# Judicial Notice Exhibit 14

In the Fourth District Court of Appeal of California

Case No. G065695

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Adam Bereki,
Appellant.

v.

Karen Humphreys, Gary Humphreys
Respondents.

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# APPELLANT'S *VERIFIED* OPPOSITION TO MOTION TO DISMISS

Appeal from a Judgment in the Superior Court of California,
Case No. 30-2015-00805807

*****Oral Argument Requested*****

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*"There is a principle which is a bar against all information, which is proof against all arguments, and which cannot fail to keep a man in everlasting ignorance—that principle is contempt prior to investigation."*

—Herbert Spencer

## CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

Pursuant to California Rules of Court, rule 8.208, the undersigned party submits this Certificate of Interested Entities or Persons. The following persons have a monetary interest in the outcome of this appeal:

1. Karen Humphreys
2. Gary Humphreys
3. William Bissell
4. Adam Bereki
5. David Hesseltine
6. Kathleen O'Leary
7. Thomas Goethals
8. Richard Aronson
9. David Chaffee

See Section IX, Request for Disqualification of Certain Justices Due to Pecuniary Interest:

10. Joanne Motoike
11. Thomas Delaney
12. Nathan Scott

Date: September 25, 2025

Respectfully filed,

Adam Bereki

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# APPELLANT'S OPPOSITION TO MOTION TO DISMISS APPEAL

## I. INTRODUCTION

This appeal arises from an Independent Action in Equity filed on May 28, 2025 (CT 1747), presenting uncontroverted evidence of extrinsic fraud, fraud on the court, and Constitutional violations by Respondents and their attorney in obtaining a 2015 judgment against Appellant (CT 163). That judgment awarded them approximately $930,000 to punish Appellant for allegedly performing unlicensed contracting under California Business & Professions Code §§ 7031(a) and (b) (see also Minute Orders: CT 137, 156).

In 2019, this Court affirmed the 2015 judgment as an "equitable remedy" of "disgorgement," (Case No. G055075) disregarding California Supreme Court precedent holding that equitable considerations do not apply to § 7031 actions and that the statute imposes a "stiff all-or-nothing penalty". Since that affirmance, the United States Supreme Court decided *Liu v. SEC*, 591 U.S. 71 (2020), which defined and limited disgorgement as an equitable remedy tied strictly to net profits after deducting legitimate expenses, clarifying that it cannot constitute a total forfeiture of an entire transaction or impose penalties beyond actual gains. In Appellant's case, no evidence of profits was presented at trial, and no deductions or offsets were allowed for the ~$930,000 in value conferred on Respondents through materials, labor, and completed work (CT 163: Judgment Order, CT 137, 156: Minute Orders; CT 1778-1996: Reporters Transcript of trial). By affirming the trial Court's ruling, this Court effectively imposed a constructive trust on Appellant, requiring him to forfeit $930,000 in funds that were either never paid to him and/or were no longer in his possession, as they had been effectively returned to Respondents in the

form of value for the custom remodel work they requested and received from his company, resulting in a total forfeiture penalty. Even though this Court characterized this sanction as equity, no equity was done as the value conferred on Respondents was never considered.

Shortly after *Liu*, two California Courts of Appeal published opinions in *Eisenberg Village v. Suffolk Constr. Co.*, 53 Cal.App.5th 1201 (2020) and *San Francisco CDC, LLC v. Webcor Constr. L.P.*, 62 Cal.App.5th 266, 280 (2021) finding that § 7031 imposes a penalty not the equitable remedy of disgorgement.

These cases support Appellant's good faith arguments challenging the 2015 judgment, asserting that the trial Court and this Court lacked subject matter jurisdiction to render or affirm the judgment, as California Business & Professions Code § 7031 purports to transfer the executive power of California to private parties, enabling them to commence covert criminal prosecutions to punish defendants for the public offense of unlicensed contracting in a civil case. As a result, defendants, like Appellant, are denied all heightened protections required in criminal proceedings—such as proof beyond a reasonable doubt, the right to a jury trial, the right to confront witnesses, and the assistance of counsel—while facing excessive fines and punishments. In this case, the penalty was 146 times the statutory maximum of $5,000 for the same offense made criminal under § 7028, demonstrating a grossly disproportionate punishment that exceeds Constitutional limits. Because the Legislature lacks the authority to transfer the executive power of California to private parties, and no criminal complaint was ever filed by any executive official against Appellant, the trial court lacked subject matter jurisdiction to adjudicate what was effectively a criminal matter disguised as a civil action. Consequently,

the 2015 judgment is void for lack of subject matter jurisdiction and must be vacated, as it violates fundamental principles of due process and the separation of powers doctrine as "[a] private citizen lacks a judicially cognizable interest in the [criminal] prosecution [...] of another." *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973).

When Appellant was unable to pay the fine—an amount more than 40 times his qualifying net worth (CT 2024, Decl. ¶ 14)—his license (Lic #927244), the one he allegedly didn't have, became summarily suspended/revoked without an administrative hearing under Cal. Bus. & Prof. Code § 7071.17 (CT 2024, Decl. ¶¶ 4, 5). In comparison, when members of the State Bar of California are faced with discipline or a licensing suspension or revocation, there is a full-time State Bar Court comprised of trial judges and a three-judge appellate Court that makes recommendations to the Supreme Court of California who is the final arbiter of attorney discipline (Cal. Business & Professions Codes §§ 6078, 6097.1, 6068.5). No such substantive and equal protections exist for contractors–or any other known regulated profession in California. Nor is review by the Supreme Court of California mandatory prior to licensee discipline like it is for attorneys. None was afforded to Appellant.

Appellant sought relief in every branch of California and U.S. government and continues to be denied (CT 2026-2028 ¶¶ 18-21; CT 1543, RJN Ex.'s 1-12)[1]. The license suspension has caused more than three million dollars in lost earnings, impaired the

[1] The trial Court took judicial notice as to the existence and legal effects of 12 Exhibits (CT 1543: Request; CT 2303: Minute Order Granting Request yet denying for relevance). Appellant request this Court also take judicial notice pursuant to Cal. Evid. Code § 459 "The reviewing court shall take judicial notice of (1) each matter properly noticed by the trial court and (2) each matter that the trial court was required to notice under section 451 or 453 (*Martin v. Gladstone*, 96 Cal. App. 5th 681, 689 (2023) (affirming mandatory duty to take judicial notice).

obligations of his private contracts, including a mortgage on his home, forced him into bankruptcy under duress, and resulted in foreclosure where his home was sold for approximately $370,000, stealing approximately $1.2 million in equity (CT 2022–2028 Decl. ¶¶ 4, 21; CT 1543, RJN Ex.'s 1-12).

