

**U.S. SC 25-7180
CA SC S292065**

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

Edward L Clark Jr.
Petitioner, Respondent

v.

Deborah L Clark
Respondent, Petitioner

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

**APPENDICES
BOOK 1A**

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Date: April 8, 2026

Self Represented

App. "5"

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

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

In re Marriage of DEBORAH L. and
EDWARD L. CLARK, JR.

DEBORAH L. CLARK,

Respondent,

v.

EDWARD L. CLARK, JR.,

Appellant.

G064157

(Super. Ct. No. 05D00275)

O P I N I O N

Appeal from orders of the Superior Court of Orange County,
Yolanda V. Torres, Judge. Affirmed. Motion to dismiss appeal and vacate
order. Denied. Emergency motion to correct legal error. Denied.

Edward L. Clark, Jr., in pro. per., for Appellant.

No appearance for Respondent.

* * *

INTRODUCTION

Edward L. Clark, Jr.,¹ a pro. per. litigant, is appealing from an order entered on March 14, 2024 (the March 2024 Order) and an order entered on May 3, 2024 (the May 2024 Order) in this family law matter. The May 2024 Order denied Edward's motions to set aside and vacate the March 2024 Order. The March 2024 Order denied requests for order filed by Edward on February 1, 2024 (the February RFO) and on February 15, 2024 (the February 15 RFO). The February RFO requested an order entering into the record a debt settlement agreement from 2016 and a stipulation from 2021. The February 15 RFO requested the court to correct its website to reflect that the February RFO was to be heard at the same time as a request for order brought by Edward's ex-wife, Deborah L. Clark.²

Edward is no stranger to this court. This is the third appeal by which he is, in effect, trying to undo an order made in 2018 (the 2018 Order) finding he still owed Deborah nearly \$500,000 in equalization payments and ordering him to pay in accordance a marital settlement agreement from 2006 which was made part of the marital dissolution judgment. In the first appeal, (*In re Marriage of Clark* (Dec. 2, 2020, G058030/G058285 [nonpub. opn.] (*Clark I*)), we affirmed the trial court's order denying Edward's motion under Code of Civil Procedure section 473 to set aside the 2018 Order. In the course of affirming, we rejected Edward's argument that at the time of trial in 2018

¹ As is customary in family law matters, we refer to the parties by first name for convenience and to avoid confusion.

² The February 15 RFO is not in issue in this appeal. The matter was resolved and the family court deemed that request for order to be "complete."

the family court no longer had jurisdiction and Edward's claim that he had not stipulated to have a commissioner hear the matter.

Before the opinion in *Clark I* was issued, Edward filed a declaratory relief action against Deborah in civil law court. In the civil lawsuit, Edward filed a "joint stipulation to settle case" (the Joint Stipulation) and a debt settlement agreement dated March 21, 2016 (the Debt Settlement Agreement).

Back in family law court, Edward requested orders to dismiss the dissolution proceeding. He contended the settlement and dismissal of the civil law case mandated dismissal of the family law case. In the second appeal (*In re Marriage of Clark* (Sept. 20, 2023, G061697) [nonpub. opn.] (*Clark II*), we affirmed the family court's order denying those requests. We tried, as several judicial officers had, to explain to Edward that any modification of a family court judgment must be made in family court under family court rules. We concluded the family law court had correctly ruled that the civil settlement had no effect in family law court.

Edward tried once again to get the marital dissolution case dismissed based on the Joint Stipulation filed in the civil law case. He brought the February RFO, which requested an order entering the Debt Settlement Agreement and the Joint Stipulation into the record. Edward apparently believes that if he keeps on filing requests for orders and motions to vacate and pursuing appeals challenging their denials he eventually will find a court willing to overturn the 2018 Order. He has not succeeded here, and risks being declared vexatious litigant. We affirm the March 2024 Order and the May 2024 Order.

BACKGROUND

I. FACTS

We recite the pertinent facts from *Clark I*.

“Edward and Deborah were divorced in 2007. The marital settlement agreement, which became part of the judgment in 2006, provided that, in lieu of a lump-sum equalization payment to Deborah, Edward would pay her \$250,000 at the time and the rest (\$1.7 million) in installments of \$9,227 per month over 30 years, at five percent interest. The parties waived spousal support. Deborah later testified that the monthly payment was her sole source of income.

“Edward presented the court with an acknowledgement of satisfaction of judgment (full) ostensibly signed by Deborah on January 14, 2013, and recorded the same day. The register of actions in the divorce case does not reflect the filing of an acknowledgement of satisfaction of judgment or a demand for the filing of an acknowledgement. Notwithstanding the acknowledgement of satisfaction of judgment, Edward continued to make the monthly payments mandated by the marital settlement agreement/judgment until 2016.

“In 2016, Edward still owed Deborah \$1.3 million in equalization payments. He told Deborah he could no longer make the monthly payments because he found himself in financial difficulties. If she would sign some papers, he could take \$1 million in equity out of his house and put it in her bank account, then use \$150,000 of it to pay his taxes. She could live on the remaining \$850,000 for the estimated two years that it would take Edward to reorganize his finances. He would then resume the monthly payments until the balance — some \$300,000 plus the \$150,000 he took for taxes — was

finally paid off. Deborah agreed, largely because Edward told her that if she did not, she would get nothing.

“Deborah signed a debt settlement agreement on March 21, 2016. Under the terms of the debt settlement agreement, Deborah was supposed to receive the entire \$1 million. Edward nevertheless took \$150,000 of that amount, pursuant to the previously made oral agreement. He sent two text messages to Deborah acknowledging the agreement to pay her the balance of the equalization payment.

“In 2017, Deborah called Edward to find out when he was going to resume the monthly payments, assuming that his financial problems would be on the way to resolution. Edward told Deborah he was not going to pay her. He might repay her the \$150,000 he took for his taxes, but nothing else.

“Deborah filed a request for order (RFO) on April 17, 2018, in the divorce case, asking for an order to enforce the judgment — in particular the remaining monthly payments. The moving papers included the debt settlement agreement and the acknowledgement of satisfaction of judgment as exhibits and a declaration from Deborah explaining how she had come to sign them. The RFO was personally served on Edward on May 7, 2018. Edward filed an opposition on August 22, 2018, denying that he owed Deborah any more money and giving his version of events.

“The case was tried to a family law commissioner over two days, September 18 and October 12, 2018. Both Edward and Deborah testified. At the end of trial, the court ruled in Deborah’s favor. It found that she had been due \$488,500 as of April 30, 2016, per the marital settlement agreement. The components of this amount were (1) the balance of the monthly payments due under the marital settlement agreement/judgment of 2006 (\$388,500) and (2)

the \$150,000 that Edward had taken from the \$1 million to pay his taxes. In other words, Edward had to pay the full amount agreed to in the marital settlement agreement/judgment and was not entitled to discount that amount by means of the debt settlement agreement and the satisfaction of judgment. He received a credit for the \$850,000 Deborah received from the home equity loan. But he had to pay the rest (\$525,137, including interest as of October 2018) in monthly installments, as mandated by the original judgment.” (*Clark I, supra*, G058030/G058284, at pp. *2-*5.)

II. *Clark I*

Edward did not appeal the family court order. Instead, he appealed from an order denying a motion he made under Code of Civil Procedure section 473 to set that order aside.

We take up the narrative from *Clark II*:

“We affirmed the denial of the set-aside motion, pointing out that a motion under this code section was not the proper vehicle to complain about the evidence presented at trial. ([*Clark I*], *supra*, G058030/G058284, at p. *1.) We observed that the record belied one of his contentions — that he had not stipulated to the matter being heard by a commissioner. ([*Clark I*] *supra*, G058030/G058284, at p. *10.) We also held that because the matter involved the enforcement of an executory family court judgment, the family court had jurisdiction over the matter. ([*Clark I*], *supra*, G058030/G058284, at p. *2.)

“One of Edward’s contentions in the 2018 trial was that, Deborah having signed a satisfaction of judgment in 2013, the divorce case was over. If Deborah wanted to complain about his failure to pay her the remainder of her equalization payments, then she had to sue him in civil court and serve a summons and complaint on him. We explained in [*Clark I*] that this contention was incorrect; under Family Code section 290, the family court

had the authority to enforce a family court judgment. (*Clark I*, *supra*, G058030/G058284, at p. *15.) *Clark I* was issued on December 2, 2020.” (*Clark II*, *supra*, G061697, at pp. 5-6.)

III. *Clark II*

We continue the narrative from *Clark II*:

“Edward filed a declaratory relief action in civil court against Deborah on August 2, 2019. He made the same allegations regarding the 2013 satisfaction of judgment and the 2016 debt settlement agreement that he had made during the 2018 trial in the family court.⁴ The civil suit resulted in a settlement and a dismissal in July 2021.

“On March 22, 2022, Edward filed a request for order (RFO) in the family court. He checked the ‘other’ relief box and ‘specif[ied]’ the following: ‘on. Attached Ex A; Satisfaction of Judgment filed by Peti[ti]oner in Orange county 1/14/2013, Ex B Contract Deb’ [¶] . . . [¶] ‘attached hereto and incorporated [sic] herein by reference is [¶] Exhibit “A”: Proof of Service 15 - day notice [¶] Exhibit “B” Contract entered (stipulation) witnessed and entered into the record by a superior court judge. [¶] Exhibit “C” satisfaction [sic] of judgment entered by Peti[ti]oner in the county of orange 1/14/2013 [¶] Exhibit “D” Contract entered and executed between the parties 3/21/2016.’ The supporting declaration stated, ‘I, Respondent, served Peti[ti]oner 15-day notice to enter satisfaction of judgment for case 05D000275 pursuant to ccp

⁴ As we pointed out in our prior opinion, the satisfaction of judgment was recorded but never filed with the court. Deborah had never filed an acknowledgement of satisfaction of judgment under Code of Civil Procedure section 724.030, and Edward had never filed a demand that she do so under section 724.050. The satisfaction of judgment was therefore unenforceable. (*Clark I*, *supra*, G058030/G058284, at p. *14.)

724.030 and contract (via stipulation) entered and witnessed by a superior court judge July 12, 2021. To date Petitioner has failed to file satisfaction of judgment as requested.' The register of actions in the dissolution case does not reflect the filing of a demand for acknowledgement of satisfaction of judgment under Code of Civil Procedure section 724.050. Deborah did not file an opposition to the RFO.

"Edward's RFO was heard on June 3, 2022. Deborah did not appear. The court ruled that the civil court had no jurisdiction over family court orders and denied the motion.

"Although it is not clear from the RFO itself what Edward wanted the court to do, it appears from the oral argument that he wanted the court to dismiss the dissolution case pursuant to the stipulation and settlement entered in the civil action, now dismissed. The judge patiently tried to explain that what happened on the civil side had no bearing in family court. The parties had to use family law procedures in family court if they wanted a ruling from a family court judge. This explanation had no effect.

"Edward filed another RFO on June 9, 2022. This time the relief requested was 'Motion to Amend order entered 6/3/2022 to dismiss case 05D000275 in compliance with California rules of the court Rule 3.1385 (B)[.]' Edward attached an 'objection to order entered 6/3/2022' and a 'notice of motion and motion to amend order entered June 3, 2021 [sic].' The notice stated that Edward would move to amend the court's order refusing to dismiss the dissolution action pursuant to 'California Rules of the Court 3.1385 (B). order entered 6/2/2022 [sic] pursuant to CCP 1008(a) on the grounds that said ruling was created with and entered based on Extrinsic Fraud, self serving to the court fabricating evidence in support of various judicial officers alleged to be engaged with racketeering and corrupt business

practices in federal court.’ After accusing the court of fraud and other misdeeds, Edward stated that the court ‘must dismiss the entire case 45-days after notice of settlement,’ pursuant to California Rules of Court, rule 3.1385.5 Edward then continued to accuse the court of fraud ‘designed to fabricate, deceive and create evidence.’ Most of the remaining argument is either unintelligible or completely untethered to anything in the record . . . or both. One thing is clear, however. Edward accuses several judicial officers of fraud in refusing to dismiss the dissolution case.

“The court heard this second RFO on July 22, 2022. The court deemed the motion a motion for reconsideration under Code of Civil Procedure section 1008. It denied the motion because Edward had failed to provide any new or additional facts. (Code Civ. Proc., § 1008, subd. (a).) During the hearing Edward berated the court for not following California Rules of Court, rule 3.1385 and dismissing the dissolution case.⁶

“Edward has appealed from the orders denying his RFOs entered on June 3 and July 22, 2022.” (*Clark II, supra*, G061697 at pp. 6-8, fn. 5 omitted.)

In *Clark II*, we affirmed the orders entered on June 3 and July 22, 2022. We explained:

“The civil court and the family court are separate domains. They have separate judges, who have no working relationship with each other. Although the Code of Civil Procedure is sometimes used in family court, family law has its own procedures and rules. When there is a family law rule,

⁶ [Edward]: And the rule specifically states, ‘the court must dismiss.’ [¶] So I’m not sure what part of that rule the court doesn’t understand.”

the family court uses that rule and not the Code of Civil Procedure. The California Rules of Court also has a separate section of rules governing family law matters: the 5 series. [¶] That is why a civil court has no jurisdiction over a family law matter. Edward was free to sue Deborah in civil court. But nothing occurring there had any effect whatsoever on the dissolution case in family court.” (*Clark II, supra*, G061697 at pp. 10-11.)

“[¶] . . . [¶]

“The *only* person who can alter a family court judgment is a family court judge. *The parties themselves cannot do it, either by contract or by stipulation.* [Citation.] They can ask the family court judge to do it, by initiating process in family court, but they must follow the procedures set out for this purpose in family law, without reference to the outcome of any civil suit. A ruling or disposition from civil court cannot form the basis for a family court order.” (*Clark II, supra*, G061697 at p. 13.)

“The family court correctly denied Edward’s first RFO on June 3, 2022, regardless of what it entailed, because there was no legal basis for relief. He never filed a request for an order requiring Deborah to file an acknowledgement of satisfaction of judgment, and it would not matter if he had made a proper request for such an order. As part of the trial in 2018, the commissioner found that the acknowledgement of satisfaction of judgment was without effect, and Edward never appealed from that order. If what Edward wanted was to have the dissolution case dismissed, the court correctly denied that request as well. The sole basis for Edward’s RFO was a stipulation [the Joint Stipulation] and settlement agreement [the Debt Settlement Agreement] that had no force in a family law case.” (*Clark II, supra*, G061697 at p., 13.)

A review of the docket for *Clark II* reveals that Edward filed a

petition for rehearing, a petition for review by the California Supreme Court, and a petition for writ of certiorari to the United States Supreme Court. All were denied.

IV. THE PRESENT CASE

In October 2023, Deborah filed a request for an order to “Enter Debt Settlement Agreement.” Deborah’s request for an order did not request any other relief.

In the February RFO, Edward also requested an order to enter the Debt Settlement Agreement and the Joint Stipulation into the record. In a supporting memorandum of points and authorities, Edward asserted: “A dispute exist[s] between [Edward] and this court regarding the undisputed fact this court continues its effort to validate a VOID order issued by Commissioner Barry Michaelson. . . . It goes without saying, [Edward] argues all of this court[']s efforts to validate a VOID order by refusing to comply with both parties litigants request has been egregious judicial misconduct in [an] effort to fabricate judicial immunity. . . .” Edward repeated the same arguments that had been rejected in *Clark I* and *Clark II*, including: (1) the 2018 Order was void because Edward did not stipulate to have a commissioner hear the matter; (2) the family law court had lost subject matter jurisdiction, (3) the family law court had to dismiss the September 2018 order because it was obtained in “Breach” of the Debt Settlement Agreement, and (4) under California Rules of Court rule 3.1385, the family law court had to dismiss the dissolution proceeding upon notification of the settlement of the civil law action.

Although the February RFO did not request any particular relief, in the supporting memorandum of points and authorities, Edward stated that he “request[s] the court on its own motion to comply with the law, take

actions as requested by both parties putting finally and forever case 05D000275 to rest in Family Court.” In other words, Edward wanted the family court to vacate the 2018 Order and dismiss the marital dissolution case.

A hearing on the February RFO and Deborah’s RFO was held on March 14, 2024. Deborah did not appear. The court announced its tentative was to deny the February RFO. The court explained that issues regarding the February 2018 order and the Debt Settlement Agreement had been adjudicated and affirmed in *Clark I*, and issues regarding the Joint Stipulation had been adjudicated and affirmed in *Clark II*. Edward responded by repeating the same arguments that previously had been rejected by the family court and by us in *Clark I* and *Clark II*: the family court “never had subject matter jurisdiction,” he had not stipulated to having a commissioner preside over the 2018 trial, the court was compelled to dismiss the dissolution case due the joint stipulation, and the court did not have “authority to legitimize a void judgement.” Edward accused the court of “refusing” to follow the law. The court confirmed its tentative as the order of the court.

True to form, Edward filed a motion to set aside the March 2024 Order and a separate motion to vacate the March 2024 Order. He again argued the 2018 order was void and the family law court did not have subject matter jurisdiction. He also argued the opinion in *Clark I* “is not on the merits written to prejudice appella[nt]” and the opinion in *Clark II* is “a Void opinion.”

The family law court heard Edward’s two motions on May 3, 2024. The court expressed concern that Edward was making repetitive motions. The court construed the motion to vacate and the motion to set aside

as a motion for reconsideration under Code of Civil Procedure section 1008 and denied them on the ground Edward had not presented new facts or evidence. The court explained, again, that the 2018 Order had been affirmed by the court of appeal. While declining to make a vexatious litigant ruling, the court stated it would be looking into whether Edward should be declared to be one. Edward then launched into a rant about how the 2018 Order, our opinions in *Clark I* and *Clark II*, and any ruling adverse to him were void.

The May 2024 Order formally denied Edward's motion to set aside and motion to vacate. The order states: "Court notes Motions are frivolous. [¶] Respondent [Edward] may be vexatious litigant. Court will review Civil Code of Procedure [§§] 391.1 and 391.7."

DISCUSSION

I. APPEALABILITY

We first determine whether the orders from which Edward appeals are appealable orders. "[A] reviewing court lacks jurisdiction on direct appeal in the absence of an appealable order or judgment." (*Walker v. Los Angeles County Metropolitan Transportation Authority* (2005) 35 Cal. 4th 15, 21; *Jennings v. Marrolle* (1994) 8 Cal.4th 121, 126 ["The existence of an appealable judgment is a jurisdictional prerequisite to an appeal"].)

The February RFO requested an order to enter the Debt Settlement Agreement and the Joint Stipulation into the record. However, what the February RFO was in effect requesting, was an order setting aside the February 2018 Order and dismissing the dissolution action based on the Debt Settlement Agreement and the Joint Stipulation. The February RFO thus sought an order affecting or relating to the judgment. (*In re Marriage of Olson* (2015) 238 Cal.App.4th 1458, 1462.) The March Order, which denied

the February RFO, is therefore appealable under Code of Civil Procedure section 904.1, subdivision (a)(2) as a postjudgment order.

The family court treated Clark's motion to set aside and motion to vacate the March 2024 Order as a motion for reconsideration. The May 2024 Order, which denied those motions, is not separately appealable but is reviewable as part of an appeal from the March 2024 Order. (Code Civ. Proc., § 1008, subd. (g).)

II. EDWARD'S MOTIONS ON APPEAL

Edward has filed two motions: (1) a motion requesting us to dismiss this appeal and vacate the 2018 Order and (2) an "emergency motion requesting the court to correct legal error." We issued orders stating those two motions would be decided in conjunction with the decision on appeal.

Both motions argue that the 2018 Order is void and, therefore, we do not have subject matter jurisdiction over this appeal. In the emergency motion to correct legal error, Edward goes so far as to say that our order regarding deciding the motion to dismiss in conjunction with the appeal "contradicts the rule of law [as] well as established precedent."

The motions are frivolous. We have jurisdiction over the appeal because *Edward* filed notices of appeal from orders which we have concluded are directly appealable. Edward's request that we dismiss the appeals and vacate the 2018 Order makes no sense: If we lack jurisdiction, as Edward claims, then we would have no ability to vacate the 2018 Order or any other order of the family court.

