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SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 201 North 1st Street MAILING ADDRESS: 191 North 1st Street CITY AND ZIP CODE: San Jose CA 95113 BRANCH NAME: Family	
PLAINTIFF/PETITIONER: Celine E. Lerman DEFENDANT/RESPONDENT: Mikhael Y. Lerman	
DECLARATION	CASE NUMBER: 22FL000408/H053267

Judicial form for :

* Exhibit_PET_Petition_to_supreme_court.pdf

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

Date:

Mikhael Y. Lerman

(TYPE OR PRINT NAME)

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 Mikhael Lerman
 Date: 2025.07.23
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(SIGNATURE OF DECLARANT)

☐ Attorney for ☐ Plaintiff ☐ Petitioner ☒ Defendant
☐ Respondent ☐ Other (Specify):

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EXHIBIT PET

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AN
Defendant and Appellant: MIKHAEL Y. LERMAN

TABL

S291958

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

Celine E. LERMAN,

Plaintiffs and Respondents,

vs.

Mikhael Y. LERMAN,

Defendant and Appellant

Supreme Ct. No.

Appeal Ct. Dist 6th No. H053267

Super. Ct. No. 22FL000408

Date of Ct of Appeal order Denying Writ of
Supersedeas: 7/7/2025

Petition for review of an Order
Of The Appeal Court, District 6th
Hon Greenwood PJ., Hon Danner J., and Hon Bromberg J.

[53] PETITION FOR REVIEW

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PREAMBLE



In this petition for review, the Defendant and Appellant, seeks to **demonstrate the unconstitutionality of California’s mandatory equal division of community property**, as set forth in **Family Code § 2550**. This will be done through the lens of a proposed legal framework: the **doctrine of the highest power and the second highest power**.

This doctrine, when applied to divorce proceedings, reveals a structural imbalance that arises when **both the power to dissolve the marriage (the highest power)** and the **power to determine the terms of asset division (the second highest power)** are granted to one party alone. In such cases, the other party is left without meaningful recourse or protection—a **result incompatible with the principles of equal rights, due process, and constitutional fairness**.

This petition respectfully asks the Supreme Court to examine whether the automatic, mechanical application of the equal split rule in the present case has resulted in a violation of these constitutional guarantees and to consider whether legislative or judicial clarification is necessary to prevent further injustices under § 2550

TABLE OF AUTHORITIES



14th Amendment of the US constitution Section 1. - Equal protection of the law - [cited page 14 - ▼-](#)

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

Every US Citizen is equal before the law and is entitled to the equal protection of the law.

Article 16.1 of the Universal Declaration of Human Rights - Equal rights with regards to the marriage - [cited page 14 - ▼-](#)

*Article 16.1 Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to **equal rights** as to marriage, **during marriage** and at **its dissolution**.*

Men and women have equal rights **during the marriage** and the **dissolution**.

Article 2 of the Universal Declaration of Human Rights - All the rights are without sex discrimination – [cited page 14 - ▼-](#)

*Everyone is entitled to **all the rights** and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, **sex**, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.*

Article 7 of the Universal Declaration of Human Rights - Equal protection of the law – [cited page 14 - ▼-](#)

*Article 7. All are **equal** before the law and are entitled without **any discrimination** to **equal** protection of the law. All are entitled to **equal protection** against **any discrimination** in violation of this Declaration and against any incitement to such **discrimination**.*

Every person is equal before the law and is entitled to the equal protection of the law without any discrimination, which includes **gender** discrimination.

Bible Exodus 23:8 and Deuteronomy 16:19 both state - [cited page 15 - ▼ -](#)

Do not accept a bribe, for a bribe blinds the clear-sighted and subverts the cause of those who are in the right.

California Code, Family Code - FAM § 2550 – [cited page 12 - ▼ -](#)

Except upon the written agreement of the parties, or on oral stipulation of the parties in open court, or as otherwise provided in this division, in a proceeding for dissolution of marriage or for legal separation of the parties, the court shall, either in its judgment of dissolution of the marriage, in its judgment of legal separation of the parties, or at a later time if it expressly reserves jurisdiction to make such a property division, divide the community estate of the parties equally.