Over the last eight years, Appellant, a former police officer, has sought to bring attention to what he contends is systemic misconduct related to the application of § 7031 (CT 2025 Decl. Bereki). Other examples include cases such as: (1) *Am. Bldg. Innovation LP v. Balfour Beatty Constr., LLC*, 104 Cal. App. 5th 954 (2024) ("ABI") affirmed by this Court, denying ABI over $700k in compensation for work it performed without equitable offsets when the state comp. insurance fund mistakenly suspended ABI's license. Post remittitur, the Court awarded Balfour Beatty more than $1.5 million in attorney's fees; (2) *Twenty-Nine Palms v. Bardos*, 210 Cal. App. 4th 1435 (2012)– a total forfeiture penalty in the amount of ~$917,043.09 without equitable offsets against Paul Bardos who was ultimately forced into bankruptcy and lost his home (*In re Bardos*, Memorandum of the Bankruptcy Appellate Panel of the 9th Circuit, Bankr, No. 10-41455-DS); (3) *MW Erectors, Inc. v. Niederhauser Ornamental & Metal Works Co., Inc.*, 36 Cal. 4th 412 (2005)– a total forfeiture in the amount of ~$1,322,247 plus interest and Court costs awarded against *MW Erectors, Inc.* pursuant to §7031(a).

Every attempt to obtain redress Appellant and others, according to his investigation, has been met with actions he views as deceptive, aimed at concealing these alleged abuses (CT 1543, RJN Ex.'s 1-12; see especially RJN Ex. 11 U.S. Supreme Court Case 22A426– Application for Stay evidencing abuses (available on Court's website)). In their Motion, Respondents attempt to discredit Appellant by

mischaracterizing these good faith efforts to tell the truth and seek fair and impartial justice as a "crusade waged" by him to "level an assortment of misguided and incendiary collateral attacks" (Motion pp. 8-9). Despite these allegations, they do not cite a single authority to support that any of his conclusions of law, including those demonstrating that the trial and appellate Courts lacked "fundamental jurisdiction" are incorrect. To further hide the truth, Respondents omit the new substantive case law and misrepresent to this Court that "there is no legal basis supporting the claim that this Court's analysis was erroneous and as a consequence resulted in manifest injustice" (Motion p. 12) when in fact the new cases evidence the opposite.

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On September 11, 2025, just three days after the record on appeal was transmitted and well before Appellant's Opening Brief, due in approximately 25 days, has been filed, Respondents filed a Motion to Dismiss this Appeal. Their Motion improperly seeks to silence Appellant and prevent him from obtaining a remedy by invoking this Court's authority to effectively affirm the 2015 judgment, denying his right to appeal.

Respondents' intent is twofold: First, they seek to use judicially created doctrines—law of the case, res judicata, and collateral estoppel—to have this appeal dismissed, shielding the 2015 void judgment by overruling the California and United States Constitutions and reversing the principal-agent relationship implicit in our founding documents. These doctrines don't apply to void judgments because "[f]undamental jurisdiction cannot be conferred by waiver, estoppel, or consent (*JHVS Grp., LLC v. Slate*, 107 Cal. App. 5th 30, 35 (2024)(citation omitted)."It is the power and authority behind a

judgment rather than the mere result reached which determines its validity and immunity from collateral attack" (*Vasquez v. Vasquez*, 109 Cal. App. 2d 280, 283 (1952)). "A void judgment is, in legal effect, no judgment [...and] all proceedings founded upon it are equally worthless. It neither binds nor bars any one" (*Bennett v. Wilson*, 122 Cal. 509, 513–14 (1898). The fact that a void judgment is no bar to any attack is highly relevant here. *Cnty. of San Diego v. Gorham*, 186 Cal. App. 4th 1215, 1228 (2010) affirms that "a void judgment may be attacked anywhere, directly or collaterally. Cal Code of Civil Procedure § 1916 further declares that "[a]ny judicial record may be impeached by evidence of a want of jurisdiction in the Court or judicial officer, of collusion between the parties, or of fraud in the party offering the record, in respect to the proceedings." Using judicially created doctrines to shield void judgments is prohibited because the California and United States Constitutions set the limitations and extent of judicial power (*Gibbons v. Ogden,* 22 U.S. 1, 191 (1824) ("exceptions from a power mark its extent"). "[A judge] must act judicially in all things, and cannot then transcend the power conferred by the law" (*Windsor v. McVeigh*, 93 U.S. 274, 282 (1876)). "Where rights secured by the Constitution are involved, there can be no rulemaking [ie judicially created doctrines] or legislation which would abrogate them (*Miranda v. Arizona*, 384 U.S. 436, 491 (1966). "A court of this state may [not] exercise jurisdiction on any basis ... inconsistent with the Constitution of this state or of the United States" (Cal. Code of Civil Procedure § 410.10).

Second, the Motion fails to address the issues Appellant intends to raise on appeal, effectively asking this Court to summarily dismiss the appeal without any consideration of those issues. They misrepresent that the "issues are the same in both proceedings" (Motion p.14) to support dismissal yet the opening brief hasn't been filed to establish all

the issues. In *Windsor v. McVeigh*, 93 U.S. 274 (1876), the U.S. Supreme Court addressed such a situation, where a state court judge entered judgment without hearing the defendant's response. The Court invalidated that judgment, calling the proceedings a "sham and deceptive proceeding" (*id.* at 277-78) and emphasizing that "jurisdiction is the right to hear and determine, not to determine without hearing" (*Id.* at p. 283-4). In addition to challenging the validity of the judgment on appeal, Appellant intends to raise the following issues (not an exhaustive list) that are independent of determining the judgment's validity:

1. Did the Superior Court deny Appellant's right to invoke the Court's inherent equity jurisdiction?
2. Did the Superior Court violate due process by refusing to allow Appellant to obtain evidence in the form of the sworn testimony of Respondents' counsel to evidence whether he intended to commit extrinsic fraud and fraud on the court in obtaining the judgment?
3. Did the Superior Court breach its duty to examine new case law, including *Liu v. SEC*, 591 U.S. 71 (2020), and *Eisenberg Village v. Suffolk Constr. Co.*, 53 Cal.App.5th 1201 (2020) and *San Francisco CDC LLC v. Webcor Constr. L.P.*, 62 Cal.App.5th 266, 280 (2021) which demonstrate that Cal. Bus. & Prof. Code § 7031 (a) and (b) impose a penal forfeiture, not an equitable remedy, contrary it and this Court's prior findings?

