

## **APPENDIX**

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**Appendix 1**

*(From Attachment 3 in original filed claim, Aug 25, 2018, and filed in Bkr N.D. Cal 19-30088 claim no. 87111):*

PG&E Loss Claim Form, PG&E Claim #2016389035. Louise V. Horton, Andrew L. Horton, Ricky D. Horton, Claimants, right to relief jointly.

**DISCLAIMER and reservation of all rights:**

The documents within this claim and any and/or all documents that are not disclosed herein but are otherwise in claimants' possession, or any other documents that can be obtained through other actions whether or not they are currently in claimants' possession, are reserved for, or will be used in future litigation if this case does need to go to trial.

The claimants further declare that we are not waiving any rights or privileges whatsoever by this claim. It is understood that the claimants are making this claim as a good faith effort to allow claimants and PG&E to seek restitution and a final settlement.

If an agreement or settlement cannot be reached through this claim, or if this claim is rejected by PG&E without any attempt for settlement, then the claimants reserve the right to withdraw this claim in its entirety and file a new claim within a California Court of Record. A new claim shall be made with the understanding that the claimants do each individually reserve the right:

A. to use all documents contained within this claim, but withdraw the monetary restitution

amount as stated on the claim form, and seek new and/or different form(s) of restitution, compensation, or other action;

B. add additional claims, charges and/or suspected violations to the claim. To subpoena additional documents, records, people, testimony, and/or seek all other forms of litigation and/or resources for a fair trial;

C. to add and include co-defendants to the claim that are suspected to be in collusion with PG&E, or in any other way knowingly continues to allow PG&E's uninsulated energized conductors to be operating in an unsafe manner. Co-Defendants shall include those people, while under oath or affirmation as a public employee, are sworn to protect, support or defend the inherent rights of all People of California. Co-Defendants may also include, but are not limited to any Corporation, or an employee thereof, that may have knowledge of the unsafe uninsulated wires, but ignore, or otherwise look the other way. Other of violations may include, but are not limited to withholding records and/or evidence, violation of rights, whether the rights are unalienable rights, constitutional rights, inherent rights, natural rights, or any other forms of rights or privileges, whether or not written, but which rights or privileges are known, or will be known, to exist.

s/ Louise V. Horton,  
s/ Ricky D. Horton

s/ Andrew L. Horton

Claimants, right to relief jointly

**Appendix 2**

US Bankruptcy Court Northern District of California  
San Francisco Division, Case No. 19-30088(DM),  
Ricky Dean Horton, Claimant v. PG&E, Debtors:

**Doc# 10980 and 10980-1, FILED: July 22, 2021**  
**[DEFAULT] ORDER DISALLOWING AND**  
**EXPUNGING PROOFS OF CLAIM**  
**Dennis Montali**  
**US Bankruptcy Judge**

Upon the Reorganized Debtors' Report on Responses to Eighty-Eighth Through Ninety-Sixth Omnibus Objections to Claims and Request for Orders by Default as to Unopposed Objections [Docket No. 10960] (the "Request") of PG&E Corporation ("PG&E Corp.") and Pacific Gas and Electric Company (the "Utility"), as debtors and reorganized debtors (collectively, "PG&E" or the "Debtors" or as reorganized pursuant to the Plan (as defined below), the "Reorganized Debtors") in the above captioned chapter 11 cases (the "Chapter 11 Cases"), pursuant to Rule 9014-1(b)(4) of the Bankruptcy Local Rules for the United States District Court for the Northern District of California, as made applicable to these Chapter 11 Cases by the Second Amended Order Implementing Certain Notice and Case Management Procedures, entered on May 14, 2019 [Dkt No. 1996] ("Case Management Order"), that the Court enter an order by default on the Reorganized Debtors' Ninety-Third Omnibus Objection to Claims (No Legal Liability Claims) [Docket No. 10808] (the "Ninety-Third Omnibus Objection"), all as more fully set forth in the Request, and this Court having jurisdiction to

consider the Request and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334, the Order Referring Bankruptcy

Cases and Proceedings to Bankruptcy Judges, General Order 24 (N.D. Cal.), and Bankruptcy Local Rule 5011-1(a); and consideration of the Request and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found and determined that notice of the Request as provided to the parties listed therein is reasonable and sufficient under the circumstances, and it appearing that no other or further notice need be provided; and this Court having determined that the legal and factual bases set forth in the Request establish just cause for the relief sought; and upon all of the proceedings had before this Court and after due deliberation and sufficient cause appearing therefor, IT IS HEREBY ORDERED THAT:

1. The below Proofs of Claim shall be treated as follows:

*(NOTE FOR THIS S.C. PETITION: The following text between the brackets [ ] has been scrambled from the attempt to copy and past columns from the original order. It is irrelevant to my claim)*

[ Docket No. Claimant Claim No. Resolution 10907 Duivenvoorden, Marcus 75903 The Reorganized Debtors will seek to resolve the Claim through the Court approved ADR procedures, and request that the hearing on the Claim be taken off calendar and continued indefinitely in the interim.

Docket No.	Claimant	Claim No.	Resolution
10919	Chappell, Lamont	9946	This matter is going forward contested at the July 28, 2021 Omnibus Hearing.
10918	California Department of Housing and Community Development		
56868			This matter has been continued to the September 14, 2021 Omnibus Hearing.
	Informal City of San Carlos		
68838			This matter has been continued to the August 10, 2021 Omnibus Hearing.
10946	Richards, Darwin	86933 96962	This matter is going forward contested at the July 28, 2021 Omnibus Hearing. ]

2. The Claims listed in the columns headed "Claims To Be Disallowed and Expunged" in Exhibit 1A and Exhibit 1B hereto are disallowed and expunged.

3. This Court shall retain jurisdiction to resolve any disputes or controversies arising from this Order.

\*\*\* END OF ORDER \*\*\*

***NOTE to paragraph no. 2 above: Exhibit 1A lists my claim no. 87111. Basis for Objection: Barred by Statute of Limitations – Personal Injury. Refer to Exhibits in original court order Doc No. 10980, 10980-1.***

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**Appendix 3**

US Bankruptcy Court Northern District of California  
San Francisco Division, Case No. 19-30088(DM),  
Ricky Dean Horton, Claimant v. PG&E, Debtors:

**Doc# 11074, FILED: Aug 17, 2021**  
**Motion to Reconsider Order Expunging and**  
**Disallowing Claim No. 87111**  
**Hearing Information**  
**(by Ricky Dean Horton)**

THIS MOTION To RECONSIDER AND Intent to  
REVERSE The Order Expunging and Disallowing  
Claim Number 87111 [Re: Dkt. Nos. 10808, 10809,  
10810, 10960, 10980, et al.], REPLACES PREVIOUS  
MOTION BY CLAIMANT IN Dkt No. 11031 IN ITS  
ENTIRETY.

**JURISDICTION**

This federal Bankruptcy Court has jurisdiction over  
this matter and shall retain jurisdiction to resolve  
any disputes or controversies arising from any of the  
court's orders. *28 U.S.C. § 157.*

**Fundamental self-evident truths, facts and as-  
sertion of Rights:**

1. People are born upon this world of life and creation  
and are living, breathing people because of creation.  
Therefore, it is known as a self-evident truth and  
fact that the living people are gifted by creation with  
fundamental natural and inherent rights.
2. Refer to EXHIBIT 1.  
EXHIBIT 1 IS HEREBY ENTERED INTO THE  
RECORD OF THIS BANKRUPTCY COURT AND

SHALL CARRY OVER TO ALL OF ITS RELATED JURISDICITONS.

3. As a fact found in EXHIBIT 1, Ricky-Dean Horton is a man found to be living and is one of the people of California. (Hereinafter Claimant, or I, or me, or any other identifier to me, the living man, Ricky-Dean Horton).
4. Claimant did file his Claim into this Bankruptcy Court on or before October 21, 2019 with the understanding that this is a federal court, is a court of record, is bound to and proceeds according to the Laws of the Land and the laws of nature (aka common law), and is mostly governed by the Federal Rules of Civil Procedure. No rights are waived or in any way conceded that would diminish the inherent, unalienable, substantive, natural or any rights whatsoever of Ricky-Dean Horton, a living man.
5. The Judges and/or Magistrates in this Bankruptcy Court, as bound by their oaths of office, are qualified to preside over these bankruptcy proceedings. The Judges and/or Magistrates in this Bankruptcy Court have, at a minimum, taken the Oath of Office to protect and defend the federal Constitution. Both federal and state Constitutions are ordained and established by the people to protect the inherent, unalienable and natural rights of the people. Governments, government agencies and employees thereof are entrusted with limited duties, responsibilities and authority. People who take the oath of office should recognize and maintain, to the best of their ability, the separation of the realm of the natural world and the people found to be living upon it, and the realm



of the commercial world of codes, statutes, and other man-made laws that regulate such commerce.

