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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

Celine E. LERMAN, Plaintiffs and Respondents, vs. Mikhael Y. LERMAN, Defendant and Appellant	Appeal Ct. Dist 6th No. H053267 Super. Ct. No. 22FL000408 6TH APPELLATE DISTRICT

Appeal From an Order
Of The Superior Court, County of Santa Clara
Hon. Mrs. Cindy Hendrickson, Judge

APPELLANT'S OPENING BRIEF

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Mikhael Y. Lerman
2462 Booksin Ave, San Jose CA 95125
408-564-9578
michael_lerman@yahoo.com

Appellant
Self-Represented

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PREAMBLE

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In this appeal, I, Mikhael Lerman, the Defendant and Appellant, ask the Court of Appeal to focus on a single issue:

1. Whether hidden assets of the Plaintiff, Celine Lerman, exist.

This appeal supplements and complements the petition for review ▼ that I filed with the Supreme Court. The petition before the Supreme Court concerns a separate issue related to asset division: whether the assets must be split **"equally"** or **"equitably."**

I propose the following six *garde-fous* ("Garde-Fou" or "GF") measures, which serve as safeguards or limitations to help prevent judicial misconduct—particularly concerning the rights of a self-represented Defendant.

Proposed Garde-Fou (GF) Measures:

GF1: The gender of the assigned judge must match the gender of the Defendant.
GF2: A Defendant should never be declared or treated as a vexatious litigant
GF3: The adversity of the Judge must be directed toward the Plaintiff rather than the Defendant.
GF4: In the absence of an agreement, the ultimate judgment must align with the Defendant's positions.
GF5: Appointment of an ELISOR must require a medical opinion showing mental impairment of the Defendant.
GF6: The self-represented Defendant should **never** be ordered to pay attorney's fees.

I believe that judges currently lack the six proposed *Garde-Fou* measures necessary to ensure impartial judgment—especially in cases involving self-represented Defendants. I recognize the challenging nature of judicial work and the difficult decisions judges must make, often under pressure from unscrupulous law firms. I also wish to express my sympathy and respect for both Hon. Vanessa Zecher and Hon. Cindy Hendrickson.

However, I formally accuse Attorneys Martelle and Peterson of engaging in judicial misconduct.

TABLE OF AUTHORITIES

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1. Hidden assets (cited pg 21 ▼)

In California, the primary legal framework addressing hidden assets with a breach of fiduciary duty in a marital context is found in California Family Code § 721 and § 1101, which impose a duty of the "highest good faith and fair dealing" between spouses, akin to that of business partners, and outline remedies for breaches, including penalties for concealed assets.

Understanding Fiduciary Duty in Marriage:

- **California Family Code § 721:**

This section establishes that spouses owe each other a duty of the "highest good faith and fair dealing" and cannot take unfair advantage of one another, with this relationship being equivalent to that of non-marital business partners. This includes providing accurate financial information and full access to financial records.

- **Concealment of Assets:**

Hiding assets during a divorce is a breach of this fiduciary duty and can lead to legal penalties. This could involve transferring assets to a third party, creating secret accounts, or purchasing assets without the other spouse's knowledge.

California Family Code § 721 and § 1100: These codes establish the fiduciary duties spouses owe to each other in managing community property during marriage and even after separation, requiring the highest good faith, fair dealing, and transparency.

•Specifically, under these codes, spouses are required to:

•Provide access to financial records at all times.

•Furnish true and full information concerning community property upon request.

•Account for any profit obtained without the other spouse's consent in transactions related to community property.

•Refrain from gifting or disposing of community personal property for less than fair value without the other spouse's written consent (with some exceptions).

•**Family Code § 2102:** Clarifies that these fiduciary duties continue even after separation until assets and liabilities are fully distributed.

•**Family Code § 1101:** Outlines the remedies for breaches of fiduciary duty, including awards of 50% or 100% of the undisclosed or transferred asset to the other spouse, depending on whether the breach involves "oppression, fraud, or malice" as defined in Civil Code § 3294.

•**California Civil Code § 3294:** Defines the concepts of oppression, fraud, and malice, which can trigger more severe penalties under Family Code § 1101(h), potentially leading to a 100% award of the hidden asset to the wronged spouse.

2. Conspiracy against rights 18 U.S. Code § 241 - Conspiracy against rights (cited pg 23 ▼)

> *If two or more persons conspire to **injure**, **oppress**, **threaten**, or **intimidate** any person in any State, Territory, Commonwealth, Possession, or District in the **free exercise or enjoyment of any right or privilege secured to him by the Constitution** or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured— They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.*

3. RICO (18 U.S.C. § 1961): (Racketeer Influenced and Corrupt Organizations) Act (cited pg 23 ▼)

> *The Racketeer Influenced and Corrupt Organizations (RICO) Act is a U.S. federal law designed to combat organized crime by targeting racketeering activity. **Extortion**, which involves obtaining something through force, **threats**, or coercion, can be a predicate act under RICO.*

In the context of RICO (Racketeer Influenced and Corrupt Organizations Act), extortion is considered a racketeering activity and is defined under 18 U.S.C. § 1961. Specifically, subsection (1)(A) of this section lists "extortion" as a predicate act.

.

4. California Penal code 518 of Chapter 7 Extortion [518 - 527] (cited pg 22 ▼)

> *(a) Extortion is the obtaining of property or other consideration from another, with his or her consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right.*

While RICO operates at the federal level, extortion itself can be prosecuted under state laws as well. In California, for example, extortion is defined under Penal Code 518 PC.

5. Burden of proof, presumption of innocence and adverse debate (cited pg 28 ▼)

Burden of Proof:
In civil cases, the Plaintiff must prove their claims by a **preponderance of the evidence**.
→ *California Evidence Code § 500; CACI No. 200*

- **Presumption of Innocence / Neutrality**:
  While formally applied in criminal law, civil courts must uphold fairness and avoid prejudging the Defendant.
  → *U.S. Constitution (5th & 14th Amendments); People v. Hill (1998)*
- **Adversarial Process**:
  Judges must remain **neutral**, ensuring both sides are treated fairly and that the court does not align with one party.
  → *Tumey v. Ohio (1927); California Code of Judicial Ethics, Canon 3; CCP § 128(a)(3)*

6. Automatic Temporary Restraining Order section 4 (cited pg 12 ▼)

> *(4) Restraining both parties from creating a nonprobate transfer or modifying a nonprobate transfer in a manner that affects the disposition of property subject to the transfer, without the written consent of the other party or an order of the court.*

STATEMENT OF THE CASE

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INTRODUCTION

I, Mikhael Lerman, the Defendant in this matter, bring this appeal in connection with a family law dispute between myself and the Plaintiff, Celine Lerman, concerning the division of marital assets following our separation. The primary issue I raise is whether the Plaintiff concealed assets that were not properly disclosed or considered during the asset division process.

As a self-represented party, I believe the trial court failed to adequately address this critical issue. I also raise concerns about judicial bias and procedural fairness, particularly in how the court handled my case as a self-represented litigant.

