



## APPENDIX A

True and correct indorsed copies of the opinion of the  
highest state court for petition for review in Case  
Number S289032 and is unpublished.

MAR 26 2025

Court of Appeal, Sixth Appellate District - No. H049806

Jorge Navarrete Clerk

S289032

Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GREENPOINT  
MORTGAGE TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES  
2007-AR2, Plaintiff and Respondent,

v.

FAREED SEPEHRY-FARD, Defendant and Appellant.

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The petition for review is denied.

**GUERRERO**

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*Chief Justice*

## APPENDIX B



True and correct indorsed copies of the opinion of THE SIXTH APPELLATE DISTRICT IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA in Case Number H049806 and is unpublished.

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

U.S. BANK NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
GREENPOINT MORTGAGE TRUST  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-AR2,

Plaintiff and Respondent,

v.

FAREED SEPEHRY-FARD,

Defendant and Appellant.

H049806

(Santa Clara County

Super. Ct. No. 17CV314286)

In September 2016, a trial judge struck Fareed Sepehry-Fard’s motion to disqualify her, reasoning that she could act because Sepehry-Fard’s “statement of disqualification on its face disclose[d] no legal grounds for disqualification.” (See Code Civ. Proc., §§ 170.3, subd. (c)(5), 170.4, subd. (b).)<sup>1</sup> On the same day, the trial judge granted a motion to declare Sepehry-Fard a vexatious litigant and entered a vexatious litigant prefiling order, which among other things generally prohibits Sepehry-Fard from filing any new litigation in California courts (including appeals arising from actions he initiated) unless he is represented by counsel or secures approval of the presiding justice

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<sup>1</sup> Undesignated statutory references are to the Code of Civil Procedure.

or presiding judge of the court in which the action is filed.<sup>2</sup> (See §§ 391, 391.7)

Sepehry-Fard appealed the disqualification ruling, the vexatious litigant designation, and the prefiling order in *Sepehry-Fard v. Select Portfolio Servicing Inc. et al.*, case number H044635, but his appeal was dismissed.

Years later and in another case, Sepehry-Fard applied for vacation of the prefiling order and his removal from the Judicial Council's vexatious litigant list.<sup>3</sup> Under section 391.8, subdivision (a), the judge who had issued the prefiling order considered the application and denied it. Sepehry-Fard nominally appeals from the denial, but the basis for his appeal is his contention that the trial court improperly denied his 2016 disqualification motion and, as a result, any order she entered involving him in any case after the disqualification motion is void. Sepehry-Fard's appeal thus also "challenges . . . the propriety of the prefiling order itself." (*In re Marriage of Rifkin & Carty* (2015) 234 Cal.App.4th 1339, 1346.)

But the denial of his application to vacate the vexatious litigant designation does not permit Sepehry-Fard to renew his original challenge to the propriety of those rulings. Nor has he substantiated his insistence that the trial judge was, or appeared, biased or corrupt. We affirm the trial court's denial of Sepehry-Fard's application to vacate.

## **I. BACKGROUND**

As the plaintiff in case number 16CV296244, Sepehry-Fard filed a statement of disqualification against the judge presiding in his case. Various defendants sought a declaration that Sepehry-Fard was a vexatious litigant and requested a prefiling order. In September 2016, the judge struck the statement of disqualification, declared Sepehry-Fard a vexatious litigant, and imposed a prefiling order. Sepehry-Fard filed a

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<sup>2</sup> The September 2016 orders were entered in *Sepehry-Fard v. Select Portfolio Servicing, Inc., et al.*, Santa Clara County Superior Court case number 16CV296244.

<sup>3</sup> Sepehry-Fard's application is not in the appellate record.

notice of appeal from all three orders. In 2017, this court denied his request to initiate the appeal.

As the plaintiff in *Sepehry-Fard v. Nationstar Mortgage, LLC, et al.*, Santa Clara County Superior Court case number 17CV310716, Sepehry-Fard filed an application to vacate the prefiling order and remove him from the vexatious litigant list. (Respondent U.S. Bank National Association (U.S. Bank) is among the defendants Sepehry-Fard named in that action.) In 2022, the original judge who entered the prefiling order denied Sepehry-Fard's application with a caption bearing the 16CV296244 case number.

Sepehry-Fard filed a timely notice of appeal—not as the plaintiff in 17CV310716 or 16CV296244, but as the defendant in the related unlawful detainer proceeding, *U.S. Bank National Association v. Sepehry-Fard*, Santa Clara County Superior Court case number 17CV314286. The notice of appeal bore the caption of the unlawful detainer proceeding but attached the order denying his application to vacate the prefiling order.

Citing *John v. Superior Court* (2016) 63 Cal.4th 91, Sepehry-Fard contended that the prefiling order did not require the presiding justice's approval of this appeal, because he was sued as a defendant. This court allowed the appeal to proceed.

For the record on appeal, Sepehry-Fard designated only documents from the unlawful detainer proceeding. But in his briefing, he identified himself as the plaintiff and respondent U.S. Bank, among others, as a defendant. His caption identified all three lower court case numbers—16CV296244, 17CV310716, and 17CV314286.