III. EDWARD'S APPEAL IS FRIVOLOUS

Edward's makes many assertions in his long and rambling brief. The gist of his arguments is the March 2024 Order and the May 2024 Order are void because the 2018 Order is void and because the family court refused

to follow the law by not dismissing the marital dissolution matter based on the Debt Settlement Agreement and the Joint Stipulation. He also claims the opinions in *Clark I* and *Clark II* are void and were used by the family court "as a shield to cover for judicial misconduct."

Edward's appeal from the March 2024 Order and the May 2024 Order is frivolous. Several judicial officers as well as the opinions in *Clark I* and *Clark II* have tried to explain to him why the 2018 Order is valid and binding and why the Debt Settlement Agreement and Joint Stipulation cannot be given effect in the marital dissolution matter. None of those attempts was successful, but we'll try one last time.

We start with the principles of res judicata and collateral estoppel. Res judicata or claim preclusion "prevents relitigation of entire causes of action." (*Samra v. Matar* (2018) 5 Cal.5th 322, 326.) Claim preclusion arises when "a second suit involves (1) the same cause of action (2) between the same parties [or their privies] (3) after a final judgment on the merits in the first suit." (*Id.* at p. 327.) Collateral estoppel or issue preclusion "prevents 'relitigation of previously decided issues,' rather than causes of action as a whole." (*Ibid.*) Issue preclusion applies "(1) after a final adjudication (2) of an identical issue (3) actually litigated and necessarily decided in the first suit and (4) asserted against one who was a party in the first suit or one in privity with that party." (*Ibid.*)

Deborah's 2018 request for order asked the family court to enforce the marital dissolution judgment by requiring Edward to make the remaining monthly payments. Deborah's request was tried on the merits. After hearing testimony and reviewing exhibits, the family court issued the 2018 Order in which the court ruled in Deborah's favor and found she had been due \$488,500 from Edward as of April 30, 2016. The court found

Edward had to pay the full amount agreed upon in the marital settlement agreement/dissolution judgment and was not entitled to offset that amount by means of the Debt Settlement Agreement and the satisfaction of judgment purportedly signed by Deborah. In the 2018 Order, the family court found that Deborah “was induced and convinced to enter [the Debt Settlement Agreement] based upon the representations that she would receive all of the amounts due with credit for the \$850,000 paid as a result of the refinance.”

In *Clark I*, we affirmed the family court. Edward exhausted all appellate avenues to challenge the 2018 Order, and lost. The 2018 Order thus is *res judicata*. That means the 2018 Order is valid and binding and bars Edward from ever relitigating the claim that the Debt Settlement Agreement supersedes or modifies the marital dissolution judgment. The family court’s finding that Edward owed Deborah \$488,500 as of April 30, 2016 has the force of issue preclusion. That issue was decided against Edward, and he is barred from relitigating it ever again.

In *Clark I*, we rejected Edward’s claim that he had not stipulated to a Commissioner hearing his case. We concluded that Edward had consented by his conduct to a decision by the commissioner. (*Clark I, supra*, G058030/G058284, p. *12.) We also concluded the family court continued to have jurisdiction because (1) the divorce judgment was still executory, that is, Edward not yet complied with his obligations under it, (2) Deborah, as judgment creditor, had not filed the acknowledgment of satisfaction of judgment she purportedly signed and Edward had not made a demand that she do so, and (3) the family court had jurisdiction to enforce the marital dissolution judgment against Edward. (*Id.* at pp. **13-14)

Those conclusions are subject to issue preclusion as well as another principle called law of the case. Under law of the case, when an

appellate court states in an opinion a principle or rule of law necessary to its decision, that principle or rule becomes law of the case and must be adhered to in the lower court and upon subsequent appeal. (*Nelson v. Tucher Ellis, LLP* (2020) 48 Cal.App.5th 827, 837.) The rule of law of the case bars repeated appellate review of the same issue in a single case. (*Ibid.*)

As a consequence, the issues of whether Edward stipulated to a commissioner and whether the family court had jurisdiction in 2018 have been foreclosed against him. He is barred from raising those issues again in any court. The principles of claim preclusion, issue preclusion, and law of the case thus conclusively and permanently bar Edward from relitigating the issues tried and resolved by the 2018 Order and affirmed in *Clark I*. Edward might not like the 2018 Order, but it is not void and he is bound by it.

By refusing Edward's request to dismiss the marital dissolution based on the Debt Settlement Agreement and the Joint Stipulation, the family court was upholding the law, not refusing to follow it as Edward contends. Claims arising out of a family law case, whether prejudgment or postjudgment, must be heard in the family law court, not the civil law court. (Hogoboom et al., Cal. Practice Guide: Family Law (The Rutter Group 2024) ¶ 3:22.5, p. 3-17, citing *Neal v. Superior Court* (2001) 90 Cal.App.4th 22, 25-26.) "[F]amily law cases should not be allowed to spill over into civil law. . . ." (*Burkle v. Burkle* (2006) 144 Cal.App.4th 387,393.) Even if a family law matter can be reframed in terms of a civil law action, the family law court retains jurisdiction. (*Neal v. Superior Court, supra*, 90 Cal.App.4th, pp. 25-26.)

Edward tried to circumvent the 2018 Order by filing and then purporting to settle the civil law case by means of the Joint Stipulation. The civil law case made the same allegations regarding the 2013 satisfaction of

judgment and the 2016 debt settlement agreement that he had made during the 2018 trial in family court. However, Edward was not permitted to evade the family court's continuing jurisdiction by recasting his claims as civil law matters. (*Pont v. Pont* (2018) 31 Cal.App.5th 428, 442.) Once the family law court acquired jurisdiction and retained continuing jurisdiction over Edward and Deborah's marital dissolution and property division, no other department of the superior court could make an order adversely affecting the family court's judgment and rulings. (*McMillin v. Eare* (2021) 70 Cal.App.5th 893, 919.)

Edward's repeated assertion that California Rules of Court, rule 3.1385(b)³ compelled dismissal of the marital dissolution action and the 2018 Order is frivolous for several reasons. First, the Joint Stipulation requested the civil law court to enter judgment pursuant to the terms of the stipulation, which included an agreement that the Debt Settlement Agreement was "Valid" and "enforceable" and the 2018 Order was "not enforceable" and "void." In *Clark II*, we concluded the civil law court had no jurisdiction to enter a judgment making those findings, which had been determined against Edward by the family law court and affirmed in *Clark I*. (See *McMillin v. Eare, supra*, 70 Cal.App.5th at p. 919; *Burkle v. Burkle, supra*, 144 Cal.App.4th at pp. 391-392.) That determination is binding on Edward.

We also concluded in *Clark II* that the Joint Stipulation had no

³ Rule 3.1385(b) states: "Except as provided in (c) or (d), each plaintiff or other party seeking affirmative relief must serve and file a request for dismissal of the entire case within 45 days after the date of settlement of the case. If the plaintiff or other party required to serve and file the request for dismissal does not do so, the court must dismiss the entire case 45 days after it receives notice of settlement unless good cause is shown why the case should not be dismissed."

effect in the family law court. That conclusion is binding as law of the case and under principles of issue preclusion.

Finally, the Joint Stipulation requested the civil law court to *enter judgment* while Rule 3.1385(b) states a court must *dismiss* the entire case upon receiving a request for dismissal. Rule 3.1385(b) does not authorize entry of judgment. The civil law court entered a dismissal with prejudice *against* Edward and did not adjudicate any issues presented by his civil law case.

Edward's motion to set aside and vacate the March 2024 Order was in effect a motion for reconsideration under Code of Civil Procedure section 1008, subdivision (a). Edward did not present any new or different facts, circumstances, or law to justify reconsideration.

In the May 2024 order the family law court noted that "Respondent [Edward] may be vexatious litigant" and "Court will review Civil Code of Procedure [§§ 391.1 and 391.7." We will now review those code sections for Edward's benefit. Section 391.1 defines the term "vexatious litigant" to include a person who "[a]fter a litigation has been finally determined against the person, repeatedly relitigates or attempts to relitigate, in propria persona, either (i) the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined or (ii) the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same defendant or defendants as to whom the litigation was finally determined." (Code Civ. Proc., § 391.) Under section 391.7, a court may on its motion "enter a pre-filing order which prohibits a vexatious litigant from filing any new litigation in the courts of this state in propria persona without first obtaining leave of the presiding justice or presiding judge of the

court where the litigation is proposed to be filed.” (Code Civ. Proc., § 391.7.)

Edward’s repeated, unmeritorious challenges to the validity of the 2018 Order and attempts to relitigate the issues resolved by that order bring him within the definition of a vexatious litigant. While we decline at this time to declare Edward a vexatious litigant, we warn him that further attempts to overturn or circumvent the 2018 Order may well lead us to reach a different conclusion.

DISPOSITION

The March 2024 Order and the May 2024 Order are affirmed. Because Respondent has not appeared and has incurred no costs, recovery of costs is not awarded on appeal.

SANCHEZ, J.

WE CONCUR:

MOORE, ACTING P. J.

DELANEY, J

App. "6"

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**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION 3**

Deborah L. Clark., an individual	}	
Petitioner,		Court of Appeal : G064157
vs.		Superior Court Number: 05D000275
Edward L Clark Jr.		
Respondent.		

**APPEAL FROM SUPERIOR COURT OF
ORANGE COUNTY
HON. JUDGE YOLANDA TORES**

PETITION FOR REHEARING

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**IN THE APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DIVISION , DIVISION THREE**

No. G064157

Deborah L. Clark., an individual

Petitioner,

vs.

Edward L Clark Jr.

Respondent.

} Superior Court of California
} Court of Appeal : G064157
} Superior Court Number: 05D000275
} **Hon. Yolanda Tores**

APPELLATNTS' PETITION FOR REHEARING

**TO THE HONORABLE PRESIDING JUSTICE AND THE HONORABLE
ASSOCIATE JUSTICES OF THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA, FOURTH APPELLATE DISTRICT DIVISION THREE**

Appellate, Edward L. Clark Jr., respectfully submits for a rehearing of the court's opinion on Courts ruling to (6/25/2025) on ruling entered on March 14, 2024 and May 3, 2024 in the above referenced case pursuant to Rule 8.268 of the California Rules of Court and Government code section 68081. Cal Rules of Court (CRC) 8.268; Gov't Code 68081. This appeal raises challenging and complex issues. Respondent believes, with respect to this court's decision, it is unclear if the court is objectively mistaken or if it is intentionally trying to validate VOID ORDERS issued in the lower court without subject matter jurisdiction of the matter AND in addition to two previous orders issued by this

1 court one on December 20, 2020 and the second on September 20, 2023.

2 **ARGUMENT**

3 **I. The rehearing is necessary because the court has made a gross error of law.**
4 **A request for a rehearing is necessary to determine if the gross error of law by this**
5 **panel of judges was an oversight or an intentional decision by appellate panel judges**
6 **in an effort to validate not only the lower courts VOID orders, but to validate this**
7 **courts previous two opinions issued without subject matter jurisdiction.**

8 This court has continued to dodge the facts presented in appellate opening brief
9 and two separate motions that to show why the orders issued were in FACT void on their
10 face and issued without subject matter jurisdiction.

11 The Opinion issued by this court filed Dec 20, 2020 indicated the appeal was
12 fatally flawed, although ruled on 1/13 issues.” subject matter jurisdiction” , failed to
13 address why it had subject matter jurisdiction. The opinion issued by this court
14 September 20, 2023, this court denied Appellate request at oral arguments to address
15 subject matter jurisdiction. This court denied Appellate petition for re-hearing
16 specifically to address subject matter jurisdiction. Here, in the instant appeal, the court
17 FAILS to address any of the facts contained herein or in the briefs addressing why or
18 how the orders are valid and issued with subject matter jurisdiction, despite Appellate,
19 clearly explaining during oral arguments the opposite.. One can only speculate the reason
20 or suspect the appellate court refuses to address the specific facts of subject matter
21 jurisdiction is because this cannot support with any argument the existence of subject
22 matter jurisdiction in lower court or in this appellate court.

23 Appellate addressed in his appeal and filed two motions requesting this court to
24 dismiss action for lack of subject matter jurisdiction 2/18/2025 and a second emergency
25 motion 2/25/2025 addressing the court’s failure to address subject matter jurisdiction
26 independent of oral arguments on the merits. In the instant opinion, again the fourth
27 appellate court has chosen to find its got subject matter jurisdiction without opposing any
28 of the undisputed facts dictating otherwise.

1 The instant opinion clearly does not address the undisputed material facts
2 presented to this court showing why the order issued not only by Judge Lon Hurwitz
3 4/17/2018 is VOID on its face, but all orders issued by Commissioner Michaelson and
4 thereafter are VOID because he was not a judge and never authorized to be a judge.

5 Concluding two previous orders issued by this court in previous appeals December
6 20, 2020 and September 20, 2023 were also issued without subject matter jurisdiction,
7 also VOID on their face, thereby meritless. This court referring to two previous Void
8 opinions issued by this court in the instant appeal to justify avoiding or addressing
9 specific facts of subject matter jurisdiction could be considered an intentional attempt in
10 violation of law, "that this court" established to VALIDATE VOID ORDERS issued in
11 the family law division.

12 See Zaal Aresh vs Monica Marin-Morales G060579 G060827: citing in its
13 opinion People vs America Contractors Indemnity Co. (2002) 33 Cal 4th 653, 660
14 Found a judgment is void, as opposed to merely avoidable when the court lacks
15 fundamental jurisdiction over the subject matter or the parties. Stated "When a
16 court lacks jurisdiction in a fundamental sense, an ensuing judgment is void, and thus
17 vulnerable to direct or collateral attack at any time" The request to certify and publish
18 opinion was granted Mar. 16, 2023 by the Fourth Circuit Div III

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

22 Furthermore, The power of a court commissioner to act as a temporary judge
23 emanates solely from stipulation by the parties to the proceeding. (Cal. Const., art. VI, §
24 21; Rooney v. Vermont Investment Corp., 10 Cal. 3d 351, 360 [110 Cal. Rptr. 353, 515
25 P.2d 297]; People v. Tijerina, 1 Cal. 3d 41, 48-49 [81 Cal. Rptr. 264, 459 P.2d 680].)

26 Section 21, article VI provides: "On stipulation of the parties litigant the court may
27 order a cause to be tried by a temporary judge who is a member of the State Bar, sworn
28 and empowered to act until final determination of the cause." Section 259a, subdivision
29 4, Code of Civil Procedure

30 II. UNDISPUTED MATERIAL FACTS PRESENTED TO THIS COURT

- 31 1. 8/31/2006 FAMILY DISSOLUTION JUDGEMENT, barred subject matter
32 jurisdiction in family court
- 33 2. the parties entered a debt settlement agreement 3/21/2016 for \$1,000,000.
- 34 3. The 3/21/2016 Debt Settlement agreement was proven satisfied to this court with

- 1 a bank statement showing a wire on 4/15/2016 for \$1,000,000. Concluding as of
- 2 3/21/2016 the 8/31/2006 judgment case 05D000275 was no longer at issue.
- 3 4. Further evidence presented to this court was "PETITIONERS" three request to
- 4 dismiss case and request for the court to enter settlement documents into the
- 5 record supported with a joint stipulation and her request for the court to
- 6 judicially notice settlement documents proving the 3/21/2016 Debt Settlement
- 7 was valid, fully executed and enforceable.
- 8 5. RFO issued 4/17/2018 by Judge Lon Hurwitz was based on a 2017 phone call
- 9 after the 2006 judgment was no longer at issue.
- 10 6. RFO issued 4/17/2018 by Judge Lon Hurwitz is 2 years and one month after the
- 11 case was fully settled and no longer at issue.
- 12 7. RFO issued 4/17/2018 by Judge Lon Hurwitz was one month after statute of
- 13 limitation expired for any type of perceived oral agreement
- 14 8. RFO issued 4/17/2018 by Judge Lon Hurwitz could not possibly be considered a
- 15 post judgment order as there were no judgments pending not 100% satisfied.
- 16 9. RFO issued 4/17/2018 was not issued subsequent to a summons and complaint
- 17 because a summons and complaint does not exist.
- 18 10. RFO issued by Judge Lon Hurwitz was issued **WITHOUT SUBJECT**
- 19 **MATTER JURISDICTION.**
- 20 11. 8/31/2006 JUDGMENT BARRED SUBJECT MATTER JURISDICTION IN
- 21 FAMILY COURT:
- 22 8/31/2006 judgment [AR-1 P8 #13] executed by a Family Court Superior Court
- 23 Judge that barred subject matter jurisdiction in family court since there were no
- 24 provisions for alimony [Ar-1 P34 II. Support (A)] or child support [P34 II.
- 25 (B)]
- 26 12. [RT 3/14/2024 crt rptr tr p 13 L4:23] Judicial admission the court has been
- 27 properly noticed of settlement.
- 28 *Respondent: "Is the court aware that the parties have tried to settle this case? Is*
the court aware that both parties are asking the court to enter debt settlement
agreement into the record?"
- The Court: "I'm aware of the request for relief that are sought and the RFO's that*
have been filed. YES, I'm aware of that.

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2 13. *THE COURT CONTINUES TO REFUSE TO COMPLY WITH RULE OF*
3 *COURT 3.1385(B). (Ex p305) (Crt rptr Tr P13 L13:20:*

4 *The respondent; " Is the court aware that both parties are asking this court to*
5 *enter a debt settlement agreement into the record?"*

6 *The Court: " I'm aware of the request for relief that are sought and the RFO's*
7 *that have been filed. YES"*

8 14. This court fails to address the undisputed fact Commissioner Michaelson was not
9 a judge. That he "Eminently" relied on two stipulations, neither of which were
10 executed by either of the parties litigants. thereby all orders by him and
11 subsequent orders are VOID on their face.

12 **III. SUBJECT MATTER JURISDICTION**

13 Subject matter jurisdiction refers to a court's authority to hear a particular type of
14 case. It determines whether a court has the power to rule on a specific dispute based on
15 the nature of the legal issues involved. This court clearly understands it lacks subject
16 matter jurisdiction to review the merits of VOID orders, yet it issued an opinion on the
17 merits without any argument or opposition to the undisputed material facts identified 1:11
18 above.

19 *And if it really did find it had subject matter jurisdiction to where it could legally*
20 *review review the merits of the instant appeal failed to address the undisputed facts both*
21 *parties have filed motions to dismiss and both parties have requested the court to enter*
22 *settlement documents into the record. All of which continues to be died. Not withstanding*
23 *both parties filing a joint request for the court to take judicial notice of settlement*
24 *documents and the court continues to thumb its nose at rule 3.1385 (b) that states the*
25 *court MUST dismiss action requested when the court has been properly notified..*

26 [RT 3/14/2024 crt rptr tr p 13 L4:23] Judicial admission the court has been
27 properly noticed of settlement.

28 *Respondent: "Is the court aware that the parties have tried to settle this case? Is*
the court aware that both parties are asking the court to enter debt settlement
agreement into the record?"

The Court: " I'm aware of the request for relief that are sought and the RFO's that

1 *have been filed. YES, I'm aware of that.*

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4 **THE COURT CONTINUES TO REFUSE TO COMPLY WITH RULE OF COURT**
5 **3.1385(B). (Ex p305) (Crt rptr Tr P13 L13:20:**

6 *The respondent; " Is the court aware that both parties are asking this court to*
7 *enter a debt settlement agreement into the record?"*

8 *The Court: " I'm aware of the request for relief that are sought and the RFO's*
9 *that have been filed. YES"*

10

11 A court must have jurisdiction to enter a valid, enforceable judgment on a claim.
12 Where jurisdiction is lacking, the validity of a judgment can be retroactively challenged.

