

IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

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

APPELLANT SOLOMON'S 2nd MOTION UNDER SPECIAL CIRCUMSTANCES TO FILE AN APPENDIX OF EXHIBITS LODGED AT THE REQUEST OF THE SUPERIOR COURT AND LOST

This Plaintiff Dennis Solomon respectfully requests this Court to allow the filing of this Appendix of Exhibits which were lodged at the request of and subsequently have been lost or misplaced by the Superior Court. I, Dennis J Solomon, declare under penalties of perjury in the State of California, that the Appendix exhibits are believed to be a true and accurate copy of the Exhibit Folders lodged with the Superior Court in June of 2016, Motion for a New Trial, and subsequent communications for reconsideration.

Respectfully submitted on March 30, 2018 by

Dennis J. Solomon

Dennis J Solomon, pro per
75 North Main Street #552. Randolph, MA 02368 Phone
508-394-9221: Fax: 617-890-1947:

DECLARATION OF SERVICE

I certify under penalties of perjury under the Laws of California have caused the aforementioned documents to be electronically served upon opposing counsel Joseph Mirkovich on March 30, 2018.

Dennis J. Solomon

By: _____
DENNIS SOLOMON, Petitioner, pro per

Joseph Mirkovich/Russell, Mirkovich & Morrow
One World Center, Suite 1660 Long Beach, CA 90831

IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

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HOOVER LOUIE. }
Objector and Respondent)
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APPELLANT'S FIRST APPENDIX SUPPLEMENTING CLERK'S TRANSCRIPT
VOLUME 2 OF 2, PP. 287 to 432

Dennis J Solomon, pro per
75 North Main Street #552.
Randolph, MA 02368
Phone 508-394-9221: Fax: 617-
890-1947:

EXHIBITS FILED OR LODGED WITH SUPERIOR COURT

| | | |
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DECLARATION OF SERVICE

I certify under penalties of perjury under the Laws of California have caused the aforementioned documents to be electronically served upon opposing counsel Joseph Mirkovich on March 30, 2018.

By: *Dennis J. Solomon*

DENNIS SOLOMON, Petitioner, pro per

Joseph Mirkovich/Russell, Mirkovich & Morrow
One World Center, Suite 1660 Long Beach, CA 90831

1 Dennis J Solomon, pro per
2 75 North Main Street #552
3 Randolph, MA 02368
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6 horwitzdw@gmail.com

7 SUPERIOR COURT OF CALIFORNIA
8 COUNTY OF LOS ANGELES, CENTRAL PROBATE DIVISION

9 In Re) Case No.: BP153887
10 THE DOROTHY HORWITZ FAMILY)
11 TRUST, DATED MARCH 6, 2012) [PROBATE]
12) Honorable: Judge Maria E. Stratton
13) Department: 5
14) Action Filed: July 17, 2014
15)
16) Proposed Date: June 3, 2016
17) Time: 8:30 AM
18)
19) **PETITIONER PRO PER SOLOMON'S EX**
20) **PARTE MOTION FOR A FIRST**
21) **CONTINUANCE OF THE TRIAL HEARING**
22) **OF JUNE 14, 2016**
23)
24)
25)

26 **NOTICE IS HEREBY GIVEN** that on June 3, 2013 at 8:00 a.m., or as soon thereafter as the
27 matter may be heard, in Department 5 of this court, located at , 111 N Hill St, Los Angeles, CA
28 90012, Petitioner pro per Dennis Solomon, will, and hereby does, move for an order continuing the
trial, heretofore set for June 14, 2016, reopening discovery for specific items until 30 days prior to
the new trial date, and referring this matter back to the case management program for trial setting.

The motion will be made on the grounds that the Respondent successor-trustee Louie and
Respondent attorneys Joe Ling and Margaret Morrow have engaged in unlawful and unethically
conduct whose facts have been recently known including but not limited to:

1. The unlawful coercion of notary public Doris Tucker to perform an improper notary act, namely
signing the Jurat after the death of Dorothy Horwitz;

- 1 2. Concealed the identity of individuals and experts who accessed the Horwitz computer during
2 discovery and introduced for the first time said expert Conrad Blinker as percipient witness in the
3 last week;
- 4 3. Withheld and concealed material evidence from the Petitioner, while permitting Respondent's
5 expert witnesses access said Estate documents and records;
- 6 4. Concealed material evidence concerning assets of the Horwitz Estate; and
- 7 5. Introduced new unverified facts about an 'adumdum' beneficiary, Andrea Ebert, claiming to be a
8 niece now a cousin, but not named in the Dorothy Horwitz Family Trust;

9 As a result, substantial discovery remains to be completed, and the Plaintiff is unable to
10 adequately prepare this case for trial as a self-represented litigant in the time remaining.

11 Additionally, the Petitioner pro per has raised the issue that Respondent successor-trustee
12 Louie is barred from objecting to the present Petition by California Law and the written terms of the
13 Dorothy Horwitz Family Trust. The Court has not ruled on the issue, and a related Petition for an
14 accounting and the removal of the trustee which was scheduled to be heard on May 11, 2016, was
15 continued by the Court to June 2, 2016. Should the Court remove the Respondent Louie, the
16 scheduled trial would be moot.

17 For the economy of the Court and the parties, a continuance of the Trial Hearing would be
18 appropriate.

19 The motion will be based on this notice of motion, on the declaration(s) of Dennis J
20 Solomon, and the supporting memorandum served and filed herewith, on the records and file
21 herein, and on such evidence as may be presented at the hearing of the motion.

22 Respectfully submitted on May 24, 2016,

23 *Dennis J. Solomon*

24 By: _____

25 DENNIS SOLOMON, Petitioner, pro per

1 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO CONTINUE**

2
3 The uncontroverted evidence and behaviors of the successor-trustee to the Dorothy Horwitz
4 Family Trust (“Family Trust”), accountant Hoover Louie, his brother-in-law attorney Joe Ling, and his
5 law partner, attorney Margaret Morrow clearly document another egregious example of
6 Gunderson¹, where corrupt fiduciaries and professionals, motivated by avarice and animus, devise a
7 criminal scheme of grand larceny and fraud. This Court, denying Respondent’s Summary Judgment
8 ruled on February 27, 2016, that the Respondents have overcome the presumption that the
9 purported ‘Addendum’ was not duly executed, or procured by fraud or undue influence.

10 **I. BACKGROUND**

11 After fifty years of a loving relationship with her nephews, Murray and Dennis Solomon,
12 their Aunt Dorothy Horwitz (b. 1930), in concert with the last will of her husband Walter Horwitz,
13 bequeathed the Horwitz Estate to their favorite Jewish and U.S Navy charities, her nephews, Dennis
14 and Murray, and according to the testimony of his grandmother, Rose Aparicio, \$25,000 to Nicolas
15 Sanchez. Murray and Dennis Solomon, ‘nephews’ and Nicolas Sanchez ‘frined’ are the only
16 individuals named in the resulting trust – the Dorothy Horwitz Family Trust, formally drafted and
17 duly executed with her estate attorneys in March of 2012.

18 According to the testimony of Rose Aparicio, a former co-worker, friend and personal aide
19 during her illness, in the last month of her life Dorothy asked Rose to print out an ‘Addendum’ to
20 the Family Trust and arrange for its execution. The purported “Addendum” whose only signed page
21 reads “adumdum’ in hand printing that is not Dorothy’s, gives Rose Aparicio “anything she wants’
22 and exclusive access with the successor-trustee Hoover Louie, also a former co-worker, to the
23 Horwitz home and safe deposit boxes. The ‘adumdum’ was purportedly signed on November 18,
24 2013. On November 25, 2013, Dorothy Horwitz passed away, but neither Murray nor Dennis
25 Solomon were notified. Petitioner Solomon discovered her death more than a week later when he
26 called to finalize arrangements for his trip to visit in December.

27 During the ensuing discussions, Rose Aparicio was vague and referred Dennis to successor-

28 _____
¹ “Attorney (James Gunderson) Must Return Millions, Los Angeles Times, July 16, 1994

1 trustee Hoover Louie, a certified public accountant, who informed him that the Dorothy Horwitz
2 Family Trust had been substantially changed. Trustee Louie referred Petitioner Solomon to Louie's
3 brother-in-law, attorney Joe Ling. Discussions ensued with no clarification.

4 Four months after the death of Dorothy, attorneys Ling and Morrow formally mailed via U.S.
5 Postal Service, a Notice of Death together with a 'true and complete' copy of the Last Will, Dorothy
6 Horwitz Family Trust and purported Addendum.

7 To those who knew Dorothy well, the purported Addendum is fraudulent on its face.
8 Petitioner's Aunt Dorothy would never have drafted and executed a radical change in her Dorothy
9 Horwitz Family Trust without employing her Estate attorneys. She would never have forgotten the
10 favorite Jewish and U.S. Navy charities of her beloved husband, her mother and herself. Dorothy
11 would never allowed Horwitz heirlooms, jewelry, Judaica and art to pass outside the Horwitz family
12 and she would never have made her principal beneficiary the American Lebanese Syrian Associated
13 Charities (ALSAC/St. Jude) – known to have laundered stolen Jewish fortunes from Nazi
14 collaborators.

15 This is a case where the sole successor-trustee Hoover Louie, his brother-in-law Joe Ling, the
16 actual decision-maker Margaret Morrow and accomplices have breached nearly every required
17 trustee duty to the Family Trust beneficiaries - drafting, transcribing and forging the crude,
18 deathbed 'adumdum' to my Aunt's year 2012 perfected Dorothy Horwitz Family Trust, in order to
19 convert for their personal gain, rare and historic Holocaust Judaica, museum documents and other
20 valuables, they believed had a value in excess of \$5,000,000, my Uncle Walter personal accounts
21 valued at over \$2,000,000 and in an unconscionable and intentional violation of my Aunt and
22 Uncle's civil rights – forge a charities list which eliminated all of their favorite Jewish and U.S. Navy
23 charities.

24 **II. THE UNLAWFUL COERCION OF NOTARY PUBLIC DORIS TUCKER**

25 With the last few weeks, it has come to the attention of the Petitioner that in emails from
26 notary Doris Tucker to Respondent attorneys Ling and Morrow, notary Tucker stated that 'she
27 refused to sign the acknowledgement or jurat because Dorothy Horwitz did not recall signing the
28 documents and that Dorothy Horwitz wanted to wait for the visit of her nephew Dennis Solomon.'
Thereafter, attorneys Ling and Morrow threatened notary Tucker with personal liability and the loss

1 of her livelihood for failing to complete a notary act.

2 The evidence of the coercion of key witness notary Doris Tucker by attorneys Ling and
3 Morrow is uncontroverted, conclusive and based on exhibits introduced and verified by the
4 Respondent trustee Louie and his attorney. Specifically, the cover letter to the formal Notice of
5 Death; the unsigned Acknowledgement and Jurat forms included in accompanying the 'true and
6 complete' copy of the Last Will, Dorothy Horwitz Family Trust and purported Addendum, all dated
7 March 24, 2014, four months after the death of Dorothy Horwitz; and the 'new' signed Jurat,
8 altering the original, first presented on June 3, 2015. The 'new' signed Jurat does not contain the
9 date it was actually signed by the Notary. See (Exhibits 1A, 1B, 1C)

10 The Petitioner has not had the opportunity and been obstructed by the Respondents to
11 continue the deposition of notary Doris Tucker (See Exhibit 2). The Petitioner requests the
12 opportunity to reopen discovery for her continued deposition and essential related actions

13 **III. RESPONDENT ATTORNEY MORROW CONCEALED THE IDENTITY OF COMPUTER EXPERT**
14 **CONRAD BLINKER WHO ACCESSED THE HORWITZ COMPUTER DURING DISCOVERY**

15 On May 11, 2016, Respondent attorney Morrow added Conrad Blinker as a percipient
16 witness. Mr. Blinker is a computer expert who actually accessed and manipulated the Horwitz
17 computer in 2014. His deposition and qualifications are essential to the adequate preparation of
18 this case for trial.

19 On July 30, 2015, attorney Morrow misled the Court and Petitioner by filing the following
20 sworn Declaration in which paragraph states:

21 *"5. In or about June 2014, I took possession of Mrs. Horwitz's computer. I received her*
22 *computer from Mr. Hoover, whom I understood removed it from Mrs. Horwitz's condominium for*
23 *safe-keeping. From that computer, I was able to locate the addendum. I was also able to determine*
24 *from the "My Documents" and from the "Properties" windows, copie sof which are attached hereto*
25 *as Exhibit "C," that the Addendum was created on June 24, 2013, and that the last modification to*
26 *the document was made on July 11, 2013, at 9:50 p.m"*

27 In fact, Mr. Blinker accessed, located and identified the purported dates. As the Petitioner
28 supported in his successful Opposition to Summary Judgment, public programs are available to

1 easily alter all the dates on most Windows computers. Mr. Blinker actions and qualifications are
2 critical elements of the present case, and Respondent attorney Morrow's misleading claims she
3 accessed the computer and her subsequent failure to disclose him as a retained expert, greatly
4 prejudice this case. The Petitioner requests the opportunity to reopen discovery for his deposition
5 and essential related actions.

6
7 **IV. WITHHELD AND CONCEALED MATERIAL EVIDENCE FROM THE PETITIONER, WHILE**
8 **PERMITTING RESPONDENT'S EXPERT WITNESS MSSR. RILES AND HICKS ACCESS SAID**
9 **ESTATE DOCUMENTS AND RECORDS;**

10 On April 20, 2016, Respondent attorney Morrow noticed the designation of Mr. Frank Hicks
11 of Riles and Hicks as a retained expert document examiner. On information from Ms. Morrow, Mr.
12 Riles is a good friend of hers.

13 Subsequently, the Petitioner was informed that Mr. Hicks had access to all the personal
14 papers, financial records and other documents of Dorothy Horwitz from which to construct an
15 argument in support of the Respondent's position.

16 The Petitioner, Dennis Solomon, as a principal beneficiary of the Dorothy Horwitz Family
17 Trust is entitled, under the written terms of the DHF Trust, to access to all said papers, documents
18 and records. Respondent successor-trustee Louie also has an affirmative duty of disclosure and
19 impartiality under California Probate Codes §16000-16015.

20 Despite this, Respondent attorney Morrow has denied his request, claiming privacy, their
21 destruction, and overly burdensome among other issues.

22 At this date, and in light of the access granted Respondent's expert, this is an act of extreme
23 partiality and prejudice. It taints this proceeding, and prevents the Petitioner from due process and
24 a fair trial on the merits. It further demonstrates the unlawful deception, obfuscating and perjury to
25 which the Respondents are willing to commit in furtherance of their criminal scheme.

26 Petitioner requests the opportunity to reopen discovery for the production of said
27 documents and the subsequent deposition of the retained expert Hicks.

28 **V. CONCEALED MATERIAL EVIDENCE CONCERNING ASSETS OF THE HORWITZ ESTATE;**

On information, the Petitioner understands that Respondent attorney Morrow recently

1 instructed Lisa Aparicio, daughter of Rose Aparicio and mother of Nicolas Sanchez, to destroy all
2 photographs of Horwitz Estate assets, including but not limited, jewelry, Judaica, art collections, art
3 of Walter Horwitz, and heritage clothing, all having substantial value. The Petitioner, accessing
4 open ports of Lisa Aparicio's computer was able to obtain copies of some of the pictures.

5 These were presented to Respondent successor-trustee Louie and attorneys Ling and
6 Morrow in the form of a formal request for an investigation of the removal and failure to inventory
7 assets of the Estate having an aggregate value greater than \$250,000. They were subsequently
8 presented to the Court.

9 Respondent attorney Morrow has refused to investigate these photographs or supplement
10 the inventory of the Estate. On the basis of this information, attorney Morrow has gone further and
11 unlawfully instructed a witness to destroy relevant evidence.

12 Petitioner requests the opportunity to reopen discovery for the deposition of Lisa Aparicio
13 and the formal production of said photographs and documents.

14 **VI. INTRODUCED NEW UNVERIFIED FACTS ABOUT AN 'ADUMDUM' BENEFICIARY, ANDREA**
15 **EBERT, CLAIMING TO BE A NIECE NOW A COUSIN, BUT NOT NAMED IN THE DOROTHY**
16 **HORWITZ FAMILY TRUST;**

17 After Discovery had closed, on October 10, 2015, in Paragraph 26 of the Respondent's
18 Summary Judgment Statement of Undisputed Facts, attorney Morrow stated that "Andrea Ebert is
19 Dorothy's niece". On May 13, 2016, attorney Morrow emailed that, "*She is, I believe, the daughter*
20 *of Mrs. Horwitz's cousin. I have spoken to her previously and understand that she was in daily*
21 *contact with Mrs. Horwitz."* The Petitioner subsequently requested clarification and identification
22 of the purported cousin, but Respondent attorney Morrow has not responded.

23 Ms. Ebert was neither named in the Dorothy Horwitz Family Trust, dated March, 2012, nor
24 as an heir in the requisite filings by Respondents with this Court. Ms. Ebert is now listed as a key
25 witness by the Respondents. Under the present circumstances, the Petitioner is without sufficient
26 legal tools of due process to properly refute her assertions, and fully challenge her credibility.

27 Petitioner requests the opportunity to reopen discovery for the deposition of Andrea Ebert,
28 and the clarification of her intestate status.

1 **VII. LEGAL ARGUMENT**

2 **GOOD CAUSE EXISTS FOR CONTINUANCE IN THAT PETITIONER WILL BE UNABLE TO**
3 **ADEQUATELY PROSECUTE THIS MATTER AT TRIAL WITHOUT A CONTINUANCE.**

- 4 1) **Good Cause.** A court may grant a continuance before or during trial on an affirmative showing of
5 good cause and each request for a continuance must be considered on its own merits (Cal. Rules
6 of Ct., Rule 3.1332(c)).
- 7 2) **Significant, Unanticipated Change in Case Status Constitutes Good Cause for Continuance.** The
8 circumstances that may indicate good cause for a continuance include a significant,
9 unanticipated change in the status of the case as a result of which the case is not ready for trial (
10 Cal. Rules of Ct., Rule 3.1332(c)(7)). In the present case, recent available evidence that
11 Respondent attorneys Morrow and Ling coached, coerced and falsified the facts and testimony
12 of their key witness, notary Doris Tucker requires further discovery and resolution. These facts
13 significantly change the status of the case.
- 14 3) **Significant, Inability to Obtain Essential Testimony, Documents & Evidence Due To The**
15 **Obstruction By Respondents.** The facts and circumstances present above clearly demonstrate
16 that the Respondent has intentionally obstructed essential discovery to the extent that a fair
17 trial on the merits is in jeopardy. A first continuance to rectify these issues is warranted, and
18 indeed, encouraged by the Court in accordance with Cal. Rules of Ct., Rule 3.1332(c)(6)).
- 19 4) **Continuance Sought as Soon as Reasonably Practical.** A party seeking a continuance of the date
20 set for trial, whether contested or uncontested or stipulated to by the parties, must make the
21 motion or application as soon as reasonably practical once the necessity for the continuance is
22 discovered (Cal. Rules of Ct., Rule 3.1332(b)).
- 23 a) The Petitioner was very recently informed of the new evidence and communication
24 regarding the coercion of notary Doris Tucker and other matters. He has been diligent is
25 seeking a voluntary resolution which proved futile.
- 26 b) The Petitioner has been diligently sought to resolve discovery issues, both informally and to
27 the extent available at the time formally. This continuance is sought timely, as the informal
28 attempts have proven futile.

- 1 c) Timing of Motion and Absence of Prior Continuances Support Granting this Motion. The
2 Petitioner has not received a continuance of the trial date in this case. (See Cal. R. Ct.
3 3.1332(d)(2).) This motion does not come on the eve of trial. (See Cal. R. Ct. 3.1332(d)(1).) b.
4 d) The present motion was sought as soon as practical.

5 **5) Opportunity for Full Presentation.** A continuance should be granted if failure to
6 allow the continuance would probably or possibly prejudice the party seeking the continuance
7 by depriving that party of the opportunity to fully and fairly present his/her/its case (Cadle Co. v.
8 WorldWide Hospitality Furniture (2006) 144 Cal. App. 4th 504, 513–515, 50 Cal. Rptr. 3d 480; In
9 re Dolly A. (1986) 177 Cal. App. 3d 195, 199, 201, 222 Cal. Rptr. 741; Cohen v. Herbert (1960)
10 186 Cal. App. 2d 488, 494, 8 Cal. Rptr. 922). This is the case here. Respondent attorney Morrow
11 has been duplicitous and obfuscatory regarding discovery, first claiming discovery was closed,
12 then claiming she would allow certain discovery but in the end refused to stipulate those facts in
13 an informal filing with this Court. It is a pattern to abuse a pro per Petitioner, force his wasteful
14 expenditure of his limited funds, which began with attorney Morrow filing a motion to compel
15 his personal appearance for a deposition in California (Petitioner resides in Massachusetts) and
16 after it was denied, failing to conduct a video deposition to which the Petitioner agreed.

17 **THE SHORT CONTINUANCE WILL BEST SERVE THE INTERESTS OF JUSTICE.** Neither party will be
18 prejudiced or materially impact by an order granting this continuance. (See Cal. R. Ct. 3.1332(d)(5).)
19 The Petitioner pro per to fully comply with formal or at time overwhelming new requirements
20 proceeding trial, thus removing unnecessary issues at trial. If the continuance is denied, however,
21 Petitioner will suffer undeniable prejudice and denied due process and a fair trial. For the economy
22 of the Court and the parties, a first continuance of the Trial Hearing would be appropriate.

23 Respectfully submitted,

24 *Dennis J. Solomon*

25 By: _____

26 DENNIS SOLOMON, Petitioner, pro per

1 **EXHIBITS**

- 2
- 3 1A. Attorney Ling, Morrow Letter with Formal Notice of Death & Documents dated
- 4 March 24, 2014.
- 5 1B. Unsigned Jurat sent formal Notice of Death & Documents on March 24, 2014
- 6 1C. Signed Jurat first presented June 3, 2015
- 7 2. California Notary Laws & Regulations
- 8 3A. California Notary Regulations & Laws
- 9 3B. Morrow-Solomon Emails on Notary Doris Tucker
- 10 4A. Morrow Declaration on Computer
- 11 4B. Morrow Email Introducing New Expert Witness as Percipient
- 12
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JOE LING, ESQ.
One World Trade Center
Suite 1660
Long Beach, California 90831-1660
Telephone (562) 436-9911
Fax (562) 436-1897

March 24, 2014

Via Certified Mail - Return Receipt Requested

Dennis J. Solomon
58 Mirah Dr.
Yarmouth Port, Ma 02675

Dennis J. Solomon
P.O. Box 289
Yarmouth Port, Ma 02675

Re: Death of Dorothy Horwitz

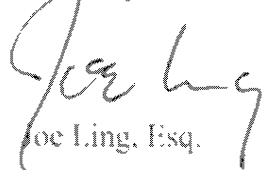
To whom it may concern:

This letter is to notify you of the death of Dorothy Horwitz and to advise that you have been named as a potential beneficiary of the Dorothy Horwitz Family Trust dated 03-06-12 ("the Trust"), and/or the Addendum to Distribution of Assets date 11-18-13. I, along with Margaret Morrow of Russell, Mirkovich & Morrow whose office information is the same as mine, represent the successor trustee, Hoover J. Louie, C.P.A., whose address and contact information is 847 Yale Street, Suite 306, Los Angeles, CA 90012, (213)625-2828

You may not bring an action to contest the trust more than 120 days from the date this notification by the trustee is served upon you or 60 days from the date on which a copy of the term of the trust is mailed or personally delivered to you during the 120-day period, whichever is later.

I have enclosed herein copies of the Trust and the Addendum. Please refer this matter to your own legal counsel.

Sincerely,



Joe Ling, Esq.

CC: Hoover J. Louie, C.P.A.

EXHIBIT 1B. JURAT UNSIGNED
SENT MARCH 24, 2014 BY LING-
MORROW

CALIFORNIA JURAT WITH AFFIANT STATEMENT

State of California

County of Los Angeles } ss.

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

Dorothy Horwitz

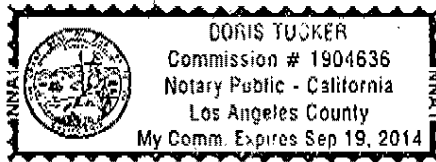
Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

Subscribed and sworn to (or affirmed) before me on this

18 day of NOVEMBER, 2013 by

(1) DOROTHY HORWITZ
Name of Signer



- Personally known to me
- Proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (.)
(and

(2) _____
Name of Signer

- Personally known to me
- Proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Place Notary Seal Above

Signature of Notary Public

OPTIONAL

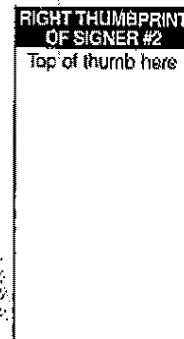
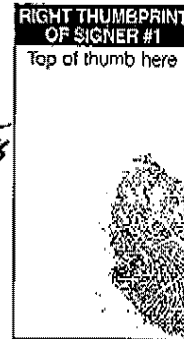
Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Addendum to DISTRIBUTION SHEET

Document Date: 11-18-13 Number of Pages: 5

Signer(s) Other Than Named Above: _____



CALIFORNIA JURAT WITH AFFIANT STATEMENT

State of California

County of Los Angeles } ss.

- See Attached Document (Notary to cross out lines 1-6 below)
See Statement Below (Lines 1-5 to be completed only by document signer[s], not Notary)

Dorothy Horowitz
Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

Subscribed and sworn to (or affirmed) before me on this

18 day of November, 2013 by
Date Month Year

(1) DOROTHY HORWITZ
Name of Signer



- Personally known to me
Proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (.) (and)

(2)
Name of Signer

- Personally known to me
Proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

David Tucker Notary Public
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

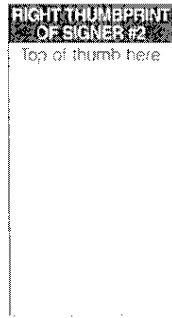
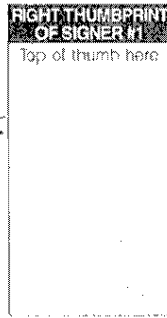
Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document

Further Description of Any Attached Document

Title or Type of Document: Addendum to DISTRIBUTION STATEMENTS

Document Date: 11-18-13 Number of Pages: 5

Signer(s) Other Than Named Above:



CALIFORNIA NOTARY LAWS, RULES AND REGULATIONS

CA GOV CODE § 8225. Improper notarial acts, solicitation, coercion or influence of performance; misdemeanor

(a) Any person who solicits, coerces, or in any manner influences a notary public to perform an improper notarial act knowing that act to be an improper notarial act, including any act required of a notary public under Section 8206, shall be guilty of a misdemeanor.

CA GOV CODE § 8205 (a) - "It is the duty of a notary public, when requested: (3) To take depositions and affidavits, and administer oaths and affirmations, in all matters . . . or to be used before any court, judge, officer, or board. Any deposition, affidavit, oath, or affirmation shall be signed by the notary public in the notary public's own handwriting."

CA CIVIL CODE 1189(a)(1) - "The certificate of acknowledgment must be filled completely out at the time the notary public's signature and seal are affixed. The certificate of acknowledgment is executed under penalty of perjury"

CA SEC OF STATE: NOTARY NEWS, Page 2 - "Improper Notary Acts -A notary public may not stamp a document with the official seal then sign, or sign and date the document without completing or attaching a notarial certificate. A notary public may not stamp with the official seal any pages other than the page with a completed notarial certificate."

CA SEC OF STATE: NOTARY NEWS, Page 2 - "Correcting a Notarial Act. There are no provisions in the law that allow for the correction of a completed notarial act. If you discover an error in a notarial act after completing the act, then notarize the signature on the document again."

CA SEC OF STATE: NOTARY NEWS, Page 4 - "Date, time, type of each official act. The time of the official act is probably the most frequently missed item in a notary public journal. The time of the official act must be recorded because the law requires it, and you may need this information as proof of an official act if your journal is audited."

REGULATORY COMMENTS IN NOTARY EXAMS AND CA SEC OF STATE APPROVED MATERIALS

"Acts Constituting the Practice of Law California notaries public are prohibited from performing any duties that may be construed as the practice of law. ... If asked to perform such tasks, a California notary public should decline and refer the requester to an attorney"

"The agency (CA Sec of State) views correcting certificates after the fact to be a form of backdating which is a possible criminal act and official misconduct under the law and could result in your commission being suspended or revoked"

"A notary public can avoid making the ten most common mistakes identified by Secretary of State investigators by doing the following:

1. Require the presence of all persons for whom you perform notarial acts. The person who has signed a document must be with you at the time you complete a jurat or certificate of acknowledgment.
3. Complete a notarial certificate for every official act. Merely signing and stamping a document is not a notarial act, and stamping pages attached to the page with a completed notarial certificate is not permitted."

ATTORNEY MORROW'S THREAT OF LIBEL SUIT RE: NOTARY TUCKER

mmorrow@rumlaw.com <mmorrow@rumlaw.com>

Sun, Jun 7,
2015 at 10:17 PM

To: Dennis Solomon <horwitzdw@gmail.com>

Cc: Doris Tucker <doristuckernotary@gmail.com>, mmorrow@rumlaw.com

Mr. Solomon: Doris Tucker's deposition is concluded and will not commence again without a court order. Any complaints that you make against Doris Tucker are unfounded and will be met with a libel suit.

Dennis Solomon <horwitzdw@gmail.com>

Mon, Jun 8,
2015 at 10:12 AM

To: Margaret E Morrow <mmorrow@rumlaw.com>

Dear Ms. Morrow,

Are you now representing Ms. Tucker?

Sincerely,

Dennis J Solomon

Margaret E Morrow <mmorrow@rumlaw.com>

Mon, Jun 8,
2015 at 3:05 PM

To: Dennis Solomon <horwitzdw@gmail.com>

Cc: Doris Tucker <doristuckernotary@gmail.com>

No, but as an officer of the Court, I will take whatever action is necessary to protect an unrepresented witness from the harassment and false accusations of a party in the case.

EMAIL EXCHANGES REGARDING DISCOVERY – MAY 9, 2016

Mon, May 9, 2016 at 5:43

Dennis Solomon <horwitzdw@gmail.com> PM
To: Margaret Morrow <mmorrow@rumlaw.com>

Dear Ms. Morrow,

In light of your recent approach, I will file a motion to continue the trial to September.

I do not expect your concurrence.

I would also like to file a stipulation with the Court that my representative will have access and your cooperation to:

1. all papers, objects, assets, home and any other property of the Estate including all phone books and personal papers.
2. The computer and printer will be brought together, and access to clone or copy the the hard drive and print any documents will be provided.

Do you concur? If not what are the specific limitations?

Sincerely,

Dennis Solomon

Margaret Morrow <mmorrow@rumlaw.com>
To: Dennis Solomon <horwitzdw@gmail.com>

Mon, May 9, 2016 at
5:50 PM

No, I will not agree to a continuance of the trial in this matter. You have had 2 years to prosecute your case. During that time period, you have taken 0 depositions, you did not retain a computer expert, you did not retain a handwriting expert, you did not take the opportunity provided to you to inspect her home and belongings, you did not take the opportunity to inspect her computer or her printer. These were your decisions and omissions.

Your requests at this late hour have nothing to do with the issues that are to be tried in June. At the trial in June, you must prove that Mrs. Horwitz's Addendum to her Trust is invalid. You have never produced a scintilla of evidence to support that position and your requests sent today have no relevancy to the issues of the validity of the Addendum.

Margaret E. Morrow

1 June 3, 2015.

2

3 3. Attached hereto as Exhibit "B" are true and correct copies of transcript pages
4 from the deposition of Rose Aparicio. That deposition was taken in the above-captioned case
5 on June 5, 2015, in the above-captioned case.