6. Claimant is not an attorney nor is Claimant represented by an attorney. Claimant understands that he is allowed leeway as a living man in a court that is conducted mostly of codes, statutes and other man-made rules that are foreign to natural law.

**PLEASE TAKE NOTICE**

that the Bankruptcy Court will hold a hearing on October 8, 2021, at 10:00 a.m. (Pacific Time) to hear any opposition, support, or other witness testimony to Claimant's Motion to Reconsider Order Expunging and Disallowing Claim Number 87111 [Re: Dkt. Nos. 10808, 10809, 10810, 10960, 10980, et al.] and INTENT TO REVERSE The Order Expunging and Disallowing Claim Number 87111 [Re: Dkt. No. 10980] before the Honorable Dennis Montali, United States Bankruptcy Judge. Pursuant to the Bankruptcy Court's Sixth Amended General Order No. 38 In re: Coronavirus Disease Public Health Emergency, effective March 1, 2021 and until otherwise ordered, all hearings shall be conducted by video or teleconference. The Courtroom will be closed. All interested parties should consult the Bankruptcy Court's website at

[www.canb.uscourts.gov](http://www.canb.uscourts.gov) for information about court operations during the COVID-19 pandemic. The Bankruptcy Court's website provides information regarding how to arrange a telephonic or video appearance or as a witness. If you have any questions regarding how to appear at a court hearing, you may contact the Bankruptcy Court by calling 888-821-7606 or by using the Live Chat feature on the Bank-

ruptcy Court's website.

**PLEASE TAKE FURTHER NOTICE**

that any opposition to Claimant's Motion to Reconsider Order Expunging and Disallowing Claim Number 87111 [Re: Dkt. Nos. 10808, 10809, 10810, 10960, 10980, et al.] and INTENT TO REVERSE The Order Expunging and Disallowing Claim Number 87111 [Re: Dkt. No. 10980] must be in writing, filed with this Bankruptcy Court, and served on Claimant at the above-referenced address in the upper left corner of Page 1 of this document or by email to RickyDHorton@gmail.com so as to be received by Claimant no later than 4:00 p.m. (Pacific Time) on September 24, 2021.

Any relief requested in Claimant's MOTION AND INTENT may be granted by default at the hearing if no opposition either appears at the hearing or there is no timely filed Objection served to Claimant in accordance with this Motion.

In deciding Claimant's Motion to Reconsider Order Expunging and Disallowing Claim Number 87111 [Re: Dkt. Nos. 10808, 10809, 10810, 10960, 10980, et al.] and INTENT TO REVERSE The Order Expunging and Disallowing Claim Number 87111 [Re: Dkt. No. 10980], the court may consider any other documents or require witnesses, with or without sworn Declarations filed in these Chapter 11 Cases and related Proceedings, to testify at the hearing.

**ATTENTION:**

**WITNESSES and/or DOCUMENTS REQUIRING**

MANDATORY APPEARANCE at the Hearing are on Page 12 of this Motion and Intent document. It is the responsibility of debtors or Debtors Council to produce witnesses or things at the Hearing for testimony and questioning regarding their Omnibus Objection Dkt No 10808, 10809, 10810, et al. Failure to produce witnesses or evidence supporting their Omnibus Objection found in Dockets 10808, 10809, and 10810 may result in default judgment against Debtors.

#### LAWFUL AND/OR LEGAL ARGUMENT

1. Authority for Claimant to allow his MOTION TO RECONSIDER the Order Expunging and Disallowing Claim Number 87111 [Re: Dkt. Nos. 10808, 10809, 10810, 10960, 10980] is a fundamental natural right of Claimant as a man found to be living; And

2. Claimant has made a mistake, inadvertence, surprise, or excusable neglect:

*Federal Rules of Civil Procedures Rule 60: Relief from a Judgment or Order, subsection (b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect. . . ; And*

3. Claimant's Motion is filed within a reasonable time from the order:

*FRCivP 60 (c) Timing and Effect of the Motion. (1) Timing. A motion under Rule 60(b) must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.*

Upon Claimant discovering his *mistake, inadvertence, surprise, or excusable neglect* on July 27, 2021 that he had not objected to the Omnibus Objection filed by Debtor's Council on docket 10808, and realizing that the hearing to hear the matter was to be held the next morning on July 28, 2021 at 10:00am, Claimant attempted to correct the *mistake, inadvertence, surprise, or excusable neglect* prior to the hearing by immediately emailing Debtor's Council the evening of July 27, 2021 and stating one of his reasons for the *mistake, inadvertence, surprise, or excusable neglect*. Claimant attended the hearing via telephone the next morning on July 28, 2021 at 10:00am to declare his objection to the court and to the Presiding Judge regarding the Omnibus Objection filed by Debtor's Council and to make known on the record that his failure to respond by the court's and/or debtor's deadline was in fact a mistake and unintentional (refer to Hearing audio records of July 28, 2021 Dkt 10992). During the Hearing, some information was provided to Claimant on the procedures to make his motion to the court to reconsider the Order to Disallow and Expunge Claimant's Claim Number 87111 within Docket 10980. Claimant was not provided a timeline to file his Motion, but was advised to file his motion timely.

Prior to knowing the maximum allowed timeline in the FRCivP of one year as stated in FRCivP Rule 60 above, and in a worried state of mind, Claimant hastily prepared and sent a Motion To Reconsider on August 2, 2021 to the following email addresses.

*PGETeam@primeclerk.com*>,

*tkeller@kbkllp.com,*  
*pbenvenuti@kbkllp.com,*  
*jkim@kbkllp.com,*  
*trupp@kbkllp.com*

AND CLAIMANT ALSO SENT CHAMBERS COPIES on August 2, 2021 via US Postal Service Certified mail No. 70191120000192771730 to the Hon. Judge Montali.

The Chambers Copies were subsequently filed into the Case Docket as Dkt No. 11031, of which Filing was replaced in its entirety by this current Motion and Intent Document.

4. Refer to EXHIBIT 2 (9 pages, Includes first page cover "Not for Public View"). Claimant has historically, to the best of his ability, met the deadlines for all previous filings and responses in this case.

- a. EXHIBIT 2,: Declaration of Claimant and Copy of Certified mail receipt no. 7019 0700 0002 1176 9031 to PrimeClerk of the original claim for this case mailed on October 16, 2019 and copies of same hand delivered on October 21, 2019. This document page is already filed in Claim No. 87111. As Claimant tracked the progress of the mailing, it was apparent that the claim would not be received by PrimeClerk in New York by October 21, 2019. Therefore, to meet the deadline of claim to be received by PrimeClerk on or before October 21, 2019, Claimant personally hand delivered a copy of the same mailed claim to the Service Center in Napa, California on the deadline date of October 21, 2019.

This dual service of claims resulted in a duplicate claim being filed and given separate claim numbers 87111 and 87144. The two claims Dkt# 87111 and 87144 was survived by a single claim no. 87111 as found in the Docs# 8756 and 9155 in this PG&E case No. 19-30088(DM) and the order signed and filed by the Honorable Judge Montali on September 28, 2020 in where the duplicate claim no. 87144 was disallowed and expunged with no objection from Claimant.

- b. Exhibit 2, pages 3-9: Copy of service of Information Request Form. Via USPS Priority Mail Express No. EL862716486US and by Email to PGEinfo@primeclerk.com.

As Claimant tracked the progress of the Information Request Form that was sent via US Postal Service, it again appeared that the response would not have arrived to the PrimeClerk office by the deadline as noted in the letter requesting the Information Request Form. Therefore, to meet the deadline, Claimant sent the Information Request Form via email to PGEinfo@primeclerk.com . In the text of the Email, Claimant stated that the supporting documents to the attached Information Request Form in the email are actual printed copies and already sent via USPS with the tracking number provided in the email for confirmation. A response to Claimant's email that evening of November 20, 2020 confirmed that the Information Request Form was received. According to the tracking number, the hard copies of the supporting documents were received by PrimeClerk on

November 25, 2020.

5. Claimant's mother is seriously ill and has been for over a year. During the past several months, Claimant has been spending time with his father and mother at their home in Richmond, California and Claimant's mother has been in and out of their home, hospital or nursing facility. Claimant was distracted and unaware of the deadline date, failed to respond by the deadline.