13

14 **IV.. A COMMISSIONER IS NOT A JUDGE.**

15

16 **Court Reverses All Orders Made in Dissolution Proceeding when**
17 **Commissioner Neglected to Obtain Husband's Consent to Proceed before**
18 **Commissioner In re Marriage of Djulus (Case No. D069757; Ct. App., 4th Dist.,**
19 **Div. 1. 4/14/17) — Cal. App. 5th —, — Cal. Rptr. 3d —, 2017 Cal. App. LEXIS**
20 **343 By Benke, J. (McConnell, P. J., Nares, J., concurring) An appeals court**
21 **reversed a judgment of dissolution and all orders made in the proceeding, including**
22 **restraining orders, when the proceeding was heard by a commissioner without the**
23 **husband's consent.**

24 **Commissioner's Jurisdiction to Hear Case Derives from Parties' Stipulation.**
25 **Under the California Constitution, a commissioner is empowered only "to perform**
26 **subordinate judicial duties" [Cal. Const., art. VI, § 22]**

27 **The power of a court commissioner to act as a temporary judge emanates**
28 **solely from stipulation by the parties to the proceeding. (Cal. Const., art. VI, § 21;**
 Rooney v. Vermont Investment Corp., 10 Cal. 3d 351, 360 [110 Cal. Rptr. 353, 515
 P.2d 297]; People v. Tijerina, 1 Cal. 3d 41, 48-49 [81 Cal. Rptr. 264, 459 P.2d 680].)
 Section 21, article VI provides: "On stipulation of the parties litigant the court may
 order a cause to be tried by a temporary judge who is a member of the State Bar,
 sworn and empowered to act until final determination of the cause." This statute
 does not enlarge the power granted in the Constitution. (Rooney v. Vermont
 Investment Corp., 10 Cal. 3d 351 [110 Cal. Rptr. 353, 515 P.2d 297].)

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2 According to the law previously cited a review of Commissioner
3 Michaelson's own statements on the record relying on two stipulations that were
4 not signed by the parties litigants should reveal to the court, Commissioner
5 Michaelson was not a judge and his Supervisor Judge Lon Hurwitz attempt to
6 create a tantulmous stipulation after the fact is moot.

7 The commissioner found the 3/21/2016 contract valid, ignored the terms
8 therein and then on his own modified the contract adding an additional \$ 9212/
9 month on top of it in violation of parol evidence rule.

10 A commissioner who acts without authority or subject matter jurisdiction is
11 not a judge.

12 A commissioner who does not first get a signed stipulation is not a judge
13 and has no power to fabricate a judgment or render an opinion.
14

15 **V. AN ORDER ENTERED WITHOUT SUBJECT MATTER JURISDICTION**
16 **IS NOT A JUDGMENT, THE ISSUE OF SUBJECT MATTER JURISDICTION**
17 **CAN BE RAISED AT ANY TIME.**

18 *Barnick v. Longs Drug Stores, Inc.* (1988)
19

20 Subject matter jurisdiction is the "power to hear or determine the case." (See
21 *Abelleira v. District Court of Appeal* (1941) 17 Cal. 2d 280, 288 [109 P.2d 942, 132
22 A.L.R. 715].) Without subject matter jurisdiction, the court has no power to
23 determine the case. Lack of subject matter jurisdiction therefore is such a basic
24 defect that it can be raised at any time by any available procedure. (Cal. Practice
25 Guide, *Civil Procedure Before Trial*, 3:189-190, pp. 3-64.) "[L]ack of jurisdiction is not
26 subject to waiver and may be raised at any stage of the proceedings" (*Jacobs v.*
Retail Clerks Union, Local 1222 (1975) 49 Cal. App. 3d 959, 963 [123 Cal. Rptr. 309].)
The fundamental nature of subject matter jurisdiction also is recognized by statute,
which provides the issue will not be waived if it is not raised in the pleadings.

27 Code of Civil Procedure section 430.80 reads in pertinent part: "(a) If the party
28 against whom a complaint or cross-complaint has been filed falls to object to the
pleading, either by demurrer or answer, that party is deemed to have waived the

1 objection unless it is an objection that the court has no jurisdiction of the subject of
2 the cause of action alleged in the [203 Cal. App. 3d 380] pleading or an objection
3 that the pleading does not state facts sufficient to constitute a cause of action."

4 In interpreting Code of Civil Procedure section 430.80, the courts have taken a
5 straightforward approach. For example, in Buford v. State of California (1980) 104
6 Cal. App. 3d 811, 826 [164 Cal. Rptr. 264], the court observed: "[T]wo defects of
7 substance -- lack of jurisdiction and failure to state a cause of action -- are not
8 waived by a failure to demur and may be raised for the first time on appeal. (See
9 Code Civ. Proc., § 430.80; 3 Witkin, Cal. Procedure (2d ed. 1971) Pleading, § 808, p.
10 2418.)" Also, in McKinny v. Board of Trustees (1982) 31 Cal. 3d 79, 90 [181 Cal. Rptr
11 549, 642 P.2d 460], our Supreme Court stated the rule: "It is elementary that a
12 plaintiff who lacks standing cannot state a valid cause of action; therefore, a
13 contention based on a plaintiff's lack of standing cannot be waived under Code of
14 Civil Procedure section 430.80 and may be raised at any time in the proceeding."

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16 **VI. IN ORDER FOR THIS COURT TO VALIDATE VOID ORDERS**
17 **IN THE UNDERLYING MATTER, THE COURT MUST ADDRESS AND**
18 **OVERCOME ALL THREE REASONS THE ORDERS ISSUED IN FAMILY**
19 **COURT ARE VOID ON THEIR FACE:**

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1. The RFO issued by Judge Lon Hurwitz is void on its face because the order was issued without any pending judgement not satisfied and was not issued subsequent to a summons and complaint. The RFO was not a post judgment order rather an order just issued to circumvent the civil court because the statute of limitation had expired in civil court BY ONE MONTH.
 2. the 8/31/2006 judgment that had been fully satisfied barred subject matter jurisdiction in family court
 3. Commissioner Barry Michaelson was not a judge.

24 Additionally the RFO was issued using a fully satisfied case number , case
25 05D000275, hence the reason this court keeps trying to tie this case to a 2006 judgment
26 not at issue.

27 Any of one of the three VIOLATIONS above render orders issued in Family
28 Court VOID ON THEIR FACE, NOT MERELY VOIDABLE. In the instant matter

1 Judge Lon Hurwitz Judge Lon Hurwitz issued RFO without subject matter jurisdiction
2 (1) & (2). And Commissioner Barry Michaelson was not a Judge (3)

3
4 **CONCLUSION**


5 **VII. APPELLATE RESPECTFULLY REQUEST A REHEARING**
6 **PURSUANT TO CALIFORNIA RULE OF COURT (see Rule 8.268) TO ALLOW**
7 **THIS COURT TO REVISIT UNDISPUTED MATERIAL FACTS IT FAILED TO**
8 **ADDRESS IN THE INSTANT OPINION OR IN THE ALTERNATIVE CONFIRM**
9 **THE OMISSIONS TO THE FACTS ARE INTENTIONAL AND INTENDED TO**
10 **VALIDATE VOID ORDERS CONTRADICTING THIS COURTS PUBLISHED**
11 **OPINION**

12 See Zaal Aresh vs Monica Marin-Morales G060579, G060827: citing in its
13 opinion People vs America Contractors Indemnity Co. (2002) 33 Cal 4th 653, 660
14 *Found a judgment is void, as opposed to merely avoidable when the court lacks*
15 *fundamental jurisdiction over the subject matter or the parties. Stated "When a*
16 *court lacks jurisdiction in a fundamental sense, an ensuing judgment is void, and thus*
17 *vulnerable to direct or collateral attack at any time" The request to certify and publish*
18 *opinion was granted May 16, 2023 by the Fourth Circuit Div III*

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

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Date : June 27, 2025

Respectfully Submitted,


Edward L. Clark Jr.
In Proper

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WORD COUNT CERTIFICATION
Rule 8.504

That I hereby certify that this APPELLATE PETITION FOR REHEARING
contains 3,080 words as measured by Microsoft Word in Microsoft Office
Software. Maximum allowed 8,000 and under 30-pages



By : Edward L. Clark Jr.
In Proper

App. "7"

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**IN THE SUPREME COURT OF THE
STATE OF CALIFORNIA**

Deborah L. Clark, an individual

Petitioner,

vs.

Edward L Clark Jr.

Respondent.

SUPREME COURT CASE #: 5292005

Court of Appeal : G064157

Superior Court Number: 05D000275

**APPEAL FROM SUPERIOR COURT OF
ORANGE COUNTY
HON. JUDGE YOLANDA TORES**

PETITION FOR REVIEW

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**IN THE SUPREME COURT OF THE
STATE CALIFORNIA**

No. G064157

Deborah L. Clark, an individual

Petitioner,

vs.

Edward L Clark Jr.

Respondent.

} Superior Court of California

} Court of Appeal : G064157

} Superior Court Number: 05D000275

} Hon. Yolanda Tores

ISSUES PRESENTED

This Petition presents four important questions of constitutional law on which direct conflicts exist in the decisional authority regarding a parties equal protection under the Fourteenth Amendment to the Constitution by a fair and un-biased judiciary.

(1) When a party on appeal from a VOID order challenges the validity of a VOID order, and the facts in evidence clearly demonstrate order is void, must that party demonstrate any further prejudice to obtain reversal? In other words is an abuse of discretion by not only the trial court, but also the Fourth Appellate District, Div 3 offering opinions on the merits of VOID orders sufficient for reversal, as determined by the Second Appellate District, Division Seven, in Mackouska v. Viewcrest Road

1 Properties LLC 2019 40 Cal.App.5th 1 (Mackouska), or to the contrary, is an additional
2 showing of prejudice required, as the majority of the appellate panel decided in the
3 instant matter.

4 (2) When both parties to an appeal, as a result of the courts refusal to dismiss pursuant
5 to (1) above and/or pursuant to Rule 3/1385(b) when the court admits its properly was
6 noticed of settlement, both parties including petitioner who filed (3) requests to dismiss
7 and then when that was denied and as an alternative requested the court at a minimum to
8 enter settlement documents into the record, the court obstructs justice denying both
9 parties identical motion to enter settlement documents into the record. Both identical
10 motions were supported with a jointly filed request for the court to judicially notice
11 settlement documents.

12 (3) Notwithstanding the fact, (conflict) the Fourth Appellate District Div 3, offered
13 three opinions on the merits of VOID orders, they directly contradict their own published
14 opinion on May 16, 2023 [see Zaal Aresh vs Monica Marin-Morales G060579,
15 G060827; citing in its opinion People vs America Contractors Indemnity Co. (2002) 33
16 Cal4th 653,660. that states: As explained by our Supreme Court a judgment is void, as
17 opposed to merely voidable, when the court lacks fundamental jurisdiction over the
18 subject matter or the parties; i.e., it has “an entire absence of power to hear or determine
19 the case, an absence of authority over the subject matter or the parties.” Here, the family
20 court lacked jurisdiction over parties because a) subject matter jurisdiction was barred in
21 family court pursuant to 8/31/2006 judgment that had been fully executed and no longer
22 at issue since 3/21/2016.. “When a court lacks jurisdiction in a fundamental sense, an
23 ensuing judgment is void, and ‘thus vulnerable to direct or collateral attack at any time.’”

24 (4) Appellate respectfully ask the court to take judicial notice of 6/25/25 opinion
25 the courts opinion fails to acknowledge or even mention Petitioner three request to the
26 court herself to dismiss 4/17/2018 order and all subsequent orders and although
27 acknowledges her request to enter settlement documents into the record, fails to disclose
28 why the court denied Petitioners request to enter settlement documents into the record
when Petitioner herself makes request.

Which brings in important Constitutional questions regarding A. Due Process and

1 **B. Abuse of Discretion and C. Obstruction of Justice**

2

3 **CONSTITUTIONAL AND CALIFORNIA RULES OF**
4 **COURT PROVISIONS INVOLVED**

5 1. Section 1 of the Fourteenth Amendment

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

12 2. California Rule 3.1385 (b) **Dismissal of RFO issued 4/17/2018**; Except as
13 provided in (c), each plaintiff or other party seeking affirmative relief must serve and file
14 a request for dismissal of the entire case within 45 days after the date of settlement of
15 the case. If the plaintiff or other party required to serve and file the request for dismissal
16 does not do so, the court must dismiss the entire case 45 days after it receives notice of
17 settlement unless good cause is shown why the case should not be dismissed.

18 3. Parol Evidence; The parol evidence rule bars extrinsic evidence, including
19 prior or contemporaneous oral agreements and prior or contemporaneous
20 written agreements. In general, the parol evidence rule prevents the introduction
21 of evidence of prior or contemporaneous negotiations and agreements that
22 contradict, modify, or vary the contractual terms of a written contract when the
23 written contract is intended to be a complete and final expression of the parties'
24 agreement

25 4. One Judgment Rule; California has adopted the "one judgment rule." This
26 rule mandates that under California procedure there is ordinarily only one
27 final judgment in an action. A judgment is final when it terminates the
28 litigation between the parties on the merits of the case. (Sjoberg v.
Hastorf, 33 Cal. 2d 116 [199 P.2d 668]; Evans v. Dabney, 37 Cal. 2d 758 [235
P.2d 604]; Fleuret v. Hale Constr. Co., 12 Cal. App. 3d 227 [90 Cal. Rptr. 557];
County of Sacramento v. Assessment Appeals Bd. No. 2, 32 Cal. App. 3d
654 [108 Cal. Rptr. 434].)

5. Subject Matter jurisdiction; is the requirement that a given court have power
to hear the specific kind of claim that is brought to that court.

Subject matter jurisdiction is the "power to hear or determine the case." (See
Abelleira v. District Court of Appeal (1941) 17 Cal. 2d 280, 288 [109 P.2d 942, 132
A.L.R. 715].) Without subject matter jurisdiction, the court has no power to

1 determine the case. Lack of subject matter jurisdiction therefore is such a basic
2 defect that it can be raised at any time by any available procedure. (Cal. Practice
3 Guide, Civil Procedure Before Trial, 3:189-190, pp. 3-64.) "[L]ack of jurisdiction is not
4 subject to waiver and may be raised at any stage of the proceedings" (Jacobs v.
5 Retail Clerks Union, Local 1222 (1975) 49 Cal. App. 3d 959, 963 [123 Cal. Rptr. 309].)
The fundamental nature of subject matter jurisdiction also is recognized by statute,
which provides the issue will not be waived if it is not raised in the pleadings.

6 *Accept Under the law, "all judges, officers of the court can be held liable for*
7 *their actions. When the court has no jurisdiction of the cause, there the*
8 *whole proceeding is (before a person who is not a judge)", and actions*
9 *will lie against them without any regard of the precept or process... Little v.*
U.S. Fidelity & Guaranty Co., 217 Miss. 576, 64 So. 2d 697

10 6. Stipulation Requirements For A Commissioner To Preside As A Judge
11 *The power of a court commissioner to act as a temporary judge emanates solely*
12 *from stipulation by the parties to the proceeding. (Cal. Const., art. VI, § 21; Rooney*
13 *v. Vermont Investment Corp., 10 Cal. 3d 351 360 [110 Cal. Rptr. 353, 515 P.2d*
14 *297]; People v. Tijerina, 1 Cal. 3d 41. 48-49 [81 Cal. Rptr. 264, 459 P.2d 680].)*
15 *Section 21, article VI provides: "On stipulation of the parties litigant the court may*
order a cause to be tried by a temporary judge who is a member of the State Bar,
sworn and empowered to act until final determination of the cause.")

16 7. California Rule 3.10 states that Civil Rules apply to all civil cases in the superior
17 courts, including general civil, *family*, and juvenile, and probate cases,
18 Government Code 68081: In California Casualty, the Second District of the Court of
19 Appeal opined portentously that although the case before it was "small, as cases go," it
20 raised "a significant principle" shared by the case at bar: "*judges, including appellate*
21 *judges are re-quired to follow the law.*" Whenever an appellate court decides a case "on
22 a point not raised by the parties, and without notice to the parties that it might do so," it is
23 obligated to grant a timely filed petition for rehearing. (California Casualty Ins. Co. v.
24 Appellate Department (1996) 46 Cal.App.4th 1145, 1147 (California Casualty); Adoption
25 of Alexander S. (1988) 44 Cal.3d 857, 864 (Alexander).) As will be shown in the next
26 subsection, the problem here is strikingly similar to the error that the Court of Appeal
27 found in California Casualty: the appellate court decided key issues no party to the
28 proceeding had ever raised and about which the court had failed to inform the parties that
it might even consider. (46 Cal.App.4th 9 at p. 1149.) The reviewing appellate court in
California Casualty declared that "it was error to decide the case without warning the
parties that the court was considering that ground, and giving them an opportunity to
brief it." (Ibid., citing Alexander, 44 Cal.3d at p. 864.)

The court continues to insist Appellate agreed to a court commissioner by his actions
rather than address facts in evidence the Commissioner himself "EMINENTLY

1 RELIED” on two stipulations that turned out to be unsigned by either party. Hence the
2 courts extrinsic argument not offered in any opposition warrants a re-hearing

3 JURISDICTION

4
5 Appellate opening brief filed 12/6/2024 requesting (1) dismiss RFO because it was
6 issued with Lack of Subject matter jurisdiction or (2) dismiss because a judge did not
7 preside or in the alternative (3) as an alternative reverse the courts ruling and enter
8 settlement documents into the record at the request of both parties.

9 On 2/3/2025 Appellate motion to grant appeal for lack of any opposition.

10 On 2/18/2025 Motion to dismiss action for lack of subject matter jurisdiction.

11 On 2/27/2025 Emergency motion to correct legal errors of the court requesting to
12 separate and rule on the issue the court lacks subject matter jurisdiction

13 The opinion of the California Court of Appeal Petition was filed 6/25/25. A
14 petition for re-hearing filed 6/27/2025, On 7/11/2025 the court denied Appellate timely
15 filed request for re-hearing. See Appendix (A) attached hereto, copy of the 10/5/23
16 Order of the Court Of Appeal. A request to publish opinion was filed 7/9/2025.

17 *The issue at hand, appellate (ProSe Litigant) argues no court has jurisdiction over*
18 *void orders. The orders are simply VOID and cannot be validated by any court.*
19 *However, the rules state that higher courts must inform the lower courts to correct the*
20 *record.*

21 The court denied request to publish opinion on 7/22/2025. See Appendix (B)
22 attached hereto, copy of request to publish opinion.

23 REASONS FOR GRANTING THE REVIEW

24 A determination is needed by a supervisory court to determine why would
25 actions be taken by the judiciary including the Fourth Appellate District Div 3 to impede
26 or interfere with the proper functioning of the legal system? Why would the appellate
27 court go to such lengths to “fabricate” arguments when both parties have done everything
28 in their power to ask the court to dismiss void orders and deny their alternative to simply

1 enter settlement documents into the record. When parties have asked the court to dismiss
2 and both parties have asked the court to enter settlement documents into the record, why
3 would the appellate court not address those two key issues specifically?

4 Why would the fourth appellate district refuse to address long standing precedent
5 that was supported by them in their published opinion that states: [see Zaal Aresh vs
6 Monica Marin-Morales G060579, G060827; citing in its opinion People vs America
7 Contractors Indemnity Co. (2002) 33 Cal4th 653,660. that states: *As explained by our*
8 *Supreme Court* a judgment is void, as opposed to merely voidable, when the court lacks
9 fundamental jurisdiction over the subject matter or the parties; i.e., it has “an entire
10 absence of power to hear or determine the case, an absence of authority over the subject
11 matter or the parties.”

12 This court’s review of the instant matter is critical because the majority opinion
13 represents significant departure from existing authorities and has denied appellate request
14 to publish their decision since it would create diminish and change long standing case
15 law.

16 The Fourteenth Amendment, ratified in 1868, is a cornerstone of US law,
17 primarily addressing citizenship, equal protection under the law, and due process. It
18 declares that all persons born or naturalized in the United States are citizens and prohibits
19 states from infringing upon the privileges and immunities of citizens, depriving them of
20 life, liberty, or property without due process, or denying them equal protection under the
21 law

22 **A determination from a supervisory court to get answers from the lower courts is
23 necessary to see.**

24 **I. Appealability:** in order to determine appealability, the appellate court must first
25 determine if it has jurisdiction to offer an opinion. In this case, merely stating it has
26 jurisdiction, without citing legal authority, in three separate opinions to allow an effort to
27 validate void orders under the law and avoiding citing legal authority for jurisdiction is
28 obstructing justice.