Citizenship clause - Section 1, Clause 1, of the Fourteenth Amendment – [cited page 14 - ▼ -](#)

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Involuntary servitude - 13th Amendment - [cited page 15 - ▼ -](#)

*Neither slavery nor **involuntary servitude**, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or **any place** subject to their jurisdiction.*

Supremacy clause - Article VI, Paragraph 2 of the U.S. Constitution - [cited page 14 - ▼ -](#)

*This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, **shall be the supreme Law of the Land**; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*

This is commonly referred to as the Supremacy Clause. It establishes that the federal constitution, and federal law, take precedence over state laws, and even state constitutions.

ISSUES PRESENTED FOR REVIEW



1. Whether the **denial of the writ of supersedeas**, which sought to prohibit the conveyance of six disputed properties pending appeal, was proper and consistent with due process.
2. Whether the **equal division mandate** of California Family Code § 2550, as applied in this case, violates the **constitutional principle of equal protection** by disregarding the parties' respective merits and contributions.
3. Whether awarding both the **power of dissolution** and the **power to dictate the terms of property division** to the Plaintiff, results in an **unconstitutional imbalance of rights** between the parties.
4. Whether the mechanical application of equal property division, in disregard of individual merit, amounts to a form of **involuntary servitude** in violation of the **13th Amendment**.

REASONS FOR GRANTING REVIEW



The Superior Court's order dated **April 3, 2025**, which awarded **five out of six disputed properties** to the Plaintiff, Mrs. Celine Lerman, is **unconstitutional** and is therefore the subject of the appeal.

The ruling resulted in a **fundamentally unequal division of marital assets**, violating the constitutional guarantee of **equal protection under the law**. Specifically, the court awarded both the **highest power** (the power to dissolve the marriage) and the **second-highest power** (the authority to determine the method of asset division) exclusively to the Plaintiff. This **disproportionate allocation of decision-making power** deprived the Defendant of equal standing in the legal process, undermining the principle of **equality between parties** in civil proceedings.

Moreover, the application of **California Family Code § 2550** in a rigid, "equal" manner—without regard to merit, contribution, or source of funds—raises significant constitutional concerns under the **14th and 13th Amendments**.

Importantly, the **Court of Appeal lacks authority to modify or reinterpret statutory mandates** such as § 2550. Therefore, **review by this Court is necessary** to determine:

- Whether the trial court's judgment complies with **constitutional standards of fairness**;
- Whether § 2550 should be construed to allow **equitable, rather than strictly equal**, asset division;
- And whether the trial court's application of this statute in this case has led to an unjust and constitutionally impermissible result.

Given the broader implications for family law jurisprudence and constitutional rights of litigants, **Supreme Court review is both warranted and necessary** to prevent future inequities and ensure proper application of California law.

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.

STATEMENT OF THE CASE

-▲-

I, Mikhael Lerman, am the Defendant and Appellant in this matter.

I was born into a prominent Jewish family in Lebanon. My family, both on my father's side (Lerman) and my mother's side (Tawil), possessed significant financial resources. My maternal grandfather, Itzhak Tawil, was a 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 for a time at Republic National Bank of New York. My family's wealth included a real estate complex consisting of 16 residential units located in Lebanon, specifically known as the **Rachid Nakhle property**, which remains in family ownership to this day.

When I was 24 years old, my father passed away in 1988. At that time, I inherited substantial cash assets as well as full ownership of the Rachid Nakhle property. I was unmarried at the time and a student at the Technion – Israel Institute of Technology. Since that inheritance, the rental income from the Rachid Nakhle property provided me with ongoing financial support until 2020, when the Lebanese economic collapse—marked by currency devaluation and a banking crisis—resulted in the cessation of rental income.

