

Electronically Filed
Jun 15 2022 11:55 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Daniel David Dydzak
Plaintiff
4265 Marina City Drive, Suite 407W
Marina del Rey, CA 90292
Telephone: (310) 867-1289
Email: ddydzak@yahoo.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Case No. A-22-847734-C

Department 27

DANIEL DAVID DYDZAK,

Plaintiff,

v.

TANI CANTIL-SAKAUYE, et al.,

Defendants.

NOTICE OF APPEAL

**TO THIS HONORABLE COURT, ALL PARTIES AND THEIR COUNSEL OF
RECORD:**

**NOTICE IS HEREBY GIVEN that Plaintiff, DANIEL DAVID DYDZAK
("DYDZAK"), appeals to the Nevada Court of Appeals the Order filed June 3, 2022,
granting the Motion to Dismiss by Defendants TANI G. CANTIL-SAKAUYE and
JORGE NAVARRETE, the Honorable Nancy Allf, District Court Judge, presiding.**

RECEIVED

JUN 7 2022

DYDZAK V. CANTIL-SAKAUYE
CLERK OF THE COURT

Dated: June 4, 2022



DANIEL DAVID DYDZAK

Plaintiff

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1
2 **CERTIFICATE/PROOF OF SERVICE**
3

4 I, JIM LANE, hereby declare that I am over the age of eighteen years and am not a party to
5 the within above-entitled action, that I am employed in the County of Los Angeles, State of
6 California, and that my business address is 4265 Marina City Drive, Suite 407W, Marina del
7 Rey, CA 90292.

8 On June 4, 2022, I served a true and correct copy of the following document or pleading on
9 the interested parties or their counsel of record:

10 NOTICE OF APPEAL
11

12 [X] [BY U.S. MAIL] On this same day, I mailed the interested parties or their
13 counsel of record the above-described document or pleading by regular United States mail to their
14 respective service or mailing addresses.
15

16 OLSON CANNON GORMLEY & STOBERSKI
17 9950 WEST CHEYENE AVENUE
18 LAS VEGAS, NEVADA 89129
19

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct, and that this Declaration was executed on June 4, 2022,
22 at Los Angeles, California.

23 

24 JIM LANE

25 Declarant
26
27
28

Daniel D. Tydzale
1265 Marina City Drive
Ft Worth
Marina Las Vegas, CA 90292

LOS ANGELES CA

4 JUN 2022 PM 3

Clerk's Office (Card Filing)
Nevada District Court,
Clark County
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada

000003-10168

89101-630000



ASTA

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

DANIEL DAVID DYDZAK,

Plaintiff(s),

vs.

Case No: A-22-847734-C

Dept No: XXVII

TANI CANTIL-SAKAUYE; JORGE
NAVARRETE; THOMAS LAYTON aka TOM
LAYTON; CHARLES SCHWAB; DONALD F.
MILES; JOHNNIE B. RAWLINSON; BARRY G.
SILVERMAN; WILLIAM A. FLETCHER; PETER
LIND SHAW; RONALD M. GEORGE; ERIC M.
GEORGE; ALAN I. ROTHENBERG; 1ST
CENTURY BANK; 1ST CENTURY
BANCSHARES, INC.; EDWARD EPHRAIM
SCHIFFER; SIDNEY R. THOMAS; WILLIAM
DATO; MAXINE M. CHESNEY; MOLLY C.
DWYER; GEORGE H. KING; A. WALLACE
TASHIMA; FERDINAND FRANCIS
FERNANDEZ; KIM MCCLANE WARDLAW;
WILLIAM C. CANBY; RONALD M. GOULD;
RICHARD C. TALLMAN,

Defendant(s),

CASE APPEAL STATEMENT

1. Appellant(s): Daniel David Dydzak
2. Judge: Nancy Allf
3. Appellant(s): Daniel David Dydzak

Counsel:

Daniel David Dydzak
4265 Marina City Dr., Suite 407W
Marina Del Rey, CA 90292

4. Respondent (s): Tani Cantil-Sakauye; Jorge Navarrete; William Dato

Counsel:

Thomas D. Dillard, Jr., Esq.
9950 W. Cheyenne Ave.
Las Vegas, NV 89129

Respondent (s): Thomas Layton aka Tom Layton; Charles Schwab; Donald F. Miles; Johnnie B. Rawlinson; Barry G. Silverman; William A. Fletcher; Peter Lind Shaw; Ronald M. George; Eric M. George; Alan I. Rothenberg; 1st Centery Bank; 1st Century Bancshares, Inc.; Edward Ephraim Schigger; Sidney R. Thomas; Masine M. Chesney; Molly C. Dwyer; George H. King; A. Wallace Tashima; Ferdinand Francis Fernandez; Kim McClane Wardlaw; William C. Canby; Ronald M. Gould; Richard C. Tallman