Therefore by the facts stated above, and Claimant, upon discovering his *mistake, inadvertence, surprise, or excusable neglect* attempted to immediately and forthright make his objection known Prior to the Hearing Date and at the Hearing; and showing a history of his efforts to maintain the court's deadlines; and correcting his *mistake, inadvertence, surprise, or excusable neglect* with THIS Motion to Reconsider within a reasonable time; and Claimant is a living man under the supreme law of the land and the law of nature;

Claimant should be granted his Motion to Reconsider Order Expunging and Disallowing Claim Number 87111 found within Docket Number 10980.

MOTION TO RECONSIDER ORDER EXPUNGING AND DISALLOWING CLAIM NUMBER 87111 [RE: DKT. NOS. 10808, 10809, 10810, 10960, 10980, et al.]

Comes Now, Ricky-Dean Horton, a man found to be living, Claimant, is now making this motion upon the court to Reconsider the Order on Docket No.



10980 dated July 22, 2021 Disallowing and Expunging his Claim no. 87111 as requested in Debtor's REORGANIZED DEBTORS' NINETY-THIRD OMNIBUS OBJECTION TO CLAIMS (NO LEGAL LIABILITY CLAIMS) [Re: Dkt. Nos. 10808, 10809, 10810, et al.], for the reason that the Debtor alleges that Claimant did not file his Claim of "Personal Injury" prior to the statutory deadline of "2 years".

Arguments Against Debtor's Omnibus Objection and request to Expunge and Disallow Claim Number 87111 [Re: Dkt. Nos. 10808] for not filing his claim for personal injury before the statutory deadline of 2 years:

1. As stated in Debtor's docket information no. 10808, Page 5, around Line 5, it states:

*"Barred By Statute of Limitations." These are Proofs of Claim that fail to state a legal basis for recovery against the Debtors because the underlying causes of action are barred by an applicable statute of limitations."*

AND

found in Debtor's docket information no. 10808 page 5 around Line 18:

*Therefore, the Reorganized Debtors are not liable, and the Barred By Statute of Limitations Claims should be reduced or disallowed and expunged.*

*a. Personal Injury – 2 years. Cal. Civ. Proc. Code § 335.1.*

*b. Damage to Real or Personal Property – 3 years. Cal. Civ. Proc. Code § 338(b) or (c).*

*c. Breach of Written Contract – 4 years. Cal. Civ. Proc. Code § 337.*

*d. Statutory Liability – 3 years. Cal. Civ. Proc. Code §*



338(a).

e. *Statutory Penalty or Forfeiture – 1 year. Cal. Civ. Proc. Code § 340(b).*

f. *Employment Discrimination (California) – 1 year. Cal. Gov't Code § 12960 et seq.*<sup>4</sup>

g. *Employment Discrimination (Federal) – 300 days. 42 U.S.C. § 2000e-5.*

h. *“Catch-All” Statute – 4 years. Cal. Civ. Proc. Code § 343.;*

AND

also found in Debtor's docket information no. 10808, Exhibit 1A and Exhibit 2A, Claim 87111 *“Barred by Statute of Limitations, Personal Injury, (Cal. Civ. Proc. Code § 335.1)”*;

It appears that Debtors are alleging that Claimant's Claim is barred by Statute of Limitations, *a. Personal Injury – 2 years. Cal. Civ. Proc. Code § 335.1*;

There is none of the charges or claims found in *a-g* above (“*h*” excluded) that should be found within Claimant's filing. “Personal Injury” is NOT a charge or claim against PG&E, or any employees thereof, within Claimant's claim 87111. If anything to the contrary is found within Claimant's claim and information, it is a MISTAKE and Claimant reserves his right to review and correct any such mistake that could be construed as Personal Injury.

CLAIMANT HAS, TO THE BEST OF HIS ABILITY, PURPOSEFULLY REFRAINED IN ANY OF HIS FILINGS TO DECLARE ANY CHARGES, OTHER THAN THE CHARGE OF ELECTROCUTION TO THE DEATH OF RORY-NELSON HORTON, AGAINST PG&E AND THOSE REPOSNSIBLE, TO BE BROUGHT BEFORE A JURY.

2. As seen and declared in Claimant's Claim No. 87111, Claimant declared his charge against PG&E that Rory-Nelson Horton was electrocuted to his death by contact with an unsafe, uninsulated, overhead energized high voltage conductor. Also in Claimant's Claim it has been reserved that ADDITIONAL CHARGES are reasonable and may be brought before a Jury. Additional charges at a trial for judgment by a jury may include, but are not limited to:

Charge 1. First Degree (Pre-Meditated) Murder: intentional design, construction and operation of overhead, high voltage, energized conductors, lying in wait for any unsuspecting contact by people and/or machinery as a direct attempt to keep the high voltage lines from being damaged or destroyed, by killing of the people or severe damage to equipment and/or death of equipment operators from unintentional contact with the uninsulated High Voltage Energized Conductors.

Charge 2. Second Degree Murder

Charge 3. Voluntary Manslaughter

Charge 4. Involuntary manslaughter.

Charge 5. Violations of California Public Utilities Commission General Order 95, Rule 34F that lead to the Death by Electrocution of Rory-Nelson Horton. *CPUC GO 95, Section III Requirements for all Lines, Rule 34 F: Energized Conductor (Wire or Cable) All energized conductor (wire or cable) shall be covered with an insulation suitable for the voltage involved (See Rule 20.9-G).*

Among other possible charges that may be brought against PG&E and those responsible for the UNSAFE design, permit approvals, installation, and/or continued UNSAFE operation of Overhead

High Voltage conductors. *Refer to Claimant's original Claim and reservation of rights to bring other charges against those responsible; Claim No. 87111.*

3. Claimant is challenging DECLARATION OF A. ANNA CAPELLE IN SUPPORT OF REORGANIZED DEBTORS' NINETY-THIRD OMNIBUS OBJECTION TO CLAIMS (NO LEGAL LIABILITY CLAIMS) Found within Docket Number 10809, that Claimant's Claim No. 87111 should be Disallowed and Expunged;
4. Claimant is Challenging the DECLARATION OF STACY CAMPOS IN SUPPORT OF REORGANIZED DEBTORS' NINETY-THIRD OMNIBUS OBJECTION TO CLAIMS (NO LEGAL LIABILITY CLAIMS) Found within Docket Number 10810, that Claimant's Claim No. 87111 should be Disallowed and Expunged;

CLAIMANT DID FILE A CLAIM WITH PG&E PRIOR TO TWO YEARS.

Although possibly mute and maybe irrelevant since there are no known or declared charges by Claimant that stated "Personal Injury" for the basis of his Claim against PG&E, the information in regards to Claimant filing his claim with PG&E prior to two years is in the paperwork already filed in this court's records of Claimant's Claim number 87111.

Claimant's understanding is that a Civil Action begins at the moment a Claim is filed against the wrongdoers. It is proper and just for Claimant to seek a remedy against the wrongdoers and begin a Civil Action with the wrongdoers PRIOR to filing a

suit in a court; and Claimant did file Civil Action against PG&E by seeking a remedy for the Electro-cution to the death of Claimant's brother Rory-Nelson Horton prior to two years from the date of Rory's Electrocution.

### **Supporting Facts**

Refer to EXHIBIT 3, 5 pages

1. EXHIBIT 3, Pages 1 and 2, Cover Notice of original Claim with CERTIFICATE OF SERVICE on Page 2 dated August 25, 2018 sent via US Postal Service to two PG&E claims locations. This is a copy of the same document filed in this court's records and found within Claimant's original Claim number 87111.
2. EXHIBIT 3, Page 3, CERTIFICATE OF SERVICE of the Claim for injury sent via Email to two email addresses on August 31, 2018. This is a copy of the same document filed in this court already and found within Claimant's original Claim.
3. EXHIBIT 3, Pages 4-5, Copy of Claimant's email correspondences to PG&E Claims with response by PG&E Law-Claims Representative Maria De Luca acknowledging on August 31, 2018 that the claim has been received.

THEREFORE by the Facts stated herein,

Ricky-Dean Horton, a living man, Claimant, is now making this motion upon the court to Reconsider the Order on Docket No. 10980 dated July 22, 2021 Disallowing and Expunging his Claim no. 87111,

AND

To Reverse the Order Expunging and Disallowing

Claim Number 87111.

### **Reservation of Rights**

It is known that Codes, Statutes, Rules and other man-made laws are directed at Government agencies, courts, commercial activity, corporations, and others not proved to be living, and such rules and man-made laws are foreign to the laws of the land and the laws of nature.

Claimant is a man proven to be living, HAS MADE CLAIM TO HIS ESTATE AND HIS CERTIFICATE OF LIVE BIRTH (TITLE), and is under the Supreme Law of the land and the laws of nature.

Claimant DOES NOT CONSENT to the administration of his estate and/or any Commercial Law, Code, Statute, Rule or other legislation or man-made law that would diminish, nullify, or attempt to take away any rights of Claimant.

