

APPENDIX

- A. Ninth Circuit Order (Dec. 24, 2025)**
- B. Ninth Circuit Notice of Docket Activity (Dec. 24, 2025)**
- C. Email to Ninth Circuit – Life-Threatening Emergency under FRAP 27(a)(2) and Ninth Circuit Rule 27-7 (Dec. 24, 2025)**
- D. Email to Ninth Circuit – Emergency Motion Filed / Jurisdiction Restored (Dec. 24, 2025)**
- E. Petitioner’s Second Supplemental Emergency Motion, Docket Entry 12.1 (Dec. 23, 2025)**
- F. Petitioner’s Supplemental Emergency Motion, Docket Entry 11.1 (Dec. 22, 2025)**
- G. Petitioner’s Supplemental Notice of Appeal, Docket Entry 9.1 (Dec. 22, 2025)**
- H. Petitioner’s Notice of District Court’s Ruling, Docket Entry 6.1 (Dec. 22, 2025)**
- I. Ninth Circuit Order Staying Proceedings, Docket No. 37 (Dec. 19, 2025)**
- J. District Court Order Denying Reconsideration and TRO, Docket No. 38 (Nov. 20, 2025)**
- K. Ninth Circuit Order Staying Proceedings, Docket Entry 5.1 (Dec. 19, 2025)**
- L. Ninth Circuit Form 16 – Emergency Motion Package for Injunctive Relief and Stay Pending Appeal, with Emergency Certificate, Docket Entry 4.1 (Dec. 14, 2025)**

- M. District Court Filing – Notice of Appeal, Docket Entry 34-2 (Nov. 24, 2025)**
- N. District Court Filing – Cover Letter, Docket Entry 30-3 (Nov. 20, 2025)**
- O. District Court Filing – Emergency TRO, Docket Entry 30 (Nov. 20, 2025)**
- P. District Court Filing – Motion for Reconsideration, Docket Entry 31 (Nov. 20, 2025)**
- Q. District Court Filing – Memorandum of Points and Authorities, Docket Entry 31-1 (Nov. 20, 2025)**
- R. District Court Filing – Declaration, Docket Entry 32 (Nov. 20, 2025)**
- S. District Court Filing – Exhibits, Docket Entry 32-1 (Nov. 20, 2025)**
- T. District Court Filing – Denial of Nov. 20, 2025 Motion for Reconsideration and TRO as “MOOT,” Docket Entry 28**
- U. Ninth Circuit Docket Entry 29**
- V. District Court Docket Entries (Complete Docket)**

A

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 24 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KAREN L. MACELROY ZOPATTI,

Plaintiff - Appellant,

v.

SAN DIEGO SUPERIOR COURT, Central
Courthouse, Family Law Division; et al.,

Defendants - Appellees.

No. 25-7491

D.C. No.
3:25-cv-02132-BJC-KSC
Southern District of California,
San Diego

ORDER

Before: HURWITZ and BRESS, Circuit Judges.

On December 19, 2025, the district court resolved the post-judgment motion.

The stay of proceedings is therefore lifted and this appeal will proceed.

The supplemented emergency motion (Docket Entry Nos. 4, 11, 12) for
injunctive relief is denied.

The opening brief is due January 26, 2026. The answering brief is due
February 25, 2026. The optional reply brief is due 21 days after the answering brief
is served.

A



Karan Zopatti <karanzopatti@gmail.com>

ife-Threatening Emergency — Clarification Needed on Denial Issued Without Judicial Authority (25-7491)

1 message

Karan Zopatti <karanzopatti@gmail.com>

To: Emergency@ca9.uscourts.gov, Scott MacInnes <scott@clemenswarren.com>, Chris Zopatti <czopatti@gmail.com>, Matthew.green@bbklaw.com

Wed, Dec 24, 2025 at 4:35 PM

To the Clerk of Court:

I am writing regarding Case No. 25-7491. On December 24, 2025, the Court issued an order denying my Emergency Motion for Injunctive Relief and Stay Pending Appeal [Docket Nos. 4, 11, 12]. The denial was issued without explanation, without acknowledgment of the December 22 and 23 supplements, and without addressing the documented ADA retaliation, medical incapacity, and imminent irreparable harm.

Under FRAP 27(a)(2), motions must be decided by "the court," not the Clerk. Ninth Circuit Rule 27-7 expressly prohibits the Clerk from acting on motions for substantive relief. Emergency motions must be presented to a judge under Ninth Circuit Rule 27-3. Additionally, Ninth Circuit Rule 36-2 requires that dispositions state the basis for the decision. The December 24 denial contains no judicial signature, no reasoning, and no indication of judicial review. See *Leader Nat'l Ins. Co. v. Indus. Indem. Ins. Co.*, 19 F.3d 444 (9th Cir. 1994); *United States v. Houser*, 804 F.2d 565 (9th Cir. 1986); *In re Burns*, 974 F.2d 1064 (9th Cir. 1992).

I respectfully request immediate clarification:

- Was this denial issued by a judicial panel or delegated to the Clerk's Office?
- What is the legal basis for denying a life-threatening emergency motion without reasoning?
- Did the Court review the December 22 and 23 supplemental filings before issuing the denial?

The trial is scheduled for December 29–31, 2025. I am medically incapacitated, unrepresented, and facing ADA violations and procedural obstruction. I respectfully request judicial review and clarification before irreversible harm occurs.

This email is being copied to all named parties and counsel to ensure full notice and procedural transparency.

Thank you.

Karan L. Macelroy Zopatti
Plaintiff-Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com



Karan Zopatti <karanzopatti@gmail.com>

Subject: Case No. 25-7491 — Emergency Motion Filed — Jurisdiction Restored — Immediate Action Requested

2 messages

Karan Zopatti <karanzopatti@gmail.com>

To: Emergency@ca9.uscourts.gov, Scott MacInnes <scott@clemenswarren.com>, Chris Zopatti <czopatti@gmail.com>, Matthew.green@bbklaw.com

Wed, Dec 24, 2025 at 9:20 AM

To the Clerk of Court:

I am writing regarding Case No. 25-7491. I respectfully request immediate action on my Emergency Motion for Injunctive Relief and Stay Pending Appeal.

The full procedural record now includes:

- Docket 4: Emergency Motion for Injunctive Relief and Stay Pending Appeal (filed December 14, 2025)
- Docket 5: Ninth Circuit Order dated December 19, 2025, staying proceedings pending district court acknowledgment of my November 20, 2025 tolling motion
- Docket 6: Appellant's Notice of District Court Ruling (acknowledging the district court's December 19, 2025 denial of my Motion for Reconsideration and TRO)
- Docket 9: Supplemental Notice of Appeal (timely filed to include the district court's December 19, 2025 post-judgment order)
- Docket 11: Supplemental Emergency Motion (filed December 22, 2025)
- Docket 12: Second Supplemental Emergency Motion (filed December 23, 2025)

The district court has now acknowledged and ruled on the November 20, 2025 filing. Jurisdiction is fully restored to the Ninth Circuit. The district court no longer has authority over the issues on appeal.

I am facing imminent irreparable harm, including forced trial on December 29–31, 2025, in violation of medical orders, ADA protections, and federal law. The record documents retaliation, denial of accommodations, medical instability, and procedural obstruction.

I respectfully request that the Ninth Circuit act immediately on the emergency motion and issue a ruling before December 29, 2025.

This email is being copied to all named parties and counsel to ensure full notice and procedural transparency.

Thank you.

Karan L. Macelroy Zopatti
Plaintiff-Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

CC:

- mathew.green@bbklaw.com — Counsel for Appellees
- czopatti@gmail.com — Christopher J. Zopatti, named Appellee
- scott@clemenswarren.com — Scott R. MacInnes, named Appellee

Emergency CA09StaffAtty <emergency@ca9.uscourts.gov>
To: Karan Zopatti <karanzopatti@gmail.com>

Wed, Dec 24, 2025 at 9:42 AM

The court has received your filings. You will receive notice when the court rules.

From: Karan Zopatti <karanzopatti@gmail.com>
Sent: Wednesday, December 24, 2025 9:21 AM
To: Emergency CA09StaffAttY <emergency@ca9.uscourts.gov>; Scott MacInnes <scott@clemenswarren.com>; Chris Zopatti <czopatti@gmail.com>; Matthew.green@bbklaw.com
Subject: Subject: Case No. 25-7491 — Emergency Motion Filed — Jurisdiction Restored — Immediate Action Requested

CAUTION - EXTERNAL:

To the Clerk of Court:

I am writing regarding Case No. 25-7491. I respectfully request immediate action on my Emergency Motion for Injunctive Relief and Stay Pending Appeal.

The full procedural record now includes:

- Docket 4: Emergency Motion for Injunctive Relief and Stay Pending Appeal (filed December 14, 2025)
- Docket 5: Ninth Circuit Order dated December 19, 2025, staying proceedings pending district court acknowledgment of my November 20, 2025 tolling motion
- Docket 6: Appellant's Notice of District Court Ruling (acknowledging the district court's December 19, 2025 denial of my Motion for Reconsideration and TRO)
- Docket 9: Supplemental Notice of Appeal (timely filed to include the district court's December 19, 2025 post-judgment order)
- Docket 11: Supplemental Emergency Motion (filed December 22, 2025)
- Docket 12: Second Supplemental Emergency Motion (filed December 23, 2025)

The district court has now acknowledged and ruled on the November 20, 2025 filing. Jurisdiction is fully restored to the Ninth Circuit. The district court no longer has authority over the issues on appeal.

I am facing imminent irreparable harm, including forced trial on December 29–31, 2025, in violation of medical orders, ADA protections, and federal law. The record documents retaliation, denial of accommodations, medical instability, and procedural obstruction.

I respectfully request that the Ninth Circuit act immediately on the emergency motion and issue a ruling before December 29, 2025.

This email is being copied to all named parties and counsel to ensure full notice and procedural transparency.

Thank you.

Karan L. Macelroy Zopatti
Plaintiff-Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

E

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Case No. 25-7491

KAREN L. MACELROY ZOPATTI, Plaintiff-Appellant,

v.

SUPERIOR COURT of CALIFORNIA, COUNTY of SAN DIEGO –
CENTRAL COURTHOUSE, FAMILY LAW DIVISION; JUDGE PAMELA
M. PARKER; JUDGE REBECCA KANTER; JUDGE DAVID B.
OBERHOLTER; JUDGE LAURA H. MILLER; JUDGE EUKETA
OLIVER; JUDGE TERRIE E. ROBERTS, in their official capacities; ADA
COORDINATOR HAYDEN HENSON, in his official capacity;
CHRISTOPHER J. ZOPATTI; SCOTT R. MACINNES, in their individual
and professional capacities; DOES 1 through 50, inclusive, Defendants–
Appellees.

**SECOND SUPPLEMENT EMERGENCY MOTION FOR INJUNCTIVE
RELIEF AND STAY PENDING APPEAL**

Originating Case Numbers:

- U.S. District Court, Southern District of California: 3:25-cv-02132-BJC-KSC
- Superior Court of California, County of San Diego, Family Law Division, Case No. 22FL006982C

Filed By: Karen L. Macelroy Zopatti
Pro Se Plaintiff-Appellant
2135 Coast Ave, San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

Date: December 23, 2025

**SECOND SUPPLEMENT (December 23, 2025)
SECOND SUPPLEMENTAL STATEMENT REGARDING RETALIATORY
DENIAL OF ADA ACCOMMODATIONS AND RESULTING HARM**

I. Introduction

This supplemental statement documents new developments occurring on December 22, 2025, following the submission of my ADA accommodation request and my Supplemental Emergency Motion for Injunction Relief filed with the United States Court of Appeals for the Ninth Circuit in Case No. 25-7491. This filing provides a factual, chronological account of events, the resulting harm, and the impact on my medical stability and access to the court.

II. Chronological Sequence of Events

- 1. On December 21, 2025, I submitted an ADA accommodation request in an email to the ADA Coordinator in an alternative format because the court's online ADA form was no longer available to fill out online. I require this format since I use my phone to dictate due to injuries to my hands, for which I receive occupational therapy twice a week from a severe fall last January. My request included medical documentation, prior ADA filings, and a detailed explanation of my medical instability, communication barriers, and the need for accommodations for the December 29–31, 2025 trial.**
- 2. On December 22, 2025, I submitted a Supplemental Emergency Motion**

for Injunction Relief to the Ninth Circuit in Case No. 25 7491. This filing documented ongoing medical instability, interference with medical care, and the need for a stay of the December 29–31, 2025 trial.

3. Within hours of that federal filing, Judge Pamela Parker issued a ruling on my ADA request. The ruling denied nearly all accommodations, including the continuance, real-time captioning, limited speaking time, venue change, and the request to attach FW 020 to my ADA packet. The ruling also stated that a court reporter could not be guaranteed.

4. The ruling labeled my request “untimely” despite the court’s ADA form being inaccessible and despite my submission being timely (i.e., this is false—it was not untimely since I submitted it on December 21, 2025, which is 8 days, and more than the 5 days required before the court trial).

5. The ruling invoked *Vesco v. Superior Court* even though the opposing party (Mr. Zopatti) has long-standing knowledge of my medical conditions and is still my attorney of record, having represented me for Administration Social Security Disability reinstatement and review for over 30 years, along with other medical-related issues, and still has my entire medical records on his work computer that he refuses to provide me for my ongoing care. Nor did my request involve confidentiality issues—this is just an excuse and harassment retaliation, not a valid excuse, since OPPOSING PARTY IS A

NAMED APPELLEE IN THIS APPEAL CASE. Therefore, this is an invalid "Moot" excuse.

III. Pattern of Retaliatory Conduct

The court's actions reflect a pattern of:

- denying accommodations previously granted
- reversing prior assurances
- increasing procedural barriers after ADA protected activity
- refusing to provide accessible methods for filing
- refusing to guarantee a court reporter despite a fee waiver
- refusing to attach FW 020 despite my inability to physically access the courthouse
- characterizing necessary accommodations as "fundamentally altering"
- misapplying Vesco to deny accommodations unrelated to confidentiality

This pattern has escalated in direct response to my ADA filings and federal activity.

IV. Medical Instability and Interference With Care

I remain medically unstable and under active treatment for mixed connective tissue disease, dysautonomia, internal bleeding, and mobility limiting injuries. I have one to three medical appointments on most days, including treatment with

multiple specialists, occupational therapy twice weekly, and physical therapy twice weekly.

I previously had cancer surgery scheduled, but it was postponed due to medical instability and court-related obligations. My surgery and other necessary medical care continue to be delayed or disrupted because of the demands of these proceedings and the lack of reasonable accommodations. My condition has not stabilized, and ongoing court obligations have interfered with my ability to obtain consistent care.

These failures to accommodate violate:

- **Americans with Disabilities Act (ADA), Title II, 42 U.S.C. §§ 12131–12134**
- **Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794**
- **28 C.F.R. Part 35 (ADA Title II Regulations)**
- **California Government Code §§ 11135–11139.8**
- **California Rules of Court, Rule 1.100**
- **Federal case law: Tennessee v. Lane, 541 U.S. 509 (2004); United States v. Georgia, 546 U.S. 151 (2006); Duvall v. County of Kitsap, 260 F.3d 1124 (9th Cir. 2001); Armstrong v. Davis, 275 F.3d 849 (9th Cir. 2001); McGary v. City of Portland, 386 F.3d 1259 (9th Cir. 2004); Mark H. v. Hamamoto, 620 F.3d 1090 (9th Cir. 2010); K.M. v. Tustin Unified School District, 725**

F.3d 1088 (9th Cir. 2013); *Robertson v. Las Animas County Sheriff's Dept.*, 500 F.3d 1185 (10th Cir. 2007); *Chisolm v. McManimon*, 275 F.3d 315 (3d Cir. 2001)

- **California case law:** *Vesco v. Superior Court*, 221 Cal.App.4th 275 (2013); *Biscaro v. Stern*, 181 Cal.App.4th 702 (2010); *In re Marriage of James & Christine C.*, 201 Cal.App.4th 123 (2011); *In re Guardianship of K.N.*, 202 Cal.App.4th 934 (2012); *In re Marriage of Carney*, 24 Cal.3d 725 (1979); *In re Marriage of LaMusga*, 32 Cal.4th 1072 (2004); *In re Marriage of Brown & Yana*, 37 Cal.4th 947 (2006)

V. Hearing Loss and Communication Barriers

I have documented bilateral hearing loss confirmed by a recent audiogram from Scripps Clinic. My word recognition is excellent only at elevated listening levels. Microsoft Teams is not an accessible communication platform for me without real-time captioning or equivalent accommodations. CART was medically necessary and previously requested.

The denial of effective communication violates:

- **ADA Title II, 42 U.S.C. §§ 12131–12134**
- **28 C.F.R. Part 35 (ADA Title II Regulations)**
- **Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794**

- **California Rules of Court, Rule 1.100**
- **Federal case law:** K.M. v. Tustin Unified School District, 725 F.3d 1088 (9th Cir. 2013); Argenyi v. Creighton University, 703 F.3d 441 (8th Cir. 2013); Silva v. Baptist Health South Florida, 856 F.3d 824 (11th Cir. 2017); Juech v. Children's Hospital & Health System, 353 F. Supp. 3d 772 (E.D. Wis. 2018)

VI. FW 020 Court Reporter Access and Transcript Preservation

I have an active fee waiver and previously submitted FW 020 requesting a court reporter for the December 29–31, 2025 trial. I was later told that a court reporter could not be guaranteed and that I would need to request one on the day of trial. This contradicts prior assurances and creates procedural instability.

After filing a written ADA mandate, I experienced retaliation and obstruction in accessing court reporter services. I am physically and procedurally unable to access the court in person to deliver the FW 020 form. I requested that it be attached to my ADA packet and signed by the judicial officer upon review. This request was denied.

The denial of court reporter access jeopardizes the preservation of the record and my appellate rights.

This violates:

- **California Government Code § 68086**
- **California Rules of Court, Rule 2.956**
- **Judicial Council Form FW 020**
- **Federal case law: M.L.B. v. S.L.J., 519 U.S. 102 (1996); Griffin v. Illinois, 351 U.S. 12 (1956); Draper v. Washington, 372 U.S. 487 (1963)**

VII. Procedural Obstruction and Misapplication of Vesco

The state court's ruling misapplies *Vesco v. Superior Court*, which concerns confidentiality and notice to opposing parties. The opposing party already has long standing knowledge of my medical conditions and previously represented me. There is no confidentiality conflict or prejudice under *Vesco*, and the decision does not apply to the accommodations requested.

The repeated invocation of *Vesco* has been used to deny accommodations unrelated to confidentiality and has created additional procedural barriers.

