No.

IN THE

SUPREME COURT OF THE UNITED STATES

Diana Hopping-Rais et al. — PETITIONER
(Your Name)

vs.

Lorin Edward Schell et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

9th District Federal Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Diana Hopping-Rais
(Your Name)

1089 26th St. 312 Oakland Ca 94607
(Address)

Oakland , CA , 94607
(City, State, Zip Code)

510-374-2675
(Phone Number)

QUESTIONS PRESENTED

[redacted]

Can the State of California ignore their own Probate Code Laws, relating to Foreign Wills; while simultaneously distributing the Kingdom of Spains' property, without delineating what that property is ?

What are Decedents Inventory of Assets and why has it taken over 10 years of court proceedings and still no answer?

Does the "probate exception" apply to un-delineated foreign lands?

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[x] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

U.S. Court of Appeals Ninth Circuit – Case No. 23-16072

U.S. District Court for Eastern California, Sacramento – Case No. 2:21-cv--01623-TLN-JDP

Superior Court of California County of San Joaquin –

Case No.: STK-PR-EST-2014-0000489

[Previous case no.: 39-2014-00314295-PR-PW-STK]

Case no.: STK-PR-TR-2014-0000806

[Previous case no.: 39-2014-00319962-PR-TR-STK]

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Superior Court of California County of San Joaquin –
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[Previous case no. 39-2014-00314295-PR-PW-STK]

Case no.: STK-PR-TR-2014-0000806

[Previous case no.: 39-2014-00319962-PR-TR-STK]

STATUTES AND RULES

SEE BELOW under Constitutional and Provisionary Codes involved

OTHER

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

[ ] *reported at* _____ ; *or,*
[ ] has been designated for publication but is not yet reported; or,
[x] is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[x] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

[ ] reported at _____ ; or,
[ ] has been designated for publication but is not yet reported; or,
[x] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[x] *For cases from* **federal courts**:

The date on which the United States Court of Appeals decided my case was Nov. 20, 2023.

[ ] No petition for rehearing was timely filed in my case.

[x] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: May. 08, 2024, and a copy of the order denying rehearing appears at Appendix Received on or about May 13, 2024

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] *For cases from* ***state courts***:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

California Probate Code § 6380-6390:: Chapter 11 Uniform International Wills Act 2009

F.R.A.P. Rule 28 (b)

Article III Section II of the United States Constitution

California Probate Code § 2610 Inventory and Appraisal of Estate Must be Made

California Probate Code § 8800 et seq

United States Supreme Court Rule 10

STATEMENT OF THE CASE

This case presents a unique example of the "Probate Exception" doctrine. California Probate Code Uniform International Wills Act, the intent of which is to secure that foreign citizens who execute wills formally and lodge legally will be considered. All requirements were met by the petitioners. Article II, Section III prohibits states from engaging in a set of activities that implicate international affairs. Here, mal intent was shown by overstepping their powers over foreign assets and will.

California disregarded their own statutes and it was a gross miscarriage of justice. It shocks the conscience that bench and bar would conspire, and collude together to disregard and hide, formally, a duly lodged will in Madrid, Spain. Since proceeedings began in 2014, the courts have allowed Defendant Schell to hide and not show an accounting of Decendent's vast multi-million dollar estate. This was done to deprive the decedent mother of her wishes towards her grandchildren, children and husband.

This Court's supervisory power is necessary to address the concealment and continued failure to afford petitioners justice. Petitioners request that this August body accept this matter and declare that judicial racketeering by bench and bar of California and in the California Federal Courts will not be tolerated - specifically in regards to foreign lands, property and assets unlawfully distributed via California probate proceedings (See Appendix D).

San Joaquin County Courts intentionally sequestered the only legitimate will which was filed with San Joaquin Court. The Court sequestered it by re-docketing with new probate numbers, subsequently hiding it in the docket - followed by throwing it out. Currently the one ONLY actual registered will that exists is lodged with the Spanish Ministry of Justice, Government in Madrid, Spain. Duly notarized in Madrid, heirs were legitimate.

Following later appeal, the Federal Courts design to protect international comity, filed a corrupt mandate backdating judgment more than six (6) months earlier, denying any appeal, certiorari or otherwise, in violation of the spirit of justice.

Assisted by Karla Gottschalk member of the Honorable Middle Temple, Bar of England & Wales.

REASONS FOR GRANTING THE PETITION

The Spirit of the Law should have been honored in State Court and or Federal, we petition to the highest and most honorable court in the United States to finally give this case the attention it deserves. The State of California disregarded its own state laws. Decedent had intentions to protect her children and grandchildren, however the State of California Court overstepped its Jurisdiction by throwing out her one and only notarized and legal will. There is needs to be an accounting of this vast *multi-million dollar estate which has been embezzled and hidden due to this RICO conspiracy.*

An accounting of the estate is procedural in probate, however in this case, procedure and rules were never honored. The original Judge in San Joaquin County Court had a conflict of interest yet would not excuse himself despite his having been in the same fraternity and Law firm as opposing counsel. Judge Holland was extremely favorable towards Defendants, even going so far as imposing sanctions on Petitioners in order to avoid the accounting of the estate which was on calendar yet *never has been done in over ten years of legal proceedings.*

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: July 30, 2024

APPENDIX A

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK
501 "I" Street
Sacramento, CA 95814

STEPHANIE HOPPING, ET AL.,
Plaintiff

v.

CASE NO. 2:21-CV-01623-TLN-JDP

LORIN EDWARD SCHELL, ET AL.,
Defendant

You are hereby notified that a Notice of Appeal was filed on August 02, 2023 in the above entitled case. Enclosed is a copy of the Notice of Appeal, pursuant to FRAP 3(d).

August 3, 2023

KEITH HOLLAND
CLERK OF COURT

by: /s/ O. Clemente Licea
Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK
501 "I" Street
Sacramento, CA 95814

TO: CLERK, U.S. COURT OF APPEALS

FROM: CLERK, U.S. DISTRICT COURT

SUBJECT: NEW APPEALS DOCKETING INFORMATION

CASE INFORMATION

USDC Number:	2:21-CV-01623-TLN-JDP
USDC Judge:	DISTRICT JUDGE TROY L. NUNLEY
USCA Number:	NEW APPEAL
Complete Case Title:	STEPHANIE HOPPING vs. LORIN EDWARD SCHELL
Type:	CIVIL
Complaint Filed:	9/10/2021
Appealed Order/Judgment Filed:	6/2/2023
Court Reporter Information:	n/a

FEE INFORMATION

Fee Status: IFP Granted on 3/29/2023

Information prepared by: /s/ O. Clemente Licea , Deputy Clerk

Name Stephanie Hopping et al.
Address 1585 62nd St. J #99463
City, State, Zip Emeryville, CA 94662
Phone (310) 751-4811
Fax
E-Mail monserratestate@gmail.com
☐ FPD ☐ Appointed ☐ CJA ☐ Pro Per ☐ Retained

ORIGINAL
FILED
AUG 02 2023
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Stephanie Hopping et al PLAINTIFF(S). v. Lorin Rahmani Schell et al DEFENDANT(S).	CASE NUMBER: 2:21-CV-01623-TLN-JD NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Stephanie Hopping, et al. hereby appeals to
Name of Appellant
the United States Court of Appeals for the Ninth Circuit from:

Criminal Matter

☐ Conviction only [F.R.Cr.P. 32(j)(1)(A)]
☐ Conviction and Sentence
☐ Sentence Only (18 U.S.C. 3742)
☐ Pursuant to F.R.Cr.P. 32(j)(2)
☐ Interlocutory Appeals
☐ Sentence imposed:

☐ Bail status:

Civil Matter

☒ Order (specify): Dated June 2, 202

☐ Judgment (specify):

☐ Other (specify):

Imposed or Filed on 6/2/23. Entered on the docket in this action on 6/2/23.

A copy of said judgment or order is attached hereto.

6/1/23
Date

Signature
☒ Appellant/ProSe ☐ Counsel for Appellant ☐ Deputy Clerk

Note: The Notice of Appeal shall contain the names of all parties to the judgment or order and the names and addresses of the attorneys for each party. Also, if not electronically filed in a criminal case, the Clerk shall be furnished a sufficient number of copies of the Notice of Appeal to permit prompt compliance with the service requirements of FRAP 3(d).

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
Post Office Box 193939
San Francisco, California 94119-3939
415-355-8000

Molly C. Dwyer
Clerk of Court

August 07, 2023

No.:	23-16072
D.C. No.:	2:21-cv-01623-TLN-JDP
Short Title:	Stephanie Hopping, et al v. Lorin Schell, et al

Dear Appellant/Counsel

A copy of your notice of appeal/petition has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number shown above has been assigned to this case. You must *indicate this Court of Appeals docket number* whenever you communicate with this court regarding this case.

Motions filed along with the notice of appeal in the district court are not automatically transferred to this court for filing. Any motions seeking relief from this court must be separately filed in this court's docket.

