TABLE OF CONTENTS FOR APPENDIX

#1 CA SCT ORDER FILED ON SEPTEMBER 12 2018

S250729

IN THE SUPREME COURT OF CALIFORNIA

EN BANC

LINDA SHAO, Plaintiff and Appellant,

v.

McManis Faulkner, LLP, Respondent

Court of Appeal, Sixth Appellate District- No. H042531

The request for judicial notice is denied. The petition for review and application for stay are denied.

CANTIL-SAKAUYE

Chief Justice

#4. SECRET ORDER FILED JULY 3, 2018 --- THIS ORDER WAS FRAUDULENTLY CONCEALED FROM SHAO'S KNOWLEDGE: IT WAS NOT ENTERED ON THE DOCKET UNTIL AFTER JULY 10, 2018'S DISMISSAL. THE COURT FRAUDULENTLY SENT IT TO SHAO'S EXTINCT EMAIL OF attorneylindashao@gmail.com, **THAT THE COURT WAS MADE KNOWN SINCE MARCH 22 2018 THAT SHAO WAS UNABLE TO HAVE ACCESS TO IT IN ORDER TO CONCEAL THE DUE DATE OF OPENING BRIEF (SHORT EXTENSION TO JULY 9, 2018) FROM NOTICE OF SHAO**

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

LINDA SHAO,

Appellant,

v.

MCMANIS FAULKNER,

Respondent.

H042531

Santa Clara County No. 2011-1-CV-220571

BY THE COURT:

Appellant's request for investigation and to strike the docket entry of June 15, 2018 is denied. Appellant's request for investigation into the trial court and to strike the certificate of completion is denied. Appellant's request to augment and to stay proceedings is denied. Appellant's request for relief

from default is granted as follows: Appellant may file her opening brief no later than July 9, 2018.

Dated 7/3/2018 Franklin Elia, Acting P.J.

#5. CA 6TH COURT OF APPEAL'S DISMISSAL ORDER FILED JULY 10, 2018 NOTICED THROUGH SHAO'S EXTINCT EMAIL OF ATTORNEYLINDASHAO@GMAIL.COM AND ENTERED ON THE DOCKET ON OR AFTER JULY 11, 2018, UNTIL THAT TIME THEN THE CONCEALED JULY 3, 2018'S ORDERS.WERE DOCKETED

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

LINDA SHAO,

Appellant,

v.

MCMANIS FAULKNER,

Respondent.

H042531

Santa Clara County No. 2011-1-CV-220571

BY THE COURT:

The appellant having failed to file a brief after notice given under rule 8.220(a), California Rules of Court, the appeal is dismissed.

Dated 7/10/2018 Franklin Elia, Acting P.J

#8 JULY 30, 2018 ORDER—WILLFULLY DENYING SHAO'S FUNDAMENTAL RIGHT TO APPEAL AND ACCESS THE COURT, AFTER EVIDENCE OF FRAUD REGARDING CONCEALING THE NEW DUE DATE OF JULY 9, 2018 FROM SHAO WAS PRESENTED TO THE COURT OF APPEAL IN SHAO'S MOTION TO VACATE DISMISSAL

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

LINDA SHAO,

Appellant,

v.

MCMANIS FAULKNER,

Respondent.

H042531

Santa Clara County No. 2011-1-CV-220571

BY THE COURT:

Appellant's motion to vacate the Court's July 3, 2018 order denying objections, and the July 10, 2018 order dismissing the appeal is denied.

Dated 7/30/2018 Franklin Elia, Acting P.J

#12 Trial Court's Order of June 16, 2015 FILED at 10:56 AM BY JUDGE FOLAN'S CLERK LORNA DELACRUZ, immediately followed the short 10 minutes only's hearing (Judge maureen folan disallowed additional time for shao to argue and present evidence in violation of due process).