The trial court issued its ruling without granting an evidentiary hearing on the matter of hidden assets, despite my objections and requests for a full and fair review. I also voiced concerns about the conduct of opposing counsel and the lack of transparency throughout the proceedings. In this appeal, I respectfully ask the Court to consider not only the substantive legal issue but also the procedural fairness of the lower court's handling of the case.

To that end, I have proposed six *Garde-Fou* measures intended to serve as safeguards for the rights of self-represented Defendants in future proceedings.

BACKGROUND

I was born into a prominent Jewish family in Lebanon. Both my paternal family (Lerman) and maternal family (Tawil) possessed significant financial resources. My maternal grandfather, Itzhak Tawil, was the banking partner of Jacob Safra, father of the internationally renowned banker Edmond Safra, founder of Republic National Bank of New York. Although my grandfather passed away in 1937, his professional legacy continued through his sons, who were integrated into the Safra banking enterprise.

I had the privilege of working at Republic National Bank of New York for a time. My family's assets included a real estate complex consisting of 16 residential units located in Lebanon, commonly known as the Rachid Nakhle property. This property remains in family ownership to this day.

In 1988, when I was 24 years old and a student at the Technion – Israel Institute of Technology, my father passed away. At that time, I inherited substantial cash assets as well as full ownership of the Rachid Nakhle property. I was unmarried at the time. The rental income from the Rachid Nakhle property provided consistent financial support until 2020, when Lebanon's economic collapse—marked by hyperinflation and a banking crisis—effectively ended the flow of rental income.

The Rachid Nakhle property, which I inherited well before my marriage in 1990, is my separate property. This fact is central to the present appeal, as the trial court improperly

included income derived from this separate asset in the division of community property—an action I believe violates both the California Family Code § 2550 and constitutional protections of property rights.

Two years after receiving my inheritance, I married my now ex-wife, Celine Lerman. Our marriage was formally dissolved on April 3, 2025. During our marriage, we acquired six properties that are part of the community estate. Celine came from a middle-class family with sufficient means to maintain a comfortable lifestyle.

Shortly after our marriage, we lived in a rented apartment on Rue Louis Blanc in Paris. A few months later, Celine's family provided us with a larger apartment on Rue Oberkampf. At the time, she was pursuing her Master's degree at the Sorbonne, while I was employed by a company named Normerel.

The Rue Oberkampf apartment was not initially habitable—it lacked a proper bathroom and had only a shower in the kitchen. Using funds from my inheritance, I personally financed and oversaw the remodeling of the apartment to make it livable. Although the property was provided by her family, the financial investment and improvements were made entirely with my separate funds. This apartment became our first jointly occupied residence, and it is where our daughter, Avigael, was born.

I built a successful career as a computer engineer. A pivotal opportunity came when I joined STMicroelectronics, which enabled me to emigrate to the United States with Celine and our two children, Avigael and Joachim. During that time, I earned a comfortable income, which was further supplemented by rental income from the Rachid Nakhle property.

These combined resources allowed me to acquire three residential properties in the Willow Glen neighborhood of San Jose in relatively quick succession. My wife, Celine, did not contribute financially to the purchase of any of these properties. Each acquisition was made using my professional income and assets I had acquired prior to marriage. These properties should therefore be recognized as having been funded by separate property.

Additionally, Celine's brother, Gerald, lives rent-free in the Rue Oberkampf apartment until now. Despite my objections, Celine refused to request rent from him and did not contribute to any expenses related to the Willow Glen properties.

SUMMARY OF PROPERTY INTERESTS AND CONTRIBUTIONS

Of the six properties acquired during the marriage, two—Rue de Maubeuge and Rue Oberkampf, both located in Paris—were provided by my ex-wife Celine's family. I acknowledge that these properties should be primarily attributed to her family's support and her own merit.

In contrast, the three properties located in the Willow Glen neighborhood of San Jose—Booksin Avenue, Cherry Avenue, and Settle Avenue—were acquired solely through my financial contributions. These funds came from my professional employment as well as separate rental income generated by the Rachid Nakhle property in Lebanon, which I inherited prior to marriage. These three Willow Glen properties should be recognized as the result of my individual financial efforts and treated accordingly in any equitable division.

A sixth property, an apartment on Rue Courat in Paris, was jointly acquired during the marriage. Based on documented financial records, 74% of the purchase price was paid from my separate or earned income, while 26% was contributed by Celine. I respectfully request that the division of equity in this property reflect these proportional contributions.

It is also important to clarify that the rental income from the Rachid Nakhle property—my separate asset—ceased in 2020 due to the severe economic collapse in Lebanon. This cessation of income occurred two years prior to Celine's initiation of divorce proceedings in February 2022.

OBSERVATIONS ON THE TIMING OF DISSOLUTION

In 2020, the rental income from my separate property, the Rachid Nakhle estate in Lebanon, ceased due to the country's severe economic crisis. This loss marked a significant change in our financial circumstances, as that income had supported our household for many years.

Following this development, and notably without any significant marital discord at that time, my ex-wife Celine filed for divorce in February 2022. While I do not dispute her legal right to initiate dissolution proceedings, the timing and context suggest that the cessation of my separate income may have influenced her decision.

Under California law, community property is divided equally upon dissolution. With the termination of my separate revenue stream, a long-standing financial imbalance in the marriage was removed—effectively making divorce more advantageous to her from a purely economic perspective.

DISPROPORTIONATE FINAL JUDGMENT AND CONCERNS OVER EQUITY

At the outset of the dissolution proceedings, I expected the division of property to fairly reflect the respective merits and contributions of each party. Specifically, I anticipated that my ex-wife would retain the properties primarily provided by her family—Rue de Maubeuge and Rue Oberkampf—while I would retain the three Willow Glen properties, which I acquired and financed solely through my own efforts and income. The Rue Courat property, to which both parties contributed, was to be divided according to our respective contributions—74% to me and 26% to her.

However, the final judgment issued by the Superior Court awarded five of the six community properties to my ex-wife, leaving only one property in my name. This result is deeply inequitable and disregards both the financial realities of our marriage and the principles of fairness embedded in California law.

While California is a community property state that generally requires equal division, a rigid application of this standard—without consideration of the actual source of funds or efforts—can produce unjust outcomes, as has occurred here.

I must also highlight the difficulties I faced as a self-represented litigant. The complexity of the legal process, combined with systemic barriers and what at times appeared to be institutional bias favoring experienced legal professionals, raises serious concerns about the impartiality of the proceedings. Though I do not directly accuse the judges of misconduct, I

respectfully urge the Court to consider how informal alliances or professional familiarity among legal actors may influence outcomes, particularly when one party lacks formal representation.

COURSE OF THE TRIAL IN 9 STEPS

1. The 4-Minute Hearing

On September 28, 2022, I attended a hearing during which I attempted to present evidence regarding hidden assets belonging to the Plaintiff. The hearing lasted only four minutes—from 2:53 PM to 2:57 PM—and during that time, I was repeatedly interrupted by the Court and unable to complete full responses to questions. The only uninterrupted statement I was able to make was the phrase “two, three and four,” in reference to the court orders I alleged were violated. Despite my efforts, the Court granted the Plaintiff’s motion without addressing the substance of my claims or permitting a meaningful presentation of my evidence.