Please furnish this docket number immediately to the court reporter if you place an order, or have placed an order, for portions of the trial transcripts. The court reporter will need this docket number when communicating with this court.

The due dates for filing the parties' briefs and otherwise perfecting the appeal have been set by the enclosed "Time Schedule Order," pursuant to applicable FRAP rules. These dates can be extended only by court order. Failure of the appellant to comply with the time schedule order will result in automatic dismissal of the appeal. 9th Cir. R. 42-1.

Appellants who are filing pro se should refer to the accompanying information sheet regarding the filing of informal briefs.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 07 2023

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

STEPHANIE HOPPING; DIANNA HOPPING-RAIS; NICOLAS HOPPING; DAMIEN HOPPING,

Plaintiffs - Appellants,

v.

LORIN EDWARD SCHELL; LESLIEY D. HOLLAND; ANTHONY MICHAEL DESPOTES; DANIEL S. TRUAX; JESIROS D. BAUTISTA, AKA Don; JENNIFER ORTIZ; BANK OF AMERICA; US BANK; COMPASS BANK; BBVA; WELLS FARGO; 21ST CENTURY; BANK OF THE WEST; CHARLES GENOVER; ANA MARIA MOLAS; LUIS MIRANDA; NURIA MOLAS PORTELL-LEONARDI; GIOVANNI LEONARDI; LAURA PORTELL MOLAS; LAURA MOLAS FRANK-CORNELLA; PERA CORNELLA; SANDRA MOLAS CARRE; MARIA-CARMEN PORTELL MOLAS; MONTSERRAT GINEZ; MORA BANC; ANDORRA BANC; ANDORRA BANC ARIGOL REIG; AGRICOLA I COMMERCIAL DE EUROPA; BANCA SABADELL DE ANDORRA; VALL BANC S.A.U; MORA BANC S.A.U; CREDIT ANDOORA BBVA; LA CAIXA;

No. 23-16072

D.C. No. 2:21-cv-01623-TLN-JDP
U.S. District Court for Eastern California, Sacramento

TIME SCHEDULE ORDER

SANTANDER,

Defendants - Appellees.

The parties shall meet the following time schedule.

Mon., October 2, 2023	Appellant's opening brief and excerpts of record shall be served and filed pursuant to FRAP 31 and 9th Cir. R. 31-2.1.
Tue., October 31, 2023	Appellees' answering brief and excerpts of record shall be served and filed pursuant to FRAP 31 and 9th Cir. R. 31-2.1.

The optional appellant's reply brief shall be filed and served within 21 days of service of the appellees' brief, pursuant to FRAP 31 and 9th Cir. R. 31-2.1.

Failure of the appellant to comply with the Time Schedule Order will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

Neumiller & Beardslee

60410-25925

Daniel S. Truax
dtruax@neumiller.com

3621 W. Macarthur Ave
Suite 101
San Ramon, CA 94212

Post Office Box 20
Stockton, CA 95201-3020

(209) 948-8200
(209) 948-4910 FAX

NEUMILLER.COM

October 30, 2023

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

Re: *Stephanie Hopping, et al. v. Lorin Edward Schell, et al.*
Ninth Circuit, Case No. 23-16072
Eastern District Court of Appeal, Case No. Case 2:21-cv-01623-TLN-JDP

To the Clerk of the Court:

Pursuant to Rule 31-2.3, this letter is to advise that the subject appeal lacks merit and Appellee Daniel S. Truax does not intend to file a brief.

Very truly yours,

DANIEL S. TRUAX
Attorney at Law

DST:ds

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 20 2023

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

STEPHANIE HOPPING; et al.,

Plaintiffs-Appellants,

v.

LORIN EDWARD SCHELL; et al.,

Defendants-Appellees.

No. 23-16072

D.C. No.
2:21-cv-01623-TLN-JDP
Eastern District of California,
Sacramento

ORDER

Before: CHRISTEN, MILLER, and H.A. THOMAS, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the August 2, 2023 notice of appeal was not filed within 30 days after the district court's judgment entered on June 2, 2023. *See* 28 U.S.C. § 2107(a); *United States v. Sadler*, 480 F.3d 932, 937 (9th Cir. 2007) (requirement of timely notice of appeal is jurisdictional). Consequently, this appeal is dismissed for lack of jurisdiction.

DISMISSED.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 30 2024

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

STEPHANIE HOPPING; et al., Plaintiffs-Appellants, v. LORIN EDWARD SCHELL; et al., Defendants-Appellees.	No. 23-16072 D.C. No. 2:21-cv-01623-TLN-JDP *Eastern District of California,* Sacramento ORDER

Before: CHRISTEN, MILLER, and H.A. THOMAS, Circuit Judges.

Appellants' motion for reconsideration (Docket Entry No. 8) is denied. *See* 9th Cir. R. 27-10.

No further filings will be entertained in this closed case.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 08 2024

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

STEPHANIE HOPPING; et al.,

Plaintiffs - Appellants,

v.

LORIN EDWARD SCHELL; et al.,

Defendants - Appellees.

No. 23-16072

D.C. No. 2:21-cv-01623-TLN-JDP
U.S. District Court for Eastern California, Sacramento

MANDATE

The judgment of this Court, entered November 20, 2023, takes effect this date.

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

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

APPENDIX B

Diana Hopping-Rais
Stephanie Hopping
montserratestate@gmail.com
(510) 519-1520

Karla Gottschalk (SBN 91651)
In care of: P.O. Box 99463
Emeryville Ca. 94662
(808) 238-4287
superbcounsel@gmail.com
Amicus Justitia Curiae supporting Petitioners

ORIGINAL
FILED

MAR 11 2022

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

STEPHANIE HOPPING
DIANA HOPPING-RAIS
NICHOLAS HOPPING
DAMIEN HOPPING

Legitimé - Petitioners/Plaintiffs,

v.

LORIN EDWARD SCHELL;
LESLEY D. HOLLAND;
ANTHONY MICHEAL DESPOTES;
DANIEL SCOTT TRUAX;
JESIROS "DON" BAUTISTA; et al.

DOES 1 through 50 inclusive,

Respondents, Defendants.

Case No: 2:21 CV 1623 TLN - JDP

FRCP RULE 6, 21, 37

- **Rule 21 Writ of Mandate & Prohibition over Extraordinary Writs**
- **Rule 6 Shorten Time W/ sample**
- **Rule 37 Procedural Error**

EXPARTE APPLICATION FOR ORDER SHORTENING TIME FOR NOTICE AND HEARING ON PETITIONERS' MOTION FOR ORDER TO SHOW CAUSE TO RESPONDENTS;

APPLICATION FOR WRIT OF MANDATE;

REQUEST FOR JUDICIAL NOTICE OF SAN JOAQUIN COUNTY STATE COURT DOCKET;

POINTS AND AUTHORITIES;
[PROPOSED] ORDER

DATE: APRIL 14, 2022
TIME: 10:00 a.m.
DEPT: 9
JUDGE: HONORABLE JEREMY PETERSON
COMPLAINT FILED: 09/10/21
TRIAL DATE: NONE

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION AND TO THE DEFENDANTS/ RESPONDENTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on or before April 14, at 10:00 a.m., Plaintiffs hereby move the Court *exparté* for an order shortening time for notice and hearing on Petitioners' Motion for Order to Show Cause to Defendants and Writ of Mandate based on the following facts:

THERE HAS BEEN NO RESPONSE SINCE SERVICE ON LORIN EDWARD SCHELL; LESLEY D. HOLLAND, ANTHONY MICHEAL DESPOTES; DANIEL SCOTT TRUAX; or JESIROS "DON" BAUTISTA, AND ALLEGATIONS ARE DEEMED ADMITTED BY LAW (CCP § 418.10 and CCP §§ 1063-1067, et seq.)

Pursuant to Local Civil Rule 144(e), Petitioners respectfully apply for an order shortening the time to hear its NOTICE OF MOTION and motion for order to show cause to defendants; writ of mandate to deter Respondent Schell's intent to abscond with probate assets; request for Judicial Notice of docket; points and authorities; and [proposed] order, filed herewith.

1. Grant the Fee Waiver for case no. 2:21 cv 1623 TLN - JDP which was requested at initial filing of this matter in this Court;

2. Petitioners' emergency request for a Writ Of Mandate and Order to Show Cause that the Petitioners' removal should be considered true and correct. Petitioners take this process, as all previous hearings have come to an end and there is no way to reopen this matter. There is no other remedy;

3. A declaration that notary Jennifer Ortiz never existed and is not listed as a notary in the state of California or any other jurisdiction. Schell's document although lacking proper notarization in California, was used to deceive Spanish authorities into believing he had been given Fee Simple use of property when the only inheritance that was possible was a Spanish Usufruct, or Life Estate, by the terms of the gift to decedent and all the Heirs' ancestors who

expected to pass down to their Heirs' until the fee tail expired and the lands returned to the Kingdom of Spain;

4. That all properties mandated to be returned to Petitioners or in the alternative be frozen immediately until the Legitimate Heirs to Sovereign Spanish Kingdom owned life estates can be established.

