

**FILED**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

AUG 18 2023

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

CYRUS HAZARI,

Plaintiff-Appellant,

v.

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SANTA CLARA; et al.,

Defendants-Appellees.

No. 23-15221

D.C. No. 4:21-cv-04262-JSW  
Northern District of California,  
Oakland

ORDER

Before: SCHROEDER, BERZON, and OWENS, Circuit Judges.

Upon a review of the record and the response to the court's June 1, 2023 order, we conclude this appeal is frivolous. We therefore deny appellant's motions to proceed in forma pauperis (Docket Entry Nos. 3, 9, 15), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

No further filings will be entertained in this closed case.

**DISMISSED.**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

DEC 9 2022

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

CYRUS HAZARI,

Plaintiff-Appellant,

v.

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SANTA CLARA; et al.,

Defendants-Appellees.

No. 22-16174

D.C. No. 4:21-cv-04262-JSW  
Northern District of California,  
Oakland

ORDER

Before: TASHIMA, S.R. THOMAS, and CLIFTON, Circuit Judges.

A review of the record and the responses to the court's September 23, 2022 order to show cause demonstrates that this court lacks jurisdiction over this appeal because the district court's July 19, 2022, July 22, 2022, September 8, 2022, and October 3, 2022 orders challenged in the August 3, 2022 notice of appeal and October 4, 2022 amended notice of appeal are not final or appealable. *See* 28 U.S.C. § 1291; *United States v. Washington*, 573 F.2d 1121, 1122 (9th Cir. 1978) (order denying motion to disqualify judge not final or appealable).

Consequently, this appeal is dismissed for lack of jurisdiction.

All pending motions are denied as moot.

The Clerk will transmit appellant's amended notice of appeal (Docket Entry No. 12) to the district court to docket as a new notice of appeal of the district court's October 18, 2022 order and judgment, and November 1, 2022 order. *See* Fed. R. App. P. 4(d).

**DISMISSED.**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

NOV 30 2022

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

CYRUS HAZARI,

Plaintiff-Appellant,

v.

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SANTA CLARA; et al.,

Defendants-Appellees.

No. 22-16046

D.C. No. 4:21-cv-04262-JSW  
Northern District of California,  
Oakland

ORDER

Before: SILVERMAN, CALLAHAN, and COLLINS, Circuit Judges.

The motion to recall the mandate (Docket Entry No. 10) is denied because there are no “extraordinary circumstances” to support such relief. *See Calderon v. Thompson*, 523 U.S. 538, 550 (1998).

Because the mandate has issued, the court does not consider the remaining pending motions (Docket Entry Nos. 8, 9, 14, 15).

No further filings will be entertained in this closed appeal.

1 CYRUS HAZARI,

2 Plaintiff,

3 v.

4 SUPERIOR COURT OF SANTA CLARA  
5 COUNTY ET AL, et al.,

6 Defendants.

7 Case No. 21-cv-04262-JSW

8 **ORDER DENYING MOTIONS TO  
9 VACATE JUDGMENT**

10 Re: Dkt. Nos. 104, 106

11 On October 18, 2022, the Court granted a motion to dismiss filed by Defendant Mandy  
12 Brady and entered judgment in her favor, pursuant to Federal Rule of Civil Procedure 54(b). The  
13 Court dismissed the complaint as to other defendants and granted Plaintiff leave to amend.

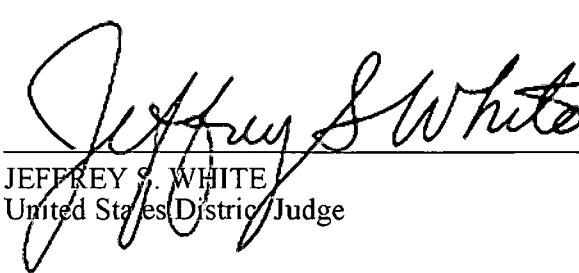
14 On October 27 and 31, 2022, Plaintiff moved to vacate the judgment. The Court has  
15 reviewed Plaintiff's motion and concludes no response is required. The Court finds no basis to  
16 revisit its decision not to recuse itself from this matter. In addition, the Court finds no basis to  
17 revisit the decision it rendered in connection with Plaintiff's claims against Ms. Brady.

18 Plaintiff argues that he has been deprived of all access to California state courts because of  
19 refusals to accommodate his alleged disability. The Court determined that he could not remove  
20 cases filed and concluded in state court and relitigate them in this forum. However, it granted him  
21 until April 17, 2023 to file an amended complaint based on direct violations of his rights under the  
22 Americans with Disabilities Act. That order and deadline remains in effect.