As stated within Claimant's Claim, Claimant is seeking a remedy under the law in this Bankruptcy Court for the alleged unsafe conditions and/or the alleged violations of the law, and among other reasons, that resulted in the electrocution to the death of Claimant's brother Rory-Nelson Horton.

### **DECLARATION**

I, Ricky-Dean Horton, Claimant, and Rory's living natural brother, declare under penalty of perjury under the Supreme Law of the land, and in accordance with the natural laws of The United States of

America and in accordance with the natural laws of California, that, to the best of my knowledge and understanding, the foregoing information is true and correct.

Signed and Sealed this 17<sup>th</sup> day of August, 2021 AD

s/ Ricky Dean Horton,                      SEAL  
a Living Man, Californian

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*(Note: For exhibits referenced in this filing, see original filed document #11074)*

**Appendix 4**

US Bankruptcy Court Northern District of California  
San Francisco Division, Case No. 19-30088(DM),  
Ricky Dean Horton, Claimant v. PG&E, Debtors:

**Doc# 11386 Filed: Oct 7, 2021**  
**ORDER Denying Motion to Reconsider**  
**Dennis Montali**  
**US Bankruptcy Judge**

ORDER DENYING MOTION TO RECONSIDER  
FILED BY RICKY-DEAN HORTON AND  
DISALLOWING PROOF OF CLAIM # 107857

**I. BACKGROUND**

Ricky-Dean Horton (“Mr. Horton”) is the representative of his deceased brother, Rory-Nelson Horton. On or around September 5, 2016, Rory-Nelson Horton tragically died by electrocution after a pipe being held by him contacted a PG&E conductor. While Mr. Horton submitted a “loss claim form” to PG&E’s legal department in August 2018, no civil action was commenced by Mr. Horton or any other representative of Rory-Nelson Horton against PG&E at any time. Following Debtors’ bankruptcy filing on January 29, 2019, Mr. Horton filed Proof of Claim # 87111 (“Claim”) on October 21, 2019 in the amount of \$50,000,000 for the wrongful death of his brother. On June 17, 2021, the Reorganized Debtors (“Debtors”) filed their *Ninety-Third Omnibus Objection to Claims (No Legal Claims)* (“Objection”) (dkt. 10808), alleging in part that the events underlying Mr. Horton’s Claim were time-barred by California’s 2-year statute of limitations for wrongful death

claims. Debtors properly served notice of the Objection on Mr. Horton, and Mr. Horton did not respond. On July 22, 2021, the Court entered an *Order Disallowing and Expunging Proofs of Claim Pursuant to Reorganized Debtors' Ninety-Third Omnibus Objection to Claims (No Legal Liability Claims)* ("Order") (dkt. 10980).

On July 28, 2021, Mr. Horton filed Proof of Claim # 107857 ("Duplicate Claim"). On August 4, 2021, he filed a *Motion to Review and Correct a Possible Mistake to Case Identity, and Motion to be Heard, and Motion to Reconsider* ("Motion to Reconsider") (dkt. 11031). On August 18, 2021, he filed additional documents under seal (dkt. 11074) which the Court deemed to be part of Mr. Horton's Motion to Reconsider. The Motion to Reconsider explained that he had missed the deadline to file an opposition to Debtors' Objection because he was acting as the caretaker of his ill mother, but did not address why his Claim would not be time-barred. The Motion to Reconsider also purported to set a hearing on October 8, 2021. The Court deemed this to be a request for hearing, which it removed from calendar and instead set a deadline for the Debtors to respond to the Motion to Reconsider ("Reconsideration Order") (dkt. 11135).

Mr. Horton subsequently sent an ex parte letter to the Court (dkt. 11150), questioning the validity of the Court's electronic court filing system and of the authenticity of the Court's Reconsideration Order. The letter also presumed the October 8, 2021 hearing he had attempted to schedule was moving forward. The Court entered an order which clarified that both its electronic filing procedures and the Re-



consideration Order were valid, and that there would not be a hearing on October 8, 2021 (“Clarification Order”) (dkt. 11154).

Mr. Horton then filed another motion (“Motion to Strike”) (dks. 11174, 11183) seeking to strike the Court’s Reconsideration Order and Clarification Order, to modify Debtor’s response deadline, and to set a hearing for October 19, 2021. The Motion to Strike claims that the Court’s prior Orders were frivolous and unlawful, that the Court has no authority to remove from calendar the October 8, 2021 hearing Mr. Horton previously attempted to set, and that he has an absolute right to such a hearing. The Motion to Strike again insists that the Court’s previous Orders are fraudulent because they were entered electronically.

On September 10, 2021 Debtors filed an (1) *Opposition to Motion for Reconsideration of Ricky-Dean Horton* and (2) *Cross- Motion for Disallowance of Proof of Claim No. 107857* (“Opposition”) (dkt. 11240). The Opposition argued that Mr. Horton had not presented any argument as to why his claim should not be disallowed, and that the “loss claim form” submitted to PG&E’s legal department did not constitute the commencement of an action within the meaning of California’s statute of limitations. On September 13, 2021, the Court entered an *Order for Further Briefing by Ricky-Dean Horton* (dkt. 11244), which removed the October 19, 2021 hearing date Mr. Horton previously attempted to set, directed Mr. Horton to file any response to the Debtors’ Opposition by September 30, 2021, at which time the Court would take the matter under submission, and urged Mr. Horton to consider engaging counsel prior to complying with the deadline. The same day, Mr.

Horton filed a *Response to Debtors' Dkt 11240 Brief/Memorandum in Opposition to Motion for Reconsideration of Ricky-Dean Horton* (dkt. 11245). The Response attempted to re-set a hearing for October 19, 2021, and demanded further briefing from the Debtors. It failed to address why his Mr. Horton's Claim would not be time-barred. On September 14, 2021, Mr. Horton filed a document titled *Void of Order within Dkt. 11244 by Operation of Law and Motion to Impose Sanctions Upon E-Order Filers as Stated Herein* (dkt. 11251). The document appears to be a motion for sanctions upon the Court itself for removing from calendar an October 19, 2021 hearing date Mr. Horton had repeatedly attempted to set.

The Court took the matter under submission on September 30, 2021. On October 5, 2021, five days after the deadline to respond, Mr. Horton filed a *Motion to Strike Declaration of Anna A. Campelle and Motion to Strike Declaration of Stacy Campos* ("Belated Motion") (dkts. 11377, 11378). For the reasons discussed below, the Court denies Mr. Horton's Motion for reconsideration, disallows the Duplicate Claim in its entirety, and strikes from the record Mr. Horton's belated Motion.

## II. DISCUSSION

"A claim that has been allowed or disallowed may be reconsidered for cause." 11 U.S.C. § 502(j). Reconsideration may be accomplished through application of Federal Rules of Civil Procedure ("FRCP") 59(e) or 60(b), made applicable here through Rules 9023 and 9024 of the Federal Rules of Bankruptcy Procedure. See *Zurich Am. Ins. Co. v. Int'l Fibercom, Inc. (In re Int'l Fibercom, Inc.)*, 503 F.3d 933, 940 (9th Cir. 2007). Neither rule recognizes a motion for reconsid-

eration. *In re Captain Blythers, Inc.*, 311 B.R. 530, 539 (9th Cir. BAP 2004). Instead, FRCP 59(e) and 60(b) contemplate a motion to alter or amend a judgment. These rules apply to the setting aside of judgments by default issued pursuant to FRCP 55. In considering whether to set aside a judgment entered by default, a Court must consider “whether the defendant’s culpable conduct led to the default; whether the defendant has a meritorious defense; and whether reopening the default judgment would prejudice the plaintiff.” *TCI Grp. Life Ins. Plan v. Knoebber*, 244 F.3d 691, 696 (9th Cir. 2001).

Mr. Horton seeks reconsideration solely on the basis that he inadvertently missed the deadline to respond to Debtor’s Objection due to his responsibility for caring for his ill mother. Mr. Horton has not, despite the Court’s requests, presented a meritorious defense to the Objection. Claims arising from personal injury or wrongful death are governed by California’s two-year statute of limitations. Cal. Code Civ. Proc. § 335.1. Further, Bankruptcy Code section 502(b)(1) (11 U.S.C. § 502(b)) provides that a claim may be disallowed if it is unenforceable under applicable non-bankruptcy law, including being barred by the applicable statute of limitations. *See Mesa Pines Homeowner’s Assoc. v. Paterno (In re Paterno)*, No. SC-14-1189-KuJuKi, 2015 Bankr. LEXIS 580, at \*9 (9th Cir. BAP Feb. 20, 2015) (citing *Durkin v. Benedor Corp. (In re G.I. Indus., Inc.)*, 204 F.3d 1276, 1281 (9th Cir. 2000)).

