APPENDIX

A. United States Court of Appeal for the Ninth Circuit
Case 23-4003; Order filed on April 25, 2025.

B. United States District Court
Central district of California
Case 2:23-cv-06909-RGK-RAO; Order filed on November 2, 2023.

C. The complaint 2:23-cv-06909; *This complaint is too heavy and costly (188 pages x 40 sets=7,520 pages) for the books.
So, kindly look into; Pager 2:23-cv-06909; Docket 1, Page ID from 1 to 188. (Doc 1 is the complaint).

Together with 1 set of non-bind Certiorari, Petitioner mailed 1 set of 188 pages of paper printed Complaint 188 pages for your reference.

Appendix A case 23-4003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT [No. 23-4003 filed April 25, 2025]

JAE S. NAH, Plaintiff – Appellant

v.

ANDREW V. JABLON; MYCHAEL E. BYERTS; RESCH POLSTER & BERGER, LLP.
GENNADY LEBEDEV; ETHAN MICHAEL; SAM HELMI; LM & H LAWFIRM
BRIAN HUH, president and CEO of Royal Printex Inc. and Royal Textile print Inc.; ROYAL TEXTILE PRINT INC.; ROYAL PRINTEX INC. ;
ANDREW KIM, Defendants – Appellees.

Appeal from the United States District Court for Central District of California (case 2:23-cv-06909)

R. Gary Klausner, District Judge, Presiding

Before: RABER, H.A. THOMAS, and JOHNSTONE, Circuit Judges.

- This deposition is not appropriate for publication and is not precedent except as provided by Nonth Circuit Rule 36-3.

- The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Jae S. Nah appeal pro se from the district court's judgment dismissing his independent action to set aside prior judgments for fraud on the court under federal rule of procedure 60. We have jurisdiction under 28 U.S.C. section 1291.

We review de novo a dismissal under Federal Rule of Civil Procedure 12(b)(1). *Carolina Cas. Ins. Co. v. Team Equip., Inc.*, 741 F.3d 1082, 1086 (9th Cir. 2014). We may affirm on any ground supported by the record. *Shanks v. Dressel,* 540 F.3d 1082, 1086 (9th Cir. 2008). We affirm.

Dismissal of Nah's action was proper because Nah failed to allege facts sufficient to show conduct that amounted to fraud on the court. *See United States v. Beggerly,* 524 U.S. 38, 47 (1998) (concluding that "an independent action should be available only to prevent a grave miscarriage of justice"); *United States v. Sierra Pac. Indus., Inc.*, 862 F.3d 1157, 1167-68 (9th Cir. 2017) ("In determining whether fraud constitutes fraud on the court, the relevant inquiry is not whether fraudulent conduct prejudiced the opposing party, but whether it harmed the integrity of the judicial process." (citation and internal quotation marks omitted)); *Appling v. State Farm Mut. Auto. Ins. Co.,* 340 F. 3d 769,780 (9th Cir. 2003) (setting forth standard of review for an independent action to set aside a prior judgment).

Appendix B

UNITED STATES DISTRICT COURT NO JS6
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case NO. 2:23-CV-06909 Date November 2, 2023
Title Jae S. Nah v. Andrew v. Jablon et al.

Present: The Honorable R. GARY KLAUSNER.

Deputy Clerk Joseph Remigio

Proceeding: (IN CHAMBERS) Order Re: Motion to dismiss [Des 23, 24]

I. INTRODUCTION and FACTUAL BACKGROUND

This case is the latest in a quixotic legal saga spanning eight years and about as many lawsuit. Jae S. Nah (plaintiff) was the owner of a now-defunct company LA Printex Industries Inc. ("LAP"). LAP had a dispute with another company, Royal Printex Inc. ("RP") over whether LAP had granted RP on oral license to use LAP's copyrighted designs. RP consequently filed on action in state court (the "state court action", BC571555). LAP removed the

action to federal court (the "removal action", 2:23-cv-02075). However, the court found that LAP had failed to establish subject matter jurisdiction, and thereby remanded the action back to the state court. After a bench trial, the state court found that LAP gave RP a license and thereby entered judgment in RP's favor. Meanwhile, LAP filed multiple copyright infringements suits against RP and other defendants

in federal courts (the "infringement actions", 2:25-cv-02343, 2:25-cv-02347, 2:25-cv-02351). However, these actions were stayed and ultimately dismissed following the conclusion of the state court action.

