APPENDIX

A. Appellate Court Order Denying Petition for Rehearing (March 2024)

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

Division 6

Saraa Doris Lee,
Plaintiff and Respondent,
v.
Troy Pasulka
Defendant and Appellant

B320206
Ventura County Super. Ct.
No. D401660

Court of Appeal — Second Dist.
Filed: Mar. 18, 2024
Eva McClintock, Clerk

Adriana Winters, Deputy Clerk

THE COURT: Petition for rehearing is denied.

s/ Yegan, Acting P.J
s/ Baltodano, J.
s/ Cody, J.

B. Appellate Opinion (Feburary 2024)

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

Saraa Doris Lee, Plaintiff and Respondent, v. Troy Pasulka Defendant and Appellant	2d Civil No. B320206 (Super. Ct. No. D401660) (Ventura County) *Court of Appeal — Second Dist.*
NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS	*Filed: Feb. 26, 2024* *Eva McClintock, Clerk* *Adriana Winters, Deputy Clerk*

[California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.]

Troy Pasulka appeals from a child custody order awarding Saraa Lee sole custody of their daughter and determining Pasulka's visitation rights. Pasulka contends the trial court should have granted him sole custody, erred in denying him attorney's fees, and erred in denying sanctions against Lee. We affirm.[1]

[1] We deny Pasulka's motion to strike the respondent's brief and request for sanctions.

FACTS AND PROCEDURAL HISTORY

Pasulka and Lee were previously in a relationship and had one daughter, T.P., together. In June 2021, Lee requested a domestic violence restraining order (DVRO) protecting her and T.P. from Pasulka. Lee also indicated she wanted a child custody and visitation order.

At the DVRO hearing in November 2021, the parties presented evidence, including several videos and Pasulka's testimony. The trial court denied the DVRO, finding Lee did not meet her burden of proof to support a DVRO pursuant to Family Code[2] section 6320. However, the court temporarily granted sole legal and physical custody to Lee. As to Pasulka's visitation rights, the court ordered supervised visits up to three times per week, up to an hour per visit in person or on Zoom, a video conferencing platform. T.P. was four years old at the time.

The court explained that these visits would have to be supervised because Pasulka exhibited conduct over the course of the hearing that caused the court to be "concerned with the emotional well[-]being of [T.P.]." The court noted that one video reflected his "lack of emotional control and profanity in the presence of the child," and showed that he "neglect[ed] that crying, screaming child, and took no action to stabilize the child." The court further noted that Pasulka had said "harsh things" about Lee in the presence of T.P., which upset her greatly.

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[2] Further unspecified statutory references are to the Family Code.

The court stated that the finality of the temporary custody and visitation orders would depend on a future review hearing regarding compliance with the orders. The court instructed Pasulka that if he wanted "to evolve from sole legal and supervised visitation back to the joint custody scenario, [he has] to demonstrate trust" and "demonstrate that if the child is in [his] presence, that [he and Lee] can communicate and get along greatly." The court further instructed Pasulka that by the next review hearing, he needed to obtain a letter showing he participated in counseling and demonstrate he could have positive interactions with T.P. during visits.

Lee moved to vacate the denial of her DVRO or, alternatively, secure a new trial or reconsideration of the denial of her DVRO. Pasulka moved for attorney's fees and costs as the prevailing party in the DVRO proceedings. He also moved for sanctions, arguing that Lee's motion for reconsideration was frivolous and in bad faith. The trial court denied all motions. The court described its decision regarding the DVRO as a "contested issue." And while it acknowledged there was "a basis for the motion to reconsider," the court ultimately disagreed with Lee's position. It noted: "There were definitely facts alleged by each side that needed to be played out, litigated, determined, and that takes time." The court also found that the parties were of "equal potential income scenarios" and ordered them to bear their own costs.

On March 14, 2022, the trial court held the review hearing regarding compliance with the temporary custody and visitation orders. The court found that Pasulka had not exercised any of his visitation rights since the November 2021 DVRO hearing. The court

ordered Pasulka's visitation with T.P. to be facilitated by a licensed therapist in a therapeutic setting. With those modifications, the court ordered that the custody and visitation orders from November 2021 remain in full force and effect.

DISCUSSION[3]

Custody and visitation order

Pasulka contends he should have been granted sole custody and that the trial court "disregarded" the law. We disagree.

We review the trial court's custody determination for an abuse of discretion. (*Holsinger v. Holsinger* (1955) 44 Cal.2d 132, 135.) We will not disturb the ruling unless the court exercised its discretion in an arbitrary, whimsical, or capricious manner. (*In re Marriage of Battenburg* (1994) 28 Cal.App.4th 1338, 1343.)

Here, Pasulka does not demonstrate the trial court exercised its discretion in an arbitrary or capricious manner. Nor does he demonstrate that the court disregarded the law. In granting Lee sole custody, the court considered extensive evidence of the parties' relationship, including videos and Pasulka's testimony. At the conclusion of the DVRO hearing, the court explained it was awarding sole legal and physical custody to Lee. The court ordered supervised visitation based on Pasulka's behavior

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[3] Lee moved to dismiss the appeal on the grounds that the appeal was untimely and the disentitlement doctrine precluded the appeal. We deny these motions. We construe the notice of appeal as filed from the final custody and visitation order and review the appeal on the merits.

exhibited throughout the proceedings and the videos. Furthermore, during the review period, Pasulka did not participate in supervised visits with T.P. or obtain a letter showing he participated in counseling as ordered by the court. There was no abuse of discretion in ordering sole custody to Lee.

Attorney's fees

Pasulka also contends the trial court erred in denying him attorney's fees as the prevailing party in the DVRO proceedings. We again disagree.

Section 6344, subdivision (b) provides: "After notice and a hearing, the court, upon request, may issue an order for the payment of attorney's fees and costs for a prevailing respondent only if the respondent establishes by a preponderance of the evidence that the petition or request is frivolous or solely intended to abuse, intimidate, or cause unnecessary delay." We review the trial court's denial of attorney's fees for an abuse of discretion. (*Loeffler v. Medina* (2009) 174 Cal.App.4th 1495, 1509.)

The trial court did not abuse its discretion in denying Pasulka attorney's fees. As the prevailing respondent in the DVRO proceedings, Pasulka was required to show that the DVRO was "frivolous or solely intended to abuse, intimidate, or cause unnecessary delay." (§ 6344, subd. (b).) He did not carry his burden. As the trial court observed, the determination of whether there was sufficient evidence to sustain a DVRO was a "contested issue" that required the facts to be "played out, litigated, determined" in a multi-day court proceeding.

Sanctions

Pasulka argues the trial court erred in denying sanctions (§ 271) against Lee for her unsuccessful motion for reconsideration of the DVRO denial. We review the trial court's denial of monetary sanctions for an abuse of discretion. (*In re Marriage of Blake & Langer* (2022) 85 Cal.App.5th 300, 308.)

We conclude there was no abuse of discretion. In her motion for reconsideration, Lee argued the court's denial of her DVRO was based, in part, on legal authority that was now depublished. A change in law is an appropriate basis for a motion for reconsideration. (See *State of California v. Superior Court (Flynn)* (2016) 4 Cal.App.5th 94, 100; Code Civ. Proc., § 1008, subd. (c).) As the trial court recognized, there was "a basis for the motion to reconsider." Because he did not show the motion for reconsideration was frivolous, there was no abuse of discretion in denying Pasulka's request for sanctions.[4]

DISPOSITION

The judgment is affirmed. Lee shall recover her costs on appeal.

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[4] We deny Lee's request for judicial notice filed October 24, 2023, and Pasulka's request for judicial notice filed December 11, 2023, because they are not relevant to our decision. (*Soukup v. Law Offices of Herbert Hafif* (2006) 39 Cal.4th 260, 295, fn. 21.) We also deny Pasulka's requests for judicial notice received on February 5 and 13, 2024, and filed on Feb 13, 2024, because the documents were not considered by the trial court and are not relevant to our decision.

C. Final Custody Orders (March 14, 2022)

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA

MINUTE ORDER

CASE NO: D401660
SARAA DORIS LEE VS TROY PASULE
DATE: 03/14/22 TIME: 1:30 DEPT: 34

Commisioner R. Paul Kawai Presiding. Clerk: James Beltran. Court reporter: Erica Coates.

SARAA DORIS LEE present with counsel JOHN NEGLEY.

TROY PASULKA present with counsel JEANETTE MAGDALENO.

All parties appear via Zoom except for Jeanette Magdaleno, counsel for respondent.

At 2:00p.p., court is in session.

Ms. Groce bring the Court up to date for today.

Mr. Negley addresses the Court.

Ms. Magdaleno addresses the Court.

Ms. Groce suggests Dr. Robert L. Beilin as the therapist assigned to this case.

Matter submitted to the court with argument.

