

APPENDIX

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Appendix 1

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 Ricky Dean Horton, Counsel¹

SUPERIOR COURT OF CALIFORNIA COUNTY OF SOLANO

Zachary Thomas Horton,
 Plaintiff,
 vs.
 FRANCHISE TAX BOARD,
 Ashleigh Nelson,
 Defendants.

Case: CU24-02859

EX PARTE APPLICATION FOR
 ORDER TO SHOW CAUSE, RE:
 PRELIMINARY OR PERPETUAL
 INJUNCTION AND RETURN OF
 ALL PERSONAL PROPERTY
 SEIZED BY PLAINTIFF'S
 EMPLOYER;
 AND FOR A TEMPORARY
 RESTRAINING ORDER.

Re: Initial Complaint filed April
 16, 2024

Date: June 03, 2024

Time: 11:00am

Department: 10

**Plaintiff requests that the complete File Stamped
 copy of the Initial Complaint filed on April 16, 2024 to
 be made available to the Judge with this ex parte ap-**

¹As used in all pleadings and other filings by Plaintiff, Counsel includes: one who assists his [son] with advice, and pleads for him in open court, *see* black's law dictionary, First Edition.

plication pursuant to Rule 3.1150(b) of the California Rules of Court.

I. INTRODUCTION

Pursuant to California Code of Civil Procedures (CCP) §§ 525 and 526(a)(1-4) and Rule 3.1150 of the California Rules of Court, Plaintiff Zachary Thomas Horton applies, ex parte, for a an order to show cause (OSC) as to why a preliminary or perpetual injunction should not be issued to cease the continuing seizure of Plaintiff's personal property² (money) by an alleged unlawful and unsupported order sent to Plaintiff's employer, and for Plaintiff's employer to return his personal property that was previously seized by and through the same alleged unlawful withholding order created by the Defendants; *see EXHIBIT D in Initial Complaint filed April 16, 2024 Earnings Withholding Order.*

Plaintiff further seeks immediate relief for the Judge to issue a Temporary Restraining Order (TRO) to enjoin Defendants Franchise Tax Board (FTB) and Ashleigh Nelson and anyone acting or participating by, through, or in concert with them from continuing to seize 25% of his money, or any money, from each of his paychecks until a judgment is rendered through these proceedings.

Good cause exists for the issuance of a TRO to protect Plaintiff until the Court can consider the allegations and evidence (or lack of evidence) and decide whether a preliminary or perpetual injunction and for the return of Plaintiff's money should issue. If FTB is not enjoined from continuing to seize Plaintiff's money and for Plaintiff's employer to return what is rightfully his, Plaintiff will be irreparably harmed, without justification, if it is determined that the seizure of Plaintiff's money is un-

² CA CCP 17(b)(8)(A) "Personal property" includes money, goods, chattels, things in action, and evidences of debt.

lawful. Additionally, any harm to Defendants FTB or Ashleigh Nelson is non-existent since a State Tax Liability, if determined, and the payoff terms thereof will be mutually decided in a fair and equitable manner. The Injunction and TRO would not cause any harm whatsoever upon Defendants.

Plaintiff requests that the Judge issue:

1. an order to show cause, directing Defendants FTB and Ashleigh Nelson to appear at a time and place to be fixed by the court, to show cause as to why a Preliminary or Perpetual Injunction should not be granted for restraining and enjoining Defendants and anyone acting or participating by, through, or in concert with them from continuing to seize Plaintiff's personal property through the withholding of his money by his employer that Plaintiff earns as the fruit of his labor, and for Plaintiff's employer, VEOLIA NORTH AMERICA LLC, to return any money previously seized; and;
2. a temporary restraining order (TRO) pending the Judge's decision on the order to show cause (re: Preliminary or Perpetual Injunction and the return of Plaintiff's personal property) for restraining and enjoining Defendant Franchise Tax Board and Defendant Ashleigh Nelson and anyone acting or participating by, through, or in concert with them from the continuance of taking Plaintiff's personal property until resolution of this case.