The Rachid Nakhle property, acquired by inheritance and well before the marriage in 1990, is my **separate property**. This fact is central to the present appeal, as the trial court's ruling included that "separate income" among others in a division of community assets that I believe is both unconstitutional and inconsistent with California Family Code § 2550.

Two years after the death of my father and the inheritance I received, 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. My ex-wife 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, my ex-wife's family provided us with a larger apartment on Rue Oberkampf. At that time, my ex-wife was pursuing her Master's degree at the Sorbonne, and I was employed by a company named Normerel.

The Rue Oberkampf apartment was not initially habitable; it lacked a bathroom and had only a shower in the kitchen. Using the savings I had inherited from my father, I personally financed the remodeling of the apartment to make it livable. This property became our first jointly occupied residence. While the acquisition came through my ex-wife's family, the financial investment and improvements were made using my separate funds. It was in this home that our daughter, Avigael, was born.

I pursued a successful career as a computer engineer, with a pivotal opportunity arising when I joined STMicroelectronics. This position enabled me to emigrate to the United States with my then-wife, Celine, and our two children, Avigael and Joachim.

During this period, I earned a comfortable income, which was supplemented by rental income from my separate property in Lebanon (Rachid Nakhle). These combined financial 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 toward the purchase of these three properties. The acquisitions were made entirely through my earnings and separate assets and should be recognized accordingly.

Additionally, Celine's brother, Gerald, occupied our first jointly used apartment located on Rue Oberkampf in Paris, France, without paying rent. Despite my objections, Celine declined to request rent from him, and she did not contribute to any expenses related to the three Willow Glen properties.

Summary of Property Interests and Contributions

Of the six community 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. These properties should be recognized as primarily **attributable to her merit** and family support.

In contrast, the three properties located in **Willow Glen, San Jose—Booksin Avenue, Cherry Avenue, and Settle Avenue**—were acquired solely through my income and financial contributions, both from my professional employment and the separate rental income I received from the Rachid Nakhle property in Lebanon. These properties are therefore of **my merit** and should be treated accordingly in any equitable division.

We also jointly acquired a sixth property during the marriage: **Rue Courat**, an apartment in Paris. This property was purchased using funds contributed by both parties. Based on documented financial records, **74%** of the purchase price was paid from my separate or earned income, and **26%** from Celine's contributions. The division of equity in this asset should reflect these proportional contributions.

It is important to note that the stream of rental income from the **Rachid Nakhle** property in Lebanon—my separate property—ceased in 2020, due to the economic collapse in Lebanon. This was **two years before** Celine initiated divorce proceedings in **February 2022**.

Observations on the Timing of Dissolution

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

Following this change, and notably without any significant marital dispute at the time, my ex-wife Celine filed for divorce in **February 2022**. While I do not dispute her legal right to do so, the timing and circumstances suggest that the absence of future financial benefit may have influenced her decision to dissolve the marriage.

Given the **equal division of community property** under California law, the termination of my separate revenue stream removed a long-standing financial imbalance in the marriage,

effectively making dissolution more advantageous to her interests from a purely economic standpoint.

Disproportionate Final Judgment and Concerns Over Equity

At the outset of the dissolution proceedings, I expected that the division of property would reflect the respective merits and contributions of each party. Specifically, I believed 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 through my sole efforts and income. The **Rue Courat** property, to which both parties contributed, would be divided in accordance with our respective contributions—**74% to me** and **26% to her**.

However, the **final judgment issued by the Superior Court awarded five out of the six community properties to my ex-wife**, leaving only one property to me. This outcome is not only deeply inequitable, but it also disregards the financial realities of our marriage and the principles of fairness embedded in California law.

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

Additionally, I must note the challenges I faced as a **self-represented litigant**. The complexity of the process, combined with systemic barriers and what appeared at times to be a **degree of institutional bias** in favor of experienced legal practitioners, raises concerns about whether the process was truly impartial. While I make no direct accusations, I believe the court should be mindful of how **informal alliances or professional familiarity among legal actors** can affect outcomes, especially when one party lacks formal representation.