Because Respondents' arguments lack merit and they have not addressed the issues to be raised on appeal, which require full briefing and a merits-based

determination, this Court has a mandatory duty to deny their Motion and allow the appeal to proceed. As held in *Estate of Wunderle*, 30 Cal.2d 274, 279 (1947): "if the disposition of a motion to dismiss requires a consideration of the appeal upon its merits, the motion must be denied." Respondents have never met their burden to prove jurisdiction or standing when challenged (e.g. G055075– Reply Brief on Appeal; *McNutt v. General Motors Acceptance Corp.*, 298 U.S. 178 (1936)). Invoking preclusion shifts this burden to Appellant, forcing him to prove innocence and violating due process (*Speiser v. Randall*, 357 U.S. 513 (1958)), as it denies a fair hearing on the merits (*Windsor v. McVeigh*, 93 U.S. 274 (1876)). Respondents' error on immunity is also apparent: The judgment's passage through trial and appeal does not immunize it from attack; void judgments are nullities without res judicata effect, subject to challenge regardless of prior proceedings (*311 South Spring Street Co. v. Department of General Services*, 178 Cal.App.4th 1009 (2009); *Plaza Hollister Ltd. Partnership v. County of San Benito*, 72 Cal.App.4th 1 (1999)). Extrinsic fraud or new developments (evidence/law) provide independent grounds for relief. See also *Thompson v. Cook*, 20 Cal.2d 564, 569–70 (1942) holding that a Court has a mandatory duty to vacate a judgement where uncontroverted evidence shows a lack of jurisdiction. By indirectly attempting to enforce a void and discharged judgment by denying vacatur and Appellant restitution and damages therefrom, Respondents are not only knowingly violating the discharge injunction (11 U.S.C. § 362(d)), they are deemed trespassers in law, subject to liability for violating Appellant's rights (*Elliott v. Lessee of Piersol*, 26 U.S. 328, 340 (1828)). Such actions, devoid of legal justification, undermine due process and compel this Court to deny Respondents' Motion to protect the integrity of judicial proceedings and ensure Appellant's entitlement to restitution and relief.

## II. THE MINUTE ORDER DENYING VACATUR OF VOID JUDGMENT IS APPEALABLE

A judgment is void if the court lacked jurisdiction (*County of Ventura v. Tillett*, 133 Cal.App.3d 105, 110–11 (1982)). Such judgments are subject to direct or collateral attack, including via an Independent Action in Equity (*County of San Diego v. Gorham*, 186 Cal.App.4th 1215, 1228 (2010); Cal. Code Civ. Proc. § 1916). Appellant's May 28, 2025, action (CT 1747) challenged the 2015 judgment's validity. The Superior Court's denial is a special order after judgment, appealable under Code Civ. Proc. § 904.1(a)(2), as it perpetuates a void judgment (*County of Ventura*, 133 Cal.App.3d at 110). Respondents' reliance on preclusion doctrines is misplaced, as these do not apply to void judgments (*Elliot v. Piersol*, 26 U.S. 328, 340 (1828)). Their premature Motion, filed before the Opening Brief, ignores the full scope of issues, requiring denial as a full, fair, and impartial appeal on the merits is required (*Windsor v. McVeigh*, 93 U.S. 274 (1876)).

## IV. STANDARD OF REVIEW

Respondents provide no standard of review for their Motion. A motion to dismiss an appeal requires the respondent to show it is barred as a matter of law, either due to jurisdictional defects (*In re Marriage of Lafkas*, 153 Cal.App.4th 1429, 1432–33 (2007)) or mootness (*Olson v. Cory*, 35 Cal.3d 390, 400 (1983)). For procedural or frivolousness grounds, the respondent must demonstrate defects via the judgment roll or clerk's certificates (*Estate of Wunderle*, 30 Cal.2d at 279). Before the Opening Brief, this burden is heightened, as dismissal for unsubstantiality is premature without appellant's arguments. If merits review is needed, the motion must be denied (*Id.*). Respondents' claim of frivolousness (Motion at pp. 16–18) is baseless, as the appeal raises substantial

issues of fraud, Constitutional violations, and new case law (*Liu v. SEC*, 591 U.S. 71 (2020); *Eisenberg Village v. Suffolk Constr. Co.*, 53 Cal.App.5th 1201 (2020); *San Francisco CDC LLC v. Webcor Constr. L.P.*, 62 Cal.App.5th 266, 280 (2021); (CT 2021, Decl. Bereki and supporting Exhibits)

While Appellate review is not ordinarily seen as a matter of Constitutional right (*In re Marriage of Lafkas*, 153 Cal. App. 4th 1429, 1432 (2007)) that principle is only true if there has been a full, fair, and impartial judicial determination of rights in the first instance (Cal. Const. Art. I, § 3 (right to petition for redress of grievance), § 9 (requiring judicial determination of rights); U.S. Const. Art. I, § 10). Here, Appellant alleges there has been no such determination by a competent Court vested with subject matter jurisdiction that acted within lawful procedural bounds at any time during trial, appeal or the Independent Action in Equity. Denying Appellant access to a Constitutional Court by denying this appeal, would further violate the fundamental rights to due process and liberty.

## V. RESPONDENTS FAIL TO MEET THEIR BURDEN TO SHOW ENTITLEMENT TO DISMISSAL

Respondents argue that law of the case, res judicata, collateral estoppel, and bankruptcy discharge preclude this appeal (Motion at pp. 9–17). These arguments fail, as they apply to valid judgments, not void ones, and do not address the full scope of issues intended to be raised. It appears Respondents are arguing that by the mere fact a judgment has purportedly been made that preclusion doctrines apply. This is not correct. "It is the power and authority behind a judgment rather than the mere result reached which determines its validity and immunity" (*Vasquez v. Vasquez*, 109 Cal. App. 2d 280, 283

(1952)). No Court of California has authority to violate the California or United States Constitutions as alleged in this appeal (Cal. Const. Art. I, § 26; U.S. Const. Art. VI. § 2).