5. Further, that all Property Rights and Assets of any sort and any kind Reside Solely in the Legitimate Petitioners who have brought this action;

6. In addition, Lorin Edward Schell, Lesley D. Holland, Anthony Micheal Despotes, Daniel Scott Truax, and Jesiros "Don" Bautista, be referred to the Department of Justice for further inquiry regarding criminal acts and furtherance of their conspiracy to conceal material evidence. Defrauding petitioners and the Governments of Spain, U.S.A., and California;

7. This Emergency Order is requested based upon the facts believed to be true and correct that on information and belief, Mr. Lorin Edward Schell was remarried February 2022, his new properties in the state of Delaware purchased with fraudulent funds awarded in the San Joaquin State Court by Judge Lesley Holland; the case is still open from the Writ Of Error which has never been heard, it is possible it is a factor in Judge Hollands retirement. Lorin Edward Schell is fleeing to escape responsibility for his fraudulent actions. (See Declaration of Diana Hopping-Rais

8. This emergency order is requested based upon the facts believed to be true and correct that, on information and belief, Defendant Lorin Edward Schell was remarried in February of 2022, and moved to the state to Delaware. Defendant Lorin Edward Schell instituted a trust of the disputed International and Domestic properties after the death of Montserrat Molas Schell to protect ill gained assets from the flawed proceedings intentionally held by Judge Lesley Holland was to further a conspiracy with Schell and his attorneys, Daniel Truax, Don Bautista and Anthony Michael Despotes.

9. If Schell has already gone beyond the jurisdiction of the Ninth Circuit, Petitioners assert, in addition to the Federal Question, also Diversity monetary issues in excess of the Federal Jurisdictional minimum. If he is outside California Jurisdiction, and in Delaware that this Court

should retain all Jurisdiction, and require his appearance when necessary, at the Federal District Court Eastern District Sacramento California.

10. Petitioners request that the Court enter an Order Shortening Time in response to this Application providing that any responses to the Motion for Order to Show Cause to Defendants; Writ of Mandate Re: Removal and Defendants Intent to Abscond with Probate Assets fraudulently awarded to Lorin Edward Schell; Request For Judicial Notice Of Docket; Points And Authorities;

11. [Proposed] Order Opposition be submitted by 5:00 p.m. on _____, For any opposition to said Motions.

BACKGROUND

The background is detailed in the original filing in the United States Supreme Court rejected as Counsel Gottschalk is and was not licensed to practice before The Supreme Court of the United States (*See* Notice of Removal, Exhibit 2).

POINTS AND AUTHORITIES

This matter was initially presented to the U.S. Supreme Court under Article III Section II and Jurisdiction over Foreign Property subject to a Foreign Sovereigns potentially ultimate claims to reversal back to usufruct through failure of the bloodline Heirs'. The Uniform International Wills Act was the product of The Convention on the Form of an International Will presented to the international community in 1973, was signed and ratified by the United States in 1991, and was adopted by California Stats. 1990, Ch. 79 as The Uniform International Wills Act (Part 1. Wills, Chapter 11 sections 6380-6390).

Petitioners allege that the Spanish Will of Monserrat Molas Portell Schell, executed in Spain on October 2, 2007, (*See* Notice of Removal, Exhibits 4 & 5) and presented to the state court in Case # STK-PR-TR-2014-0000806 was legally filed and subsequently buried by the

San Joaquin County Court by changing the probate case number to STK-PR-EST-2014-0000489 This was accompanied by a Dismissal Without Cause of in order to further a gross conspiracy between Respondents Lorin Edward Schell benefit by and through Lesley Holland, Truax, Despotes and Bautista to take all assets claimed in probate case # STK-PR-EST-2014-0000489 awarding them to Lorin Edward Schell and to unlawfully deprive petitioners of their rights of inheritance.

California Probate Code § 6387 declares that foreign wills are to be interpreted and "... *regard shall be had to its international origin and the need for uniformity in its interpretation...*" (*See* Ca Probate Code § 6387).

Irregardless, Lorin Edward Schell did knowingly and willfully with full consent and knowledge of his attorneys and the Judge in this probate matter conspire to ignore the official foreign will offered by Petitioners. Schell, again with full knowledge and intent to defraud the Petitioners, with all Defendants, acted to allow the concealment of most of the Spanish holdings and foreign bank deposits and/or foreign debt or financial instruments of any kind or nature and Schell and his attorneys purposely did not declare them in the intermediate accountings of decedent's estate claiming only a home in Tracy, California (*See* Notice of Removal, Exhibits 11 & 14). The orginal 2007 Will and the holographic instrument were both written in Spanish and meant for Spanish authorities to interpret. Decedent Montserrat was a professional Interpreter and would have written an English will if she knew the California Courts would go against Article III Section II of the Constitution. All other professional interpretations of the holographic note by actual native Spanish speakers were not admitted into court.

Former Judge Lesley Holland knowingly continued his participation in the fraud, then ordered "*the totality of the estate*" and "*...the decedent's real and personal property of any kind and wherever located, including all bank accounts, ...*" be awarded to Schell in contravention of the International Wills Act that was active and a part of the probate code at all times during the state court proceedings (*See* Notice of Removal, Exhibit 13 pages 2 & 5).

This faulty and fraudulent order was then taken to a notary who cannot be found and who certified that Schell had acquired all assets of decedent in fee simple. This was

subsequently used to defraud Spain, and the Notaries of Spain to turn over all assets to Schell fraudulently. The only rights in Spain capable of being considered were of usufruct or what can be called a life estate.

Further Schell then enlisted the help of Defendants Montserrat Ginez, Nuria Molas Portell Leonardi, Giovanni Leonardi, Sandra Molas Carré and Luis Miranda, among others, to impersonate the decedent and allow Schell to empty all foreign accounts and illegally transport funds to the United States, declaring nothing and paying no taxes or tariffs.

All respondents who are or were members of the State Bar of California or The Judiciary of the State of California and knew, or should have known, and are presumed to be competent in probate law such that there is no excuse for dismissing the Spanish Will of Decedent.

As such, there has been a gross miscarriage of justice and the international fraud by Schell and co-conspirators to defraud not just the Petitioners but the United States and the State of California and charges should be brought if, after referral to state and federal criminal investigation departments, these allegations are deemed true and subject the Respondents to criminal liability for their evasion of taxes, concealment of assets and theft of properties designated by decedent to go to the Heirs' of her body, and not her third husband Schell, who was only to share the Tracy Home and one property in Spain, with the "legitimé" or legitimate heirs of Decedent.

For his fraud and overreaching, so far as to deny decedents children access to their inheritance, Schell should be estopped from taking any part of Decedents Estate and this court in equity must act to replevin the property of whatever kind and money from any source to the Petitioners.

There is a necessity for IMMEDIATE ACTION in the nature of a mandate to the lower court to achieve justice and break the criminal conspiracy to defraud legitimate heirs who hold *dual citizenship in Spain and the United States of America. The Probate of International Wills* importance grows daily.

This Court must CURTAIL INTERNATIONAL FRAUD AND THEFT BY LORIN

EDWARD SCHELL and punish the conspiracy who assisted Schell's fraud by former Judge Lesley D. Holland whose friendship with Daniel Scott Truax, Anthony Michael Despotes, and Jesiros "Don" Bautista enabled this harmful conspiracy to defraud Legitimate heirs in favor of fulfilling a Stepfathers vicious overreaching without regard to Decedents beloved grandchildren ELYASSE *RAIS* and NATALIA MONTSERRAT HOPPING.

DATED: MARCH 10, 2022

Respectfully submitted,

Karla Gottschalk (SBN 91651)
Amicus Justitia et curiae Petitioners

AFFIDAVIT

I, Karla Gottschalk, a member of The State Bar of California, SBN 91651< hereby make this Affidavit of Service as follows:

1) I have called and alerted by email, LESLEY DANIEL HOLLAND, SBN 88663, from information on the State Bar profile, of Herum, Crabtree, Suntag, 209-472-7700, sending The Ex Parte Application to Shorten Time, with Motion for Order to Show Cause and application for Writ of Mandate with scanned exhibit of Spanish Notary and Translation to on March 10th, 2022;

2) I have called and alerted by email, ANTHONY MICHAEL DESPOTES, SBN 157276, from information on the State Bar profile, 209-948-8200, sending The Ex Parte Application to Shorten Time, with Motion for Order to Show Cause and application for Writ of Mandate with scanned exhibit of Spanish Notary and Translation to adespotes@neumiller.com on March 10th , 2022;

3) I have called and alerted by email to Anthony DANIEL SCOTT TRUAX, SBN 232568, of Neumiller & Beardslee, 209-948-8200, The Ex Parte Application to Shorten Time, with Motion for Order to Show Cause and application for Writ of Mandate with scanned exhibit of Spanish Notary and Translation to dtruax@ or 3121 W. March Ln., Ste. 100, Stockton, California, 95219-2367 on March 10th , 2022;

4) I have called and alerted by email.