23 **IT IS SO ORDERED.**

24  
25 Dated: November 1, 2022

26  
27  
28 JEFFREY S. WHITE  
United States District Judge



1 CYRUS HAZARI,

2 Plaintiff,

3 v.

4 SUPERIOR COURT OF SANTA CLARA  
5 COUNTY ET AL, et al.,

6 Defendants.

7 Case No. 21-cv-04262-JSW

8 **ORDER GRANTING MOTION TO  
9 DISMISS**

10 Re: Dkt. No. 13

11 Now before the Court for consideration is the motion to dismiss filed by Defendant Mandy  
12 Brady (“Ms. Brady”). The Court has considered the parties’ papers, relevant legal authority, and  
13 the record in this case, and for the reasons set forth in this Order, it GRANTS Ms. Brady’s motion.  
14 The Court dismisses the claims against Ms. Brady with prejudice. However, because the Court  
15 cannot determine it would be futile to amend as to other Defendants, the Court will give Mr.  
16 Hazari an opportunity to amend on the terms set forth at the conclusion of this Order.

17 **BACKGROUND**

18 On June 3, 2021, Mr. Hazari filed his complaint in this case. In addition to naming Ms.  
19 Brady as a defendant, Mr. Hazari names the Superior Court of Santa Clara County (“Santa Clara  
20 Superior Court”), the Court of Appeal for the Sixth District, the California Supreme Court, the  
21 Judicial Council, and the State of California (collectively the “Judicial Defendants”). (See Dkt.  
22 Nos. 1 and 2, Compl., at 1-3.)<sup>1</sup>

23 Mr. Hazari stated that he was unable to fully document all of his claims and the facts  
24 supporting those facts because he suffers from multiple sclerosis and filed his complaint in an

25  
26  
27  
28 <sup>1</sup> Docket No. 2 is not a separate filing and actually contains the exhibits to Mr. Hazari’s  
complaint. (See Dkt. No. 33, Order at 1 n.1.)

1 effort to toll any statutes of limitations. Mr. Hazari asked for a stay of all proceedings, pursuant to  
2 the Americans with Disabilities Act. (*Id.* at 4-5, 11.)<sup>2</sup>

3 In his complaint, Mr. Hazari purports to remove a number of cases from state court and  
4 asserts that because of “systematic and deliberate” violations of the ADA by state court judges, he  
5 has no other recourse than to adjudicate these cases in this forum. According to Mr. Hazari, each  
6 of the cases were adjudicated and concluded before he could fully participate. In brief, Mr. Hazari  
7 alleges he has been excluded from the California courts because of the failure to accommodate his  
8 alleged disability. (*See generally id.* at 5-8, 9-10 & Exs. 1-5.)

9 One of the cases Mr. Hazari purported to remove is a property dispute between him and  
10 Ms. Brady. (*See, e.g.*, Compl., Ex. 2.) On February 23, 2021, the Superior Court struck Mr.  
11 Hazari’s complaint and cross-cross complaint in that case and entered judgment in Ms. Brady’s  
12 favor. (Dkt. No. 14, Request for Judicial Notice (“RJN”), Ex. A.) Mr. Hazari appealed that  
13 decision, but the Court of Appeal dismissed the appeal on procedural grounds on April 19, 2022.  
14 (Dkt. No. 101, Reply RJN, Exs. 11-12.)

15 The Court will address additional facts as necessary in the analysis.

## 16 ANALYSIS

### 17 A. Applicable Legal Standards.

18 A motion to dismiss is proper under Federal Rule of Civil Procedure 12(b)(6) where the  
19 pleadings fail to state a claim upon which relief can be granted. Because Mr. Hazari is proceeding  
20 *pro se*, the Court must construe his pleadings liberally. *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th  
21 Cir. 2010). However, the Court may not “supply essential elements of the claim that were not  
22 initially pled.” *Ivey v. Bd. of Regents of the Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982).  
23 Even under the liberal pleading standard of Rule 8(a)(2), a plaintiff must provide more than mere  
24

25 <sup>2</sup> The Court has granted stays in this case over Ms. Brady’s objection. On July 1, 2022, the  
26 Court lifted the stay and reset the briefing schedule on Ms. Brady’s motion. Mr. Hazari appealed  
27 that Order, but the Ninth Circuit dismissed his appeal for lack of jurisdiction. On October 7, 2022,  
28 Mr. Hazari filed a declaration of prejudice. The Court previously determined Mr. Hazari had not  
demonstrated that the Court should recuse itself from this matter, and it does not find any reason  
to revisit that decision.