When a VOID order reaches the appellate court, the appellate court has no
authority to issue an opinion on the merits of void orders. The appellate court has no

1 authority to validate void orders. The issue at hand, is in three separate opinions offered
2 by the Fourth Appellate District Div 3, states if has jurisdiction, yet in all three opinions
3 refuse to cite any legal authority on why it has jurisdiction to issue 4/17/2018 order, when
4 he order is not related to any judgment not satisfied by written fully executed contract..

5 *Consequently a reviewing court must first review undisputed material facts in*
6 *evidence to determine if it has subject matter jurisdiction to serve an RFO from family*
7 *court:*

- 8 1. 8/31/2006 dissolution judgment bars subject matter jurisdiction in family court.
- 9 2. the family court is barred *Parol Evidence* from changing the terms of a fully
10 executed judgment 12-years prior that was fully resolved 3/21/2016.
- 11 3. The parties executed a 3/21/2016 Debt settlement agreement that bars subject
12 matter jurisdiction in family court
- 13 4. The 3/21/2016 Debt settlement agreement was fully executed on 4/15/2016 with a
14 \$1,000,000 wire transfer pursuant to the SPECIFIC terms contained therein
- 15 5. 4/15/2016 case 05D9000275 family dissolution matter no longer at issue upon
16 wire transfer of \$1,000,000..
- 17 6. A phone call took place apparently discussing 3/21/2016 contract in 2017
- 18 7. RFO served 4/17/2018 (Underlying case) based on a *2017 phone call subsequent*
19 *to fully executed Debt settlement agreement without first serving*
20 *summons/complaint*

21 Thus, upon review of the facts in evidence, it can be concluded: A) the RFO was
22 neither an RFO required to enforce an 8/31/2006 judgment because the 8/31/2006
23 judgment was fully satisfied on 4/17/2016 pursuant to a fully executed 3/21/2016
24 Debt Settlement Agreement and B) The RFO was not issued subsequent to a
25 summons/complaint issued alleging any allegations about the execution of 3/21/2016
26 contract.

27 Consequently, the Fourth Appellate court states in all three opinions it finds the
28 lower court had subject matter jurisdiction while dodging and failing to provide any legal
authority to support its findings. Hence it is necessary for a supervisory court to require
the Fourth Appellate District Div 3, to offer proof of subject matter jurisdiction IN THE

1 LOWER COURT based on facts in evidence TO PROVE IT HAS JURISDICTION TO
2 OFFER AN OPINION ON THE MERITS OF A VOID ORDER.

3 *Appellate respectfully request the court to judicially notice motions filed*
4 *specifically to address subject matter jurisdiction WITH THE FOURTH APPELLATE*
5 *DISTRICT DIV 3, and the court failed to respond to any of the issues raised:*

- 6 a. 2/4/2025 Motion to grant appeal for lack of any opposition
- 7 b. 2/18/2025 Motion to dismiss appeal for lack of subject matter jurisdiction
- 8 c. 2/25/2025 Emergency motion requesting court to correct legal errors and rule on
9 Subject matter jurisdiction prior to oral argument.

10 Please notice the appellate court denied request and failed to address any of the
11 undisputed material facts addressed above

12 A supervisory court should determine why appellate court is rendering an opinion
13 not based on any facts in evidence or presented on oral argument by either of the parties
14 litigants. Thus drawing a conclusion based on something extrinsic not presented as
15 evidence from either parties litigants.

16 Upon review this court will find the RFO issued 4/17/2018 was issued without
17 subject matter jurisdiction, RENDERING THE 4/17/2018 ORDER AND ALL
18 SUBSEQUENT ORDERS VOID ON THEIR FACE.

19 II. MOTIONS ON APPEAL:

20 A determination is necessary to determine if motions on subject matter
21 jurisdiction are frivolous as stated by the Fourth Appellate District Div 3 when the law
22 states subject matter jurisdiction can be attacked at any time, The opinion states "we have
23 jurisdiction" without citing any legal authority how any court has jurisdiction over orders
24 that are void on their face. Nor does the court give any authority by which it can validate
25 void orders.

26 The following facts in evidence render 4/17/2018 order void on its face are
27 undisputed material facts unopposed by Petitioner:

- 28 1. The fourth appellate District found the 4/17/2018 RFO was issued
based on a 2017 phone call subsequent to a fully executed 3/21/2016 Debt settlement

1 agreement, case 05D000275 that was no longer at issue proving the argument by the
2 appellate court trying to tie the RFO to a 8/31/2006 dissolution judgment is a fraud, and
3 not based on any argument presented by either party.

4 2. The RFO was neither a post judgment order to enforce a judgment, nor was the
5 order issued subsequent to a summons/complaint.

6 3. A determination is necessary of how, if at all, the 4/17/2018 RFO issued by
7 Judge Lon Hurwitz was a legal, or a valid order. And on what legal authority. Absent a
8 finding of fact that the RFO issued 4/17/2018 was a valid order, the 4/17/2018 order is
9 void on its face and all orders thereafter including three appellate opinions are VOID ON
10 THEIR FACE.

11 III. Edwards Appeal is Frivolous

12 A determination why the appellate court opinion continues to try to
13 mislead and misstate facts in evidence citing the appeal is:

14 ***"BECAUSE THE FAMILY COURT REFUSED TO FOLLOW THE LAW***
15 ***BY NOT DISMISSING THE MARITAL DISSOLUTION MATTER BASED***
16 ***ON THE DEBT SETTLEMENT AGREEMENT AND THE JOINT***
STIPULATION"

17 This argument by the appellate court strays so far from the truth and has been the
18 focus of their narrative in all three opinions issued to date. At no time has the appeal had
19 anything to do with dismissing an 8/31/2006 judgment entered 12 years prior and fully
20 resolved 3/21/2016. The appeal has everything to do with an illegal RFO issued
21 4/17/2018 based on a 2017 phone call that was issued without subject matter jurisdiction
22 in family court. The appeal has everything to do with asking this court on what legal
23 grounds was the 4/17/2018 RFO issued?

24 The evidence shows Deborah received \$1,000,000 in full satisfaction pursuant to
25 a fully executed 3/21/2016 Debt Settlement Agreement by wired funds on 4/15/2016,
26 that settled all debt. Consequently, on what legal grounds can an RFO be issued because
27 of a phone call in 2017 without a summons and complaint first being served? Then how
28 does family court have subject matter jurisdiction over an RFO when there is no family
judgment not fully satisfied? over a phone call with a expired statute of limitation? On

1 what authority can a family law judge utilize a case no longer at issue, issue an order to
2 appear in court to circumvent the civil judicial process and not serve a
3 summons/complaint.

4 The appeal is a direct challenge to the lower courts jurisdiction and the motions
5 are a challenge to the appellate courts jurisdiction. over void orders issued in the lower
6 court.

7 **THE OPINION IS INTENDED TO STRAY FROM THE TRUTH**
8 **CREATING A FALSE NARRATIVE FOR AN ARGUMENT**

9 The appeal has never had anything to do with dismissing or unwinding a judgment
10 entered 12 years prior. or referencing the dissolution judgment entered 8/31/2006.

11 The secondary appeal filed simultaneous with a challenge to subject matter was an
12 effort to give the court a lifeline, since it has obviously issued a void 4/17/2018 order,
13 conducting a sham trial since 2018, without subject matter jurisdiction was to give the
14 court an alternative to allow this case to go away.

15 Both parties litigants each have requested the court to dismiss VOID order issued.
16 The court refused and denied noticed motion to correct the record and include Petitioners
17 (3) request to dismiss into the record. The court denied both parties independent identical
18 motions to enter settlement documents into the record. The settlement documents
19 included not only the 3/21/2016 contract but a stipulation executed by both parties
20 litigants, where both parties agreed the RFO issued 4/17/2018 was issued in Breach of
21 3/21/2016 contract. The stipulation was witnessed by a superior court judge and both the
22 lower family court and the Fourth Appellate District Div 3 refused to accept both parties
23 request to judicially notice stipulation.

24 The opinion states:" the court tried to explain why the 2018 order was valid and
25 binding and why the Debt Settlement Agreement and Joint Stipulation cannot be given
26 effect in the **MARITAL DISSOLUTION MATTER"THERE AGAIN LIES THE**
PROBLEM.

27 The court refuses to accept the undisputed material fact the Debt Settlement
28 agreement was fully executed on 4/15/2016 when a \$1,000,000 wire was sent to

1 Petitioner in full satisfaction of Debt Settlement agreement.

2 *It should be viewed as a Fraud on the Court when an appellate court tries and*
3 *continues to fabricate a FALSE argument . 1. the RFO issued using a case number no*
4 *longer at issue was some how challenging a 2006 dissolution judgment when the*
5 *8/31/2006 judgment was no longer at issue. 2. PLEASE TAKE JUDICIAL NOTICE THE*
6 *OPINION STATES ON PAGE 5 PRG 1*

7 **FRAUD ON THE COURT**

8 *"Deborah signed a debt settlement agreement 3/21/2016 under the terms of the*
9 *Debt Settlement Agreement Deborah was suppose to receive the entire \$1 million*
10 *dollars....Edward nevertheless took \$150,000 of that amount?"*

11 *In evidence provided to the appellate court at oral arguments a bank statement*
12 *OF \$1,000,000 being transferred to Deborah via wire to her account, yet the appellate*
13 *court continues to lie in its opinion without any supporting evidence or opposition from*
14 *Deborah that Edward took \$150k. This is a fabricated story taken out of context to create*
15 *a false narrative in effort to pierce a case that was no longer at issue and to justify the*
16 *fraudulent use of a case number to issue an RFO to get a around the fact they couldn't*
17 *properly file a summons/complaint because the statute of limitation had expired.*

18 *Rather the court should show an order of legal authority how a family court has*
19 *jurisdiction to issue an RFO, using a case number that was fully satisfied in a fully*
20 *integrated 3/21/2016 written contract that barred any future claims, strictly to*
21 *circumvent civil court because of an expired statute of limitation.*

22 The appellate court refuses to address how an RFO resulting from a 2017 phone
23 call, oral discussions issued after the statute of limitation expired, and after a fully
24 executed 3/21/2016 has anything to do with a dissolution judgment over 12-years prior
25 contract.

26 A determination why the court continues to want to address the
27 merits of a Void order and refuses to address the specific issues on appeal to provide
28 legal authority that allows the appellate court to validate void orders.

Here is where a supervisory court is imperative to protect the integrity of our
judicial process.:

The entire argument by the court on p 15 prg 2 trying to explain the principles of
Res Judica and Collateral Estoppel FAIL IN ITS DELIVERY; A determination how the

1 appellate court applies the argument of Res Judicata and Collateral Estoppel to VOID
2 orders under the law. You cant re-litigate void orders. They are Void. The appellate court
3 cannot validate void orders.

4
5 *Fundamental jurisdiction over the subject matter or the parties. Stated "When a*
6 *court lacks jurisdiction in a fundamental sense, an ensuing judgment is void, and thus*
7 *vulnerable to direct or collateral attack at any time" The request to certify and publish*
8 *opinion was granted May 16 2023 by the Fourth Circuit Div III*

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

12 A determination by the appellate court p13 last prg was that the RFO was a result
13 of a 2017 phone call, apparently discussing the terms fully executed 3/21./2016 contract.
14 Yet, here the court AGAIN implies the RFO was to enforce the 2006 marital
15 dissolution judgment. A determination by a supervisory court should inquire how that
16 could possibly be when the court had in its possession at all times a fully executed
17 3/21/2016 Debt Settlement agreement.

18 A supervisory court should make a determination on what legal authority did a
19 superior court judge have to issue an RFO using a case number no longer at issue, on a
20 case all Debt had been paid pursuant to terms contained in a fully integrated written
21 3/21/2016 contract and determine if the intent using an old case number no longer at
22 issue was to circumvent the civil rules of procedure because the statute of limitation had
23 expired to file in civil court.

24 A determination On what legal authority a lower court can issue an RFO (to
25 Appear) without first serving a summons/complaint since the case # utilized for the RFO
26 was no longer at issue and had an expired statute of limitation. If an RFO issued was not
27 a post judgment order to enforce a judgment (2006 judgment was no longer at issue) and
28 not subsequent to a summons/complaint, on what authority is the RFO legal?

A determination from a supervisory court to get answers on what possible reason
would any court have to deny both parties request, namely three request by petitioner to
dismiss illegal action she filed and the court issued without subject matter jurisdiction

1 on 4/17/2018.. And what possible reason could a court have to deny two identical
2 motions filed by both parties asking the court with joint request to judicially notice
3 settlement documents and enter them into the record for proof case is no longer at issue.

4 A conflict of interest exists in the instant appeal opinion because the fourth
5 Appellate court has already issued two previous opinions on the merits of VOID orders.
6 The issue in the instant opinion is the appellate court will not consider the fact it made
7 errors in law issuing opinions on the merits of void orders. VOID orders can be attacked
8 at any time. At no time has the underlying court or the appellate court addressed the fact
9 the RFO issued 4/17/2018 was issued subsequent to a fully settled case, and issued with
10 expired statute of limitation and issued using a case number no longer at issue in front of
11 the court.

12 **GROUND FOR REVIEW**

13 The grounds for review are necessary to (Rule 8.500 (b)(1)) to (a) secure
14 uniformity of decision to settle important questions of law regarding (b) Family Court
15 lacked Subject matter Jurisdiction (c) to secure a uniformity of decisions to determine if
16 a case is a legal case without a judge presiding and (d) Is family court required to apply
17 rule 3.1385(b) and dismiss an illegal action when cause is not shown within 45-days and
18 (e) is it standard practice for a Superior Court to utilize Commissioners without getting
19 signed stipulations.”...

20 Good Cause For a Petition for Review exist from a conflict between case
21 authority, the code of civil procedure and its enforceability in the Orange County Family
22 Law Division of Superior Court Rule 8.500 (b)(2) because (a) the court of Appeal
23 lacked subject matter jurisdiction to issuing a consenting opinion with the lower court on
24 a case that legally did not exist and (b) because the appellate court issued an opinion on
25 a case conducted without a judge and without subject matter jurisdiction an (c) Appellate
26 court disregarded Rule 3.1385 (b) based on new evidence the court admitted it was
27 properly noticed by both parties of settlement, stating Family court is not required to
28 comply with the code of civil procedure.

The Fourth Appellate District Div 3 denied Appellate request to publish opinion.

1 The request to publish is made because the opinion strays so far from existing precedent,
2 that if the opinions are made to stand, a publication is necessary to change long standing
3 case precedent on VOID orders and orders issued without subject matter jurisdiction.

4 Otherwise the court is fabricating laws, not applied to any other litigants.

5 **STATEMENT OF THE FACTS**

6 The facts of the case are essentially undisputed as between Petitioner and
7 Respondent (Appellate) :

8 1. As the parties litigants have agreed and resolved their original dispute
9 between them.. Both parties agreed via stipulation that the 4/17/2018 order was issued in
10 Breach of 3/21/2016 contract.

11 2. Both parties litigants have agreed and both attempted and requested the lower
12 family court to dismiss actions commenced under Breach of Contract presided over by a
13 person who is not a judge, and

14 3. It is THE COURT (NOT THE PARTIES) THAT REFUSES TO ENTER
15 SETTLEMENT IN THE RECORD, where settlement documents were provided by both
16 parties with joint request filed by petitioner for the court to judicially notice 3/21/2016
17 Debt Settlement Agreement and joint stipulation witnessed by a superior court judge
18 where both parties agreed the 4/17/2018 RFO was served in Breach of contract and the
19 3/21/2016 Debt Settlement agreement was lawfully entered, fully executed and
20 enforceable.

21 4. The only possible explanation for the courts refusal to allow two parties to
22 settle a case between them would be extrinsic and nothing to do with the underlying
23 case and self serving for the judges own reasons to cover up gross mistakes of the law
24 covering up the fact the RFO was issued without subject matter jurisdiction trying to
fabricate immunity protection.

25 5. Even in the long shot event, the court:

26 a. could come up with legal authority to issue an RFO on a case using a case
27 number no longer at issue

28 b. and somehow could come up with legal authority that allows the court to

1 change the terms in a legally binding 8/31/2006 judgment barring subject matter
2 jurisdiction in family over 12-years after it was entered

3 c. and somehow could overcome a fully integrated and executed 3/21/2016
4 Debt Settlement agreement that bars subject matter jurisdiction in family court

5 d. and somehow could overcome the RFO was neither a post judgment order
6 to enforce a judgment nor issued subsequent to a summons/complaint rendering RFO
7 illegal

8 The court cannot overcome the fact a Commissioner presided without a stipulation
9 rendering all orders by Commissioner Michaelson Void as they were issued by a person
10 who is not a judge.

11 6. This appellate court wants to ignore facts in evidence, commissioner
12 Michaelson statement on the record and in minutes his sole authority ("HE
13 EMINANTLY RELIED" to preside as a judge was two unsigned stipulations. Then
14 argue Appellate consented because he was ordered to sit thru an unlawful trial. the court
15 makes argument not based on any opposition or facts in evidence. Thus created an
16 extrinsic argument for the sole purpose of opposing the parties intent to settle case.

17 7. The Opinions rendered from lower Appellate court, *were rendered on a*
18 *case that did not exist* because a judge did not preside and the lower family court did not
19 have subject matter jurisdiction, pursuant to 2006 judgment and debt settlement
20 agreement entered 3/21/2016. Nor was the order a post judgment order or issued
21 subsequent to a summons/complaint.

22 ARGUMENT

23 I. THE LOWER APPELLATE COURT ERRORED BY:

24 a. **NOT FIRST ADDRESSING THE FACT FAMILY COURT DID NOT
25 HAVE SUBJECT MATTER JURISDICTION PURSUANT 2006
26 JUDGMENT** A court must have jurisdiction to enter a valid, enforceable
27 judgment on a claim. Where jurisdiction is lacking, the validity of a judgment
28 can be retroactively challenged.

b. **NOT READING FULLY EXECUTED 3/21/2016 DEBT SETTLEMENT
AGREEMENT ATTACHED TO RFO BARRING SUBJECT MATTER
JURISDICTION BEFORE ISSUEING RFO TO APPEAR**

1 c. **ISSUING ILLEGAL RFO THAT WAS NOT A POST JUDGMENT**
2 **ORDER USING A CASE NUMBER NO LONGER AT ISSUE TO**
3 **CIRCUMVENT AN EXPIRED STATUTE OF LIMITATION IN CIVIL**
4 **COURT..**

5 Any issues that come up in court that are outside of that court's
6 subject matter jurisdiction have to be disregarded or dismissed because the court
7 has no legal power to decide over them.

8 When a judicial officer and officers of the court acts entirely without
9 jurisdiction or without compliance with jurisdiction requisites he may be held
10 civilly liable for abuse of process even if found his act(s) involved decisions made
11 in good faith, that he had jurisdiction

12 Accept Under the law, "all judges, officers of the court can be held liable for
13 their actions. *when the court has no jurisdiction of the cause, there the whole*
14 *proceeding is before a person who is not a judge", and actions will lie*
15 *against them without any regard of the precept or process... Little v. U.S.*
16 *Fidelity & Guaranty Co., 217 Miss. 576, 64 So. 2d 697*

17 The above explains why the judicial officers have gone to such great
18 lengths, risking their careers trying to fabricate judicial immunity.

19 **II. THE APPELLATE COURT ERRORED BY NOT REVIEWING AND**
20 **CITING AUTHORITY COMMISSIONER MICHAELSON COULD**
21 **PRESIDE AS A JUDGE WITHOT A SIGNED STIPULATION FROM THE**
22 **PARTIES LITIGANTS.**

23 Instead the court argues as if it were respondent using extrinsic argument not
24 in evidence or brought up in opposition by Respondent, Rather then addressing
25 specific facts in evidence presented that the Commissioner was impeached on the
26 stand relying on a stipulation fraudulantly signed by opposing counsel as if he were
27 appellate.