5) JESIROS DEAN DON M. BAUTISTA, SBN 171627, from information on the State Bar profile, 510-465-3309, sending the Ex Parte Application to Shorten Time, with Motion for Order to Show Cause and application for Writ of Mandate with scanned exhibit of Spanish Notary and Translation to jbautistalaw@pacbell.net or sent 310 - 8th St., Ste. 309, Oakland, CA

94607 on March 10th, 2022, and

6) LORIN EDWARD SCHELL, by first calling his business Global Hawk Insurance, 2575 Collier Canyon Road, Livermore, CA 94551, from Zoom Info, at the listed phone of 925-493-7500 on 3/10/2022 and left a message with my phone number, and emailing to lorin51059@comcast.net or mailing to 602 Vivian Dr., Livermore, California 94550, where he was personally served.

7) *Carles Genova Girona Spain Lawyer for sisters of decedent,* NURIA MOLAS PORTELL LEONARDI, LAURA MOLAS FRANK CORNELLA, AND SANDRA MOLAS CARRE , Gran via de Jaume I, 48 2nd B- GIRONA 17001 Spain, Tel. 0034972200599 Fax 0034972200175

Joan Oliveras Bufet, Lawyer assisting Diana Rais-Hopping, c/Major,69-17840- Sarria de Ter (Girona) Fax 972 17 1783606730336,

8) I am currently available in California.

This Affidavit of Service is made under Penalty of Perjury, this 10th Day of March, 2022.

Karla Gotschalk

Karla Gotschalk, (SBN 91651)
Amicus Justitia et curiae for Petitioners

DECLARATION OF DIANA HOPPING-RAIS IN SUPPORT

I, DIANA HOPPING-RAIS declare:

I am over eighteen (18) years of age and a Petitioner in the above-entitled matter. This declaration is submitted in support my petition.

Except as otherwise stated, I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would testify competently to the facts stated hercin.

1. I am decedent Montserrat's second child, and first daughter, of four children, My mom was her first son Damien's payee and when she died Schell had him arrested and barred from her house.

2. I witnessed Maria A. Zanetti personally serve Lorin Edward Schell the NOTICE OF REMOVAL on February 11, 2022 on or about 3:19pm.

3. On February 23,2022 at 5:10pm I learned that Lorin Edward Schell had been remarried after he was served by us the previous week. He has used funds for the estate of my mother to purchase properties in Delaware. Due to the pending litigation and the unresolved issues in regard to international assets, I am submitting this in support of the Petitioners Exparte Application to Shorten Time.

4. On March 10, 2020, our Spanish attorney Joan Bufet Oliveras Sent me an email regarding my mother's estate. Juan Ramon Jose Palomero Gil, showing all the properties not listed in the San Joaquin County probate and references to the fraudulent documents officiated by a Notary named Jennifer Ortiz who we have not been able to locate, and is not officially registered as a California Notary. These properties included Multiple holdings in Spain that were never entered into ANY Inventory and Appraisal, lands that were appraised multiple generations ago, and are now worth considerably more; which is why it has been methodically hidden from the California Court. The fraudulent

activities and undue influence exerted on Montserrat by Lorin Edward Schell in cooperation her sisters' to disinherit her children was aided by his attorneys, who knew Judge Lesley Holland and were colleagues and had also previously worked at The Neumiller Beardslee Law Firm.

5.During the San Joaquin County Court proceedings much debate was made about a copy of note paper, of which access was denied to Petitioners hired handwriting expert. We believe it does not exist, only a copy which has remained lodged in the court. Within this note my mother never disinherits any of her four children. In fact, the witnesses have yet to prove that they were present, and also are direct beneficiaries to Decedents shared estate in Spain. In the note Montserrat names one property, of the multiple that she owned, and allowed Lorin Edward Shell to be another usufruct Universal Heir to only one specific property; the San Feliux De Guixos apartment. Because the two witnesses would have been beneficiaries, my mom's one and true Notarized 2007 Will made when she was of sound body and mind should be considered as last and true testament of her final wishes.

5. It is my understanding that Judge Lesley Holland used various tactics from the bench to lean on the scale. We were never granted an *Inventory or Appraisal* but I was sanctioned for asking for it.

6. During probate proceedings Judge Holland ordered Sanctions on us for continuing to petition for an Inventory and Appraisal. I was sanctioned and I was sent to a Debtors exam.

7. (Docs labeled: EP2495616 to EP2495619 in the scan and translation of the theft of the decedents estate never revealed in the San Joaquin Court, Center of Justice. In the translation of the Spanish Nortario Juan Ramon Jose Palomero Gil by Andre Moskowitz November 30th 2019, note in particular the footnote on

page 6 which shows a dispute and the actual words used to take hold of the Spanish properties by use of an added the word "Unconditional" which was nowhere to be found in any of the Spanish documents.

8. *In addition on page 19 it states* that the testator had her Spanish will read aloud and on the Spanish will it notated that Schell, her third husband was present, yet during the proceedings in California probate court he deliberately shielded the court and heirs from gaining access to the valid Foreign Will. (EXHIBIT2) This contradicts testimony he made during his deposition and court date.

9. I have been advised by foreign council Joan that defendant Schell has submitted *falsified and presented fraudulent* paperwork to the Spanish Government. "Notary Jennifer Ortiz" gives a fraudulent power of attorney. Moskowitz footnotes Feb 2014 claimed my mother had already passed away. It is my understanding defendant Schell who is a retired Insurance adjuster engineered everything.

10. November 2013 when the questionable "holographic note" was written was my mother had just been released from Stanford Oncology to home hospice care;

11. Lorin Schell insisted on becoming her official Caretaker even though insurance would have paid for an actual Nurse to take care of my mom, who was neglected under his domineering and isolating care. Turning off her cell phone and restricted visits with no alone visits allowed.

12. In April of 2014 less than a month before my mom passed, my mother referred to Lorin as a "Dictator" under her breath, and passed away soon after.

13. Aunts who were visiting from Spain access to her. IF she did ever sign a paper giving Lorin access to the apartment in Feliux de Gixious it was because she was isolated and pressured to do so.

14. She had been through eight years of chemo and sent home to "hospice care." We believe Schell wanted to hasten her death by insisting on another round of chemo which killed her within a week of the potion.

15. The same document was used to was used to deceive Spanish authorities into thinking Schell had been given "fee simple" properties when the only inheritance that was possible was a Spanish "usufruct" or "life estate", by the terms of the gift through all the heirs' ancestors and expected to pass down until the fee tail expired when the lands returned to the Kingdom of Spain.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed this 10th day of March 2022 at Oakland, California.

x

DIANA HOPPING-RAIS

Diana Hopping-Rais
Stephanie Hopping
montserratestate@gmail.com
(510) 519-1520

Karla Gottschalk (SBN 91651)
In care of: P.O. Box 99463
Emeryville Ca. 94662
(808) 238-4287
superbcounsel@gmail.com
Amicus Curiae supporting Petitioners

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

STEPHANIE HOPPING
DIANA HOPPING-RAIS
NICHOLAS HOPPING
DAMIEN HOPPING

Legitimé - Petitioners/Plaintiffs,

v.

LORIN EDWARD SCHELL; *et al.*,

Respondents, Defendants.

Case No.: 2:21 CV 1623 TLN

[PROPOSED]

ORDER

GRANTING PETITIONERS' *EXPARTE* APPLICATION FOR ORDER SHORTENING TIME FOR NOTICE AND GRANTING PETITIONERS' MOTION FOR ORDER TO SHOW CAUSE TO RESPONDENTS WITH WRIT OF MANDATE AND INSTRUCTIONS TO APPROPRIATE STATE AND FEDERAL JUDICIARY AND ENFORCEMENT

The Court, having reviewed Petitioners' *Exparte* Application for an Order Shortening Time for Notice and Hearing on Petitioners' Motion For Order to Show Cause to Defendants and Writ of Mandate, moving and opposition papers and having heard the oral arguments of amicus counsel and Petitioners, the matter having been submitted, and good cause appearing therefor,

1) PETITIONERS' *EXPARTE* APPLICATION FOR AN ORDER SHORTENING TIME FOR NOTICE AND HEARING ON PETITIONERS' MOTION FOR ORDER TO SHOW CAUSE TO DEFENDANTS AND WRIT OF MANDATE IS GRANTED;

2) *IT IS GRANTED THAT ALL RESPONSES TO THE SHORTENING OF TIME* TO BE DUE BY 5:00 P.M. ON _____, AND THAT THE MOTION REGARDING THE ATTACHED EMERGENCY ORDER TO SHOW CAUSE BE HEARD AT THE SAME TIME OR AS SOON THEREAFTER AS THE COURT IS AVAILABLE TO HEAR IT.