II. STATEMENT OF FACTS

There has been no previous application for a TRO or an OSC.

Plaintiff has provided evidence that he has no State Tax Liability when he was compelled under threat and duress to file a 540 Tax Declaration form, *see* 540 Tax declarations as EXHIBIT E in Initial Complaint filed April 16, 2024.

Defendants provided no evidence that Plaintiff, a sovereign, is subject to the STATE OF CALIFORNIA Corporate Government's Revenue and Taxation Code.

Defendants provided no evidence that they are entitled to plaintiff's personal property.

Defendants FTB or Ashleigh Nelson has sent a withholding order (allegedly self created) to Plaintiff's employer, VEOLIA NORTH AMERICA LLC, to withhold 25% of his certain money from each of his paychecks. There was no authority to make such a demand of Plaintiff's employer that accompanied the Defendants' self generated order.

III. LEGAL ARGUMENT

A. Injunctive relief is proper pursuant to California CCP § 526.

CCP § 526(a)(1)-(3) provides that an injunction may be granted:

- (1) When it appears by the complaint that the plaintiff is entitled to the relief demanded, and the relief, or any part thereof, consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually.
- (2) When it appears by the complaint or affidavits that the commission or continuance of some act during the litigation would produce waste, or great or irreparable injury, to a party to the action.
- (3) When it appears, during the litigation, that a party to the action is doing, or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the rights of another party to the action respecting the subject of the action, and tending to render the judgment ineffectual.

A preliminary or perpetual injunction and the return of Plaintiff's personal property is an appropriate means of preserving the status quo pending final judgment. The status quo Plaintiff seeks, is to preserve and regain rightful ownership of his money and to prevent the seizure of his money, (his money is his personal property), without Defendants having ever provided any evidence that they have a lawful claim to it.

B. Plaintiff Will Suffer Irreparable Injury and Harm if Defendants are not restrained.

"If denial of an injunction would result in great harm to the plaintiff, and the defendants would suffer little harm if it were granted, then it is an abuse of discretion to fail to grant the preliminary injunction" (see Robbins 38 Cal. 3d at 205).

Here, the balance of hardship strongly tips in favor of the Plaintiff. In the absence of the injunction to cease the continuing seizure, and failing to return Plaintiff's rightfully earned money, Plaintiff will suffer such financial harm that could result in irreparable harm and injury. Meanwhile, any harm to Defendants is non-existent.

C. Plaintiff Provide Notice of this Ex Parte Application

Plaintiff, by and through his counsel, provided Notice of this Ex Parte Application to the known contact information of the Attorney of Record representing both Defendants, FTB and Ashleigh Nelson, by way of email prior to 10:00 am on May 31, 2024, (see Declaration of Ricky Dean Horton EXHIBIT A).

IV. CONCLUSION

Ex Parte relief is appropriate to protect Plaintiff's money and for Plaintiff's employer, VEOLIA NORTH AMERICA LLC, to return all of his money that was previ-

ously garnished or levied from his paychecks while this case is being adjudicated through the courts.

Plaintiff Zachary Thomas Horton respectfully requests that the Judge issue the requested Temporary Restraining Order and set a hearing date for an order to show cause re: Preliminary or Perpetual Injunction restraining and enjoining Defendants and anyone acting or participating by, through, or in concert with them from continuing to seize Plaintiff's personal property through the withholding of his money that he earns as the fruit of his labor, and for his employer to return all money that they previously seized until this matter is concluded.

Declaration and Assertion of Rights

I, Zachary Thomas Horton, declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

I do not consent to any government codes, statutes, rules or procedures that could in any way be construed to deny my inherent, natural or substantive rights. I am hereby asserting all rights that are guaranteed to be protected under the provisions, or laws, made pursuant to the Constitution of the United States of America and the Constitution of the State of California.