1 labels, conclusions, and formulaic recitations of their claims' requisite elements. *Bell Atl. Corp. v.*  
2 *Twombly*, 550 U.S. 544, 555 (2007).

3 Pursuant to *Twombly*, a plaintiff must not merely allege conduct that is conceivable but  
4 must instead allege "enough facts to state a claim to relief that is plausible on its face." *Id.* at 570.  
5 "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to  
6 draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v.*  
7 *Iqbal*, 556 U.S. 662, 678 (2009) (citing *Twombly*, 550 U.S. at 556). In general, the Court's  
8 "inquiry is limited to the allegations in the complaint, which are accepted as true and construed in  
9 the light most favorable to the plaintiff." *Lazy Y Ranch LTD v. Behrens*, 546 F.3d 580, 588 (9th  
10 Cir. 2008).

11 The Court normally does not consider material outside the pleadings to resolve a motion to  
12 dismiss but it may consider matters that are properly subject to judicial notice. *See e.g., Khoja v.*  
13 *Orezigen Therapeutics, Inc.*, 899 F.3d 988, 1002-03 (9th Cir. 2018); *Lee v. City of Los Angeles*,  
14 250 F.3d 668, 688 (9th Cir. 2001). If the allegations are insufficient to state a claim, a court  
15 should grant leave to amend, unless amendment would be futile. *See, e.g., Reddy v. Litton Indus.*,  
16 *Inc.*, 912 F.2d 291, 296 (9th Cir. 1990); *Cook, Perkiss & Liehe, Inc. v. N. Cal. Collection Serv.*,  
17 *Inc.*, 911 F.2d 242, 246-47 (9th Cir. 1990).

18 **B. The Court Dismisses the Complaint, With Leave to Amend in Part.**

19 Mr. Hazari purports to remove cases that he filed in state court. 28 U.S.C. section 1441(a)  
20 allows a defendant, not a plaintiff, to remove a case. *See* 28 U.S.C. § 1441(a); *cf. Home Depot*  
21 *U.S.A. v. Jackson*, 139 S.Ct. 1743, 1747-50 (2019).<sup>3</sup> The normal procedure would be to remand  
22 improperly removed cases. But, the record in this case demonstrates that most, if not all, of those  
23 cases had been terminated at the trial court level before Mr. Hazari filed his complaint. (*See, e.g.*,  
24 Dkt. No. 21, *Brady RJN Re Objections to Improper Removal*, ¶¶ 1-6, Exs. A-F.) To the extent  
25 Mr. Hazari contends these cases must be removed so that this Court can relitigate them, the Court

26  
27 <sup>3</sup> Ms. Brady also argues that subject matter jurisdiction is lacking because Mr. Hazari fails to  
28 allege all parties are diverse. That is true. However, when the Court reviews the pleadings  
liberally Mr. Hazari appears to allege that other named defendants violated the ADA, which would  
provide the Court with federal question jurisdiction.

1 dismisses his complaint against all named Defendants.<sup>4</sup>

2 Ms. Brady argues the Complaint includes no facts that would support a claim against her.  
3 The Court agrees.<sup>5</sup> Mr. Hazari may disagree with the results of their state court litigation, but a  
4 review of those decisions is beyond the purview of this Court. Moreover, Mr. Hazari does not  
5 include any facts in his Complaint that would support a claim that Ms. Brady engaged in conduct  
6 that violated his rights under the ADA. Therefore, the Court GRANTS her motion to dismiss.  
7 Mr. Hazari does include argument about Ms. Brady's alleged conduct in his opposition brief,  
8 which the Court has considered to determine if he should be granted leave to amend. Having  
9 considered those arguments, which do not suggest conduct that could give rise to a federal claim,  
10 the Court concludes amendment to assert a claim against Ms. Brady would be futile.

11 Mr. Hazari asserts that the Judicial Defendants engaged in conduct that violated his rights  
12 under the ADA. While he cannot remove the cases to be re-litigated in this Court, and while he  
13 may have a difficult time overcoming potential statutes of limitation or issues of judicial  
14 immunity, at this time the Court cannot say amendment would be futile. Accordingly, the Court  
15 will grant Mr. Hazari leave to amend to plead claims that are based on direct violations of his  
16 rights under the ADA. If Mr. Hazari chooses to amend, he shall:

- 17 1. Include the date or dates on which the alleged violation or violations occurred.
- 18 2. Clearly specify the individual or entity that he claims violated his right by failing to  
19 accommodate his alleged disability.
- 20 3. Clearly identify the specific conduct that he claims did not reasonably accommodate  
21 his disability.