3) PETITIONERS' FEE WAIVER FOR CASE NO. 2:21 CV 1623 TLN – JDP IS GRANTED;

4) PETITIONERS' MOTION FOR ORDER TO SHOW CAUSE TO DEFENDANTS AND WRIT OF MANDATE IS GRANTED;

5) ALL PROPERTIES MANDATED TO BE REPLEVINED AND RETURNED TO PETITIONERS OR IN THE ALTERNATIVE FROZEN IMMEDIATELY UNTIL THE LEGITIMATE HEIRS TO SPANISH KINGDOM OWNED LIFE ESTATES CAN BE ESTABLISHED;

6) FURTHER, THAT ALL PROPERTY RIGHTS AND ASSETS OF ANY SORT AND KIND RESIDE SOLELY in the LEGITIMATE PETITIONERS.

7) ISSUANCE OF SUBPOENA DUCUS TECUMS TO RESPONDENTS COMPELLING THEM TO PRESENT THEIR OPPOSTION TO ANY OR ALL OF PETITITONERS' MOTIONS', WHY THIS COURT SHOULD NOT FIND IN FAVOR ALL THE ALLEGATIONS OF THE PETITIONERS.

8) YOU ARE FURTHER ORDERED TO ANSWER AND BRING ALL PERTINENT DOCUMENTS AND ALL OPPOSITIONS TOO THE ALLEGATIONS OF PETITIONERS TO BE FILED. ON OR BEFORE 5PM ON THESE PROCEEDINGS SHOULD NOT BE REFERRED TO THE DEPARTMENT OF /

/

JUSTICE FOR FURTHER CRIMINAL PROCEEDINGS.

FOR GOOD CAUSE IT IS SO ORDERED

Defendants LORIN EDWARD SCHELL, LESLEY D. HOLLAND, ANTHONY *MICHEAL DESPOTES; DANIEL SCOTT TRUAX; JESIROS "DON"* BAUTISTA, are hereby ordered to be present and ready to have their evidence presented on _____, 2022 at _____ a.m. / p.m. at the United States District Court Sacramento Division.

[Proposed] Order Opposition be submitted by 5:00 p.m. on _____, For any opposition to said Motions.

DATED:

_____

Judge, United States District Court

VERIFICATION

I, Diana Rais-Hopping, am a petitioner in this action. I have read the foregoing *EXPARTE* **APPLICATION FOR ORDER SHORTENING TIME FOR NOTICE AND HEARING ON PETITIONERS' MOTION FOR ORDER TO SHOW CAUSE TO DEFENDANTS AND WRIT OF MANDATE**, and I am informed and believe that the matters stated therein are true, and on those grounds allege that the matters stated therein are true.

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

Executed this 7th day of March, 2022, at Oakland, California

Diana Rais-Hopping

VERIFICATION

I, Stephanie Hopping, am a petitioner in this action. I have read the foregoing ***EXPARTE APPLICATION FOR ORDER SHORTENING TIME FOR NOTICE AND HEARING ON PETITIONERS' MOTION FOR ORDER TO SHOW CAUSE TO DEFENDANTS AND WRIT OF MANDATE***, and I am informed and believe that the matters stated therein are true, and on those grounds allege that the matters stated therein are true.

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

Executed this 7th day of March, 2022, at Oakland, California

Stephanie Hopping

VERIFICATION

I, Nicholas Hopping, am a petitioner in this action. I have read the foregoing ***EXPARTE APPLICATION FOR ORDER SHORTENING TIME FOR NOTICE AND HEARING ON PETITIONERS' MOTION FOR ORDER TO SHOW CAUSE TO DEFENDANTS AND WRIT OF MANDATE***, and I am informed and believe that the matters stated therein are true, and on those grounds allege that the matters stated therein are true.

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

Executed this 10th day of March, 2022, at Oakland, California

Nicholas Hopping

Diana Hopping-Rais
Stephanie Hopping
Damien Hopping,
Nicholas Hopping,
montserratestate@gmail.com
in care of:

Karla Gottschalk (SBN 91651)
13-1368 Lunahele Rd.
Pahoa HI 96778
(808) 238-4287
superbcounsel@gmail.com
Amicus Curiae supporting Petitioners

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

STEPHANIE HOPPING
DIANA HOPPING-RAIS
NICHOLAS HOPPING
DAMIEN HOPPING

Legitimé - Petitioners/Plaintiffs,

vs.

LORIN EDWARD SCHELL;
LESLEY D. HOLLAND;
ANTHONY MICHEAL DESPOTES,
DANIEL SCOTT TRUAX;
JESIROS "DON" BAUTISTA; JENNIFER ORTIZ;

California Banks and Insurance:
BANK OF AMERICA; USAA; US BANK;
COMPASS BANK; BBVA; WELLS FARGO;
21ST CENTURY; BANK OF THE WEST;

Spanish Foreign Citizens:
CHARLES GENOVER, ANA MARIA MOLAS; LUIS MIRANDA; NURIA MOLAS PORTELL; LEONARDI & GIOVANNI LEONARDI; LAURA PORTELL MOLAS; LAURA MOLAS FRANK-CORNELLA; PERA CORNELLA; SANDRA MOLAS CARRE;
MARIA-CARMEN MOLAS PORTELL;
MONTSERRAT GINEZ

Foreign Banks: *MORA BANC; ANDORRA* BANC; ANDORRA BANC ARIGOL REIG S.A; AGRICOLA I COMMERCIAL DE

Case No: 2:21-CV-1635 TLN - JDP

MOTION FOR LEAVE TO FILE; AND

OBJECTIONS TO MAGISTRATE

JUDGE'S FINDINGS AND

RECOMMENDATIONS;

DECLARATION OF STEPHANIE HOPPING F.R.C.P. – RULE 6E;

DECLARATION OF DIANA HOPPING-RAIS F.R.C.P. - RULE 6E

DATE:
TIME:
DEPT:
JUDGE: JEREMY PETERSON
JUDGE: TROY NUNLEY
MINUTE ORDER SUBMITTED 03/15/2022
TRIAL DATE: NONE

EUROPA; BANCA SABADELL DE ANDORRA; BANCA PRIVADA DE ANDORRA;VALL BANC S.A.U. MORA BANC S.A.U. CRÉDIT ANDOORÀ BBVA; LA CAIXA; SANTANDER

DOES 1 through 50 inclusive.

Respondents. Defendants.

INTRODUCTION TO OBJECTIONS

This case was brought to the federal courts with the filing of notice of Writ of Error on 9/25/2017 with San Joaquin Superior Court noting exceptions and failures to follow the laws of California (Chapter 11 Uniform National Wills Act California Probate Code Section 6381-6384 inclusive and of the United States Constitution (Article 3 Section 2). It was then filed September 10th 2021 as a removal of action and order to show cause with federal question jurisdiction with a demand for jury trial and subsequently taken under submission on 3/15/2022 in obvious response to an exparte application for order shortening time and an application for writ of mandate and judicial notice of San Joaquin County State Court Docket.

In the Superior Court case the judicial officers named in the writ of removal and subsequent filings after five years on 4/19/2022 substituted Judge Carter Holley as the assigned judge replacing Lesley Holland who had been the judge since the WRIT OF ERROR.

This was done within 7 minutes and was either grossly incompetent, leading to malpractice, or intentionally and criminally colluding together with the other respondents who are now collectively represented apparently by Daniel Tritax.

These actions were taken initially to deny the natural heirs of the testators Spanish will and now to continue that denial contrary to California law. to deny the natural heirs the rights of the testators Spanish will

The Spanish will was prepared and noticed officially in the Government archives in Madrid, Spain.

Other glaring errors included no accounting of foreign or domestic assets by Executor respondent/defendant and Step-Parent Lorin Edward Schell.

In the Eastern District federal court the Spanish Will was misstated and did not notice that the executor was one of the 5 beneficiaries, making it look like as if only the four natural heirs were named.

The eastern district court also curiously took the case under submission on 3/15/2022 with a Minute Order and denied both parties any further submissions.

Within a month at the San Joaquin Superior Court, a seven-minute unnoticed hearing was held to replace Judge Holland with Judge Holly.

Nevertheless, the petitioners have rightly presumed the forma paupers petition for fee waiver was granted.

JURISDICTION

Federal court called into question the jurisdiction transferred the original order to show cause and turned it into a complaint, they neglected and *covered up the*

Serious allegations of criminal conspiracy to defraud the natural heirs and didn't follow the California and Federal laws.

1. The United States Constitution Article 3 section 2, grants original jurisdiction over foreign lands and personages to the Supreme Court of the *United States.*

Petitioners filed in the United States Supreme Court on June 12,2018. They were told their attorney was not licensed to practice in the United States Supreme Court.

However, it appeared from looking at case law and the practices of the court that it was routine for the US Supreme Court to send the matter to the local district court for findings of fact.