Unwilling to accept these rulings, on May 24, 2018, Plaintiff filed a pro se complaint in federal court alleging that RP, its officers, affiliates, and attorneys, and even LAP's attorneys (collectively "defendants") had defrauded the courts in each of the State court, Removal, and infringement Actions (collectively, the "challenged Actions", 2:18-cv-03767). Plaintiff requested that the court vacate the rulings in each of this actions as well as find defendants liable for millions in damages. The court dismissed this action sua sponte for lack of subject matter jurisdiction and failure to prosecute.

Undeterred. On September 25, 2019. Plaintiff filed a near identical suit (2:19-cv-08310). This time Plaintiff further alleged that the court had subject matter jurisdiction through some nebulous combination of the federal Rules of civil procedure and federal statutes. The court dismissed action twice. First giving Plaintiff leave to amend. But dismissing the case outright after plaintiff failed to

cure numerous defects including the lack of subject matter jurisdiction.

Still undeterred. On August 22, 2023, Plaintiff filed the instant action against the same defendants for a third time. (Compl.. ECF No. 1.) Plaintiff alleges that defendants defrauded the courts. Plaintiff thereby asks the court to vacate the rulings in the challenged Actions under Federal Rule of Civil Procedure ("Rule") 60, as well as award damages

pursuant to Rule 11, 18 U.S.C. section 371, 912, 1001, 1031, 1509, and Racketeer Influenced and Corrupt Organization ("RICO") Act. (*id.* at 4-5.)

Presently before the Court are Defendants' Motion to dismiss. (ECF Nos. 23-24) Defendants argued that the Complaint should be dismissed in its entirety for lack of subject matter jurisdiction under sanction Plaintiff as a vexatious litigant by requiring him to obtain preapproved before refiling any similar claims in the future. For the following reasons, the Court **GRANTS** Defendants' Motions **in part**.

II. JUDICIAL STANDARD

A. Rule 12(b)(1)

Dismissal is appropriate under Rule 12(b)(1) where a court lacks subject matters under jurisdiction over the Plaintiff's claims. Fed. R. Civ. P. 12(b)(1). The Court begins with the principle that "[f]ederal courts are courts of limited jurisdiction" and presumptively lack jurisdiction over an action. *Kokkonen v. Guardian Life Ins. Co. of Am.*. 511 US. 375, 377 (1994). The burden of demonstrating subject matter jurisdiction rests on the party asserting jurisdiction. *Id.*

Article III of the Constitution limits the jurisdiction of federal courts to "Cases" and "Controversies" *Lujan v. Defs. of Wildlife,* 504 US. 555, 560 (1992). One of the essential components of the Article III case or controversy requirement is that a Plaintiff must have standing. *Id.* There are three elements that need to be met for a party to have standing to bring a suit in federal court: (1) an injury in fact. (2) a causal connection between the injury and the

defendant's conduct. And (3) the injury will likely be redressed by a decision in the plaintiff's favor. *Id.* At 560-61.

B. Rule 12 (b)(6)

Under Rule 8(a), a complaint must contain a "short and plain statement of the claim showing that the [plaintiff] is entitled to relief. *Bell Atl. Corp v. Twombly* (2007). If a complaint fails to adequately state a claim for relief, the defendant may move to dismiss the claim under Rule 12(b)(6) to dismiss for failure to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6). " To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal, 556 US 662, 678* (2009) (quoting Twombly, 550 US. at 570). A claim is facially plausible if the plaintiff alleges enough facts to allow the court to draw a reasonable inference that the defendant is liable, but must provide more than mere conclusions. *Twombly*, 550 US. at 555. However, "[t]hreadbare recitals of the elements of a cause of action,

supported by mere conclusory statements do not suffice." *Iqbal*, 556 US. at 678.