22 Mr. Hazari shall file an amended complaint and proposed summons by no later than April  
23 17, 2023, and he shall serve any defendant named in the amended complaint no later than 90 days  
24 thereafter.

25  
26 <sup>4</sup> On August 2, 2021, Mr. Hazari filed a declaration that attached notices of removal of the  
27 cases referenced in his complaint. Ms. Brady objected to that procedure on August 6, 2021. (See  
Dkt. Nos. 18, 20-21.)

28 <sup>5</sup> Because the Court dismisses on this basis, it does not address Ms. Brady's argument that  
Mr. Hazari's allegations are not sufficient to show the Court would have jurisdiction over her.

With respect to Ms. Brady, the Court concludes there is no just reason for delay and shall enter judgment pursuant to Federal Rule of Civil Procedure 54(b).

## IT IS SO ORDERED.

4 | Dated: October 18, 2022

JEFFREY S. WHITE  
United States District Judge

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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CYRUS HAZARI,

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Plaintiff,

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v.

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SUPERIOR COURT OF SANTA CLARA  
COUNTY ET AL, et al.,

11

Defendants.

Case No. 21-cv-04262-JSW

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Pursuant to the Court's Order dismissing claims against Mandy Brady with prejudice, the  
Court HEREBY ENTERS Judgment, pursuant to Federal Rule of Civil Procedure 54(b) in favor of  
Ms. Brady and against Plaintiff Cyrus Hazari.

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**IT IS SO ORDERED.**

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Dated: October 18, 2022

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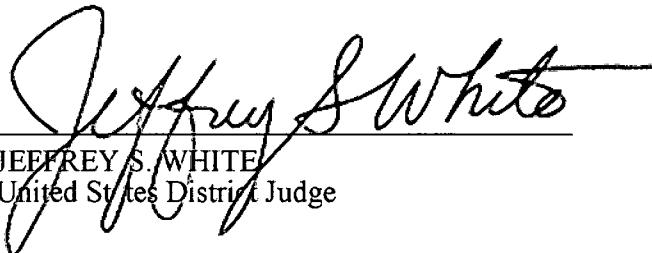
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JEFFREY S. WHITE  
United States District Judge

**FILED**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JUL 21 2022

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

CYRUS HAZARI,

Plaintiff-Appellant,

v.

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SANTA CLARA; et al.,

Defendants-Appellees.

No. 22-16046

D.C. No. 4:21-cv-04262-JSW  
Northern District of California,  
Oakland

ORDER

Before: SILVERMAN, CALLAHAN, and COLLINS, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the district court has not issued any orders that are final or appealable. *See* 28 U.S.C. § 1291. Consequently, this appeal is dismissed for lack of jurisdiction.

Appellant's motion to seal (Docket Entry No. 3) is granted. The Clerk will maintain Docket Entry No. 3 under seal.

The emergency motion to stay (Docket Entry No. 2) is denied as moot.

**DISMISSED.**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

SEP 17 2019

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

CYRUS HAZARI,

Plaintiff-Appellant,

v.

SUPERIOR COURT OF SANTA CLARA  
COUNTY; et al.,

Defendants-Appellees.

No. 19-16291

D.C. No. 5:19-cv-01986-LHK  
Northern District of California,  
San Jose

ORDER

Before: WARDLAW, NGUYEN, and HURWITZ, Circuit Judges.

Upon a review of the record and the response to the court's July 8, 2019 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 2), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

All other pending motions and requests are denied as moot.

**DISMISSED.**

## APPENDIX 2

Decisions of the California Supreme Court

(cannot find all of them due to cognitive impairments)

K  
SUPREME COURT  
**FILED**

JUL 21 2021

Jorge Navarrete Clerk

S268997

Deputy

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**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

---

CYRUS HAZARI, Petitioner,

v.

COURT OF APPEAL, SIXTH APPELLATE DISTRICT, Respondent;  
SUPERIOR COURT OF SANTA CLARA COUNTY, Real Party in Interest.

---

The petition for writ of mandate is denied.

  
**CANTIL-SAKAUYE**

*Chief Justice*



## Supreme Court of California

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

EARL WARREN BUILDING  
350 McALLISTER STREET  
SAN FRANCISCO, CA 94102  
415 865-7000

January 19, 2021

Cyrus Hazari  
15209 Blue Gum Court  
Saratoga, CA 95070

Re: S266471 - HAZARI v. S.C. (S.C.)

