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APPENDIX A

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

[Filed: April 24, 2024]

[Molly C. Dwyer, Clerk • U.S. Court of Appeals]

KENT	KNOX	No. 23-4328 D.C. No.
JOHNSON, Plaintiff -		2:23-cv-02843-DJC-CKD
Appellant,		Eastern District of
		California, Sacramento
v.		
EL DORADO COUNTY		ORDER
SUPERIOR COURT, et		
al.; Defendants -		
Appellees.		

Before: BENNETT, R. NELSON, and MILLER,
Circuit Judges.

The motion for an extension of time to file the opening brief (Docket Entry No. 4) is granted. The Clerk will file the opening brief and excerpts of record submitted at Docket Entry Nos. 11 and 12.

A review of the record and the opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard). Accordingly, the motion for summary disposition (Docket Entry No. 9) is granted.

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The motion for a pre-filing review order contained
in Docket Entry No. 9 is denied.

AFFIRMED.

APPENDIX B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

**KENT KNOX JUDGMENT IN A
JOHNSON, CIVIL CASE
v. CASE NO:
2:23-CV-02843-DJC-
CKD**

EL DORADO COUNTY
SUPERIOR COURT,
ET AL.,

Decision by the Court. This action came before the Court. The issues have been tried, heard or decided by the judge as follows:

IT IS ORDERED AND ADJUDGED

THAT JUDGMENT IS HEREBY ENTERED IN
ACCORDANCE WITH THE COURT'S ORDER
FILED ON 12/7/2023

Keith Holland
Clerk of Court

ENTERED: December 7, 2023

by: /s/ [G. Michel]
Deputy Clerk

APPENDIX C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
[Filed: December 7, 2023]

KENT JOHNSON, Plaintiff, v. EL DORADO COUNTY SUPERIOR COURT, et al., Defendants.	KNOX No. 2:23-cv-02843-DJC- CKD ORDER
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Presently before the Court is Plaintiff's Motion for Temporary Restraining Order (Pl's Mot. (ECF No. 2)) along with Plaintiff's Complaint (Complaint (ECF No. 1)). Plaintiff seeks a temporary restraining order seeking to "[s]tay the El Dorado County Superior Court proceeding, in case SC20180141" to prevent the El Dorado County Superior Court from holding Plaintiff in contempt and issuing a bench warrant for his arrest. (Pl's Mot. at 3.)

FACTUAL BACKGROUND

Plaintiff, Kent Johnson, is a party to an action filed in El Dorado County Superior Court that seeks to partition a piece of property located at 1017 Blue Lake Avenue, South Lake Tahoe, CA.¹ (Pl's Mot. at 5;

¹ The partition action is part of a larger series of disputes concerning different issues including the assets of a family trust

Complaint at 13.) Plaintiff, who operates his business KJ Microwave on a portion of that property, has unsuccessfully sought to prevent the partition of the property including by challenging the jurisdiction of the Superior Court over the partition action itself. (Pl's Mot. at 6–7; Complaint at 17–18.) The Superior Court granted partition by sale of the 1017 Blue Lake Avenue property and appointed a referee. (Complaint at 21; Pl's Mot. at 55.) The property was sold at auction. (Complaint at 21.) As a result of Plaintiff's alleged interference with the sale of 1017 Blue Lake Avenue including Plaintiff's refusal to provide the referee access to the property (Complaint at 41) and Plaintiff's "refus[al] to aid in the fraudulent transfer" of the property, the referee petitioned the El Dorado County Superior Court to hold Plaintiff in contempt. (Pl's Mot. at 6; Complaint at 21.) Contempt proceedings are scheduled to occur before the El Dorado County Superior Court on Friday, December 8, 2023, at which time Plaintiff alleges a bench warrant may be issued. (Pl's Mot. at 3.)

The complaint and present motion both seek injunctive relief in the form of an order staying the partition action in El Dorado County Superior Court. The complaint also seeks an order "[d]eclar[ing] the 'Trust Petition', 'Partition Complaint' and 'Determination of Issue' complaints void from fraud upon the Court and vacate all Judgments and Orders Deeming Ross, Kent and Curtis owners of '1017'" as

and ownership of the 1017 Blue Lake Avenue property. (Complaint at 12–13.) There are a number of state court actions connected with these disputes. Though the present action and motion for TRO are focused on the partition action and the related contempt proceedings, both the complaint and the motion make references and connections between multiple state court cases.

well as an order declaring a number of El Dorado County Superior Court cases “void” and vacating all judgments and orders in those cases. (Complaint at 158–59.)

ANALYSIS

Plaintiff requests that the Court enter a temporary restraining order enjoining a California Superior Court from conducting proceedings in an action before that Court. However, in addition to other defects apparent from the face of the Complaint, Plaintiff’s request and this entire action fall directly afoul of the Younger Abstention doctrine. It is also clear from the Complaint action is also barred under the *Rooker-Feldman* doctrine.

I. Younger Abstention Doctrine

Federal courts are generally required to abstain from interfering with ongoing state court proceedings. *Younger v. Harris*, 401 U.S. 37, 43–45 (1971). Abstention of the federal court is required under Younger when “(1) there is ‘an ongoing state judicial proceeding’; (2) the proceeding ‘implicate[s] important state interests’; (3) there is ‘an adequate opportunity in the state proceedings to raise constitutional challenges’; and (4) the requested relief ‘seek[s] to enjoin’ or has ‘the practical effect of enjoining’ the ongoing state judicial proceeding.” *Arevalo v. Hennessy*, 882 F.3d 763, 765 (9th Cir. 2018) (citations omitted).

Here, there are unquestionably ongoing state judicial proceedings, as the core of this action and Plaintiff’s motion is the partition proceedings occurring in El Dorado County Superior Court. Further, Plaintiff’s expressly requested relief, both in the present motion and in his Complaint, is to enjoin both those state court proceedings and other state

court proceedings, staying the partition action and vacating various orders and judgments. A state's contempt proceedings are a sufficiently important state interest to require abstention under *Younger* as "interference with the contempt process not only 'unduly interfere[s] with the legitimate activities of the Stat[e],' but also 'can readily be interpreted as reflecting negatively upon the state court's ability to enforce constitutional principles,'" *Juidice v. Vail*, 430 U.S. 327, 335–36 (1977) (citations omitted) (citing *Younger*, 401 U.S. at 44 and *Huffman v. Pursue, Ltd.*, 420 U.S. 592, 604 (1975); See *Marciano v. White*, 431 Fed. Appx. 611, 614 (9th Cir. 2011). Plaintiff also has an adequate state forum in which he can raise and pursue claims. See *Penzoil Co. v. Texaco, Inc.*, 481 U.S. 1, 15 (1987) ("a federal court should assume that state procedures will afford an adequate remedy, in the absence of unambiguous authority to the contrary.") Plaintiff's complaint raises a number of complaints against various California judges but the allegations against these judges do nothing to invalidate the broader availability of adequate remedies in state procedures, including those that address acts of bias or prejudice by judicial officers. Accordingly, each of the requirements for *Younger* Abstention are met and the abstention of the Court is thus required. *Arevalo*, 882 F.3d at 765.

"Where *Younger* abstention is appropriate, a district court cannot refuse to abstain, retain jurisdiction over the action, and render a decision on the merits after the state proceedings have ended. To the contrary, *Younger* abstention requires dismissal of the federal action." *Beltran v. State of Cal.*, 871 F.2d 777, 782 (9th Cir. 1988). Therefore, the Court will deny Plaintiff's Motion for Temporary Restraining Order and also dismiss this action as required where

the requirements are *Younger* met. See *Juror Number One v. California*, No. 2:12-cv-02199-JAM-GGH, 2012 WL 13040661, at *2 (E.D. Cal. Aug. 24, 2012) (finding that *Younger* Abstention applied while reviewing a Motion for Temporary Restraining Order and dismissing the action).