Such procedural barriers are contrary to:

- **ADA Title II, 42 U.S.C. §§ 12131–12134**
- **Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794**
- **California Rules of Court, Rule 1.100**
- **Federal case law: Duvall v. County of Kitsap, 260 F.3d 1124 (9th Cir. 2001); Armstrong v. Davis, 275 F.3d 849 (9th Cir. 2001); McGary v. City of**

Portland, 386 F.3d 1259 (9th Cir. 2004); *Mark H. v. Hamamoto*, 620 F.3d 1090 (9th Cir. 2010); *K.M. v. Tustin Unified School District*, 725 F.3d 1088 (9th Cir. 2013); *Robertson v. Las Animas County Sheriff's Dept.*, 500 F.3d 1185 (10th Cir. 2007); *Chisolm v. McManimon*, 275 F.3d 315 (3d Cir. 2001)

- **California case law:** *Vesco v. Superior Court*, 221 Cal.App.4th 275 (2013); *Biscaro v. Stern*, 181 Cal.App.4th 702 (2010); *In re Marriage of James & Christine C.*, 201 Cal.App.4th 123 (2011); *In re Guardianship of K.N.*, 202 Cal.App.4th 934 (2012); *In re Marriage of Carney*, 24 Cal.3d 725 (1979); *In re Marriage of LaMusga*, 32 Cal.4th 1072 (2004); *In re Marriage of Brown & Yana*, 37 Cal.4th 947 (2006)

VIII. Impact on Access to the Court

The denial of accommodations has resulted in:

- inability to meaningfully participate in trial
- inability to hear or process remote proceedings
- inability to lodge or file documents due to physical and financial barriers
- inability to secure a court reporter despite a fee waiver
- inability to preserve the record for appeal
- inability to safely appear in person

- inability to comply with court-imposed deadlines due to medical instability

These barriers violate:

- **ADA Title II, 42 U.S.C. §§ 12131–12134**
- **Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794**
- **28 C.F.R. Part 35 (ADA Title II Regulations)**
- **California Government Code §§ 11135–11139.8**
- **California Rules of Court, Rule I.100**
- **Federal case law: Tennessee v. Lane, 541 U.S. 509 (2004); United States v. Georgia, 546 U.S. 151 (2006); Duvall v. County of Kitsap, 260 F.3d 1124 (9th Cir. 2001); Pierce v. County of Orange, 526 F.3d 1190 (9th Cir. 2008); Armstrong v. Davis, 275 F.3d 849 (9th Cir. 2001); McGary v. City of Portland, 386 F.3d 1259 (9th Cir. 2004); Mark H. v. Hamamoto, 620 F.3d 1090 (9th Cir. 2010); K.M. v. Tustin Unified School District, 725 F.3d 1088 (9th Cir. 2013); Robertson v. Las Animas County Sheriff's Dept., 500 F.3d 1185 (10th Cir. 2007); Chisolm v. McManimon, 275 F.3d 315 (3d Cir. 2001)**
- **California case law: Vesco v. Superior Court, 221 Cal.App.4th 275 (2013); Biscaro v. Stern, 181 Cal.App.4th 702 (2010); In re Marriage of James & Christine C., 201 Cal.App.4th 123 (2011); In re Guardianship of K.N., 202 Cal.App.4th 934 (2012); In re Marriage of Carney, 24 Cal.3d 725 (1979); In**

re Marriage of LaMusga, 32 Cal.4th 1072 (2004); In re Marriage of Brown & Yana, 37 Cal.4th 947 (2006)

IX. Medical Incapacity, Displacement, and Timeline of Harm

Mold Exposure and Resulting Health Crisis:

My home's repeated water-damage events have created ongoing mold contamination that has directly caused a serious health crisis. My treating physicians have confirmed that exposure to mold in my home contributed to the pneumonia and internal bleeding that led to my hospitalization in June 2025. I experienced severe respiratory distress, required ambulance transport, and remained medically unstable for an extended period. The mold contamination has never been fully remediated, and my home continues to have a strong mold odor. Because of my respiratory vulnerability and ongoing recovery, I cannot safely be exposed to mold or remain in contaminated areas of the residence. The environmental conditions in my home continue to pose a direct and significant risk to my health, and I remain confined to a small, non-contaminated area of the house. This ongoing health crisis has severely limited my mobility, stamina, and ability to prepare for trial or access my case materials.

Timeline of Events:

- March 2025: Major water-damage event. Home rendered uninhabitable.

Displaced to hotel for over four months. Contractors and cleaners boxed and moved belongings, including case files. Mold contamination identified. Insurance investigation and reimbursement still incomplete.

- June 11, 2025: Attempted to comply with court demands despite mold exposure. Suffered pneumonia and internal bleeding. Required ambulance transport and hospitalization. Treating physicians linked mold exposure to medical crisis.
- July–October 2025: Continued medical instability. Ongoing recovery from pneumonia and internal bleeding. Case files remained inaccessible due to displacement and remediation.
- November 2025: Heavy rains caused roof leak and second water intrusion event. Mold odor worsened. Home again unsafe and uninhabitable. Insurance remediation still pending.
- December 2025: Home remains contaminated with mold. Confined to a small, non-contaminated area. Unable to access case files or prepare for trial. Medical instability continues.

Inability to Prepare or Present My Case:

I have been unable to prepare or present my case because I am medically incapacitated and have been displaced from my home for an extended period due to severe water damage. My belongings, including my legal documents and

evidence, were packed, moved, and reorganized multiple times by contractors and cleaning crews, leaving my materials in disarray and inaccessible. I have been homebound, hospitalized, and temporarily living in a hotel, and I continue to experience significant mobility limitations affecting my hands and body, which prevent me from organizing, reviewing, or assembling my evidence. My evidence is voluminous, and I am physically unable to sort through the boxes and materials that were disrupted during the water-damage remediation. Throughout this period, I have also experienced repeated medical crises, including episodes during court hearings where I required emergency medical intervention and ambulance transport. Despite my documented medical instability, I have been required to appear from hospital beds and during active medical assessment. My treating physician submitted a declaration confirming my medical condition and limitations, yet I remain unable to safely or meaningfully prepare my case or participate in trial proceedings without accommodations.

The failure to accommodate my medical needs and displacement violates:

- **ADA Title II, 42 U.S.C. §§ 12131–12134**
- **Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794**
- **California Government Code §§ 11135–11139.8**
- **California Rules of Court, Rule 1.100**

- **Federal case law:** Tennessee v. Lane, 541 U.S. 509 (2004); United States v. Georgia, 546 U.S. 151 (2006); Duvall v. County of Kitsap, 260 F.3d 1124 (9th Cir. 2001); Armstrong v. Davis, 275 F.3d 849 (9th Cir. 2001); McGary v. City of Portland, 386 F.3d 1259 (9th Cir. 2004); Mark H. v. Hamamoto, 620 F.3d 1090 (9th Cir. 2010); K.M. v. Tustin Unified School District, 725 F.3d 1088 (9th Cir. 2013); Robertson v. Las Animas County Sheriff's Dept., 500 F.3d 1185 (10th Cir. 2007); Chisolm v. McManimon, 275 F.3d 315 (3d Cir. 2001)
- **California case law:** Vesco v. Superior Court, 221 Cal.App.4th 275 (2013); Biscaro v. Stem, 181 Cal.App.4th 702 (2010); In re Marriage of James & Christine C., 201 Cal.App.4th 123 (2011); In re Guardianship of K.N., 202 Cal.App.4th 934 (2012); In re Marriage of Carney, 24 Cal.3d 725 (1979); In re Marriage of LaMusga, 32 Cal.4th 1072 (2004); In re Marriage of Brown & Yana, 37 Cal.4th 947 (2006)

X. Statement of Harm

The court's actions have caused:

- immediate and ongoing harm
- procedural harm
- medical harm
- interference with federally protected rights

- obstruction of access
- destabilization of my medical condition
- disruption of cancer-related care
- increased risk of irreparable injury

These harms are prohibited under:

- **ADA Title II, 42 U.S.C. §§ 12131–12134**
- **Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794**
- **California Government Code §§ 11135–11139.8**
- **California Rules of Court, Rule 1.100**

XI. Conclusion

The record demonstrates that, despite timely and well-documented requests for reasonable accommodations under the ADA—including continuance, real-time captioning, assistive technology, and procedural modifications—the Court denied most accommodations, granting only breaks and limited assistive listening options.

The denial was based on procedural grounds and a misapplication of controlling authority, specifically *Vesco v. Superior Court*. The Court's response failed to address the substantive medical evidence and the requirements of California Rules of Court, Rule 1.100, as well as federal law. As a result, the denial of accommodations has impaired access to the judicial process for a litigant with

documented medical instability, hearing loss, and mobility limitations, raising serious concerns under the ADA and related state and federal statutes.

Refer to Exhibit A: ADA Accommodation Request (ADM-410), Denied ADA Accommodations, and Supporting Documentation

(Case No. 22FL006982C, Judge Pamela Parker)

• ADA Accommodation Request (ADM-410):

- Filed: December 22, 2025
- Requested for trial dates: December 29–31, 2025
- Referenced email submission: December 21, 2025
- Basis: Documented medical instability, hearing loss, mobility limitations, and communication barriers
- (See Exhibit A for a full, organized list of statutes, regulations, and case law Authorities Referenced in Connection With ADA

Accommodation Denial:

For the reasons set forth in this Second Supplement, Plaintiff-Appellant respectfully submits that immediate injunctive relief remains necessary to prevent further irreparable harm and to preserve her rights under the Americans with Disabilities Act, the Constitution, and federal law. Plaintiff-Appellant faces

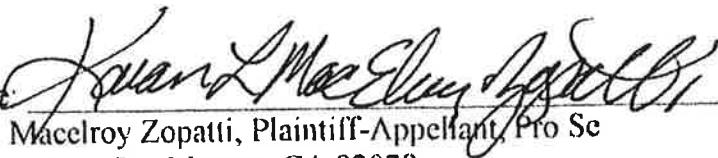
imminent loss of housing, transportation, insurance coverage, access to medical care, and the ability to meet basic survival needs. She remains medically incapacitated and unable to safely participate in the state court trial scheduled for December 29–31, 2025. Without immediate intervention, Plaintiff-Appellant will continue to suffer harm that cannot be remedied after the fact. Accordingly, Plaintiff-Appellant respectfully requests that this Court grant the Emergency Motion for Injunctive Relief, stay the state court proceedings pending resolution of this appeal, and order the accommodations necessary to ensure meaningful access to the judicial process.

XII. Reservation of Rights:

Because of my documented medical conditions and disability-related limitations, I expressly reserve all rights, protections, objections, and remedies available under the Americans with Disabilities Act, California Rule of Court 1.100, state and federal disability laws, due process protections, and any other applicable authority. Nothing in this filing should be construed as a waiver, limitation, or forfeiture of any right or accommodation.

Respectfully submitted,

Signature:


Karan L. Macelroy Zopatti, Plaintiff-Appellant, Pro Se
2135 Coast Ave, San Marcos, CA 92078
(760) 877-9469

CERTIFICATE OF COMPLIANCE (with ADA Accommodation Request)

I, Karan L. Macelroy Zopatti, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

In addition, pursuant to the Americans with Disabilities Act, I respectfully request that the Court waive any and all formatting requirements, including page limits, to the extent that my compliance is hindered by my medical incapacity and lack of attorney representation. Any excess in page count results solely from formatting limitations, not from exceeding the word count permitted by the Court's rules. This request is made as a reasonable accommodation to ensure meaningful access to the judicial process.

ADA Accommodation Request Regarding Page Limit

Pursuant to the Ninth Circuit Court of Appeals' revised rules effective December 1, 2025, emergency motions are subject to a 20-page limit. While this motion complies with the applicable word count requirement and page limit, it may

not be complied due to accessibility formatting constraints necessary for meaningful participation as a disabled litigant. Accordingly, Plaintiff respectfully requests a waiver of the formatting constraints as a reasonable accommodation under the Americans with Disabilities Act (ADA), ensuring equal access to the court process. Any excess in page count results solely from formatting limitations, not from exceeding the word count permitted by the Court's rules. This request is made to guarantee meaningful access to justice and to prevent exclusion based on disability-related barriers.

Pursuant to Fed. R. App. P. 32(a)(7)(B), I certify that this motion contains **2899 words**, excluding the cover page, certificate of service, as counted by the word processing system used to prepare this motion. This motion complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B).

Executed on December 23, 2025, in San Marcos, California.

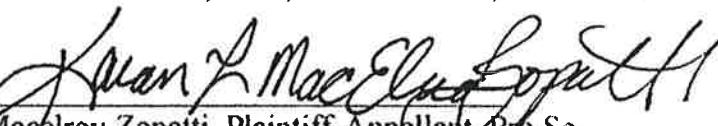
Signature: 
Karan L. MacElroy Zopatti, Plaintiff-Appellant, Pro Se
2135 Coast Ave, San Marcos, CA 92078
(760) 877-9469

EXHIBIT A

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Case No. 25-7491

KAREN L. MACELROY ZOPATTI, Plaintiff-Appellant,

v.

**SUPERIOR COURT of CALIFORNIA, COUNTY OF SAN DIEGO, et al,
Defendants-Appellees.**

EXHIBIT A

Denied ADA Accommodations and Supporting Documentation

(Case No. 22FL006982C, Judge Pamela Parker)

1. ADA Accommodation Request (ADM-410)

- Filed: December 22, 2025
- Requested for trial dates: December 29–31, 2025
- Referenced email submission: December 21, 2025
- Basis: Documented medical instability, hearing loss, mobility limitations, and communication barriers

2. Accommodations Requested (Denied in Whole or Part)

- Continuance of trial



- Real-time captioning
- Guarantee of court reporter
- Use of assistive technology (beyond basic listening device)
- Extended or flexible speaking time
- Prohibition on interruptions
- Change of venue
- Attachment of FW-020 (Court Reporter Request)

3. Accommodations Granted (Partial)

- Breaks during proceedings
- Assistive listening device (in-person only)
- Volume control on personal device (remote only)

4. Court's Cited Reasons for Denial

- “Untimely”
- “Fundamentally alters the nature of the service”
- “Fails to satisfy Rule 1.100”
- Misapplies *Vesco v. Superior Court*

5. Supporting Documentation

- **ADA Email Submission (Dec. 21, 2025):** Explains inaccessible online form, requests accommodations in alternative format, details medical need, and references Ninth Circuit emergency motion
- **Medical Documentation:**
 - Dr. Ko letter (Oct. 9, 2025): Medical instability, not fit for multi-day proceedings
 - Audiology Report (Scripps Clinic): Bilateral hearing loss, need for captioning
- **FW-020 Court Reporter Request:** Filed with fee waiver, prior approval, ongoing procedural issues

From: Williams, Lovie Lovie.Williams@sdcourt.ca.gov
Subject: Case No.: 22FL006982C "Zopatti"
Date: Dec 22, 2025 at 5:07:07 PM
To: k.mcelroy@icloud.com

Good afternoon,

Please see the attached for your records.

Regards,

L. Williams

Courtroom Clerk
Family Court I Central Division



CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender by reply email and delete all copies of this message. This communication is not intended to waive any privilege.

pdf **Disability Accommodation Request.pdf**
6.5 MB

CONFIDENTIAL

ATTY'S NAME (Name, State Bar number and address) Karan L. Macelroy Zopatti		FOR COURT USE ONLY Received 12/22/25
TELEPHONE NO	FAX NO (Optional)	
EMAIL ADDRESS (Optional) k macelroy@icloud.com		
ATTORNEY FOR (Name)		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO		
<input checked="" type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 <input type="checkbox"/> CENTRAL DIVISION, HALL OF JUSTICE, 330 W BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> CENTRAL DIVISION, KEARNY MESA, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123 <input type="checkbox"/> CENTRAL DIVISION, JUVENILE COURT, 2851 MEADOWLARK DR., SAN DIEGO, CA 92123 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910		
CASE TITLE Zopatti vs Zopatti	JUDGE Pamela Parker	
DISABILITY ACCOMMODATION REQUEST (CONFIDENTIAL)		CASE NUMBER 22FL006982C

This form is to be used to make a request for accommodation under rule 1.100 of the California Rules of Court. Requests for accommodation should be submitted at least five court days before the accommodation is needed.

1. I, Karan L. Macelroy Zopatti, am a party
 an attorney a witness a juror Other: (specify) _____
2. I am requesting accommodation(s) under rule 1.100 of the California Rules of Court for a civil
 criminal family law juvenile probate small claims traffic case jury service
 other (specify) _____.
3. I am requesting accommodation(s) at the court location I checked at the top of the form on:
 Date: 12/29/25 at 9:00 a.m. p.m. in Department/Office 904
 Date: 12/30/25 at 9:00 a.m. p.m. in Department/Office 904
12/31/25 at 9:00 a.m. in Department 904
4. I am requesting the following accommodation(s) at the court: See attached email dated sent Sunday 12/21/25

Additional information attached.

5. I am requesting accommodation(s) because: (specify the medical condition(s) requiring accommodation) See attached email dated sent Sunday 12/21/25.

Additional information attached.

Date: _____

Signature

CASE TITLE	CASE NUMBER
Zopatti vs Zopatti	22FL006982C

RESPONSE

The request for accommodation(s) is GRANTED.

The request for accommodation(s) is GRANTED IN PART. The court will provide the following accommodation(s): *Sign language interpreter*

Sac attachment

The request for accommodation(s) is DENIED IN WHOLE IN PART for the following reasons:

- fails to satisfy the requirements of Cal. Rules of Court, rule 1.100.
- creates an undue financial or administrative burden on the court.
- fundamentally alters the nature of the service, program, or activity.
- as set forth in the attachment. *See attachment*

The court will provide the following alternative accommodation(s):

See attachment.

Accommodation(s) will be provided as set forth in attachment:
 for the date(s) and time(s) requested.
 on Dec 29-31 2025
 indefinitely.

Date: 12/21/2003

Pamela M. Parker

Type or print name

Penelope M. Danforth
Hydro/Commissioner of the Superior Court

Judge/Commissioner of the Superior Court
 Non-Judicial Court Personnel

Response provided to applicant in person by phone by mail by email on: 11-22-2023

SHORT TITLE:
Zopatti vs. ZopattiCASE NUMBER
22FL006982C

Attachment to ADM-410:

Preliminarily, the request is *untimely* pursuant to California Rules of Court, rule 1.100(c)(3). Notwithstanding, the court rules on applicant's request as follows:

Regarding Applicant's request for "*continuance of trial currently set for December 29-31, 2025, due to document medical instability and inability to participate safely*", that request is DENIED as it fundamentally alters the nature of the service, program, or activity. Under *Vesco v. Superior Court* (2013) 221 Cal.App.4th 275, when there is a request for a continuance made as an ADA accommodation, the opposing party in the case has a right to (1) notice of applicant's request, (2) view the documents upon which the applicant relies on, and (3) be afforded an opportunity to be heard, prior to the court making a decision on the request. Applicant has not shown that the requirements of *Vesco* have been met and granting the request would potentially affect the substantive rights of the opposing party to a fair trial and could potentially alter the fundamental nature of the proceedings.

Applicant's request for "*procedural modifications including scheduled breaks, limited speaking time, and assistive technology*" (e.g., *real-time captioning, amplification devices*) is GRANTED in part. The court will provide scheduled break and will allow additional breaks on a case-by-case basis, upon request and if warranted during the proceeding. To the extent applicant appears in-person, the court will provide an assistive listening device. To the extent applicant is appearing remotely, she can control the volume output on her personal device (i.e., laptop, tablet, or smartphone, etc.) to increase or decrease the volume as necessary. Applicant's request for "*real-time captioning*" is DENIED as it fails to satisfy the requirements of California Rules of Court, rule 1.100. With respect to applicant's request for "*limited speaking time*" that request is DENIED as it fails to satisfy the requirements of California Rules of Court, rule 1.100 and it is unclear what specifically applicant is requesting. The Court notes that Applicant also appears to be making a contradictory request herein – namely, that she be allowed to speak unimpeded and uninterrupted for as long as she wishes.

Applicant's request for "*confirmation that all communications during remote appearances (e.g., Microsoft Teams) are full audible and inclusive, with assistive amplification if needed*" is GRANTED in part. As indicated above, if she is appearing remotely Applicant can control the volume output on her personal device (i.e., laptop, tablet, or smartphone, etc.) to increase or decrease the volume as necessary. To the extent Applicant is unable to hear the court, opposing counsel, or a witness during the court proceeding applicant may notify the court at that time. If Applicant needs a question or statement repeated (which, the Court notes, to date has rarely occurred), Applicant may make a request to have the statement or question repeated. Any requests will be addressed at the time the specific request is made and the ruling will be based on the circumstances presented.