The Plaintiff and her counsel were not asked to respond or explain. The Court did not inquire into the alleged hidden assets, nor did it confront the Plaintiff about the violation of the Automatic Temporary Restraining Orders (ATROs). As a result, the adversarial tone of the hearing appeared directed solely at me as the self-represented Defendant. Meanwhile, the Plaintiff’s attorney, Ms. Martelle, appeared to receive the benefit of the Court’s deference, raising concerns about impartiality.

The transcript of this hearing is available in exhibit TR ▼

Selected excerpt from the transcript:

- **Court:** “As I understand it, the contempt citation states that by revoking the Trust, Ms. Lerman was in violation of the automatic temporary restraining orders. Is that the basis of your contempt citation?”
- **Me:** “Not only.”
- **Court:** “Okay.”
- **Me:** “There are several. This is one of them.”
- **Court:** “This is so technical, okay. So your moving papers do not tell me exactly what orders were violated—”
- **Me:** “Yes, I know. I did—” (cut off)
- **Court:** “Can I finish, please.”
- **Me:** “Yeah.”
- **Court:** “…what orders were violated and what Ms. Lerman did to violate them. I am looking at the moving papers. You do not get to supplement them with argument so I need you to refer me specifically in your papers to what order or orders were violated

and what you contend. And it can only be in your papers, it cannot be outside the papers."

- **Me:** "Correct. I refer to order number two, three and four."
- **Court:** "Okay. In what portion of your paperwork?"
- **Me:** "I listed two actions that lead to this—" (cut off)
- **Court:** "I need to know exactly what orders were violated and—"
- **Me:** "It—" (cut off)
- **Court:** "Okay, Mr. Lerman, I AM NOT PLAYING A GAME HERE. THIS IS NOT A GAME."
- **Me:** "It's in my paper," (cut off)
- **Court:** "Okay, Ms. Martelle, your motion is granted."

This brief and one-sided hearing was not an isolated procedural event. It proved to be central to the course of the entire trial. By dismissing the issue of hidden assets without a proper evidentiary hearing, the Court effectively foreclosed further consideration of this key issue, setting the tone for the remainder of the proceedings. From that point onward, my attempts to raise concerns about asset concealment were largely disregarded.

Prior to this hearing, the Plaintiff had revoked a nonprobate (▲) transfer and executed a new will—actions that, in my view, violated Section 4 of the ATROs. Notably, the new will omitted the Rue de Maubeuge and Rue Oberkampf properties, despite her clear connection to both. This omission supports my claim that these assets were intentionally hidden. In support of my position, I submitted detailed documentation, including:

- **Donation-Partage document** (▼) for Rue de Maubeuge (see Exhibit Q)
- **Private investigation report** (▼) from Fox Detective (see Exhibit HA Recherche de Patrimoine)
- **Power of Attorney documents** related to financial accounts (see *Exhibit CE: Power_of_Attorney_and_Perimetre_of_Accounts.pdf*)
- Plaintiff's Schedule of Assets and Debts (*Exhibit P* ▼), which failed to list these properties and accounts

During discovery, I asked Attorney Martelle about the omission of these assets. She replied that the information was privileged between her and the Plaintiff. I believe this response effectively confirms her awareness of the concealed assets, and it suggests that she knowingly participated in suppressing material evidence. In my view, this constitutes a breach of ethical duties and a complicity in concealing assets material to the fair division of property.

Following the September 28, 4-minute hearing, Attorney Martelle employed various tactics that appeared aimed at obstructing any further inquiry into the hidden assets. These included:

- Efforts to have me declared a vexatious litigant
- Issuance of **24 subpoenas** containing misleading or unsubstantiated allegations
- Threatening and intimidating behavior intended to deter me from pursuing my claims

It is my belief that both Attorney Martelle and her associate, Attorney Peterson, were aware of the concealed assets and actively worked to prevent their disclosure. Their actions suggest a coordinated effort to suppress evidence relevant to the equitable division of marital property. I respectfully submit that this conduct—along with the Court's unwillingness to hear my evidence—undermined the fairness of the trial and violated my right to due process.

2. I Was Punished with Attorney's Fees for Filing Motion to Uncover Hidden Assets

After attempting to bring to light the existence of hidden assets through a formal motion, I was sanctioned with attorney's fees—despite being self-represented and acting in good faith to protect my legal rights and ensure full disclosure in the proceedings.

The Court ordered me to pay attorney's fees on two separate occasions:

- **First**, before the division of community assets, attorney's fees were ordered to be paid directly from the community account, significantly reducing the overall funds available for equal distribution.
- **Second**, following the division of property, I was again ordered to pay attorney's fees —this time from my **separate share** of the assets. This punitive measure directly reduced the portion of the estate awarded to me, despite the fact that the motion I filed was centered on a legitimate and unresolved issue: the concealment of significant marital assets by the Plaintiff.

The total amount assessed against me for attorney's fees approached **$100,000**, a staggering figure for any self-represented litigant, let alone one who was merely attempting to ensure transparency and proper classification of community versus separate property.

What is particularly troubling is that I was penalized not for any misconduct or frivolous litigation—but for exercising my right to seek discovery and judicial review of potentially concealed marital assets. My efforts were reasonable, supported by documented evidence, and directly relevant to the fair adjudication of property rights under California law.

Instead of being heard, I was met with financial punishment. This outcome reflects a systemic disadvantage faced by self-represented litigants and raises serious questions about access to justice, judicial impartiality, and whether equal protection under the law was afforded in this case.

3. I Discovered That the Judge and Attorney Martelle Were Personally Connected

On April 24, 2023, I became aware of a significant conflict of interest that, in my view, fundamentally undermined the fairness and neutrality of the proceedings. I discovered that

Attorney Martelle maintained a personal relationship with the presiding judge, the Honorable Vanessa Zecher, and that the two were engaged in regular **ex parte communication**.

This revelation was deeply troubling, as it raised serious concerns regarding judicial impartiality, potential bias, and due process violations in my case. I promptly submitted evidence of this communication in **Exhibit EX – Ex Parte Communication (▼) (Exhibit_EX_exparte_communication.pdf)**, which I believe demonstrates a level of familiarity and informal contact that is incompatible with the ethical standards required in a judicial proceeding—particularly in a contested divorce trial involving high-value assets and an unrepresented party.

Ex parte communications between a judge and one party's counsel—especially if they concern matters relevant to an active case—are strictly prohibited under judicial ethics rules. Even the appearance of partiality can compromise the legitimacy of a judgment. As a self-represented litigant, I had no way of knowing these communications were occurring, and I was never granted a corresponding opportunity to be heard or to respond.

The existence of such a relationship between the bench and opposing counsel casts a long shadow over the procedural and substantive fairness of the trial. It also may explain the courtroom dynamics I experienced throughout the litigation—where I was repeatedly interrupted, my evidence was dismissed without proper review, and the Plaintiff's motions were routinely granted with minimal scrutiny.

In light of this discovery, I respectfully submit that the integrity of the trial was fundamentally compromised, and the resulting judgment cannot be considered the product of a neutral and impartial adjudication.

4. I Filed a Complaint with the Commissioner

After discovering what I believe to be improper ex parte communications between the presiding judge, Hon. Vanessa Zecher, and opposing counsel, Attorney Martelle, I formally filed a complaint with the appropriate judicial oversight authority.