Counsel:

Unkown

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A

9. Date Commenced in District Court: February 3, 2022

10. Brief Description of the Nature of the Action: TORT - Other

Type of Judgment or Order Being Appealed: Dismissal

1
2 11. Previous Appeal: No

3 Supreme Court Docket Number(s): N/A

4 12. Child Custody or Visitation: N/A

5 13. Possibility of Settlement: Unknown

6 Dated This 10 day of June 2022.

7 Steven D. Grierson, Clerk of the Court

8
9 /s/ Heather Ungermann

10 Heather Ungermann, Deputy Clerk

11 200 Lewis Ave

12 PO Box 551601

13 Las Vegas, Nevada 89155-1601

14 (702) 671-0512

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20
21
22
23
24
25
26
27
28 cc: Daniel David Dydzak

CASE SUMMARY**CASE NO. A-22-847734-C****Daniel Dydzak, Plaintiff(s)****vs.****Tani Cantil-Sakauye, Defendant(s)**§
§
§
§
§Location: **Department 27**Judicial Officer: **Allf, Nancy**Filed on: **02/03/2022**Cross-Reference Case **A847734**

Number:

CASE INFORMATION**Statistical Closures**

06/03/2022 Motion to Dismiss by the Defendant(s)

Case Type: **Other Tort**Case
Status: **06/08/2022 Reopened****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number	A-22-847734-C
Court	Department 27
Date Assigned	02/03/2022
Judicial Officer	Allf, Nancy

PARTY INFORMATION**Plaintiff****Dydzak, Daniel David***Lead Attorneys***Pro Se**

(310) 867-1289(H)

Defendant**1st Century Bancshares, Inc.****1st Century Bank****Canby, William C****Cantil-Sakauye, Tani****Dillard Jr, Thomas D.***Retained*









7023844012(W)

Chesney, Maxine M**Dato, William****Dwyer, Molly C****Fernandez, Ferdinand Francis****Fletcher, William A.****George, Eric M****George, Ronald M****Gould, Ronald M****King, George H****Layton, Thomas****McClane Wardlaw, Kim****Miles, Donald F****Navarrete, Jorge****Dillard Jr, Thomas D.***Retained*








CASE SUMMARY**CASE NO. A-22-847734-C**

7023844012(W)

Rawlinson, Johnnie B**Rothenberg, Alan I****Schiffer, Edward Ephraim****Schwab, Charles****Shaw, Peter Lind****Silverman, Barry G.****Tallman, Richard C****Tashima, A. Wallace****Thomas, Sidney R**

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
02/03/2022	 Complaint With Jury Demand Filed By: Plaintiff Dydzak, Daniel David <i>[1] Complaint for Damages And Equitable Relief Demand For Jury Trial</i>	
02/10/2022	 Summons Electronically Issued - Service Pending Party: Plaintiff Dydzak, Daniel David <i>[2] Summons - Civil</i>	
04/06/2022	 Initial Appearance Fee Disclosure Filed By: Defendant Cantil-Sakaue, Tani; Defendant Navarrete, Jorge <i>[3] Defendants Chief Justice Tani G. Cantil-Sakaue's and Jorge Navarrete's Initial Appearance Fee Disclosure</i>	
04/06/2022	 Motion to Dismiss Filed By: Defendant Cantil-Sakaue, Tani; Defendant Navarrete, Jorge <i>[4] Defendants Chief Justice Tani G. Cantil-Sakaue's and Jorge Navarrete's Motion to Dismiss Complaint</i>	
04/07/2022	 Clerk's Notice of Hearing <i>[5] Notice of Hearing</i>	
04/11/2022	 Filing Fee Remittance Filed By: Defendant Cantil-Sakaue, Tani; Defendant Navarrete, Jorge <i>[6] Filing Fee Remittance</i>	
04/18/2022	 Opposition to Motion Filed By: Plaintiff Dydzak, Daniel David <i>[7] Plaintiff's Opposition And Response To Untimely Motion To Dismiss By Defendants Tani Cantil -Sakaue And Jorge Navarrete; Memorandum Of Points And Authorities ThereTo; Exhibits; Notice Of Errata</i>	
05/03/2022	 Reply to Opposition Filed by: Defendant Cantil-Sakaue, Tani; Defendant Navarrete, Jorge <i>[8] Defendants Chief Justice Tani G. Cantil-Sakaue's and Jorge Navarrete's Reply to Plaintiff's Opposition to the Motion to Dismiss</i>	

