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APPENDIX A

Order of the Court of Appeal of the State of California,
Fourth Appellate District, Division Three,
Dismissing the Appeal in Part (Case No. G066480)
Filed April 16, 2026

Court of Appeal, Fourth Appellate District, Division Three
Brandon L. Henson, Clerk/Executive Officer
Electronically FILED on 4/16/2026 by J. Medina, Deputy Clerk

ELECTRONICALLY FILED
Superior Court of California
County of Orange
04/16/2026
Clerk of the Superior Court
By B. Rayo-Penaloza, Deputy Clerk

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

DANIEL MACKEY, Plaintiff and Appellant, v. JOANNA OLEJNICZAK, Defendant and Respondent.	G066480 (Super. Ct. No. 22P000008) O R D E R

THE COURT:*

This is a paternity action filed in 2022. Numerous disputes have been litigated in the trial court (e.g., support, custody, move away rights, attorney fees, and restraining orders). No prior appeals or writ petitions have been filed.

On January 2026, appellant filed six notices of appeal referencing six different orders. Five of the challenged orders were entered prior to January 2025. The sixth challenged order was entered October 7, 2025. The last order indicated entry of a first amended restraining order, to expire on April 7, 2026, and the continuance of other hearings to April 1, 2026. All six notices of appeal were docketed as case No. G066480.

On March 11, 2026, this court invited the parties to file letter briefs addressed to the timeliness of each aspect of this appeal.

"Under California law, if an appeal is untimely, the appellate court has no jurisdiction to consider its merits and the appeal must be dismissed." (*Sanchez v. Strickland* (2011) 200 Cal.App.4th 758, 762; Cal. Rules of Court, rule 8.104(b).) The longest possible deadline to file a civil notice of appeal is 180 days after entry of a judgment or appealable order. (*In re Marriage of Lin* (2014) 225 Cal.App.4th 471, 475.)

The first five notices of appeal filed by appellant, referencing orders entered from July 25, 2024 to December 6, 2024, are plainly untimely.

If adequate notice of entry of the order is provided, the deadline to file an appeal may be as few as 60 days after entry of the order. (Cal. Rules of Court, rule 8.104(a).) The sixth notice of appeal was filed 106 days after entry of the challenged order (Oct. 7, 2025), which is appealable as an order granting an injunction (i.e., a restraining order). (Code Civ. Proc., § 904.1, subd. (a)(6).) Respondent declined to respond to this court's briefing request and the available record does not disclose whether notice of entry of the October 7, 2025 order was served.

In the three letter briefs filed by appellant, he concedes that his notices of appeal are untimely (appellant does not address whether notice of entry of the Oct. 7, 2025 order was provided to trigger the 60-day deadline). But he contends: (1) this court should void all prior orders of former Judge Israel Claustro, who presided over the case prior to his resignation in January 2026; and (2) considerations of due process should trump appellate deadlines, and lead this court to review the challenged orders by converting these appeals into a writ petition. These arguments are made in the first instance in this court; appellant is not appealing from an order denying a motion to void prior orders.

On the court's own motion, the appeal is DISMISSED in part, solely as to the first five notices of appeal (which challenge orders entered from July 25, 2024 to Dec. 6, 2024). Appellant may not create appellate jurisdiction for untimely appeals by asserting the challenged orders are void. However, the dismissal of the appeal is without prejudice to appellant filing a motion in the trial court to attack prior orders on the grounds raised here (see, e.g., Code Civ. Proc., § 473, subd. (d)), then appealing the ensuing order by the trial court if the motion is denied. By explaining this point of procedure, this court does not intend to suggest any view as to the merit or lack of merit of any motion to deem void prior orders in this case. Instead, our intention is solely to make clear that the issue of alleged voidness is not properly before us.