Court adopts the proposal to have father's visitation set in a supervised/theraputic setting

Court appints Dr. Robert L. Beilin as the therapist on this case.

Formal order to be submitted by Jennifer Groce.

Form: FL-340

Attorney or party without attorney:
Jennifer C. Groce 237192
Law Offices of Niedens and Groce, LLP
445 Rosewood Avenue, Suite N
Camarillo, CA 93010
Telephone No: (805) 987-8809
Fax No: (805) 383-7090
Email address: office@niedensandgroce.com

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
Street addres: 800 SO. VICTORIA AVE.
Mailing address: P.O. Box 6489
City and Zip Code: Ventura, CA 93009
Branch Name: Hall of Justice

Petitioner/Plaintiff: SARAA DORIS LEE
Respondent/Defendant: TROY PASULKA

Ventura Superior Court
FILED Apr 13 2022
Brenda L. McCormick
Executive Officer and Clerk
By: VANESSA CISNEROS

CASE NUMBER: 401660

Findings and Order After Hearing

The proceeding was heard on *(date):* March 14, 2022 at *(time):* 1:30 PM in Dept: 34 by Judge *(name):* R. Paul Kawai [Commisioner]

On the order to show cause, notice of motion or request for order filed *(date):*

Petitioner/plaintiff present
Attorney present *(name):* John Negley

Respondent/defendat present
Attorney present *(name):* Blaine Gunther [...]

Date: April 11 2022 R. Paul Kawai Judicial Officer Signature on Attachment

Following a review of the pleadings and after considering the statement made by counsel for mom, counsel for dad and Minor's Conunsel, the Court made the following FINDINGS & ORDERS:

1. The parties have one minor child together; [T.P.] (DOB: 7-16-17).
2. Pursuant to the custody and visitation Orders made on November 2, 2021, all of Father's time with the minor child was required to be professional supervised by Denise Riley. Any Zoom calls between Father and the minor chidl were also requried to be supervised by Denise Riley.
3. Father has not exercised any of his visitation time with the minor child since the November 2, 2021, Order was made. Father has not had any supervised Zoon visits with the minor child since the Novemeber 2, 2021, Order was made. Father has not had any in person contact with the minor child since May 2021.

4. Commencing March 14, 2022, all contact or visitation between Father and the minor child shall be in a therapeutic setting. Reunification therapy between the Father and the minor child shall be facilitated by a licensed therapist. The location, frequency and duration of those visits shall be as directed by the appointed therapist. The parties shall cooperate in selecting reasonable days and times for the visits considering when the child is available, when transportation can be provided, and when the therapist is available. Transportation to and from Reunification Therapy shall be provided by the Mother or any person she may designate. All Reunification Therapy shall take place within the County ofVentura. The therapist shall first meet, separately, with each of the parents and the minor child prior to the first session. The minor child and Father shall not commence Reunification Therapy conjointly until the therapist deemds it appropriate to join Father and the minor child in Reunification Therapy together. Reunificiation Therapy shall continue until the Father and minor child are released in writing. Counseling shall commence as soon as reasonably possible. Parents shall participate in counseling at the discretion of the therapist.
5. The court appoints Dr. Robert Beiling as the reunification therapist.
6. Father shall be responsible for the cost of reunification therapy.
7. Supervised Visits: At the Reunification Therapist's discretion, visitation shall progress

to Supervised Visits. Pursuant to the November 2, 2021, Order After Hearing, Denise Riley remains appointed as the professional supervision monitor for any supervised visits between the Father and the minor child. The location, dates and times shall be coordinated with Denise Riley. Pursuant to the November 2, 2021, Order After Hearing, Father shall be responsible for the cose of the supervised visits.

8. All other Orders made on November 2, 2021, not specifically modified herin shall remain in full force and effect.

APPROVED AS TO CONORMING TO THE FINDINGS AND ORDERS MADE BY THE COURT

Date: 3-23-2022 John Negley /s John Negley

D. Temporary Custody Orders (November 2, 2021)

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA

800 S. Victoria Ave., Ventura CA 93009

Form: FL-340
Petitioner/Plaintiff: Saraa Doris Lee
Respondent/Defendant: Troy Pasulka

Case Number:
D401660

Filed Nov 2, 2021
Brenda L. McCormick, Executive Officer and Clerk
By: /s J. D. Beltran
J. D. Beltran

FINDINGS AND ORDER AFTER HEARING

The proceeding was heard on *(date)*: October 28, 2021 [sic] at *(time)*: 8:30 AM in Dept: 34 by Judge *(name)*: Commisioner Redmond

On the order to show cause, notice of motion or request for order filed *(date)*:

Petitioner/plaintiff present
Attorney present *(name)*: John Negley

Respondent/defendat present
Attorney present *(name)*: Blaine Gunther

Other party present
Attorney present *(name)*: Blaine Gunther

THE COURT ORDERS:
Custody and visitation/parenting time: As attached on form FL-341

This matter is continued for further hearing on *(date)*: 3-14-22 at *(time)*: 1:30 PM in Dept: 34 on the following issues: Review compliance with custody & visitation orders. Parties shall attend mediation 3-14-22 at 8:15 AM in Room 307

Date: 11/2/21 s/ W.R. [William Redmond]

Form: FL 341

CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDER ATTACHMENT

[Attached] To[:] Findings and Order After Hearing (form FL-340)

Country of habitaul residence. The country of habitual residence of the child or children in this case is the United States.

Child custody. Custody of the minor children of the parties is awarded as follows:

Child's Name	Birth Date
[T.P.]	7-16-17
Legal custody to:	Physical custody to:
Mother	Mother

Visitation (Parenting Time):
The parties will go to child custody mediation or child custody recommending counseling at: March 14, 2022 at 8:15a.m. in Room 307

Other visitation (parenting time) days and restrictions are: If Father is in California, Supervised visits of up to 3 times per week for up to 1 hours per visit in person or Zoom. If Father resides outside of

Calif. Up to 3 times per weej for up to 1 hours per visit.

Supervised visitation (parenting time). Until further order of the court: Respondent

Transportation for visitation (parenting time). Transportation to begin/from the visits will be provided by the petition.

The exchange point at the beginning of the visi will be at *(address)*: Location as determined by professional monitor

Other *(specify)*: The child will be brought to professional monitor for exchanges. In-person visits will be in a location as designated by professional monitor.

Travel with child. The respondent must have written permission from the other parent or a court order to take the children out of the state of California[,] Ventura County[,] [or] City of Oxnard.

Holiday schedule: [...] No special designated holiday visitation schedule due to supervised visitation status of respondent.

Additional custody provisions: The parties will follow the additional custody provisions listed in the attached schedule. (*Additional Provisions—Physical Custody Attachment* (form FL-341(D)) may be used for this purpose)

FL-341(D)

Additional Provisions—Physical Custody Attachment

To[:] Findings and Order After Hearing or Judgement

The additional provisiosn to physical custody apply to *(specify parties):* Petitioner[,] Respondent

Notification of parties' current address. Petitioner [and] Respondent must notify all parties within *(specify number):* 5 days of any change in his or her address for mailing[,] telephone/message number at cell phone[,] the children's schools

Notification of proposed move of child. Each party must notify the other *(specify number):* 60 days before any planned change in residence of the children. The notification must state, to the extent known, the planned address of the children, including the county and state of the new residence. The notification must be sent by certified mail, return receipt requested.

Child care. The children must not be left alone with age-appropriate supervision. [...]

No negative comments. The parties will not make of allow others to make negative comments about each other or about their past or present relationships, family, or friends within hearing distance of the children.

Discussion of court proceedings with children. Other than age-appropriate discussion of the parenting plan and the children's role in mediation or other court proceedings, the parties will not discuss with the children any court proceedings relating to custody or visitation (parenting time). [...]
Other *(specify):* a. Parents shall use Talking Parents App and comply with attached Talking Parents Order. b. Parents shall participate in coonjoint therapy as coordinated through minor's counsel. c. Parents shall not video each other.

Form: FL-341(A)

Supervised Visitation Order

1. Evidence had been presented in support of a request that the contact of Respondent with the child(ren) be supervised based upon allegations of neglec[,] other[:]

Neglect of emotional well-being of child & lack of self-control resulting in profantiy in presence of baby.

2. The court finds, under Family Code section 3100, that the best interest of the child(ren) requires that visitation by Respondent must, until further order of the court, be limited to contact supervised by the person(s) set forth in item 6 below pending furhter investigation and hearing or trial.

