

IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT, DIVISION THREE

DENNIS SOLOMON,)	Court of Appeal No. B281416
)	
Petitioner and Appellant, Pro Per)	
)	
v.)	(Super Ct. No. 153887
)	
HOOVER LOUIE.)	
)	
Objector and Respondent)	
_____)	

Appeal From a Judgment
Of the Superior Court, County of Los Angeles
Hon. Daniel Murphy, Maria Stratton, Judges

APPELLANT'S REPLY BRIEF

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III. REPLY TO RESPONDENT’S STATEMENT OF THE CASE

The present case, if one accepts *arguendo* that the “deathbed adumdum” is not fraudulent and a forgery, parallels the circumstances described the California Supreme Court’s ruling in Bernard v Foley,139 P.3d 1196 (Cal. 2006). Therein the Supreme Court instructed that: “The statutory scheme (CPC § 21350) supplements the common law doctrine that "a presumption of undue influence, shifting the burden of proof, arises upon the challenger's showing that (1) the person alleged to have exerted undue influence had a confidential relationship with the testator; (2) the person actively participated in procuring the instrument's preparation or execution; and (3) the person would benefit unduly by the testamentary

instrument." (Rice v. Clark (2002) 28 Cal.4th 89, 97 [120 Cal.Rptr.2d 522, 47 P.3d 300]; see also Graham v. Lenzi (1995) 37 Cal.App.4th 248, 257 [43 Cal.Rptr.2d 407]; Estate of Swetmann (2000) 85 Cal.App.4th 807, 816-817 [102 Cal.Rptr.2d 457], and cases cited therein.)”

This Appeal and the underlying litigation arises from Respondent attorneys’ (brother-in-law of the successor-trustee and his de facto law partners) criminal conspiracy to unlawfully enrich themselves by forging a crude, “deathbed adumdum”, purportedly a amendment to my Aunt Dorothy’s formally drafted and executed Dorothy Horwitz Family Trust (“DHFT”); and coercing the Respondent successor-trustee Hoover B. Louie to authorize its defense in violation of the terms and authority granted under the Dorothy Horwitz Family Trust, and the duties imposed by CPC §16002, §16003 and other statutes. T

This Appeal avers that the trial court misconstrued the Supreme Court’s guidance regarding the “presumption of undue influence” and erred in granting judgment on Respondent’s Motion under CCP § 631.8, and denying Appellant’s subsequent Motion for a New Trial (“MNT”). Further, that the trial court erred in requesting from Respondent counsel and then ‘authenticating’ of the purported “original adumdum” - Court Exhibits “A”, and other matters described herein.

IV. STANDARD OF REVIEW

It is well-established that the interpretation of a statutes is reviewed de novo. (People v. Blackburn (2015) 61 Cal.4th 1113, 1123; Estate of Odian (2006) 145 Cal.App.4th 152, 162 (O dian) [reviewing the interpretation of former section 21350 de novo].)

This appeal principally requests that this Court review the Constitutional and legal interpretations on the issues of due process; standards of evidence, undue influence and capacity; trustee duty of loyalty and impartiality, trustee standing to be the sole objector in a dispute concerning the distribution of the Estate between the beneficiaries of the established Dorothy Horwitz Family Trust, to which the Respondent owes the utmost duty of loyalty, and a crude, self-serving, purported ‘adumdum’ which does not authorized the trustee to defend and never even mentioned the name of the established trust in its signed writings. These are issues of law in which there is no dispute regarding the any element of the 2012 Dorothy Horwitz Family Trust nor of the wording of the purported ‘adumdum” and should be reviewed de novo.

The issue of admissibility of layperson's opinion on handwriting is a legal issue in which the facts are not in dispute. The decision of this legal issue informs the issue of whether there is a rebuttable presumption that the Dorothy Horwitz signatures on the 'adumdum' are forgeries and should be reviewed de novo as well.

The issue of whether the findings of the trial court regarding the close relationship between Rose Aparicio, the admitted POLST exhibit and uncontroverted testimony in Aparicio deposition, evidence a fiduciary relationship, created a rebuttable presumption of fraud or undue influence under CPC § 21380, is also a legal interpretation of uncontroverted facts, and should be reviewed de novo.

