No. 25-881

In the Supreme Court of the United States

IN RE ESTATE OF CHARLES HADSELL,
Deceased,
CHRISTOPHER HADSELL,
Petitioner,

–v–

CATHERINE ISHAM,
Respondent.

PETITIONER'S SUPPLEMENTAL BRIEF

Service on States' and Territories' Attorneys General

Christopher Hadsell
Petitioner In Propria Persona
9000 Crow Canyon Rd., S-399,
Danville, CA 94506
● (925) 482-6502 ● CJHadsellLaw@gmail.com

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II. JUDGMENT BELOW

The 1DCA's judgment is reproduced as follows:

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III. PETITIONER'S SUPPLEMENTAL BRIEF

A. INTRODUCTION

This Supplemental Brief relates to events and documents that transpired, or became known, after 12/3/25—subsequent to Petitioner's, Christopher Hadsell (**"Hadsell"**), Writ of Certiorari (**"Writ"**), mailed on 11/10/25.

In oral argument for *Voisine v. United States* (2016) 579 U.S. 686, R.T. 35:24-36:22, Justice Thomas flummoxed the experienced and talented Ms. Eisenstein, (Assistant Solicitor General) with a simple question:

> JUSTICE THOMAS: Ms. Eisenstein, one question.... Can you give me another area where a misdemeanor suspends a constitutional right?
> MS. EISENSTEIN: Your Honor, I—I'm thinking about that, but I think that the—the question is not—as I understand Your Honor's

> question, the culpability necessarily of the act or in terms of the offense—...
> JUSTICE THOMAS: Can you think of another constitutional right that can be suspended based upon a misdemeanor violation of a State law?
> MS. EISENSTEIN: Your Honor, while I can't think of specifically triggered by a misdemeanor violation,...

The Writ, [p. 20, ¶VIII.C.2.a.A)] proved a stronger scenario where a U.S. Citizen is ***banned-for-life*** from access to the courts based upon: i) having violated ***no law***, and ii) tried, in absentia, in an unnoticed, ex-parte hearing, for ***allegedly*** sending an unconstitutionally vague "annoying" text through a third-party.

These new events make clear that such a scenario is not theoretical. Just as in the Writ's scenario, court access was denied to Hadsell, who it is undisputed, has never violated any vexatious-litigant law.

It is impossible for this Court to stand for supporting and defending the U.S. Const. if it stands idly by when such litigation is brought to this Court that governs about 25% of the States, and about 150 million citizens. Every day, a state court unconstitutionally denies access to its courts. Viz., this is not Don Quixote tilting at windmills—unless this Court ignores this case. In that instance, that's exactly what this case becomes despite Alexander Hamilton's ("**Hamilton**") exhortation for the States to adopt the U.S. Const. because it would result in, "[T]he ***[fed]eral***

government will ***at all times*** stand ready to ***check the usurpations of the State governments***...", ALEXANDER HAMILTON, ET AL., THE FEDERALIST (The Easton Press ed. 1979) (10/27/1787–4/2/1788), NO. 28, 178) (emphasis added).

Here, Hadsell is the posterchild for the unconstitutional denial of access to the courts because in addition to the Writ's undisputed context that:

- He never violated Cal. Code Civ. Proc. §§391-391.8 ("**Cal. VL Law**");
- Notwithstanding, he was placed on the Cal. Judicial Council's Vexatious Litigant List ("**VL List**") by a rogue judge[1] who lacked subject matter jurisdiction ("**SMJ**").
- That 1DCA ignored ***dispositive*** law that requires court access:
  - It is undisputed that there is no valid judgment declaring Hadsell a vexatious litigant ("**VL**"), or subject to prefiling;
  - 1DCA's ***own*** Law of the Case is that Hadsell is the defendant, and Cal. VL Law is inapplicable to defendants;

[1] Such language is not used unadvisedly. The Writ demonstrated Judge Mockler is likely the most overruled judge in California. She's been reversed more than 25 times the average judge in Contra Costa County, and over 80 times more in the year in question—frequently, the Attorney General, rather than defend her, simply conceded error.

  - Hadsell was represented in the Superior Court of Contra Costa County (“**Trial Court**”), and Cal. VL Law is inapplicable to represented litigants.

1DCA has gone further:

- Violating Cal. Const. art. VI, §3 (and federal substantive due-process and equal-protection rights, U.S. Const. amend. V, U.S. Const. amend. XIV) by:
  - Convening as a single-justice court rather than the required three-justice court;
  - When the single justice was automatically disqualified, he continued to preside and issued a nonbinding judgment because no hearing was held, and the judgment failed to include the minimum, mandatory concurrence of two-justices.
- 1DCA's Office Clerks failed to perform their mandated ministerial tasks by rejecting Hadsell's pleadings in violation of California Rules of Court, and case law, thereby denying Hadsell access to the court.

To provide easy verification, the Appendix includes all the documents demonstrating these grave injustices. Injustices that do violence to this Court's constitutional jurisprudence regarding access to the courts. Indeed, injustices that, “[D]ecided an important question of federal law that has not been,

but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.", U.S. Sup. Ct. R., rule 10(c) (regarding this Court's considerations on certworthiness).

Respectfully, Hadsell requests this Court to grant cert.

B. STATEMENT OF THE CASE

On 7/15/25, Hadsell filed a 1DCA writ regarding Trial Court Judge George's, ("**George**") disqualification. The writ continued the statute-mandated stay, and George's SMJ divestiture, until the disqualification issue was final.

After the Writ:

- During the stay, and her SMJ divestiture, George committed three major violations of law:
- On 9/16/25, granted and entered judgment on Respondent's, Catherine Isham (fka Porter, Howard, Hadsell, "**Isham**") ex-parte motion to finalize and distribute Hadsell's son's estate entirely to Isham in violation of multiple laws. George did so against additional SMJ-divestiture law because Isham failed to serve either of two required notices, or provide the court with any of the required elements to file an ex-parte motion (**Exhibit 1, "Hadsell's 1/8/26 1DCA Writ"**, (p 15a, ¶a. "Errors 1-5"). With no required-notices service, "[N]o hearing may be conducted unless such service has been

made.", CRC 3.1206. And all ex-parte motions require a hearing, CRC 3.1207.

  - No 9/16/25 void judgment's required notice of entry served, nor entry into the Register of Actions[2] prior to 11/12/25; and, probably later. That is why Hadsell could not discover these matters before the Writ.

- On 12/4/25, held a hearing (continued from 7/22/25 at Isham's insistence).
  - Isham voluntarily failed to appear.
- At the 12/4/25 hearing:
  - George, in Isham's absence, violated the Party Presentation Principle, and multiple California laws to act as Isham's advocate by presenting evidence and argument on Isham's behalf;
  - George refused to allow Hadsell to discuss any matter properly before the court by adjourning court; and
  - These facts are supported by:
    - Probate-court adjournments are rare in its morning Law & Motion hearings;
    - The hearing lasted 5-6 minutes for a scheduled 20-minute hearing; and

[2] Therefore, ineffectual, "In no case is a judgment effectual for any purpose until entered.", CCP §664(a).

- George ran the courtroom as though on a stopwatch, and left the bench with matters still pending (cutting-off Hadsell after speaking merely 56 words). Both actions are reversible, per-se errors.

Hadsell filed a motion to disqualify George. It provided 42, unrefuted, ***factual*** errors; four of those acts are reversible, per-se errors.

George couldn't, and didn't, refute any factual allegation; and disqualification must be adjudicated by an independent judge. So, what did George do?

She denied Hadsell's motion as untimely when the standard for timeliness is the vague, "earliest practicable opportunity".

Here, the standard for transcript delivery is 30 days. That would be 1/3/26. Hadsell paid to expedite the transcript within 14 days, and filed his motion within 19 days, 12/23/25. It is absurd to hide the elephant of judicial misconduct in the mousehole of untimeliness when the motion was filed 10 days prior to when the transcript is even normally available.

By statute, appeal of a disqualification motion is not available; only a writ filed within 10 days of denial.

That was done: **Exhibit 1, "Hadsell's 1/8/26 1DCA Writ"**, p. 3a,

1DCA's response was to use unconstitutional Cal. VL Law to deny access to the court.

1DCA also used the wrong element of proof, "Petitioner has failed to demonstrate a reasonable possibility his appeal has merit…", (1DCA: Judgment (2/19/25), p. 1a) to reject Hadsell's 1/8/26 1DCA Writ.[3] The correct element of proof is, "'the simple showing of an arguable issue.'", *Kobayashi v. Superior Court* (2009) 175 Cal.App.4th 536, 541. There is no legitimate argument that Hadsell's 1/8/26 1DCA Writ fails to provide an arguable issue.

C. THE CITIZENS' MOST SACRED, FUNDAMENTAL, JUDICIARY RIGHT IS ACCESS TO THE COURTS

It is important to recall the context (Writ, p. 2, ¶VIII.A.1.) that right to access the courts is the most sacred, most fundamental, citizens' judicial right.

D. THE SOLE STATUTORY REBUTTAL TO AN AS-APPLIED CHALLENGE TO VL LAW IS "LEAVE" TO ACCESS COURT

The ***only*** argument against an as-applied challenge to the States' Vexatious Litigant Law (**"States' VL Law"**) is that a VL can apply for "leave" to access the court.

As the model for States' VL Law, Cal. Code Civ. Proc. §391.7(a) provides that no VL can access the courts, "without first obtaining leave of the presiding justice or presiding judge…" ***and*** provided that "it appears that the litigation has merit and has not been filed for

[3] 1DCA's statement regards "security", CCP §391.1 and CCP §391.3, not prefiling.

the purposes of harassment or delay.", CCP §391.7(b). Even then, a litigant who may have never violated ***any*** law, and who litigates a judge-adjudicated ***meritorious*** action, is required to post security for the opponent's costs [***including attorney's fees***, CCP §391(c)] or face pain of automatic dismissal—contrary to this Court's support for "reasonably based suits" that are "unsuccessful" (Writ, p. 21, fn 11). This turns the American Rule on its head because the VL pays ***all*** the opponent's costs when litigating a ***meritorious*** claim. Even a convicted, incarcerated: i) felon, or ii) illegal immigrant, is not subjected to such treatment for an ***unmeritorious*** action.

Notwithstanding that the "leave-to-file" exception (with its concomitant extreme burdens) provides a theoretical, backdoor-access to the courts (upon which every as-applied challenge defense rests), the practical reality demonstrated here is that it is only observed in the breach.

E. CASE-LAW PROVIDES AT LEAST THREE EXCEPTIONS TO VL LAW'S APPLICABILTY

To appreciate the depths of 1DCA's new perfidy, one must recall the Writ's context that it is undisputed that 1DCA failed to respond to: i) a void judgment is unenforceable, ii) States' VL Laws are inapplicable to defendants, and iii) when an action is initiated while

a litigant is represented, States' VL Law is inapplicable[4].

F. 1DCA'S ADDITIONAL, AS-APPLIED, UNCONSTITUTIONAL, ACTS

1DCA responded to Hadsell's 1/8/26 1DCA Writ with a letter, **Exhibit 2**, "**1DCA 1/8/26 Letter**", p. 97a.

The 1DCA 1/8/26 Letter, 1DCA: Judgment (2/19/25), and 1DCA's actions leave no doubt that California courts purposefully, and brazenly, apply Cal. VL Law so as to deny access to its courts in violation of the U.S. and Cal. Consts.

1. NO LEGAL AUTHORITY TO REQUIRE HADSELL TO FILE A MOTION FOR "LEAVE TO FILE"

Despite no legal authority to require that Hadsell file a motion for leave to file Hadsell's 1/8/26 1DCA Writ, he voluntarily did so, **Exhibit 3**, "**Hadsell's 1/12/26 1DCA Motion for Leave to File New Litigation**", p. 100a.

His motion detailed how all three, dispositive, Cal. VL Law exceptions apply here.

What was 1DCA's response?

1DCA denied that Hadsell even filed the motion and dismissed his writ, "Appellant [sic] failed to submit

[4] North Dakota law denies access to the courts ***even if*** a VL is represented, (Writ, p. 39a, ¶3.).

the required application. Accordingly, permission to appeal [sic] is denied.", 1DCA: Judgment (2/19/25), p. 1a. 1DCA didn't bother to update its boilerplate pretext to accommodate that a disqualification-motion review requires a writ, not an appeal; therefore, Hadsell is the petitioner, not an appellant.

2. 1DCA VIOLATED WHEN IT ACTED AS A SINGLE-JUDGE COURT

A California appellate court division "shall conduct itself as a 3-judge court.", Cal. Const. art. VI, §3. Yet, 1DCA didn't assign these matters to a division; instead, with no citation to legal authority, it authorized itself to conduct matters as a single-judge court.

1DCA stated it, "has ***not assigned*** your attempted petition ***to a division***.", 1DCA 1/8/26 Letter (emphasis added)

Therefore, 1DCA violated Cal. Const. art. VI, §3 by failing to "conduct itself as a 3-judge court."

a. Because 1DCA Acted as a Single-Judge Court, Hadsell Filed an Automatic, Peremptory Disqualification Motion to Disqualify Humes

A) CCP §170.6 Applies

CCP §170.6(a)(1) states that CCP §170.6 applies to, "A judge, court commissioner, or referee of a superior court of the State of California..."; viz., it's not usually applied to a judicial panel.

However, as CCP §170.6(a)(1) states, "If the court in which the action is pending is authorized to have no more than one judge..." then certain procedural provisions apply to the action. Thus, the Legislature has contemplated, and made applicable, peremptory disqualification to tribunals that authorize themselves to act as a single-judge court. The public policy here is to ensure public trust in tribunals acting as a single-judge court.

Therefore, believing that Administrative Presiding Justice Humes ("**Humes**") is prejudiced against Hadsell, Hadsell filed a peremptory motion to automatically disqualify Humes, **Exhibit 4, "Hadsell's 1/12/26 1DCA Motion to Disqualify Humes"**, p. 115a.

a. Establishing Prejudice

CCP §170.6(a)(1) provides that (emphasis added):

> A judge... shall not try a civil... action or special proceeding ***of any kind or character*** nor hear any matter therein... when it is established as provided in this section that the judge... is prejudiced against a party or attorney or the interest of a party or attorney appearing in the action or proceeding.

Prejudice is established by filing an "affidavit or declaration" stating that such prejudice exists, CCP §170.6(a)(2). Hadsell provided such a declaration.

b. Disqualification Is Mandatory and Automatic

Upon presenting a disqualification motion, disqualification is mandatory and automatic. As CCP §170.6(a)(4) provides:

> If the motion is duly presented, and the affidavit… is duly filed… thereupon and without any further act or proof, the judge supervising the master calendar, if any, shall assign some other judge… to try the cause or hear the matter.

Disqualification "takes effect ***instantaneously*** and ***irrevocably***", *Davcon, Inc. v. Roberts & Morgan* (2003) 110 Cal.App.4th 1355, 1360 (emphasis added).

Therefore, as of 1/12/26, Humes was disqualified from this case.

3. 1DCA'S JUDGMENT IS NOT BINDING SINCE NO HEARING WAS HELD, AND IT LACKS THE REQUIRED CONCURRENCE OF AT LEAST TWO JUSTICES

a. Judgment Defined

CCP §680.230 defines judgment, "'Judgment' means a judgment, order, or decree ***entered in a court of this state***." (emphasis added).

1DCA maintains an electronic register of actions, therefore CCP §668.5 applies and it provides:

> In those counties where… the judgment is entered in the register of actions, … the clerk shall

> not be required to enter judgments in a judgment book, and the date of filing the judgment with the clerk shall constitute the date of its entry.

When the **1DCA: Judgment (2/19/25)** was entered in the Register of Actions, it officially became a judgment, CCP §664.

b. California Appellate Court Judgments Require Concurrence of Two Justices Present at the Argument

Cal. Const. art. VI, §3 states (emphasis added), "Concurrence of 2 judges ***present at the argument*** is necessary for a judgment."

Estate of Crabtree (1992) 4 Cal.App.4th 1119, 1123, fn. 2 provides:

> We recognize the grandchildren previously moved to dismiss Genevieve's appeal and that their motion was denied by the presiding justice. The order denying dismissal, because it did not have the concurrence of two justices, was not a determination of the merits and was not binding on the grandchildren. (*In re Christopher A.* (1991) 226 Cal.App.3d 1154, 1161....)

Citation to *Christopher* illustrates the Cal. Const.'s two-justices' concurrence requirement for all appellate-court judgments (italics in the original):

> [A]ny determination of the merits of a cause by this court that is to bind the parties *must* have the agreement of two justices (Cal. Const., art. VI, § 3)

> which was not done here. For this reason… the order denying dismissal hereinbefore entered cannot constitute the law of the case…

Because no argument was held, nor does the 1DCA: Judgment (2/19/25) have the two-justices' concurrence, the judgment is not binding.

4. THE 1DCA CLERKS MUST ACCEPT AND DOCKET, AND 1DCA MUST ADJUDICATE, PROPERLY FORMED MOTIONS

1DCA's Law-Office clerks ("**Clerks**") ***are expert***, at a narrow aspect of California's vast procedural law: appellate-review rules of court.

Scott S. Harris, Clerk of the Supreme Court of the United States, is a lawyer, who manages the clerks of the court, who may also be lawyers. And the justices' law clerks draw from the top ranks of the nation's most prestigious law schools.

In contrast, Charles Johnson ("**Johnson**"), 1DCA's Clerk/Executive Officer, is not a lawyer. Barring a rare exception, the Clerks Mr. Johnson manages ***are not lawyers*** and ***are not experts at the vast majority of Cal. Procedural Law***—statutes and case law.

With all due respect, the Clerks' lack of expertise, and 1DCA's omissions of issues and material facts, have resulted in errors as follows:

a. CRCs, Statutes, and Case Law Violations

The 1DCA 1/8/26 Letter states (emphasis added):

> This court has determined that you were previously found to be a vexatious litigant ***subject to a prefiling order***. Pursuant to [CCP §391.7], ***you may not file a new proceeding*** in this court ***without permission***.
>
> …I have enclosed a copy of the ***form you must use*** to apply for permission.

As discussed *supra*, Hadsell is ***not*** "subject to a prefiling order", and Cal. VL Law is inapt anyway because Hadsell is the defendant, and was represented at the initiation of the case.

A) There Is No Mandatory Form to "Apply for Permission"

CCP §391.7(c) states (emphasis added):

> The clerk may not file any litigation… subject to a prefiling order unless the vexatious litigant first ***obtains an order***… permitting the filing.

CCP §116.130(h) defines, "'Motion' means a party's written request to the court for an order…"

Notwithstanding the 1DCA 1/8/26 Letter's statement, "form you must use", there appears to be no legal authority that requires the use of any form for a court order to "apply for permission".

Therefore, Hadsell's 1/12/26 1DCA Motion for Leave to File New Litigation fulfills any requirement to "apply for permission".

Thus, the 1DCA: Judgment (2/19/25)'s, p. 1a, statement, "Appellant failed to submit the required application." is false, and error.

Moreover, Hadsell's 1DCA Pleadings are especially easy to adjudicate here since there is no opposition to any of his pleadings; therefore, 1DCA may treat his pleadings as consented to by any opposing party [CRC 8.54(c)].

Because of 1DCA's failure to accept, docket, and adjudicate Hadsell's 1DCA Pleadings, or to communicate with Hadsell, he filed **Exhibit 5, "Hadsell's 1/21/26 1DCA Motion to File Hadsell's 1DCA Pleadings"**, p. 121a,

When 1DCA still maintained radio silence, he filed **Exhibit 6, "Hadsell's 1/26/26 1DCA Letter"**, p. 150a.

All Hadsell's efforts to communicate were ignored.

It seems that Hamilton's statements *supra* about this Court's need to intervene is the only method that can succeed in garnering the States' attention to restore The People's most precious judicial right: access to the courts.

B) *Voit* Instructs Why Law Clerks Are Ministerially Required to File Pleadings And Leave Applying The Law to the Court

Black's Law Dictionary (12th ed. 2024) (**"BLD"**) defines "proceeding" as (emphasis added):

> "'Proceeding' is a word much used to express the business done in courts.... As applied to actions, the term 'proceeding' may include—... (6) ***all motions*** made in the action;... [Citation.]"

Likewise, CCP §170.5(f) states, "'Proceeding' means... motion...".

CCP §116.130(h) defines, "'Motion' means a party's written request to the court for an order or other action."

CRC 3.1112(d) provides the four required elements of a motion:

> **(1)** Identify the party or parties bringing the motion;
>
> **(2)** Name the parties to whom it is addressed;
>
> **(3)** Briefly state the basis for the motion and the relief sought; and
>
> **(4)** If a pleading is challenged, state the specific portion challenged.

It is undisputed that all of Hadsell's pleadings filed with 1DCA (**"Hadsell's 1DCA Pleadings"**) comply with all the filing requirements of a motion.

CCP §1010.6(e)(4)(B) states that an electronically filed document that, "complies with filing requirements" shall be filed and the party promptly notified of the filing.

As *Voit*, 1287 instructs (emphasis added):

> The actions of the court clerk's office are quite troubling. "It is difficult enough to practice law without having the clerk's office as an adversary." [Citation.]...
>
> ***By unilaterally refusing*** to file [Hadsell's Pleadings], the clerk's office prevented the court from applying... precedent, or any other relevant law, to [Hadsell]'s particular circumstances.

It is the court's role to apply precedent, and relevant law, not layperson Clerks.

In fairness, CCP §391.7(c) provides (emphasis added):

> The ***clerk may not file*** any ***litigation*** presented ***by a vexatious litigant subject to a prefiling order*** unless [VL] obtains an order...permitting the filing.

N.b., the "may not", is not "shall not", because of the exceptions to CCP §391.7(c). Once Hadsell made the clerks and 1DCA aware that he is not subject to a prefiling order, and even if he were, that several exceptions apply, CCP §391.7(c) did not apply. Thus, the clerks were duty bound to perform their ministerial task to accept and docket Hadsell's 1DCA Pleadings.

C) CRC 8.77

CRC 8.77(a)(2) states:

> If the electronically submitted document received by the court complies with filing requirements, the document is deemed filed on the date and time it was received by the court…

Additionally, CRC 8.77(b) states (emphasis added) that if Hadsell's 1DCA Pleadings:

> do[] not comply with applicable filing requirements, ***the court must*** arrange to promptly ***send notice*** of the rejection of the document for filing to the electronic filer. The ***notice must state the reasons that the document was rejected*** for filing.

Because CA VL Law doesn't apply here, with all due respect, 1DCA and the Clerks violated CRC 8.77(b) because they haven't provided any valid reason, let alone "***the*** reason" why Hadsell's 1DCA Pleadings were not accepted and docketed.

IV. CONCLUSION

This case is certworthy because it involves important constitutional issues essential to liberty and justice; and requires interpretation that must be enforced uniformly because the fundamental right to access the courts is applicable nationwide.

The issues involved are large scale—covering the fundamental rights of citizens in about 25% of the States, and about 150 million citizens.