[FILED AT JUNE 16, 2015 10:56 LORNA DELACRUZ]

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SANTA CLARA

Linda Shao, Plaintiff v. McManis Faulkner, LLP., et al., Defendants	Case No.: 112CV220571 ORDER RE: MOTION TO DECLARE LINDA SHAO VEXATIOUS LITIGANT

The above-entitled action came on for hearing before the Honorable Maureen A. Folan on June 16, 2015, at 9:00 a.m. in Department 8. Plaintiff, Linda Shao, appeared on her own behalf. Attorney, Adrian Lambie, appeared for the Defendants. After considering the arguments and reviewing the submitted papers, including plaintiff's ex parte application which the Court granted in part, and reviewing the Court files, the Court rules as follows:

FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff Linda Shao aka Yi Tai Shao ("Plaintiff") initiated this action against Defendants McManis Faulkner, LLP and three of

its partners James McManis, Catherine Bechtel and Michael Reedy ("Defendnts") in connection with McManis Faulkner, LLP'ss representation of Plaintiff in an underlying family law case. The currently operative second amended complaint ("SAC") filed on September 25, 2012, alleges six causes of action against Defendants, namely, professional negligence, discrimination, breach of fiduciary duty, unconscionable contract, breach of contract, and intentional infliction of emotional harm. On February 21, 2014, the Court dismissed Plaintiff's action without prejudice for failure to appear at a case management conference. On October 30, 2014, Plaintiff obtained a court order setting aside the dismissal order. This case is now scheduled for a trial setting conference on June 16, 2015 at 11:00 A.M.

On April 2, 2015, Defendants filed the instant motion seeking a court order declaring Plaintiff a vexatious litigant pursuant to Code of Civil Procedure ("CCP") § 391. They also seek an order requiring Plaintiff to furnish a bond for security in an amount sufficient to cover Defendants' reasonably anticipated legal fees and costs, as well as an order requiring Plaintiff to obtain leave of court before filing any new litigation in the future.

The motion was originally set for a hearing on June 2, 2015. On May 26, 2015, Plaintiff appeared ex parte before the Hon. Judge James Stoelker and obtained an order continuing the hearing date to June 16, 2015. The ex parte order required opposition papers to be filed and served no later than June 5, 2015, and reply brief by

June 10, 2015. On June 5, 2015, Plaintiff filed her opposition to the motion ("Opposition Memo"), annexing a ½ page declaration and exhibits numbered 1 through 18. On June 8, 2015, Plaintiff filed two additional documents identified as "Table of Contents and Table of Authorities for Plaintiff's Opposition ... ,"and "Objection to Defendants' Evidence." On June 10, 2015, Defendants filed a reply in support of their motion ("Reply Memo").

On June 12, 2015, Defendants also filed a document entitled "Response to Plaintiffs Late-Filed Objections to Defendants' Evidence ... ," in which they request the Court to reject Plaintiff's late filing under California Rules of Court ("CRC") rule 3.1300(d). In view of the fact that the Court already accommodated Plaintiff by granting a two-week extension on this matter, the June 8, 2015 late filing is inexcusable and will not be considered in the determination of the present motion. The June 12, 2015 filing by Defendants also will not be considered beyond the part that is objecting to Plaintiff's late filing.

II. REQUEST FOR JUDICIAL NOTICE

Defendants filed a request for judicial notice in support of their motion by attaching a total number of 32 documents (Exhibits A-Z and AA-FF). The first 17 exhibits (Exhibits A-Q)consist of computer printouts of dockets (register of actions) of the Santa Clara County Superior Court, Appellate Courts (6th Appellate District and Supreme Court), US District Court (California Northern District), and Supreme Court of the United States. Exhibits R-Z and AA-EE(a total of

14 exhibits) are filed endorsed copies of Santa Clara County Superior Court orders. Exhibit FF is a copy of Plaintiffs second amended complaint in, which is the operative pleading in the present case. All the 32 documents identify Plaintiff as the "plaintiff' or "petitioner" in various actions brought before the above-mentioned courts over the last seven years.

Plaintiff contends that Defendants' request for judicial notice must be denied for failure to state relevancy and failure to provide accurate information. A precondition to taking judicial notice is that the matter is relevant to an issue under review. *(People ex rel. Lockyer v. Shamrock Foods Co.* (2000) 24 Cal.4th 415,422; see also *Gbur v. Cohen* (1979) 93 Cal.App.3d 296,301.) From a general standpoint, the exhibits at issue are relevant herein as they are directly relied upon by Defendants to support their motion. A review of Defendants' memorandum as well as the request for judicial notice also shows that Defendants clearly articulated the relevance of each exhibit to their motion. They stated that the exhibits support their motion by showing that Plaintiff has commenced, prosecuted, or maintained in propria persona at least five litigations that have been finally determined adversely to her; and that Plaintiff, while acting in propria persona, repeatedly filed unmeritorious motions, pleadings, or other papers, conducted unnecessary discovery, or engaged in other tactics that are frivolous or solely intended to cause unnecessary delay. Besides, in view of the nature of Defendants' motion, the relevance of the

exhibits they submitted is self-evident. Plaintiff's objection on this ground is without merit.