V. RESTATEMENT OF THE RELATED BACKGROUND

On November 18, 2013, one week before her death,, my diminutive, sickly Jewish Aunt Dorothy, who had been the most organized and fastidious office manager and bookkeeper, was bedridden prescribed the highest recommended doses of benzodiazepines and opioids. By her side was a local, but not best friend, Rose Aparicio, the formal personal representative and DPOA, who had at a minimum draft provisions and transcribed a crude 'adumdum' to the formal 2012 Dorothy Horwitz Family Trust. The 'adumdum' for no known reason disenfranchised all members of the Horwitz/Solomon family, including my 94 year old Mother, who continued to speak with my Aunt Dorothy for hours each week. instead, gave Rose Aparicio 'anything she wants', and exclusive access (with Respondent) to the Horwitz home and safe deposit boxes.

None of my Aunt and Uncle's favorite charities – the U.S. Navy Chaplain's Fund, Hadassah , Jewish National Fund (a Blue Box refilled on their kitchen counter for fifty years) were on the 'new adumdum list.'

Aparicio claimed she was not there when my Aunt Dorothy purportedly printed her name, twice on one page, and 'adumdum' and other "addendum' misspelling on the top of three pages, two of which had typewritten heading with the typewritten word "Addendum" spelled correctly. On the purported original, there is hand printed, also in the heading, the date "10/31/13" in the same pen and pressure as 'adumdum'. Purportedly, this all occurred on 11/18/13, according to Doris Tucker, whose notary stamp and handwritten dates and titles are

found on one “adumdum” page and stamps, and handwritten dates on two notary forms, a JURAT with NO SIGNATURE (sent on March 18, 2014) with no listed subscribing witness, through Tucker insures us that there was one.

In our new era of “Photoshop” and precision robotic signors, it has become increasingly important that an additional level of scrutiny of ‘signatures’ be applied. On longstanding common practice among notaries has been to have the signor write the ‘date’ next to their signature. As the Hilter Diaries demonstrated, even a mediocre artist can, with a few months practice, write an entire diary which will fool most handwriting experts. On all ‘adumdum’ pages, the execution dates are all in what is purportedly Doris Tucker’s handwriting.

A few years after the death of my Aunt, in the midst of litigation, the JURAT reappears with Tucker’s signature and is presented to the Court as authentic and probative.

Even the class idiot would conclude that something is fishy here. But it was on the basis of this forgery alone, that trial court, acting on Respondent’s 631.8 Motion, concludes that a notary witnessed the signing by my Aunt Dorothy.

This Court, in Aviles v Swearingen, 2d Civil No. B281420 (2017), recently concluded that: *“Application of the [adumdum] here would defy common sense. “An instrument that is the product of menace, duress, fraud, or undue influence is not an expression of the transferor’s free will and should not be enforced.” (Revision Rep., supra, 37 Cal. Law Revision Com. Rep. at p. 370.) We are guided by the fundamental truism that - put bluntly - the law is not an ass. (See Charles Dickens, Oliver Twist 333 (Dover Thrift ed., Dover Publications 2002) (1983) [“‘If the law supposes that,’ said Mr. Bumble, squeezing his hat emphatically in both hands, ‘the law is a ass - a idiot’”].)”*

VI. DISCUSSION IN RESPONSE TO RESPONDENT BRIEF

1. Constitutional “Access” and “Due Process” Issues

Respondent seeks to dismiss this Appeal on the grounds of the inadequacy of the record. This issue is moot in light of the recent California Supreme Court decision of Jameson v Desta, S230899, July 5, 2018, and the requirement on Page 3 of the decision that “means to create an official verbatim record must be provided’ to litigants who qualify for a fee waiver, as

is the case here.

Prior to the filing of this Appellant's Opening Brief, I formally requested an "official verbatim record for the purpose of appeal" from the Trial Court, the Court Reporter's Fund and finally the submission of a 'settled settlement". All requests were denied. Earlier this month, the California Supreme Court, in its ruling in Jameson v Desta (S230899) July 5, 2018, stated that: "we conclude that the court policy in question is invalid as applied to plaintiff and other fee waiver recipients, and that an official court reporter, or other valid means to create an official verbatim record for purposes of appeal, must generally be made available to [said] litigants upon request." I am in process of requesting a 'official verbatim record". In a separate motion, I respectfully request a stay in this Appeal for a period to extend to 30 days following the receipt of said record, or 60 days subject to renewal.