6

7 4. For brevity's sake, I have attached to this declaration only those pages from
8 deposition transcripts that have testimony cited in the motion for summary judgment.
9 However, prior to the hearing on the motion for summary judgment, I will lodge the original
10 transcript from the depositions of Doris Tucker and Rose Aparicio.

11

12 5. In or about June 2014, I took possession of Mrs. Horwitz's computer. I received
13 her computer from Mr. Hoover, whom I understood removed it from Mrs. Horwitz's
14 condominium for safe-keeping. From that computer, I was able to locate the Addendum. I was
15 also able to determine from the "My Documents" and from the "Properties" windows, copies
16 of which are attached hereto as Exhibit "C," that the Addendum was created on June 24, 2013,
17 and that the last modification to the document was made on July 11, 2013, at 9:50 p.m.

18

19 6. In this litigation, Mr. Solomon's prior counsel served a subpoena on Kaiser-
20 Permanente Hospital - Sunset. In response to that subpoena, Kaiser produced approximately
21 200 documents. Attached hereto as Exhibit "D" are true and correct, pertinent documents that
22 are referenced in the motion for summary judgment.

23

24

25 7. In this litigation, counsel for Mr. Solomon served a subpoena for records on
26 Garden Crest Rehabilitation and we served a subpoena for records on Garden Crest
27 Convalescent Centers (collectively referred to as "Garden Crest"). In response to the
28 subpoenas, Garden Crest produced over 300 pages of documents. Included in those documents



Dennis Solomon <horwitzdw@gmail.com>

Dorothy Horwitz Family Trust, As Amended

Margaret Morrow <mmorrow@rumlaw.com>

Fri, May 13, 2016 at 1:30 PM

To: Dennis Solomon <horwitzdw@gmail.com>

Mr. Solomon:

We added Conrad Brinker to our witness list. He is the individual who accessed the computer so as to print the screen reflecting the date on which Mrs. Horwitz first drafted her Addendum and the last day on which she made changes to the Addendum.

What time allotment do you want for his cross-examination?

[Quoted text hidden]

1 **DECLARATION OF SERVICE**

2 I certify under penalties of perjury under the Laws of California, that I have caused the
3 aforementioned documents to be served upon Respondent’s counsel Margaret Morrow,
4 and counsel requesting special notice by email or electronic fax on or before May 24, 2016
5 and caused to be served by U.S. mail upon the following parties identified, on or before
6 March 24, 2016.

7 By: *Dennis J. Solomon*
8 DENNIS SOLOMON, Petitioner, pro per

9 ATTORNEY GENERAL - Charitable Trusts
10 P.O. Box 903447
11 Sacramento, CA 94203-4470

San Gabriel, CA 91776

Nicholas Sanchez
5139 Muscatel Avenue
San Gabriel, CA 91776

12 Margaret Morrow
13 Russell, Mirkovich & Morrow
14 One World Center, Suite 1660
15 Long Beach, CA 90831

Jonathan H. Park, Esq.
HOLLAND & KNIGHT LLP
400 South Hope Street
Los Angeles, CA 90071

16 Murray Solomon
17 57 Fairgrounds Road
18 Cummington, MA 01026-9701

Andrea Ebert
65 Lela Court
Sutter Creek, CA 95685

19 Rose Aparicio
20 5135 Muscatel Avenue
21 Edward Liu

Muscular Dystrophy – VP Donations
3300 E. Sunrise Drive
Tucson, AZ 85718

22 8525 E. Village Lane
23 Rosemead, CA 91770

24 Children's Hospital Los Angeles
25 Robert E. Weiner, MPA CFRE
26 24 4650 Sunset Boulevard
27 Los Angeles, CA 90027

Los Angeles Mission – VP Donations
303 E. 5th Street
10 Los Angeles, CA 90013

28 Law Office of Tara L. Cooper
7037 La Tijera Blvd, Suite B201
Los Angeles, CA 90045

Braille Institute - Anthony J. Taketa
3 741 N. Vermont Avenue
Los Angeles, CA 90029

1 Dennis J Solomon, pro per
2 75 North Main Street #552
3 Randolph, MA 02368
4 Phone 508-394-9221
5 Fax: 617-890-1947
6 horwitzdw@gmail.com

7 SUPERIOR COURT OF CALIFORNIA
8 COUNTY OF LOS ANGELES, CENTRAL PROBATE DIVISION

9 In Re) Case No.: BP153887
10)
11) [PROBATE]
12)
13) THE DOROTHY HORWITZ FAMILY)
14) TRUST, DATED MARCH 6, 2012) Honorable: Judge Maria E. Stratton
15) Department: 5
16) Action Filed: July 17, 2014
17)
18) Hearing Date: June 2, 2016
19) Time: 8:30 AM
20)
21) **PETITIONER PRO PER SOLOMON'S**
22) **COMMUNICATION TO THE COURT**
23) **UNDER RULE 7.10(c)(2)**
24)
25)

26 _____
27 The Petitioner pro per, Dennis Solomon, respectfully informs and advises this Honorable
28 Court of new evidence, intentionally concealed from the Petitioner by Respondents Louie, Ling and
Morrow, which conclusively demonstrates their intentional suborning of perjury of notary Doris
Tucker under Cal Penal §127, offering and preparing fraudulent evidence under Cal Penal §132 &
§134, solicitation of a crime under Cal Penal §653f(a), and direct contempt of this Court regarding
material and determinative facts. This new evidence includes sworn affidavits of Garden Crest
Nursing Home business manager, Orit Shapiro, dated May 20, 2016, whom attorney Morrow
attempted to fraudulently implicate in criminal violations of Cal Penal 653f(a) and CGC §8225,
influencing a notary to commit an improper act.

These criminal acts and breach of duty are egregious and material. They obstruct the fair
administration of justice and the ability of this Court to insure that the Petitioner receives due
process and a fair trial on his grievances. They require attorney Morrow's removal from this matter,

1 the replacement of successor-trustee Louie and the reporting to appropriate law enforcement
2 authorities.

3 **1. SHORT SUMMARY OF THE CASE**

4 The present Petition requests the invalidation of a crude, typewritten, unnotarized,
5 purported 'deathbed addendum' bequeathing 98% of the Estate assets to the list of new addendum
6 beneficiaries. It was first presented to the successor-trustee Hoover Louie 'about one month'¹ after
7 the death (November 25, 2013) of Petitioner's Aunt Dorothy Horwitz by a 'new beneficiary' and
8 fiduciary, Rose Aparicio. The evidence in the case clearly shows that fiduciary Rose Aparicio was
9 acting in conspiracy with successor-trustee Hoover Louie, his brother-in-law Joe Ling and law
10 partner Margaret Morrow to commit grand theft and unjust personal gain. Nearly \$3,000,000 in
11 rare Judaica, art, jewelry and historical documents has mysteriously disappeared.

12 Under the terms of the Dorothy Horwitz Family Trust, the sole respondent-objector
13 successor-trustee Hoover Louie have no standing or authorization under law to challenge the
14 Petition. Moreover, trustee Louie is bound by the paramount duty of loyalty and impartiality to
15 remain neutral. Nonetheless, trustee Louie retained his brother-in-law's law partner to formally
16 appear and allege that the purported addendum amends the duly-executed Dorothy Horwitz Family
17 Trust of 2012. Nowhere among the signed documents of the purported addendum is there a
18 reference to the Dorothy Horwitz Family Trust.

19 The purported addendum was associated with two California notary forms, an
20 affidavit/acknowledgement and a jurat. Both were unsigned by the notary Doris Tucker on the
21 purported notarial date November 18, 2013 because a subscribing witness to the signatures never
22 appeared, a fact admitted by all parties.² The acknowledgement form was not even filled in.

23 It has been recently communicated that the notary, Doris Tucker, with over twenty years of
24 experience, intentionally refused to sign the notary forms out of concern of being implicated in
25 fraud and perjury, after it became apparent that Dorothy did not recognize the documents or her
26 signatures thereupon, and wanted to wait until the upcoming visit of her nephew, this Petitioner.

27 ¹ Deposition of Rose Aparicio, June 5, 2015, Page 41, Lines 15-22

28 ² Deposition of Doris Tucker, June 3, 2015, Pages 21-22, Lines 21- -24

1 More than four months after the death of Dorothy Horwitz, notary Doris Tucker was
2 subjected to intimidation and extortion by attorney Joe Ling, brother-in-law to successor-trustee
3 Hoover Louie, who threatened her with threats of loss of her livelihood and personal liability for
4 “failing to complete a notary act”³ unless she then signed the jurat backdated to November 18,
5 2013. In early, pre-litigation conversations with this Petitioner, attorney Ling expertly intimated
6 that he was ‘an heir to a position in the Chinese mafia’. ⁴

7 **2. SUBORNING PERJURY AND DIRECT CONTEMPT OF THIS COURT**

8 Specifically, acting successor-trustee and Respondent attorney Margaret Morrow
9 intentionally and knowingly suborned the sworn testimony of notary Doris Tucker to implicate Orit
10 Shapiro in unlawful, criminal act of influencing a notary to commit an improper act under Gov Code
11 § 8225. Said criminal acts consisted of knowingly offering a fraudulent signed jurat and coercing
12 notary Doris Tucker to attribute its construction to Orit Shapiro, when in fact it was attorneys Ling
13 and Morrow who influenced notary Tucker to sign the jurat nearly one year after the death of
14 Dorothy Horwitz.

15 It is uncontroverted and admitted that Respondent Louie, Ling and Morrow, jointly sent the
16 formal Notice of Death and a ‘true and complete” copy of the Trust documents containing a jurat
17 unsigned by notary Tucker on March 24, 2015, four months after the death of Dorothy Horwitz.
18 This fact was brought to attorneys Ling and Morrow’s attention by Petitioner and his first counsel.
19 No ‘signed jurat’ was provided at that time.

20 Over one year later, on June 3, 2015, at the deposition of notary Doris Tucker, subpoenaed
21 by attorney Morrow, the signed ‘original’ of the jurat was presented for the first time as
22 Respondent’s Exhibit 3. The unsigned original was also presented as Respondent’s Exhibit 1.

23 Attorney Morrow then led notary Tucker to affirm the perjurious assertion that [Morrow]
24 “did you later go back and sign the document upon Orit's request “. Notary Tucker answered, “Yes, I
25 did.”⁵ (See Attached Exhibit 1.)

26
27 ³ Recent Relayed Communication with Petitioner Solomon

28 ⁴ Declaration of Petitioner Dennis Solomon, May 30, 2016

⁵ Deposition of Doris Tucker, June 3, 2015, Pages 22, Lines 12-14, Exhibit 1.

1 **DEPOSITION OF DORIS TUCKER, JUNE 3, 2015, Pages 21-22**

2 **Page 21**

20 Q. Did you stamp the two documents that you looked
21 at, HORW0041 and 0042 (Jurat), and HORW0043 on November 18th,
22 2013?

23 A. Yes, I did.

24 Q. Okay. Sometime after November 18th, were you
25 called by Orit Shapiro in regards to a missing signature
1 on this document here which is marked HORW0042?

2 A. This is optional.

3 **Page 22**

12 Q. Okay. But at some time did you later go back and
13 sign the document upon Orit's request?

14 A. I did.

15 MS. MORROW: Okay. I'll mark the five-page

16 addendum as Exhibit 2.

12 California Penal Code 127 states that *“Every person who willfully procures another person to
13 commit perjury is guilty of subornation of perjury, and is punishable in the same manner as he would
14 be if personally guilty of the perjury so procured.”* This is a specific intent crime and would apply
15 only where the attorney is the instigator of the perjured testimony. This is clearly the case here,
16 where attorney Morrow intentionally induced notary Tucker to affirm said material perjurious
17 testimony, knowing it would impute a criminal act on Orit Shapiro under CGC §8225, Cal Penal §132,
18 §134, and §653f(a), which in fact attorneys Morrow and Ling had committed.

19 On May 20, 2016, Orit Shapiro declared under penalties of perjury to the follow:

20 *“I initially texted Tucker, on 11-18-13, to come to see Horwitz. I did not text or call Tucker
21 again regarding Horwitz. I have no knowledge of any alleged missing signatures of Tucker. I am
22 unaware of Tucker returning to sign any documents regarding Horwitz, that may not have had the
23 signature of Tucker.”*

24 Dorothy Horwitz passed away on 11-25-13, ending contact with Garden Crest Nursing. The
25 jurat was signed at some time after March, 25, 2014 (3-25-14).

26 An attorney who attempts to or does mislead the court is guilty of direct contempt: *“The
27 presentation to a court of a statement of fact known to be false presumes an intent to secure a
28 determination based upon it . . .”* Vaughn v. Mun. Ct. (1967) 252 CA2d 348, 358, 60 CR 575,
581; Vickers v. State Bar (1948) 32 C2d 247, 253, 196 P2d 10, 13–14—*“The conduct denounced . . . is
not the act of an attorney by which he successfully misleads the court, but the presentation of a*

1 *statement of fact, known by him to be false, which tends to do so”*

2 Still further, misleading the court is an “act of moral turpitude” and cause for discipline. Bus.
3 & Prof.C. § 6106—attorney’s acts of moral turpitude are cause for discipline; In re Jones (1971) 5
4 C3d 390, 400–401, 96 CR 448, 454–455—convictions for subornation of perjury and offering false
5 evidence; Worth v. State Bar (1978) 22 C3d 707, 711, 150 CR 273, 275–276—attorney disbarred for
6 falsifying evidence in State Bar disciplinary proceeding.

7 California Rule of Professional Conduct 5200 states that, “*in presenting a matter to a court, a*
8 *member:*

- 9 *A. Shall employ . . . such means only as are consistent with truth;*
10 *B. Shall not seek to mislead the judge or jury by an artifice or false statement of fact or law;*
11 *C. Shall not intentionally misquote authority to a court;*
12 *D. Shall not knowingly cite invalid authority.*

13 Under no circumstances can the duty to adequately represent a client take priority over the
14 ethical duty of candor. California Business and Professions Code §6068 defines the duties of an
15 attorney. Attorneys must only counsel or maintain just actions or defenses, “*except the defense of*
16 *a person charged with a public offense.*” BP §6068(c)(d) embodies the duty of candor by stating that
17 it is the duty of an attorney to “employ, for the purpose of maintaining the causes confided to him
18 or her those means only as are consistent with truth, and never to seek to mislead the judge . . . by
19 an artifice or false statement of fact or law.” Lest these duties be taken lightly, California Business
20 and Professions Code §6103 explains that a violation of a lawyer’s duties as an attorney may
21 constitute cause for suspension or disbarment.

22 **3. ATTORNEY MORROW’S PATTERN OF FRAUD & TRUSTEE BREACH OF DUTY**

23 Respondent attorney Morrow, who as agent/attorney of the Trust/trustee is bound to the
24 paramount Trust duties of loyalty and impartiality under CPC §16000-16015, has demonstrated a
25 continuing pattern of breach of duty, fraud, misrepresentations, omissions and contempt for this
26 Court, California Laws and Rules of Professional Conduct. This pattern includes but is not limited to
27 the following:

- 28 a) Attorney Morrow, in conspiracy with successor-trustee Hoover Louie, attorney Joe Ling,
fiduciary Rose Aparicio, and others, engaged in and aided and abetted the grand theft of the
art, jewelry, Judaica, historic papers, precious metals and stones, cash and other objects of

1 value of the Horwitz Estate, in violation of CPC §487 (grand theft), CPC §31PC (Aiding and
2 Abetting), CPC §153 (Obstructive of Justice) and other crimes. Specifically, attorney Morrow
3 in conspiracy with successor-trustee Louie filed a sworn answer to interrogatories claiming
4 the value of all real objects in the Horwitz Estate, excluding the value of the real estate and
5 financial instruments, was less the \$5000 which they knew was false. In furtherance of their
6 crime of grand theft, attorney Morrow authorized the Aparicios, including Rose and Lisa to
7 destroy the Horwitz photo albums and other evidence of the real objects of jewelry, Judaica,
8 art and other valuables in the Horwitz Estate.

- 9 b) In furtherance of this criminal scheme, on instructions from attorney Morrow, Lisa Aparicio
10 removed photographs of the art of Walter Horwitz from her website, and attempted to
11 erase pictures of Horwitz jewelry and Judaica from her company.
- 12 c) This Petitioner formally presented trustee attorney Morrow with said Aparicio pictures and
13 demanded an investigation and the notification of appropriate authorities. Ms. Morrow,
14 aiding and abetting grand theft, and in breach of her duty under CPC §16006 and 16010 to
15 take and preserve Estate assets and enforce Estate claims, refused to take any action.
- 16 d) This Petitioner formally brought to the attention of the trustee attorney Morrow that the
17 ‘addendum’ considered the jewelry so valuable that a specific sentence was devoted, and
18 that all the jewelry had disappeared. This Petitioner formally requested an investigation and
19 the notification of appropriate authorities. Ms. Morrow, aiding and abetting grand theft,
20 and in breach of her duty under CPC §16006 and 16010 to take and preserve Estate assets
21 and enforce Estate claims, refused to take any action.
- 22 e) After Discovery had closed, on October 10, 2015, in Paragraph 26 of the Respondent’s
23 Summary Judgment Statement of Undisputed Facts, attorney Morrow stated that “Andrea
24 Ebert is Dorothy’s niece, the daughter of Dorothy’s sister”. Dorothy Horwitz did not have a
25 sister. On May 13, 2016, attorney Morrow emailed that, “*She is, I believe, the daughter of*
26 *Mrs. Horwitz's cousin. I have spoken to her previously and understand that she was in daily*
27 *contact with Mrs. Horwitz.*” This Petitioner believes Ms. Ebert is not related and an active
28 participant in the grand theft of the Judaica for third parties. Trust attorney Morrow has
refused to investigate

1 f) Attorney Morrow has sought to personally enrich herself from Trust funds by solely
2 representing the interests of the 'new' addendum beneficiaries in breach of her duty of
3 loyalty to the named beneficiaries of Dorothy Horwitz Family Trust, this Petitioner, his
4 brother Murray Solomon and Nicolas Sanchez under CPC §16002, to be impartial in matters
5 between beneficiaries under CPC §16003, not to become (de facto) trustee of another trust
6 adverse to the first under CPC §16005, and a duty to apply the full extent of the trustee's
7 skills for the benefit and interest of the named beneficiaries of the Dorothy Horwitz Family
8 Trust.

9 g) Attorney Morrow commenced her unlawful objector representation by filing a Motion to
10 Compel the Personal Appearance of this Petitioner for Deposition when she knew that the
11 Petitioner lived in Massachusetts - for the unlawful purpose of enriching herself from the
12 funds of the Trust and causing this Petitioner to expend thousands of dollars opposing said
13 motion. When the motion was denied by this Court, attorney Morrow did not conduct a
14 video deposition to which this Petitioner agreed.

15 **4. ATTORNEY MORROW'S PATTERN OF UNLAWFULLY WASTING OF TRUST ASSETS**

16 Respondent attorney Morrow, who as agent of the trustee in bound to the paramount
17 duties of the trustee, has intentionally and unlawfully participated in this action for the criminal
18 purpose of aiding and abetting grand theft and her personal unjust enrichment. Here, California
19 Law and precedent is clear and unambiguous.

20 "[W]here litigation is necessary for the preservation of the trust, it is both the right and duty
21 of the trustee to employ counsel in the prosecution or defense thereof, and the trustee is entitled
22 to reimbursement for his expenditures out of the trust fund. . . . The foregoing rules, of course,
23 presuppose that the litigation was for the benefit of the trust estate." (Metzenbaum v. Metzenbaum
24 (1953) 115 Cal.App.2d 395, 399, 252 P.2d 966.)

25 However where the dispute is only between competent, adult beneficiaries and the
26 allocation of benefits, the trustee must remain neutral and expenditure of trust funds is a material
27 breach of the trustee's duty to make the trust property productive under CPC § 16007.

28 "The underlying principle which guides the court in allowing costs and attorneys' fees
incidental to litigation out of a trust estate is that such litigation is a benefit and a service to the

1 trust.” (Dingwell v. Seymour (1928) 91 Cal.App. 483, 513, 267 P. 327.) Consequently, where the
2 trust is not benefited by litigation, or did not stand to be benefited if the trustee had succeeded,
3 there is no basis for the recovery of expenses out of the trust assets.

4 . In Whittlesey v. Aiello (2002) 104 Cal.App.4th 1221 [128 Cal.Rptr.2d 742], the court
5 rejected a request for attorney fees from an attorney who represented the trustee, who was also a
6 beneficiary, in a challenge to the validity of a trust amendment that changed the beneficiaries of the
7 trust. The court held that there was no basis for the recovery of expenses out of the trust assets
8 because the dispute was between the competing beneficiaries and did not stand to benefit the
9 trust itself. (*Id.* at p. 1230.) Therefore, the trustee was not entitled to reimbursement for her
10 attorney fees. The court stated: “[t]o the extent [the attorney] defended the amendment, he was
11 representing the interests of one side of the dispute over the other, not representing the
12 interests of the trust or the trustee.” (*Ibid.*) (See Doolittle v. Exchange Bank, 241 Cal. App. 4th
13 529). In this case, attorney Morrow’s objection, in addition to a material breach of duty of
14 impartiality (Prob. Code, § 16003), is without reasonable cause and in bad faith. (Prob. Code, §
17211(b)).

15 **5. SUMMARY**

16 Respondent successor-trustee Louie’s attorney Margaret Morrow has personally and
17 knowingly engaged in a pattern of criminal activity: suborning perjury, destruction of evidence and
18 obstruction of justice in the blind pursuit of defeating this Petition to Invalidate the Addendum.

19 Confronted with the knowledge that the notary Doris Tucker refused to personally signed
20 the prepared jurat because the ‘subscribing witness’ to the forged signatures of Dorothy Horwitz did
21 not appear and that Dorothy Horwitz refused to affirm knowledge of the addendum documents,
22 attorney Morrow coerced notary Doris Tucker into the unlawful and improper notarial act of her
23 personally signing the jurat after the death of Dorothy Horwitz. Attorney Morrow then suborned
24 the perjury of notary Tucker to implicate Garden Crest Nursing employee Orit Shapiro in an
25 deliberate misleading and fraudulent effort to make it appear that the signing occurred before
26 Dorothy’s death.

27 Attorney Morrow remains oblivious to the fact that her co-conspirators attempted theft of
28 the sacred Judaica and List of the Righteous Among Nations has plunged them, this Court and all

1 those associated into the center of an ancient and ongoing war, since Entebbe and Dr. Wadie
2 Haddad, MD, the province of physicians and physicists and adopted in part by the BDS movement in
3 the United States. It is an impossibility that my Aunt Dorothy Horwitz would have ever concurred.

4 As of May 31, 2016, attorney Morrow has not disclosed to this Beneficiary and Petitioner, or
5 this Court, the attached Declarations of Orit Shapiro, which attorney Morrow had compelled and
6 has had in her possession since May 21, 2016.

7 This Petitioner, Dennis Solomon, respectfully requests that this honorable Court, in concert
8 with Rule 7.10(c)(2)(C) refer the information to the appropriate authorities for criminal prosecution,
9 and under the authority granted by CPC § 17206, remove attorney Morrow and successor-trustee
10 Louie, appoint a replacement successor trustee and take any other action necessary or proper to
11 dispose of the matters presented by the Petition.

12 Attested under penalties of perjury in the State of California as to those facts of personal
13 knowledge and respectfully submitted on May 31, 2016.

14 *Dennis J. Solomon*

15 By: _____

16 DENNIS SOLOMON, Petitioner, pro per
17
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27
28

EXHIBITS: (12 Sheets)

1. Deposition of Doris Tucker Re: Signing the Jurat (2 sheets)
2. Ling Letter of March 24, 2014 accompanying the Notice of Death and Documents
3. Unsigned Jurat received with March 24, 2014 Ling Letter
4. Signed Jurat first produced by attorney Morrow on June 3, 2015.
5. Declaration of Orit Shapiro, May 20, 2016 – Re: Tucker & Jurat (2 sheets)
6. Attorney Morrow Attempt Designate Orit Shapero as Subscribing Witness
7. ‘ADUMDUM’ Page of purported Addendum, Morrow Attachment 1, page 5.
8. Summary of California Code, Regulations and Rules (2 sheets)
9. Relevant Paragraphs of the Dorothy Horwitz Family Trust

EXHIBIT 1-1 Dep of notary
Doris Tucker re: Orit Shapiro,
Signing Jurat

1 time?

2 A. Yes, I did.

3 Q. Is that her thumbprint on the bottom part?

4 A. Yes, it is.

5 Q. Is that your stamp?

6 A. Yes, it is.

7 Q. The next page says "Dorothy Horwitz, Number 1" --
8 I believe it says "Addendum."

9 There is a witness's signature on this addendum.
10 Do you recognize that signature?

11 A. I think it's Orit's signature.

12 Q. Okay. Because you've notarized documents for
13 Orit before, correct?

14 A. Correct.

15 Q. And Orit was present when you notarized this
16 document?

17 A. She was present and listening to the entire
18 conversation, as a witness for the client, as well as a
19 witness for me doing the notarization.

20 Q. Did you stamp the two documents that you looked
21 at, HORW0041 and 0042, and HORW0043 on November 18th,
22 2013?

23 A. Yes, I did.

24 Q. Okay. Sometime after November 18th, were you
25 called by Orit Shapiro in regards to a missing signature

1 on this document here which is marked HORW0042?

2 A. This is optional.

EXHIBIT 1-2 Dep of notary
Doris Tucker re: Orit Shapiro,
Signing Jurat

3 Q. Okay.

4 A. Because here's the thing. This is a State of
5 California form. Okay?

6 Q. Yes.

7 A. Standard form. All right. The only signature
8 required is the signature of Dorothy Horwitz.

9 Q. Okay.

10 A. My stamp stands for my signature, my
11 identification. It's my number.

12 Q. Okay. But at some time did you later go back and
13 sign the document upon Orit's request?

14 A. I did.

15 MS. MORROW: Okay. I'll mark the five-page
16 addendum as **Exhibit 2**.

17 (**Exhibit 2** was marked for identification.)

18 THE WITNESS: And I did. She asked me for a
19 signature, and I told her I would provide the signature.

20 BY MS. MORROW:

21 Q. Okay. You had no doubt that when you signed the
22 document later, that was the same document that you had
23 signed on November 18th?

24 A. It was the same document. And the thing of the
25 matter is, okay, here is -- she proved to me on the basis

JOE LING, ESQ.
One World Trade Center
Suite 1660
Long Beach, California 90831-1660
Telephone (562) 436-9911
Fax (562) 436-1897

March 24, 2014

Via Certified Mail - Return Receipt Requested

Dennis J. Solomon
58 Mirah Dr.
Yarmouth Port, Ma 02675

Dennis J. Solomon
P.O. Box 289
Yarmouth Port, Ma 02675

Re: Death of Dorothy Horwitz

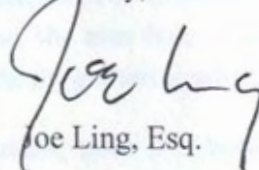
To whom it may concern:

This letter is to notify you of the death of Dorothy Horwitz and to advise that you have been named as a potential beneficiary of the Dorothy Horwitz Family Trust dated 03-06-12 ("the Trust"), and/or the Addendum to Distribution of Assets date 11-18-13. I, along with Margaret Morrow of Russell, Mirkovich & Morrow whose office information is the same as mine, represent the successor trustee, Hoover J. Louie, C.P.A., whose address and contact information is 847 Yale Street, Suite 306, Los Angeles, CA 90012, (213)625-2828.

You may not bring an action to contest the trust more than 120 days from the date this notification by the trustee is served upon you or 60 days from the date on which a copy of the term of the trust is mailed or personally delivered to you during the 120-day period, whichever is later.

I have enclosed herein copies of the Trust and the Addendum. Please refer this matter to your own legal counsel.

Sincerely,



Joe Ling, Esq.

CC: Hoover J. Louie, C.P.A.

EXHIBIT 3. JURAT UNSIGNED
RECIEVED ON OR ABOUT MARCH
18, 2014 FROM LING & MORROW

CALIFORNIA JURAT WITH AFFIANT STATEMENT

State of California

County of Los Angeles } ss.

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

Dorothy Horwitz

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

Subscribed and sworn to (or affirmed) before me on this

18 day of NOVEMBER, 2013 by

(1) DOROTHY HORWITZ
Name of Signer



- Personally known to me
- Proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (.)
(and
- (2) _____
Name of Signer

- Personally known to me
- Proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Addendum to DISTRIBUTION STATEMENT

Document Date: 11-18-13 Number of Pages: 2

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER #1
Top of thumb here

RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here



CALIFORNIA JURAT WITH AFFIANT STATEMENT

State of California

County of Los Angeles } ss.

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

Dorothy Horwitz
Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

Subscribed and sworn to (or affirmed) before me on this

18 day of NOVEMBER, 2013, by
Date Month Year

(1) DOROTHY HORWITZ
Name of Signer



- Personally known to me
- Proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (,)

(2) _____
Name of Signer

- Personally known to me
- Proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Doris Tucker Notary Public
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Addendum to Distribution Assets

Document Date: 11-18-13 Number of Pages: 5

Signer(s) Other Than Named Above: _____



5-18-16

Margaret Morrow
Russell, Mirkovich & Morrow
One World Trade Center, Suite 1660
Long Beach, CA 90831

Re: Dorothy Horwitz
Case Number: BP153887

Dear Ms. Morrow,

I have signed the Proof of Subscribing Witness form that you have sent me. I have changed some of the boxes that were checked on the form your office supplied me, because the boxes checked by your office did not state accurately the facts as I know them.

I have signed the "on-call" letter that you sent me. I request that, if the Court requires me to appear for live testimony, then you put me on an "on-call" list for trial. I work not far from the Court.

I have examined Attachment 1 of the Proof of Subscribing Witness form. My signature is on page 5 of Attachment 1.

I did NOT witness the decedent (Dorothy Horwitz) sign any pages of Attachment 1. When I signed page 5 of Attachment 1, there was no other signature on the page. I do NOT know if any of the signatures in Attachment 1, alleged to be the signatures of Dorothy Horwitz, are the signatures of Dorothy Horwitz. I do not know if the name of the decedent was signed by decedent personally on 11-18-13, or at any other time.

The decedent, Dorothy Horwitz, did NOT acknowledge in my presence, to my knowledge, that she personally signed any of the documents in Attachment 1.

The decedent, Dorothy Horwitz, did NOT acknowledge in my presence, to my knowledge, that the instrument in Attachment 1, or any other document, was an Addendum to Trust.

When I signed page 5 of Attachment 1, I did NOT understand that Attachment 1 was an Addendum to Trust.

I have no knowledge of any facts indicating that Attachment 1, or any part of it, was, or was not, procured by duress, menace, fraud, or undue influence.

On 11-18-13, I met Doris Tucker ("Tucker") in the parking lot of the facility, and showed her to the assisted living bedroom of Dorothy Horwitz ("Horwitz"). Tucker and Horwitz sat at a desk in the room,

with their backs to me. I sat in a corner of the room, away from the desk, by myself. I occupied myself by playing on my cell phone. I did not witness the activities of Horwitz or Tucker. I have no personal knowledge of what transpired between Tucker and Horwitz, while they sat together at the desk. I was merely in the room with Tucker and Horwitz and I do not know what was said, as I was occupying myself with my phone. My only involvement was to sign a document that was handed to me by Tucker, and I did not bother to read the document. I thought that I was simply acknowledging that I was in the room with the two women.

I did not examine the document. I signed the document, at the request of Tucker. Neither Tucker nor Horwitz explained to me what the document was or what significance, if any, may be attributed to my signature. There was no signature on page 5 of Attachment 1 at the time that I signed on page 5 of Attachment 1.