**A. Reliance on Preclusion Doctrines to Shield a Void Judgment Is Impermissible**

*"Fundamental jurisdiction cannot be conferred by waiver, estoppel, or consent."*
*–JHVS Grp., LLC v. Slate*, 107 Cal. App. 5th 30, 35 (2024)

The California and U.S. Constitutions are "the supreme law of the land", and no judicial doctrine can abrogate protected rights (*Miranda v. Arizona*, 384 U.S. at 491; Cal. Const., Art. VI, § 1; U.S. Const., Art. VI, § 2). Appellant contends the 2015 judgment is void due to extrinsic fraud, fraud on the court, and lack of fundamental jurisdiction, as Respondents misrepresented a penal action as civil, denied criminal safeguards, and failed to prove Appellant performed licensed work (CT 2021, Decl. Bereki and supporting Exhibits; *Estate of Sanders*, 40 Cal.3d 607, 614 (1985); *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944)). Void judgments are null and subject to attack at any time (*Bennett v. Wilson*, 122 Cal. at 513–14; *Cnty. of San Diego v. Gorham*, 186 Cal. App. 4th 1215, 1228 (2010)

**B. Law of the Case, Res Judicata, and Collateral Estoppel Do Not Apply to Void Judgments**

Respondents' reliance on law of the case (Motion at pp. 9–12), res judicata (pp. 12–13), and collateral estoppel (pp. 13–15) is inapplicable, as these doctrines require a valid judgment (*Elliot v. Piersol*, 26 U.S. 328, 340 (1828); *Rochin v. Pat Johnson Mfg. Co.*, 67 Cal.App.4th 1228, 1239 (1998)(res judicata does not apply to void judgments). New case law (*Liu v. SEC*, 591 U.S. 71 (2020); *Eisenberg Village v. Suffolk Constr. Co.*, 53 Cal.App.5th 1201 (2020); and *San Francisco CDC LLC v. Webcor Constr. L.P.*, 62

Cal.App.5th 266, 280 (2021)) confirms § 7031(b)'s penal nature, undermining its prior characterization in this case as equitable (G055075; CT 2021 Decl. Bereki). Moreover, the 2015 judgment is void for lack of subject matter jurisdiction, extrinsic fraud, and fraud on the court, rendering these doctrines inapplicable as a matter of law (CT 1747– Motion to Vacate; CT 2021 Decl.)

Respondents cite *Lindsey v. Meyer*, 125 Cal. App. 3d 536, 541 (1981), for the proposition that the law of the case doctrine requires Courts to follow prior appellate rulings in the same case, "whether those earlier pronouncements are right or wrong." However, *Lindsey* does not address void judgments or the exceptions to the doctrine that apply here. Respondents acknowledge narrow exceptions (Motion at pp. 11–12) but erroneously claim none apply. To the contrary, at least two exceptions bar application of the doctrine: (1) an intervening change in controlling law (*Ryan v. Mike-Ron Corp.*, 259 Cal. App. 2d 91, 96 (1968), cited by Respondents), as evidenced by *Liu v. SEC*, *Eisenberg Village*, and *San Francisco CDC*, which postdate the 2015 judgment and clarify that disgorgement under § 7031(b) is penal, not equitable, directly contradicting this Court's prior characterization; and (2) a clearly erroneous decision resulting in manifest injustice (*Moore v. Kaufman*, 189 Cal. App. 4th 604, 617 (2010), cited by Respondents), as the prior ruling disregarded California Supreme Court precedent on § 7031's "all-or-nothing" penalty (*Lewis & Queen v. N.M. Ball Sons*, 48 Cal. 2d 141, 152 (1957); *MW Erectors, Inc. v. Niederhauser Ornamental & Metal Works Co.*, 36 Cal. 4th 412, 426 (2005)) and did not fully address uncontroverted evidence of fraud and jurisdictional defects, leading to over $3 million in lost earnings, bankruptcy, and foreclosure for Appellant (CT 2021– Decl. ¶4, 14; CT 1543, RJN Ex.'s 1-12). Respondents also cite *Nelson v. Tucker Ellis, LLP*, 48 Cal.

App. 5th 827, 837 (2020), for the exception of substantially different evidence, but even if new evidence is not at issue (which it is: new case law and CT 2021– Decl.), the other exceptions suffice to preclude the doctrine. Because the prior decision was not final in the sense required for law of the case—it rests on a void judgment and overlooked key issues—it cannot bind this Court. Additionally, as a matter of discretionary public policy, it cannot be used to overrule rights secured by the Constitution.

For res judicata, Respondents cite *Acuna v. Regents of University of California*, 56 Cal. App. 4th 639, 648 (1997) (Motion p. 13), which precludes relitigating a cause of action "finally determined by a court of competent jurisdiction." However, *Acuna* assumes a valid, final judgment from a competent Court, which is absent here due to the void nature of the 2015 judgment for lack of subject matter and procedural jurisdiction (*County of Ventura v. Tillett*, 133 Cal. App. 3d 105, 110 (1982), resulting in large part from separation of powers issues, denials of due process protections in criminal proceedings, and the imposition of an excessive fine/punishment without Constitutional safeguards. Respondents also rely on *Sandoval v. Superior Court*, 140 Cal. App. 3d 932, 936 (1983) (Motion p. 13), emphasizing factors like full hearings, reasoned opinions, and appellate review as supporting finality for preclusion. But *Sandoval* involved a products liability case with no jurisdictional defects; here, the proceedings were tainted by fraud on the Court (e.g., misrepresentation of the action as civil rather than penal) and denial of due process, rendering the judgment non-final and unworthy of preclusive effect (*Rochin v. Pat Johnson Mfg. Co.*, 67 Cal.App.4th 1228, 1239 (1998) (void judgments not subject to preclusion))."It is the power and authority behind a judgment rather than the mere result reached which

determines its validity and immunity from collateral attack" (*Vasquez v. Vasquez*, 109 Cal. App. 2d 280, 283 (1952)).