2. No Authentication of the "adumdum"

This Appellant appeals the erroneous authentication and admission into evidence as an amendment to the 2012 Dorothy Horwitz Family Trust, an exhibit the trial court requested from the Respondent counsel labeled Court Exhibit "A".

According to Respondent counsel's argument, the 'adumdum" was purportedly two persons witnessed Dorothy's signing of the "adumdum" – Doris Tucker and Orit Shapiro. Neither appeared at trial. Additionally, the 'adumdum" (which grants Rose Aparicio "anything she wants") was purportedly transcribed and provisions drafted by Rose Aparicio, retrieved from the Horwitz home and presented to successor-trustee Louie thirty days (30) after Dorothy's death. Rose Aparicio did not appear. In fact, no person was present in the courtroom or identified as giving testimony in the trial court record, who had personal knowledge that said Exhibit "A" was ever presented to Dorothy Horwitz, signed by her or ever in her possession.

On its face on March 18, 2014 (after the death of Dorothy), the 'adumdum' purports the signature of only two individuals – Dorothy and an unidentified symbolic on a witness line which Respondent counsel purports to be Orit Shapiro.

But Orit Shapiro is not listed as a subscribing witness on the related Jurat page. Respondent counsel attempted to obtain a statement from Orit Shapiro that she was a subscribing witness, but prior to trial she informed them in a sworn declaration that she DID

NOT witness the signing by Dorothy of the 'adumdum'. (See Motion for a New Trial Exhibit 7 attached).

Three of the pages had a notary stamp, but NONE had a notary signature – an unlawful act under California law. Respondent counsel Mirkovich had an affirmative duty to inform the trial court of these conclusive indicia of fraud, but he did not.

There is no evidentiary dispute that the unsigned 'adumdum' was faxed to me on March 18, 2014 by Respondent counsel Ling, Morrow and Mirkovich fax machine. Nor is there an evidentiary dispute regarding the fact that Respondent counsel Ling, Morrow and Mirkovich an altered signed version to the trial court in June of 2016. It is an issue of law whether the submission may be entered into evidence as an authenticated 'adumdum' in Dorothy's hand and acted upon on November 18, 2013.

3. Forgery of the "adumdum" and Misleading the Trial Court

This Appellant also appeals herein the trial court's erroneous interpretation of CEC § 1402- (Authentication of altered writings).

DHFT Paragraph 3.1 states that "After the settlor's death, this trust shall be irrevocable and not subject to amendment." DHFT Paragraph 3.5 limits the "power to amend ... to the settler and may not be exercised by any other person...".

In order to mislead the DHFT beneficiaries and the trial court, the Respondent counsel, Ling, Morrow and Mirkovich conspired to bribe notary Doris Tucker to sign the Jurat after the death of Dorothy, and to permit its use at trial in June, 2016. (classified Office of Special Investigation report). (See MNT Exhibits 8,9 attached)

CEC § 1402 requires that "the party producing a writing as genuine which has been altered, or appears to have been altered, after its execution, in a part material to the question in dispute, must account for the alteration or appearance thereof." Respondent counsel did not introduce any witnesses or evidence to 'account for the alternation".

Respondent introduced no witness or evidence at trial which would or could authenticate Doris Tucker's signature or presence with Dorothy on November 18, 2013.

It is an issue of law whether the submission may be entered into evidence as an authenticated 'adumdum' in Dorothy's hand and acted upon on November 18, 2013.

4. Standing of the Sole Successor-Trustee

Nowhere on the signed pages of the 'adum dum' is found the words to the effect that this instrument "is an amendment to the Dorothy Horwitz Family Trust". Nor are there any clauses which establish, convey or authorize the duty of Respondent Louie to defend the 'adum dum.'