Applicant's request for "*prohibition on interruptions during testimony or argument, as interruptions trigger PTSD-related trauma and prevent completion of thought*" that request is DENIED as it fundamentally alters the nature of the service, program, or activity. The opposing party has a right to object to testimony and arguments and the court must rule on those objections. Moreover, the court is responsible for proper management of its calendar. This case already has gone over its time estimate and the court may need to interrupt Applicant from time to time if necessary to ensure Applicant remains on topic with her testimony and questioning.

Applicant's request for "*change of venue to North County Courthouse to accommodate sensory and auditory limitations*" is DENIED as it fails to satisfy the requirements of California Rules of Court, rule 1.100 and fundamentally alters the nature of the service, program, or activity. The court notes that applicant has requested a change of venue as an ADA accommodation on at least six occasions and those requests were denied on September 7, 2023, April 9,

SHORT TITLE:
Zopatti vs. Zopatti

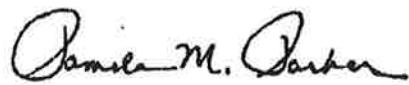
CASE NUMBER
22FL006982C

2025, May 5, 2025, May 12, 2025, June 2, 2025, and August 12, 2025. Additionally, the court denied applicant's Request for Order for the case to be transferred to the North County Division on November 14, 2023.

Regarding Applicant's request for "*the presence of an official court reporter for all proceedings scheduled December 29-31, 2025 and that transcripts of those proceedings be preserved and made accessible to me afterward.*" Applicant has a fee waiver on file and the Court will do what it can to ensure that a Court Reporter is present. However, it cannot guarantee that one will be available, and to the extent that Applicant is requesting that the matter *not* proceed in the absence of a Court Reporter, that request is DENIED as it fails to satisfy the requirements of California Rules of Court, rule 1.100, creates an undue burden, and fundamentally alters the nature of the service, program, or activity. Applicant's request that her Request for Court Reporter (JC Form #FW-020) be attached to her ADA request is DENIED as it fails to satisfy the requirements of California Rules of Court, rule 1.100, and fundamentally alters the nature of the service, program, or activity. The FW-020 form is not a confidential filing. To the extent applicant is unable to physically file the form at the court, she may utilize electronically filing, which she has done in the past, to submit the form.

IT IS SO ORDERED.

Date: December 22, 2025



Judge Pamela M. Parker

ADA Coordinator

From: k.macelroy@icloud.com
Sent: Sunday, December 21, 2025 9:32 PM
To: ADA Coordinator
Cc: ADA Coordinator
Subject: ADA request for accommodation for trial on 12/29 to 12/31/25 in case 22FL006982C
Attachments: 2025-12-21 20-44.pdf

Dear ADA coordinator

Due to the court's online ADA form being inaccessible and repeatedly changed as of December 2025 website change without notice, I am unable to complete the required form through the provided web link online. As a reasonable accommodation under the ADA, I am submitting this request in an alternative format. Please process this request without penalty or delay, consistent with the court's obligations to provide accessible methods for requesting accommodations, as follows:

SECTION 1 — Applicant Information

Name:
Karan L. Macelroy Zopatti

Role:
 Party

Address:
2135 Coast Ave
San Marcos, CA 92078

Phone:
760-525-7202

Email:
k.macelroy@icloud.com

Court:
 Central Division – Central Courthouse
1100 Union Street, San Diego, CA 92101

Case Title:
Zopatti vs. MacElroy Zopatti

Case Number:

41

22FL006982C

SECTION 3 — Dates and Departments for Requested Accommodations

December 29, 2025 at 9:00 AM in Dept. 904

December 30, 2025 at 9:00 AM in Dept. 904

December 31, 2025 at 9:00 AM in Dept. 904

SECTION 4 — Requested Accommodations

I am requesting the following accommodations pursuant to the Americans with Disabilities Act (ADA) and California Rules of Court, Rule 1.100:

- Continuance of trial currently set for December 29–31, 2025, due to documented medical instability and inability to participate safely
- Procedural modifications including scheduled breaks, limited speaking time, and assistive technology (e.g., amplification devices, real-time captioning)
- Confirmation that all communications during remote appearances (e.g., Microsoft Teams) are fully audible and inclusive, with assistive amplification if needed
- Prohibition on interruptions during testimony or argument, as interruptions trigger PTSD-related trauma and prevent completion of thought
- Change of venue to North County Courthouse to reduce physical hardship and accommodate sensory and auditory limitations

These accommodations are necessary to ensure meaningful participation and effective communication. Additional information and supporting documentation are attached.

SECTION 5 — Reason for Request

I have documented medical conditions that substantially limit major life activities including hearing, cognitive processing, mobility, stamina, and verbal communication. I am currently medically unstable and under active treatment for mixed connective tissue disease, dysautonomia, internal bleeding, and mobility-limiting injuries requiring occupational and physical therapy twice weekly.

I also have documented bilateral hearing loss confirmed by audiology, which substantially limits my ability to hear and process speech, especially during remote proceedings. Microsoft Teams is not an accessible communication platform for me without real-time captioning or equivalent accommodations.

My treating physicians, including Dr. David Ko and other specialists, have

documented that I am not medically cleared to participate in multi-day court proceedings at this time. My condition has not improved and remains unstable.

These limitations prevent me from safely or meaningfully participating in trial proceedings without reasonable accommodations. Additional supporting medical documentation is attached. I am not waiving any rights, protections, or objections.

SUPPLEMENTAL MEDICAL SUMMARY AND EXHIBITS

In Support of ADA Accommodation and Continuance Request for December 29–31, 2025

I am submitting the attached medical documentation in support of my ADA accommodation and continuance request for the December 29–31, 2025 trial dates.

1. Medical Instability and Current Treatment

I am currently medically unstable and under active treatment for mixed connective tissue disease, dysautonomia, internal bleeding, and mobility-limiting injuries. I receive occupational therapy twice weekly due to limited hand function and physical therapy twice weekly due to severe pain and mobility limitations. I remain under the care of multiple specialists, with ongoing diagnostic testing and treatment.

My treating physicians, including Dr. David Ko and other specialists, have documented that I am not medically cleared to participate in multi-day court proceedings at this time. My condition has not stabilized.

2. Hearing Loss and Communication Barriers

I have documented bilateral hearing loss confirmed by a recent audiogram from Scripps Clinic. The audiologist determined that I am a candidate for hearing aid amplification in both ears and that my word recognition is excellent only at elevated listening levels. As a result, Microsoft Teams is not an accessible communication platform for me without real-time captioning or equivalent accommodations. CART was medically necessary and previously requested.

3. Prior Medical Documentation

The court has previously received extensive medical documentation, including letters from Dr. Ko dated July 11, 2025 and October 9, 2025, rheumatology documentation dated August 7, 2025, physical therapy and occupational therapy documentation, and multiple hospital records. I am resubmitting key documents to ensure the state court record is complete.

4. Misapplication of Vesco and Lack of Prejudice

The Vesco decision concerns confidentiality and notice to opposing parties. It does not limit the court's obligation to provide reasonable accommodations under Rule 1.100 or the ADA, nor does it apply where the opposing party already has full knowledge of the applicant's medical condition. In this case, the opposing party and counsel have long-standing knowledge of my medical conditions and limitations and previously represented me. There is no confidentiality conflict or prejudice under Vesco, and the decision does not apply to the accommodations requested.

5. Prior ADA Requests

I have submitted multiple ADA requests over the past three years, including but not limited to filings on September 7, 2023; April 9, 2025; May 5, 2025; May 12, 2025, and June 2, 2025. This request is a continuation of prior filings and is based on ongoing medical instability and documented communication barriers.

6. Federal Proceedings

I am not waiving any rights, protections, or objections. I have an active emergency motion for injunction relief and a request for stay pending appeal before the United States Court of Appeals for the Ninth Circuit in Case No. 25-7491. That filing seeks to stay the state court trial currently set for December 29–31, 2025. For additional details, please refer to the filings in Ninth Circuit Case No. 25-7491.

7. Medical Care Interference

My medical condition has not improved. I continue to experience internal bleeding, instability, and significant functional limitations. I remain under active medical care with one to three medical appointments on most days, including ongoing treatment with multiple specialists, occupational therapy twice weekly, and physical therapy twice weekly. I previously had cancer surgery scheduled, but it was postponed due to medical instability and court-related obligations. My surgery and other necessary medical care continue to be delayed or disrupted because of the demands of these proceedings and the lack of reasonable accommodations. My condition has not stabilized, and ongoing court obligations have interfered with my ability to obtain consistent care.

8. Court Reporter Access and Transcript Preservation (FW-020 Accommodation)

As a reasonable accommodation under the ADA and California Rule of Court 1.100,

I am requesting that the court ensure the presence of an official court reporter for all proceedings scheduled December 29–31, 2025, and that transcripts of those proceedings are preserved and made accessible to me afterward. I have an active fee waiver and will submit an updated FW-020 form (Request for Court Reporter by Party with Fee Waiver) in Case No. 22FL006982C. This form was previously approved, but I was later told that a court reporter could not be guaranteed and that I would need to request one on the day of trial. This contradicts prior assurances and has created procedural instability.

After filing a written ADA mandate, I experienced retaliation and obstruction in accessing court reporter services. I am documenting this pattern and will include it in my federal filings. I am physically and procedurally unable to access the court in person to deliver the FW-020 form, and I am requesting that it be attached to this ADA accommodation packet and signed by the judicial officer upon review.

This request is necessary to ensure that the trial record is preserved, that I have meaningful access to the proceedings, and that my appellate rights are protected.

9. Request

These accommodations are necessary to ensure meaningful participation and effective communication. I respectfully request that the court grant a continuance and provide appropriate ADA accommodations in accordance with California Rule of Court 1.100 and the ADA.

Respectfully,

Karan MacElroy Zopatti

Please make sure the attachments are submitted with my ADA request and send me confirmation of the same in writing.

Sent with Genius Scan for iOS.
<http://geniusapp.com/forios>

Sent from my iPhone



SCRIPPS COASTAL ENCINITAS INTERNAL MEDICINE
477 N. EL CAMINO REAL
ENCINITAS CA 92024-1329
Phone 760-479-3900
Fax: 760-753-8175

October 9, 2025

Patient: Karan L Macelroy Zopatti
Date of Birth: 9/4/1961
Date of Visit: 10/9/2025

To Whom it May Concern:

I, Dr Ko, declare under penalty of perjury under California law am the treating physician for Ms. Karan L. MacElroy Zopatti. Since November 2024, Ms. Zopatti has been medically unstable and was hospitalized for a period of sixteen (16) days. She remains under continuous medical care and has not fully recovered from a significant fall.

Ms. Zopatti has experienced multiple emergency medical events, including pericarditis, pneumonia, internal bleeding, anemia, a flare of her underlying connective tissue disease, and a severe gastrointestinal motility disorder. Most recently, she has been diagnosed with pre cancer and is currently undergoing additional evaluation.

Her condition remains unstable and unpredictable. Due to ongoing symptoms such as tachycardia, fatigue and systemic inflammation, she is not medically fit to safely participate in multi-day court proceedings at this time. It is my professional recommendation that she be excused from such obligations until her condition stabilizes and cancer treatment is initiated.

I remain available to provide medical updates as needed.

Sincerely,

A handwritten signature in black ink, appearing to read "David Hyunin Ko, MD".

David Hyunin Ko, MD

CC: Karan L. Macelroy Zopatti

(WRS) was excellent (92-100%) at an elevated listening level

- Left ear: Speech reception threshold (SRT) was in agreement with pure tone results suggesting good reliability. Word recognition score (WRS) was excellent (92-100%) at an elevated listening level

Previous Audiogram:

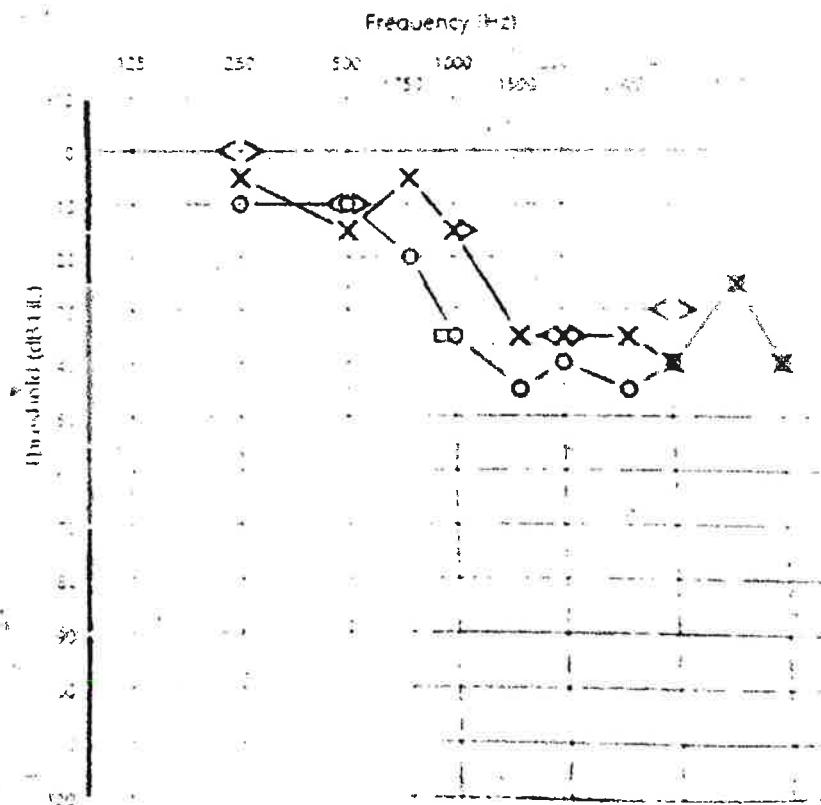
- No

The results were reviewed in detail with the patient, who demonstrated understanding of the findings. All questions were addressed to their satisfaction.

Recommendations:

1. Karan is a candidate for hearing aid amplification in both ears
2. Annual hearing evaluation is recommended

Lynne Michelle Baum, MA
License AU1744
Clinical Audiologist
Scripps Clinic



ATTORNEY OR PARTY WITHOUT ATTORNEY NAME		STATE BAR NO.	FW-020 FOR COURT USE ONLY
FIRM NAME Karen L. Macelroy Zopatti STREET ADDRESS 2135 Coast Avenue CITY San Marcos TELEPHONE NO. 760-877-9460 FAX NO.		STATE CA zip code 92078	
MAIL ADDRESS			
ATTORNEY FOR (name) Self-Represented Litigant			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego			
STREET ADDRESS 1100 Union Street MAILING ADDRESS Same as above CITY AND ZIP CODE San Diego, CA 92101 BRANCH NAME Central Courthouse			
Plaintiff/Petitioner Christopher J Zopatti Defendant/Respondent Karen L Macelroy Zopatti Other Party			
REQUEST FOR COURT REPORTER BY PARTY WITH FEE WAIVER		CASE NUMBER 22FL006082C	

INSTRUCTIONS

If you have been granted, or are applying for, a waiver of court fees and costs, you may use this form to request the services of an official court reporter for a hearing or trial for which a court reporter is not otherwise provided and for which electronic recording is not provided.

- You should make a request 10 calendar days before any court date for which you want a reporter. If the court date is scheduled with less than 10-days' notice, you should file the request as soon as you can.
- If you do not file the request on time, the court may be unable to provide a court reporter on the date requested and may have to reschedule the hearing or trial.
- There will be no fee to you for the court reporter being at the hearing if you have a fee waiver.
- Note: Having a court reporter does not guarantee the right to get a free transcript. To learn more about transcripts and records for an appeal, read the Self Help webpages for civil appeals, particularly courts.ca.gov/designating record.

If you are eligible, the court will try to schedule a court reporter for the court proceeding but cannot guarantee that one will be available at that time.

REQUEST FOR COURT REPORTER

1. (Name of party making request): Karen L. Macelroy Zopatti

a. has received a waiver of court fees and costs in this action.

b. is filing a Request to Waive Court Fees (form FW-001 or FW-001-GC) with this form.

2. An official court reporter is requested for trial hearing on (date) 12/29, 12/30 & 12/31/25

Date: 12/21/2025

Karen L. Macelroy Zopatti

(TYPE OR PRINT NAME OF ATTORNEY OR PARTY WITHOUT ATTORNEY)


(SIGNATURE)

Form Approved for Optional Use
Judicial Council of California
FW-020 (New January 1, 2011)

JCB Essential
Forms

REQUEST FOR COURT REPORTER
BY PARTY WITH FEE WAIVER

Page 1 of 1
Cal. Rules of Court, rules 3.58 and 2.05(c)
www.court.ca.gov

Authorities Referenced in Connection With ADA Accommodation Denial (Dec. 22, 2025) This Exhibit identifies federal and state authorities commonly referenced in matters involving disability access, effective communication, court accommodations, and procedural rights in judicial proceedings.