Dated May 31, 2024

//s Zachary Thomas Horton //s, Plaintiff

//s Ricky Dean Horton //s, Father and Counsel

Appendix 2**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SOLANO****Civil • Minutes**

Zachary Thomas Horton, Plaintiff/Petitioner v.
Franchise Tax Board, Defendant/Respondent Case
Number: CU:U.02859

Hearing: Other • Ex-parte Re: Temporary
Restraining Order Against Preliminary Injunction
In Dept. 10, Fairfield Room 305 on 06/03/2024 at
11:00am

Clerk: B. Delgado, Judge: Christine N. Donovan,
Reporter/ER: none

Appearances:

Zachary Thomas Horton, Plaintiff, in pro per.
Defendant is represented by Attorney Michael
Sapaznikow – Present

Minutes:

The case is called.

The matter comes before the Court for an Ex Parte
Application for Order to Show cause. Re: Preliminary
or Perpetual Injunction and Return of all Personal
Property Seized by Plaintiff's Employer; and for a
Temporary Restraining Order.

The Court notes Plaintiff filed a Motion for Change
of Venue currently set for hearing on June 17, 2024.

The Court informs parties the Ex Parte Application
may not be considered pending the motion for change
of venue.

The Court continues this matter to be heard concurrently with the motion for change of venue.

All parties agree to the continuance.

The matter is set for: Date: 06/17/2024;

Time: 9:00am;

For: Hearing: Other Ex Parte

Re: TRO against Preliminary Injunction – CONT
FROM 6/3/24;

Ordered to Appear in: DPT 10. Fairfield Room 305

END OF MINUTES

Appendix 3

FILED JUN 11, 2024

**COURT OF CALIFORNIA
COUNTY OF SOLANO**

Zachary Thomas Horton,
Plaintiff,
vs.
FRANCHISE TAX
BOARD and
Ashleigh Nelson,
Defendants.

Case: CU24-02859

Superior Court Judge: Hon
Christine N. DonovanAppointment of Co-
Counsel**THE COURT AND ALL PARTIES ARE
NOTIFIED THAT:**

1. I, Zachary Thomas Horton, am acting as my own counsel and as such I am pro se (sui juris).
2. It is a self-evident truth and fact that I am a living man with inherent sovereignty.
3. I am hereby rebutting any statutes, codes, rules, or any other legislative or covert acts that could in any way, shape, or form be construed to have any authority over me, or my body, my life, or my property, or over any other thing in rem, which also includes my inherent and substantive rights without my express written consent with full knowledge and understanding of such agreement and consent.

4. Prior to any court action, I have exercised my right as a sovereign man to retain my father as counsel in all aspects of these matters.
5. I am further exercising my inherent and substantive right to appoint co-counsel of my choice to be at my side at all times during these court proceedings since I am not competent in the knowledge of the rules of court, statutory laws (whether applicable to me or not), formatting and filing of court documents, nor do I have confidence that I have the mental capacity to competently speak for myself during an oral hearing, or to address the court in any manner without my co-counsel with me, at my side, counseling me or speaking for me.
6. My decision is based on the facts currently on record that my father, Ricky Dean Horton, of whom I have been fully dependent upon to counsel me has:
 - a. from the very beginning, advised me and assisted me in preparing my written responses to the Defendants;
 - b. either been with me or was otherwise authorized to speak on my behalf during verbal conversations with defendant Ashleigh Nelson and other employees of the FRANCHISE TAX BOARD, *see* Procedural Background in Original Complaint filed on April 16, 2024 pages 2-4.
 - c. better understanding and knowledge than me of the rules of court, statutory laws of government, and he has complete understanding of my case and

complaint in more detail than anyone else I know of.