One result of Sepehry-Fard's election is that the clerk's transcript for this appeal—29 volumes spanning over 8,000 pages—consists exclusively of documents from the unlawful detainer proceeding but none from the actions in which either the September 2016 or January 2022 motions were litigated.<sup>4</sup> U.S. Bank, the plaintiff in case number

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<sup>4</sup> Sepehry-Fard makes only passing reference to the appellate record in his brief, and then only to a brief he filed in another appeal—citing his own prior argument as

17CV314286 and a defendant in case number 17CV310716, is the only party that has appeared as a respondent in this appellate proceeding.

## II. DISCUSSION

### A. *Jurisdiction*

Sepehry-Fard challenges the trial court's subject matter jurisdiction on the ground that U.S. Bank lacks standing to sue him. We have rejected this same argument on the merits in his companion appeal, case number H049652. We note as well that his jurisdictional challenge is inapt here: Even if subject matter jurisdiction over the unlawful detainer were lacking, he chose to appeal in that proceeding even though the challenged orders arose in other actions—actions subject to the prefiling order but not *John v. Superior Court*, *supra*, 63 Cal.4th 91. His jurisdictional argument, then, could implicate the propriety of his appeal but not the propriety of the appealed orders.

Sepehry-Fard's jurisdictional challenge does underscore the irregularity of his repurposing U.S. Bank's unlawful detainer complaint to circumvent the prefiling order. His approach thus presents a section 391.7 prefiling question, albeit one that the presiding justice of this court had discretion to allow before record preparation or merits briefing. We do not consider this a jurisdictional question: Sepehry-Fard timely filed his notice of appeal, and the trial court's order denying Sepehry-Fard's application is appealable. (§ 904.1, subd. (a)(6); *Lockett v. Panos* (2008) 161 Cal.App.4th 77, 90.) "While the timely filing of a notice of appeal is an absolute jurisdictional prerequisite [citations], technical accuracy in the contents of the notice is not." (*K.J. v. Los Angeles Unified School Dist.* (2020) 8 Cal.5th 875, 882–883, fn. omitted.) Once filed, the notice of appeal " 'is to be construed liberally in favor of its sufficiency,' " so a reviewing court must "evaluate whether the notice, despite any technical defect, nonetheless served its basic

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record support for his current argument. Otherwise, Sepehry-Fard relies principally on documents he attached to motions to augment the record.

function—to provide notice of who is seeking review of what order or judgment—so as to properly invoke appellate jurisdiction.” (*Id.* at p. 883.) This is intended to “ ‘ “protect the right of appeal if it is reasonably clear what [the] appellant was trying to appeal from, and where the respondent could not possibly have been misled or prejudiced” ’ ” and “to ‘implement the strong public policy favoring the hearing of appeals on the merits.’ ” (*Id.* at p. 882; see also *Kellett v. Marvel* (1936) 6 Cal.2d 464, 471 [“notices of appeal are liberally construed to preserve the right of review unless it appears that the respondent has been misled”].)

Sepehry-Fard’s decision to file the notice of appeal under the unlawful detainer case number did not undermine the notice’s basic function: it still provided notice that Sepehry-Fard was seeking review of the trial court’s order denying his application to vacate.

## **B. Appellate Motions**

### **1. Sepehry-Fard’s Motions to Augment**

Sepehry-Fard filed two motions to augment, which this court construed as requests for judicial notice and deferred for consideration with the appeal. After the close of briefing, Sepehry-Fard filed a third motion to augment. We will grant Sepehry-Fard’s November 16, 2023 motion in part and deny his November 20, 2023 and August 20, 2024 motions.

On appeal, we generally only consider matters that were part of the record at the time the trial court issued the challenged order. (*Vons Companies, Inc. v. Seabest Foods, Inc.* (1996) 14 Cal.4th 434, 444, fn. 3; see also *Estate of Sanchez* (2023) 95 Cal.App.5th 331, 336, fn. 5 [explaining that courts have “discretion to augment the record with materials that were before the trial court when it issued the order on appeal”].) Reviewing courts “may take judicial notice of appropriate materials under Evidence Code section 451 et seq., where relevant to a material issue on appeal” (*Estate of Sanchez*, at p. 336, fn. 5), but “generally do not take judicial notice of evidence not presented to the



trial court absent exceptional circumstances” (*In re K.M.* (2015) 242 Cal.App.4th 450, 456). Where appropriate, courts may “take judicial notice of the *existence* of each document in a court file, . . . [but] not . . . the truth of hearsay statements in decisions and court files. [Citation.] Courts may not take judicial notice of allegations in affidavits . . . in court records because such matters are reasonably subject to dispute and therefore require formal proof.” (*Lockley v. Law Office of Cantrell, Green, Pekich, Cruz & McCort* (2001) 91 Cal.App.4th 875, 882 (*Lockley*).)