Hence, the Writ of Error and findings to show cause in the Eastern District of the Federal Court of California are an error Federal district court should revise and or dismiss their findings and recommendations.

ARGUMENT - ERRORS

Holmes v. Syntex Laboratories, Inc., 156 Cal. App. 3d 372 (Cal. Ct. App. 1984)136 Cal.App.3d 372, 386-387, had a discussion of substantial deference and finds in Archibald v. Cinerama Hotels, 15 Cal.3d at pp. 853, *858 that there is a recognition that in extraordinary cases, the trial court has no discretion.*

(Cf Walker v. Ryker, No. B285872 (Cal. Ct. App. Sep. 28, 2018) and Chapter 11 Uniform National Wills Act Probate Code Section 6381-6384 inclusive).

The Eastern District Court misstated the contents of the Spanish Will that was acknowledged but resided to heirs benefit making it look as if the *testator had left out Lorin Schell who was a one fifth heir with the Natural* Heirs and present at its signing and official Notarization and documentation in Spain.

Petitioners have satisfied the conditions of In re Fursa No. G040596 (Cal. Ct. App. Apr. 30. 2009) and Scottsdale Ins. Co. v. Dickstein Shapiro LLP 389 F. Supp. 3d 794 (C.D. Cal. 2019), and had all of the official documentation notarization and stamps and is available to be viewed in its entirety in Madrid Spain a Copy has been provided in previous filings.

California courts will generally apply California law "unless a party litigant timely invokes the law of a foreign state." Which petitioner did by *proffering the certified Spanish Will.*

In Hurtado v. Superior Court, 11 Cal. 3d 574, 581, 114 Cal. Rptr. 106, 522 P.2d 666 (1974). The party invoking the law of a foreign state bears the burden to "demonstrate that the [foreign] rule of decision will further the interest of the foreign state and therefore that it is an appropriate one for the forum to apply to the case before it."

Hurtado, 11 Cal. 3d, which has been certified by the Kingdom of Spain various notaries and Spanish attorneys.
Therefore the consideration of the Spanish Will is more appropriate than being swept under the rug.

ARGUMENT - DIVERSITY

The diversity issue was brought up by the court instead of the Federal question and called a complaint and failed to see its true merits. Tri-Union Seafoods, LLC v. Starr Surplus Lines Ins. Co. 88 F. Supp. 3d 1156 (S.D. Cal. 2015) discusses diversity, and notes in Hatfield v. Halifax PLC, 564 F.3d 1177, 1182 (9th Cir.2009) ("In determining the enforceability of a choice of

law provision in a diversity action, a federal court applies the choice of law rules of the forum state, in this case California.").

The state selected by the transferor in the instrument be chosen unless the application of that law is contrary to the rights of the surviving spouse to community and quasi-community property, **or other public policy** of this state applicable to the disposition, or, in the case of a will, to Part 3 *(commencing with Section 6500) of Division 6." This statutory provision* applies to trusts. (§ 21101.)

(See Generally

G.P.P., Inc. v. Guardian Protection Products, Inc. Case No. 1:15-cv-00321-SKO;
Amur Equip. Fin., Inc. v. CHD Transp. Inc.

Case No. 1:17-cv-00416-AWI-SKO (E.D. Cal. Nov. 14, 2017).

However in,

Haina Chen v. L.A. Truck Ctrs., LLC

7 Cal.App.5th 757 (Cal. Ct. App. 2017).

In Wehsener v. Jernigan, No. D079623 (Cal. Ct. App. Dec. 28, 2022): is

quoted that:

Applying Lund and Blythe, as we must (see Auto Equity Sales, Inc. v. Superior Court (1962) 57 Cal.2d 450, 455 [trial and appellate courts must follow binding Supreme Court authority]), and relying on Bassi and Wolf for guidance, we conclude: **(1) a California probate court will apply this state's laws in determining whether a legally cognizable parent and child relationship exists as a condition to an heirship claim; and (2) it is immaterial whether another state or country, applying its own laws, would not recognize the existence of such a relationship effectuated in that state or country.**

Certain of these authorities date back more than 100 years, our independent research shows even today they remain applicable law and are most factually on point in the present action.

In fact, all decedent's Natural Heirs are dual citizens of Spain and the United States.

ARGUMENT - LONG ARM JURISDICTION

Estate of Glassford 114 Cal.App.2d 181 (Cal. Ct. App. 1952)

These cases establish that California follows the doctrine of mobilia sequuntur personam so far as taxation and distribution of and succession to the personal property of a nonresident decedent is concerned, they contain no suggestion that tangible or intangible personal property is not susceptible of ancillary administration in the state where it has its physical situs.

Petitioners have proven in filing that no accounting was made of foreign assets and or domestic assets.

Iino v. Spaller 192 Conn. App. 421 (Conn. App. Ct. 2019) asserts

"In deciding whether an executor is subject to suit in a particular jurisdiction, a [federal] district court looks to the law of the forum state. Many state long-arm [statutes] include the executor, administrator, or other personal representative of a person within the long-arm jurisdiction of a state as also being within the long-arm jurisdiction. It has generally been held that such [statutes] are constitutional ..."

and in,

Robertson v. United States Nat. Bank 235 Cal.App.2d 63 (Cal. Ct. App. 1965) The footnotes are interesting justify the use of the Long Arms Statutes in California to bring all the respondents to the Bar where ever they may be.

In Bucks County Bank and Trust Company v. Storck 297 F. Supp. 1122 (D. Haw. 1969) The Court has no quarrel with most of the authorities cited in relation to attorney client relationship finding Hawaii and California had similar provisions regarding that relationship. This is NOT the case In the KINGDOM OF SPAIN has USUFRUCT and the Ca Republic has Community Property.

Finmeccanica S.P.A. v. General Motors Corporation. 1:07cv794 (JCC) (E.D. Va. Nov. 19, 2007)"Our probate law is taken from California and we have frequently followed the courts of that state in its construction."

Naturally, federal courts in California will be more familiar with California state law than federal courts in Virginia.

WILLFUL DISREGARD OF THE LAW

Upon discarding the Spanish will bearing a San Joaquin Superior Court case number, and discarding a failed trust that was offered, and creating a new case number based upon a purported holographic will, was willfully done to name Lorin Schell as the only beneficiary in contrary to the most ancient of laws of heirship.

The Holographic will which the Petitioners were never able to authenticate with their own expert gave their Step parent Lorin Schell a 1/5 interest in a Spanish apartment acquired after the Spanish Will had been lodged, because creating a new case # based upon a holographic will."

Montserrat Molas Portell Schell was to give her children and her husband EQUAL shares in HER estate not to give Schell everything which would be Spanish Usufruct which is when the fee tail of when the original grantee dies out.

So Schell could inherit a natural life estate which could be no more than what the natural heirs would get as well, and then their natural heirs would be the beneficiaries of the usufruct not Schell's, who has no issue.

The Spanish Will gave the Executor 1/5 of the apartment. which was exactly in line with the Spanish will.

This abuse of discretion by Respondents is a criminal conspiracy because it was decided between the Judge, County Assessor, and Respondents Attorneys, that no inventory and appraisal need be offered, examined, required or filed by SJ Court and Eastern CA Court.

All assets have been hidden and never acknowledged and denied to the natural heirs through malfeasance, misfeasance, nonfeasance.

CONCLUSION

LaCross v. Knight Transportation, Inc. 95 F. Supp. 3d 1199 (C.D. Cal. 2015)

In relation to the transfer of the QUESTION, from an order to show cause which had claims and allegations of criminal activity spanning continents and different jurisdictions the private California's Private Attorney General Act (P.A.G.A.) should have been considered with pro per litigants, as the Petitioners had actually requested the Court refer these allegations and

documents supporting the allegations to the department of justice for inquiry and further action.

The fact that they had to change the case from what it was into something that it wasn't in order to obfuscate and dismiss the case to the prejudice of the natural heirs is a gross miscarriage of justice and that shocks the conscience.

Knightsbridge Mgmt. v. Zurich Am. Ins. Co. 518 F. Supp. 3d 1248 (S.D. Ill. 2021) Cited 4 times.

Lastly, the Court must consider the "interest of justice" component of the transfer analysis. "Public interests" include: (1) the speed of the proceeding; (2) the court's familiarity with applicable law; and (3) the relation of the community to the occurrence and the desirability of resolving the controversy in its locale.

As to the speed of the proceeding from the Time of the submission over a year has passed wherein a hastily crafted concealment of all of the bad acts occured involving the district court in aiding and abetting the concealment and defrauding the Natural Heirs, the People of State of California, the Kingdom of Spain and the People of the United States-in particular the concealment of assets that had tax liabilities to the IRS and/or Spain.

The courts did not even reference the Spanish Will but hid it. This is *malpractice at the very least or Judicial and Bar racketeering.*

The use of the Courts telephones and all other faxes communications using wires makes this a RICO corrupt organization between the Ca Judge Respondents and now the Eastern District of California Judges, District Judge Jeremey D. Peterson and District Judge Troy Nunley.

