HAVE GREAT KNOWLEDGE
6 OF THE LAW, SPECIALLY WHEN THEY GET BY SURPRISE, THAT
7 READY FOR THE FACTS, AND I, I THOUGHT I CAN DEAL WITH THIS
8 FOR MY LIFE, BUT OBVIOUS IT'S NOT GOING HAPPEN.

9 I CAN'T SEEK PROTECTION FROM HARASSMENT
10 BECAUSE THE POLICE TOLD ME GO GET THE RESTRAINING ORDER,
11 WHICH IS DENIED. IT'S ALWAYS GOING TO BE DENIED BECAUSE
12 PREFILING ORDER IS NOT GOING TO BE GRANTED BECAUSE I DON'T
13 HAVE ENOUGH EVIDENCE TO PROVE IT WHILE WITNESSES CANNOT GO
14 TO PRESIDING JUDGE AND TESTIFY.

15 SO WHEN THE PETITIONER AND RESPONDENT WAS
16 HARASSING ME, I COULDN'T EVEN SEEK PROTECTION. IT'S
17 UNJUSTLY DONE. AND I BELIEVE THAT THE MISTAKE ON THIS
18 COURT ORDER -- COURT ORDERS ARE NOT THE SAME. I HAVE NO,
19 ANY CASES FILED, OR NO MATTERS AGAINST PETITIONER
20 BASICALLY THIS TIME.

21 AND THAT IS NOT WHAT THE MEANING OF THE LAW
22 ITSELF WHICH WAS DEVISED TO PROTECT PEOPLE LIKE ME,
23 DEFENDANT, NOT TO PROSECUTE THEM. SO I GOT A LITTLE BIT
24 MORE KNOWLEDGE OF THE LAW. AND THAT'S WHY I PETITION WHEN
25 I FIND THEN THAT WHAT THE LAW IS SAYING THAT THE TIME
26 RUNNING OUT MOMENT YOU FIND THERE IS A MISTAKE. IT'S
27 BECAUSE IT'S LATE.

28 I UNDERSTAND IF I WAS A LAWYER I WILL

1 PROBABLY APPEAL THIS THING IN THE NEXT DAY, BUT I, I'M IN
2 PRO PER. AND I BELIEVE, IF WE FOLLOW WHAT I WAS SAYING
3 FOR SERVING OF -- PURSUING 391.8 CODE OF CIVIL PROCEDURE,
4 THEY SAY, IF THE END OF JUSTICE WOULD BE SERVED BY
5 VACATING THE ORDER, AND THAT WILL BE SERVING ME JUSTICE.

6 I DID NOT -- I WAS NEVER BEEN VEXATIOUS
7 LITIGANT. AND DEFINITELY I'M DEFENDANT IN THE CASE. I
8 WAS PROCLAIMED BASED -- ON THE BASIS ACCUSATION AND
9 WITHOUT, EVEN COURT IS SAYING I FILE ON THE REQUEST MOTION
10 OF PAPERS IN THE COURT HARASSING PETITIONER. THAT'S NOT
11 THE CASE.

12 BUT WE BOTH WERE FILING MOTIONS AND PAPERS
13 AS WAY THE DIVORCES, YOUR HONOR, YOU KNOW, DIVORCES DON'T
14 END ON A FINAL JUDGMENT. THERE ARE CHILDREN ISSUE, ASSET
15 ISSUE, HARASSMENT ISSUE, AND THEY'LL BE CONTINUE. AND
16 THIS CONTINUE MY CASE FOR 15 YEARS.

17 PETITIONER NEVER GIVE UP PROSECUTING ME AND
18 HE USED THIS LAW VERY NICELY ON HIS BENEFIT. SO BASICALLY
19 THAT DOES UNJUST WAS MADE FOR ME. PETITIONER GOT
20 PROTECTED AND DEFENDANT IS PROSECUTED.

21 THANK YOU, YOUR HONOR.

22 THE COURT: THE COURT HAS CONSIDERED THE ARGUMENTS
23 THAT YOU MADE IN YOUR APPLICATION AND ALSO THE ARGUMENT
24 THAT YOU'RE MAKING TODAY.

25 AFTER CONSIDERING ALL THE FACTS AND
26 CIRCUMSTANCES AND IN THE EXERCISE OF THE COURT'S
27 DISCRETION, THE APPLICATION IS DENIED.

28 AND THE VEXATIOUS LITIGANT FINDING OF

1 PREFILING ORDER REMAIN IN FULL FORCE AND EFFECT AND THE
2 COURT ADOPT ITS TENTATIVE AS THE RULING OF THE COURT.

3 THE CLERK WILL GIVE NOTICE.

4 THE CLERK: YES, YOUR HONOR.

5 THE RESPONDENT: OKAY. THANK YOU.

6

7 (THE PROCEEDINGS WERE CONCLUDED)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES
DEPARTMENT ST 42 HON. CHRISTINE BYRD, JUDGE

IN THE MATTER OF)
PAUL BARRETT HERRIOTT,)
PETITIONER,) CASE NUMBER:
AND) BD 415787
ALICJA Z. HERRIOTT,)
RESPONDENT.)

REPORTER'S CERTIFICATE

I, GERALDINE F. VIRAY, OFFICIAL COURT REPORTER FOR
THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR
THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE
FOREGOING PAGES 1-7, INCLUSIVE, COMPRIZE A FULL, TRUE AND
CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN IN THE
ABOVE-ENTITLED MATTER ON OCTOBER 14, 2021.

DATED THIS 13TH DAY OF NOVEMBER, 2021.

Geraldine F. Viray
GERALDINE F. VIRAY, CSR #7267
OFFICIAL COURT REPORTER