In respect of the objection that the exhibits fail to provide accurate information, Plaintiff cites *Ragland v. US. Bank Nat. Assn.* (2012) 209 Cal.App. 4th 182, 194 for the proposition that while a court may take judicial notice of the existence of websites and blogs, it may not accept their contents as true. Plaintiff also invokes Cal. Evid. Code § 452(h),which states: "Facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy."Plaintiff further argues, "Here, the website of Santa Clara County Superior Court on case information states clearly that the information may not be correct as notice (Exhibit 18), Defendants' relying on printing dockets to show the contents of the docket appearing on the website does not conform to Section 452(h) and the case laws." (Opposition Memo, p.15, lns.12-16.)

Plaintiff's reliance on *Ragland* is misplaced. The proposition cited by Plaintiff concerned a request for judicial notice of private websites and blogs, including news articles from the Los Angeles Times and the Orange County Register. The court declined the request to take judicial notice of the truth of the contents of those websites and blogs stating:"[t]he contents of the Web sites and blogs are plainly subject to interpretation and for that reason not subject to judicial notice." *(Ragland, supra,* at 194. Citation and quotation marks omitted.)Here, on the other

hand, the request for judicial notice concerns official records of state and federal courts. Evidence Code§ 452(b) mandates this Court to take judicial notice of the records of any court of this state, or any court of record of the United States, or of any state of the United States. In furtherance of this mandate, Evidence Code§664 establishes a statutory presumption that public employees tasked with the creation and maintenance of public records regularly performed their duties. In other words, when the law requires that a public employee or agent of a public agency perform a duty, such as collection and recording of data, a statutory presumption is created that this duty was regularly performed. The court may take judicial notice of the duty and no further evidence is required .(Evidence Code § 664; *Bhatt v. State Dept. of Health Services* (2005) 133 CA4th 923, 35 (printouts of Medi-Cal records were admissible under hearsay exception for official records because statute presumes the official duties shown were regularly performed and plaintiff offered no evidence to rebut this presumption).)

This presumption acts to shift the burden of proof. The proffering party does not need to prove the record was created properly. The party attempting to suppress the evidence must show instead that the record was not made properly; in other words, that the employee or agency did not have a statutory duty to perform the act or record the data, or that something untoward happened in the preparation of this particular record The

objecting party must prove that the presumed fact did not happen [People v. Martinez (2000) 22 C4th 106, 91 CR2d 687, 990 P2d 563] . (1-15 MB Practice Guide: CA E-Discovery and Evidence 15.26)

Court records are expressly subject to judicial notice under Evidence Code§ 45(d). Official acts of government agencies are otherwise judicially noticeable under Evidence Code §452(c), and that provision has been broadly construed to include public records and proceedings.(See Evid. Code,§ 452, Law Revision Commission Comments.) Thus, the records in question are proper subjects for judicial notice. They are also manifestly relevant to the pending motion as indicated above. Defendants' requests for judicial notice are therefore GRANTED, with the caveat that judicial notice does not establish the truth of statements or allegations in the records or factual findings that were not the product of an adversary hearing involving the question of the existence or nonexistence of said facts. (See *Lockley v. Law Office of Cantrell, Green,Pekich, Cruz &McCort*(2001) 91 Cal.App.4th 875, 882; see also see also *Kilroy v. State of California* (2004) 119 Cal.App.4th 140, 145-148; *People v. Long* (1970) 7 Cal.App.3d 586,591.)

Plaintiff did not make a request for judicial notice of any of the 18 exhibits attached to the Opposition Memo. On the other hand, Defendants did not object to any of Plaintiffs exhibits. The Court will address the admissibility and weight of each exhibit on a case-by-case basis.