Similarly, for collateral estoppel, Respondents cite *Mycogen Corp. v. Monsanto Co.*, 28 Cal. 4th 888, 896 (2002), to distinguish it from res judicata as precluding relitigation of "issues argued and decided in prior proceedings." Yet *Mycogen* involved valid judgments without jurisdictional flaws; it does not compel estoppel for void judgments subject to collateral attack (*Cnty. of San Diego v. Gorham*, 186 Cal. App. 4th 1215, 1228 (2010)). Respondents also invoke *Lucido v. Superior Court*, 51 Cal. 3d 335, 341 (1990), listing the elements: (1) identical issue, (2) actually litigated, (3) necessarily decided, (4) final on the merits, and (5) same parties or privity. These elements are not satisfied. Specifically, issues raised by Appellant in 2015, such as the penal nature of § 7031(b), Constitutional violations, and lack of evidence for "damages" (CT 163) or "disgorgement", were inadequately addressed in the ruling (G055075). This Court erroneously relied on inapplicable federal cases (*SEC v. Huffman,* 996 F.2d 800 (5th Cir. 1993) and *U.S. v. Philip Morris USA,* 310 F.Supp.2d 58 (D.D.C. 2004)) to characterize § 7031(b) as equitable disgorgement, not following the legislative history, which confirms a punitive intent with no mention of disgorgement or equitable principles (Assem. Com. on Judiciary, Analysis of Assem. Bill No. 678 (2001-2002 Reg. Sess.) Apr. 23, 2001 (CT 1543, RJN Ex.s 13). This Court didn't analyze § 7031(b)'s "all-or-nothing" penalty under *MW Erectors, Inc. v. Niederhauser Ornamental & Metal Works Co.*, 36 Cal. 4th 412, 426 (2005), and separation of powers issues under Cal. Const. Art. V, § 1 (vesting executive authority exclusively in the governor to prosecute public offenses), rendering its determination incomplete, erroneous, and ultimately without subject matter and

procedural jurisdiction. Under *Lucido*, 51 Cal. 3d at 341, an issue is not "actually litigated" or "necessarily decided" unless properly raised, submitted, and determined on the merits, which did not occur here, particularly for jurisdictional issues that void the judgment (*County of Ventura v. Tillett*, 133 Cal.App.3d 105, 110–11 (1982)). This negates finality and precludes collateral estoppel (*DKN Holdings LLC v. Faerber*, 61 Cal. 4th 813, 825 (2015)). Even if privity exists, public policy weighs against estoppel where injustice results (*Lucido*, 51 Cal. 3d at 343).

The *discretionary* public policies favoring preclusion and finality however are not law, do not transcend *mandatory and prohibitory* Constitutional protections (Cal. Const. Art I, § 26, U.S. Const. Art. VI, § 2; e.g. *Gantt v. Sentry Ins.*, 1 Cal. 4th 1083, 1095, (1992) ("courts ... may not declare public policy without a basis in ... the constitution"). Nor do they relieve a Court of its mandatory duty to declare/vacate a void judgment (*Cnty. of San Diego v. Gorham*, 186 Cal. App. 4th 1215, 1229 (2010) citing *Thompson v. Cook* 20 Cal.2d 564, 569 (1942) or a statute (*Marbury v. Madison*, 5 U.S. 137, 177–178 (1803) (an act of the legislature repugnant to the Constitution is void; duty of judiciary to declare so).

The following critical issues, raised in 2015 but neither fully litigated nor decided, preclude application of law of the case, res judicata, and collateral estoppel:

1. The trial Court entered the award as "damages" (CT 164 ¶c), yet no evidence of actual harm was presented. This omission raises due process concerns, as proof of damages is a necessary element for such an award (*Chaparkas v. Webb*, 178 Cal. App. 2d 257, 259 (1960); Cal. Civ. Code § 3281; *Thompson v. Louisville*, 362 U.S. 199, 204 (1960); CT 2024, Decl. ¶ 12).

2. This Court later recharacterized the award as "disgorgement" (G055075). However, disgorgement is an equitable remedy requiring evidence of net profits from unjust enrichment and tracing of funds to the defendant (*Liu v. SEC*, 591 U.S. 71, 79 (2020); *Heckmann v. Ahmanson*, 168 Cal. App. 3d 119, 134 (1985)(requiring strict tracing of funds). No such evidence was provided, and the record shows that most funds were paid to Spartan, which delivered value through the remodel work (CT 1778-1996: Reporters Transcript of trial; CT 2013, Ex. 5: Terminating Spartan's Labor, CT 2039-40, Ex. 6: Expert Reporting Spartan Performed Work, CT 2075–2144, Ex. 9: Expert Reporting Spartan Performed Work; CT 2024 Decl. ¶ 13, 2026 ¶ 17).
3. This Court did not apply California Supreme Court precedent holding that Business and Professions Code § 7031 imposes a strict "all-or-nothing" penalty, without equitable considerations (G055075; *Lewis & Queen v. N.M. Ball Sons*, 48 Cal. 2d 141, 152 (1957); *MW Erectors, Inc. v. Niederhauser Ornamental & Metal Works Co.*, 36 Cal. 4th 412, 426 (2005)).
4. This Court did not address Appellant's Constitutional challenge to § 7031. (G055075– Opening Brief on Appeal, pp. 69-77). Appellant contends that the statute infringes upon inalienable rights protected by Article I, § 1 of the California Constitution, because he has an inalienable right to his property in the form of his time and labor and the legislature's use of police power to criminalize unlicensed contracting exceeds its authority absent a showing of public harm (*People v. Holder*, 53 Cal. App. 505 (1921)).

5. This Court also did not address Appellant's argument that § 7031's presumption of incompetence in construction even through the Contractors State License Board's found that he satisfied the skills and examination requirements for a general contractor license, lacks a judicial determination of rights (G055075, pp.37-39, p. 53, p. 70, p. 74). The Contractors State License Board's own finding that he satisfied the skills and examination requirements for a general contractor license, rendering the presumption invalid or overcome (CT 2023 Decl. ¶ 5, 17).
6. Did Superior Court Judge Hesseltine have a duty to recuse himself due to a pecuniary conflict of interest resulting from his involvement, allegedly acting without subject matter and procedural jurisdiction in 7031 cases: *Moorefield Const. Inc., v. Pantalemon*, Case No. 30-2022-01259274 and *Am. Bldg. Innovation LP v. Balfour Beatty Constr., LLC*, 104 Cal. App. 5th 954 (2024)?