On or around April 2023, I submitted a detailed letter outlining the nature of my concerns, including potential judicial bias and violations of judicial ethics. This letter was addressed to the **Commission on Judicial Performance** and is included in the record as **Exhibit COM (▼) – Letter to the Commissioner**. The full document is available at the following URL: https://siliconkit.com/pdf/4CA611FB-B526-4f15-AAD2-5EDCC3CA531E/Exhibit_COM_letter_commissioner.pdf

In the letter, I described:

- The personal relationship between Judge Zecher and Attorney Martelle
- The pattern of judicial conduct in my case that I believe reflected partiality
- My inability to obtain a fair hearing or due consideration of my motions and evidence

This filing was not done lightly. As a self-represented litigant, I pursued this action only after observing repeated instances of courtroom dynamics that strongly suggested preferential treatment of the Plaintiff's counsel, and an adversarial stance toward me.

To date, I have not been informed of a serious response or investigation resulting from the complaint, but I include it here in the record of this appeal to demonstrate that I took appropriate steps to raise the issue through the channels available to me.

5. I Was Listed as a Vexatious Litigant

Following my efforts to expose the existence of hidden assets and my formal complaint regarding potential judicial misconduct, I was unexpectedly designated a **vexatious litigant** by the Court. This decision had serious consequences, effectively restricting my ability to file motions or petitions without prior judicial approval.

This designation was imposed despite the fact that:

- I was acting as a **self-represented litigant**, without the benefit of legal counsel
- My filings were based on substantive concerns, including documented evidence of undisclosed marital property
- I had exercised my legal rights in good faith, including the right to discovery and the right to petition for enforcement of court orders

The vexatious litigant label is a serious and stigmatizing measure, typically reserved for individuals who abuse the judicial process through repetitive, meritless filings. In my case, the record shows that I was seeking to defend my property rights and ensure fairness in a complex divorce case where significant financial information remained in dispute.

I believe this designation was misapplied and was used—intentionally or not—as a tool to silence my efforts to uncover critical facts. It had the effect of discrediting my motions in advance and discouraged further judicial review of the Plaintiff's financial disclosures.

This action also compounded the systemic imbalance I faced throughout the proceedings: while the Plaintiff had the benefit of experienced legal counsel and a favorable courtroom posture, I was placed under increasing procedural and financial pressure simply for asserting my legal rights.

6. Judge Hon. Zecher and Attorney Martelle Withdrew from the Case

As the case progressed, I took formal action to challenge the constitutionality and impartiality of the judicial assignment process, as well as the integrity and courtroom familiarity of opposing counsel, Attorney Martelle.

Specifically, I submitted a written objection to the assignment of Judge Cindy Hendrickson, citing concerns about unconstitutional judicial assignment procedures. This objection was detailed in **Exhibit PRS – Strike Assignment of Judge Cindy Hendrickson** (▼)

In addition, I formally contested the courtroom familiarity and conduct of Attorney Martelle, raising concerns about her prior ex parte communications with the Court and what I perceived as a persistent lack of neutrality in her interactions with the bench.

As a result of these filings and objections:

- **Judge Hon. Vanessa Zecher withdrew** or was removed from the case

- **Attorney Martelle also withdrew** or was disqualified from further participation in the proceedings

While no official statement was provided to me explaining the reasons for their withdrawal, the timing suggests that these actions were taken in direct response to the issues I raised concerning impartiality and judicial ethics. Their departure from the case marked a significant turning point and implicitly acknowledged that my concerns had at least some merit.

However, by the time these changes occurred, substantial damage had already been done—procedural rights had been curtailed, critical evidence had been excluded, and financial decisions had been made that I believe were deeply prejudicial.

7. Judge Hendrickson Rendered a Default Judgment with Provision for Appeal

On **April 3, 2025**, Judge Hon. Cindy Hendrickson issued a **default judgment** against me in the underlying dissolution case. This judgment is documented in **Exhibit MNO (▼) – Minute Order (April 3, 2025)**, available at the following link:
Exhibit_MNO_MINUTE_ORDER_APRIL_3_2025.pdf

This judgment was entered despite the fact that I had participated extensively in prior proceedings, filed multiple motions, and raised unresolved issues—including the concealment of assets and judicial conflicts of interest. The judgment declared me in default and moved the case forward without a full evidentiary hearing on key matters I had raised.

Importantly, the **minute order granted a 60-day period**, beginning from **April 3, 2025**, during which I was permitted to file for appeal or further relief. This provision suggests that the Court recognized the unusual nature of the default and the need to preserve my appellate rights.

Additionally, the Court appointed an **ELISOR** to sign documents on my behalf. The appointment of an ELISOR—typically used when a party refuses or is unavailable to execute documents—was applied here in a context where I had been actively participating in the case. I contend that this action was inappropriate and further eroded my procedural rights as a self-represented litigant.

At this stage, the judgment finalized the distribution of community and separate assets—despite ongoing disputes about classification, contribution, and the concealment of properties such as Rue de Maubeuge and Rue Oberkampf. This default judgment, entered under these circumstances, forms the basis for my present appeal.

8. Capture of Cherry Avenue Property During the Prohibited Appeal Period

On **April 5, 2025**, just **two days after** the default judgment was entered on April 3, and **well within the 60-day appeal period**, the Plaintiff, **Celine Lerman**, along with her attorney **Mr. Larry Peterson**, executed the transfer and took possession of the **Cherry Avenue property** in San Jose, California—valued at approximately **$2.5 million**.

This action was carried out despite the explicit provision in the judgment granting a **60-day window** for appeal or further relief. The transfer occurred during a period in which all parties were expected to **refrain from irreversible actions** affecting property rights, particularly

involving assets under dispute. The premature enforcement of the judgment in this manner represents, in my view, a **violation of procedural fairness** and may constitute **real estate fraud**.

I have submitted documentation of this unauthorized transfer in **Exhibit DED (▼) – Deed Real Estate Fraud**, available at:
https://siliconkit.com/pdf/4CA611FB-B526-4f15-AAD2-5EDCC3CA531E/Exhibit_DED_DEED_Real_Estate_Fraud.pdf

This act raises several critical legal and ethical concerns:

- **Violation of the 60-day stay** provision for appeal
- **Disregard for due process** and the pending appellate timeline
- **Unilateral seizure** of an asset still under legal dispute
- Potential **fraudulent conveyance** of community or contested property

The Cherry Avenue property is one of the three assets I acquired solely through my professional earnings and separate property income. Its forced and premature transfer not only deprived me of property but also further entrenched the inequitable outcome that this appeal seeks to challenge.

I respectfully submit that this incident underscores the broader pattern in this case: a systematic denial of my rights as a litigant, a lack of judicial protection for the appeal process, and the aggressive actions of the opposing party to capitalize on procedural vulnerabilities before appellate review could occur.

9. I Filed the Present Appeal Followed by a Petition to the Supreme Court

In response to the default judgment rendered on April 3, 2025, and the premature transfer of the Cherry Avenue property on April 5, 2025, I exercised my legal right to challenge the proceedings by filing the **present appeal** within the 60-day period granted by the Court.