THE COURT MAKES THE FOLLOWING ORDERS

3. CHILD(REN) TO BE SUPERVISIED

Child's Name	Birth Date	Age	Sex
[T.P.]	7-16-17	4	Female

4. TYPE

a. Supervised visitation

5. SUPERVISED VISITATION PROVIDER

a. Professional (individual provider or supervised visitation center)

6. AUTHORIZED PROVIDER

Name	Birth Date	Address	Telephone

Denise Riley—see attached list

7. DURATION AND FREQUENCY OF VISITS (see form FL-341 for specifics of visitation)

8. PAYMENT RESPONSIBILITY 100% Respondent

9. Minor Counsel will coordinate and select professional visitation professional visitation monitor.

10. THE COURT FUTHER ~~ORDERS~~
finds in section 1 that the Father has demonstrated on multiple occasions a lack of emotional control and profanity in presence of child and neglectign the crying and screaming child & taking no action to stabalize the child.

[...]

E. California Supreme Court Denial of Petition for Review (June 2024)

Supreme Court of California

Results from the petition conference of 6/18/2024

The following list reflects cases on which the court acted at the most recent conference. ...

LEE v. PASULKA - S284743 - B320206 - Petition for Review - Denied ...

F. Portion of Appellant's Req. for Jud. Not. & Add. Evid. (Feb. 5, 2024)

In the Court of Appeal of the State of California,
Second Appellate District, Division Six

Saraa Lee (Respondent) v.
Troy Pasulka (Appellant), No. B320206

Appellant's Request for Judicial Notice of Additional Evidence, Vol. 1 of 3

[...]

II. Specific Judicial Notice Requests

1. Saraa's Second Failed, Obviously-Perjurious DVRO Filing (2023)

Troy asks this Court to take judicial notice of the failed DVRO Saraa filed in January 2023. She filed this DVRO — like her 2021 DVRO — explicitly because she suspected that Troy would soon take her to court. [...] In her 2023 filing, her responses to she DV-100 questions 7d, 7e, and 7f clearly demonstrate her deceptive and perjurious bent. In response to the question "Did the person [Troy] [...] cause you physical harm?" she wrote: "[Troy] caused physical harm[:] he choked me[,] [] held me hostage[,] [and] he caused injury to [my] foot and back;" for 7e, she checked a box indicting that the police came; then, for 7f, she wrote "[Troy] was arrested at that time. [Troy] caused physical harm[:] he choked me and held me hostage. He caused injury to [my] foot and back." (p. 249, emphasis added.) In sum, Saraa

clearly attempted to give a trial court the impression that Troy was arrested for harming her, choking her, etc. Troy was never arrested for any of this; Saraa knows this because she knows (1) that Troy was only arrested once — in July 2019 — as established in her 2021 DVRO litigation; (2) that her already-defeated 2021-2022 choking, foot harm, and back harm false allegations were linked to incidents supposedly occurring, according to her, in early-2019, April 2021, and May 2020, respectively (AOB, pp. 11, 19, 26-8; RB, 28-31); and (3) that none of these allegations played any role in Troy's July 2019 false arrest (E.g., see AOB. at 12-4).

On top of this arrest-related deceit, Saraa's 2023 DVRO filing clearly made misleading and perjurious statements regarding messages Troy sent in January 2023. First, her DV-100 described her "most recent abuse" in the following manner: "[Troy] threatened my life. He said, 'Time's almost up for you.'" (P. 247) Meanwhile, she left out that the actual message read, "You will also be imprisoned soon for perjury, as I will be cross-examining you myself during our trial. Time's almost up for you. Start winding down your abuse or face heightened consequences. This is your last warning." (P. 262) In other words, Troy's comment up time almost being up for Saraa clearly referred to the prospect of her future imprisonment and other legal consequences — it was not a threat on her life.

Second, continuing to describe her "most recent abuse," Saraa wrote, "I am afraid for my life and my daughter's life as well. His anger is escalating [...] He is ramping up his violent tone and making it clear that he would harm us and will stop at nothing to kill me." (P. 247, emphasis added.) Clearly, nothing

about Troy's messages were violent or gave even the faintest hint of his (non-existent) intent to murder Saraa. (P. 262)

Third, continuing to describe her "most recent abuse," Saraa wrote, "The messages are violent outbursts that are escalating day-by-day with anger. I am afraid for my life." (P. 247, emphasis added.) Meanwhile, the messages she cited were sent on January 24 (p. 257); another was sent on January 25; no messages were sent on either January 26 or 27 (Dec.); her DVRO was filed on January 27 (p. 256); and no message was sent again until March. (Dec.) Thus, on January 27, Troy's messages — which Saraa absurdly said constituted "violent outbursts" — were clearly not"escalating day-by-day."

Finally, Saraa, while describing additional "abuse," made additional misleading statements about Troy's May 2021 text messages (p. 248) — which had already been deemed non-abusive during the course of Saraa's 2021-2022 DVRO litigation. (AOB, p. 35.)

In sum, Saraa's 2023 DVRO filing — which is clearly a court record — provides clear evidence of her perjurious and fraudulent tendencies, specifically with respect to the topic of making false DV allegations against Troy, which is obviously a main subject of this appeal.

Moreover, even if Saraa were not consciously perjuring herself — which she most certainly is — she would then be clearly displaying a level of mental derangement which, coupled with the documented violence she claims to have committed to protect [T.P.] from Troy (AOB, p. 23) — and various other factors — would justify a restraining order being issued against her to protect Troy and [T.P.] from

her, and would certainly bolster Cal. Fam. Code 3044's presumption against awarding Saraa custody and forcing Troy to interact with her with respect to custody.

[...]

4. Troy's Communications with Reunification Therapist

Troy asks this Court to take judicial notice of his communications with the reunification therapist assigned to his case by the Ventura Country family court ... In sum — as elaborated upon in the above declaration — this therapist, after promising to Troy that he would help end the abuse of Troy and his daughter, utilized clearly-deceitful statements/justifications to pull out of his involvement in the case, after he realized that the nature of his participation would be documented.

Troy expects that any future therapist assigned to this case will engage in similar behavior given (1) the conflict of interest a therapist who regularly receives business form the lower court will face given his or her professional ethical obligation to expose that court as having arbitrarily and nonsensically used reunification therapy as an illegal, unconstitutional, and extortionary barrier placed between Troy and his daughter, and (2) the lower court's likely unwillingness to appoint a therapist without such a conflict of interest. (Dec.) This therapist's deceitful and professionally unethical abandonment of the therapeutic relationship — and his promptly refunding Troy upon Troy's request for a refund given the therapist's deceitful statements — is

relevant to this appeal in that it highlights (1) the practical impossibility of enforcing the current custody orders (and their illegality), plus (2) the need for the immediate dissolution of these orders, as Troy has requested (RB, p. 46).

[Earlier declaration portion from same document:]

4. On January 22, 2024, I had an initial therapy session with Dr. Robert Beilin, who, in March 2022, had been assigned to perform reunification therapy between my daughter and myself.

5. Days earlier, I had spoken with Dr. Beilin over the phone. I had only called to ask for his email; however, he asked me to tell him the story of what was happening with my court case, so I did.

6. In sum, I told him that Saraa has documented and diagnosed mental/personality disorders that caused or were related to her physical and emotional abuse of myself and our daughter, [T.P.], from 2016 to mid-2021, after which she began a campaign of ongoing litigation abuse (also domestic violence).

7. I further told Dr. Beilin that the Ventura County court had consciously, purposefully, absurdly, illegally, and unconstitutionally acted to facilitate Saraa's ongoing abuse of [T.P.] and me, in flagrant violation of Cal. Fam. Code Sec. 3044; when I stated that I was unsure of whether Dr. Beilin would be familiar with Sec. 3044, he assured me that he was familiar with the statute.

8. I further told Dr. Beilin that I was capable of fully and clearly documenting every claim I made to him, and that I was uninterested in having conversation untether to actual documentary evidence, with him or anyone else, given the false

and baseless accusations to which I had been subjected; he assured me that he regularly reviewed "declarations" and other types of documents to become informed about the details of the cases with which he becomes involved.

9. We discussed the role of reunification therapy given the judicial and litigative abuse to which my daughter and I had been subjected; we discussed why I had delayed reaching out to him — my fear of additional abuse (of myself and [T.P.]) from him and/or Saraa; my appeal's time and money costs, delayed by my appellate attorney's brain cancer related withdrawal; etc.

10. Dr. Beilin assured me that he was not biased; he referenced some sort of gender-bias investigation/grand jury that had occurred in Ventura County while he was the head of some court division in that county.

11. Dr. Beilin further assured me that he could, should the facts corroborate my account, oppose the biased guardian ad litem who I informed him refused to even speak to me; he told me that judges often listened to his recommendations; he asked me the names of the commissioners and attorneys involved in my case, and informed me that Commissioner Redmond had retired.

12. I told Dr. Beilin that therapy — and supervised visitation — were being used to extort and otherwise abuse me.

13. Dr. Beilin asked if I was sure that I wanted to begin therapy; I told him that I was sure, as I wanted to see and talk with my daughter again ASAP, and since Dr. Beilin had come off, in our conversation, as someone I could trust, someone who understood the

dynamics of the abuse my daughter and I were experiencing, etc.

