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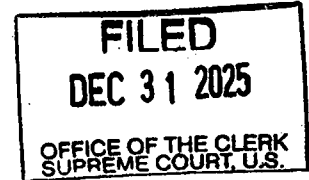
Case S292065

Appellate Case # GO64157

Lower Family Court Case # 05D000275

ORIGINAL

In The
Supreme Court of the United States



Edward L Clark Jr...
Petitioner, *Respondent*
v.

Deborah L Clark.
Respondent -Petitioner

On Petition for a Writ of Certiorari From The
Court of Appeals of California
Fourth Appellate District
Division Three

PETITION FOR WRIT OF CERTIORARI

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TO THE HONORABLE SUPREME COURT JUSTICES

I. QUESTIONS PRESENTED

1. Does a person representing themselves as a prose litigant automatically forfeit his Fourteenth amendment rights to fair and equal protection under the law in a court with Subject Matter Jurisdiction?

If Not

2. Is Subject Matter Jurisdiction still the foundational pre-requisite for any judicial process to be legal, valid and enforceable in the United States?

3. Can a Family Court fabricate and take back subject matter jurisdiction ONCE forfeited, (failing to reserve jurisdiction in judgment before being dismissed) in a dissolution money judgment and after refusing to merge private settlement contracts into the family court judgment for a final accord?

4. Can a family court judge fabricate a new judgment with a different judgment date (11-years later) using a case number no longer at issue over two years prior with a fully executed private settlement contract dated 3/21/2016?

5. Does the "The Law Of The Land Doctrine" allow an appellate court to supersede the long standing precedence of Subject matter jurisdiction, basically allowing an appellate court to validate void orders by adopting an order it issued on the merits of a void order?.

6. Is it standard judicial conduct to issue a pre-filing order as a shield from legal liability to introduce extrinsic fraud to enforce VOID orders under the law, that were issued without subject matter jurisdiction and by a person who is not a judge?

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IV. LIST OF PARTIES

1. Deborah L. Clark
2. Edward L Clark Jr.

V. RELEVANT CASES – Subject Matter Jurisdiction Fourth Appellate Rulings

G064157 Declined to rule on two separate motions Collaterally attacking Subject Matter Jurisdiction.

Cited the Law of the Land doctrine basically adopting another VOID opinion as justification to issue another void opinion on the merits of a void order.

G061697 “Wrong ASSUMPTION”

Assumed order was a post judgment order when their was no order at issue not fully satisfied and without citing p8 #13 of 8/31/2006 judgment or the terms contained in 3/21/2016 fully executed Debt Settlement Agreement.

G058030 Stated appeal was fatally flawed, yet ruled on 1/13 issues finding subject matter jurisdiction without stating how. the court had subject matter jurisdiction or how 1/13 issues can survive if entire appeal was fatally flawed filed by an attorney.

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VI. PETITION FOR WRIT OF CERTIORARI

Edward L. Clark Jr, Petitioner, respectfully petitions for a writ of certiorari to review the opinion of the California Fourth Appellate District Div 3 resulting from California Supreme Court denying request to review.

VII. OPINIONS BELOW

There is a well recognized and deeply entrenched conflict with the Fourth Appellate District Div 3 who **declined** to address *A DIRECT COLLATERAL ATTACK ON SUBJECT MATTER JURISDICTION [Appendices 9 P; A136]* in a *third appeal attempt*. Rather choosing to cite “*the Law of the Land*” doctrine from second appeal, to prevent having to reverse two prior decisions issued on the merits of VOID orders.

This case squarely presents a question of civil rights violations under the Fourteenth Amendment denying due process and failure to apply well established case precedent fairly and evenly to determine if any court has the authority to validate void orders.

A conflict exist such that on one hand, the California Supreme court in March 2010 issues a unanimous opinion in **United Student Aid Funds v. Espinosa**, which *limited the ability of litigants to challenge judgments as “VOID” outside the normal appeals process*.

Yet on the other hand the fourth appellate district div 3 **refused to address DIRECT COLLATERAL ATTACKS BY WAY OF TWO** noticed motions in a third appeal attempt “**IN THE NORMAL APPEAL PROCESS**”. When presented with

specific motions exclusively attacking and challenging subject matter jurisdiction, rather than rule on the undisputable evidence presented, the appellate court chose to validate its own previous void orders, effectively using their own void opinions to validate void orders issued in the lower family court without subject matter jurisdiction.

It is presumed the Unanimous decision issued March 10, 2010 *was only intended to apply to cases where the normal appeals process actually reviewed in earnest the facts* in evidence to determine the courts subject matter jurisdiction, and address the fact a judge did not preside. *Thereby, the March 10, Supreme court ruling should not be applicable to the instant matter.*

Furthermore, the conflicts are magnified when a review reveals no authority exist for any court to issue opinions on the merits of VOID ORDERS, at anytime, including VOID opinions issued in the appellate court on the merits of VOID orders.

The Fourth Appellate District Div 3 is conflicted by its own published opinion May 16, 2023

[see Zaal Aresh vs Monica Marin-Morales G060579, G06082]

Citing in its opinion People vs America Contractors Indemnity Co. (2002) 33 Cal4th 653,660. that states: As explained by our Supreme Court a judgment is void, as opposed to merely voidable, when the court lacks fundamental jurisdiction over the subject matter or the parties; i.e., it has “an entire absence of power to hear or determine the case, an absence of authority over the subject matter or the parties.”