CASE SUMMARY**CASE NO. A-22-847734-C**

05/12/2022	 Notice <i>[9] Notice of Intent to Appear by Communication Equipment</i>
06/02/2022	 Objection <i>[10] Plaintiff's Objection to Proposed Dismissal Order Re: Defendants Tani Cantil-Sakauye and Jorge Navarrete; Request That Same Not Be Filed and Entered and Stricken</i>
06/03/2022	 Order Granting Motion <i>[11] Order Granting Motion to Dismiss</i>
06/08/2022	 Notice of Entry of Order Filed By: Defendant Cantil-Sakauye, Tani; Defendant Navarrete, Jorge <i>[12] Notice of Entry of Order Granting Defendants' Motion to Dismiss</i>
06/08/2022	 Notice of Appeal <i>[13] Notice of Appeal</i>
06/10/2022	 Case Appeal Statement <i>Case Appeal Statement</i>
<u>HEARINGS</u>	
05/11/2022	 Motion to Dismiss (10:00 AM) (Judicial Officer: Allf, Nancy) 05/11/2022, 05/18/2022 Events: 04/06/2022 Motion to Dismiss <i>Defendants Chief Justice Tani G. Cantil-Sakauye's and Jorge Navarrete's Motion to Dismiss Complaint</i> Matter Continued; Granted; Journal Entry Details: <i>Argument on the merits of Defendant Chief Justice G. Cantil-Sakauye's and Jorge Navarrete's Motion to Dismiss Complaint, presented by Mr. Dillard, Jr. Court stated its findings, noting that Nevada does not have jurisdiction, and ORDERED the Motion GRANTED.;</i> Matter Continued; Granted; Journal Entry Details: <i>The Court Recorder asked Plaintiff, Mr. Dydzak and Mr. Dillard to check if they had two sources of audio due to the audio issues. As the Court could not hear Plaintiff and counsel without a severe echo, COURT ORDERED, matter CONTINUED one week. 5-18-2022 9:00 a.m. Defendants Chief Justice Tani G. Cantil-Sakauye's and Jorge Navarrete's Motion to Dismiss Complaint;</i>

DATE**FINANCIAL INFORMATION****Defendant** Cantil-Sakauye, Tani

Total Charges	253.00
Total Payments and Credits	253.00
Balance Due as of 6/10/2022	0.00

Plaintiff Dydzak, Daniel David

Total Charges	270.00
Total Payments and Credits	270.00
Balance Due as of 6/10/2022	0.00

DISTRICT COURT CIVIL COVER SHEET

CASE NO: A-22-847734-C

Department 27

CLARK

County, Nevada

Case No.

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
DANIEL DAVID DYDZAK	TANI CANTIL-SAKAUYE
4265 Marina City Drive, Suite 407W	350 McAllister St., San Francisco, CA 94102
Marina del Rey, CA 90292	Telephone: (415) 865-7000
Telephone: (310) 867-1289	[Attachment]
Attorney (name/address/phone):	Attorney (name/address/phone):
Not Applicable	Unknown

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

November 28, 2021

Date

Signature of initiating party or representative

See other side for family-related case filings.

ATTACHMENT
(CIVIL COVER SHEET)

Defendant JORGE NAVARRETE

350 McAllister St.

San Francisco, CA 94102

Telephone: (415) 865-7000

Defendant THOMAS LAYTON

1951 Ravista Lane

La Canada Flintfridge, CA 91011

Telephone: Unknown2

Defendant CHARLES SCHWAB

211 Main Street

San Francisco, CA 94105

Telephone: (866) 855-9102

Defendant DONALD F. MILES

6328 Quail Creek Rd.

Redding, CA 96002

Telephone: Unknown

Defendant JOHNNIE B. RAWLINSON

333 Las Vegas Blvd.

Las Vegas, NV 89101

Telephone: Unknown

CIVIL COVER SHEET

1 Defendant BARRY G. SILVERMAN
2 401 West Washington St.
3 Phoenix, Arizona 85003
4 Telephone: Unknown

5
6 Defendant WILLIAM A. FLETCHER
7 95 Seventh St.
8 San Francisco, CA 94119
9 Telephone: (415) 355-8000

10 Defendant PETER LIND SHAW
11 95 Seventh St.
12 San Francisco, CA 94119
13 Telephone: (415) 355-8000
14

15 Defendant RONALD M. GEORGE
16 1333 Jones St.
17 Suite 706
18 San Francisco, CA 94109
19 Telephone: (415) 314-1896
20

21 Defendant ERIC M. GEORGE
22 2121 Avenue of the Stars
23 Suite 2800
24 Los Angeles, CA 90067
25 Telephone: (310) 274-7100
26
27
28