When ruling on a 12(b)(6) motion, the court must accept the allegations in the complaint as true and construe them in the light most favorable to the non-moving party. *Cahill v. Liberty Mut. Ins. Co.*, 80F.3d 336, 337-38 (9th Cir. 1996). "Factual allegation must be enough to raise right to relief above the

speculative level." *Twombly,* 550 US. at 555. Dismissal is "appropriate only where the complaint lacks a cognizable legal theory or sufficient facts to support a cognizable legal theory." *Mendiondo v. Centinela Hosp. Med. Ctr.*. 521 F.3d 1097, 1104 (9th Cir. 2008).

Additionally, when a plaintiff alleges a claim sounding in fraud, she must meet the more exacting pleading requirements of Rule 9(b), which requires a party to "state with particularity the circumstances constituting fraud or mistake." Fed. R. Civ. P. 9(b). To satisfy this standard, a "complaint must identify the who, what, when, where, and how of the misconduct charged, as well as what is false or misleading about the purportedly fraudulent statement, and why it is false." *Salameh v. Tarsadia Hotel*, 726 F.3d 1124, 1133 (9th Cir. 2013).

III DISCUSSION

To make a complicated pleading simple, it appears that Plaintiff's Complaint asserts two types of claims: (1) vacatur of Challenged Actions under Rule

60; and (2) damages under a smorgasbord of citations to state a claim to the Federal Rules of Civil Procedure, United States Code, and the RICO Act. Defendants argue that both types of claims fail for lack of subject matter jurisdiction under Rule 12(b)(1) and for failure to state a claim under Rule 12(b)(6). The Court addresses each type of claim in turn. *

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*The court notes that defendants failed to meet and confer with Plaintiff prior to filing their Motions, thereby failing to comply with Local Rule 7-3. C.D. Cal. L.R. 7-3. Defendants argue that they are exempted from this requirement because Plaintiff is pro se. But the exemption applies when "the plaintiff is appearing pro se, in in custody, *and* is not an attorney." *Id* 16-12(c) (emphasis added). All three criteria must be met. See, e.g., *Lambertus v. Judaken*. 2022 WL 18358942. At *1 n. 1

A. Vacatur Under Rule 60

Plaintiff appears to invoke Rule 60 to argue that the Court should vacate the rulings in the Challenged Actions. As a preliminary matter, the Parties appear to argue over whether these requests may be brought as claims in an independent action rather than as motions filed in the respective actions. Under Rule 60, a plaintiff may bring an independent action when necessary to "prevent a grave miscarriage of justice." *United States v. Beggerly*. 524 US. 38. 57 (1998). This standard is highly "demanding"; courts shall entertain such an action only if the injustice is "deemed sufficiently gross to demand a departure' from rigid adherence to the

doctrine of res judicata." *Id* (quoting Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 US. 238, 244 (1944). It is highly dubious, even at the pleading stage, whether Plaintiff has demonstration that so great an injustice would occur. However, the Court need not decide this issue because even if an independent action were proper, this claim must be dismissed under Rule 12(b)(1) for lack of subject matter jurisdiction.

First, the Court lacks jurisdiction over the State court Action because district court lack the authority to review state court decisions. *D.C Cir. V. Feldman,* 460 US. 462, 482 (1983) ("a United States District Court has no authority to review final judgments of a state court in judicial proceedings.").

Second, the Court lacks jurisdiction over the removal action because it was remanded for lack of jurisdiction, and "[r]emand orders based on [lack of jurisdiction] are unreviewable on 'appeal or otherwise.'" *Seeman v. U.S. Dist. Ct. for Cent. Dist. of Cal.,* 837 F.2d 413, 414 (9th Cir. 1988) (citing 28 U.S.C. section 1447(d)): *Acad. of Country Music v. Cont'l Cas. Co.*, 991 F.3d 1059, 1065-67 (9th Cir. 2021). And, third, the Court lacks jurisdiction over the infringement Actions because Plaintiff lacks standing to challenge them. LAP brought the infringement Actions, not Plaintiff. Plaintiff thereby lacks the requisite injury in fact. *Lujan,* 504 U.S. at 560.

Accordingly, the Court **DISMISSES** Plaintiff's claims for vacatur under Rule 60.