28 *Court Reverses All Orders Made in Dissolution Proceeding when*

1 *Commissioner Neglected to Obtain Husband's Consent to Proceed before*
2 *Commissioner In re Marriage of Djulus (Case No. D069757; Ct. App., 4th Dist.,*
3 *Div. 1. 4/14/17) — Cal. App. 5th —, — Cal. Rptr. 3d —, 2017 Cal. App. LEXIS 343*
4 *By Benke, J. (McConnell, P. J., Nares, J., concurring) An appeals court reversed a*
5 *judgment of dissolution and all orders made in the proceeding, including*
restraining orders, when the proceeding was heard by a commissioner without the
husband's consent.

6 *Commissioner's Jurisdiction to Hear Case Derives from Parties'*
7 *Stipulation. Under the California Constitution, a commissioner is empowered only*
8 *"to perform subordinate judicial duties" [Cal. Const., art. VI, § 22]*

9 *The power of a court commissioner to act as a temporary judge emanates*
10 *solely from stipulation by the parties to the proceeding. (Cal. Const., art. VI, § 21;*
11 *Rooney v. Vermont Investment Corp., 10 Cal. 3d 351, 360 [110 Cal. Rptr. 353, 515*
12 *P.2d 297]; People v. Tijerina, 1 Cal. 3d 41, 48-49 [81 Cal. Rptr. 264, 459 P.2d 680].)*
13 *Section 21, article VI provides: "On stipulation of the parties litigant the court may*
14 *order a cause to be tried by a temporary judge who is a member of the State Bar,*
15 *sworn and empowered to act until final determination of the cause." This statute*
16 *does not enlarge the power granted in the Constitution. (Rooney v. Vermont*
17 *Investment Corp., 10 Cal. 3d 351 [110 Cal. Rptr. 353, 515 P.2d 297].)*

18 **III. THE APPELLATE COURT ISSUED AN OPINION ON A CASE THAT DOES**
19 **NOT LEGALLY EXIST**

20 The Appellate Court erred when it disregarded the terms contained in the 2006
21 judgment. August 31 2006. On page 8 #13. Specifically addresses subject matter
22 jurisdiction : "The waiver of spousal support provided in the agreement, Page 3,
23 Paragrag II, Support, is expressly made contingent upon Respondent not declaring
24 bankruptcy .

25 **IF RESPONDENT DECLARES BANKRUPTCY THE COURT HAS**
26 **RESERVED JURISDICTION FOR PETITIONER ON THE ISSUE OF SPOUSAL**
27 **SUPPORT FROM RESPONDENT TO PETITIONER.**

28 The Appellate Court erred by not accepting the fact the Debt Settlement
Agreement was a lawfully entered, fully executed binding contract and failed to read and
enforce the terms contained therein.

The recent Appellate court opinion erred when its decision relies on a

1 previous opinion extrinsic to the underlying appeal that was written to prejudice
2 appellate and issued without subject matter jurisdiction

3 The appellate court erred when it failed to enforce Rule 3.1385 (b)Rule
4 3.1385(b) specifically states a court must dismiss upon notice of settlement if cause
5 is not shown in 45-days. The court was provided a copy of 3/21/2016 contract
6 "DEBT SETTLEMENT AGREEMENT" and 7/12/2014 Stipulation concluding the
7 undisputed material fact the Debt Settlement Agreement was legally entered,
8 binding and enforceable proving along with 2006 judgment family court never had
9 subject matter jurisdiction over an alleged Breach of Oral Contract subsequent to
10 execution of Debt Settlement Agreement.

11
12 **IV. A findings and determination of the purpose and enforceability of Rule**
13 **3.1385 (b) to dismiss an action when both parties litigants agree and seek**
14 **dismissal of an action in court and The court agrees It was properly noticed**
15 **from both parties of settlement**

16 Although appellate previous appeal was narrow and specific to rule
17 3.1385(b) the reason the appeal failed is the appellate court denied appeal
18 blamed appellate (a prose litigant) for not including motion to show cause
19 properly in his designation of record. In the instant case, that error was remedied
20 and by NEW EVIDENCE Judge Yolanda Tores admission in court the court has been
21 properly noticed of settlement, Rule 3.1385 (B) is again at issue since the court
22 has refused to dismiss illegal order pursuant to Rule 3.1385 (b) and the fact both
23 parties asked it to with noticed motions.

24 **OPINION MISREPRESENTING FACTS IN EVIDENCE**

- 25 1. P2 The court falsely states "In effect, trying to undo an order made in 2018..." the court should
26 state Edward is trying to get the court to prove with legal authority it issued an RFO legally with
27 subject matter jurisdiction.
28 2. P2 & P3 "we rejected Edwards argument that at the time of trial in 2018 the family court no
longer had jurisdiction and that Edward claims to have not stipulated to a Commissioner"
The court should say Edward is seeking legal authority on how family court had subject matter
jurisdiction. And why the orders are not VOID based on the commissioners words and court

- 1 minutes, his authority to preside was based on two stipulations neither of which were signed by either parties litigants.
- 2 3. p5 prg 1The court misrepresents the truth p5 statin prg 1, "Deborah was suppose to receive
- 3 entire \$1,000,000 alleging Edward took \$150,000 This statement is a flat out lie as the dfacts in
- 4 evidence show a \$1,000,000 wire transfwer to Deborah. Obviously intended to fabricate a
- 5 negative narrative to prejudice Edward.
- 6 4. p5 prg 2 The court proves the RFO was illegal issued based on 2017 phone call and had nothing
- 7 to do with a 2006 dïssolution judgment.
- 8 5. Intentional misrepresentation by the court p5 prg 1-3 the court obviously read the Debt
- 9 settlement agreement, acknowledged its content yet falsly stated the 4/17/2018 order was
- 10 asking to enforce referencing 2006 judgment...It should be obvious to the reader, the false
- 11 narrative referencing 2006 judgment, when it is fully aware and read fully executed 3/21/2016
- 12 Debt Settlement Agreement is necessary to try to fabricate jurisdiction.
- 13 6. p6 prg4 The court substantiated it had jurisdiction stating " We also held that because the
- 14 matter involved the enforcement of an executory family court judgment, the family court had
- 15 Jurisdiction of the matter" Ironically the court fails to explain with any legal authority how it
- 16 could be executory to a fully satisfied judgment already paid in full.
- 17 7. p11 IV the court admits Deborah filed a request to enter Debt Settlement into the record, yet
- 18 fails to say why the court refused Petitioners request to enter Debt Settlement into the record.

IV. Res Judicata and Collateral Estoppel

14 The court must consider if a VOID order can be attacked at any time and no court
 15 can never validate a VOID order. A void order does not exist, therefore cannot be re-
 16 litigated. What legal authority exist allowing the appellate court to effectively use the
 17 argument of Res Judicata and Collateral estoppel for the SOLE PURPOSE of validating
 18 ORDERS THAT ARE VOID ON THEIR FACE under the law.

CONCLUSION

19 Based on the foregoing reasons above Appellate respectfully request to
 20 insure justice and Due process, that the Supreme Court Grant review and
 21 formally request the appellate court to:

- 22 1. provide legal authority on how the Appellate court found the lower court
- 23 had subject matter jurisdiction to issue an RFO that was not a post judgment
- 24 order to enforce a judgement not satisfied nor
- 25
- 26 2. provide legal authority how an an RFO is legally issued when not
- 27 subsequent to summons/complaint.
- 28 3. Ask what legal authority the lower court had to change the terms of legally

- 1 **binding written contract that barred subject matter jurisdiction**
- 2 **4. Ask what authority the lower court had to issue an RFO using a case**
- 3 **number that was fully satisfied pursuant to a 3/21/2016 fully executed written**
- 4 **contract**
- 5 **5. Ask the Appellate court the purpose of fabricating a false narrative in its**
- 6 **arguments alleging the 3/21/2016 contract was not fully executed when facts in**
- 7 **evidence shows a \$1,000,000 wire transfer.**
- 8 **6. Ask the Appellate court why it has not addressed facts in evidence the**
- 9 **commissioner stated he Eminently relied on two unsigned stipulations for his**
- 10 **authority to preside? Rendering his and all subsequent orders VOID? Why is the**
- 11 **court without any opposition or opposing argument changing the facts in**
- 12 **evidence the Commissioner In his own words "Eminently relied" on two**
- 13 **stipulations that were not signed by either of the parties litigants and clearly**
- 14 **documented in court minutes thus VOIDING all orders issued?**
- 15 **7. And finally ask the appellate court what possible reason do they have to**
- 16 **obstruct and fabricate arguments to prevent two parties to a case from settling a**
- 17 **case between them?**
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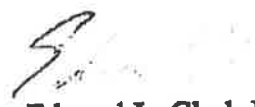

Date


Edward L Clark Jr.
Prose Litigant

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WORD COUNT CERTIFICATION
Rule 8.504

That I hereby certify that this APPELLATE PETITION FOR REVIEW
contains 7,067 words as measured by Microsoft Word in Microsoft Office.



By : Edward L. Clark Jr.

App. "8"

SUPREME COURT
FILED

Court of Appeal, Fourth Appellate District, Division oct 15, 2025
Three - No. G064157

S292065

Jorge Navarrete Clerk

IN THE SUPREME COURT OF CALIFORNIA—.—.—_Deputy

En Banc

In re the Marriage of DEBORAH L. and EDWARD L. CLARK,
JR..

DEBORAH L. CLARK, Respondent,

EDWARD L. CLARK, JR., Appellant.

The petition for review is denied.

The request for an order directing publication of the opinion is
denied

GUERRERO

Chief Justice

App. "9"

Case No. G066790

**IMMEDIATE STAY REQUESTED
VOID ABSTRACT OF JUDGMENT FILED
November 7, 2025
WRIT OF EXECUTION FILED March 26, 2026**

**IN THE COURT OF APPEAL OF THE
STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT
DIV-3**

EDWARD L. CLARK, Jr.,
Appellate

v.

DEBORAH L. CLARK,
Respondent

**PETITION FOR WRIT OF SUPERSEDEAS AND/OR OTHER
APPROPRIATE RELIEF, VERIFICATION, MEMORANDUM POINTS
AND AUTHORITIES
(SUPPORTING EXHIBITS FILED UNDER SEPARATE COVER**

Appeal From an Order of the Superior Court of Orange County, California
The Hon. Judge: Yolanda Tores Dept. L-66
Case number 05D000275
(657) 622-5566

EDWARD L. CLARK, Jr.
5582 McFadden Ave.
Huntington Beach CA 92649
ed@theelectricalexpert.com (714) 448-7145]

CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

Pursuant to California Rules of Court, rules 8.208 and 8.488, the undersigned certifies that they know of no other entity or person other than the parties to this proceeding who has a financial or other interest in its outcome.

Dated: *4/13/2026*

By: *Edward L Clark Jr*

Edward L Clark Jr

Prose Litigant

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I. INTRODUCTION TO VERIFIED PETITION AND SUPPORTING MEMORANDUM

Appellant Edward L Clark Jr., Edward, seeks this courts immediate intervention to stay a Void abstract of judgment filed without subject matter jurisdiction on 11/7/2025 with corresponding writ of execution filed March 26, 2026 in Orange County Superior Court Dept. L-66.

Appellant seeks both a writ of supersedeas staying the order pending to execute Void Abstract of Judgment appeal from the court denying motion to vacate VOID abstract of judgment for (1) lack of subject matter jurisdiction over enforcement/ rescinding of private settlement contracts not merged into the record. And seeks a temporary stay pending resolution of the Petition. The Abstract of judgment for \$ 612, 513.59 [attached as Appendices (App.) #1] p-(A33)was filed in family court , with corresponding writ of execution [App. #2] (A35).

I. VERIFIED PETITION

A. The Parties

1. Appellant Edward L Clark Jr, (Edward) is the Respondent in lower court underlying titled Clark vs Clark, pending in Orange County.

2. Respondent Deborah L Clark (Deborah) is the Petitioner in the underlying action in Orange County

3. The Superior Court is the Orange County Superior Court which issued the decision 1. denying motion to vacate void abstract of judgment for lack of subject matter jurisdiction, 2. Denied vacating pre-filing order issued without subject matter jurisdiction, and 3. Denied motion to quash debtors exam

B. Authenticity of Exhibits

The exhibits accompanying this petition, labelled numerically and consecutively paginated, are true and correct copies of original documents on file in Superior Court, such as a reporters transcript, These exhibits are

accompanied by the Declaration of Edward L Clark Jr. filed herewith. All exhibits are incorporated by reference as fully set forth in Petition.

C. OVERVIEW – INTRODUCTION

1. At issue is the following: ABSENT ALL JURISDICTION

On what authority does a family law judge have to issue an RFO [App. 3] (A47) for dissolution judgment [App. 3A] (A58) already fully satisfied 3/21/2016 private debt settlement attached to RFO [App. 3B] (A75).

a. EVIDENCE OF FRAUD BY THE COURT PRIOR TO ISSUING RFO That resulted in a void order being issued that has been utilized to fabricate a void abstract of judgment.

At issue, what has been ignored by all courts, if the LEAD DOCUMENT at the time of issuing RFO s a private settlement contract [Ex 3B] not merged into family law judgment is attached to the dissolution agreement and BOTH attached to the 4/17/2018 RFO BEFORE THE court signed RFO, the court was already aware of a private debt settlement contract not merged into the record. What authority did a family court judge have to sign RFO when he is aware case was 100% satisfied with a private settlement contract, family court did not have subject matter jurisdiction .

The instant matter

A. A determination on what authority does the family court have to fabricate, approve and file a fraudulent abstract of judgment, [App. 1] attempting to enforce, without due process, intentionally thumbing its nose at the California Code of Civil Procedure CCP 664.6?

B. A determination on what authority can a family court fabricate subject matter jurisdiction it does not have, for the sole purpose to create immunity as a shield from liability for judicial misconduct with

malice?

C. A determination how does a family court have legal authority to disregard California Code of Civil procedure CCP 664.6 that specifically states family court does not have subject matter jurisdiction over private settlement contracts not merged into family court record.?

D. A determination on what authority is a judge allowed to issue a pre-filing order against a defendant as a defense for her own judicial misconduct?

E. A determination finally on what authority does the family court have to file an abstract of judgment for \$ 612, 513.59 without serving a summons in civil court pursuant to CCP 664.6 when the two leading documents in case 05D000275 dated 7/12/2021 "Joint Stipulation" and 3/21/2016 Debt Settlement agreement clearly survive as private settlement contracts because the court denied six requests, 4 from Petitioner herself to merge settlement contracts into the record?

b. BASIC CONTRACT LAW – CCP 1549 LEADING DOCUMENT governed by CCP 664.6 (survives as private settlement contract, not merged into family court [subject matter jurisdiction – civil court])

On 4/3/2026, the lower family court denied a new request to 1. vacate pre-filing order,, 2 request to vacate motion to quash debtors exam, and 3. denied motion to vacate a void abstract of judgment for \$612, 513.59 in Breach of 7/12/2012 JOINT STIPULATION Private Contract, execution of which witnessed by a Superior court civil judge (a judge of proper jurisdiction pursuant to CCP 664.6)

The leading document in this case is the joint stipulation [attached as appendices #4] (A90) (private settlement contract) that stipulates and confirms the validity of the 3/21/2016 [attached as App. # 3B] (A72) also

Private Debt Settlement Contract "JOINT STIPULATION" [App 4] (A90) and "CONFIRMS" the parties agree that the filing of a 4/17/2018 RFO to appear in family court was a breach of the 3/21/2016 contract private settlement contract.

c. CONFIRMATION BOTH CONTRACTS SURVIVE AS PRIVATE SETTLEMENT CONTRACTS

Here in the instant lower family court case, [App. 4](A90) the 7/12/2021 private stipulation, the parties litigants together made 6-attempts to merge the 7/12/2021 private joint stipulation into family court with noticed motions, including a joint request for the court to take judicial notice [App. 5](A94) , of 7/12/2021 joint stipulation in support of Petitioner noticed motion to enter into the record [attached as App. 6] (A106).

It could not possibly be more clear, the parties efforts to settle a case between them, but not for the intentional acts of a Superior Court Judge to OBSTRUCT JUSTICE, so she later could attempt to EXTORT MONEY to the tune of \$ 612, 513.00.

The court denied all (6) noticed motions requesting the court to merge both the 7/12/2021 Joint stipulation and 3/21/2016 Debt Settlement into the record., resulting in the Private JOINT Stipulation, not merged survives as a Private settlement contract that is governed by CCP 664.6. A summons for Breach of Contract in Civil Court is mandated to challenge or enforce.

d. DOCUMENT ORDER OF PRECEDENCE
Basic Contract Law

The order of precedence clause which establishes the hierarchy to resolve conflicts between documents, Typically the main contract or latest

written modification between the parties (such as a joint stipulation) takes priority over attachments, specs or older documents.

The latest document is a joint stipulation, 7/12/2021, [App. #4](A90) executed under oath in a civil court, witnessed and initialed by a civil court superior court judge while the parties were under in a court of proper subject matter jurisdiction pursuant to CCP 664.6.

Pursuant to CCP 664.6, a summons/complaint of any kind **has not been served** by petitioner subsequent to executing the 3/21/2016 debt settlement agreement, not merged into family court or subsequent to entering and executing joint stipulation, the court refused 6-times to merge into the record, despite both parties litigants multiple requests. .

**e. 7/12/2021 Joint Stipulation Is Lead Document #1
Document #2 - is 3/21/2016 Debt Settlement Agreement**

The 7/12/2021 joint stipulation is the latest written document signed and executed by both parties litigants that have been un-challenged with a summons in civil court pursuant to CCP 664.6. , **THEREFORE THE LEAD DOCUMENT!**

All documents prior to 7/12/2021 including all orders are moot because the private settlement contract the court refused to merge is governed by CCP 664.6 mandating a summons/complaint be served in civil court for Breach of Contract. Family court does not have subject matter jurisdiction.

The filing by the court of an abstract of judgement ***not obtained from a valid summons/complaint*** is BOTH VOID ON ITS FACE because its filed without subject matter jurisdiction and VOIDABLE because it was filed in Breach of 7/12/2021 joint stipulation (LEAD DOCUMENT THAT GOVERNS CASE) and 3/21/2016 PRIVATE DEBT SETTLEMENT

AGREEMENT. (2ND LEAD DOCUMENT) WHERE ALL TERMS AND CONDITIONS _ WAIVERS ARE VALID AND ENFORCEABLE)

Consequently, the terms of the private settlement contracts that includes the terms contained in valid debt settlement agreement dated 3/21/2016, speaks for themselves rendering the abstract of judgement void on its face or at the very least voidable.

The only question remaining becomes a determination if the Family court was absent *at all times* subject matter jurisdiction, which then would also affirm the lack of subject matter jurisdiction in the Fourth Appellate District Div 3. .

Petitioner affirms both the Family Law Division and the Fourth Appellate District Div 3 was absent subject all matter jurisdiction .with the following showing of proof.

D. ARGUMENT

1. Since the 7/12/2021 private Stipulation is the lead document because it survives as a private settlement contract executed by both parties litigants to "SETTLE CASE" and is governed by CCP 664.6, CCP 664.6 mandates a summons/complaint must be served in CIVIL COURT, not family court . A family court RFO issued in lieu of a summons in family court without subject matter jurisdiction to litigate private settlement contracts (3/21/2016) not merged into the record, the law clearly states is VOID on its face pursuant to CCP 664.6 for lack of subject matter jurisdiction.

2. The filing by the court of an abstract of judgement *not obtained from a valid summons/complaint* is BOTH VOID ON ITS FACE because its filed without subject matter jurisdiction and VOIDABLE because it was filed in Breach of 7/12/2021 joint stipulation and 3/21/2016 PRIVATE DEBT SETTLEMENT AGREEMENT.

3. Petitioner has a Breach of Contract Claim in civil court for Breach of 7/12/2021 Private contract and 3/21/2016 private contract [case # 30-2025-01530857-CU-CO-CJC].