These are well-settled principles that even *pro se* parties should understand and must be held to. Absent some affirmative defense, Mr. Horton is bound by them. At no point in Mr. Horton’s numerous filings has he made any argument regarding an af-

firmative defense to these principles. He has not discussed why the provisions of Cal. Code Civ. Pro § 335.1 may have been tolled, or some other reason why his Claim, though representative of a great loss, is not time-barred. After ample opportunity for explanation, Mr. Horton has provided a reasonable reason for missing the deadline to responding to the Objection but has not provided any cause for which the disallowance of his claim should be reconsidered and set aside. Thus, the most critical factor noted by *Knoebber* – a meritorious defense – is missing. Reconsideration would be futile because the statute of limitations defense by Debtors would control the outcome.

### **III. CONCLUSION**

For the foregoing reasons, the Motion for Reconsideration is DENIED, Proof of Claim # 107857 is DISALLOWED in its entirety (as was Proof of Claim # 87111 already), and Mr. Horton's Belated Motion is STRICKEN from the docket.

Mr. Horton is advised again that there will be no hearing on October 19, 2021, or any other date.

**\*\*END OF ORDER\*\***

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**Appendix 5**

US Bankruptcy Court Northern District of California  
San Francisco Division, Case No. 19-30088(DM),  
Ricky Dean Horton, Claimant /Appellant v. PG&E,  
Debtors/Appellees:

**Doc# 13084 FILED: Oct 14, 2022**  
**Notice of Interlocutory Appeal,**  
**Motion for Leave to Appeal**  
**(by Ricky Dean Horton)**

1. Notice is given that Ricky-Dean Horton, Claimant/Appellant, appeals to the United States Ninth Circuit District Court Northern District of California, 28 USC 158 (a)(3);
2. Claimant/Appellant elects to have this appeal heard by the district court, 28 USC 158 (c)(1)A;
3. Claimant/Appellant Motions the court for leave to appeal. FRBP Rule 8004(b).

**SUMMARY**

(A) Claimant/Appellant missed the deadline to object in writing to Debtor's/Appellee's request for disallowing and expunging claimant's/appellant's claim no. 87111 (dkt 10808, 10809, 10810);

(B) Claimant/appellant personally appeared by video conference at the hearing on July 28, 2021 as scheduled on dkt 10808 to object on the record of the attempt to disallow and expunge claimant's/appellant's claim no. 87111, and the default judgement found on dkt. 10980;

(C) Pursuant to the results of the hearing in front of Judge Montali on July 28, 2021, Claimant/appellant filed motions for reconsideration with compelling arguments to reverse the default order,

and placed the motions on calendar for hearing (dkt 11074);

(D) It appears that Judge Montali entered an order removing the hearing, ordered the debtors/appellees to respond to claimant's/appellant's motions , and to have the court enter an order based on the debtor's/appellee's response (dkt 11135);

(E) Claimant/appellant, via email, informed Lorena Parada, Courtroom Deputy/Calendar Clerk to Judge Montali, that the form of order is opposed pursuant to page 11, paragraph 2 in PDF file found on the Bankruptcy Court's website called "*Practices and Procedures 3-30-21.pdf*" and, among other things, questioned if the order was personally authored by Hon. Judge Montali. (dkt 11150);

(F) Claimant/appellant motioned the court to strike the order found in dkt 11135; and upon claimant/appellant realizing the hearing date previously scheduled on dkt 11074 did not conform to PG&E's Open Calendar Procedure found in PDF file "DMPGEOpenCalendarCovid\_0.pdf", claimant/appellant followed the proper procedures and re-scheduled the hearing for October 19, 2021 (dkt 11174);

(G) Additional orders bearing an electronic stamp continued to deny claimant's/appellant's motions and removal of Claimant's/Appellant's right to a hearing regarding all motions, both by claimant/appellant and debtors/appellees (dkts 11244, 11386);

(H) Claimant/Appellant repeatedly brought attention to B.L.R. 9021-1(a) which states in part, "*no proposed forms of orders granting or denying motions shall be submitted with the moving or opposi-*

*tion papers prior to hearing”* (dkts 11174, 11183, 11251)

(I) Claimant/appellant feels that his motion to reverse the order found in docket 10808 should have been granted;

(J) Claimant/Appellant did attend the ZOOM video hearing on October 19, 2021 as scheduled;

(K) Procedures for the end of a scheduled video ZOOM hearing allows for other parties to address the court by “raising their hand”; <https://www.canb.uscourts.gov/procedure/connecting-court-hearing-zoom-0> ;

(L) Following the scheduled hearing on October 19, 2021, claimant/appellant raised his electronic hand and motioned verbally in the camera that he wanted to be heard, but to no avail. Judge Montali abruptly ended the hearing, causing claimant/appellant to be denied the opportunity to address the court in any regard.

### QUESTIONS

1. Is the court allowed to make orders allowing or denying the Claimant's/appellant's motions prior to a hearing?
2. Is the court obligated to resolve disputes or controversies regarding the court's orders?
3. Did the claimant/appellant attempt to properly follow the Bankruptcy court's procedures for scheduling a hearing?
4. Under any of the dockets filed by claimant/appellant, including but not limited to docket 11377, was there cause to allow the hearing to take place and to question witnesses at the hearing? (dkts 11074, 11150, 11174, 11183, 11251, 11377, 11415, 11416, 11434, 11435)

5. Is there enough evidence in the motions and dockets filed by claimant/appellant for this circuit court to reverse the order found in docket 10980 that disallowed and expunged claimant's/appellant's claim no. 87111?

**RELIEF SOUGHT**

- (a) Claimant/appellant seeks to have the default order found in docket 10980 to be reversed;
- (b) Claimant/appellant seeks to have his motions heard and ruled upon at a hearing;
- (c) Claimant/appellant seeks to have his claim continued in the Bankruptcy Court;
- (d) Claimant/appellant seeks to have his claim for the death of his brother, Rory-Nelson, to be heard in a trial by jury if no restitution can be agreed upon by the debtors/appellees.
- (e) Claimant/appellant seeks to have any order affecting his case to be signed with a wet ink signature of the judge;
- (f) Any other relief that the district court may deem to be just and reasonable.

In addition to the aforementioned information,

**LEAVE TO APPEAL SHOULD BE GRANTED;**

- (i) Claimant's/appellant's father became seriously ill in August 2021;
- (ii) Claimant/appellant was primarily responsible for the health and well-being of both his father and his mother;
- (iii) Claimant's/appellant's father succumbed to his illness and died on November 14, 2021 leaving claimant's/appellant's mother without the care she needed from her husband;
- (iv) Claimant's/appellant's mother needed ongoing care and assistance following the death of his father,



leaving claimant/appellant to be mostly responsible for his mother's care until she too passed away on June 6, 2022;

(v) Prior to claimant's/appellant's reasonable delay of filing this appeal, claimant/appellant made good faith efforts to motion and allow the Bankruptcy Court to reverse the default order found in docket 10980;

(vi) Claimant/appellant has a right to be heard;

(vii) The PG&E bankruptcy case is still on-going (case No. 19-30088(DM));

(viii) No prejudicial effect will come upon claimant/appellant or debtor/appellee when this appeal is heard by this district court;

(ix) Other opinions by this circuit court that could lead to the conclusion that the leave to appeal should be granted.

Among the stated dockets herein named and filed within the Bankruptcy case No. 19-30088(DM), Claimant/appellant has attached a copy of the dockets in regards to the interlocutory order and related opinions. See attached Dockets 10808 (debtor's/appellee's omnibus objections), dockets 10809 and 10810 (declarations by debtor's/appellee's council), Docket 10960 (request for order of entry by default, note that NO service of process was filed that claimant/appellant is aware of), Docket 10980 (order disallowing claimant's/appellant's claim no, 87111 found in Exhibit 1A therein. As found in claimant/appellant's pleadings, personal injury was not the basis of claimant's/appellant's claim).

This notice of interlocutory appeal filed within the  
UNITED BANKRUPTCY COURT NORTHERN

DISTRICT OF CALIFORNIA SAN FRANCISCO  
DIVISION is only summarizing the facts necessary  
to satisfy the requirements under FRBP Rule  
8004(b). Claimant/Appellant will file more definitive  
statements with his initial brief to be filed with the  
United States District Court, Northern District, San  
Francisco on or before November 18, 2022.