The issues are ongoing and recurring. Yet the facts are undisputed that fundamental constitutional rights are being routinely violated everyday somewhere in our nation's courthouses. Violations that U.S. Sup. Ct. R., rule 10(c) states that this Court should resolve.

For the foregoing reasons, the petition should be granted.

Respectfully submitted,

/s/ Christopher Hadsell
Christopher Hadsell, Petitioner
March 23, 2026

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Appendix

1DCA: Judgment (2/19/25)

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

Estate of CHARLES RICHARD HADSELL, Deceased.	
CHRISTOPHER HADSELL, Plaintiff and Appellant, v. CATHERINE ISHAM, Defendant and Respondent.	A175250 (Contra Costa County Super. Ct. No. P22-00643)

Petitioner Christopher Hadsell has been found to be a vexatious litigant and is subject to a prefiling order. (Code Civ. Proc., §§ 391, 391. 7.) On January 8, 2026, appellant filed a petition for writ of mandate and/or prohibition or other extraordinary relief, seeking a peremptory writ ordering respondent superior court to grant petitioner's disqualification motion, among other relief.

On January 8, 2026, this court notified appellant that he must submit an application seeking permission to appeal the order within 10 days of the notice. (See id., § 391. 7, subd. (c).). Appellant failed to submit the required application. Accordingly, permission to appeal is denied.

1

To the extent petitioner's "Motion for Leave to File New Litigation," which this court received on January 12, 2026, constitutes his application, the motion is denied. Petitioner has failed to demonstrate a reasonable possibility his appeal has merit and has not been filed for the purposes of harassment or delay. (Code Civ. Proc., § 391. 7, subd. (b).)

Dated: 02/19/2026 Humes. A.P.J.

2

Exhibit 1

Hadsell's 1/8/26 1DCA Writ

A[175250]

**In the Court of Appeal
of the State of California
First Appellate District, Division ________**

**Estate of Charles Hadsell, Deceased.
Christopher Hadsell,**
Petitioner (Petitioner Below)
vs.
The Superior Court of California, County of Contra Costa
Respondent

Catherine Isham (fka Porter, Howard, Hadsell)
Respondent (Respondent Below) and Real Party in Interest.

The Superior Court of California, County of Contra Costa
(Lead Case No. P22-00643)
The Honorable Virginia George

Petition for Writ of Mandate and/or Prohibition Or Other Extraordinary Relief

---

Christopher Hadsell
9000 Crow Canyon Rd., S-399
Danville, CA 94506
(925) 482-6502 • Email: CJHadsellLaw@gmail.com

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II.INTRODUCTION

This Petition for Writ of Mandate and/or Prohibition Or Other Extraordinary Relief (**"Writ"**) presents: i) a clear present duty on the part of the respondent superior court; ii) a clear present beneficial right in Petitioner, Christopher Hadsell (**"Hadsell"**); and iii) that there is no other adequate remedy available. Therefore, this Writ presents a sufficient showing necessary to grant the Writ. As a result, Hadsell respectfully requests this court to grant this Writ.

The Writ also argues two main issues:

- • The veracity and accuracy of Hadsell's allegations of the appearance of bias vs. the falsity and inaccuracy of Judge George's (**"George"**) Order/Answer; and

- • Timeliness of Hadsell's Motion to Disqualify Judge George (**"Hadsell's MOT DQ George"**).

These two issues, combined with: i) the required liberal statutory construction of the Legislative intent for disqualification to provide litigants with an impartial adjudicator, and to ensure public confidence in the judiciary; and ii) the California Supreme Court's strong public policy that wherever possible, issues should be decided on the merits rather than pursuant to procedure (such as a filing deadline) further militate toward granting this Writ.

III. PETITION

PETITION TO: THE HONORABLE JUSTICES OF THE COURT OF APPEAL OF THE STATE OF CALIFORNIA, FIRST APPELLATE DISTRICT:

Hadsell respectfully petitions this Court for a Writ of Mandate, and/or Prohibition, or other extraordinary relief, and in support thereof, alleges:

Page 7 January 8, 2026
Petition for Writ of Mandate and/or Prohibition Or Other Extraordinary Relief

A. AUTHENTICITY OF EXHIBITS

All exhibits accompanying this petition are true copies of original documents on file with respondent superior court except for the possible addition of color highlights to quoted text to aid the reader in locating quotations. The exhibits are incorporated herein by reference as though fully set forth in this petition.

B. TIMELINESS OF PETITION

On 12/24/25, the respondent superior court issued George's Order/Answer, (**Exhibit 2, "George's Order/Answer**", p. 56 et seq., color highlights added). The Clerk mailed an invalid Certificate of Mailing on 12/24/25 because it failed to meet the requirements of Cal. Code Civ. Proc.[1] §664.5, and *Van Beurden Ins. Services, Inc. v. Customized Worldwide Weather Ins. Agency, Inc.* (1997) 15 Cal.4th 51, 64). Therefore, the filing deadline pursuant to CCP §170.3(d) has not yet begun to run.

Notwithstanding, had valid notice been provided on 12/24/25, CCP §170.3(d) and §1013 would create a filing deadline of 1/8/25; therefore, this Writ is timely filed.

C. CLEAR, PRESENT DUTY ON PART OF RESPONDENT SUPERIOR COURT

As *Goldberg v. Kelly* (1970) 397 U.S. 254, 271 states, for substantive due process to be achieved, "an impartial decision maker is essential."

In re Murchison (1955) 349 U.S. 133, 136 goes further. It states (emphasis added):

> A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of

[1] Subsequent references to the Cal. Code of Civ. Proc. will be designated "CCP".

> cases. But ***our system*** of law has always endeavored to ***prevent even the probability of unfairness***.

Therefore, there is a clear, present duty on the part of respondent superior court to provide an impartial decisionmaker who is free from even the appearance of bias.

D. CLEAR, PRESENT BENEFICIAL RIGHT IN HADSELL

Hadsell is a party to this litigation, and has a clear, present, and substantial beneficial right in his intestate son's estate, CCP §1086.

E. NO OTHER ADEQUATE REMEDY AVAILABLE

As Carl v. Superior Court (2007) 157 Cal.App.4th 73, 75 instructs, "An order striking a statement of disqualification is not appealable; it may only be challenged by a petition for writ of mandate...". Therefore, other than this Writ, there is no other adequate remedy available.

IV. PRAYER

Hadsell prays that this court:

A. Issue a peremptory writ of mandate, prohibition, or other extraordinary relief in the first instance ordering respondent superior court to:

1. Grant Hadsell's Motion to Disqualify Judge George.
2. Alternatively, this court issue a peremptory writ after issuing an alternative writ directing the real parties in interest to show cause why the court should not take the actions supra.

B. Award Hadsell his costs pursuant to Cal. Rules of Court[2], rule 8.493(a)(1)(A).

[2] Subsequent references to the Cal. Rules of Court will be designated "**CRC**".

C. Grant such other extraordinary relief in Hadsell's favor as is just and proper.

V. VERIFICATION

I, Christopher Hadsell, declare:

I am Petitioner in this case. I have read the foregoing Petition for Writ of Mandate and/or Prohibition Or Other Extraordinary Relief and know its contents. The facts stated in this Petition are true and within my own personal knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed on January 8, 2026.

Christopher Hadsell

VI. MEMORANDUM OF POINTS AND AUTHORITIES

A. INTRODUCTION

This court should issue a writ of mandate compelling respondent superior court to grant Hadsell's MOT DQ George because:

- Respondent superior court is:
  - An inferior tribunal;
  - Having a duty to so act; and
- Hadsell is:
  - Beneficially interested; and
  - Has no plain, speedy, and adequate remedy in the ordinary course of law.

B. STANDARD FOR WRIT OF MANDATE ISSUANCE

A writ of mandate may be issued by any court to any inferior tribunal to compel the performance of an act that the law specially enjoins as a duty, and from which the party is unlawfully precluded by that inferior tribunal, CCP §1085(a).

The writ "***must*** be issued" on the verified petition of the party beneficially interested, when there is no plain, speedy, and adequate remedy in the ordinary course of the law, CCP §1086 (emphasis added).

C. ARGUMENT

1. GEORGE ASCRIBES SUPERNATURAL LEGAL POWERS TO HADSELL

George's Order/Answer, p. 1 (p. 56 *infra*), begins (emphasis added), "The substance of the claimed disqualification is based on Mr. Hadsell's ***opinion*** and ***dissatisfaction*** with the court's rulings."

It seems that George ascribes legal powers to Hadsell of which he is unaware. Although his opinion on legal issues mattered in his 10-year role

as a FINRA Arbitrator, Hadsell is unaware of any legal issue in this case where: i) his opinion as to whether he agrees or disagrees with a court ruling, or ii) whether he is a dissatisfied or contented litigant, has any legal effect. Instead, he relies upon valid legal argument; viz., legal analysis that applies apposite legal authority to the facts to achieve valid legal conclusions.

2. FACT VS. OPINION

A fact is, "[W]hat has actually happened or is the case; truth attested by direct observation...", Oxford English Dictionary 1190 (2d ed., CD-ROM ver. 4.0, **"OED"**).

An opinion is:

> What one thinks or how one thinks about something; judgement resting on grounds insufficient for complete demonstration; belief of something as probable, or as seeming to one's own mind to be true, though not certain or established. (*Id.*)

Hadsell's MOT DQ George lists 42 ***factual*** errors (viz., an act happened, or it did not, **Exhibit 3, "George's Errors Listing"**, p. 65) that demonstrate George's ***actual*** bias since four of the errors are

reversible per se (Hadsell's MOT DQ George, 15:19 24; 16:2 10):

a. Errors 1-5

On 9/15/25, Respondent, Catherine Isham (fka Porter, Howard, Hadsell, "**Isham**") submitted an ex-parte motion for final discharge.

An ex parte motion has two notice requirements, and a declaration requirement (CRC 3.1203(a), CRC 3.1204(b), and CRC 3.1202(c), respectively. George ignored these requirements, Errors 1 3.

In our adversarial legal system, an ex-parte proceeding is an extraordinary event. As such, there are strict procedural requirements for ex-parte matters.

Here, George ignored them at the peril of her subject matter jurisdiction ("**SMJ**") because CRC 3.1206 states, "[N]o hearing may be conducted unless such service has been made." Notwithstanding, George adjudicated the

matter. Error 4.

A judgment that lacks SMJ is void, unenforceable, and a legal nullity, *Varian Medical Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 196. Notwithstanding, George entered her void judgment and gave it legal effect. Error 5.

These are simple factual issues—either Isham met the ex-parte requirements or she did not. She did not. Either failing to meet service requirements prohibited a hearing or it did not. It did. Either failed service requirements lost the court SMJ or it did not. It did. Either George adjudicated the motion anyway,

or she did not. She did. Either a lack of SMJ made the judgment void, or it did not. It did.

b. Why Doesn't George Refute Simple Facts?

These are simple, verifiable facts, from the records. Why doesn't George refute them? Simple. She can't. In fairness, George does state, "Unless expressly admitted, I deny each and every allegation made about me [in the] statement of disqualification for cause.", George's Order/Answer, p. 6. (p. 61 infra).

The OED defines deny as, "[T]o reject as untrue or unfounded…", and refute as, "To disprove, overthrow by argument, prove to be false…".

Thus, to merely deny something is meaningless for legal argument purposes if the denial is not backed up by a refutation—especially where the evidentiary standard is preponderance of the evidence. Zero evidence weighs zero on the evidentiary scale. Exactly like this case, when a respondent did not provide any facts to refute the petitioner's facts, *Melorich Builders v. Superior Court* (1984) 160 Cal.App.3d 931, 934, provides the only legitimate conclusion, "[W]e must assume that the [Respondent] either cannot dispute the truth of [Petitioner]'s affidavits or cannot controvert them." Exactly.

c. Error 6

As detailed in Hadsell's MOT DQ George, 12:26 13:13 (p. 47 infra), at the 7/22/25 hearing (exactly as at the prior 4/29/25 hearing, ***and*** at the 12/4/25 hearing) the only matter on calendar was Hadsell's ***unopposed*** 11/25/24 Sanctions Motion against Isham.

Because the matter could not be heard due to an appellate stay, Hadsell offered to remove it from calendar until the court gained jurisdiction. At ***Isham's*** insistence, the matter was continued to 12/4/25. Under the circumstances here, additional notice is not required for a continuance—but in any event, would have been Isham's duty, not Hadsell's; error 6. Notwithstanding, in an attempt to deny Hadsell's motion due to a notice failure (biased use of the error, and directly opposite to George's behavior supra when Isham failed to provide required notice), George insisted that Hadsell demonstrate proper notice. George was forced to relent when Hadsell read back the R.T. 7/22/25 4:25 5:9.

d. Error 7

Prior to this motion, Hadsell filed opposition to Isham's 3/6/23 motion for a final distribution. Because Isham continued to file "supplemental" filings to her motion that were both untimely, and without the required leave of court to file a supplemental pleading, Hadsell filed two additional opposition pleadings. Moreover, at the 2/6/25 hearing of Isham's motion, Hadsell was present in court to oppose her motion. Astoundingly, the court cut-off Hadsell's attempt to argue opposition at the hearing, and despite his opposition filings, declared Isham's motion unopposed, and then granted her motion on the basis that it was unopposed.

That was back in February, so not at issue here. What is at issue here, is at the 12/4/25 hearing, when the shoe is on the other foot, and Isham not only failed to file any opposition, but ***failed to appear*** at

the hearing that she requested continued, and yet now, when it's Hadsell's 11/25/24 Sanctions

Motion was actually unopposed (with no filed opposition, and a failure to appear in court), George denied his motion.

e. Error 8

The Party Presentation Principle ("**PPP**") requires the court to take a civil case as it is presented by the parties because only the parties can present evidence and argument in a civil case, *Greenlaw v. U.S.* (2008) 554 U.S. 237 (see Hadsell's MOT DQ George, 14:6 23, p. 49 *infra*).

Additionally, CRC 3.1306 prohibits oral testimony at a law and motion hearing.

Notwithstanding, at the 12/4/25 hearing, in Isham's ***voluntary*** failure to appear, George acted as Isham's counsel to provide unsworn testimony.

f. Errors 9-18

At the 12/4/25 hearing, in violation of the PPP, George introduced evidence of 10 separate federal and state court documents (see Hadsell's MOT DQ George, 15:2 9, p. 50 *infra*).

g. Errors 19-28

Cal. Evid. Code[3] §455 states (emphasis added):

(b) If the trial court resorts to ***any*** source of ***information not received in open court***,... the court ***shall*** afford each party reasonable opportunity to meet such information ***before judicial notice*** of the matter ***may be taken***.

Thus, EC §455 prohibits a trial-by-surprise, lying-in-wait, approach to litigation.

Notwithstanding, none of the 10 federal and state documents George introduced at the 12/4/25 hearing were received in open court. Therefore, each was error as a violation of EC §455.

[3] Subsequent references to the Cal. Evid. Code will be designated "**EC**".

h. Errors 29-38

EC §350 states, "No evidence is admissible except relevant evidence."

The only matter on calendar for 12/4/25 was Hadsell's ***unopposed*** 11/25/24 Sanctions Motion against Isham. None of the 10 documents introduced by George make ***any*** reference to Hadsell's motion. Therefore, not only were they inadmissible as violations of EC §455, they also violated EC §350.

i. Errors 39-42

As detailed in Hadsell's MOT DQ George, 15:18 16:10 (p. 50 infra), *In re Marriage of Carlsson* (2008) 163 Cal.App.4th 281, 291-292 describes the situation when a court: i) runs the hearing on a stopwatch, ii) denies a litigant the right to offer evidence, iii) fails to keep an open mind until all the evidence is proffered, and iv) abruptly ends the proceeding before the completion of a litigant's proposed evidence. All four[4] errors are reversible per se.

The 12/4/25 Minute Order and the R.T. 12/4/25 (**Exhibit 4, "R.T. 12/4/25 Excerpt**", p. 67) illustrate these well.

The 12/4/25 Minute Order, p. 1 (p. 63 *infra*) states (changed from all capital letters for readability), "The court will not hear argument today."

From the R.T. 12/4/25, the context of the hearing is:

- The hearing was 132 transcript lines.
  - At 25 lines/page, that is 5.28 pages.
- Total spoken words: 1,044.

[4] In an earlier draft of Hadsell's MOT DQ George, **Hadsell** had identified two reversible errors. When he added two more such errors, he inadvertently failed to update the earlier references to only two such errors. **Hadsell** sincerely apologizes for any confusion, or inconvenience, resulting from his inadvertent mistake.

- Words related to the court were: 988 (94.6%).
  - Court: 890.
  - Hadsell's response to court's request for appearance: 11.
  - Hadsell's response to court's notice question: 87.
- Words related to Hadsell: 56 (5.4%).
- • The rule of thumb for transcripts is that one page is about one minute of hearing, U.S. Dist. Ct. N.D. of California, https://cand.uscourts.gov/cases-e-filing/obtaining-information-about-cases/transcriptscourt-reporters/important-things-know (last visited January 7, 2026).

Law and Motion hearings are nominally allotted 20 minutes. This hearing, on George's stopwatch approach, at 132 lines, lasted about 5 6 minutes.

The R.T. 12/4/25, p. 9, (p. 67 infra) provides (changed from all capital letters for readability, color highlights added):

2 [Mr. Hadsell:]·In preparing for today, I noticed a 9/16/25 ex

3 parte motion, and I received no notice of any 9/16/25 ex

4 parte motion.

5 The Court: Okay.

6 Mr. Hadsell: That violates notice requirements

7 of CRC 3.1203(a) which –

8 The Court: Mr. – Mr. Hadsell, that is not

9 before the court today.

10 You would have needed to notice Ms. Johnson.

11 I'm going to conclude the proceedings today because you

12 did not request permission to have that matter heard....

16 At this point, the court will conclude its

17 proceedings,...

20 Court will be in recess for a moment.

As discussed *supra*, the court lacked SMJ jurisdiction for the 9/16/24

Hearing, all courts have a duty to maintain SMJ, and a lack of SMJ can be raised at any time, anywhere.

Here, big-red-warning lights should have flashed for George the instant Hadsell raised a notice issue—especially given George's concern about notice for Isham (R.T. 12/4/25 9:10 *supra*) despite George having already acknowledged that Isham had been noticed about the hearing (at which any matter properly before the court can be raised), and George knew that Isham had voluntarily, without excuse, failed to appear.

And if George knew CRC 3.1203(a), she would know that SMJ was at issue. And if she didn't know, at a bare minimum, George needed to look up, or inquire from Hadsell, what it was about. Instead, she spoke 94.6% of the time, and then, with the passage of only about a quarter of the normally allotted time for a hearing: i) in Hadsell's about less-than-a-minute's time under George's stopwatch approach, ii) George prevented Hadsell from presenting ***any*** evidence or argument, thus iii) by preventing relevant evidence admission, by definition, she failed to keep an open mind before all the evidence was proffered, and iv) abruptly ended the proceeding by leaving the bench—the quadfecta of reversible-per-se Errors 39 42, all in under one minute.

3. REVERSIBLE PER SE ERRORS AND CUMULATIVE EFFECT OF MULTIPLE ERRORS

a. Canon 2

"An action that transgresses the confines of the applicable principles of law is outside the scope of

discretion and is called an abuse of discretion.", 4 Cal. Jur. 3d Appellate Review §304, footnote elided. Cal. Rules of Court[5], Canon 2 states, "A judge shall avoid impropriety and the appearance of

[5] Subsequent references to the Cal. Rules of Court Canons (aka, Cal. Code of Jud. Ethics) will be designated "**Canon**".

impropriety in all of the judge's activities." Cal. Rules of Court, Terminology defines impropriety as, " 'Impropriety' includes conduct that violates the law...". Therefore, if a judge violates the law (including an abuse of discretion), s/he violates Canon 2; viz, commits an ***actual*** ethical breach as opposed to the mere appearance of a breach of ethics. A reasonable person observing a judge committing actual breaches of ethics would have no choice but to, "harbor doubts about the judge's impartiality."

b. Reversible Per Se Errors, and Multiple Errors

"Reversible error" is a special breed of legal error. BLD defines "reversible error" as, "An error that affects a party's substantive rights or the case's outcome, and thus is grounds for reversal...". Moreover, BLD's definition of "prejudicial error" states, "See reversible error." BLD defines "prejudicial" as (emphasis added), "***Biased*** as a result of preconceived opinions...".

Here, we have in black-letter law that at least four of George's actions are reversible error, and thus ***actual*** bias. But assuming arguendo that all the other 38 legal errors are "harmless error", BLD

defines "cumulative error" as, "The cumulative effect of multiple harmless errors may amount to reversible error."

When there are 38 legal errors (even if harmless errors), and four reversible legal errors, it is impossible to conclude that a reasonable person, knowledgeable of these facts, could fail to, "harbor doubts about [George's] impartiality."

4. GEORGE'S ORDER/ANSWER COMMITS ADDITIONAL ERRORS

This case appears to be George's tar baby: every time she touches it, she blackens her hands, heart, and character.

a. Hadsell's MOT DQ George Is Timely

A) FILING DEADLINE VAGUENESS

George's Order/Answer, p. 1 (p. 56 *infra*), acknowledges that the deadline for filing a disqualification motion is vague[6], and then makes two attempts to make the deadline more concrete—both are misguided.

First, she states, "***[R]eview*** of a decision such as this one must be perfected within 10 days. See Code of Civil Procedure§ 170.3(d).", id. (emphasis added). That is error. ***Review*** is not required within 10 days, the ***filing deadline*** for a writ challenging a judgment that fails to disqualify a judge is 10 days.

Second, she states, "[T]he earliest practical opportunity is ***clearly designed*** to preclude a waste of scarce judicial resources...", *id.*, pp. 1-2 (emphasis added). George cites no authority. A search on "170.3(c)" and "scarce" within 5 words of "resources"

results in no appellate cases. Thus, there appears to be no legal authority for this "clear" proposition.

However, there is controlling legal authority for public policy regarding judge disqualification, prohibition against challenged judges deciding their own disqualification, and procedural law vs. substantive law.

Curle v. Superior Court (2001) 24 Cal.4th 1057, 1070 describes the Legislative intent of judicial disqualification for cause (emphasis added):

> Statutes governing disqualification for cause are intended to ***ensure public confidence*** in the judiciary and to ***protect*** the ***right*** of the litigants ***to a fair and impartial adjudicator***—***not*** to safeguard an asserted right, privilege, or preference of a judge to try or hear a particular dispute.

Thus, any legal interpretations as between the public and litigants vs. judges is to favor the public and litigants. Indeed, judges should cooperate

[6] "[A]t the earliest practicable opportunity after discovery of the facts constituting the ground for disqualification.", CCP §170.3(c)(1).

with, and embrace, disqualification because, as *Meyer v. San Diego* (1898) 121 Cal. 102, 106 states (emphasis added), "'It should be ***the duty and desire*** of every judge to ***avoid the very appearance*** of bias, prejudice, or partiality...'".

A challenged judge who refuses to recuse him/herself cannot determine their own disqualification, CCP §170.3(c)(5).