Nor are there any clauses in the Dorothy Horwitz Family Trust which establish, convey or authorize the duty of Respondent Louie to defend future amendments. DHFT Paragraph 6.8 only authorizes the trustee "to prosecute or defend actions, claims, or proceedings of whatever kind for the protection of the trust property". Related in recent California Supreme Court decisions, DHFT Paragraph 7.3 limits the application of a no contest clause to the "validity of this instrument". There is no language which specifically authorizes the defense of contests to future amendments.

It is well-established in California law that amendments to trusts must explicitly state no contest clauses and by corollary, all California authorities have enforced the Impartiality duty of CPC §16003 in contests related to the distribution of assets between existing and new beneficiaries. This Appellant observes that the trial court erred in the precedent and legal interpretation of the standing of Respondent to be the 'sole objector' to the underlying Petition. It is an issue of law whether the Respondent had the authority as successor-trustee of the Dorothy Horwitz Family Trust to defend the fraudulent "adum dum".

5. Duty of Loyalty and Impartiality

Even if assuming arguendo that the Respondent trustee had authority to be the sole objector to the Petition to Invalidate the Adum dum, the Respondent trustee's duty of impartiality under CPC §16003 in contests related to the distribution of assets between existing and new beneficiaries remained, as I continue to be a legal beneficiary. This Appellant avers that the Respondent's duty of impartiality required equal access to the all records and objects of the Estate and not to impede or obstruct, through perfunctory objections or other acts which would increase the cost of the litigation.

For example, whereas the Respondent controlled the entire Horwitz Estate, nearly all of the financial records and exhibits were produced the Respondent. Additional evidence from

the health care providers was provided certified to both parties, as were the depositions of Rose Aparicio and Doris Tucker.

From this evidence, it is clear that Respondent knew that the ‘adumdum’ was noted signed by the notary – a significant indicia of fraud, nor witnessed by Orit Shapiro. Taken together with the absence of clause creating a duty to defend an amendment which merely redistributes the Estate, that the trial court erred in the precedent and legal interpretation of the paramount duty of impartiality.

6. Admissibility of Solomon Opinion Handwriting

The trial court erred in the precedent and legal interpretation of the admissibility of a layperson’s opinion regarding a handwriting. The evidence before the trial court was that the Appellant knew Dorothy for his entire adult life and frequently visited, staying at the Horwitz home. During those years, they shared letters, notes and cards.

When analyzing the likelihood that the Jurat signature is authentic, the Appellant considered Dorothy’s signature on the Dorothy Horwitz Family Trust, and her attempted entries into her checkbook on “10/31/13”, her last known writing in evidence. Neither exhibit was controverted by the Respondent.

The ‘Dorothy Horwitz’ signature contains a smooth, flowing “D” in Dorothy and an evenness in the remaining script NEVER seen in any other authentic writing. Taken together with the shakiness in the checkbook, and the predictable effect of the medications she was prescribed, the trial court erred in finding that Dorothy signed the ‘adumdum’ jurat.

7. Persons Subject to Presumption of Fraud or Undue Influence under CPC § 21380

This Appellant appeals the trial court’s legal decision that Rose Aparicio, who is purportedly grant “anything she wants” in the ‘adumdum’, was not a Persons Subject to Presumption of Fraud or Undue Influence under CPC § 21380. All parties admit that Rose Aparicio purports to have a key to the Horwitz home and with her daughter Lisa to have transcribed the three ‘adumdum’ pages from a single file (Addendum To.doc) on Dorothy’s computer while Dorothy was in Garden Crest Nursing, thus establishing the first part of the CPC § 21380(a)(2) test.

The California Supreme Court in Bernard states: "*The public policy underlying that statute (CPC § 21350 (21380)) is expressly articulated in Evidence Code section 605, which provides that '[a] presumption affecting the burden of proof is a presumption established to implement some public policy other than to facilitate the determination of the particular action in which the presumption is applied, such as the policy in favor of . . . the security of those who entrust themselves or their property to the administration of others.'*" (*Graham v. Lenzi, supra, 37 Cal.App.4th at p. 257.*) Nothing in the legislative history suggests the Legislature harbored a lesser concern for the security of dependent Californians who entrust themselves to personal friends or acquaintances than it did for those whose care custodians are paid professionals."