Scope of Review Requested

I respectfully request that the Supreme Court review the constitutionality of California's equal division of community property upon dissolution of marriage.

This case presents a critical question: whether the rigid **equal split rule** under California Family Code § 2550 is compatible with constitutional guarantees of **equal protection and due process**.

I intend to demonstrate that the mandatory equal division, without adequate consideration of the parties' actual contributions and circumstances, leads to inequitable outcomes that violate constitutional principles.

Moreover, I will argue that the equal division rule creates an **artificial incentive for divorce** by transforming marriage assets into a financial stake that encourages dissolution rather than preservation of the marital relationship.

This issue has broad implications for family law policy and the social fabric of California. The Court's guidance is necessary to ensure that asset division rules align with constitutional mandates and promote fairness rather than conflict.

ARGUMENT



I present two grounds in support of the petition for writ of supersedeas:

1. The Writ of Supersedeas is Properly Granted

The writ of supersedeas serves the important function of preserving the status quo and preventing irreparable harm pending the resolution of an appeal. In this case, the denial of the writ allows the conveyance of six disputed properties, potentially rendering any ultimate appellate relief meaningless. Given the significant value and disputed ownership interests involved, granting the writ is necessary to protect the parties' rights and the Court's ability to provide effective review.

2. No Opposition Was Filed by the Respondent

Furthermore, the opposing party did not file any opposition to the request for a writ of supersedeas. This lack of opposition underscores the legitimacy of the petition and indicates that there is no reasonable dispute as to the necessity of staying conveyance pending appeal.

Accordingly, both the merits of the petition and the procedural posture support granting the writ.

A: THE EQUAL SPLIT VS THE MERIT SPLIT

The fundamental issue in this case is the constitutionality of California's mandatory **equal division** of community property upon dissolution of marriage, codified in [Family Code - FAM § 2550 -▲-](#). There are essentially two methods to divide assets in divorce:

1. **Equal Split** — dividing assets 50/50 without regard to the parties' individual contributions or merits.
2. **Merit-Based Split** — allocating assets according to each party's respective financial contributions, efforts, and other equitable considerations.

Under the equal split approach, the parties' merits or contributions in acquiring the property are irrelevant; all community assets are divided equally. By contrast, a merit-based split evaluates the source of the asset, whether funds were separate or community, and the proportional contributions by each spouse.

The critical constitutional problem arises when these principles are applied **inconsistently** between parties. In this case, the Superior Court's ruling is fundamentally unfair and unconstitutional because it applies a strict equal division to properties acquired through my efforts and separate funds while applying a merit-based approach to properties linked to my ex-wife.

Specifically:

- Two properties in France (**Rue de Maubeuge** and **Rue Oberkampf**) are undisputedly of my ex-wife's merit and were awarded to her.

- Three properties in Willow Glen, California, were purchased solely through my earnings and separate income. These should be awarded to me in their entirety under a merit-based analysis.
- The Rue Courat property was acknowledged by both parties to have been purchased with contributions proportioned approximately **26% by my ex-wife** and **74% by me**. The court's final order reversed this ratio, unfairly awarding the greater share to my ex-wife.

Applying the equal split rule selectively to my properties but not hers, violates the **constitutional guarantee of equal protection** under the law. It deprives me of property rights without due process and grants my ex-wife disproportionate benefits.

For these reasons, the writ of supersedeas is proper to preserve the status quo while this fundamental constitutional question is reviewed.

B: THE DOCTRINE OF THE HIGHEST POWER AND THE SECOND HIGHEST POWER DEMANDS EQUAL RIGHTS IN DIVORCE

The doctrine of the **highest power** and the **second highest power** governs relations between two parties of equal rights and ensures fairness in transactions involving transfer of ownership or rights.

To illustrate, consider the hypothetical sale of an object, *Olives*, between Seller Samantha and Buyer Bob:

- **Samantha, the Seller**, holds the **highest power**—the authority to transfer ownership of the olives to Bob.
- **Bob, the Buyer**, holds the **second highest power**—the authority to set conditions, such as price, which influence whether Samantha will transfer the olives.