First, Sepehry-Fard requests augmentation with his earlier motion for “summary reversal” (boldface & capitalization omitted) in this appeal, which this court denied. Although the denial was without prejudice to Sepehry-Fard raising issues in his merits briefing, the motion itself has no relevance to the issues on appeal, as it came after the order Sepehry-Fard challenges. But construing the motion as a request for judicial notice of various exhibits, we will grant the request as to the following documents relevant to this appeal: (1) The September 30, 2016 order striking Sepehry-Fard’s statement of disqualification; (2) the September 30, 2016 order granting a defense motion to declare Sepehry-Fard a vexatious litigant, require Sepehry-Fard to furnish a security, and impose a prefilng order; and (3) the September 30, 2016 prefilng order. We otherwise deny the request.<sup>5</sup>

Second, Sepehry-Fard requests augmentation with transcripts from hearings in September and November 2016 in a federal bankruptcy action in which he unsuccessfully objected to the disposition of certain proceeds from a sale of real property. We discern

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<sup>5</sup> We note that the exhibits to the motion for summary reversal include several affidavits Sepehry-Fard apparently attached to a document titled “Plaintiff’s Affidavit of Truth and Statement Regarding Request for Entry of Default and Default Judgment to be Entered by the Clerk of Court.” (Boldface & some capitalization omitted.) Assuming these documents are court records, Sepehry-Fard does not demonstrate that they were before the trial judge ruling on the application, nor may we take judicial notice of the truth of the allegations within them.

no viable nexus between the bankruptcy proceeding and Sepehry-Fard's appellate arguments. Contrary to Sepehry-Fard's assertions, the transcripts have no tendency to show the trial judge he sought to disqualify was part of a larger conspiracy to prevent Sepehry-Fard from seeking redress in any forum for issues related to a sale of property in connection with the bankruptcy. To the extent Sepehry-Fard would have us take judicial notice of the transcripts for the truth of hearsay statements made at the hearing, we cannot do so. (*Lockley, supra*, 91 Cal.App.4th at p. 882.) We therefore deny the November 20, 2023 motion.

Third, Sepehry-Fard requests augmentation with many documents dating from 2016 to 2017 to support his assertion that money rightfully his was embezzled in the bankruptcy proceeding. Sepehry-Fard's theory of relevance to this appeal is that the trial court—by declaring him a vexatious litigant in his 2016 state action—aided and abetted the embezzlement in the bankruptcy proceeding. But augmentation would be improper because Sepehry-Fard has not shown that these records were before the trial court in connection with any of the relevant rulings.<sup>6</sup> And judicial notice would be improper because Sepehry-Fard has not shown how any properly noticeable facts in these

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<sup>6</sup> In what he styles as a supplemental motion to strike U.S. Bank's opposition to this motion to augment, Sepehry-Fard requests judicial notice of (1) the brief and (2) request for judicial notice he claims to have filed in opposition to the 2016 motion to declare him a vexatious litigant and impose a prefiling order. As we understand it, the purpose of this filing is to show that certain documents were placed before the trial court and that the trial judge erred in deeming Sepehry-Fard a vexatious litigant to such an extent that she herself is implicated in "fraud[]." Even if we were to overlook the procedural impropriety of this late request for judicial notice (see Cal. Rules of Court, rule 8.252(a); *Mangini v. R. J. Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057, 1064 ["Requests for judicial notice should not be used to 'circumvent[]' appellate rules and procedures, including the normal briefing process"], overruled on another ground in *In re Tobacco Cases II* (2007) 41 Cal.4th 1257, 1276), neither document is file stamped or bears other proof of filing. So we deny the "supplemental" motion.

documents are relevant to the present appeal. We deny the August 20, 2024 motion to augment.

**2. *Sepehry-Fard's Other Motions***

Sepehry-Fard moved to strike U.S. Bank's merits brief, its opposition to two of his motions to augment, and its request for oral argument, each time requesting sanctions. The premise of Sepehry-Fard's motions is that U.S. Bank—the plaintiff in the case number he appealed from—has no right to sue him (and, he adds, U.S. Bank's attorney has no right to represent it). But U.S. Bank's standing to sue Sepehry-Fard and any other issues relating solely to the unlawful detainer action are irrelevant to this appeal. Moreover, Sepehry-Fard's contention that U.S. Bank does not exist is belied by his own evidence. And Sepehry-Fard's other arguments—including those about the opportunities he has foregone due to the time he has spent engaged in litigation, his suggestion that his litigation opponents (and possibly also judges who have ruled against him) are subject to the death penalty, and his expatriation by declaration out of the “UNITED STATES, a federal corporation”—do not support his request to strike U.S. Bank's filings or otherwise further our review of the challenged order.

We deny Sepehry-Fard's November 28, 2023 motion to strike, December 13, 2023 motion to strike, August 21, 2024 motion to strike, August 26, 2024 motion to strike, and August 26, 2024 supplemental motion to strike U.S. Bank's request for oral argument, together with all associated requests for sanctions.

**C. *Sepehry-Fard's Claim of Bias and His Challenge to the Order Striking his Statement of Disqualification***

Sepehry-Fard contends that the denial of his application to vacate is void because the judge had no authority to act. In his view, the judge lacked authority because he had disqualified her and filed “many crime reports against” her due to her “repeated

misconduct.”<sup>7</sup> Alluding to the same judge’s order striking his statement of disqualification, Sepehry-Fard contends that the order is trumped by notarized affidavits he collected charging the trial judge with bias against him. Further, Sepehry-Fard argues that the imposition of the prefiling order shows the courts to be helping attorneys and “quasi actors” steal Sepehry-Fard’s land and money.<sup>8</sup> Sepehry-Fard’s appeal, however, suffers from two independent defects.