II. Rooker-Feldman Doctrine

The *Rooker-Feldman* doctrine bars the Court from hearing “cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.” *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005); see *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983). This rule bars both explicit and de facto appeals of state court judgments to the district court. *Cooper v. Ramos*, 704 F.3d 772, 777 (9th Cir. 2012). In determining whether an action functions as a de facto appeal, the court looks to what relief is sought by the Plaintiff. *Id.* at 777-78. There exists a de facto appeal under *Rooker-Feldman* “when the plaintiff in federal district court complains of a legal wrong allegedly committed by the state court, and seeks relief from the judgment of that court.” *Id.* at 778. If the court finds that the action is a de facto appeal of a state court decision, the court cannot hear that portion of the case as well as any issue “inextricably intertwined” with the issue decided by the state court. *Noel v. Hall*, 341 F.3d 1148, 1158 (9th Cir. 2003).

Here, the relief requested in the Complaint expressly includes that the Court declare five state court cases “void” and that the Court vacate “all

Judgments and Orders" in six state court cases. Additionally, the apparent purpose of this entire action is clearly to challenge what Plaintiff believes to be wrongs of the state court in its decisions and orders in the numerous cases in which Plaintiff is involved. These plain requests for review of the final determinations of the state court go directly to the core of what is barred by the *Rooker-Feldman* doctrine. See *Green-Jordan v. Taylor*, No. 5:22-00170-DMG-ADS, 2023 WL 4291849, at *3 (C.D. Cal. May 3, 2023) (finding that the *Rooker-Feldman* doctrine applied to bar claims which sought to challenge a state court's partition order); See also *Polk v. County of Contra Costa*, 2014 WL 3940206, at *7 (same).

All claims raised in Plaintiff's complaint are inextricably intertwined with multiple state court judgments. See *Noel*, 341 F.3d at 1158. Plaintiff's claims entirely revolve around the series of state court judicial proceedings in which he is involved and implicate the validity of the judgments of those proceedings. This is made even more clear by the fact that Plaintiff has named numerous judges who presided over these state court proceedings as defendants in this action. The *Rooker-Feldman* doctrine applies to situations such as this where the plaintiff brings suit against state court judges raising claims that constitute a challenge to the results of state court proceedings. *Marciano v. White*, 431 Fed. Appx. 611, 613 (9th Cir. 2011).

Given the above, the Court is barred from hearing this action under the *Rooker-Feldman* doctrine. See *Exxon Mobil Corp.*, 544 U.S. at 284. The Court dismissed this action as barred under *Rooker-Feldman* in addition to the abstention required by *Younger*, as detailed above.

////

CONCLUSION

In accordance with the above, IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Temporary Restraining Order (ECF No. 2) is DENIED;
2. This action is DISMISSED; and
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: December 7, 2023 /s/ [Daniel J. Calabretta]

Hon. Daniel J. Calabretta
UNITED STATES
DISTRICT JUDGE

APPENDIX D

UNITED STATES CIRCUIT COURT OF APPEAL
FOR THE NINTH CIRCUIT

JOHNSON, KENT K. Appellant. v. El Dorado County Superior Court, et al.	Respondent Court of Appeal No.: 23-4328 District Court. No.: 2:23-cv-2843 DJC CKD (PS)
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Appeal from Dismissal by the United States Ninth
District Court, Eastern District of California

MOTION FOR RECONSIDERATION

Kent K. Johnson, pro se
PO Box 17691
South Lake Tahoe, CA 96151
Ph. Cellular (530) 318-5459

Appellant
Self-Represented

TO THE HONORABLE PRESIDING JUSTICE, AND THE HONORABLE ASSOCIATE JUSTICES OF THE UNITED STATES COURT OF APPEAL, FOR THE NINTH CIRCUIT:

The *pro se* Appellant, Kent K. Johnson, hereby moves The United States Ninth Circuit Court of Appeal to reconsider its April 24, 2024 Summary Order affirming the District Court's order to dismiss and remanding this case back to the District Court for trial.

Dated: May 4, 2024

Respectfully submitted,
/s/ [Kent K. Johnson]
Kent K. Johnson *pro se*

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**MEMORANDUM OF POINTS AND
AUTHORITIES**

Introduction.

On April 24, 2024 the Circuit Court of Appeal, in a summary decision, errantly Ordered summary affirmation of the Ninth District Court's erroneous dismissal of the Appellant's RICO Complaint.

This errant summary affirmation continues a life altering, manifest, ongoing, injustice to the Appellant, that is tarnishing the reputation of the United States Judicial system.

The Appellant with multiple college degrees (BSEL, MBA and MSEE) attained progressively increasing roles in industry, diligently growing his career. The Appellant has architected a variety of products that perform essential roles for national defense security and critical infrastructure telecommunications. Some of the Appellant's designs have attained significant sales (> \$1B), substantial market share, and are widely used globally.

The Appellant's first patent (#5,414,741) raised two (2) theoretical possibilities that promise to revolutionize communications and advance quantum physics, eventually spawning the Appellant's business.

The Appellant, after a decade of successful business operations, rebranded his operation as KJ Microwave and invested over two (2) years of largely self-funded product definition and design, to qualify for several Federal Government programs, as a sole source manufacturer of the DTR1722. (See, Exhibit #1 – 'DTR-1722', Exhibit #2 – 'Potential Damages')

The DTR-1722 was an expensive high-end, microwave frequency down-converter, with record

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breaking performance across the so called 'Money Specifications' that drive costs (bandwidth, phase noise, dynamic range, etc.). (See, Exhibit #3 – 'DTR-1722A PO'.) The product was designed to meet the datalink needs for the next generation of space-based intelligence gathering.

The subsequent litigation fraud resulted in order cancellations and destruction of KJ Microwave by the Superior Court, and State agencies fraught with corruption, that disregarded their duty to protect the Appellant. (See, Exhibit #4 – 'Notice of Cancellation'.) The State Courts knowingly enabled the Agents of ALLING & JILLSON, LTD to engage in courtroom racketeering and extortion, which cannot be ignored by the Appellant.

Any loyal citizen who has provided decades of support to the Nation's military and communications needs, that knows the potential risks of State corruption to national security, must seek justice.

When State Court corruption harms Federal Government programs, the citizen has a duty to seek justice, else the supremacy of the Federal Government is at risk and the Country's unity of purpose will be eroded from local self-serving corruption.

The malicious Unconstitutional attack by the Appellees (RICO Defendants), enabled by the misconduct of Superior Court and Court of Appeal Judges permitting racketeering and extortion in the courtroom, have had life altering effects on the Appellant and his family.

The DTR-1722A order cancellation and subsequent destruction of KJ Microwave abruptly ended the Appellant's, business, career and livelihood six (6) years early.

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However, of much greater concern, is the local judicial misconduct denying access to proven, qualified, sole source technology, designed for military supremacy of a United States government program of the "highest national defense urgency".

The Superior Court, acting without all jurisdiction, declared the Appellant, an inexperienced *pro se* Defendant, vexatious requiring a prefiling order, to silence the Appellant's pleas on the record, to stop the harm.

The unjust vexatious declaration, denies full and fair access to the State Courts, precluding an assured legal means of dispute resolution. Denied the right to be heard in the jurisdiction by a Superior Court acting without authority, the Appellant tried for years, to futility, to seek justice. The denial of the right to be heard and local Court corruption, makes contractual transactions or licensing of the Appellant's technology in the jurisdiction unwise, precluding the sale or licensing of intellectual property developed over decades of research by the Appellant.

It is far beyond the bounds of decency for the California Judges to enable and conspire with racketeering against the Appellant.

The summary Order to affirm, furthers the continued deprivation of rights and clearly deserves reconsideration. The Appellant has a Constitutional right to be heard for his RICO Complaint and a duty to his Country to raise the undisputed evidence of corruption. To that end the Appellant seeks remand to the District Court, for a trial on the merits.

Legal Argument.

THE FEDERAL RULES ALLOW FOR RECONSIDERATION.

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Under F.R.C.P., Rule 60, "The Court may correct [...] mistakes arising from oversight [...] in a [...] order [...]."

Applicable grounds for relief from the summary affirmation under F.R.C.P., Rule 60(b) include: (1) mistake, inadvertence; (3) fraud, misrepresentation or misconduct by an opposing party; (4) the judgment is void; and, (6) any other reason that justifies relief.