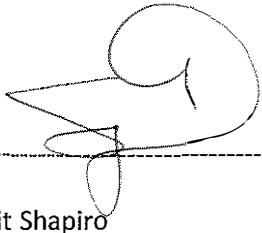
I initially texted Tucker, on 11-18-13, to come to see Horwitz. I did not text or call Tucker again regarding Horwitz. I have no knowledge of any alleged missing signatures of Tucker. I am unaware of Tucker returning to sign any documents regarding Horwitz, that may not have had the signature of Tucker.

I have read the transcript of the 6-3-15 deposition of Tucker. I disagree with a number of things in transcript. I have gone over those disagreements in this declaration.

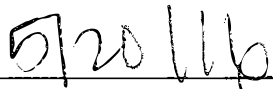
Although I suspect that I know what this case may be about, I really do not know, or have any idea, of what testimony the attorney wants from me. If the attorney still wants me to testify, I have signed the amended Proof of Subscribing Witness form, and have signed the "on-call" letter, and will be on call, working, not far from the Court. I request that I be kept up to date as to when I will appear for the Court.

The foregoing information is based on my personal knowledge. I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and belief.

Signed,



Orit Shapiro



Date

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):
 (562) 436-9911
 Margaret E. Morrow
 RUSSELL, MIRKOVICH & MORROW
 One World Trade Center
 Suite 1660
 Long Beach, CA 90831
 ATTORNEY FOR (Name): Hoover J. Louie

TELEPHONE AND FAX NOS.:
 (562) 436-1897

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
 STREET ADDRESS: 111 North Hill Street
 MAILING ADDRESS: 111 North Hill Street
 CITY AND ZIP CODE: Los Angeles, CA 90012-3014
 BRANCH NAME: Central Probate Division

ESTATE OF (Name): In Re THE DOROTHY HORWITZ FAMILY TRUST,
 DATED MARCH 6, 2012, AS AMENDED

DECEDENT

PROOF OF SUBSCRIBING WITNESS

FOR COURT USE ONLY

EXHIBIT 6 . Orit Shapiro denying being a Subscribing Witness re: Horwitz Addendum

CASE NUMBER:
 BP153887

1. I am one of the attesting witnesses to the instrument of which Attachment 1 is a photographic copy. I have examined Attachment 1 and my signature is on it.
- (OS) NO a. The name of the decedent was signed in the presence of the attesting witnesses present at the same time by—
 (1) the decedent personally. (OS)
 (2) another person in the decedent's presence and by the decedent's direction.
- (OS) NO b. The decedent acknowledged in the presence of the attesting witnesses present at the same time that the decedent's name—
 was signed by— (OS)
 (1) the decedent personally.
 (2) another person in the decedent's presence and by the decedent's direction.
- (OS) NO c. The decedent acknowledged in the presence of the attesting witnesses present at the same time that the instrument—
 signed was decedent's— (OS)
 (1) will.
 (2) codicil. Addendum to Trust (OS)

2. When I signed the instrument, ~~understood~~ ^{Did not understand (OS)} that it was decedent's will codicil. Addendum to Trust
^{OK was not, (OS)}
3. I have no knowledge of any facts indicating that the instrument, or any part of it, was procured by duress, menace, fraud, or undue influence.

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

Date: 5/20/16

Orit Shapiro
 (TYPE OR PRINT NAME)


 (SIGNATURE OF WITNESS)

Garden Crest Convalescent Hospital Inc.
 909 N. Lucile Ave., Los Angeles, CA 90026
 (ADDRESS)

ATTORNEY'S CERTIFICATION
 (Check local court rules for requirements for certifying copies of wills and codicils)

I am an active member of The State Bar of California. I declare under penalty of perjury under the laws of the State of California that Attachment 1 is a photographic copy of every page of the will codicil presented for probate.
 Addendum to Trust

Date: 4/14/2016

Margaret E. Morrow
 (TYPE OR PRINT NAME)


 (SIGNATURE OF ATTORNEY)

Form Approved by the
 Judicial Council of California
 DE-131 [Rev. January 1, 1998]
 Mandatory Use [1/1/2000]

PROOF OF SUBSCRIBING WITNESS
 (Probate)

Legal Solutions Co. Plus

Probate Code, § 8220

10/31/13
DOROTHY HORWITZ
#1 ADUMDUM

Upon my death the only ones to enter my condo and absolutely no one else are; The Aparicio's and Hoover Louie. Rose can take what she wants except for the wood and tile sculptures, which are to be shipped prepaid to Murray Solomon. All household goods to be given to the Salvation Army or Goodwill. Condo is to be sold as is, by Rose Aparicio's Realtor; Steven Tran, the proceeds are to be used to pay my executor Hoover Louie. The balance is to be distributed amongst charities. All monies used by me before my death, are to be deducted from charities. I have three safe deposit boxes, one is at Bank of America at Valley and Ivar in the city of Rosemead, and listed under Walter & Dorothy Horwitz. The 2nd is at Wells Fargo on Las Tunas drive in Temple City and is listed under Dorothy Horwitz. The 3rd is at Chase Bank on Las Tunas Drive in Temple City CA, and is listed under Dorothy Horwitz. The safe deposit keys are at my home in the bedroom nightstand under a poster of Boston. Sell all jewelry and add to charities.

jewelry to be sold and proceeds to go to St Jude Childrens charity

SIGNED Dorothy Horwitz DATE 11-18-13

WITNESS [Signature] DATE 11-18-13



1 **SUMMARY OF CALIFORNIA LAW, REGULATIONS AND RULES**

2 **California Penal Code §127.** *“Every person who willfully procures another person to commit perjury*
3 *is guilty of subornation of perjury, and is punishable in the same manner as he would be if personally*
4 *guilty of the perjury so procured.”*

5 **California Penal Code §653f(a)** states: *“Every person who, with the intent that the crime be*
6 *committed, solicits another to offer, accept, or join in the offer or acceptance of a bribe, or to*
7 *commit or join in the commission of . . . grand theft, receiving stolen property, extortion, perjury,*
8 *subornation of perjury, forgery . . . shall be punished”*

9 **California Evidence Code 1402.** *“The party producing a writing as genuine which has been altered,*
10 *or appears to have been altered, after its execution, in a part material to the question in dispute,*
11 *must account for the alteration or appearance thereof. He may show that the alteration was made*
12 *by another, without his concurrence, or was made with the consent of the parties affected by it, or*
13 *otherwise properly or innocently made, or that the alteration did not change the meaning or*
14 *language of the instrument. If he does that, he may give the writing in evidence, but not otherwise.*

15 **CALIFORNIA PROBATE CODE**

16 **California Probate Code §16000** states: *“On acceptance of the trust, the trustee has a duty to*
17 *administer the trust according to the trust instrument and, except to the extent the trust*
18 *instrument provides otherwise, according to this division.”*

19 **California Probate Code §16002** states: *“(a) The trustee has a duty to administer the trust solely in*
20 *the interest of the beneficiaries.”*

21 **California Probate Code §16003** states: *“If a trust has two or more beneficiaries, the trustee has a*
22 *duty to deal impartially with them and shall act impartially in investing and managing the trust*
23 *property, taking into account any differing interests of the beneficiaries.”*

24 **California Probate Code §16005** states: *“The trustee of one trust has a duty not to knowingly*
25 *become a trustee of another trust adverse in its nature to the interest of the beneficiary of the first*
26 *trust, and a duty to eliminate the conflict or resign as trustee when the conflict is discovered.”*

27 **California Probate Code §16005** states: *“The trustee has a duty to take reasonable steps under the*
28 *circumstances to take and keep control of and to preserve the trust property.”*

California Probate Code §16010 states: *“The trustee has a duty to take reasonable steps to enforce*
claims that are part of the trust property.”

California Probate Code §16014 states: *“(a) The trustee has a duty to apply the full extent of the*
trustee's skills. (b) If the settlor, in selecting the trustee, has relied on the trustee's representation
of having special skills, the trustee is held to the standard of the skills represented.”

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CALIFORNIA NOTARY LAW

CA GOV CODE § 8225. Improper notarial acts, solicitation, coercion or influence of performance; misdemeanor

(a) Any person who solicits, coerces, or in any manner influences a notary public to perform an improper notarial act knowing that act to be an improper notarial act, including any act required of a notary public under Section 8206, shall be guilty of a misdemeanor.

CA GOV CODE § 8205 (a) - “It is the duty of a notary public, when requested: (3) To take depositions and affidavits, and administer oaths and affirmations, in all matters . . . or to be used before any court, judge, officer, or board. Any deposition, affidavit, oath, or affirmation shall be signed by the notary public in the notary public's own handwriting.”

CA CIVIL CODE 1189(a)(1) -“The certificate of acknowledgment must be filled completely out at the time the notary public’s signature and seal are affixed. The certificate of acknowledgment is executed under penalty of perjury”

CA SEC OF STATE: NOTARY NEWS, Page 2 - “Improper Notary Acts -A notary public may not stamp a document with the official seal then sign, or sign and date the document without completing or attaching a notarial certificate. A notary public may not stamp with the official seal any pages other than the page with a completed notarial certificate.”

CA SEC OF STATE: NOTARY NEWS, Page 2 - “Correcting a Notarial Act. There are no provisions in the law that allow for the correction of a completed notarial act. If you discover an error in a notarial act after completing the act, then notarize the signature on the document again.”

CALIFORNIA CODE ON CONTRACTS (TRUSTS):

§1654. “In cases of uncertainty not removed by the preceding rules, the language of a contract should be interpreted most strongly against the party who caused the uncertainty to exist.”

“We conclude, accordingly, that the trial court here did not err in instructing the jury on Civil Code section 1654’s general rule of contract interpretation.” (City of Hope National Medical Center v. Genentech, Inc. (2008) 43 Cal.4th 375, 398 [75 Cal.Rptr.3d 333, 181 P.3d 142].)

RELEVANT PARAGRAPHS OF THE DOROTHY HORWITZ FAMILY TRUST
DRAFTED AND DULY EXECUTED ON MARCH 6, 2012 BY ESTATE COUNSEL

1
2
3 1.2. Name of Trust. The name of the trust created by this instrument shall be the
4 Dorothy Horwitz Family Trust.

5 1.5. No Living or Deceased Children. The settlor has no living or deceased children.

6 3.1. Power of Revocation and Amendment. This trust may be amended, revoked, or terminated by
7 the settlor, in whole or in part, at anytime during her lifetime. After the settlor's death, this trust
8 shall be irrevocable and not subject to amendment.

9 3.2. Method of Revocation or Amendment. Any amendment, revocation, or termination of this trust
10 shall be made by written instrument signed by the settlor and delivered to the trustee. . . . The
11 written instrument for revocation or termination must specify that a revocation or termination of
12 trust is intended.

13 3.5. Exercise of Rights and powers of Settlor by Others. Any right or power that the Settlor could
14 exercise personally under the terms of this instrument, except the power to amend, revoke, or
15 terminate this trust, . . . The power to amend, revoke, or terminate this trust is personal to the
16 settlor and may not be exercised by any other person or entity.

17 5.3. Disposition of Remaining Trust Estate. On the settlor's death, the remaining trust
18 estate shall be disposed of as follows:

19 (a) The trustee shall distribute the remaining trust property (including all income then accrued but
20 uncollected and all income then remaining in the hands of the trustee) to Dennis J. Solomon,
21 Murray Solomon, the settlor's nephews. Nicolas Adrian Sanchez, the settlor's friend, and charitable
22 organizations as shown in Schedule B.

23 (b) If the remaining trust estate is not completely disposed of by the preceding provision, the
24 undisposed-of portion shall be distributed outright to the settlor's heirs.
25
26
27
28

1 Dennis J Solomon, pro per
2 75 North Main Street #552
3 Randolph, MA 02368
4 Phone 508-394-9221
5 Fax: 617-890-1947
6 horwitzdw@gmail.com

7 SUPERIOR COURT OF CALIFORNIA
8 COUNTY OF LOS ANGELES, CENTRAL PROBATE DIVISION

9 In Re) Case No.: BP153887
10)
11) [PROBATE]
12)
13) THE DOROTHY HORWITZ FAMILY
14) TRUST, DATED MARCH 6, 2012)
15) Honorable: Judge Maria E. Stratton
16) Department: 5
17) Action Filed: July 17, 2014
18)
19) Trial Hearing Dates: June 14-17, 2016
20) Time: 1:30 AM
21)
22) **PETITIONER PRO PER SOLOMON'S**
23) **OBJECTION TO JUDGE MARIA**
24) **STRATTON UNDER CCP §170.**
25)
26)
27)
28)

17 This Petitioner pro per, Dennis Solomon respectfully requests that this honorable judge, Ms. Maria
18 Stratton, review the record and exhibits submitted, and thereafter determine if she should
19 disqualify herself under CCP §170.(a)(6)(A)(i, ii, and iii). Specifically, whether her years as a public
20 defender placed her in association with the extensive cartel run by aides to Michael Deaver, chief of
21 staff in the Reagan White House, Michael McManus and Patrick Malloy, whose names were
22 introduced by the Respondent counsel Margaret Morrow. Mr. Malloy and McManus are well-
23 known for Peshawar-Long Beach contraband shipping of arms and drugs, as well as the shift of Cali
24 cocaine from Long Island to Long Beach. Mr. McManus, an attorney, represented FIDCO in Santa
25 Monica, CA., in various actions, and continues his activities in Southern California. Attorney Barbara
26 Salken and other members of both Legal Aid and public defenders left their 'organization' after
27 recognizing the illegal mix of sanctioned and unlawful activities.
28

1 At the present time, this Petitioner believes that Judge Stratton is prejudiced against him, so that he
2 believes that he cannot have a fair and impartial trial.

3
4 **REASONS FOR BELIEF OF BIAS**

5
6 **I. DENIAL OF DISCOVERY MOTIONS**

7 On three occasions, this Petitioner has raised the issue of discovery, including a
8 Motion to Compel and a Motion to Reopen. Both have been denied. In both, the
9 discovery requested was limited and essential.

10 1. Essential to the Issue of 'Undue Influence':

- 11 a. The personal address books of Dorothy and Walter Horwitz – which would enable
12 communication with friends and family regarding the disputed issue of Dorothy's
13 Jewishness and the natural objects of her bounty.
- 14 b. Personal Papers – which would evidence the natural objects of her bounty
15 regarding the unsigned, forged 'charity page' of the addendum; and exemplars of
16 writing and printing for the forensic analysis.
- 17 c. Financial Records – which would evidence the natural objects of her bounty
18 regarding the unsigned, forged 'charity page' of the addendum; and exemplars of
19 writing and printing for the forensic analysis.
- 20 d. Computer – which would enable communication with friends and family
21 regarding the disputed issue of Dorothy's Jewishness and the natural objects of
22 her bounty.
- 23 e. Photo Albums and Pictures - which would enable communication with friends and
24 family regarding the disputed issue of Dorothy's Jewishness and the natural
25 objects of her bounty.

26 2. Essential to the Issue of the Forgery of the Addendum and Other Documents.

- 27 a. All of the above 1(a-d) and;
28 b. Computer and Printer together for the purpose of printing out exemplars for
comparison to the Addendum

- 1 3. Essential to the Issue of Grand Theft from the Estate
- 2 a. All of the above 1(a-d)
- 3 4. Essential to the Rebutting Respondent’s Expert Forensic Document Witness
- 4 a. All of the above 1(a-d)
- 5 b. 2(b)

6
7 Under the terms of the Dorothy Horwitz Family Trust, and by custom at times previous this
8 Petitioner would have had full and unfettered access to all of the above, and the Horwitz home.
9 Both Respondent attorney Morrow and friend Rose Aparicio stated that “Dorothy was looking
10 forward to your (this Petitioner’s) visit. There are no grounds for denying the Petitioner the
11 aforementioned discovery.

12 **II. SANCTIONING THE APPEARANCE OF THE TRUSTEE AS SOLE OBJECTOR**

- 13 1. **Breaching Impartiality** - The primacy of California Probate Code §16003 Impartiality, is
14 restated in nearly every Appellate and Supreme Court decision. In every relevant
15 decision, the trustee is not permitted to represent one group of beneficiaries against
16 another. This case is a garden-variety dispute between the duly-executed and legally
17 established beneficiaries of the 2012 Dorothy Horwitz Family Trust and a group of ‘new
18 beneficiaries’ claiming 98% of the Trust on the basis of a crude deathbed ‘adumdum’
19 which the notary refused to sign and does not refer to the Dorothy Horwitz Family Trust.
20 All of the ‘new beneficiaries’ are competent adults fully capable of self-representation.
21 There are no unique circumstances which would warrant sanctioning the trustee’s
22 appearance. (Estate of Goulet (1995)).

23 This Court has exemplary powers and responsibilities to insure the administration
24 of Trusts under its jurisdiction. In the present case, this Court has the authority under
25 CPC § 15642(a) ‘by the Court on its own motion’ to remove a trustee or under CPC §
26 17206, to “make any orders and take other action necessary”.

27 It has been a great injustice to this Petitioner and the other named beneficiaries
28 of the Dorothy Horwitz Family Trust to have to litigate against the Trustee who controls
all access to the evidence and finances in the Estate. These circumstances provide every

1 reason for the Trustee to continue to administer the Estate and collect his fees.


- 2 2. **Wasting of Assets of the Estate** – By sanctioning the Trustee and his counsel to be the
3 sole objector funding the opposition to the Petition to Invalidate, this Court enables the
4 Trustee to continually breach the duties imposed in CPC § 16002, § 16005, § 16007 to
5 make the Trust productive.
- 6 3. **Unfair Advantage** – By failing to remove the Trustee, the Petitioner and other Family
7 Trust beneficiaries are at a great disadvantage which will be difficult to remedy if the
8 ‘Adumdum’ is found to be invalid. First, the ‘adumdum’ beneficiaries have a virtual bank to
9 fund their opposition, and second, they escape personal liability. Meanwhile the
10 Petitioner must bear the costs himself. Second, if the ‘adumdum’ is invalid, recovery of
11 Trust funds expended may be costly and time-consuming in itself.

12 The failure of this Court to protect the Trust under its administration and act impartially with
13 regard to the two sets of beneficiaries, while rewarding the opposing Trustee and its counsel,
14 appears as prejudicial and biased. Taken together with the Court’s refusal to compel the most basic
15 of discovery, the circumstances appear as a ‘stacked deck’.

16 This Petitioner pro per retained purportedly competent counsel to initiate this action who
17 advised that it was the simplest of matters, and expected that the ‘adumdum’ would be invalidated
18 at the first hearing. While only the intelligence community knows precisely what happened, it is
19 clear that California Law should be more explicit and require action when the issue first arises.

20 For the aforementioned reasons, this Petitioner requests this honorable Court to take such
21 action as it deems just and proper.

22
23 Respectfully submitted on June 3, 2016.

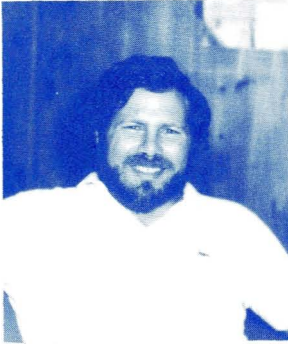
24 

25 DENNIS SOLOMON, Petitioner, pro per
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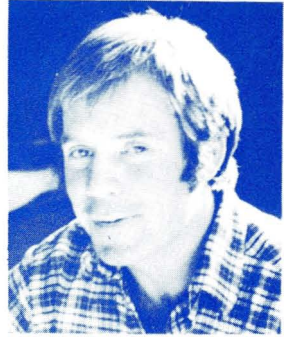
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EXHIBITS

- 1. America’s Cup – San Diego – Dennis Solomon – Dennis Conner (3 pages)**
- 2. Barbara Salken Letter to DJS Counsel – McManus – Stockholder Fraud**
- 3. McManus Representing FIDCO – Rebuilding Lebanon – ALSAC/Boston**
- 4. McManus Nichols LA Times – International Terror – ALSAC/Boston**
- 5. Aafia Siddiqui – International Terror – McManus/Yonkers/ALSAC/Boston**



Dennis J Solomon



CB Vaughan Jr

Dear Customer:

With this catalog we are pleased to present the new CB Sports Marine Product Line. Designed to meet the most demanding extremes of wind and weather, the products continue the CB Sports tradition of excellence in both design and construction established in downhill ski apparel.

Having received favorable reviews from the Laser sailors, architects, marine press, and the crews of the America's Cup contenders, we look forward to an exciting year of design and marketing leadership

Coordinating this program is Dennis J. Solomon, formally Director of R & D for Eastern Mountain Sports and the founder and principal designer of Atlantis.

Over the years we look forward to providing a wide range of marine products spanning the needs of all mariners, afloat and ashore. We look forward to working with each of you in the year ahead.

CB SPORTS MARINE PRODUCTS

A handwritten signature in blue ink that reads "CB Vaughan Jr".

CB Vaughan Jr
President

D. Conner L
 Steve Van Dyck L
 H. Herreshoff C
 J. Marshall L
 T. Whidden L
 T. W... m

F. Jewett L
 E du Morlin L
 J.P. Moran M
 R Cheese XL
 B Rogers m
 T ... "

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 US 27

Enterprise



12
 US 30

Freedom

September 19, 1980

Mr. Dennis Solomon

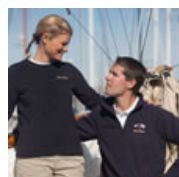
Dear Mr. Solomon:

Enclosed is the sample CB tan and blue jacket which you left with us for sizing by the crew.

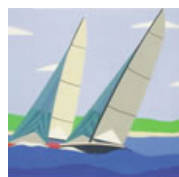
The jackets are a big hit; the crew was especially looking forward to the hip-covered length' *us*

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 US 27

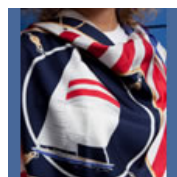
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 US 30



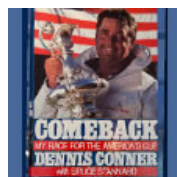
Apparel



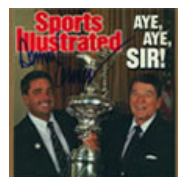
Art/Collectibles



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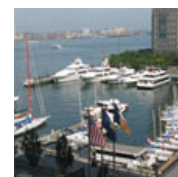
Books



Appearances



Charters



North Cove

[Home](#)
[Bio](#)
[Galleries](#)
[Store](#)

Biography

DENNIS CONNER, an American Yachtsman

From the day of Dennis's birth in San Diego California on September 16, 1942, his whole life has revolved around the water. He was born just one block from the San Diego yacht club and his father, a fisherman, was based just two blocks away. He began sailing at a very young age. He was a likable youngster, which gained him the fortune of being mentored by many of the local yachting heroes. He sailed in his free time and attended public schools. Dennis went on to study at San Diego State University.

Dennis is best known for his participation in the America's Cup. He competed in 1974, 1977, 1980, 1983, 1987, 1988, 1992, 1995, 2000 and 2003. He has won the cup four times and lost it twice. Because of his 30 years of America's Cup experience he is known to many as 'Mr. America's Cup'. He is the only person to be pictured on the cover of Sports Illustrated with the President of The United States, Ronald Regan (February 1987 issue). Conner was also pictured on the cover of Time Magazine (Feb. 9, 1987).

While he has achieved great feats with the America's Cup, Dennis is also regarded as one of the best all-around sailors on the water. He has filled every position from bowman to helmsman and has competed in all sizes of boats, from the smallest one man dinghies, through two man Olympic classes to the largest ocean racing Maxi-Yachts.

Below is a list of Dennis's most notable sailing accomplishments:

- Four time winner, America's Cup; 1974, 1980, 1987, 1988
- 28 World Championships
- Olympic Bronze Medal winner, 1976
- 4 Southern Ocean Racing Cups
- 2 Congressional Cups
- Maxi-Yacht racing, including "Condor"
- Captain, two Whitbread Round-the-World races (now the Volvo Ocean Race).
- 1987 ABC Wide World of Sports Athlete of the Year
- Seven time winner, San Diego Yachtsman of the Year
- Three time winner, U.S. Yachtsman of the Year; 1975, 1980, 1986
- Inductee, America's Cup Hall of Fame
- Inductee, U.S. Sailing Hall of Fame



Horwitz

DEC 01 1978



THE LEGAL AID SOCIETY

Criminal Defense Division

15 Park Row
New York, N. Y. 10038
(212) 577-3355

LEON B. POLSKY Attorney-in-Charge
Assistant Attorneys-in-Charge

CAESAR CIRIGLIANO
Operations

GERARD G. BETZ
Administration

HAROLD H. HEALY, JR.
Chairman of the Board

ALEXANDER D. FORGER
President

ARCHIBALD R. MURRAY
Executive Director
& Attorney-in-Chief

November 29, 1978

Cheney & Brock
P.O. Box 725
114 Main Street
Montpelier, Vermont 05602

for your info

Dear Mr. Cheney:

As I told you when we spoke on the telephone my memory of the events leading up to and surrounding Patrick's purchase of Atlantis are very fuzzy. However, I will try to answer your questions to the best of my ability.

As to the first question - it seems to me that Patrick felt the company was being run in an unbusinesslike manner. He felt that a great deal of his money had already been invested. It appeared that the company was on the brink of collapse and his investment was in serious jeopardy. I am pretty certain that he did not have a particular plan in mind before January 19th. I think that if he had already decided to try and buy the company I would have known about it.

Question 2(a). No there was never, to the best of my recollection, any discussion of purchasing Dennis' or anyone else's stock. Question 2(b). No. Question 2(c). No. Question 2(d). No. **My** impression was that gaining control was not part of any plan. I felt he wanted to guarantee a more professional or businesslike practice. I think he felt the young men had a marketable idea but had no idea how to make it work.

Pat didn't really ask me to help him incorporate Atlantis Weathergear. One night after we came home from Vermont he was in his study with Mike McManus and I was downstairs. He called me up and asked me to sign the papers.

Continued/

Mr. Cheney

-2-

November 29, 1978

I think it had something to do with needing another signature. I'm sure they explained it to me at the time but I couldn't, in all honesty, tell you what was said. The only other thing I can remember doing is making a phone call for Mike and going to some office to pick up a package. I believe that the package I picked up was the incorporation papers but I'm not positive about that.

I have tried to remember as much as I am able. It was all so long ago and was of so little concern to me at the time that I'm afraid I'm not of much help. In all the years I've known Patrick I've never known him to do anything that was the least bit underhanded. His standards for fairness and honesty have always been unusually high. I can't help but wonder if your clients are not a little misguided.

I remain available if I can be of further assistance.

Sincerely yours,



Barbara Salken

/lw

« up

670 F.2d 304

1985 A.M.C. 300, 216 U.S.App.D.C. 146

SHIP'S OVERSEAS SERVICE, INC., Petitioner,
 v.
 FEDERAL MARITIME COMMISSION and United States of
 America,
 Michael A. McManus, Jr., Intervenor.

No. 80-2421. (docket number)

**United States Court of Appeals,
 District of Columbia Circuit.**

*Argued Oct. 28, 1981.
 Decided Dec. 24, 1981.*

Frederick L. Shreves, II, Washington, D. C., with whom Edwin Longcope, Washington, D. C., and Allan J. Berdon, New York City, were on the brief, for petitioner.

1 James P. O'Sullivan, Atty., Federal Maritime Commission, Washington, D. C., with whom C. Jonathan Benner, Gen. Counsel and Edward G. Gruis, Deputy Gen. Counsel, Federal Maritime Commission, Washington, D. C., were on the brief, for respondent, Federal Maritime Commission. Carol J. Neustadt, Atty., Federal Maritime Commission, Washington, D. C., also entered an appearance for respondent, Federal Maritime Commission.

2 Robert B. Nicholson and Robert J. Wiggers, Attys., Dept. of Justice, Washington, D. C., entered appearances for respondent, United States of America.

3 Michael A. McManus, Jr., entered an appearance for intervenor, pro se.

4 Before MacKINNON and GINSBURG, Circuit Judges, and PHILIP NICHOLS, Jr.,* Judge, United States Court of Claims.

5 Opinion for the Court filed by Circuit Judge GINSBURG.

GINSBURG, Circuit Judge:

6 This case presents the question whether the Federal Maritime Commission (FMC) correctly determined, on the basis of conduct demonstrated to have occurred on a single occasion, that petitioner Ship's Overseas Services, Inc. (SOS) operated as a "common carrier by water in foreign commerce" within the meaning of section 1 of the Shipping Act of 1916, 46 U.S.C. § 801,¹ and was therefore subject to the tariff-filing requirements of section 18(b) of that Act, 46 U.S.C. § 817(b).² Two FMC orders are before us for review. The first, entered March 23, 1979, held SOS answerable, as a common carrier by water, to the complaint of a shipper, First International Development Corporation (FIDCO),³ for failure to file a tariff covering the amount SOS collected from FIDCO. *First International Development Corp. v. Ship's Overseas Services, Inc.*, 21 F.M.C. 899 (1979). The second, entered July 17, 1980, awarded reparation to FIDCO. Joint Appendix (J.A.) 181-96.

← Back to Original Article

Trial Offers Murky Peek Into World of Intrigue : Testimony: Presenting himself as a CIA operative, a mystery man sues the LAPD for alleged false arrest that he says cost him his gun permit and millions of dollars.

March 21, 1993 | HENRY WEINSTEIN and PAUL FELDMAN | TIMES STAFF WRITERS

A tale of international intrigue is unfolding in a tiny Burbank courtroom where a San Fernando Valley man is seeking damages from the Los Angeles Police Department for allegedly ruining a multimillion-dollar deal to sell a high-tech, hand-held machine gun to foreign governments.

While most police abuse cases center on beatings or bullets, the Burbank trial focuses on the credibility of Robert Booth Nichols, a mysterious figure whose name first surfaced in a late 1980s FBI investigation of alleged mob penetration into the entertainment industry.

Again, last year, his name surfaced in a House Judiciary Committee report on possible malfeasance in the Justice Department during the Reagan era. The report also linked Nichols to an aborted business venture at the Cabazon Indian Reservation in Indio which, he said on the witness stand, dealt with the manufacture of machine guns to sell to the Nicaraguan Contras.

By taking the city to court for false arrest, Nichols, 50, could earn a multimillion-dollar damage award. But the lawsuit, stemming from a 1986 incident at The Palomino nightclub in North Hollywood, has also served to draw Nichols out of the shadows and onto the witness stand under oath for the first time.

Nichols says the Police Department caused him to lose his concealed weapon permit, which in turn cost him financing to manufacture the machine gun.

Nichols, who served as a technical adviser on anti-terrorism and had a bit part in the recent Hollywood blockbuster "Under Siege," is a mustachioed 6-foot, 3-inch man who is often described as a Clark Gable look-alike. Beyond that, opinions about him sharply diverge.

During four days of frequently heated testimony last week, Nichols presented himself as a dashing, globe-trotting businessman and intelligence operative. Armed with letters on White House stationery and snapshots of himself posing with foreign political and military dignitaries, Nichols told jurors that he toiled quietly and selflessly for nearly two decades on behalf of shadowy CIA keepers in more than 30 nations from Central America to Southeast Asia.

However, a far different portrait of Nichols was painted by Assistant City Atty. Robert Seeman, who is fighting to save the city from a major payout for damages.

Seeking to portray Nichols as a phony, Seeman got Nichols to admit on the stand that he is not certain that the people who paid him for his "intelligence work" were employed by the Central Intelligence Agency. Seeman also sought to discredit Nichols' stature as an entrepreneur by drawing out testimony that Nichols has never sold a gun nor made a penny of profit from his firms' business ventures.

A CIA spokesman, in a telephone interview, would not comment on whether Nichols was employed or affiliated with the agency.