Fundamental jurisdiction over the subject matter or the parties. Stated "When a court lacks jurisdiction in a fundamental sense, an ensuing judgment is void, and thus vulnerable to direct or collateral attack at any time" The request to certify and publish opinion was granted May 16, 2023 by the Fourth Circuit Div III

The opinions issued by the Fourth Appellate Division in the instant matter directly contradicts its own opinions documented on VOID orders. Instead cites the "Law of the Land" doctrine, using a previous VOID opinion, to avoid addressing the collateral attack on subject matter jurisdiction. Thus applying its own laws to Petitioners case.

1. On what authority can the Fourth Appellate District issue opinions on the merits of VOID orders in order to Validate not only lower court orders issued absent both personal and subject matter jurisdiction, but two previous opinions itself issued. .
2. On what authority and why would any court *refuse both parties request to enter settlement documents into the record*, for proof of settlement

The instant Writ Of Certiorari is SEEKING:

Validation of the fundamental rule of law to our judicial process that:

1. Requires a court to have subject matter jurisdiction to preside over a matter of dispute and

2. Requires a judge to Preside over a matter of dispute.
3. Requires Subject Matter Jurisdiction to Offer Opinion on the merits on Appeal.

The underlying issue:
IF VOID ORDERS do not legally exist?

4. A determination if a family court can assume and take back subject matter jurisdiction for any reason when:
 - a. it did not reserve jurisdiction in an 8/31/2006 P8 #13, unless Petitioner filed bankruptcy..
 - b. **family court DOES NOT have subject matter jurisdiction** over a private settlement contract the court refused to merge into the record. i.e contradicting CCP 664.6
 - c. subject matter jurisdiction is barred in 3/21/2016 Private Debt Settlement Agreement [p; A61], AND 7/12/2021 executed joint stipulation [p; A105]
 - d. Not reserved in 8/31/2006 dissolution judgment. p8, #13 [p; A53] #13
5. A determination if an order to appear without first serving a summons and complaint in any court can be validated, notwithstanding a court without subject matter jurisdiction over any matter.
6. A determination if any court has the authority to refuse to let two parties to a complaint settle a case between them.
7. A determination if any court can refuse to enter settlement documents into the record when requested to do so by both parties?

8. A determination if any court can refuse to dismiss an action when both parties make multiple request requesting the court to dismiss.
9. A determination of the impact and integrity to judicial system if courts are allowed to stray so far from well establish precedent and fabricate subject matter jurisdiction. Validating VOID orders by creating laws that only apply to a specific party. Citing "The Law of the Case" DOCTRINE to shield itself from having to reverse VOID opinions it issued WHEN addressing the merits of VOID orders issued in lower family court without subject matter jurisdiction by a subordinate judicial officer.

VIII. JURISDICTION

The opinion was filed

6/25/2025 Opinion Filed **Appendices # 5 [p; A109]**

6/27/2025 Petition for re-hearing

7/9/2025 Filed request to publish opinion

7/11/2025 Order denying re-hearing

7/22/2025 Order denying request to publish opinion

8/14/2025 Filed Petion for review, California Supreme Court

10/16/2025 Petition for Review – **Denied Appendices # 6 [p;A130]**

Pursuant to Rule 13, A petition for a writ of certiorari seeking review of a judgment of a lower state court that is subject to discretionary review by the state court of last resort is timely when it is filed with the Clerk within 90 days after entry of the order denying discretionary review. Deadline to file is January 14, 2026.

Petition For Writ of Certiorari is timely filed.

IX. CONSTITUTIONAL PROVISIONS INVOLVED

A. U.S. Const. amend. XIV CIVIL RIGHTS:

The Fourteenth Amendment, ratified in 1868, uses the Due Process Clause, to extend this obligation to the states. These words have as their central promise an assurance that all levels of American government must operate within the law ("legality") and provide fair procedures. Mandates equal protection under the law.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

B U.S. SUPREME COURT - VOID ORDERS, JUDGMENTS

The U.S. Supreme Court's jurisprudence on void orders and judgments is established through its interpretations of rules and foundational principles, particularly the doctrine of lack of jurisdiction. Key opinions include **OLD WAYNE MUT. L. ASSOC. v. McDONOUGH**, which states a void order can be challenged in any court because a court without jurisdiction cannot confer it, and **WILLIAMSON v. BERRY**, which characterizes a judgment from a court without jurisdiction as a "nullity" that is void, not just voidable. This means a void judgment is legally meaningless and can be collaterally attacked without a formal reversal.

C. THE LAW OF VOID JUDGMENTS AND DECISIONS AND SUPREME COURT DECISIONS ON VOID ORDERS.

A judgment may not be rendered in violation of constitutional protections. The validity of a judgment may be affected by a failure to give the constitutionally

required due process notice and an opportunity to be heard. *Earle v. McVeigh*, 91 US 503, 23 L Ed 398. See also Restatements, Judgments ' 4(b). *Prather v Loyd*, 86 Idaho 45, 382 P2d 910.