THE COURT'S ERROR ARISES FROM MISCONSTRUING 'INSUBSTANTIAL'.

The reason cited for, April 24, 2024 summary affirmation, by the United States Court of Appeals, for the Ninth Circuit is:

A review of the record and the opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. See United States v. Hooton, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard). (See, Order Filed on April 24, 2024.)

The Ninth Circuit compulsory holding of *United States v. Hooton*, confines the use of the summary affirmation order:

"it is manifest that the questions on which the decision of the cause depends are so unsubstantial as not to need further argument." S.Ct.R. 16(1)(c); see Page v. United States, 356 F.2d at 339. [...] Motions to affirm should be confined to appeals obviously controlled by precedent and

cases in which the insubstantiality is manifest from the face of appellant's brief. (See, United States v. Hooton, 693 F.2d 858 (9th Cir. 1982).)

The Circuit Court erred in the use of the summary affirmation failing to consider *Page v. United States*, which defines what can be considered insubstantial:

*In our opinion, **harmless errors are so insubstantial as not to need further argument.** (See *Page v. United States*, 356 F.2d at 339.)*

The errors of the Ninth District Court dismissing this case under the Younger Abstention Doctrine or the Rooker-Feldman Doctrine are not harmless errors and need further argument.

Younger Abstention Doctrine Error.

The Appellant argues the many claims of material fraud and harassment, enabled by judicial misconduct, sufficient to lose jurisdiction, cannot be construed as insubstantial, frivolous or harmless errors.

The loss of all jurisdiction and judicial immunity from judicial or opposing counsel misconduct, as described in the Appellant Opening Brief (AOB), precludes an authorized State proceeding, and is a violation of the Appellant's Constitutional Rights to equal protection under the Law and due process. Such **material fraud and misconduct** prohibit the use of summary affirmation and call for reconsideration under F.R.C.P., 60(b)(3).

Consider for a moment that **any one** of the AOB *Younger* abstention arguments hinging on fraud that

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precludes personal or subject matter jurisdiction, made by the Appellant, is correct. The outcome of the Appeal of the Ninth District Court's dismissal would be drastically affected by remand for trial. A reversal from lack of jurisdiction is not a "harmless error" as defined in *Page v. United States* or *United States v. Hooton*.

Material errors that change the outcome of the case and give rise to claims of damages from the Superior Court in the millions of dollars, are not insubstantial, and should have precluded summary affirmation.

Rooker-Feldman Doctrine Error.

The same is true for the *Rooker-Feldman* Doctrine with recognized exceptions for fraud.

Under the *Kougasian v. TMSL, Inc.*, 359 F.3d 1140 (9th Cir. 2004) and *Noel v. Hall*, 341 F.3d 1164 holdings, ALLING & JILLSON, LTD LLC member agents fraudulently claimed to have appeared for the LLC, though not permitted in California by statute CORP§17701.04(e). (See, *Exhibit #5 – 'Nevada LLC'*.) ALLING & JILLSON, LTD also illegally maintained an action without SOS registration under CORP§17708.07(a), violating BPC§6126's statutory unauthorized practice of Law, a wobbler. (See, *Exhibit #6 – 'No Record'*.) Both actions are sufficient to set aside a void judgment under the well settled holding of *Barrow v. Hunton*, 99 U.S. (9 Otto) 83, 25 L.Ed. 407 (1878):

[...] if the proceedings are tantamount to a bill in equity to set aside a decree for fraud in the obtaining thereof, then they constitute an original and independent

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*proceeding, and according to the
doctrine laid down in Gaines v.
Fuentes, 92 U. S. 10 [...].*

Setting aside a void judgment, again is a drastic change in outcome, and does not fit the definition of a harmless or an inconsequential error, held by *Page v. United States*, it is a new independent proceeding.

The *Page v. United States* holding prohibits the Circuit Court of Appeal's summary affirmation of material errors, that needlessly caused years of litigation without jurisdictional authority. The Circuit Court should reconsider and reverse its error, so the Appellant can be heard on the merits.

DISTRICT COURT LACKS JURISDICTION FOR A VALID JUDGMENT TO BE AFFIRMED.

The Circuit Court will recall, the Appellant filed a Motion for Miscellaneous Relief, which was opened as a Writ of Mandamus Petition. (*See Docket item #3 or Ninth Circuit Court of Appeal case 24-438.*)

This Mandamus Petition raised the issue of a defective summons issued by the Ninth District Court in the originating case (*See, 2:23-cv-02843-DJC-CKD*). The Appellant's Petition sought to correct the summons and serve process, so procedural due process notification of all the Parties could be made, for a valid proceeding. The District Court's dismissal, a final Judgment, was made without jurisdictional authority, lacking due process from a defective summons which omitted a Party. However, the defective summons was still correctable under F.R.C.P., Rule 4(a)(2).

The Mandamus Petition was denied by the Circuit Court, precluding timely correction of the summons

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and service of process under F.R.C.P., Rule 4m, leaving the District Court's judgment void.

Without a timely corrected summons providing procedural due process to the District and Circuit Court, by what authority was the Motion to Dismiss, filed by L. Mark Bissonnette, heard? What about the procedural due process notification rights of the other unserved Defendants, whom also had a Constitutional right to respond and be heard?

The District Court can dismiss on its own accord and that dismissal can be appealed. However, lacking procedural due process, which was not timely corrected from a defective summons with service of process by the Appellant, L. Mark Bissonnette's subsequent Motion to Dismiss should have been rejected, as the District Court's Judgment was void, because service of process under F.R.C.P., Rule 4m was deficient. "A judgment rendered in violation of due process is void [...]. *Pennoyer v. Neff*, 95 U.S. 714, 732-733 (1878)."

Under F.R.C.P., Rule 60(b)(4), affirmation of a void judgment by hearing a motion to dismiss that obviously lacks procedural due process, is a clear error by the Circuit Court, which should be reconsidered.

Under F.R.C.P., Rule 4m the Circuit Court can, "extend the time for service for an appropriate period." Consequently, an order theoretically could be made to extend time, correct the summons and correct service of process. However, no such order has been made and the Appellant's Writ of Mandamus was denied. The Circuit Court on its own initiative would have to extend time and provide service of process to the twenty-three (23) Defendants, rehearing the motion for summary dismissal. Constitutional due process is incomplete and the Circuit Court lacks

jurisdiction to hear the Defendant, Mr. Bissonnette's, Motion to Dismiss, necessitating reconsideration of the Order.

MANY OTHER REASONS FOR RELIEF FROM SUMMARY AFFIRMATION EXIST.

Judge Michael J. McLaughlin's finding for the Superior Court speaks volumes of the nature of the issue created, which the Appellant seeks relief from:

"I do agree with you [Kent, (Appellant)] that Alling and Jillson Limited is a Nevada LLC, and a law firm in California cannot operate as an LLC. So Alling and Jillson Limited is most likely improperly transacting business in the state of California when they're representing clients here." (AOB 58)

The Judge was fully aware that the member agents of ALLING & JILLSON, LTD were improperly transacting business appearing in California, and disregarded the very serious nature of those actions.

ALLING & JILLSON, LTD's² agents were obviously committing Federal Felony Interstate Racketeering to evade California state tax, and were uninsured for their criminal acts. The Superior Court, initially by the negligence of simply failing to demand proof of California SOS registration of the non-person LLC entity, failed to reach a factually sufficient legal conclusion of jurisdiction. Had the Superior Court

² Ronald D. Alling prior to founding ALLING & JILLSON, LTD was general counsel for a casino, an enterprise often associated with mob racketeering.

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obtained the SOS registration status, it would have discovered the fraud being perpetrated by the Agents of ALLING & JILLSON, LTD maintaining a California action.

This negligence turned into an evolving conspiracy as the damages to KJ Microwave and the Federal Government's DX-A2 rated missile program (likely a very expensive spy satellite program) rapidly accrued.

To this day, the 'Partition Complaint' continues to harm the Appellant, as the Laws of the State of California and the United States' Constitutional right to equal protection and due process are prejudicially disregarded for the Appellant, in the hope of avoiding the many, many injustices committed by the State Government against the Appellant.