14. When I asked Dr. Beilin what the purpose of therapy could be when it was entirely unnecessary, he told me that he expected, from what I told him, that Saraa would have been "working on" [T.P.] for years, and that he would try to help undo this brainwashing/abuse, should he confirm its occurrence; I told him that I did not expect that Saraa could have succeeded in such efforts, given the extremely close nature of my prior relationship with [T.P.], [T.P.]'s intelligence, and the fact that I had not been participating in therapy/supervision, in part, so that Saraa would hopefully not feel a need to exert extreme psychological pressure on [T.P.].

15. At some point I told Dr. Beilin that Saraa was a social worker; he seemed very interested in that and asked a question to make sure he heard me correctly.

16. I mentioned that Saraa/the lower court's litigation abuse has caused me chest pains, nightmares, loss of sleep, etc., that it had caused my chest to tighten in anticipation of my initial phone call with him, and that it had contributed to my experiencing seizures for the first time in my life; Dr. Beilin nodded and stated a clinical term for such maladies (something like "stress-induced"... something).

17. We scheduled our January 22, 2024, session, and we agreed that I would send Dr. Beilin various case-related documents.

18. After Dr. Beilin emailed stating that he had not yet received the documents (Id.), I resent them to his proper email (Id.); these documents were (1) my opening appellate brief, (2) Saraa's Respondent's

Brief, (3) my motion to strike that brief, (4) her opposition motion, (5) my reply to her opposition, (6) my Reply Brief, and (7) my state bar/judicial performance complaint. (Id.)

19. I also sent Dr. Beilin a screenshot of a portion of Saraa's second failed, fraudulent DVRO, filed in 2023; I drew his attention to Saraa's claim that I "cause[d] physical harm, [...] choked [her] and held [her] hostage[,] [and] caused injury to her foot and back [and that I was] arrested at that time." (Id., emphasis added.)

20. I explained to Dr. Beilin that reviewing this single, small screenshot — plus performing a cursory review of my opening appellate brief — would reveal that Saraa most definitely perjured herself in this filing by falsely claiming that her already-defeated allegations — supposedly from incidents in April 2021, early-2019, etc. — were related to my false arrest in July 2019, which has essentially already admitted involved not a single one of these incidents or any sort of related harms or abuse. (Id.)

21. To begin our initial (and only) session, Dr. Beilin asked me a question which, in my opinion, so involved the entire story that I quickly re summarized matters for him, beginning with my meeting Saraa in 2016 (Dr. Beilin had apparently failed to learn anything significant from his review, if any, of the documents I sent him); towards the end of the session, I took summarizing notes (which I emailed Dr. Beilin after the session) about what had transpired in the session, checking with Dr. Beilin during the session to confirm that I had accurately summaries the session. (Id.)

22. At the start of the session, after hearing my case summary, Dr. Beilin asked what I wanted from him;

I replied that — ignoring his personality/willingness to help, which I said I appreciated — his position was an illegal, unconstitutional, and extortionary block on my liberty to speak with and see my daughter, and that I'd like him to remove himself as quickly as possible from this coercive role, but there may be a therapeutic role he could play subsequently; specifically, I asked him to inform the judge that Saraa is obviously abusing [T.P.] and myself, that Saraa was doing so during the two videos that resulted in me being sanctioned with supervised/therapy-supervised visitation, that I was obviously not abusive or a threat to my daughter during these two videos, etc. (Id.)

23. Dr. Beilin objected that he could not tell the judge that Saraa was abusing [T.P.]; I asked whether he was a mandated reporter of child abuse; he replied he that was, and he told me that, if he watched the video of Saraa viciously attacking me while I held [T.P.], that this would trigger a mandatory report on his part. (Id.)

24. Contrary to the impression he gave me in our initial phone call and at the start of the session, towards the end of the session, he said he would be opposed to viewing any non-clinical evidence (documents, videos, etc.) (Id.)

25. I asked about his standard for recommending that therapy end ("the quality of the relationship" between [T.P.] and myself); I asked if one session with the two of us would be sufficient to see a sufficiently high quality relationship, assuming [T.P.] was excited to see me, that there was no evidence of abuse, etc; he told me that he would need four to six sessions; when I pressed him for what he would know after five hours that he would not know

after one hour and a review of the relevant records, he told me that children sometimes stop pretending that they have not been abused by the therapy participating parent after a few sessions, although they do often pretend this throughout a single session (to this, I said that I understood that rationale, since I had witnessed [T.P.] masking her feelings while being abused by Saraa).

26. During our session, he asked for the therapy order; I told him that I had just seen it in my email and that I would get it to him ASAP, or immediately if he wanted to give me 5-10 minutes uninterrupted to search my email for it; he said there was no rush and that I should continue talking with him instead; after our session, I emailed him screenshots of the text of the therapy order that he had requested (Id.)

27. I also emailing him stating, "you said you'd need 4-6 session to see if therapy is unnecessary, even when a child seems to show that it is unnecessary from the first session, because you'd need to check, for example, that the child is not simply acting good for the abuser. But, here, I have already been deemed NON-abusive, and our therapy relationship is not even meant to repair, assess for, etc. any abuse, even alleged abuse."

28. I also emailed him a few questions; such as: (1) "What should be the date and time for my first session with my daughter?"; (2) "If [T.P.] is distressed about her ongoing abuse by Saraa, or various aspects of that abuse (such as losing her pet cats unnecessarily, not being allowed to meet her sister, etc.), might [T.P.]'s in-session distress about these topics be held against me, forcing me to undergo more (illegal and unconstitutional) extortionary, traumatic, and potentially life-

threatening therapy (because [T.P.]'s distress about these topics may be interpreted as reflecting negatively on the quality of my relationship with [her])? [...] Finally, in case I didn't write it in any of the notes about our first session so far, and because it relates to my 'life-threatening' comment above: I told you in the session that abuse-related stress caused me to have seizures and fainting in the past; you replied that must have been scary. [By the way, I did not tell you this at the time: though those specific medical reactions were caused by Saraa's abuse, they were directly triggered by the negligent and illegal responses of a different therapist; for example, he illegally refused to provide his patient notes to me. [...]]"; (3) "Despite your statement that you will actively refuse to look at clear, videotaped evidence of my and my daughter's physical and psychological abuse by Saraa, are you willing to look at the two videos that were the basis of placing supervised visitation (and now this therapy) as a barrier between me seeing or communicating with [T.P.] — even though these videos contain such abuse of [T.P.] and me by Saraa — since these videos reveal the type of 'threat' I allegedly pose to [T.P.], which is presumably the type of threat you should be assessing whether I 'still' pose?"; (4) "In your professional opinion, does the fact that I am experiencing acute and disabling physical pain as a result of our sessions (our initial call and our first session), counsel the importance of determining whether there is or was ever any therapeutic justification for this therapy, given that I have consistently told you that this therapy is without any therapeutic justification and is merely being used as an abusive weapon against me by a corrupt legal

institution that Saraa utilized against me, as perpetrators of abuse are known to do (see the law and legislative history of Cal. Fam. Code Sections 3044 and 6344, and the legal and psychological literature on litigation abuse, coercive control, etc. — though, you seem very familiar with this topic already, having suggested that Saraa may have been working on [T.P.] for years by this point, etc.)?"; (5) "In a hypothetical scenario in which YOU KNEW that a corrupt court had literally been bribed by one parent to order the other parent into reunification therapy for the purpose of extorting that parent and perpetuating abusive child deprivation, would you, as a first step, examine whether there was any therapeutic justification for the reunification therapy by examining the videos that YOU KNEW served as the only basis for an order of such therapy, when the victimized parent informed you that doing so would reveal that there was never any therapeutic basis for the ordered therapy?" (Id.)

29. I asked for simple yes/no answers to these questions (other than the first one listed above, which I requested be answered with a simple date and time). (Id.)

30. Dr. Beilin replied with a lie, "I have answered your questions in our intake session, and I will not reiterate my answers." (Id.)

31. As I pointed out in my reply email, I had never received answers to any of these questions, most of which I had never even asked. (Id.)

32. His email also stated, "I have determined that I cannot proceed with the reunification process between you and your daughter. [...] I have asked for a copy of the court order that incorporates my appointment as the reunification therapist. You have

not provided the court order. It appears that you believe that the reunification process is unnecessary, and you seem to be using it in order to prove that the order itself is an abusive use of the court's authority." (Id., emphasis added)

33. I replied (1) that I had sent him the exact text of the order, (2) that I could send it to him in any other form that he desired, (3) that, in light of his lie about having answered my questions, and his refusal to answer/re-answer my simple yes/no questions, I would assume that his bringing up the order was simply a form of gaslighting, (4) that he knew the entire time and going into the session that I viewed the the reunification therapy as therapeutically unnecessary and an abusive and illegal transgression of the lower court's authority, and (5) that he had explicitly offered to help me put an end to this abuse. (Id.)