The appeal specifically addresses:

- The existence of **hidden assets** not accounted for in the division of property
- The **procedural irregularities** and ex parte communications between the judge and opposing counsel
- The **disproportionate and unjust division** of community and separate assets
- The improper **designation of vexatious litigant status**
- The **default judgment** entered despite my ongoing participation
- The **appointment of an ELISOR** to override my legal agency
- The **unlawful transfer** of contested property during the appeal period

Following this appeal, I also submitted a **Petition for Review to the Supreme Court of California**, addressing a separate but closely related legal question:
Whether the division of marital assets must be conducted "equally" or "equitably" under California law—a question with broader constitutional and statutory implications beyond the facts of my specific case.

The issues raised in this appeal and in the Supreme Court petition highlight systemic problems facing **self-represented litigants**, including lack of access to impartial proceedings, procedural disadvantages, and inadequate protection against legal overreach by represented parties.

STATEMENT OF THE APPEALABILITY

-▲-

This Judgment is appealable pursuant to Code of Civil Procedure section 904.1, subdivision (a)(1), as it constitutes a final judgment adjudicating the dissolution of the parties' marriage and related matters. The Court has granted a Judgment of Dissolution based on irreconcilable differences, terminating marital status effective April 3, 2025, and has made final rulings regarding the division of personal property and other related orders. As such, this Judgment is final and subject to appeal.

The notice of appeal is not premature under **California Rules of Court, rule 8.104(d)(1)**, as the judgment has been rendered and is therefore valid for purposes of appeal, even if not yet entered.

STATEMENT OF FACTS

-▲-

The following are relevant dates of property acquisitions in relation to the dates of marriage and separation:

- **Rue Rachid Nakhle, Lebanon** – Acquired: April 6, 1988 (evidence, p. 5, l. 13)
- **Marriage** – October 17, 1990 (evidence)
- **Rue de Maubeuge, Paris, France** – Acquired: August 5, 1999 (evidence, p. 6, l. 5)
- **Cherry Avenue, San Jose** – Acquired: July 19, 2001
- **Settle Avenue, San Jose** – Acquired: July 6, 2007
- **Booksin Avenue, San Jose** – Acquired: November 22, 2010
- **Rue Oberkampf, Paris, France** – Acquired: December 20, 2013 (evidence, p. 18, l. 8)
- **Rue Courat, Paris, France** – Acquired: July 1, 2019 (evidence, p. 3, l. 14)
- **Date of Separation** – February 6, 2023 (evidence, p. 11, l. 5)

The property located at **Rue Rachid Nakhle, Lebanon** was acquired by the Defendant prior to the marriage and is therefore the Defendant's **separate property**. The remaining six properties were acquired during the marriage and are properly characterized as **community property** of the parties.

ARGUMENT

-▲-

The Lerman Divorce as a Puzzle

Divorces often unfold as complex puzzles. The task of the court is to analyze the pieces carefully, listen to both sides, and reconstruct the truth. Unfortunately, in my case, the Superior Court of Santa Clara failed to do this. Rather than resolving the dispute based on merit and evidence, the process became unbalanced and one-sided, silencing my attempts to uncover the truth.

As outlined in Exhibit_PZL

The Lerman divorce pzzule (▼)
see
https://siliconkit.com/pdf/4CA611FB-B526-4f15-AAD2-5EDCC3CA531E/Exhibit_PZL_puzzle.pdf

The Hidden Assets (▲)

At the center of this appeal lies a simple and unavoidable truth: **either the hidden assets exist or they do not**. If they do not exist, then the burden of proof should lie with the Plaintiff to demonstrate their absence. If they do exist — and I have provided compelling evidence that they do — then they are by definition *hidden* and should have been disclosed under California law.

Hidden assets cannot remain hidden forever. It is the duty of the Court to investigate, not to ignore.

- Key Hidden Assets

The two principal properties in question are:

- **Rue de Maubeuge** (Paris, France)
- **Rue Oberkampf** (Paris, France)

I have consistently maintained that these two properties were concealed during discovery and omitted from the Plaintiff's asset disclosure, in violation of her legal obligations.

- Submitted Evidence

I submitted a variety of supporting documents to demonstrate the existence of these hidden assets:

- **Detective Report**: I hired a professional investigator in France who produced a report confirming occupancy and relevance of **Rue Oberkampf**.

- **Photos**: (▼) Documented presence and usage of Rue Oberkampf as a family property.
  Exhibit_OP_Oberkampf_Photos.pdf
- **Family Video**: A personal family video showing Rue Oberkampf (▼) and its significance in our shared history.
  Exhibit_VID_Family_video_rue_oberkampf.pdf
- **Personal Declaration**: I provided a sworn declaration (▼) testifying to the facts surrounding the property.
  [32]_Oberkampf_facts.pdf
- **Power of Attorney Documents**: Additional evidence (▼) suggests that Plaintiff had control over certain financial accounts tied to hidden property.
  Exhibit_CE_Power_of_Attorney_and_Perimetre_of_accounts.pdf

Despite all this, the Superior Court refused to conduct a proper evidentiary hearing on these matters. The Court never confronted the Plaintiff about these hidden assets, nor required her to explain the omission. **This failure to act raises legitimate and serious concerns about impartiality and due process.**

A Central Issue in This Appeal

The existence of hidden assets — and the Court's unwillingness to investigate them — is **central to this appeal**. The integrity of the judgment depends on full disclosure, fair analysis, and impartial proceedings. None of these standards were met.

Statement Regarding Judicial Conduct and Attorney Misconduct

Regarding the judicial conduct in the matter involving the law offices of Martelle and Peterson:

I want to make clear that I am **not accusing the Judge**, for whom I have both **sympathy and respect**. However, it appears that the Judge may be under **external pressure** from Mrs. Martelle's office to designate her as the prevailing party, thereby securing her compensation in this case.

I do **not accuse Judge Zecher**, who agreed to withdraw from the case. I appreciate that decision and view her withdrawal as a recognition that this was not a fair trial. Therefore, I am **not accusing the court of deprivation of rights under color of law**.

I recognize the difficult position the Judge is in—balancing between satisfying her coworker, Mrs. Martelle (or Peterson), with their compensation demands, and attempting to render fair justice.

I also do **not accuse Judge Hendrickson**, who intervened to stop the ongoing threats from Mr. Peterson.

Allegations Against Mrs. Martelle

Extortion, Threatening Behavior, and Harassment: (▲)

- **Extortion evidence:** (▼)
  Exhibit ET – Extortion by Allan and Martelle LLP
- **Threatening evidence:** (▼)
  Exhibit TH – Threatening

I **accuse Mrs. Martelle of corrupting the court**. Therefore, my accusation of **conspiracy against rights** against both **Mrs. Martelle and Mr. Peterson remains**.