4. Notwithstanding the abstract of judgment is fatally flawed. The original dissolution date must be on abstract of judgment pursuant to CCP 674. The court appears to be trying to create (fabricate) a completely new judgment dated after private settlement contracts violating one judgment rule CCP 904.1

5. The facts herein will outline the Fraud On The Court, and courts intent on enforcing a void abstract of judgment filed 11/7/2025 for the sole purpose of EXTORTING OR TAKING UNLAWFULLY \$612, 513.59 , without any legal authority. Thereby utilizing the power and authority of Orange County Superior Court as a shield for a license just to take (STEAL) assets without a trial, summons, complaint with complete disregard for due process under the constitution.

6. EXPIRED 10-YEAR STATUTE OF LIMITATION

a. Pursuant to CCP § § 337.5,683.020 the statute of limitation to renew 8/31/2006 dissolution money judgment expired 8/31/2016, because a private settlement not merged was executed 3/21/2016, still giving Petitioner 5-months to renew judgment if a complaint existed.

b. Petitioner failed to renew 8/31/2006 dissolution judgment by 8/31/2016.

c. Concluding as of 8/31/2016, the 8/31/2006 dissolution judgement was no longer enforceable.

d. When following full execution of 3/21/2016 private fully integrated debt settlement, not merged, Petitioner did not renew 8/31/2006 dissolution money judgment by 8/31/2016.

e. When on 7/12/2021 the parties entered a joint stipulation that survived as a private settlement contract because its not merged into the family court and more importantly, the court refused to merge the contract in six noticed motions resulting in the 7/12/2021 Stipulation surviving as a private contract governed by CCP 664.6.

f. Please take judicial notice a summons was not served in civil court pursuant to CCP 664.6 for either 3/21/2016 private debt settlement agreement or subsequent breach of 7/12/2021 private Stipulation, not merged. Petitioner herself in 7/12/2021 executed joint stipulation where she "***EXPLICITELY***" stipulated and confirms the 3/21/2016 private contract was valid and enforceable . AND (***EXPLICITELY Stipulates***) the order to appear issued in family court RFO 4/17/2018 was a Breach of contract. Rendering all orders issued in Breach of Contract starting 4/17/2018 and thereafter VOIDABLE. VOIDING ALL SUBSEQUENT ORDERS IN FAMILY COURT including order issued by a commissioner (not a judge) on 2/26/2019..

- **CCP § 664.6:** Enables the court to enforce a settlement agreement, essentially negating an RFO filed in breach of it.
 - **In re Marriage of Boblitt (2014) 223 Cal.A₂p.4th 1004:** Discusses the implications of improper RFOs, including setting aside orders that violated the parties' agreements.
 - **CRC Rule 5.111:** Governs declarations supporting a Request for Order, which can be challenged if they are based on a breach of contract
- Statutes of Limitation – CCP 683.020**

g. agreement 8/31/2006 dissolution money judgment was not renewed by 8/31/2016 . At which time the money judgment is no longer enforceable because the 8/31/2006 stipulated judgment had been fully satisfied on

3/21/2016 Private Debt Settlement Agreement, not merged into family law judgement. And that is governed by CCP 664.6. rendering enforcement a civil court matter, because the 8/31/2006 judgment does not contain any support, family marital or child.

7. An original stipulated judgment entered from a divorce as a private settlement contract is treated like a civil contract, absent the parties reserving subject matter jurisdiction in family court over subsequent private settlement contracts. The parties settled with full satisfaction in a 3/21/2016 Private Settlement Agreement. Petitioner failed to merge 3/21/2016 private contract into the record. Pursuant to CCP 664.6, family court loses jurisdiction and the proper subject matter jurisdiction is now civil court because the contract did not get merged into family court by Petitioner in family court. .

8. Once the case settled 3/21/2016 in a private settlement contract the original stipulated judgment was still renewable for 5-more months until 8/31/2016 when the 10-year statute of limitation expired to renew original stipulated judgment

9. Thus, rendering original 8/31/2006 dissolution judgment no longer enforceable 8/31/2016 by any court. The 10-year statute of limitation for renewal is mandated by CCP 683.020, 683.110, 683.120

10. Notwithstanding, statute of limitation expired for the original 8/31/2006 dissolution judgment on 8/31/2016. Pursuant to CCP 664.6 the 3/21/2016 private contract , NOT Merged, the proper jurisdiction was civil court if a Breach of Oral Contract really existed, Consequently an alleged breach of oral contract should have been filed in Civil Court, not family court
EXPIRED STATUTE OF LIMITATION FROM ORAL AGREEMENT -
2-YEARS CCP 339

11. However, the Statute of limitation to file a Breach of Oral Contract had ALSO also expired on 4/21/2016. Consequently, an RFO filed 4/17/2018 had an expired statute of limitation by two days. Thus rendering the absence of subject matter jurisdiction in any court.

12. Consequently, as a result of also having an expired statute of limitation for oral contract, an RFO was filed in family court trying to circumvent civil court pursuant to CCP 664.6 to get around expired statute of limitation for oral contracts and ignoring 10-year statute by disregarding and ignoring CCP 664.6.

13. Note the 4/17/2018 order was issued to determine arrears, presuming the RFO was using an old case, the 10-year statute of limitation had expired as a work around (excuse) to litigate a private settlement contract governed by CCP 664.6 the family court did not have subject matter jurisdiction. There is no legal authority for a work around, to determine arrears in place of giving proper notice of a Breach of Contract issued with a summons in civil court

14. Noting the RFO issued over alleged oral representations executing 3/21/2016 contract, discussed allegedly in a 2017 phone call, was issued 4/17/2018 and the contract was executed 3/21/2016, over the two year statute of limitation.

15. In either case the court did not have subject matter jurisdiction to issue 4/17/2018 RFO to determine arrears of 8/31/2006 judgment as it was no longer at issue since 3/21/2016. The 10-year statute of limitation expired 8/31/2016 and the RFO was served two days outside the statute of limitation for oral contracts in the wrong court without subject matter jurisdiction.

16. This petition for writ of supersedeas and/or other appropriate relief is filed within the parties pending appeal pertaining to the underlying

action in Orange County Superior Court Case # 05D000275 challenging the courts failure to grant three separate motions to vacate 1. Void abstract of judgment, 2 prefilng order, 3 motion to vacate debtors exam.

17. Accordingly, Edward respectfully requests this Court first issue an immediate order temporarily staying the enforcement of VOID Abstract of Judgment issued without subject matter jurisdiction pending resolution of petition. Further, Edward respectfully requests this court issue a writ of supersedeas staying the same pending determination of appeal herein.

E. Fourth Appellate District Div 3: Lacks Subject Matter Jurisdiction -Its only Authority is to remand back to lower court with and order to VACATE void orders, in support of the instant writ of supersedeas and request for stay

a. Based on all the foregoing, it is shown why the family law division did not have subject matter jurisdiction to CIRCUMVENT CCP 664.6 AND issue an RFO IN FAMILY COURT WITHOT SUBJECT MATTER JURISDICTION to determine arrears of a private settlement contract not merged into the record. Emphasized by the undisputable material fact family court denied six request by the parties to merge settlement agreements into the record, resulting in settlement agreements surviving as private settlement contracts with subject matter jurisdiction for a breach in civil court.

19 Abelleira v. District Court of Appeal, 17 Cal.2d 280 (1941): Establishes that if a lower court acts without authority, the appellate court cannot review the merits of that action, as the action itself is a nullity

20 When a lower family court issues a void order to appear that is void on its face , an appellate court lacks jurisdiction to rule on the merits of that void order. Instead, the appellate court must declare the order void, set

it aside, and dismiss the appeal, as it cannot validate an order issued without subject matter jurisdiction for any reason, and it cannot validate a void abstract o) judgment (atall) (l)awed, and issued without subject matter jurisdiction.

21 In review of the three prior opinions issued by the fourth appellate district div 3, , with all due respect the analysis provided herein on statute of limitation and addressing subject matter jurisdiction when requested in briefs, would have prevented tremendous time, money and damage.

a. Appellate has provided, herein a snapshot of all three previous appeals below.

b. **THREE** separate opinions were issued by the appellate Court on the merits of VOID orders, they are still orders **VOID ON THEIR FACE.**

24. Utilizing an opinion utilizing a void order as the “Law of the Land” to try to validate void orders is still an order **VOID ON ITS FACE, a nullity.**

25. In California, a **void order**—defined as an order issued by a court that lacked fundamental subject matter jurisdiction or personal jurisdiction—is a legal nullity from the outset. Because such an order is void from inception, it does not become valid through the lapse of time, and it remains void even if an appellate court reviews the merits of the case **without directly overturning it.**

26. A void order cannot be made valid by the merits of the case. As stated in *Svistunoff v. Svistunoff*, a void order is "without effect as completely as if never entered

Code of Civil Procedure Section 473(d): Allows a court to set aside any void judgment or order.

Macmillan Petroleum Corp. v. Griffin (1950): Affirmed that "a court may set aside a void order at any time

Strathvale Holdings v. E.B.H. (2005): Held that lack of personal jurisdiction renders a default judgment void, permitting it to be vacated at any time

27. At Issue: OVERVIEW OF ASSUMPTIONS LEGAL ERRORS By Fourth Allellate District Div. 3

28. The Fourth Appellate District issued three opinions on the merits of VOID orders. All three opinions VOID ON THEIR FACE. The opinions all cited assumptions made without citing legal authority for subject matter jurisdiction.. VOID opinions are referenced as Clark I,II, or III

29. Clark 1 G058030 [attached as App. 7] (A122) : The court dismissed appeal as fatally flawed dismissing all allegations except subject matter jurisdiction without citing legal authority. Or offering an explanation if the entire appeal submitted by an attorney was fatally flawed, how did it determine subject matter jurisdiction survived. The court disregarded all allegations in appeal the court not only lacked subject matter jurisdiction, the order was issued by a person who was not a judge resulting in the underlying order VOID on its face because the order was not issued by a judge

30. Clark II. G06197 [attached as App 8] (A137)The court makes wrong assumptions appearing to be an attempt to justify or fabricate subject matter jurisdiction to allow the appellate court to issue an opinion. By assuming on P7 prg 1; stating it is not clear what Edward

wanted the court to do "it appears from oral argument he wanted the court to dismiss dissolution case (ie 8/31/2006 judgment). *diverting from the issue on appeal attacking the courts failure to dismiss 4/17/2018 order pursuant to Rule 3.1385(b) when cause was not shown or objected to by petitioner. At no time has either party suggested dismissing the dissolution action 10-years prior.*

[On p8 2nd paragraph the court assumed subject matter jurisdiction "In reality however, Edward seems to be appealing from an order denying his request to modify the final judgment of dissolution by dismissing case. We will therefore regard the appeal as a post judgment order, appealable under Code of Civil Procedure 904.1.]

31. *The above false statement or wrong conclusion, however it is to be framed, the evidence will show is how the appellate court justifies or fabricates subject matter jurisdiction, not only for itself to issue opinion on the merits of void orders, but for the lower family court as well, both of which are making the same argument to issuing an RFO to appear was based on a 2017 phone call asking for more money to help her move. Despite the Debt Settlement agreement being fully satisfied, challenging a private debt settlement agreement entered and fully executed with \$1,000,000 somehow was an attack on 8/31/2006 judgment instead,*

32. *The assumptions made in Clark II intended to divert from the fact CLARK II appeal had a very narrow scope limited to the courts failure comply with Rule 3.1385 (b) mandating the dismissal of the case within 45-days when no cause or objections were offered at a noticed motion to show cause on why the court should not dismiss 4/17/2018 order and subsequent order issued by a person who was not authorized to be a judge.*

33. *Further more Clak II opinion fails to offer authority how the*

order can be considered a post judgment order if the 8/31/2006 dissolution judgment case 05D000275 was fully satisfied 3/21/2016 with a private settlement contract not merged into the judgment. . And there has been no other summons served.

Consequently, if there was no judgment at issue not fully satisfied and no outstanding summons, one must consider the motive behind the false statements by the court to suggest the appeal was a post judgment order when no case was at issue...

The evidence will show, the only conclusion is obstruction of justice trying to fabricate subject matter jurisdiction in Family court, denying appellant his due process rights under the constitution.

34. Clark III. (G064157) [attached as App #9] (A152),

In Clark II, the fourth appellate District denied appellant from arguing lack of subject matter jurisdiction during oral arguments because he did not file a separate motion.

35. In Clark III, appellate filed two emergency motions collaterally attacking subject matter jurisdiction separate from opening brief suggested by the court during Clark II opening arguments. Appellate made the request for the Appellate court to rule on Subject matter jurisdiction separately, since it is the law that mandates what a court can hear. Not only does the Fourth Appellate court deny request to rule separately, it chose not to rule at all, citing the void opinion in Clark II as the "Law of the Land" for Clark appeals only, completely thumbing its nose at the allegations and facts outlined in appeal, the code of civil procedure and its own published opinions on void orders.

36. Despite the law dictating subject matter jurisdiction can be raised at anytime the court mis-states the record . [see; p14 II Edwards

Motion on Appeal] : “Edward has filed two motions (1) a motion requesting us to dismiss this appeal and vacate the 2018 order... *The court conveniently left off the motion was a direct attack requesting dismissal /or lack o/ subject matter jurisdiction and requesting the court to rule in advance separatel\ ron appeal as it should have resulted in jinal resolution o/ the matter*

37. The court states III. “EDWARDS APPEAL IS FRIVULOUS” yet the court refused to offer proof how the family court has subject matter jurisdiction over private settlement contracts the court refuses to enter into the record when requested by both parties. Or how the court has subject matter jurisdiction to refuse to let two parties conclude a family court matter refusing 6-noticed motions collectively from both parties litigants , 4 of which were by petitioner, and supported with Petitioners request asking the court to take judicial notice of settlement documents.

38. The law does not allow the appellate court to fabricate subject matter jurisdiction for a lower family court by misrepresenting the facts in evidence, trying to validate void orders issued by a court absent all jurisdiction. The court cannot apply res-judicata or collateral estoppel or claim preclusion to a case that is a nullity, doesn't legally exist. And surely cannot apply an opinion as the Law of the land that itself is a VOID opinion, strictly for the purpose of VALIDATING VOID ORDERS to provide judicial immunity for judicial officers in family court.

39. A void order, opinion, or judgment, being a legal nullity from its inception, can be challenged at any time, in any court, and by any party, including in appellate courts. Such orders, often caused by lack of jurisdiction (subject matter or personal), as in the instant case do not gain validity through the passage of time or finality

40. If the court lacked jurisdiction or the proceedings were

fundamentally flawed, the decree can be questioned anytime, even decades later

41. The Fourth Appellate district in three separate appeals by appellant has failed to provide any legal authority giving a family court judge authority to refuse two parties request in six separate noticed motions to merge settlement documents into the record, denying both their request to conclude case. and then TAKE BACK subject matter jurisdiction over private settlement contracts IT FORFEITED 8/31/2006 and even if it did retain jurisdiction FORFEITED when it refused to merge contracts into the record at the request of both litigants.

42. Resulting in the fact when family court lacks subject matter jurisdiction, the fourth appellate district ONLY AUTHORITY is to remand back to lower court with an order to VACATE VOID ORDERS.

43. For all the following reasons, the Fourth Appellate District did not have subject jurisdiction to make any assumptions granting itself subject matter jurisdiction to offer opinions on the merits of void orders

a. The 8/31/2006 Marital Settlement Agreement (MSA) p8 #13 failed to specifically reserve jurisdiction over subsequent private settlement contracts in family court.. Therefore subsequent private contracts not merged survives as a civil private settlement contract to be litigated in civil court. . It is not a family court judgment. Family court lost subject matter jurisdiction over subsequent private settlement contracts as soon as case was dismissed.

8/31/2006

b. On 3/21/2016 the parties entered and fully executed a private settlement contract, not merged into the record in exchange for \$1,000,000. The family law division does not have subject matter jurisdiction over private settlement contracts pursuant to CCP 664.6

- c. **3/21/2016** the parties entered and execute private Debt Settlement Agreement
- d. **8/31/2016** The Statute of limitation expired to enforce 8/31/2006 private settlement contract
- e. **4/15/2016:** \$1,000,000 wire sent to Petitioner in full satisfaction of 3/21/2016 Debt Settlement Agreement.
- f. **4/15/2016** 2-year statute of limitation expired for any alleged breach of oral agreements
- g. **The 4/17/2018** order to appear served to determine arrears without subject matter jurisdiction over private settlement contracts. 2-years outside the statute of 10-year limitation and 2- days outside the statute of limitation expired statute of limitation for breach of oral contracts, if one existed
- h. As determined by this court in Clark I,II,and III, the 4/17/2018 RFO was filed based on a 2017 phone call apparently contesting fully executed 3/21/2016 private debt settlement contract, which obviously the family court was absent all jurisdiction.

I When a family court refuses to merge (or incorporate) a settlement document—such as a Marital Settlement Agreement (MSA) and a joint stipulation, —into a final divorce decree or judgment, pursuant to CCP 664.6, the agreement remains a separate contract. *The family courts failure to merge contracts, when requested by both parties litigants, then loses subject matter jurisdiction to enforce the contract under its family law powers because the settlement was not made a court order.*

Applicable Legal Principles and Laws:

California Code of Civil Procedure § 664.6: In California, this statute is critical. For a court to retain jurisdiction to enforce a settlement, the parties must explicitly request it *before* the case is dismissed, usually by submitting a stipulation or having the

agreement incorporated into the judgment. If the court refuses to merge the document and no retention of jurisdiction is ordered, the court loses authority to use family law contempt powers.

- **Contractual Status (Separation of Powers):** When not merged, the agreement remains a private contract. Disputes must be raised in civil court through a breach of contract action, rather than through a family court "Request for Order" (RFO)

j. Concluding, when family court does not have jurisdiction over the subject matter or personal jurisdiction over the parties, neither does the Fourth Appellate District Div 3 to offer opinions on the merits of void orders.

k. The evidence clearly shows, family court, never had subject matter jurisdiction over private settlement contracts and confirmed by family court refusing to merge into the record at the parties request, allowing them to settle finally and forever the dissolution matter.

l. The only authority the Fourth Appellate District has is to order the lower court appropriately consistent with the California code of civil procedure, vacating all void orders.

m. Superior court and this court were provided the 7/12/2021 joint stipulation executed in front of, witnessed by the Hon. Gregory Lewis. a Superior court judge with subject matter jurisdiction over private settlement contracts, confirming and validating the authenticity of all three private contracts the family court did not have subject matter jurisdiction.

n. **Ironically the void opinions in Clark III** tries to again discount the absolute undisputed material facts in evidence: on p 17 last paragraph.. "Edward tried to circumvent the 2018 order by filing and then purporting to settle the civil case by means of a joint stipulation"....."***Edward was not permitted to evade the family court's continuing jurisdiction by***

recasting claims in civil court "Once the family court acquired jurisdiction and retained continued jurisdiction over Edwards and Deborahs marital dissolution and property division,, no other department of superior court could make an order adversely affecting the family court's judgment and rulings **MIS STATES THE LAW**

o. Now as a prose litigant, the above caption, is disturbing, the court directly contradicts the rule of law regarding private settlement contracts and who has proper jurisdiction over an MSA not merged into the record. No further comment needs to be made.

p. The obvious conflict between the departments, civil and family is not relevant. Nor should the courts put unknowing litigants in the middle. What is relevant, when BOTH parties request the family court to merge the joint stipulation executed in civil court into the record, it doesn't matter where a joint stipulation was executed. Both parties are telling the court the joint stipulation is authentic and the wishes of the parties. 6-times and the family court refused both parties request to enter the joint stipulation and MSA into the record

When the court is requested by BOTH PARTIES to take judicial notice of both the 3/21/2016 Debt Settlement Agreement and the 7/12/2021 JOINT stipulation executed in civil court, AND DENIES REQUEST, THE CONTRACTS SURVIVE AS PRIVATE SETTLEMENT CONTRACTS WHERE DISPUTES ARE TO BE RESOLVED IN CIVIL COURT. pursuant to CCP 664.6.