If Samantha were to hold **both** the highest and second highest powers, she could unilaterally impose unfair conditions, violating the principle of equal rights between the parties.

Applying this doctrine to the **Lerman divorce**, we identify:

- The **highest power** as the power to dissolve the marriage and thus trigger division of property. This power was granted solely to my ex-wife (the Plaintiff).
- The **second highest power** as the power to determine the conditions under which the dissolution and property division occur (e.g., whether assets are split equally or by merit). This power must rest with me (the Defendant) to maintain equality.

However, the Superior Court's ruling granted **both the highest power (dissolution) and the second highest power (imposition of equal split without regard to merit)** exclusively to the Plaintiff. This means she controls **both** the decision to end the marriage and the rules of asset division, granting her more rights than me and violating the principle of equality.

Constitutional Violations

This unequal distribution of powers contravenes fundamental constitutional protections, including:

1. **Equal Protection Clause** of the Fourteenth Amendment to the U.S. Constitution
 - Guarantees "equal protection of the laws" to all persons (U.S. Const., Amend. XIV, § 1).
2. **Supremacy Clause** (Article VI, Clause 2 of the U.S. Constitution)
 - Establishes that federal constitutional provisions are the supreme law of the land, overriding conflicting state laws.
3. **Citizenship Clause** of the Fourteenth Amendment
 - Ensures all persons born or naturalized in the U.S. (including both parties) are entitled to equal protection.
4. **Universal Declaration of Human Rights (UDHR)**
 - **Article 7:** Equal protection against discrimination.
 - **Article 16.1:** Equal rights during marriage and at its dissolution.
 - **Article 2:** Prohibition of discrimination based on race, color, sex, or other status.

Policy Considerations and Consequences

By granting both dissolution and terms-of-split powers to one party, California's equal split rule disregards merit and incentives, creating a **perverse incentive to divorce**, especially where the plaintiff's contributions are lesser. This rigid rule prevents courts from applying equitable discretion, leading to unjust outcomes.

Furthermore, this flawed system generates significant revenue for law practitioners—judges and attorneys—due to increased litigation and appeals stemming from forced equal splits regardless of merit.

C: CONCERNS REGARDING SYSTEMIC INCENTIVES AND FAIRNESS IN CALIFORNIA'S EQUAL SPLIT RULE

I respectfully raise concerns about the **systemic incentives** embedded in California's rigid equal split rule under Family Code § 2550. This rule, by enforcing a mechanical division of assets regardless of merit, may unintentionally foster an environment where the **financial interests of law practitioners**—judges and attorneys—take precedence over substantive justice.

As a self-represented litigant, I have no financial gain from pursuing this claim. However, I observe that when outcomes are disconnected from equitable merit, the volume and complexity of litigation increase, generating substantial fees and revenues for the legal industry.

This creates a troubling dynamic, which some may characterize as a “**secret pact of connivance**,” where the outcome depends less on who is right or wrong and more on the monetary flow within the legal system.

This situation runs contrary to foundational moral and legal principles. As the Bible teaches in **Exodus 23:8** and **Deuteronomy 16:19**:

“Do not accept a bribe, for a bribe blinds the clear-sighted and subverts the cause of those who are in the right.”

I respectfully urge the Court to consider these concerns and the broader impact of the current equal split framework on fairness, justice, and public confidence in the legal system.

D: THE EQUAL SPLIT RULE RESULTS IN UNJUST ENRICHMENT AND INVOLUNTARY SERVITUDE

California’s mandatory equal division of community property under **Family Code § 2550**, when applied without regard to the source of contributions, leads to outcomes that can amount to **involuntary servitude** in violation of the **13th Amendment to the United States Constitution**.