The limitations inherent in the requirements of due process and equal protection of the law extend to judicial as well as political branches of government, so that a judgment may not be rendered in violation of those constitutional limitations and guarantees. *Hanson v Denckla*, 357 US 235, 2 L Ed 2d 1283, 78 S Ct 1228.

A void judgment is not entitled to the respect accorded a valid adjudication, but may be entirely disregarded, or declared inoperative by any tribunal in which effect is sought to be given to it. It is attended by none of the consequences of a valid adjudication. It has no legal or binding force or efficacy for any purpose or at any place. ... It is not entitled to enforcement ... All proceedings founded on the void judgment are themselves regarded as invalid. 30A Am Jur Judgments " 44, 45.

It is a fundamental doctrine of law that a party to be affected by a personal judgment must have his day in court, and an opportunity to be heard. *Renaud v. Abbott*, 116 US 277, 29 L Ed 629, 6 S Ct 1194.

Every person is entitled to an opportunity to be heard in a court of law upon every question involving his rights or interests, before he is affected by any judicial decision on the question. *Earle v McVeigh*, 91 US 503, 23 L Ed 398.

A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include *Kalb v. Feuerstein* (1940) 308 US 433, 60 S Ct 343, 84 L ed 370; *Ex parte Rowland* (1882) 104 U.S. 604, 26 L.Ed. 861:

A judgment which is void upon its face, and which requires only an inspection of the judgment roll to demonstrate its want of vitality is a dead limb upon the judicial tree, which should be lopped off, if the power to do so exists." *People v. Greene*, 71 Cal. 100 [16 Pac. 197, 5 Am. St. Rep. 448]. "

If a court grants relief, which under the circumstances it hasn't any authority to grant, its judgment is to that extent void." (1Freeman on Judgments, 120c.) An illegal order is forever void.

The Law of Void Judgments and Supreme Court Decisions on Void Orders: *Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608; *Pennoyer v. Neff*(1877) 95 US 714, 24 L ed 565; *Thompson v. Whitman* (1873) 18 wall 457, 21 1 ED 897; *Windsor v. McVeigh* (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 set 343, 61 L ed 608. "If a court grants relief, which under the circumstances it hasn't any authority to grant, its judgment is to that extent void." (1 Freeman on Judgments, 120c.) "A void judgment is no judgment at all and is without legal effect." (*Jordon v. Gilligan*, 500 F.2d 701, 710 (6th Cir. 1974) "a court must vacate any judgment entered in excess of its jurisdiction." (*Lubben v. Selective Service System Local Bd. No. 27*, 453 F.2d 645 (1st Cir. 1972). A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include *Kalb v. Feuerstein* (1940) 308 US 433, 60 S Ct 343, 84 L ed 370. Void Orders Can Be Attacked At Any Time An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (See *Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608; *Pennoyer v. Neff*(1877) 95 US 714, 24 L ed 565; *Thompson v. Whitman*(1873) 18 wall 457, 211 ED 897; *Windsor v. McVeigh* (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 set 343, 61 L ed 608. *U.s. v. Holtzman*, 762 F.2d 720 (9th Cir. 1985) ("Portion of judgment directing defendant not to import vehicles without first obtaining approval... was not appropriately limited in duration and, thus, district court abused its discretion by not vacating it as being prospectively inequitable." Id at 722

A JUDGMENT or Order rendered without jurisdiction is "void" and has no effect as res judicata or otherwise.

Void judgments are those rendered by a court which lacked jurisdiction, either of the subject matter or the parties, *Wahl v. Round Valley Bank* 38 Ariz. 411, 300 P. 955 (1931); *Tube City Mining & Milling Co. v. Otterson*, 16 Ariz. 305, 146 P. 203 (1914); and *Milliken v. Meyer*, 311 U.S. 457, 61 S.Ct. 339, 85 L.Ed. 2d 278 (1940). A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular

judgment, or an order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court, *Long v. Shorebank Development Corp.*, 182 F.3d 548 (C.A. 7 Ill. 1999).

Void judgment under federal law is one in which rendering court lacked subject matter jurisdiction over dispute or jurisdiction over parties, or acted in manner inconsistent with due process of law or otherwise acted unconstitutionally in entering judgment, U.S.C.A. Const. Amed. 5, *Hays v. Louisiana Dock Co.*, 452 n.e.2D 1383 (Ill. App. 5 Dist. 1983). *Matter of Marriage of Hampshire*, 15.

D. ORDERS EXCEEDING JURISDICTION

An order that exceeds the jurisdiction of the court is void, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (See *Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608; *Pennoyer v. Neff* (1877) 95 US 714, 24 L ed 565; *Thompson v. Whitman* (1873) 18 Wall 457, 21 L ed 897; *Windsor v. McVeigh* (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 Sct 343, 61 L ed 608. "

If a court grants relief, which under the circumstances it hasn't any authority to grant, its judgment is to that extent void." (1 Freeman on Judgments, 120c.) "A void judgment is no judgment at all and is without legal effect." (*Jordon v. Gilligan*, 500 F.2d 701, 710 (6th Cir. 1974) "a court must vacate any judgment entered in excess of its jurisdiction." (*Lubben v. Selective Service System Local Bd. No. 27*, 453 F.2d 645 (1st Cir. 1972).