First, as procedural matter, the merits of the September 2016 order striking his statement of disqualification and the contemporaneous prefiling order cannot now be challenged: The disqualification issue was cognizable only by a timely petition for writ of mandate (§ 170.3, subd. (d)), and the prefiling order became final in 2017, precluding him from challenging it again now (see *Estate of Sapp* (2019) 36 Cal.App.5th 86, 100 [explaining that dismissal of appeal with prejudice had the effect of affirming a judgment, so the appellant was barred from challenging the judgment in any other appeal]).<sup>9</sup>

Second, we have no record of the content of his later application to vacate that order or of the arguments he raised in the trial court. So the record he designated does not establish that he preserved any of his contentions for appeal. (See *Foust v. San Jose Construction Co., Inc.* (2011) 198 Cal.App.4th 181, 186, fn. 2; see *id.* at pp. 186–187; see also *Jameson v. Desta* (2018) 5 Cal.5th 594, 608–609.)

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<sup>7</sup> Sepehry-Fard contends that the trial judge was disqualified by virtue of a pending criminal indictment or information. (See Cal. Const., art. 6, § 18, subd. (a).) Accepting that Sepehry-Fard called for the trial judge’s prosecution, there is no indication that his call was heeded.

<sup>8</sup> Sepehry-Fard asserts that the trial judge “is being controlled” and is “temporally dead and or utterly corrupt.” Sepehry-Fard surmises that funds he maintains were embezzled from him in the 2016 bankruptcy proceedings, were wired to “unknown accounts” which “most likely” belonged to the trial judge and to a United States district judge who had also designated him a vexatious litigant.

<sup>9</sup> We reject Sepehry-Fard’s unsupported assertion that he can challenge the disqualification ruling at any time.

We nevertheless observe that the records Sepehry-Fard has since asked us to consider do not support his assertions. He proffers the opinions of a handful of affiants—opinions judicial notice would not permit us to consider. (See *Lockley, supra*, 91 Cal.App.4th at p. 882.) Even if we could treat these opinions as a proper matter for judicial notice, they are conclusory and lacking in factual foundation. And nothing in the transcript of a January 2020 hearing in another action suggests any impropriety by the trial judge.<sup>10</sup>

The trial judge was not disqualified from ruling on Sepehry-Fard’s application to vacate.<sup>11</sup> Sepehry-Fard was not deprived of his right to present the application to an unbiased judge. We reject Sepehry-Fard’s challenges to the order.<sup>12</sup>

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<sup>10</sup> Sepehry-Fard did not include the transcript in our record or make a proper request for judicial notice (see Cal. Rules of Court, rule 8.252), but instead noted in his briefing that the transcript was in the record of another of his appeals. Nevertheless, we have reviewed it.

<sup>11</sup> Sepehry-Fard suggests that the trial judge denied his application to thwart his attempts to secure discovery as an unlawful detainer defendant. But Sepehry-Fard has not supported this assertion by explaining how the prefiling order would preclude him from requesting discoverable matter and, as needed, requesting prefiling authorization for new litigation under section 391.7, subdivision (b).

<sup>12</sup> Beyond challenging the order, Sepehry-Fard asks that we award him damages for what he characterizes as (1) the trial judge’s deprivation of his rights under color of law (18 U.S.C. §§ 241, 242) and (2) the ruination of what would have been the 12 “best years” of his life. Sepehry-Fard also asks us to award him damages arising out of the foreclosure on a property in Saratoga. These claims are both beyond the scope of an appeal and unsupported by the record. To the extent there remain points in Sepehry-Fard’s briefing we have not specifically addressed, we have “exercise[d] our discretion to consider arguments for which we can discern a legal or factual basis in the briefs.” (*United Grand Corp. v. Malibu Hillbillies, LLC* (2019) 36 Cal.App.5th 142, 153.) “ ‘We are not obliged to make other arguments for [appellant] [citation], nor are we obliged to speculate about which issues [appellant] intend[ed] to raise.’ ” (*Ibid.*)

### **III. DISPOSITION**

We affirm the January 18, 2022 order denying Sepehry-Fard's application to vacate the prefiling order and remove him from the Judicial Council's vexatious litigant list.

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LIE, J.

WE CONCUR:

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GROVER, Acting P. J.

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DANNER, J.

*U.S. Bank National Association v. Sepehry-Fard*  
H049806

## APPENDIX C

Decision of 6<sup>th</sup> California State Court of Appeal Case  
Number H049806 - motion for rehearing





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

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR  
GREENPOINT MORTGAGE TRUST MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2007-AR2,

Plaintiff and Respondent,

v.

FAREED SEPEHRY-FARD,

Defendant and Appellant.


H049806

Santa Clara County Super. Ct. No. 17CV314286

BY THE COURT\*:

Appellant's petition for rehearing is denied.

Date: 01/22/2025

 Acting P.J.

\*Before Grover, Acting P.J., Danner, J., and Lie, J.

# APPENDIX E

Decision of California State Supreme Court  
Case Number S288974



SUPREME COURT  
**FILED**

Court of Appeal, Sixth Appellate District - No. H049652

MAR 26 2025

S288974

Jorge Navarrete Clerk

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**IN THE SUPREME COURT OF CALIFORNIA** Deputy

**En Banc**

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U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GREENPOINT  
MORTGAGE TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES  
2007-AR2, Plaintiff and Respondent,

v.

FAREED SEPEHRY-FARD, Defendant and Appellant.

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The petition for review is denied.

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**GUERRERO**

*Chief Justice*

# APPENDIX F

Decision of 6<sup>th</sup> California State Court of Appeal  
Case Number H049652



**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

U.S. BANK NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
GREENPOINT MORTGAGE TRUST  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-AR2,

Plaintiff and Respondent,

v.

FAREED SEPEHRY-FARD,

Defendant and Appellant.