Federal Statutes and Regulations:

- Americans with Disabilities Act (ADA), Title II, 42 U.S.C. §§ 12131–12134
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
- 28 C.F.R. Part 35 (ADA Title II Regulations)

California Statutes & Rules:

- California Government Code §§ 11135–11139.8
- California Rules of Court, Rule 1.100
- California Government Code § 68086
- California Rules of Court, Rule 2.956
- Judicial Council Form FW 020

Federal Case Law (ADA Title II / Access to Courts / Effective Communication):

- Tennessee v. Lane, 541 U.S. 509 (2004)
- United States v. Georgia, 546 U.S. 151 (2006)
- Robertson v. Las Animas County Sheriff's Dept., 500 F.3d 1185 (10th Cir. 2007)
- Duvall v. County of Kitsap, 260 F.3d 1124 (9th Cir. 2001)
- Pierce v. County of Orange, 526 F.3d 1190 (9th Cir. 2008)

- *Armstrong v. Davis*, 275 F.3d 849 (9th Cir. 2001)
- *McGary v. City of Portland*, 386 F.3d 1259 (9th Cir. 2004)
- *Mark H. v. Hamamoto*, 620 F.3d 1090 (9th Cir. 2010)
- *K.M. v. Tustin Unified School District*, 725 F.3d 1088 (9th Cir. 2013)
- *Bahl v. County of Ramsey*, 695 F.3d 778 (8th Cir. 2012)
- *Chisolm v. McManimon*, 275 F.3d 315 (3d Cir. 2001)

Communication Access / Hearing Impairment Cases:

- *Argenyi v. Creighton University*, 703 F.3d 441 (8th Cir. 2013)
- *Silva v. Baptist Health South Florida*, 856 F.3d 824 (11th Cir. 2017)
- *Juech v. Children's Hospital & Health System*, 353 F. Supp. 3d 772 (E.D. Wis. 2018)

Transcript Access / Court Reporter Access Cases:

- *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996)
- *Griffin v. Illinois*, 351 U.S. 12 (1956)
- *Draper v. Washington*, 372 U.S. 487 (1963)

California Case Law (State Court ADA / Rule 1.100 / Access Issues):

- *Vesco v. Superior Court*, 221 Cal.App.4th 275 (2013)
- *Biscaro v. Stern*, 181 Cal.App.4th 702 (2010)
- *In re Marriage of James & Christine C.*, 201 Cal.App.4th 123 (2011)

- *In re Guardianship of K.N.*, 202 Cal.App.4th 934 (2012)
- *In re Marriage of Carney*, 24 Cal.3d 725 (1979)
- *In re Marriage of LaMusga*, 32 Cal.4th 1072 (2004)
- *In re Marriage of Brown & Yana*, 37 Cal.4th 947 (2006)

Points and Authorities (Embedded in Body):

Federal Statutes and Regulations:

- Americans with Disabilities Act (ADA), Title II, 42 U.S.C. §§ 12131–12134 (access to public entities, reasonable modifications, effective communication)
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (non-discrimination by entities receiving federal financial assistance)
- 28 C.F.R. Part 35 (ADA Title II Regulations)

California Statutes & Rules:

- California Government Code §§ 11135–11139.8 (state nondiscrimination requirements for public programs)
- California Rules of Court, Rule 1.100 (procedures, timeliness, alternative formats, required modifications)
- California Government Code § 68086 (court reporter access for fee-waived litigants)

- California Rules of Court, Rule 2.956 (provision of reporters and obligations of the court)
- Judicial Council Form FW 020

Federal Case Law:

- **Tennessee v. Lane**, 541 U.S. 509 (2004) (access to courts as a fundamental right)
- **United States v. Georgia**, 546 U.S. 151 (2006)
- **Duvall v. County of Kitsap**, 260 F.3d 1124 (9th Cir. 2001) (interactive process; deliberate indifference standard)
- **Pierce v. County of Orange**, 526 F.3d 1190 (9th Cir. 2008)
- **Armstrong v. Davis**, 275 F.3d 849 (9th Cir. 2001)
- **McGary v. City of Portland**, 386 F.3d 1259 (9th Cir. 2004)
- **Mark H. v. Hamamoto**, 620 F.3d 1090 (9th Cir. 2010)
- **K.M. v. Tustin Unified School District**, 725 F.3d 1088 (9th Cir. 2013) (effective communication; auxiliary aids)
- **Robertson v. Las Animas County Sheriff's Dept.**, 500 F.3d 1185 (10th Cir. 2007)
- **Chisolm v. McManimon**, 275 F.3d 315 (3d Cir. 2001)

Communication Access / Hearing Impairment:

- *Argenyi v. Creighton University*, 703 F.3d 441 (8th Cir. 2013) (requirement to provide auxiliary aids)
- *Silva v. Baptist Health South Florida*, 856 F.3d 824 (11th Cir. 2017)
- *Juech v. Children's Hospital & Health System*, 353 F. Supp. 3d 772 (E.D. Wis. 2018)

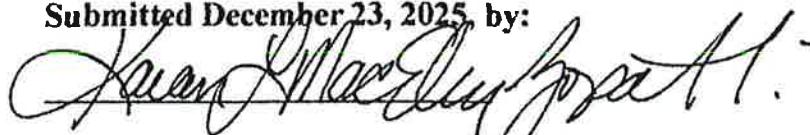
Transcript Access / Court Reporter Access:

- *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996)
- *Griffin v. Illinois*, 351 U.S. 12 (1956)
- *Draper v. Washington*, 372 U.S. 487 (1963)

California Case Law:

- *Vesco v. Superior Court*, 221 Cal.App.4th 275 (2013)
- *Biscaro v. Stern*, 181 Cal.App.4th 702 (2010)
- *In re Marriage of James & Christine C.*, 201 Cal.App.4th 123 (2011)
- *In re Guardianship of K.N.*, 202 Cal.App.4th 934 (2012)
- *In re Marriage of Carney*, 24 Cal.3d 725 (1979)
- *In re Marriage of LaMusga*, 32 Cal.4th 1072 (2004)
- *In re Marriage of Brown & Yana*, 37 Cal.4th 947 (2006)

Submitted December 23, 2025, by:



Karan L Macelroy Zopatti, Plaintiff / Appellant

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
Case No. 25-7491

KAREN L. MACELROY ZOPATTI,
Plaintiff-Appellant,

v.

**SUPERIOR COURT of CALIFORNIA, COUNTY of SAN DIEGO –
CENTRAL COURTHOUSE, FAMILY LAW DIVISION;
JUDGE PAMELA M. PARKER; JUDGE REBECCA KANTER; JUDGE
DAVID B. OBERHOLTER; JUDGE LAURA H. MILLER; JUDGE
EUKETA OLIVER; JUDGE TERRIE E. ROBERTS, in their official
capacities; ADA COORDINATOR HAYDEN HENSON, in his official
capacity; CHRISTOPHER J. ZOPATTI; SCOTT R. MACINNES, in their
individual and professional capacities;
DOES 1 through 50, inclusive,
Defendants-Appellees.**

**Plaintiff-Appellant KAREN L. MACELROY ZOPATTI SECOND
SUPPLEMENTAL DECLARATION IN SUPPORT OF AN EMERGENCY
MOTION FOR INJUNCTIVE RELIEF AND STAY PENDING APPEAL**

Originating Case Numbers:

- U.S. District Court, Southern District of California: 3:25-cv-02132-BJC-KSC
- Superior Court of California, County of San Diego, Family Law Division: Case No. 22FL006982C

Filed By: Karen L. Macelroy Zopatti
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com
Pro Se Plaintiff-Appellant

Date: December 23, 2025

**DECLARATION OF KARAN L. MACELROY ZOPATTI SECOND
SUPPLEMENTAL DECLARATION IN SUPPORT OF AN EMERGENCY
MOTION FOR INJUNCTIVE RELIEF AND STAY PENDING APPEAL**

I, Karan L. Macelroy Zopatti, declare as follows:

1. I am the Plaintiff-Appellant in Ninth Circuit Case No. 25-7491 and the Respondent in Superior Court Case No. 22FL006982C. I make this declaration based on my personal knowledge, and if called to testify, I could and would testify competently to the facts stated herein.
2. I have been physically medically unstable since November 2024 and remain under active treatment for mixed connective tissue disease, dysautonomia, internal bleeding, pneumonia, mobility-limiting injuries, and other documented medical conditions. My treating physicians, including Dr. David Ko, have repeatedly stated that I am not medically cleared to participate in multi-day court proceedings.
3. I have documented bilateral hearing loss confirmed by Scripps Clinic audiology. My word recognition is excellent only at elevated listening levels, and I require real-time captioning or equivalent accommodations to meaningfully participate in remote or in-person proceedings.
4. My home has been rendered unsafe and uninhabitable due to multiple water-damage events beginning in March 2025 and continuing through

November 2025. These events caused mold contamination, displacement, and disruption of my belongings, including my legal documents and case files. I am currently confined to a small, non-contaminated area of my home.

5. Mold exposure in my home contributed to a medical emergency, during which I suffered pneumonia and internal bleeding and required hospitalization. I remain medically vulnerable and unable to safely be exposed to mold.
6. Because of the repeated displacement, mold contamination, and my medical instability, I cannot safely access, organize, or prepare my case materials. My documents remain boxed, scattered, or inaccessible due to remediation work and my physical limitations.
7. On December 21, 2025, I submitted an ADA accommodation request in an alternative format because the court's online ADA form was inaccessible. My request included medical documentation, prior ADA filings, and a detailed explanation of my medical instability and communication barriers.
8. On December 22, 2025, the Superior Court denied nearly all requested accommodations, including the continuance, real-time captioning, limited speaking time, venue change, and attachment of FW-020. Only breaks and a basic listening device were granted. The denial did not address my medical

evidence or my inability to safely participate in the December 29-31, 2025 trial.

9. I remain medically incapacitated and unable to safely appear in person, participate in trial proceedings, or prepare my case. Without accommodations, I cannot meaningfully access the judicial process.
10. Attached hereto as **Exhibit A** is a true and correct copy of my ADA Accommodation Request (ADM-410), the court's ADA denial, my ADA email submission, and supporting medical documentation.

Reservation of Rights

Because of my documented medical conditions and disability-related limitations, I expressly reserve all rights, protections, objections, and remedies available under the Americans with Disabilities Act, California Rule of Court 1.100, state and federal disability laws, due process protections, and any other applicable authority. Nothing in this filing should be construed as a waiver, limitation, or forfeiture of any right or accommodation.

Declaration Under Penalty of Perjury

I, Karan L. Macelroy Zopatti declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on: December 23, 2025, in San Marcos, California

Signature:

Karan L. MacElroy Zopatti, Plaintiff-Appellant, Pro Se

CERTIFICATE OF SERVICE

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Case No. 25-7491

**KAREN L. MACELROY ZOPATTI,
Plaintiff-Appellant,**

v.

**SUPERIOR COURT of CALIFORNIA, COUNTY of SAN DIEGO –
CENTRAL COURTHOUSE, FAMILY LAW DIVISION;
JUDGE PAMELA M. PARKER; JUDGE REBECCA KANTER; JUDGE
DAVID B. OBERHOLTER; JUDGE LAURA H. MILLER; JUDGE
EUKETA OLIVER; JUDGE TERRIE E. ROBERTS, in their official
capacities; ADA COORDINATOR HAYDEN HENSON, in his official
capacity; CHRISTOPHER J. ZOPATTI; SCOTT R. MACINNES, in their
individual and professional capacities;
DOES 1 through 50, inclusive,
Defendants-Appellees.**

I Karen L. Macelroy Zopatti, certify that on December 23, 2025, I served the foregoing “Second Supplement and Declaration in Support of Emergency Motion for Injunctive Relief and Stay Pending Appeal” by electronic mail on the following parties and counsel:

- **Matthew L. Green, Esq.**
Best Best & Krieger LLP
655 West Broadway, Suite 1500
San Diego, CA 92101
Email: matthew.green@bbklaw.com
(Counsel for Defendants-Appellees:
San Diego Superior Court, Central Courthouse, Family Law Division;
Judge Pamela M. Parker;
Judge Rebecca Kanter;

Judge David B. Oberholtzer;
Judge Laura H. Miller;
Judge Euketa Oliver;
Judge Terrie E. Roberts;
ADA Coordinator Hayden Henson)

• **Christopher J. Zopatti, Esq.**

Callahan, Thompson, Sherman & Caudill, LLP
2601 Main Street, Suite 800
Irvine, CA 92614
Email: czopatti@gmail.com

(Served personally as an unrepresented party in this federal appeal)

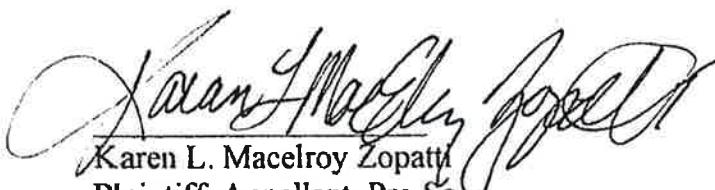
• **Scott R. MacInnes, Esq.**

Clemens | Warren | Pinkerton | Siems
750 B Street, Suite 1600
San Diego, CA 92101
Email: scott@clemenswarren.com

(Served in his capacity as a named Defendant-Appellee in this federal appeal)

Service was made electronically via email, which is reasonably calculated to provide notice.

Executed on December 23, 2025, in San Marcos, California.



Karen L. Macelroy Zopatti
Plaintiff-Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com



Karan Zopatti <karanzopatti@gmail.com>

Second Supplemental Emergency Motion for Injunctive Relief and Stay Pending Appeal - Ninth Circuit Case No. 25-7491

1 message

Karan Zopatti <karanzopatti@gmail.com>

Tue, Dec 23, 2025 at 8:03 PM

To: Scott MacInnes <scott@clemenswarren.com>, Chris Zopatti <czopatti@gmail.com>, Matthew.green@bbklaw.com

Dear Counsel and Parties,

Pursuant to Federal Rule of Appellate Procedure 25, I am serving the attached Second Supplemental Emergency Motion for Injunctive Relief and Stay Pending Appeal in Ninth Circuit Case No. 25-7491.

This filing is being submitted to the United States Court of Appeals for the Ninth Circuit on December 23, 2025, and is a supplement to my prior emergency filings regarding ADA accommodation denials, medical instability, and procedural obstruction in the underlying state court matter (Superior Court Case No. 22FL006982C).

A complete copy of the motion is attached for your records. Please confirm receipt of this email and attachment.

Respectfully,
Karan L. Macelroy Zopatti
Plaintiff-Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

Sent with Genius Scan for iOS.
<https://tgapp.com/e/scan>

Sent from my iPhone

2025-12-23 18-56.pdf
12556K

F

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Case No. 25-7491

KAREN L. MACELROY ZOPATTI, Plaintiff-Appellant,

v.

SUPERIOR COURT of CALIFORNIA, COUNTY of SAN DIEGO –
CENTRAL COURTHOUSE, FAMILY LAW DIVISION; JUDGE PAMELA
M. PARKER; JUDGE REBECCA KANTER; JUDGE DAVID B.
OBERHOLTER; JUDGE LAURA H. MILLER; JUDGE EUKETA
OLIVER; JUDGE TERRIE E. ROBERTS, in their official capacities; ADA
COORDINATOR HAYDEN HENSON, in his official capacity;
CHRISTOPHER J. ZOPATTI; SCOTT R. MACINNES, in their individual
and professional capacities; DOES 1 through 50, inclusive, Defendants–
Appellees.

**SUPPLEMENT EMERGENCY MOTION FOR INJUNCTIVE RELIEF
AND STAY PENDING APPEAL**

Originating Case Numbers:

- U.S. District Court, Southern District of California: 3:25-cv-02132-BJC-KSC
- Superior Court of California, County of San Diego, Family Law Division, Case No. 22FL006982C

Filed By: Karen L. Macelroy Zopatti
Pro Se Plaintiff-Appellant
2135 Coast Ave, San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

Date: December 22, 2025

EXECUTIVE SUMMARY – SUPPLEMENT (December 22, 2025)

Since the original emergency motion, Plaintiff's circumstances have worsened significantly. Plaintiff now faces escalating risks of foreclosure, unsafe living conditions due to new water leaks, acute food insecurity, and continued siphoning of SSDI income. Medical incapacity persists, with canceled cancer surgery and ongoing barriers to care. Plaintiff remains unable to safely participate in the state court trial scheduled for December 29–31, 2025, due to denial of ADA accommodations and lack of access to electronic filing systems. Defendants continue to withhold support and funds, compounding financial harm. The district court's December 19, 2025, order failed to address these urgent and worsening harms or Plaintiff's federal rights. Immediate intervention is required to prevent further irreparable harm, protect Plaintiff's health and safety, and ensure meaningful access to justice.

I. INTRODUCTION AND PURPOSE OF SUPPLEMENT

Plaintiff-Appellant submits this Supplement to her Emergency Motion for Injunctive Relief to anchor significant new developments that occurred after the filing of the original motion, including the district court's December 19, 2025, order and the continued escalation of irreparable harm. This Supplement is necessary to correct material omissions and distortions in the district court's order, to clarify Plaintiff-Appellant's adjudicated disability status and federal rights, and

to document the worsening medical, financial, and safety-related harms that now make emergency relief even more urgent.

The December 19 order does not address the merits of Plaintiff-Appellant's ADA claims, constitutional claims, or the documented pattern of retaliation, coercive control, and procedural exclusion. Instead, the order reframes life-threatening circumstances as mere "dissatisfaction" with state-court outcomes, disregards Plaintiff-Appellant's adjudicated disability status, and omits critical facts concerning medical incapacity, canceled cancer treatment, insurance lapses, foreclosure risk, and ongoing financial strangulation. These omissions materially misrepresent the record and require correction.

Since the filing of the Emergency Motion, Plaintiff-Appellant's circumstances have deteriorated further. She continues to face imminent loss of housing, transportation, insurance coverage, and access to medical care. Food insecurity has become acute. Two new water leaks have rendered her home unsafe. Her SSDI income continues to be siphoned without consent. She remains medically incapacitated and unable to safely participate in the state-court trial scheduled for December 29–31, 2025. These harms are not hypothetical; they are ongoing, compounding, and irreversible.

This Supplement is therefore submitted to ensure that the appellate record accurately reflects the current state of harm, the district court's failure to address

controlling federal law, and the urgent need for immediate injunctive relief to prevent further collapse and protect Plaintiff-Appellant's rights under the ADA, the Constitution, and federal statutory protections.

II. SUMMARY OF THE DECEMBER 19, 2025, DISTRICT COURT ORDER

On December 19, 2025, the district court issued an order denying Plaintiff-Appellant's Motion for Reconsideration (ECF No. 31) and denying her fifth Motion for Temporary Restraining Order (ECF No. 32) as moot. The order reaffirmed the court's prior dismissal of the case for lack of jurisdiction and declined to revisit that determination.

The district court concluded that Plaintiff-Appellant's arguments regarding ADA violations, denial of accommodations, financial and medical harm, and judicial conflicts did not constitute grounds for reconsideration under Federal Rules of Civil Procedure 59(e) or 60(b). The court held that the harms described did not fall within the "extraordinary circumstances" exception to Younger abstention and stated that Plaintiff-Appellant had access to state-court procedures, including motions, writ petitions, and appellate review.

The order did not address the merits of Plaintiff-Appellant's ADA claims, constitutional claims, or allegations of retaliation, coercive control, or procedural exclusion. It did not address Plaintiff-Appellant's adjudicated disability status, the denial of accommodations, or the documented medical and financial emergencies.

The court further declined to consider Plaintiff-Appellant's assertions regarding judicial bias, conflicts of interest, and interference with filings, stating that these issues were not raised prior to judgment. The district court's order therefore left the underlying dismissal intact, did not engage with the substance of Plaintiff-Appellant's federal claims, and did not address the escalating harms described in the Emergency Motion for Injunctive Relief.

III. MATERIAL MISSTATEMENTS, OMISSIONS, AND DISTORTIONS IN THE DECEMBER 19 ORDER

The December 19, 2025, order contains significant omissions and mischaracterizations that materially distort the record and require correction. These issues directly affect the analysis of irreparable harm, the applicability of federal disability law, and the need for emergency injunctive relief.

A. Omission of Plaintiff-Appellant's Adjudicated Disability Status

The order does not acknowledge that Plaintiff-Appellant is an adjudicated disabled litigant under federal law, as established in *Zopatti v. Rancho Dorado HOA*, 781 F. Supp. 2d 1019 (S.D. Cal. 2011), aff'd (9th Cir. 2013). This status is central to the ADA claims raised and directly relevant to the denial of accommodations, retaliation, and exclusion from meaningful participation in state-court proceedings. The omission of this binding federal determination materially alters the legal analysis.

B. Failure to Address ADA Violations or Controlling ADA Precedent

The order does not address Plaintiff-Appellant's claims under Title II of the Americans with Disabilities Act, the Rehabilitation Act, or the ADA retaliation statute. It does not reference or apply controlling authorities including *Tennessee v. Lane*, 541 U.S. 509, 517 (2004) (holding Title II applies to state courts); *United States v. Georgia*, 546 U.S. 151, 159 (2006) (recognizing ADA claims against state officials for conduct that violates the Fourteenth Amendment); *Duvall v. County of Kitsap*, 260 F.3d 1124, 1136–38 (9th Cir. 2001) (requiring the interactive process for accommodations); *McGary v. City of Portland*, 386 F.3d 1259, 1265–66 (9th Cir. 2004) (discussing reasonable accommodations under the ADA); and *T.B. ex rel. Brenneise v. San Diego Unified Sch. Dist.*, 806 F.3d 451, 467 (9th Cir. 2015) (clarifying ADA standards for exclusion and retaliation). The order treats ADA violations as irrelevant to jurisdiction, despite Plaintiff-Appellant's allegations of ongoing exclusion, denial of accommodations, and retaliation by state-court officials.

C. Reframing Documented Harm as “Dissatisfaction”.

The order characterizes Plaintiff Appellant's documented medical, financial, and safety related harms as mere “dissatisfaction” with state court outcomes. This reframing omits critical facts including canceled cancer surgery, insurance lapses, foreclosure risk, vehicle repossession risk, unsafe housing conditions, and the

siphoning of Plaintiff Appellant's SSDI income. These harms are not subjective grievances; they are documented, ongoing, and life threatening (see *Winter v. NRDC*, 555 U.S. 7, 22 (2008) (irreparable harm standard for injunctive relief); *Lopez v. Heckler*, 713 F.2d 1432, 1435 (9th Cir. 1983) (recognizing irreparable harm where health and survival are at stake)). These harms are not subjective grievances; they are documented, ongoing, and life-threatening.