Dated this 14<sup>th</sup> day of October, 2022

s/Ricky Dean Horton

SEAL

Ricky Dean Horton, a living man  
Claimant/Appellant

*(for exhibits or attachments see filed Bkr N.D. Cal. #13084)*

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**Appendix 6**

**9<sup>th</sup> District Court, Case No. 22-CV-06367-HSG,  
Ricky Dean Horton, Plaintiff, v. PG&E, De-  
fendant:**

**Document 13, FILED: 03/21/2023  
Order Granting Motion to Dismiss  
HAYWOOD S. GILLIAM, JR.  
United States District Judge**

In October 2022, Ricky-Dean Horton filed a notice of appeal regarding an order entered by the United States Bankruptcy Court for the Northern District of California (the “Bankruptcy Court”). Dkt. No. 1. Pending before the Court is PG&E Corporation’s and Pacific Gas and Electric Company’s (collectively, “PG&E”) motion to dismiss the appeal for lack of jurisdiction. *See* Dkt. No. 5. The Court agrees that it lacks jurisdiction to hear this appeal and accordingly **GRANTS** the motion.

Mr. Horton filed a claim in the underlying bankruptcy case, asserting damages from the alleged wrongful death of his brother in September 2016. *See* Dkt. No. 1 at 70. The Bankruptcy Court found that Mr. Horton’s claims were barred by the statute of limitations, and disallowed and expunged his claims. *See id.* at 67, 70. Mr. Horton filed a motion for reconsideration, requesting that the Court reconsider the order disallowing his claims. *See In re PG&E Corporation*, Bankruptcy Case No. 19-30088 (N.D. Cal.), Dkt. No. 11031. The Bankruptcy Court denied the motion for reconsideration on October 7, 2021. *Id.*, Dkt. No. 11386. Mr. Horton then filed several documents with the Bankruptcy Court, suggesting that the court’s

order denying his motion for reconsideration was somehow improper. *See id.*, Dkt. Nos. 11416, 11434, 11435. The last appears to have been filed on October 15, 2021. *Id.*, Dkt. No. 11435. But Mr. Horton did not file a notice of appeal until almost a year later on October 14, 2022. *Id.*, Dkt. No. 13084. Bankruptcy Rule 8002(a)(1) states that “a notice of appeal must be filed with the bankruptcy clerk within 14 days after entry of the judgment, order, or decree being appealed.” It is well settled that the deadlines imposed by Bankruptcy Rule 8002 are “mandatory and jurisdictional.” *In re Ozenne*, 841 F.3d 810, 814 (9th Cir. 2016) (quotation omitted); *see also Canyon Cap. Advisors LLC v. PG&E Corp.*, No. 20-CV-04949-HSG, 2020 WL 7342683, at \*3 (N.D. Cal. Dec. 14, 2020), *aff’d sub nom. Matter of PG&E Corp.*, No. 21-15025, 2021 WL 5985027 (9th Cir. Dec. 6, 2021). Because Mr. Horton filed his notice of appeal 372 days after the Bankruptcy Court’s order denying his motion for reconsideration, and 358 days after the deadline, his appeal was untimely under Bankruptcy Rule 8002(a)(1), and it must be dismissed for lack of jurisdiction. *See In re Delaney*, 29 F.3d 516, 518 (9th Cir. 1994) (“The provisions of Bankruptcy Rule 8002 are jurisdictional; the untimely filing of a notice of appeal deprives the appellate court of jurisdiction to review the bankruptcy court’s order.”). The Court acknowledges that Mr. Horton disagrees with the Bankruptcy Court’s findings, but that is not a basis to toll the deadline to file an appeal. The Court therefore **GRANTS** the motion to dismiss. The Clerk is directed to close the case and terminate this appeal.

**IT IS SO ORDERED.**

Dated: 3/21/2023

s/ Haywood S. Gilliam, Jr.

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HAYWOOD S. GILLIAM, JR.  
United States District Judge”

**Appendix 7**

**US District Court for the Northern District of  
California, Case No. 22-CV-06367-HSG,  
Ricky Dean Horton, Plaintiff/Appellant, v.  
PG&E, Defendants/Appellees,:**

**Document 14 FILED: 04/07/2023  
Motion for Hon. Haywood S. Gilliam, Jr.  
to Reconsider Opinion and Order ...  
Motion to Continue with Interlocutory Appeal  
(by Ricky Dean Horton)**

Pursuant to FRCivP 52(b) and 59(e), Appellant is Motioning the Hon. Haywood S. Gilliam, Jr. to reconsider opinion and order dismissing interlocutory appeal (*Document 13*).

Pursuant to FRAP (Circuit Rules) 4(A). Effect of a Motion on a Notice of Appeal, the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion: **(ii)** to amend or make additional factual findings under Rule 52(b), whether or not granting the motion would alter the judgment;

Appellant Ricky-Dean Horton is motioning the Hon. Haywood S. Gilliam, Jr. to reconsider his opinion and to reverse the order found in *District Court Document 13 filed 3/21/2023* to dismiss my interlocutory appeal based on the allegations that the District Court lacks jurisdiction over my appeal, (*Appellee's motion to dismiss Doc. 5 filed 12/8/22*).

**RULES OF THE UNITED STATES COURTS**

1. 28 USC §2072. Rules of procedure and evidence;

power to prescribe; (b) Such rules shall not abridge, enlarge or modify any substantive right.

2. Civil L.R. 1-2(b). "These local rules supplement the applicable Federal Rules. They shall be construed so as to be consistent with the Federal Rules and to promote the just, efficient, speedy, and economical determination of every action and proceeding."

**Discussion:**

a. Denying my right to an oral hearing abridged my substantive right to be heard.

b. Ruling on motions without allowing me to file a principal brief, or hearing the evidence and arguments of both parties does not promote a just determination of every action or proceeding in my case.

c. Ruling on motions by using incorrect, misleading or inadmissible evidence, does not promote a just determination of every action or proceeding in my case.

**The information within the opinion and order found in *District Court Document 13* has several errors and discrepancies as follows:**

1. Document 13, Page 1 line 13 asserts that my Notice of Appeal is "*regarding an order entered by the United States Bankruptcy Court for the Northern District of California (the "Bankruptcy Court")*".

**Correction:**

The interlocutory appeal from San Francisco Bankruptcy Court, PG&E Case no. 19-30088 Claim No. 87111, to the District Court is regarding more than just an order entered by the Bankruptcy Court (*District Court Documents No. 1 and Document No. 8*).

I have stated in my pleadings and other filings to the District Court, that my principal brief would disclose

in more detail the allegations with compelling proof already in the records of the Bankruptcy Court for:

- a. violations of due process by the Bankruptcy Court;
- b. deprivation of my inherent and substantive right to an oral hearing;
- c. failing to settle controversies of one or more court orders that I previously objected to;
- d. failing to follow the Federal and Local rules to properly rule on my motion to reconsider a default order of the Bankruptcy Court (*Bankruptcy Court Document 11074, fwd to District Court as Document 7-1*)
- e. failing to allow me to confront witnesses that filed affidavits that I have challenged as to their accuracy (*Bankruptcy Court Docket 11074, fwd to District Court as Document 7-1, page 18 lines 21-28*);
- f. failing to rule on my motions to strike affidavits that I have alleged are inadmissible as evidence (*Bankruptcy Court Dkt 11377 Motion to strike declarations of A. Anna Cappelle and Stacy Campos*)
- g. ordering away my substantive right to ever have a hearing by the Bankruptcy Court by declaring in an order that there will be no hearing as previously scheduled for October 19, 2021, [in regards to any of my previous motions and objections], nor could I ever have a hearing on any other date. (*Bankruptcy Dkt 11386, page 7 lines 10-11*).

2. Document 13, Page 1 lines 19-20 asserts that I, “*filed a claim in the underlying bankruptcy case, asserting damages from the alleged wrongful death of his (my) brother in September 2016. See Dkt No. 1 at 70*”;



**Correction:**

- a. My claim(s) and allegations against PG&E are found in Claim No. 87111 filed in the Bankruptcy Court;
- b. My claim is not for an alleged wrongful death of my brother;
- c. As found in the referenced above Dkt No. 1 at 70, my claim against PG&E is not for Personal Injury as alleged by PG&E.

3. Document 13, Page 1 lines 20-22 asserts that the *"Bankruptcy Court found that Mr. Horton's claims were barred by the statute of limitations, and disallowed and expunged his claims. See Id. At 67, 70.)*

**Correction:**

- a. There was no hearing or trial to consider PG&E's allegations of personal injury as the basis of my claim, so there was no finding of the Bankruptcy Court regarding the allegations;
- b. The position of PG&E is based on an incorrect assumption that my claim no. 87111 in the Bankruptcy Court was filed for Personal Injury;
- c. I objected to the default order of the Bankruptcy Court prior to and at the oral hearing of July 28, 2021, (*District Court Doc 3-1 statement of issues and designation of records; District Court Doc 1, 7-1, Bankruptcy Court dkt 11074*);
- d. Reservation of my rights have constantly been declared in most of my pleadings and responses;
- e. I have not consented, and do not consent, to any Federal, State, or Court rules, statutes or codes that would deny my substantive rights, or any of my rights;
- f. The Federal, State, or Court rules, statutes or codes are not to be construed to diminish, nullify, or in

any way take away my substantive rights, which among those rights includes my right to an oral hearing;

g. The Federal, State, or Court statutes of limitations, are not to be construed to abridge my inherent or substantive right to seek justice.