H049652  
(Santa Clara County  
Super. Ct. No. 17CV314286)

Defendant Fareed Sepehry-Fard appeals from the denial of his pretrial motion for injunctive and monetary relief in a post-foreclosure unlawful detainer proceeding under Code of Civil Procedure section 1161a.<sup>1</sup> By his motion, Sepehry-Fard sought an order setting aside the nonjudicial foreclosure sale, dismissing of the unlawful detainer action, and enjoining plaintiff U.S. Bank National Association (U.S. Bank) and other nonparties from harassing or contacting him. He also sought more than \$145 million in damages. The trial court denied the motion as “[un]supported by law or admissible evidence.”

We affirm the denial of injunctive relief and the related requests for equitable relief and dismissal. (See §§ 904.1, subd. (a)(6) [making appealable the denial of

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<sup>1</sup> Undesignated statutory references are to the Code of Civil Procedure.

injunctive relief], 906 [permitting review of certain intermediate orders].) The pretrial denial of his request for monetary relief is not appealable.

## **I. BACKGROUND**

U.S. Bank filed its unlawful detainer complaint against Sepehry-Fard in 2017. U.S. Bank alleged that it purchased real property at a foreclosure sale, perfected title under the sale by recording the trustee's deed upon sale, and served a three-day notice to quit but Sepehry-Fard continued in possession of the property. Sepehry-Fard answered, admitting that he retained possession of the property.

The trial court denied Sepehry-Fard leave to file a cross-complaint. Later, while the case was removed to federal court, Sepehry-Fard cross-complained asserting many claims against U.S. Bank and others. Sepehry-Fard has since unsuccessfully moved the trial court for default judgment.

Styling himself as a cross-complainant, Sepehry-Fard filed the motion at issue in this appeal, which he captioned as a request for an injunction and monetary relief. Sepehry-Fard argued that U.S. Bank and others conspired to rig the nonjudicial foreclosure auction by falsely reporting that it had been postponed, suppressing the sale price.<sup>2</sup> Sepehry-Fard argued that “the alleged sale should be set aside so that a new sale can be held and the owner can seek to benefit from competition” and he should be awarded roughly \$150 million in damages based on the market value of the property (trebled and with interest), his time spent defending his home, and punitive damages. Sepehry-Fard also contended that the foreclosure process was defective because U.S. Bank lacked standing and failed to show that any entity involved had the authority to foreclose. Sepehry-Fard asked for an order dismissing U.S. Bank's complaint with

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<sup>2</sup> Sepehry-Fard generally referred to “Cross Defendants.” We understand the term to encompass U.S. Bank and others.

prejudice, enjoining U.S. Bank from harassing or contacting him, and awarding monetary relief.

In support of his motion, Sepehry-Fard filed two affidavits—from himself and from Nasser Wahab Hamidy, respectively. Sepehry-Fard also filed transcripts he prepared relating his interactions with the foreclosing trustee and the auctioneer. The thrust of Sepehry-Fard’s evidence was that on July 6, 2017, the trustee told him that the foreclosure sale previously scheduled for that day had been postponed to July 20; the auctioneer confirmed the postponement to potential bidders, but the property was nevertheless sold on July 6 to the foreclosing beneficiary as the lone bidder at the auction.

Opposing the motion, U.S. Bank argued among other things that the request for injunctive relief should be denied because the summary nature of unlawful detainer proceedings precludes affirmative relief to the defendant and there was no operative cross-complaint.

In reply, Sepehry-Fard challenged the court’s jurisdiction. He argued that as a “sovereign American” (boldface omitted) he was immune from suit. Yet he also used the reply to renew his previously denied request for a default judgment “on the remanded case,” which we understand to be Sepehry-Fard’s inoperative cross-complaint.

Sepehry-Fard also argued that U.S. Bank was not the owner of the debt so it lacked authority to foreclose. As to possession, Sepehry-Fard argued that U.S. Bank had not duly perfected title as required by section 1161a because Sepehry-Fard had recorded a lis pendens before the sale.

In December 2021, the trial court denied Sepehry-Fard’s motion. Sepehry-Fard timely appealed.

## II. DISCUSSION

On appeal, the trial court’s order is presumed correct. (See *Jameson v. Desta* (2018) 5 Cal.5th 594, 608–609.) Sepehry-Fard must overcome the presumption by demonstrating error on the record before us. (*Id.* at p. 609.) As a self-represented

litigant, he “is entitled to the same, but no greater, consideration than other litigants and attorneys” and “is held to the same restrictive rules of procedure as an attorney.” (*Nelson v. Gaunt* (1981) 125 Cal.App.3d 623, 638–639.) These rules of procedure require, among other things, organizing one’s brief into separate points and supporting each point with reasoned argument, authority, and record citations. (*United Grand Corp. v. Malibu Hillbillies, LLC* (2019) 36 Cal.App.5th 142, 153 (*United Grand*).) Although as a matter of discretion we will “consider arguments for which we can discern a legal or factual basis in the briefs,” we will neither “ ‘make other arguments for’ ” an appellant nor “ ‘speculate about which issues [appellant] intend[ed] to raise.’ ” (*Ibid.*)

We adhere to these principles in our review of Sepehry-Fard’s various arguments.

**A. Jurisdiction**

Sepehry-Fard challenges the trial court’s exercise of both personal and subject matter jurisdiction. Neither challenge has merit.