D. Omission of Retaliation, Coercive Control, and Financial Strangulation

The order does not address Plaintiff Appellant's allegations of financial coercion, fiduciary breach, and retaliation, including the withholding of community funds, nonpayment of court ordered support, and unauthorized debits from Plaintiff Appellant's disability income. These facts are central to the irreparable harm analysis and directly relevant to the need for emergency relief (see *Pardi v. Kaiser Found. Hosps.*, 389 F.3d 840, 849 (9th Cir. 2004) (ADA retaliation); *Alvarado v. Cajun Operating Co.*, 588 F.3d 1261, 1269 (9th Cir. 2009) (same)).

E. Failure to Address Judicial Conflicts of Interest

The order does not address Plaintiff Appellant's allegations regarding undisclosed conflicts of interest involving state court judges and federal judicial officers. These conflicts were raised in the Emergency Motion and are relevant to due process, impartiality, and the need for appellate intervention (see *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 884 (2009) (due process requires recusal where there is a

serious risk of actual bias); *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 860 (1988) (appearance of impartiality)).

F. Failure to Address Procedural Exclusion and Interference with Filings

The order does not address Plaintiff Appellant's documented exclusion from electronic filing systems, suppression of filings, and inability to obtain ADA accommodations necessary to participate in proceedings. These issues were raised in the Emergency Motion and directly implicate meaningful access to the courts (see *Boddie v. Connecticut*, 401 U.S. 371, 377 (1971) (meaningful access to courts is a due process right); *Bounds v. Smith*, 430 U.S. 817, 828 (1977) (access to courts)).

G. Misapplication of Younger Abstention Without Addressing Extraordinary Circumstances

The order applies Younger abstention without addressing Plaintiff Appellant's allegations of bad faith, retaliation, denial of accommodations, and structural barriers that prevent meaningful participation in state court proceedings. These allegations fall within recognized exceptions to Younger and were not analyzed (see *Younger v. Harris*, 401 U.S. 37, 54 (1971) (abstention doctrine); *Middlesex Cty. Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 432 (1982) (exceptions to Younger); *Baffert v. Cal. Horse Racing Bd.*, 332 F.3d 613, 621 (9th Cir. 2003) (bad faith exception))

IV. ESCALATION OF IRREPARABLE HARM SINCE FILING THE EMERGENCY MOTION

Since the filing of the Emergency Motion for Injunctive Relief, Plaintiff-Appellant's circumstances have deteriorated significantly. The harms described in the original motion have not only continued but have intensified, creating an ongoing and compounding emergency that threatens Plaintiff-Appellant's health, safety, housing stability, transportation, and access to medical care. The harms described in the original motion have not only continued but have intensified, creating an ongoing and compounding emergency that threatens Plaintiff Appellant's health, safety, housing stability, transportation, and access to medical care (see *Winter v. NRDC*, 555 U.S. at 22 (irreparable harm requirement); *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011) (balancing hardships and irreparable harm)).

A. Housing Instability and Unsafe Living Conditions

Plaintiff-Appellant remains at imminent risk of losing her home. Mortgage arrears now exceed \$7,200, with additional late fees accruing. Repeated delinquency calls from the mortgage servicer confirm the risk of foreclosure. Two new water leaks have developed in Plaintiff-Appellant's residence following recent storms, creating unsafe and unsanitary living conditions. These conditions pose health risks and increase the likelihood of displacement.

B. Loss of Transportation and Imminent Repossession

The Mercedes-Benz van loan is now more than three months delinquent, with a balance of \$3,021 plus late fees. Plaintiff-Appellant has received repeated warnings of repossession. Loss of transportation would eliminate Plaintiff-Appellant's ability to attend medical appointments, obtain food, or travel to court, further compounding the harm.

C. Insurance Lapses and Loss of Coverage

Liberty Mutual homeowners' insurance payment failed on November 29, 2025, and Safeco auto insurance has already been canceled. Liberty Mutual has confirmed that it is no longer issuing new homeowners' policies in California, meaning that if Plaintiff-Appellant's policy lapses, it cannot be reinstated. The loss of insurance coverage places Plaintiff-Appellant at severe financial and safety risk, particularly given the existing water damage and unsafe conditions in her home.

D. Food Insecurity and Basic Survival Needs

Plaintiff-Appellant is experiencing acute food insecurity. Her SSDI income continues to be siphoned through unauthorized automatic debits for Defendant-Appellee's insurance policies, leaving Plaintiff-Appellant without sufficient funds for basic necessities. Plaintiff-Appellant does not know whether she will have enough food or resources to meet basic survival needs in the coming days.

E. Medical Incapacity and Interrupted Care

Plaintiff-Appellant remains medically incapacitated. Her scheduled cancer-related surgery was canceled on November 24, 2025, due to financial obstruction and denial of access to medical records. She continues to face interruptions in medical care, including delays in treatment and inability to attend appointments due to lack of transportation and financial instability. These interruptions pose immediate and long-term risks to Plaintiff-Appellant's health.

F. Financial Strangulation and Coercive Control

Defendant-Appellee continues to withhold community funds, refuse to pay court-ordered support, and siphon Plaintiff-Appellant's SSDI income. These actions have left Plaintiff-Appellant without the ability to pay for housing, transportation, food, medical care, or insurance. This financial strangulation is ongoing and directly contributes to the escalating harm.

G. Procedural Exclusion and Inability to Safely Participate in Trial

Plaintiff-Appellant remains unable to safely participate in the state-court trial scheduled for December 29–31, 2025. She has been denied ADA accommodations, including CART captioning, continuances due to medical incapacity, and access to electronic filing systems. Proceeding to trial under these conditions would result in exclusion from meaningful participation and irreversible prejudice to Plaintiff-Appellant's federal rights.

H. Harm Is Ongoing, Irreparable, and Escalating

The harms described above are not theoretical. They are occurring now, they are compounding daily, and they are causing irreversible damage to Plaintiff-Appellant's health, safety, financial stability, and legal rights. The longer these conditions continue, the more severe and irreversible the harm becomes. Immediate intervention is required to prevent further collapse.

V. CLARIFICATION OF ADA STATUS AND FEDERAL RIGHTS

The December 19, 2025, order omits Plaintiff-Appellant's adjudicated disability status and fails to apply controlling federal disability law. This section clarifies the legal framework governing Plaintiff-Appellant's rights under the Americans with Disabilities Act (ADA), the Rehabilitation Act, and related federal protections, all of which are directly implicated by the ongoing denial of accommodations, exclusion from proceedings, and retaliation documented in the record.

A. Plaintiff-Appellant Is an Adjudicated Disabled Litigant Under Federal Law

Plaintiff-Appellant's disability status is not disputed, speculative, or newly asserted. It was formally adjudicated in *Zopatti v. Rancho Dorado HOA*, 781 F. Supp. 2d 1019 (S.D. Cal. 2011), and affirmed on appeal. This binding federal determination establishes Plaintiff-Appellant as a qualified individual with a disability under Title II of the ADA and § 504 of the Rehabilitation Act. The

district court's omission of this fact materially alters the legal analysis and mischaracterizes the nature of the claims presented.

B. Title II of the ADA Applies to State Courts and Judicial Officers

State courts, judicial officers, and court personnel are public entities subject to Title II of the ADA (*Tennessee v. Lane*, 541 U.S. 509, 517 (2004) (holding Title II applies to state courts); *Barden v. City of Sacramento*, 292 F.3d 1073, 1076 (9th Cir. 2002) (public entities must provide access)). They are required to provide reasonable accommodations, engage in the interactive process, and ensure meaningful access to judicial proceedings. Plaintiff-Appellant requested accommodations including CART captioning, continuances due to medical incapacity, and access to electronic filing systems. These requests were denied or ignored. The district court did not address these denials or apply controlling ADA precedent.

C. Failure to Engage in the ADA Interactive Process

Under *Duvall v. County of Kitsap*, 260 F.3d 1124, 1139 (9th Cir. 2001) (public entities must engage in a good faith interactive process to determine appropriate accommodations). Plaintiff-Appellant submitted more than twenty accommodation requests to state-court officials, including the ADA Coordinator. No interactive process occurred. The district court's order does not acknowledge these requests or the legal obligations triggered by them.

D. ADA Retaliation and Exclusion From Meaningful Participation

Plaintiff-Appellant has documented retaliation for asserting ADA rights, including suppression of filings, denial of access to electronic systems, and adverse treatment in state-court proceedings. Title II prohibits retaliation under 42 U.S.C. § 12203 (see *Alvarado v. Cajun Operating Co.*, 588 F.3d 1261, 1269 (9th Cir. 2009) (ADA retaliation); *Pardi v. Kaiser Found. Hosps.*, 389 F.3d 840, 849 (9th Cir. 2004) (same)). The district court did not address these allegations or the legal standards governing retaliation, despite their direct relevance to the need for emergency relief.

E. Denial of Accommodations Has Resulted in Exclusion From Judicial Proceedings

Without accommodations, Plaintiff-Appellant cannot meaningfully participate in the state-court trial scheduled for December 29–31, 2025. She is medically incapacitated, lacks transportation, and has been denied the tools necessary to understand or respond to proceedings. Title II requires courts to ensure equal access to justice (*Tennessee v. Lane*, 541 U.S. at 533–34 (meaningful access to courts for persons with disabilities)). The district court’s order does not address this exclusion or its legal implications.

F. Federal Law Recognizes Injunctive Relief for Ongoing ADA Violations

Under (*Ex parte Young*, 209 U.S. 123, 155–56 (1908); *Tennessee v. Lane*, 541

U.S. at 533–34; *United States v. Georgia*, 546 U.S. at 159), federal courts may grant prospective injunctive relief to prevent ongoing violations of federal law by state officials. Plaintiff-Appellant’s claims fall squarely within this framework. The district court did not analyze these authorities or explain why they would not apply.

G. Clarification Is Necessary to Correct the Record

Because the district court’s order omits Plaintiff-Appellant’s disability status, fails to apply controlling ADA law, and does not address the denial of accommodations or retaliation, this Supplement is necessary to ensure that the appellate record accurately reflects the federal rights at issue and the legal framework governing Plaintiff-Appellant’s claims.

VI. CLARIFICATION OF CONSTITUTIONAL ISSUES

The December 19, 2025, order does not address the constitutional violations raised in Plaintiff-Appellant’s Emergency Motion for Injunctive Relief. These issues are central to the need for emergency relief and must be clarified for the appellate record. The omissions materially affect the analysis of due process, equal protection, judicial impartiality, and meaningful access to the courts.

A. Due Process Violations

Plaintiff-Appellant has been denied meaningful access to judicial proceedings due to the refusal to provide ADA accommodations, suppression of filings, exclusion from electronic systems, and the inability to safely participate in hearings while

medically incapacitated. The district court's order does not address these barriers or their constitutional implications. Proceeding to trial under these conditions would violate the Due Process Clause of the Fourteenth Amendment by depriving Plaintiff Appellant of a fair opportunity to be heard (*Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (due process requires meaningful opportunity to be heard); *Goldberg v. Kelly*, 397 U.S. 254, 267-68 (1970) (same)) depriving Plaintiff-Appellant of a fair opportunity to be heard.

B. Equal Protection Concerns

Plaintiff-Appellant, an adjudicated disabled litigant, has been treated differently from similarly situated parties. She has been denied accommodations routinely provided to other litigants, excluded from electronic filing systems, and subjected to procedural barriers that prevent meaningful participation. The district court's order does not address these disparities or the equal protection concerns raised by the differential treatment of disabled litigants (see *Lewis v. Casey*, 518 U.S. 343, 346 (1996) (equal protection and access to courts)).

C. Judicial Bias and Conflicts of Interest

Plaintiff-Appellant has identified undisclosed and longstanding professional relationships between state-court judges and federal judicial officers involved in this matter. These relationships create reasonable questions regarding impartiality under 28 U.S.C. § 455 and California Code of Civil Procedure § 170.1 (see

Caperton v. A.T. Massey Coal Co., 556 U.S. at 884 (due process requires recusal where there is a serious risk of actual bias); **Liljeberg v. Health Services Acquisition Corp.**, 486 U.S. at 860 (appearance of impartiality); **In re Murchison**, 349 U.S. 133, 136 (1955) (justice must satisfy the appearance of justice)). The district court's order does not address these conflicts or their impact on due process. Plaintiff-Appellant's allegations are not speculative; they are based on documented professional histories and ongoing participation by judicial officers who are named defendants or have direct ties to parties in the case.

D. Structural Barriers to Meaningful Access to the Courts

Plaintiff-Appellant has been denied access to electronic filing systems, denied accommodations necessary to understand and participate in proceedings, and subjected to procedural obstacles that prevent her from presenting her claims. These barriers constitute a denial of meaningful access to the courts, a right protected under the Due Process Clause and recognized in **Boddie v. Connecticut**, 401 U.S. at 377; **Bounds v. Smith**, 430 U.S. at 828. The district court's order does not address these barriers or their constitutional significance.

E. Failure to Address Public Confidence and the Appearance of Impartiality

The continued involvement of judicial officers with undisclosed conflicts of interest undermines public confidence in the integrity of the judicial process. The Supreme Court has recognized that due process requires not only the absence of

actual bias but also the absence of circumstances that create an appearance of bias (Caperton v. A.T. Massey Coal Co., 556 U.S. at 884; Liljeberg v. Health Services Acquisition Corp., 486 U.S. at 860). The district court's order does not address these concerns or the constitutional requirement of impartial adjudication.

F. Clarification Is Necessary to Preserve Constitutional Claims

Because the district court's order omits these constitutional issues and does not address the due-process, equal-protection, and impartiality concerns raised in the Emergency Motion, this Supplement is necessary to ensure that the appellate record accurately reflects the constitutional violations at issue and the urgent need for injunctive relief.

VII. WHY EMERGENCY RELIEF IS NOW EVEN MORE URGENT

Emergency relief is now even more urgent than at the time Plaintiff Appellant filed her original motion (Winter v. NRDC, 555 U.S. at 22 (irreparable harm requirement); Alliance for the Wild Rockies v. Cottrell, 632 F.3d at 1135 (balancing hardships and irreparable harm); Lopez v. Heckler, 713 F.2d at 1435 (recognizing irreparable harm where health and survival are at stake)). The district court's December 19, 2025 order did not address the merits of Plaintiff-Appellant's ADA claims, constitutional claims, or the documented pattern of retaliation, coercive control, and procedural exclusion. The order did not address Plaintiff-Appellant's adjudicated disability status, the denial of accommodations, or

the escalating medical and financial emergencies. As a result, the harms described in the original motion have intensified and continue to compound daily.

A. The District Court’s Refusal to Address the Merits Increases the Urgency

The district court did not analyze Plaintiff-Appellant’s ADA rights, constitutional protections, or the factual record documenting ongoing exclusion, retaliation, and medical incapacity. By declining to address these issues, the district court left Plaintiff-Appellant without any forum capable of preventing the imminent harm she faces. This omission heightens the need for immediate appellate intervention.

B. Irreparable Harm Is Ongoing, Already Incurred, and Escalating

The harms at issue are not speculative or future-oriented. They are occurring now and have already caused irreversible damage to Plaintiff-Appellant’s health, safety, and financial stability. Plaintiff-Appellant has already lost insurance coverage, already experienced canceled medical treatment, already faced unsafe housing conditions, and already suffered financial deprivation due to the siphoning of her disability income. These harms worsen each day and cannot be remedied after the fact.

C. Imminent Trial While Medically Incapacitated Creates Immediate and Irreversible Prejudice

The state-court trial scheduled for December 29–31, 2025 will proceed while Plaintiff-Appellant is medically incapacitated, without accommodations, without

transportation, and without the ability to meaningfully participate. Proceeding under these conditions would permanently prejudice Plaintiff-Appellant's rights and result in exclusion from her own case. This constitutes irreparable harm under established federal standards.

D. Financial Collapse and Loss of Basic Necessities Are Worsening Daily

Plaintiff-Appellant faces imminent loss of housing, transportation, and access to food. Mortgage arrears, insurance lapses, and vehicle repossession warnings continue to escalate. Plaintiff-Appellant does not have sufficient resources to meet basic survival needs. These conditions are deteriorating rapidly and cannot be reversed through later relief.

E. Denial of ADA Accommodations Continues Without Remedy

Plaintiff-Appellant remains without CART captioning, without continuances for medical incapacity, without access to electronic filing systems, and without any meaningful engagement in the ADA interactive process. These denials prevent Plaintiff-Appellant from participating in judicial proceedings and constitute ongoing violations of federal law.

F. The Longer This Continues, the More Severe and Irreversible the Harm Becomes

The harms described are cumulative and compounding. Each day without intervention increases the risk of foreclosure, repossession, medical deterioration,

and exclusion from the judicial process. These harms cannot be undone by later orders. Immediate relief is required to prevent further collapse.

G. Emergency Relief Is Necessary to Preserve Plaintiff-Appellant's Rights and Safety

Given the district court's refusal to address the merits, the ongoing and escalating harm, the imminent trial, and the denial of accommodations, emergency injunctive relief is necessary to protect Plaintiff-Appellant's rights under the ADA, the Constitution, and federal law. Without immediate intervention, Plaintiff-Appellant will continue to suffer irreparable harm that cannot be remedied after the fact.

VIII. CONCLUSION

For the reasons set forth in this Supplement, Plaintiff-Appellant respectfully submits that immediate injunctive relief remains necessary to prevent further irreparable harm and to preserve her rights under the Americans with Disabilities Act, the Constitution, and federal law. The district court's December 19, 2025, order failed to address the merits of Plaintiff-Appellant's ADA claims, constitutional violations, and the documented pattern of retaliation, coercive control, and procedural exclusion. It did not acknowledge Plaintiff-Appellant's adjudicated disability status, the denial of accommodations, or the escalating medical, financial, and safety-related harms that continue to worsen daily. Irreparable harm is ongoing, has already occurred,

and is compounding with each passing day. Plaintiff-Appellant faces imminent loss of housing, transportation, insurance coverage, access to medical care, and the ability to meet basic survival needs. She remains medically incapacitated and unable to safely participate in the state court trial scheduled for December 29–31, 2025. Without immediate intervention, Plaintiff-Appellant will continue to suffer harm that cannot be remedied after the fact. Accordingly, Plaintiff-Appellant respectfully requests that this Court grant the Emergency Motion for Injunctive Relief, stay the state court proceedings pending resolution of this appeal, and order the accommodations necessary to ensure meaningful access to the judicial process.

VERIFICATION AND CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I certify that on December 22, 2025, I electronically filed the foregoing Supplemental Motion for Emergency Injunction Relief with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the CM/ECF system. I further certify that service was made on all counsel of record and parties registered to receive electronic service via CM/ECF. For any parties not registered, service was made by email as follows:

- Christopher J. Zopatti, self-represented party in Superior Court Case No. 22FL006982C
- Scott R. MacInnes, Esq., counsel of record for Christopher J. Zopatti in the state matter and also a named defendant in U.S. District Court Case No. 3:25-cv-02132-BJC-KSC and Ninth Circuit Case No. 25-7491, with notice extended to Clemens | Warren, LLP and its equity partners
- Matthew L. Green, Esq., counsel of record for the Superior Court of California, County of San Diego, Family Law Division, and for judicial officers and ADA coordinator named as defendants in U.S. District Court Case No. 3:25-cv-02132-BJC-KSC and Ninth Circuit Case No. 25-7491, at Best Best & Krieger LLP, 655 West Broadway, Suite 1600, San Diego, CA 92101

Executed on December 22, 2025, in San Marcos, California.