The trial court applied the wrong legal standard of 'caretaker' rather than 'trusted friend and fiduciary relationship' to the test. The uncontroverted evidence and testimony by both parties throughout summary judgment and the trial is that Rose Aparicio was a trusted person on whom Dorothy relied; had a key to her home; and was granted formal fiduciary status as the POLST, DPOA, and personal representative evidenced in the medical records admitted at trial. See Trial Exhibit 12, 106. California Probate Code §39 defines a "fiduciary" as: "A personal representative, ..., attorney-in-fact under a power of attorney, ...or other legal representative subject to this code." Rose Aparicio voluntarily assumed this role under the POLST and as personal representative at Garden Crest.

8. Bias of the Court

The trial court denied every discovery motion to supplement incomplete answers and production of objects, including personal papers, photo albums, and purported photographs of the contents of the safe deposit boxes. The trial court and Respondents denied access to the Horwitz home when I was of sufficient health to travel to California.

Having received information of a conflict of interest and bias, including disallowed conversations with Daniel Murphy, a Long Beach attorney and former business associates of Respondents who was now a judge in the Mosk courthouse, I formally exercised my preemptory challenge by motion and requested that the trial judge, Maria Stratton, recuse. She denied the motion. Following the trial court's judgment, the date for a hearing on my Motion for a New Trial was delayed twice, at the insistence of Judges Stratton and Murphy to

insure that he would hear the Motion. He denied that Motion, and caused all references to his participation were removed from the record.

At the close of trial, Maria Stratton walked down from the bench and told me that it was “unnecessary to file an opposing brief.”

These circumstances are undisputed and this Court should review this issue de novo.

9. Undue Influence

This Appellant appeals the trial court determination that the evidence did create the rebuttal presumption of undue influence. There is no dispute regarding the purported wordings found in the ‘adumdum’ or the fact that it was purportedly composed and executed with an attorney. Nor is there a relevant dispute that the deposition of Rose Aparicio is what she said in front of the Respondent counsel. Further there is no dispute that Rose Aparicio stated that she drove Dorothy to her attorney to have the Dorothy Horwitz Family Trust executed in 2012.

Thus, this Court may review de novo whether the wording of the ‘adumdum’, together with presumption of undue influence or fraud under CPC § 21380 itself creates a rebuttable presumption of undue influence requiring the presentation of extrinsic evidence by the Respondent in support.

The circumstances and wording of “Adumdum” itself evidences nearly every indicia of undue influence by Rose Aparicio defined in CPC 15610.70. Undue Influence:

- (1) Dorothy was “vulnerable and isolated”, on her deathbed and heavily drugged;
- (2) An extreme ‘divergence from the victim’s prior intent’;
- (3) The ‘haste’ of the purported execution, without an attorney;
- (4) The absence of Jewish charities;
- (5) The “appropriateness” of the bequest of rare Judaica to a Catholic charity;
- (6) The “appropriateness” of the bequest of rare Horwitz heirlooms, including Jewish religious items and jewelry to either Rose Aparicio, a Catholic, or to the a Catholic charity;
- (7) And the disenfranchisement of the Horwitz family regarding the personal effects, memorabilia and art, among other indicia.

This evidence in the record should be sufficient to require a showing that it was the 'true intent' of the settler by the purported new 'beneficiaries.'

The common law view is that any transfer an elder makes to a person engaged in a special relationship with the elder is voidable. California courts have found that the "special relationship" can be confidential or fiduciary in nature.

Once there is a sufficient prima facie evidentiary showing made, a rebuttable presumption is created that the recipient obtained the transfer by fraud and undue influence. The burden of proof then shifts to the transfer recipient to prove by clear and convincing evidence that the transfer was fair and that the elder understood what he or she was doing. This procedure ensures that the questionable transfer was not the product of fraud or undue influence.

This rebuttable presumption arises where: (1) A confidential relationship exists between the elder and the recipient of the transfer; (2) the recipient was actively involved in obtaining the transfer; and (3) the questioned transfer results in undue benefit to the recipient.

However, if there is a fiduciary relationship between the elder and the recipient, such as between an attorney and a client, the transfer is presumed to be by fraud and undue influence if it can be shown that (1) the fiduciary actively participated and (2) there was any undue benefit. (See, Estate of Auen 30 Cal.4th 300.)