“Neither slavery nor involuntary servitude, except as a punishment for crime... shall exist within the United States.”
— *13th Amendment, U.S. Constitution*

From **1990 to 2025**, I labored diligently to build and acquire multiple properties through my own effort, career advancement, and personal savings—including income from my separate property in Lebanon. The final judgment awarded the vast majority of these properties to my ex-wife, despite her limited financial contribution toward them. This outcome effectively compelled me to **labor for 35 years for the financial benefit of another person**, without recognition of my individual merit or reimbursement for my separate contributions.

While I acknowledge the principle of community property and shared marital responsibility, the **complete disregard for merit or proportionality in the final judgment converts shared effort into forced transfer**. It denies me the fruit of my labor, rendering me a domestic provider without economic rights—a **condition akin to involuntary servitude** under constitutional standards of fairness and liberty.

The **equal division rule**, when applied in this rigid and one-sided manner, fails to provide a constitutional remedy or opportunity to recover the value of my labor and contributions. This is not consistent with **justice** or the intent of the **13th Amendment**.

E: THE PLAINTIFF AND RESPONDENT DID NOT OPPOSE THE WRIT OF SUPERSEDEAS

The Plaintiff and Respondent, Mrs. Celine Lerman, along with her counsels, Mr. Larry Peterson and Mrs. Eva Martelle, **did not file any opposition** to the Defendant's request for a writ of supersedeas.

1 Their **silence before the appellate court constitutes a waiver of objection** to the stay of
2 conveyance of the disputed properties. The absence of any filed opposition or responsive
3 argument should be interpreted as **tacit acceptance** of the legitimacy and necessity of the
4 writ, or at the very least, a **failure to contest the harm that may result** if the writ is not
5 granted.

6 Under standard appellate procedure, the lack of opposition may also be weighed in favor of
7 granting relief when it demonstrates that no substantial prejudice or legal dispute exists
8 concerning the request.

9 Therefore, the unopposed nature of the petition further justifies the issuance of the writ of
10 supersedeas, in order to preserve the subject matter of the appeal and prevent irreversible
11 harm.
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CONCLUSION



For the reasons set forth above, the Defendant respectfully requests that the Supreme Court grant review and issue the writ of supersedeas.

The rigid application of **California Family Code § 2550**, mandating an equal division of community property without regard to individual contributions, violates constitutional principles of **equal protection**, **due process**, and, in effect, imposes **involuntary servitude** on the contributing party. This standard has led to an unjust and disproportionate distribution of assets in the present case.

Accordingly, the Court should:

1. **Clarify** that the choice between an **equal** or **merit-based** division of property—which constitutes the *second highest power*—must be given to the **Defendant**, where the **Plaintiff** has exercised the *highest power* of initiating dissolution. This balance is essential to preserve the principle of equal rights between the parties;
2. **Encourage legislative revision** of California Family Code § 2550 to replace the word “**equally**” with “**equitably**,” thereby restoring judicial flexibility and fairness in marital property division;
3. **Grant the writ of supersedeas** to stay the conveyance of the disputed properties pending the resolution of this appeal, in order to prevent irreparable harm and preserve the integrity of appellate review.

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: 2025.07.15
20:08:33 -07'00'

Mikhael Y. Lerman
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CERTIFICATE OF WORD COUNT



I hereby certify that this petition for review contains 5004 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
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20:09:17 -07'00'

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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.

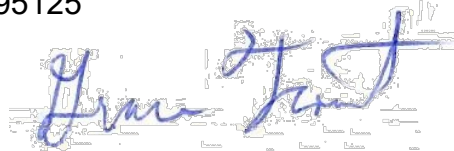
I mailed, or personally delivered a copy of this documents:

[53]_Petition_to_supreme_court.pdf and exhibits WRD, MNO, WRI

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Date: 7/15/2025



Grace Trout

EXHIBITS



[Exhibit WRD Writ of supersedeas denied.pdf](#) : Denial of Writ of supersedeas

[Exhibit MNO MINUTE ORDER APRIL 3 2025.pdf](#) : Appealed Judgment

[Exhibit WRI Writ of supersedeas.pdf](#) : Writ to Appeal court