

No. _____

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

ALICIA MARIE RICHARDS

Petitioner,

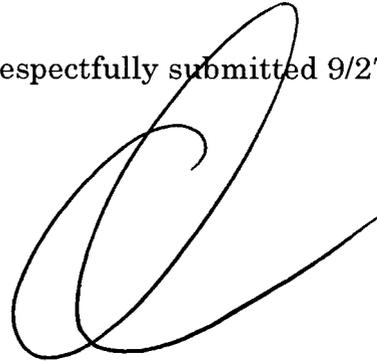
V.

RYAL W. RICHARDS,

Respondent.

**AMENDED APPENDIX IN SUPPORT OF PETITION
FOR WRIT OF CERTIORARI
VOL. I**

Respectfully submitted 9/27/25



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Petitioner in Forma Pauperis

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**MARRIAGE OF RICHARDS (RYAL W. &
ALICIA MARIE)**

No. S289198

Supreme Court of California

March 19, 2025

Go62009 Fourth Appellate District, Div. 3.

Petition for review denied

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**In re the Marriage of RYAL W. and ALICIA
MARIE RICHARDS.**

RYAL W. RICHARDS, Respondent,
v.
ALICIA MARIE RICHARDS, Appellant.

G062009

**California Court of Appeals, Fourth
District, Third Division**

December 30, 2024

NOT TO BE PUBLISHED

Appeal from a postjudgment order of the Superior Court of Orange County No. 15D009634 Sheila Recio, Judge. Affirmed. Request for judicial notice granted in part and denied in part.

Alicia Marie Richards, in pro. per., for Appellant.

Law Offices of Kevin E. Robinson and Kevin E. Robinson for Respondent.

OPINION

O'LEARY, P. J.

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This marriage dissolution case has come before this court numerous times. In this appeal, Alicia Marie Richards challenges the trial court's determination that her former husband, Ryal W. Richards, was entitled to half the net proceeds from the sale of the family residence by the trustee of Alicia's bankruptcy estate.^[1] Alicia maintains that because this amount was protected from her creditors due to her homestead exemption, she alone was entitled to receive it. She also contends that, for various reasons, the court lacked jurisdiction to make its order. We affirm.

FACTS^[2]



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**I. DISSOLUTION ACTION AND
JUDGMENT**

In late 2015, Ryal filed a petition for dissolution of the parties' marriage. Alicia filed her response in early 2016, and years of acrimonious litigation ensued. In June 2017, the parties filed a largely handwritten stipulation and order for judgment, which included an agreed disposition of the family residence. The stipulation provided that Alicia would have three weeks to buy Ryal out and clear the mortgages on the residence, otherwise it would be listed for sale.

Alicia later sought to set aside the stipulation, but in early 2018, the trial court denied her request and entered judgment on the parties' stipulation. An attachment to the judgment, based on the handwritten stipulation, specified the orders regarding the family residence. It gave Alicia

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the buy-out option included in the handwritten stipulation, and ordered that if the property was sold, the net proceeds would be divided equally between the parties.

Alicia unsuccessfully tried to vacate the dissolution judgment. (*In re Marriage of Richards* (Jan. 9, 2020, G055927) [nonpub. opn.] [affirming order denying motion to set aside].) She later filed multiple unsuccessful appeals in connection with Ryal's efforts to enforce the judgment.^[3] (*In re Marriage of Richards* (Jan. 9, 2020, G056626) [nonpub. opn.]; *In re Marriage of Richards* (May 18, 2020, G056921, G057041) [nonpub. opn.]; *In re Marriage of Richards* (Oct. 6, 2020, G057803) [nonpub. opn.].) In those appeals, she repeatedly argued, and this court repeatedly rejected her claim, that the dissolution judgment was void. (*In re Marriage of Richards, supra*, G057803.)

II.