III. VEXATIOUS LITIGANT DETERMINATION

CCP 391(b) "lists four alternative definitions for a vexatious litigant." *(Holcomb v. US. Bank National Assoc.* (2005) 129 Cal.App.4th 1494, 1501.) Defendants argue that Plaintiff is a vexatious litigant under the first and third definitions. As the moving party, Defendants bear the burden of proving that Plaintiff is a vexatious litigant. *(Camerado Ins. Agency, Inc. v. Superior Court* (1993) 12 Cal.App.4th 838, 842.)

Vexatious Litigant Determination under CCP391(b)(1)

CCP 391(b)(1) defines a vexatious litigant in relevant part to be a person who, "[i]nthe immediately preceding seven-year period[,] has commenced, prosecuted, or maintained in propria persona at least five litigations other than in a small claims court that have been (i) finally determined adversely to the person..."

Defendants list a number of litigations that they claim were commenced, prosecuted or maintained by Plaintiff in the past seven years while acting in propria persona, and that all these litigations were finally determined adversely to Plaintiff. **Defendants identify by number the following five cases:**

Case No. 107CV082271 (Shao v. Newton), a professional malpractice suite filed by Plaintiff in pro per on March 21, 2007, and finally determined adversely to Plaintiff on April 3, 2008 (Exhibit A);

Case No. 108CVJ 28620 (Shao v. Chang), a defamation suit filed by Plaintiff in pro per on November 25, 2008, and dismissed on May 5, 2010 (Exhibit B);

Court of Appeal *Case No. H037342 (Shao v. Superior Court (Wang)),* Plaintiff petitioned in pro per for a writ of mandate to vacate a decision on statement of disqualification regarding Judge Theodore Zayner, which the Court of Appeal dismissed on September 22,

2011 (Exhibit C);

Court of Appeal *Case No. H037820 (Shao v. Wang),* Plaintiff filed in pro per a notice of appeal of two post-judgment orders from this Court related to custody and appointment of counsel for her two children (Exhibit D), which the Court of Appeal dismissed with a reasoned opinion on May 21, 2014 (Exhibits D and E);and

Case No. I II CV208489 (Shao v. Hewlett-Packard Company), a breach of contract suit Plaintiff filed in pro per on September 2, 2011 (Exhibit F), and Plaintiff voluntarily dismissed without prejudice on July I 0, 2012 (Exhibits F and G).

Plaintiff claims that she was represented by Jeffrey Kallis, Esq. in the *Newton* case. In support of this claim, Plaintiff points to her Exhibit 14, which consists of a second amended summons and complaint, a notice of entry of order re: demurrer to first amended complaint, and a filed endorsed order re: demurer to first amended complaint - all relating to the *Newton* case.The second amended summons and complaint, which were never filed with the Court, show Jeffrey Kallis, Esq. as Plaintiffs counsel with limited appearance. In addition, the proof ofservice attached to the notice of entry of order re: demurrer to first amended complaint purportedly sent out by *Newton 's* counsel of record on January 15, 2008, includes both Plaintiff and Jeffrey Kallis, Esq. in its service list.

Both the second amended summons and complaint as well as the notice of entry of order with the accompanying proof of service did not

bear a filed endorsed stamp of the Court,making them less reliable. Besides Kallis was mentioned as "limited appearance" counsel, not as "counsel of record." Perhaps his representation might have been only for the hearing on the demurrer, which was sustained on January 15, 2008. Final judgment was entered 3½ months later on April 3, 2008. There is no indication that a substitution of attorney was filed inbetween, or at least suggesting that Kallis continued his limited representation of Plaintiff until April 3, 2008. Plaintiff did not even attempt to elaborate on when she retained Kallis as her counsel, and until what date or what stage of the action his representation continued. The docket shows Plaintiff Linda Shao as unrepresented, while the defendant in that case, Newton, as represented by Alison P. Buchanan of Hoge Fenton Jones &Appel. Plaintiff did not provide competent evidence or persuasive argument to disqualify the Court's record as reflected in Defendants' Exhibit A.