A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include *Kalb v. Feuerstein* (1940) 308 US 433, 60 S Ct 343, 84 L ed 370. Federal judges issued orders permanently barring Stich from filing any papers in federal courts. After Judges Robert Jones and Edward Jellen corruptly seized and started to liquidate Stich's assets, Judge Jones issued an unconstitutional order barring Stich from filing any objection to the seizure and liquidation.

E. VOID ORDERS CAN BE ATTACKED ANYTIME

An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (See *Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608; *Pennoyer v. Neff* (1877) 95 US 714, 24 L ed 565; *Thompson v. Whitman* (1873) 18 Wall 457, 21 l ED 897; *Windsor v. McVeigh* (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 Sct 343, 61 L ed 608. *U.S. v. Holtzman*, 762 F.2d 720 (9th Cir. 1985) ("Portion of judgment directing defendant not to import vehicles without first obtaining approval ... was not appropriately limited in duration and, thus, district court abused its discretion by not vacating it as being prospectively inequitable." Id at 722.

X STATEMENT OF THE CASE

KEY DOCUMENTS FOR REFERENCE

1. 4/17/2018 RFO order to appear in Family Court without subject matter jurisdiction in family court [p;A34]

Exhibit "A" 8/31/006 Dissolution Judgment [p;A44]

p8 #13. Family Court does not reserve Subject Matter Jur..[p; A53]

Exhibit "B" 1/14/2013 Satisfaction of Judgment [p; A57] and

3/21/2016 Private Debt Settlement Contract [p; A61]

2. Feb. 26, 2019 Findings and Order issued by a Commissioner without subject matter jurisdiction [p;A77]
3. 7/14/2021 Joint Stipulation [p; A89]
4. 10/27/2023 Petitioner request to enter settlement documents into record [p;A93]
5. 6/25/2025 Opinion G064157 [p; A109]

6. October 16, 2025 California Supreme Court denied Petition For Review [p; A130]
7. January 16, 2026 Judge Yolanda Tores issues a prefiling order against Respondent (Defendant) as a defense to conceal judicial misconduct [p; A132]
8. 11/7/2025 Void Abstract of Judgment entered [p; A134]

This case presents important un-precedented civil rights violation where the entire underlying matter starts with a 4/17/2018 order to appear in family court that was issued *without a lower family court having subject matter jurisdiction* pursuant to an 8/31/2006 judgment p8 #13. . Compounded by the undisputed material fact the RFO was issued **subsequent and over two years after** a fully executed "Private 3/21/2016 Debt Settlement agreement". *Then, the resulting order was issued by a Commissioner, person who was not authorized to preside as a judge without a signed stipulation Petitioner, when requested, refused to sign stipulation..*

A determination is needed with respect to whether or not any court can deny a party his/her civil rights to an impartial and fair judiciary attempting to validate or legitimize VOID orders on their face, or that otherwise do not legally exist?

This case has been unprecedented where multiple judicial officers, and their supervisors in lower family court and including the fourth appellate district div 3 has not or will NOT address the undisputed material facts in evidence the RFO served upon the appellate 4/17/2018 was issued without subject matter jurisdiction rendering all subsequent orders void on their face including the opinions issued in of the Fourth Appellate District Division 3.

It is un-precedented that no state court will address the undisputed material facts in evidence the judicial admissions by a commissioner who states in the record that he “eminently” relied on two written stipulations as his authority to preside as a judge, only upon discovering neither stipulation he relied on were ever executed by either the parties litigants. Thus, concluding a judge did not preside.

It is unprecedented that the Fourth Appellate Division has issued three opinions on the merits of VOID orders without addressing and avoiding the material facts in evidence of the challenges to void orders.

It is unprecedented that the Fourth Appellate District despite the fact VOID orders can be attacked anytime, refused to rule on the facts contained in noticed motion requesting the court to make a ruling specific to subject matter jurisdiction filed 2/18/2025, & 2/25/2025

A determination of the national impact when an appellate court issues an opinion directly contradicted by its owned opinion cited and denies publication and/or decertifying its prior opinion now in conflict

A. VOID JUDGMENT

When The Fourth Appellate District Div 3 publishes an opinion on point CITING VOID orders, the lower courts it supervises are (OR SHOULD BE) required by law to enforce.

FOURTH APPELLATE DISTRICT DIV 3

PUBLISHED OPINION

May 16, 2023

*When the Court has no jurisdiction of the cause, there the whole proceeding is **[before a person who is not a judge]**, and actions will lie against them without any regard of the precept or process..."*

*In a normal preceding with a properly licensed judge, when the Court has no jurisdiction of the cause, there the whole proceeding is **[before a person who is not a judge]**, and actions will lie against them without any regard of the precept or process..."*

This notwithstanding the undisputed fact the underlying void order issued without subject matter jurisdiction was compounded by the fact the order was issued by a commissioner who relied on two stipulations as authority to conduct a hearing over a matter of dispute that he never got signed by either of the parties litigants

B. AT ALL TIMES SUBJECT MATTER JURISDICTION WAS BARRED IN LOWER FAMILY COURT”:

- a. The court did not reserve jurisdiction over private settlement contracts before dismissing case in 8/31/2006 dissolution judgment P8 # 13 because there was no alimony or child support and **[p; A53]**
- b. SUBJECT MATTER JURISDICTION WAS BARRED IN FULLY EXECUTED 3/21/2016 Private Debt Settlement Agreement terms contained therein.