Each of these issues were omitted by Respondents. The failure to litigate or decide these issues, coupled with the misapplication of law, constitutes a substantial injustice and supports an exception even if preclusion applied (*Moore v. Kaufman*, 189 Cal. App. 4th 604, 617 (2010)). The law of case, res judicata, and collateral estoppel do not apply because the 2015 judgment does not meet the requirements for issue preclusion under *DKN Holdings LLC v. Faerber*, 61 Cal. 4th 813, 825 (2015), which requires: (1) a final adjudication (2) of an identical issue (3) actually litigated and necessarily decided in the first suit and (4) asserted against one who was a party in the first suit or one in privity with that party. Here, the judgment is not final due to its voidness, the issues are not identical, and critical issues—including the lack of evidence for damages, improper characterization

of the award as disgorgement and damages, disregard of California Supreme Court precedent on § 7031, and unaddressed Constitutional challenges—were neither litigated nor decided. Appellant also cited august authority critical to these issues, that was not mentioned or met and thus disregarded and not decided on the merits (e.g. *Town of Gilbert Prosecutors Office v. Downie*, 218 Ariz. 466 (2008). Appellant believes this further substantiates his assertion that while this Court did mention certain arguments he made in its opinion, he was never truly heard. In his perception, it is one thing to restate arguments and deny them by citing inapposite cases, disregarding existing authority and legislative history and applying inapplicable legal principles. It is another thing entirely to squarely meet each issue raised with substantive authority to fully adjudicate each issue on the merits, addressing substantive authorities, which the record reflects did not happen. This resulted in denying Appellant a full, fair, impartial, and independent judicial determination of rights on appeal.

**C. Structural Constitutional Deprivations Render Res Judicata Inapplicable**

Appellant continues to be denied the right to invoke the judicial power of the United States, as guaranteed by U.S. Const. Art. III, § 2, to check unlawful state action CT 1543, RJN Ex.'s 4, 5, 6, 7, 8, 11). The Federalist Papers, No. 28, emphasizes that the "general government will at all times stand ready to check usurpations of the state governments," and U.S. Const. Art. III, § 2 mandates that federal judicial power "shall (not may) extend to all cases...". None of the Justices of the G055075 Court were vested with the judicial power of the United States and therefore cannot make a final decision thereunder even if concurrent jurisdiction is authorized. The denial of federal judicial review further undermines the judgment's validity as a final adjudication and continues to allow the State

to effectively act as a judge in its own cause, violating the fundamental principle of natural justice that no party, including a State, should judge its own case and the protections against a State imposing a bill of pains and penalties (ie the punishment/ taking of liberty and property without judicial process) and impairing the obligations of private contracts prohibited by U.S. Const. Art. I, § 10. Appellant has nowhere else to go to obtain a remedy.

**D. The Appeal Is Not Moot Due to the Bankruptcy Discharge**

Respondents cite *Highland Springs Conference & Training Center v. City of Banning*, 42 Cal.App.5th at pp. 430-31 to argue this appeal is moot because the judgment was discharged in bankruptcy (Motion at pp. 15-17). *Highland* does not involve the issue of determining the validity of a discharged judgment. The bankruptcy discharge does not render the appeal moot; it only bars collection of the debt, not challenges to the judgment's validity or claims for restitution and damages arising from fraud (11 U.S.C. § 362(d). The bankruptcy Court did not determine the validity of the judgment and would likely assert the Rooker-Feldman doctrine as a bar to such relief, making the Superior Court of California the only Court in which such a challenge could be made (CT 1543, RJN Ex.'s 5-11). Appellant was forced into bankruptcy under duress due to the void judgment's effects, including license suspension and financial ruin (CT 2024, Decl. ¶ 14) and denial of judicial remedy (CT 1543, RJN Ex.'s 1-12). A reviewing Court's decision can still provide practical impact and effectual relief, such as vacatur and restitution (CCP § 908; *Stockton Theatres, Inc. v. Palermo*, 121 Cal. App. 2d 616, 620, (1953) ("[w]here a judgment or decree of an inferior court is reversed by a final judgment on appeal, a party is in general entitled to restitution of all the things lost by reason of the judgment in the lower court; and, accordingly, the courts will, where justice requires it, place him as nearly

as may be in the condition in which he stood previously.")(citation omitted). All claims effecting the 2015 judgment have been abandoned to Appellant (11 U.S.C. § 554(b); CT 2365–2377: CT 2365: Order, CT 2370-71: lawsuit claims). Appellant has restitution and damages claims over five million dollars (CT 2024, Decl. ¶¶ 4,14, 21).

**E. Respondents' Failure to Address All Appellate Issues Requires Denial**

Respondents' Motion ignores the additional issues listed in Section I, including the Superior Court's denial of Equity jurisdiction and lack of any analysis pertaining to new case law, new evidence, and refusal to allow new evidence from testimony of Respondents counsel. Premature dismissal without merits review violates due process (*Windsor v. McVeigh*, 93 U.S. 274; *Estate of Wunderle*, 30 Cal.2d at 279).

## VI. RESPONDENTS' MATERIAL MISREPRESENTATIONS AND OMISSIONS

On pages 16(bottom)-17 of their Motion, Respondents, in arguing that Appellant has not been harmed (and would therefore have no right to restitution and damages on appeal), state "[n]o portion of the judgment has been satisfied by Mr. Bereki and with the order of discharge in his bankruptcy proceedings he will never have to pay any portion of the judgment." This is not true for five reasons:

First, Respondents omit the fact that the judgment had two parts—it granted them relief under two different statutes, Cal. Bus. & Prof. Code §§ 7031(a) and (b) (CT 157: Minute Order). The relief afforded them under § 7031(a) denied Appellant and/or his company from receiving approximately $82,000 in compensation for work performed by his company that Respondents received the benefit of (CT 2026, Decl. ¶ 17). This part of the judgment was instantly satisfied by barring any judicial relief for payment.

Second, when Appellant was unable to afford to pay the judgment under § 7031(b), it resulted in the summary suspension of his vested right to act as a qualifying individual on a general contractor license (including Spartan's license), effectively placing him in constructive custody by restraining him from earning a living in his profession, resulting in millions of dollars of lost income and impairing his private contracts and obligations (CT 2024-5, Decl. ¶¶ 4, 5, 14, 21).

Third, Respondents failed to disclose evidence that Spartan (a formerly licensed contractor), not Appellant, performed the work, as confirmed by their own Motion for Summary Judgment (G055075 CT 232 ¶¶6,7: "6. In April of 2012 The Spartan Associates entered into an agreement with the Humphreys for the performance of home improvement work on the Humphreys condominium unit. 7. The home improvement work to be performed by The Spartan Associates, Inc. on the Humphreys condominium unit had a value in excess of $500"), the Notice of Cessation addressed to Spartan (Ex. 5), and expert reports/depositions (CT 1778-1996: Reporters Transcript of trial; CT 2013, Ex. 5: Terminating Spartan's Labor, CT 2039-40, Ex. 6: Expert Reporting Spartan Performed Work, CT 2075–2144, Ex. 9: Expert Reporting Spartan Performed Work; CT 2024 Decl. ¶¶ 13 17, 25-27). Even if Appellant performed work, he had been determined competent by the Contractors License Board as a general contractor and formed an inseparable part of his company's license as its qualifying individual (Lic #927244; CT 709-710: verified statements and image of license and personnel roster). If he had in fact performed work, the proper statute would be § 7028.5 (not § 7031) which involves work by those associated with the license, not someone entirely unlicensed altogether. A claim under § 7028.5 must also be brought by the executive, not private parties like Respondents.