1 Defendant ALAN I ROTHENBERG

2 1875 Century Park East

3 Ste 1400

4 Los Angeles, CA 90067

5 Telephone: (310) 270-9501

6
7 Defendant 1ST CENTURY BANK

8 1875 Century Park East

9 Suite 100

10 Los Angeles, CA 90067

11 Telephone: (310) 270-9500

12 Defendant 1ST CENTURY BANCSHARES, INC.

13 1875 Century Park East

14 Suite 1400

15 Los Angeles, CA 90067

16 Telephone: (310) 270-9500

17
18 Defendant EDWARD EPHRAIM SCHIFFER

19 95 Seventh St.

20 San Francisco, CA 94119

21 Telephone: (415) 355-7935

22
23 Defendant SIDNEY R. THOMAS

24 2601 2nd Avenue North

25 Billings, MT 59101

26 Telephone: Unknown

1 Defendant WILLIAM DATO

2 750 B Street

3 Suite 300

4 San Diego, CA 92101

5 Telephone: (619) 744-0760

6
7 Defendant MAXINE M. CHESNEY

8 455 Golden Gate Avenue

9 San Francisco, CA 94102

10 Telephone: (415) 522-2000

11
12 Defendant MOLLY C. DWYER

13 95 Seventh Street

14 San Francisco, CA 94119

15 Telephone: (415) 355-8000

16
17 Defendant GEORGE H. KING

18 555 W. 5th St., 32nd Floor

19 Los Angeles, CA 90013

20 Telephone: (213) 253-9706

21
22 Defendant A. WALLACE TASHIMA

23 125 S. Grand Ave.

24 Pasadena, CA 91105

25 Telephone: (213) 894-3570

1 Defendant FERDINAND FRANCIS FERNANDEZ
2 125 S. Grand Ave.
3 Pasadena, CA 91105
4 Telephone: (213) 894-3570
5

6 Defendant KIM MCCLANE WARDLAW
7 125 S. Grand Ave.
8 Pasadena, CA 91105
9 Telephone: (213) 894-3570
10

11 Defendant WILLIAM C. CANBY
12 401 West Washington St.
13 Phoenix, Arizona 85003
14 Telephone: Unknown
15

16 Defendant RONALD M. GOULD
17 1010 Fifth Avenue
18 Seattle, WA 98104
19 Telephone: Unknown
20

21 Defendant RICHARD C. TALLMAN
22 1010 Fifth Avenue
23 Seattle, WA 98104
24 Telephone: Unknown
25
26
27
28

Heather S. Gormley
CLERK OF THE COURT

ORDR

THOMAS D. DILLARD, JR., ESQ.
Nevada Bar No. 006270

**OLSON CANNON GORMLEY
& STOBERSKI**

9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone: (702) 384-4012
Facsimile: (702) 383-0701

Attorneys for Defendants

*Tani G. Cantil-Sakauye, Chief Justice of California;
and Jorge Navarrete, Clerk/Executive Officer of
the Supreme Court of California*

DISTRICT COURT

CLARK COUNTY, NEVADA

* * * * *

DANIEL DAVID DYDZAK

Plaintiff,

vs.

TANI CANTIL-SAKAUYE, JORGE
NAVARRETE, THOMAS LAYTON, aka TOM
LAYTON, CHARLES SCHWAB, DONALD F.
MILES, JOHNNIE B. RAWLINSON, BARRY
G. SILVERMAN, WILLIAM A. FLETCHER,
PETER LIND SHAW, RONALD M. GEORGE
ERIC M. GEORGE, ALAN I. ROTHENBERG,
1ST CENTURY BANK, 1ST CENTURY
BANCSHARES, INC., EDWARD EPHRAIM
SCHIFFER, SIDNEY R. THOMAS, WILLIAM
DATO, MAXINE M. CHESNEY, MOLLY C.
DWYER, GEORGE H. KING, A. WALLACE
TASHIMA, FERDINAND FRANCIS
FERNANDEZ, KIM MCCLANE WARDLAW,
WILLIAM C. CANBY, RONALD M. GOULD,
RICHARD C. TALLMAN, and Does 1 through
50, inclusive,

Defendants.