- c. When a family court refuses to merge settlement contracts into a judgment, the settlement contracts survive as Private settlement contracts that are Civil Court Jurisdiction (CCP 664.6)

Void judgments are those rendered by a court which lacked jurisdiction, either of the subject matter or the parties. See: *Wahl v. Round Valley Bank*, 38 Ariz. 411, 300 P.955 (1931); *Tube City Mining & Milling Co. v. Otterson*, 16 Ariz. 305, 146 P. 203 (1914); *Milliken v. Meyer*, 311 U.S. 457, 61 S. Ct. 339, 85 L. Ed. 2d 278 (1940); *Long v. Shore bank Development Corp.*, 182 F.3d 548 (C.A. 7 Ill. 1999)

A Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A.; U.S.C.A. Const Amend. 5. *Klugh v. U.S.*, 620 F. Supp. 892 (D.S.C. 1985).

A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, or an order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court. See *Long v. Shore bank Development Corp.*, 182 F.3d 548 (C.A. 7 Ill. 1999)

A void judgment is one which, from its inception, was a complete nullity and without legal effect.

see appendices #1 A34 8/31/2006 dissolution judgment barring subject matter jurisdiction in family court P8 #13 of contract

see appendices # 1 [p;A61] 3/21/2016 Debt settlement agreement barring subject matter jurisdiction in any court.

see appendices #3 Joint Stipulation [p; A89] executed and witnessed by Superior Court Judge agreeing entire underlying matter was in breach of contract

see Appendices #11 [p; A154] \$1,000,000 offer of proof

3/21/2016 fully satisfied on 4/15/2018

see appendices #5 [p; A109] Appeal Opinion issued 6/25/2025

C. THE UNDERLYING ORDER issued 4/17/2018 RESULTED IN A SECOND ORDER ISSUED Feb. 26, 2019 BY A PERSON NOT AUTHORIZED TO PRESIDE AS JUDGE, a subordinate judicial officer

See appendices 10 [p; A149] Court minutes with stipulations attached not signed by either of the parties litigants, CONCLUDING A JUDGE DID NOT PRESIDE.

XI. REASONS FOR GRANTING WRIT

1. CURE CONFLICTS IN THE FOURTH APPELLATE DISTRICT DIV 3 WITH THE U.S. CONSTITUTION OF DUE PROCESS RIGHTS

Appellate Procedure for Void Orders

When an appeal is taken from a void judgment, *the appellate court cannot address the merits*; it must set aside the trial court's judgment and dismiss the appeal

The Fourth Appellate District Div 3 issued a ruling on the merits of VOID orders without subject matter jurisdiction directly contradicting not only well-established precedence, but opinion published by the Fourth Appellate district Div 3 themselves, where they Affirmed VOID orders cannot be validated

[see Zaal Aresh vs Monica Marin-Morales G060579, G060827; citing in its opinion People vs America Contractors Indemnity Co. (2002) 33 Cal4th 653,660. that states: As

explained by our Supreme Court a judgment is void, as opposed to merely voidable, when the court lacks fundamental jurisdiction over the subject matter or the parties; i.e., it has "an entire absence of power to hear or determine the case, an absence of authority over the subject matter or the parties."

2. THE FOURTH APPELLATE DISTRICT DIVISION BROKE FROM ESTABLISHED PRECEDENT

The Fourth Appellate district Div 3,:

1. Failed to address the facts in evidence establishing the underlying orders are void.
2. Offered opinion *Applying Res Judicata and Collateral Estoppel* to court without competent subject matter jurisdiction,
3. The Fourth Appellate Dist. Div 3 should publish an opinion when it establishes a new rule of law contradicting established precedent under Rule 8.1105
4. *When appeal is taken from a void judgment,*

The appellate court must declare the judgment void, because the appellate court may not address the merits, it must set aside the trial court's judgment. A void judgment may be attacked at any time by a person whose rights are affected. See *El-Kareh v. Texas Alcoholic Beverage Comm'n*, 874 S.W.2d 192,194 (Tex. App.—Houston [14th Dist.] 1994, no writ); see also *Evans v. C. Woods, Inc.*, No. 12-99-00153-CV, 1999 WL 787399, at *1 (Tex. App.—Tyler Aug. 30, 1999, no pet. h.). A Party Affected by VOID Judicial Action Need Not APPEAL. *State ex rel. Latty*, 907 S.W.2d at 486. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights."

Ex parte Spaulding, 687 S.W.2d at 745 (Teague, J. concurring).

3. BECAUSE THE FOURTH APPELLATE DISTRICT DIV 3 OPINIONS ARE MISLEADING AND RIDDLED WITH FALSE STATEMENTS AND ASSUMPTIONS TO CREATE A FALSE NARRATIVE

It is troubling trying to understand why the opinion from the appellate continues now three times to misrepresent facts in evidence, thus creating a narrative that is FALSE.

see appendices #5 Opinion G064157 [p; A109-A128]

1) [pg 4 (A112) prg 4 the opinion states "In 2016 Edward still owed \$1.3 million in equalization payments"] mis states facts in evidence and evidence presented multiple times to the appellate court

See app. #1 [p;A61] Debt settlement agreement dated 3/21/2016 p1 prg 3 "All parties agree that the Creditor will accept \$1,000,000 toward settlement in full" [see App. #11 [p; A154] proof of funds \$ 1,000,000 wired to creditor on 5/15/2016 thus offer of proof case was no longer at issuur.