B. Damages

Plaintiff also appears to seek damages under Rule 11, 18 USC Sec. 371, 912, 1001, 1031, 1509, and the RICO Act. Defendants argue that each of this claims fail because these rules and statutes do not create a civil cause of action and Plaintiff fails to state a claim under Rule 12(b)(6). The court agrees.

C. Leave to Amend

Plaintiff does not appear to request leave to amend in his complaint. Even if he had. Leave would not be

warranted. As the Supreme court has held. "repeated failure to cure deficiencies by amendments previously allowed--- and futility of amendment" are sufficient reason for a district court to deny leave. *Foman v. Davis*. 371 US. 178, 182 (196); *Nat'l Council of La Raza v. Cegavske*, 800 F.3D 1032, 1041 (9th Cir. 2015). This order marks the third time that a court has dismissed Plaintiff's claims. Plaintiff has proven himself incapable of curing the many deficiencies in his complaint. Further amendment would clearly be futile. Accordingly, the court DISMISSES Plaintiff's complaint in its entirety **with prejudice.**

D. Vexatious Litigant

Defendant also seek an order clearing Plaintiff a vexatious litigant requiring him to seek preapproval before filing similar lawsuits in the future. Specially, Defendants seek prefiling order stating;

Prior to Plaintiff filing any future litigation Against any of the named Defendants for claims arising out of, or related to, the state court, removal, or infringement Actions, he either;

1. submit any proposed complaint for preapproval to the court; or
2. have any such complaint signed and filed by a member of the Bar of this court.

Courts may regulate the activities of litigants with abusive and lengthy histories by placing restrictions on their ability to file actions or papers with the

court. *De Long v. Hennessey*, 912 F.2d 1144, 1147 (9th Cir. 1990). This may be achieved through prefiling orders that require the litigant to seek preapproval before future filing. *See id.* However before prefiling order may be issued, the court must: (1) ensure that the litigant is given notice of and opportunity to oppose the order; (2) create an adequate record for review by listing all cases and motions that support the conclusion that the litigant's activities were numerous or abusive; (3) make substantive findings as to the frivolous or harassing nature of the litigant's actions; and (4) ensure that the order is narrowly tailored. *Id.* At 1147-48.

Here, a prefiling order is justified. First, Plaintiff has been given notice of and an opportunity to oppose Defendants' request for a prefiling order. The issue was raised in Defendants' Motions, to which Plaintiff had an opportunity to respond in his opposition. Though Plaintiff neglected to address in

his Oppositions, he nonetheless had opportunity to do so. Second, there is an adequate record demonstrating that Plaintiff activities have been abusive. As discussed in greater detail above, this is the third lawsuit Plaintiff has filed in a desperate attempt to overturn the Challenged Actions, each of

Which has failed for lack of jurisdiction among other defects. Third, this filing appear to be frivolous, given Plaintiff's repeated deficient filings, and harassing given Plaintiff's personal threats and accusations towards Defendants in the course of these lawsuits. (See Knox Decl. p 2-5), ECF No. 24-1.) Finally, Defendants' proposed restriction appear

to be narrowly tailored. Plaintiff would need to seek preapproval only for claims that relate to the Challenged Actions against the named Defendants.

On this basis, the Court may issue a prefiling order. Nevertheless, because Plaintiff is a pro se litigant and has not yet been heard of this issue. The Court shall give Plaintiff one final opportunity to oppose. Accordingly, the Court ORDERS plaintiff to SHOW CAUSE IN WRITING why he not be declared a vexatious litigant and why prefiling order should not be entered against him. Plaintiff response shall be filed within fourteen (14) days of this order and shall be no more than (5) pages in length. Failure to timely respond shall be deemed consent to the entry of the prefiling order.

IV. CONCLUSION

For the foregoing reasons, the Court GRANTS Defendants' Motions in part. Specially, the Court

DISMISSES Plaintiff's Complaint in its entirety **with prejudice.**

Additionally, the Court ORDERS Plaintiff to SHOW CAUSE in writing why he should not be declared a vexatious litigant and why a prefiling order should not be entered against him. Plaintiff's response shall be filed within 14 days of this Order and shall be no more than five (5) pages in length. Failure to timely respond shall be deemed consent to the entry of the prefiling order. IT IS SO ORDERED.