Fourth, Respondents' counsel, William Bissell, has not fulfilled his duty as an Officer of the Court under California Business and Professions Code § 6068(d) to avoid misleading the Court by breaching the duty of candor and failing to disclose new case law, specifically *Liu v. SEC*, 591 U.S. 71 (2020), *Eisenberg Village v. Suffolk Constr. Co.,* 53 Cal.App.5th 1201 (2020) and *San Francisco CDC LLC v. Webcor Construction L.P.*, 62 Cal.App.5th 266, 280 (2021) which confirm § 7031(b)'s penal nature and undermines the 2015 judgment's characterization as equitable disgorgement (CT 2024 Decl. ¶ 4; CT 2237). This omission, like Respondents' withholding of material facts, undermines the integrity of the proceeding by suppressing authority critical to a fair adjudication (*Hazel-Atlas Glass Co. v. Hartford-Empire Co.,* 322 U.S. 238, 246 (1944)). Respondents, who had knowledge of these facts and authorities (CT 2238, 2247), omitted by them, further stating "there is no legal basis supporting the claim that this Court's analysis was erroneous and as a consequence resulted in manifest injustice" (Motion p. 12). This nondisclosure and misrepresentation, covering both sides of the coin of deceit (Civ. Code § 1710), violates the duty to disclose material facts (*Gillespie v. Ormsby*, 126 Cal.App.2d 513, 527–528 (1954) ("one who speaks is not only obligated to tell the truth but he is equally bound not to suppress or conceal any facts within his knowledge which materially qualify those stated. [Citations]. If he speaks at all, he must make a full and fair disclosure."); *In re Marriage of Park*, 27 Cal.3d 337, 342–343 (1980)). Given their knowledge of this new case law (CT 2247 ¶ 5), Respondent's/ Bissell's misrepresentations (including those by omission) are those which they could not have honestly believed and were made in bad faith to gain a civil advantage, resulting in fraud on Appellant and this Court (*In re Marriage of Park*, 27 Cal.3d 337, 342–343 (1980)

(affirming duty to disclose facts effecting adjudication and fraud on court and other party for breach)). Respondents also repeatedly assert that the judgment is final (Motion p.14 ¶ 4), yet omit these and critical defects to be raised on appeal undermining its validity. The principle of finality rests on the premise that the proceeding had the sanction of law. The judgment roll and evidence omitted by Respondents demonstrate that the judgment lacks such sanction, rendering it void (CT 1747 et seq.). But even if the judgment were to be considered "final" challenge can still be made (e.g. *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 270 (2010)("a void judgment is one so affected by a fundamental infirmity that the infirmity may be raised even after the judgment becomes final").

Fifth, Respondents continue to use same primary manipulation of the meaning of the word "disgorgement" (Motion p. 6, p.16) as an equitable remedy to conceal the unconstitutional and void punishment imposed on Appellant and what the California Supreme Court held is a "stiff all-or-nothing penalty" (*MW Erectors, Inc. v. Niederhauser Ornamental & Metal Works Co.*, 36 Cal. 4th 412, 426 (2005)). Respondents know 7031 does not use the term "disgorgement". Neither does its Legislative History (CT 1543, RJN Ex. 13 pp. 1670-1746, pp. 1378- 1542 (these pages appear in the CT out of order for unknown reason). And they also know that because: 1) no evidence was presented at trial that Appellant made $930k in profit; 2) no offsets for $930k in value conferred were allowed; and 3) the $930k awarded was never traced to Appellant's possession, that the "disgorgement" they sought at trial and were awarded there and by this Court, not only does not meet the legal definition of disgorgement as defined by the U.S. Supreme Court in *Liu,* it's exact the opposite. In other words, based on Appellants interpretation and *Liu* their use of disgorgement means "penalty or total forfeiture" not equitable disgorgement

as defined by *Liu*. Even if § 7031 imposed an equitable remedy, no equitable principles, such as offsets and tracing were recognized and were thus denied to Appellant, resulting in a penalty or forfeiture.

Additionally, Respondents omit that they have not met their burden of proof at trial, on appeal (G055075– Reply Brief on Appeal), or in any other proceeding to substantiate their capacity to commence a criminal prosecution or their standing to seek and receive a ~$930,000 penalty against Appellant. A party seeking judicial relief must have standing for each type of relief requested (e.g.:*Associated Builders & Contractors, Inc. v. San Francisco Airports Com.*, 21 Cal. 4th 352 (1999); *Summers v. Earth Island Institute*, 555 U.S. 488 (2009)). A lack of standing constitutes a jurisdictional defect (*People ex rel. Becerra v. Superior Court*, 29 Cal. App. 5th 486, 496 (2018)). Penal actions, as defined in *Ex parte Clark*, 24 Cal. App. 389, 394 (1914), must be prosecuted by the government with vested executive authority. Respondents fail to demonstrate such authority or a cognizable right to the relief awarded negating preclusion and finality. Furthermore, the excessive penalty implicates the Excessive Fines Clause, as civil penalties are subject to Constitutional scrutiny (*People v. Cowan*, 47 Cal. App. 5th 32, 44 (2020); *People v. Estes*, 218 Cal. App. 4th Supp. 14 (2013).

See especially CT 2021 Decl. Bereki presenting evidence of fraud and CT 2237– Reply to Opposition generally and p. 2238, p. 2242 ¶ a p.2247 ¶5) evidencing Respondent's and Bissell's continuing concealment of new case law and facts and failure to establish their burden of proof for standing and capacity.