ALICIA'S BANKRUPTCY PROCEEDINGS

In 2021, Alicia filed for bankruptcy in federal court. The bankruptcy trustee later sold the parties' residence for \$2.2 million. Alicia claimed a homestead exemption of \$600,000 under Code of Civil Procedure section 704.710 et seq., and Ryal claimed he was entitled to receive half that amount under the dissolution judgment. The bankruptcy court granted the exemption and permitted the trustee to release half the exempted proceeds to Alicia but ordered him to hold the remainder pending further orders. According to Alicia, she appealed this order and the appeal remained pending at all times relevant to this appeal. The bankruptcy court later instructed the

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trustee to hold the remaining proceeds pending an order by the trial court, concluding that entitlement to those funds was a matter of state law.

III.

FURTHER PROCEEDINGS IN THE TRIAL COURT

A. Ryal's Motion to Receive Remaining Proceeds and the September 12, 2022, Hearing

In June 2022, Ryal filed a motion in the trial court seeking the remaining portion of the sale proceeds. The motion, served in July 2022, provided Alicia notice that a hearing would be held on September 12, 2022. It also warned that if she did not file a responsive declaration or did not appear at the hearing, the court could "make the requested orders without [her]." In late July, Alicia removed the case to federal bankruptcy court. The bankruptcy court remanded the case on September 1.

Alicia filed no response to Ryal's motion in the trial court. Instead, about 20 minutes before the September 12 hearing, she checked in with the court's bailiff and provided another notice of removal to the bankruptcy court, this time on behalf of her father, Lawrence Remsen. She then left. The trial court held the hearing in her

absence, announced its tentative ruling to grant Ryal's motion, and granted "a short continuance" to await a remand from the bankruptcy court. The court continued the matter to September 19 "for status of the bankruptcy case" and noted, "Parties and counsel are authorized to appear remotely, but no appearance is required." And it stated that briefing was closed.

B. The September 19, 2022, Hearing and Ruling

On September 15, 2022, the bankruptcy court remanded the matter to the trial court. At the September 19 hearing, Alicia appeared and objected to the proceeding for various reasons. Among other things, she

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complained that the court held the September 12 hearing outside her presence and claimed she had received no notice that the court would be proceeding on that date. She argued the court had no jurisdiction to hold that hearing. Alicia also claimed that under Code of Civil Procedure section 430.90, subdivision (a)(2) (section 430.90(a)(2)), she was entitled to 30 days from the date of remand to file her "answer," meaning it would be premature for the court to rule on Ryal's motion at this hearing. She made no substantive argument regarding Ryal's motion.

Following the hearing, the trial court determined that Ryal was entitled to the \$300,000 held by the bankruptcy trustee and granted his motion. At the time of the ruling, Alicia had a pending appeal in this court, concerning the dismissal of her motion to restore a motion to vacate the dissolution judgment. (*In re Marriage of Richards* (May 31, 2023, Go60576) [nonpub. opn.]) Alicia appealed from the trial court's September 19 order.

DISCUSSION

Challenging the trial court's ruling, Alicia asserts the court: (1) lacked jurisdiction over Ryal's motion for multiple reasons; (2) violated

her due process rights in various ways; and (3) should have denied Ryal's motion on the merits. As discussed below, we reject her contentions.

I.

THE TRIAL COURT'S JURISDICTION

Alicia claims the trial court lacked jurisdiction to issue its orders because of (1) Remsen's purported removal, (2) her pending state appeal involving the dissolution judgment, and (3) her pending federal appeal involving the homestead-exemption issue. Reviewing her contentions de novo (*Conservatorship of Kane* (2006) 137 Cal.App.4th 400, 405), we conclude none has merit.

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A. Removal

Alicia contends the trial court had no jurisdiction to hold the September 12 hearing due to Remsen's purported removal of the case to the bankruptcy court. She asserts the trial court therefore lacked jurisdiction to issue the September 19 order, which was "based on the [September 12] hearing." Her contention is baseless.

First, Remsen's removal did not affect the trial court's jurisdiction. As a nonparty, Remsen plainly could not remove this family law case to federal court. (28 U.S.C. § 1441(a) [civil action may be removed to federal court by "defendant or defendants"]; *Valencia v. Allstate Texas Lloyd's* (5th Cir. 2020) 976 F.3d 593, 595 ["A non-party, even one that claims to be the proper party in interest, is not a defendant and accordingly lacks the authority to remove a case".]) His frivolous notice of removal therefore did not divest the trial court of jurisdiction. (*ClipperJet Inc. v. Tyson* (2019) 38 Cal.App.5th 521, 528 [if notice of removal is frivolous, state court retains jurisdiction].)