Second, Plaintiff argues that the Court should not take judicial notice of Defendants' Exhibit B, *Shao v. Chang Case No. I 08CVI 28620,* because the case was dismissed after settlement during trial. In support of this claim, Plaintiff points to her Exhibit 12 (which is actually Exhibit I 5), which is a copy of the trial minutes dated May 5, 2010. The minutes show the trial started at 9:30am and continued throughout the day. At 4:40pm, the minute entry shows plaintiff Shao agreed to dismiss the action with prejudice in exchange for interpreter costs and filing fees by defendant Chang. A litigation that a plaintiff dismisses voluntarily without prejudice

constitutes a litigation that was decided adversely to that person unless the dismissal is justified. *(Tokerud v. CapitalBank Sacramento* (1995) 38 CA4th 775, 777.) Defendants contend that the nuisance-value settlement ostensibly paid by Mr. Chang should not preclude the Court from relying on the case as a basis for finding Plaintiff to be a vexatious litigant. The Court agrees with Defendants. Interpreter and filing fees are expenses Plaintiff would not have incurred in the first place, had she not commenced the defamation action. Mere reimbursement of those expenses does not justify dismissal of her action, unless accompanied by some form of relief based on the merits of her case, such as an apology, a retraction, or monetary compensation.

Plaintiff also claims that the *Hewlett-Packard* case was dismissed after settlement. In support of this claim, Plaintiff points to her Exhibit 13 (actually Exhibit 16), which appears to be a settlement offer from Hewlett-Packard to Plaintiff. The letter states that Hewlett-Packard has agreed to pay $5,000.00 for unit cost and miscellaneous costs and provide a new scanner with one-year manufacturer warrantee and software at no charge, in exchange for Plaintiff dismissingher action. Plaintiff signed the letter agreeing to and accepting the offer on July 5, 2012. The case was dismissed five days later on July 10, 2012. Defendants raise a similar argument as above, stating that the settlement amount is de minimis and does not justify the dismissal. Here the Court disagrees with Defendants. The case apparently involved a broken scanner, which Hewlett-Packard agreed to

replace with a new one in addition to a $5,000 payment. This is a substantial settlement amount and justifies Plaintiff's dismissal of the case. Thus Defendants' Exhibits F and G do not count towards the five cases required for finding Plaintiff to be a vexatious litigant.

Plaintiff complains "Defendants put two writs in Exhibit D which do not qualify to count as a legal action at all as the result was summary denials." Civil litigation includes appeals and proceedings for civil writs. *(In re R.H.* (2009) 170 CA4th 678,691; *McColm v. Westwood ParkAssn.*(1998)62CA4th1211,1216.)Contrary to Plaintiff's contention,the Appellate Court dismissed the two writ petitions with a five-page reasoned opinion, a copy of which Defendants attached as ExhibitE.

The above are as far as the Court can glean from Plaintiffs opposition memo in respect of her rebuttal of the cases invoked by Defendants in support of their motion underCCP391(b)(1). Out of the five cases listed above, Plaintiff has succeeded in disqualifying the 5th case *(Case No. 111CV208489 (Shao v. Hewlett-Packard Company))* from counting towards the required five cases. But Plaintiff did not articulate any arguments in oppositionto the additional litigations Defendants listed without numbering them in any order.

Defendants mentioned cases dismissed by the US District Court, *Case No. 5:14CV01137-LHK (Shao v. McManis Faulkner, LLP)* (Exhibit H), and *Case No. 3:14CV0J 912-WBS (Shao*

v. Wang, et al) (Exhibit I). Plaintiff has appealed both dismissals to the Ninth Circuit Court of Appeal. A judgment is final for all purposes when all avenues for direct review have been exhausted. *(Holcomb, supra*, at p.1502; *Childs v. PaineWebber, Inc.* (1994) 29 CA4th 982,993.)Thus the pending appeals prevent this Court from properly adjudicating Plaintiff a vexatious litigant on the basis of the underlying Court of Appeal cases. (See *Childs, supra,* atp.993.)Defendants' belief that the Circuit Court will rule against Plaintiff in both actions does not count here.

The litigation identified in Defendants Exhibit J is a habeas corpusaction." ' Litigation' for purposes of vexatious litigant requirements encompasses civil trials and special proceedings, but it is broader than that. It includes proceedings initiated in the Courts of Appeal by notice of appeal or by writ petitions other than habeas corpus or other criminal matters." *(McColm, supra,* at p.12 19.) Thus Exhibit J is disqualified.