Signature: 
Karan L. Macelroy Zopatti, Plaintiff-Appellant, Pro Se
2135 Coast Ave, San Marcos, CA 92078
(760) 877-9469

CERTIFICATE OF COMPLIANCE (with ADA Accommodation Request)

I, Karan L. Macelroy Zopatti, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

In addition, pursuant to the Americans with Disabilities Act, I respectfully request that the Court waive any and all formatting requirements, including page limits, to the extent that my compliance is hindered by my medical incapacity and lack of attorney representation. Any excess in page count results solely from formatting limitations, not from exceeding the word count permitted by the Court's rules. This request is made as a reasonable accommodation to ensure meaningful access to the judicial process.

ADA Accommodation Request Regarding Page Limit

Pursuant to the Ninth Circuit Court of Appeals' revised rules effective December 1, 2025, emergency motions are subject to a 20-page limit. While this motion complies with the applicable word count requirement, it exceeds the page limit due to accessibility formatting constraints necessary for meaningful participation as a disabled litigant. Accordingly, Plaintiff respectfully requests a waiver of the page limitation as a reasonable accommodation under the Americans with Disabilities Act (ADA), ensuring equal access to the court process. Any excess in page count results solely from formatting limitations, not from exceeding

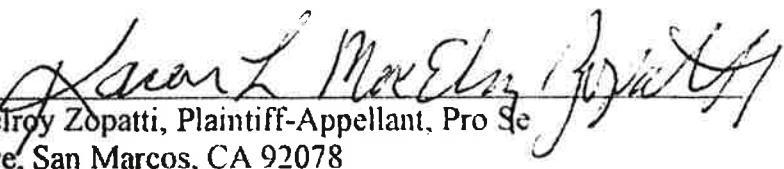
the word count permitted by the Court's rules. This request is made to guarantee meaningful access to justice and to prevent exclusion based on disability-related barriers.

Pursuant to Fed. R. App. P. 32(a)(7)(B), I certify that this motion contains 4,199 words, excluding the cover page, certificate of service, as counted by the word processing system used to prepare this motion. This motion complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B).

Executed on December 22, 2025, in San Marcos, California.

Signature: 
Karan L. Macelroy Zopatti, Plaintiff-Appellant, Pro Se
2135 Coast Ave, San Marcos, CA 92078
(760) 877-9469

Respectfully submitted,

Signature: 
Karan L. Macelroy Zopatti, Plaintiff-Appellant, Pro Se
2135 Coast Ave, San Marcos, CA 92078
(760) 877-9469

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
Case No. 25-7491

KAREN L. MACELROY ZOPATTI,
Plaintiff-Appellant,

v.

**SUPERIOR COURT of CALIFORNIA, COUNTY of SAN DIEGO –
CENTRAL COURTHOUSE, FAMILY LAW DIVISION;
JUDGE PAMELA M. PARKER; JUDGE REBECCA KANTER; JUDGE
DAVID B. OBERHOLTER; JUDGE LAURA H. MILLER; JUDGE
EUKETA OLIVER; JUDGE TERRIE E. ROBERTS, in their official
capacities; ADA COORDINATOR HAYDEN HENSON, in his official
capacity; CHRISTOPHER J. ZOPATTI; SCOTT R. MACINNES, in their
individual and professional capacities;
DOES 1 through 50, inclusive,
Defendants-Appellees.**

**Plaintiff-Appellant KAREN L. MACELROY ZOPATTI SUPPLEMENTAL
DECLARATION IN SUPPORT OF AN EMERGENCY MOTION FOR
INJUNCTIVE RELIEF AND STAY PENDING APPEAL**

Originating Case Numbers:

- U.S. District Court, Southern District of California: 3:25-cv-02132-BJC-KSC
- Superior Court of California, County of San Diego, Family Law Division: Case No. 22FL006982C

Filed By: Karen L. Macelroy Zopatti
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com
Pro Se Plaintiff-Appellant

Date: December 22, 2025,

DECLARATION OF KARAN L. MACELROY ZOPATTI
SUPPLEMENTAL DECLARATION IN SUPPORT OF AN EMERGENCY
MOTION FOR INJUNCTIVE RELIEF AND STAY PENDING APPEAL

I, Karan L. Macelroy Zopatti, declare as follows:

1. I am the Plaintiff-Appellant in this matter. I submit this Declaration in support of my Supplement to the Emergency Motion for Injunctive Relief and Stay Pending Appeal. I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently to them.
2. I am an adjudicated disabled litigant under federal law, as determined in *Zopatti v. Rancho Dorado HOA*, 781 F. Supp. 2d 1019 (S.D. Cal. 2011), aff'd (9th Cir. 2013). My disability status is longstanding, medically documented, and central to the ADA claims raised in this appeal.
3. Since filing my Emergency Motion for Injunctive Relief, my circumstances have deteriorated significantly. The harms described in my original motion have not only continued but have escalated. These harms are not hypothetical or speculative; they are occurring now, and they are compounding daily.

4. My housing remains at imminent risk. My mortgage arrears now exceed \$7,200, with additional late fees accruing. I receive repeated delinquency calls from PennyMac. Two new water leaks have developed in my home following recent storms, creating unsafe and unsanitary living conditions. I do not have the financial means to repair the damage or relocate.
5. My transportation is at risk. My Mercedes-Benz van loan is more than three months delinquent, with a balance of \$3,021 plus late fees. I have received repeated warnings of repossession. Without a vehicle, I cannot attend medical appointments, obtain food, or travel to court.
6. My insurance coverage has lapsed. My Liberty Mutual homeowners' insurance payment failed on November 29, 2025. Safeco auto insurance has already been canceled. Liberty Mutual has confirmed that it is no longer issuing new homeowners' policies in California, meaning that if my policy lapses, I cannot reinstate coverage. This places me at severe financial and safety risk, especially given the water damage in my home.
7. I am experiencing acute food insecurity. My SSDI income continues to be siphoned through unauthorized automatic debits for Defendant-Appellee's insurance policies, leaving me without sufficient funds for basic necessities. I do not know whether I will have enough food or resources to meet basic survival needs.

8. My medical care has been interrupted. My scheduled cancer-related surgery was canceled on November 24, 2025, due to financial obstruction and denial of access to medical records. I remain medically incapacitated and unable to safely participate in the state-court trial scheduled for December 29–31, 2025.
9. Defendant-Appellee continues to withhold community funds, refuse to pay court-ordered support, and siphon my disability income. These actions have left me without the ability to pay for housing, transportation, food, medical care, or insurance. This financial strangulation is ongoing and directly contributes to the escalating harm.
10. I have been denied ADA accommodations necessary to participate in judicial proceedings, including CART captioning, continuances due to medical incapacity, and access to electronic filing systems. I submitted more than twenty accommodation requests to state-court officials, including the ADA Coordinator. No interactive process occurred.
11. I have been excluded from meaningful participation in my own case. I have been muted during hearings, prevented from filing documents electronically, and denied the accommodations required under Title II of the ADA. Proceeding to trial under these conditions would permanently prejudice my rights.

12. The district court's December 19, 2025, order did not address the merits of my ADA claims, constitutional claims, or the documented pattern of retaliation, coercive control, and procedural exclusion. It did not acknowledge my adjudicated disability status, the denial of accommodations, or the escalating medical and financial emergencies I face.
13. The harms I am experiencing are ongoing, have already occurred, and are escalating daily. The longer these conditions continue, the more severe and irreversible the harm becomes. These harms cannot be remedied after the fact.
14. I make this Declaration to ensure that the appellate record accurately reflects the current state of harm, the omissions in the district court's order, and the urgent need for immediate injunctive relief.

VIII. CONCLUSION

For the reasons set forth in this Supplement, Plaintiff-Appellant respectfully submits that immediate injunctive relief remains necessary to prevent further irreparable harm and to preserve her rights under the Americans with Disabilities Act, the Constitution, and federal law. The district court's December 19, 2025, order did not address the merits of Plaintiff-Appellant's ADA claims, constitutional claims, or the documented pattern of retaliation, coercive control, and procedural exclusion. It did not acknowledge Plaintiff-Appellant's adjudicated

disability status, the denial of accommodations, or the escalating medical, financial, and safety-related harms that continue to worsen daily.

Irreparable harm is ongoing, has already occurred, and is compounding with each passing day. Plaintiff-Appellant faces imminent loss of housing, transportation, insurance coverage, access to medical care, and the ability to meet basic survival needs. She remains medically incapacitated and unable to safely participate in the state-court trial scheduled for December 29-31, 2025. Without immediate intervention, Plaintiff-Appellant will continue to suffer harm that cannot be remedied after the fact.

Accordingly, Plaintiff-Appellant respectfully requests that this Court grant the Emergency Motion for Injunctive Relief and stay the state-court proceedings pending resolution of this appeal and order the accommodations necessary to ensure meaningful access to the judicial process.

I **Karan L. Macelroy Zopatti**, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief. Declaration Under 28 U.S.C. § 1746
Executed on December 22, 2025, in San Marcos, California.



Karan L. Macelroy Zopatti
Plaintiff-Appellant, Pro Se

CERTIFICATE OF SERVICE

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Case No. 25-7491

**KAREN L. MACELROY ZOPATTI,
Plaintiff-Appellant,**

v.

**SUPERIOR COURT of CALIFORNIA, COUNTY of SAN DIEGO –
CENTRAL COURTHOUSE, FAMILY LAW DIVISION;
JUDGE PAMELA M. PARKER; JUDGE REBECCA KANTER; JUDGE
DAVID B. OBERHOLTER; JUDGE LAURA H. MILLER; JUDGE
EUKETA OLIVER; JUDGE TERRIE E. ROBERTS, in their official
capacities; ADA COORDINATOR HAYDEN HENSON, in his official
capacity; CHRISTOPHER J. ZOPATTI; SCOTT R. MACINNES, in their
individual and professional capacities;
DOES 1 through 50, inclusive,
Defendants-Appellees.**

I **Karen L. Macelroy Zopatti**, certify that on December 22, 2025, I served the foregoing “Supplement and Declaration in Support of Emergency Motion for Injunctive Relief and Stay Pending Appeal” by electronic mail on the following parties and counsel:

• **Matthew L. Green, Esq.**
Best Best & Krieger LLP
655 West Broadway, Suite 1500
San Diego, CA 92101
Email: matthew.green@bbklaw.com
(Counsel for Defendants-Appellees:
San Diego Superior Court, Central Courthouse, Family Law Division;
Judge Pamela M. Parker;
Judge Rebecca Kanter;

Judge David B. Oberholtzer;
Judge Laura H. Miller;
Judge Euketa Oliver;
Judge Terrie E. Roberts;
ADA Coordinator Hayden Henson)

• **Christopher J. Zopatti, Esq.**

Callahan, Thompson, Sherman & Caudill, LLP
2601 Main Street, Suite 800
Irvine, CA 92614
Email: czopatti@gmail.com

(Served personally as an unrepresented party in this federal appeal)

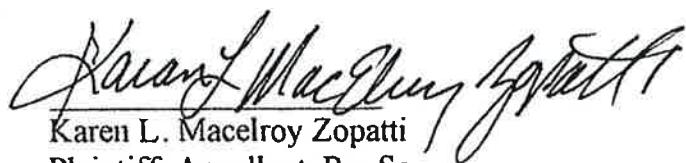
• **Scott R. MacInnes, Esq.**

Clemens | Warren | Pinkerton | Siems
750 B Street, Suite 1600
San Diego, CA 92101
Email: scott@clemenswarren.com

(Served in his capacity as a named Defendant-Appellee in this federal appeal)

Service was made electronically via email, which is reasonably calculated to provide notice.

Executed on December 22, 2025, in San Marcos, California.



Karen L. Macelroy Zopatti
Plaintiff-Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

From: ACMS@ca9.fedcourts.us
Subject: Macelroy Zopatti v. San Diego Superior Court, et al. 25-7491 - 011 - Supplement to Motion or Response to Motion
Date: December 22, 2025 at 3:52 PM
To: klm.zopatti@gmail.com



*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 12/22/2025 3:48:05 PM PST and filed on 12/22/2025

Case Name: Macelroy Zopatti v. San Diego Superior Court, et al.

Case Number: 25-7491

Docket Text:

SUPPLEMENT to Motion for Injunctive Relief (DE 4) filed by Appellant Karen L. Macelroy Zopatti. [Entered: 12/22/2025 03:51 PM]

Document: Supplement to Motion

Notice will be electronically mailed to:

Karen L. Macelroy Zopatti ; klm.zopatti@gmail.com, karanzopatti@gmail.com
Mr. Matthew L. Green ; matthew.green@bbklaw.com, lisa.atwood@bbklaw.com
Mr. Christopher J. Zopatti Esquire; czopatti@ctsclaw.com, czopatti@ctsclaw.com, msnyder@ctsclaw.com, msnyder@ctsclaw.com, msnyder@ctsclaw.com, czopatti@ctsclaw.com, czopatti@ctsclaw.com

Case participants listed below will not receive this electronic notice:



**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Case No. 25-7491

**KAREN L. MACELROY ZOPATTI,
Plaintiff-Appellant,**

v.

**SUPERIOR COURT of CALIFORNIA, COUNTY of SAN DIEGO –
CENTRAL COURTHOUSE, FAMILY LAW DIVISION;
JUDGE PAMELA M. PARKER; JUDGE REBECCA KANTER; JUDGE
DAVID B. OBERHOLTER; JUDGE LAURA H. MILLER; JUDGE
EUKETA OLIVER; JUDGE TERRIE E. ROBERTS, in their official
capacities; ADA COORDINATOR HAYDEN HENSON, in his official
capacity; CHRISTOPHER J. ZOPATTI; SCOTT R. MACINNES, in their
individual and professional capacities;
DOES 1 through 50, inclusive,
Defendants-Appellees.**

SUPPLEMENTAL NOTICE OF APPEAL

Plaintiff-Appellant Karen L. Macelroy Zopatti hereby supplements her previously filed Notice of Appeal to include the district court's post-judgment order entered on December 19, 2025, in Case No. 3:25-cv-02132-BJC-KSC, which denied Appellant's Motion for Reconsideration and denied Appellant's Motion for Temporary Restraining Order as moot.



The district court's transmission order (ECF No. 37) and the December 19, 2025, denial order (ECF No. 38) are already on the district court docket and are referenced in this Court's December 19, 2025, stay order.

This Supplemental Notice of Appeal is filed pursuant to Fed. R. App. P. 4(a)(4).

Respectfully submitted,
Dated: December 20, 2025
San Marcos, California

A handwritten signature in black ink, appearing to read "Karen L. Macelroy Zopatti".

Karen L. Macelroy Zopatti
Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**KAREN L. MACELROY ZOPATTI,
Appellant,**

v.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO,
FAMILY LAW DIVISION; et al.,
Appellees.**

Case No. 25-7491

CERTIFICATE OF SERVICE

I, Karen L. Macelroy Zopatti, certify that on December 21, 2025, I served the foregoing “Supplemental Notice of Appeal” in Case No. 25-7491 by electronic mail on the following counsel and unrepresented parties:

- **Matthew L. Green, Esq.**
Best Best & Krieger LLP
655 West Broadway, Suite 1500
San Diego, CA 92101
Email: matthew.green@bbklaw.com
(Counsel for Defendants-Appellees:
San Diego Superior Court, Central Courthouse, Family Law Division;
Judge Pamela M. Parker;
Judge Rebecca Kanter;
Judge David B. Oberholtzer;
Judge Laura H. Miller;
Judge Euketa Oliver;
Judge Terrie E. Roberts;
ADA Coordinator Hayden Henson)

- **Christopher J. Zopatti, Esq.**
Callahan, Thompson, Sherman & Caudill, LLP
2601 Main Street, Suite 800
Irvine, CA 92614

Email: czopatti@ctsclaw.com

(Served personally as an unrepresented party in this federal appeal)

• **Scott R. MacInnes, Esq.**

Clemens | Warren | Pinkerton | Siems
750 B Street, Suite 1600
San Diego, CA 92101

Email: scott@clemenswarren.com

(Served in his capacity as a named Defendant-Appellee in this federal appeal)

Service was made electronically via email, which is reasonably calculated to provide notice.

Executed on December 21, 2025, in San Marcos, California.



Karen L. Macelroy Zopatti

Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com



Karan Zopatti <karanzopatti@gmail.com>

Subject: Service of Supplemental Notice of Appeal – Case No. 25-7491

1 message

Karan Zopatti <karanzopatti@gmail.com>

Sun, Dec 21, 2025 at 1:57 AM

To: Scott MacInnes <scott@clemenswarren.com>, Chris Zopatti <czopatti@gmail.com>, Matthew.green@bbklaw.com

Dear Counsel and Parties,

Please be advised that I am serving the attached Supplemental Notice of Appeal in Case No. 25-7491, filed in the United States Court of Appeals for the Ninth Circuit. This Supplemental Notice of Appeal concerns the district court's December 19, 2025 post-judgment order.

Service is being made electronically via email, which is reasonably calculated to provide notice.

Respectfully,
Karen L. Macelroy Zopatti
Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

Sent with Genius Scan for iOS.
<https://tgapp.com/e/scan>

Sent from my iPhone

2025-12-21 01-13.pdf
1395K



Karan Zopatti <karanzopatti@gmail.com>

Subject: Service of Supplemental Notice of Appeal – Case No. 25-7491

Karan Zopatti <karanzopatti@gmail.com>
To: "Christopher J. Zopatti" <czopatti@ctsclaw.com>

Sun, Dec 21, 2025 at 3:02 AM

Dear Mr. Zopatti,

Please be advised that I am serving the attached Supplemental Notice of Appeal in Case No. 25-7491, filed in the United States Court of Appeals for the Ninth Circuit. This Supplemental Notice of Appeal concerns the district court's December 19, 2025 post-judgment order.

Service is being made electronically via email, which is reasonably calculated to provide notice.

Respectfully,
Karen L. Macelroy Zopatti
Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

Sent with Genius Scan for iOS.
<https://tgapp.com/e/scan>

Sent from my iPhone

2025-12-21 01-13.pdf
1395K

From: ACMS@ca9.fedcourts.us
Subject: Macelroy Zopatti v. San Diego Superior Court, et al. 25-7491 - 009 - Miscellaneous Pro Se Filings Filed
Date: December 22, 2025 at 10:17 AM
To: klm.zopatti@gmail.com



*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.**

United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 12/22/2025 10:13:43 AM PST and filed on 12/22/2025

Case Name: Macelroy Zopatti v. San Diego Superior Court, et al.

Case Number: 25-7491

Docket Text:

Miscellaneous pro se filings received from Appellant Karen L. Macelroy Zopatti. [COURT ENTERED FILING to correct DE 7.] [Entered: 12/22/2025 10:15 AM]

Document: Misc Filings

Notice will be electronically mailed to:

Karen L. Macelroy Zopatti ; klm.zopatti@gmail.com, karanzopatti@gmail.com
Mr. Matthew L. Green ; matthew.green@bbklaw.com, lisa.atwood@bbklaw.com
Mr. Christopher J. Zopatti Esquire; czopatti@ctsclaw.com, czopatti@ctsclaw.com, msnyder@ctsclaw.com, msnyder@ctsclaw.com, msnyder@ctsclaw.com, msnyder@ctsclaw.com, czopatti@ctsclaw.com, czopatti@ctsclaw.com

Case participants listed below will not receive this electronic notice:

From: ACMS@ca9.fedcourts.us
Subject: Macelroy Zopatti v. San Diego Superior Court, et al. 25-7491 - 007 - Supplement to Motion or Response to Motion
Date: December 22, 2025 at 10:18 AM
To: klm.zopatti@gmail.com



*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 12/22/2025 7:29:30 AM PST and filed on 12/22/2025

Case Name: Macelroy Zopatti v. San Diego Superior Court, et al.