The extent of the harm to the Federal Government is not clearly known, but likely significant, as a highly efficient small business with many decades of experience had constructed a sole source product over two (2) years, that had to be reengineered on short notice by one of the largest United States Prime Contractors. The consequences likely included substantial cost overruns and operational performance degradation.

F.R.C.P., Rule 60(b)(5) permits reconsideration for, "any other reason that justifies relief."

The Appellant's District Court Complaint contains an astounding one hundred and three (103) claims, with more accruing as the Superior Court continues to act without authority, recently forcing the Appellant to dismantle the evidence of what remained of KJ Microwave.

The Appellant's claims of fraud and misconduct by the California Courts are too numerous to be

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included in the space limitations of this Motion for Reconsideration, however, each claim of the Complaint is incorporated by reference, as most fit under F.R.C.P., Rule 60(b).

CONCLUSION

For the foregoing reasons, the Appellant requests that the Circuit Court grant this MOTION FOR RECONSIDERATION, correcting the errors of the Circuit Court and remanding for trial.

Dated: May 4, 2024

Respectfully submitted,

/s/ [Kent K. Johnson]

Kent K. Johnson *pro se*

CERTIFICATE OF COMPLIANCE

I hereby certify that this Motion contains 2356 words.

In making this certification, I have relied on the word count of the computer program used to prepare the Motion.

Dated: May 4, 2024

Respectfully submitted,

/s/ [Kent K. Johnson]

Kent K. Johnson *pro se*

///

EXHIBITS

[The Photo Exhibits have been left in 'photocopy' form. Full size copies are available on request.]

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DTR-1722

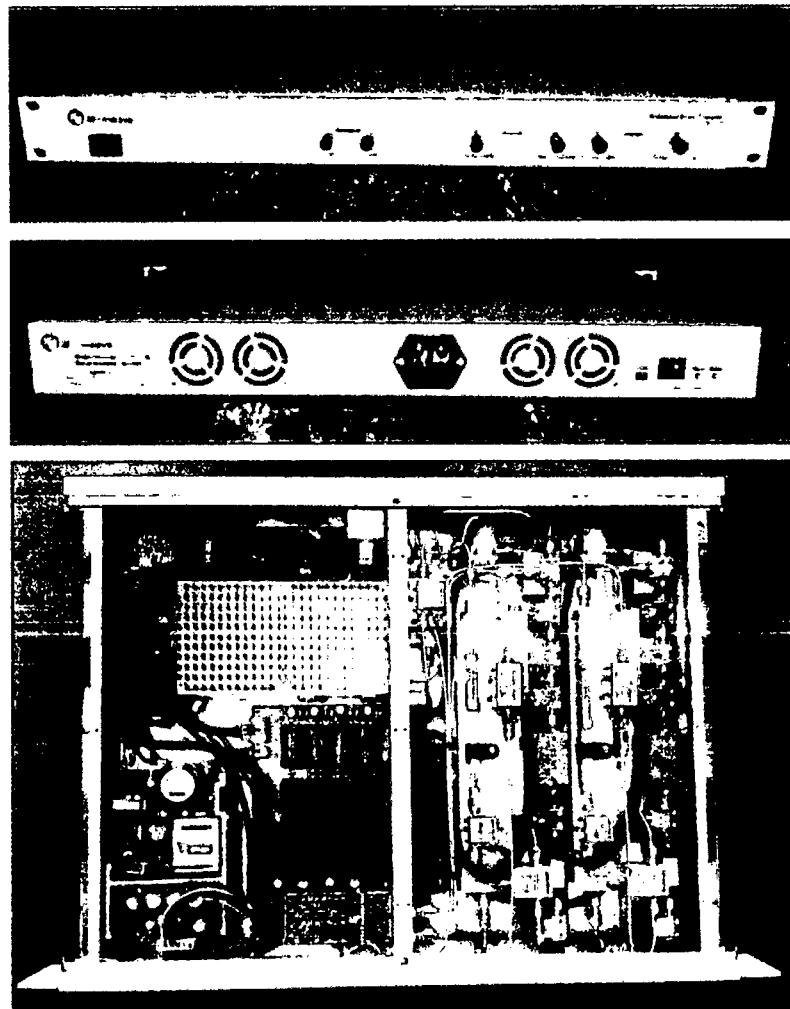


Exhibit #1 – 'DTR-1722' 1

Exhibit #1 – 'DTR-1722' 1

From: [Redacted] LH
Subject: Potential Business with [redacted]
Date: April 19, 2019 at 12:12 PM
To: Kent Johnson kent@kjmicrowave.com
Cc: robyn Johnson robyn@kjmicrowave.com, Felicia Johnson felicia@kjmicrowave.com, Evan Johnson evan@kjmicrowave.com

Kent and Family,

Prior to your upcoming “Easter Family Pow-Wow” on “What do we do from here?”, I thought I would pass on the following to you from a [redacted] KJ Microwave business potential standpoint:

1. The total value of “Program [redacted]” at [Redacted] is estimated to be 20 ground stations with 2 down converter channels and 1 up converter channel each for 60 frequency converter channels total.
2. At roughly \$65k/channel, this is \$3.9M in business to [redacted] with the bulk of that going to KJ Microwave.
3. The next order we anticipate from [redacted] is for 6 dual channel down converters, about \$780k. An order for 2-8 single channel up converters is expected shortly after that.
4. [redacted] also has another program of similar magnitude that they hope to win and use a similar architecture for (i.e. another \$3.9M dollars).
5. We have been turning down additional program proposals due to the limited capacity of KJ Microwave to execute against them.

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While we wish you the best possible outcome on the family estate/trust issue, we absolutely have to be able to focus and execute on the above business opportunities.

Please let us know on Tuesday what combination of [redacted] and KJ Microwave resources it will take to do this. Failure on these programs is simply not an option for us at [redacted].

Best Regards,
[redacted]

Exhibit #2 – ‘Potential Damages’ 1

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PURCHASE ORDER STANDARD		
Purchase Order Number	Revision	Page
[redacted]456	0	1/3
The Purchase Order Number Must Appear on All Invoices, Packing Lists, Cartons, And Correspondence Related To This Order.		
Ship To Ship to Address in Shipment Lines Below		
Bill To [redacted]		

Supplier

KJ MICROWAVE
1079 BLUE LAKE AVENUE
SOUTH LAKE TAHOE, CA 96150
United States

All prices and amounts on this order are expressed in USD
Supplier Number 149142
Order Date Revised Date 10-Jan-2019
Buyer/Telephone [redacted]
Payment Terms NET 45
Ship Via FDEG

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Buyer Email [redacted]
Freight Terms COLLECT
Supplier Contact/Telephone/email/Fax JOHNSON, R / (1) 5303185460 / kent@kjmicrowave.com 1 5305443551
Buyer Fax
Incoterms FCA, INCOTERMS – NA Corporate Purchase Agreement:
Notes To Supplier FedEx Groud A/C#[redacted]

Item 1
Part Number / Description
Need-By Date/ Dock Date 24-Jan-2019
Quantity 2
Unit Each
Unit Price 91,430.00
Extension 182,860.00
Qty 2 DTR-1722A 17.425 to 21.525 GHz Dual Channel Down-Converter per quote 10033

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NOTES Refer exemption certificate & taxability of PO before sending invoices. In case you do not have certificate reach out to [redacted] – "

Requestor Deliver to"=mentioned below in the PO

1 Ship To Each

Notes

[redacted]

Requestor Deliver to [redacted]

Email [redacted]

Telephone [redacted]

2

[Some lesser items have been omitted for brevity]

Total	USD 222,579
-------	-------------

This Purchase Order is subject to [redacted] Terms and Conditions.

This Purchase Order was created electronically and is valid without personal signature.