The appeal remains pending as to the sixth notice of appeal, referencing the October 7, 2025 order. However, respondent may file a motion to dismiss the remainder of the appeal as untimely or as moot. An appeal should be dismissed as moot if it "'can have no practical impact or provide the parties effectual relief.'" (*MHC Operating Limited Partnership v. City of San Jose* (2003) 106 Cal.App.4th 204, 214.) If no motion is filed, the court will decide in conjunction with the decision on appeal whether the appeal should be dismissed as untimely or moot.

The stay of preparation of the appellate record is DISSOLVED. If appellant intends to proceed with this appeal, appellant shall: (1) pay the $775 filing fee in this court within 30 days of this order (Cal. Rules of Court, rule 8.100(b)); (2) file a single civil case information statement in this court within 30 days of this order (Cal. Rules of Court, rule 8.100g)); (3) file a designation of the record (or an amended designation of the record if a designation has already been filed) in the superior court within 30 days of

this order (Cal. Rules of Court, rule 8.121), limited to portions of the record necessary to review the October 7, 2025 order only; and (4) limit the issues discussed in the opening brief to those applicable to the October 7, 2025 order.

If, in light of this order, appellant prefers to abandon this appeal and pursue any potential remedies in the trial court in the first instance, appellant shall file a notice of abandonment in the superior court within 30 days of this order. (Cal. Rules of Court, rule 8.244(b).)

DELANEY, ACTING P. J.

* Before Delaney, Acting P. J., Gooding, J., and Scott, J.

APPENDIX B

Order of the Supreme Court of California
Denying Petition for Review (Case No. S296834)
Entered July 8, 2026

IN THE SUPREME COURT OF CALIFORNIA

DANIEL MACKEY, Appellant, v. JOANNA OLEJNICZAK, Respondent.	No. S296834 Court of Appeal, Fourth Appellate District, Division Three, No. G066480 ORDER Entered July 8, 2026

The request for judicial notice is denied.

The petition for review is denied.

Note: The foregoing is the complete text of the order as entered on the docket of the Supreme Court of California on July 8, 2026, transcribed verbatim from the court's register of actions in Case No. S296834. The caption has been supplied. The court's denial of review was entered without opinion.

APPENDIX C

Order of the Court of Appeal of the State of California,
Fourth Appellate District, Division Three,
Denying Petition for Rehearing, Motion for Constructive Filing,
and Request for Judicial Notice (Case No. G066480)
Filed May 4, 2026

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

DANIEL MACKEY, Plaintiff and Appellant, v. JOANNA OLEJNICZAK, Defendant and Respondent.	G066480 (Super. Ct. No. 22P000008) ORDER Filed May 4, 2026

THE COURT:*

On May 1, 2026, appellant filed three documents in response to this court's April 16, 2026, order dismissing the appeal in part. Appellant's request for judicial notice is DENIED. Appellant's motion for constructive filing of notice of appeal is DENIED. Appellant's petition for rehearing is DENIED.

DELANEY, ACTING P. J.

* Before Delaney, Acting P. J., Gooding, J., and Scott, J.

Note: The foregoing is the complete text of the order as filed May 4, 2026, transcribed verbatim from the Court of Appeal's register of actions in Case No. G066480. The caption has been supplied. Petitioner does not possess a separately served copy of this order; the register of actions reflects that it was mailed to appellant by U.S. mail.

APPENDIX D

Commission on Judicial Performance of the State of California,
Decision and Order Imposing Public Censure and Bar
Pursuant to Stipulation, Inquiry Concerning
Former Judge Israel Claustro
March 24, 2026

The Stipulation for Discipline by Consent reproduced here incorporates by reference former Judge Claustro's plea agreement, which is not reproduced in this appendix. It is filed as Document 7 in United States v. Claustro, No. 8:26-cr-00001 (C.D. Cal.), and is described in the Statement of the Case.