7. This decision to appoint my father as co-counsel to be by my side is to further protect, defend, and assert my inherent and substantive rights during all court proceedings.
8. With this filing, I am asserting my inherent and substantive right to appoint my father Ricky Dean Horton as co-counsel to assist me in all matters relating to my case and claim since the right to do so is granted to me by nature and nature's god and is therefore known as an inherent right endowed upon me as a living man.
9. Additionally, the following citations, of among many others not stated herein, declares or supports that my inherent and substantive right as a sovereign to choose and appoint a co-counsel of my choice shall not be infringed:
 - a. Amendment 1 of the United States Constitution, *"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."*
 - b. Amendment IX of the US Constitution, *"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."*

- c. CA Government Code §§ 11120 and 54950: “ . . . *the people of this state do not yield their sovereignty to the agencies that serve them . . .*”;
- d. The United States Supreme Court held, that “ . . . *in common usage, the term "person" does not include the Sovereign, and statutes employing the word [person] are ordinarily construed to exclude it [the Sovereign.]*” *Wilson v. Omaha Tribe*, 442 U. S. 653, 667 (1979) (quoting *United States v. Cooper Corp.*, 312 U. S. 600, 604;
- e. *Miranda v. Arizona*, 384 U.S. 426, 491; 86 S. Ct. 1603 “ . . . *Where rights secured by the Constitution are involved, there can be no 'rule making' or legislation which would abrogate them . . .*”;
- f. CA Government Code Title 1, Article 1 § 100(a) “*The sovereignty of the state resides in the people thereof . . .*”

Therefore, be it resolved that I, Zachary Thomas Horton, declare and consent to the appointment of co-counsel and do hereby appoint my father, Ricky Dean Horton to be my co-counsel. He shall assist me in all pleadings and filings with the court, to be with me at my side during any and all hearings and other proceedings, to object to anything for any reason if I fail to timely object, and to consult with me at any time regarding any decisions to be made by me. I am further authorizing my father and co-counsel to at-

tend any hearings and to declare my wishes to the court whether or not I am present.

Declaration

I, Zachary Thomas Horton, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that appointment of Ricky Dean Horton as my co-counsel is my wish.

Executed on: June 11, 2024

//s Zachary Thomas Horton //s, Plaintiff

Acceptance of Appointment of Co-Counsel

I, Ricky Dean Horton, hereby consent to and accept appointment of co-counsel to Plaintiff Zachary Thomas Horton (my son).

I further declare that I am not “practicing law” nor am I seeking to subvert the statutory rules of the corporate STATE OF CALIFORNIA regarding those rules of attorneys within the jurisdiction of the corporate STATE OF CALIFORNIA. I am not going outside the boundaries as co-counsel to the Plaintiff to “practice law”, but I am simply fulfilling the appointment of co-counsel pursuant to my son’s wish under his sovereign authority.

Declaration and oath.

I, Ricky Dean Horton, solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Califor-

nia, and that I will faithfully discharge the duties as co-counsel to my son and Plaintiff Zachary Thomas Horton, in truth and law, to the best of my knowledge and ability. As co-counsel in these court proceedings, I will strive to conduct myself at all times with truthfulness, dignity, courtesy and integrity.

I, Ricky Dean Horton, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: June 11, 2024

//s Ricky Dean Horton //s, Co-Counsel to Plaintiff

Appendix 4**REPORTER'S TRANSCRIPT OF PROCEEDINGS
MONDAY, JUNE 17, 2024**

--oOo--

**CERTIFIED
TRANSCRIPT****MARIA D. VALTIERRA-ZERTUCHE
Official Court Reporter
CSR License No. 12417****A P P E A R A N C E S****FOR THE PLAINTIFF: ZACHARY THOMAS
HORTON In Propria Persona
FOR THE DEFENDANTS: MICHAEL
SAPOZNIKOW****Deputy Attorney General
1300 I Street, 10th Floor
P.O. Box 944255
Sacramento, CA 94244****FOR THE DEFENDANTS: SCOTT W. DEPEEL
Attorney at Law
P.O. Box 1720
Rancho Cordova, CA 95741****SESSIONS****PAGE****Date of proceedings
Morning Session****3****WITNESSES IN CHRONOLOGICAL
ORDER****(NONE OFFERED)
EXHIBITS**

(NONE OFFERED)

MONDAY, JUNE 17, 2024

(MORNING SESSION)

ZACHARY THOMAS HORTON versus FRANCHISE
TAX BOARD, ASHLEIGH NELSON

The above-entitled matter came on regularly
this date for hearing before Honorable CHRISTINE
N. DONOVAN, Judge Presiding.