F. PETITION TIMING

44. Edward now files this writ of supersedeas seeking both a stay of the superior court writ of execution of VOID Abstract of Judgment. pending appeal and a temporary stay pending resolution of petition.

45. This petition is timely, and a stay is immediately needed because respondent has filed a writ of execution on a VOID abstract of judgment illegally obtained. Procured without subject matter jurisdiction, without a summons/complaint, issued by a commissioner (not a judge) for \$612, 513.59

46. Writ of Supersedeas relief is available and necessary because Appellant perfected Edwards appeal and has exhausted all Edward's remedies from Superior Court.

47. Appellant filed Edwards notice of Appeal on 4/6/2026

48. Appellant exhausted all remedies from Superior Court, because Superior court family law division is without both subject matter jurisdiction over the matter and without personal jurisdiction over Appellant to issue any valid orders. Appellant filed motions to vacate three void orders issued without subject matter jurisdiction The court denied all three motions on 4/3/2026 illegally continuing administering matters she has no jurisdiction..

49. Now appellant requires an immediate stay from this court, both pending resolution of this petition and pending appeal, because appellant does not have, nor can he post a bond for \$612,513.59. Any attempt to execute will result in catastrophic consequences to appellant and his company that currently employs about 75 people. Currently hanging on by a thread resulting from frivolous litigation.

50. As the record has not yet been filed in Edward's pending Appeal, Edward lists below the issues likely to be raised on appeal and a summary of material facts relevant to those issues. This is not intended to be an exhaustive list of the issues Edward may raise on Appellant opening brief. Appellant does not waive any rights to present other issues or arguments in Edwards appeal. The material facts are further detailed at ante, section (reference section) and the merits of the potential issues are further

discussed at post, memorandum points and authorities

G. STATEMENT OF THE CASE

51 This is a case where fully written executed PRIVATE SETTLEMENT CONTRACTS are treated as if they don't exist, DESPITE \$1,000,000 CHANGING HANDS IN FULL EXECUTION OF MSA, dated 3/21/2016 and a second private contract (joint stipulation) executed in front of a superior court judge. despite both being authenticated and validated to the family court by petitioner.

52 The instant matter has nothing to do with the parties as shown by 6-collective attempts requesting the court to merge settlement documents into the record, all of which the court emphatically denied and refused to let two parties settle a case between them.

53. The instant case has everything to do with the court breaking the law, obstructing justice, committing federal crimes in state court, in an attempt to use the power and authority of superior court as a shield to illegally make an example out of appellate. Strictly out of retaliating for his efforts to hold judicial officers accountable for judicial misconduct. Trying to fabricate judicial immunity by having a fraudulant abstract of judgment enforced with complete disregard for the fourteenth Amendment to the Constitution of the United States.

54. This case no doubt and the evidence shows is about a family law divisions desperate attempt to fabricate subject matter jurisdiction to create judicial immunity from prosecution from intentional acts of breaking the law with malice by a Commissioner and subsequent judicial officers in an effort to EXTORT money.

55. To date since 4/17/2018, no court has been able to provide legal

authority for its actions taking back subject matter jurisdiction of private contracts not merged into the record, when jurisdiction was specifically not reserved

56. The evidence shows herein, the obvious lack of subject of matter jurisdiction, also proves the family law division lied to Federal courts, arguing against the district court to litigate judicial misconduct allegations, despite the Federal Questions and denial of due process.

57. At issue; this case has become a case between Superior court judicial officers obstructing justice, refusing to administer the law as written fairly. Refusing to rule based on the undisputable material facts in evidence supported with applicable statutes.

58. At issue, is a determination how a case goes from two parties asking the court 6-times to enter settlement documents under the penalty of perjury to the court extorting \$612,513.59 from appellate, without ever serving a summons, when the leading document clearly states the underlying issues in family court issuing a 4/17/2018 order to appear was a BREACH OF CONTRACT.

59. At issue, is one of a Criminal intent for others to address. Setting the orders issued in family court aside, once the parties settled in civil court, and Judge Yolanda Tores acknowledged on the record that both parties properly notified the court of settlement and their request to enter settlement documents into the record. She knows the case has settled, she knows she does not have subject matter jurisdiction, as a superior court judge who has taken oath to administer the law, she knows the 3/21/2016 MSA and Joint stipulation are the leading documents, she knows the parties have informed her the case is over. How does she get away with using the POWER AND AUTHORITY OF SUPERIOR COURT to conceal her criminal acts of

extorting money and DENY noticed motion to set VOID abstract of judgment. How does she not even address the fact the abstract of judgment is fatally flawed and doesn't even have the original judgment date on it? . On what possible authority and power does she have to extort \$612,513 without notice, without a summons issued in civil court pursuant to CCP 664.6 , and without an opportunity to defend oneself. Or having a trial. How is that possibly justice and in line with the fourteenth amendment to our constitution.

At issue, is

60. Is the flagrant and constant thumbing her nose at the rules of court and the California code of civil procedure. Refusing to address the undisputed fact a commissioner presided over a matter of dispute without authority. Refusing to accept a commissioners judicial admission he relied on two stipulations he was not aware were not signed by the parties litigants to preside as judge. . Concluding the order issued 2/2019 was issued by a person who is not a judge, resulting in orders issued VOID ON THEIR FACE

61. When the Commissioner failed to trick the parties into signing a stipulation for him to preside "OVER ALL MATTERS" giving him personal jurisdiction, that would not have given him subject matter jurisdiction, because the parties cannot transfer subject matter jurisdiction if contracts were not merged into family court.

When the family court failed to reserve jurisdiction over private settlement contracts. And the court refused to merge settlement contracts into the judgment, family court on that issue alone does not have subject matter jurisdiction. Any alleged breach is civil court jurisdiction

62. *In California, parties cannot confer subject matter jurisdiction by consent or agreement if the court otherwise lacks it, as this is a non-waivable requirement. California*

Code of Civil Procedure Section 396

63. The end result everything that happened in the lower family court is irrelevant and moot. A nullity. The family court was absent ALL Jurisdiction from beginning to the end. All orders were without subject matter jurisdiction over private settlement contracts not merged. The entire matter is a nullity.

64. At issue, is on what legal authority can a superior court judge LEGALLY refuse 6-noticed motions collectively from BOTH PARTIES LITIGANTS to enter settlement documents into the record, without questioning the contents, with full knowledge of their intent to settle, only to thumb her nose, refuse their request so she could collude with other judges a couple years later and try to extort \$612, 513.59.

65. The abuse of process and using the power of superior court as a shield leaves appellant speechless this type of conduct is in our court system. A superior court judge, refusing to close case so she can now, out of the blue fabricate a new judgment for \$612, 513.59 without notice of any kind, and enforce the execution of an Abstract of judgment void on its face is by definition Extorsion, Abuse of Process, Abuse of Power, confirming original allegations in district court are in fact true.

66. All of this utilizing a case number not at issue since the parties fully settled 3/21/2016 to try to fabricate a judgment to collect \$612, 513.

67. No court, including the Fourth Appellate District Div 3 has been willing or is able to cite legal authority for the actions in family court described herein in violation of appellants due process rights under the Fourteenth Amendment to the Constitution, and ell established law

H. FACTUAL BACKGROUND AND PROCEDURAL HISTORY

1. **WHEREAS**, On 8/31/2006 dissolution judgment Exhibit 3A .
The parties litigants Executed Dissolution Judgment; On p8 #13 Family court did not reserve subject matter jurisdiction over subsequent private settlement contracts.

2. **WHEREAS** 1/14/2013 Exhibit 3B Petitioner executed Satisfaction of Judgment and filed in the county of Orange. Petitioner failed to file in family court. (NOTE: The parties proceeded thereafter on a verbal contract that lasted until the parties settled all debt 3/21/2016)

3. **WHEREAS** 3/21/2016 Exhibit 3B The parties executed a private settlement

4. **WHEREAS** 4/15/2016 [exhibit 10] is proof of funds the debt settlement agreement was fully satisfied with \$1,000,000 wire into petitioner's account

5. **WHEREAS** RFO served 4/17/2018 exhibit 3 without subject matter jurisdiction an RFO to appear "to determine arrears" using an 8/31/2006 judgment not at issue since 3/21/2016. NOTE: No mention of any breach of 3/21/2016 private contract

6. **WHEREAS:** ON October 12, 2018 crt rpt tr P 103 L2:9] COMMISSIONER MICHAELSON MAKES JUDICIAL ADMISSION THE 3/21/2016 PRIVATE SETTLEMENT CONTRACT IS VALID [see App. 11] (A175)

Ms Nogutres: Your Honor: I do have a question. Did the court find that there was undue influence? Is the court also deciding the Debt Settlement Agreement is VOID?

The Court: NO.....I'm not rescindin^g under an^y circumstance!

7. **WHEREAS** 2/26/2019 [App. 12](A179) Despite finding 3/21/2016 Contract was Valid, we have a commissioner who lied trying to fabricate subject matter, now exposed to legal liability conducting a sham

case, had to fabricate an order stating Appellant kept \$850,000. Facts in evidence shows a \$1,000,000 wire transfer for full satisfaction

8. WHEREAS The evidence clearly shows a commissioner who did not understand what he was doing. Tried to utilize California Code of Civil Procedure § 1572, § 1689(b)(1): by fabricating a story he found fraud in the inducement.

9. WHEREAS notice of an allegation (or lawsuit) is fundamentally required in civil matters under the U.S. Constitution. 10

10 WHEREAS: the 4/17/2018 RFO to appear to determine arrears makes no mention of the 3/21/2016 private contract

- **Fundamental Fairness:** Notice is not a mere technicality; it is a "fundamental requirement of due process".

- **Reasonably Calculated:** Notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action".

- **Service of Process:** This typically requires formal personal service to ensure the defendant knows about the case against them.

- **Information Provided:** Notice must be sufficient to enable the recipient to understand what is being proposed and how to respond to prevent the deprivation of their interest

10. WHEREAS: see [App. 13] (A189) Judge Yolanda Torres [March 14, 2024 P13 L13:19] making a judicial admission the court was properly noticed .

The Respondent:

SO LET ME PUT IT THIS WAY, THEN IS THE COURT AWARE THAT THE PARTIES HAVE TRIED TO SETTLE THIS CASE? AND IS THE COURT AWARE "BOTH PARTIES" ARE ASKING THIS

COURT TO ENTER DEBT SETTLEMENT INTO THE RECORD?

The Court:

I'M AWARE OF THE REQUEST FOR RELIEF THAT ARE SOUGHT AND THE RFO'S THAT HAVE BEEN FILED, YES, I'M AWARE OF THAT.

11. MEMORANDUM POINTS AND AUTHORITIES

A. Broad Discretion to Set Aside Void Orders CCP 473(d)

12. The Code of Civil Procedure section 923 gives this court broad discretionary power to grant writ of supersedeas relief with the authority to “stay” proceeding during the pendency of an appeal or to issue a writ of supersedeas or to suspend or modify injunction during the pendency of an appeal or to make order appropriate to preserve the status quo, the effectiveness of the judgment subsequently to be entered.

B. Irreputable Harm

Appellant has already been severely damaged by the underlying actions that he has been fighting now since 4/17/2018. Appellant will not over come the harm and damage already caused, but will get destroyed with the instant action, respondent if allowed to proceed with executing a VOID abstract of judgment for \$612, 513.49 procured without a trial in a proper court to litigate civil contracts if any complaints existed.

(1) The threat of irreputable catastrophic harm to the Appellant that cannot be reversed on appeal and to this Court’s ability to effectively rule on the appeal, combined with (2) that Respondent will not be prejudiced by the stay, or if Respondent would suffer prejudice, the harm to Appellant of not granting stay outweighs the relative prejudice to Respondent from granting it.

C. Stay is Appropriate and Urgently needed to allow process in civil court.Pursuant to CCP 664.6 Appellant filed a second Breach of Contract

claim in civil court to enforce the private settlement contracts; case # 30-2025-01530857-CU-CO-CJC

Civil court is the proper jurisdiction to litigate private settlement contracts. There has been no opposition or cross complaint alleging any document is not valid or breached by appellant.

D. 7/12/2021 Joint Stipulation to Settle Case

The Courts in previous pleadings argued a joint stipulation witnessed by a Superior Court Judge while the parties were under oath, was somehow not valid in family court. is irrelevant to the underlying issue.

CCP 664.6 obviously contradicts the representations by both the family law division and the fourth appellate district div 3 bringing to light the seriousness if wht would the fourth appellate district div 3, support the underlying family court by trying to validate void orders under the law?

E. Petitioner requested the Court to Take Judicial Notice of Both Private Settlement Contracts

Although it is difficult to understand the feud between family law division and the civil law division, but even if their was legal authority that states a superior court judge in civil court is not qualified nor has the authority to witness the execution of a joint stipulation between two parties trying to settle, who has subject matter jurisdiction pursuant to CCP 664.6 over a private settlement contracts, is moot **ARGUMENT BY EITHER COURT**. When Petitioner makes 4-request to the court confirming the contracts are valid, enforceable and she wants the court to enter to conclude case, **SHE IS Validating the authenticity and at the point of the court declining to merge into family court, the contracts survive as private settlement contracts.**

Family courts generally cannot invalidate a signed, written civil

settlement based on prior oral agreements, as this is prohibited by the parol evidence rule, especially if the contract is integrated and the alleged agreement is outside the statute of limitations. Without allegations of fraud or misconduct in a formal notice, the written contract stands, and oral agreements are usually inadmissible

- **Parol Evidence Rule:** Under California Code of Civil Procedure §1856, a final written agreement cannot be contradicted by evidence of prior oral agreements.
- **Statute of Frauds:** Oral contracts are hard to enforce, particularly those involving real estate or contracts that cannot be performed within one year.
- **Statute of Limitations:** In California, the deadline for breach of an oral contract is 2 years, while written contracts allow 4 year
- **Statute of Limitations to RENEW Abstract of Judgment =10 YEARS (CCP § 683.120)**

Although a family court has broad discretion, a family law judge generally cannot simply refuse to accept and enter a validly executed joint stipulation that has already been approved and validated by a superior court judge, especially if it relates to the civil distribution of assets and not children for the sole purpose of keeping open so she can essentially collude and create a second judgment years later thinking the appellant has no legal recourse to prevent the extortion of money. Especially when operating at all times without subject matter jurisdiction.

Independent Action for Breach: If the settlement was not incorporated into a court order, parties must file a new civil lawsuit for breach of contract, rather than asking the family court to enforce it. Which is what Appellant has done in civil court.

F. REQUEST FOR THE COURT TO TAKE JUDICIAL NOTICE OF CONTRACT TERMS 7/12/2021 PRIVATE CONTRACT

A. The agreement entered by and between the parties (debt Settlement Agreement dated 3/21/2016) is a valid contract, entered by the parties.

D. Defendant Breached the 3/21/2016 Contract

WHEREAS : The entire underlying matter is shown to be a Sham, from start to finish, ABSENT ALL JURISDICTION.

IV. CONCLUSION,

The stay is urgently needed and appropriate. Pursuant to CCP 664.6 Appellant filed a second Breach of Contract claim in civil court; case # 30-2025- to litigate against a Breach of private settlement contracts executed 3/21/2016 and 7/12/2021. Appellate respectfully request this court to set aside past differences, look at the instant petition with fresh eyes, and rule consistent with the law. Issue temporary stay as requested, and issue writ of Supersedes pending the outcome of appeal. and the civil case

Prayer for Relief

Edward respectfully prays this court:

Immediately issue an order temporarily staying the enforcement of Superior Court's VOID Abstract of Judgment from order issued 2/26/2026 and all proceeding thereon, pending resolution of this petition.

Issue a writ of supersedeas staying the same pending determination of the appeal herein.

Enforce the laws under the Constitution in support of due process Award Edwards costs and/or such other relief as is just and proper

By:  Edward L. Clark Jr.

13. VERIFICATION

I Edward L Clark Jr., declare as follows:

I am the Appellant in the pending appeal through which this petition is filed and the Respondent in the underlying action in Superior Court. I have read this petition, as I have created as a prose litigant, and know its contents. The matters stated in the petition are true. The facts alleged in the petition are within my personal knowledge and I know these facts to be true.

I declare under the 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... 4/12/2026.

By: 
Edward L. Clark Jr.

14. CERTIFICATION OF WORD COUNT

Pursuant to California Rules of Court, rule 8.204C(1). I certify that this writ if petition is proportionally spaced, is set in Century Schoolbook font, has type face of 13 points, and contains 8,517 words according to word count feature of the computer program used to prepare petition, and 30-pages

Dated: 4/12/2026

By: 
Edward L. Clark Jr.
In Proper

ocument received by the CA 4th District Court of Appeal Division 3.

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:</p> <p>NAME: Edward L Clark Jr.</p> <p>FIRM NAME:</p> <p>STREET ADDRESS: 5582 McFadden Ave</p> <p>CITY: Huntington Beach. STATE: Ca ZIP CODE: 92649</p> <p>TELEPHONE NO.: 714 448-7145 FAX NO.:</p> <p>E-MAIL ADDRESS: ed@theelectricalexpert.com</p> <p>ATTORNEY FOR (name): in proper</p>	<p>FOR COURT USE ONLY</p>
<p><input checked="" type="checkbox"/> COURT OF APPEAL, APPELLATE DISTRICT, DIVISION</p> <p><input type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS: 601 Santa Ana Blvd</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE: Santa Ana, 92701</p> <p>BRANCH NAME: Superior Court</p>	
<p>PLAINTIFF/PETITIONER: Edward L Clark</p> <p>DEFENDANT/RESPONDENT: Superior Court</p> <p>OTHER:</p>	
<p>REQUEST TO FILE</p> <p>NEW LITIGATION BY VEXATIOUS LITIGANT</p> <p>Type of case: <input type="checkbox"/> Limited Civil <input type="checkbox"/> Unlimited Civil <input type="checkbox"/> Small Claims</p> <p><input checked="" type="checkbox"/> Family Law <input type="checkbox"/> Probate <input type="checkbox"/> Other</p>	<p>CASE NUMBER:</p> <p>G066790 / 05D000275</p>

1. I have been determined to be a vexatious litigant and must obtain prior court approval to file any new litigation in which I am not represented by an attorney. Filing new litigation means (1) commencing any civil action or proceeding, or (2) filing any petition, application, or motion (except a discovery motion) under the Family or Probate Code.
2. I have attached to this request a copy of the document to be filed and I request approval from the presiding justice or presiding judge of the above court to file this document (name of document):

WRIT OF PROHIBITION

3. The new filing has merit because (Provide a brief summary of the facts on which your claim is based; the harm you believe you have suffered or will suffer; and the remedy or resolution you are seeking):

The court has approved the filing of VOID abstract of judgment and denied motion to vacate void abstract of judgment, motion to vacate prefilling order issued without subject matter jurisdiction, denied motion to quash debtors exam. Instead has engaged in colluding with Petitioner to steal \$11,000 from bank account, thereby committing bank fraud, wire fraud, extortion.

4. The new filing is not being filed to harass or to cause a delay because (give reasons):

It is filed to undo a serious wrong in violation of Federal Laws, including obstruction of justice, abuse of power and process for the purpose of denying due process in family court. Further steal money utilizing a levy procured by fraud on the court, endorsed by Judge Yolanda Torres, supporting bank fraud, fraud on the court, .

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 4/22/2026

Edward L. Clark Jr.
(TYPE OR PRINT NAME)

[Signature]
(SIGNATURE)

<p>APPELLANT: Edward L Clark Jr</p> <p>RESPONDENT: Orange County Superior Court</p>	<p>COURT OF APPEAL CASE NUMBER: G066790</p> <p>SUPERIOR COURT CASE NUMBER: 05D000275</p>
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ATTACHED DECLARATION (COURT OF APPEAL)
(This form must be attached to another form or court paper before it can be filed in court.)

The California Supreme Court held in John vs Superior Court that self represented Defendants who have been declared a vexatious litigant DO NOT NEED, to get permission before appealing judgments or orders against them.