Exhibit #3 – 'DTR-1722A PO' 1-3

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Kent Johnson
KJ Microwave

Dear Kent,

This is a Letter of Cancelation to formally notify KJ Microwave of [redacted] request to cancel the following purchase order:

[redacted] Name	KJ Microwave
[redacted] Sales Order #	[redacted] 170
[redacted] End Customer	[redacted]
Project Manager	[redacted]
PO Date	1/9/2019
[redacted] PO #	[redacted] 456
Amount	\$222,579.00
KJ Microwave Invoice #	404
Invoiced Amount	\$111,290.00
Invoiced Date	1/10/2019

[redacted] to pay a reasonable price for the two sets of purchased parts for the associated [redacted] down converter project.

Please inventory these purchased parts and inform [redacted] what the total value is so that we can close out this purchase order at that amount.

Sincerely,
[redacted]

Exhibit #4 – ‘Notice of Cancellation’ 1

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[This Exhibit is transcribed on pages App.45–46.]

Exhibit #5 – ‘Nevada LLC’ 1

[This Exhibit is transcribed on pages App.43–44.]

Exhibit #6 – ‘No Record’ 1

APPENDIX E

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

[Filed: August 14, 2024]

[Molly C. Dwyer, Clerk • U.S. Court of Appeals]

KENT	KNOX	No. 23-4328
JOHNSON, Plaintiff -		D.C. No.
Appellant,		2:23-cv-02843-DJC-CKD
v.		Eastern District of
EL DORADO COUNTY		California, Sacramento
SUPERIOR COURT, et		
al.; Defendants -		
Appellees.		ORDER

Before: BENNETT, R. NELSON, and MILLER,
Circuit Judges.

Appellant's motion for reconsideration (Docket Entry No. 15) is denied. *See* 9th Cir. R. 27-10.

No further filings will be entertained in this closed case.

APPENDIX F

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

[Filed: August 22, 2024]

[Molly C. Dwyer, Clerk • U.S. Court of Appeals]

KENT	KNOX	No. 23-4328
JOHNSON, Plaintiff -		D.C. No.
Appellant,		2:23-cv-02843-DJC-CKD
v.		Eastern District of
EL DORADO COUNTY		California, Sacramento
SUPERIOR COURT, et		
al.; Defendants -		MANDATE
Appellees.		

The judgment of this Court, entered April 24, 2024, takes effect this date.

This Constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

APPENDIX G

[See, *Complaint, Exhibit #4 –
Partition Complaint*']

[Filed]

[AUG 01, 2018]

[EL DORADO CO. SUPERIOR COURT]
[BY W. WARDEN]

Ronald D. Ailing, Esq. #47387
Scott W. Souers, Esq. #271325
ALLING & JILLSON, LTD.
276 Kingsbury Grade, Suite 2000
Post Office Box 3390
Lake Tahoe NV 89449-3390
Ph. (775) 588-6676 ♦ Fx. (775) 588-4970
ralling@ajattorneys.com
ssouers@ajattorneys.com

Attorneys for the Plaintiffs

SUPERIOR COURT FOR THE STATE OF
CALIFORNIA
COUNTY OF EL DORADO

CURTIS JOHNSON, and VERIFIED
ROSS JOHNSON, COMPLAINT FOR
Plaintiffs, PARTITION OF REAL
PROPERTY

KENT JOHNSON, and Date:
DOES 1-20, inclusive,
Defendants. Time:
_____/Dept:

COME NOW Plaintiffs Curtis Johnson, and Ross Johnson, (hereinafter collectively, "Plaintiffs"), by and through their counsel, Alling & Jillson, Ltd., and file their Complaint for Partition of Real Property as follows:

FIRST CLAIM FOR RELIEF
PARTITION OF REAL PROPERTY

1. The Plaintiffs and Defendant are the owners of the real property which is commonly known as 1017 Blue Lake Avenue, A.P.N. 031-103-02-1, located in El Dorado County, South Lake Tahoe, California 96150, (hereinafter the "Property") more particularly described on **Exhibit 1**.
2. A Decree of Preliminary Distribution was ordered on July 18, 1958 by the Court and recorded at the El Dorado County Recorder's Office on July 18, 1958 (hereinafter the "Decree"), distributing Lot 2 in Block 5 of Johnson Acres Subdivision No. 2 to William Van Dyke Johnson, for his life, with the remainder to his issue. A copy of the Decree is attached hereto as **Exhibit 2** and incorporated herein by reference.
3. On December 19, 2016, upon the death of William Van Dyke Johnson, and the termination of his life estate in the Property, the parties hereto each acquired a 33.33 % interest as tenants in common in the Property, which consists of a 1,507 square foot main residence and a 506 square foot workshop. A copy of the Certificate of Death is attached hereto as **Exhibit 3** and incorporated herein by reference.
4. Pursuant to the appraisal dated July 14, 2017, The Johnson Valuation Group ascribed an appraised

value of four hundred and seventy-five thousand dollars (\$475,000.00) for the Property as of December 19, 2016. A true and accurate copy of the appraisal summary letter is incorporated herein by reference as **Exhibit 4** attached hereto.

5. Plaintiffs, through their respective ownership as tenants in common, own the following interests in the Property:

A) Curtis Johnson, a married man, as his sole and separate property: 33.33%

B) Ross Johnson, a married man, as his sole and separate property: 33.33%

6. Defendant, through his respective ownership interest in the Property as a tenant in common, owns 33.33% in the Property.

7. Defendant has exclusively occupied the Property, precluding Plaintiffs from the use and enjoyment of the same.

8. Plaintiffs are informed and believe there are no liens or encumbrances appearing of record on the Property that will be affected by this action.

9. Plaintiffs have no knowledge of any other parties who claim an interest in the Property or who will be materially affected by the action, other than Plaintiffs and Defendant.

10. Plaintiffs have not procured a Preliminary Title Report at this time.

11. The estate on which partition is sought is the fee title to the Property described in this Complaint.

12. Plaintiffs request that the Property described in this Complaint be partitioned by sale.

13. Plaintiffs are informed and believe and thereon allege that a partition by sale of the Property, rather than physical division, would be more

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equitable to the parties by virtue of the impracticability of physical division.¹ The Property cannot be divided equally without the value of each party's interest therein being substantially diminished.

WHEREFORE, Plaintiffs pray for the following relief:

1. For this Court to order partition of the Property by sale and set aside the proceeds to be divided among the parties based on their respective ownership interests in the Property.
2. For reasonable expenses necessarily incurred by the Plaintiffs for the common benefit of the parties hereto for the protection and repair of the Property;
3. For any costs incurred by Plaintiffs in obtaining a title report for the Property;
4. For costs of suit;
5. For reasonable attorney's fees incurred by Plaintiffs in the prosecution of this action; and
6. For such further relief as this Court may deem just and equitable.

Dated: August 1, 2018 Respectfully Submitted,
ALLING & JILLSON,
LTD.

By: /s/ [Ronald D. Alling]
RONALD D. ALLING,
ESQ. #47387
SCOTT W. SOUERS,
#271325
Attorneys for the Plaintiffs

¹The respective codes of the Tahoe Regional Planning Agency, El Dorado County, and City of South Lake Tahoe preclude further subdivision of the Property.

VERIFICATION

I, Curtis Johnson, declare:

I am a Plaintiff in the above-entitled matter. I have read the foregoing Complaint for Partition of Real Property and know its contents; and the same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters I believe them to be true.

Executed on July 26, 2018, at KING County, Washington.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

/s/ [Curtis Johnson]

CURTIS JOHNSON

VERIFICATION

I, Ross Johnson, declare:

I am a Plaintiff in the above-entitled matter. I have read the foregoing Complaint for Partition of Real Property and know its contents; and the same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters I believe them to be true.

Executed on July __, 2018, at Douglas County, Nevada.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

/s/ [Ross V.D. Johnson]

Ross JOHNSON

[...some exhibits omitted...]

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[See, *Complaint, Exhibit #4 –
Partition Complaint' 09*]

Exhibit 2

[Filed]

[July 18, 1958]
[RUTH LANG, CLERK /s/]

FRANKLIN A. DILL
711 Crocker Building
620 Market Street
San Francisco 4, California
Telephone: EXbrook 2-7025
Attorney for Executors

IN THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA, IN AND FOR
THE COUNTY OF EL DORADO

In the matter of the
estate of No. 3919
STELLA VAN DYKE
JOHNSON,
Deceased.