Case Number: 25-7491

Docket Text:

DEFECTIVE--SUPPLEMENT to Motion for Injunctive Relief (DE 4) filed by Appellant Karen L. Macelroy Zopatti. [Wrong filing type used, correct entry is DE 9.] [Entered: 12/22/2025 07:35 AM] [Edited: 12/22/2025 10:16 AM]

Document: Supplement to Motion

Notice will be electronically mailed to:

Karen L. Macelroy Zopatti ; klm.zopatti@gmail.com, karanzopatti@gmail.com
Mr. Matthew L. Green ; matthew.green@bbklaw.com, lisa.atwood@bbklaw.com
Mr. Christopher J. Zopatti Esquire: Attorney; czopatti@ctsclaw.com,
msnyder@ctsclaw.com, msnyder@ctsclaw.com, czopatti@ctsclaw.com

Case participants listed below will not receive this electronic notice:

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Case No. 25-7491

**KAREN L. MACELROY ZOPATTI,
Plaintiff-Appellant,**

v.

**SUPERIOR COURT of CALIFORNIA, COUNTY of SAN DIEGO –
CENTRAL COURTHOUSE, FAMILY LAW DIVISION;
JUDGE PAMELA M. PARKER; JUDGE REBECCA KANTER; JUDGE
DAVID B. OBERHOLTER; JUDGE LAURA H. MILLER; JUDGE
EUKETA OLIVER; JUDGE TERRIE E. ROBERTS, in their official
capacities; ADA COORDINATOR HAYDEN HENSON, in his official
capacity; CHRISTOPHER J. ZOPATTI; SCOTT R. MACINNES, in their
individual and professional capacities;
DOES 1 through 50, inclusive,
Defendants-Appellees.**

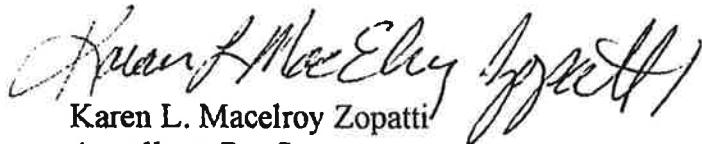
SUPPLEMENTAL NOTICE OF APPEAL

Plaintiff-Appellant Karen L. Macelroy Zopatti hereby supplements her previously filed Notice of Appeal to include the district court's post-judgment order entered on December 19, 2025, in Case No. 3:25-cv-02132-BJC-KSC, which denied Appellant's Motion for Reconsideration and denied Appellant's Motion for Temporary Restraining Order as moot.

The district court's transmission order (ECF No. 37) and the December 19, 2025, denial order (ECF No. 38) are already on the district court docket and are referenced in this Court's December 19, 2025, stay order.

This Supplemental Notice of Appeal is filed pursuant to Fed. R. App. P. 4(a)(4).

Respectfully submitted,
Dated: December 20, 2025
San Marcos, California



Karen L. Macelroy Zopatti
Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

**KAREN L. MACELROY ZOPATTI,
Appellant,**

v.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO,
FAMILY LAW DIVISION; et al.,
Appellees.**

Case No. 25-7491

CERTIFICATE OF SERVICE

I, Karen L. Macelroy Zopatti, certify that on December 21, 2025, I served the foregoing **“Supplemental Notice of Appeal”** in Case No. 25-7491 by electronic mail on the following counsel and unrepresented parties:

- **Matthew L. Green, Esq.**
Best Best & Krieger LLP
655 West Broadway, Suite 1500
San Diego, CA 92101
Email: matthew.green@bbklaw.com
(Counsel for Defendants-Appellees:
San Diego Superior Court, Central Courthouse, Family Law Division;
Judge Pamela M. Parker;
Judge Rebecca Kanter;
Judge David B. Oberholtzer;
Judge Laura H. Miller;
Judge Euketa Oliver;
Judge Terrie E. Roberts;
ADA Coordinator Hayden Henson)
- **Christopher J. Zopatti, Esq.**
Callahan, Thompson, Sherman & Caudill, LLP
2601 Main Street, Suite 800
Irvine, CA 92614

Email: czopatti@ctsclaw.com

(Served personally as an unrepresented party in this federal appeal)

• **Scott R. MacInnes, Esq.**

Clemens | Warren | Pinkerton | Siems

750 B Street, Suite 1600

San Diego, CA 92101

Email: scott@clemenswarren.com

(Served in his capacity as a named Defendant-Appellee in this federal appeal)

Service was made electronically via email, which is reasonably calculated to provide notice.

Executed on December 21, 2025, in San Marcos, California.



Karen L. Macelroy Zopatti

Appellant, Pro Se

2135 Coast Ave

San Marcos, CA 92078

(760) 877-9469

KaranZopatti@gmail.com



Karan Zopatti <karanzopatti@gmail.com>

Subject: Service of Supplemental Notice of Appeal – Case No. 25-7491

1 message

Karan Zopatti <karanzopatti@gmail.com>

Sun, Dec 21, 2025 at 1:57 AM

To: Scott MacInnes <scott@clemenswarren.com>, Chris Zopatti <czopatti@gmail.com>, Matthew.green@bbklaw.com

Dear Counsel and Parties,

Please be advised that I am serving the attached Supplemental Notice of Appeal in Case No. 25-7491, filed in the United States Court of Appeals for the Ninth Circuit. This Supplemental Notice of Appeal concerns the district court's December 19, 2025 post-judgment order.

Service is being made electronically via email, which is reasonably calculated to provide notice.

Respectfully,
Karen L. MacInnes Zopatti
Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

Sent with Genius Scan for iOS.
<https://tgapp.com/e/scan>

Sent from my iPhone

2025-12-21 01-13.pdf
1395K



Karan Zopatti <karanzopatti@gmail.com>

Subject: Service of Supplemental Notice of Appeal – Case No. 25-7491

Karan Zopatti <karanzopatti@gmail.com>
To: "Christopher J. Zopatti" <czopatti@ctsclaw.com>

Sun, Dec 21, 2025 at 3:02 AM

Dear Mr. Zopatti,

Please be advised that I am serving the attached Supplemental Notice of Appeal in Case No. 25-7491, filed in the United States Court of Appeals for the Ninth Circuit. This Supplemental Notice of Appeal concerns the district court's December 19, 2025 post-judgment order.

Service is being made electronically via email, which is reasonably calculated to provide notice.

Respectfully,
Karen L. Macelroy Zopatti
Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

Sent with Genius Scan for iOS.
<https://tgapp.com/e/scan>

Sent from my iPhone

2025-12-21 01-13.pdf
1395K

From: ACMS@ca9.fedcourts.us
Subject: Macelroy Zopatti v. San Diego Superior Court, et al. 25-7491 - 007 - Supplement to Motion or Response to Motion
Date: December 22, 2025 at 7:37 AM
To: klm.zopatti@gmail.com



*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 12/22/2025 7:29:30 AM PST and filed on 12/22/2025

Case Name: Macelroy Zopatti v. San Diego Superior Court, et al.

Case Number: 25-7491

Docket Text:

SUPPLEMENT to Motion for Injunctive Relief (DE 4) filed by Appellant Karen L. Macelroy Zopatti. [Entered: 12/22/2025 07:35 AM]

Document: Supplement to Motion

Notice will be electronically mailed to:

Karen L. Macelroy Zopatti ; klm.zopatti@gmail.com, karanzopatti@gmail.com
Mr. Matthew L. Green ; matthew.green@bbklaw.com, lisa.atwood@bbklaw.com
Mr. Christopher J. Zopatti Esquire; czopatti@ctsclaw.com, czopatti@ctsclaw.com, msnyder@ctsclaw.com, msnyder@ctsclaw.com, msnyder@ctsclaw.com, czopatti@ctsclaw.com, czopatti@ctsclaw.com

Case participants listed below will not receive this electronic notice:



UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Case No. 25-7491

KAREN L. MACELROY ZOPATTI,
Plaintiff-Appellant,

v.

**SUPERIOR COURT of CALIFORNIA, COUNTY of SAN DIEGO –
CENTRAL COURTHOUSE, FAMILY LAW DIVISION;
JUDGE PAMELA M. PARKER; JUDGE REBECCA KANTER; JUDGE
DAVID B. OBERHOLTER; JUDGE LAURA H. MILLER; JUDGE
EUKETA OLIVER; JUDGE TERRIE E. ROBERTS, in their official
capacities; ADA COORDINATOR HAYDEN HENSON, in his official
capacity; CHRISTOPHER J. ZOPATTI; SCOTT R. MACINNES, in their
individual and professional capacities;
DOES 1 through 50, inclusive,
Defendants-Appellees.**

APPELLANT'S NOTICE OF DISTRICT COURT RULING

Appellant, Karen L. Macelroy Zopatti, respectfully notifies this Court that on December 19, 2025, the United States District Court for the Southern District of California, in Case No. 3:25-cv-02132-BJC-KSC, entered an order denying Appellant's post-judgment Motion for Reconsideration and denying Appellant's Motion for Temporary Restraining Order as moot.

The district court's transmission order (ECF No. 37) and the December 19, 2025, denial order (ECF No. 38) is already on the district court docket and are available to this Court as part of the record on appeal.

Because the district court has now ruled on the timely post-judgment motion identified in this Court's December 19, 2025, stay order, Appellant respectfully requests that this Court lift or modify the stay and proceed with consideration of the pending "Emergency Motion for Injunction Relief and Stay Pending Appeal".

Respectfully submitted,
Dated: December 20, 2025
San Marcos, California



Karen L. Macelroy Zopatti
Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**KAREN L. MACELROY ZOPATTI,
Appellant,**

v.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO,
FAMILY LAW DIVISION; et al.,
Appellees.**

Case No. 25-7491

CERTIFICATE OF SERVICE

I, Karen L. Macelroy Zopatti, certify that on December 21, 2025, I served the foregoing “Appellant’s Notice of District Court Ruling” in Case No. 25-7491 by electronic mail on the following parties and counsel:

- **Matthew L. Green, Esq.**
Best Best & Krieger LLP
655 West Broadway, Suite 1500
San Diego, CA 92101
Email: matthew.green@bbklaw.com
(Counsel for Defendants-Appellees:
San Diego Superior Court, Central Courthouse, Family Law Division;
Judge Pamela M. Parker;
Judge Rebecca Kanter;
Judge David B. Oberholtzer;
Judge Laura H. Miller;
Judge Euketa Oliver;
Judge Terrie E. Roberts;
ADA Coordinator Hayden Henson)

- **Christopher J. Zopatti, Esq.**
Callahan, Thompson, Sherman & Caudill, LLP
2601 Main Street, Suite 800
Irvine, CA 92614

Email: czopatti@ctsclaw.com

(Served personally as an unrepresented party in this federal appeal)

• **Scott R. MacInnes, Esq.**

Clemens | Warren | Pinkerton | Siems
750 B Street, Suite 1600
San Diego, CA 92101

Email: scott@clemenswarren.com

(Served in his capacity as a named Defendant-Appellee in this federal appeal)

Service was made electronically via email, which is reasonably calculated to provide notice.

Executed on December 21, 2025, in San Marcos, California.



Karen L. Macelroy Zopatti
Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com



Karan Zopatti <karanzopatti@gmail.com>

RE: Service of Appellant's Notice of District Court Ruling – Case No. 25-7491

1 message

Karan Zopatti <karanzopatti@gmail.com>

Sun, Dec 21, 2025 at 1:05 AM

To: Scott MacInnes <scott@clemenswarren.com>, Chris Zopatti <czopatti@gmail.com>, Matthew.green@bbklaw.com

Dear Counsel and Parties,

Attached please find Appellant's "Notice of District Court Ruling" for Case No. 25-7491.

This document is being served by email prior to filing with the United States Court of Appeals for the Ninth Circuit.

Respectfully,
Karen L. MacElroy Zopatti
Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

Notice 12:19:25.pdf
1297K



Karan Zopatti <karanzopatti@gmail.com>

RE: Service of Appellant's Notice of District Court Ruling – Case No. 25-7491

Karan Zopatti <karanzopatti@gmail.com>
To: "Christopher J. Zopatti" <czopatti@ctsclaw.com>

Sun, Dec 21, 2025 at 3:04 AM

Dear Mr. Zopatti

Attached please find Appellant's "Notice of District Court Ruling" for Case No. 25-7491.
This document is being served by email prior to filing with the United States Court of Appeals for the Ninth Circuit.

Respectfully,
Karen L. MacElroy Zopatti
Appellant, Pro Se
2135 Coast Ave
San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

Notice 12:19:25.pdf
1297K

Case participants listed below will not receive this electronic notice:

msnyder@ctsclaw.com, czopatti@ctsclaw.com, czopatti@ctsclaw.com,
mchristopher.l.zopatti@ctsclaw.com, msnyder@ctsclaw.com, msnyder@ctsclaw.com,
mattew.l.green@bklaw.com, lisa.awtwood@bklaw.com
Karen L. Macelroy Zopatti ; km.zopatti@gmail.com, karanzopatti@gmail.com
Mr. Matthew L. Green ; mattew.green@bklaw.com, lisa.awtwood@gmail.com

Notice will be electronically mailed to:

Document: Status Report

07:24 AM]
STATUS REPORT filed by Appellant Karen L. Macelroy Zopatti. [Entered: 12/22/2025]

Document Text:

Case Number: 25-7491

Case Name: Macelroy Zopatti v. San Diego Superior Court, et al.

12/22/2025
The following transaction was entered on 12/22/2025 7:11:56 AM PST and filed on

Notice of Document Activity

United States Court of Appeals for the Ninth Circuit

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States
policy permits attorney records and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PUBLIC ACCESS fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

From: ACMIS@fedcourts.us
Subject: Macelroy Zopatti v. San Diego Superior Court, et al. 25-7491 - 006 - Status Report
Date: December 22, 2025 at 7:26 AM
To: km.zopatti@gmail.com



FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DEC 19 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KAREN L. MACELROY ZOPATTI,

Plaintiff - Appellant,

v.

SAN DIEGO SUPERIOR COURT, Central
Courthouse, Family Law Division; et al.,

Defendants - Appellees.

No. 25-7491

D.C. No.

3:25-cv-02132-BJC-KSC

Southern District of California,
San Diego

ORDER

Proceedings in this court other than mediation are stayed until the district court rules on the timely tolling motion filed on November 20, 2025. *See* Fed. R. App. P. 4(a)(4); *Leader Nat'l Ins. Co. v. Indus. Indem. Ins. Co.*, 19 F.3d 444, 445 (9th Cir. 1994).

To challenge the district court's ruling on the post-judgment motion, appellant must file a timely notice of appeal. *See* Fed. R. App. P. 4(a).

The clerk will send a copy of this order to the district court and the district judge.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KAREN MACELROY ZOPATTI,
Plaintiff,
v.
SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO-CENTRAL
COURTHOUSE, FAMILY LAW
DIVISION, et al.,
Defendants.

Case No.: 25-cv-2132-BJC-KSC

ORDER:

**(1) DENYING MOTION FOR
RECONSIDERATION, AND**
**(2) DENYING MOTION FOR
TEMPORARY RESTRAINING
ORDER AS MOOT**

[ECF No. 30, 31]

Before the Court is Karen Zopatti's ("Plaintiff") Motion for Reconsideration ("Motion"), ECF No. 31, along with her fifth motion for a temporary restraining order ("TRO"). ECF No. 32. For the reasons explained below, both petitions are **DENIED**.

I. BACKGROUND

The relevant factual and procedural history is set forth in the Court's order on October 23, 2025. ECF No. 28. The Court summarizes only those details pertinent to the present motions.

On August 19, 2025, Plaintiff, proceeding *pro se*, filed a Complaint, ECF No. 1, alongside a Motion for a TRO, ECF No. 2, which the Court dismissed as moot on August 20, 2025. ECF No. 5. Plaintiff subsequently filed a second TRO motion on September 12,

1 2025, ECF No. 8, which was denied for lack of jurisdiction. ECF No. 11. On September
2 5, 2025, Defendants filed Motions to Dismiss the Complaint pursuant to Rule 12(b)(1),
3 ECF Nos. 6, 7, and Plaintiff filed oppositions. ECF Nos. 12, 13, 18. On September 26,
4 2025, Plaintiff filed a third motion for a TRO. ECF No. 19. On October 14, 2025, Plaintiff
5 filed her fourth TRO. ECF No. 21 at 29. On October 23, 2025, the Court granted
6 Defendants' Motion to Dismiss for lack of jurisdiction, denied all pending motions as moot,
7 and ordered the clerk of the Court to close the case.¹

8 On November 20, 2025, nearly one month after dismissal, Plaintiff filed the present
9 Motion for Reconsideration, ECF No. 31, together with her fifth TRO motion, ECF No.
10 32. Plaintiff requests wide-ranging relief, including: (1) vacatur of the dismissal order; (2)
11 issuance of a TRO; (3) a federal stay of the state-court dissolution trial; (4) recusal of the
12 undersigned judge; (5) an order compelling release of "survival funds"; (6) reimbursement
13 of expenses allegedly incurred due to lack of spousal support; (7) release of Plaintiff's
14 medical records; (8) preservation of the record; (9) transfer of venue in the state action;
15 (10) a liaison pursuant to the Americans with Disabilities Act ("ADA"); (11) declarations
16 of constitutional violations; (12) tolling of statutes of limitation; (13) barring any attorney's
17 fees sought by Defendants; (14) imposition of monetary and evidentiary sanctions; (15)
18 issuance of "sworn disclosures"; (16) enjoining further participation by conflicted judges;
19 (17) preservation of certified transcripts and prior orders; (18) requiring Defendants to
20 maintain housing, transportation, and insurance payments; (19) enjoining Defendants from
21 "coercive settlement tactics"; (20) enforcement of federal protections equivalent to

22

23

24 ¹ Plaintiff contends that the Court did not grant her leave to amend. See ECF No. 31 at 7.
25 However, Plaintiff never moved for leave to amend. The Court dismissed the complaint
26 without prejudice on October 23, 2025. See ECF No. 28 at 7. Therefore, Plaintiff remained
27 obligated under Federal Rule of Civil Procedure 15(a)(2) to obtain either the opposing
28 party's written consent or the Court's leave before filing any amended complaint. Plaintiff
is still free to file a proper motion for leave to amend should she wish to pursue an amended
pleading.

1 California's Automatic Temporary Restraining Orders; and (21) leave to amend her
2 complaint. ECF No. 31 at 64.

3 **II. LEGAL STANDARD**

4 A motion for reconsideration of a final judgment may proceed under Federal Rule
5 of Civil Procedure 59(e) (motion to alter or amend judgment) or Rule 60(b) (motion for
6 relief from judgment). *Sch. Dist. No. 1J, Multnomah Cnty. v. ACands, Inc.*, 5 F.3d 1255,
7 1262 (9th Cir. 1993).

8 Rule 59(e) allows a court to “alter or amend a judgment . . . no later than 28 days
9 after the entry of the judgment.” Fed. R. Civ. P. 59(e). Rule 59(e) motions “should not be
10 granted, absent highly unusual circumstances, unless the district court is presented with
11 newly discovered evidence, committed clear error, or if there is an intervening change in
12 the controlling law.” *McDowell v. Caldero*, 197 F.3d 1253, 1255 (9th Cir. 1999) (en banc).
13 Because the rule offers an “extraordinary remedy,” it must be “used sparingly in the
14 interests of finality and conservation of judicial resources.” *Kona Enterprises, Inc. v.
15 Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (citation modified). Rule 59(e) “may
16 not be used to raise arguments or present evidence for the first time when they could
17 reasonably have been raised earlier in the litigation.” *Marlyn v. Nutraceutical, Inc. v.
18 Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009) (quoting *Kona
19 Enterprises, Inc.*, 229 F.3d at 890).