Ex Parte Communication

I also found that Mrs. Martelle was engaged in **ex parte communication with the Judge**, for which I have provided evidence:

- Exhibit EX – Ex Parte Communication

I filed a **formal complaint with the judicial commission** regarding this misconduct:

- Letter to Commissioner

Booksin Appraisal Misconduct

With respect to Mrs. Martelle's handling of the **Booksin property appraisal:**

The appraiser, **Mr. David Dietrich**, located at 1975 Hamilton Avenue #34, was supposed to act as an **independent third party**, selected through a lottery process organized by the court and hired by me. However, **Mrs. Martelle took control of the appraiser and directed him with specific instructions** on how to conduct the appraisal. To this day, **I have not received the appraisal report from Mr. Dietrich**, yet **Mrs. Martelle arranged for the court to order that I owe $175,000 to her party.**

I believe **Mrs. Martelle's office operates like an organized crime ring**, using **mafia-style tactics**. (▲)

- Martelle Misconduct Report

Allegations Against Mr. Peterson

I **accuse Mr. Peterson** of threatening me with **financial harm**, including using the term "bleed" (▼) in reference to attorney fees:

- Exhibit BLE – Attorney Fee Threats

Mr. Peterson also issued an **ultimatum** (▼), further escalating the threats:

- Exhibit ULT – Ultimatum from Peterson

Conspiracy Against Rights ("CAR") (▲)

To be guilty of **conspiracy against rights** (CAR), it is not necessary to fully deprive someone of their rights; even **an attempt** or **agreement to do so** is sufficient. Conspiracy involves **coordinated intent and action by two or more people**.

In this case, there is sufficient evidence of a **coordinated effort** between:

- Mrs. Martelle
- Mrs. Lerman
- Mr. Peterson

All parties **knew** about hidden assets and acted in a manner that aimed to injure, oppress, threaten, or intimidate me. Thus, I assert that **all legal requirements for a CAR violation have been met**.

Therefore, I maintain that **Mrs. Martelle, Mr. Peterson, and the Plaintiff** are guilty of **conspiracy against rights**.

Arguments for the proposed 6 garde-fous

GF1: The gender of the assigned judge must match with the gender of Defendant

GF1 proposes that in family law trials—especially those involving deeply personal matters such as divorce and asset division—the **gender of the first assigned judge should match the gender of the Defendant**. This safeguard is meant to **preserve neutrality**, counterbalance unconscious bias, and uphold the constitutional guarantee of **equal protection under the law**.

1.1 Judicial Compassion and In-Group Bias

Human empathy is not evenly distributed. Studies in cognitive science and social psychology have repeatedly shown that people often exhibit greater compassion, understanding, and emotional identification with members of their own gender. In courtrooms, where judges wield discretion and interpret complex personal circumstances, such **in-group bias** can subtly influence outcomes—even when unintended.

When a Defendant (especially one who is self-represented) appears before a judge of the opposite gender, they may be at a **probabilistic disadvantage** due to these unconscious leanings. Aligning judge and Defendant gender introduces a **natural check** that can temper the risk of uneven treatment and ensure that the Defendant feels equally understood and represented in the courtroom environment.

1.2 Statistical Unlikelihood and Pattern of Assignments

In my own case, I was assigned **three consecutive female judges** in Santa Clara County—despite identifying as male. The **probability** of such a sequence occurring randomly (50% × 50% × 50%) is only **12.5%**, suggesting a potentially **non-random or systemically biased pattern** in judicial assignments. This is especially concerning in family law, where gender dynamics are often at the heart of the legal dispute.

Following my formal letter to the presiding judge (see Exhibit_PRS_strike_assignment_of_judge_Cindy_Hendrickson.pdf), a **notable procedural change occurred**: the public court display system, which previously listed judges' first and last

names (allowing the public to infer gender), was altered to **no longer display those names**. This change raises concern that the existing distribution of judge gender assignments was **visibly imbalanced** and possibly inconsistent with constitutional fairness.

1.3 Constitutional Implications

Equal protection under the law (14th Amendment, U.S. Constitution) prohibits **any form of gender-based favoritism** by government institutions—including courts. If a court system, whether by algorithm or design, systematically favors assigning female judges in cases involving female Plaintiffs or male Defendants, that constitutes **gender-based judicial discrimination**.

GF1 seeks to neutralize this risk by proposing a **simple, symmetrical rule**:

> The gender of the first assigned judge in a family law matter should match the gender of the Defendant.

This would rebalance perception and reduce the likelihood of implicit gender-based alignment with one party—particularly in sensitive, high-stakes cases like dissolution, custody, or asset division.

1.4 Restoring Public Confidence

Even if no explicit bias exists, public **perception of fairness** is essential to the legitimacy of the legal system. A litigant who sees that all judges assigned to their case are of a different gender—while their adversary shares the judge's gender—may reasonably question whether **justice is being served or gender preference is being practiced**.

GF1 is not about discrimination—it's about **restoring equilibrium**, countering unconscious alignment, and ensuring that **every Defendant feels that their voice is heard by someone who understands them without bias**.

GF2: A Defendant should never be declared or treated as a vexatious litigant

2.1 Leading Argument: It's a License to Commit Fraud by the Opposing Party

When a **Defendant** is placed on the vexatious litigant list, it effectively **disarms them**, while granting the **opposing party and their legal team unchecked freedom**. This imbalance creates what is essentially a **license to commit fraud**—a situation where one side can act freely, knowing the other is restricted from responding or objecting.

In my own case, being placed on the vexatious litigant list gave the Plaintiff, **Celine Lerman**, and her attorneys, **Mrs. Martelle and Mr. Peterson**, **permission to proceed unchallenged**. They knew I could not file without prior approval, and they took advantage of that to violate court orders, seize property, and disregard agreed-upon arrangements—all without consequence.

2.2 The Defendant Does Not Choose to Be in Court

It is essential to understand the distinction between Plaintiffs and Defendants:

- **A Plaintiff chooses** to bring a case to court.
- **A Defendant is summoned**—forced to defend themselves under threat of legal or financial loss.

Punishing a Defendant—who never sought out litigation—for **defending their civil rights** is not only unjust, it is **illogical**. You cannot **force someone into court**, and then, when they resist unlawful action or raise legitimate concerns, **label them vexatious** for asserting their rights.

That's exactly what happened here.

2.3 Specific Violations Enabled by the Vexatious Label

Once I was placed on the vexatious litigant list, the Plaintiff and her legal team disregarded multiple court orders:

- **They failed to pay half the rent** on the Cherry Avenue property, despite a clear court order.
- The court required **joint consent** for any action regarding Cherry Avenue, yet Plaintiff acted unilaterally.
- The Plaintiff **refused to participate in maintenance and repairs**, knowing I was legally blocked from opposing her actions or seeking relief without pre-approval.

This was not a breakdown in communication. It was **a calculated exploitation** of my restricted status.

2.4 A Simple, Fair Rule

For all of the above reasons, I propose that California courts adopt a clear safeguard:

> **No Defendant—especially a self-represented Defendant—may be added to the vexatious litigant list.**

This rule would protect against abuse of the legal system and prevent one-sided enforcement. It ensures that **no litigant is stripped of the right to defend themselves**, especially in cases involving property, civil rights, or accusations of bad faith.

GF3: The adversity of the Judge must be directed with the Plaintiff rather than with Defendant.

GF3 proposes that, in proceedings involving a self-represented Defendant, **judicial adversity—meaning critical questioning or adversarial dialogue—should be directed toward the Plaintiff**, particularly where the Plaintiff is represented by counsel. This

safeguard is necessary to preserve **procedural neutrality**, prevent **institutional bias**, and protect against **the deprivation of civil rights under color of law**.