Nichols came under suspicion by the Federal Bureau of Investigation of international money laundering in 1978, according to a 1987 federal court wiretapping affidavit. The affidavit, prepared by FBI Agent Thomas G. Gates, states that "FBI investigative files further reveal that Nichols may have been associated with the Gambino LCN (organized crime) family in New York City."

Nichols has never been indicted and has sued Gates for defamation. But his lawsuit has been dismissed twice in federal court.

More recently, Nichols became the subject of public scrutiny in the wake of the mysterious August, 1991, death of Washington investigative reporter Danny Casolaro.

A House Judiciary Committee report released in September said Nichols had frequent contact with Casolaro just before the journalist, who was probing a web of conspiracies ranging from the Iran-Contra affair to alleged Justice Department skulduggery, was found with his wrists slashed in a West Virginia motel room.

The report, titled "The INSLAW Affair," said the Justice Department had failed to adequately investigate charges that high-level officials had stolen and misused a private firm's sophisticated computer software designed to help track criminals. The report also called for further investigation into Casolaro's death, which was declared a suicide by West Virginia officials.

Nichols acknowledged to committee investigators that he had spoken to Casolaro often and served as a sounding board for him, but would not provide a sworn statement to the House committee.

There has been no discussion about the INSLAW case or Casolaro in the Burbank courtroom. But in four days of testimony, Nichols has provided a colorful, complex and often conflicting portrait of his past.

The trial, which enters its second week of testimony Monday, stems from a 1986 incident in which Nichols, armed with a concealed pistol, was taken into custody by Los Angeles police at The Palomino.

Nichols said he and his brother-in-law, James Hopko, had stopped by the club after a business meeting on the production of machine guns. While seated at the

8/13/2014 Trial Offers Murky Peek Into World of Intrigue : Testimony: Presenting himself as a CIA operative, a mystery man sues the LAPD for alleged false arrest th... bar and later at a table, Nichols said he drank two bottles of beer and caused no trouble before LAPD officers, responding to a complaint of a disturbance, burst into the crowded room.

Without warning, Nichols testified, he was flung to the ground and two revolvers were pointed at his head. Nichols, who was carrying a concealed weapons permit from the Santa Clara County Sheriff's Department, was disarmed, handcuffed and transported to the North Hollywood LAPD station.

While in the police squad car, Nichols said he asked Officers Keith Wong and Israel Medina to loosen his handcuffs. In response, "they said they'd blow my f--- head off," Nichols testified. The officers also threatened to shoot him, he told jurors, when he insisted that his weapons permit was valid.

Nichols, who has lived in Arleta and Sherman Oaks in recent years, was released from custody after several hours and never charged. His concealed weapons permit was revoked by Santa Clara officials after they received a report of the incident from the Police Department.

Nichols' suit charges that the loss of the permit led to a withdrawal of Swiss financing for his firm, Meridian Arms Corp., to manufacture a new machine gun in South Korea.

According to Nichols' court papers, the low-cost lightweight weapon, known as the G-77, was developed in 1977 in a Covina machine shop and was designed for use by U.S. allies "as an economical method of responding to Soviet efforts at arming their various insurgent clients."

Nichols told jurors he demonstrated the G-77 first in Manila in 1977, and again in the early 1980s at the Cabazon Indian Reservation. There, he said, leaders of the tiny Indian band, in a joint venture with Wackenhut Corp., proposed manufacturing the weapon for shipment to Nicaragua to arm the Contras.

However, the proposed business deal, which was briefly referred to in the INSLAW report, fell through because State Department written approvals for exporting the weapon could not be obtained, Nichols said.

To buttress his client's credibility as a businessman, Nichols' lawyer introduced in court a flood of paper indicating that he had worked on numerous ventures with prominent individuals. They included Robert A. Maheu, Howard Hughes' former right-hand man; Michael A. McManus, an aide to President Ronald Reagan; Clint W. Murchison, then the owner of the Dallas Cowboys, and George K. Pender, an executive with a worldwide engineering company.

Nichols testified about discussions he had with a White House aide on the rebuilding of Lebanon while he was affiliated with Meridian's predecessor firm, Santa Monica-based First Intercontinental Development Corp. That firm supposedly specialized in secret foreign construction projects for the U.S. government.

On cross-examination, however, Nichols admitted that his firm never completed a deal to sell a single G-77 or other products.

While Nichols' suit against the police was wending its way toward the courtroom of Superior Court Judge Thomas C. Murphy, the FBI bumped into Nichols during an aborted investigation into alleged mob infiltration of Hollywood.

Gates' wiretapping affidavit states that during a July 15, 1987, stakeout on the Sunset Strip, agents saw Eugene Giaquinto, then president of MCA Inc.'s Home Video Division, who was under investigation, hand a box to an unidentified man--later identified as Nichols.

Appended to Gates' affidavit was an Oct. 8, 1987, document stating that the FBI was investigating whether Giaquinto, Nichols and others were "buying and/or selling stocks by the use of manipulative or deceptive practices."

In 1988, after reports of the FBI's Hollywood investigation surfaced, Giaquinto resigned from the board of the Nichols-controlled Meridian International Logistics Inc. MCA subsequently placed Giaquinto on leave of absence and he later left the company.

Giaquinto was never charged with a crime.

Giaquinto introduced Nichols to Jack Valenti, president of the Motion Picture Assn. of America, and suggested that Nichols could help the industry in its effort to combat piracy abroad.

In a telephone interview from Washington last week, Valenti said that he met with Giaquinto and Nichols for about 20 minutes in his room at the Beverly Hills Hotel. "Nichols said he was part of the CIA, that he had done all this work in Asia," Valenti said.

But Valenti did not hire him.

"My instinct was I didn't feel comfortable about some of the things he was saying," Valenti said. "When a fellow tells you a lot of things are top secret . . . well I know a lot about the CIA from my time in the White House" as a special assistant to President Lyndon B. Johnson.

In June, 1989, Nichols went on the offensive against the FBI.

On behalf of his company, Meridian International, he filed an \$11-million damage suit alleging that Gates libeled the company and illegally interfered with potential business ventures. The suit alleges that Gates made slanderous statements to Australian law enforcement accusing Meridian and its officers of involvement with organized crime and a stock swindle.

U.S. District Judge Richard Gadbois in Los Angeles dismissed the case twice. Nichols is appealing the ruling.

In the current case, the most intriguing testimony last week concerned Nichols' claims of taking part in intelligence gathering.

Nichols cited a plethora of details about decade-old meetings with leaders of Third World nations and aides to Reagan. But time and again, he swore he had no

8/13/2014 Trial Offers Murky Peek Into World of Intrigue : Testimony: Presenting himself as a CIA operative, a mystery man sues the LAPD for alleged false arrest th...
recollection of how much he was paid for his intelligence or the names of those he worked for.

Nichols also testified that he had no visible income for more than 15 years except for the living expenses he claimed he was receiving from his unnamed CIA keepers.

The Los Angeles native, who has used the aliases Robert Summers and Robert Chabray, said he was first approached by a CIA officer while living in Hawaii in the late 1960s. Nichols testified that he could recall only the man's first name--Ken--and that Ken told him that instead of joining the U.S. military, he could serve his country in other ways.

Nichols said his first assignment was to "to associate with a foreign female in Honolulu" for two days. Ken then instructed him to take a job with a Hawaiian security firm and later to move to Glendale to operate a construction company. Nichols testified that he was paid no money by either firm, living instead on funds provided by Ken.

Nichols said that he "participated in gathering information" for Ken and his associates until 1986 in nations including Nigeria, Saudi Arabia, Thailand, India, Japan, Mexico, Costa Rica, Haiti, Norway and France.

The work, Nichols claimed, was dangerous. He said in 1972 he was stabbed in the left hand in Australia. In a mission to remote regions of Cameroon, Nichols said he was shot in the left leg after gathering intelligence on sawmills.

Seeman repeatedly objected to Nichols' vague answers concerning his employers and payments. Seeman asked: "Are you sure the CIA was paying you all these years?"

Nichols replied: "I'm not sure, no."

As in the courtroom, widely contrasting views about Nichols persist elsewhere.

INSLAW owner William Hamilton said that he had dozens of conversations with Nichols and considered him "extremely knowledgeable" on intelligence matters.

"I have not found that he overstates things to you," Hamilton said.

The first time he spoke to Nichols in May, 1990, Hamilton said, Nichols discussed the FBI allegations of his ties to the Gambino family and denied them. "His suggestion was that (government) agents were out to get him because he had stopped working for them," he said.

Soon after, Hamilton said, he introduced Casolaro to Nichols. Hamilton said that Casolaro learned during his reporting that "Nichols had contact with intelligence agencies in 80 countries."

But Maheu, a former FBI agent who also worked with the CIA, presented a very different view.

Maheu said he first met Nichols while he was serving on the board of First Intercontinental Development Corp. "He told me he had access to funds, presumably limitless, and he was going to make it available to me to take back my position . . . in the Hughes empire.

"But after one session with him (Nichols), it was obvious to me he had no knowledge at all of the Hughes world," Maheu said. "My reaction is he is a 14-carat phony."



WAHHABI ANGEL OF DEATH AAFIA SIDDIQUI

Written By Alexander Athos

Published In Intelligence 5/15/2015

<http://moderndiplomacy.eu>

In 2008, Siddiqui (mother of 3) was arrested in Afghanistan with numerous bombmaking documents, specifically for chemical and biological weapons, for a "mass casualty attack" against potential targets like the Statue of Liberty and Brooklyn Bridge.

Her second husband is a nephew of 9/11 mastermind Khalid Sheik Mohammed. Siddiqui was not tried for terrorism but for grabbing a gun and opening fire on FBI agents during interrogation. (while shouting the Wahhabi war chant 'Allahu Akbar')." In 2010 she was found guilty by a New York court and sentenced to 86 years in Fort Worth prison.

Originally sent to the US in 1990 to study by her father an eminent neurosurgeon in Pakistan, Aafia graduated from MIT and obtained her PHD from Brandeis.

By the time she got her PHD she was thoroughly radicalized by the Wahhabi ideology and refused (as the Wahhabi literature sponsored by KSA stated) to shake Biology professor John Lisman's hand when awarded her doctorate in biology because he was an infidel and wore only in a conservative black abaya.

Aafia, like at least 10 suspected or convicted terrorists, including the Boston Marathon Bombers, the Tsarnaev's, 'prayed' at infamous Cambridge Mosque run by the Islamic Society of Boston. (1) She spent weekends with her Wahhabi Salafi 'brothers' from the Cambridge Mosque either RA shooting course at Braintree Rifle & Pistol Club or other 'religious' activities with her 'Brothers' such as at terror training camps in New Hampshire. (2) The mosque was founded in 1981 by Abdulrahman Alamoudi, who is serving 23 years after pleading guilty in 2004 to activities with "nations and organizations that have ties to terrorism."

Aafia was also associated with the Al Kifah Refugee Centre (a Brooklyn based front for Wahhabi cleric Blind Sheik Omar AbdelRahman who orchestrated the Luxor massacre (3) and the 1993 World Trade Centre Bombings (4) and which changed its name to Care International and moved its offices from Brooklyn to the Cambridge mosque after the 1993 WTC bombings.

Interestingly another Wahhabi Salafi terrorist Ali Mohamed (Fort Bragg) also frequently spent his weekends travelling from North Carolina to e AlKifah Refugee Centre in Brooklyn. Ali Mohamed is an ex US Special Forces soldier, is part of a 14 man alQaeda team made up of retired US military personnel that enters Bosnia through Croatia to train and arm mujaheddin fighters there in 1992. There is reciprocity amongst the Wahhabi Brothers because the Bosnian charity (also called AlKifah) front largely funded by Saudi money begins paying for a militant training camp in Pennsylvania that trains some of those later arrested for roles in the New York WTC bombing.

In 1993 Ali Mohamed helps Ayman al Zawahiri enter the US posing as a representative of a charity organization for a fundraising tour and acts as his head of security during his stay. (5) Interestingly it has been reported the Saudi government agencies were paying her large amounts of money: "the Fleet National Bank in Boston files a "suspicious activity report" (SARS)

with the US Treasury Department about wire transfers from the Saudi Embassy in Washington to Aafia Siddiqui, a longtime member of the Al Kifah Refugee Center and then Care International, and her husband Dr. Mohammed Amjad Khan. Fleet National Bank investigators discover that one account used by the Boston area couple shows repeated online credit card purchases from stores that “specialize in high tech military equipment and apparel.” Khan purchased body armour, night vision goggles, and military manuals, and then sent them to Pakistan. The bank also investigates two transfers totalling \$70,000 sent on the same day from the Saudi Armed Forces Account used by the Saudi Embassy at the Riggs Bank in Washington to two Saudi nationals living in Boston. One of the Saudis involved in the transfers lists the same Boston apartment number as Siddiqui’s. The bank then notices that Siddiqui regularly gives money to the Benevolence International Foundation, which will soon be shut down for alleged Qaeda ties. They also discover her connection to Al Kifah. The bank then notices Siddiqui making an \$8,000 international wire transfer on December 21, 2001, to Habib Bank Ltd., “a big Pakistani financial institution that has long been scrutinized by US intelligence officials monitoring terrorist money flows. [NEWSWEEK, 4/7/2003].

The Saudi Embassy will later claim that the wire transfers connected to Siddiqui were for medical assistance only and the embassy had no reason to believe at the time that anyone involved had any connection to militant activity. [NEWSWEEK, 4/7/2003] (6) “In May 2002, the FBI questioned Siddiqui and her (then) husband (Mohammed Amjad Khan wealthy son of Aga Abdul Khan, and heir to a large pharmaceutical company) regarding their internet purchase of \$10,000 worth of night vision gear, body armour, and military manuals including The Anarchist’s Arsenal, Fugitive, Advanced Fugitive, and How to Make C4. The husband claimed that these were for use in hunting and camping trips – because who doesn’t fish with C4?

They divorced in 2002, and in 2003 she returned to her native Pakistan and disappeared....and married 9/11 mastermind Khalid Sheikh Muhammad’s nephew Ali Abdul Aziz Ali (a.k.a. Ammar alBaluchi), in 2003”

(7) When she was caught in 2008, she had on her 2 kg of poison sodium cyanide and plans for chemical attacks on New York’s Empire State Building and the Brooklyn Bridge. ISIS wanted to swap journalist James Foley for this wretch of a woman Aafia which shows just how much a valuable terrorist she was and how low her life had sunk to after Wahhabi Salafi brainwashing.

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ORIGINAL FILED

JUN 09, 2016

**LOS ANGELES
SUPERIOR COURT**

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

In re:
THE DOROTHY HORWITZ FAMILY
TRUST, DATED MARCH 8, 2012,

CASE NO. bp153887

ORDER STRIKING STATEMENT OF
DISQUALIFICATION

On June 8, 2016, petitioner Dennis J. Solomon filed a pleading as a statement of disqualification for cause, contending that the assigned judge is biased. The statement is based upon the complaining party's opinion, a contention that some how the judge's prior career as a Federal Public Defender more than a decade ago makes here a friend or associate with a number of people alleged to be involved in this matter, and a contention that the court has ruled incorrectly and unfairly. The pleading is unsworn and the allegations are not based upon admissible evidence. As none of these grounds are, as a matter of law, legal grounds for disqualification, the pleading demonstrates on its face no legal grounds for disqualification. It is stricken pursuant to Code of Civil Procedure §170.4, subdivision (b).

A party's belief as to a judge's bias and prejudice is irrelevant and not controlling in a motion to disqualify for cause, as the test applied is an objective one. *United Farm Workers of*

1 *America AFL-CIO v. Superior Court* (1985) 170 Cal.App.3d 97, 104; *Stanford University v.*
2 *Superior Court* (1985) 173 Cal.App.3d 403, 408 ("the litigants' necessarily partisan views [do]
3 not provide the applicable frame of reference." [Brackets in original.]

4 Code of Civil Procedure §170.3(c)(1) requires that the disqualification statement set forth
5 "the facts constituting the grounds" for disqualification of the judge. Mere conclusions of the
6 pleader are insufficient. *In re Morelli* (1970) 11 Cal.App.3d 819, 843 (overruled on other
7 grounds); *Urias v. Harris Farms, Inc.* (1991) 234 Cal.App.3d 415, 426. The statement of
8 disqualification cannot be based upon information and belief, hearsay, or other inadmissible
9 evidence. See *United Farm Workers of America, AFL-CIO v. Superior Court* (1985) 170
10 Cal.App.3d 97, note 6 at 106 (disqualification cannot be based upon hearsay or other
11 inadmissible evidence). *Cf., Anastos v. Lee* (2004) 118 Cal.App.4th 1314, 1319 (declarations in
12 support of a Code of Civil Procedure section 473.5 motion must include proper foundation, i.e.,
13 personal knowledge.)

14 The appellate courts have required strong showings of very direct and significant
15 relationships to find them disqualifying. See, e.g., *United Farm Workers of America v. Superior*
16 *Court* (1985) 170 Cal.App.3d 97; *Stanford University v. Superior Court* (1985) 173 Cal.App.3d
17 403; and *In re Marriage of Genton* (1982) 134 Cal.App.3d 451.

18 In the *United Farm Workers* case the plaintiff corporation, filed a claim against defendant
19 for substantial damages arising out of union activity in connection with a strike. Two months into
20 the trial the judge mentioned to defendant's counsel that his wife had worked two days as a
21 replacement worker for plaintiff. Defendant then filed a motion to dismiss based on bias and the
22 judge explained that he had forgotten about his wife's work for plaintiff six years earlier until
23 some testimony at trial refreshed his recollection. This relationship of the judge's spouse, which
24 is far more direct than that complained of in this action was not found to be disqualifying.

25 *Stanford University* was a case for damages against Stanford University, its Board of
26 Trustees, the County of Santa Clara, and others. The plaintiff moved to disqualify the trial judge
27 because he had participated in founding a Santa Clara County chapter of the Stanford Law
28 Society in the mid-1960's and had been the president of that chapter from 1969 to 1971, and that

1 he had been a member of the Board of Visitors of Stanford Law School from 1969 to 1972, and
2 that thereafter he had attended graduate gatherings. These relationships were found not to be
3 disqualifying.

4 With regard to relationships with attorneys, the case of *In re Marriage of Genton*
5 (1982) 134 Cal.App.3d 451, is instructive. This case involved a dissolution proceeding in which
6 the wife sought to disqualify all the judges of Monterey County from hearing her action. She
7 alleged that her husband was a prominent attorney active in the local bar association who played
8 a part in obtaining bar association endorsements for the county judiciary and it would be
9 impossible for her to receive a fair and impartial trial. In rejecting these contentions, the Court
10 said:

11 "While wife was understandably apprehensive, we must assume that the judges
12 who passed upon her motions conscientiously believed that they, and other local judges,
13 could determine the matter objectively and in conformity with their oaths of office. No
14 precedent or authority, of which we are aware would justify us in holding that the
15 prominence of husband, or his role in the local bar, established disqualification of all
16 Monterey County judges as a matter of law."

17 Rulings and findings do not constitute a valid basis for disqualification. As stated by the
18 California Supreme Court in *People v. Guerra* (2006) 37 Cal. 4th 1067, 1112, "a trial court's
19 numerous rulings against a party--even when erroneous--do not establish a charge of judicial
20 bias, especially when they are subject to review." (Overruled on other grounds.) *McEwen v.*
21 *Occidental Life Ins. Co.* (1916) 172 Cal. 6, 11 (erroneous rulings, even when numerous and
22 continuous, are not grounds for bias or prejudice, nor are "judges' expressions of opinion uttered
23 in what he conceives to be the discharge of his judicial duty"). *See also*, Code of Civil Procedure
24 §170.2(b), which provides with certain exceptions not here applicable: "It is not grounds for
25 disqualification that the judge ... [h]as in any capacity expressed a view on a legal or factual issue
26 presented in the proceeding...." *Cf.*, California Constitution Article VI, § 10 which provides in
27 pertinent part with regard to all courts: "The court may make such comment on the evidence and
28 the testimony and credibility of any witness as in its opinion is necessary for the proper

1 determination of the cause."

2 A party's remedy for an erroneous ruling is not a motion to disqualify, but rather review
3 by appeal or writ. *See Ryan v. Welte* (1948) 87 Cal.App.2d 888, 893: "[A] wrong opinion on the
4 law of a case does not disqualify a judge, nor is it evidence of bias or prejudice." Otherwise, the
5 court said, "no judge who is reversed by a higher court on any ruling or decision would ever be
6 qualified to proceed further in the particular case." The proper remedy, of course was an appeal
7 from the erroneous ruling. *See* 2 Witkin, California Procedure (4th ed.), Courts, Nondisqualifying
8 Opinions, p. 157.

9
10 **Conclusion**

11 Since the statement of disqualification on its face discloses no legal grounds for
12 disqualification, it is ordered stricken pursuant to Code of Civil Procedure §170.4, subdivision
13 (b). The parties are reminded that this determination of the question of the disqualification is not
14 an appealable order and may be reviewed only by a writ of mandate from the Court of Appeal
15 sought within 10 days of notice to the parties of the decision. Code of Civil Procedure §170.3(d)
16 In the event that a timely writ is sought and an appellate court determines that an answer should
17 have been timely filed, such an answer is filed herewith. *See PBA, LLC v. KPOD, LTD* (2003)
18 112 Cal.App.4th 965, 972; *accord, Fine v. Superior Court* (2002) 97 Cal.App.4th 651, fn. 3 at
19 658.

20
21 GOOD CAUSE APPEARING THEREFORE, It is so ordered.

22 Date: 6/9/16

Maria E. Stratton

23 Hon. Maria E. Stratton

Verified Answer of Maria E. Stratton

I, Maria E. Stratton, declare:

1. I am a Judge of the Superior Court and as such have been assigned to preside over this case.

2. I am not prejudiced or biased against or in favor of any party to this proceeding or their counsel.

3. All rulings made by me in this action have been based upon facts and arguments officially presented to me and upon my understanding of the law. My statements and rulings are set forth in the records and the files herein, which are the best evidence hereof. To the extent the moving party's statement of those rulings and statements are inconsistent therewith, they are denied.

4. All statements made by me and all actions taken by me in this proceeding have been done in furtherance of what I believe were my judicial duties.

5. I know of no facts or circumstances which would require my disqualification or recusal in this case.

I declare under penalty of perjury that the foregoing is true and correct and of my own personal knowledge, except as to those matters stated to be on my information and belief, and as to those matters, I believe them to be true. Executed this 9th day of June, 2016, at Los Angeles, California.

Maria E. Stratton

Maria E. Stratton



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File #: 05-3472 **Version:** 1 **Name:** City Attorney - Agreement with Legal Counsel Russell, Mirkovich and Morrow
Type: Contract **Status:** CCIS
File created: 11/17/2005 **In control:** [City Council](#)
On agenda: 11/22/2005 **Final action:** 11/22/2005
Title: Recommendation to authorize City Manager to execute an agreement with legal counsel, Russell, Mirkovich and Morrow, for insurance matters in the matter entitled, McClure vs. City of Long Beach, et al., USDC Case No. CV 92-2776-E.
Sponsors: [City Attorney](#)
Indexes: Agreements
Attachments: 1. [C-2sr](#)
Related files: [29415_000](#)

History (1) Text

| 1 record | | Group | Export | | | | | |
|------------|------|--------------|------------------------|--------|--------------------------------|---------------------------------|---------------|--|
| Date | Ver. | Action By | Action | Result | Action Details | Meeting Details | Video | |
| 11/22/2005 | 1 | City Council | approve recommendation | Pass | Action details | Meeting details | Not available | |



(/council/spnsr/5397)

ESTATE PLANNING AND TRUST COUNCIL OF LONG BEACH (/)

(/)

Probate after Centralization

Date: Thursday, May 15, 2014

Time: 12:00 PM - 1:30pm

Location: The Petroleum Club, Long Beach

Speaker: Judge Daniel S. Murphy, LA Superior Court



Daniel attended the University of California at Los Angeles, graduating in 1984 with a Bachelor of Arts degree in Political Science. He attended Loyola Law School and received his Juris Doctorate in 1987. While attending Loyola Law School, Daniel clerked at the law firm of Chase, Rotchford, Drukker & Bogust from May 1985 to December 1987.

Daniel was appointed Superior Court Judge for the County of Los Angeles in October, 2005 by Governor Schwarzenegger. He is currently assigned to the Probate Department in the Stanley Mosk Courthouse.

As an attorney, Daniel served eighteen years as a municipal lawyer for the City of Long Beach. He handled both civil and criminal cases for the city.

Daniel has taught Business Law and various paralegal courses at Cerritos Community College from 2002 to the present.

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Paul A. Hargraves

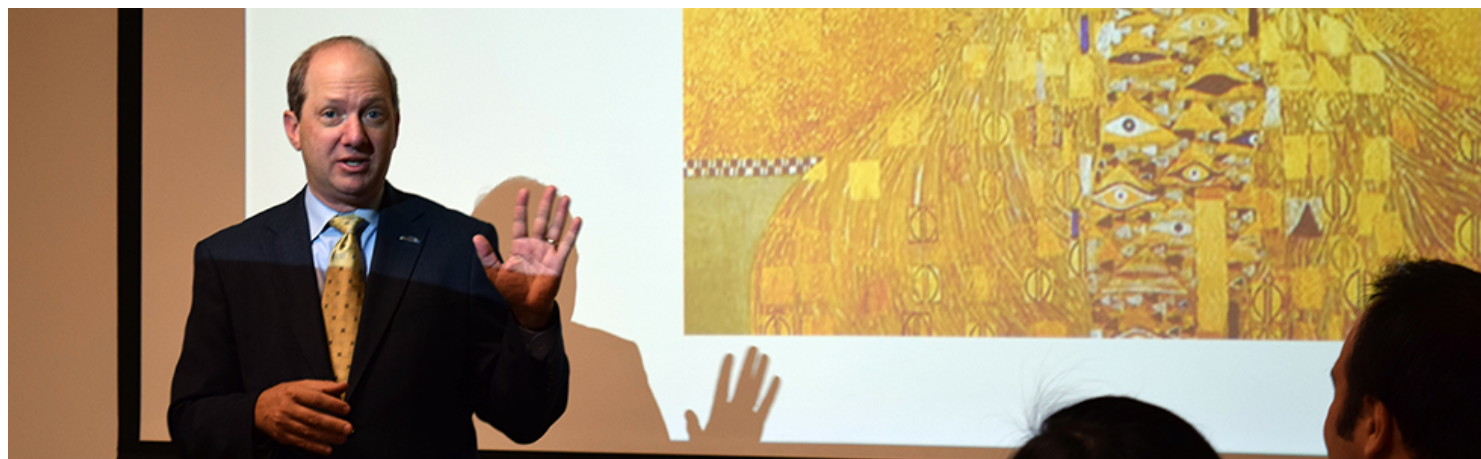
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Lecturers in Law

VIEW MORE IN THIS SECTION

Daniel S. Murphy

Lecturer in Law

Last Updated: Friday, June 30, 2017



Appointed by California Governor Arnold Schwarzenegger in 2005, the Hon. Daniel Stephen Murphy is a Superior Court Judge for the County of Los Angeles. As a judge, he has been honored by the Whittier Bar Association and the Southeast Bar Association.

Previous to his appointment, Murphy was a municipal lawyer for the City of Long Beach, serving first as a deputy city prosecutor, then as a deputy city attorney, a principal deputy city attorney, and finally, as assistant city prosecutor.

Murphy attended the University of California at Los Angeles, graduating in 1984 with a BA degree in Political Science. He attended Loyola Law School and received his JD in 1987. At Loyola, he was on the Dean's List 1984-85 and 1986-87. Murphy received the *American Jurisprudence Award* for excellence in Criminal Law and was a member of the Phi Delta Phi legal fraternity. While attending Loyola Law School,

Murphy clerked at the law firm of Chase, Rotchford, Drukker & Bogust from 1985-1987.

FACULTY IN THE NEWS

[U.S. News & World Report](#)

March 27, 2018

Re: **USC Gould School of Law**

The latest graduate school rankings were released, which mentioned the USC Gould School as No. 19 overall.

RECENT SCHOLARSHIP

[Robert K. Rasmussen](#)

January, 2018

"Puerto Rico and the Netherworld of Sovereign Debt Restructuring," Workshop, Duke Law School, Durham, NC.

[Edward Kleinbard](#)

January, 2018

"The Right Tax at the Right Time," *Florida Tax Review* 21 (2017): 208.

[Edward Kleinbard](#)

January, 2018

"The Perversion of the Tax Policy Process," Keynote Address at the USC Tax Institute, Los Angeles, CA.



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USC Gould School of Law
699 Exposition Boulevard
Los Angeles, California 90089-0071
213-740-7331

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D Solomon <horwitzdw@gmail.com>

Horwitz Estate Stipulations Related to Evidence

Margaret Morrow <mmorrow@rumlaw.com>
To: D Solomon <horwitzdw@gmail.com>

Tue, Jun 7, 2016 at 11:24 AM

No. You are asking me to stipulate to matters that are your burden to prove.

On Tue, Jun 7, 2016 at 6:48 AM, D Solomon <horwitzdw@gmail.com> wrote:

Dear Ms. Morrow,

Are we able to stipulate to the following exhibits:

1. Dorothy Horwitz Family Trust and Certification duly executed March 6, 2012
2. Deed for the Horwitz home - recorded on March 6, 2012,
3. Your Exhibits 1-3 - the Addendum as sent to the Beneficiaries on March 24, 2014 at the Deposition of Doris Tucker,
4. The Attached 6 Pages, provided by your office to Advanced Copy as the 'true and complete' copy of the Addendum
5. Your production H-201 to H-2053
6. Your previous lodging of the Depositions of Rose Aparicio and Doris Tucker with the Court
7. Sworn Declaration and Denial of Subscribing Witness form of Orit Shapiro dated June 3, 2016

Thank you.

Dennis Solomon

—
 Margaret E. Morrow
 Russell, Mirkovich & Morrow
 One World Trade Center, Ste 1660
 Long Beach, CA 90831-1660
[\(562\) 436-9911](tel:5624369911)

=====
 "This e-mail message is intended for the named recipient(s) above. It may contain confidential information that is privileged. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of the e-mail and any attachment(s) is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender at [\(562\) 436-9911](tel:5624369911) or by replying to this e-mail and delete the message and any attachment(s) from your system. Thank you"

1 RUSSELL, MIRKOVICH & MORROW
Joseph N. Mirkovich, SBN.: 45644
2 Margaret E. Morrow, SBN.: 145306
One World Trade Center, Suite 1660
3 Long Beach, California 90831-1660
(562) 436-9911 / fax (562) 436-1897
4
5 Attorneys for Respondent/Objector,
Trustee HOOVER J. LOUIE
6
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES - CENTRAL PROBATE DIVISION
10

11 In Re) CASE NO.: BP153887
12) [PROBATE]
13) Action Filed: July 17, 2014
THE DOROTHY HORWITZ FAMILY) Trial Date: none set
14)
TRUST, DATED MARCH 6, 2012,)
15) **RESPONDENT/OBJECTOR HOOVER J.
AS AMENDED) LOUIE SEPARATE STATEMENT OF
16) UNDISPUTED FACTS IN SUPPORT OF
17) HIS MOTION FOR SUMMARY
18) JUDGMENT OR, ALTERNATIVELY,
19) MOTION FOR SUMMARY
20) ADJUDICATION**
Honorable: Judge Maria E. Stratton
Department: 5
Hearing Date: January 27, 2016
Time: 10:00 a.m.