20 Rule 60 provides for extraordinary relief and may be invoked only upon a showing
21 of “exceptional circumstances.” *Engleson v. Burlington N.R. Co.*, 972 F.2d 1038, 1044
22 (9th Cir. 1994). The Rule identifies six permissible grounds for relief from a final
23 judgment, order, or proceeding, namely: “(1) mistake, inadvertence, surprise, or excusable
24 neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been
25 discovered in time to move for a new trial under Rule 59(b); (3) fraud by the adverse party;
26 (4) the judgment is void; (5) the judgment has been satisfied; (6) and other reason justifying
27 relief.” Fed. R. Civ. P. 60(b).

28 **III. DISCUSSION**

1 Plaintiff's primary argument is that the Court erred in concluding it lacked
2 jurisdiction. She first asserts that because she previously brought an ADA claim in *Zopatti*
3 *v. Rancho Dorado Homeowners Ass'n*, 781 F. Supp. 2d 1019 (S.D. Cal. 2011), and the
4 Court exercised jurisdiction in that matter, jurisdiction must similarly exist here. ECF No.
5 31 at 3. This argument is without merit. Jurisdiction over a separate ADA case involving
6 different parties, different facts, and no ongoing parallel state-court proceedings does not
7 establish jurisdiction in the present case. Federal jurisdiction is case-specific and cannot
8 be transferred across unrelated matters. *United States v. Roberts*, 618 F.2d 530, 537 (9th
9 Cir. 1980) ("Subject matter jurisdiction . . . is not transferable."). Moreover, *Younger*
10 abstention was not an issue in *Rancho Dorado*. *See generally Zopatti*, 781 F. Supp. 2d at
11 1023. Plaintiff's prior federal litigation does not excuse the jurisdictional limitations that
12 control here.

13 Plaintiff next contends that the Court improperly applied *Younger* abstention,
14 asserting that extraordinary circumstances exist and that state remedies are inadequate.
15 ECF No. 31 at 18-19. She cites personal and financial hardships, including severe medical
16 needs, ECF No. 31 at 23, mortgage delinquency, *id.* at 27, risk of foreclosure, *id.* at 22, loss
17 of insurance, *id.* at 23, and depletion of Social Security Disability Income. *Id.* While the
18 Court recognizes the seriousness of these hardships, they do not fall within *Younger*'s
19 "extraordinary circumstances" exception.

20 Exceptions to *Younger* abstention exist where there is a "showing of bad faith,
21 harassment, or some other extraordinary circumstance that would make abstention
22 inappropriate." *Middlesex County Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423,
23 435 (1982); *see Baffert v. Cal. Horse Racing Bd.*, 332 F.3d 613, 621 (9th Cir. 2003). None
24 of these circumstances are present here. Although Plaintiff alleges that the State denied
25 certain ADA accommodations, ECF No. 31 at 16, she identifies no facts suggesting bad-
26 faith conduct by any state official. *Id.* Nor is there any evidence of harassment or any
27 structural defect in the state judicial system that would preclude her from raising federal
28 claims. *See generally id.* As the Court previously noted, Plaintiff has access to — and has

1 utilized — available state procedures, including motions, writ petitions, and appellate
2 review. *Id.* at 18-19. Her dissatisfaction with the results obtained in those forums does not
3 render state remedies inadequate for purposes of *Younger*.

4 Finally, Plaintiff raises additional arguments seeking recusal of the undersigned, *id.*
5 at 36, and alleging interference with her filings. *Id.* at 21. These assertions were not raised
6 prior to judgment. A motion for reconsideration is not a vehicle to introduce new claims,
7 new theories, or collateral grievances unrelated to the underlying ruling. *See Berman v.*
8 *Freedom Fin. Network, LLC*, 30 F.4th 849, 859 (9th Cir. 2022) (citation omitted)
9 (“Reconsideration motions may not be used to raise new arguments or introduce new
10 evidence if, with reasonable diligence, the arguments and evidence could have been
11 presented during consideration of the original ruling.”). Whether Plaintiff seeks relief
12 under Rule 59 or Rule 60, these issues were not before the Court at the time it issued the
13 dismissal order. Because they do not constitute proper grounds for reconsideration, the
14 Court declines to address them here. Their inclusion in Plaintiff’s motion does not affect
15 the Court’s prior jurisdictional determination and provides no basis for altering the
16 judgment.

17 **IV. CONCLUSION**

18 Accordingly, it is hereby ordered that:

19 1. Plaintiff’s Motion for Reconsideration, ECF No. 31, is **DENIED**.
20 2. Plaintiff’s fifth Motion for a Temporary Restraining Order, ECF No. 32, is **DENIED**
21 **AS MOOT**, because the underlying case remains dismissed.

22 **IS IT SO ORDERED.**

23 Dated: December 19, 2025

24
25
26
27
28 

Honorable Benjamin J. Cheeks
United States District Judge

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9

10 KAREN MACELROY ZOPATTI,
11 Plaintiff,
12 v.
13 SUPERIOR COURT OF CALIFORNIA,
14 COUNTY OF SAN DIEGO-CENTRAL
15 COURTHOUSE, FAMILY LAW
16 DIVISION, et al.,
17 Defendants.
18

Case No.: 25-cv-2132-BJC-KSC

ORDER:

**(1) DENYING MOTION FOR
RECONSIDERATION, AND**
**(2) DENYING MOTION FOR
TEMPORARY RESTRAINING
ORDER AS MOOT**

[ECF No. 30, 31]

19 Before the Court is Karen Zopatti's ("Plaintiff") Motion for Reconsideration
20 ("Motion"), ECF No. 31, along with her fifth motion for a temporary restraining order
21 ("TRO"). ECF No. 32. For the reasons explained below, both petitions are **DENIED**.

22 **I. BACKGROUND**

23 The relevant factual and procedural history is set forth in the Court's order on
24 October 23, 2025. ECF No. 28. The Court summarizes only those details pertinent to the
25 present motions.

26 On August 19, 2025, Plaintiff, proceeding *pro se*, filed a Complaint, ECF No. 1,
27 alongside a Motion for a TRO, ECF No. 2, which the Court dismissed as moot on August
28 20, 2025. ECF No. 5. Plaintiff subsequently filed a second TRO motion on September 12,

1 2025, ECF No. 8, which was denied for lack of jurisdiction. ECF No. 11. On September
2 5, 2025, Defendants filed Motions to Dismiss the Complaint pursuant to Rule 12(b)(1),
3 ECF Nos. 6, 7, and Plaintiff filed oppositions. ECF Nos. 12, 13, 18. On September 26,
4 2025, Plaintiff filed a third motion for a TRO. ECF No. 19. On October 14, 2025, Plaintiff
5 filed her fourth TRO. ECF No. 21 at 29. On October 23, 2025, the Court granted
6 Defendants' Motion to Dismiss for lack of jurisdiction, denied all pending motions as moot,
7 and ordered the clerk of the Court to close the case.¹

8 On November 20, 2025, nearly one month after dismissal, Plaintiff filed the present
9 Motion for Reconsideration, ECF No. 31, together with her fifth TRO motion, ECF No.
10 32. Plaintiff requests wide-ranging relief, including: (1) vacatur of the dismissal order; (2)
11 issuance of a TRO; (3) a federal stay of the state-court dissolution trial; (4) recusal of the
12 undersigned judge; (5) an order compelling release of "survival funds"; (6) reimbursement
13 of expenses allegedly incurred due to lack of spousal support; (7) release of Plaintiff's
14 medical records; (8) preservation of the record; (9) transfer of venue in the state action;
15 (10) a liaison pursuant to the Americans with Disabilities Act ("ADA"); (11) declarations
16 of constitutional violations; (12) tolling of statutes of limitation; (13) barring any attorney's
17 fees sought by Defendants; (14) imposition of monetary and evidentiary sanctions; (15)
18 issuance of "sworn disclosures"; (16) enjoining further participation by conflicted judges;
19 (17) preservation of certified transcripts and prior orders; (18) requiring Defendants to
20 maintain housing, transportation, and insurance payments; (19) enjoining Defendants from
21 "coercive settlement tactics"; (20) enforcement of federal protections equivalent to

22

23

24 ¹ Plaintiff contends that the Court did not grant her leave to amend. *See* ECF No. 31 at 7.
25 However, Plaintiff never moved for leave to amend. The Court dismissed the complaint
26 without prejudice on October 23, 2025. *See* ECF No. 28 at 7. Therefore, Plaintiff remained
27 obligated under Federal Rule of Civil Procedure 15(a)(2) to obtain either the opposing
28 party's written consent or the Court's leave before filing any amended complaint. Plaintiff
is still free to file a proper motion for leave to amend should she wish to pursue an amended
pleading.

1 California's Automatic Temporary Restraining Orders; and (21) leave to amend her
2 complaint. ECF No. 31 at 64.

3 **II. LEGAL STANDARD**

4 A motion for reconsideration of a final judgment may proceed under Federal Rule
5 of Civil Procedure 59(e) (motion to alter or amend judgment) or Rule 60(b) (motion for
6 relief from judgment). *Sch. Dist. No. 1J, Multnomah Cnty. v. ACands, Inc.*, 5 F.3d 1255,
7 1262 (9th Cir. 1993).

8 Rule 59(e) allows a court to “alter or amend a judgment . . . no later than 28 days
9 after the entry of the judgment.” Fed. R. Civ. P. 59(e). Rule 59(e) motions “should not be
10 granted, absent highly unusual circumstances, unless the district court is presented with
11 newly discovered evidence, committed clear error, or if there is an intervening change in
12 the controlling law.” *McDowell v. Caldero*, 197 F.3d 1253, 1255 (9th Cir. 1999) (en banc).
13 Because the rule offers an “extraordinary remedy,” it must be “used sparingly in the
14 interests of finality and conservation of judicial resources.” *Kona Enterprises, Inc. v.
15 Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (citation modified). Rule 59(e) “may
16 not be used to raise arguments or present evidence for the first time when they could
17 reasonably have been raised earlier in the litigation.” *Marlyn v. Nutraceutical, Inc. v.
18 Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009) (quoting *Kona
19 Enterprises, Inc.*, 229 F.3d at 890).

20 Rule 60 provides for extraordinary relief and may be invoked only upon a showing
21 of “exceptional circumstances.” *Engleson v. Burlington N.R. Co.*, 972 F.2d 1038, 1044
22 (9th Cir. 1994). The Rule identifies six permissible grounds for relief from a final
23 judgment, order, or proceeding, namely: “(1) mistake, inadvertence, surprise, or excusable
24 neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been
25 discovered in time to move for a new trial under Rule 59(b); (3) fraud by the adverse party;
26 (4) the judgment is void; (5) the judgment has been satisfied; (6) and other reason justifying
27 relief.” Fed. R. Civ. P. 60(b).

28 **III. DISCUSSION**

1 Plaintiff's primary argument is that the Court erred in concluding it lacked
2 jurisdiction. She first asserts that because she previously brought an ADA claim in *Zopatti*
3 *v. Rancho Dorado Homeowners Ass'n*, 781 F. Supp. 2d 1019 (S.D. Cal. 2011), and the
4 Court exercised jurisdiction in that matter, jurisdiction must similarly exist here. ECF No.
5 31 at 3. This argument is without merit. Jurisdiction over a separate ADA case involving
6 different parties, different facts, and no ongoing parallel state-court proceedings does not
7 establish jurisdiction in the present case. Federal jurisdiction is case-specific and cannot
8 be transferred across unrelated matters. *United States v. Roberts*, 618 F.2d 530, 537 (9th
9 Cir. 1980) ("Subject matter jurisdiction . . . is not transferable."). Moreover, *Younger*
10 abstention was not an issue in *Rancho Dorado*. *See generally Zopatti*, 781 F. Supp. 2d at
11 1023. Plaintiff's prior federal litigation does not excuse the jurisdictional limitations that
12 control here.

13 Plaintiff next contends that the Court improperly applied *Younger* abstention,
14 asserting that extraordinary circumstances exist and that state remedies are inadequate.
15 ECF No. 31 at 18-19. She cites personal and financial hardships, including severe medical
16 needs, ECF No. 31 at 23, mortgage delinquency, *id.* at 27, risk of foreclosure, *id.* at 22, loss
17 of insurance, *id.* at 23, and depletion of Social Security Disability Income. *Id.* While the
18 Court recognizes the seriousness of these hardships, they do not fall within *Younger*'s
19 "extraordinary circumstances" exception.

20 Exceptions to *Younger* abstention exist where there is a "showing of bad faith,
21 harassment, or some other extraordinary circumstance that would make abstention
22 inappropriate." *Middlesex County Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423,
23 435 (1982); *see Baffert v. Cal. Horse Racing Bd.*, 332 F.3d 613, 621 (9th Cir. 2003). None
24 of these circumstances are present here. Although Plaintiff alleges that the State denied
25 certain ADA accommodations, ECF No. 31 at 16, she identifies no facts suggesting bad-
26 faith conduct by any state official. *Id.* Nor is there any evidence of harassment or any
27 structural defect in the state judicial system that would preclude her from raising federal
28 claims. *See generally id.* As the Court previously noted, Plaintiff has access to — and has

1 utilized — available state procedures, including motions, writ petitions, and appellate
2 review. *Id.* at 18-19. Her dissatisfaction with the results obtained in those forums does not
3 render state remedies inadequate for purposes of *Younger*.

4 Finally, Plaintiff raises additional arguments seeking recusal of the undersigned, *id.*
5 at 36, and alleging interference with her filings. *Id.* at 21. These assertions were not raised
6 prior to judgment. A motion for reconsideration is not a vehicle to introduce new claims,
7 new theories, or collateral grievances unrelated to the underlying ruling. *See Berman v.*
8 *Freedom Fin. Network, LLC*, 30 F.4th 849, 859 (9th Cir. 2022) (citation omitted)
9 (“Reconsideration motions may not be used to raise new arguments or introduce new
10 evidence if, with reasonable diligence, the arguments and evidence could have been
11 presented during consideration of the original ruling.”). Whether Plaintiff seeks relief
12 under Rule 59 or Rule 60, these issues were not before the Court at the time it issued the
13 dismissal order. Because they do not constitute proper grounds for reconsideration, the
14 Court declines to address them here. Their inclusion in Plaintiff’s motion does not affect
15 the Court’s prior jurisdictional determination and provides no basis for altering the
16 judgment.

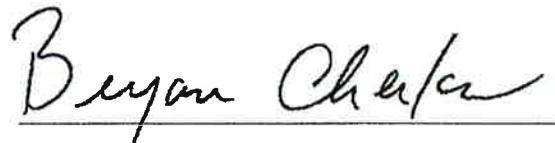
17 **IV. CONCLUSION**

18 Accordingly, it is hereby ordered that:

19 1. Plaintiff’s Motion for Reconsideration, ECF No. 31, is **DENIED**.
20 2. Plaintiff’s fifth Motion for a Temporary Restraining Order, ECF No. 32, is **DENIED**
21 **AS MOOT**, because the underlying case remains dismissed.

22 **IS IT SO ORDERED.**

23 Dated: December 19, 2025

24
25
26
27
28 

Honorable Benjamin J. Cheeks
United States District Judge



UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 19 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KAREN L. MACELROY ZOPATTI,

Plaintiff - Appellant,

v.

SAN DIEGO SUPERIOR COURT, Central
Courthouse, Family Law Division; et al.,

Defendants - Appellees.

No. 25-7491

D.C. No.

3:25-cv-02132-BJC-KSC

Southern District of California,
San Diego

ORDER

Proceedings in this court other than mediation are stayed until the district court rules on the timely tolling motion filed on November 20, 2025. *See* Fed. R. App. P. 4(a)(4); *Leader Nat'l Ins. Co. v. Indus. Indem. Ins. Co.*, 19 F.3d 444, 445 (9th Cir. 1994).

To challenge the district court's ruling on the post-judgment motion, appellant must file a timely notice of appeal. *See* Fed. R. App. P. 4(a).

The clerk will send a copy of this order to the district court and the district judge.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

L

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Form 16. Circuit Rule 27-3 Certificate for Emergency Motion

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form16instructions.pdf>

9th Cir. Case Number(s) 25-7491

Case Name Karen L. MacElroy Zopatti v. Superior Court of California, County of San Diego, et al.

I certify the following:

The relief I request in the emergency motion that accompanies this certificate is:

The relief I request in the emergency motion that accompanies this certificate is: Immediate stay of all state proceedings, including the December 29, 2025 divorce trial, pending resolution of appeal and provision of ADA accommodations.

See attached Motion for Injunction Pending Appeal with Exhibits and my Declaration

Now, but no later than

Relief is needed no later than (date): December 29, 2025 (the scheduled trial start date)

The following will happen if relief is not granted within the requested time:

I have already suffer irreparable harm, and it is escalating. I is now a life and death matter, with health jeopardized and facing financial strangulation and abuse. The following will happen if relief is not granted within the requested time: Plaintiff will be forced to trial while medically incapacitated, denied ADA accommodations, face foreclosure, repossession of vehicle, lapse of insurance, unsafe housing displacement, and irreparable prejudice to federal rights, my health and medical care is currently being Jeopardized, including interruption of my cancer care treatment and surgery. I face imminent risk of loss of housing stability and I will suffer severe transportation hardships, preventing access to medical care and court obligations

I could not have filed this motion earlier because:

I could not have filed this motion earlier because: Harms escalated after the district court's October 23, 2025 dismissal order; insurance lapse notice was issued December 9, 2025; trial is set for December 29, 2025. Motion filed promptly after appeal notice on November 24, 2025. New facts and ongoing harm, including judicial enabling and intimidation, making immediate appellate relief necessary

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

I requested this relief in the district court or other lower court: Yes No

If not, why not:

If not, why not: District court dismissed ADA complaint on October 23, 2025 without merits ruling; no adequate forum remained to request stay.

Immediate harm required direct appeal

I notified 9th Circuit court staff via voicemail or email about the filing of this motion Yes No

If not, why not:

I called the 9th Circuit court staff and spoke with the supervisor and other staff about my need for filing an urgent Emergency Injunction Relief due to escalating harm.

I have notified all counsel and any unrepresented party of the filing of this motion.

On (date): December 11, 2025

By (method): Email and electronic service

Position of other parties: Oppose

Name and best contact information for each counsel/party notified:

Scott R. MacInnes, Esq. (SBN 211039)

Clemens • Warren • Pinkerton • Siems

Counsel for Christopher J. Zopatti and named Defendant-Appellee

750 B Street, Suite 1600

San Diego, CA 92101

Email: scott@clemenswarren.com

Phone: (619) 930-9390

• Matthew L. Green, Esq.

Best Best & Krieger LLP

655 West Broadway, Suite 1500

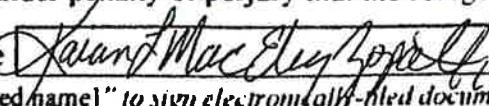
San Diego, CA 92101 Counsel for institutional defendants: Superior Court of Ca

County of San Diego; Judges Pamela M. Parker, Rebecca Kanter, David B. Oberholtzer, Laura H. Miller,

Phone: (819) 525-1300 Ferrie E. Roberts, Euketa Oliver; ADA Coordinator Hayden

I declare under penalty of perjury that the foregoing is true.

Signature



Date

December 12, 2025

(use "s/[typed name]" to sign electronically filed documents)

Feedback or questions about this form? Email us at feedback@uscourtlistener.org

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