4. Document 13, Page 1 lines 22-24 asserts, “*Mr. Horton filed a motion for reconsideration, requesting that the Court reconsider the order disallowing his claims. See In re PG&E Corporation, Bankruptcy Case No. 19-30088 (N.D. Cal.), Id., Dkt No. 11031.*”.

**Correction:**

a. referenced docket no. 11031 is not a valid docket.

b. Referenced docket no. 11031 has been replaced in its entirety, by Bankruptcy Court Docket 11074, Fwd into District Court as Document 7-1, page 10, lines 26- 28.

5. Document 13, Page 1 lines 24-25 asserts, “*The Bankruptcy Court denied the motion for reconsideration on October 7, 2021. ID., Dkt. No. 11386.*”

**Correction:**

a. the referenced order in Bankruptcy Court docket 11386 was another of several orders I wholeheartedly objected to, *Bankruptcy Dkt 11435*.

b. The Bankruptcy Court erred in this order (as with previous orders) by failing to follow the rules as stated in B.L.R. 9021-1(a) which states in part, “*no proposed forms of orders granting or denying motions shall be submitted with the moving or opposition papers prior to a hearing*”,

6. Document 13, Page 2 lines 2-3 asserts, "*Bankruptcy Rule 8002(a)(1) states that 'a notice of appeal must be filed with the bankruptcy clerk within 14 days after entry of the judgment, order, or decree being appealed.'*"

**Correction:**

- a. My interlocutory appeal is not based solely on a judgment, order, or decree.
- b. My interlocutory appeal is mostly based on the previous answers herein on *Page 3 lines 4-21*.
- c. The Federal, State, or Court rules are not to be construed to abridge my inherent or substantive right to seek justice.

7. Document 13, Page 2 lines 8-11 asserts, "*his (my) appeal was untimely under Bankruptcy Rule 8002(a)(1), and it must be dismissed for lack of jurisdiction. See In re Delaney, 298 F.3d 516, 518 (9th Cir. 1994)*"

**Correction:** The case cited, *Delaney, 298 F.3d 516, 518 (9th Cir. 1994)*:

- a. is a memorandum of the United States Bankruptcy Appellate Panel of the Ninth Circuit;
- b. has very few similarities to my interlocutory appeal,
- c. has no precedential value, *Delaney, 298 F.3d 516, 518 (9th Cir. 1994) page 1 footnote*.

8. My interlocutory appeal was dismissed prior to completion of briefings or oral arguments.

- a. The details surrounding my interlocutory appeal has not yet been provided to the District Court in a Principal brief.

- b. No other briefings have been filed in the records of the District Court;
- c. My interlocutory appeal was dismissed prior to the hearing of oral arguments from both parties that was to be held on March 23, 2023.

**Motion to continue with Interlocutory Appeal:**

Appellant Ricky Dean Horton is motioning that the Hon. Haywood S. Gilliam, Jr., and the District Court to find that it does have jurisdiction over this interlocutory appeal from the San Francisco Bankruptcy Court, and to move forward with, and schedule a timeline for briefings and oral arguments to review, hear, and to consider the records and information of my interlocutory appeal from the San Francisco Bankruptcy Court, PG&E case No. 19-30088, Claim No. 87111.

**DECLARATION:**

I declare under penalty of perjury in accordance with the laws of the United States of America that, to the best of my knowledge and ability, the foregoing information is true and correct.

Dated this 7th day of April 2023,

s/ Ricky Dean Horton, Appellant SEAL

**Appendix 8**

US District Court for the Northern District of California, Case No. 22-CV-06367-HSG, Ricky Dean Horton, Plaintiff/Appellant, v. PG&E, Defendant/ Appellees:

**Document 16 FILED: 04/19/2023  
Order Denying Motion for Reconsideration  
HAYWOOD S. GILLIAM, JR.,  
United States District Judge**

On March 21, 2023, the Court granted PG&E Corporation's and Pacific Gas and Electric Company's (collectively, "PG&E") motion to dismiss Ricky-Dean Horton's bankruptcy appeal for lack of jurisdiction. Dkt. No 13. Bankruptcy Rule 8002(a)(1) states that "a notice of appeal must be filed with the bankruptcy clerk within 14 days after entry of the judgment, order, or decree being appealed." However, Mr. Horton did not file his appeal until almost a year after this deadline. *Id.* Mr. Horton has since filed a motion for reconsideration. Dkt. No. 14.

In his motion and declaration, Mr. Horton identifies alleged deficiencies in the Court's order granting the motion to dismiss. *See* Dkt. Nos. 14, 15. He explains, for example, that he was not simply challenging a specific order by the bankruptcy court. Rather, he contends that his due process rights were violated when the bankruptcy court concluded that his claims were barred by the statute of limitations without holding a hearing, resolving his evidentiary objections, or allowing him to confront witnesses in court. *See* Dkt. No. 14 at 2–4. Mr. Horton also maintains his substantive disagreement with the bankruptcy court's conclusions about his claims. *See id.* at 4–5.

Critically, none of Mr. Horton's arguments address the timeliness of his appeal. The Court continues to find that it lacks jurisdiction, and no further briefing or hearing is necessary. The Court therefore **DENIES** the motion for reconsideration.

**IT IS SO ORDERED.**

Dated: April 19, 2023,

s/ Haywood S. Gilliam, Jr.

HAYWOOD S. GILLIAM, JR.,  
United States District Judge.

**Appendix 9**

US District Court for the Northern District of California, Case No. 22-CV-06367-HSG,  
Ricky Dean Horton, Plaintiff, Appellant v. PG&E,  
Defendant, Appellee:

**Document 17 FILED: May 05, 2023**  
**NOTICE OF APPEAL**  
**(filed by Ricky Dean Horton)**

**Statement of issues;**

1. On October 14, 2022, I filed a notice of interlocutory appeal from the San Francisco Bankruptcy Court, PG&E Case No. 19-30088, the Hon. Dennis Montali presiding, into the 9<sup>th</sup> District Court, Oakland, *see* 9<sup>th</sup> District Court Document 1.
2. I provided reasons of why my interlocutory appeal was delayed beyond the time set forth in the Bankruptcy Court's local rules for a timeliness of appeal, *see* 9<sup>th</sup> district court Document 1;
3. On November 18, 2022, (*see* 9<sup>th</sup> district court Document 3), I designated records on appeal to be forwarded from the SF Bankruptcy Court to the 9<sup>th</sup> District Court, to provide the evidence of my allegations that the SF Bankruptcy Court:
  - a. failed to follow the rules and procedures that were materially harmful to my case;
  - b. denied my right to an oral hearing to address the previous court's orders that I objected to;
  - c. failed to rule on motions filed within the SF Bankruptcy Court (and motions still have not

- yet been properly ruled upon);
- d. made orders that violated my inherent and substantive rights;
  - e. among other allegations of wrongful acts by the San Francisco Bankruptcy court.
4. On March 21, 2023, The Hon Haywood S. Gilliam Jr. in the 9<sup>th</sup> District Court, Northern California, Oakland, determined that he lacks jurisdiction of my interlocutory appeal from the San Francisco Bankruptcy Court based solely on the timeliness of my appeal in regards to an order of the SF Bankruptcy Court, *see* 9<sup>th</sup> district court doc. 13;
  5. On April 7, 2023, I filed a motion for Hon Haywood S. Gilliam Jr. to reconsider his opinion and order made in Document 13, *see* Document 14;
  6. On April 14, 2023, I filed a memorandum in support of the motion to reconsider the Hon Haywood S. Gilliam Jr.'s opinion and order, and I again brought attention to the issues that the 9<sup>th</sup> District Court does have jurisdiction to hear the controversies on appeal from the SF Bankruptcy Court, *see* Doc 15.
  7. On April 19, 2023, District Judge Hon Haywood S. Gilliam Jr. acknowledged my allegations of SF Bankruptcy Court's violations of due process, violations of the Federal and Local rules of the court, and other wrongful acts of the SF Bankruptcy court that were materially harmful to my case, *see* Docket 16, page 1, lines 20-26;



8. On April 19, 2023, District Judge Hon Haywood S. Gilliam Jr. reaffirmed in his opinion and order that the 9<sup>th</sup> District Court lacks jurisdiction based solely the timeliness of my appeal, *see* Document 16, lines 27-28;
9. District Judge Hon Haywood Gilliam Jr.'s order appears to based upon administrative rules or procedures of the lower court;
10. By the order of Hon Haywood S. Gilliam Jr., he tacitly denies having jurisdiction outside of administrative procedures;
11. By the order of Hon Haywood S. Gilliam Jr., he tacitly denies having jurisdiction over violations of the Federal and Local rules by San Francisco Bankruptcy Court, deprivation of my natural, inherent, unalienable, and other substantive rights that are guaranteed to be protected under the provisions of the United States Constitution.