21 Respondent/Objector Hoover J. Louie submits the following Separate Statement of
22 Undisputed Facts in support of his Motion for Summary Judgment, or alternatively, Motion for
23 Summary Adjudication:
24 ///
25 ///
26 ///
27 ///
28 ///

**RESPONDENT/OBJECTOR HOOVER J. LOUIE SEPARATE STATEMENT OF
UNDISPUTED FACTS IN SUPPORT OF HIS MOTION FOR SUMMARY JUDGMENT
OR, ALTERNATIVELY, MOTION FOR SUMMARY ADJUDICATION**

| | | |
|---|--|--|
| <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p> | <p>Independent physically." On October 9, 2013, the nurse noted: Discussed with patient [Dorothy] latest plan of care. Verbalized understanding. Patient has no complaints at this time."</p> <p>On the date of discharge from Kaiser, October 10, 2013, the physical therapist noted that Dorothy was "oriented to person, place, date, situation." The nurses noted that evening that Rose was at bedside and that Dorothy was "awake, alert, oriented x3, no complaints of pain at this time." Dorothy was noted to have verbalized understanding of the discharge orders. The Kaiser-Permanente notes reflect that Mrs. Aparicio actively participated in Dorothy's care. For instance, "Rose Aparicio at bedside"; "Per pt & Rose, they prefer to go Garden Crest" Per Rose Aparicio (redact phone number) she will accept financial responsibility & gave permission to be called on her mobile for payment." [Notes written as is.]</p> | |
| <p>23 24 25 26 27</p> | <p>23. While Dorothy was in Kaiser and the Garden Crest facilities, Rose Aparicio visited her. Dorothy asked Rose to get various things from her condo. Rose kept going back and</p> | <p>23. See Declaration of Margaret E. Morrow, Exhibit "B," KFH 00171 ; Deposition of Rose Aparicio, p.14, l.13 to p. 15, l. 2.</p> |

RESPONDENT/OBJECTOR HOOVER J. LOUIE SEPARATE STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF HIS MOTION FOR SUMMARY JUDGMENT OR, ALTERNATIVELY, MOTION FOR SUMMARY ADJUDICATION

1 Addendum from Dorothy's computer at p. 16, l. 10.
2 home. Rose went to Dorothy's house but
3 could not figure out how to get the
4 Addendum from the computer. She left.
5 Later, Rose returned to Dorothy's house with
6 her daughter Lisa. Her daughter Lisa printed
7 the Addendum.

8 25 Rose took the Addendum to Dorothy and 25 Deposition of Rose Anaricio p. 16. ll.

9
10 NOT RELEVANT TO TRANSCRIPTION OF PURPORTED ADDENDUM
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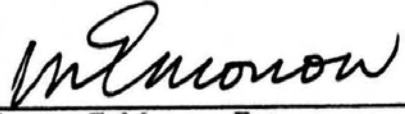
**RESPONDENT/OBJECTOR HOOVER J. LOUIE SEPARATE STATEMENT OF
UNDISPUTED FACTS IN SUPPORT OF HIS MOTION FOR SUMMARY JUDGMENT
OR, ALTERNATIVELY, MOTION FOR SUMMARY ADJUDICATION**

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NOT RELEVANT TO TRANSCRIPTION OF PURPORTED ADDENDUM

Dated: October 30, 2015

Respectfully submitted,
RUSSELL, MIRKOVICH & MORROW

By: 
Margaret E. Morrow, Esq.
Attorneys for Respondent/Objector,
Trustee HOOVER J. LOUIE

12:24 1 Dorothy?

2 A No. It was in person.

3 Q You were visiting at the time, and she asked
4 you to get the document.

12:24 5 A Yes.

6 Q So what did you do next? Did you go to her
7 house?

8 A Yes, I did. And it was in the computer, and I
9 didn't know how to pull it out of the computer. I
10 didn't even know how to find it in the computer. I had
11 to ask my daughter to come and help me print it out. So
12 that's how we did it.

13 Q Did you have a key to her home?

14 A Yes, I did.

12:24 15 Q And did she give it to you for purposes of
16 getting this document?

17 A Well, she gave it to me because she had stuff
18 in the house that -- in the condo that she wanted to
19 have at the hospital and at Garden Crest. So I kept
12:24 20 going back and forth and back and forth.

21 Q So while Dorothy was in Kaiser and
22 Garden Crest, she requested you get various things from
23 her condo.

24 A Yes.

12:24 25 Q So you would go to her condo, retrieve them and

12:24 1 then bring them to her.

2 A Right.

3 Q So in regard to the addendum, did she tell you
4 specifically it was in the computer?

12:25 5 A Yes.

6 Q Okay. So did you go first to look at it alone
7 or did you go with your daughter Lisa from the
8 beginning?

9 A No, I went first alone. And I couldn't handle
10 the machine, so I called my daughter to help me.

11 Q Okay. And then when you went back the second
12 time, did you go with your daughter?

13 A Yes.

14 Q Okay. And did you see your daughter turn on
12:25 15 the computer?

16 A Yes.

17 Q And did you see her access a document?

18 A Yes.

19 Q And did you observe your daughter making any
12:25 20 changes to that document?

21 A No.

22 Q So your daughter printed up the document as it
23 had already been prepared.

24 A Yes.

12:25 25 Q And is it your understanding that Dorothy

TRI TECH REPROGRAPHICS

123929

2

AFFIDAVIT OF CUSTODIAN OF RECORDS

(Pursuant to Cal Evidence Code Section 1561)

I, the undersigned, being the duly authorized custodian of records or other qualified witness, and having the authority to certify the attached records declare the following: The attached records were prepared by the personnel of this business in the ordinary course of business at or near the time of the act, condition or event, and that:

A. [X] Pursuant to Evidence Code Section 1560(e) the original records described and called for in the SUBPOENA / Authorization were made available to the attorney or the attorney's representative for copying at our place of business,

B. [] A true, legible and durable copy of each of the described records called for in the SUBPOENA / Authorization was delivered to the attorney or the attorney's representative,

and that the entries in the attached records are entries made by company personnel with actual knowledge or with knowledge from a report regularly made by a person under business duty to so report.

DEPONENT: GARDEN CREST CONVALESCENT HOSPITAL
923 N. LUCILE AVE., LOS ANGELES, CA 90026

RECORDS OF DOROTHY F. HORWITZ
A.K.A.
D.O.B. 1/25/1930 S.S.#

HOW ORIGINAL RECORDS WERE PREPARED

[X] HAND WRITTEN NOTES [] TRANSCRIBED [X] TYPED / DATA ENTERED [] OTHER

TYPE OF RECORDS PRODUCED / DUE DILIGENCE

[X] MEDICAL [] FILMS [] EMPLOYMENT [] SCHOLASTIC
[X] BILLING [] INSURANCE [] PAYROLL [] OTHER
[] CHART RETRIEVAL: ALL CHARTS / FILES WERE RETRIEVED AND MADE AVAILABLE

(Pursuant to Evidence Code Section 1560(e))

I have delivered all of the records / items requested with the following exception(s):

[] Billing Records
[X] Films NO X-RAYS Explain why
[] Other Explain why

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on (date) 10-21-14 at (city, state) LOS ANGELES, CALIFORNIA

Signature [Signature] Print Name JING LE ROJAS MRP

AFFIDAVIT OF PROFESSIONAL PHOTOCOPIER

(Pursuant to California Business and Professions Code Section 22462)

I declare that I am the attorney's representative in the above referenced matter and that I made true copies of all the original records made available to me by the above named custodian of records of the within named business, and these records will be delivered to the authorized persons or entities as directed in the SUBPOENA / Authorization.

Executed on (date) 10/21/14 at (city, state) Los Angeles California

Signature [Signature] Print Name Zorab Balilyan

| | |
|---------------------------------------|---------------------------|
| PLAINTIFF/PETITIONER: DENNIS SOLOMON | CASE NUMBER: BP 153887 |
| DEFENDANT/RESPONDENT: HOOVER J. LOUIE | |

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

1. I served this *Deposition Subpoena for Production of Business Records* by personally delivering a copy to the person served as follows:

- a. Person served (*name*): Jingle Rojas
- b. Address where served: 909 N. Lucile Ave
Los Angeles, CA 90026

c. Date of delivery:
09/29/14

d. Time of delivery: 10:20am

- e. (1) Witness fees were paid.
Amount: \$ 15.00
- (2) Copying fees were paid.
Amount: \$ _____
- f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:

- a. Not a registered California process server.
- b. California sheriff or marshal.
- c. Registered California process server.
- d. Employee or independent contractor of a registered California process server.
- e. Exempt from registration under Business and Professions Code section 22350(b).
- f. Registered professional photocopier.
- g. Exempt from registration under Business and Professions Code section 22451.
- h. Name, address, telephone number, and, if applicable, county of registration and number.

TRI TECH REPROGRAPHICS
 2712 TRANSPORTATION AVE., #E
 NATIONAL CITY, CA 91950
 (619) 474-8522
 REGISTRATION NO. 205
 REGISTERED COUNTY: SAN DIEGO

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

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date: 09/29/14

Date:

 (SIGNATURE)

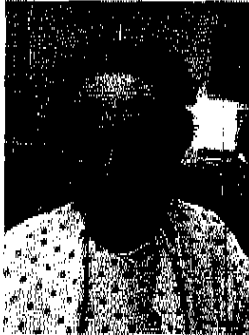
 (SIGNATURE)

FACE SHEET

Garden Crest Convalescent Hospital / DBA Garden Crest Rehabilitation Center, Inc.
 889 North Lucile Ave. Los Angeles, CA 90026

Resident Name HORWITZ, DOROTHY

Latest Admission Date: 10/19/2013



Birthday 01/25/1930 **Age** 85 Yrs **Sex** F
Race Caucasian /White
Marital Status Widowed
Occupation
Religion Jewish
Address 8429 E Village Lane Rosemead CA 91770
MRN Number 008201
Admission No. 270
Social Sec. No. 054205622
Medicare No.
Medicaid No.
S.S.I. Number

Room Number 87

Unit None **Floor** None

Admission/Discharge/Transfer History

Advanced Directives

DISCHARGE DATE: 11/25/2013 DISCHARGED TO: Expired DISCHARGE TIME: 21:40
 ADMITTED FROM: Nursing home (Garden Crest Rehab Center) ADMISSION DATE: 10/19/2013
 ADMISSION TIME: 11:45

Payment Sources

Self Pay effective date: 10/19/2013

INSURANCE COMPANY:
 ADDRESS:
 CITY:
 STATE:
 ZIP:
 PHONE 1:
 POLICY #:
 INSURANCE COMPANY:

KAISER HEALTH PLAN
 P.O. BOX 7004
 DOWNEY
 CA
 90242-7004
 800-390-3510
 11714452
 KAISER HEALTH PLAN

Occupancy Status Vacated

Primary and Alternate Physician

10/21/2013 KHANG, PETER MD 3699 WILSHIRE BLVD, 3RD FLOOR L.A. CA 90010 323-783-7047

Dentist

LUMINA HEALTH CARE 222 NORTH SEPULVEDA BLVD. STE. 1800 EL SEGUNDO CA 90245

Emergency Call

Financial Contact Dorothy Horwitz 8429 E. Village Lane Rosemead CA 91770 (H) 826-571-0653 Client responsible

Primary Contact A Rose Aparicio 5135 Muscatel Ave. San Gabriel CA 91776 (H) 626-614-8298 Durable POA- HC

Additional Contact B

Health Care Contact: Dorothy Horwitz 8429 E. Village Lane Rosemead CA 91770 (H) 826-571-0653 Client responsible

Funeral Home

ARMSTRONG FAMILY Martin Lee 931 VENICE BLVD LOS ANGELES CA 90015 213-747-9121

Primary Diagnosis

Allergies

NKA

Social SERVICE NOTES
Garden Crest Rehabilitation Center

909 North Lucile Avenue Los Angeles, California 90026 Tel# (323) 663-8281 Fax# (323) 663- 8393

Page 1

| | | | |
|------------------------|-------------|------------|----------------------------|
| Name: HORWITZ, DOROTHY | Room:37 A | MRN:13-270 | |
| Birth Date: 01/25/1930 | Age: 84 Yrs | Sex: F | Physician: KHANG, PETER MD |

GQ DATE: 10/15/2013 (Quimpo, Gina S DSD / LVN)

PURPOSE FOR NOTE: Admission

VISITS: Writer visited resident. Reviewed plan of care

SOURCE OF INFORMATION: Resident Family Member(s) friend and DPOA Rose

DISCHARGE PLAN Return to home

ADDITIONAL COMMENTS: Met with resident and discussed discharge planning, options and living situation. Per resident she lives in a 3 storey condo by herself. She has a lot of friends who are her neighbor and they come to check up on her frequently. A DPOA friend Rose comes daily in the morning and helps her out. Rose spoke to writer regarding options of care givers and home health services. Explained the difference and given agency referrals for care givers. Resident somewhat hesitant about care givers but would want to go home. Per Rose she'll try and convince her regarding care givers and would continue looking after her. Resident was admitted from Kaiser hosp. She has met. lung cancer. She is on skilled PT and is walking with minimal assist/ contact guard up to 200 feet. Resident is alert and oriented, looking forward to returning to home. Discharge plans in place. Reassured resident regarding d/c plans and assistance as needed.

HIPAA PERMITS DISCLOSURE OF POLST TO OTHER HEALTH CARE PROVIDERS AS NECESSARY



Physician Orders for Life-Sustaining Treatment (POLST)

First follow these orders, then contact physician. This is a Physician Order Sheet based on the person's current medical condition and wishes. Any section not completed implies full treatment for that section. A copy of the signed POLST form is legal and valid. POLST complements an Advance Directive and is not intended to replace that document. Everyone shall be treated with dignity and respect.

EMSA #111 B (Effective 4/1/2011)

| | |
|------------------------------------|---------------------------------------|
| Patient Last Name: <i>Hornwitz</i> | Date Form Prepared: <i>10/14/13</i> |
| Patient First Name: <i>Dorothy</i> | Patient Date of Birth: <i>1/25/30</i> |
| Patient Middle Name: | Medical Record #: (optional) |

A **GARDIOPULMONARY RESUSCITATION (CPR):** *If person has no pulse and is not breathing. When NOT in cardiopulmonary arrest, follow orders in Sections B and C.*

Check One

Attempt Resuscitation/CPR (Selecting CPR in Section A requires selecting Full Treatment in Section B)

Do Not Attempt Resuscitation/DNR (Allow Natural Death)

B **MEDICAL INTERVENTIONS:** *If person has pulse and/or is breathing.*

Check One

Comfort Measures Only Relieve pain and suffering through the use of medication by any route, positioning, wound care and other measures. Use oxygen, suction and manual treatment of airway obstruction as needed for comfort. *Transfer to hospital only if comfort needs cannot be met in current location.*

Limited Additional Interventions In addition to care described in Comfort Measures Only, use medical treatment, antibiotics, and IV fluids as indicated. Do not intubate. May use non-invasive positive airway pressure. Generally avoid intensive care.

Transfer to hospital only if comfort needs cannot be met in current location.

Full Treatment In addition to care described in Comfort Measures Only and Limited Additional Interventions, use intubation, advanced airway interventions, mechanical ventilation, and defibrillation/ cardioversion as indicated. *Transfer to hospital if indicated. Includes intensive care.*

Additional Orders: _____

C **ARTIFICIALLY ADMINISTERED NUTRITION:** *Offer food by mouth if feasible and desired.*

Check One

No artificial means of nutrition, including feeding tubes. Additional Orders: _____

Trial period of artificial nutrition, including feeding tubes. _____

Long-term artificial nutrition, including feeding tubes. _____

D **INFORMATION AND SIGNATURES:**

Discussed with: Patient (Patient Has Capacity) Legally Recognized Decisionmaker

Advance Directive dated _____ available and reviewed → Health Care Agent if named in Advance Directive: Name: _____ Phone: _____

Advance Directive not available

No Advance Directive

Signature of Physician
My signature below indicates to the best of my knowledge that these orders are consistent with the person's medical condition and preferences.

Print Physician Name: *Peter Khong* Physician Phone Number: *323-283-2047* Physician License Number: *A76631*

Physician Signature: (required) _____ Date: *11/14/13*

Signature of Patient or Legally Recognized Decisionmaker
By signing this form, the legally recognized decisionmaker acknowledges that this request regarding resuscitative measures is consistent with the known desires of, and with the best interest of, the individual who is the subject of the form.

Print Name: *ROSE APARICIO* Relationship: (write self if patient) *POA*

Signature: (required) *Rose Aparicio* Date: *10/14/13*

Address: *5135 N. Muscatel* Daytime Phone Number: *626-614-8298* Evening Phone Number: _____

SEND FORM WITH PERSON WHENEVER TRANSFERRED OR DISCHARGED

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION

DEATH REPORT

CENSEE MUST REPORT THE DEATH OF A CLIENT OF ANY CAUSE, REGARDLESS OF WHERE THE DEATH OCCURRED.

INSTRUCTIONS: NOTIFY LICENSING AGENCY, PLACEMENT AGENCY AND RESPONSIBLE PERSONS, IF ANY, BY NEXT WORKING DAY.
SUBMIT WRITTEN REPORT WITHIN 7 DAYS OF OCCURRENCE.
RETAIN COPY OF REPORT IN CLIENT'S FILE.

| | | |
|---|--|------------------------------------|
| NAME OF FACILITY Garden Crest Residential | FACILITY FILE NUMBER 191801803 | TELEPHONE NUMBER (323) 663 8281 |
| ADDRESS 889 Lucile Ave. | CITY, STATE, ZIP Los Angeles CA 90026 | |
| CLIENT'S NAME Horwitz Dorothy | D.O.B. 1/25/1930 | SEX F |
| DATE AND TIME OF DEATH 11/25/2013 9:40 pm | DATE OF ADMISSION 10/19/2013 | |
| PLACE OF DEATH Garden Crest (Room 87) | | |
| DESCRIBE IMMEDIATE CAUSE OF DEATH (IF CORONER REPORT MADE, SEND COPY WITHIN 30 DAYS): | | |

Horwitz Dorothy was assigned to KP Hospice Care on 11/12/2013 and she ~~was~~ passed away in her room.

DESCRIBE CONDITIONS PRIOR TO OR CONTRIBUTING TO DEATH:

Hospice Care was ~~giv~~ provided by KP team.

EXPLAIN WHAT IMMEDIATE ACTION WAS TAKEN (INCLUDE PERSONS CONTACTED):

Call placed to KP Hospice, The physician and Family were notified, Rose Colvane POA (He) collected her belongings
Body released to funeral home at 1 am

MEDICAL TREATMENT NECESSARY? YES NO IF YES, GIVE NATURE OF TREATMENT:

| | |
|---|---------------------------------------|
| NAME OF ATTENDING PHYSICIAN Dr. Khany | NAME OF MORTICIAN ARMSTRONG FAMILY |
| REPORT SUBMITTED BY: Atzab King, Administrator | DATE 11/26/2013 |
| REPORT REVIEWED/APPROVED BY: Atzab King, Administrator | DATE 11/26/2013 |

AGENCIES/INDIVIDUALS NOTIFIED (SPECIFY NAME AND TELEPHONE NUMBER)

- LICENSING
- ADULT/CHILD PROTECTIVE SERVICES
- LONG TERM CARE OMBUDSMAN
- PARENT/GUARDIAN/CONSERVATOR
- LAW ENFORCEMENT
- PLACEMENT AGENCY

RECORD OF DEATH

Garden Crest Residential

Date of Death: 11/25/2013 11/25/13 Time of Death: 9:40 pm

Principle Cause of Death:

Contributory Cause of Death (If Applicable):

Death Certificate Sign By: KHANG, PETER MD

Physician's Signature: _____

If this section is not signed by the physician, this summary information has been transcribed from document(s) contained in this resident's clinical record which appropriately bear the physician's signature.

Signature of transcribing Nurse: Ditchon, Darlene C RN Date: 11/26/2013

MORTICIAN RECEIPT

This is to certify that on (Date) 11/26/2013 at (Time) 1:00 AM PM
the remains of (Resident Name) HORWITZ, DOROTHY together with the personal effects list below were
received from (Facility Name) Garden Crest Residential

Body released by: Ditchon, Darlene C RN

Mortician Signature: [Signature]

Date: 11/26/2013

Mortuary Name: ARMSTRONG FAMILY

Personal Effects:

[Signature]

12:53 1 A A navy suit.

2 Q -- his sculptures.

3 A Oh, his sculptures, yes.

4 Q And a series of record albums, one being of

12:53 5 Cantor Pinchik?

6 A Which I sent to Murray.

7 Q You sent the album of Cantor Pinchik to Murray?

8 A Yes, I did, and the sculptures.

9 Q And do you recall what other items that you

12:53 10 sent?

11 A I sent him photographs. I sent him a picture

12 of Dorothy and Walter. I knew he would like that.

13 He's a very nice man, your brother.

14 Q Yes, he's a very nice man.

12:54 15 In their home, did they have any sort of Jewish

16 items in the home? A Star of David or menorah or

17 anything of that sort?

18 A No, neither Walter nor Dorothy was religious.

19 Dorothy was spiritual, though. She believed in God.

12:54 20 Q She believed in God.

21 I see.

22 So you don't recall any items of that sort?

23 A There are still some plates up on the wall of

24 the condo that are Jewish-related.

12:54 25 Q I see.

12:39 1 And on a day-to-day basis from the time she was
2 sick, did you go over to her house every day?

3 A Just about every day or she came to my house
4 because she was still driving up until -- almost to the
12:39 5 end.

6 Q When did she stop driving?

7 A Oh, well, about October.

8 Q About October of 2013?

9 A Yes.

12:40 10 Q And this was just before she went into
11 Garden Crest; is that correct?

12 A Yes.

13 Q Okay. How did Dorothy feel about Walter?

14 A Oh, she adored him.

12:40 15 Q And this was throughout their entire marriage?

16 A Yes.

17 Q And what sort of things did they do together?

18 A Well, Walter loved the races, so every Saturday
19 he would go either to Hollywood Park or Santa Anita,
12:40 20 drop Dorothy off at my house, and we'd go off and play
21 and he'd go off and play.

22 Q I see.

23 And what other things did Dorothy and Walter do
24 together?

12:41 25 A Oh, they went on cruises, trips. They were

13:00 1 Did you remove the personal items and personal
2 papers from the home, and you gave -- you threw away
3 most of them but you gave some to Hoover Louie; is that
4 correct?

13:01 5 MS. MORROW: Objection. Misstates the testimony.
6 She already testified that there are things still
7 remaining in the condo, even hanging on the wall, and
8 that she sent many of the things to the persons whom --
9 to relatives.

13:01 10 Can you rephrase the question.

11 MR. SOLOMON: Yes.

12 Q What did you do specifically with Walter's
13 personal writings?

14 A I sent what was relevant to Murray, and there
13:01 15 weren't -- there wasn't much there. I think Dorothy
16 cleaned out Walter's stuff years ago myself.

17 Q And did Dorothy keep anything of Walter's?

18 A Oh, there were a couple of pantsuits and a
19 couple of jackets, and that's about it. She kept his
13:02 20 boots.

21 Q And where did she keep his boots?

22 A By his side of the bed.

23 Q Thank you.

24 I'm going to -- let's see here.

13:02 25 Did you ever see the addendum while Dorothy was

13:02 1 alive?

2 MS. MORROW: She testified that she brought it to
3 her.

4 MR. SOLOMON: Excuse me.

13:02 5 Q Were you present when it was signed by Dorothy?

6 A No.

7 Q After it was signed by Dorothy, did you see the
8 addendum?

9 A I don't recall. Well, yes. Yes, I did see it.

13:03 10 Q And this was before she died.

11 A Yes.

12 Q And when she died, did you receive them in your
13 hands?

14 A Yes.

13:03 15 Q And what did you do with the addendum at that
16 point?

17 A Gave it to Hoover Louie.

18 Q And when did you do that?

19 A Well, I didn't -- I didn't go back to Dorothy's
13:03 20 condo until about a month after she died. I couldn't
21 face going in there. And I guess it must have been
22 about that time. I'm not -- I'm not too sure on the
23 dates of that. Everything is kind of fuzzy then.

24 Q And during that month that she died, who was
13:04 25 taking care of the condo?

1 Dennis J Solomon, pro per
2 75 North Main Street #552
3 Randolph, MA 02368
4 Phone 508-394-9221
5 Fax: 617-890-1947
6 horwitzdw@gmail.com

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL PROBATE DIVISION

In Re) Case No.: BP153887
)
) [PROBATE]
)
THE DOROTHY HORWITZ FAMILY)
TRUST, DATED MARCH 6, 2012) Honorable: Judge Maria E. Stratton
) Department: 5
) Action Filed: July 17, 2014
)
) Reserved Date: October 11, 2016
) Time: 10:00 AM
)
) **PETITIONER PRO PER SOLOMON'S**
) **MOTION FOR A NEW TRIAL (REVISED**
) **PER INSTRUCTIONS OF THE CLERK)**
)
)
)

Petitioner Dennis Solomon hereby moves for new trial on the grounds of incorrect or erroneous legal basis for the decision, not consistent with or not supported by the facts; new evidence of the concealment and destruction of material evidence by the Respondent, his counsel and co-conspirators; new evidence of the coercion and intimidation of Petitioner's counsel by the Respondent and co-conspirators, new evidence of intimidation and threats of violence by the Respondent and co-conspirators, misconduct and fraud by opposing counsel; surprise and bias.

Said material grounds include but are not limited to the fact that Respondent did not introduce any instrument of amendment to the Dorothy Horwitz Family Trust, or the testimony of any person with personal knowledge of any acts of Dorothy Horwitz.

1 The record clearly reflects that the Petitioner did not admit any instrument of amendment,
2 but only documents of alleged fraud and breach of trust by the Respondent, alleged and assert by
3 the Respondent to have been signed after the death of Dorothy Horwitz.

4 The motion will be based on this notice of motion, on the declaration(s) of Dennis J Solomon,
5 and the supporting memorandum served and filed herewith, on the records and file herein, the
6 minutes of the Court and on such evidence was presented at trial or may be presented at the
7 hearing of the motion.

8 Respectfully submitted on August 27, 2016, (resubmitted per instructions of Clerk,
9 September 7, 2016)

10
11 *Dennis J. Solomon*

12 By: _____

13 DENNIS SOLOMON, Petitioner, pro per
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1 **DECLARATION OF SERVICE**

2 I certify under penalties of perjury under the Laws of California, that I have caused the
3 aforementioned documents to be served upon Respondent’s counsel Margaret Morrow,
4 and counsel requesting special notice to be served by U.S. Mail upon all parties on August
27, 2016 PDT. (and second service by instructions of the Clerk on September 7, 2016.)

5
6 By: *Dennis J. Solomon*
7 DENNIS SOLOMON, Petitioner, pro per

8 ATTORNEY GENERAL - Charitable Trusts
9 P.O. Box 903447
10 Sacramento, CA 94203-4470

San Gabriel, CA 91776

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San Gabriel, CA 91776

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13 One World Center, Suite 1660
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16 Cummington, MA 01026-9701

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17 Rose Aparicio
18 5135 Muscatel Avenue
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Tucson, AZ 85718

20 Children's Hospital Los Angeles
21 Robert E. Weiner, MPA CFRE
22 24 4650 Sunset Boulevard
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10 Los Angeles, CA 90013

23 Law Office of Tara L. Cooper
24 7037 La Tijera Blvd, Suite B201
25 Los Angeles, CA 90045

26 Braille Institute - Anthony J. Taketa
27 3 741 N. Vermont Avenue
28 Los Angeles, CA 90029

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5 Fax: 617-890-1947
6 horwitzdw@gmail.com

7 SUPERIOR COURT OF CALIFORNIA
8 COUNTY OF LOS ANGELES, CENTRAL PROBATE DIVISION

9 In Re) Case No.: BP153887
10)
11 THE DOROTHY HORWITZ FAMILY TRUST,) [PROBATE]
12 DATED MARCH 6, 2012)
13) Honorable: Judge Maria E. Stratton
14) Department: 5
15) Action Filed: July 17, 2014
16)
17) Reserved Date: October 11, 2016
18) Time: 10:00 AM
19)
20) **PETITIONER PRO PER SOLOMON'S**
21) **NOTICE & MEMORANDUM IN SUPPORT**
22) **OF MOTION FOR NEW TRIAL**
23)
24)
25)

26
27 **NOTICE IS HEREBY GIVEN** that on October 11, 2016 at 10:00 a.m., or as soon thereafter as
28 the matter may be heard, in Department 5 of this court, located at , 111 N Hill St, Los Angeles, CA
90012, Petitioner pro per Dennis Solomon, will, and hereby does, move for an new trial in the
above-captioned matter, or in the alternative, this Court order of August 23, 2016 be vacated, and
that the Dorothy Horwitz Family Trust be distributed in accordance with the explicit terms of its
Article 5.3(a) to Murray and Dennis Solomon, with a cash bequest of \$25,000 to Nicolas Sanchez.

The motion will be made on the grounds present in the accompanying Memorandum and Exhibits of material errors of fact and law by the Court.

The motion will be based on this notice of motion, and the supporting memorandum served and filed herewith, on the Petitioner Trial Exhibits 1-55 previously lodged with and in the possession

MEMORANDUM IN SUPPORT OF PETITIONER'S MOTION FOR A NEW TRIAL

1 of the Court, records and file herein, and on such evidence as may be presented at the hearing of
2 the motion.

3
4 Respectfully submitted on September 6, 201,

5 *Dennis J. Solomon*
6 By: _____

7 DENNIS SOLOMON, Petitioner, pro per
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DECLARATION OF SERVICE

I certify under penalties of perjury under the Laws of California, that I have caused the
aforementioned documents to be served upon Respondent's counsel Margaret Morrow,
and counsel requesting special notice by email or electronic fax on or before May 24, 2016
and caused to be served by U.S. mail upon the following parties identified, on or before
March 24, 2016.

By: *Dennis J. Solomon*
DENNIS SOLOMON, Petitioner, pro per

ATTORNEY GENERAL - Charitable Trusts
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL PROBATE DIVISION

In Re) Case No.: BP153887
)
THE DOROTHY HORWITZ FAMILY TRUST,) [PROBATE]
DATED MARCH 6, 2012)
) Honorable: Judge Maria E. Stratton
) Department: 5
) Action Filed: July 17, 2014
)
) Reserved Date: October 11, 2016
) Time: 10:00 AM
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**PETITIONER PRO PER SOLOMON'S MEMORANDUM
IN SUPPORT OF MOTION FOR NEW TRIAL**

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1 *“Look outside the window, there's a woman being grabbed*
2 *They've dragged her to the bushes and now she's being stabbed*
3 *Maybe we should call the cops and try to stop the pain*
4 *But Monopoly is so much fun, I'd hate to blow the game*
5 *And I'm sure it wouldn't interest anybody*
6 *Outside of a small circle of friends” Phil Ochs, 1967.*

7 **MEMORANDUM IN SUPPORT OF PETITIONER’S MOTION FOR A NEW TRIAL**

8 **I. BACKGROUND**

9 On November 25, 2013, my eight-four year old (84) devoted and Jewish Aunt Dorothy
10 Horwitz passed away at Garden Crest Hospice from an overdose of the dangerous combination of
11 opiates and benzodiazepine (hydromorphone and Lorazepam) when, after obtaining her signature
12 on bank documents giving him unfettered access to her accounts, her accountant Hoover Louie, in
13 conspiracy with his attorney brother-in-law Joe Ling and others, substituted a high potency opiate
14 for the ibuprofen she self-administered. Their criminal scheme included grand larceny of rare
15 Judaica, theft of U.S. Defense-related documents for foreign entities, personal enrichment and their
16 ingratiating with long standing, anti-Israel enemies of the Horwitz/Solomon family.

17 As cover for their actions, successor-trustee Louie sent the three beneficiaries of the Dorothy
18 Horwitz Family Trust, a crude, disjointed ‘adum dum’ purported to bequeath nearly the entire
19 Horwitz Estate including rare Judaica jewelry and art to her former co-worker Rose Aparicio and the
20 Catholic American Syrian Lebanese Associated Charities whose Boston directors are quiet
21 supporters of the anti-Israel BDS movement.