2) [p5 [A113] prg 1 "Deborah signed a debt settlement agreement on March 21, 2016. Under the terms of the Debt Settlement Agreement, Deborah was supposed to receive entire \$1,000,000. Edward nevertheless took \$150,000 of that amount].

This is a false statement by the appellate court, misstates facts in evidence. There is no evidence to support fabricated story, Please see **app. # 7 A92** copy of

\$1,000,000 wire to creditor.

- 3) p5prg 4 [A113] Case was tried to a family law commissioner over two days
p6 prg 3 We observed that the record belied one of his contentions —that he had not stipulated to the matter being heard by a commissioner ([Clark I] supra, G058030/G05828, at p. *10.)**

Confirming a judge did not preside, No mention of the facts in evidence the commissioner relied on stipulations that were not signed by either of the parties litigants. The court did not address this material fact a judge did not preside.

- 4) p6 prg 3 [A114] “We also held that because the matter involved the enforcement of an executory family court judgment, the family court had jurisdiction over the matter”.**

Here the court draws the wrong conclusion, for the third time, refers to an executory judgment referencing a case no longer at issue, fully satisfied when creditor received \$1,000,0000 wire. on 4/15/2016.

- 5) p11 prg 1 section IV [p;A119]
In October 2023, Deborah filed a request for order to “Enter Debt Settlement Agreement. Deborahs request did not request any other relief.
Edward also requested an order to enter Settlement agreement into the record.**

The court failed to mention it was Deborah who filed a joint request for the court to take judicial notice of settlement agreement that included a joint stipulation witnessed by Superior Court Judge Gregory Lewis.

Here the court acknowledges both parties trying to settle the case without any explanation or disclosing what authority the court has to deny both parties request.

6) p12 [p; A120] top prg *"In other words, Edward wanted the family court to vacate the 2018 order and dismiss the marital dissolution case*

Again the court misstates facts in evidence and it is unclear why the court continues to misrepresent the intentions of both parties. The dissolution case 05D000275 judgment entered 8/31/2006 was fully satisfied and no longer at issue since 3/21/2016. Both parties agreed the order issued 4/17/2018 in family court was issued in breach of contract, and without subject matter jurisdiction, both parties want the order removed from the record. Both parties have asked the court to enter settlement documents into the record. The court continues to deny and dodge all the merits surrounding appeal.

**7) p13 Appealability I. [p;A21]
prg 1 [The existence of an appealable judgment is a jurisdictional prerequisite to an appeal]**

The court fails to address the courts authority to validate 4/17/2018 VOID order to appear issued without subject matter jurisdiction pursuant to 8/31/2006 judgment and 3/21/2016 Debt Settlement Agreement. Furthermore fails to address authority to validate orders issued by a commissioner who relied on two stipulations but failed to get either party to agree and sign.

8) p13 Appealability prg 2 False assumption by the court [pA121]

The February RFO (by BOTH PARTIES LITIGANTS) requested an order to enter Debt Settlement agreement and joint stipulation into the record, However what the February RFO was in effect requesting, was an order setting aside February 2018 order and dismissing the dissolution action based on debt settlement agreement and joint stipulation. the February rfo thus sought an order affecting or relating to the judgment .

What judgment? There is no judgment not fully satisfied. The request has nothing to do with 2006 judgment. The stipulation speaks for itself. Why is the court manipulating the facts?.

9) p14 prg 3 II Edwards Motion on Appeal [p;A122]

The motions are frivolous, We have jurisdiction, over the appeal because Edward filed notices of appeal from orders which we have concluded are directly appealable

Misstates facts in evidence, No court can validate VOID orders. The only avenue for a litigate to get a void order vacated is thru the appellate court. The appellate court rather than rule on the facts in evidence has continued to dodge addressing the fact the 8/31/2006 judgment barred subject matter jurisdiction in family court. The fact subject matter jurisdiction was barred in 3/21/2016 Debt Settlement Failed to acknowledge the commissioner relied on stipulations he failed to get signed by the parties, Fails to acknowledge an order based on a 2017 phone, the call statute of

limitation had expired, Fails to acknowledge the hearings were presided over by a person who is not a judge

- 10) p14 II. prg 3 [p;A122] “If we lack jurisdiction as Edward claims, then we have no ability to vacate the 2018 order or any other order in family court**

Here the court finally documents its understanding of what the litigants were asking the court to do. When a lower court denies motion to vacate void orders a litigant must file appeal. This appellate court has refused to address the merits of the VOID order issued 4/17/2018 and subsequent orders by a person who was not a judge.

- 11) p15 prg 2 [p;A123] “We start with the principles of res-judicata and collateral estoppel “Prevents litigating of entire causes of action”**

The argument is irrelevant and makes no sense. There are no pending causes of action. There is no judgment not satisfied, VOID orders have no legally binding effect. Consequently, what is the court referring to. The RFO issued 4/17/2018 was issued subsequent over 2 years after dissolution judgment was satisfied. Consequently not issued to enforce a judgment and was issued without a summons.

