

No. 22-1146

**In The
Supreme Court of the United States**

—◆—
TIGER MYNARCIK,

Petitioner,

v.

WV 23 JUMPSTART, LLC,

Respondent.

—◆—
**On Petition For A Writ Of Certiorari
To The California Court Of Appeal
Third Appellate District**

—◆—
**OPPOSITION TO PETITION
FOR WRIT OF CERTIORARI**

—◆—
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CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, WV 23 Jumpstart, LLC states that it is a privately held corporation. None of its shares are held by a publicly traded company.

TABLE OF CONTENTS

	Page
CORPORATE DISCLOSURE STATEMENT	i
TABLE OF CONTENTS	ii
TABLE OF AUTHORITIES	iii
REASONS FOR DENYING THE PETITION.....	1
I. THE FACTS	1
II. THE DECISION BELOW IS CORRECT....	2
III. THE PETITION FAILS TO SHOW A CONFLICT OR AN IMPORTANT QUES- TION OF LAW	4
CONCLUSION.....	5

TABLE OF AUTHORITIES

	Page
CASES	
<i>Fidelity National Financial, Inc. v. Friedman</i> , 935 F.3d 696 (9th Cir. 2019).....	3
<i>WV 23 Jumpstart, LLC v. Mynarcik</i> , 85 Cal. App. 5th 596 (2022)	1, 2, 3
RULES OF THE SUPREME COURT	
Rule 10	4
Rule 29.6	i

REASONS FOR DENYING THE WRIT

I. THE FACTS

The facts of the instant case are highly unusual, almost *sui generis*.

Respondent WV 23 Jumpstart, LLC's predecessor obtained a single Nevada judgment against both Petitioner Tiger Mynarcik and James Scott. Because *Scott* owned property in California, plaintiff registered the judgment in California's Superior Court for County of Sacramento, using California's Sister State Judgment Act.¹

Then Jumpstart's predecessor failed to renew the Nevada judgment, so that judgment expired.

However, because the California judgment that was still alive also named Mynarcik, Jumpstart sought to register the California judgment in Nevada, seeking to collect from Mynarcik in Nevada.

To this day, Mynarcik has failed to pay one red cent on the judgment against him.

Mynarcik argued to the Nevada court that the California judgment was invalid, because the California court did not have *in personam* jurisdiction over him to register the judgment in California. The Nevada court told Jumpstart to get a ruling on this claim from

¹ The court below noted that: "The primary objective of the Act is 'to provide a summary method of enforcing a foreign judgment' without requiring the time, money, or process of an original action." *WV 23 Jumpstart, LLC v. Mynarcik*, 85 Cal. App. 5th 596, 606 (Ct. App. 2022).

a California court. Jumpstart did so, and the California Court of Appeal rejected Mynarcik’s argument, holding that:

The registration process is ministerial. It does not alter the judgment; it merely enables a creditor to collect on a preexisting judgment.² Thus, so long as the *originating* state had jurisdiction over the parties, the judgment was authorized, and the litigants were afforded due process, there is no basis to read an additional jurisdictional requirement into the Act based upon the ministerial act of registration. [*WV 23 Jumpstart, LLC v. Mynarcik*, 85 Cal. App. 5th 596, 609 (Ct. App. 2022).]

II. THE DECISION BELOW IS CORRECT

Petitioner Mynarcik relies on cases holding that a court must have *in personam* jurisdiction over a defendant in order to hear a lawsuit newly filed against him.

But applying for a judgment to enforce a judgment *already entered by a sister state* is not like filing a new lawsuit. Instead, it is simply *a continuation* of the original lawsuit—an effort to *complete* the proceedings by capturing assets worth the amount awarded.

² At page 23 of his Petition, Mynarcik agrees with the lower court’s characterization of the process: “The California judgment is not an original, final judgment entered by a California Court. It is a sister state judgment domesticated in California. It is entered not by judicial action, like a final judgment, but by the ministerial act of the Sacramento County Superior Court’s clerk.”

Although the new judgment is *called* a “judgment,” “[c]onstitutional due process requirements depend on the procedures at issue, not semantics.” *Fidelity National Financial, Inc. v. Friedman*, 935 F.3d 696, 701-702 (9th Cir. 2019). Imposing a new, additional, *in personam* requirement would interfere with a state’s constitutional duty to give “full faith and credit” to the sister state’s judgment. As the lower court recognized, “a judgment is entitled to full faith and credit—even as to questions of jurisdiction—when the second court’s inquiry discloses that those questions have been fully and fairly litigated and finally decided in the court which rendered the original judgment.” *WV 23 Jumpstart, LLC v. Mynarcik*, 85 Cal. App. 5th 596, 605 (Ct. App. 2022).

Thus, so long as *the court that originally entered* the judgment against the defendant had *in personam* jurisdiction over him, simply collecting that judgment by registering it in another state should not require a new showing of *in personam* jurisdiction. And that is what the court below held:

Where, as here, a judgment debtor has had the action fully adjudicated in a court of competent jurisdiction, the debtor’s due process rights are not infringed by the Act’s registration process, even where personal jurisdiction in California might be lacking. At the time of registration, the Nevada case had already reached judgment, and the sister-state’s findings—even if erroneous or inconsistent with California law—are binding on California courts. [*Id.* at 609.]

III. THE PETITION FAILS TO SHOW A CONFLICT OR AN IMPORTANT QUESTION OF LAW

This Court's Rule 10 provides that "A petition for a writ of certiorari will be granted only for compelling reasons." The petition for certiorari presents no "compelling reasons" why this Court should spend its limited time dealing with this unusual issue.

Mynarcik does not contend that the California Court of Appeal opinion creates any "conflict" with any other federal or state appellate court decision.

And the Petition makes no effort to show that this is a common problem that needs resolution by this Court. At page 17 of the Petition, Mynarcik claims that the lower court ruling "denies Mynarcik and other similarly situated debtors, [*sic*] due process." But the Petition fails to show that any "similarly situated debtors" actually exist. Indeed, it appears that this situation is so unique that only one person in the country cares about it: the Petitioner himself.

Mynarcik's Petition fails to present any studies, any cases, or any examples showing that the issue on which he seeks review is "important" to anyone other than Mynarcik—a person who has spent more than a decade avoiding his obligation to pay the judgment.

Because the Petition fails to satisfy this Court's Rule 10, it should be denied.



CONCLUSION

The petition shows no mistake by the lower court, no conflict, and no important question. It should be denied.

Date: June 22, 2023

Respectfully submitted,

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