22 One year earlier in 2012, my Aunt Dorothy (my Uncle and Aunt were childless) updated their
23 joint trust as the Dorothy Horwitz Family Trust, drafted and duly executed with her local Estate
24 Attorney Kevin Chui. In its Article 5.3(a) it bequeathed the bulk of the Horwitz Estate to equally to
25 my brother Murray and I, “her nephews”; additionally making a small cash bequest (\$25,000) to
26 Nicolas Sanchez and unnamed charities. Both my Aunt Dorothy and Uncle Walter, who she adored,
27 discussed with me at length their wish that scholarships and research be established in the family
28 name at their favorite U.S. Veterans, Navy, Jewish and medical charities, particularly the U.S. Navy
Chaplain’s Fund - my Uncle Walter chose to be buried at sea by the U.S Navy, his 2nd love.

 At the time of her death, my Aunt Dorothy had been looking forward to my visit in a few

MEMORANDUM IN SUPPORT OF PETITIONER’S MOTION FOR A NEW TRIAL

1 weeks, and among other things, an update on a retrospective of my late Uncle Walter Horwitz's
2 original art at his alma mater, Massachusetts College of Art and the University of Nevada Las Vegas,
3 where they were married. As Dorothy had done for nearly fifty years, she had conversed with my
4 93 year old Mother a week or so earlier, who was also looking forward to the retrospective of her
5 brother's art work. My Father had a career as a pilot for TWA, often flying the LAX-TLV (Los Angeles
6 – Tel Aviv 747 route). My Father (and Mother) would often stay with Dorothy and Walter, as did I
7 during my annual visits to the Southwest.

8 At Trial, I presented readily verifiable evidence in support of the above facts, and that the
9 Horwitz/Solomon has long history actively participating and contributing to the protection of our
10 freedoms as Americans and Jews worldwide. My great-uncle H. Horwitz was close with distant
11 cousin Henry Hurwitz, founding the Minnesota Chapter of the Menorah Society in the early 1900s.¹
12 His son, Henry Hurwitz, Jr. was a scientist who developed the hydrogen atomic bomb in the
13 Manhattan Project and the nuclear reactors for the U.S. Navy Seawolf submarines² who integrated
14 the Solomon MIT/Harvard circle of scientists including my Father, a U.S. Navy WWII veteran, who
15 assisted Ezer Weizman and Al Schwimmer, life-long family friends, in the founding of the Israeli Air
16 Force.³

17 Additionally, I presented articles from the historic Jewish Advocate newspapers⁴ documenting
18 the close relationship between my Grandfather, Morris Horwitz and our first cousin, the renowned
19 Cantor Pierre Pinchik⁵. I testified that it was our custom to listen during my visits to listen to records
20 of Cantor Pinchik in the Horwitz home. (Rose Aparicio deposed that she found record albums of
21 Cantor Pinchik and sent them to Murray Solomon).

22 I also testified to the JNF (Jewish National Fund) "Blue Box": which I observed was always on
23 their kitchen counter. Cantor Pinchik anchored a famous JNF benefit concert in 1942 with Harry
24 Ellis Dickson, father of Massachusetts First Lady Kitty Dukakis.

25 Dorothy's Jewishness was also affirmed in deposition by adverse witnesses Rose Aparicio

26 ¹ Harvard Crimson, April, 1923

27 ² New York Times, April 16, 1992

28 ³ Above & Beyond, 2015 documentary by Nancy Spielberg and Spielberg Foundation

⁴ Cantor Pinchik Hosts 50th Wedding Anniversary of his first cousins, the Horwitz, Jewish Advocate, 1928
Cantor Pinchik with Boston Symphony violinist Harry Ellis Dickson, Featured at Most Successful JNF Charity Event,
Jewish Advocate, 1942

⁵ Milken Foundation, Santa Monica, CA, Cantor Pierre Pinchik

1 and notary Doris Tucker, who purportedly only had one short encounter with Dorothy seven days
2 before she died. Respondent has not contested or controverted these facts.

3 I further testified to my close personal relationship with my Aunt and Uncle, including my
4 annual visits until the sequelae of an accident limited my travel from 2007-2011, and an illness,
5 Lyme disease and nerve palsy from 2014-2015. In 2012, I traveled to Las Vegas and California in
6 conjunction with the Live Design show where I met with UNLV Professor Brackley Frayer regarding a
7 retrospective of my Uncle Walter's artwork and scholarship in the Horwitz name and proudly
8 communicated this to my Aunt Dorothy. My special relationship with my Aunt Dorothy was
9 affirmed during Summary Judgment by the deposition of adverse witness Rose Aparicio who
10 deposed that "(Dennis) was among the first persons Dorothy contacted after being diagnosed (with
11 terminal cancer)"⁶ and of course, by the 2012 Dorothy Horwitz Family Trust, which affirms my Aunt
12 Dorothy's love and respect for her nephews, my brother and myself, one year before her death.

13 Respondents produced only one witness with personal knowledge, Nicolas Sanchez, who
14 testified that he once drove Dorothy and his mother, Rose Aparicio, a former co-worker, to the
15 doctors, and saw her when she visited their home, but otherwise he had no individual relationship
16 Dorothy. He testified he had no reason to believe he would receive 1/3 of the Horwitz Estate.

17 Respondent presented no evidence or witnesses which controverts my testimony, suggests
18 that my Aunt Dorothy became upset with me after 2012, or provides an iota of reason, justification
19 or insight into my Aunt Dorothy's radical abandonment of all Jewish and U.S. Navy charities as well
20 as her nephews. This is simply because there is none.

21 This Court's finding, (Ms. Maria Stratton, judge), and its conclusions of law are so bizarre as
22 to strongly suggest extreme coercion or corruption – not unexpected where the Respondents,
23 counsel and perpetrators have strong ties to Asian and Mexican racketeering enterprises.

24 This Petitioner requests that this Court grant a new trial, or in the alternative, reconsider its
25 ruling of August 3, 2016, and find that the Respondents produced no evidence to authenticate the
26 'adumdum'; no evidence that supports a change of heart by Trustor Dorothy Horwitz; and that the
27 duly-executed 2012 Dorothy Horwitz Family Trust expresses the true intentions of Dorothy Horwitz.,

28
6

1 **ERRORS OF FACT AND LAW IN THE RULING OF AUGUST 3, 2013**

2 **II. LACKING OF STANDING OF RESPONDENT TRUSTEE LOUIE**

3 In Babbitt V. Superior Court Of Los Angeles County, B263917, Court of Appeals of California,
4 Second District, Division Seven. Filed April 25, 2016, the Court found:

5 "*Contentions based on a lack of standing involve jurisdictional challenges and may be raised at any*
6 *time in the proceeding.*" (Common Cause v. Board of Supervisors (1989) 49 Cal.3d 432, 438; see
7 Sanowicz v. Bacal (2015) 234 Cal.App.4th 1027, 1043 [*lack of standing "is a nonwaivable*
8 *jurisdictional defect"*]; Drake v. Pinkham (2013) 217 Cal.App.4th 400, 407 (Drake) [*"the issue of*
9 *standing is so fundamental that it need not even be raised below—let alone decided—as a*
10 *prerequisite to our consideration"*].)

11 Neither the Dorothy Horwitz Family Trust nor Respondent successor-trustee Louie have any
12 interest, benefit or standing to object to the Petition to Invalidate the Addendum. Doing so
13 Respondent seriously breaches his legal duty to be an ‘impartial’ trustee to the beneficiaries,
14 required under California Probate Law §16003. As unanimously recognized in Bowles v. Superior
15 Court (1955) 44 C2d 574, "*no trustee can properly act for only some of the beneficiaries--he must*
16 *represent all of them or he cannot properly represent any of them.*" This Court has erred permitting
17 Respondent Louie standing on the Petition to Invalidate.

18 **III. ERROR OF FACT: NO INSTRUMENT AMENDING THE DOROTHY HORWITZ FAMILY TRUST**
19 **WAS INTRODUCED OR AUTHENTICATED AT TRIAL**

20 At no time during the trial did any party with personal knowledge introduce an instrument
21 alleged to be a verified original of an amendment to the Dorothy Horwitz Family Trust. This
22 Petitioner averred in the Petition and present at trial that a fraudulent and forged document was
23 sent to him by the successor-trustee attorney Joe Ling four months after the death of Dorothy
24 Horwitz. Respondent counsel Ling and Morrow produced the original of that fraudulent document
25 – referred to as the ‘adumdum’ or ‘addendum’. It was never admitted or authenticated as a
26 amendment to the Dorothy Horwitz Family Trust. It is an instrument of fraud with the intent to
27 deceive the beneficiaries by Respondent and evidence of breach of duty: Cal Prob Code §16000,
28 16001(b), 16002, 16003, 16004, 16005, 16006, 16007, 16011, 16012, and 16014 among others.

The six page document, five pages of which had been sent to him by attorney Joe Ling four
months after the death of Dorothy Horwitz and the other page a blank unfilled acknowledgement
form revealed fifteen months later in discovery, had the stamped but no signature of a notary who

1 allegedly witnessed its execution. The purported signatures of Dorothy Horwitz were smooth and
2 flowing, who at the time seven days before her death could not make legible entries in her
3 checkbook. It's typeface and formatting was foreign to any Dorothy had ever used. The person
4 who hand printed "adumdum" lacked the capacity to read the proper spelling of 'addendum' typed
5 one inch away on the document. The 'adumdum' gave Rose Aparicio, a fiduciary, confidant who
6 deposed having transcribed the document exclusive access to the Horwitz home and "anything she
7 wants". On its face, it is prima facie evidence of fraud, undue influence and lack of capacity.

8 Mr. Ling admitted the facts and time of sending the document from Long Beach to the
9 Petitioner in Massachusetts. One signed page of the document has the word 'ADUMDUM' hand
10 printed near the top of the page. There is no reference to the Dorothy Horwitz Family Trust on that
11 page or any of the other purportedly signed pages. It was produced and is prima facie evidence of
12 Respondent successor-trustee Louie's breach of duty under §16000, 16001(b), 16002, 16003,
13 16004, 16005, 16006, 16007, 16011, 16012, and 16014 among others, including but not limited to
14 breach of impartiality. The Family Trust had no interest or benefit in or from the 'adumdum'.

15 LASC RULE 3.205(b) states: *Authentication. Unauthenticated documents will not be received*
16 *in evidence unless their authenticity has been pleaded in the complaint and admitted by entry of*
17 *default."* The "Adumdum" was never admitted or plead as authentic, or admitted by default, nor
18 was any evidence or testimony of authentication by an individual with personal knowledge of the
19 drafting, transcribing or execution introduced at trial. The Court erred in finding the Dorothy
20 Horwitz Family Trust was amended in accordance with its terms or California law and precedent.

21 **IV. CLEAR ERRORS OF MATERIAL TRIAL FINDINGS OF FACT**

- 22 a. Attorney Joe Ling, brother-in-law of successor-trustee and Respondent Hoover Louie, is a de
23 facto partner and co-located with trial counsel Margaret Morrow and Joseph Mirkovich at
24 One World Trade Cetner, Long Beach, CA. (Trial M Order, P. 4, Lines 4-7)
- 25 b. The POLST (P. Exhibit 12) NOT signed by Dorothy Horwitz. It is signed by POA Rose Aparicio
26 and attending physician Dr. Khang on 11/12/13, prior to the purported date of execution of
27 the 'adumdum' on 11/18/13. (Trial M Order, P. 6, Lines 9-11.)
- 28 c. Petitioner Solomon never called Respondent Louie prior to Dorothy's death. He called

1 Dorothy's next door neighbor, Edward Lui, (no relation to Respondent) who gave him Rose
2 Aparicio's phone number. (Trial M Order, P. 5, Lines 12-13)

3 d. Petitioner Solomon testified that he had no documents at trial related to his 2012 trip to the
4 LDI Show in Las Vegas and California. However, Petitioner testified to meeting UNLV Prof.
5 Brackley Frayer and discussing a retrospective of the art of Walter Horwitz and a scholarship
6 in their name on that trip, officials and editors of Live Design, as well as other records to
7 support his travel in 2012. (Trial M Order, P.5, Line 24)

8 e. Petitioner contracted Lyme disease in the summer of 2014. (Trial M Order, P. 5, Line 11)

9 **FACTS AND LAW IF THE COURT HOLDS THE ADUMDUM WAS ADMITTED AS AN AMENDMENT**

10 **V. ERROR OF LAW: LACK OF DUE EXECUTION - REGARDING THE INITIAL BURDEN OF PROOF OF**
11 **THE DUE EXECUTION OF A WILL/TRUST INSTRUMENT**

12 It is well-established law in California that the proponents have initial burden of proof of the
13 due execution of a Will/Trust instrument. This is codified in Cal. Prob. §8252(a) and discussed at
14 length in Estate of Ben-Ali, 216 Cal.App.4th 1026 (2013). Neither the Respondent trustee Hoover
15 Louie nor any of the alleged witnesses appeared at trial to authenticate any instrument of
16 amendment to the Dorothy Horwitz Family Trust. Respondent counsel testified that they had no
17 personal knowledge of the documents prior to the her death. None had ever met Dorothy Horwitz.

18 **VI. ERROR OF FACT: AUTHENTICATION OF SIGNATURES - NO PERSON WITH PERSONAL**
19 **KNOWLEDGE APPEARED AT TRIAL TO AUTHENTICATE ANY RELEVANT SIGNATURES**

20 Respondents produced no testimony or witness with personal knowledge of the signatures of
21 Dorothy Horwitz, notary Doris Tucker or any other relevant signor. Neither the Respondent trustee
22 Hoover Louie nor any of the alleged witnesses appeared at trial to authenticate any instrument of
23 amendment to the Dorothy Horwitz Family Trust: All reside within 25 miles of the Mosk Courthouse
24 and were available to appearance.

25 **VII. ERROR OF FACT: FRAUD, FORGERY AND SUBORNING PERJURY RELATED TO THE**
26 **'ADUMDUM' - CONTEMPT OF THE COURT BY RESPONDENT COUNSEL**

27 The Court on Page 2, Lines 11-15 of its Minute Order of August 3, 2016 states:

28 *"On November 18, 2013, the Trust was amended by way of an Affidavit and Addendum to the Trust (Court's Exhibit A) consisting of five pages. The first two pages are form documents with a*

1 *notary stamp and a signature of "Doris Tucker Notary Public" on the signature line for a notary*
2 *public."*

3 The Petitioner avers in the Petition that the notary signature is fraudulent and was not affixed
4 on November 18, 2013. No evidence or witnesses with personal knowledge were admitted at trial.
5 No other examples of the signatures of Doris Tucker were presented.

6 Further, there is no evidence that the signature found in the jurat form document is that of
7 Doris Tucker. Notary Tucker is a local California notary who was available to testify at trial.
8 Respondent attorney Ling testified at trial that he sent the beneficiaries and a form jurat without
9 any notary signature.

10 Both Respondent attorneys Ling and Morrow testified that the jurat was NOT signed by the
11 notary on November 18, 2013 as presented. They further testified that they had no personal
12 knowledge of its signing.

13 The initial burden of proof of due execution and authentication lies with the proponents of the
14 amendment (addendum). Notary Tucker is a local notary who was available to authenticate her
15 signature. Respondent did not call her to testify. There was no evidence of any sort admitted to
16 refute the averment that the Addendum documents are fraudulent, nor does the purported notary
17 stamp, provide any evidence that notary Tucker witnessed the signing of said documents.

18 It is an improper notary act in California to present in any Court or official proceeding a notary
19 document which has been altered after the date of the notary act (purportedly November 18,
20 2013), specifically to falsely date the completion of a notary act. Further, it is a criminal act to
21 influence a notary to commit an improper act under Gov Code § 8225.

22 CA CIVIL CODE §1189(a)(1) -*"The certificate of acknowledgment must be filled completely out at*
23 *the time the notary public's signature and seal are affixed."*

24 CA SEC OF STATE: NOTARY NEWS & RULES 2013, Page 2 - *"Improper Notary Acts -A notary*
25 *public may not stamp a document with the official seal then sign, or sign and date the document*
26 *without completing or attaching a notarial certificate. A notary public may not stamp with the*
27 *official seal any pages other than the page with a completed notarial certificate."*

28 In the Deposition of Doris Tucker, Pages 21-22, lodged and referred to in this Court during
Summary Judgment, Ms. Tucker, questioned by attorney Morrow deposed:

 "24 Q. Okay. Sometime after November 18th, were you
 25 called by Orit Shapiro in regards to a missing signature

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1 1 on this document here which is marked HORW0042?

2 2 A. This is optional.

3 12 Q. Okay. But at some time did you later go back and

4 13 sign the document upon Orit's request?

5 14 A. I did.

6 15 MS. MORROW: Okay. I'll mark the five-page

7 16 addendum as Exhibit 2."

8 This Court is aware by separate uncontroverted affidavit signed by Orit Shapiro, Garden Crest
9 administrator, and Respondent counsel Morrow that Ms. Shapiro attests that she did not call Ms.
10 Tucker at a later date. Since attorney Ling sent the beneficiaries an unsigned copy of the original
11 four months after Dorothy's death, the purported signing of the jurat would have to have occurred
12 afterwards, long after Garden Crest's involvement.

13 A Cal Jurat requires the notary administer an oath to the affiant in person, and complete the
14 notary act by personally signing and stamping the notary certificate at the same time. Failure
15 constitutes an Improper Notarial Act as explicitly defined in official Notary Rules and Definitions,
16 January, 2013, page 2:

17 *"Proper notarization of a signature includes the completion of a notarial certificate, such as an
18 acknowledgment or jurat, by the notary public. A notary public may not stamp a document with the
19 official seal then sign, or sign and date the document without completing or attaching a notarial
20 certificate. A notary public may not stamp with the official seal any pages other than the page with a
21 completed notarial certificate.*

22 According the Respondent's undisputed facts presented at Summary Judgment, the 'adumdum'
23 documents were presented to trustee Louie by Rose Aparicio approximately one month after the
24 death of Dorothy Horwitz.

25 It is a criminal act to influence a notary to commit an improper act under Cal Gov Code § 8225.
26 If these criminal acts which are designed to defraud the beneficiaries of the Dorothy Horwitz Family
27 were committed by successor-trustee Louie or his agents, it would be a material breach of duty. An
28 attorney who attempts to or does mislead the court is guilty of direct contempt:

29 *"The presentation to a court of a statement of fact kn." Vaughn v. Mun. Ct.(1967) 252 CA2d
30 348, 358, 60 CR 575, 581own to be false presumes an intent to secure a determination based upon it
31 . . .; Vickers v. State Bar (1948) 32 C2d 247, 253, 196 P2d 10, 13-14—"The conduct denounced . . . is
32 not the act of an attorney by which he successfully misleads the court, but the presentation of a
33 statement of fact, known by him to be false, which tends to do so"*

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1 Cal Bus Code §6068 states that an attorney must only counsel or maintain just actions or
2 defenses, "except the defense of a person charged with a public offense." BP §6068(c)(d) embodies
3 the duty of candor by stating that "employ ... those means only as are consistent with truth, and
4 never to seek to mislead the judge . . . by an artifice or false statement of fact or law." This Court
5 appears to condone the suborning of perjury of notary Doris Tucker, violations under Cal Penal
6 §127, offering and preparing fraudulent evidence under Cal Penal §132 & §134, solicitation of a
7 crime under Cal Penal §653f(a), and direct contempt of this Court regarding material and
8 determinative facts. This Court and the beneficiaries have been deceived by this fraudulent Jurat.

9 **VIII. ERROR OF FACT: CLEAR AND CONVINCING EVIDENCE IS THAT THE TWO ADDENDUM
10 DOCUMENTS DO NOT RELATE TO ANY OF SIGNED PAGES OF THE ADUMDUM.**

11 On its face, the purported original 'adumdum' pages bear the date "10/31/13" prominently on
12 the top of each page. The jurat makes NO REFERENCE to this document date but rather to a
13 document having a document date of '11/18/13" which is not found in the heading on any of the
14 purported original 'adumdum' pages. Further, there was no testimony or evidence presented at
15 trial which relates the three 'adumdum' pages together, each having a different heading appearing
16 as a codicil, living trust and family trust respectively. The Affidavit only makes reference to a "Living
17 Trust'. Evidence presented at trial showed that Dorothy never used the term 'Living Trust' in any of
18 the letters, summaries or other documents produced by the trustee, always using the term "Family
19 Trust". (Trial Pet. Exhibit 5)

20 The Jurat makes no reference to any Family Trust or document having a date of "10/31/13". It
21 explicitly refers to a document having a date of "11/18/13" consisting of five pages.

22 The signed 'adumdum' page references no trust at all and appears more as a codicil to a will.

23 My Aunt Dorothy, an office manager and bookkeeper, was always specific and well-structured
24 in her personal notes, letters and personal summaries. At trial, no evidence was presented that
25 Dorothy drafted, instructed to be transcribed, or executed these fraudulent documents.

26 **IX. ERROR OF LAW: UNDUE INFLUENCE – GENERAL STANDARD OF BURDEN OF PROOF & CAL
27 PROBATE CODE §21380**

28 In David v. Hermann, 129 Cal.App.4th 672 (2005)[28 Cal.Rptr.3d 622], the Court discussed at
length the standards and law related to burden of proof in "undue influence".

"The proof of undue influence by circumstantial evidence usually requires a showing of a

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1 number of factors which, in combination, justify the inference, but which taken individually and
2 alone are not sufficient." (12 Witkin, Summary of Cal. Law (9th ed. 1990) Wills and Probate, ? 189, p.
218.)

3 "...a presumption of undue influence may arise, shifting to the proponent of the disposition
4 the burden of proving by a preponderance of the evidence that the donative instrument
5 was not procured by undue influence." (Conservatorship of Davidson (2003) 113 Cal.App.4th 1035,
6 1059.)... A presumption of undue influence "arises upon the challenger's showing that (1) the person
7 alleged to have exerted undue influence had a confidential relationship with the testator; (2) the
8 person actively participated in procuring the instrument's preparation or execution; and (3) the
9 person would benefit unduly by the testamentary instrument." (Rice v. Clark, supra, 28 Cal.4th 89,
10 97; Estate of Fritschi (1963) 60 Cal.2d 367, 376.)

11 This Court admitted into evidence a POLST form, Exhibit 12 (P. 6. Line 8) which clearly shows
12 that Rose Aparicio had power of attorney and was the 'Legally-Recognized Decisionmaker' on and
13 after 11/12/13. (The 'adum dum' was purportedly executed on 11/18/13.). This confidential
14 relationship was also supported by the testimony of Nicolas Sanchez, Rose Aparicio's grandson, who
15 testified that Rose Aparicio was handling the 'adum dum'. In Summary Judgment, this Court
16 received Respondent's evidence Rose Aparicio printed the 'adum dum' on Dorothy's printer and
17 presented it to the successor-trustee thirty days after Dorothy's death. Under both well-established
18 standards and CPC §21380, there is a presumption of fraud and undue influence shifting the burden
19 of proof to the proponents of the 'adum dum', which may be overcome only by 'clear and
20 convincing evidence.' No evidence of any sort was presented by the proponents at trial.

21 **X. BREACH OF TRUST: UNDUE INFLUENCE, FRAUD, FORGERY & LACK OF CAPACITY: THE**
22 **SUCCESSOR-TRUSTEE TO ENGAGED IN ACTIVITY ADVERSE TO THE INTERESTS OF THE**
23 **NAMED BENEFICIARIES OF THE TRUST**

24 In the context of the breach of duty of the successor-trustee, the Petitioner presented
25 extensive evidence of the fraud, undue influence and lack of capacity related to the purported
26 'adum dum' documents including but not limited to:

- 27 1. On November 18, 2013, Dorothy was a dependent adult under §21366, unable to provide
28 for her personal needs and due to deficits in mental functions had difficulty managing
her own financial resources, or resisting fraud or undue influence..
2. Dorothy could not write or print legibly on and after October 31, 2013, as evidenced by
the checkbook page, . The purported signatures could not be authentic or witnessed on
November 18, 2013.

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- 1 3. “Addendum” is spelled correctly on the computer-printed pages, but the person who
2 performed the hand printing on the fraudulent documents could neither spell addendum
3 correctly from memory, nor read the spelling on the page and repeat it on the same
4 page. If the trier of fact attributes the hand printing to Dorothy, the inability to read and
5 remember a single word is clear and conclusive evidence of an impairment of capacity to
6 read and understand the instrument being signed.
- 7 4. Dorothy in all her known writings, letters and summaries referred to the trust as the
8 “FAMILY TRUST” or :”DOROTHY HORWITZ FAMILY TRUST”. At no time did Dorothy ever
9 use the term “Living Trust”.⁷
- 10 5. The typeface employed on the ‘adumdum’ page was never used by Dorothy. Readily
11 apparent is the difference in the lower case ‘a’.
- 12 6. The formatting of columns of numbers was importantly different: formal accounting
13 structure - column right on Dorothy’s personal papers and summaries, but a writer’s
14 column left on the fraudulent adumdum pages.
- 15 7. The purported source of the Addendum, Rose Aparicio, was a fiduciary and confidant,
16 who claims to have transcribed the Addendum and given it to the Respondent Trustee
17 nearly a month after the death of Dorothy Horwitz. (See Estate of Swetmann (2000), 85
18 Cal.App.4th 807. (Respondent’s Undisputed Statement of Facts, Summary Judgment, and
19 Deposition of Rose Aparicio. The Court on Summary Judgment found that Rose Aparicio
20 was new beneficiary of the “Adumdum’.)
- 21 8. The Trustee knew and the Trial Court acknowledged the POLST document, Trial Exhibit
22 12, P. 6, Line 6-10, evidence that Rose Aparicio was a fiduciary, and that Dorothy’s
23 condition on 11/12/13 precluded Dorothy acknowledging the POLST. It was executed by
24 the fiduciary Rose Aparicio and physician Dr. Khang. These facts established the
25 ‘adumdum’, Rose Aparicio and her ‘favorite’ charity, ALSAC as disqualified recipients
26 under Cal Prob Code § 21380.
- 27 9. The term ‘addendum’ is not the method of amendment permitted in the language of the
28 Dorothy Horwitz Family Trust; is not found in any of Dorothy’s writings, and is not the

⁷ See Trial Exhibit 5 (8 pages)

1 term used in any of the self-help literature. It is not a term used by estate attorneys in
2 California. It is a term used by shipping and insurance lawyers.

3 10. Dorothy adored her late husband Walter and she would never not honor his instructions
4 to bequest his half of the Estate to their nephews, Murray and Dennis.

5 11. Dorothy adored her late husband Walter and she would never not honor his instructions
6 to bequest the Cantor Pinchik papers, recordings and other heirloom Judaica and jewelry
7 his half of the Estate to their nephews, Murray and Dennis.

8 12. At the time of Dorothy's passing, my Mother, Walter's sister, eight-nine years old, was
9 alive, alert, and speaking with Dorothy every two weeks. They both adored Walter
10 Horwitz. The decision to leave Walter's half of the Estate to her nephews was jointly
11 made at the time of Walter's passing in 2007. Even if Dorothy was upset at her nephews
12 (which she was not), she would bequest Walter's half of the Estate to my Mother. She
13 would NEVER EVER bequest the Horwitz heirlooms, Judaica and art, to Rose Aparicio,
14 ALSAC and any other party. (See "undue profit" in Estate of Sarabia(1990), 221
15 Cal.App.3d 599.)

16 These numerous inconsistencies and the absence of any evidence or testimony of witnesses
17 where two are alleged, are prima facie evidence of lack of due execution, lack of authentication and.
18 It is well-established law in California that the proponents have initial burden of proof of the due
19 execution of a Will/Trust instrument. This is codified in Cal. Prob. §8252(a) and discussed at length
20 in Estate of Ben-Ali, 216 Cal.App.4th 1026 (2013). Further, discussed below, Rose Aparicio, the
21 "anything she wants" new beneficiary, is a disqualified person, subject to a presumption affecting
22 the burden of proof that a gift to a disqualified person was procured by fraud, menace, duress, or
23 undue influence." (Graham v. Lenzi (1995) 37 Cal.App.4th 248, 257.)

24 Neither the Respondent trustee Hoover Louie nor any of the alleged witnesses appeared at
25 trial to authenticate any instrument of amendment to the Dorothy Horwitz Family Trust, controvert
26 averments and evidence of undue influence by Rose Aparicio and lack of capacity of Dorothy
27 Horwitz on November 18, 2013.

28 This Court erred in concluding the trustee Louie did not breach his duty to the Petitioner
under Cal Prob. Code §16003 (impartiality), appearing as objector on behalf of the proponents of

1 the 'adumdum, impeding access to the Horwitz Estate objects of Judaica, jewelry, art, finances,
2 personal phone and address books, papers and photo albums; and by concealing evidence
3 favorable to the named beneficiaries of the 2012 Dorothy Horwitz Family Trust.

4 **XI. EVIDENCE OF SIGNATURE FORGERY**

5 *It is well-established and common knowledge among* jurists familiar with document forensics
6 that if one has control over the writing materials – paper, pen and printer, and knowledge of the
7 forensic tools employed by document examiners, it is nearly impossible to distinguish between an
8 original and a well-crafted forgery. This is the certainly the case here where the perpetrators of the
9 forgery, attorney Ling and accountant Louie, had extensive experience with document forensics and
10 over four months of unfettered access to the Horwitz home, papers, computer and printer before
11 the presentation of the purported 'adumdum' four months later.

12 The deterioration of Dorothy's motor functions – her 'shaking hand' (Deposition of the
13 notary Doris Tucker⁸), or the unsuccessful scrawl in her checkbook register on October 31, 2013,
14 which required the intervention of her fiduciary Rose Aparicio to assume the responsibility of
15 writing and recording Dorothy's checks are not reflected in three signatures allegedly executed on
16 November 18, 2013 0- the adumdum, jurat, and affidavit. (See Trial Exhibit 10, Motion Exhibit 1.)

17 **XII. UNDUE INFLUENCE - NO EVIDENCE OF PRIOR DONATIONS TO NEW CHARITIES**

18 The only charities evidenced in the bank documents are a small amounts to American Heart
19 Assc., American Lung Assc. and the L.A. Mission which was close to my Aunt Dorothy's place of
20 employment. The bank records produced by Respondent in discovery include NO evidence that
21 Dorothy ever donated to the American Lebanese Syrian Associated Charities (St. Jude's) or USC
22 Children's Hospital. Catholic ALSAC with historic ties to the Croatian Ustasa is the most un-natural
23 of beneficiaries for my Jewish Aunt Dorothy. USC Children's Hospital which is associated with the
24 unsuccessful Brausen v Holonyne, LASC BC389984 litigation, is equally un-natural.

25 (It may be noted the Respondent counsel Morrow intentionally misleads the Court in its
26 written memorandum asserting evidence of donations to St. Judes where none exists).

27 This Court erred in light of the uncontroverted testimony at trial and other evidence of
28 Jewishness and ties to the U.S. Navy, by concluding that the elimination of all U.S. Veterans, Navy

⁸ Lodged Deposition of Doris Tucker, P. 25, Line 2

1 and Jewish charities, and the substitution of Catholic ALSAC/St. Jude's as the sole donative recipient
2 for the Judaica and Horwitz heirloom jewelry, and a majority funds was unnatural and evidence of
3 undue influence on an elderly Jewish woman with a long-standing Jewish identity and heritage.

4 **XIII. STANDARDS FOR PRO SE TRIALS**

5 From: HANDLING CASES INVOLVING SELF-REPRESENTED LITIGANTS - JANUARY 2007 - CALIFORNIA
6 JUDICIAL COUNCIL

7 "The trial judge has a "duty to see that a miscarriage of justice does not occur through
8 inadvertence." Lombardi v. Citizens Nat. Trust & Sav. Bank (1951) 137 Cal App.2d 206, 209,
9 [289 P.2d 8231]."