- 12) p15 prg 3 [p; A123] “Deborah 2018 request for order asked the family court to enforce the marital dissolution judgment requiring Edward to make Remaining payments**

This appellate court opinion acknowledges in the instant opinion Deborahs request for the court to take judicial notice of joint stipulation and enter into the record confirming RFO was issued in Breach of Contract, confirming the 3/21/2016 Debt Settlement agreement was lawfully entered, fully executed and enforceable.

Consequently one has to question the courts motive

13) p15 prg 3 “Deborahs request was tried on the merits”

A commissioner is not a judge unless authorized by stipulation to preside.

14) p16 prg 1 [p;A124] “In Clark I, we affirmed the family court, Edward exhausted all appellate avenues to challenge 2018 order, and lost. the order this is res-judicata

The record reflects the appellate court has never ruled on how the 4/17/2018 RFO is valid when issued subsequent to a fully executed, fully enforceable written debt settlement agreement, thereby not issued to enforce a judgment and issued without a summons

15) p16 prg 2 [p;A124] *In Clark 1, we rejected Edwards claim that he did not stipulate to a Commissioner hearing his case. We concluded that Edward consented by his conduct to a decision by the Commissioner (Clark I supra, G058030/G058284 p*12)*

The appeal is a review not a retrial. an appellate court cannot enter its own evidence. the conclusion mis- states facts in evidence . What is in evidence, when the commissioner was challenged he stated on the record he eminently relied on two stipulations for his authority to preside and published in court minutes (app 8 minutes A93) yet no signed stipulations.

16) p16 prg 3 9 [p;A124] “those conclusions are subject to issue preclusion as well as another principle called law of case. Under law of case, when an appellate court states in an opinion a principle or rule of law necessary to its decision, that principle or rule becomes law of the case and must be adhered to

Hence, the reason we are here, an appellate court cannot fabricate its own laws, as its role is to interpret and apply existing law, not to create new law. While they can make decisions that modify or clarify the law, or establish a new legal precedent where none existed before, this is based on interpreting existing statutes and the constitution, not fabricating rules out of thin air.

17) p 18 prg 1 [p;A126] Edwards repeated assertion that California Rules of the Court 3,1385(b) compelled dismissal of the marital dissolution action and 2018 order is frivolous

The court again misstates facts in evidence, as neither party has ever implied the intent or interest to dismiss a dissolution action already fully executed and no longer at issue. Deborah Clark herself filed a joint request for the court to take judicial notice of joint stipulation agreed to by both parties. The court acknowledges here both

parties agreement yet continues to refuse both parties request.

18) p18 footer Rule 3.1385(b) [p;A126]

It is presumed the courts interpretation is consistent with the language as written. Yet although the appeal opening brief clearly informs the appellate court the lower court made judicial admissions it had been properly noticed of settlement yet denied request to enter into the record. the appellate court refused to enforce the rules of the court

19) P18 [p;A126] last prg "We also conclude in Clark II that the joint stipulation had no effect in the family law court. The conclusion is binding as law of the case and under principles of issue preclusion

The argument makes no sense as at no time has Petitioner objected to the stipulation referred. Rather. She has never provided cause to suggest she did not agree. Furthermore, Deborah Clark filed a request for the court to take judicial notice of joint stipulation that was executed in front of a superior court judge.

Rule 201 Judicial Notice of Adjudicative facts states a court must take judicial notice if a party request and is supplied with necessary information. Here a joint request executed by both parties and this appellate court has denied request

20) p128 prg 1 [p;A128] Edward repeated, unmeritorious challenges to the validity of 2018 order and attempts to re-litigate the issues resolved by that order bring him within the definition of a vexatious litigant, we warn him that further attempts to overturn or circumvent the 2018 order may well lead us to reach a different conclusion

The question becomes whether or not appellate (actually both parties) have a constitutional right to settle a case between them. Whether both parties have a constitutional right to Due Process in front of judiciaries free from bias and prejudice. Whether the parties have a right to request the court to dismiss actions both parties agree was brought in breach of contract.

Merely offering an opinion on the merits of VOID orders may imply the VOID orders issued in lower state court could be VALID.

The Fourth Appellate District Div 3 opts not to address the facts, or rule on the noticed motion specific to subject matter jurisdiction, where in evidence the orders referred in lower state court are VOID on their face, thus failing to provide authority for their opinion

A court cannot legally offer opinions on the merits of a void order, because the order has no legal effect and is treated as if it never existed.

**XII. NEW EVIDENCE TO SUPPORT GRANTING WRIT
MANDATING A COURT MUST HAVE SUBJECT MATTER JURISDICTION
UN-PRECEDENTED JUDICIAL MISCONDUCT**

(The scheme Exposed)

A) Despite facts in evidence, no less than 6-noticed motions between both parties litigants requesting the family court, Judge Yolanda Tores to enter settlement documents into the record, ONLY FOR Judge Yolanda Tores TO refuse to let the parties settle now, again without a summons/ complaint:

EXTRINSIC FRAUD

On 1/16/2026 [p;A132] Judge Yolanda Tores issued a prefiling order designating Petitioner (Respondent in family court) a vexatious litigant, 30months after the California Supreme court denied review, as a shield trying give herself contempt power so she can protect herself from liability, while she now has sponsored the filing of an abstract of judgment for \$612, 513.59 [p; A134] trying to take (Steal) money FROM Petitioner (Respondent in Family court). This after making a judicial admission on the record, the court has been properly noticed by both parties of their request to enter settlement documents into the record.