As everyone agrees, the filing deadline for a motion to disqualify is not specific. Without a calculable date, a filing deadline cannot be jurisdictional. Moreover, strong public policy requires litigation to be disposed of on the merits, rather than pursuant to procedure (such as a filing deadline).

As *Hocharian v. Superior Court* (1981) 28 Cal.3d 714 (emphasis added) dictates, "The court must... keep in mind the ***strong*** public policy ***that litigation be disposed of on the merits wherever possible***. (*Denham v. Superior Court*, *supra*, 2 Cal.3d at p. 566; [Citations.]"

The *Hocharian* Court didn't put aside a merely procedural court rule to reach the merits, it put aside a statutory substantive right that dictated case dismissal, *id.* The same is true for *Denham, 566*, (color highlights added):

> Although a defendant is entitled to the weight of the policy underlying the dismissal statute, which seeks to prevent unreasonable delays in litigation, the policy is less powerful than that which seeks to dispose of litigation on the merits rather than on procedural grounds. [Citation.]

Further, regarding statutory construction, *North Bloomfield Gravel Mining Co. v. Keyser* (1881) 58 Cal. 315, 322 dictates (consistent with CCP §170.3(c)(5), emphasis added):

> It is an ***ancient maxim***, and one founded in the most obvious principles of natural right,

that no man ought to be a judge in his own cause.

It continues:

This provision should not receive a technical or strict

construction, but rather one that is broad and liberal.

Id.

Finally, judges should cooperate with, and embrace, disqualification because, as *Meyer v. San Diego* (1898) 121 Cal. 102, 106 states (emphasis added), " 'It should be ***the duty and desire*** of every judge to ***avoid the very appearance*** of bias, prejudice, or partiality...' ".

Against the backdrop that disqualification statutes provide litigants' the right to an impartial decisionmaker, and is broadly construed in litigants' favor to ensure public confidence in the judiciary, CCP §§170.3(c)(1), and 170.4(b) provide an exception in a nod to the tension between the appearance of fairness and judicial efficiency (viz., avoiding abuse of disqualification). Thus, a judge can strike a motion for disqualification on the basis of untimeliness and/or if on its face, it discloses no grounds for disqualification.

However, as an exception to otherwise broadly construed statutes, it clearly is not intended to ***hide an elephant in a mouse hole***; viz., the exception is to be ***construed narrowly so that it doesn't swallow up the rule*** by allowing a judge to decide his/her own

disqualification contrary to strong public policy generally, and CCP §170.3(c)(5) specifically.

B) HADSELL'S MOT DQ GEORGE, FILED WITHIN 18 DAYS OF DISCOVERY, IS TIMELY

George's Order/Answer, p. 2 (p. 57 *infra*), "With the entry of these orders, there are now no further proceedings to be had in this case, the motion to disqualify is, therefore, not timely." This is stunning. It seems in George's court, post-hearing/trial procedure doesn't exist; no motions for: JNOV, new trial, costs, attorney's fees, vacate and enter different judgment, correcting/modifying judgment, etc. It appears that in her mind, her judgment

is the final word, the Sermon on the Mount.[7]

Here, Errors 1 5 reference the 9/16/25 hearing/judgment, and 6 42 the 12/4/25 hearing/judgment. ***<u>Both</u>*** sets of errors were filed in Hadsell's MOT DQ George within 18 days of discovery. Indeed, as stated in Hadsell's MOT DQ George, 17:7 11 (p. 52 infra), Hadsell paid an expediting fee to have the 12/4/25 transcript prepared within 14 days rather than the standard 30 days.

The reason why the 9/16/25 matters' discovery is the same as the 12/4/25 matters is because, as detailed *supra*, Hadsell was not served, and only became aware of the 9/16/25 matters[8] the day before the 12/4/25 hearing from the court's records for his hearing preparation. Indeed, it appears something nefarious has happened with the court records.

Because the court makes mistakes, and sometimes creates cryptic descriptions for the court records, but more importantly, ex post facto, alters the records, Hadsell maintains his own docket. Periodically, he downloads a copy of the official online docket and links the two versions for cross-referencing purposes. In his 11/12/25 downloaded copy, ***57 days*** after 9/16/25, the court records ***do not include*** the 9/16/25 matters. The online records can often be a week or so later than when pleadings are filed; but 57 days cannot be due to any backlog on data entry. So, why the unprecedented, at minimum, 57 days' delay[9]? And why is that likely nefarious? Simple.

First, Charles Schwab ("**Schwab**"), the holder of Charlie's Trust, are aware of Isham's and the Department of Child Support Services' ("**DCSS**")

[7] In another context, as Mstislav Rostopovich wrote in a 1970 open letter to *Pravda* in defense of Alexander Solzhenitsyn, "Explain to me, please, why in our literature and art so often people absolutely incompetent in this field have the final word."
[8] And only obtained a copy on 12/4/25 by purchasing a physical copy from court records.
[9] Hadsell doesn't know the date it appeared because he didn't download another copy before 12/4/25.

having fraudulently obtained funds in the Hadsells' dissolution because Schwab had to return the funds. Thus, Schwab will only release Charlie's assets when backed up by a court order.

Second, Isham's, DCSS', and George's illegal efforts to distribute Charlie's assets were stayed because to protect Charlie's assets from their illegal

actions, Hadsell perfected a notice of appeal on the day of the judgment resulting in an automatic appellate stay.

Third, as discussed *supra*, George incorrectly believed that her 9/16/25 Judgment ended any possibility of further trial proceedings.

Fourth, as discussed *infra*, George incorrectly believes that the appellate automatic stay was terminated.

As a result, since Hadsell was not served, and with no other explanation for such a passing-strange court-records delay, it appears the delay was designed to conceal the 9/16/25 matters from Hadsell to prevent him from obtaining a stay so that Charlie's assets would be distributed without Schwab's knowledge that the judgment was unenforceable. This appears nefarious here because the general rule is that a judgment cannot be appealed after 60 days. If this were the reason, concealing documents with the intent that the 9/16/25 Judgment would be wrongfully produced as genuine upon Schwab's inquiry is a misdemeanor crime, Cal. Pen. Code[10] §141(a).

b. Hadsell's MOT DQ George Demonstrates Legal Grounds for Disqualification on Its Face

As detailed in Hadsell's MOT DQ George, 7:22 8:4 (p. 42 infra), the standard of review for judge disqualification is if a reasonable person, aware of the facts, believes that a judge displayed the ***appearance*** of bias.

In concert with that standard of review, Hadsell's MOT DQ George makes

[10] Subsequent references to the Cal. Pen. Code will be designated "PC".

the legal claim, or argument, that George acted in a manner that a reasonable person would agree that George displayed the appearance of bias.

BLD defines ground:

n. (*usu. pl.*) (13c) The reason or point that something (as a legal claim or argument) relies on for validity <grounds for divorce> <several grounds for appeal>

Here, Hadsell's MOT DQ George lists 42 legal errors—an astounding number—that are "reason[s] or point[s] that… [his] legal claim or argument[] relies on for validity…". Four of these are reversible error per se (discussed *supra*), each one, by law, demonstrates ***actual*** bias. The other 38 are all violations of law, that discussed supra, pursuant to Canon 2, also demonstrate ***actual*** bias. George's Order/Answer doesn't refute a single one. What does it say instead? Five things:

First, George's Order/Answer, p. 2 (p. 57 *infra*) provides a point heading that states, "The Statement of Disqualification Demonstrates on its Face No Legal Grounds for Disqualification.", followed by six paragraphs.

The first four paragraphs (as discussed *infra*, relying upon cases that are inapt) discuss who has the burden of proof, inadmissible evidence, evidence relevancy, and courts' rulings and findings. Interesting perhaps, but since George doesn't apply

any of these principles to any of Hadsell's grounds, ultimately, they are useless discussion.

Second, paragraph five has a promising start, *id.* p. 3 (p. 58 *infra*), "Hadsell's claim as to the [c]ourt's bias against him primarily concerns...", but then becomes as useless as a concrete parachute, "his disagreement with the September 16, 2025, and December 4, 2025, Orders." That is false, thus, it is error.

As the discussions *supra*, and Hadsell's MOT DQ George provides, ***none*** of the 42 errors express disagreement with the 9/16/25 and 12/4/25 Judgments. All Hadsell's grounds ***specifically*** describe George's actions

during a hearing that: i) violate the law as reversible error per se (***actual*** bias) and ii) violate the law, that pursuant to Canon 2 are also ***actual*** bias. In fairness, Error 5 discusses ***George's ultra-vires act*** of issuing a judgment that lacks SMJ, not that he disagrees with the judgment itself because it lacks SMJ. That issue, and many others, will be addressed by further trial-court proceedings, and if necessary, on appeal. Hence the need for George's disqualification now.

Third, paragraph five also discusses the appellate stay (emphasis in the original):

> The stay of proceedings for matters on appeal... only results from an appeal to the California state courts of appeal or the California Supreme Court, not the United States Supreme Court. An attempt to change a California order or

judgment in the Federal [sic] courts is a collateral attack on those matters, not a direct appeal…

That is error—and gobsmackingly stunning that this is coming from a sitting judge.

As 28 U.S.C. §1257(a) provides:

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari…

To be clear, hopefully George agrees (because they are true) that the Supreme Court of California is "the highest court of" California, and that a writ of certiorari from a final judgment from the Supreme Court of California is a ***direct*** appeal not a collateral attack.

Fourth, from the sixth paragraph, George's Order/Answer, p. 4 (p. 59 *infra*) provides:

As to the September 16 Order discharging the Personal Representative, Mr. Hadsell was not entitled to notice of the application… which is largely an administrative matter, only seeks an order discharging the representative upon a showing that the order for final distribution has been fully satisfied… In this case, the order for final distribution is final and the only distributee of assets of the

estate is Ms. Isham herself, making her the only person who would have any standing to object to her discharge and, therefore, the only person entitled to notice of her application.

This displays a complete, fundamental misunderstanding of the entire case involving at least three issues:

First, as discussed *supra*, ***regardless*** of the issues, as an ex-parte motion, Hadsell was required to receive notice, CRC 3.1203(a), CRC 3.1204(b). Without this notice, George is prohibited from hearing the matter, CRC 3.1206. Thus, every action she took in the matter is without SMJ, ultra vires, and violations of law.

Second, understanding just eight main issues in the Hadsells' dissolution, and this probate case, is vital because it explains DCSS' involvement in this case, and in large part, Charlie's suicide. The following facts are undisputed:

- Isham destroyed their marriage due to her adultery.
- Because they met late in life, and Isham was a bankrupt, when Hadsell retired about 14 months after they were married, and Isham about two months later, the entire marital estate was Hadsell's separate property.
  - Notwithstanding, as the mother of his children, and to provide for his children in both residences, Hadsell voluntarily split ***his*** estate equally.
    - This provided Isham with no debt, and enough cash to never have to work a day in her life again.
  - He also provided each of his three children with a trust fund for over $500,000 each that became theirs to manage provided it

was spent on college education and/or a first home purchase.

- The Hadsells created a complete divorce settlement along these lines, and to insure the utmost fairness, Hadsell suggested, and they agreed, that each would engage a lawyer for no more than $10,000 each to give their severely lopsided agreement in Isham's favor, a review for any niggling issues.

  - Hadsell engaged Thomas Wolfrum, a pillar in the family-law community, instrumental in making improvements to family law, who as a trusted family-law expert (e.g., a guest on Oprah Winfrey) is now primarily performing family-law mediation and mentoring his daughter, Shannon, as a family-law attorney with offices next-door to each other.
  - Isham engaged William Whiting (**"Whiting"**), notorious for his scorched-earth tactics, and running up legal fees—which he promptly did; over $750,000 worth battling over the mere possibility of receiving no more than $600,000 spread out over 10 years. Even Isham's father, a lawyer, told her she was acting crazy. (Initially, Whiting's tactics served to assuage Isham's adultery guilty.) As scum of the earth, even after Whiting's death, to this day, the firm's website touts Whiting's

stolen valor for his Commendation Medal that was awarded with a Combat "V". But as a Captain, and a lawyer, his Combat "V" was for being nearby combat, not actually engaged in combat. Therefore, when the military forbade the use of the Combat "V" under such circumstances, Whiting ignored the directive, and continues to tout his Combat "V". Consistent with that character, Whiting knowingly, intentionally, and willingly defrauded the court by presenting false evidence at trial, and purposefully wrote up FOAHs that specifically created awards in excess of the court's orders. He also unceremoniously dropped Isham when she decided to no longer pay his rip-off fees.

- Despite Isham/Whiting's scorched-earth tactics, the court created a final family-support order that was fair; essentially, in line with the Hadsells' original agreement.
- But without a change-in-circumstances judgment, and therefore, without SMJ to alter an otherwise final judgment, Isham/Whiting succeeded in getting the court to award substantially increased family-support—amounts that Hadsell could not pay.
  - Hadsell paid every penny due under the valid judgment, and could not pay the void, unenforceable, legal nullity judgement.

    - Because it was uncollectible, this brought in DCSS' involvement in 8/19/13.
- All these machinations resulted in family strife that led, in significant part, to Charlie's suicide.
- Since Charlie could no longer spend his trust funds on college tuition and/or a first home, he was in breach of contract, and the entire trust would revert back to Hadsell.
    - Because of their grieving, Hadsell wanted no more family strive, so in that vein, he again generously chose not to pursue his right to all of the trust; he sought only half.
- By federal law[11], DCSS is limited to providing, lifetime services of 60 months. That ended 8/18/18.
    - Prohibited by law from acting, DCSS had no authority to act, and could have no interest in this case. Therefore, DCSS could file no pleadings in this case, CCP §367. As a nonparty, it has no capacity to bring a cause of action, nor any right to relief, Parker v. Bowron (1953) 40 Cal.2d 344, 351.
    - Notwithstanding, DCSS filed a notice of lien to any court award Hadsell was to receive.[12]
    - When the lien was calendared to be heard, Hadsell was prepared to argue DCSS' nonparty status and therefore the court's lack of SMJ. Judge Fenstermacher prevented Hadsell's opposition stating it was not calendared. Then, the next day, without a hearing, and thus, without SMJ

regardless of DCSS' nonparty status, granted the lien.

Third, when George's Order/Answer states that only Isham is a distributee, and therefore, only she has standing to object to her motion to

[11] 42 U.S.C. §608(a)(7)(A).

[12] Assuming arguendo DCSS did have power to file a notice of lien (CCP §708.410), DCSS would not become an interpleader until it files a CCP §387 motion as provided in CCP §708.430(a). It has not done so. So, is a nonparty under any circumstances.

discharge, and thus, the only one entitled to notice, words just fail. So, I'll use Aaron Sorkin's words from the screenplay of A Few Good Men (Castle Rock Entertainment 1992) (capitalization, misspellings, and punctuation in the original, quote marks elided):

Should We or Should-We-Not Follow the Advice of the Galacticly Stupid!!

Hadsell suggests not. Here's the real situation, recounting just the tip-of-the-iceberg of only three main issues:

- Hadsell is entitled to 50% of the estate, Cal. Prob. Code[13] §6402(b).
    - There is no judgment awarding Hadsell ***anything***.
- DCSS cannot collect on a CCP §708.410 lien because it lacks authority/standing to do so.
    - Even if it could collect on a lien:
        - The lien is only against a court award to Hadsell, which would be $0 since there's no award.

  - Any collection can only take place ***after*** the case is completed, and all appeals completed, CCP §708.480.
- Notwithstanding, on 9/28/23, in violation of the trial-court's order that no distribution could made without prior-court approval, in violation of claiming DCSS' invalid lien was an estate debt rather than a lien against a future award to Hadsell, and in violation of the $10,000 limit on preliminary distributions (PrC §10520), Isham sold securities that would be worth well over $100,000 more today than then, to pay $212,548 in cash to DCSS, that DCSS immediately turned over to Isham.[14]

[13] Subsequent references to the Cal. Prob. Code will be designated "**PrC**".

[14] This was money laundering (PC §186.10) because it: violated California statutes, and involved more than $25,000, within a 30-day timeframe.

- Was awarded extraordinary services legal fees in excess of $17,000 without filing the required petition and meeting the petition's seven requirements for such an award, CRC 7.702.
  - Then, in violation of Estate of Trynin (1989) 49 Cal.3d 868, 876 fee-shifted the fees against Hadsell's beneficial ownership.
- The final distribution (believed to be September, 2025) was based upon fair market values of the securities at 9/30/23. The securities had raised in value about $100,000;

obviously, 50% of that increased value belongs to Hadsell; especially since Hadsell had requested the court to order Isham to prepare a required accounting since the prior accounting was well over 12 months old.

So, George's statements are false, and errors.

Fifth, finally, George's Order/Answer, p. 4 (p. 59 *infra*) states something about Hadsell's legal grounds, "[T]he statement on its face discloses no legal grounds for disqualification." Unfortunately, this appears in the Conclusion section. After failing to raise any facts, or apply any legal authority in legal analysis about Hadsell's legal grounds, and therefore, providing no valid legal argument about his legal grounds, this hand-waiving, conclusory statement, has no legal value.

c. George Committed Perjury

Under penalty of perjury, George's Order/Answer, p. 6, item 11 (p. 61 *infra*) states, "Unless expressly admitted, I deny each and every allegation made about me by Mr. Hadsell in his statement of disqualification for cause."

As stated *supra*, each of Hadsell's legal grounds are black-and-white, in the record; e.g., either George introduced 10 federal and state documents that weren't received in court, as stated in reporter's transcript, and as stated in the minute order (that George herself states, also under penalty of perjury is

accurate[15]), and then the court provided a reasonable opportunity for Hadsell to respond, or she didn't. Under this record, to deny that she acted as she did

is perjury. Likewise, to deny that she left the bench is ludicrous, and perjury.

Perjury (PC §118) isn't just a cause for disqualification, as a felony (PC §126), it's cause for removal from the bench.

d. George's Citations to Legal Authority Are Inapt and Misleading

As promised *supra*, Hadsell's MOT DQ George, 8:24 11:10, (p. 43 *infra*) discusses unscrupulous judges that rely upon case law that is inapt and misleading because the cases are prior to changes in the disqualification law in 1927 (judges determined their own disqualification prior) and 1984 (the standard of review was actual bias, not the appearance of bias). Thus, such cases have been overruled by statute, or are inapt because the case's facts, legal authority, and/or legal analysis, are not analogous situations.

The specific cases are *People v. Guerra* (2006) 37 Cal.4th 1067, *McEwen v. Occidental Life Ins. Co.* (1916) 172 Cal. 6, *People v. Ford* (1914) 25 Cal.App. 388, and *Ryan v. Welte* (1948) 87 Cal.App.2d 888. George cites to all of these cases, so she appears to have self-selected to group herself with unscrupulous judges—especially since the fatal pitfalls of these cases were provided to her in Hadsell's MOT DQ George.

Guerra is inapt for three reasons: i) it only discusses a criminal case where there was no DQ motion at the trial court; ii) the disqualification discusses only the automatic disqualification upon remand, not a disqualification for cause at the trial

level; and iii) the bias standard discusses actual bias rather than the appearance of bias.

McEwen is fatally flawed for two reasons: i) as a 1916 case, it has been

[15] Although, clearly from another earlier statement because it states a minute order dated, "February 6, 2025", rather than the minute order here of 12/4/25.

overruled by statute (using it today would be like applying *Dred Scott v. Sandford* (1857) 60 U.S. 393[16] after being superseded by the abolition of slavery), alternatively, ii) in its reliance upon *Estudillo v. Security Loan & Trust Co. of Southern California* (1910) 158 Cal. 66, *McEwen* makes the fatal logical mistake of affirming the consequent making its legal analysis fatally flawed, and therefore, inapplicable.

Ford, a 1914 case, so overruled by statute, is inapposite for George's cited proposition because today's standard is ***appearance***, not ***actual***, bias.

Ryan, 893 states:

> [A] wrong opinion on the law of a case does not disqualify a judge, nor is it any evidence of bias or prejudice. If so, no judge who is reversed by a higher court on any ruling or decision would ever be qualified to proceed further in the particular case.

Ryan, a 1948 case, is again inapposite because judicial legal error is evidence of bias. But more importantly, contrary to *Ryan*'s fear, today, any reversed judge ***is*** subject to peremptory disqualification, CCP §170.6(a)(2) and yet, trial courts still function.

Using such cases that are overruled by statute, or that don't stand for the proposition cited, misleads the court, and therefore violates Cal. Bus. & Prof. Code §6068(d).

D. CONCLUSION

This Writ provides a sufficient showing of: i) a duty upon the respondent superior court, ii) a substantial right in Hadsell, and iii) no other adequate remedy available. Therefore, Hadsell respectfully requests this Court grant the relief as prayed, including issuing a peremptory writ directing the

[16] Decided less than 45 years prior to some of the cases involved in judges' verified answers.

respondent superior court to grant Hadsell's MOT DQ George.

Dated: January 8, 2026 Respectfully submitted,

Christopher Hadsell

Christopher Hadsell, Petitioner

Certification of Length

The text of this Petition for Writ, excluding the tables, cover information, the Certificate of Interested Parties, this certification, any signature block, the verification, and any supporting documents, consists of 7,138 words, as counted by the word-processing program used to generate this Writ.

Dated: January 8, 2026 Respectfully submitted,

Christopher Hadsell

/s/
Christopher Hadsell, Petitioner

Exhibit 1

Motion to Disqualify Judge George

1 Christopher Hadsell
9000 Crow Canyon Rd S-399
2 Danville, CA 94506
3 Email: CJHadsellLaw@gmail.com
Tel: (925) 482-6502
4
5
6
7
8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA**

9 The Estate of:	Lead Case No.: P22-00643
10 Charles Hadsell	**PETITIONER'S NOTICE OF MOTION AND MOTION TO DISQUALIFY JUDGE GEORGE PURSUANT TO CCP §§170.1**
Deceased.	
11	**AND 170.3; MEMORANDUM IN SUPPORT**
12	**Date:** ________
	Time: ________
13	**Dept.:** ________
	Judge: ________

14
15 To all parties and each party's attorney of record:

16 NOTICE IS HEREBY GIVEN that as soon as the matter can be heard in the courtroom of a judge
17 assigned pursuant to Cal. Code Civ. Proc.[1] §§170.3(c)(5), Petitioner, Christopher Hadsell (**"Hadsell"**)
18 will, and hereby does, move the court for an order to disqualify Judge George (**"George"**) from this case.
19 This motion is made pursuant to, inter alia, the provisions of CCP §170.1(a)(6)(A)(iii); case law that
20 interprets/informs CCP §170.1(a)(6)(A)(iii); and statutes, case law, and evidence supporting George's
21 appearance/actual bias in this case.
22 The motion is based on this motion, Hadsell Declaration (**"Hadsell DECL"**), memorandum filed here,
23 on the records and files of this action, and on such evidence as may be presented at the motion hearing.
24 Respectfully submitted,
25 Dated: December 23, 2025

26 By: /s/ Christopher Hadsell
Christopher Hadsell, Petitioner

27

28 [1] Subsequent references to the Cal. Code of Civ. Proc. will be designated **"CCP"**.