DATED: APRIL 13, 2023

Respectfully submitted,

Karla Gottschalk, ESQ (SBN 91651)
Amicus Curiae for Petitioners

VERIFICATION

We, Stephanie Hopping and Diana Hopping-Rais verify that the above objections are *true and correct to the best of our knowledge and belief.*
Under the laws of the State of California we declare under penalty of perjury the above is true this 13th Day of April, 2023.

Stephanie Hopping

Diana Hopping-Rais

DECLARATION OF DIANA HOPPING-RAIS IN SUPPORT

I, DIANA HOPPING-RAIS declare:

Except as otherwise stated, I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would testify competently to the facts stated herein.

1. I, Diana Hopping-Rais received notice of the decisions findings and recommendations of Judge Jeremey Peterson and Judge Troy Nunley on the 5th of April and thought I had 14 days from the point of service to object. The order was stamped the 29th *at the beginning of the Spring holiday season and* was sufficiently delayed until April 4th 2014.
2. Today I spoke to the clerk and from speaking to the Clerk it is my understanding that service starts on the date of the order without any time for delivery added.
3. The mail has been delayed in West Oakland since the Mail Woman in my neighborhood was tragically murdered. I can attach a letter of proof if needed.
4. Three of four notices of my siblings including, Damien Hopping, Nicholas Hopping, and my own, were sent to my address and received on April 4, 2023. I believe this classifies as excusable neglect. it is my understanding that my sister Stephanie Hopping has yet to receive her notice of findings. Please refer to her declaration.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed this 13th day of APRIL, 2023 at Oakland, California.

DIANA HOPPING-RAIS

DECLARATION OF STEPHANIE HOPPING IN-SUPPORT

I, STEPHANIE HOPPING declare:

Except as otherwise stated, I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would testify competently to the facts stated herein.

I received the Recommendations and Findings letter from Judge Jeremy Peterson on Saturday, April 8th 2023. I had no expectation of receiving anything from the district court since March 15, 2022 when the unopposed filing was taken under submission.

These cases have been tainted by deceit and procedural errors. It is time to address the *nine* (9) years of petitions that have been ignored, tarnishing the legacy of my mother and her rightful heirs, misconduct so egregious it has chilled the rights of my brothers to even do anything, and so I.

In fact, the sequencing of this "recommendation for dismissal" reminds me of former Judge Lesley Holland's conduct in San Joaquin Superior Court - failing to consider the only verified Last Will and Testament drafted by my mother Montserrat Molas Portell and timely offered by Attorney Steven Malcoun.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed this 13th day of APRIL 2023 at Oakland, California.

STEPHANIE HOPPING

Diana Hopping-Rais
Stephanie Hopping
momserrnestate@gmail.com
(510) 519-1520

Karia Gotschalk (SBN 91651)
In care of: P.O. Box 99463
Emeryville Ca. 94662
(808) 238-4287
superbcounsel@gmail.com
Amicus Curiae supporting Petitioners

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

STEPHANIE HOPPING; DIANA HOPPING-RAIS *NICHOLAS HOPPING* DAMIEN HOPPING Legitimé - Petitioners/Plaintiffs, vs. LORIN EDWARD SCHELL; *et al.*, Respondents, Defendants.	*Case No.: 2:21 CV 1623 TLN - JDP* PROOF OF SERVICE OF MULTIPLE DOCUMENTS

I am a citizen of the United States. I am over the age of 18 years and not a party to the within cause. On the date set forth below, I served the document(s) described as follows on the following person(s) in this action by delivering a true copy(ies) thereof as described below:

DOCUMENT(S) SERVED:

MOTION FOR LEAVE TO FILE; AND

OBJECTIONS TO MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATIONS; DECLARATION OF STEPHANIE HOPPING F.R.C.P. – RULE 6E; DECLARATION OF DIANA HOPPING-RAIS F.R.C.P. - RULE 6E

NAME(S) AND ADDRESSES OF PERSON(S) SERVED:

Lorin Edward Schell
c/o Neumiller & Beardslee
3121 W. March Lane, Suite 100
Stockton, California 95219

Lorin Edward Schell
1558 Trimingham Dr.
Pleasanton, California 94566

Daniel Scott Truax
c/o Neumiller & Beardslee
3121 W. March Lane, Suite 100
Stockton, California 95219

Anthony Michael Despotes
c/o Neumiller & Beardslee
3121 W. March Lane, Suite 100
Stockton, California 95219

Jesiros "Dean Don" Bautista
310 8th St. #309
Oakland, California 94607

MONTSERRAT GINEZ
montserrat.gines@upc.edu

NURIA MOLAS PORTELL LEONARDI
noidue.benetton@gmail.com

GIOVANNI LEONARDI
noidue.benetton@gmail.com

LAURA MOLAS FRANK CORNELLA,
laura@epi.cat
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CHARLES GENOVER
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info@pnlcat.com
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PERA CORNELLA
shop@cafescornella.coffee

BANK OF AMERICA
c/o CT CORPORATION SYSTEM
330 N Brand Blvd Ste 700
Glendale, California 91203

US BANK
c/o CT CORPORATION SYSTEM
330 N Brand Blvd Ste 700
Glendale, California 91203

BBVA
c/o CT CORPORATION SYSTEM
330 N Brand Blvd Ste 700
Glendale, California 91203

BANK OF THE WEST
c/o CT CORPORATION SYSTEM
330 N Brand Blvd Ste 700
Glendale, California 91203

USAA
c/o CSC – LAWYERS INCORPORATING SERVICE
2710 Gateway Oaks Drive Suite 150N
Sacramento, California 95833

WELLS FARGO
c/o CSC – LAWYERS INCORPORATING SERVICE
2710 Gateway Oaks Drive Suite 150N
Sacramento, California 95833

SANTANDER
c/o CSC – LAWYERS INCORPORATING SERVICE
2710 Gateway Oaks Drive Suite 150N
Sacramento, California 95833

MARIA CARMEN MOLAS PORTELL
CL EMIL I GRAHIT 13 PI 10, PIA
17002 GIRONA (GIRONA) ESPAÑA
SPAIN

LAURA MOLAS PORTELL
AV. GRAN VIA DE JAUME I 12, P104
17001 GIRONA (GIRONA) ESPAÑA
SPAIN

ANA MARIA MOLAS PORTELL
CL TORRAS Y PUJALT 12 P103, PT. F
08022 BARCELONA (BARCELONA) ESPAÑA
SPAIN

LUIS MIRANDA
CL TORRAS Y PUJALT 12 P103, PT. F
08022 BARCELONA (BARCELONA) ESPAÑA
SPAIN

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

Executed on April 15th, 2023, at Oakland, California.

WR NOOTENS

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

STEPHANIE HOPPING, et al., Plaintiff, v. LORIN EDWARD SCHELL, et al., Defendants.	Case No. 2:21-cv-01623-TLN-JDP ORDER

On March 29, 2023, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiffs filed objections on April 14, 2023, and they were considered by the undersigned.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . . .") Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

///

///

Accordingly, IT IS HEREBY ORDERED that:

1. The proposed Findings and Recommendations filed March 29, 2023, are ADOPTED IN FULL;
2. Plaintiffs' complaint is DISMISSED without leave to amend; and
3. The Clerk of Court is directed to close the case.

DATE: June 1, 2023

Troy L. Nunley
United States District Judge

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JUDGMENT IN A CIVIL CASE

STEPHANIE HOPPING, ET AL.,

CASE NO: 2:21-CV-01623-TLN-JDP

V.

LORIN EDWARD SCHELL, ET AL.,

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

IT IS ORDERED AND ADJUDGED

THAT JUDGMENT IS HEREBY ENTERED IN ACCORDANCE WITH THE COURT'S ORDER FILED ON 6/2/2023

Keith Holland
Clerk of Court

ENTERED: June 2, 2023

By: /s/ C. Perdue
Deputy Clerk

MIME-Version:1.0 From:cmecf_helpdesk@caed.uscourts.gov To:CourtMail@localhost.localdomain Message-Id: Subject:Activity in Case 2:21-cv-01623-TLN-JDP (PS) Hopping et al v. Schell et al Content-Type: text/html

Activity on attorney's "mail" transaction number [illegible] System Mail [illegible] [illegible] wants to save the mail box is [illegible]

NOTE TO PUBLIC ACCESS USERS *There is no charge for viewing opinions.*

U.S. District Court

Eastern District of California – Live System

Notice of Electronic Filing

The following transaction was entered on 6/2/2023 at 12:39 PM PDT and filed on 6/2/2023

Case Name: (PS) Hopping et al v. Schell et al
Case Number: 2:21-cv-01623-TLN-JDP
Filer:
WARNING: CASE CLOSED on 06/02/2023
Document Number: 15

Docket Text:
ORDER signed by District Judge Troy L. Nunley on 6/1/2023 ADOPTING [13] Findings and Recommendations in full. Plaintiffs' complaint is DISMISSED without leave to amend. CASE CLOSED. (Perdue, C.)