Defendants identify four petitions by Plaintiff in pro per to the Supreme Court of California, which were finally determined adversely to Plaintiff (Exhibits K-N). In addition Defendants identify five petitions by Plaintiff in pro per to the US Supreme Court, which were finally determined adversely to Plaintiff (Exhibits O and P). The petitions before the US Supreme Court are essentially two, because the remaining three petitions are either a request for rehearing, refilling, or application for stay of the initial two

petitions. The dockets on these cases do not indicate any of the petitions were summarily denied. Besides, Plaintiff did not raise any objection as to the qualification of these petitions for purposes of determining her to be a vexatious litigant, or otherwise why the Court should not consider them in determination of the motion at hand.

This brings the total number of litigations that qualify for consideration under CCP391(b)(1) to ten as evidenced by Defendants' Exhibits A, B, C, D&E, K, L, M, N, O,and P. The Court finds that Plaintiff commenced, prosecuted, or maintained all these ten litigations while acting in propria persona, and all these litigations were finally determine adversely to Plaintiff. Thus, the Court determines Plaintiff Linda Shao aka Yi Tai Shao to be a vexatiouslitigantpursuanttoCCP39I(b)(1).

Vexatious Litigant Determination under CCP391(b)(3)

CCP 391(b)(3) describes a vexatious litigant as a person who, "[i]n any litigation while acting in propria persona, repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay." "[S]ubdivision (b)(3) does not specify either a timeframe or quantity of actions necessary to support a vexatious litigant finding under that section." (Morton v. Wagner (2007) 156 Cal.App.4th 963, 971.) "What constitutes 'repeatedly' and 'unmeritorious' under subdivision (b)(3), in any given case, is left to the sound discretion of the trial court." (Id.) With that said, the

trial court's discretion is not unfettered. (Id. at p.972.)"While there is no bright line rule as to what constitutes 'repeatedly,' most cases affirming the vexatious litigant designationinvolvesituationswherelitigantshavefiled dozensofmotionseitherduringthe pendency of an action or relating to the same judgment."*(Id.)*

Defendants allege that Plaintiff filed numerous unmeritorious motions and other papers in her divorce proceedings before this court, *in re the Marriage of Linda Shao v. Tsan-Kueng [sic: Tsan-Kuen] Wang, Case No. 105FL126882,* which were all denied. Defendants submitted 88 pages of printouts of the docket in the divorce matter, which they attached as Exhibit Q. Defendants also allege that during the divorce proceedings, Plaintiff attempted to prophylactically protect herself from being subject to the vexatious litigant statue [sic: statute] by requesting a judicial finding from this Court that she is not a vexatious litigant. This request prompted the Hon. Judge Lucas, who at the time was hearing the divorce matter, to make the following observation while declining to make the requested negative finding (as recited in Defendant's Exhibit R):

Although the Court is aware that an order was filed in this action on November 12, 2010,denying a motion by Respondent that [Plaintiff] be found to be a vexatious litigant, almost three years have passed and a different record is bore this Court which includes[Plaintiff's] initiation of:

- over 50 ex parte motions
- at least seven judicial challenges for cause (all denied)

• three judicial peremptory challenges

• several referrals to [Child Protective Services (" CPS')

• a grievance proceeding with CPS

• a proceeding in the United States SupremeCourt

• motions to remove [B.J[Fadem as counsel for [Plaintiff's daughter], and to remove David Sussman as counsel for Respondent

accusations of dishonesty and professional misconduct against tow custody evaluators...two CPS social workers ...and two Family Court Services social workers ....

Claims against three attorneys who formerly represented her ... as well as against custody evaluator Dr. Newton

Defendants submitted a filed endorsed copy of the statement of decision and order by the Hon. Judge Lucas as Exhibit R. The docket in the divorce proceedings shows that within a period of five months between September 2007 to January 2008, Plaintiff filed five requests for an order to show cause relating to restraining orders, all of which were denied (Exhibit Q at60,64, 67.) Plaintiff also filed two motions attempting without success to remove her daughter's counsel (Exhibit Wat 6), four motions to disqualify the Hon. Judge Zayner (Exhibits S,V-X), two motions to disqualify the Hon. Judge Davila (Exhibits Y, Z), and two motions against the Hons. Judge Arand and Judge Grilli (Exhibits AA, BB, and CC). Furthermore, Plaintiff tried without success to disqualify her ex-husband' s counsel (Exhibit

DD), and to compel the same counsel's deposition without success (Exhibit EE).