In one early case, the court found that a confidential relationship existed and that the recipient was active in procuring the execution of the instrument by which he benefitted greatly. The court determined that the recipient's activity in procuring the instrument was an important factor to consider in determining whether the transaction was free of undue influence and that the burden of showing that was no undue influence shifted to the recipient. (See, Herbert v Lankershim (1937) 9 Cal.2d 409 [71 P.2d 220.]

10. Lack of Capacity

This Appellant appeals the trial court determination that the evidence did create the rebuttal presumption of lack of capacity. An analysis assuming arguendo that purported writings were by my Aunt Dorothy and the notary Doris Tucker we must ask the following questions:

1. If my Aunt Dorothy had capacity wouldn't she have asked her estate attorney to perfect and formally execute the 'adumdum'? This would have avoided lengthy litigation that only benefits the Respondents.
2. If my Aunt Dorothy had capacity why couldn't she have spelled 'addendum' correctly, when it is typewritten correctly on two of the three pages?
3. If she couldn't even remember how to read a word and print it correctly on the same page, how could she have had the capacity to understand what she was signing?
4. Why did my Aunt Dorothy purportedly print her name in the presence of the notary Tucker, on the top of pages where it was already typewritten and twice on one page?
5. Why did she print the date "10/31/13" on the top of each page when it was purportedly "11/18/13"?
6. Why did she not print the date "11/18/13" next to her purported signatures?

Taken together with the admitted health records which prescribe very high doses of benzodiazepines and opioids, it is impossible to conclude that she had capacity to essentially revoke her recently and formally -executed Dorothy Horwitz Family Trust, without clear and convincing extrinsic evidence.

The trial court was premature in reaching a finding of capacity.

11. Authentication of Court's Exhibit A - Question of Law (Respondent's Argument (d))

It is well-established in CEC § 1402. Authentication of altered writings that "the party producing a writing as genuine which has been altered, or appears to have been altered, after its execution, in a part material to the question in dispute, must account for the alteration or appearance thereof." The Respondent, moving under Rule 631.8, did not produce no witness or extrinsic evidence to account for the alteration of the Jurat signatures. The trial court erred and had no legal ground to authenticate and admit its Exhibit A into evidence as an amendment to the Dorothy Horwitz Family Trust

12. Respondent Louie's Standing "Defending the Integrity of the Trust" Question of Law (Respondent's Argument (c))

The “Petition To Invalidate the Adumdum” does not contest any provision of the Dorohty Horwitz Family Trust. Nor are there any clauses in the Dorothy Horwitz Family Trust which establish, convey or authorize the duty of Respondent Louie to defend future amendments. DHFT Paragraph 6.8 only authorizes the trustee “to prosecute or defend actions, claims, or proceedings of whatever kind for the protection of the trust property”. Related in recent California Supreme Court decisions, DHFT Paragraph 7.3 limits the application of a no contest clause to the “validity of this instrument”. There is no language which specifically authorizes the defense of contests to future amendments.

13. Due Process and Duty to Disclose All Relevant Evidence

Beginning with the Respondent’s production in response to the original discovery requests, the Respondent has intentionally withheld relevant evidence including Judaica, jewelry, art, separate accounts of Walter Horwitz, precious metals, sculptures, library of books and records, and other evidence which demonstrate the depth of the ‘natural objects of affection’ of Dorothy Horwitz, including but not limited to her spiritual Judaism and love for your husband Walter. (Even the notary Doris Tucker, who purportedly met Dorothy for a few hours a week before her death, deposed affirmatively on Dorothy’s Judaism.)

When in the course of the trial, Respondent attorney Morrow testified that “she had taken pictures of the contents of the safe deposit boxes” and that they contained jewelry (the Chielnicki Torah Bells bracelet (circa 1600), for example, I orally requested and moved for production of the contents or at least copies of the pictures. The trial court denied the request and motion.

Among the critical elements to show ‘undue influence’ is to show the ‘appropriateness’ of the transfer (CPC § 15610.70). By withholding relevant evidence, the Respondent breached the duty of impartiality, among other statutes. The trial court erred in denying the motion.