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

IN THE MATTER CONCERNING FORMER JUDGE ISRAEL CLAUSTRO	**DECISION AND ORDER IMPOSING PUBLIC CENSURE AND BAR PURSUANT TO STIPULATION (Commission Rule 116.5)**

This disciplinary matter concerns former Judge Israel Claustro, a judge of the Orange County Superior Court. Former Judge Claustro and his counsel, Paul S. Meyer, have entered into a stipulation with Director-Chief Counsel Gregory Dresser of the Commission on Judicial Performance, pursuant to commission rule 116.5, to resolve the pending preliminary investigation involving former Judge Claustro by imposition of a public censure and bar. The Stipulation for Discipline by Consent (Stipulation) was approved by the commission on March 18, 2026, pursuant to the following terms and conditions and stipulated facts and legal conclusions. A copy of the Stipulation is attached.

TERMS AND CONDITIONS OF AGREEMENT

1. This agreement resolves the matters alleged in the commission's pending preliminary investigation involving former Judge Claustro.

2. The commission shall issue a censure and bar based on the agreed Stipulated Facts and Legal Conclusions set forth therein.

3. If the commission accepts this proposed disposition, the commission's decision and order imposing a censure and bar may articulate the reasons for its decision and include explanatory language that the commission deems appropriate.

4. Upon acceptance by the commission, this stipulation and the commission's decision and order shall be made public.

5. Former Judge Claustro waives any further proceedings and review in this matter, including formal proceedings (Rules of Com. on Jud. Performance,

rule 118, et seq.) and review by the Supreme Court (Cal. Rules of Court, rule 9.60).

6. Former Judge Claustro agrees that the facts recited herein are true and correct, and that the discipline to which the parties stipulate herein is appropriate in light of those facts.

7. The commission may reject this proposed disposition and resume its preliminary investigation. If the commission does so, nothing in this proposed disposition will be deemed to be admitted or conceded by either party.

Accordingly, it is hereby stipulated and agreed that the commission shall issue a censure and bar on the above Terms and Conditions of Agreement, and based on the following Stipulated Facts and Legal Conclusions.

STIPULATED FACTS AND LEGAL CONCLUSIONS

This disciplinary matter concerns former Judge Israel Claustro, a judge of the Orange County Superior Court from 2022 until he resigned on January 12, 2026. His most recent term began in January 2023.

On January 7, 2026, the U.S. Department of Justice filed federal charges against former Judge Claustro in *U.S. v. Israel Claustro* (No. 8:26-cr-00001-FWS, C.D. Cal.) for his role, before he was a judicial officer, in a scheme to defraud the California Subsequent Injuries Benefits Trust Fund (which did not involve his practice of law). On January 12, 2026, former Judge Claustro pled guilty to one felony count of mail fraud and agreed to immediately resign from the bench. His plea agreement, attached, is incorporated by reference in the Stipulation. By pleading guilty, former Judge Claustro admitted that he is, in fact, guilty. He has not yet been sentenced as of the date of the Stipulation.

Former Judge Claustro's commission of one felony mail fraud offense, before he was a judicial officer, constitutes conduct prejudicial to the administration of justice that brings the judicial office into disrepute within the meaning of article VI, section 18, subdivision (d) of the California Constitution.

Further, though the information was filed on January 7, 2026, and former Judge Claustro executed his guilty plea agreement on December 8, 2025, he failed to promptly report to the commission when he was charged in court by information with any crime in the United States, in violation of canon 3D(3).

Commission of a felony, regardless of the underlying facts of the crime, is a sufficient basis upon which to impose a censure and bar. (See *Censure and Bar of Former Judge Ronald C. Kline* (2006) p. 3; Cal. Const., art. VI, § 18, subd. (d).)

By signing this stipulation, in addition to consenting to discipline on the terms set forth, former Judge Claustro expressly admits that the foregoing facts are true and that he agrees with the stated legal conclusions.

