

Appeal No. G055075

In the California Court of Appeal
Fourth Appellate District - Division Three

Adam Bereki
Appellant and Moving Party

v.

Karen & Gary Humphreys
Respondents and Opposing Parties

Appeal from the Superior Court County of Orange
Case No. 30-2015-00805807
Hon. David Chaffee

OPPOSITION TO MOTION FOR JUDICIAL NOTICE

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& Gary Humphreys
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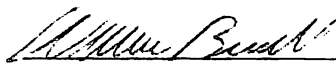
CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

(Cal. Rule of Ct. 8.208)

Bereki v. Humphreys
App. Case No. G055075

Other than the parties to this appeal, the Respondents know of no entities or persons who have a financial interest in the outcome of these proceedings, or who Respondents reasonably believe the justices should consider in determining whether to disqualify themselves under Canon 3E of the Code of Judicial Ethics.

Dated: September 21, 2018



William Bissell, Attorney for
Respondents, Gary Humphreys
& Karen Humphreys

In opposition to the second motion for judicial notice filed in these proceedings by Appellant Adam Bereki, Respondents Karen Humphreys and Gary Humphreys respectfully submit the following memorandum of points and authorities.

I.
INTRODUCTION

Respondents experienced more than a little difficulty trying to decipher exactly what Appellant Adam Bereki is asking the Court to do with this latest filing. Is this an unauthorized supplemental brief submitted after the close of briefing? Is it a request to have new evidence admitted? Is it, as the title suggests, a request to have judicial notice taken of some fact or proposition? Or is it some strange hybrid combination of the aforementioned? In an effort to find an answer to these questions Respondents turned to what might be considered the prayer of the motion hoping against hope that it might provide some clarity lacking in the body of the moving papers. Unfortunately, the prayer or request, being no more enlightening than the body of the motion, offers little assistance in providing any sort of answer. If the Court were to grant Appellant's request in its entirety, it would apparently be noticing some 82 separate items ranging from the Declaration of Independence all the way down to some YouTube video or Wikipedia entries. The question of course is noticing for what purpose?

While Judicial Notice may properly be taken only of the matters listed in Cal. Evidence Code §§451 & 452, to the extent some of the 82 separate items listed by Appellant fall within the scope of either of those sections, Appellant has offered no guidance as to how any of these items, in and of themselves, may have any consequence, much less substantial consequence to the determination of this action. Lacking any apparent connection between the issues under appeal in this matter, as limited by the notice of appeal and as addressed in the submitted briefs and the matters sought to be judicially noticed, Appellant's motion appears to be little more than some sort of exercise in free form word association and must therefore be denied.

I.
APPELLANT APPEARS TO BE SEEKING JUDICIAL NOTICE OF
MATTERS OF WHICH JUDICIAL NOTICE IS NOT AVAILABLE

With nothing more to go on, Respondents are more or less forced to take Mr. Bereki's filing at face value and address it as a request for judicial notice. As such, it is Respondent's contention that the matters of which appellant would seemingly have this court take judicial notice are simply not subject to judicial notice.

Judicial notice may not be taken of any matter unless authorized or required by law.

California Evidence Code § 450. The matters which judicial notice are to be taken or may be taken are limited to those listed in California Evidence Code §§451 and 452. For the most part and with the exception of items such as Youtube videos, Wikipedia entries, journal articles and other non-authoritative materials which do not fall within the matters listed in Evidence Code §§451 and 452, the 82 or so items listed in Mr. Bereki's motion are simply cites to either the U.S. Constitution, the decisional and statutory laws of both the United States and various states of the union and foreign treaties. As this court correctly pointed out in its ruling on Mr. Bereki's previous similar motion for judicial notice filed in this case, judicial notice of such matters is unnecessary as citation to the material is sufficient. Quelimane Co. v. Stewart Title Guaranty Co., 19 Cal. 4th 26, 45.

Further, whatever relevance, if any, these items may possibly have to any of the issues raised on the appeal of this case is only as purported authority or support for the various strained arguments, theories, conspiracies, propositions and interpretations posed by Mr. Bereki. If, as it appears, it is these arguments, theories, conspiracies, propositions and interpretations which Mr. Bereki would have this Court take judicial notice, none of them even approach falling within the criteria listed in Evidence Code §§451 and 452. Matters which are subject to interpretation are not subject to judicial notice. L.B. Research & Education Foundation v. UCLA Foundation 130 Cal. App. 4th 171 (2005).

The various decisional and statutory laws of the United States and the individual states may simply be cited in a brief and to the extent they remain good law, there is no need for them to be judicially noticed. Their interpretation, applicability, the context in which they are being cited and relevance, if any, to any matter in issue is however properly the subject of argument and ultimate determination by the Court and therefore is beyond the scope of what may be judicially noticed.


IV. CONCLUSION

It appears here that Mr. Bereki, in the time honored tradition of tax protesters, conspiracy theorists and self-annointed prophets everywhere, is seeking to have his bizarre, non-contextual patchwork of interpretations, theories and propositions taken seriously and given a level of credence which they do not come close to warranting. Perhaps Mr. Bereki is simply ahead of his time in this regard but his time is clearly not the present or the world in which the rest of us are living. In any event, Mr. Bereki's arguments are just that, argument and beyond that, they are arguments which have found no foothold, recognition or acceptance in the established laws of this state or of the United States or, to the knowledge of Respondents, anywhere else on this particular planet. As such there is simply no means or method, statutory or otherwise, by which they may be judicially noticed.

For the reasons set forth above Respondents respectfully request that the motion of Appellant Adam Bereki for judicial notice be denied.

Respectfully Submitted

Date: September 21 ,2018



William G. Bissell
Attorney for Karen Humphreys, and
Gary Humphreys, Respondents

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2 CERTIFICATION OF SERVICE & FILING

3 I, William Bissell, certify:

4 I am, and at all times mentioned herein was, an active
5 member of the State Bar of California and not a party to the
6 within action. My business address is 14 Corporate Plaza Drive,
7 Suite 120, Newport Beach, CA 92660.
8

9 On September 21, 2018 I served the within:

10 **Respondent's Opposition to Request for Judicial Notice ,**

11 in this matter by depositing a copy of thereof in the United
12 States mail in Newport Beach, Orange County, California, in a
13 sealed envelope, with postage fully prepaid, addressed to:

14 J. Scott Russo, Esq.
15 Russo & Duckworth LLP
16 9090 Irvine Center Drive, 2nd Floor
Irvine, CA 92618

17 Attorney for Plaintiff The Spartan Associates and Cross-
18 Defendant Suretec Insurance Company

19 Carlos E. Sosa Esq.
20 Hausman & Sosa LLP
21 20750 Ventura Blvd
22 Ste 105
Woodland Hills, CA 91364-6646

23 Attorney for Cross-Defendant Old Republic Insurance
24 Company.

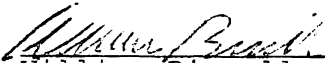
25 On September 21, 2018 I further served Respondent's
26 Opposition electronically on Appellant Adam Bereki by
27 transmitting the opposition to Appellant at:

28 abereki@gmail.com

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

Executed on September 21, 2018, at Newport Beach,
California.



William Bissell