DECREE OF PRELIMINARY DISTRIBUTION

[...omitted to bottom of page 4, See case No. 2:23-cv-02843-DJC-CKD, *Complaint, Exhibit #4 – 'Partition Complaint' 12...*]

4. To WILLIAM VAN DYKE JOHNSON, for his life, with the remainder to his issue, the property described in sub-paragraph 4 of Paragraph V of decedent's Will, which property is more particularly described as follows:

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All that certain real property situate in the County of El Dorado, State of California, described as follows:

Lot 2 in Block 5 of Johnson Acres Subdivision No. 2, as said lot is shown on the Official Map of Johnson Acres Subdivision No. 2, filed in the office of the County Recorder of El Dorado County, on June 12, 1946, in Map Book A, at Page 44.

This parcel is improved with a residence.

[...]

APPENDIX H

[See, *Complaint, Exhibit #16 –*
‘County Recorder’]

APN:031-103-02-100	[bar code]
Assessment No.: 031-103-002-000	Janelle K. Horne Co Recorder Office
<u>RECORDING</u>	DOC- 2019-0033582-00
<u>REQUESTED BY:</u>	Check Number
Alling & Jillson, Ltd.	365/308/31
Post Office Box 3390	Monday, Aug 19, 2019
Lake Tahoe, NV 89449	08:05:00
<u>AND WHEN</u>	Ttl Pd \$98.00 Nbr-
<u>RECORDED MAIL TO:</u>	0002031034
Alling & Jillson, Ltd.	MMW/C1/1-3
Post Office Box 3390	
Lake Tahoe, NV 89449	

DECREE DETERMINING, ESTABLISHING, AND
IDENTIFYING THE ISSUE EMBRACED IN THE
DECREE OF PRELIMINARY DISTRIBUTION,
PURSUANT TO PROBATE CODE §248

This is a true and correct copy of the recorder if it
bears the Recorder-Clerk's seal.

[Recorder Clerk's Seal]

10/12/2022

Janelle K. Horne, Recorder Clerk
By: /s/Kimberly Preston
Deputy Recorder
Eldorado County, California

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[Certified Copy]
[Filed, August 7, 2019]
[El Dorado County Superior Court]
[By /s/ Deputy Clerk]

Ronald D. Ailing, Esq. #47387
Scott W. Souers, Esq. #271325
ALLING & JILLSON, LTD.
276 Kingsbury Grade, Suite 2000
Post Office Box 3390
Lake Tahoe NV 89449-3390
Ph. (775) 588-6676 ♦ Fx. (775) 588-4970
ralling@ajattorneys.com
ssouers@ajattorneys.com
Attorneys for the Plaintiffs

SUPERIOR COURT FOR THE STATE OF
CALIFORNIA
COUNTY OF EL DORADO
IN RE THE MATTER OF
THE REAL PROPERTY CASE NO.:
LOCATED AT 1017 SP20190015
BLUE LAKE AVE.,
SOUTH LAKE TAHOE,
CA
/ DECREE
DETERMINING,
ESTABLISHING, AND
IDENTIFYING THE
ISSUE EMBRACED IN
DECREE OF
PRELIMINARY
DISTRIBUTION,
PURSUANT TO
PROBATE CODE §248

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On July 18, 1958, the El Dorado County Superior Court ordered a Decree of Preliminary Distribution in case number 3919, In the Matter of the Estate of Stella Van Dyke Johnson ("the Decree").

The Decree created a life estate for the benefit of William Van Dyke Johnson in Lot 2 in Block 5 of the Johnson Acres Subdivision No. 2, as said lot is shown on the Official Map of Johnson Acres Subdivision No. 2, filed in the office of the County Recorder of El Dorado County, on June 12, 1946, in Map Book A, at Page 44 ("the Property") for his life, with the remainder to his issue.

The Property is commonly known as 1017 Blue Lake Avenue, South Lake Tahoe, California, 96150, and referenced as A.P.N. 031-103-02-100, or Assessment Number 031-103-002-000.

///

The Court hereby decrees Curtis Johnson, Ross Johnson, and Kent Johnson to be William V.D. Johnson's only "Issue" embraced in the Decree¹. The Court further decrees Curtis Johnson, Ross Johnson, and Kent Johnson the co-owners of the Property, with each owning a one-third (1/3) share of the Property as tenants in common.

Dated: August 7, 2019 /s/ [C. Anders Holmer]
The Honorable Judge of
The Superior Court
C. Anders Holmer

This is a true certified copy of the records if it bears the seal, imprinted in purple ink, the date of issuance and an original signature.

App. 44

Aug 13 2019 [Stamp]
[El Dorado County Seal]
El Dorado County, California
By /s/ [Kimberly Preston?]
Deputy Clerk

¹ Mary Johnson was born to William Van Dyke Johnson and Felice Johnson, but was deceased at birth and is therefore not included in William Van Dyke Johnson's "Issue" embraced in Decree.

[08/19/2019, 20190033582]

APPENDIX I

State of California

Secretary of State

CERTIFICATE OF NO RECORD LIMITED LIABILITY COMPANY

I, ALEX PADILLA, Secretary of State of the State of California, hereby certify:

That, the Corporations Code of the State of California provides for the execution and acknowledgment of the Articles of Organization and the subsequent filing in the office of the Secretary of State and,

That, the Corporations Code of the State of California provides for the filing in the office of the Secretary of State of an Application for Registration in order to register a Foreign Limited Liability Company to transact intrastate business in this State.

I further certify that no record has been found in the Limited Liability Company files of this office of a California or Foreign Limited Liability Company, active or inactive, of the name: **ALLING & JILLSON, LTD**

Please note that the search that was conducted was restricted to current Limited Liability Company

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names. Therefore, if you requested information for a Limited Liability Company under its previous name, those records are not available and cannot be searched.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of August 6, 2019.

[The Great Seal
Of the State of
California]

[/s/ Alex Padilla]
Secretary of State

[See, *Complaint, Exhibit #7 – 'No Record'*]

APPENDIX J

SECRETARY OF STATE
[THE GREAT SEAL OF THE STATE OF NEVADA]
STATE OF NEVADA

**CERTIFICATE OF EXISTANCE
WITH STATUS IN GOOD STANDING**

I, Barbara K. Cegavske, the duly qualified and elected Nevada Secretary of State, do hereby certify that I am, by the laws of said State, the custodian of the records relating to filings by corporations, non-profit corporations, corporations sole, limited-liability companies, limited partnerships, limited-liability partnerships and business trusts pursuant to Title 7 of the Nevada Revised Statutes which are either presently in a status of good standing or were in good standing for a time period subsequent of 1976 and am the proper officer to execute this certificate.

I further certify that the records of the Nevada Secretary of State, at the date of this certificate, evidence, ALLING & JILLSON, LTD., as a DOMESTIC LIMITED-LIABILITY COMPANY (86) duly organized under the laws of Nevada and existing under and by virtue of the laws of the State of Nevada since 08/15/2001, and is in good standing in this state.

[THE GREAT SEAL OF THE STATE OF NEVADA]

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IN WITNESS WHEREOF, I have
hereunto set my hand and affixed
the Great Seal of State, at my
office on 07/25/2019.

[/s/ BARBARA K. CEGAVSKE]

BARBARA K. CEGAVSKE

Secretary of State

Certificate Number: B20190725114140

You may verify this certificate
online at <http://www.nvsos.gov>

[See, *Complaint, Exhibit #9 – ‘Nevada LLC’*]

APPENDIX K

[Selected Excerpts from Brief in Support of TRO]

Kent K. Johnson, Pro Se
PO Box 17691
South Lake Tahoe, CA 96150
530) 318-5459 Cell

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Kent Knox Johnson, a.k.a. Kent K. Johnson or Kent, an individual, Plaintiff, v.	Case No.
EL DORADO COUNTY SUPERIOR COURT, a.k.a. Superior Court, [...]	BRIEF IN SUPPORT OF TRO AND [...]