Dear Mr. Hazari:

Returned unfiled is your document received January 17, 2021. The order denying your application for relief from default in the above-referenced matter was final forthwith and may not be reconsidered. The court has directed return of such documents for the reason that the California Rules of Court do not authorize reconsideration of such applications. Please rest assured, however, that the application for relief from default, and the contentions made therein, were considered by the court, and that the denial expresses the decision of the court on this matter.

Very truly yours,

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

By: R. Ho, Deputy Clerk

cc: rec

SUPREME COURT  
FILED

DEC 9 2020

S265717

Jorge Navarrete Clerk

**IN THE SUPREME COURT OF CALIFORNIA** <sup>Deputy</sup>

**En Banc**

---

CYRUS HAZARI, Petitioner,

v.

COURT OF APPEAL, SIXTH APPELLATE DISTRICT, Respondent;  
SUPERIOR COURT OF SANTA CLARA COUNTY, Real Party in Interest.

---

The petition for writ of mandate and application for stay are denied.

CANTIL-SAKAUYE

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*Chief Justice*

SUPREME COURT  
FILED

OCT 14 2020

Court of Appeal, Sixth Appellate District - No. H047655

Jorge Navarrete Clerk

S263716

Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

---

CYRUS HAZARI, Plaintiff and Appellant,

v.

MANDY J. BRADY, Defendant and Respondent.

---

The petition for review is denied.

CANTIL-SAKAUYE

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*Chief Justice*

SUPREME COURT  
FILED

OCT 14 2020

Jorge Navarrete Clerk

S263714

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

CYRUS HAZARI, Petitioner,

v.

COURT OF APPEAL, SIXTH APPELLATE DISTRICT, Respondent;  
MANDY J. BRADY, Real Party in Interest.

The petition for writ of mandate is denied.

CANTIL-SAKAUYE

*Chief Justice*

SUPREME COURT  
**FILED**

OCT 14 2020

Jorge Navarrete Clerk

S263711

Deputy

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**IN THE SUPREME COURT OF CALIFORNIA**

En Banc

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CYRUS HAZARI, Petitioner,

v.

COURT OF APPEAL, SIXTH APPELLATE DISTRICT, Respondent;

MANDY J. BRADY, Real Party in Interest.

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The petition for writ of mandate is denied.

CANTIL-SAKAUYE

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*Chief Justice*

SUPREME COURT  
**FILED**

OCT 14 2020

Jorge Navarrete Clerk

S263610

Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

---

CYRUS HAZARI, Petitioner,

v.

COURT OF APPEAL, SIXTH APPELLATE DISTRICT, Respondent;

MANDY J. BRADY, Real Party in Interest.

---

The petition for writ of mandate is denied.

CANTIL-SAKAUYE

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*Chief Justice*



## Supreme Court of California

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

EARL WARREN BUILDING  
350 McALLISTER STREET  
SAN FRANCISCO, CA 94102  
4415, 863-7600

December 22, 2020

Cyrus Hazari  
15209 Blue Gum Court  
Saratoga, CA 95070

Re: Case Nos. H048471, H048512, H048283, H047840, H047655

Dear Mr. Hazari:

We are in receipt of your documents submitted via Truefiling on December 22, 2020. It is unclear what you wish to file.

If you wish to file a petition for review, you must submit your actual petition in compliance with California Rules of Court, rule 8.500. The Court of Appeal order that you wish to seek review of must be attached to your petition. (See CRC 8.504(b)(4)(5).) A *separate* petition for review is required for each of the court of appeal cases. They cannot be combined into one petition for review.

Per rule CRC, rule 1.100(a)(3) regarding ADA, the rule indicates *reasonable* accommodations, but the Supreme Court loses jurisdiction to consider petitions for review and applications for relief from default 60 days after the decision by the Court of Appeal.

Very truly yours,

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

/s/ R. Ho

By: R. Ho, Deputy Clerk

cc: Rec.

OFFICE OF THE CLERK  
CALIFORNIA COURT OF APPEAL  
SIXTH APPELLATE DISTRICT  
333 West Santa Clara Street, Suite 1060  
San Jose, CA 95113  
[www.courts.ca.gov/6dca](http://www.courts.ca.gov/6dca)  
Phone: (408) 277-1004

September 20, 2021

RE: CYRUS HAZARI,  
Petitioner,  
v.  
THE SUPERIOR COURT OF SANTA CLARA COUNTY,  
Respondent;  
MANDY BRADY,  
Real Party in Interest.  
H049414  
Santa Clara County Super. Ct. No. 16CV295730

Dear Petitioner:

This petition concerns events, rulings, or orders made in the course of an action you initiated. Because you have been declared a vexatious litigant in the California courts, you must seek leave from the presiding justice of this court to file this petition. (Code of Civ. Proc., § 391.7, subds. (a), (d).)