“Personal jurisdiction is conferred by service on the tenant of the unlawful detainer summons and complaint.” (*Borsuk v. Appellate Division of Superior Court* (2015) 242 Cal.App.4th 607, 612.) Personal jurisdiction may be challenged by moving to quash service of the summons. (See *Stancil v. Superior Court* (2021) 11 Cal.5th 381, 402.) But a defendant’s general appearance forfeits objections to service. (See *Fireman’s Fund Ins. Co. v. Sparks Construction, Inc.* (2004) 114 Cal.App.4th 1135, 1147.) Because Sepehry-Fard not only answered the complaint but has asked the court to grant him the affirmative relief of an injunction and damages, he may not now contest personal jurisdiction based on an alleged defect in service. (See *In re Marriage of Obrecht* (2016) 245 Cal.App.4th 1, 7–8.) Nor do his claims of sovereign citizenship entitle him to at once invoke the court’s jurisdiction for his own ends and evade its jurisdiction as a defendant.<sup>3</sup>

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<sup>3</sup> To the extent Sepehry-Fard appears to question whether the property at issue is within the jurisdiction of the court, the county in which the real property is located is the



Sepehry-Fard also argues that the trial court lacked jurisdiction over this unlawful detainer proceeding because U.S. Bank lacked standing to foreclose. (See, e.g., *People ex rel. Becerra v. Superior Court* (2018) 29 Cal.App.5th 486, 496.) But U.S. Bank has properly pleaded facts supporting its standing to sue under section 1161a, and Sepehry-Fard has not articulated a viable challenge to U.S. Bank's allegations.

For the first time in various motions filed after his appellate briefing, Sepehry-Fard asserted that U.S. Bank is a defunct entity that therefore lacks standing. But Sepehry-Fard has not supplied evidence that would support this claim. His own evidence, for example, includes a printout from the Office of the Comptroller of the Currency's list of national banks active as of February 28, 2023, which identifies "U.S. Bank National Association" as an active national bank operating out of Ohio. Moreover, the Federal Deposit Insurance Corporation (FDIC) website information Sepehry-Fard provided merely reflects that "U.S. Bank National Association" with "FDIC Cert #" 5134 was succeeded, through merger or acquisition, by "U.S. Bank National Association" with "Cert – 6548," an "FDIC Insured" institution, on August 9, 2001.

## **B. Other Appellate Motions**

### **1. Sepehry-Fard's Motions to Augment**

This court construed four of Sepehry-Fard's motions to augment as requests for judicial notice and deferred them for consideration with the appeal. We now deny them.

When we review the correctness of the trial court's order, we generally only consider matters that were part of the record at the time the trial court entered the order. (*Vons Companies, Inc. v. Seabest Foods, Inc.* (1996) 14 Cal.4th 434, 444, fn. 3 (*Vons*).) A party on appeal cannot use the augmentation process to present materials that were not

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proper county for the trial of an unlawful detainer action. (§ 392.) The property is located in Santa Clara County.

before the trial court at the time of the order, including matters that occurred during the pendency of the appeal. (*Ibid.*; *In re K.M.* (2015) 242 Cal.App.4th 450, 456.) Nor do we normally take judicial notice of matters that were not before the trial court. (*Vons*, at p. 444, fn. 3.) The party seeking judicial notice must demonstrate the relevance of the materials to the issues in the appeal. (See *Doe v. City of Los Angeles* (2007) 42 Cal.4th 531, 544, fn. 4; *Roth v. Jelley* (2020) 45 Cal.App.5th 655, 678, fn. 10.)

Through the deferred motions, Sepehry-Fard seeks to augment the record only with trial court filings made after the trial court issued its December 2021 order denying his motion. Treated as requests for judicial notice, Sepehry-Fard has not demonstrated that the subjects of his requests are relevant to the dispositive issues on appeal. Sepehry-Fard's motions filed August 29, 2022; September 7, 2022; November 14, 2023; and November 15, 2023 are denied.<sup>4</sup>

## **2. Sepehry-Fard's Other Motions**

Sepehry-Fard's remaining motions<sup>5</sup> assert that U.S. Bank lacks standing as a defunct entity and that this court should hold an evidentiary hearing to determine the wrongdoing of all entities involved in the foreclosure; review additional trial court orders unrelated to the present appeal; and award damages from or impose sanctions on

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<sup>4</sup> Sepehry-Fard's October 24, 2024 motion for reconsideration and November 22, 2024 request for judicial notice are also denied. Both motions include requests for judicial notice, but Sepehry-Fard's apparent theory of relevance requires us to accept the truth of hearsay facts recited in the attached documents. (Cf. *Lockley v. Law Office of Cantrell, Green, Pekich, Cruz & McCort* (2001) 91 Cal.App.4th 875, 882.)

<sup>5</sup> These are a November 21, 2023 motion to strike U.S. Bank's opposition to certain motions to augment (and a November 22, 2023 application for leave to reply to the opposition); a November 27, 2023 request for an evidentiary hearing; a November 28, 2023 motion to strike; a November 29, 2023 request for relief for fraud on the court; a December 13, 2023 motion to strike U.S. Bank's merits brief; an August 26, 2024 motion to strike U.S. Bank's request for oral argument; an August 26, 2024 supplemental motion to strike U.S. Bank's request for oral argument; and a December 2, 2024 motion to strike U.S. Bank's opposition to a request for judicial notice.