Therefore, by Notice of Appeal provided herein, I am requesting that the Clerk of the 9<sup>th</sup> District Court, Oakland, to forward my interlocutory appeal from the San Francisco Bankruptcy Court, PG&E Case No 19-30088, with all files previously designated to be forwarded to the 9<sup>th</sup> District Court, which now, among them all, are the 9<sup>th</sup> District Court's documents, to a higher appellate court established under authority of Article 3 of the United States Constitution, of which court shall be of competent jurisdiction to hear my appeal, at law and equity, in regards to the alleged allegations of the San Francisco Bankruptcy court's violations of due process, and

among other wrongful acts of the SF Bankruptcy court.

Since I mistakenly assumed that the 9<sup>th</sup> District Court had jurisdiction over the wrongful acts of the San Francisco Bankruptcy court, I am also requesting that the appeal fees of \$298.00 that were paid for the 9<sup>th</sup> district court to hear this appeal, to be applied to my appeal to the higher appellate court of competent jurisdiction.

Dated this 5th day of May 2023,

s/ Ricky Dean Horton,  
Plaintiff/Appellant

SEAL

**Appendix 10**

US Court of Appeals for the 9<sup>th</sup> Circuit, Case No 23-15716, Ricky Dean Horton, Plaintiff-Appellant v. PG&E, Defendant-Appellee:

**DktEntry: 11 FILED: Aug 16 2023**

**ORDER**

**Schroeder, Berzon and Owens  
Circuit Judges**

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

A review of the record, the opening brief, and the parties' briefing on the motion for summary affirmance demonstrates 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 for summary affirmance); *see also* Fed. R. Bankr. P. 8002(a)(1) (providing that "a notice of appeal must be filed with the bankruptcy clerk within 14 days after entry of the judgment, order, or decree being appealed"); *In re Mouradick*, 13 F.3d 326, 327 (9th Cir. 1994) ("The provisions of Bankruptcy Rule 8002 are jurisdictional; the untimely filing of a notice of appeal deprives the appellate court of jurisdiction to review the bankruptcy court's order." (citations omitted)). Accordingly, the motion for summary affirmance (Docket Entry No. 5) is granted.

**AFFIRMED.**

**Appendix 11**

US Court of Appeals for the 9<sup>th</sup> Circuit, Case No 23-15716, Ricky Dean Horton, Appellant, Horton v. PG&E, Appellees:

**DktEntry: 12 FILED: 08/21/2023  
MOTION TO RECONSIDER DISMISSING  
THIS APPEAL, DKT 11 08/16/2023;  
NOTICE OF APPEAL TO THE SUPREME  
COURT OF THE UNITED STATES OF AMERICA.  
(filed by Ricky Dean Horton)**

**Statement of Facts and Truth**

1. Appellant is sovereign, there has been no objection that I, Ricky Dean Horton, am a living man with inherent sovereignty;
2. Judge Dennis Montali's conduct in the lower San Francisco Bankruptcy court:
  - a. denied my right to address controversies of the court's orders;
  - b. denied my right to question affidavits authored by opposing counsel of Appellees that contained false information that was materially harmful to my case and claim;
  - c. ordered that my oral hearing be removed from calendar;
  - d. ordered that I could never have a hearing on any other date;
  - e. and among other acts in the written records that violated due process and the rules of the court that deprived me of a just determination of my case and claim.

3. On first appeal to the 9th District Court, San Francisco-Oakland Division, Case No. 22-cv-06367-HSG Judge Haywood S. Gilliam Jr. presiding, Judge Gilliam Jr. erroneously dismissed my appeal based on an administrative rule of the Bankruptcy Court that was outside the reason of my appeal;
4. On second appeal in the 9th Circuit Court of Appeals, San Francisco Division, Case No. 23-15716, I timely filed my opening brief with revealing and substantial evidence of due process violations and other acts by Judge Montali which included my documented objections filed within the San Francisco Bankruptcy Court's records, of which records includes orders denying my substantive right to be heard, *see* DktEntry 8 filed July 7, 2023.
5. After 30 days of filing my opening brief in the San Francisco 9th Circuit Court of Appeals, opposing counsel failed to timely file an answer brief since time expired pursuant to the timeline set forth by the Clerk of the Court, Molly C. Dwyer, *see* dkt no. 1, filed May 10, 2023;
6. The 9th Circuit Court of Appeals, with Justices Marsha S. Berzon as Senior Circuit Judge, Mary M. Schroeder as Senior Circuit Judge, and John B. Owens as Circuit Judge ignored the fact that opposing counsel failed to timely file an answer brief, but instead, a week after time expired, affirmed the opinion and order of the lower court Judge Haywood S. Gilliam Jr., that denied my right to an oral hearing to address the documented misconduct of Judge Dennis Montali in the San Francisco Bankruptcy Court, and ordered my appeal to again be dismissed;

I am therefore asking the San Francisco 9<sup>th</sup> Circuit Court of Appeals to carefully review the merits of my appeal, and to find that there was indeed appealable misconduct in the San Francisco Bankruptcy Court with Judge Dennis Montali presiding that not only violated due process and my inherent and substantive right to be heard regarding controversies of the court's orders, but Judge Montali's actions that I objected to on the record were significantly harmful to my case and claim.

1. I have constantly and from the beginning declared my sovereignty so the courts can know that I am not representing any corporate body, nor have I consented to any administrative rules that could in any way be construed to deny my inherent and substantive rights;
2. I was denied my right to a hearing by Judge Dennis Montali in the San Francisco Bankruptcy Court to address the court's order(s), of which several orders were based on false information that I objected to and revealed in several of my filings on the written record;
3. I am victim of Judge Haywood S. Gilliam Jr in the San Francisco-Oakland 9<sup>th</sup> District Court, and by the three judge panel presiding over my appeal in San Francisco 9<sup>th</sup> Circuit Court of Appeals, by their opinion and court orders, that my substantive right to be heard is superseded by administrative rule(s);

On this motion to reconsider, I am still hopeful that the 9<sup>th</sup> Circuit Court of Appeals will recognize and honor my sovereign and substantive rights, and to uphold my right to be heard to address the misconduct of Judge Montali in the San Francisco Bank-

ruptcy Court, and to uphold USC Section 2072(b) which declares that any rules [of procedures] shall not abridge, enlarge or modify any substantive right.

Therefore I am motioning this Honorable 9<sup>th</sup> Circuit Court of Appeals, San Francisco Division, that Justices Marsha S. Berzon as Senior Circuit Judge, Mary M. Schroeder as Senior Circuit Judge, and John B. Owens as Circuit Judge to again review the documented evidence of misconduct by Judge Dennis Montali in the San Francisco Bankruptcy court, and to reconsider their opinion and order to affirm Judge Haywood S. Gilliam Jr's order that I have no substantive right to a hearing.

NOTICE OF APPEAL TO THE SUPREME COURT  
OF THE UNITED STATES OF AMERICA

I, Ricky Dean Horton, a sovereign man, am providing NOTICE OF APPEAL to the order dismissing my appeal found in Docket No. 11 of the 9<sup>th</sup> Circuit Court filed on Aug 16, 2023, pending the decision of the motion found herein for the three justices to reconsider their opinion and order.

Dated this 21st day of August 2023,

s/ Ricky Dean Horton, Appellant      SEAL

Attached: ORDER DktEntry 11 dated 08/16/2023

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*(see attachments in original filed DktEntry: 12)*



## Appendix 12

US Court of Appeals for the 9<sup>th</sup> Circuit, Case No 23-15716, Ricky Dean Horton, Plaintiff-Appellant v. PG&E, Defendant-Appellee:

**DktEntry: 19 FILED: Feb 26, 2024**

**ORDER**

**Schroeder, Berzon and Owens  
Circuit Judges**

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

Appellant’s motion for reconsideration (Docket Entry No. 12) is denied. *See* 9th Cir. R. 27-10.

All other pending motions are denied as moot.

No further filings will be entertained in this closed case.”