34. His email also stated, "You seem to desire that I view video tapes that I deem as not part of my assignment, and you refuse to accept that I will not do so." (Id.)

35. I replied, (1) that I thought the circumstances suggested that his viewing of the videos that were responsible for my being ordered to supervision-then therapy was part of his assignment, (2) that I had never "refused to accept that he would not do so," and (3) that I had simply asked him a simple yes/no question about his thoughts on his ethical responsibility to do so, under the circumstances. (Id.)

36. His email also stated, "In addition, you seem to think that I should view the videos in order to trigger my mandatory reporting requirement to report child abuse by your daughter's mother." (Id.)

37. I replied that this is not the reason I wanted him to view the videos, but that he had told me that viewing the videos would trigger his reporting responsibilities. (Id.)

38. In reply, I also, (1) requested an immediate refund for our initial session (which Dr. Beilin promptly provided — presumably because he knew that evidence would show that he misrepresented himself and then lied to me and attempted to gaslight me), and (2) noted that it seemed to me that he had abandoned our therapeutic relationship solely to prevent himself from coming into conflict with and having to expose the trial court's knowing involvement in the abuse of myself and my daughter, something I noted that he likely wanted to avoid because he received business from the trial court (and the abusive attorneys that had recommended him to the trial court). (Id.)

39. I expect that any future therapist appointed by the lower court will face the same conflict of interest and will act in a manner similar to Dr. Beilin.

40. Having now reviewed the professional ethical obligations of family therapists, I have concluded that any therapist who participates in this case without promptly reviewing the relevant filings and videos would almost immediately expose themselves to professional negligence/ethical liability if they did not proceed, almost immediately, to report to the Ventura Court that reunification is not, and was never, therapeutically necessary in this case; I take Dr. Beilin's comment that he "cannot" continue with the therapy as suggestive of this fact (a therapist unwilling to expose the Ventura Court cannot ethically participate in the ordered therapy).

40. My experience with Dr. Beilin highlights the abusive and illegal nature of the supervision/therapy order in this case.

41. Moving on from the Dr. Beilin situation, Saraa's co-conspirator, guardian ad litem Jennifer Groce, refuses to communicate with me in any medium and refuses to even ... even though I believe that she is the court-appointed contact person for me to receive various forms of information about my daughter. [...]

7. Late-2023 Federal Lawsuit Against California Family Courts

Troy asks [for] ... judicial notice of a recently-filed federal lawsuit ... alleg[ing] (1) that California family court judges are not trained how to protect children's Constitutional right to be parented by their parents, parents' rights to parent ... and both children's and parents' rights to engage in private speech with one another without undue interference from the government; ... that California judges routinely trample on these rights ... by relegating fit parents to supervised visitation relationships with their own children ...This litigation relates to this case because it highlights (1) ... public importance ... (helping to defeat ... Saraa's efforts to dismiss this appeal without adjudication on the merits), (2) the plausibility of Troy's allegations of judicial misconduct, and (3) the constitutional arguments Troy did not have time or space to sufficiently elaborate upon in his briefs, given the need for Troy to document Saraa's extensive perjury and the findings that any unbiased fact-finder would have made in this case.

G. Portion of Appellant's Req. for Jud. Not. & Add. Evid. (Dec. 11, 2023)

California's Second District Court of Appeal, Division Six

Troy Pasulka, Appellant.
vs.
Saraa Doris Lee, Respondent.

Case No. B320206
Appellant's Judicial Request, State Bar/ Judicial Performance Complaint
The Honorable P.J. Gilbert, Division Six

Motion Requesting Judicial Notice

[...]

——— Illegal Custody Manipulation ———

25. As indicated above, Redmond violated § 3044(h) by failing to notify me of § 3044's existence prior to the July 6, 2021, custody mediation. Meanwhile, § 3044(g) requires that a "court [...] make a determination as to whether [§ 3044] apples prior to issuing a custody order, unless the court finds that a continuance is necessary to determine whether [§ 3044] applies, in which case the court may issue a temporary custody order for a reasonable period of time, provided the order complies with § 3011[.]" (§ 3011 requires courts to consider corroborated abuse allegations when making custody determinations, and not to hold absences from children against parents who were absent due to their efforts to

escape domestic violence; it also suggests that courts should be mindful of parental attempts to interfere with the another parent's access to their children.) In a violation of § 3044(g), Redmond never made any attempt to determine whether my abuse allegations against Saraa triggered § 3044's requirements; indeed, he ignored those of Saraa's documented/undisputed acts of abuse that I had highlighted in various proceedings and filings. (((FN26: For example, Redmond's confused question about a portion of the video of Saraa's filmed violence showed he had not even paid attention to my prior testimony that Saraa had attacked me during that very portion of the film.)))

26. Of course, because Saraa had clearly "perpetrated domestic violence within the previous five years," § 3044's requirements obviously applied, including § 3044(a)'s "presumption that an award of sole [...] custody [...] to a person who has perpetrated domestic violence is detrimental to the best interest of the child." This presumption, never having been rebutted by Saraa — let alone rebutted in the manner virtually required by § 3044(b) — Redmond's grant of sole custody to Saraa on November 2, 2021 violated § 3044(a-b) — notwithstanding Redmond's attempts to circumvent the statute by simply refusing to find that Saraa had perpetrated domestic violence. (((FN27: Practically speaking, Redmond had effectively ordered sole custody as early as June/July 2021. Also, to the extent that Redmond's November 2, 2021, custody orders were temporary orders, they violated § 3044(h), by violating § 3011, because they disregarded Saraa's documented abuse and seemingly held my domestic violence-related absence from my daughter *against me*.)))

27. Redmond's clear legal violations were not the only custody-related signs of his corruption/bias. For instance, while using continuances to prolong the denial of Saraa's DVRO until 153 days after she had requested it, Redmond consistently ignored my efforts to obtain safe visitation. (((FN28: At the close of hearings on September 3, Redmond stated, "I'm not going to pu[sh] [the next hearing out weeks. We're going to keep it moving." He then delayed the next hearing by nearly three weeks. At the close of hearings on September 23, 2021, after Gunther stated that I had not seen my daughter in months and asked that Saraa be ordered to deliver her to me for a few days, Redmond entirely ignored the request; instead, he said that the next hearing would be scheduled for the very next day — it was not — then added, "we'll talk about what kind of visitation scenario we do in the interim [that is, before the DVRO ruling]." Redmond then asked, "[I]sn't [this] a supervised visitation situation?" It was not. Negley misleadingly replied, "Yeah, dad is doing FaceTime calls," to which Redmond replied, "Right, right." With that, Redmond and Negley again delayed addressing the issue of my parental rights, Saraa's child abduction, and my and my daughter's documented abuse. Six days later, at the next hearing, Redmond failed to address my visitation rights in any manner, and delayed the next hearing until October 28; to prevent any discussion of my visitation, he concluded proceedings by walking out of the room after remarking, "The prior orders remain in effect until then. Good luck." Clearly the conspiracy wished to address my visitation only after issuing a DVRO against me; in October, when their delay tactics started becoming absurd, they brought in Jennifer

Groce to help give a veneer of reasonableness to their efforts to disregard my parental rights. Groce began the October 28 hearing with a maliciously false diatribe about my filmed FaceTime visits with my daughter, as described below.))) Redmond justified this by promising to hold evidentiary custody hearings after the DVRO hearings had concluded — then scrapped this months-long promise on November 2, 2021, after realizing he would have to deny Saraa's DVRO. Redmond refused to hold evidentiary custody hearings despite the fact that § 3044 required him to do so, despite the fact that Saraa herself had requested "a full evidentiary hearing" regarding custody; despite the fact that all parties had consistently operated under the belief that full evidentiary custody hearings would follow the conclusion of DVRO proceedings; despite the fact that Redmond had used the false promise of future evidentiary custody hearings to justify repeatedly preventing me from testifying about my relationship with my daughter — even as I tried to remind him that such testimony was relevant to DVRO proceedings, since Saraa had requested that I be restrained from seeing our daughter; and despite the fact that Redmond had allowed guardian ad litem Jennifer Groce to testify against me — and then specifically denied me any opportunity to respond to or cross-examine Groce. (((FN29: In addition to Negley repeatedly requesting full evidentiary hearings on July 21, 2021, the following were among the references made to the promised evidentiary custody hearings during DVRO proceedings: (1) Redmond: "[C]ustody and visitation that will be taken up after the restraining order is decided" (Sep. 2); (2) Redmond: "I'm thinking of [...] [your daughter.]