A new element of Extrinsic Fraud by a Superior Court Judge rising to the level of Federal Question with the intent to violate Petitioners due process rights for the sole purpose to obstruct justice can be raised in an emergency stay request, even if not specifically raised with the California Supreme Court,

Obstruction /Shield Argument When an order is used as a “shield” to prevent liability and intentional obstruct justice, violating due process rights, is an actionable offense in federal court posing a Federal Question

Timing: Because the pre-filing order was filed after the Supreme Court denied review, this constitutes a “new and distinct” action allowing it to be challenged separately by either a new writ of certiorari or emergency application to stay enforcement.

Irreparable Harm: absent the stay, because Petitioner has a high likelihood of success prevailing on the instant writ of certiorari and the breach of contract action currently in civil court, the damage cannot be cured

A superior court judge who makes a judicial admission in court, she understands both parties request to settle the case and enter settlement documents into the record, refuses to do so she can abuse the process, execute her plan take advantage of being a judge only to use her power to steal money without any type of due process, in breach of 3/21/2016 Private Debt Settlement Contract and 7/12/2021 Joint Stipulation. All again WITHOUT serving a summons/complaint, and without ever having a trial in front of a judge and with complete disregard for the Rule of Law and due process rights under the U.S. Constitution.

Please take judicial notice the terms of joint stipulation (Petitioner in family Court) stipulated in front of the Hon Gregory Lewis Superior Civil Court Judge, that the 4/17/2018 RFO was issued in Breach of 3/21/2016 contract. Confirming the 3/21/2016 Private Debt Settlement Contract was valid and enforceable.

[attached as appendices # VOID ABSTRACT OF JUDGMENT]

Please take notice

- A. trying to create a second judgment for case 05D000275 no longer at issue since 3/21/2016
- B. Notice the 8/31/2006 judgment date is not even listed on new second judgment in breach of CCP 674
- C. Its based on a void order issued without subject matter jurisdiction by a subordinate judicial officer.

ALTERNATIVE TO ISSUEING WRIT OF CERTIORARI
Summery Disposition order (GVR)
Grant, Vacate, Remand

Pursuant to CCP 664.6, the court of proper subject matter jurisdiction over Private Settlement Contracts is Civil Court. Now, because of courts recent actions, Petitioner was forced to file and has pending a second civil court case #30-2025-01530857-CU-CO-CJC in orange county superior court for Breach of contract, to enforce the terms contained in both the 3/21/2016 and 7/12/2021 contracts and the terms contained therein.

It is respectfully suggested a GVR would remedy the entire matter remanding all issues regarding private contracts back to civil court for resolution.

The contracts speak for themselves, and have been fully executed and never challenged with a summons/complaint.

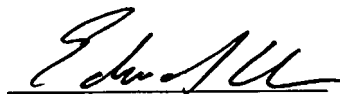
XIII CONCLUSION

For ALL the Foregoing reasons Mr. Clark respectfully, humbly and desperately ask this U.S. Supreme Court issue TO ENFORCE SUBJECT MATTER JURISDICTION. ISSUE a Writ of Certiorari to review the CONFLICTS OF LAW BETWEEN THE STATE FOURTH APPELLATE DISTRICT OPINION AND THE U.S. CONSTITUTION THAT GUARANTEES DUE PROCESS WITH EQUAL PROTECTION UNDER THE LAW IN A COURT WITH SUBJECT MATTER JURISDICTION. Remanding back to the court reversing the opinion G 064157 in the Fourth Appellate Opinions, vacating all void orders mandating courts must have subject matter jurisdiction pursuant to long standing voluminous precedent.

And/or in the alternative issue a Summery Disposition Order to grant, vacate and remand all issues regarding Private Settlement Contracts back to Civil court if a legitimate dispute exists.

Respectfully Submitted by

Date March 26, 2026




Edward L. Clark Jr.
Self Represented

XIV WORD CERTIFICATION

Pursuant to Rule 33.1(h) of the Rules of this Court, I certify that the accompanying Writ of Certiorari which was prepared using Century Schoolbook, 12-pont typeface, contains 7, 220 words, excluding the parts of the document that are exempted by Rule 33.1(d). This certificate was prepared in reliance on the word count function of the word processing system (Microsoft Word) used to prepare the document.

I declare under the penalty of perjury that the foregoing is true and correct

Dated this 27th day of March 2026, in the County of Orange, California



Edward L. Clark Jr.
Self Represented

APPENDICES

Appendices.

1. 4/17/2018 RFO Order to Appear.....A34

EXHIBIT "A"
8/31/2006 dissolution judgment.....A144

EXHIBIT "B"
1/14/2013 Satisfaction of Judgment.....A57
3/21/2006 Private Debt Settlement Agreement.....A61

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9. Appellate Emergency Motion
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10. 7/31/2019 Court minutes Judicial Admission
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11. OFFER OF PROOF \$1,000,000 wire – Full Satisfaction.....A154

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