On September 15, 2021, you filed a petition without first obtaining an order from the presiding justice of this court granting you permission to do so, as required by California Code of Civil Procedure section 391.7, subdivision (c). You are advised that this petition is stayed and shall be automatically dismissed unless, on or before 10 days from the date of this notice, you apply for an order allowing you to file it. (Code Civ. Proc., § 391.7, subd. (c).)

Very truly yours,

D. Quindiagan  
Deputy Clerk

cc: Opposing counsel  
Superior Court



## Supreme Court of California

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

EARL WARREN BUILDING  
850 McALLISTER STREET  
SAN FRANCISCO, CA 94102  
415/865-7600

October 1, 2021

Cyrus Hazari  
15209 Blue Gum Court  
Saratoga, CA 95070

Re: H049414 / 16CV295730 - Documents

Dear Mr. Hazari:

We are in receipt of your documents entitled, "Declaration about the Continued Improprieties and Hate Crimes of the Appeal Court of 6<sup>th</sup> District and the Superior Court of Santa Clara County", submitted via Truefiling on September 30, 2021. It is unclear what you wish to file.

If you are wishing to file a Petition for Writ of Mandate, Pursuant to California Code of Civil Procedure section 391.7, a request for permission to file must be tendered to this court since you are subject to a prefiling order.

To properly process your petition, we will also need you to correct your cover page to indicate it is a petition for writ of mandate and you must complete, date, and sign the enclosed verification form. Your petition also needs to have electronic bookmarks per Supreme Court Rules Regarding Electronic Filing, Rule 10.

Please resubmit your corrected writ of mandate, prefiling application, the filing fee of \$710 or a properly completed FW-001 form with information that demonstrates that you are eligible for a fee waiver. A copy of the FW-001 form is enclosed for your convenience, so that we can file your petition for writ of mandate once it is received.

Very truly yours,

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

By: K. Castro, Deputy Clerk

Enclosures

cc: Rec.

## APPENDIX A

1

2

3

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

4

5

6

CYRUS HAZARI, Case No. 19-cv-04392-BLF

7

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Plaintiff,

9

v.

10

COUNTY OF SANTA CLARA, et al.,

11

Defendants.

12

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**ORDER GRANTING PLAINTIFF'S  
ADMINISTRATIVE MOTION FOR  
RELIEF BY ACCOMMODATION  
FOR DISABILITY AND EXTENDING  
STAY FOR 365 DAYS; GRANTING  
ADMINISTRATIVE MOTION TO  
SEAL**

[Re: ECF Nos. 71, 74]

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On February 25, 2024, Plaintiff Cyrus Hazari filed an eleventh Administrative Motion seeking a continuation of the stay of the above-captioned case in light of his health issues and requesting leave to file medical information under seal. ECF Nos. 71, 74. The Court directed Defendants to file a statement indicating whether they oppose the request to continue the stay by no later than Thursday, February 29, 2024. On February 28, 2024, Defendant County of Santa Clara filed a statement of non-opposition. ECF No. 73. The Court received no other statements. Good cause appearing, the Court GRANTS Plaintiff's Administrative Motion.

The above-captioned case remains STAYED 365 days from the date of this Order. All medical information accompanying Plaintiff's Administrative Motion is to remain under seal. The Court RESETS the Initial Case Management Conference from March 14, 2024, to March 13, 2025, at 11:00 a.m. The Court wishes good health for Mr. Hazari.

**IT IS SO ORDERED.**

Dated: March 1, 2024

  
BETH LABSON FREEMAN  
United States District Judge

## APPENDIX B



# The Multiple Sclerosis Stress Equation

Benjamin Solomon<sup>1\*</sup>, Peter Boruta<sup>2</sup>, Dagmar Horvath<sup>3</sup> and John MacKellar<sup>4</sup>

\*Correspondence: ben.t.solomon@outlook.com



<sup>1</sup>Business AIR Models Inc, 1010 Blair Ave, Sunnyvale, CA 94087, USA.

<sup>2</sup>Slovak Medical University, 831 01 Bratislava, Slovakia.

<sup>3</sup>Dagmar Horvath MD, 2550 Samaritan Dr, Suite A, San Jose, CA 95124.

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## Abstract

**Background:** Multiple Sclerosis (MS) is an auto immune disease, unpredictable in its symptoms, with uncertain prognosis. The most common phenotype is Relapsing-Remitting (RRMS). Despite remissions, relapses lead to CNS damage, and less CNS function recovery from recurrence of relapses, leading to increasing debilitation. There is no cure, and medicines are used for prevention of relapse, with intervention reserved generally for relief from serious inflammatory symptoms.