But we'll get back to that later" (Sep. 23); (3) Redmond: "[C]ustody and visitation will kind of roll along [...] at some point after the restraining order [...] [w]e'll get [...] to [custody] later" (Sep. 23); (4) Gunther "[Okay,] [w]e will address [custody] when appropriate, your Honor" (Sep. 23); (5) Redmond: "once we get through the restraining order aspect, however it may go, we then have to talk about the custody aspects of the case" (Sep. 29); (6) Redmond: "[W]e're going to have a discussion about custody and visitation after the restraining order" (Oct. 28); Redmond: "[W]e still have custodial issues to address" (Oct. 28); Redmond: "Do the parties need five minutes to get organized for closing arguments, relative to the restraining order portion of the case?" (Oct 28); see also, Footnote 28.)))

28. Redmond appointed Jennifer Groce as my daughter's attorney around October 7, 2021. (((Gunther advised me that this would be a good thing. However, I later heard that it was highly irregular to have a guardian ad litem appointed for a four-year-old, since a child of that age could hardly be expected, under normal circumstances, to express thoughtful preferences. (Though, my daughter was far from normal — I had been teaching her to recite Shakespeare since she was just over one-year-old — and she consistently expressed a preference to visit me throughout her mother's still-ongoing child abduction.) It turned out that Jennifer Groce was appointed for one purpose: to add a third, supposedly-neutral voice to hearings, thereby reducing my ability to say anything during those hearings, and giving the corrupt commissioners' flagrantly illegal rulings an air of legitimacy; after all, they were just following this "neutral" "expert's"

advice — and then Groce would bill me for her the time it took her to conspire against me.))) On October 27, 2021, Groce called me, having already spoken extensively to Saraa and Negley, with whom she is clearly and overtly conspiring. She remarked, "This is one of the most high-conflict situations I've ever seen." When I replied that Saraa had admitted, in writing, to continually obstructing normal communication, Groce dismissed me, stating, "Right, you say it's all her fault; she says it's all your fault." I replied that this was not at all what I had just said: I had said that *Saraa* had herself *admitted* to creating conflict. Not knowing at the time that Groce was Negley's conspirator, I added that Saraa was counting on Groce to make the mistake of thinking of this as a he-said/she-said case. Groce replied that this was "belittling" her — presumably my "belittling" consisted of having pointed out her failure to comprehend what I had just said (which I now understand was an intentional mischaracterization of what I had said). Groce then claimed that I had made an unreasonable demands of Saraa (I had asked Saraa to greet me warmly at the beginning of my FaceTime calls with my daughter, since, after Saraa had suggested and then done this once, our daughter's stress during the call was greatly relieved — after which Saraa refused to ever do this again, for fear of documenting that only her own behavior was creating stress for our daughter). When I asked Groce if she wanted to understand the facts that made my request entirely reasonable, and something that was in the best interests of our daughter, Groce literally replied that she was not interested in receiving information from me. Groce next rejected my offer to share wit her

evidence related to Saraa's admissions of her role in our communication difficulties, to Saraa's acts of domestic violence and child abuse, and to Saraa's post-filing acts of provocation and harassment. At this point, I asked Groce to simply proceed with whatever she had called to discuss. She asked a few pointless questions, presumably just so she could say she had contacted me, and the call ended.

29. The next day, Redmond asked Groce to provide a preliminary report. Groce stated that she had spoken with Saraa but had only "attempted" to have a conversation with me. She then stated she had reviewed "the majority" of the Talking Parents conversations between Saraa and I (Groce had explicitly rejected my offer to give her the portions of those conversations that Saraa had failed to provide her). When Groce informed Redmond that this was a "high-conflict case," Redmond agreed, characterizing Saraa's and I's relationship as "oil and water." (((FN31: Experts know that *one-sided abuse* is regularly mischaracterized as merely the interactions of "high-conflict" *couples*.))) Groce proceeded to mischaracterize various recorded FaceTime interactions I had with my daughter during Saraa's still-ongoing child abduction; Saraa had interfered in nearly every one of these calls. Groce then stated that she had met with both counsels earlier in the day — indeed, after that conversation, Gunther reported to me that Groce was "a real bitch." Groce then admitted that she had not watched the videos I had offered to send her. Groce then admitted that, not only was she was aware of my abuse allegations against Saraa — including her threats to murder me — but also stated that she knew that I believed those allegations. Groce also

went on to admit that our daughter loves me and repeatedly asked Saraa if she could be allowed to speak with me. Groce concluded by recommending that my visitation should be supervised and that Saraa be given sole custody.

30. Redmond later prevented me from testifying to Groce's bias and describing the reality of my FaceTime calls with my daughter. Then, after I directed Gunther to ask me if characterizing my relationship with Saraa as "oil and water" was accurate, Redmond stopped me from answering.

31. To properly describe and contextualize the FaceTime calls with my daughter about which Groce lied would require several pages of discussion — which I will soon write in preparation for the proceedings required by § 3044, which I trust will soon commence. For now, it will suffice to demonstrate Groce's lack of ethics through providing the above description of Groce's unwillingness to even review information not sourced from her conspirators, the further below information about Groce's involvement in the conspiracy during March 2022, and the following example of the conspiracy's attempt to mischaracterize one of the FaceTime calls with my daughter: Months into Saraa's May 2, 2021, child abduction, I comforted our daughter — who was sobbing and begging her mother to be allowed to see me — by singing, over FaceTime, "Everything is going to be okay" (a song I had sung to our daughter during many of Saraa's abusive incidents); after I had stabilized our daughter, Saraa's subsequent lies to our daughter caused our daughter to again burst into tears (I had requested that Saraa stop involving herself in our calls, but Saraa refused to do this, so that she could continue distressing [T.P.] — and then

blame [T.P.]'s distress on me); as Saraa attempted to portray herself as a concerned mother by asking our daughter how she felt, I replied that our daughter felt like she was being "psychologically abused;" when Saraa — who I had *repeatedly* asked to stop talking to me — attempted to tell me to focus on our daughter (in an attempt to misleadingly portray me as trying to create acrimony with Saraa during my FaceTime calls with our daughter) I told Saraa, as I watched her abusing our daughter, "shut your fucking mouth, you evil bitch;" Negley and Groce apparently coordinated their lies about this video: both removed the word "evil" from my quote while supposedly repeating the quote — an obvious attempt to disguise that I had made the comment while watching my daughter's abuse in real-time, and while being abused myself by Saraa's duplicitous harassment. During his closing argument, Negley claimed I had explained the following about my supposed intent in making this comment: "[Troy stated that he was thinking,] 'I'm not going to let [Saraa] get away with lying [...] I'm going to hold her accountable." I had said nothing like that; rather, I had actually stated:

"[I]t is important that [our daughter] understand that what is happening to her right now is not normal. [...] It is very important — not every day, but at least one time — [that she] know that her father [...] recognizes and validates her own feelings of anger and frustration with the situation. For everybody to just treat [...] what's happening [as if it's] normal [...] it is not normal for a [child] who was with her father all the time to be deprived of her father for six months. This is not normal. [T.P.] need[ed] to know that somebody else is also angry

about this. [...] The circumstances [were] that I ha[d] brief seconds with [T.P.] to communicate some idea[,] because I'm not only being [physically] deprived of [our daughter], but Saraa is constantly hanging up calls [...] and she refused to agree [to a FaceTime] schedule before that. So I have a brief moment in time to communicate something [...] I chose to communicate [...] that this is not normal. [That my daughter's] feelings are valid[:] [h]er feelings of frustration and despair about not being able to see her father, who she had been with every day for five years [...] [a]nd [that] it doesn't matter how many times Saraa lies to her and misleads her, she shouldn't just accept it as [...] normal."

32. When I tried, during DVRO proceedings, to reply to Groce's slanderous report, Redmond stopped me from testifying, stating, "I want to deal with the restraining order first [...] I want to have a hearing and everybody can present whatever evidence they want on the custody situation, but not now. So the issue surrounding custody and visitation, specifically. Let's wait our turn to finish the restraining order portion of the case first." Gunther replied, "Now, regarding the restraining order issues, I don't think we have any further questions for Mr. Pasulka. We do have questions, as stated, with [respect to] the custody and visitation[.]" Redmond replied, "We'll get there," to which Gunther replied, "Very good, thank you" — and then Redmond entirely scrapped holding evidentiary custody hearings right after denying Saraa's DRVO on November 2, 2021.

33. When Redmond did this — and stripped me of custody and placed me on supervised visitation — I asked Gunther if we should object to Redmond's

attempt to simply delete the half of the trial he had consistently stopped me from addressing, with false promises of later hearings. Gunther replied that objecting would risk inciting Redmond; Gunther pointed out how seemingly-arbitrary Redmond's rulings had just been (Redmond had, after all, just announced that he had entirely changed his mind about whether I had abused Saraa — within about fifteen minutes of closing arguments — despite supposedly having been *sure* — for five months — that I had abused Saraa.) Thinking that Redmond might indeed re-reverse his DVRO ruling if I challenged his efforts to trample on my parental rights, I kept my mouth shut and politely nodded along with Redmond's pontifications about the wisdom and propriety of his flagrantly illegal acts.