U.S. Bank, its attorneys, and various nonparties for taking action against Sepehry-Fard's property without the legal right to do so. But Sepehry-Fard has not proffered any basis to question U.S. Bank's existence. And we can see no basis for precluding U.S. Bank from participating in this appeal, as the party against whom Sepehry-Fard sought the relief at issue in this appeal. Appellate motion practice in this appeal is not the proper context to litigate Sepehry-Fard's challenges to U.S. Bank's role in the foreclosure process or its prosecution of an unlawful detainer action; we lack a jurisdictional basis to try Sepehry-Fard's claims in the first instance. (See §§ 904.1, 906; *Jennings v. Marralle* (1994) 8 Cal.4th 121, 126; *Cahill v. San Diego Gas & Electric Co.* (2011) 194 Cal.App.4th 939, 946, 948–949 (*Cahill*); see also Cal. Const., art. VI, §§ 1, 10–11.)

We deny the motions dated November 21, 2023; November 22, 2023; November 27, 2023; November 28, 2023; November 29, 2023, December 13, 2023, August 26, 2024, and December 2, 2024.

**C. Unavailability of Affirmative Relief**

Because of the summary nature of an unlawful detainer action concerning the right to possession, defendants are generally not permitted to file cross-complaints or counterclaims. (See *Glendale Fed. Bank v. Hadden* (1999) 73 Cal.App.4th 1150, 1153 (*Glendale*); see also *Tide Water Assoc. Oil Co. v. Superior Court* (1955) 43 Cal.2d 815, 824.) We acknowledge that postremoval filings made in federal court may, in appropriate circumstances, be given effect after remand to state court. (See *Laguna Village, Inc. v. Laborers' Internat. Union of North America* (1983) 35 Cal.3d 174, 180–182 [reversing denial of motion for relief from default entered after remand, because defendant's motion to dismiss filed in federal court constituted a timely responsive pleading].) But Sepehry-Fard circumvented the trial court's denial of leave to cross-complain by improvidently removing the case to federal court, and on remand the trial court has denied his request for entry of default. We are aware of no authority that would either require the trial court to give effect to the cross-complaint it denied

Sepehry-Fard leave to file or permit us to do so, and Sepehry-Fard cites none. Nor does Sepehry-Fard cite authority suggesting that he may appeal from the denial of a request to enter default on a cross-complaint. (Cf. *Brown v. Sterling Fixture Co.* (1917) 175 Cal. 563, 565.) This is fatal to Sepehry-Fard's claim that the trial court erred in denying him injunctive and equitable relief.

Sepehry-Fard asked the trial court for an injunction barring U.S. Bank from harassing or contacting him. The stated purpose for this request was to stop "any and all actions against" him. On appeal, Sepehry-Fard says that U.S. Bank's attorneys are "harass[ing], intimidat[ing], demoniz[ing], stalk[ing]," and trying to "extort monies and properties" from him. (Sepehry-Fard also asserts that the foreclosure sale should be set aside and the unlawful detainer action should be dismissed.) We identify no error in the trial court's denial of these forms of relief on Sepehry-Fard's motion.

Sepehry-Fard has not stated a legal basis for the injunction he sought. Nor has he clearly identified the facts he believes specifically support his request for such an injunction. The affidavits he filed in the trial court focused on his difficulty in securing a reinstatement quote before the foreclosure sale, alleged irregularity in the 2017 foreclosure sale, and the sale price, and economic, physical, and emotional damage he reports as a result. Although Sepehry-Fard emphasizes the affidavits in his appellate briefing, he does not explain why the allegations therein entitle him to injunctive relief.<sup>6</sup>

We infer that what Sepehry-Fard sought to enjoin as harassment is U.S. Bank's prosecution of this unlawful detainer proceeding. We understand the theory of harassment as follows: (1) The foreclosure sale was corrupt and should be set aside;

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<sup>6</sup> Sepehry-Fard argues that "an un[]rebutted affidavit is truth." Even disregarding the trier of fact's discretion to make adverse credibility determinations (see, e.g., *Harris v. Stampolis* (2016) 248 Cal.App.4th 484, 497 [explaining substantial evidence review of order granting restraining order]), Sepehry-Fard has not shown that the facts, if true, would entitle him to the relief he seeks.

- (2) U.S. Bank’s unlawful detainer proceeding should accordingly be dismissed;
- (3) U.S. Bank’s continued prosecution of a baseless unlawful detainer is harassment to be enjoined. But Sepehry-Fard on appeal must establish that the trial court erred in rejecting of these inferential links, and he has not done so.

Preliminarily, we note that Sepehry-Fard has not articulated why an unlawful detainer action could be enjoined as harassment. Even under Code of Civil Procedure section 527.6, litigation activity cannot be considered part of a course of conduct of harassment. (See *Hansen v. Volkov* (2023) 96 Cal.App.5th 94, 104–105.) Nor has Sepehry-Fard identified any other conduct might entitle him to injunctive relief. (See *United Grand, supra*, 36 Cal.App.5th at p. 153.)