The Plaintiff, ZACHARY THOMAS HORTON,
was present, appearing In Propria Persona.

The Defendants, FRANCHISE TAX BOARD,
ASHLEIGH NELSON, is represented by MICHAEL
SAPOZNIKOW, Deputy Attorney General and
SCOTT DEPEEL, Attorney at Law.

MARIA D. VALTIERRA-ZERTUCHE, CSR,
RPR, Official Court Reporter, was present and act-
ing.

The following proceedings were had and tak-
en, to wit:

P R O C E E D I N G S

--oOo--

THE COURT: Okay. Calling line 3, Horton ver-
sus Franchise Tax Board, case number CU24-02859.

(Brief pause in proceedings.)

THE COURT: All right. Good morning.

MR. HORTON: Good morning, Your Honor.

THE COURT: All right. And you are Zachary
Horton, correct?

MR. HORTON: That's correct, Your Honor.

THE COURT: And the person sitting next to
you is?

MR. RICKY D. HORTON: Ricky Dean Horton,

appointed special co-counsel to Plaintiff.

THE COURT: And when did you get your bar license, Mr. Horton?

MR. RICKY D. HORTON: Under these proceedings, I'm not required to have a bar license as appointment of co-counsel to the plaintiff.

THE COURT: So you cannot represent somebody in court unless you have a license issued by the State Bar of California. If you start advocating for your son, Mr. Horton, you are committing a misdemeanor under Business and Professions Code Section 6125. That could land you with up to a year in jail and a thousand dollar fine. I'm not interested in seeing you committing a misdemeanor in my court.

MR. RICKY D. HORTON: So -- agreed. I do not want to have a misdemeanor. Were you aware of the filing on June 11th that appointed me as co-counsel?

THE COURT: I am. And I am required by law to disregard that. Your son can have you help him with papers. You can do -- as long as you are not practicing law without a license, you can provide all the assistance that you want to your son. But I am obligated to enforce the laws of the State of California. And if you do not have a law license, I cannot let you speak on behalf of your son.

MR. RICKY D. HORTON: Okay.

THE COURT: So I'm going to give you two choices, Mr. Horton. I would invite you to sit back in the audience, or if you prefer, you can have a seat in the hallway. But I cannot allow you to sit at counsel table and speak for your son.

MR. RICKY D. HORTON: Okay. One moment.
(Discussion between Mr. Ricky D. Horton and Zacha-

ry Horton, off the record.)

MR. RICKY D. HORTON: I will sit in the seats behind us, Your Honor.

THE COURT: Okay. Thank you, Mr. Horton.

All right. And let me have appearances from the Franchise Tax Board --

MR. SAPOZNIKOW: Good morning, Your Honor.

THE COURT: -- the Attorney General's office.

MR. SAPOZNIKOW: Right. Michael Sapoznikow, Deputy Attorney General for the Franchise Tax Board. With me is Scott DePeel, who is an attorney for the Franchise Tax Board.

THE COURT: All right. Good morning to you both.

MR. DEPEEL: Good morning.

THE COURT: Okay.

So we're here on two things, Mr. Horton. One is your ex parte asking for a preliminary injunction. And the other is the motion to change venue filed by the Attorney General's Office and Franchise Tax Board.

So I did have an opportunity to read all of the papers that concerned these motions. And the law requires that I handle the motion to change venue first, Mr. Horton.

So I understand that you have -- you filed an opposition to the motion to change venue. You believe the venue is still proper in Solano County because this is where you believe the events occurred and that venue is proper for that reason --

MR. HORTON: Correct, Your Honor.