1 December 23, 2025

Petitioner's Notice of Motion and Motion to Lead Case No.:

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1 **MEMORANDUM**

2 **1. INTRODUCTION**

3 A 4/28/25 motion to disqualify George is not yet final. Notwithstanding, George continues to commit
4 bias requiring disqualification. Such disqualifying acts (herein, all subsequent to the 4/28/25 motion) must
5 be filed timely; hence this motion. Should either motion disqualify George, Hadsell will inform the
6 appropriate court of the outstanding motion's mootness.
7 The legal standard for determining disqualification of a judge is, if "A person aware of the facts might
8 reasonably entertain a doubt that the judge would be able to be impartial." The courts have interpreted
9 this language to mean that a reasonable person, knowledgeable of the facts, might harbor doubts about the
10 ***appearance*** of a judge's bias rather than ***actual*** bias.
11 At the 12/4/25 hearing, lacking subject matter jurisdiction (**"SMJ"**), George committed at least 42
12 biased acts—two of these, the Cal. Sup. Ct. has ruled are reversible error.
13 Black's Law Dictionary (12th ed. 2024) (**"BLD"**) defines "reversible error" as, "An error that affects a
14 party's substantive rights or the case's outcome, and thus is grounds for reversal…". Moreover, BLD's

15 definition of "prejudicial error" states, "See *reversible error*." BLD defines "prejudicial" as (emphasis
16 added), "***Biased*** as a result of preconceived opinions…".
17 Here, we have in black-letter law that at least two of George's actions are reversible error, and thus
18 ***actual*** bias. Alternatively, assuming the other legal errors are "harmless error", BLD defines "cumulative
19 error" as, "The cumulative effect of multiple harmless errors may amount to reversible error."
20 When there are at least 40 legal errors (even if harmless errors), and two reversible legal errors, it is
21 impossible to conclude that a reasonable person, knowledgeable of these facts, could fail to, "harbor
22 doubts about [George's] impartiality."
23 Therefore, Hadsell respectfully requests that this motion be granted and that George be removed from
24 this case.
25 **2. STATEMENT OF FACTS:**
26 **A.** On 12/16/24, Hadsell filed a sanctions motion, "**12/16/24 Sanctions MOT**".
27 **B.** On 2/13/25, Hadsell filed an amended appeal to this entire case.
28 **C.** On 4/28/25, Hadsell filed a motion to disqualify George, "**4/28/25 MOT DQ George**".

1 **D.** On 9/15/25, Respondent, Catherine Isham (fka Porter, Howard, Hadsell, "**Isham**")
2 submitted an ex-parte motion for discharge, "**9/15/25 Ex-Parte Discharge MOT**".
3 **E.** Isham failed to notify or serve Hadsell her 9/15/25 Ex-Parte Discharge MOT.
4 **F.** Isham failed to provide a declaration of irreparable harm, immediate danger, or statutory
5 basis for ex-parte relief.
6 **G.** On 9/16/25, George granted the 9/15/25 Ex-Parte Discharge MOT, "**9/16/25 JDMT**".
7 **H.** On 11/10/25, Hadsell filed a writ of certiorari with the Supreme Court of the United States,
8 "**SCOTUS Cert**".
9 **I.** On 12/4/25, George denied the 12/16/24 Sanctions MOT.
10 **J.** On multiple occasions, when the court lacked SMJ for a matter, Hadsell requested that Ms.
11 Johnson ("**Johnson**"), Isham's lawyer, stipulate to a continuance.
12 **i.** Johnson either failed to response, or responded, "No."
13 **K.** As provided in **Exhibit 1, "12/4/25 Judgment"**, p. 19, George presented what she
14 purported to be:
15 **i.** Four documents from multiple courts, both state and federal, regarding "the order for
16 final distribution" (highlighted in pink); and

17 ii. Six documents from state courts regarding "the CCP 170.1 challenge for cause."
18 (highlighted in blue).
19 iii. None of these documents were received in open court.
20 **3. SUBSTANTIVE AND PROCEDURAL ELEMENTS**
21 **A. DQ MOTION SUBSTANTIVE ELEMENTS**
22 **i. CCP §170.1(a)(6)(A)(iii)**
23 Disqualification is required where, "A person aware of the facts might reasonably entertain a doubt
24 that the judge would be able to be impartial.", CCP §170.1(a)(6)(A)(iii).
25 Here, merely the ***appearance*** of bias need be shown, "We need not determine whether there is actual
26 bias", *In re Wagner* (2005) 127 Cal.App.4th 138, 148, quoting from *Ng v. Superior Court* (1997) 52
27 Cal.App.4th 1010, 1024.
28 The test under CCP §170.1(a)(6)(A)(iii) is objective: " 'The situation must be viewed through the eyes

1 of the ... average person on the street' as of the time the motion is brought.", *United Farm Workers of*

2 *America v. Superior Court* (1985) 170 Cal.App.3d 97, 104. "The word 'might' in the statute was intended
3 to indicate that disqualification should follow if the reasonable man, were he to know all the
4 circumstances, would harbor doubts about the judge's impartiality.", *id.*, 103–104.

5 **ii. Canon 2**

6 "An action that transgresses the confines of the applicable principles of law is outside the scope of
7 discretion and is called an abuse of discretion.", 4 Cal. Jur. 3d Appellate Review §304, footnote elided.
8 Cal. Rules of Court[2], Canon 2 states, "A judge shall avoid impropriety and the appearance of impropriety
9 in all of the judge's activities." Cal. Rules of Court, Terminology defines impropriety as, " 'Impropriety'
10 includes conduct that violates the law...". Therefore, if a judge violates the law (including an abuse of
11 discretion), s/he violates Canon 2; viz, commits an ***actual*** ethical breach as opposed to the mere
12 appearance of a breach of ethics. A reasonable person observing a judge committing actual breaches of
13 ethics would have no choice but to, "harbor doubts about the judge's impartiality."

14 **iii. Judicial Errors *Are* Evidentiary Indications of Bias**

15 "To err is human...", Alexander Pope, *An Essay on Criticism* 525 (1711).

16 Of course, judges make legal errors. And of course they are evidence[3] of bias, and like any evidence,
17 must be analyzed to determine a finding of fact. Which analysis includes that mistakes are natural—
18 without them, there would be no evolution. So, instead of treating mistakes as disasters, they should be
19 made easy to acknowledge and easy to fix.
20 Thus, to find bias, a judge's legal error, must cause a reasonable person to, "harbor doubts about the
21 judge's impartiality." However, multiple legal errors, especially when the errors are not random, but
22 instead, disproportionately ***favor*** one party, and ***disfavor*** the other, would certainly cause a reasonable
23 person to, "harbor doubts about the judge's impartiality."
24 Unfortunately, in their verified answers to DQ motions, judges file boilerplate that relies upon cases
25 such as *People v. Guerra* (2006) 37 Cal.4th 1067, *McEwen v. Occidental Life Ins. Co.* (1916) 172 Cal. 6,

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26 2 Subsequent references to the Cal. Rules of Court Canons (aka, Cal. Code of Jud. Ethics) will be
27 designated "**Canon**".

3 " 'Evidence' means testimony, writings, material objects, or other things presented to the senses that are

28 offered to prove the existence or nonexistence of a fact.", Cal. Evid. Code §140.

1 *People v. Ford* (1914) 25 Cal.App. 388, and *Ryan v. Welte* (1948) 87 Cal.App.2d 888 for the ***false***
2 ***propositions*** that legal errors are irrelevant to disqualification, and that actual bias must be shown. It is
3 error because in violation of law[4], the judges mislead the court with citations that are inapposite for the
4 propositions argued.
5 **1) Guerra**
6 *Guerra* is an automatic-appeal-death-penalty criminal case. In that context, (*Guerra*, 1109–1112)
7 addressed two judicial-bias issues : i) whether an appellant can disqualify the trial judge on appeal, and
8 ii) whether, pursuant to due process, the trial judge was impartial.
9 Regarding ***disqualification*** bias, *Guerra,* 1111 quotes, "'It is too late to raise the issue for the first time
10 on appeal.' [Citations.]". Indeed, there is no need. If any reviewing court finds any judicial error, due to

11 bias or otherwise, if there are any further trial-court proceedings, the trial judge can be automatically
12 disqualified upon filing a CCP §170.6(a)(2) motion. Thus, *Guerra* is inapt here because this is ***not*** an
13 appellate proceeding where a CCP DQ Motion was not filed in the trial court.
14 Regarding ***impartiality*** bias, *Guerra,* 1111 states (emphasis added):
15 Defendant has a due process right to an impartial trial judge under the state and federal
Constitutions. [Citations.] The due process clause of the Fourteenth Amendment requires a fair
16 trial in a fair tribunal before a judge with ***no actual bias*** against the defendant…
17 Here, a CCP DQ Motion is ***not*** an appeal; ***not*** grounded in state or federal constitutions, nor the 14th
18 Amend.; and the standard of review is the ***appearance of bias*** to a reasonable person, ***not actual bias***
19 determined by a judge/justice ("**DQ–Bias vs. Impartiality–Bias Differences**"). Thus, *Guerra*'s
20 impartiality-bias discussion is inapt for a disqualification-bias motion.
21 Notwithstanding, judges' unverified answers misquote *Guerra*'s impartiality-bias discussion as if it
22 applies to a disqualification-bias motion for the proposition that, "[A] trial court's numerous rulings

23 against a party—even when erroneous—do not establish a charge of judicial bias, especially when they
24 are subject to review.", *id.*, 1112 (emphasis added). Again, the DQ–Bias vs. Impartiality–Bias Differences
25 means *Guerra* does ***not*** stand for such a proposition.
26 **2) McEwen, Ford, and Ryan**
27 *McEwen v. Occidental Life Ins. Co.* (1916) 172 Cal. 6 was decided in 1916. Today's verified judges'
28 [4] Inter alia, Cal. Bus. & Prof. Code §6068(d) and the Cal. Code Jud. Ethics.

1 answers misleadingly cite *McEwen* for the proposition that erroneous decisions are not evidence of bias.
2 However, prior to 1927, trial judges determined their own disqualification. And the standard of review
3 prior to 1984 was actual bias determined by the judge him/herself rather than the appearance of bias
4 determined by a reasonable layperson standard. These statutes have so profoundly superseded the prior

5 legal framework that applying *McEwen* today (or any case prior to 1984) would be like applying *Dred*
6 *Scott v. Sandford* (1857) 60 U.S. 393[5] after being superseded by the abolition of slavery.
7 Alternatively, *McEwen* is fatally flawed because it makes the classic logical fallacy of affirming the
8 consequent. Viz., if it is true that ***if X*** (the antecedent) occurs ***then Y*** (the consequent) occurs, that truism
9 ***does not prove*** the converse that ***if Y*** occurs, ***then X*** occurs. E.g., ***if*** Elon Musk owns Fort Knox, ***then*** he
10 is rich. However, ***it is not true*** that ***if*** Elon Musk is rich, ***then*** he owns Fort Knox.
11 *McEwen* relies upon the *Estudillo v. Security Loan & Trust Co. of Southern California (1910) 158 Cal.*
12 *66* court that ruled, ***if*** not biased, ***then*** judgment errors irrelevant. But that ***does not prove***, ***if*** judgment
13 errors irrelevant, ***then*** not biased.
14 Just a modicum of common sense makes this point. The legal standard is that a layperson,
15 knowledgeable of the facts, "would harbor doubts about the judge's impartiality.", *United Farm Workers*
16 *of America v. Superior Court* (1985) 170 Cal.App.3d 97, 104. It is absurd to conclude that a layman
17 observing a judge make numerous judicial errors, all in a row, against one party, would not conclude that

18 there is the mere "appearance of bias".
19 Unscrupulous judges also miscite *Ford*, 395 (a 1914 case[6]), "'[I]t must be made to appear by the
20 affidavit… that a fair and impartial trial cannot be had before the judge… by reason of the bias and
21 prejudice of such judge. [Citation.]'". *Ford* is inapposite because today's standard is ***appearance***, not
22 ***actual***, bias.
23 Unscrupulous judges also miscite *Ryan*, 893:
24
> [A] wrong opinion on the law of a case does not disqualify a judge, nor is it any evidence of bias
> or prejudice. If so, no judge who is reversed by a higher court on any ruling or decision would
25
> ever be qualified to proceed further in the particular case.

26 *Ryan*, a 1948 case, is again inapposite because judicial legal error is evidence of bias. But more

27 [5] Decided less than 45 years prior to some of the cases involved in judges' verified answers.

28 [6] The quotes are actually direct quotations from *People v. Findley* (1901) 132 Cal. 301, 304; a 1901 case.

1 importantly, contrary to *Ryan*'s fear, today, any reversed judge ***is*** subject to preemptory disqualification,
2 CCP §170.6(a)(2) and yet, trial courts still function.
3 Indeed, *Ryan* is the poster child for why today's statutes are necessary. As *Ryan*, 891–893 provides,
4 trial-judge Cotton (**"Cotton"**) sustained Mr. Welte's demurrer of Mr. Ryan's complaint, with leave to
5 amend. Mr. Ryan inquired how he could amend his complaint when Cotton's decision violated Cal. Sup.
6 Ct. law on two issues[7]. Cotton, ***prior to*** hearing the amended complaint, "stated that plaintiff had no cause
7 of action, that the plaintiff could not amend his complaint to satisfy said judge; that if an amended
8 complaint w[ere] filed he would sustain any demurrer interposed thereto, … that granting the right to
9 amend the complaint was a courtesy only." As discussed *infra*, Cotton and George share the same judicial
10 tactics.
11 **B. VERIFIED ANSWER/DQ MOTION PROCEDURAL ELEMENTS**
12 **i. CCP §170.3(c)(3)**
13 Within 10 days of the filing/service of a DQ motion, a judge may either: i) consent to disqualification,
14 or ii) file a verified answer in response to the DQ motion.

15 **ii. CCP §170.3(c)(4)**

16 A judge who fails to consent to disqualification, or fails to file a verified answer, is deemed to have 17 consented to disqualification.

18 **iii. CCP §170.3(c)(5)**

19 If a judge files a verified answer, the parties and the judge have five days to choose a judge to hear the 20 DQ motion. If they cannot agree upon a judge, then the Judicial Council will choose the judge.

21 **4. ARGUMENT**

22 **A. AT THE 12/4/25 HEARING, AND IN THE 9/16/25 AND 12/4/25 JUDGMENTS, GEORGE COMMITTED NUMEROUS LEGAL ERRORS, *ALL* IN FAVOR OF ISHAM**

23

24 **i. George's Lack of SMJ Due to Appeals**

25 On 2/13/25, Hadsell filed an appeal to the entire case. CCP §916 created an automatic stay of all trial- 26 court proceedings until the appeal is final. Notwithstanding, the exceptions to CCP §916 (CCP

27 [7] Indeed, the next casebook case, *Ryan v. Welte* (1948) 87 Cal.App.2d 897, reverses Cotton on these 28 issues.

1 §§917.1-917.9) practically swallow up CCP §916. However, not so with probate matters. For probate
2 matters, judgments and orders are stayed pursuant to Prob. Code ("**PrC**") §1300 et seq.; specifically
3 §§1303(f) and (g), and generally, §§1300(a) and (c). The only exceptions are PrC §1310(a)—none apply
4 here.
5 On 11/10/25, Hadsell filed the SCOTUS Cert. The SCOTUS Cert is a pending matter. Thus, the appeal
6 is not final. Therefore, on 12/4/25, George lacked SMJ to do anything other than continue matters on
7 calendar.
8 On 4/28/25, Hadsell filed the 4/28/25 MOT DQ George. Until the motion is final, George essentially
9 lacks SMJ to perform any judicial task other than continue matters on calendar, CCP §§170.4(a)(1) to (6).
10 Despite its sua sponte duty to act regarding its lack of SMJ in the matter, the Cal. Sup. Ct. failed to act.
11 There is no filing deadline to raise an issue regarding the Court's lack of SMJ, *Marlow v. Campbell* (1992)
12 7 Cal.App.4th 921, 928. Thus, the 4/28/25 MOT DQ George remains pending. Therefore, on 12/4/25,
13 George lacked SMJ to do anything other than continue matters on calendar.

14 **ii. George's Lack of SMJ Regarding the 9/16/25 JDMT**

15 An ex-parte motion requires: i) notice, "no later than 10:00 a.m. the court day before the ex parte
16 appearance, CRC 3.1203(a), Error #1, ii) notification of the date, time, and relief sought, CRC 3.1204(b),
17 Error #2, iii) "a declaration containing... irreparable harm, immediate danger, or any other statutory basis
18 for granting relief ex parte.", CRC 3.1202(c), Error #3. George violated the law by failing to enforce any
19 of these requirements.
20 Because Isham failed to provide service, "no hearing may be conducted unless such service has been
21 made.", CRC 3.1206, Error #4. George violated the law by hearing the 9/15/25 Ex-Parte Discharge MOT
22 when she lacked authority to do so.
23 Because George lacked SMJ to hear the 9/15/25 Ex-Parte Discharge MOT, the 9/16/25 JDMT is void,
24 unenforceable, and a legal nullity, *Varian Medical Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 196
25 and *Los Angeles v. Morgan* (1951) 105 Cal.App.2d 726, 733, Error #5.

26 **iii. George's Actions Regarding Notice Demonstrate Bias**

27 At the 7/22/25 Hearing, due to the appeals as discussed *supra*, the court lacked SMJ to hear the
28

1 12/16/24 Sanctions MOT[8]. On multiple occasions, to avoid the time and expense of court appearances
2 merely for a continuance, instead, Hadsell requested that Johnson stipulate to a continuance he'd file with
3 the court. On almost all occasions, Johnson failed to respond; occasionally, she responded, "No."
4 Therefore, at the 7/22/25 Hearing, Hadsell suggested that the 12/16/24 Sanctions MOT be removed from
5 calendar and Hadsell would be responsible for requesting a hearing date when the court regained SMJ,
6 7/22/25 R.T., 5:23–6:3. Instead, at Johnson's insistence (7/22/25 R.T. 7:25–8:8) the court continued the
7 matter to 12/4/25. Notwithstanding, Isham/Johnson ***failed to appear*** at the 12/4/25. Astonishingly, in
8 commencing the 12/4/25 Hearing, when it was Isham's burden to provide any additional notice due to a
9 continuance, George requested that Hadsell provide the court with proof that Isham had been noticed

10 about ***Isham's continuance***, Error #6. Hadsell quickly dispatched of the issue by recounting his notice
11 for the motion originally, and reading back the 7/22/25 transcript to remind George of what occurred,
12 7/22/25 R.T. 4:25–5:9. George stated, "I will proceed now because it does appear Ms. Johnson was at the
13 previous hearing. So she was aware that today would be proceeding.", 7/22/25 R.T. 6:15–17.
14 In probate court, notice can be waived, and is waived frequently enough, to result in specific provisions
15 (e.g., PrC §10583) and a judicial council form (Form DE-166) for waivers. So, the issue of waiver of
16 notice is not of great moment, and routinely doesn't result in the court's loss of jurisdiction.
17 What ***is*** of great concern, and what would lead a reasonable person to "harbor doubts about the judge's
18 impartiality" is that: i) ***when*** Isham would have any burden to notify Hadsell due to her continuance; and
19 at the continued hearing, Isham ***voluntarily*** fails to appear; ***and then***, without any legal authority, George
20 fights like a rabid dog to protect Isham (e.g., as discussed *infra*, not allowing ***any*** argument in Isham's
21 absence); yet ii) as discussed *infra*, ***when*** Isham fails to notify Hadsell of an ex-parte motion; thus

22 Hadsell's absence was solely ***involuntary***, and blameless; and the failure to notify him results in the
23 court's loss of SMJ; and therefore, the 9/16/25 JDMT is void, unenforceable, and a legal nullity; ***then***,
24 despite George's sua-sponte legal duty to correct the errors before proceeding; she does absolutely nothing
25 to protect Hadsell's legal rights; instead, she does what she can to destroy his rights.
26
27 [8] As the court agreed, "It's the court's understanding that this matter is currently on appeal to the state supreme court, and we're just in a holding pattern until they make their decision.", 7/2/25 R.T., 5:19–21
28 (all reporter's transcript quotations are changed from all caps for readability).

1 No one can legitimately claim that such actions fail to demonstrate the ***appearance*** of bias. Error #7.

2 **iv. George Violated the PPP and EC §455 Regarding Irrelevant Matters**

3 After the notice issue was resolved, George stated (12/4/25 R.T. 7:4–6, emphasis added), "What I'm
4 going to do today, Mr. Hadsell, is ***create a record*** for you. I'm ***not going to entertain any argument***
5 because [Isham]'s not here...".

6 **1) Party Presentation Principle**

7 There are situations when a court must act sua sponte; e.g., to maintain SMJ at all times, *Lefebvre v.*
8 *Southern California Edison* (2016) 244 Cal.App.4th 143, 151-152. But, that is a rare exception to the
9 general rule that the Party Presentation Principle ("PPP") requires the court to take a civil case as it is
10 presented by the parties because only the parties can present evidence and argument in a civil case,
11 *Greenlaw v. U.S.* (2008) 554 U.S. 237. As *Greenlaw*, 243-244 (emphasis added) states:

12 In our adversary system, ***in*** both ***civil*** and criminal ***cases***, ***in the first instance*** and on appeal, we follow the principle of party presentation. That is, we rely on the parties to frame the issues for
13 decision and ***assign to courts the role of neutral arbiter of matters the parties present.*** To the extent courts have approved departures from the party presentation principle ***in criminal cases***,
14 the justification has usually been to protect a pro se litigant's rights. [Citation (Scalia Opinion).] But as a general rule, "[o]ur adversary system is designed around the premise that the ***parties***
15 ***know what is best for them***, and are responsible for advancing the facts and arguments entitling them to relief." [Citation (Same Scalia opinion).] As cogently explained:

16

"[Courts] do not, or should not, sally forth each day looking for wrongs to right. We wait for

17 cases to come to us, and when they do[,] we normally decide only questions presented by the
parties. Counsel almost always know a great deal more about their cases than we do, and this
18 must be particularly true of counsel for the United States, the richest, most powerful, and best
represented litigant to appear before us." [Citation (Same Scalia opinion).]

19

20 In *Greenlaw*, the trial court incorrectly applied the law. It imposed a criminal sentence lower than
21 allowed by law. The appellate court reversed by sua sponte raising the issue that Fed. Rules Civ. Proc.,
22 rule 52(b) (plain error, ***but*** only "On a ***party's*** motion...") provided it with authority to reverse. *Greenlaw*,
23 246 reversed the appellate court because the issue was not raised by the Attorney General.

24 **2) EC §455**

25 Cal. Evid. Code[9] §455 states (emphasis added):

26 **(b)** If the trial court resorts to ***any*** source of ***information not received in open court***,... the court
shall afford each party reasonable opportunity to meet such information ***before judicial notice*** of
27 the matter ***may be taken***.

28 [9] Subsequent references to the Cal. Evid. Code will be designated "EC".