[Excerpt from Pages 4 – 10]

*Imminent Irreparable Harm to Plaintiff in an
Unusual Case.*

To more fully understand the risks of irreparable harm in not granting the TRO, some background into what the Plaintiff, henceforth Kent, was attempting to achieve with his business KJ Microwave is believed to be important.

On October 14, 1993 Kent received his first Patent for a Low Phase Noise Oscillator Frequency Control Apparatus and Method, Patent #5,414,741. This extension of the art was done in an attempt to solve

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an unintentional modulation problem with nuclear magnetic resonate microwave oscillators, made from magnetically tuned Yttrium Iron Garnet (YIG) resonators. The motivation that led to the Patent was to apply the oscillator technology to the initial cellular infrastructure build out.

At the time the Patent application was granted, Kent, had realized two (2) paradoxical issues arose from the improvement in the art that could have far reaching effects for the communications industry and theoretical physics, but was unable to form the ideas into cohesive theory or a patentable invention at that time.

By the summer of 2003, Kent had, on his own, made substantial progress deciphering the communications paradox. Kent was then rehired by a former employer and sought to exclude his technology from the employer's advanced, yet inferior understanding of the art, as still no second Patent had been filed by Kent at that time. Ten (10) years later however, the ideas could now be distilled to a practical invention.

Without a Patent, an agreement could not be reached with the former employer, so Kent undertook what was supposed to be a short sabbatical to assemble a working proof of concept model, henceforth 'the invention', file another Patent, this time in Kent's own name, and return to work, possibly deriving some extra royalty income with his salary in the future.

During the Patent drafting and working model prototyping, Kent's results were offering major steps forward in the microwave communication art, to the point where Government classification of the

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technology posed a significant risk to harvesting royalties from 'the invention'.

Kent, whose security clearances were no longer active, then sought assistance from friends who had active clearances and knew of individuals who were involved with the initial steps of the Patent process, as all patents are reviewed for their effects to National Security.

This created a relationship between Kent, the friend's small company and the Naval Research Laboratory (NRL) in Washington DC. NRL immediately offered some initial funding to provide a theoretical background and demonstrations of the 1993 related Patent for a better understanding of the basis for 'the invention'. Kent K. Johnson Consulting was born and Kent never returned to the former employer.

The invention technology offered the possibility of radio and radar performance that was beyond what was believed theoretically possible in industry and academia.

Development on 'the invention' continued, while Kent's friend's Company analyzed the mostly classified defense market prospects for potential rollout of a product.

Ultimately, Kent was invited to the National Cytological Museum in Maryland ('The Converted Hotel') to brief a well-regarded individual of the National Security Agency (NSA) and explore the possibility of applying the unique Low Probability of Detection (LPD) and Low Probability of Intercept (LPI) capabilities 'the invention' might offer to National Security.

At the briefing it became apparent that the friend, with active clearances, may have begun to attempt to

App. 52

reverse engineer the Intellectual Property (IP). The friend's actions were marginally in violation of the agreement that was in place, but Kent without active clearances could not verify the actions. It was also clear at that time, a full-scale demonstration would take a year or possibly longer, given the lack of industrial microwave test equipment available to Kent, at the time.

To economize while the communications invention development progressed, and to aid Kent's parents now unable to fully maintain their two (2) houses on Blue Lake Avenue in South Lake Tahoe, Kent rented one house and after a renovation, began renting the workshop at 1017 Blue Lake Avenue, henceforth '1017'.

Around this time, the second Iraq war created an extremely urgent need to recreate the Iraq in theater radio spectrum, at the U.S. Army's Yuma Proving Grounds, as three (3) Americans and (17) Iraqis were dying every day to wirelessly activated Improvised Explosive Devices (IEDs).

Kent and his friend proposed a solution to this electronic warfare test problem, and were immediately placed under contract to manufacture the equipment at '1017', effectively shelving the communications invention for a few years, as Kent's business rapidly grew, amassing the test resources necessary to also prototype 'the invention'.

After successfully delivering the initial systems, numerous military agencies wanted this unique sole source capability, and Kent produced approximately twelve of these million-dollar systems from '1017', while his friend's Company added software, integrated the products Kent was shipping onsite, and provided field support.

App. 53

Kent had remained a silent manufacturing partner with minimal field contact, as the primary long-term goal was to develop manufacturing capability, so 'the invention' could be rolled out quickly when the business matured to the point where it was capable of attaining the financial goals necessary for a rapid Initial Public Offering (IPO) or sale to a large enterprise. Kent's personal family situation (high school aged children) also favored minimizing field travel and relying on the friend's business to do the Marketing interface with the customers.

Over a period of years, the available technology had advanced and a second generation of the electronic warfare test system used for the Iraq problem became possible. This time, Kent chose to personally fund the development to have complete ownership of the design, which could in large part be used as a platform on which 'the invention' could be rolled out, and would be free of entanglements with his friend's Company.

This development was successful, and like all of the other systems, was installed at another U.S. Government test range. During the final shipment process of the second-generation product, Kent discovered some concerning contractual discrepancies with his friend's Company and decided it was time to begin marketing the electronic warfare platform directly to end users, re-branding what was a contract Original Equipment Manufacturer (OEM) to KJ Microwave, as Kent was well known in the industry, worldwide, at that time from sidelight consulting, as an invited expert speaker on microwave communications technology.

App. 54

Sales for KJ Microwave continued, as Kent negotiated to apply the second generation of equipment to both electronic warfare applications and the industrial microwave test and measurement market, using long established relationships with former employers to expand into the industrial sector.

After being invited to demonstrate KJ Microwave equipment at a fortune 50 company's internal tradeshow, Kent became a solution partner, pairing KJ Microwave's products with other equipment, for unmatched capabilities in popular radar frequency bands.

This led to yet another DX rated, 'highest national defense urgency' opportunity to further expand KJ Microwave's product line that would again create a more capable platform from which to launch 'the invention'. The downside was it would delay the launch by approximately two (2) more years and require another significant internally funded development, but promised approximately \$8,000,000.00 of sole source follow-on work from a highly reliable source with whom Kent had prior first-hand experience.

Though the delay was unfortunate, the opportunity, however, placed KJ Microwave in a unique position to roll-out 'the invention' and reach a point when an IPO could be entertained almost solely on retained earnings, with no or minimal owner equity dilution.

The possibility of a sale of KJ Microwave at retirement also improved, as the product could easily be paired with another midsize company's products. The company was also interested in KJ Microwave's unique filter technology, which had extremely high returns on materials.

App. 55

Though the filters in production were entirely consumed in the test equipment product line at the time, KJ Microwave had what was a standing offer to begin selling the filters directly from another stocking distributor managed by a former co-worker who trusted Kent.

At this time Kent's father's health was failing and concerns were growing as to difficulty in dealing with Curtis W. Johnson and Ross V.D. Johnson, henceforth Curtis and Ross, when attempting to settle the Johnson family Trust when the time came.

Kent elected to delay 'the invention' roll-out again, as there were still no known competitive breakthroughs to what Kent had discovered, after nearly 20 years, and eliminate as much of the time pressure from day to day production as possible, focusing primarily on developing the next product, as the Trust should be settled prior to roll-out of 'the invention'.

The new test and measurement product development was successful, and an additional fifth generation (5G) product development was also underway for the semiconductor industry, but Trust settlement issues were now substantial, with Ross falsely claiming he was somehow Trustee over the entire Johnson Living Trust.

In the background of the entire period, to this day, Kent continued to ponder the other physics paradox that came out of the original Patent. Kent began to realize quite by accident, he may have solved a fundamental wavefunction problem that has plagued modern quantum physics for decades, promising a substantial disruptive leap in the state of the art, in materials and energy.

App. 56

The relevancy of all of this to the TRO is that, after KJ Microwave was destroyed by the actions of Curtis, Ross, the Agents of ALLING & JILLSON, LTD, and the Superior Court, and could no longer operate, the business assets ended in an unusual state.

The '1017' workshop equipment and inventory remains largely in place, including some components that are designated as controlled munitions, though inventory has not been taken after the Superior Court's unconstitutional break in.