DISCIPLINE

Article VI, section 18, subsection (d) of the California Constitution provides that the commission may "censure a judge . . . or remove a judge for action . . . that constitutes willful misconduct in office . . . or conduct prejudicial to the administration of justice that brings the judicial office into disrepute." "Prebench conduct is subject to 'general ethical standards' and provisions regarding 'conduct prejudicial to the administration of justice that brings the judicial office into disrepute.' " (Rothman et al., Cal. Judicial Conduct Handbook (4th ed. 2017) § 8:90, p. 576.) Former Judge Claustro concedes that his admitted prebench misconduct – committing felony fraud, a crime of moral turpitude – constitutes prejudicial misconduct that violated the Code of Judicial Ethics.

In determining to accept the Stipulation, the commission concluded that this resolution adequately fulfills its mandate to protect the public, enforce rigorous standards of judicial conduct, and maintain public confidence in the integrity of the judicial system, and avoids the necessity of further proceedings. (See *Broadman v. Commission on Judicial Performance* (1998) 18 Cal.4th 1079, 1111-1112; Cal. Const., art. VI, § 18, subd. (d).)

Commission members Hon. Lisa B. Lench; Mani Sheik, Esq.; Ms. Leisa Biggers; Ms. Kay Cooperman Jue; Hon. Julia C. Kelety; Mr. Richard A. Long; Hon. Kimberly Merrifield; Mr. Gerald C. Shelton; and Ms. Beatriz E. Tapia voted to accept the Stipulation and to issue this public censure and bar. Commission members Mr. Alton L. Garrett, Jr. and Rickey Ivie, Esq., did not participate.

Date: 3/24/2026

On behalf of the
Commission on Judicial Performance,

Hon. Lisa B. Lench
Chairperson

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

IN THE MATTER CONCERNING FORMER JUDGE ISRAEL CLAUSTRO	STIPULATION FOR DISCIPLINE BY CONSENT (Rule 116.5)

Pursuant to Rules of the Commission on Judicial Performance, rule 116.5, former Judge Israel Claustro of the Orange County Superior Court, represented by counsel, Paul Meyer, and commission director-chief counsel, Gregory Dresser, (the "parties") submit this proposed disposition of the matters that are the subject of the commission's preliminary investigation. The parties request that the commission resolve this matter by imposition of a censure and bar. The parties believe that the settlement provided by this agreement is in the best interests of the commission and former Judge Claustro because, among other reasons, in light of the stipulated facts and legal conclusions, a censure and bar adequately protects the public and will avoid the delay and expense of further proceedings.

Former Judge Claustro irrevocably retired from judicial office, effective January 12, 2026.

TERMS AND CONDITIONS OF AGREEMENT

1. This agreement resolves the matters alleged in the commission's pending preliminary investigation involving former Judge Claustro.

2. The commission shall issue a censure and bar based on the agreed Stipulated Facts and Legal Conclusions set forth therein.

3. If the commission accepts this proposed disposition, the commission's decision and order imposing a censure and bar may articulate the reasons for its decision and include explanatory language that the commission deems appropriate.

4. Upon acceptance by the commission, this stipulation and the commission's decision and order shall be made public.

5. Former Judge Claustro waives any further proceedings and review in this matter, including formal proceedings (Rules of Com. on Jud. Performance, rule 118, et seq.) and review by the Supreme Court (Cal. Rules of Court, rule 9.60).

6. Former Judge Claustro agrees that the facts recited herein are true and correct, and that the discipline to which the parties stipulate herein is appropriate in light of those facts.

7. The commission may reject this proposed disposition and resume its preliminary investigation. If the commission does so, nothing in this proposed disposition will be deemed to be admitted or conceded by either party.

Accordingly, it is hereby stipulated and agreed that the commission shall issue a censure and bar on the above Terms and Conditions of Agreement, and based on the following Stipulated Facts and Legal Conclusions.

STIPULATED FACTS AND LEGAL CONCLUSIONS

This disciplinary matter concerns former Judge Israel Claustro, a judge of the Orange County Superior Court from 2022 until he resigned on January 12, 2026. His most recent term began in January 2023.