The Court of Appeal found that a plaintiff who did not prevail on numerous motions contesting the appointment of a special discovery master; six motions challenging the judge or his rulings; four motions against defendants or their counsel for sanctions or a protective order; a motion for a continuance to review discovery that had long been in the plaintiffs possession; a motion for sanctions against both the judge and the special discovery master for violation of plaintiffs First Amendment rights, and a motion for a new trial in the same action was a vexatious litigant. *(Bravo v. Jsmaj*(2002) 99 CA4th 211, 226.) The case at hand is comparable to *Bravo.*

Citing *Morton, supra,* Plaintiff argues that not all failed motions can support a vexatious litigant designation under this provision; repeated motions must be so devoid of merit and be so frivolous that they constitute a flagrant abuse of the system, have no reasonable probability of success, lack reasonable or probable cause or excuse and are clearly meant to abuse the processes of the courts and to harass the adverse party than other litigants *(Morton,supra,* at p.972.) Plaintiff maintains that Defendants failed to prove any motions were "repeated," and she also attempts to provide justifications for the several judicial challenges she filed. But the records show the contrary. Filing five requests for restraining order with in a span of five months, filing a total of at least ten motions to disqualify judicial officers, additional motions to disqualify

minor's counsel and opposing counsel are clearly repetitive and abusive of the judicial process. In previous discussions, the Court also observed that Plaintiff's litigation extends all the way from state trial court to the US Supreme Court. At least in two Petitions tothe US Supreme Court, Plaintiff repetitively requested rehearing of her petitions after they have already been denied (Exhibits O andP).

The fact that all these repetitive motions were consistently denied speaks for itself that Plaintiffs motions were devoid of any merit and were so frivolous that they constitute a flagrant abuse of the system. Review of the various orders in Plaintiffs divorce proceedings, whichare submitted by Defendants as Exhibits R-Z and AA-EE also confirm the frivolousness ofPlaintiff's motions .Thus, the Court determines Plaintiff to be a vexatious litigant under CCP 391(b)(3).

IV. Request for a stay of Further Proceedings Until Plaintiff Furnishes Security

Upon notice and hearing, a defendant may move the Court for an order requiring the plaintiff to furnish security or for an order dismissing the litigation pursuant to subdivision (b) of Section 391.3, provided that the motion is based upon the ground, and supported by a showing that: 1) the plaintiff is a vexatious litigant, and 2) there is not a reasonable probability that he or she will prevail in the litigation against the moving defendant. (CCP 391.1)

Defendants in this case have successfully established that Plaintiff is a vexatious litigant. But they fail to show that there is no reasonable probability that Plaintiff will prevail in the litigation. As Plaintiff correctly pointed out in her opposition memo, Defendants did not address all the six causes of action arise from the same allegations of professional negligence and breach of contract, and because those allegations are likely to fail for lack of causation, all the other causes of action will also fail. The Court did not find this line of argument persuasive.

Although the same set of facts might have given rise to all causes of action, the legal requirements to establish liability under each one differ. In particular, claims of discrimination and intentional infliction of emotional harm are essentially different from a professional negligence or breach of contract claim.

Plaintiff and Defendants are also dispute each other's interpretation of the burden of proof and weighing of evidence in establishing that there is no reasonable probability that Plaintiff will prevail in the action. But since the **Court already found Defendants' presentation of the argument and evidence in this regard to be incomplete**, there is no need to address the above issues. This finding is made without prejudice.

V. Conclusions and Orders

Defendants' motion to have Plaintiff Linda Shao aka Yi Tai Shao deemed a vexatious litigant is GRANTED.

Plaintiff meets the definition of a vexatious litigant under Code of Civil Procedure §391(b)(1) as she has commenced, prosecuted, or maintained in propria persona at least five litigations within the immediately preceding seven-year period, all of which finally determined adversely to her.

Dated: 6/16/2015 /s/ Maureen A. Folan

JUDGE OF THE SUPERIOR COURT