34. Redmond's justification consisted of the following:

On February 23rd, 2022, [...] there'll be a review of compliance with the custody and visitation orders I'm making at this time. [...] [Troy, your] lack of self-control resulting in the profanity in the presence of the child [...] [and your] neglecting that crying, screaming child, [you] took no action to stabilize the child. [...] and I understand the emotions going on at that time, but it doesn't justify what happened on the video. You're speaking negatively about the baby's mother. You're [using] terms [like] "psychological abuse" that no four-year-old is going to understand and comprehend. But [...] it upset the child greatly. So here's the deal: If you want to evolve from sole legal and supervised visitation back to the joint custody scenario, you have to demonstrate trust. [...] I expect you're capable of it. And maybe it's been the emotions of all of this [...] when there are no custody

orders, with all the allegations back and forth, but it's got to stop. That's why it's going to be a professional now to give me the report card, and that's really all it is. It's a report card that says, "Hey [...] [e]verything went great. [Troy and his daughter] played their games. They talked about this and that aspect of the child's life." But the negative conversations, what I saw on that video, what I saw as you're walking down the street filming [...] Is anybody aware that this baby is screaming? And you just continue to march down the street, instead of dealing with the child. That's the part of immaturity and emotional control that presents a risk to the child right now.

35. Redmond's justification was absurd on so many levels. As discussed above, Redmond's attempt to blame me for not taking care of my daughter *as I removed her from her mother's unprovoked and largely-undisputed violence (and the basically-undisputed mental breakdown that had occurred just prior)* was sickening. And while such comments were doubly-absurd because I literally helped Saraa reconcile with our daughter, on video, right after the portion of the video which I had introduced in trial, as stated above, I also explicitly helped tend to our daughter's feelings *during the portion of the video Redmond saw.* Then there was, of course, the absurdity of Redmond stating that my emotional maturity posed a risk to my daughter that day — but somehow failing to comment that Saraa yanking me to the floor while I held our daughter, which Saraa did not even dispute, was a risk to our daughter (one that, legally, placed the burden on Saraa to show that she should not be stripped of custody).

36. Then there were Redmond's comments — directly contradicted by, for example, my singing to my daughter to *successfully* stabilize her — that I had taken no action to stabilize my daughter. (Not that it was even fair to expect that I could stabilize an abducted child who I could not even speak to without Saraa's constant intervention in the calls and her repeatedly hanging up on me during the calls.) Relatedly, Redmond had flat out lied when he claimed that my mentioning Saraa's "psychological abuse" — which Redmond even admitted our daughter could not possibly have understood — upset our daughter. I literally brought up Saraa's psychological abuse because our daughter was *already* showing obvious signs of distress that she specifically and explicitly noted were the result of her mother's abduction (and that were clearly also caused by her realization that her mother was lying to her about the abduction — Saraa was telling her that she was working with me to figure out when our daughter could visit me, as she was working to make sure that could not occur for years). In addition, Redmond's comment that I should talk to my daughter about her life was just plain stupid: in our conversations, she would always bring up the child abduction dominating her life — this was not only predictable, but documented on film.

37. Finally, Redmond's admission that he basically thought my supposedly inappropriate actions were likely the result of *his* failure to issue appropriate custody orders (in turn, based on his months-long "misunderstanding" of the DVPA), combined with Saraa's failure to ever offer safe or practical visitation, contradicted the very basis for his denial of custody and his supervision orders.

38. Per usual, the February 2022 hearing was delayed; on March 14, 2022, after Redmond had been taken off the case, the next custody hearing occurred. This hearing, which was absolutely farcical, began as the last and only other custody hearing had: with Gunther telling me at the last minute that he would not be available. This time, Gunther stated that he had incorrectly believed the hearing would be at another time of day — even though I specifically told him the night before that it was not at the time he said, that night, that it was set for (when I told him to double-check the matter, he, strangely, barely replied — rather than saying, for example, "Okay, I'll double-check."). So, on March 14, 2022, Magdaleno was again put onto the case. I have no idea how or why she was around the courthouse, given that Blaine said he found out only that day, minutes before the hearing, that he would be unavailable. Meanwhile, Magdaleno had supposedly stopped working for Negley by this time and had been hired by Brandon Sua, Gunther's employer — not that I was aware of any of these details at the time; I did not even remember Magdaleno from the July 2021 custody mediation. In fact, Sua and his employees responded evasively when I later inquired about Magdaleno's employment history — due to the malpractice she committed on March 14, 2022.

[From an earlier portion: 2. Around June 2, 2021, I hired Blaine Gunther of the Sua Law Group (owned and operated by Brandon Sua) to represent me. At the time, attorney Janette Elaine Magdaleno had been working for Negley since February 2021, according to her LinkedIn Profile. On July 6, 2021, Saraa and I engaged in court-ordered custody mediation via Zoom. Immediately beforehand,

Gunther informed me that he was unavailable, and that Magdaleno — who was apparently still working for Negley — would be representing me.]

39. Minutes before the March 14, 2022, hearing, as I instructed Magdaleno that I wanted her to bring up the statute I had recently discovered — § 3044 — she told me that she could not say *anything* that I wanted her to convey to the court during the hearing, because she knew *nothing* about my case. I replied that, in that case, I wanted her to do *nothing* at the hearing except tell the court that she was not capable of representing me because she knew nothing about my case, and that I wanted to be allowed to speak for myself at the hearing (I was only appearing via Zoom, so I was unable to handle the situation in any other way that I could think of). Magdaleno agreed to do this.

40. The hearing began with Commissioner Kawai, who had replaced Redmond, stating that he was not sure what was going on in the case (in part, because Redmond had just had the case three days earlier, when he had denied Saraa motion for reconsideration and my request for prevailing party fees). When Kawai was unable to get his bearings — he was just sitting in silence for about a minute — I interjected, trying to offer an explanation. Kawai immediately cut me off stating, "Mr. Pasulka, I'll give you an opportunity to speak through your counsel." Yet, realizing he needed assistance, he added, "But I'm going to ask for Ms. Groce first how we should proceed." Groce then proceeded to give Kawai what she called "a brief historical perspective" on the case — which somehow failed to mention that Saraa's restraining order request had been denied. Groce falsely and absurdly asserted that I had "tried

to arrange times with [Saraa] to see [T.P.], despite really clear court orders." (Obviously I would never think that Saraa would let me see our daughter; I had asked her to admit to the fraudulence of her litigation to the court so that it would reverse its orders — so that Saraa could herself avoid future sanctions, DVRO issuance against her, and jail time for past and future perjury, etc.) Groce, after stating that I had not seen my daughter for months, recommended that my supervised visitation be switched to therapist-supervised visitation. Negley stated that he had nothing to add (from this day on, Groce would be Saraa's primary advocate, presumably so Saraa could improperly split her legal fees with me).

41. When Magdaleno asked that I be allowed to speak, Kawai's replied, "[Troy's] represented by you, correct?" When she did not reply, I stated, "She has no experience on this —" before Kawai cut me off: "Mr. Pasulka, do not talk over [] me, sir. I know that[.]" Of course, I had not talked over him at all; it was silent when I had spoken. Confused, I apologetically and respectfully replied, "It's hard to know when you['re] talk[ing] with this Zoom thing [and] I can't talk to my attorney — " Kawai cut me off again: "This is easy to know[:] you're not to talk." I replied, "So don't talk at all —" and was about to add, "Got it," when Kawai cut me off again: "You're not to talk right now. I'll give [you,] possibly[,] an opportunity to address this Court. But this is not your courtroom, sir. And these proceedings[,] you do not dictate how they go." (Of course, I had never made any suggestion that I was in charge.) Kawai then immediately revealed that his offer to allow me to speak had only been something he had stated to

make himself sound less unreasonable right after I had acknowledged his instruction never to talk during the proceeding; he told Magdaleno: "I don't believe that [Troy making a] statement is appropriate before this Court [...] [T]o give your client forum to highjack my proceedings, which he's attempted to do on two occasions this afternoon, I'm not inclined to give him that opportunity." Obviously I had never attempted to "hijack" the proceedings; at this point, I knew that Kawai was gaslighting me and attempting to mischaracterize the proceedings for the sake of provoking me and distorting the transcript he knew would reveal his illegal and belligerently acts and statements.