Moreover, regardless of the trial court's jurisdiction at time of the September 12 hearing,

the bankruptcy court remanded the case (again) on September 15, and the trial court therefore had jurisdiction to issue the September 19 order. That order did not depend on any judicial action taken at the September 12 hearing, meaning that Remsen's purported removal of the case is immaterial.

B. Pending State-court Appeal

Citing Code of Civil Procedure section 916, Alicia argues the trial court lacked jurisdiction over Ryal's motion because her pending appeal to this court-involving her motion to restore a motion to vacate the dissolution judgment-embraced the judgment. She is incorrect.

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Under section 916, subdivision (a), an appeal generally "stays proceedings in the trial court upon the judgment or order appealed from or upon the matters embraced therein or affected thereby, including enforcement of the judgment or order, but the trial court may proceed upon any other matter embraced in the action and not affected by the judgment or order." For purposes of this provision, "[a]n appeal from an order denying a motion to set aside the judgment does not embrace or affect the judgment itself." (*People v. American Contractors Indemnity Co.* (2006) 136 Cal.App.4th 245, 250; accord, *People v. American Surety Co.* (2019) 31 Cal.App.5th 380, 391.) Thus, Alicia's appeal concerning her motion to restore a motion to set aside the judgment did not stay enforcement of the judgment.

C. Pending Federal Appeal

Alicia contends the trial court lacked jurisdiction over Ryal's motion because her federal appeal from the bankruptcy court's ruling embraced the homestead-exemption issue. She cites the rule of *Griggs v. Provident Consumer Discount Co.* (1982) 459 U.S. 56, under which "[t]he filing of a notice of appeal . . . confers jurisdiction on the [federal] court of appeals and divests the district court of its control over those

aspects of the case involved in the appeal." (*Id.* at p. 58.)

This rule has no application here. It relates to lower federal-court proceedings involving the federal judgment or order on appeal, not to independent state-court proceedings. (See *Georgia v. Clark* (11th Cir. Dec. 21, 2023, No. 23-13368) 2023 U.S. App. Lexis 34018, *2 [Under *Griggs v. Provident Consumer Discount Co.*, state criminal defendant who sought stay pending appeal from district court's remand order "could perhaps stay his *district* court proceedings" but could not stay state-court prosecution]; *Attorney General of N.J. v. Dow Chem. Co.* (D.N.J., July 9, 2024, No. 23-2449)

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2024 U.S. Dist. Lexis 119904, *32 [applying *Georgia v. Clark* in civil action].) Thus, like Remsen's purported removal and Alicia's state appeal, her federal appeal had no effect on the trial court's jurisdiction.

II. DUE PROCESS

Alicia claims the trial court violated her due process rights by:

(1) failing to provide her notice of the September 12 hearing; (2) failing to advise her that if she did not appear, the court would proceed without her and close briefing; (3) issuing a ruling after the September 19 hearing, which was only to be a "status conference"; and (4) failing to afford her 30 days under section 430.90(a)(2) to respond to Ryal's motion.^[4] Her contentions are frivolous.^[5]

First, Alicia was served with Ryal's motion, which provided notice of the September 12 hearing. Alicia complains that "nobody informed [her] that the [trial] court restored the vacated [September 12] hearing." But the court never vacated the hearing. And to the extent Alicia suggests Remsen's purported removal automatically vacated the hearing, she is mistaken for the reasons discussed above.

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Second, relatedly, the notice of the September 12 hearing warned Alicia that if she did not appear at the hearing, the trial court could "make the requested orders without [her]." And Alicia cites no authority providing that continuing a hearing requires the court to extend the time for to file briefing.