10 "*The judge cannot rely on the pro per litigants to know each of the procedural steps, to raise*
11 *objections, to ask all the relevant questions of witnesses, and to otherwise protect their due*
12 *process rights. Ross v. Figueroa (2006) 139 Cal.App.4th 856; 43 Cal. Rptr. 3d 289."*

13 *I. To decide cases fairly, judges need facts, and in self-represented litigant cases, to get facts,*
14 *judges often have to ask questions, modify procedure, and apply their common sense in the*
15 *courtroom to create an environment in which all the relevant facts are brought out.*

16 *II. In short, judges have found as a practical matter that a formalized, noncommunicative role*
17 *in dealing with cases involving self-represented litigants can lead to serious decision-making*
18 *problems. Without the additional facts that active judicial involvement brings to light, judges*
19 *are at risk of making wrong decisions."*

20 Lay opinion may be received on physical condition of health, sickness, or injury. Waite v.
21 Goodfrey (1980) 106 Cal.App.3d 760, 764, 163 Cal. Rptr. 881, 883 and identification of handwriting.
22 Cal Evid. Code § 1416; Fed. Rules Evid. 901(b)(2). Opinion testimony is not objectionable merely
23 because it embraces the ultimate issue to be decided. Cal Evid. Code § 805; Fed. Rules Evid. 704(a).

24 Cal Evid. Rule 1416 states:

25 "*A witness who is not otherwise qualified to testify as an expert may state his opinion whether*
26 *a writing is in the handwriting of a supposed writer if the court finds that he has personal*
27 *knowledge of the handwriting of the supposed writer. Such personal knowledge may be*
28 *acquired from:*

29 *(a) Having seen the supposed writer write; (TRUE) (b) Having seen a writing purporting to be*
30 *in the handwriting of the supposed writer and upon which the supposed writer has acted or*
31 *been charged ; (TRUE) (c) Having received letters in the due course of mail purporting to be*
32 *from the supposed writer in response to letters duly addressed and mailed by him to the*
33 *supposed writer; (TRUE) or(d) Any other means of obtaining personal knowledge of the*
34 *handwriting of the supposed writer. (TRUE)"*

35 It is clear that if Petitioner's uncontroverted and readily verifiable evidence was admitted, a
36 presumption of fraud and undue influence, and the burden of proof would shift to the Respondent.

MEMORANDUM IN SUPPORT OF PETITIONER'S MOTION FOR A NEW TRIAL

1 **XIV. PREJUDICE OF THE COURT**

2 This Court erroneously and prejudicially: denied discovery motions ESSENTIAL to proving
3 undue influence and the breach of trustee’s duty to secure the Estate including requests for photo
4 albums, personal papers, cards, address and phone books, pictures and listing content s of safe
5 deposit boxes, pictures of art works and Judaica, and the identity of persons who receive items of
6 the Estate after the death of Dorothy Horwitz from Rose Aparicio; Denied discovery motions related
7 to the ‘new’ computer witness – Conrad Blinker – prejudicial to proving an alternation of evidence;
8 and, persuaded Petitioner that a post-trial opposition memorandum was not necessary. This Court
9 had personal and prejudicial knowledge of opposing counsel’s role in the unlawful racketeering
10 activities of the Chinese import-export businesses in Long Beach, facts presented in a preemptory
11 challenge denied on June 9, 2016.

12 **XV. DANGEROUS PRECEDENTS & SUMMARY**

13 The August, 2016 Order is a dangerous precedent which reopens to door to trustee,
14 fiduciary and confidant fraud and larceny. It condones a sole trustee representing proponents of a
15 deathbed instrument adverse to the Family Trust beneficiaries on the most specious grounds,
16 obstructing of discovery, concealing evidence, and forcing the legitimate beneficiaries into costly
17 litigation to assert their rights. It is so contrary to California Law and precedent as to appear to be
18 obtained by the coercion or corruption of the Court.

19 To my 92 year old Mother, who spoke with Dorothy every few weeks, this fraud is absolutely
20 transparent: Dorothy would never, dead or alive, step into the Pacific Ocean of her ‘adored
21 husband’ Walter Horwitz, having abrogated her oath to protect and bequeath the Horwitz art,
22 Judaica, heirlooms and half the monetary value of the Estate to their nephews, Murray and Dennis
23 Solomon; a truth well understood by those family and friends, from our Rabbi and clergy, Under-
24 Secretaries of Defense, Chairs of renowned medical schools of recent visit. May God have mercy
25 upon your souls.

26 Respectfully submitted on September 6, 2016,

27 

28 By: _____

DENNIS SOLOMON, Petitioner, pro per

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EXHIBIT LIST

TRIAL EXHIBITS 1- 55 LODGED WITH THE COURT

1. HORWITZ FAMILY HISTORY
Cantor Pierre Pinchik, Milken Archive 2015, Great Cantorial Concert
Great-Grandparents 50th, The Jewish Advocate, July 29, 1934
“Above & Beyond” – Nancy & Stephen Spielberg, TWA, Israel
“Touro Synagogue, Torah Bells”
Walter Horwitz , Blue Jacket Manuel 1940,
Walter Horwiz, Self-Portrait, Temple Peacock
Prof. Nancy Aleo, MassArt, discussed retrospective of alumus Walter Horwitz
Prof. Herbert Lin, Stanford U, NAS, MIT 73
2. DENNIS SOLOMON SPECIAL RELATIONSHIP WITH AUNT DOROTHY
“Success of nephew in the ocean oriented sports ‘garment’ trade
Holly Bra was a swimwear manufacturer.
3. DENNIS SOLOMON PROFESSIONAL EXHIBITS
Expertise as an analytical microscopist and trajectories
Expertise in computers
Expertise in biomedicine
4. DOROTHY HORWITZ FAMILY TRUST, MARCH 6, 2012
-Article 5.3 Bequest of Horwitz Estate to Murray and Dennis Solomon, nephews;
Nicolas Sanchez and Charities according to Schedule B
-Article 3.1 Method of Amendment, Irrevocable After Death
-Article 6.19 Trustee Liability
5. INTRODUCTION TO DOROTHY HORWITZ – OFFICE MANAGER
 (“FAMILY TRUST”)
H-0002 “Family Trust” Letter, 4/19/12
H-0189 “Family Trust” Letter, 4/3/12
H-0136 “Family Trust” Letter, 8/9/12
H-0029 “Family Trust” Letter, 8/21/12
H-0038 “Family Trust” Letter, 8/21/12
H-0204 “Family Trust” Envelope, 9/4/12
H-0226 “Family Trust” Envelope, no date
H-0176 “Family Trust” Stocks, 6/20/13
6. THREE SEPARATE PAGES OF THE FRAUDULENT ADUMDUM
“Adumdum’; ‘Living trust’; Forged ‘family trust’ – Document date: “10/31/13”

- 1 7. TUCKER - ORIT SHAPIRO DECLARATION & DENIAL AS SUBSCRIBING WITNESS
- 2 8. TUCKER UNSIGNED NOTARY ACKNOWLEDGEMENT & JURAT
Notary Tucker refused to sign based on Dorothy's refusal to acknowledge.
3 Affidavit addresses on the "Living Trust"
4 Jurat Document Date is: "11/18/13", no reference to "10/31/13"
- 5 9. TUCKER JURAT SIGNED SOME TIME AFTER 3/18/14
Notary Tucker Dep "Morrow suborning notary Tucker to affirm Orit Shapiro as Requester"
- 6
- 7 10. DOROTHY HORWITZ CHECKBOOK PAGE "10/31/13"
Last attempt to print "Garden Crest", most by Rose Aparicio
8 Couldn't have printed the headings "Dorothy Horwitz 10/31/13"
on the three addendum pages
9 -Signed JURAT
- 10
- 11 11. DOROTHY MEDICAL RECORDS
Highly drugged with morphine, hydromorphone (opioids) and Lorazepam (anxiety);
12 a dangerous combination causing death by the depression of respiration.
- 13 12. ROSE APARICIO POA EXECUTED BY DR. KHANG ON 11/12/13- FIDUCIARY
In addition to fiduciary relationship regarding finances, home and influence
14 POLST was formally executed prior to the purported signing of the addendum on 11/18/13.
- 15
- 16 13. ROSE APARICIO DEP. P.14-15 - PRINTED ADDENDUM ON DOROTHY'S COMPUTER
'Transcribed or caused to be transcribed the instrument of donative transfer to herself'
17 Prohibited person under Sec. 21380, (See adumdum, St. Jude's for drafting evidence.)
- 18 14. ROSE APARICIO DEP. P.41 - GAVE TO TRUSTEE LOUIE AFTER DOROTHY DIED
Describes going back until about a month after Dorothy died.
19 Prohibited person under Sec. 21380, (See adumdum, St. Jude's for drafting evidence.)
- 20
- 21 15. ROSE APARICIO DEP. P.28 - SAFE DEPOSIT BOX KEYS TO TRUSTEE LOUIE
"I had no keys, keys went to trustee Louie"
- 22
- 23 16. LOUIE RESPONSE TO SPECIAL INTEROGS
"Three safe deposits boxes only contained 7 stock certificates"
- 24
- 25 17. ROSE APARICIO DEP. P. 29 - SENT PHOTOS TO HER BEST FRIEND - "ADELE"
"Refuses to provide the address of Aunt Dorothy's Best Friend"
- 26
- 27 18. ROSE APARICIO DEP. P.34, 26, 22, 35 JEWISH & RELATIONSHIP WITH FAMILY
Page 34, 'Of course, Dorothy was Jewish.'
Page 26. 'She adored him (Walter).'
- 28 Page 22, "She said she called you (Dennis) as soon as she was diagnosed"

EXHIBITS IN SUPPORT OF PETITIONER'S MOTION FOR A NEW TRIAL

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- Page 35 "Sent Cantor Pinchik album to Murray... he's a very nice man."
19. ATTORNEY JOE LING LETTER TO BENEFICIARIES DATED MARCH 24, 2014
Attorney Morrow as representing the Dorothy Horwitz Family Trust
"Sent Unsigned JURAT to all Beneficiaries at this time"
20. STATEMENT OF JAMES GREEN, DOCUMENT EXAMINER ON FORGERY BY ALTERATION OF
ADDENDUM CHARITIES PAGE
The Addendum "Charities" page was forged by alteration after a first hand printing of
"Dorothy Horwitz" to read: "Family Trust" – an impossibility under the testimony
of Rose Aparicio and notary Doris Tucker.
21. FBI - FORSENIC DOCUMENT ANALYSIS GUIDELINES
FBI Handwriting Examination Paper, October 2009
FBI Examples of Handwriting Forgeries
FBI Guidelines for Forensic Document Examination
Konrad Kujau, Amateur artist forges Hilter Diaries, Stern Magazine, 1989
Harvard Theological Review, "Laboratory Tests Can't Always Catch Modern Forgeries"
22. COMPUTER METADATA PROGRAM – ATTRIBUTE MAGIC
Popular program which allows the change of metadata on MS WORD and other documents:
Date Created; Last Date Modified; Author; for example.
23. LISA APARICIO WEB PICTURES OF THE ART OF WALTER HORWITZ
Four pages of photographs from the open port of Lisa Aparicio's computer showing the
original artwork of Walter Horwitz in the Horwitz home. Retrieved by Petitioner.
24. ADL/SENATOR KENNEDY LETTERS ON MCMANUS/BDS ANTI-SEMITIC ACTS
Letter from U.S Customs to Senator Kennedy
Note from ADL attorney Sally Greenberg
25. ALPERIN V VATICAN BANK 242 F. Supp. 2nd 686 (2003)
Discussion of the role of the Catholic Church in the emigration of the Croatian Nazi
collaborators to the United States with purloined fortunes, and in particular Southern California.
34. UFFE HORWITZ – DANISH UNDERGROUD
35. NEUROTUBULE FOUNDATION – PROF ILLANA GOZES
- APPENDED EXHIBITS 1. From Summary Judgment – Comparison of Signatures of Dorothy Horwitz
- End of List

EXHIBITS IN SUPPORT OF PETITIONER'S MOTION FOR A NEW TRIAL

1 Dennis J Solomon, pro per
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3 Randolph, MA 02368
4 Phone 508-394-9221
5 Fax: 617-890-1947
6 horwitzdw@gmail.com

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL PROBATE DIVISION

In Re) Case No.: BP153887
)
) [PROBATE]
)
THE DOROTHY HORWITZ FAMILY)
TRUST, DATED MARCH 6, 2012) Honorable: Judge Maria E. Stratton
) Department: 5
) Action Filed: July 17, 2014
)
) Reserved Date: October 11, 2016
) Time: 10:00 AM
)
) **PETITIONER PRO PER SOLOMON'S**
) **REPLY BRIEF IN SUPPORT OF MOTION**
) **FOR A NEW TRIAL**
)
)
)

Petitioner pro per Dennis Solomon herein shows that Respondent counsel Morrow in her brief fails to address any of the determinative errors and issues of fact or law raised in this Petitioner's Motion for New Trial and Correction. Moreover, she supports the obvious conclusion that this present case stands as textbook example of successor-trustee fraud and coercion of the court: effected in corruptly composed, unauthenticated, last week of life, crude 'deathbed adumdum' which makes no reference to the Dorothy Horwitz Family Trust which my Aunt Dorothy drafted and duly-executed with her local Estate attorneys in 2012. With the fraud explicitly evidenced at trial, neither the successor-trustee Louie, nor any party with purported personal of the 'adumdum' dared to appear at trial.

1 The duly-executed 2012 Dorothy Horwitz Family Trust remains the only authenticated
2 document, and under all the Laws of California, the precedent of its honorable Courts, and common
3 sense the petition to distribute the Horwitz Estate in accordance with its terms, must prevail. To do
4 otherwise is an invitation to every successor-trustee of elderly clients to delay notifying the
5 beneficiaries of the death of the Trustor, fabricate a false amendment granting exclusive access to
6 all the untraceable valuables, and rifle through the Estate destroying all contrary evidence,
7 especially family albums and papers which would document said valuables.

8 In response to Respondent Morrow erroneously arguments this Petitioner pro per states and
9 supports the following:

10 **I. PETITIONER PRO PER'S MOTION IS TIMELY**

11 CCP §659a states that: *"for good cause shown [may]... be extended by any judge for an*
12 *additional period not to exceed 10 days."* Nearly all pro per litigants lack the knowledge and
13 resources to respond quickly to new events. Between work and family responsibilities, it is often
14 impossible to research, draft and respond within a few days. Unlike the Federal procedures, the
15 baroque California customs, according to Bar commentaries, confused even the most learned of
16 members of the Bar. Coupled with the delays in communications by mail, which did not deliver a
17 copy of this Court's Minute Order until August 17, 2016, the extension allowed under CCP 659a is
18 both appropriate and necessary to prevent a miscarriage of justice. These facts were attested to
19 within the Memorandum and recited again formally in the attached formal affidavit.

20 **II. PETITIONER PRO PER'S MOTION IS SUPPORTED BY ATTESTATION & AFFIDAVIT**

21 CCP §656 explicitly states that *"A [Motion for a] new trial is a re-examination of an issue of*
22 *fact in the same court..."* and CCP §657 enumerates the many grounds for a new trial or the vacation
23 of judgement. CCP §658 states that only CCP §657 (1-4) must be made on attestation (affidavit). Said
24 paragraphs relate to newly discovered evidence, surprise, or irregularities. Generally under CCP
25 §658, a motion under CCP §656 may rely on the minutes of the Court. The present pro per Motion
26 has incorporated the attestation of certain facts in the Memoradum, and in response to the
27 Respondent by separate 'affidavit'. Further, as discussed herein, the causes dictating the present
28 Motion include CCP §657(6, 7), the minutes, formal proceedings and acts of this Court.. CCP §660
states that": *"On the hearing of such motion, reference may be had in all cases to the pleadings and*

1 *orders of the court on file, and when the motion is made on the minutes, reference may also be had*
2 *to any depositions and documentary evidence offered at the trial”*

3 **III. RESPONDENT MORROW MISTATES THE PETITIONER’S HEALTH**

4 Respondent Morrow’s recitation of this Petitioner’s testimony regarding Lyme disease is
5 unsupported by any facts or records. The issue of Lyme disease and obvious nerve damage arose in
6 the context of Respondent’s unsuccessful motion to compel personal appearance in California in
7 March, 2015. Respondent Morrow intentional obfuscates the issues and events: a hiking leg injury
8 in 2007 resulting in serious edema and dangers of DVT which largely resolved by 2012 when the
9 Petitioner travelled to the Southwestern United States, and a July, 2014 contraction of Lyme disease
10 resulting in nerve palsy and other complications: said complications largely controlled by Spring of
11 2016 but still obvious at trial.

12 This Petitioner pro per attests and restates that he travelled by commercial air carrier to Las
13 Vegas to attend LDI 2016 where, among many others, he met with UNLV Professor Brackley Frayer
14 regarding a retrospective of the works of his Uncle Walter Horwitz and establishing a scholarship in
15 the name of Dorothy and Walter Horwitz. He thereafter travelled by automobile and non-
16 commercial means during said visit.

17 **IV. ISSUES RAISED IN THE MEMORANDUM OPPOSED BY RESPONDENT MORROW**

18 **V.**

19 **1) Irregularities In The Proceedings Of The Court And Orders Of The Court Denied The Petitioner**

20 **A Fair Trial:**

- 21 a) Denied 1st Motion to Continue Trial Date
- 22 b) Denied Motion to Recuse, Preemptory Challenge of Prejudice
- 23 c) Denied early discovery – prepare a case
- 24 d) Denied access to the Horwitz home
- 25 e) Denied access to trustee Louie photographs of items purported to be found in the safe
26 deposit boxes.
- 27 f) Failed to supplement interrogatories and requests for production
- 28 g) Concealed and mislead regarding evidence and individuals

- 1 i) The identity of Dorothy Horwitz living ‘best friends’ to whom Rose Aparicio sent valuable
2 items from the Horwitz Estate.
- 3 ii) Conrad Blinker – Critical to issue of the date the ‘adumdum’ was placed on the Horwitz
4 computer.
- 5 iii) Contents of Safe Deposit Box -- Critical to the issue of ‘undue influence’ – showing it was
6 unnatural to excluded all Jewish charities.
- 7 iv) Joint Bank Accounts of Walter and Dorothy Horwitz - Critical to the issue of ‘undue
8 influence’ – showing it was unnatural to excluded all Jewish charities, and gifts to Murray
9 and Dennis Solomon.
- 10 v) Specific correspondence and thank you notes from Hadassah and JNF
- 11 vi) Notes related to Dorothy’s Mother
- 12 vii) Removed and concealed the Identity of Items and Recipients of Valuable Objects of the
13 Horwitz Estate including valuable Judaica, Horwitz heirlooms, papers of Cantor Pinchik
- 14 viii) Removed and concealed the Identity Personal Address and Telephone Books – critical to
15 issues of undue influence.
- 16 ix) Photo Albums and other Personal Papers – critical to issues of undue influence.

17 **2) Prejudicial Surprise Against Which Ordinary Prudence Could Not Have Guarded:**

- 18 a) The identity of Conrad Blinker as the individual retrieving documents from the Horwitz
19 Computer. In earlier affidavits, Respondent Morrow identified herself as the individual. This
20 surprise relates to the level of expertise of the individual manipulating the computer. If the
21 Petitioner were to be required to prove the ‘adumdum’ fraudulent one of the determinative
22 points of evidence is the authenticity of the dates provided by alleged Horwitz computer.
23 The evidence introduced and attested to by the Respondent during Summary Judgment
shows that the dates had been altered. (See Exhibit C, Last Accessed Date is 1990.)

24 **3) Newly Discovered Evidence Material To The Outcome:**

25 The identity of Conrad Blinker as the individual retrieving documents from the Horwitz
26 Computer enabled the investigation which discovered by Conrad Blinker was an expert in
27 computer document manipulation and security – having all of the necessary access or
28 knowledge to apply any date to the metadata of any file on the Horwitz computer.

1
2 **4) Insufficiency Of The Evidence:**

- 3 a) No evidence of any sort was presented to authenticate the ‘adumdum’ documents.
4 b) No evidence of any sort was presented which showed that Dorothy Horwitz intended to
5 amended the 2012 Dorothy Horwitz Family Trust.

6 **5) Prejudicial Errors in Law.**

- 7 **a) Error of Law regarding Standing to Object and Breach of Duty** - Contrary to Respondent
8 Morrow’s argument, the Dorothy Horwitz Family Trust requires the successor trustee to
9 defend the named beneficiaries against claims by purported ‘new beneficiaries; of
10 fraudulent unsigned instruments allegedly delivered to successor-trustee at least one month
11 following the death of the Trustor Dorothy Horwitz. This Court erred and failed to support its
12 position on the principal issue of Respondent trustee Louie’s standing to object to the
13 Petition related to the ‘adumdum’. All of California Law and precedent prohibits the
14 successor-trustee from representing ‘two masters’ simultaneously. In the present case,
15 successor-trustee Louie was NOT an attorney representing the Trustor, but solely an
16 accountant trustee whose undivided duty of fidelity was to the beneficiaries of the Dorothy
17 Horwitz Family Trust – this Petitioner, Murray Solomon and Nicolas Sanchez.
18 i) The new charities of the ‘adumdum’ did not retain Respondent trustee Louie’s counsel,
19 nor did they appear and testify at trial. Nor did any of the other ‘new’ beneficiaries of
20 the ‘adumdum’ retain Respondent trustee Louie’s counsel conferring standing.
21 ii) It is an egregious error of law and invitation to trustee fraud to allow the successor-
22 trustee to breach the principal duty to the .
23 **b) Error of Law related to Burden of Proof** --This Court found in Summary Judgment that Rose
24 Aparicio was a new beneficiary according the purported ‘adumdum’ and received
25 uncontroverted evidence from Respondent’s that Ms. Aparicio (1) had a close, confidential
26 relationship with Dorothy Horwitz, (2) actively participated in the preparation and
27 transcription, and (3) benefitted unduly with ‘anything she wants’ and distribution of rare
28 Judaica, jewelry and cash to her favorite charities (ALSAC/St. Jude’s). It is recited in Rice v.
Clark (2002) 28 Cal.4th 89, 96 that: *"Although a person challenging the testamentary*

1 instrument ordinarily bears the burden of proving undue influence ([Prob. Code,] § 8252), the
2 [California Supreme Court] and the Courts of Appeal have held that a presumption of undue
3 influence, shifting the burden of proof, arises upon the challenger's showing that (1) the
4 person alleged to have exerted undue influence had a confidential relationship with the
5 testator; (2) the person actively participated in procuring the instrument's preparation or
6 execution; and (3) the person would benefit unduly by the testamentary instrument." (Id. at
7 pp. 96-97.)

8 c) **Error of Law related to Undue Influence** – “A finding of undue influence does not require the
9 beneficiary's presence at the execution of the will. (Estate of Baker (1982) 131 Cal.App.3d
10 471, 483.) Evidence of undue influence "is not limited to the actual time the will is executed;
11 instead, facts bearing upon such undue influence, both before and after execution of the will
12 are admissible so long as they tend to show such influence at the time the will was executed."
13 (Estate of Larendon (1963) 216 Cal.App.2d 14, 19.).

14 d) **Error of Law related to Undue Influence** --Undue influence may be proven by circumstantial
15 evidence. David v. Hermann (2005) 129 Cal.App.4th 672, 684 states: ‘The proof of undue
16 influence by circumstantial evidence usually requires a showing of a number of factors which,
17 in combination, justify the inference, but which taken individually and alone are not
18 sufficient.’

19 VI. SUMMARY OF ISSUES RAISED

20 It is apparent, uncontroverted and admitted by Respondents from the full record of this case
21 that Rose Aparicio was a disqualified recipient under current law, CCP 21380. The Court found her
22 to be a new beneficiary, and Respondents have not controverted her sworn deposition testimony that
23 she caused the ‘adumdum’ to be transcribed, and presented it to successor-trustee Louie over one
24 month AFTER the death of Dorothy Horwitz. Unquestionably, under these set of facts, the burden of
25 proof of undue influence has shifted.

26 For this Court to find otherwise, is uncontrovertible evidence of bias and prejudice, which in
27 final analysis, if not the result of coercion or other extenuating factors, may be disqualifying from the
28 judiciary of California.

1 The California Supreme Court clearly states in Swetmann, 28 Cal. 4th 103 that: ... we agree
2 with the Swetmann court's analysis of section 21350. As already noted, the genesis of Assembly Bill
3 No. 21, by which section 21350 and the rest of part 3.5 were added to the Probate Code, lay in the
4 reportedly egregious self-dealing of a probate attorney representing numerous elderly clients.
5 Existing law was perceived to be insufficiently clear and certain in addressing such conduct. The
6 "overriding intent" of the new law, according to a committee report, was "to clearly and
7 unambiguously prohibit the most patently offensive actions of [the attorney] while not unreasonably
8 encumbering the practice of probate law." (Sen. Com. on Judiciary, Analysis of Assem. Bill No. 21
(1993-1994 Reg. Sess.) as amended June 17, 1993, p. 5.)

9 This Court should explicitly prohibit these most patently offensive actions of the successor-
10 trustee and his counsel.

11 Absent any 'clear and convincing' evidence on personal knowledge authenticating the
12 'adumtum', this Court should reconsider the uncontroverted admission that Dorothy Horwitz was
13 Jewish, that her Mother was a active figure in Hadassah, that Dorothy loved and adored her
14 husband Walter, and that the Respondent has presented NO EVIDENCE which supports a change of
15 heart from her duly executed 2012 Dorothy Horwitz Family Trust to a crude 'deathbed adumtum'
16 distributing their Horwitz Estate to entities foreign and unnatural to their beliefs, customs and
17 traditions.

18 This Court should find the Respondent in breach of his duty of fidelity and impartiality, and
19 order the Horwitz Estate to be distributed in accordance with the terms of its written, and duly-
20 executed Articles 5.3.

21 Respectfully submitted on September 19, 2016,

22 

23 By: _____

24 DENNIS SOLOMON, Petitioner, pro per

1 **DECLARATION OF SERVICE**

2 I certify under penalties of perjury under the Laws of California, that I have caused the
3 aforementioned documents to be served upon Respondent’s counsel Margaret Morrow,
4 and counsel requesting special notice to be served by Electronic or U.S. Mail upon all
5 parties on September 19 or 20, 2016

6 By: *Dennis J. Solomon*
7 DENNIS SOLOMON, Petitioner, pro per

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10 Sacramento, CA 94203-4470

San Gabriel, CA 91776

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Los Angeles, CA 90071

15 Murray Solomon
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17 Cummington, MA 01026-9701

Andrea Ebert
65 Lela Court
Sutter Creek, CA 95685

18 Rose Aparicio
19 5135 Muscatel Avenue
20 Edward Liu
21 8525 E. Village Lane
22 Rosemead, CA 91770

Muscular Dystrophy – VP Donations
3300 E. Sunrise Drive
Tucson, AZ 85718

23 Children's Hospital Los Angeles
24 Robert E. Weiner, MPA CFRE
25 24 4650 Sunset Boulevard
26 Los Angeles, CA 90027

Los Angeles Mission – VP Donations
303 E. 5th Street
10 Los Angeles, CA 90013

27 Law Office of Tara L. Cooper
28 7037 La Tijera Blvd, Suite B201
Los Angeles, CA 90045

Braille Institute - Anthony J. Taketa
3 741 N. Vermont Avenue
Los Angeles, CA 90029

IN THE MATTER OF THE ESTATE OF DOROTHY HORWITZ

**AFFIDAVIT OF DENNIS SOLOMON
(Pro per Reply to Respondent's Opposition)**

I, Dennis Solomon, of the State of Massachusetts attest and state the following:

1. I was raised in Newton, Massachusetts and educated at MIT and MBL. I am the son of Frances Horwitz Solomon, sister of the late Walter Horwitz. I received an extensive Jewish education from family members and at Temple Emanuel in Newton, MA.
2. From 2005 to my Aunt Dorothy's passing in 2013, I observed and periodically participated telephone calls between my Mother and my Aunt Dorothy. From the summer of 2013, to my Aunt Dorothy's passing on November 25, 2013, including one at least one occasion during November, 2013, I observed and joined my Mother speaking telephonically with my Aunt Dorothy at least every two weeks. I observed that my Mother and my Aunt Dorothy were close, both adored my Uncle Walter.
3. Prior to my Uncle Walter's death in 2007, a discussion was held including my brother, Murray, myself, my Uncle Walter and my Aunt Dorothy concerning the disposition of my Aunt and Uncle's Estate, specifically including my Uncle's artwork, tools, family heirlooms and share of the Estate. It was decided that said physical items were to be shipped to my brother, Murray, who owned a home and barn with ample storage. My Mother insisted that the bequests were to be made directly to my brother and myself, rather than herself.
4. In November, 2013, I observed that my Aunt Dorothy and my Mother continued their close and loving relationship. NO EVENT occurred which altered the aforementioned understanding of succession.
5. Had my Aunt Dorothy been 'upset' with myself, it is my belief that my Aunt would have followed my Uncle Walter's wishes and instructions that his half of the Estate be distributed to my Mother.

ATTESTIONS OF ACTS, ORDER & IRREGULARITY WHICH PREVENTED A FAIR TRIAL

6. This Court issued the following orders and acts which prevented a fair trial:
 - a. Denied 1st Motion to Continue Trial Date
 - b. Denied Motion to Recuse, Preemptory Challenge of Prejudice
 - c. Denied early discovery – prepare a case
 - d. Denied access to the Horwitz home
 - e. Denied access to trustee Louie photographs of items purported to be found in the safe deposit boxes.
 - f. Failed to supplement interrogatories and requests for production
 - g. Concealed and mislead regarding evidence and individuals
 - i. The identity of Dorothy Horwitz living 'best friends' to whom Rose Aparicio sent valuable items from the Horwitz Estate.

- ii. Conrad Blinker – Critical to issue of the date the ‘adumdum’ was placed on the Horwitz computer.
 - iii. Contents of Safe Deposit Box -- Critical to the issue of ‘undue influence’ – showing it was unnatural to excluded all Jewish charities.
 - iv. Joint Bank Accounts of Walter and Dorothy Horwitz - Critical to the issue of ‘undue influence’ – showing it was unnatural to excluded all Jewish charities, and gifts to Murray and Dennis Solomon.
 - v. Specific correspondence and thank you notes from Hadassah and JNF
 - vi. Notes related to Dorothy’s Mother
 - vii. Removed and concealed the Identity of Items and Recipients of Valuable Objects of the Horwitz Estate including valuable Judaica, Horwitz heirlooms, papers of Cantor Pinchik
 - viii. Removed and concealed the Identity Personal Address and Telephone Books – critical to issues of undue influence.
 - ix. Photo Albums and other Personal Papers – critical to issues of undue influence.
7. Prejudicial Surprise Against Which Ordinary Prudence Could Not Have Guarded:
- a. The identity of Conrad Blinker as the individual retrieving documents from the Horwitz Computer. In earlier affidavits, Respondent Morrow identified herself as the individual. This surprise relates to the level of expertise of the individual manipulating the computer. If the Petitioner were to be required to prove the ‘adumdum’ fraudulent one of the determinative points of evidence is the authenticity of the dates provided by alleged Horwitz computer. The evidence introduced and attested to by the Respondent during Summary Judgment shows that the dates had been altered. (See Exhibit C, Last Accessed Date is 1990.)
 - b. Contents of Safe Deposit Boxes – Respondent Morrow in Summary Judgment filings stated that the only contents of the safe deposit boxes were the stock certificates disclosed during interrogatories. The ‘newly-discovered’ jewelry is a nonsensical use of three boxes and more circumstantial evidence of fraud, grand larceny and concealment of evidence. The safe deposit boxes contains originals of the Walter and Dorothy Horwitz Last Will and Family Trust and rare Judaica critical to showing undue influence.
8. Newly Discovered Evidence Material To The Outcome:
- a. Contents of Safe Deposit Boxes – The ‘newly-discovered’ jewelry is a nonsensical use of three boxes and more circumstantial evidence of fraud, grand larceny and concealment of evidence. The safe deposit boxes contains originals of the Walter and Dorothy Horwitz Last Will and Family Trust and rare Judaica critical to showing undue influence.
 - b. The identity of Conrad Blinker as the individual retrieving documents from the Horwitz Computer enabled the investigation which discovered by Conrad Blinker was an expert in computer document manipulation and security – having all of the necessary access or knowledge to apply any date to the metadata of any file on the Horwitz computer.