3.1. Why the Balance of Adversity Matters

In adversarial legal systems, courts are not meant to side with one party over another but to ensure that both sides are held to legal standards. However, when a judge's critical scrutiny falls disproportionately on the **self-represented party**, the trial ceases to be a balanced forum and becomes **a tilted confrontation**—one where the Plaintiff benefits from both legal representation and judicial alignment.

This imbalance risks turning a legal proceeding into a form of **state-enabled deprivation of rights**, particularly when the self-represented party is trying to assert constitutional or statutory protections.

3.2. Deprivation of Rights Under Color of Law

When a judge, consciously or not, **adopts the posture of the Plaintiff's advocate**, this creates a situation dangerously close to **conspiracy against rights** (18 U.S. Code § 241) and **deprivation of rights under color of law** (18 U.S. Code § 242). These statutes were enacted to prevent precisely this kind of misuse of judicial or governmental authority.

A judge who appears aligned with a represented party—even subtly—may inadvertently facilitate the Plaintiff's strategy to overpower the self-represented litigant, especially when critical rights, property, or due process are at stake.

3.3 Why Adversity Toward the Plaintiff Is Preferable

When the Plaintiff challenges the rights of the Defendant (e.g., seeks to seize assets, deny access, or impose sanctions), it is **legally and ethically appropriate** for the judge to scrutinize the Plaintiff's claims with particular care. **Challenging another person's rights inherently invites scrutiny.** The Plaintiff, by asking the court to impose legal consequences on another, should bear the burden of proof and withstand judicial examination.

On the other hand, when the Defendant is merely defending their position—or seeking to assert fundamental rights—the court's adversarial posture should be restrained. Anything else risks turning the bench into a second opposing party.

3.4. Proposed Standard for Fairness

To avoid the appearance or reality of **judicial collusion** or **institutional coercion**, GF3 suggests a simple rule:

> In matters involving a self-represented Defendant, judicial adversity or scrutiny should, as a rule of prudence, be directed toward the **represented Plaintiff**, who has legal assistance and the benefit of counsel.

This preserves the balance of the adversarial system and protects vulnerable litigants from undue hardship or loss of rights.

GF4: In absence of agreement, the ultimate judgment must allign with Defendant's positions.

GF4 proposes that when there is **no agreement or settlement between the parties**, the final judgment should, by default, **align with the Defendant's positions**, especially when the Defendant is self-represented. This principle is supported by three core foundations: the **presumption of innocence**, the **burden of proof**, and the **constitutional obligation of contract**.

4.1. Judgment Must Be Grounded in Agreement or Proven Facts

In family law cases, especially those invoking **irreconcilable differences**, a mutual agreement (settlement) between the parties is often the most legitimate and constitutionally grounded basis for judgment. The **obligation of contracts**, enshrined in Article I, Section 10 of the U.S. Constitution, underscores that enforceable judgments must rest on either:

- An express **agreement** between parties (a form of private contract), or
- A **clear showing of facts and law** that supports the Plaintiff's claims.

In the absence of both, a judgment that aligns with the **Plaintiff's demands** lacks a valid constitutional and procedural foundation.

4.2. Presumption of Innocence and Burden of Proof (▲)

In civil proceedings, while the standard is not "beyond a reasonable doubt," the burden of proof **still lies with the Plaintiff**. The Plaintiff initiates the action, and therefore must establish the facts and arguments necessary to justify judicial intervention against the Defendant.

If the Plaintiff **fails to prove their claims**, or **fails to settle**, and especially when there is no mutual agreement on the outcome, there is no legal justification to grant the Plaintiff's proposed judgment. In that context, fairness and legal consistency require that the court defer to the **Defendant's positions**, particularly when no wrongdoing has been established.

This approach respects both:

- The **presumption of regularity** and innocence toward the Defendant, and
- The **principle that courts must not act without a solid legal basis**.

4.3. Irreconcilable Differences Do Not Justify Imbalanced Judgments

In no-fault divorce cases based on "irreconcilable differences," the law recognizes the **breakdown of mutual agreement**, but **does not shift burdens of ownership, asset division, or legal consequences** automatically in favor of one party. When no agreement has been reached—particularly regarding property, custody, or support—there is **no contractual or consensual foundation** for the court to rely on.

If the Plaintiff fails to prosecute effectively or declines to engage in settlement, the Defendant's positions should form the basis for resolution. To do otherwise—especially where no fault or breach is found—creates an arbitrary exercise of judicial power and risks violating due process.

4.4. Preventing One-Sided Judgments Without Foundation

This safeguard is necessary to prevent one party (typically the Plaintiff) from leveraging **inertia, bias, or procedural imbalance** to obtain a favorable judgment **in the absence of merit or agreement**. Especially where the Defendant is self-represented, the risk of a judgment by default or asymmetry is high. GF4 ensures that justice is based on **substance, not strategy**.

GF5: ELISOR must require a medical opinion showing a mental impairment of Defendant.

5.1. Leading Argument: Signing Away Someone's Rights Requires Proof of Incapacity

The appointment of an **elisor** — someone who signs legal documents on behalf of another party — is an **extraordinary judicial intervention**. It overrides the personal agency of a party and allows another individual (usually the court or a third party) to **act in their legal and financial place**.

This should **never be done lightly**, especially in the absence of a **medical diagnosis** showing that the party is **mentally incapacitated** and unable to make legal decisions.

> GF5 proposes that **no elisor may be appointed to sign for a self-represented Defendant unless a qualified medical professional has diagnosed the Defendant with a mental impairment that renders them legally incompetent to act in their own interest**.

5.2. Capacity Is a Medical Determination — Not a Judicial Shortcut

- A court is not a medical institution.
- Judges and opposing attorneys are **not licensed mental health professionals**.
- Legal capacity — the ability to understand and manage one's own affairs — must be determined by **objective medical evidence**, not speculation, frustration, or procedural convenience.

Without a mental health evaluation, appointing an elisor is **a violation of the Defendant's constitutional rights**, particularly:

- The **right to due process**
- The **right to personal autonomy**
- The **right to control one's own property and legal affairs**

5.3. In My Case, No Such Diagnosis Was Ever Made

In this case, **no psychiatrist, psychologist, or licensed doctor** ever declared that I was mentally impaired. Yet the court appointed an **elisor** to sign documents **on my behalf**, as if I had been declared incompetent.

This was a **clear abuse of discretion** and a breach of my civil rights. It essentially **treated me as mentally disabled without any medical evidence**, simply because I objected to terms I believed were unjust.

5.4. Elisor Appointment Without Medical Basis = Judicial Overreach

The appointment of an elisor without a medical diagnosis introduces several dangerous legal consequences:

- It **creates a false legal record**, as if the party signed willingly.
- It **transfers assets or rights** under the **false presumption of consent**.
- It **erodes the integrity of the judgment**, since it is based on substituted action rather than genuine agreement.

This is particularly dangerous when the party is **self-represented**, as there are no attorneys to raise immediate objections or appeal the decision in real time.