Third, at the September 12 hearing, the trial court announced its tentative ruling and granted "a short continuance" to September 19. This placed Alicia on notice that the court would rule on Ryal's motion at the September 19 hearing. Its further statements that the matter was continued "for status of the bankruptcy case" and that the parties could appear remotely but appearance was not "required" did not change that. Moreover, Alicia appeared at the September 19 hearing, received an opportunity to present her position, and did not request a continuance on the ground that she was unprepared.^[6]

Finally, section 430.90(a)(2) concerns a defendant who has not filed an "answer" in state court before the removal. Alicia filed her response to Ryal's petition for dissolution of marriage in 2016. This statute does not apply to her. Alicia has shown no violation of her constitutional rights.

III.

THE MERITS

Alicia contends the trial court erred by enforcing the dissolution judgment, which she claims is void. She argues the court should instead have interpreted the handwritten stipulation to classify the residence as her separate property.

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We reject Alicia's attempt to relitigate the judgment. Her allegations and contentions on this subject have been conclusively addressed in prior opinions. Any further attempt to raise these issues may result in sanctions.

For the first time on appeal, Alicia argues that she was entitled to the entirety of the homestead-exemption funds because: (1) the exemption belonged to her alone; and (2) funds protected from her creditors under that exemption should not be equally divided between the parties, regardless of the instructions of the dissolution judgment. She has forfeited these arguments by failing to raise them below. (See *In re Javier G.* (2006) 137 Cal.App.4th 453, 464 ["Generally, issues not raised in the trial court cannot be raised on appeal"].)

In response to our invitation for supplemental briefing on the issue of forfeiture, Alicia asserts: (1) she objected to the proceeding below "on constitutional grounds"; (2) the trial court violated her procedural rights and lacked jurisdiction; (3) a document filed by the trustee in the bankruptcy court noted some of her relevant arguments and was included in the record; and (4) her arguments involve pure questions of law that we should consider despite any forfeiture below. We are unpersuaded.

First, any constitutional objection to the proceeding did not encompass the arguments Alicia now seeks to raise on the merits of Ryal's motion. Second, we have already rejected Alicia's contentions regarding her procedural rights and the trial court's jurisdiction. Third, a document filed by a third party in a different court did not give the trial court an opportunity to rule on Alicia's arguments. Finally, given that Alicia presented no argument at all on the merits of Ryal's motion, and instead chose to offer frivolous procedural contentions, we decline to exercise our discretion to consider her

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arguments in the first instance. Accordingly, we find no reversible error in the trial court's order.

DISPOSITION

The trial court's order is affirmed. Respondent is awarded his costs on appeal.

WE CONCUR: GOETHALS, J., DELANEY, J.

Notes:

[1] Because the parties share a last name, we will refer to them by their first names.

[2] We grant Alicia's request for judicial notice as to exhibits A, B, and E, attached to her request. We deny her request as to attached exhibits C and D as irrelevant.

[3] In October 2020, the trial court declared Alicia a vexatious litigant. (*In re Marriage of Richards* (May 4, 2023, G059762) [nonpub. opn.] [affirming trial court's vexatious litigant order].)

[4] In the facts section of her opening brief, Alicia asserts that she filed an opposition in the bankruptcy court to Ryal's request for half of exempted funds, and she complains that the trial court failed to consider this opposition. The alleged opposition was not included in the record on appeal. But regardless, Alicia's failure to develop this contention in the argument section of her brief constitutes forfeiture. (*Browne v. County of Tehama* (2013) 213 Cal.App.4th 704, 726 [failure to raise contention in argument section of opening brief constitutes forfeiture].)

[5] We review due process claims de novo. (*Cardona v. Soto* (2024) 105 Cal.App.5th 141, 150.)

[6] As noted, Alicia did argue that section 430.90(a)(2) entitled her to more time to file a responsive declaration to Ryal's motion. We discuss that contention below.



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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE

In re Marriage of RYAL W. and
ALICIA MARIE RICHARDS.

RYAL W. RICHARDS,

Respondent,

v.

ALICIA MARIE RICHARDS,

Appellant.

G062009

(Super. Ct. No. 15D009634)

O R D E R

The petition for rehearing is DENIED.

O'LEARY, P. J.

WE CONCUR:

GOETHALS, J.

DELANEY, J.

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