**Methods:** This statistical study examines a 7-year span of very detailed medical records of one RRMS patient. Seven clinically observable MS disease responses to distress are identified by mapping the magnitude of distress against duration of symptom sets. Natural divisions were identified in this mapping. Probability distributions, within these natural divisions, were formally constructed. Further investigation is warranted as to how these relate to physiologic, histologic, and biochemical processes involved in MS pathology.

**Results:** This study establishes that stressors exacerbate and expose the presence of the disease and that distress, is the missing consideration in many clinical studies as it is an intermediate outcome between stressors and symptoms. The statistical analysis documents 4 distress characteristics, and 7 Disease Response characteristics. Distress or its absence can predictably induce an MS relapse or remission, respectively. Mathematical and statistical models between distress and relapse are derived that characterize the RRMS disease response. These formulae facilitate managing other patients' symptoms. This study recommends several approaches to modeling symptom set data for the purpose of yielding better, more consistent models. For example, how to utilize the results of survival functions, and EDDS. A Stress-Disease Meta Model is proposed. That, Stressors cause Susceptible patients to exhibit a Stress Response (or distress) that leads to Effectors causing tissue Injury evidenced as Disease Responses. The Disease Processes determine how healing and/or deterioration is evidenced in the disease as Disease Responses. This facilitates the structuring and tracking of triggers, symptoms, other factors and/or comorbidities, to yield more usable data for statistical analysis. Finally, a multi-process disease-wellness approach is proposed that should open further avenues for research.

**Conclusion:** MS is considered an unpredictable disease because (1) MS symptom sets are triggered within 3 days of stress triggers, (2) The random arrival of stress triggers causes the appearance of random symptom sets, and (3) MS is also unpredictable as the underlying disease processes are dynamic processes that keep switching.

**Keywords:** Autoimmune, Demyelination, Relapsing-Remitting, Central Nervous System, Oligodendrocytes, Stress

solve problems. Therefore, when considering how to interpret observations, the simpler (not simple) explanation is preferred (William of Ockham [86]). By properly structuring the analysis and discussion using the Stress-Disease Meta Model, the problem, and the disease definition, have been deconstructed into simpler components, providing a mathematical model that can be applied to other patient data with success. The simpler explanation is that distress directly causes an MS relapse. How this distress translates into a psychoneuroimmunoendocrinological or other process is beyond the scope of this paper.

Mathematics had become so sophisticated that it could be used to prove anything (Morris Klein [87]). The body of mathematical theory pertaining to MS needs to provide insights and not just be theoretically robust. Robustness is a necessary but insufficient condition for a mathematical treatment of a problem. Of the five mathematical models [27-29,33,34] considered in this paper only the last [34] provided an insight into the disease. Thus, the intention of any analysis of an investigation, is not just to model the phenomenon but to model the phenomenon to determine insights. Agreed this is more difficult to do than it sounds. In our model, the key insight is that distress directly determines disease behavior predictably and according to a mathematical form.

The need for an alternative interpretation is ever present as science is by consensus and thus the need for empirical falsification or corroboration, as all knowledge is provisional, conjectural, hypothetical (Karl Popper [88]). We have approached MS from a statistical and mathematical direction incorporating new statistical methods. In statistical methods, testing for a probability distribution, for example. Frequently, many probability distributions will fit a data set and many statistical tests will provide excellent fits even if the tails do not fit correctly because there isn't sufficient data in the tails. The point is to find a distribution that "makes sense" and one should especially look at how the mode and the tails fit the data. This is best accomplished by testing for many different distributions (i.e., many different  $H_0$ ) and by viewing the results graphically, as many tests do not handle probability distribution tails well and the reason why one of the authors invented Wilcoxon Regression [31].

We have also focused on the data and not on existing theories. Looking at data and pathology from different perspectives can reveal and integrate findings in unexpected ways. This paper has provided a perspective of a direct mechanism of distress causing occurrence of nerve damage.

## Conclusion

The effect of psychological stress on immune system and disease and outcomes is well discussed in the literature, including public guidance. The research has increasingly established stress as a cause of MS onset and exacerbations, development of lesions on MRIs, and reduction of quality of life. Research has considered diverse sources of stress including life stressors, war, pregnancy, social conflict. Coping is an individual

ized factor, and illness perception is feedback that increases stress. Self-reported stress associated with exacerbations in multiple sclerosis are well discussed, indicating a correlation, but lacking sufficient detail to permit the strict statistical scrutiny performed in this paper. Researchers have proposed ways to improve the detail of data gathered on the pathology of MS, but the detail for deeply probative statistical analysis has been lacking. Many studies have resorted to reviews and meta-analysis to derive meaningful results for fueling research.