42. Kawai soon added, "I have no reason to disbelieve [Groce's] representation to the Court [that Troy violated court orders]." This was a patently absurd comment since he had just shielded himself from learning any such reasons, by disallowing me from speaking after having himself explicitly acknowledged that "my" attorney knew nothing about my case. Kawai then added that he would be implementing Groce's request — at an earlier date than even Groce had requested — that my future visitation be therapist-supervised, due to my not having had contact with my daughter for moths. (Of course, I had avoided participation in supervised visitation because I had just witnessed Redmond — even when a videotape of my visits with my daughter existed — blatantly lie about the nature of those visits; thus, I was fairly certain that supervised visitation would be no more than a trap to further strip me of my rights.)

43. As Kawai, Groce, and Negley attempted to end the hearing, I asked, "So you're not going to allow me

an opportunity to talk about my daughter's situation of current abuse?" When Kawai replied that I "ha[d] not filed any motions to address any issues that are before the Court today," I asked, "I can't address custody during my custody hearing? Everybody could speak against me, but I'm not allowed to speak at all?" At this point, presumably conceding that I was correct, Kawai asked my attorney if she would like to speak with me (and then address the court on my behalf); Kawai added, "Because other than that, I have addressed all of the issues that are properly before this Court." Of course, since he knew this was not true, he then tried to get my attorney to endorse his lie: "Do you agree that I've addressed all of issues that are properly before this Court, Ms. Magdaleno?" My attorney replied, "I'm sorry. I'm just getting this case, so I don't know what was exactly on calendar or what was before the Court today." So exposed, Kawai then addressed me: "Mr. Pasulka, I'm going to give you an opportunity to speak with your attorney [...] And then we can possibly address some issues that you find outstanding [from] today's [...] proceedings." I attempted to explain to him that Magdaleno had *already* refused to speak on my behalf: "That's going to be totally unhelpful. But I guess —" Kawai cut me off again, seizing the opportunity to frame my unfinished reply as a rejection of his offer to allow my attorney time to speak with me: "Okay. Then that request is denied. The Court is adjourned on this issue. You don't have to do that[,] [Ms. Magdaleno:] Mr. Pasulka just indicated that [you having a moment to talk with him and then address this Court] will be 'completely unhelpful.'" Kawai's continued displays of deceit and belligerence

throughout 2022 proceedings will be elaborated upon in Part 2 of this complaint.

——— Commissioner Redmond ———

44. Redmond's involvement in this case having ended in March 2022, I will add a final comment about his involvement. I cannot believe that Redmond attempted to provide fair adjudication. This would require me to believe that Redmond was an incompetent moron, which I do not believe. For instance, I would have to believe that Redmond did not know how to follow § 3044; or that he did not know whether filmed, undisputed violence constituted abuse — even after eventually finding that it might have constituted a crime. I would have to believe that Redmond could not understand the relevance of an abuse "victim," one who supposedly stayed in the relationship due to economic duress, continually asking her "abuser" to have more children. I would have to believe that Redmond did not understand the relevance of having this "victim" detail when exactly she earned the $100,000 she admitted to earning in a year in which she was supposedly "forced" into signing yet another lease with her "abuser." The list of absurd beliefs I would have to adopt to believe that Redmond tried to provide fair adjudication is nearly endless. Having witnessed Redmond's machinations — most of which were far more subtle then, say, Kawai's belligerence — I do not believe that Redmond is an incompetent moron. While there are some indications that he may have conspired with Negley and Groce out of inexplicable animus towards me — rather than, say, direct bribery — it is beyond reasonable dispute, in

my opinion, that he provided *knowingly* biased adjudication. My opinion on this matter is, of course, based on everything stated above — and so many more details; some of which I simply could not include if I wanted to get this complaint submitted any time soon (*e.g.*, statistically glaring differences in how he responded to my testimony vs. Saraa's, or to the objections of my attorney vs. Saraa's attorney), and some of which are difficulty to even convey in writing (facial expressions, tones of voice, etc.).

H. Constitutional & Statuory Provisions

U.S. Const. Amend. XIV, § 1: "No State shall ... deprive any person of ... liberty ... without due process of law[,] nor deny ... equal protection[.]"

U.S. Const. Amend. I: "Congress shall make no law ... abridging the freedom of speech ..."
California Family Code § 3044(a): "[A] party ... [who] has perpetrated domestic violence within the previous five years against [a] party seeking custody ... [faces] a rebuttable presumption that an award of sole or joint physical or legal custody of a child to ... [the] perpetrat[or] ... is detrimental to the ... child[.]"

California Family Code § 3044(b):

> To overcome the presumption ... in subdivision (a), the court shall find ... that the [following] factors ... on balance, support ... [the idea that] giving ... custody ... to the perpetrator is in the [child's] best interest ... [ignoring] the preference for frequent and continuing contact with both parents[:] []The perpetrator has successfully completed a batterer's treatment program[,] ... a program of alcohol or drug abuse counseling, if ... appropriate[,] [and] ... a parenting class, if ... appropriate[;] [t]he perpetrator is on probation or parole, ... [or] is restrained by a ... restraining order, and has or has not complied[;] ... [t]he perpetrator ... has committed further acts of domestic violence[.]

California Family Code § 3044(c): "[A] person ... 'perpetrate[s] domestic violence' ... [by] intentionally or recklessly caus[ing] or attempt[ing] to cause bodily injury ... [by] plac[ing] a person in reasonable apprehension of imminent serious bodily injury ... or ... [by] threatening, striking, harassing ... or disturbing the peace of another ..."

California Family Code § 3044(f): "[I]n determining that the presumption in subdivision (a) has been overcome ... [court must] make specific findings on each of the factors in subdivision (b) ... [and] state its reason[ing] ... as to why ... why [those] factors ... on balance, support [its awarding an abuser custody]."

California Family Code § 3044(h): "In a custody or restraining order proceeding in which a party has alleged ... domestic violence ... the court shall inform the parties of the existence of this section and shall give them a copy of this section prior to custody mediation[.]"

California Family Code § 3044(g): "In an evidentiary hearing or trial in which custody orders are sought and where there has been an allegation of domestic violence, the court shall make a determination as to whether this section applies prior to issuing a custody order[.]"

Cal. Fam. Code § 6344 (Effective 2005 - 2022): "[T]he court may issue an order for the payment of attorney's fees and costs of the prevailing party ... based upon (1) the respective incomes and needs of the parties, and (2) any factors affecting the parties' respective abilities to pay."

Cal. Fam. Code § 6344 (Effective January 1, 2023): "[T]he court, upon request, may issue an order for the payment of attorney's fees and costs for a prevailing respondent only if the respondent establishes by a preponderance of the evidence that the petition or request is frivolous or solely intended to abuse, intimidate, or cause unnecessary delay. ..."

Cal. Fam. Code § 3064: "[G]ranting or modifying a custody order on an ex parte basis ... [is permitted] where ... acts of domestic violence are ... part of a demonstrated and continuing pattern[.]"

Cal. Evid. Code § 452(d): "[N]otice may be taken of the ... [r]ecords of ... any court of this state ..."

Cal. Evid. Code § 459(a): "[A] reviewing court may take judicial notice of any matter specified in Section 452. ..."

California Family Code § 271:

> (a) Notwithstanding any other provision of this code, the court may base an award of attorney's fees and costs on the extent to which any conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation between the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction. In making an award pursuant to this section, the court shall take into consideration all evidence concerning the parties' incomes, assets, and

> liabilities. The court shall not impose a sanction pursuant to this section that imposes an unreasonable financial burden on the party against whom the sanction is imposed. In order to obtain an award under this section, the party requesting an award of attorney's fees and costs is not required to demonstrate any financial need for the award. ...

Cal. Civ. Proc. Code § 659: "(a) The party intending to move for a new trial shall file with the clerk and serve upon each adverse party a notice of his or her intention to move for a new trial, designating the grounds upon which the motion will be made ..."

Cal. Civ. Proc. Code § 629:

> The court, before the expiration of its power to rule on a motion for a new trial, either of its own motion, after five days' notice, or on motion of a party against whom a verdict has been rendered, shall render judgment in favor of the aggrieved party notwithstanding the verdict whenever a motion for a directed verdict for the aggrieved party should have been granted had a previous motion been made. ...

Cal. Civ. Proc. Code § 1008:

> (a) When an application for an order has been made to a judge, or to a court, and refused in whole or in part, or granted, or granted conditionally, or on terms,

> any party affected by the order may, within 10 days after service upon the party of written notice of entry of the order and based upon new or different facts, circumstances, or law, make application to the same judge or court that made the order, to reconsider the matter and modify, amend, or revoke the prior order. The party making the application shall state by affidavit what application was made before, when and to what judge, what order or decisions were made, and what new or different facts, circumstances, or law are claimed to be shown. ...

Cal. Civ. Proc. Code § 909:

> [A] reviewing court may for the purpose of making the factual determinations or for any other purpose in the interests of justice, take additional evidence of or concerning facts occurring at any time prior to the decision of the appeal[.] ... This section shall be liberally construed to the end among others that, where feasible, causes may be finally disposed of ...