

Appeal No. G055075

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

Adam Bereki
Defendant Below and Appellant

v

Karen and Gary Humphreys
Plaintiffs Below and Respondents

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

**REPLY TO OPPOSITION
MOTION FOR JUDICIAL NOTICE
(and additional notice)**

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In reply to Respondents Opposition, Appellant “adam” offers the following:

I.

In paragraph 2 of Respondents introduction, they state: “*While Judicial Notice **may** properly be taken...*”

This is not correct and not what the evidence code actually says.

Evidence code §451 says: “Judicial notice **shall** be taken of the following”

II.

“Appellant has offered no guidance as to how any of these items, in and of themselves have any consequence, much less substantial consequence to the determination of this action.”

Please see the sections in the original Motion titled: “Application to the Instant Case” and “Appellate Jurisdiction of this Case”.

Additionally, there is a statute – §7031 of the Business and Professions Code – that was used in this case to obtain judgment against adam.

Within this statute are certain words and phrases that are defined elsewhere in the code, other bodies of law, and case decisions.

In order to fully comprehend the true meaning and import of the statute and most specifically to ensure it applies to this case, it is paramount to explore each of the word definitions, case decisions relating thereto, and even the rules of statutory construction.

This is basic law practice, not a conspiracy theory, or a bizarre patchwork of interpretations from another planet.

Respondents were given the opportunity to oppose the accuracy of any of the statutes, case law, or word definitions cited for admission.

Respondents have not offered even one opposition contesting the authority or accuracy of anything submitted for notice.

Surely if this were the work of a self-anointed prophet with bizarre, non-contextual conspiracy theories, it should be relatively easy to cite case law, definitions, or other relevant sources of authority which *instantly* discredit any or all of the information to be noticed.

Again, Respondents have not offered even one opposition contesting the authority or accuracy of anything submitted for notice.

What is cited and requested to be noticed are laws enacted by this State or the United States. They are case law decisions, most notably of the United States Supreme Court, and definitions straight out of Black's or Bouvier's Law Dictionary directly related to the jurisdictional issues of this case which have been the subject of adam's appeal since this appeal began.

The California Rules of Court require statements of how each of the items requested for Judicial Notice pertain to the action. adam explained this throughout the fifty-two (52) pages of the Motion wherein each of the items requested for Notice are cited and quoted in the discussion.

III.

“None of them [the items to be noticed] even approach falling within the criteria listed in Evidence Code §451 and §452.”

In the final pages of the Motion, adam cited each of the items for the court to take notice of. He also cited the relevant Evidence Code authority upon which they should be admitted. Here are a few examples:

§451 (a) The decisional, constitutional, and public statutory law of this state and of the United States and the provisions of any charter described in Section 3, 4, or 5 of Article XI of the California Constitution:

16 Stat. 419 Act to Incorporate District of Columbia **[\$451(a)], [\$452(b)(c)]**

Cohens v Virginia, 19 US 264 (1821), **[\$451(a)]**

§451 (e) The true signification of all English words and phrases and of all legal expressions:

Definition: Fraud, Black's Law Dictionary 5th Edition, **[\$451(e)]**

IV.

Respondents also seem to take issue with the form of the Motion.

The United States Supreme Court offers the following on this issue:

Nashville RR v Wallace 288 US 249:

In determining whether this litigation presents a case within the appellate jurisdiction of this Court, we are concerned not with form, but with substance."

and

"But the Constitution does not require that the case or controversy should be presented by traditional forms of procedure, invoking only traditional remedies. The judiciary clause of the Constitution defined and limited judicial power, not the particular method by which that power might be invoked. It did not crystallize into changeless form the procedure of 1789 as the only possible means for presenting a case or controversy otherwise cognizable by the federal courts. Whenever the judicial power is invoked to review a judgment of a state court, the ultimate constitutional purpose is the protection, by the exercise of the judicial function, of rights arising under the Constitution and laws of the United States."

This is clearly a case where Rights secured by the organic documents of this country are being invoked.

CONCLUSION

The *primary* purpose of the Motion is:

- 1) to explore the true meaning and import of the word "state" within §7031 BPC (as authorized by §451(e) Evid. Code);
- 2) to further explore the true meaning and import as well as the status, standing and capacity at law of the word "person" as defined in §7025 and used in §7031 (as authorized by §451(e) Evid. Code); and,
- 3) to explore case law and the true meaning and import differentiating a judicial, constitutional court from a legislative court (as authorized by §451(a) and (e) Evid. Code);

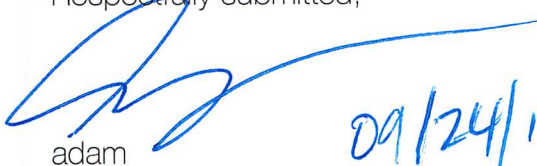
Each of these issues pose substantial consequence to the determination of this action as to whether or not the trial court had the requisite jurisdiction in this case to order judgment against adam.

Respondents have the burden of proof on each issue of this matter and are required to submit competent evidence establishing the power of the court to act. They simply can't.

The record reflects the only way Respondents possibly obtained such jurisdiction is by a carefully planned, orchestrated, (and successful) attack, conspiring to fraudulently deceive the trial court to obtain judgment in their favor and take nearly one million dollars from adam under color of law. This is the only conspiracy with actual merit or evidence in this case.

Defining the true meaning and import of words and phrases and examining relevant authorities is a simple, mature, and entirely relevant task supported by centuries of jurisprudence that is necessary to be a part of every action and trial. Nothing more or less is being requested here.

Respectfully submitted,


adam

09/24/18

ADDITIONAL NOTICE

Pursuant to the letter received from the court regarding the oral argument schedule for this case, the court requested notice be given of any additional authorities not previously cited in briefs etc. that are intended to be mentioned during oral argument. adam wishes to include the following:

Treager v. Friedman, 79 Cal. App. 2d 151:

Moreover, there is substantial authority to the effect that a party will not be allowed to file an amendment contradicting an admission made in his original pleadings. (31 Cyc. 422; Bank of Woodland v. Heron, 122 Cal. 107 [54 P. 537]; Tognazzi v. Wilhelm, 6 Cal.2d 123 [56 P.2d 1227].)