1 Thus, EC §455 prohibits a trial-by-surprise, lying-in-wait, approach to litigation.

2 **3) George Violated the Party Presentation Principle**

3 As provided in **Exhibit 1, "12/4/25 Judgment"**, p. 19, George provided unsworn testimony (prohibited

4 by CRC 3.1306 at a law and motion hearing, Error #8) for what she purported to be four documents (Error

5 #9–12) from multiple courts, both state and federal regarding "the order for final distribution" (highlighted

6 in pink); and six documents (Error #13–18) from state courts regarding "the CCP 170.1 challenge for

7 cause." (highlighted in blue).

8 As discussed *supra*, as the PPP requires, only parties can present evidence and make arguments for the

9 record. George violated the PPP with Error #9–18.

10 **4) George Violated EC §455**

11 None of the documents George presented were received in open court. Therefore, each document is

12 inadmissible and violates EC §455, Error #19–28.

13 **5) Every Document George Discussed Was Inadmissible and Irrelevant to the 12/16/24 Sanctions MOT**

14

15 The only matter on calendar for 12/4/25 was the 12/16/24 Sanctions MOT. George's documents
16 discussion provided no relevance to the 12/16/24 Sanctions MOT. Therefore, each item George discussed
17 was not only inadmissible, but also irrelevant, Error #29–38.

18 **6) George Ran the 12/4/25 Hearing on a Stopwatch**

19 *In re Marriage of Carlsson* (2008) 163 Cal.App.4th 281, 292 provides, that by "[C]urtailing the parties'
20 right to present evidence on all material disputed issues..." the "[T]rial court essentially ran the trial on a
21 stopwatch...".

22 Here, George didn't merely curtail Hadsell's rights, she eliminated them. Thus, she "essentially ran the
23 trial on a stopwatch." As *Carlsson*, 291 quotes from *Kelly v. New West Federal Savings* (1996) 49
24 Cal.App.4th 659, 677, "Denying a party the right... to offer evidence is reversible per se.", Error #39.
25 Moreover, George's prohibition of ***<u>any</u>*** argument, but nonetheless denying the motion, is the epitome of
26 a closed mind, Error #40. As *Carlsson*, 291 quotes from *Hansen v. Hansen* (1965) 233 Cal.App.2d 575,

27 584 (emphasis added), "'A trial judge should not prejudge the issues but should keep an open mind until
28 ***all*** the evidence is presented to him.' [Citations.]'" George failed to meet that requirement, Error #41.

1 **7) With Matters Still Pending, George Left the Bench**

2 George was the one who raised the issue of the 9/16/25 JDMT. As discussed *supra*, the 9/16/25 JDMT
3 lacks SMJ. SMJ must be maintained at all times, and can be raised anywhere, *Lefebvre*, 151-152, *Marlow*,
4 928. When Hadsell began raising the issue (12/4/25 R.T. 9:2–7), George immediately cut him off, and left
5 the bench, Error #42.
6 As *Carlsson*, 291-292 states (emphasis added), "***Most damning***, the judge abruptly ended the trial...
7 prior to the completion of one side's case and without giving the parties the opportunity to introduce or
8 even propose additional evidence. This was ***reversible error***." and "[W]here the trial court denies a party

9 his right to a fair hearing, it exceeds its jurisdiction, and the error is *reversible per se.*", *id.* (emphasis in
10 the original).
11 As discussed *supra*, Canon 2 provides that violating the law is an ***actual*** ethics breach, ***not merely the***
12 ***appearance*** of an ethical breach. Therefore, any of the legal errors *supra* qualify as actual ethical breaches.
13 However, "reversible error" is a special breed of legal error. BLD defines "reversible error" as, "An error
14 that affects a party's substantive rights or the case's outcome, and thus is grounds for reversal...".
15 Moreover, BLD's definition of "prejudicial error" states, "See *reversible error.*" BLD defines
16 "prejudicial" as (emphasis added), "***Biased*** as a result of preconceived opinions...".
17 Here, we have in black-letter law that at least two of George's actions are reversible error, and thus
18 actual bias. But assuming arguendo that all the other 40 legal errors are "harmless error", BLD defines
19 "cumulative error" as, "The cumulative effect of multiple harmless errors may amount to reversible error."
20 When there are 40 legal errors (even if harmless errors), and two reversible legal errors, it is impossible

21 to conclude that a reasonable person, knowledgeable of these facts, could fail to, "harbor doubts about
22 [George's] impartiality."
23 **B. ALL GEORGE'S LEGAL ERRORS HAVE FAVORED ISHAM**
24 All of the legal errors provided *supra* have favored Isham.
25 In a situation where there are two possible outcomes, and the outcomes are random (e.g., a coin toss),
26 the probability of each outcome is 50/50.
27 If George's 42 legal errors identified *supra* were random (viz., they are ***not*** the result of bias) is the
28 equivalent of flipping a coin 42 times and getting all heads. The odds of doing that are 4,398,046,511,104

1 to 1 against. Thus, the odds are about 4.4 ***tri***llion to 1 in favor of George's actions here being the result of
2 bias. With counting one number a second, 24/7, it would take over 139,000 years to count that high.
3 **C. THIS MOTION IS TIMELY FILED**
4 The standard for determining a timely filing is, "at the earliest practicable opportunity after discovery

5 of the facts constituting the ground for disqualification.", CCP §170.3(c)(1). BLD defines "practicable"
6 as, "(Of a thing) reasonably capable of being accomplished; feasible in a particular situation...".
7 This court's 12/30/24 Order, and the 11/2/22 Joint Court Executive Officer Statement Re: Court
8 Reporter Shortage, note the dire shortage of court reporters. Notwithstanding, Hadsell obtained a court
9 reporter so that a transcript was produced for this motion. However, the standard preparation time for a
10 transcript is 30 days. Therefore, Hadsell paid an expedited fee that provides for a transcript within 14
11 days. As a result, he was able to provide this motion within 18 days of the hearing.
12 Therefore, this motion is timely filed.
13 **5. CONCLUSION**
14 **A.** For the reasons provided here; and based upon the Hadsell DECL, records, files, and
15 proceedings in this case, Hadsell respectfully requests that this motion be GRANTED.
16 Respectfully submitted,
17 Dated: December 23, 2025

18 By: /s/ Christopher Hadsell
Christopher Hadsell,
Petitioner

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1 Christopher Hadsell
9000 Crow Canyon Rd S-399
2 Danville, CA 94506
3 Email: CJHadsellLaw@gmail.com
Tel: (925) 482-6502

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8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA**

9 The Estate of:	Lead Case No.: P22-00643
10 Charles Hadsell Deceased.	**DECLARATION OF PETITIONER IN SUPPORT OF MOTION TO DISQUALIFY JUDGE GEORGE PURSUANT**
11	**TO CCP §§170.1 AND 170.3**

12 I, Christopher Hadsell, ("**Hadsell**") declare that I am over the age of 18 and I am the Petitioner in this
13 matter. I offer my declaration in lieu of personal testimony pursuant to Cal. Code of Civ. Pro. §§2009 and
14 2015.5. If called upon to testify, I would do so of my own knowledge as to the following:
15 1. This declaration is submitted in support of the Petitioner's Notice of Motion and Motion to

16 Disqualify Judge George Pursuant to CCP §§170.1 and 170.3; Memorandum in Support, "**DQ MOT**".

17 **2.** The facts provided in the DQ MOT, ¶2, p. 6 (which are incorporated by reference as though

18 fully set forth herein) are within my personal knowledge as a party to this matter.

19 **3.** The Exhibits are true and correct copies except that some exhibits may include color highlights

20 to assist the reader to easily find reference items.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing is true

22 and correct. Executed on December 23, 2025.

23

/s/ Christopher Hadsell

24 Christopher Hadsell, Petitioner

[Rest of page blank.]

Exhibit 1

12/4/25 Judgment

Superior Court of California, Contra Costa County

Department 30
925-608-1000
www.cc-courts.org

S. Lind
Court Executive Officer

MINUTE ORDER

ESTATE OF: CHARLES HADSELL	P22-00643 HEARING DATE: 12/04/25
PROCEEDINGS:	HEARING IN RE: MOTION FOR SANCTIONS FILED ON 12/16/2024 BY CHRISTOPHER HADSELL - STATUS OF APPEAL & 170.1 RULING
DEPARTMENT 30 JUDICIAL OFFICER: VIRGINIA M GEORGE	CLERK: LYNWEN ROYET COURT REPORTER: RYAN WHEELER, CSR #13717 BAILIFF: LOUIE BRANDT

JOURNAL ENTRIES:

PETITIONER IN PRO PER: CHRISTOPHER HADSELL VIA ZOOM.

COUNSEL NOT APPEARING : ELIZABETH JOHNSON FOR PETNR/ADMINISTRATOR CATHERINE ISHAM.

COURT REPORTER: RYAN WHEELER, CSR #13717, IS PRESENT VIA ZOOM.

THE MATTER IS CALLED AT 9:46AM.

THE COURT NOTES THE ORDER FOR FINAL DISCHARGE WAS FILED 9/16/25. THE COURT INTENDS

TO DROP THE MATTER FROM CALENDAR
THIS MORNING.

MS. JOHNSON AND HER CLIENT MS. ISHAM
DO NOT APPEAR.

THE COURT WILL NOT HEAR ARGUMENT
TODAY.

THE COURT MAKES THE FOLLOWING
RECORD REGARDING THE ORDER FOR FINAL
DISTRIBUTION,

2/06/25: THE COURT GRANT'S THE PETITION
OF MS. ISHAM FOR FINAL DISTRIBUTION.
MR.
HADSELL FILES A NOTICE OF APPEAL THE
SAME DAY (WRITTEN ORDER ENTERED ON
2/07/25).

4/17/25: THE COURT OF APPEAL {A172608)
DISMISSES APPEAL AFTER DENIAL OF MR.
HADSELL'S
MOTION TO VACATE VEXATIOUS LITIGANT
ORDER.

5/06/25: DISMISSAL OF APPEAL {A172608)
ENTERED AFTER MR. HADSELL'S MOTION
FOR
REHEARING IS DENIED.

8/14/25: PETITION FOR REVIEW IN SUPREME
COURT DENIED.

THE COURT MAKES THE FOLLOWING RECORD REGARDING THE CCP 170.1 CHALLENGE FOR CAUSE:

4/28/25: MR. HADSELL FILES A 170.1 CHALLENGE AGAINST THIS COURT.

5/05/25: THIS COURT STRIKES THE 170.1 CHALLENGE.

Superior Court of California, Contra Costa County

Department 30
925-608-1000
www.cc-courts.org

S. Lind
Court Executive Officer

5/19/25: MR. HADSELL FILES A PETITION FOR WRIT OF MANDATE RE: STRIKING OF 170.1 (A173252).

6/06/25: THE COURT DISMISSES THE WRIT PETITION.

7/02/25: PETITION FOR REHEARING DENIED.

7/25/25: MR. HADSELL'$ PETITION FOR WRIT OF MANDATE TO THE SUPREME COURT (S291927) IS
RETURNED UNFILED BECAUSE HE FAILED TO APPLY FOR PERMISSION AS A VEXATIOUS LITIGANT.

THEREFORE, ALL APPELLATE ISSUES FILED BY MR. HADSELL ARE COMPLETE. THE MOTION FOR
SANCTIONS IS DENIED.

DROPPED FROM CALENDAR BY THE COURT.

DATE: 12/4/25 BY: /s/L. ROYET
L. ROYET, DEPUTY CLERK
P22-00643

20 December 23, 2025

Petitioner's Notice of Motion and Motion to Disqualify Judge George Pursuant to CCP §§170.1 and 170.3; Memorandum in support	Lead Case No.: P22-00643

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Petition for Writ of Mandate and/or Prohibition Or Other Extraordinary Relief

Exhibit 2

George's Order/Answer (Color Highlights Added)

SUPERJOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COST A

In re the Estate of) Case no. P22-00643
CHARLES HADSELL) **ORDER STRIKING**
) **MOTION TO**
) **DISQUALIFY JUDGE**
) **GEORGE PURSUANT**

) TO CCP §§ 170.1 AND
) 170.3; ALTERNATIVE
) VERIFIED ANSWER
) OF JUDGE VIRGINIA
) M. GEORGE

On December 23, 2025, Christopher Hadsell filed his Motion to Disqualify Judge Virginia M. George ("Motion"). The substance of the claimed disqualification is based on Mr. Hadsell's opinion and dissatisfaction with the court's rulings. The pleading is untimely and demonstrates on its face no legal grounds for disqualification. Therefore, it is hereby stricken pursuant to Code of Civil Procedure §§ 170.3(c)(l) and 170.4(b).

1. The Statement of Disqualification is Untimely.

Code of Civil Procedure § 170.3(c)(1) requires that any statement of disqualification must "be presented at the earliest practical opportunity after discovery of the facts constituting the grounds for disqualification." While no specific time period is set forth in Code of Civil Procedure§ 170.3(c) beyond the requirement that statements be filed at the earliest practical opportunity after discovery of the facts upon which the grounds are based, it is clear that the time period is very short. For example, review of a decision such as this one must be perfected within 10 days. See Code of Civil Procedure § 170.3(d).

·The requirement that grounds for disqualification must be filed at the earliest practical opportunity is clearly designed to preclude a waste of scarce judicial resources that will result

ORDER STRIKING MOTION TO DISQUALIFY JUDGE GEORGE PURSUANT TO CCP §§ 170.1 AND 170.3;

ALTERNATIVE VERIFIED ANSWER OF JUDGE VIRGINIA M. GEORGE
1
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from delay, and the wasted setting aside of hearing dates, and preparation therefor. By not filing a timely statement of disqualification, objections to the assigned judge are waived.

The allegations of bias set forth in the Declaration of Mr. Hadsell stem from orders that have finally terminated this case. Specifically, the denial of Mr. Hadsell's Motion for Sanctions on December 4, 2025, and the court's granting of the Personal Representative's discharge on September 15, 2025, are the final orders in this probate administration. Those orders were, in tum, entered after Mr. Hadsell's Petition to Remove the Personal Representative was denied and the Petition for Final Distribution was granted. With the entry of these orders, there are now no further proceedings to be had in this case, the motion to disqualify is, therefore, not timely.

2. The Statement of Disqualification Demonstrates on its Face No Legal Grounds for Disqualification.

The party seeking the disqualification has the burden of showing that bias or other grounds for disqualification exist. (See, *e.g.. Betz* v. *Pankow* (1993) 16 Cal. App. 4th 919, 926; *Estate of Buchman* (1955) 132 Cal .App. 2d 81, 104.) Code of Civil Procedure § 170.3(c)(1) requires that the disqualification statement set forth "the facts

constituting the grounds" for the disqualification of the judge. Mere allegations setting forth the conclusions of the declarant do not satisfy this requirement. *(Ephraim* v. *Superior Court* (1941) 42 Cal. App. 2d 578, 578-579; *Urias* v. *Harris Farms, Inc.* (1991) 234 Cal. App. 3d 415, 426.)

The statement of disqualification cannot be based upon information and belief, hearsay, or other inadmissible evidence. *See United Farm Workers of America, AFL-CIO* v. *Superior Court* (1985) 170 Cal. App. 3d 97, 106, n.6 (disqualification cannot be based upon hearsay or other inadmissible evidence). *Cf, Anastos* v. *Lee* (2004) 118 Cal. App .4th 1314, 1319 (declarations in support of a Code of Civil Procedure section 473.5 motion must include proper foundation, i.e., personal knowledge.)[sic]

A party's belief as to a judge's bias and prejudice is irrelevant and not controlling in a motion to disqualify for cause, as the test applied is an objective one. *United Farm Workers of America AFL-CIO* v. *Superior Court* (1985) 170 Cal. App .3d 97, 104; *Stanford University* v. *Superior Court* (1985) 173 Cal. App. 3d 403,408 ("the litigants' necessarily partisan views [do] not provide the applicable frame of reference. " (Brackets in original.)) Bias and prejudice must

ORDER STRIKING MOTION TO DISQUALIFY JUDGE GEORGE PURSUANT TO CCP §§ 170.1 AND 170.3; ALTERNATIVE VERIFIED ANSWER OF JUDGE VIRGINIA M. GEORGE

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clearly be established. *(Raitz v. Coldwell Banker Residential Brokerage Co.* (1998) 62 Cal. App. 4th 716, 724.)

> It is not sufficient in a case of this kind, to allege in the affidavit simply that the plaintiff believes that he cannot have a fair and impartial trial, etc., but it must be made to appear by the affidavit or affidavits on file that a fair and impartial trial cannot be had before the judge about to try the case, by reason of the bias and prejudice of such judge. The affidavit or affidavits must not only state facts, but the facts stated must establish to the satisfaction of a reasonable mind that the judge has a bias or prejudice that will in all probability prevent him from dealing fairly with the plaintiff. *(People v. Ford* (1914) 25 Cal .App. 388, 395 (internal citation omitted).)

Rulings and findings do not constitute a valid basis for disqualification. As stated by the California Supreme Court in *People v. Guerra* (2006) 37 Cal. 4th 1067, 1112, "a trial court's numerous rulings against a party--even when erroneous--do not establish a charge of judicial bias, especially when they are subject to review." (overruled on other grounds.). (See also *McEwen v. Occidental Life Ins. Co.* (1916) 172 Cal. 611 (erroneous rulings, even when numerous and continuous, are not grounds for bias or prejudice, nor are "judges' expressions of opinion uttered in what he conceives to be the discharge of his judicial duty").) The remedy for the disagreement with an order of the Court is to take the issue(s) up on appeal, either directly or by writ

review. *(See Ryan v. Welte* (1948) 87 Cal.App.2d 888,893: "[A] wrong opinion on the law of a case does not disqualify a judge, nor is it evidence of bias or prejudice." Otherwise, the court stated, "no judge who is reversed by a higher court on any ruling or decision would ever be qualified to proceed further in the particular case.")

Mr. Hadsell 's claim as to the Court's bias against him primarily concerns his disagreement with the September 16, 2025, and December 4, 2025, Orders. He argues, as he has multiple times in the past, that the court lacked subject matter jurisdiction to enter these orders. He appears to argue that his filing of a Petition for Writ of Certiorari to the United States Supreme Court on November 10, 2025 (of which the court was not aware until this Motion was filed) resulted in a stay of these proceedings. He is incorrect on this point. The stay of proceedings for matters on appeal pursuant to Probate Code § 1310(a) only results from an appeal to the *California* state courts of appeal or the California Supreme Court, not the United

States Supreme Court. An attempt to change a California order or judgment in the Federal courts is a collateral attack on those matters, not a direct

appeal which would make the stay pursuant to § 1310(b) effective.

As to the September 16 Order discharging the Personal Representative, Mr. Hadsell was not entitled to notice of the application. The Application, which is largely an administrative matter, only seeks an order discharging the representative upon a showing that the order for final distribution has been fully satisfied. Prob. Code § 12250(b). In this case, the order for final distribution is final and the only distributee of assets of the estate is Ms. Isham herself, making her the only person who would have any standing to object to her discharge and, therefore, the only person entitled to notice of her application. If Mr. Hadsell has a quarrel with either of these orders, he may seek appellate review of those orders.

CONCLUSION

As set forth herein, the statement of disqualification is untimely. It was filed well after the "earliest practical opportunity after discovery of the facts constituting the grounds for disqualification" and resulted in a waste of judicial resources, including multiple hearings and inconvenience to the other parties. Further, the statement on its face discloses no legal grounds for disqualification. For these reasons, the statement is ordered stricken pursuant to Code of Civil Procedure §§ 170.3(c)(l) and 170.4(b).

The parties are reminded that this determination of question of disqualification is not an appealable order and may be reviewed only by a writ of mandate from the Court of Appeal sought within 10 days of

Hon. Virginia M. George

notice to the parties of the decision. In the event that a timely writ is sought and the appellate court determines that an answer should have been timely filed, such an answer is filed herewith. *See PBA, LLC v. KPOD, LTD* (2003) 112 Cal. App. 4th 965, 972; *accord, Fine* v. *Superior Court* (2002) 97 Cal. App. 4th 651, 658, n.3.

IT IS SO ORDERED.

Date: December 24, 2025

VERIFIED ANSWER OF JUDGE VIRGINIA M. GEORGE FILED IN THE ALTERNATIVE TO THE STRIKE ORDER

I, Virginia M. George, respond as follows to the Motion to Disqualify Judge George Pursuant to CCP §§ 170.1 and 170.3, filed by Christopher Hadsell with the Court on December 23, 2025.

I. I am a Contra Costa County Superior Court Judge and have been a judge since January 2018.

2. I have personal knowledge of the facts set forth in this declaration and would and could testify competently to them if called upon to do so.

3. I have been assigned as the Supervising Judge of the Probate Division since January 2020 and as such have been assigned to preside over this case.

4. Contra Costa County Local Rule 2.52(b) states, "... Unless otherwise noted in the Court's Notice of Availability, pursuant to California Rules of Court, Rule 2.956, the Court does not provide court reporters for hearings in the following civil case types:

(I) Unlimited and Limited Civil

(2) Probate"

5. Contra Costa County Local Rule 2.52(c) further states, "For matters where the court does not provide a court reporter due to unavailability, any party who desires a verbatim record of a court proceeding from which a transcript can later be prepared, may procure the services of a private certified court reporter pro tempore to report any scheduled hearing or trial..."

6. The hearing at issue in this Motion took place on December 4, 2025. A true and correct copy of the Court's minute order concerning this proceeding is attached hereto as **Exhibit A.** The minute order indicates that a court reporter did transcribe the proceedings. Mr. Hadsell, however, did not provide any transcript of the hearing in support of the statements made in his Declaration.

7. The attached minute order accurately reflects the proceedings that took place on February 6, 2025. [sic]

8. I am not biased or prejudiced against Christopher Hadsell, or any other party to this proceeding. I have made all decisions based on evidence presented by the parties and under the laws applicable to this probate proceeding.

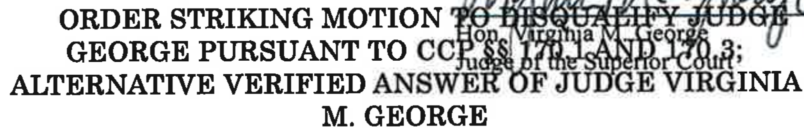
9. All statements made by me and all actions taken by me in this proceeding have been done in furtherance of what I believe were my judicial duties.

10. I am unaware of any facts that would form the basis for my disqualification from this matter.

11. Unless expressly admitted, I deny each and every allegation made about me by Mr. Hadsell in his statement of disqualification for cause.

12. I specifically incorporate the Order Striking the Motion filed with this written and verified answer and include all of the arguments as if contained herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 24th day of December, 2025, at Martinez, California.



Petition for Writ of Mandate and/or Prohibition Or Other Extraordinary Relief

[12/24/25 Judgment, p. 1 not reproduced again, see p. 78a.]

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[12/24/25 Judgment, p. 2 not reproduced again, see p. 81a.]