On January 7, 2026, the U.S. Department of Justice filed federal charges against former Judge Claustro in *U.S. v. Israel Claustro* (No. 8:26-cr-00001-FWS, C.D. Cal.) for his role, before he was a judicial officer, in a scheme to defraud the California Subsequent Injuries Benefits Trust Fund (which did not involve his practice of law). On January 12, 2026, former Judge Claustro pled guilty to one felony count of mail fraud and agreed to immediately resign from the bench. His plea agreement, attached, is incorporated by reference in the Stipulation. By pleading guilty, former Judge Claustro

admitted that he is, in fact, guilty. He has not yet been sentenced as of the date of the Stipulation.

Former Judge Claustro's commission of one felony mail fraud offense, before he was a judicial officer, constitutes conduct prejudicial to the administration of justice that brings the judicial office into disrepute within the meaning of article VI, section 18, subdivision (d) of the California Constitution.

Further, though the information was filed on January 7, 2026, and former Judge Claustro executed his guilty plea agreement on December 8, 2025, he failed to promptly report to the commission when he was charged in court by information with any crime in the United States, in violation of canon 3D(3).

Commission of a felony, regardless of the underlying facts of the crime, is a sufficient basis upon which to impose a censure and bar. (See Censure and Bar of Former Judge Ronald C. Kline (2006) p. 3; Cal. Const., art. VI, § 18, subd. (d).)

By signing this stipulation, in addition to consenting to discipline on the terms set forth, former Judge Claustro expressly admits that the foregoing facts are true and that he agrees with the stated legal conclusions.

Dated: 2-25, 2026.

Former Judge Israel Claustro

Dated: 2-26, 2026.

Paul Meyer
Attorney for former Judge Claustro

Dated: Feb. 25, 2026.

Gregory Dresser
Director-Chief Counsel

APPENDIX E

Email exchange of November 11, 2023, between Dr. Nhung Phan
and Israel Claustro, filed as an exhibit to the complaint in
Phan v. Liberty Medical Group, Inc., Orange County Superior Court
No. 30-2024-01433743 (filed October 21, 2024)
(pages 26 and 28 of the complaint as filed)

Page 27 of the exhibit as filed, an attachment schedule containing the names and medical-claim information of third parties not involved in this proceeding, has been omitted. No text relied upon by Petitioner appears on that page.

Gmail valleyhealthmgm@gmail.com

16 Mail

Compose

Inbox 16
Starred
Snoozed
Sent
Drafts 38
More

Chat

Meet

Labels

Collecting payments for patients we have not been paid for

Inbox ×

nhung Phan <dr.nphan@gmail.com> Sat, Nov 11
to Celeni, Israel, Cindy

Good weekend Liberty,

I hope you are well. It's been a long time since I've reached out, and I should have the reports that I and my interns completed throughout the years. Do you have the bills fo out to the insurance carriers? I am attaching an excel sheet of all the patients that we did which should total around $100k.

Best Regards,

Dr. Nhung Phan, Psy.D., QME

1011 North Begonia Ave
Suite 1009
Ontario, CA 91762

Gmail valleyhealthmgm@gmail.com

17 Mail

Compose

Chat

Meet

Inbox 17

Starred

Snoozed

Sent

Drafts 38

More

Labels

Israel Claustro <valleyhealthmgm@gmail.com> Sat, Nov 11
to Celeni, Cindy, me

Hello Dr. Phan,

All SIBTF cases have been paid out. The records of payment are in storage. Someone will retrieve the records and look throu with an accounting of SIBTF payments.

As far as the medical legal reports and bills Those records are now over 6 years old and are in storage as well. Someone wi records to determine what if any payments were made to the medical group.

Someone will keep you apprised of what was paid by SIBTF or insurance carriers and what was paid to you

On Nov 11, 2023, at 1:02 PM, nhung Phan <dr.nphan@gmail.com> wrote

<Nhung Phan's Outstanding Patients from Liberty.xlsx>

Thank you for the update. Thank you for the information. Thank you for the information!

(909) 319-6979