“[T]he traditional method” for challenging a consummated nonjudicial foreclosure sale “is a suit in equity to set aside the trustee’s sale.” (*Lona v. Citibank, N.A.* (2011) 202 Cal.App.4th 89, 103.) As a matter of process, Sepehry-Fard has not shown that a statutory proceeding for unlawful detainer is a proper vehicle for prosecuting any affirmative cross-claim, let alone a claim to set aside a nonjudicial foreclosure sale, whether identified as such or as injunctive relief preventing harassment. (See *Glendale, supra*, 73 Cal.App.4th at p. 1153.) Sepehry-Fard has demonstrated no entitlement to injunctive or equitable relief on this record.

We turn to whether the trial court erred in denying Sepehry-Fard’s requests as they relate to any defenses to the unlawful detainer complaint. In that vein, we could construe Sepehry-Fard’s reliance on the supporting evidence he supplied as a species of request for summary judgment or summary adjudication of U.S. Bank’s claim or any of his myriad asserted defenses to it. But construed as such, his request would generally be subject to section 437c’s procedural requirements. (See generally *Pianka v. State of California* (1956) 46 Cal.2d 208, 211–212 [explaining that statutory summary judgment procedure superseded prior common law procedure]; §§ 437c, subd. (s), 1170.7, 1177.) And the denial of a summary judgment motion is subject to writ review; it is not

appealable except from the entry of a final judgment. (See § 437c, subd. (m)(1) [“Upon entry of an order pursuant to this section, except the entry of summary judgment, a party may . . . petition an appropriate reviewing court for a peremptory writ”]; *Federal Deposit Ins. Corp. v. Dintino* (2008) 167 Cal.App.4th 333, 343.)

**D. *Sepehry-Fard’s Request for Monetary Relief***

Contending that U.S. Bank and others rigged the bidding process at the foreclosure sale, Sepehry-Fard sought damages. On appeal, he contends that he provided unrebutted evidence of damages due to bid-rigging, so he should have been granted “monetary relief.” Although the procedural limits on a defendant’s ability to seek affirmative relief would apply equally to a request for monetary relief, we lack discretion to reach the procedural merits of a nonappealable order, so we will not. As U.S. Bank observes, an interlocutory order denying damages is neither independently appealable under Code of Civil Procedure section 904.1 nor made appealable by Sepehry-Fard’s decision to include a claim for damages in his request for an injunction in this summary proceeding.

The trial court’s order denying injunctive relief is made appealable by Code of Civil Procedure section 904.1, subdivision (a)(6). But even if a defendant charged with unlawful detainer could affirmatively countersue for damages in the summary proceeding, the trial court’s order denying that relief is not independently appealable. (See generally *In re Marriage of Grimes & Mou* (2020) 45 Cal.App.5th 406, 418; *Cahill*, *supra*, 194 Cal.App.4th at p. 948.)

It is true that in reviewing the denial of injunctive relief, we also “may review . . . any intermediate ruling, proceeding, order or decision” that (1) “involves the merits,” (2) “necessarily affects the . . . order appealed from,” or (3) “substantially affects the rights of a party.” (§ 906; *Cahill*, *supra*, 194 Cal.App.4th at p. 946 [describing three statutory prerequisites as “alternative[s]”]; but see *Estate of Dayan* (2016) 5 Cal.App.5th 29, 38 [describing “three-part statutory test”].) But an “‘intermediate’ ” ruling is one “that led up to, or directly relates to, the judgment or order being appealed.” (*Cahill*, at

p. 948 [defining “ ‘intermediate’ ” to limit appealability of orders that substantially affect the rights of a party].) The fact that multiple requests are denied in a single order, however, does not necessarily make their denials uniformly appealable. (See *Oiye v. Fox* (2012) 211 Cal.App.4th 1036, 1060 [holding that discovery ruling included in order issuing injunction was not appealable because it was unrelated to the merits of the injunction and did not necessarily affect it].)

Relative to the denial of an injunction, the trial court’s denial of Sepehry-Fard’s request for damages is not an intermediate decision that involves the same merits, necessarily affects the appealed order, or substantially affects the rights of a party. We have inferred that Sepehry-Fard’s request for injunctive relief ultimately flows from an alleged irregularity in the foreclosure sale—the foreclosing trustee first announced postponement of the sale before reversing course and holding the sale. We recognize that Sepehry-Fard’s claim for damages begins with the same factual predicate, which he contends demonstrates that U.S. Bank artificially suppressed the sale price. But nothing in section 906 permits the appeal of a nonappealable order on the sole ground that it rests on a predicate fact common to the appealable one. The denial of damages turns here on his inability to prosecute such a claim by pretrial motion in an unlawful detainer proceeding. (See *Cahill, supra*, 194 Cal.App.4th at pp. 943–944, 946–947 [holding that order denying defendant’s motion for summary judgment on plaintiff’s personal injury claims was not reviewable on appeal from order dismissing defendant’s cross-complaint, which turned on assessment of whether plaintiff settled claims against cross-defendants in good faith].) The denial of injunctive relief turns on Sepehry-Fard’s inability to establish a legal right to enjoin an unlawful detainer proceeding as harassment. Because

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

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR  
GREENPOINT MORTGAGE TRUST MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2007-AR2,  
Plaintiff and Respondent,

v.


FAREED SEPEHRY-FARD,  
Defendant and Appellant.

H049652  
Santa Clara County Super. Ct. No. 17CV314286

BY THE COURT\*:

Appellant's petition for rehearing is denied.

Date: 01/22/2025

 Acting P.J.

\*Before Grover, Acting P.J., Danner, J., and Lie, J.



**Additional material  
from this filing is  
available in the  
Clerk's Office.**