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Petition for Writ of Mandate and/or Prohibition Or Other Extraordinary Relief

Exhibit 3

George's Errors Listing

Error 1	Violated: CRC 3.1202(c)
Error 2	Violated: CRC 3.1203(a)
Error 3	Violated: CRC 3.1204(b)
Error 4	Violated: CRC 3.1206
Error 5	Issued Judgment without SMJ.
Error 6	Requested Hadsell prove notice for Isham's continuance.
Error 7	When Hadsell filed oppositions, and in court to oppose Isham's motion, George ruled he provided no opposition, and on that basis, granted Isham's motion; whereas; When Isham provided no opposition and Failed to Appear for her own requested continuance, George denied Hadsell's motion.
Error 8	Violated CRC 3.1306 and PPP. George, acting as counsel for Isham, provided unsworn testimony.

Error 9	Violated Party Presentation Principle 10 separate times by introducing federal and state court documents.
Error 10	"
Error 11	"
Error 12	"
Error 13	"
Error 14	"
Error 15	"
Error 16	"
Error 17	"
Error 18	"
Error 19	Violated EC §455 10 separate times by introducing federal and state court documents that were not receieved in court.
Error 20	"
Error 21	"
Error 22	"
Error 23	"
Error 24	"
Error 25	"
Error 26	"
Error 27	"
Error 28	"
Error 29	Each court document was irrelevant to the only issue on calendar: Sanctions against Isham.
Error 30	"
Error 31	"
Error 32	"

Error 33	"
Error 34	"
Error 35	"
Error 36	"
Error 37	"
Error 38	"
Error 39	Ran courtroom on a stopwatch; reversible per se.

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Error 40	Denied Hadsell right to offer evidence; reversible per se.
Error 41	Failed to keep an open mind until all evidence presented by prohibiting the evidence to be presented; reversible per se.
Error 42	Left the bench; reversible per se.

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Petition for Writ of Mandate and/or Prohibition Or Other Extraordinary Relief

Exhibit 4

R.T. 12/4/25 Excerpt

1 CREATE IS IT SEEMS WE HAVE A MESS TO CLEAN UP.
2 IN PREPARING FOR TODAY, I NOTICED A 9/16/25 EX
3 PARTE MOTION, AND I RECEIVED NO NOTICE OF ANY 9/16/25 EX
4 PARTE MOTION.
5 THE COURT: OKAY.
6 MR. HADSELL: THAT VIOLATES NOTICE REQUIREMENTS

7 OF CRC 3.1203(A) WHICH --
8 THE COURT: MR. -- MR. HADSELL, THAT IS NOT
9 BEFORE THE COURT TODAY.
10 YOU WOULD HAVE NEEDED TO NOTICE MS. JOHNSON.
11 I'M GOING TO CONCLUDE THE PROCEEDINGS TODAY BECAUSE YOU
12 DID NOT REQUEST PERMISSION TO HAVE THAT MATTER HEARD.
13 I'M NOT TRYING TO CUT YOU OFF, BUT I HAVE TO BE
14 FAIR IN THIS MATTER, AND YOU CANNOT ADD THINGS ON THAT
15 HAVEN'T BEEN NOTICED TO THE OTHER PARTY.
16 AT THIS POINT, THE COURT WILL CONCLUDE ITS
17 PROCEEDINGS, AND THANK YOU FOR COMING IN THIS MORNING.
18 THANK YOU VERY MUCH, MR. HADSELL. THANK YOU
19 VERY MUCH, MR. WHEELER.
20 COURT WILL BE IN RECESS FOR A MOMENT.
21 (PROCEEDINGS CONCLUDED)
[Rest of page blank.]

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SOMMERHAUSER REPORTING SERVICES, INC. - (213) 483-8845

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Exhibit 2

1DCA 1/8/26 Letter

COURT OF APPEAL, FIRST APPELLATE DISTRICT
350 MCALLISTER STREET
SAN FRANCISCO, CA 94102
January 8, 2026

Christopher Hadsell
9000 Crow Canyon Road S-399
Danville, CA 94506

Re: Your Intention to File Writ Petition from Ruling in Contra Costa County Superior Court case no. P2200643

Hadsell v. The Superior Court of Contra Costa County Court of Appeal No. A175250

Dear Petitioner:

This court has received a writ petition from you, challenging a ruling from the Superior Court of Contra Costa County, which has been assigned the above case number. This court has determined that you were previously found to be a vexatious litigant subject to a prefiling order. Pursuant to Code of Civil Procedure section 391.7, you may not file a new proceeding in this court without permission.

This court has not assigned your attempted petition to a division. You may not proceed with your petition without first obtaining permission from the Honorable Jim Humes, Administrative Presiding

Justice of this court. I have enclosed a copy of the form you must use to apply for permission.

Your petition may not be acted on until such time as Justice Humes grants your application.

If Justice Humes does not receive your application within ten days from the date of this letter, or if he denies your application, your attempted petition in this matter will be automatically terminated and any filing fee you submitted will be returned to you.

Very truly yours,
Charles D. Johnson, Clerk
of the Court
B. Robbins
Deputy Clerk

cc: Superior Court Clerk, appeals section
Real Party in Interest or Real Party's Attorney

Enclosures: Application Form (petitioner only)

APPLICATION FOR PERMISSION TO APPEAL OR TO FILE WRIT PETITION

Code of Civil Procedure section 391.7

Application Deadline: January 20, 2026

To: Administrative Presiding Justice
Court of Appeal, First Appellate District
350 McAllister Street
San Francisco, CA 94102

Name of Appellant/Petitioner: _______Christopher Hadsell_________

Name of Opposing Party(s) ________________________

Court of Appeal No. A175250

Superior Court County Contra Costa County No. P2200643

Date of Judgment/Orders(s) Challenged

____

Statute Authorizing Appeal: [ ] CCP 904.1
[ ] Other ______

IN THREE PAGES OR LESS

(1) Describe the nature of the superior court action and judgment or order under review
(continue on a separate page):

____

____

____

(2) Explain why the appeal/writ petition has merit (continue on a separate page):

____

____

I declare under penalty of perjury that the information I have provided on this form is true and (1) I believe that my appeal or writ petition has merit and (2) I am not seeking to file it for purposes of harassment or delay.

____________ ________________________

Date Signed Signature

Exhibit 3

Hadsell's 1/12/26 1DCA Motion for Leave to File New Litigation

A175250

In the Court of Appeal
of the State of California
First Appellate District, Division ________

Estate of Charles Hadsell, Deceased.
Christopher hadsell,
Petitioner (Petitioner Below)
vs.
The Superior Court of California, County of Contra Costa
Respondent

Catherine isham (fka Porter, Howard, Hadsell)
Respondent (Respondent Below) and Real Party in Interest.

The Superior Court of California, County of Contra Costa
(Lead Case No. P22-00643)
The Honorable Virginia George

Motion for Leave to File New Litigation

Christopher Hadsell
9000 Crow Canyon Rd., S-399
Danville, CA 94506

(925) 482-6502 • Email: CJHadsellLaw@gmail.com

Motion

To all parties and each party's attorney of record:

Mr. Charles D. Johnson, Clerk of the Court, in his letter dated 1/8/26 (signed by Beth Robbins, Deputy Clerk) states:

> This court [1st District Court of Appeal, ("**1DCA**")] has received a writ petition from you [Petitioner, Christopher Hadsell ("**Hadsell**")]... This court has determined that you were previously found to be a vexatious litigant subject to a prefiling order. Pursuant to Code of Civil Procedure section 391.7, you may not file a new proceeding in this court without... first obtaining permission from the Honorable Jim Humes, Administrative Presiding Justice of this court.

It appears that this court is laboring under the misguided believe that merely because a litigant is alleged to be subject to a prefiling order, that allegation is an absolute bar that prevents a litigant's pleading from being filed. With all due respect, that is error.

This motion is based on:

- Case law that:
    - No valid prefiling order exists; thus,
        - This court has no subject matter jurisdiction ("**SMJ**") to require Hadsell to seek the court's leave to file his petition; viz., to file an Application to File New Litigation ("**AFNL**");

- Because the law of this case is that Hadsell is the defendant, and Cal. Code Civ. Proc.[1] §§391-391.8 ("VL Law") is inapplicable to defendants, this court has no legal authority to require Hadsell to file an AFNL;
- Hadsell's petition vastly surpasses the standard of review of "a simple showing of an arguable issue".

- This motion;
- Hadsell's Declaration ("Hadsell DECL");
- Memorandum filed here; and
- On the records and files of this case.

[1] Subsequent references to the Cal. Code of Civ. Proc. will be designated "CCP".

Page 2 January 12, 2026
Motion for Leave to File New Litigation

Dated: January 12, 2026 Respectfully submitted,

Christopher Hadsell, Petitioner

[Rest of page blank.]

Page 3 January 12, 2026
Motion for Leave to File New Litigation

II. MEMORANDUM OF POINTS AND AUTHORITIES

A. INTRODUCTION

CCP §116.130(h) defines, "'Motion' means a party's written request to the court for an order or other action." Leave of court is a request. Hence this motion.

As master of his pleadings and his litigation strategy, *Petersen v. Bank of America Corp.* (2014) 232 Cal.App.4th 238, 259, Hadsell provides alternative arguments for relief. However, he lists them in his order of preference for relief. Therefore, he respectfully requests that the court consider his arguments in that order, and provide the court's facts, legal authority, and analysis for denying an argument before considering the next alternative argument.

His arguments are: i) this court has no SMJ to require Hadsell to file an AFNL; ii) ***this court*** made the law of the case that Hadsell is the defendant in these matters, and VL Law is inapplicable to defendants, iii) Hadsell's petition vastly surpasses the standard of review of "a simple showing of an arguable issue".

Hadsell respectfully requests this court to file his 1/8/26 Writ ("**Writ**").

B. STATEMENT OF FACTS

The following facts of this case are undisputed:

1. Hadsell has ***never*** violated VL Law.
2. Notwithstanding, Hadsell is listed on the Judicial Council's Vexatious Litigants list, "**VL List**".
3. Hadsell's law license is being withheld because of false allegations of family-support arrearages and his illegal listing on the VL List.
4. Hadsell filed a motion for cause ("**2/8/16 CCP §170.1 MOT**") to remove Judge Mockler ("**Mockler**") from the Hadsells'

dissolution case (Lead Case: D11-00783, consolidated with D11-00775, "**D11-00783**"). Judge Ichikawa, determined Mockler displayed actual bias, but legislating from the bench, [excused] her bias as the actions of a neophyte family-law judge and denied her disqualification. A few months later, Judge Ichikawa resigned from the bench rather than face a recall vote.

- **a.** The 2/8/16 CCP §170.1 MOT's earliest final date is 5/10/16.
- **b.** Mockler had no SMJ to hear/adjudicate any motion in D11-00783 from 2/8/16 until at least 5/10/16.
- **c.** Therefore, on 4/28/16, Mockler had no SMJ to hear any vexatious litigant ("**VL**") motion.
- **d.** The 5/3/16 Prefiling Order, and any order/judgment related to misbranding Hadsell a VL, [e.g., the 6/13/16 Judgment and the 6/12/23 Judgment refusing to declare the 6/13/16 Judgment null and void, (collectively, "**VL JDMTs Lacking SMJ**")] are all judgments that lack SMJ.

5. Department of Child Support Services ("**DCSS**") has provided assistance to Respondent, Catherine Isham (fka Porter, Howard, Hadsell, "**Isham**") (a family with an adult) with ***continuous, monthly*** services since 8/19/13 to the present.

- **a.** That is well over double 42 U.S.C. §608(a)(7)(A)'s 60 months lifetime maximum of services allowed.
- **b.** All of DCSS' funds come from the Federal Government making 42 U.S.C. §608(a)(7)(A) applicable to DCSS.
- **c.** DCSS is time-barred from any participation in this case and is a nonparty.
- **d.** As a nonparty, DCSS has no capacity to bring a cause of action, file any pleadings, nor any right to relief. Any

judgment (or portion of a judgment) involving DCSS lacks SMJ.

C. ARGUMENT

1. AS A THRESHOLD ISSUE, THIS COURT LACKS SMJ TO REQUIRE HADSELL TO FILE AN AFNL

Lefebvre v. Southern California Edison (2016) 244 Cal.App.4th 143, 151-152 provides that any court must: i) always maintain SMJ; and ii) when, as here, SMJ is challenged, SMJ must be determined before any other court business:

> "Subject matter jurisdiction is a fundamental requirement for judicial consideration of claims." [Citation.] "'The principle of "subject matter jurisdiction" relates to the inherent authority of the court involved to deal with the case or matter before it.' [Citation.] Thus, in the absence of subject matter jurisdiction, a trial court has no power 'to hear or

determine [the] case.' [Citation.] And any judgment or order rendered by a court lacking subject matter jurisdiction is 'void on its face … .' [Citation.]" [Citation.] For these reasons, "an alleged lack of subject matter jurisdiction must be addressed whenever it comes to a court's attention." [Citation.] Moreover, it ordinarily is addressed as a threshold matter, as its absence deprives the court of authority to adjudicate the merits of the dispute. (See [Citation].)

It is undisputed that the VL JDMTs Lacking SMJ, and any judgment (or portion thereof) involving DCSS, lack SMJ.

As *Varian Medical Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 196 states[:]

> [I]n the absence of subject matter jurisdiction, a trial court has no power 'to hear or determine [the] case.' [Citation.] And any judgment or order rendered by a court lacking subject matter jurisdiction is 'void on its face … .' [Citation.]"

Further, because a judgment lacking SMJ is so abhorrent to society, " 'A judgment rendered by a court that does not have subject matter jurisdiction is void and unenforceable and ***may be attacked anywhere, directly or collaterally, by parties or by strangers.***' [Citation]", *Marlow*, 928 (emphasis added). Thus, although a judgment without SMJ is

unenforceable, and need not be attacked, if required, as here, it can be attacked: ***anywhere***, ***by any procedure***, ***at any time***, ***by anyone***, even a stranger.

Therefore, SMJ issues must be determined here prior to other business.

Moreover, when a lower court lacks SMJ, a fortiori, a reviewing court lacks SMJ. Thus, the reviewing court's jurisdiction is limited to reversing the lower court's void acts. As *Varian*, 200 states, "'When, as here, there is an appeal from a void judgment, the reviewing court's jurisdiction is limited to reversing the trial court's void acts.' [Citation.]" Thus, this court lacks SMJ to require Hadsell to file an AFNL.

Therefore, Hadsell respectfully requests the court to declare the VL JDMTs Lacking SMJ void, unenforceable, and legal nullities. Unfortunately, this would ***not*** be a rare occurrent for Mockler.[2]

2. THE LAW OF THE CASE IS THAT HADSELL IS THE DEFENDANT; AND VL LAW IS INAPPLICABLE TO DEFENDANTS

Nelson v. Tucker Ellis LLP (2020) 48 Cal.App.5th 827, 837 instructs:

"Where an appellate court states in its opinion a principle or rule of law necessary to its decision, that principle or rule becomes the law of the case. [Citation.] The law of the case must be adhered to both in the lower court and upon subsequent appeal. (*Ibid.*) This is true even if the

[2] Mockler has been reversed at least 25 times in 11 years (2014-2024). To give that context, in the 10 years 2014 2023, the 1DCA reversed trial-court judges about 312 times, Lexis/Nexis docket search regarding dispositions. The 1DCA is comprised of 12 counties. On average for the 10 years, those counties employed about 315 judges, Judicial Council of California, 2015-2024 Court Statistics Reports (2015-2024). Thus, on average, in the 1DCA, a judge is reversed once (312/315) every 10 years. Mockler (not counting instances when she committed reversable error that wasn't appealed, or was untimely appealed) has been reversed 23 times the rate of a typical judge. Viz., about 2.3 times a year instead of the norm of once a decade. And for the year in question here, 2016, Mockler was reversed eight times, or over 80 times more frequently than a typical judge.

> court that issued the opinion becomes convinced in a subsequent consideration that the former opinion is erroneous. (*Ibid.*)"

Here, on 10/20/22 (Case No.: A166282, Justice Pollak[3]), 1DCA entered its Order Issuing Alternate Writ. It adjudicated that (emphasis added):

> The prefiling requirement for vexatious litigants ***does not apply*** to ***[Hadsell]'s response*** because [he] was not filing "new litigation" (Code Civ. Proc., § 391.7, subd. (a)), but instead ***was responding to a notice of lien*** filed by a third party in an existing case.

Thus, the law of the case for these matters is that ***Hadsell is a person against whom litigation has been brought***.

As *John v. Superior Court (2016) 63 Cal.4th 91, 96* states, "[CCP §391(e)]... defines a ' " 'Defendant' " ' as ' "a person ... against whom a litigation is brought or maintained or sought to be brought or maintained." ' " Thus, for VL Law purposes here, Hadsell is a "Defendant". Additionally, *John, 100* states (emphasis added), "[CCP §] 391.7's prefiling requirements ***do not apply to*** a self-represented vexatious litigant's ***appeal of a judgment or interlocutory order*** in an action ***in which he*** or she ***was the defendant***."

The simple syllogistic legal analysis is: because the law of the case here is that Hadsell is a "defendant" for VL Law purposes, and VL Law doesn't apply to defendants, then VL Law doesn't apply to Hadsell.

Therefore, Hadsell respectfully requests the court to file his Writ.

---

[3] Justice Pollak (retired) is another justice familiar with Mockler because just seven months after ***APJ Humes*** reversed her, Justice Pollack also reversed the ***29-year public defender*** veteran on a ***probation issue*** so bad that ***the attorney general refused to defend her***, and Justice Pollack also reversed her regarding failure to hold a required hearing, *People v. Gamboa* (Cal. Ct. App., Mar. 30, 2016, No. A140718) 2016 WL 1254449 (cited for facts applicable to this case, not as precedent). And just two months after *Gamboa*, 1DCA reversed Mockler for a lack of SMJ, *People v. Waters* (2015) 241 Cal.App.4th 822. This nine-month string of reversals (over 80 times the average rate of

Contra Costa County judges' reversals) occurred just six months before Mockler's actions here.

3. THE WRIT MEETS THE STANDARD OF REVIEW

In *Kobayashi v. Superior Court* (2009) 175 Cal.App.4th 536's statutory interpretation of the following CCP §391.7(b) words (emphasis added):

> The presiding justice or presiding judge ***shall*** permit the filing of that litigation only if it appears that the litigation has merit…

Kobayashi, 541 provides the standard of review to determine whether a filing has merit: the filing must provide, "a simple showing of an arguable issue".

There are two required elements for a disqualification motion.

First, disqualification is required where, "A person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial.", CCP §170.1(a)(6)(A)(iii).

Here, merely the **appearance** of bias need be shown, "We need not determine whether there is actual bias", *In re Wagner* (2005) 127 Cal.App.4th 138, 148, quoting from *Ng v. Superior Court* (1997) 52 Cal.App.4th 1010, 1024.

As *United Farm Workers of America v. Superior Court* (1985) 170 Cal.App.3d 97, 103-104 instructs:

> The word "might" in the statute was intended to indicate that disqualification should follow if the reasonable man, were he to know all the circumstances, would harbor doubts about the judge's impartiality.

Here, Hadsell provides 42, ***unrefuted***, occasions of Judge George's(**"George"**) ***actual*** bias. Thirty-eight are violations of law, that as Cal. Rules of Court, Canon 2 provides, are ***actual*** bias (see Writ, p. 18, ¶3.a.) Four are violations of law, that as *In re Marriage of Carlsson* (2008) 163 Cal.App.4th 281, 291-292 instructs, are reversible errors per se; thus, ***actual*** bias (see Writ, p. 50, Hadsell's MOT DQ George, 15:18-16:10).

Second, the motion must be filed, "at the earliest practicable opportunity after discovery of the facts constituting the ground for disqualification.", CCP §170.3(c)(1).

Here, there were two events demonstrating George's bias: the 9/16/25 Judgment, and the 12/4/25 Hearing and Judgment. Hadsell was not noticed, as required by law, for Isham's ex-parte motion, nor was he served the 9/16/25 Judgment or a notice of entry[4]. As a result, he only learned of the 9/16/25 events the night before the 12/4/25 Hearing.[5] To correct the 9/16/25 lack of SMJ errors, Hadsell attempted to raise them (SMJ can be raised at any time) at the 12/4/25 Hearing. George refused to hear him, and left the bench. Until that time, the issues could have been corrected, so did

not ripen to disqualification errors until then. Hadsell then paid an expediting fee to receive the 12/4/25 Hearing transcript within 14 days rather than the standard 30 days. He filed his motion to disqualify George 18 days after the 12/4/25 Hearing.

---

[4] George incorrectly states notice was not required (Writ p. 26, ¶ beginning "Fourth" (yellow highlight), to p. 31, ¶ "Fifth", (yellow highlight). And that she was unaware of Hadsell's writ of certiorari filed with SCOTUS on 11/10/25 (Writ p. 59, 2nd ¶). She is silent on the absence of service of the 9/16/25 Judgment and notice of entry. ***What George is aware of***, from Hadsell's filings, is that, "The basic rule is that while an appeal is pending, a judgment is not final.", *Archdale v. Am. Int'l Specialty Lines Ins. Co., (2007) 154 Cal. App. 4th 449, 479*. Given a trial judge is required to know when judgments are final, George should know: i) that a SCOTUS writ can be filed up to 90 days after the Cal. Sup. Ct.'s judgment entry, (SCOTUS Rules of Court, rule 13.1.), ii) a SCOTUS cert. is served upon the parties, as done here (who should then refrain from filings with the trial court), and iii) that the trial court is informed by SCOTUS' clerk when a writ is granted or denied.

[5] Although Hadsell is not required to keep watch of the docket, even if he had done so, the motion's filing and judgment were ***not*** entered into the docket any earlier than 11/12/25; thus at least 57 days after 9/16/25, Writ p. 23, 3d full ¶ to p. 24, 4th full ¶.

Having: i) raised 42, unrefuted claims of ***actual*** bias vs. the element of only the ***appearance*** of bias, and ii) with the vague element of "at the earliest practicable opportunity", Hadsell filed his motion to disqualify within 18 days, when the standard time for even receiving a file transcript is 30 days, it is impossible to legitimately claim that Hadsell failed to file a motion

to disqualify when he's absolutely met the requirements for George's disqualification.

Then, having raised these issues in his Writ, it is impossible to legitimately claim that Hadsell's Writ fails to provide, "a simple showing of an arguable issue".

Therefore, Hadsell requests this court to file his Writ.

D. CONCLUSION

For the reasons provided here; and based upon the case-law authority, Hadsell DECL, the memorandum, records, files, and proceedings in this case, Hadsell respectfully requests that the court file, and grant his Writ.

Dated: January 12, 2026 Respectfully submitted,

/s/
Christopher Hadsell, Petitioner

[Rest of page blank.]

Page 11 January 12, 2026
Motion for Leave to File New Litigation

HADSELL DECLARATION IN SUPPORT OF MOTION FOR LEAVE TO FILE NEW LITIGATION

I, Christopher Hadsell, ("**Hadsell**") declare that I am over the age of 18 and I am the Petitioner in this matter. I offer my declaration in lieu of personal testimony pursuant to Cal. Code of Civ. Pro. §§2009 and 2015.5. If called upon to testify, I would do so of my own knowledge as to the following:

1. This declaration is submitted in support of the Motion for Leave to File New Litigation, "**Hadsell MOT**".

2. The facts provided in the Hadsell MOT (which are incorporated by reference as though fully set forth herein) are within my personal knowledge as a party to this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 12, 2026.