JOINT US-EU-ISRAEL DEFENSE COOPERATION

9. Our Close family including my Uncles Rabbi Morris Bell, a U.S. Air Force Chaplain, Walter Horwitz, a WWII US Navy veteran, and my Father, volunteered to aid Holocaust survivors and assist in the founding of the State of Israel. Among their life-long friends were many of the founding generals and politicians including Prime Minister David Ben-Gurion, Ezer Weizman, and Al Schwimmer.
10. Dr. Lawrence Lynn is a family friend of over 50 years, closest to my late Father. Dr. Lynn received the US DOD Fubini Award in 2013. He previously served as Board member of the Defense Scientific Board, Undersecretary of Defense, Director of DARPA and MIT Lincoln Laboratories.
11. I travelled to Israel frequently during my late teens, where I learned to fly, Jewish studies, and volunteered in other capacities. While at MIT, after the Munich Olympic Massacre in 1972, I volunteered to assist in anti-terrorist activities. In addition to other scientific skills, our MIT group included persons with the ability to penetrate any telecommunications, financial, computer or remote surveillance satellite, often holding 'Top Secret' clearances.
12. In 1991, I was formally engaged in US – EU defense liaison activities through the defense attaché of the United State Embassy in Brussels, Belgium.
13. From 1974 to 1990, I frequently visited the Caribbean Islands, first as a founder of yachting accessories company, Atlantis Weathergear. In 1974, a co-founder of Atlantis, Mark and 'Buffi' Mordecai formed an alliance with one of more fashionable suppliers of illicit recreational drug cartels to the 'jet set' including Margaret Trudeau, based in Canada and sourced from Morocco, Lebanon and Turkey. Using Atlantis Weathergear as a cover, they formed an alliance with the fashionable cocaine trade conducted by patrons of the Sugarbush Inn, Waitsfield, VT where Atlantis Weathergear was headquartered. (see Chez Henri, Studio 54, Arrest of David Silbergeld at Malloy Air, Hamptons, NY).

CONFLICT WITH WHITE HOUSE ATTORNEY, MICHAEL A. MCMANUS, JR. ET AL (ALSAC, USC, Lebanon, Mollenbeek, Michael Macedonia-US Army-USC Medical)

14. From 1975 to the present, when Michael A. McManus, Jr., a young attorney in the Reagan/Ford White House Cabinet, conspired with his business partner, Patrick E. Malloy III, and the Mordecais to unlawfully freeze-up six of the seven original shareholders of Atlantis Weathergear, McManus and Malloy consolidated the fashionable drug trade in the Northeast through their ownership of a series of fashionable night clubs in the Hamptons including Bay Street with Preston Powell II, grandson of Harlem Congressman Adam Clayton Powell. The Mordecais were operational co-conspirators of the take-over and the drug trade, supplying high quality hashish and cocaine to Studio 54, the Ivy College campuses, Wall Street and other fashionable venues.

15. In the ensuing litigation, the shareholders of Atlantis, including myself, were represented by former Vermont Attorney General, Yale Law School graduate Kimberly Cheney. In response, Malloy and McManus formed an alliance with Vermont summer resident William Rehnquist, then associate justice, and his son, attorney James Rehnquist.
16. In 1980, McManus and Malloy were appointed White House aides under Deputy Chief of Staff Michael Deaver. In the White House, they furthered their consolidation of the high end of the illicit drug trade, including the switch to from the Medellin to the Cali cocaine cartel, and the Lebanese trade, especially during and after the Lebanese civil war in the 1980s. During this period, they established close ties with the controlling Boston faction of ALSAC (Associated Lebanese Syrian Associated Charities) which control the St. Jude's Children's Hospital in Memphis, TN., including the present chairperson, Paul J Ayoub and Keith C Long, attorneys with Nutter, McClennan of Boston. Since the 1980s, the Atlantis cartel has made significant donations to ALSAC.
17. In 1981, the Vermont Superior Court found the freeze-out unlawful, and awarded the six shareholders at ratable share of the value at the time. Appeals were taken, and rather than finding a resolution, the subsequent actions of the McManus, Malloy, and Mordecai commenced a complex international war which persists to this day. In the course of their criminal schemes over seventy lawyers, judges, physicians, bankers and other operatives have been indicted, convicted or expired under questionable circumstances, traversing a pedophile network from the abuse of US Senator Scott Brown at Camp Good News, the unexplained death of Patric McCarty in New Hampshire, to Malloy's classmate at Penn State, Jerry Sandusky, and the Malloy-Paterno Coach's Fund.
18. By the same time, Malloy, McManus, and Mordecai had established extensive ties with Lebanese Christian wing of Middle East terror, exemplified by Dr. Wadie Haddad, mastermind of the Entebbe Hijacking. In Yonkers, NY, the Sag Harbor Atlantis cartel controlled the Hudson River import to 55 gallon barrels of hashish hidden in oil which financed the 1993 World Trade Center terrorists, stacked at the gas station of Mohammed Saleh. During the 1980s, I periodically purchased gasoline from their gas stations.
19. With the implementation of Schengen, many of their activities moved to Brussels and Rotterdam were container loads of contraband were easily loaded for shipment, nominally to Canada. With already strong ties to Morocco and Lebanon, the Mollenbeck cartel became a central ally.
20. In 1991, I married in Brussels, a Belge/French physician (a cousin of Loyola Law School professor Karl Manheim) with strong ties to 'Doctors Without Borders' and other humanitarian organizations. We lived three miles from Mollenbeck. During these periods I often shopped and had coffee in local cafes.
21. During said visits I discovered and convey to appropriate United States and International authorities that direct ties to the Atlantis Cartel network, including

Boston-based ALSAC and Malloy counsel at the law firm Nutter, McClennan and Fish.

22. I further discovered that ALSAC advisor, attorney Natasha Lisman, wife of Brandeis graduate advisor to World Trade Center terrorist Dr. Aafia Siddiqui, was an active participant of the Atlantis Cartel. San Bernardino terrorist Tashfeen Malik belonged to the same medical circle as Dr. Siddiqui.
23. It is my belief and understanding that following the unsuccessful summary judgment motion, Respondent counsel Morrow complained that further intimidation of the Court and Petitioner would be necessary. Controlling individuals of the Atlantis Cartel activated the Mollenbeek cell, choosing the California band, Eagles of Death Metal, identified by Lisa Aparicio, and directing targets at U of California, Long Beach, CA and Memphis, TN students as auxiliary targets.
24. It is my belief and understanding that Respondents Ling, Louie, Morrow, Mirkovich have been participating, knowingly facilitating and providing services to this criminal enterprise since at least 1981.
25. It is a further belief and understanding that the aforementioned parties conspired to engage in espionage for a foreign entity (China and Lebanon) for personal gain by attempting to gain control of documents in the Horwitz home, including a purported secret paper for the United State Navy composed by the Petitioner and Dr. Herbert Lin, senior fellow at Stanford University.

Attested and sworn to under penalties of perjury in the State of California on
September 19, 2016.



By: _____

DENNIS SOLOMON, Petitioner, pro per

1 Dennis J Solomon, pro per
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3 Randolph, MA 02368
4 Phone 508-394-9221
5 Fax: 617-890-1947
6 horwitzdw@gmail.com

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL PROBATE DIVISION

In Re) Case No.: BP153887
)
) [PROBATE]
)
THE DOROTHY HORWITZ FAMILY)
TRUST, DATED MARCH 6, 2012) Honorable: Judge Maria E. Stratton
) Department: 5
) Action Filed: July 17, 2014
)
) Reserved Date: October 11, 2016
) Time: 10:00 AM
)
) Telephonic Appearance
)
) **PETITIONER PRO PER SOLOMON'S**
) **SUPPLEMENTAL EXHIBITS &**
) **REFERENCES IN SUPPORT OF MOTION**
) **FOR A NEW TRIAL**

Petitioner pro per Dennis Solomon, being located in Massachusetts and appearing telephonically herein presents supplemental exhibits and references relevant to the hearing of October 11, 2016.

1. Affidavit of Dennis Solomon regarding the issues of credibility including clear errors of finding of facts.
2. Affidavit of Orit Shapiro, delivered to Trust counsel Margaret Morrow before the trial, stating the Ms. Shapiro did NOT witness the signing of the 'adumdum' documents.
3. California Supreme Court decision in the Estate of Saueressig 38 Cal. 4th 1045, 136 P.3d 201 (2006) which states: *"We conclude that such postdeath subscription is not permitted, and reverse the contrary Court of Appeal judgment."*

1 4. References and copies of public available publications related to the participation of certain sects
2 having Jewish heritage in the BDS Movement in Southern California.

3
4 This Court should find the Respondent Louie in breach of his duty of fidelity and impartiality,
5 and order the Horwitz Estate to be distributed in accordance with the terms of its written, and duly-
6 executed Dorothy Horwitz Family Trust - Article 5.3.

7 Respectfully submitted on October 7, 2016.

8
9
10 *Dennis J. Solomon*

11 By: _____

12 DENNIS SOLOMON, Petitioner, pro per
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AFFIDAVIT OF DENNIS SOLOMON

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2
3 1. I, Dennis Solomon am a resident of Massachusetts and the natural son of Francis (Horwitz)
4 Solomon, age 92, a resident of Massachusetts.
- 5 2. It was my observation that my Parents, Phillip and Frances (Horwitz) Solomon and my Aunt
6 Dorothy and Uncle Walter Horwitz had a close relationship despite living on opposite coasts.
7 My Father was a TWA pilot which enabled frequent visits and our Family had a key to the
8 Horwitz home in Rosemead, CA.
- 9 3. Without interruption during my life, I would join in regular telephonic conversations with my
10 Mother, Uncle Walter Horwitz and Aunt Dorothy Horwitz during birthdays and holidays.
- 11 4. My Mother loved her brother Walter’s art and many examples remain displayed in the Solomon
12 family homes.
- 13 5. Following the death of my Uncle Water Horwitz in 20087, I would join my Mother in
14 conversation with my Aunt Dorothy, at times weekly, when our Family gathered for extended
15 holidays and extended summer vacations.
- 16 6. I was personally involved in a conversation with my Mother, Uncle Walter and Aunt Dorothy
17 Horwitz regarding their Will which had named my Mother as the beneficiary of the Horwitz
18 Estate, during which my Mother told my Uncle and Aunt to name their nephews, myself and my
19 brother instead.
- 20 7. During the last year of my Aunt Dorothy Horwitz’ life, I observed and participated in frequent
21 telephonic conversations between my Aunt and Mother. At no time did I observe any evidence
22 that their life-long, close and loving relationship had changed. At the time, my Mother was still
23 driving and living independently.
- 24 8. It is my knowledge and belief that had my Aunt Dorothy become upset with myself or my
25 brother she would have bequeathed all of Horwitz family heirlooms, the art of my Uncle Walter
26 and his half of the Estate to my Mother.
- 27 9. Subsequent to my Aunt Dorothy’s death, in January of 2014, my Mother suffered a major
28 incapacitating stroke. Since that time, she has continued to improve, regaining a level of
independent living in the context of the Harvard Medical School’s SeniorLife facilities.

On Issue Of the BDS Movement And Judaism

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10. It is my personal observation and experience that Dr. Lawrence Lynn has been a family friend since my childhood. Dr. Lynn was the Director of MIT Lincoln Laboratories, Director of DARPA (Defense Advanced Research Program Agency) and Under-Secretary of Defense. It is my knowledge and belief that he is considered a neutral official in the U.S. intra-governmental conflict between pro-Israel and anti-Israel factions.
 11. It is my personal observation and experience that Al Schwimmer had been a family friend since my childhood. Mr. Schwimmer was a TWA crewmember who is credited with founding the Israel Air Force. In 1985, White House attorney Michael McManus attempted to have Mr. Schwimmer indicted while aiding the United State government, at McManus’s insistence, in Iran-Contra. Accounts of these activities may be found in articles in the New York Times and other reputable publications.
 12. During the 1970s, I participated in activities to reduce the threat of terrorism to United States, European, Caribbean and Israeli citizens. During the 1980s, I participated in chronicling the activities of World Trade Center associated terrorist, Aafia Siddiqui, then a student at MIT and subsequently at Brandeis University. Ms. Siddiqui, now in US custody, is closely tied to the female participant in the San Bernardino tragedy, Tashfeen Malik.
 13. Also during the 1980s, I participated in chronicling the illicit drug trade in Yonkers, New York, including the gas stations owned by Mohammed Saleh. Following the first World Trade Center bombing in 1993, I met with the FBI on at least three occasions regarding said observations, including the complex ties to anti-Israel Lebanese Christian faction, which include Wadie Haddad, the physician mastermind of the Entebbe Hijackings.
 14. As a former member of PEACE NOW, I have retained trusted relationships with individuals from many perspectives on the Israel-Arab conflict. It is my personal observation that a number of ‘Jewish’ groups, including many in Southern California.
 15. These include supporters of Marcelle Alexandra Obeid, an active Students for Justice in Palestine (SJP) and BDS supporter, who is running for the Democratic Central Committee in the 70th assembly district in Long Beach, California, and the International Jewish Anti-Zionist Network, Jews for Justice for Palestinians active in Long Beach and other organizations.

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16. It is my personal observation and experience that a number of prominent assimilated Americans having a Jewish heritage have acquiesced to the BDS Movement for their personal gain. Related activities include schemes to obtain the trade secrets of pro-Israel scientists and their U.S. Defense projects for the benefit of foreign and US corporations doing business with countries hostile to Israel.

Attested and sworn to under penalties of perjury in the State of California on October 7, 2016.

Dennis J. Solomon

By: _____
DENNIS SOLOMON, Petitioner, pro per

1 **DECLARATION OF SERVICE**

2 I certify under penalties of perjury under the Laws of California, that I have caused the
3 aforementioned documents to be served upon Respondent’s counsel Margaret Morrow,
4 and counsel requesting special notice to be served by Electronic or U.S. Mail upon all
5 parties on October 7, 2016

6 By: *Dennis J. Solomon*
7 DENNIS SOLOMON, Petitioner, pro per

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Muscular Dystrophy – VP Donations
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Tucson, AZ 85718

28 Law Office of Tara L. Cooper
7037 La Tijera Blvd, Suite B201
Los Angeles, CA 90045

Los Angeles Mission – VP Donations
303 E. 5th Street
10 Los Angeles, CA 90013

IN THE SUPREME COURT OF CALIFORNIA

| | | |
|---------------------------|---|-------------------------|
| ESTATE OF TIMOTHY KIRK |) | |
| SAUERESSIG, Deceased. |) | |
| |) | |
| SCOTT SMITH, |) | |
| |) | |
| Petitioner and Appellant, |) | |
| |) | S129110 |
| v. |) | |
| |) | Ct.App. 2/4 B167907 |
| SHIRLEY K. GOFF, |) | |
| |) | Los Angeles County |
| Objector and Respondent. |) | Super. Ct. No. BP076076 |
| _____ |) | |

A will that meets statutory requirements is effective upon the testator’s death. (*Cook v. Cook* (1941) 17 Cal.2d 639, 646 (*Cook*); *Estate of Lopes* (1984) 152 Cal.App.3d 302, 305 (*Lopes*.) Probate Code section 6110 requires a will be signed by two witnesses.¹ The question here is whether the signature of a witness affixed *after* the testator’s death satisfies the statute. We conclude that such postdeath subscription is not permitted, and reverse the contrary Court of Appeal judgment.

¹ All further undesignated statutory references are to the Probate Code.

Israeli shipping giant Zim suspends operations in Long Beach

in [Port News](#) 15/11/2014

Zim Integrated Shipping Services Ltd., Israel's largest cargo shipping company, has temporarily suspended operations at the Port of Long Beach, according to an employee in Zim's Long Beach office.

Though the company has not offered a reason, the decision comes after protests in Long Beach and Oakland by the anti-Israel protest group, Block the Boat, which formed in August and is aligned with the Boycott, Divestment and Sanctions (BDS) movement.

Block the Boat protestors, who felt motivated to organize during this summer's war in Gaza, have repeatedly made it difficult for Zim to unload its cargo at the ports of Long Beach and Oakland during scheduled unloading days for the past three months.

A Zim employee in Long Beach, who answered a phone call to the office but would not give his name, said that the suspension is "not a long-term thing." He did not say whether it was the protests that prompted Zim's decision.

A statement from a company spokesman sent to the Journal did not directly address the issue in Long Beach, stating Zim "never stopped and will continue to serve its loyal customers in the U.S. West Coast." The spokesman has not yet responded to a follow-up request for clarification.

Art Wong, a spokesman for the Port of Long Beach, confirmed that Zim suspended operations at the port, but added that he was not given a reason. He said that in recent months, protestors often would come to the dock on Saturday mornings in anticipation of an arriving Zim shipment — the locations of cargo vessels are easily tracked on the Internet — only to find that the Zim vessel that was en route had changed course at the last minute.

"I could never tell if it impacted the unloading of the vessels," Wong said. "The protestors would come, but the ship wouldn't even be there."

He said shipping companies frequently change their ports of call at the last moment, without offering reasons.

In Oakland, where Block the Boat protestors also have been active, Michael Zampa, a spokesman for the Port of Oakland, wrote in an email, "As far as I know, Zim has no plans for leaving the Port of Oakland." Asked whether he knows about any temporary suspension of operations at the Port of Oakland, Zampa recommended reaching out to a Zim spokesperson.

Container Management, a shipping industry publication, quoted Lara Kiswani, executive director of the Arab Resource and Organizing Center (AROC), as saying, "That the Zim vessel can no longer come to Oakland or Long Beach is one of the biggest wins for Palestinian solidarity in the Bay Area in recent history." In the same piece, Robert Bernardo, another Port of Oakland spokesman, said that the suspension could lead to lost wages for dockworkers and truckers who only work if there is cargo to unload.

AROC, located in San Francisco, has not yet responded to a request for comment.

Source: Jewish Journal

September 1, 2016 Thursday 28 Av 5776
11:02 IST



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THE JERUSALEM POST



UCLA campus .(Photo by: REUTERS)

UCLA student president leaves due to pro-BDS harassment

By JPOST.COM
STAFF
09/01/2016

Chatterjee says that he has been harassed and discriminated against because he "refused to support anti-Semitic, anti-Zionist activity."

Milan Chatterjee, former UCLA student president and recipient of [the American Jewish Committee's inaugural Campus Courage Award](#), informed UCLA on Aug. 24 that he would be leaving the university due to a "hostile and unsafe campus climate" created by pro-BDS organizations.

Via phone [interview with the Jewish Journal](#), Chatterjee stated that the UCLA campus had "become so hostile and unsafe" that he just couldn't stay there anymore.

During his tenure as president, Chatterjee distributed Graduate Students Association (GSA) funds for a UCLA diversity event contingent on its sponsors not being associated with the BDS movement.

The UCLA Discrimination Prevention Office concluded that Chatterjee violated the university's policy of viewpoint neutrality.

Chatterjee says that he has been harassed and discriminated against because he "refused to support an anti-Semitic, anti-Zionist activity, organization and position while serving as President of the UCLA Graduate Student Association."

UCLA released the following statement on the matter:

"Though the university does not support divestment from Israel, and remains proud of its numerous academic and cultural relationships with Israeli institutions, supporters and opponents of divestment remain free to advocate for their position as long as their conduct does not violate

| | | |
|---|---|--------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): (562) 436-9911 | TELEPHONE AND FAX NOS.: (562) 436-1897 | FOR COURT USE ONLY |
| Margaret E. Morrow RUSSELL, MIRKOVICH & MORROW One World Trade Center Suite 1660 Long Beach, CA 90831 ATTORNEY FOR (Name): Hoover J. Louie | | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles | | |
| STREET ADDRESS: 111 North Hill Street | | |
| MAILING ADDRESS: 111 North Hill Street | | |
| CITY AND ZIP CODE: Los Angeles, CA 90012-3014 | | |
| BRANCH NAME: Central Probate Division | | |
| ESTATE OF (Name): In Re THE DOROTHY HORWITZ FAMILY TRUST, DATED MARCH 6, 2012, AS AMENDED | | |
| DECEDENT | | CASE NUMBER: BP153887 |
| PROOF OF SUBSCRIBING WITNESS | | |

1. I am one of the attesting witnesses to the instrument of which Attachment 1 is a photographic copy. I have examined Attachment 1 and my signature is on it.
- (0.5) NO a. The name of the decedent was signed in the presence of the attesting witnesses present at the same time by (0.5)
 (1) the decedent personally.
 (2) another person in the decedent's presence and by the decedent's direction.
- (0.5) NO b. The decedent acknowledged in the presence of the attesting witnesses present at the same time that the decedent's name was signed by (0.5)
 (1) the decedent personally.
 (2) another person in the decedent's presence and by the decedent's direction.
- (0.5) NO c. The decedent acknowledged in the presence of the attesting witnesses present at the same time that the instrument signed was decedent's (0.5)
 (1) will.
 (2) codicil - Addendum to Trust (0.5)
 did not understand (0.5)
2. When I signed the instrument, I understood that it was decedent's will codicil. Addendum to Trust
 or was not, (0.5)
3. I have no knowledge of any facts indicating that the instrument, or any part of it, was procured by duress, menace, fraud, or undue influence.

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

Date: 6/3/16

Orit Shapiro
 (TYPE OR PRINT NAME)

Garden Crest Convalescent Hospital Inc.
 909 N. Lucile Ave., Los Angeles CA 90026
 (ADDRESS)


 (SIGNATURE OF WITNESS)

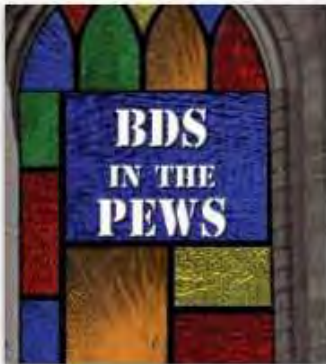
ATTORNEY'S CERTIFICATION
 (Check local court rules for requirements for certifying copies of wills and codicils)

I am an active member of The State Bar of California. I declare under penalty of perjury under the laws of the State of California that Attachment 1 is a photographic copy of every page of the will codicil presented for probate.
 Addendum to Trust

Date: 4/14/2016

Margaret E. Morrow
 (TYPE OR PRINT NAME)


 (SIGNATURE OF ATTORNEY)



Churches, NGOs and the Global Campaign Against Israel

Contact Us

BDS in the Pews – A Project of NGO Monitor
(The Amuta for NGO Responsibility – RA 58-
0465508)

1 Ben-Maimon Blvd Jerusalem 92262 Israel |
churchbds@ngo-monitor.org



JEWISH BDS SUPPORTERS

Individual Jews and radical Jewish groups participate in the promotion of BDS and other anti-Israel activities in various Christian denominations.

The role of Jewish identity in church-based BDS efforts as an influence multiplier within the churches is significant. The disproportionately large influence afforded to Jewish BDS supporters partnered with Christian pro-BDS activists in the churches suggests that Jewish activists, willfully or not, take on the role of political shield against mainstream Jewish criticism of double standards, demonization and legitimate allegations of antisemitism. The use of Jewish identity to create a façade of balance and as a tool to neutralize criticism is the basis for NGO Monitor's inclusion of these groups in our research.

- **Jewish Voice for Peace (United States)** – Promotes political warfare strategy against Israel, which includes the tactics of boycotts, divestment and sanctions (BDS), a sustained campaign of demonization such as accusations of "apartheid" and "racism," and support for a Palestinian claim to a "right of return," with the ultimate goal of dismantling Israel as a Jewish and democratic state. [To learn more...](#)
- **Coalition of Women for Peace (Tel Aviv)** – Involved in campaigns against major Israeli banks, the Elbit and G4S security companies, Ahava cosmetics, and Agrexco produce; in support of the Berkeley divestment vote; and a successful divestment initiative with the Norwegian Government Pension Fund. Initiated the "Who Profits" campaign "in response to the Palestinian Call for boycott, divestment, and sanction (BDS) on Israel." "Who Profits?" is an activist tool and a database that identifies targets for anti-Israel divestment and boycotts. [To learn more...](#)
- **Israeli Committee Against House Demolitions (Jerusalem)** – Rhetoric includes accusations of "ethnic cleansing," "genocide," "collective punishment," and "apartheid." Active in promoting the BDS (boycotts, divestments and sanctions) campaign against Israel. Explicitly advocates for the end of the state of Israel as the nation state of the Jewish people, stating that "the only option for resolving the conflict [is] a one-state solution." [To learn more...](#)
- **Sabeel Ecumenical Liberation Theology Center (Jerusalem)** – Active in anti-Israel political campaigns, including church divestment campaigns. Supports the "one state solution," meaning the elimination of Israel as a Jewish state. Applying "liberation theology," claims that Palestinians represent a modern-day version of Jesus' suffering. This includes deicide imagery, and supercessionist rhetoric used to demonize Israel and Judaism. [To learn more...](#)

MEAN
STRONGER FAMILIES



WORLD

Christian, Sunni And Shia: Meet Hezbollah's Non-Denominational Military Branch Defending Lebanon, Fighting In Syria

BY ALESSANDRIA MASI  ON 11/04/15 AT 12:19 PM



BEKAA VALLEY, Lebanon -- Usman is a Sunni Muslim. He also fights alongside Shiite militant group Hezbollah. For Usman it's not a contradiction. The sectarian rivalries that are tearing up the rest of the region -- in Syria, Iraq, Yemen and Libya -- are secondary to the Lebanese nationalism that dominates this Sunni-dominant, mountainous region on the Lebanese-Syrian border.

"Lebanon is my country ... I am patriotic. I wanted to join the resistance and Hezbollah came by and they offered the ideology of resistance," Usman, whose whole family is Sunni and supports Hezbollah, told International Business Times. "We don't talk about sectarian issues."

A plumber by day, Usman moonlights as a foot soldier with Saraya al-Muqawama (Resistance Brigades), a nondenominational military wing of Hezbollah made for Lebanese fighters whose religion -- or lack thereof -- makes it impossible for them to join the so-called Party of God, funded by Shiite powerhouse Iran. Hezbollah's way around this is the creation of Saraya, where Lebanese fighters from Sunni and Shiite Islam battle common enemies in Israel and Syria.

Sunni Muslims are not the only ones to join up: Christians and nonpracticing Shiites who subscribe to Hezbollah's brand of violent resistance can also join the nondenominational brigade.

"Saraya al-Muqawama is made for non-extremist people," said Sami Ramadan, a Sunni recruiter for the group. "Hezbollah has to be religious, but in Lebanon we are divided so why should Hezbollah be the only one who can resist? So Hezbollah made this [brigade] so everyone can join."

Usman's assault rifle, which he carries with him everywhere, is provided by Hezbollah. He is ever ready, he says, for the call to defend his homeland against local Sunni extremists or to deploy with the Shia militant group to fight the mostly Sunni opposition in neighboring Syria.





Shown is a gun belonging to Usman, a member of Hezbollah's nondenominational wing Saraya al-Muqawama, Oct. 21, 2015. Photo: Alessandria Masi/International Business Times

Hezbollah has been fighting in the Syrian conflict alongside Syrian President Bashar Assad and other Iran-backed Shiite militias for years, but it's only recently that it started deploying Saraya units too.

In Syria, Saraya fighters are not fighting on the front lines, but constitute small units whose roles are primarily logistical and symbolic; aligning with different sects allows Hezbollah to enter Sunni and Christian areas without risking religiously motivated clashes.

Saraya "is there for us to make sure [the other sects in Syria] are with us and not against us," a high-ranking Hezbollah official told IBT. "We don't underestimate our enemy. We have special guys to fight in Syria. Most guys in Saraya are not true fighters."

Sunnis, Christians and other sects in Saraya are trained in the same camps as Shia Muslims. They receive the same military training, but once they've completed the course the two groups use separate names and uniforms. The only time they merge under the Hezbollah flag is during combat.

While thousands of Hezbollah soldiers fight in Syria, the majority of Saraya fighters are holding down the fort at home. Usman is "waiting for the call for Syria" but is first preparing to defend his home against neighboring Sunni villages that support the Islamic State group.

"I want to fight them before they reach here and it's my duty to fight terrorism anywhere."

Recruits are treated as equals in military training, but the brigades receive different ideological training. Hezbollah's ideology focuses on the teachings of Shiite Islam, while Saraya focuses on explaining to recruits that their enemies are "the Zionists and now the takfiri [apostates], but they are equal enemies," Ramadan said.

Sunni Lebanese fighters in Syria have gone in “because they are ordered by Hezbollah. They go with Hezbollah and they go in Hezbollah clothes,” Hamza Akl Hamieh, the infamous leader of a Sunni brigade in Baalbek with ties to Hezbollah, told IBT.

Hamieh, head of the Lebanese Castle Brigades, was formerly the head of the Amal Movement, an armed Shiite political party that had tensions with Hezbollah. Hamieh is a notorious figure who carried out at least six plane hijackings between 1979 and 1982. Reuniting with Hezbollah, he formed the Castle Brigade so that Sunnis in Baalbek could fight in Syria.

“People here are traders and their business is with the regime so the Sunnis here agreed to fight Daesh,” Hamieh said, using the Arabic acronym for the Islamic State group. “Here it is a life-and-death issue.”

Baalbek is a UNESCO World Heritage Site in the Bekaa Valley, an ancient Phoenician city that in recent times has become a Hezbollah stronghold. During the 2006 war with Israel, Israeli forces repeatedly targeted the area, killing dozens of civilians and forcing most residents to leave the area.





Sami Ramadan, a Sunni recruiter for Shiite Hezbollah's Saraya al-Muqawama, sits in a school in Lebanon's Bekaa Valley, Oct. 20, 2015. Photo: Alessandria Masi/International Business Times

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Many residents credit Hezbollah with liberating their country from what they refer to as the Israeli occupation, which has no doubt contributed to their nonsectarian support. Resistance

ideology in Baalbek predated the creation of Hezbollah, Ramadan said. The high school economics teacher was previously the Sunni representative for the municipality of Baalbek, he told IBT, and a member of the Syrian Socialist National Party, a Lebanese political group that supported resistance efforts against Israel since the early 1970s, a decade before the creation of Hezbollah.

But not every Sunni in the area is enamored with Hezbollah, or is convinced that Saraya has the same goals. “We worry [Hezbollah] is paying money to young men from the Sunni community to recruit them for Saraya al-Moqawama and convince them that they are fighting the Israeli enemy, when in fact it uses them against us,” Sheikh Abd al-Hakim, imam of the Hebarieh mosque, told Now Lebanon earlier this year. “We were fighting Israel before Hezbollah existed.”

Usman and Ramadan confirmed they are paid for their role in Saraya al-Muqawama, but neither receives a monthly salary like Hezbollah fighters do. Their main fighting concerns, they say, are supporters of Islamic State and other Sunni extremist groups.

In the last year, Ramadan said, the number of Sunni recruits has been increasing “because we see the barbarians [Islamic State] across the border. It’s easier to fight the enemy at his house than when he reaches your home.”

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