14. Right To A Jury Trial In Disputes Over \$75,000

Appellant, a resident of Massachusetts and citizen of the United States, enjoys the Constitutional Right under the 7th Amendment to a civil jury trial in disputes where the value in question exceeds that of two cows (c. 1789).

The trial court erred and the State of California abridges this Constitutional provisions

under statutes and special circumstances of the 'probate exception'.

In support of the 7th Amendment, Alexander Hamilton noted in Federalist Paper No. 89 that a jury is a bar to the "temptation to prostitution" of sitting judges. Allowing a single judge to exercise plenary power in matters often exceeding millions of dollars (as is the case here) is an invitation to corruption.

I urge this Court to find the statute and practice unconstitutional.

15. Anti-Israel Ties Of The Respondent And Counsel

The trial court recorded the wonderful history of the Horwitz/Solomon families as dedicated and patriotic Americans serving in the military of the United States as soldiers, scientists, physicians and clergy from the U.S. Calvary in California in 1800s, the award of the Navy Cross at Iwo Jima to cousin James, the U.S. Navy WWII aviation history of Uncle Walter, my Father and other members, findings support by readily-available government records and publications. The trial court also stated the wonderful history of Horwitz/Solomon family in protection of European Jewry, Holocaust survivors and the founding of the State of Israel, findings also support by readily-available government records and publications, including the documentary "Above and Beyond" by Nancy Spielberg and the pages of Jewish Advocate newspaper archived in the Boston Public Library.

The trial court also acknowledged the numerous contemporary articles in most established scientific press and journals evidencing my personal scientific accomplishments in the field of 'remote surveillance and targeting' for the United States Air Force and other U.S. institutions.

The sole specific issue that the trial court found 'unreliable' was my attribution of enmity on the part of the Respondent and perpetrators related to their historic and/or current beneficial relationship with those engaged in anti-Israel and anti-Jewish activities, including the active "BDS" movement in Long Beach against the Israel shipping company, ZIM. My attribution is founded on concrete evidence, including the public essays of the Respondent Louie's wife, sister of Respondent attorney Ling, in the archives of the Chinese Catholic community in California, where she notes the close childhood friendships to the children of the

Ustasha Nazis settled in Southern California by Catholic Bishop Samuel Strick – advisor to the founding the American Syrian Lebanese Associated Charities (ALSAC) – the ‘new major beneficiary’ under the purported ‘adumdum’. See Alperin v Vatican Bank (2009) U.S. Dist. LEXIS 36270 (N.D. Cal., Apr. 14, 2009).

Respondents produced no evidence to rebut the related Long Beach BDS newspaper articles, the averments regarding the Ling Family, or in Alperin. What is clear and convincing is that purported bequest of rare Judaica and a majority of funds to any charities other than my Aunt Dorothy’s favorite, the Jewish Women’s Medical charity - Hadassah, is an ‘UNNATURAL TRANSFER’.

VII. CONCLUSION

Protecting the public from elder financial abuse and corrupt trustees, such was displayed in the case of attorney James Gunderson is a daunting task. If we live a long life, we often witness the death of our best and closest friends, and others move away to be close to children. In their stead we may rely on less trustworthy neighbors and acquaintances, especially for local needs. The California Legislature continually wrestles with these issues. Enforcing the well-established and paramount trustee duties of loyalty to the beneficiaries and impartiality is a first step. I respectfully ask this honorable Court to find that the trial court erred, that Respondent Louie lacks standing to object to the Petition To Invalidate, that the Court;s Exhibit A “adumdum’ fails to meet the standards of authentication, that my Aunt Dorothy intended to bequeath Nicolas Sanchez \$25,000 directly, that a full accounting from Respondent-trustee Louie is necessary, and immediately distribute the assets of the Horwitz Estate in accordance with the explicit written instructions of the 2012 Dorothy Horwitz Family Trust.

Respectfully submitted on July 23, 2018 by:

/Dennis J Solomon/, Appellant-Petitioner pro per

CERTIFICATE OF COMPLIANCE

This Appellant’s Reply Brief is according the latest guidelines for construction and formatting of electronic briefs found on the official California Court website.