THE COURT: -- is that right?

Is there any other reason that you think venue is proper here?

MR. HORTON: Yes, Your Honor.

THE COURT: Okay.

MR. HORTON: It's not a tax issue on why it shouldn't be held in Sacramento.

THE COURT: Okay.

My understanding is the whole basis of your complaint is that you believe that you are an exempt taxpayer, meaning that you don't have to pay taxes, and that the Franchise Tax Board has been collecting taxes against your will by garnishing your wages; is that fair -- is that a fair statement of your complaint?

MR. HORTON: That is a fair statement.

THE COURT: Okay. So you're alleging that the Franchise Tax Board is engaging in illegal activity; is that right?

MR. HORTON: That's right.

THE COURT: Okay.

Since your claim is against the Franchise Tax Board, they are correct; under the Revenue and Taxation Code, venue against a government agency is proper where the Attorney General has their offices. And they do not have an office in Solano County. So if they ask to change venue, under the circumstances, I'm inclined to grant it. But I would like to hear if there's anything else you want me to consider before I give my decision.

MR. HORTON: I don't know, Your Honor. No.

THE COURT: No? Okay.

The Court issued a tentative ruling in this case. Did you have a chance to read it?

MR. HORTON: I did not, no.

THE COURT: Okay. Would you like a copy of it?

MR. HORTON: Yes, please.

(Court and Clerk have a discussion off the record.)

THE COURT: So if you look on the -- there's a -- at the corner of the table there, there's a stack of papers that has a gray box. Flip it open. I believe it's on the first page.

MR. HORTON: This was on Friday, correct?

THE COURT: I'm sorry?

MR. HORTON: You said this was on Friday, correct? I did see this. Okay.

THE COURT: Yes, this was posted Friday. Did you see this?

MR. HORTON: I did see that.

THE COURT: Okay.

Is there anything that you want to talk about that I mention in here?

MR. HORTON: No. I don't -- I don't really understand but no. No.

THE COURT: Okay. What can I -- what part do you not understand so I can see if I can explain.

MR. HORTON: The reasoning on -- well, changing of venue to Sacramento. I thought it was the correct county here in Solano County.

THE COURT: Uh-huh. Well, so the Rules of Civil Procedure, usually with limited exceptions, venue is usually proper where the defendant is. And, in this case, especially under the Revenue and Taxation Code section cited by the Franchise Tax Board and the Attorney General's office, venue is

proper in Sacramento, not here.

Okay. All right. Let me hear from Mr. Sapoznikow and Mr. DePeel.

MR. SAPOZNIKOW: Your Honor, we have nothing to add.

THE COURT: Mr. DePeel, anything?

MR. DEPEEL: Nothing further, Your Honor. Thank you.

THE COURT: All right.

So the Court has considered the statements made by both Plaintiff and Defendant. The Court hereby adopts the tentative ruling as an order of the Court effective today, and parties are ordered to comply with it.

Now, I'm going to draw your attention, Mr. Horton, to the transfer fees. That was laid out in the tentative ruling. It is your responsibility to tender those transfer fees as indicated in the Court's ruling. If you do not, the tentative ruling explained that the action will be dismissed upon the filing of the appropriate motion. Okay?

All right. Those are the orders of the Court. And the Court is staying the motion for preliminary injunction. That will be handled by the Court in Sacramento County. Okay?

MR. DEPEEL: Thank you, Your Honor.

THE COURT: And, Gentlemen, if I can ask one of you to prepare the order for my signature, or did you already submit it?

MR. SAPOZNIKOW: We have not submitted it.

THE COURT: Okay. So I'm going to direct that you prepare the order for my signature.

MR. SAPOZNIKOW: Thank you.

THE COURT: All right. Thank you.

MR. DEPEEL: Thank you.

THE COURT: All right. Thank you.

(Proceedings adjourned.)