This is relevant because if a fraudulent transfer of title occurs, the new owners may have access to the secure workshop, with equipment and its contents, including controlled munitions and prototypes, which Kent would regard as very inappropriate for public access. Additionally, if a fraudulent transfer occurs, the new owner could further diminish the value of Kent's IP by simply making note of the equipment used to develop the technology, providing a tool kit, so to speak, for later competitive developments.

Furthermore, substantial intellectual property, all with government security applications, most with disruptively large leaps in the state of the art, in various states of refinement exists and presents issues if the Superior Court were to arrest and jail Kent.

Formerly, Kent held clearances suitable for the types of intelligence and electronic warfare applications KJ Microwave equipment is used for, though none of the IP arising from this approximately 30-year independent development is classified or evaluated. Kent believes it would be gravely reckless to transfer title to the '1017' property, giving access to

new owners who could elect to break into the workshop.

Equally concerning would be an arrest of Kent, which would likely preclude transfer of any of the technology to any U.S. Government application. Why?

A similar issue that occurred earlier with the National Security Agency would reoccur, but would likely be irreparable. The problem is, when selling technology into classified applications which are not knowable by the general public, inspection to verify royalties becomes impossible. A security clearance becomes essential to verify the harvest of royalties. Currently, having never been arrested, Kent could probably get a sufficient clearance to verify royalties in target market applications of important interest to the Federal Government. An arrest would likely take so long to get investigated and expunged, at Kent's age it would effectively bar working with the United States, or even trying after years of Superior Court abuses.

Also, now unjustly declared vexatious, Kent has no access to the California Courts and is in danger of loss of access to Federal Court. This fact in itself now precludes any US invention sale by contract, prior to expungement of the vexatious and prefiling order.

It is also foolish and unlawful to proceed with an uninsured transfer of '1017', which is now being petitioned for by the Referee, while Kent desires to have all the jurisdictional matters ruled upon, under *Judson v. Superior Court, 21 Cal.2d 11 (Cal. 1942)*.

The Law is well settled, any jurisdictional matter must be heard in any Court in which it is raised, at any time, prior to the Court proceeding with its normal business.

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The El Dorado County Superior Court is refusing to file and hear Kent's Notice of Special Appearance regarding jurisdiction, and fails to realize the pre-filing requirement applies to motions, and not notices.

The Ninth District Court, Eastern Division of California should grant the TRO to stay the Superior Court, and hear all the jurisdictional challenges prior to any further proceeding in any Court. It is a well-established procedural doctrine and the potential to inadvertently release sensitive disruptive technology should in Kent's expert opinion be avoided at all costs.

Though Kent has made efforts to remove obvious prototypes from the workshop, it has not been 'sanitized' of IP, and the demanding pressures of the related RICO Complaint and this TRO drafted by a *pro se*, simply do not permit time to disassemble and move the workshop, nor should Kent have to, as equal protection of the Law should preclude a fraudulent title transfer.

[...]

APPENDIX L

A. U.S. Constitution

U.S. Const. Article III §2.

[...] The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; [...] –to Controversies [...] between Citizens of different States [...]

U.S. Const. 14th Amend. §1.

[...] nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

A. Federal Statutes

18 U.S.C. §241 – Conspiracy against Rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to

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prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 U.S.C. §1341 – Mail Fraud

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or

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imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

18 U.S.C. §1342 – Fictitious Name Fraud

Whoever, for the purpose of conducting, promoting, or carrying on by means of the Postal Service, any scheme or device mentioned in section 1341 of this title or any other unlawful business, uses or assumes, or requests to be addressed by, any fictitious, false, or assumed title, name, or address or name other than his own proper name, or takes or receives from any post office or authorized depository of mail matter, any letter, postal card, package, or other mail matter addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own proper name, shall be fined under this title or imprisoned not more than five years, or both.

18 U.S.C. §1956(a)(1) – Money Laundering

Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity—

(A)

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- (i) with the intent to promote the carrying on of specified unlawful activity; or
- (ii) with intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or

(B) knowing that the transaction is designed in whole or in part—

- (i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or
- (ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both. For purposes of this paragraph, a financial transaction shall be considered to be one involving the proceeds of specified unlawful activity if it is part of a set of parallel or dependent transactions, any one of which involves the proceeds of specified unlawful activity, and all of which are part of a single plan or arrangement.

18 U.S.C. §1962(c) – Racketeering

It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

18 U.S.C. §2382 – Misprision of Treason

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Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.

42 U.S.C. §1983 – Deprivation of Rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

B. California Corporations Code

CORP§13401(a)

“Professional services” means any type of professional services that may be lawfully rendered only pursuant to a license, certification, or

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registration authorized by the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act.

CORP§17701.04(e)

Nothing in this title shall be construed to permit a domestic or foreign limited liability company to render professional services, as defined in subdivision (a) of Section 13401 and in Section 13401.3, in this state.

CORP§17708.07(a)

A foreign limited liability company transacting intrastate business in this state shall not maintain an action or proceeding in this state unless it has a certificate of registration to transact intrastate business in this state.

CORP§17708.07(d)

If a foreign limited liability company transacts intrastate business in this state without a certificate of registration or cancels its certificate of registration, it shall be deemed to have appointed the Secretary of State as its agent for service of process for rights of action arising out of the transaction of intrastate business in this state.

C. California Code of Civil Procedure

CCP§128.7(b)

By presenting to the court, whether by signing, filing, submitting, or later advocating, a pleading, petition, written notice of motion, or other similar paper, an attorney or unrepresented party is

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certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, all of the following conditions are met:

(1) It is not being presented primarily for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

(2) The claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law.

(3) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

(4) The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

CCP§410.10

A court of this state may exercise jurisdiction on any basis not inconsistent with the Constitution of this state or of the United States.

CCP§410.50(a)

Except as otherwise provided by statute, the court in which an action is pending has jurisdiction over a party from the time summons is served on him as provided by Chapter 4 (commencing with Section

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413.10). A general appearance by a party is equivalent to personal service of summons on such party.

CCP§872.210(a)

A partition action may be commenced and maintained by any of the following persons:

- (1) A coowner of personal property.
- (2) An owner of an estate of inheritance, an estate for life, or an estate for years in real property where such property or estate therein is owned by several persons concurrently or in successive estates.

D. California Probate Code

PROB§16000

On acceptance of the trust, the trustee has a duty to administer the trust according to the trust instrument and, except to the extent the trust instrument provides otherwise, according to this division.

E. California Business and Professional Code

BPC§6125

No person shall practice law in California unless the person is an active licensee of the State Bar.

BPC§6126(a)

Any person advertising or holding himself or herself out as practicing or entitled to practice law or otherwise practicing law who is not an active licensee of the State Bar, or otherwise authorized pursuant to

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statute or court rule to practice law in this state at the time of doing so, is guilty of a misdemeanor punishable by up to one year in a county jail or by a fine of up to one thousand dollars (\$1,000), or by both that fine and imprisonment. Upon a second or subsequent conviction, the person shall be confined in a county jail for not less than 90 days, except in an unusual case where the interests of justice would be served by imposition of a lesser sentence or a fine. If the court imposes only a fine or a sentence of less than 90 days for a second or subsequent conviction under this subdivision, the court shall state the reasons for its sentencing choice on the record.

BPC§16240

Every person who practices, offers to practice, or advertises any business, trade, profession, occupation, or calling, or who uses any title, sign, initials, card, or device to indicate that he or she is qualified to practice any business, trade, profession, occupation, or calling for which a license, registration, or certificate is required by any law of this state, without holding a current and valid license, registration, or certificate as prescribed by law, is guilty of a misdemeanor.

PEN§506

Every trustee, banker, merchant, broker, attorney, agent, assignee in trust, executor, administrator, or collector, or person otherwise intrusted with or having in his control property for the use of any other person, who fraudulently appropriates it to any use or purpose not in the due and lawful execution of his trust, or secretes it with a fraudulent intent to appropriate it to such use or

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purpose, and any contractor who appropriates money paid to him for any use or purpose, other than for that which he received it, is guilty of embezzlement, and the payment of laborers and materialmen for work performed or material furnished in the performance of any contract is hereby declared to be the use and purpose to which the contract price of such contract, or any part thereof, received by the contractor shall be applied.