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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE SECOND APPELLATE DISTRICT

DIVISION 8

Stanislav Arbit,)
Plaintiff and Appellant,) Court of Appeal Case: B340261
v.)
Mark Zuckerberg,)
Defendant and Respondent.)

Declaration of Stanislav Arbit Re: Augmentation

Appeal From a Judgment
Of The Superior Court, Los Angeles County, No. 23TRCP00474
Southwest District, Torrance Courthouse
Honorable Douglas W. Stern
Honorable Gary Y. Tanaka

Stanislav Arbit
440 North Barranca Avenue Unit 7377
Telephone: (480) 818-4418
Email: stan@securepower.io

Appellant
Self-Represented

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I, Stanislav Arbit, declare as follows:

1. I am representing myself and this declaration is submitted in support of Appellant-Plaintiff’s Motion Re: Augmentation. The following facts are within my knowledge and, if called as a witness herein, I can and will competently testify thereto.
2. Exhibits “A”–“G” are true and accurate copies of documents filed with the trial court in case No. 23TRCP00474. Case No. 23TRCP00474 is the case being appealed here as Court of Appeal Case: B340261.
3. Exhibits “B”–“F” were requested in the Notice Designating Record on Appeal but were excluded from the Clerk’s Transcript.
4. Appellant-Plaintiff submitted his Notice of Appeal the day after the Judgment, 08/06/2024, and as all previous e-filed submissions it was reviewed the same day (and accepted).
5. The next day, Appellant-Plaintiff submitted a Notice Designating Record on Appeal. This document was not reviewed the same day or the next. However, the Proof of Service filed with it was reviewed and accepted the next day.
6. Appellant-Plaintiff called the clerks’ office and was told that electronically filed documents are handled by unnamed individuals without any contact information and that a wait time of several months is a possibility.
7. Facing a 10-day deadline to file a Notice Designating Record on Appeal, Appellant-Plaintiff emailed the court. (Cal. Rules of Court, rule 8.121(a).) The first email was to the department’s email address. It did not contain any attachments and was simply a forward of a receipt of an e-file submission with two documents listed in the body of the email and asking for confirmation of receipt. The first email was sent on the 08/09/2024. No response was provided. Several days later, on 08/12/2024, with four days left, Appellant-Plaintiff emailed the department again and added Judge Stern to the email chain (still no attachments).


- 1 8. While no response was ever provided to Appellant-Plaintiff's inquiry sent to
2 tordeptb@lacourt.org, Appellant-Plaintiff did receive an email from said email address.
3 The body of the email contained a disclaimer that this was sent from an unmonitored
4 account (contrary to information provided by the court's assistance while Appellant-
5 Plaintiff was present in court). The email included a copy of an order filed by the court
6 on that date. (CT 144.)
- 7 9. The order called out Appellant-Plaintiff's two emails as improper and considered ex
8 parte communications. (CT 144.) The court demanded that "NO" further emails be sent
9 by any person in this case to Judge Stern or the Court's email resource account. (*Ibid.*)
- 10 10. Also, on 08/12/2024, Appellant-Plaintiff contacted his e-file service provider and was
11 informed that the court did not fully reject the submitted Notice Designating Record on
12 Appeal. Rejection requires a two-step process before it can be sent back to the e-file
13 service provider and updated in their system. The first step is to approve or reject. The
14 second step is to provide a reason. Without both of those two steps completed, the filer
15 is not updated with any new information beyond the initial submission.
- 16 11. Appellant-Plaintiff's e-file provider reached out to the court for additional information
17 and was able to get an update that night, 08/12/2024, around 10:00 pm for the Notice
18 submitted on 08/07/2024.
- 19 12. After noticing an error, Appellant-Plaintiff submitted another copy of the Notice
20 Designating Record on Appeal on 08/12/24 around 4:30 pm. It was rejected 24 hours
21 later. It was rejected because Appellant-Plaintiff was unaware that the Unlimited Civil
22 cases are not recorded like limited civil cases are. The court also added, "Please do not
23 attach file stamped documents (FW-003)."
- 24 13. Form FW-003 is a fee waiver. It was included with Appellant's Notice Designating
25 Record on Appeal, optional form APP-003, because § 1(a)(2)(a) was checked requesting
26 the clerk's transcripts at no cost under rules Cal. Rules of Court, rules 3.50–3.58.
27 Section 1(a)(2) of APP-003, states that, "I have submitted the following document with
28

1 this notice designating the record (check (a) or (b)).” The Judicial Council of California
2 approved this form and included the specific language requiring the inclusion of
3 FW-003 for a request of the clerk’s transcripts and a request for the clerk’s transcript is
4 required to commence an appeal.

5 14. Judge Stern’s court would build on this previous rejection by rejecting a Notice
6 Designating Record on Appeal that was submitted on 08/15/2024 at 10:24 AM PDT.
7 The reason given for this rejection was: "Respondent selected also was selected as
8 having a fee waiver. Our records indicate that Mark Zuckerberg does not have a fee
9 waiver on file. The system will not allow processing of the document unless the
10 correction is made." This rejection was made on 08/22/2024 at 11:00 AM PDT, a week
11 later and well past the 10-day deadline for filing the Notice Designating Record on
12 Appeal.

13 15. A proof of service was submitted on 08/15/2024 at 09:52 AM, it was sent using form
14 APP-009, a “Form Approved for Optional Use Judicial Council of California APP-009
15 [Rev. January 1, 2017].” The court denied it with the reason stated being: “Must submit
16 in proper court format.” Even though this was submitted about 30 minutes before the
17 Notice in the previous paragraph, it was reviewed the same day (08/15/2024 03:39 PM
18 PDT) and not a week later.

19
20 I declare under penalty of perjury that the aforementioned is true and correct.

21 Respectfully submitted,
22 
23 January 19, 2025
24 By: Stanislav Arbit, Appellant
25 440 North Barranca Avenue Unit 7377
26 Telephone: (480) 818-4418
27 Email: stan@securepower.io
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