## VII. OBJECTIONS

Appellant objects to the Declaration of William Bissell and the Memorandum of Points and Authorities on the grounds that they contain inadmissible evidence, hearsay, and irrelevant material. The documents cited (Motion at pp. 7–9) reference prior adjudications (e.g., Case No. G055075, California Supreme Court Case No. S252954, U.S. Supreme Court Case No. 18-1416, U.S. District Court Case No. 8:19-CV-02050), which Respondents assert resolved the issues raised in this appeal. Appellant contends these references are misplaced, as the prior proceedings did not resolve all of the aforementioned issues, were all made without authority of law, and do not address his current claims of extrinsic fraud, fraud on the court, jurisdictional defects, or new controlling authority (*Liu v. SEC*, 591 U.S. 71 (2020); *Eisenberg Village v. Suffolk Constr. Co.,* 53 Cal.App.5th 1201 (2020); CT 2024 Decl. et seq. generally and ¶¶ 4, 12, 13-14, 23–26; CT 2013, Ex. 5: Terminating Spartan's Labor, CT 2039-40, Ex. 6: Expert Reporting Spartan Performed Work, CT 2075–2144, Ex. 9: Expert Reporting Spartan Performed Work).

As such, these prior adjudications are not relevant to the present appeal in the way Respondents misrepresent them as final lawful determinations of the rights of the parties. This appeal turns on the voidness of the 2015 judgment and issues including the Superior Court's refusal to exercise equitable jurisdiction and its failure to consider new precedent (Introduction, issues 1–4). In addition, the cited documents contain hearsay and lack proper foundation, as they do not establish that the prior rulings addressed the specific claims now before this Court and that those claims were lawfully determined by a Court exercising jurisdiction conferred by law and that the judgments were within lawful bounds.

They also fail to demonstrate how the face of the judgment roll evidences a valid judgment for an equitable remedy without evidence: 1) Appellant violated the statute (ie performed any work outside that of his licensed company); 2) profited $930k; 3) possessed $848,000 to "disgorge" to them; and 4) accounted for offsets for materials and labor they received. They also do not address the effect of controlling new authority on the judgment. For these reasons, Appellant submits they are inadmissible (*Rochin v. Pat Johnson Mfg. Co.*, 67 Cal.App.4th 1228, 1239 (1998) (void judgments not subject to preclusion)).

**VIII. SANCTIONS ARE NOT WARRANTED; COUNTER-REQUEST FOR SANCTIONS**

Respondents' request for sanctions (Motion at pp. 16–18) is baseless, as the appeal raises substantial issues of fraud, void judgments, and Constitutional violations, supported by uncontroverted evidence and new case law (Code Civ. Proc. § 907*; In re Marriage of Flaherty*, 31 Cal.3d 637, 649–50 (1982)). Conversely, Appellant requests sanctions against Respondents under Cal. Rules of Court, rule 8.276(a)(3) and (4) for filing a frivolous and dilatory motion that misstates facts, omits material information, and breaches counsel's duty of candor (Cal. Bus. & Prof. Code § 6068(d)). This conduct, including failure to disclose controlling case law and premature filing to delay resolution, constitutes bad-faith litigation tactics subject to the Court's inherent authority to sanction (*In re Marriage of Mich*, 47 Cal.App.3d 666 (1975); *Shapell Socal Rental Props., LLC v. Chico's FAS, Inc.*, 85 Cal.App.5th 198, 216 (2022)).

Respondents made no effort to meet and confer prior to filing this Motion. Upon service of their Motion prior to this Court's acceptance of their filing, Appellant informed them there were additional issues and requested they withdraw the Motion. They declined. On September 23, 2025, Appellant provided them a rough draft of this

Opposition identifying the additional issues to be raised on appeal and citing cases preclusions doctrines did not apply. They have not withdrawn their Motion as of the time of this filing. The opposition to this motion will, in Appellant's observation consume judicial resources unnecessarily and required Appellant to spend 27 hours at $300/hour resulting in $8,100 in lost work as "[a] failure to oppose a motion may be deemed a consent to the granting of the motion" (Cal. Rules of Court, rule 8.54(c)).

## IX. REQUEST FOR DISQUALIFICATION OF CERTAIN JUSTICES

Appellant respectfully requests that Justices Motoike, Delaney, and Scott recuse themselves from this appeal due to a conflict of interest arising from their involvement in *Am. Bldg. Innovation LP v. Balfour Beatty Constr., LLC*, 104 Cal. App. 5th 954 (2024) ("ABI"), a case involving Cal. Bus. & Prof. Code § 7031. In *ABI*, Justices Motoike and Delaney affirmed, and Justice Scott served as trial judge, allegedly acting without subject matter jurisdiction and violating due process (Cal. Const., Art. I, §§ 7, 9; U.S. Const., Art. I, § 10). A ruling in Appellant's favor here, challenging the misapplication of § 7031, could undermine *ABI's* precedent, potentially exposing these justices to civil damages liability for their prior rulings due to lack of subject matter jurisdiction. This financial interest creates a conflict, as their impartiality might reasonably be questioned (Code Civ. Proc. § 170.1(a)(3)(A), (a)(6)(A)(iii); *Christie v. City of El Centro*, 135 Cal.App.4th 767, 776 (2006); Cal. Code of Judicial Ethics, Canon 3E(1); *Tumey v. Ohio*, 273 U.S. 510, 523 (1927)). Appellant intends to file a formal statement of disqualification with supporting evidence per Code Civ. Proc. § 170.3(c)(1) to ensure an impartial hearing.

## X. CONCLUSION

For the foregoing reasons, Respondents' Motion to Dismiss should be denied, and this appeal should proceed to full briefing and oral argument. Appellant further requests sanctions and any other relief this Court deems just.

Appellant requests a hearing only if this Court intends to award judgment in whole or in part in Respondents' favor.

Dated: September 25, 2025

Respectfully filed,

Adam Bereki

## DECLARATION OF ADAM BEREKI

I, Adam Bereki, declare under penalty of perjury of the laws of California, that the foregoing statements of fact made herein are true and correct.

Signed on September 25, 2025 in Las Vegas, Nevada

Adam Bereki

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1. At the time of service I was at least 18 years of age.
2. a. My [x] residence [ ] business address is *(specify)*:
   3649 Metter St., Las Vegas, NV 89129
   b. My electronic service address is *(specify)*: abereki@gmail.com
3. I electronically served the following documents *(exact titles)*:
   Verified Opposition to Motion to Dismiss
4. I electronically served the documents listed in 3. as follows:
   a. Name of person served: William Bissell
   On behalf of *(name or names of parties represented, if person served is an attorney)*:
   Karen Humphreys, Gary Humphreys
   b. Electronic service address of person served: wbissell@wgb-law.com
   c. On *(date)*: 9/25/25
   [ ] The documents listed in 3. were served electronically on the persons and in the manner described in an attachment *(write "APP-009E, Item 4" at the top of the page)*.

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

Date: 9/25/25

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