5.5 Proposed Rule for Safeguard (GF5)

> Before appointing an elisor for a self-represented Defendant, the court must require and review a formal medical opinion issued by a licensed mental health professional stating that the Defendant is mentally incapacitated and unable to act in their own legal interest.

5.6 Conclusion of GF5

Judges cannot assign someone to sign away another person's rights **without hard evidence** that the person is legally incompetent. This safeguard prevents **abuse of authority**, **fraudulent transfers**, and **irreversible harm** — particularly against self-represented litigants who are already at a procedural disadvantage.

GF5 is a **necessary legal safeguard** to uphold the due process rights and personal agency of Defendants.

GF6: The self-represented Defendant should never pay attorney fees

The core principle behind self-representation is to avoid the financial burden of hiring a legal practitioner by choosing to perform the legal work independently. This is not merely a matter of preference, but of **economic necessity and constitutional right**. Imposing attorney's fees on a self-represented litigant defeats the very purpose of self-representation and

serves as a punitive measure against individuals who seek justice without the benefit of counsel.

6.1. Structural Imbalance: A Shift from Two Parties to Three

Attorney's fees fundamentally alter the structure of the legal conflict. A case that begins as a dispute between **two parties** (Plaintiff vs. Defendant) effectively transforms into a **triangular conflict**:

- **Defendant vs. Plaintiff**
- **Defendant vs. Plaintiff's Attorney**

This dynamic results in **an inherent imbalance**—one self-represented litigant pitted against two experienced legal professionals: opposing counsel and, often implicitly, a legal culture that favors representation.

It is akin to a boxing match in which one fighter must face two opponents in the same ring. The asymmetry undermines fairness and transforms the court into a space where procedural power outweighs the merits of the case.

6.2 Attorney's Fees as a Coercive Tool

Attorney's fees have been used as a **disincentive** and **deterrent** against rightful legal challenges. Even when a self-represented party has legal merit, the threat of exorbitant fee awards—exceeding $75,000—pressures them into surrendering legitimate claims. This practice does not serve justice; it **discourages it**.

When attorney's fees are attached to a losing outcome, the courtroom becomes a financial risk rather than a forum for truth. The higher the financial stakes, the greater the probability that a self-represented litigant will abandon their rights—not because they lack merit, but because they cannot afford to continue.

6.3 Perverse Incentives and Judicial Dilemma

The current system places the judge in an ethical bind. If the judge rules in favor of the self-represented party, this may deprive the opposing attorney of anticipated compensation. If the judge rules against the self-represented party—despite the legal merit—it may serve to satisfy the expectations of the attorney's office. This undermines the judicial role as an impartial arbiter and introduces **external financial pressures** into decision-making.

As I experienced in this case, prevailing would have resulted in **little or no financial gain** for Plaintiff's attorney. Conversely, if I lost—even partially—**a substantial portion of my life savings** would have flowed to Plaintiff's counsel. That structural imbalance threatens the integrity of the entire legal process.

6.4 Proposed Safeguard

To restore fairness, I propose that when one party is **self-represented**, the **other party should never be entitled to attorney's fees from the self-represented litigant**,

regardless of the case outcome. This rule would remove perverse incentives and leave the judge with only one guiding principle: **pure justice**.

6.5 Conclusion GF6: Justice Should Not Depend on Representation

The legal system must not allow a party's inability to afford counsel to become a basis for financial punishment. Ordering a self-represented litigant to pay the attorney's fees of the opposing side does not advance equity; it **destroys it**.

> "Justice, justice you shall pursue..." – **Deuteronomy 16:20**
> Not wealth, not expediency—**justice**.

CONCLUSION

-▲-

This appeal challenges not only the judgment rendered but the fairness of the process itself. The trial court failed to investigate credible evidence of hidden assets and allowed procedural imbalances that disadvantaged a self-represented Defendant. Serious concerns were raised about judicial neutrality, attorney misconduct, and the denial of due process.

The six proposed safeguards (GF1–GF6) aim to prevent such injustices by ensuring fairness for unrepresented litigants, requiring accountability in court procedures, and restoring balance in adversarial proceedings.

I respectfully ask the Court to recognize these failures, consider the proposed reforms, and take appropriate corrective action to ensure that justice is both served and seen to be served.

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

Respectfully submitted,

Digitally signed by Mikhael Lerman
Date: 2025.08.13 23:43:36 -07'00'

Mikhael Y. Lerman
Defendant and Appellant
2462 Booksin Ave – San Jose CA 95125
michael_lerman@yahoo.com
408-564-9578

CERTIFICATE OF WORD COUNT

-▲-

I hereby certify that this petition for review contains 10657 words, including footnotes. In making this certification, I have relied on the word count of the computer program used to prepare the document. Executed under penalty of perjury at San Jose, California.

Digitally signed by Mikhael Lerman
Date: 2025.08.13 23:43:03 -07'00'

Mikhael Y. Lerman
2462 Booksin Ave – San Jose CA 95125
michael_lerman@yahoo.com
408-564-9578

PROOF OF SERVICE

-▲-

At the time of service I was at least 18 years of age and not a party to this legal action. My residence: 2462 Booksin Ave, San Jose CA 95125.

I mailed, or personally delivered a copy of this documents:

[51]_Appellant_Opening_Brief.pdf
[57] APPELANT'S APPENDIX
[56]_show_cause_not_premature.pdf
Notice of entry of judgment

Person served

Larry Peterson: 2021 The Alameda, Suite 160, San Jose CA 95126
Eva Martelle: 2076 Lincoln Ave, San Jose, CA 95125
Superior Court of California, 191 North 1st Street San Jose CA 95113

Date: 8/14/2025

Grace Trout

CITED

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[32]_Oberkampf_facts.pdf (cited ◄)
Exhibit_BLE_Bleed_of_attorney_fees_and_sanctions.pdf (cited ◄)
Exhibit_CE_Power_of_Attorney_and_Perimetre_of_accounts.pdf (cited ◄)
Exhibit_COM_letter_commissioner.pdf (cited ◄)
Exhibit_DED_DEED_Real_Estate_Fraud.pdf (cited ◄)
Exhibit_ET_extorsion_by_Allan_and_Martelle_LLP.pdf (cited ◄)
Exhibit_EX_exparte_communication.pdf (cited ◄)
Exhibit_HA_Hidden_Assets_Fox_Detective.pdf (cited ◄)
Exhibit_MNO_MINUTE_ORDER_APRIL_3_2025.pdf (cited ◄)
Exhibit_OP_Oberkampf_Photos.pdf (cited ◄)
Exhibit_P_Petitioner_Schedule_Assets_Debts.pdf (cited ◄)
Exhibit_PET_Petition_to_supreme_court.pdf (cited ◄)
Exhibit_PRS_strike_assignment_of_judge_Cindy_Hendrickson.pdf (cited ◄)
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Exhibit_Q_Rue_de_Maubeuge_donation_tranlated.pdf (cited ◄)
Exhibit_TH_Threatning.pdf (cited ◄)
Exhibit_TR_transcript_stevenson.pdf (cited ◄)
Exhibit_ULT_Peterson_Threatning_with_ULTIMATUM.pdf (cited ◄)
Exhibit_VID_Family_video_rue_oberkampf.pdf (cited ◄)