This paper has analyzed the very detailed medical records of one MS patient spanning 8 years and been able to establish a direct relationship between distress and MS relapse, and to derive an equation linking magnitude of distress to characteristics of an MS relapse, by using statistical and mathematical methods.

This paper provides an approach to analyzing complex diseases and the role of stress, by gathering or self-reporting detailed data and then isolating the underlying statistical responses. As a result, the meta-etiiology Stress-Disease Meta Model is proposed. It is suggested that future clinical studies focus on the frequency of stressors, and the magnitude of the distress rather than the magnitude of the broad spectrum of stressors. The empirical clinical observations and physiological-histological evidence presented by other researchers point to dynamic stability of the wellness-disease responses. It is possible to "trap" a patient with relapsing-remitting MS in a 'continuing relapse' that has the appearance of progressive MS by inducing distress at a frequency that makes for the appearance of no remission.

With reference to distress, it has been shown that MS is not an unpredictable disease. By identifying Stressors as the source of Disease Symptoms, prognosis can be better managed with statistical models. MS symptom sets, and thus remissions and relapses, which all provide evidence of a subclinical underlying disease can be affected through distress management. It is established that distress management reduces markers of disease activity and improves outcomes. The integration of previously independent fields of medicine appears to be paramount in considering the mechanisms of distress in MS that result in nerve damage. It is hoped that the research findings of this paper will inspire further research on symptom management, disease understanding and a cure.

## Competing interests

The authors declare that they have no competing interests.

## Authors' contributions

| Authors' contributions             | BS | PB | DH | JM |
|------------------------------------|----|----|----|----|
| Research concept and design        | -- | ✓  | ✓  | ✓  |
| Collection and/or assembly of data | -- | ✓  | ✓  | ✓  |
| Data analysis and interpretation   | ✓  | -- | -- | -- |
| Writing the article                | ✓  | -- | -- | -- |
| Critical revision of the article   | ✓  | ✓  | ✓  | ✓  |
| Final approval of article          | ✓  | ✓  | ✓  | ✓  |
| Statistical analysis               | ✓  | -- | -- | -- |

## **APPENDIX C**



## Supreme Court of California

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

EARL WARREN BUILDING  
550 MCALLISTER STREET  
SAN FRANCISCO, CA 94102  
415 465-7000

April 1, 2021

Cyrus Hazari  
15209 Blue Gum Court  
Saratoga, California 95070

Re: Matters of Mr. Hazari

Dear Mr. Hazari:

Your letter to Jorge Navarrete, dated March 23, 2021, has been referred to me for reply.

Per your request, this court requires the use of the Judicial Counsel form MC-410. Although you may be familiar with it, I included this form for your convenience as well as the pamphlet "Disability Accommodations in California Courts". Both can be found on the homepage for the Supreme Court of California.  
<https://www.courts.ca.gov/supremecourt.htm>

Regarding the concerns raised about your previous requests for accommodation, the court follows rule 1.100 of the California Rules of Court. Because the ADA request must be addressed before a petition can be filed, may I refer to the Supreme Court's docket in which you had eleven cases filed between 2019 up until today. Once a petition has been filed in this court, they are then being decided on the merits.

Very truly yours,

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

By: Simone Voltz, Supervising Deputy Clerk



## Supreme Court of California

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

EARL WARREN BUILDING  
330 MCALLISTER STREET  
SAN FRANCISCO, CA 94102  
(415) 865-7000

August 29, 2022

Cyrus Hazari  
15209 Blue Gum Court  
Saratoga, CA 95070

Re: Case Nos. H048283, H048827, H049025, H049580

Dear Mr. Hazari:

Your requests for ADA accommodation, dated August 25, 2022, has been referred to the office for a reply. In order to properly process your ADA request, you must submit your petition along with your request. A check of our system indicates that no petitions were ever submitted for the above-referenced Court of Appeal cases.

Per rule CRC, Rule 1.100(a)(3) regarding ADA, the rule indicates *reasonable* accommodations, but the Supreme Court of California loses jurisdiction to consider petitions for review and applications for relief from default 60 days after the decisions by the Court of Appeal

Very truly yours,

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

A handwritten signature of Jorge E. Navarrete.

By: T. Ma, Deputy Clerk

Enclosures  
cc: Rec.