/s/ Christopher Hadsell
Christopher Hadsell, Petitioner
[Rest of page blank.]

Exhibit 4

Hadsell's 1/12/26 1DCA Motion to Disqualify Humes

A175250

In the Court of Appeal
of the State of California
First Appellate District, Division __________

Estate of Charles Hadsell, Deceased.
Christopher hadsell,
Petitioner (Petitioner Below)
vs.
The Superior Court of California, County of Contra Costa
Respondent

Catherine isham (fka Porter, Howard, Hadsell)
Respondent (Respondent Below) and Real Party in Interest.

The Superior Court of California, County of Contra Costa
(Lead Case No. P22-00643)
The Honorable Virginia George

Motion (Because This Court Authorized Itself to Act as a Single-Judge Court) To Disqualify APJ Humes Pursuant to CCP §170.6

Christopher Hadsell

9000 Crow Canyon Rd., S-399
Danville, CA 94506
(925) 482-6502 • Email:
CJHadsellLaw@gmail.com

Motion

To all parties and each party's attorney of record:

Mr. Charles D. Johnson, Clerk of the Court, in his letter dated 1/8/26 (signed by Beth Robbins, Deputy Clerk) states:

> This court [1st District Court of Appeal, ("**1DCA**")] has received a writ petition from you [Petitioner, Christopher Hadsell ("**Hadsell**")]... Pursuant to Code of Civil Procedure section 391.7, you may not file a new proceeding in this court without permission....
>
> ...You may not proceed with your petition without first obtaining permission from the Honorable Jim Humes, Administrative Presiding Justice of this court.

Based upon this court's failure to assign this case to a division, and instead, assigned APJ Humes ("**Humes**") to preside, thereby acting as single-judge court, this motion is to peremptorily disqualify Humes from this case.

The motion is based on Cal. Code Civ. Proc.[1] §170.6, this motion, Hadsell Declaration ("**Hadsell DECL**"), memorandum filed here, and on the records and files of this action.

Dated: January 12, 2026 Respectfully submitted,

/s/ Christopher Hadsell, Petitioner

[Rest of page blank.]

[1] Subsequent references to the Cal. Code of Civ. Proc. will be designated "CCP".

I. MEMORANDUM OF POINTS AND AUTHORITIES

A. INTRODUCTION

When this court acts as a single-judge court, Hadsell can exercise his statutory right to disqualify Humes pursuant to CCP §170.6.

This motion is timely, and an affidavit of prejudice in proper form is attached.

Disqualification of Humes is mandatory and automatic.

B. ARGUMENT

1. CCP §170.6 APPLIES HERE

Ordinarily, as CCP §170.6(a)(1) states, CCP §170.6 applies to, "A judge, court commissioner, or referee of a superior court of the State of California..."; and not to superior-court-appellate-division judges, nor to appellate-court justices.

However, as CCP §170.6(a)(1) states, "If the court in which the action is pending is authorized to have no more than one judge..." then certain procedural provisions apply to the motion. Thus, the Legislature has contemplated, and made applicable, peremptory disqualification to a tribunal that authorizes itself to act as a single-judge court—as this court has done here.

2. ESTABLISHING PREJUDICE

CCP §170.6(a)(1) provides that (emphasis added):

> A judge… shall not try a civil… action or special proceeding ***of any kind or character*** nor hear any matter therein… when it is established as provided in this section that the judge… is prejudiced against a party or attorney or the interest of a party or attorney appearing in the action or proceeding.

Prejudice is established by a party or counsel filing an "affidavit or declaration" stating that such prejudice exists, CCP §170.6(a)(2). Hadsell

Page 3 January 12, 2026
Motion (Because This Court Authorized Itself to Act as a Single Judge Court) To Disqualify APJ Humes Pursuant to CCP §170.6

attaches an affidavit in proper form setting forth the statutory grounds for disqualification.

3. DISQUALIFICATION IS MANDATORY AND AUTOMATIC

Upon presenting a motion, accompanied by a proper affidavit, disqualification is mandatory and automatic. As CCP §170.6(a)(4) provides:

> If the motion is duly presented, and the affidavit… is duly filed… thereupon and without any further act or proof, the judge supervising the master calendar, if any, shall assign some other judge… to try the cause or hear the matter.

Disqualification "takes effect instantaneously and irrevocably", *Davcon, Inc. v. Roberts & Morgan* (2003) 110 Cal.App.4th 1355, 1360 (quoting from *Louisiana-Pacific Corp. v. Philo Lumber Co., supra*, 163 Cal. App. 3d 1212, 1219.)

C. CONCLUSION

For the reasons provided here; and based upon the Hadsell DECL, records, files, and proceedings in this case, Hadsell respectfully requests an order granting this peremptory challenge.

Dated: January 12, 2026 Respectfully submitted,

Christopher Hadsell, Petitioner

[Rest of page blank.]

DECLARATION OF HADSELL IN SUPPORT OF: MOTION (BECAUSE THIS COURT AUTHORIZED ITSELF TO ACT AS A SINGLE JUDGE COURT) TO DISQUALIFY APJ HUMES PURSUANT TO CCP §170.6

I, Christopher Hadsell, ("**Hadsell**") declare that I am over the age of 18 and I am the Petitioner in this matter. I offer my declaration in lieu of personal testimony pursuant to Cal. Code of Civ. Pro. §§2009 and 2015.5. If called upon to testify, I would do so of my own knowledge as to the following:

1. This declaration is submitted in support of the Motion (Because This Court Authorized Itself to Act as a Single Judge Court) To Disqualify APJ Humes Pursuant to CCP §170.6, "**DQ MOT**".

2. The facts provided in the DQ MOT (which are incorporated by reference as though fully set

forth herein) are within my personal knowledge as a party to this matter.

3. Hadsell is a party to this action. APJ Humes is prejudiced against Hadsell, or the interest of Hadsell so that Hadsell cannot, or believes that he cannot, have a fair and impartial trial or hearing before Humes.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 12, 2026.

Dated: January 12, 2026

/s/ Christopher Hadsell

Christopher Hadsell, Petitioner

[Rest of page blank.]

Page 5 January 12, 2026

Motion (Because This Court Authorized Itself to Act as a Single Judge Court) To Disqualify APJ Humes Pursuant to CCP §170.6

Exhibit 5

Hadsell's 1/21/26 1DCA Motion to File Hadsell's 1DCA Pleadings

A175250

In the Court of Appeal
of the State of California
First Appellate District, Division ________

Estate of Charles Hadsell, Deceased.
Christopher hadsell,
Petitioner (Petitioner Below)
vs.
The Superior Court of California, County of Contra Costa
Respondent

Catherine isham (fka Porter, Howard, Hadsell)
Respondent (Respondent Below) and Real Party in Interest.

The Superior Court of California, County of Contra Costa
(Lead Case No. P22-00643)
The Honorable Virginia George

Petitioner's Notice of Motion and Motion for the Court to File and Docket Petitioner's Pleadings

---

Christopher Hadsell
9000 Crow Canyon Rd., S-399

Danville, CA 94506
(925) 482-6502 • Email: CJHadsellLaw@gmail.com

Notice of Motion

To all parties and each party's attorney of record:

NOTICE IS HEREBY GIVEN that Petitioner, Christopher Hadsell ("**Hadsell**"), on _____________ __ at _________, or as soon thereafter as the matter can be heard at the California Supreme Court, located at 350 McAllister St., San Francisco, CA 94102, will, and hereby does, move this court:

- To file and docket Petitioner's pleadings electronically filed: 1/8/26, i) Hadsell's Petition for Writ of Mandate and/or Prohibition Or Other Extraordinary Relief, and filed 1/12/26, ii) Motion (Because This Court Authorized Itself to Act as a Single-Judge Court) To Disqualify APJ Humes Pursuant to CCP §170.6, iii) Motion for Leave to File New Litigation, and iv) this motion [collectively ("**Hadsell's Pleadings**")];
- To remove Hadsell's name from the Judicial Council's Vexatious Litigant list ("**VL List**");
- On the grounds that:
  - As a threshold issue, for any court to exercise judicial power, it must maintain subject matter jurisdiction ("**SMJ**") at all times.
  - Any judgment that lacks SMJ is literally, not a judgment; viz., it is void, unenforceable, and a legal nullity.
  - There is no judgment adjudicating Hadsell a vexatious litigant ("**VL**").

- Thus, despite Hadsell's illegal listing on the VL List, he is ***not*** subject to any pre-filing requirements.

- Therefore, with all due respect, the court errs when it states, "This court has determined that you were previously found to be a vexatious litigant subject to a prefiling order.", Mr. Johnson, Clerk

of the Court, letter dated 1/8/26, p. 1, Exhibit 1, "1/8/26 Johnson Letter", p. 20, color highlight added.

- Pursuant to Cal. Rules of Court[1], rule 8.77, and *Voit v. Superior Court* (2011) 201 Cal.App.4th 1285, this court is required to file and docket Hadsell's Pleadings.
- Hadsell has the right to be heard and receive meaningful review.
- The Party Presentation Principle ("PPP") dictates that the court adjudicate the matters here ***solely*** on the basis of the evidence and argument provided by the parties. Viz., the parties are the masters of their pleadings and legal strategies, and the court is specifically limited to adjudicating this case as presented—not some ideal case.[2]
- This Court has a statutory duty to adjudicate Hadsell's Pleadings.

This Motion is supported by this Notice, the Memorandum of Points and Authorities in Support of

the Motion, and by the Declaration of Hadsell, all of which are set forth in this pleading.

Dated: January 21, 2026 Respectfully submitted,

/s/ Christopher Hadsell
Christopher Hadsell, Petitioner

---

[1] Subsequent references to the Cal. Rules of Court will be designated "**CRC**".

[2] Even if (as occurred in the controlling authority, *Greenlaw v. U.S.* (2008) 554 U.S. 237), had the parties presented an issue, the court would have been legally bound to reach a different outcome.

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MEMORANDUM

I. INTRODUCTION

To exercise judicial power, all courts must maintain SMJ at all times.

When a lack of SMJ is raised, unless and until SMJ is adjudicated, a court lacks authority to take any other action, or to address other business.

Hadsell has never violated Cal. Code Civ. Proc.[1] §§391-391.8, "**VL Law**". Any judgment misbranding Hadsell a VL, or requiring prefiling, lacks SMJ and is therefore void, unenforceable, and a legal nullity. It is, literally, not a judgment.

Notwithstanding, Hadsell has suffered injuries to his fundamental rights that are ongoing and imminent from such judgments. Therefore, any such judgments must be declared void, unenforceable, and legal nullities.

Notwithstanding, with no citation to any facts or legal authority, and with no legal analysis, this court has refused to file and docket valid motions in this case as follows:

California procedural law is primarily found in the Cal. Const., Cal. Statutes, and Cal. Case Law. Thus, Cal. Rules of Court primarily involve relatively minor issues. Notwithstanding, in 1941, the Legislature transferred power to the Judicial Council to create procedural rules for appellate court. While these rules provide the primary body of rules, they are not the exclusive source of appellate procedure. Moreover, the application of these rules are subject to substantial limitations: i) the rules must be interpreted liberally to ensure justice is not stymied by technicalities; ii) the Judicial Council's rules cannot conflict with statutes; and iii) in the event of any conflict, substantive law overrules procedural

[3] Subsequent references to the Cal. Code of Civ. Proc. will be designated "CCP".

law. Moreover, due to these limitations, any silence or gap in appellate procedure will necessarily require either liberally construing analogous trial-court procedure, or creating case law to ensure the merits are addressed wherever possible.

Here, the court has refused to file and docket valid motions (and subsequently decide them) in violation of, inter alia, CRC 8.77 and . With all due respect, that is error.

Hadsell has the right to be heard and to receive meaningful review.

There are rare situations when a court must act sua sponte. However, the general rule is that a court must take a civil case as it is presented by the

parties because only the parties can present evidence and argument in a civil case. Here, the court is limited to adjudicating the case presented by the parties, not some ideal case—especially ***not*** issues raised by the court that were not raised, briefed, or argued by the parties.

This court has the authority and statutory duty to remedy these injuries, and Hadsell requests that it do so.

II. STATEMENT OF FACTS

It is undisputed that:

A. Hadsell has never violated VL Law.

B. Notwithstanding, Hadsell is listed on the VL List.

C. Hadsell's law license is being withheld because of false allegations of family-support arrearages and his illegal listing on the VL List.

D. Hadsell was represented by counsel at the initiation of this case.

E. Hadsell filed a motion for cause (**"2/8/16 CCP §170.1 MOT"**) to remove Judge Mockler (**"Mockler"**) from the Hadsells' dissolution case (Lead Case: D11-00783, consolidated with D11-00775, **"D11-00783"**).

1. The 2/8/16 CCP §170.1 MOT's earliest final date is 5/10/16.

2. Mockler had no SMJ to hear/adjudicate any motion in D11-00783 from 2/8/16 until at least 5/10/16.
3. Therefore, on 4/28/16, Mockler had no SMJ to hear any VL motion.
4. The 5/3/16 Prefiling Order, and any order/judgment related to misbranding Hadsell a VL, [e.g., the 6/13/16 Judgment and the 6/12/23 Judgment[4] refusing to declare the 6/13/16 Judgment void, unenforceable, and a legal nullity (collectively, "**VL JDMTs Lacking SMJ**")] are all judgments that lack SMJ.

III. ARGUMENT

A. AS A THRESHOLD MATTER, SMJ IS DETERMINED PRIOR TO OTHER BUSINESS BEFORE THE COURT

Lefebvre v. Southern California Edison (2016) 244 Cal.App.4th 143, 151-152 provides that any court must: i) always maintain SMJ; and ii) when, as here, SMJ is challenged, SMJ must be determined before any other court business:

> "Subject matter jurisdiction is a fundamental requirement for judicial consideration of claims." [Citation.] "'The principle of "subject matter jurisdiction" relates to the inherent authority of the court involved to deal with the case or matter before it.' [Citation.] Thus, in the absence of subject matter jurisdiction, a trial court has no power 'to hear or determine [the] case.' [Citation.] And any judgment or order

rendered by a court lacking subject matter jurisdiction is 'void on its face ... .' [Citation.]" [Citation.] For these reasons, "an alleged lack of subject matter jurisdiction must be addressed whenever it comes to a court's attention." [Citation.] Moreover, it ordinarily is addressed as a threshold matter, as its

[4] Moreover, Mockler's 6/12/23 Judgment was for a motion filed in a separate case before Judge Fenstermacher (who was assigned for ***all purposes***) on the grounds that Mockler lacked SMJ, ***not*** a motion on the grounds of CCP §391.8. Therefore, ***again***, Mockler lacked SMJ.

absence deprives the court of authority to adjudicate the merits of the dispute. (See [Citation].)

It is undisputed that the VL JDMTs Lacking SMJ lack SMJ.

As *Varian Medical Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 196 states,:

[I]n the absence of subject matter jurisdiction, a trial court has no power 'to hear or determine [the] case.' [Citation.] And any judgment or order rendered by a court lacking subject matter jurisdiction is 'void on its face ... .' [Citation.]

Therefore, SMJ issues must be determined here prior to other business.

Moreover, "[W]hile the phrase 'void judgment' is convenient, it is a contradiction in terms. **If a judgment is void it is not a judgment.**", *Los Angeles v. Morgan* (1951) 105 Cal.App.2d 726, 733 (emphasis added). That is the distinction between "void" and

"voidable". A voidable judgment must be adjudicated void via a timely legal review process, whereas a void judgment does not. As *Morgan, 732*, states (emphasis added):

> Whether the want of jurisdiction appears on the face of the judgment or is shown by evidence *aliunde*, in either case the judgment is for all purposes a nullity—past, present and future. [Cf. Citation.]… "It neither binds nor bars anyone. All acts performed under it and all claims flowing out of it are void… No action upon the part of the plaintiff, no inaction upon the part of the defendant, no resulting equity in the hands of third persons, no power residing in ***any*** legislative or other ***department of the government***, can invest it with any of the elements of power or of vitality." [Citation.]

Therefore, the entirety of VL Law is inapplicable to Hadsell because not only is it undisputed that he has never violated VL Law, but he has never been validly adjudicated a VL, nor is there any valid prefiling judgment.

Notwithstanding, Hadsell has suffered injuries to his fundamental rights that are ongoing and imminent from such judgments; e.g., his law license is being withheld because he is on the VL List. Therefore, any such judgments must be declared void, unenforceable, and legal nullities.

B. CRCS ARE PRIMARILY DERIVED FROM THE CAL. CONST., CAL. STATUTES, AND CAL. CASE LAW

Unlike most other states and the federal government, California has not transferred procedural law authority to the courts via a statute such as the Rules Enabling Act (28 U.S.C. §2072). Instead, procedural law is derived primarily from the Cal. Const., Cal. Statutes, and Cal. Case Law.

Most important procedural provisions exist in Cal. Statutes; e.g., CCP (civil procedure), Cal. Pen. Code (criminal procedure), and Cal. Evid. Code (evidentiary procedure). Some procedural law is also found in case law.

Notwithstanding, Cal. Const. art. VI, §6 created the Judicial Council as another, limited source, of procedural law. It is limited in two significant ways: i) it can only, "adopt rules for… procedure… prescribed by law." (Cal. Const. art. VI, §6(d)); and ii) "The rules adopted shall not be inconsistent with statute.", *id.* First, the Judicial Council can only adopt a rule when there is already a statute in place. Second, if it finds a procedural error, it cannot correct the error with its own court rule, it must instead request new legislation.

Thus, appellate procedure is an exception to procedural law existing primarily in statutes. Appellate procedure is found primarily in CRC Titles 8 and 10. Crucially here, appellate procedure is ***primarily*** found in these rules, but ***not exclusively***.

C. CRCS ARE INTERPRETED LIBERALLY

CRC 1.5 states (emphasis added):

> **(a) Construction** The rules and standards of the California Rules of Court ***must*** be ***liberally construed*** to ***ensure*** the ***just*** and speedy ***determination of*** the ***proceedings*** that they govern.
> **(b) Terminology** As used in the rules and standards:
> **(1)** "Must" is ***mandatory***;

Thus, it is mandatory that the CRCs be liberally construed to ensure that

justice dictates the determination of any proceeding.

D. CASE LAW DICTATES THAT, WHEREVER POSSIBLE, SUBSTANTIVE LAW PREVAILS OVER PROCEDURAL LAW

The line between substantive law and procedural law can be blurry.

Black's Law Dictionary (12th ed. 2024, "**BLD**") defines substantive law as, "The part of the law that creates, defines, and regulates the rights, duties, and powers of parties." Whereas, procedural law is defined as, "The rules that prescribe the steps for having a right or duty judicially enforced...".

Thus, generally, substantive law provides rights, duties, and powers, (viz., the ends) whereas procedural law provides the rules (viz. the means) to implement rights, duties, and powers.

Generally, when substantive and procedural law conflict, substantive law prevails. As stated in

[Hocharian v. Superior Court (1981) 28 Cal.3d 714, 724] (emphasis added):

> The court must… keep in mind the strong public policy ***that litigation be disposed of on the merits wherever possible***. (*Denham v. Superior Court*, *supra*, 2 Cal.3d at p. 566; [Citations.]

Hocharian, didn't just put aside a procedural court rule to reach the merits, it put aside a statutory substantive right that ***dictated case dismissal***, *id.*, 724. The same is true for the Court's cite to *Denham*, 566 (color highlights added):

> Although a defendant is entitled to the weight of the policy underlying the dismissal statute, which seeks to prevent unreasonable delays in litigation, the policy is less powerful than that which seeks to dispose of litigation on the merits rather than on procedural grounds. [Citation.]

Thus, it is clear that substantive law prevails over procedural law.

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Petitioner's Notice of Motion and Motion for the Court to File and Docket Petitioner's Pleadings Case No.: A175250

E. HADSELL HAS THE RIGHT TO BE HEARD AND TO RECEIVE MEANINGFUL REVIEW

Goldberg v. Kelly (1970) 397 U.S. 254, 267 stands for the proposition that, "'The fundamental requisite of due process of law is the opportunity to be heard.' [Citation.]" The "opportunity to be heard" by the Court includes filing motions—especially when appellate proceedings most often don't include court

hearings. And Hadsell is entitled to have all his pleadings in this case filed and decided with "meaningful review", *Juan T. v. Superior Court* (1975) 49 Cal.App.3d 207, 210.

F. CRC 8.77 AND *VOIT* REQUIRE THIS COURT TO FILE AND DOCKET HADSELL'S PLEADINGS

1. VL LAW IS INAPPLICABLE TO HADSELL

For at least three reasons, this court errs when it states, "This court has determined that you were previously found to be a vexatious litigant subject to a prefiling order.", 1/8/26 Johnson Letter, p. 20, color highlight added.

First, as discussed *supra*, all of the VL JDMTs Lacking SMJ are void, unenforceable, and legal nullities; indeed, they are not judgments at all. Thus, Hadsell is not subject to VL Law.

Second, *Nelson v. Tucker Ellis LLP* (2020) 48 Cal.App.5th 827, 837 instructs:

> "Where an appellate court states in its opinion a principle or rule of law necessary to its decision, that principle or rule becomes the law of the case. [Citation.] The law of the case must be adhered to both in the lower court and upon subsequent appeal. (*Ibid.*) This is true even if the court that issued the opinion becomes convinced in a subsequent consideration that the former opinion is erroneous. (*Ibid.*)" [Citation.]

Here, on 10/20/22 (The First District Court of Appeal, Case No.: A166282), Presiding Justice Pollack (**"Pollack"**, a former law clerk for SCOTUS

Chief Justice Earl Warren; and staff member of the President's Commission on the Assassination of President John F. Kennedy) entered

his Order Issuing Alternate Writ. It adjudicated that (emphasis added):

> The prefiling requirement for vexatious litigants ***does not apply*** to ***[Hadsell]'s response*** because [he] was not filing "new litigation" (Code Civ. Proc., § 391.7, subd. (a)), but instead ***was responding to a notice of lien*** filed by a third party in an existing case.

Thus, the law of the case for these matters is that Hadsell is a person against whom litigation has been brought.

As *John v. Superior Court (2016) 63 Cal.4th 91, 96* states:

> [CCP §391(e)]… defines a "'Defendant'" as "a person… against whom a litigation is brought or maintained or sought to be brought or maintained."

Thus, for VL Law purposes, Hadsell is a "Defendant". Additionally, *John, 100* states (emphasis added):

> [CCP §]391.7's prefiling requirements ***do not apply to*** a self-represented vexatious litigant's ***appeal of a judgment or interlocutory order*** in an action ***in which he*** or she ***was the defendant***.

The syllogism is: Hadsell is a "defendant". Prefiling requirements don't apply to defendants.

Therefore, prefiling requirements don't apply to Hadsell.

Third, as *Shalant v. Girardi* (2011) 51 Cal.4th 1164, 1173 provides:s

> By its unambiguous terms, section 391.7, subdivision (a) authorizes only a "prefiling" order prohibiting a vexatious litigant from "filing" new litigation without prior permission, and only when the litigant is unrepresented by counsel....
>
> [T]he statutory term "filing" plainly refers to filing the lawsuit, not to prosecuting or maintaining it. If the plaintiff was represented by counsel when he or she filed the action, section 391.7 does not apply at all.