The statutory prefiling requirements (CCP 391-391.7) are designed to protect the public from Plaintiffs, not Defendants. A defendant filing an appeal is trying to undo a wrong.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 4/22/2026

Edward L Clark Jr. _____
(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF DECLARANT)

- Attorney for Appellant Respondent
 Other (specify):

**ATTACHED DECLARATION
(Court of Appeal)**

[Print this form](#)

[Save this form](#)

[Clear this form](#)

(CERTIFICATION OF SERVICE)

I hereby certify that on the 14th day of April, 2026, I personally served, via U.S. Mail and by (Personal Service where indicated*), a true copy of the within **PETITION FOR WRIT OF SUPERSEDEAS AND/OR OTHER APPROPRIATE RELIEF, VERIFICATION, MEMORANDUM OF POINTS AND AUTHORITIES (SUPPORTING EXHIBITS FILED UNDER SEPARATE COVER)** in the lower court matter, Judge Yolanda Torres presiding, Case No. 05D000275; ~~(XKMX) G66790~~). Service was made via U.S. Mail and by Personal Service where indicated (*), at the time and place stated hereunder:

Superior Court of California
*Lamoreaux Justice Center - Dept. "L-66"
Judge Yolanda V. Torres:
341 The City Drive
Orange CA 92863

Leon J. Page, Esq. 208587
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(714) 448-7145 ed@theelectricalexpert.com

Clerk, Supreme Court of California
350 McAllister Street
San Francisco, CA 94102

METHOD OF SERVICE

U.S. Mail: I placed a true copy of the document(s) in a sealed envelope, with postage fully prepaid, and deposited it with the United States Postal Service.

Personal Service (*): I personally delivered the document(s) to the office(s) of the addressee(s) indicated above.

Electronic Service: I transmitted a true copy of the document(s) via electronic mail to the email address(es) listed above. The transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Orange, State of California on April 14, 2026.

Signature of Declarant /s/ Brian Pugh
Full name of Declarant/Title: Brian Pugh PSC-6309 O.C.

Appellate Courts Case Information

4th Appellate District
Division 3

Change court ▼

Case Summary
Docket
Briefs
Scheduled Actions
Disposition
Parties and Attorneys
Trial Court

Docket (Register of Actions)

Clark v. Clark

Case Number [G066790](#)

Date	Description	Notes
04/14/2026	Notice of appeal lodged/received.	Appellant: Edward L. Clark Jr.
04/14/2026	Default notice sent-appellant notified per rule 8.100(c).	Emailed notice and mailed via USPS.
04/15/2026	Received document entitled:	Amended Notice of Appeal
04/15/2026	Notice re vexatious litigant (CCP 391.7) - Matter stayed.	On April 9, 2026, appellant filed a notice of appeal from an order entered on April 3, 2026. Appellant is a vexatious litigant subject to a prefiling order.

Date	Description	Notes
		<p>Appellant is not represented by counsel in this appeal. Appellant is obligated to file a</p> <p>request for permission to file any new litigation, including an appeal. (See Code Civ. Proc., §§ 391, subd. (a), 391.7.)</p> <p>This appeal is STAYED pending determination of whether this appeal may proceed. Appellant may file a request for permission to file new litigation within 15 days</p> <p>of this order. There is an optional Judicial Council form, VL-110, that may be utilized</p> <p>for this purpose. This appeal will be dismissed if appellant does not file a request for</p> <p>permission to file the appeal. This appeal may also be dismissed if appellant does not</p> <p>demonstrate "that the litigation has merit and has not been filed for the purposes of</p> <p>harassment or delay." (Code Civ. Proc., § 391.7, subd. (b).) Appellant is notified that, to</p> <p>potentially have merit, an appeal must be taken from an appealable order or judgment.</p> <p>Emailed and mailed to appellant via USPS.</p>
04/15/2026	Vexatious litigant application filed (initial case event)	By Appellant

Date	Description	Notes
04/15/2026	Received document entitled:	By Appellant Petition for Writ of Supersedeas, Exhibits in Support of Writ, and POS
04/20/2026	Filing fee.	Aplt fee paid
04/27/2026	Returned document for non-conformance.	Civil case information statement rejected. <u>Appeal is stayed per 4/15/26 order.</u>

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4/16/2026
Supreme Court of the United States
Office of the Clerk
Washington DC 20543-0001

Attention Mr. Kyle Ratliff

Ref Writ of Certiorari U.S. Supreme Court # 25-7180

Dera Mr. Ratliff,

In response to your letter dated April 13, 2026

I have included the case number, and two books of appendices with supporting docs to show you my request to vacate void orders due to lack of subject matter jurisdiction. 1 and 1A

The appeal brief and the motion in the Supreme court only had the specific motion to vacate void orders simply because I was dealing with Void orders, the only option is to vacate. Consequently vacating or staying accomplishes the same thing where at the US supreme court it was titled to stay because of the pending writ of certiorari

I am desperate for help, these guys froze my bank accounts on was and literally took \$11,000.. this entire mater is 100% fraud. No trial, no summons, no judge initially, . I also included a write of supersedeas asking the same thing from the appellate court for your reference . I have really offended state court judges, because it makes since complete disrespect for the code of civil procedure.

Please look at the two leading documents Appendices A and B attached to brief. The terms speak for themselves. I don't understand how these guys can do this. They act like contracts don't exist... There are no, notices of default, there has never been a summons, the original order issued by a commissioner, I refused to sign a stipulation.... this is absolutely in sane. Please note the joint stipulation, because we agreed the lower court matter commenced based on a breach of contract voiding lower court orders, these guys have decided to make an example out of me and are literally coming after everything I own, including another 700k judgment against my company.

I Never had a summons served, no opportunity for discovery or preparation, just plain ambushed. I am desperate for help.

Any questions please call me, I have so much information, I am blown away, this happens in our judicial system. I was pretty naive. (714) 448-7145. All that is needed is an order remanding to Civil court pursuant to CCP 664.6,

Sincerely,



Ed Clark

Appellate Courts Case Information

4th Appellate District Division 3

Change court 

Case Summary
Docket
Briefs
Scheduled Actions
Disposition
Parties and Attorneys
Trial Court

Docket (Register of Actions)

Clark v. Clark

Case Number [G066790](#)

Date	Description	Notes
04/14/2026	Notice of appeal lodged/received.	Appellant: Edward L. Clark Jr.
04/14/2026	Default notice sent-appellant notified per rule 8.100(c).	Emailed notice and mailed via USPS.
04/15/2026	Received document entitled:	Amended Notice of Appeal
04/15/2026	Notice re vexatious litigant (CCP 391.7) - Matter stayed.	<p>On April 9, 2026, appellant filed a notice of appeal from an order entered on April 3, 2026. Appellant is a vexatious litigant subject to a prefiling order.</p> <p>Appellant is not represented by counsel in this appeal. Appellant is obligated to file a</p> <p>request for permission to file any new litigation, including an appeal. (See Code Civ.</p>

Date	Description	Notes
		<p data-bbox="716 94 1081 115">Proc., §§ 391, subd. (a), 391.7.)</p> <p data-bbox="716 163 1422 233">This appeal is STAYED pending determination of whether this appeal may</p> <p data-bbox="716 275 1438 344">proceed. Appellant may file a request for permission to file new litigation within 15 days</p> <p data-bbox="716 386 1443 455">of this order. There is an optional Judicial Council form, VL-110, that may be utilized</p> <p data-bbox="716 497 1485 567">for this purpose. This appeal will be dismissed if appellant does not file a request for</p> <p data-bbox="716 609 1477 678">permission to file the appeal. This appeal may also be dismissed if appellant does not</p> <p data-bbox="716 720 1477 789">demonstrate "that the litigation has merit and has not been filed for the purposes of</p> <p data-bbox="716 831 1393 900">harassment or delay." (Code Civ. Proc., § 391.7, subd. (b).) Appellant is notified that, to</p> <p data-bbox="716 942 1352 1012">potentially have merit, an appeal must be taken from an appealable order or judgment.</p> <p data-bbox="716 1054 1208 1075">Emailed and mailed to appellant via USPS.</p>
04/15/2026	Vexatious litigant application filed (initial case event)	By Appellant
04/15/2026	Received document entitled:	<p data-bbox="716 1304 857 1325">By Appellant</p> <p data-bbox="716 1377 1446 1440">Petition for Writ of Supersedeas, Exhibits in Support of Writ, and POS</p>
04/20/2026	Filing fee.	Aplt fee paid
04/27/2026	Returned document for non-conformance.	<p data-bbox="716 1631 1182 1652">Civil case information statement rejected.</p> <p data-bbox="716 1703 1110 1730">Appeal is stayed per 4/15/26 order.</p>
05/06/2026	Dismissal order filed.	<p data-bbox="716 1806 1422 1833">Appellant Edward L. Clark, Jr., is a vexatious litigant subject to</p> <p data-bbox="716 1881 1471 1942">a prefiling order. (See Code Civ. Proc., § 391.7.)¹ In the interest of expediency</p>

Date**Description****Notes**

and judicial economy, this court has prepared one order addressing the two

applications filed in case Nos. G066790 and G066820. This court's opinion in

case No. G064157, filed on June 25, 2025, describes the procedural

background of this case and is incorporated by reference.

In case No. G066790, appellant seeks to appeal the trial court's

April 3, 2026 order denying appellant's motion to vacate an abstract of

judgment. Appellant applied for permission to file a petition for writ of

supersedeas and request for immediate stay of enforcement of the abstract of

judgment, alleging the trial court engaged in fraud and lacked subject matter

jurisdiction over enforcement of his private settlement contract. Appellant

submitted, as an exhibit to his petition for writ of supersedeas, a January 28,

2026 abstract of judgment indicating a judgment was entered against

appellant on February 26, 2019, and renewed on November 7, 2025.

According to the abstract of judgment, appellant owes \$612,513.59 to his exwife,

Deborah L. Clark.

In case No. G066820, appellant applied to file a petition for writ

of prohibition to disqualify the family law judge and remand all matters to a

civil law courtroom, where he believes subject matter jurisdiction lies to

litigate a breach of contract claim. Appellant accuses the trial court of bank

Date**Description****Notes**

fraud, wire fraud, and forgery, among other illicit conduct.

Vexatious litigants must obtain permission to file "new litigation"

in propria persona from the "presiding justice or presiding judge" of the court

in which it is proposed to be filed. (§ 391.7, subd. (a).) Permission shall be

granted only if the presiding justice or presiding judge determines that the

proposed litigation has merit and is not being filed to harass or delay.

(Id., subd. (b).) "The vexatious litigant statutes do not apply solely to the trial

courts. Each writ petition and appeal constitutes 'litigation.' [Citations.] The

critical finding is whether `the litigant[']s actions are unreasonably impacting

the objects of appellant's actions and the courts as contemplated by the

statute." (In re Kinney (2011) 201 Ca1.App.4th 951, 958.)

Appellant cites John v. Superior Court (2016) 63 Ca1.4th 91, for

the proposition that the prefiling order does not apply where a vexatious

litigant was the "defendant" in the trial court for purposes of the judgment at issue. (Id., at pp. 96-100.) But this court may nevertheless conclude that an

appealing defendant is a vexatious litigant subject to a prefiling order where,

as here, the party is the "person who commences, institutes or maintains a

litigation" (§ 391, subd. (d), italics added; see In re Marriage of

Kouvabina & Veltman (2025) 115 Ca1.App.5th 293, 300-301.) We conclude

the prefiling order applies here, as appellant continuously attempts to

Date**Description****Notes**

maintain this litigation.

Indeed, appellant has a lengthy history filing appeals and

petitions in this court seeking vacatur of the long final judgment entered

based on a marital settlement agreement. In three prior opinions, this court

has considered and rejected appellant's contentions about subject matter

jurisdiction and fraud accusations against various judicial officers. The

purpose of the vexatious litigant procedure is "to curb misuse of the court

system by those persistent and obsessive litigants who, repeatedly litigating

the same issues through groundless actions, waste the time and resources of

the court system and other litigants." (Pittman v. Beck Park Apartments Ltd.

(2018) 20 Ca1.App.5th 1009, 1024.)

Further, the vexatious litigant must support the request to file

new litigation by providing "facts and legal authority telling the court with

specificity why [the proposed litigation] has merit." (In re R.H. (2009)

170 Ca1.App.4th 678, 708, disapproved on other grounds in John v. Superior

Court, supra, 63 Ca1.4th at p. 99, fn. 2.) Here, both writ petitions are

incoherent and untethered to the law. The petitions fail to cite relevant legal

authority to support petitioner's position.

California Rules of Court, rule 8.486(b)(1)(B) clearly states a writ

petition must be supported by an adequate record, which would include all documents and exhibits "supporting and opposing the

Date**Description****Notes**

petitioner's position."

(Ibid.) To facilitate meaningful review, a petitioner must include copies of any

"documents submitted to the trial court that are necessary for a complete

understanding of the case and the ruling under review." (Cal. Rules of Court,

rule 8.486(b)(1)(C).) Petitioner failed to comply with these rules. The

documents provided do not provide the court with a complete understanding

of the case or the ruling under review. A petition that "does not include the

required record or explanations or does not present facts sufficient to excuse

the failure to submit them," may be summarily denied. (Cal. Rules of Court,

rule 8.486(b)(4).)

For the reasons stated above, there is no potential merit to the

proposed writ petitions filed in case Nos. G066790 and G066820. The filing of

these petitions appears to be designed solely to delay payment and prolong

proceedings in the trial court. Because there is no arguable issue that

respondent court erred in denying appellant's motion to vacate the abstract of

judgment, appellant's requests for permission to file an appeal and writ

petitions in case Nos. G066790 and G066820 are DENIED, and the request

for an immediate stay is DENIED. The proceedings in case Nos. G066790 and

G066820 are DISMISSED. Emailed and mailed to parties via USPS.

Date	Description	Notes
05/07/2026	Filed document entitled:	By Appellant Petition for Rehearing

[Click here to request automatic e-mail notifications about this case.](#)

4/27/2026
Supreme Court of the United States
Office of the Clerk
Washington DC 20543-0001
Attention Mr. Kyle Ratliff

Ref- Returning Documents with Denied Writ of Supersedeas
Writ of Certiorari U.S. Supreme Court # 25-7180

Dera Mr. Ratliff,

Pursuant to our phone call on Friday, I have attached the Writ of Supersedeas requesting from the Fourth Appellate District Div 3, emergency stay on VOID Abstract of Judgment and letter sent back from counsel. You can see it is Exactly the same request made to the US Supreme court. These issues of VOID Orders, the California Supreme court denied to even review.

I discovered today, the court has stayed the pending appeal of recent orders denying vacating void orders issued without subject matter jurisdiction, that were denied on April 3, 2026. The court has now stayed the appeals and not letting the appeal go forward to prevent appeals getting to the US Supreme Court, exposing aggregates judicial misconduct under the color of office. The court has rejected our statement and designation of record, stating there is a stay on appeal. See attached docket

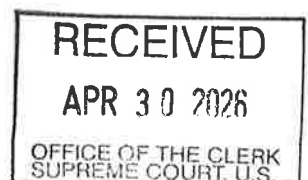
PLEASE FIND ATTACHED:

1-copy of **Writ of Supersedeas** Filed April 15, 2026 sent back from counsel. ,
1-single sided copy and one double sided printed on thicker paper

April 23, 2026 Letter office of Orange County Counsel

Court Docket: Please note *the court has stayed appeal of all three motions* denied by the court.

Please note Declaration attached to request to file new litigation by vexatious litigant and filed concurrently with Writ of Supersedeas since the court rejected initial filing and required me to re-file for permission as a Vexatious litigant.



RETURNING

1- copy of Request For Emergency Injunction to US Supreme Court

1 copy of related exhibits

1-copy of supplemental brief #1 (For reference)

[Note: Same information contained in Writ of Supersedeas]

Certificate of service

Copy Your letter

PRE-FILING ORDER – VEXATIOUS LITIGANT

The lower court has no excuse or authority to support any of their actions commencing with RFO issued to appear in family court 4/17/2018. Despite providing the court authority a vexatious litigant is for plaintiffs not defendants. The court is using a pre-filing order as a defense tool, to obstruct justice and deny due process trying to prevent you, the US Supreme court from reviewing facts that should over turn all orders in family court 4/17/2018 and thereafter.

The reason the Writ of Supersedeas was returned is because the Fourth Appellate District Div 3 has issued 3-opinions on the merits of void orders trying to validate void orders in an effort to create subject matter jurisdiction the family court does not have over private settlement contracts not merged pursuant to CCP 664.6. And the fact the Fourth Appellate District Div 3 declined to issue ruling on Emergency Motion to Vacate Void orders for lack of subject matter jurisdiction.

These issues were presented to the California Supreme Court they have already denied, Hence the reason for instant Writ of Certiorari. Concluding, , this is my only opportunity for the US Supreme Court to review the actions of the lower courts and correct a terrible injustice, by judicial officers.

Writ of Prohibition **(Provided For Reference)**

Filed Against Judge Yolanda Tores 4/22/2026 Case # G066820 has not yet been returned. It will be interesting to see what they do since they have stayed the appeal and returned the Writ of Supersedeas. I am providing for reference to demonstrate how far off course from the Rule of Law the State Court Judges have strayed.

PENDING ISSUE May, 11, 2026

Case **30-2025-01530857-CU-CO-CJC** is a case Applicant filed in civil court for Breach of both leading documents. I have a status conference on 5/11/2026 and a pending motion to move all issues to civil court pursuant to CCP 664.6

I also have a pending summary judgment motion filed and scheduled for 8/31/2026 in which there is no defense.

I have been served papers to appear in person at the status conference, not remotely. I believe Judge Strickroth will move to dismiss case civil case as cover for the family law operating without subject matter jurisdiction trying to enforce a fraudulent abstract of judgment obtained without a summons ever being served. . He has denied three motions to recuse himself due to direct conflicts of interest. The fourth appellate district immediately denied two writ of mandamus, currently at the California Supreme Court for review requesting emergency order to disqualify Judge Michael Strickroth.

California Supreme Court case # **S295806** Appeal # **G066618**

Judge Strick Roth a former Supervisor over family law panel has already indicated in a prior hearing that he will not , change prior orders issued in family court to comply with CCP 664.6 that dictates, family court does not have subject matter jurisdiction over private settlement contracts not merged into the record, confirming Breach of Contracts are Civil court jurisdiction. change previous orders in family court which prompted a CCP 170.1 motion to disqualify

CONCLUSION

I respectfully, desperately and humbly ask for emergency injunction to require the lower family court courts to comply with the rule of law, remand all issues of dispute over private settlement contracts not merged into the judgment to civil court pursuant to California Code of Covil Procedure CCP 664.6. Order the family court to vacate all orders issued 4/17/2018 to present including pre-filing order. And Vacate VOID Abstract of judgment. Ordering the court to refund money taken from bank account and release all liens.

Order the lower court to provide a judge in the referenced civil case free from bias and prejudice to preside, to comply with Applicants' right to a fair trial.

Sincerely,



Ed Clark

Prose Litigant



OFFICE OF THE COUNTY COUNSEL
COUNTY OF ORANGE

400 WEST CIVIC CENTER DRIVE, SUITE 202
SANTA ANA, CA 92701
MAILING ADDRESS: P.O. BOX 1379
SANTA ANA, CA 92702-1379
(714) 834-3300
FAX: (714) 560-4552

April 23, 2026

VIA U.S. MAIL

Edward L. Clark, Jr.
5582 McFadden Avenue
Huntington Beach, CA 92649

Re: Deborah L. Clark v. Edward L. Clark
Orange County Superior Court Case No.: 05D000275
Court of Appeal Case No.: G066790
Return of Appeal Documents

Dear Mr. Clark:

Please be advised that per attorney review, our office does not handle this type of case, as it is a divorce case. If you seek legal assistance, please reach out to a family law attorney.

Attached please find the Notice of Appeal, Amended Notice of Appeal, and Petition for Writ of Supersedeas and/or Other Appropriate Relief, Verification, Memorandum Points and Authorities (Supporting Exhibits Filed under Separate Cover) returned to you. Thank you.

Very truly yours,

LEON J. PAGE
COUNTY COUNSEL

By 
Mary-Jae Furing, Law Office Supervisor

mjf/al

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