2:21-cv-01623-TLN-JDP *Notice has been electronically mailed to:*

Daniel S. Traux   dtraux@neumiller.com, dsapnet@neumiller.com, rdoughty@neumiller.com

2:21-cv-01623-TLN-JDP *Electronically filed documents must be served conventionally by the filer to:*

Damen Hopping
1089 26th Street #312
Oakland, CA 94607

Dianna Hopping-Rais
1089 26th St
Unit 312
Oakland, CA 94607

Nicolas Hopping
1089 26th Street #312
Oakland, CA 94607

Stephanie Hopping
3585 62nd St
#99463
Emeryville, CA 94662

The following document(s) are associated with this transaction:

MIME-Version:1.0 From:cacd_ecmecf_helpdesk@cacd.uscourts.gov To:CourtMail@localhost.localdomain
Stephanie Hopping
1585 62nd St
#99463
Emeryville CA 94662
, Dianna Hopping-Rais
1089 26th St
Unit 312
Oakland CA 94607
, Nicolas Hopping
1089 26th Street #312
Oakland CA 94607
US, Damien Hopping
1089 26th Street #312
Oakland CA 94607
1 S
Case Participants: Daniel S. Trinax (dsupnet@neumiller.com, dtrinax@neumiller.com, udoughty@neumiller.com), District Judge Troy L. Nunley (tlnecf@caed.uscourts.gov), Magistrate Judge Jeremy D. Peterson (jdpecf@caed.uscourts.gov, cfindley@caed.uscourts.gov, jpeterson@caed.uscourts.gov)
Non Case Participants:
No Notice Sent:
Message-Id:[illegible] Subject:Activity in Case 2:21-cv-01623-TLN-JDP (PS) Hopping et al v. Schell et al Judgment Content-Type: text/html

[illegible]

NOTE TO PUBLIC ACCESS USERS *Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.*

U.S. District Court

Eastern District of California – Live System

Notice of Electronic Filing

The following transaction was entered on 6/2/2023 at 1:00 PM PDT and filed on 6/2/2023:

Case Name: (PS) Hopping et al v. Schell et al
Case Number: 2:21-cv-01623-TLN-JDP
Filer:
WARNING: CASE CLOSED on 06/02/2023
Document Number: 16
Docket Text:
JUDGMENT dated *6.2.2023* pursuant to order signed by District Judge Troy L. Nunley on 6/1/2023.(Perdue, C.)

2:21-cv-01623-TLN-JDP Notice has been electronically mailed to:

Daniel S. Trinax udoughty@neumiller.com, dtrinax@neumiller.com, dsupnet@neumiller.com

2:21-cv-01623-TLN-JDP Electronically filed documents must be served conventionally by the filer to:
Stephanie Hopping
1585 62nd St
#99463
Emeryville CA 94662

Dianna Hopping-Rais

1089 26th St
Unit 312
Oakland CA 94607

Nicolas Hopping
1089 26th Street #312
Oakland CA 94607
US

Damien Hopping
1089 26th Street #312
Oakland CA 94607
US

Stephanie Hopping
1585 62nd St
#99463
Emeryville, CA 94662

[illegible] Versuit LaDrew [illegible] Jackson Hooper [illegible] Motion to Modify Order Re Subpoena Re Subpoena set for hearing on Thu 2/23/2023 at 10:30 AM in Courtroom 3 (JDP) (Hoppe-Svahn, Sarah) (Entered: 02/13/2023)

NOTICE TO PUBLIC ACCESS USERS *There is no charge for access to this site.*

U.S. District Court

Eastern District of California – Live System

Notice of Electronic Filing

The following transaction was entered on 2/13/2023 at [illegible] PST and filed on 2/13/2023

Case Name: [illegible]
Case Number: [illegible]
Filer:
Document Number: 13

Docket Text:
ORDER AND FINDINGS AND RECOMMENDATIONS signed by Magistrate Judge Jeremy D. Peterson on 2/13/2023 GRANTING 4G [2] Motion to Proceed IFP; DENYING AS MOOT [illegible] for an order to show cause; RECOMMENDING that the complaint be dismissed. The Clerk of Court be directed to close the case. Objections due within 14 days after being served with these findings and recommendations. (Hoppe-Svahn, Sarah)

2:23-cv-00623-TLN-JDP Notice has been electronically mailed to:

Versuit S. [illegible] [illegible]@[illegible].com

2:23-cv-00623-TLN-JDP Electronically filed documents must be served conventionally by [illegible]

[illegible] Hoppe
[illegible] 26th Street
[illegible], CA 95816

[illegible] Hoppe-Svahn
[illegible] 26th Street Apt 2
Sacramento, CA 95816

Sarah Hoppe
[illegible] 26th Street Apt 2
Sacramento, CA 95816

[illegible] Hoppe
[illegible] St
[illegible]
[illegible], CA 95816

The following document(s) are associated with this transaction:

APPENDIX C

Karla Gottschalk (SBN 91651)
520 Frederick St. #13
San Francisco, CA 94117

Counsel for *Amici Curiae*
S. Hopping & D. Rais-Hopping *et al.*

FILED
SUPERIOR COURT-STOCKTON
17 SEP 25 AM 9:34
ROSA JUNQUEIRO, CLERK
BY Miranda Winters
DEPUTY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN JOAQUIN

S. HOPPING
D. RAIS-HOPPING

Petitioners/Plaintiffs,

v.

LORIN EDWARD SCHELL
ANTHONY MICHEAL DESPOTES;
DANIEL SCOTT TRUAX
and DOE 1 through DOE 20, inclusive

Respondents.

KINGDOM OF SPAIN,
real party in interest,

UNITED STATES OF AMERICA,
real party in interest,

and

STATE OF CALIFORNIA,
real party in interest

Case No.: STK-CV-URP-2016-0011338
STK-PR-EST-2014-0000489
STK-PR-TR-2014-0000806

NOTICE OF WRIT OF ERROR
SUPERCEEDING APPEAL

TO THE COURT, ALL PARTIES, AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE of Flawed Jurisdiction regarding Foreign Land Grants hidden from the Court and subject to the Original Jurisdiction Under Article Three, Section Two of The United States Constitution and Notice of Preparation of the Required Writ of Error, Demand to Freeze All Orders and Prepare the Entire Case Record for Transmittal to The Supreme Court of the United States.

Dated: September ~~18~~ 21, 2017

Respectfully submitted,

Karla Gottschalk

Karla Gottschalk, ESQ
(SBN 91651)

APPENDIX D

DAVID S. MOORE
Forensic Document Examiner
3010 BARKHILL WAY
FAIR OAKS, CA 95628

PH. (916) 989-3205 / (800) 989-3205
FAX (916) 989-9674
eMail: dmoore@mooredocs.com

DIPLOMATE - American Board of Forensic Document Examiners (since 1977)

American Society of Questioned Document Examiners (2008-2018)

American Academy of Forensic Sciences

Southwestern Association of Forensic Document Examiners

Southern Association of Forensic Scientists

October 1, 2019

Ms. Stephanie Hopping.
1585 62nd Street, #99463
Emeryville, CA 94662-7061

SUBJECT: Estate of Montserrat Schell (DM-15/111)

Dear Ms. Hopping,

This letter is prepared at your request to memorialized several aspects of the evidence that was submitted to me.

The "questioned" holographic will that was submitted to me, a copy of which is enclosed as Exhibit "A", was not an original document. It was a copy. I had initially requested that the original will be submitted to my laboratory; however, I was informed that the copies that I was provided were the "best" available copies. I was never provided with the original document.

As can be observed in Exhibit "A", which was hand printed entirely in Spanish, there was no phrase "*la totalidad de mi patrimonio*". It is my understanding that this Spanish phrase, when translated into English, is the equivalent of "*the totality of my estate.*"

With this letter, I am also returned all of the evidence that was provided me in this matter.

Please don't hesitate to give me a call if I can be of further assistance in this matter.

Sincerely yours,

DAVID S. MOORE
Forensic Document Examiner

Encl: a/a

EXHIBIT A

EXHIBIT A

EXHIBIT A

California, Tracy
14 de Noviembre 2013

Yo, montserrat molas Portell, provista de D.N.I 40267271-K mediante el presente escrito que quiero que valga como testamento nombre heredero universal a mi esposo SCHELL, lorin Edward con nº pasaporte americano 216885856.

En especial es mi voluntad que mi marido Schell. Lorin Edward como heredero nombrado se haga propietario en pleno dominio de la finca situada en Sant Feliu de Guixols, Edificio las Pyramides nº 68 12 A, en la carretera San Feliu de Guixols a San Pol

En Tracy, California (95376)
El 14 de Noviembre del 2013
montserrat molas Portell

montserrat molas Portell