It is undisputed that Hadsell was represented by counsel at the initiation of this case. Therefore, prefiling cannot apply to him.

2. CRC 8.77 AND *VOIT* REQUIRE THE FILING AND DOCKETING OF HADSELL'S PLEADINGS

CRC 8.77(a)(2) states:

> If the electronically submitted document received by the court complies with filing requirements, the document is deemed filed on the date and time it was received by the court...

As discussed *supra*, VL Law doesn't apply to Hadsell. Therefore, this court is required to file Hadsell's Pleadings.

Additionally, CRC 8.77(b) states (emphasis added) that if Hadsell's Pleadings:

> do[] not comply with applicable filing requirements, ***the court must*** arrange to promptly ***send notice*** of the rejection of the document for filing to the electronic filer. The ***notice must state the reasons that the document was rejected*** for filing.

As discussed *supra*, VL Law doesn't apply to Hadsell. Therefore, with all due respect, this court is in violation of CRC 8.77(b) because it has not provided a reason for why Hadsell's Pleadings haven't been filed.

Moreover, *Voit*, 1287 instructs (emphasis added):

> The actions of the court clerk's office are quite troubling. "It is difficult enough to practice law without having the clerk's office as an adversary." [Citation.]...
>
> If a document is presented to the clerk's office for filing in a form that complies with the rules of court, the clerk's office has a ministerial ***duty to file it***. [Citation.]... ***By unilaterally refusing*** to file [Hadsell's Pleadings], the clerk's office prevented the court from applying... precedent, or any other relevant law, to [Hadsell]'s particular circumstances.

As *Voit* dictates, because Hadsell's Pleadings comply with the rules of court, it is time for his pleadings to be filed, docketed, and adjudicated.

G. CCP §170 DICTATES THAT THIS COURT HAS A DUTY TO DECIDE THESE PROCEEDINGS

CCP §170 states (emphasis added), "A judge has a ***duty to decide*** ***any*** ***proceeding*** in which he or she is not disqualified."

BLD defines "proceeding" as (emphasis added):

> The regular and orderly progression of a lawsuit, including ***all acts and events*** ***between*** the time of ***commencement*** and the entry of ***judgment***....
>
> "'Proceeding' is a word much used to express the business done in courts.... As applied to actions, the term 'proceeding' may include—...(6) ***all motions*** made in the action;... [Citation.]"

The same as BLD, CCP §170.5(f) states, "'Proceeding' means... motion...".

This further supports Hadsell's right to have his motions filed since, a fortiori, a motion cannot be decided if is not filed; viz., to have a right to file a motion without the corresponding duty for the court to decide the motion is absurd.

H. BECAUSE THE VL JDMTS LACKING SMJ ARE VOID, UNENFORCEABLE, AND LEGAL NULLITIES, THIS COURT MUST REVERSE THE TRIAL COURT'S VOID ACTS

As *Varian, 200* states (emphasis added)

> When, as here, there is an appeal from a void judgment, the reviewing court's ***jurisdiction is limited to reversing*** the trial court's ***void acts***.' [Citation.]

Here, Hadsell requests the court to reverse the trial court's void acts from the VL JDMTs Lacking SMJ by declaring them void, unenforceable, and legal nullities; and have the clerk file the accompanying Order on Application to Vacate Prefiling Order and Remove Plaintiff/Petitioner from Judicial Council Vexatious Litigant List forthwith, see **Exhibit 2, "Order to Vacate Prefiling and Remove Hadsell from VL List"**, p. 21.

I. PURSUANT TO THE PARTY PRESENTATION PRINCIPLE, THIS COURT MUST DECIDE ONLY THE CASE PRESENTED BY THE PARTIES

There are situations when a court must act sua sponte; e.g., to maintain SMJ at all times, *Lefebvre*, 151-152. But, that is a rare exception to the

general rule that the PPP requires the court to take a civil case as it is presented by the parties because as masters of their pleadings and legal strategies (*Petersen v. Bank of America Corp.* (2014) 232 Cal.App.4th 238, 259) only the parties can present evidence and argument in a civil case.

As *Greenlaw*, 243-244 (emphasis added) states:

> In our adversary system, ***in*** both ***civil*** and criminal ***cases***, ***in the first instance and on appeal***, we follow the principle of party presentation. That is, ***we*** rely on the parties to frame the issues for decision and ***assign to courts the role of neutral arbiter of matters the parties present.*** To the extent courts have approved departures

from the party presentation principle in criminal cases, the justification has usually been to protect a pro se litigant's rights. [Citation.] But as a general rule, "***[o]ur adversary system is designed around the premise that the parties know what is best for them***, and are responsible for advancing the facts and arguments entitling them to relief." [Citation.] As cogently explained:

> "***[Courts] do not, or should not, sally forth each day looking for wrongs to right.*** We wait for cases to come to us, and when they do[,] ***we normally decide only questions presented by the parties***. Counsel almost always know a great deal more about their cases than we do..." [Citation.]

In *Greenlaw*, the trial court misapplied the law. It imposed a criminal sentence lower than allowed by law. The appellate court reversed. SCOTUS reversed the appellate court because the issue was not raised by the Attorney General, *Greenlaw, 246*.

Thus, even if a court incorrectly applies the law, the PPP causes the error to stand if the injured party fails to raise the error. This makes perfect sense given, "the parties know what is best for them."; viz., a favorable issue won't be raised if it causes more harm than good. Taking away that strategic decision is ***not*** the court's role.

Thus, if the court's decision is less than perfect because an issue is not raised, briefed, or argued by the parties, three things: i) a court not grabbing the reins isn't just ***best*** practice, it's ***legally required*** practice; ii) a less-

than-perfect judgment is the exact result required by the controlling authority *Greenlaw v. U.S. (2008) 554 U.S. 237* when the parties fail to present dispositive aspects of a case (and cannot be overruled on issues not raised below because such issues are deemed waived); and iii) it's not the court's fault that the parties didn't present an ideal case. Thus, the court's task is realistic rather than the Sisyphean task of creating the perfect case from every case.

IV. PRAYER FOR RELIEF

Hadsell prays for:

A judgment directing the Law Clerk's Office to file Hadsell's Pleadings, and for this court to decide those matters pursuant to: i) the court's duty under CCP §170, ii) in compliance with Cal. Const. art. VI, §3, and iii) with meaningful review that provides the court's findings of facts, citations to legal authority, and its legal reasoning.

A declaration that the VL JDMTs Lacking SMJ are void, unenforceable, and legal nullities.

The clerk file the accompanying Order to Vacate Prefiling and Remove Hadsell from VL List forthwith, p. 21.

For such other and further relief for Hadsell as this Court may deem just and proper.

V. CONCLUSION

For the reasons provided here; and based upon Hadsell's Declaration, records, files, and proceedings in this case, Hadsell respectfully requests that this motion be GRANTED.

Dated: January 21, 2026   Respectfully submitted,

Christopher Hadsell

/s/

Christopher Hadsell, Petitioner

Exhibit 1

1/8/26 Johnson Letter

COURT OF APPEAL, FIRST APPELLATE DISTRICT
350 MCALLISTER STREET
SAN FRANCISCO, CA 94102

January 8, 2026

Christopher Hadsell
9000 Crow Canyon Road S-399
Danville, CA 94506

Re: Your Intention to File Writ Petition from Ruling in Contra Costa County Superior Court case no. P2200643

Hadsell v. The Superior Court of Contra Costa County Court of Appeal No. A175250

Dear Petitioner:

This court has received a writ petition from you, challenging a ruling from the Superior Court of Contra Costa County, which has been assigned the above case number. This court has determined that you were previously found to be a vexatious litigant subject to a prefiling order. Pursuant to Code of Civil Procedure section 391.7, you may not file a new proceeding in this court without permission.

This court has not assigned your attempted petition to a division. You may not proceed with your petition without first obtaining permission from the Honorable Jim Humes, Administrative Presiding Justice of this court. I have enclosed a copy of the form you must use to apply for permission.

Your petition may not be acted on until such time as Justice Humes grants your application.

If Justice Humes does not receive your application within ten days from the date of this letter, or if he denies your application, your attempted petition in this matter will be automatically terminated and any filing fee you submitted will be returned to you.

Very truly yours,
Charles D. Johnson, Clerk of the Court
B. Robbins
Deputy Clerk

cc: Superior Court Clerk, appeals section
Real Party in Interest or Real Party's Attorney

Enclosures: Application Form (petitioner only)

Exhibit 2

Order to Vacate Prefiling and Remove Hadsell from VL List

See following page.

[Rest of this page intentionally left blank.]

VL-125

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Christopher Hadsell FIRM NAME: STREET ADDRESS: 9000 Crow Canyon Rd S-399 CITY: Danville TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER STATE: CA ZIP CODE: 94506 FAX NO.:	***FOR COURT USE ONLY***
X **COURT OF APPEAL, FIRST APPELLATE DISTRICT, DIVISION _____** ☐ **SUPERIOR COURT OF CALIFORNIA, COUNTY OF** Contra Costa STREET ADDRESS: 350 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco 94102-7421 BRANCH NAME: PLAINTIFF/PETITIONER: Christopher		

ORDER TO VACATE PREFILING ORDER AND REMOVE PLAINTIFF/PETITIONER FROM JUDICIAL COUNCIL VEXATIOUS LITIGANT LIST	CASE NUMBER A168257

Plaintiff/Petitioner Christopher Hadsell requests that this court vacate the prefiling order and remove the vexatious litigant's name from the statewide list that was added to the list in error in the following case or cases (if more than one, list each separately):

Court: Superior Court of California, County of Contra Costa	Court:
Case Name: Hadsell v Hadsell	Case Name:
Case Number: D11-00775 Consolidated with D11-00783	Case Number:
Date prefiling order entered: 5/3/16	Date prefiling order entered:

☐ Continued on *Attachment* (form MC-025

☐ Granted

☐ Denied

Date: __________ ______________________

Presiding Justice or Judge

The clerk is ordered to provide this order to the Judicial Council of California by fax at 415-865-4329 or by mail at the address below.

Vexatious Litigant Prefiling Orders
Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688

Form Approved for Optional Use Judicial Council of California VL-125 [Rev. September 1, 2018]	**ORDER ON APPLICATION TO VACATE PREFILING ORDER AND REMOVE PLAINTIFF/PETITIONER FROM JUDICIAL COUNCIL VEXATIOUS LITIGANT LIST**	Code of Civil Procedure,§ 391.8

HADSELL DECLARATION IN SUPPORT OF

PETITIONER'S NOTICE OF MOTION AND MOTION FOR THE COURT TO FILE AND DOCKET PETITIONER'S PLEADINGS

I, Christopher Hadsell, ("**Hadsell**") declare that I am over the age of 18 and I am the Appellant in this matter. I offer my declaration in lieu of personal testimony pursuant to Cal. Code of Civ. Pro. §§2009 and 2015.5. If called upon to testify, I would do so of my own knowledge as to the following:

This declaration is submitted in support of the

3. Petitioner's Notice of Motion and Motion for the Court to File and Docket Petitioner's Pleadings, "**Hadsell MOT**".

4. The facts provided in the Hadsell MOT, ¶II, p. 9 et seq. (which are incorporated by reference as though fully set forth herein) are within my personal knowledge as a party to this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 21, 2026.

/s/ Christopher Hadsell
Christopher Hadsell, Petitioner

Exhibit 6

Hadsell's 1/26/26 1DCA Letter

A175250

In the Court of Appeal
of the State of California
First Appellate District, Division __________

Estate of Charles Hadsell, Deceased.
Christopher hadsell,
Petitioner (Petitioner Below)
vs.
The Superior Court of California, County of Contra Costa
Respondent

Catherine isham (fka Porter, Howard, Hadsell)
Respondent (Respondent Below) and Real Party in Interest.

The Superior Court of California, County of Contra Costa
(Lead Case No. P22-00643)
The Honorable Virginia George

Petitioner's Letter re Clerk's Office (And By Extension the Court's) Violations of Statutes, Case Law, and CRC 8.77

Christopher Hadsell
9000 Crow Canyon Rd., S-399
Danville, CA 94506
(925) 482-6502 • Email: CJHadsellLaw@gmail.com

Petitioner'S LETTER RE CLERK'S OFFICE (AND BY EXTENSION THE COURT'S) VIOLATION OF STATUTES, CASE LAW, AND CRC 8.77

To the court, the law clerks' office, all parties, and each party's attorney of record:

This letter addresses two issues:

- The Law Clerk's Letter dated 1/8/26 {"**1/8/26 Johnson Letter**, Exhibit 1, p. 20, of Petitioner's [Christopher Hadsell, ("**Hadsell**")] Notice of Motion and Motion for the Court to File and Docket Petitioner's Pleadings submitted 1/21/26 ("**1/21/26 MOT**")}.
- The "**1/23/26 Docket Entry**", that states, "Note: No application to proceed filed, was due 1/20/26."

I. 1/8/26 JOHNSON LETTER

This court's Law-Clerks-Office clerks ("**Clerks**") ***are expert***, at a narrow aspect (primarily Cal. Rules of Court[1], Title 1, Chs. 1-5, 7; Title 8, Divs. 1-3, 6; and Title 10, Div. 5) among California's vast procedural law [e.g., i) the remaining CRC Titles 2-7, 9, and the remainder of Titles 1, 8, and 10; ii) almost all of CCP (civil procedure), Cal. Pen. Code (criminal procedure), and Cal. Evid. Code (evidentiary procedure); and iii) Cal. case law].

While a rare exception may exist, the Clerks ***are not lawyers*** and ***are not experts at the vast majority of Cal. Procedural Law***, specifically, case law.

With all due respect, here, the Clerks' lack of expertise has resulted in unfortunate errors.

---

[1] Subsequent references to the Cal. Rules of Court will be designated "**CRC**".

A. STATUTES AND CASE LAW VIOLATIONS

Probably the worst-possible, flunking-law-school-exam answer, that not even the worst 1L student would likely commit is to focus on only one aspect, among many, of a legal issue... and then to get even that one aspect horribly wrong.

Here, the 1/8/26 Johnson Letter states (emphasis added):

> This court has determined that you were previously found to be a vexatious litigant ***subject to a prefiling order***. Pursuant to Code of Civil Procedure section 391.7, ***you may not file a new proceeding*** in this court ***without permission***.
>
> ...I have enclosed a copy of the ***form you must use*** to apply for permission.

With all due respect, to the chagrin of even the worst 1L student, not only is there no prefiling order applicable to Hadsell, assuming arguendo there were, it would be inapplicable to Hadsell. Moreover, it appears misguided that a vexatious litigant ("VL"), "must use..." a "form... to apply for permission."

1. THERE IS NO APPLICABLE PREFILING ORDER

As described in the 1/21/26 MOT (pp. 9-11, ¶¶II.A.-C., E. and III.A.), ***it is undisputed***, that all of Judge Mockler's relevant judgments here lack subject matter jurisdiction (**"SMJ"**). Such judgments are void, unenforceable, nullities; literally, they are not judgements at all. Therefore, Hadsell is ***not*** "subject to a prefiling order."

2. VL LAW IS INAPPLICABLE

It appears the Clerks are laboring under the misguided belief that a litigant's listing on the Judicial Council's Vexatious Litigants list is the alpha and omega of all issues regarding VL filings. With all due respect, that is error.

Specifically here, assuming arguendo that a prefiling order did exist, it would be inapplicable here as follows:

a. Law of the Case Prohibition

As Hadsell's Motion to File New Litigation submitted 1/12/26 (**"1/12/26 MFNL"**, pp. 7-8, ¶C.2.) provides: i) it is undisputed that this court adjudicated that the Law of the Case is Hadsell is the defendant, and ii) CCP §§391-391.8 (**"VL Law"**) is inapplicable to defendants. Therefore, here, VL Law is inapplicable to Hadsell.

b. *Shalant* Prohibition

As the 1/12/26 MFNL states (p. 15, from "Third" to the end of the page), because it is undisputed that Hadsell was represented by counsel at the initiation of this case, *Shalant*, 1173 applies to prevent any application of VL Law here.

c. Substantive Law Prevails Over Procedural Law

The 1st Amend. and SCOTUS identify four fundamental rights as ***essential*** to the fundamental principles of liberty and justice that lie at the base of ***all*** our civil and political institutions: i) freedom of speech, ii) freedom of the press, iii) peaceable assembly, and iv) redress of grievances, (**"Four Fundamental Rights"**).

SCOTUSs instructs (*De Jonge v. Oregon* (1937) 299 U.S. 353, 364, emphasis added):

> Freedom of ***speech*** and of the ***press*** are fundamental rights which are safeguarded by the due process clause of the Fourteenth Amendment of the Federal Constitution. [Citations.] The right of ***peaceable assembly*** is a right cognate to those of free speech and free press and is equally fundamental. As this Court said in *United States* v. *Cruikshank*...: "***The very idea of a government***, republican in form, implies a right on the part of its citizens to meet peaceably for consultation in respect to public affairs and to petition for a ***redress of grievances***."

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Petitioner's Letter re Clerk's Office (And By Extension the Court's) Violations of Statutes, Case Law, and CRC 8.77
Case No.: A175250

Moreover, SCOTUS recognizes that "redress of grievances" includes "the right of access to the courts", *Bill Johnson's Rests. v. NLRB* (1983) 461 U.S. 731, 741; and that the 1st Amend., is applicable to the states[2], [see *Speiser v. Randall* (1958) 357 U.S. 513, 530 (concurring) where Justice Black collects 15

of SCOTUS' cases where the 14th Amend. makes the 1st Amend., "applicable in all its particulars to the States."]

Access to the courts is the sine qua non to The People's access to the judiciary—civilization's refuge from: vigilantism, might makes right, and mob rule. Therefore, it is The People's most precious judiciary right.

Additionally, *Goldberg v. Kelly* (1970) 397 U.S. 254, 267 stands for the proposition that, "'The fundamental requisite of due process of law is the opportunity to be heard.' [Citation.]" The "opportunity to be heard" by the court includes filing motions—especially when appellate proceedings most often don't include court hearings. And Hadsell is entitled to have all his pleadings in this case filed and decided with "meaningful review", *Juan T. v. Superior Court* (1975) 49 Cal.App.3d 207, 210.

The line between substantive law and procedural law can be blurry.

Black's Law Dictionary (12th ed. 2024, "**BLD**") defines substantive law as, "The part of the law that creates, defines, and regulates the rights, duties, and powers of parties." Whereas, procedural law is defined as, "The rules that prescribe the steps for having a right or duty judicially enforced…".

Thus, generally, substantive law provides rights, duties, and powers, (viz., the ends) whereas procedural law provides the rules (viz. the means) to implement rights, duties, and powers.

Generally, when substantive and procedural law

[2] And the Cal. Const. art. I, §3 is applicable.

conflict, substantive law prevails. As by our Supreme Court in *Hocharian v. Superior Court* (1981) 28 Cal.3d 714, 724 states (emphasis added):

> The court must... keep in mind the strong public policy ***that litigation be disposed of on the merits wherever possible***. (*Denham v. Superior Court*, *supra*, 2 Cal.3d at p. 566; [Citations.]

Hocharian, didn't just put aside a procedural court rule to reach the merits, it put aside a statutory substantive right that ***dictated case dismissal***, *id.*, 724. The same is true for the Court's cite to *Denham*, 566 (color highlights added):

> Although a defendant is entitled to the weight of the policy underlying the dismissal statute, which seeks to prevent unreasonable delays in litigation, the policy is less powerful than that which seeks to dispose of litigation on the merits rather than on procedural grounds. [Citation.]

It is undisputed that Hadsell's pleadings comply with all rules of court. In that event, *Voit v. Superior Court* (2011) 201 Cal.App.4th 1285, 1287 states that filing a pleading is a ministerial task—about as procedural as it gets:

> If a document is presented to the clerk's office for filing in a form that complies with the rules of court, the clerk's office has a ***ministerial duty to file it***. [Citation.]

When compared to the fundamental-substantive rights of: i) redress of grievances; and the due process

rights of: ii) to be heard by an impartial decisionmaker, and iii) to receive meaningful review, it is not legitimately possible here that Hadsell's substantive rights fail to trump any procedural law at issue.

3. *VOIT* INSTRUCTS WHY LAW CLERKS ARE MINISTERIALLY REQUIRED TO FILE PLEADINGS AND LEAVE APPLYING THE LAW TO THE COURT

Voit, 1287 instructs (emphasis added):

> The actions of the court clerk's office are quite troubling. "It is difficult enough to practice law without having the clerk's office as

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an adversary." [Citation.]...

> ***By unilaterally refusing*** to file [Hadsell's Pleadings], the clerk's office prevented the court from applying... precedent, or any other relevant law, to [Hadsell]'s particular circumstances.

It is the court's role to apply precedent, and any other relevant law, not layperson Clerks.

II. THERE IS NO MANDATORY FORM TO REQUEST A COURT ORDER; THEREFORE THE 1/12/26 MFNL FULFILLS ANY "APPLICATION TO PROCEED" REQUIREMENTS

As CCP §391.7(c) states (emphasis added):

> The clerk may not file any litigation... subject to a prefiling order unless the vexatious litigant first ***obtains an order***... permitting the filing.

CCP §116.130(h) defines, "'Motion' means a party's written request to the court for an order..."

No legal authority was found that requires the use of any form to request a court order for leave to file a pleading.

Also, as discussed *supra*, there is no requirement for Hadsell to file an "application to proceed" because he is not subject to any prefiling order. Notwithstanding, the 1/12/26 MFNL fulfills any requirement for an "application to proceed". Thus, with all due respect, the court's/Clerks' 1/23/26 docket note that Hadsell has not filed an "application to proceed" is error.

III. CRC 8.77 VIOLATIONS

CRC 8.77(a)(2) states:

> If the electronically submitted document received by the court complies with filing requirements, the document is deemed filed on the date and time it was received by the court...

As discussed *supra*, VL Law doesn't apply to Hadsell and his pleadings

comply with all rules of court. Therefore, this court is required to file his pleadings.

Additionally, CRC 8.77(b) states (emphasis added) that if Hadsell's pleadings:

> do[] not comply with applicable filing requirements, ***the court must*** arrange to

promptly ***send notice*** of the rejection of the document for filing to the electronic filer. The ***notice must state the reasons that the document was rejected*** for filing.

Because VL Law doesn't apply here, with all due respect, this court is in violation of CRC 8.77(b) because it has not provided a reason for why Hadsell's pleadings haven't been filed.

IV. CONCLUSION

It cannot be legitimately argued that Hadsell is subject to any prefiling order. Notwithstanding, he has bent over backwards to comply with the Clerks' legally unsupported requests. Yet the Clerks continue to violate statutes, case law, and the rules of court by refusing to file Hadsell's pleadings. It is time for his pleadings to be filed, docketed, and adjudicated.

Dated: January 26, 2026 Respectfully submitted,

Christopher Hadsell

Christopher Hadsell, Petitioner

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