Appendix 5

ELECTRONICALLY RECEIVED

Superior Court of California,
County of Solano

06/24/2024 at 09:04:39 AM

By: J. Sapp-Chun, Deputy Clerk

FILED

Superior Court of California, County of Solano

06/28/2024 at 08:31 :20 AM

By: J. Sapp- Chun, Deputy Clerk

SUPERIOR COURT OF THE STATE OF
CALIFORNIA COUNTY OF SOLANO

ZACHARY THOMAS HORTON,

Plaintiffs, v.

FRANCHISE TAX BOARD, ASHLEIGH NELSON,
Defendants

Case No. CU24-02859

ORDER GRANTING DEFENDANTS' MOTION TO
TRANSFER VENUE

Date: June 17, 2024

Time: 9:00am

Dept: 10

Judge: Hon. Christine N. Donovan

Action Filed: April 16, 2024

This matter came on for hearing on June 17, 2024, in Department 10 of this Court, the Honorable Christine N. Donovan presiding. Plaintiff Zachary Thomas Horton appeared in pro per. Deputy

Attorney General Michael Sapoznikow and Franchise Tax Board attorney Scott DePeel appeared on behalf of defendants.

The subject of the hearing was defendants' motion to transfer venue filed on May 7, 2024 and plaintiffs ex parte application filed on May 31, 2024. Prior to the hearing, on June 14, 2024, the Court issued the tentative ruling attached as Exhibit 1 to this Order.

During the hearing, the Court heard argument from plaintiff. The Court also addressed arguments presented in an opposition brief that plaintiff filed on June 12, 2024.

At the conclusion of the hearing, the Court ruled that it would adopt the tentative ruling and grant the motion to transfer venue. Accordingly, it is hereby ORDERED that:

- 1) The tentative ruling is adopted, and defendants' motion to transfer venue is GRANTED;
- 2) Plaintiff shall submit the fees described in the tentative ruling within five business days; and
- 3) Plaintiffs ex parte application filed May 31, 2024 is stayed as described in the tentative ruling.

 06/24/2024
AILEEN CHRISTINI S. DONOVAN
Superior Court of the County of Solano

APPENDIX 6

SUPREME COURT
FILED
Jul 31 2024
Jorge Navarrete Clerk

Deputy

S286099
IN THE SUPREME COURT OF CALIFORNIA

ZACHARY THOMAS HORTON, Petitioner,
V.
SUPERIOR COURT OF SOLANO COUNTY,
Respondent; FRANCHISE TAX BOARD et al., Real
Parties in Interest.

The above-entitled matter is transferred to the Court
of Appeal, First Appellate District.

GUERRERO

Chief Justice

Appendix 7

Court of Appeal, First Appellate District
Charles D. Johnson, Clerk/Executive Officer
Electronically FILED on 8/1/2024 by C. Ford, Deputy Clerk

IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

ZACHARY THOMAS HORTON,
Petitioner,

v.

THE SUPERIOR COURT OF SOLANO COUNTY,
Respondent;
FRANCHISE TAX BOARD et al.,
Real Parties in Interest
A171026
Solano County No. CU2402859

BY THE COURT:*

The petition for writ of mandate/prohibition
and accompanying stay/injunctive relief requests are
denied.

Date: August 1, 2024 Simins, Acting P.J. P. J.

*Before Simoins, Acting P.J. and Chou, J.

Appendix 8

SUPREME COURT

FILED

AUG 21 2024

Jorge Navarrete Clerk

Deputy

Court of Appeal, First Appellate District, Division
Five - No. A171026

S286324

IN THE SUPREME COURT OF CALIFORNIA
En Banc

ZACHARY THOMAS HORTON, Petitioner,

v.

SUPERIOR COURT OF SOLANO COUNTY,
Respondent;

FRANCHISE TAX BOARD et al., Real Parties in
Interest.

The petition for review and application for stay are
denied.

GUERRERO

Chief Justice