CASE NO.: A-22-847734-C

DEPT. NO.: 27

ORDER GRANTING
DEFENDANTS'
MOTION TO
DISMISS

The Court, having considered all papers and pleadings with a hearing scheduled for May 11, 2022 and continued and heard on May 18, 2022, hereby grants Defendants Chief Justice Tani G. Cantil-Sakauye's and Clerk Jorge Navarrete's, Clerk/Executive Officer of the Supreme Court of California, (hereinafter "California Supreme Court Defendants") motion to dismiss Plaintiff's

1 Complaint for lack of subject matter jurisdiction, lack of personal jurisdiction and for failure to
2 state a claim for relief.

3 **PROCEDURAL HISTORY**

4 1. The California Supreme Court Defendants filed their Motion to Dismiss the
5 Complaint on April 6, 2022 pursuant to Nevada Rules of Civil Procedure 12(b)(1) and 12(b)(2)
6 and, alternatively, pursuant to Nevada Rule of Civil Procedure 12(b)(5).

7 2. Plaintiff Daniel David Dydzak (“Plaintiff”) filed his Opposition to the California
8 Supreme Court Defendants’ Motion to Dismiss on April 18, 2022.

9 3. The California Supreme Court Defendants filed their Reply to Plaintiff’s
10 Opposition to Dismiss on May 3, 2022.

11 4. The Court issued a Notice of Hearing on April 7, 2022 for the motion to be heard
12 on May 11, 2022.

13 5. During the hearing on May 11, 2022, this matter was trailed to the end of the
14 calendar, however, electronic interference prevented the hearing from going forward. The Court
15 Recorder asked the parties if they had two sources of audio connected on-line due to the audio
16 issues. The Court could not hear the parties without a severe echo. Accordingly, the Court
17 ordered the matter continued for one-week and the continuance was noted in the Minutes.

18 6. The May 11, 2022 minutes further reflected that on May 18, 2022 at 9:00 a.m. the
19 Court will hear the California Supreme Court Defendants’ Motion to Dismiss the Complaint.

20 7. During the subsequent Hearing on May 18, 2022, counsel for the California
21 Supreme Court Defendants personally appeared and the Court called for and obtained no
22 response from Plaintiff.

23 8. The Court then heard oral argument on the motion to dismiss pursuant to Nevada
24 Rules of Civil Procedure 12(b)(1), 12(b)(2) and 12(b)(5).

25 **FINDINGS OF FACT**

26 1. Plaintiff is a disbarred California attorney who filed suit in the Eighth Judicial
27 District Court of Nevada on February 3, 2022 because “one of the parties resides in Clark
28

County.” (Complaint ¶ 5). Plaintiff identifies this party as Judge Johnnie B. Rawlinson of the U.S. Court of Appeals for the Ninth Circuit.

2. Plaintiff is a California resident and has included twenty-four Defendants in the case caption, many of which are current or former California state judicial officers or judges of federal district and appellate courts located in California.

3. Defendant Tani G. Cantil-Sakauye was at all relevant times serving as the Chief Justice of the Supreme Court of California.

4. Defendant Jorge Navarrete was at all relevant times serving as the Clerk/Executive Officer of the Supreme Court of California.

5. Plaintiff sued Defendant Tani Cantil-Sakauye and Jorge Navarrete as individuals residing in San Francisco, California. (Complaint ¶¶ 2-3). Plaintiff also named former California Chief Justice Ronald George and Associate Justice William Dato of the Fourth Appellate Division of California based upon their involvement in California litigation. (Complaint at ¶¶ 11, 18). Plaintiff also brings suit against several other State of California state bar judges and investigators or State Bar attorney panel members, who all allegedly have some connection with his disciplinary matter ultimately resolved in California Supreme Court Case No. S17980. (Complaint ¶¶ 4-6, 10, 12-13, 16). In addition, Plaintiff named as Defendants a total of ten (10) Article III judges from the U.S. Court of Appeals for the Ninth Circuit and the U.S. Northern District of California. He also sued the Ninth Circuit court clerk for his alleged involvement in California federal litigation pertaining to Plaintiff. (Complaint ¶¶ 7-9, 17, 19-25).

6. Plaintiff’s claims arise out of his subsequent court challenges to orders issued in California Supreme Court Case No. S179850 denying his requests to overturn his disbarment of 2010.

7. Per the registry of action attached as an exhibit to the motion to dismiss, the Court takes judicial notice of certain facts pertaining to the protracted procedural history of Plaintiff’s

various attempt to challenge and reverse his disbarment.¹ The registry of action establishes the following:

- a. The California Supreme Court proceeding commenced on January 27, 2010;
- b. Plaintiff filed a petition for writ of review on April 1, 2010;
- c. On May 12, 2010, the California Supreme Court denied Plaintiff's petition for writ of review and ordered him disbarred from the practice of law in California;
- d. On May 24, 2010, Plaintiff filed a petition for writ of certiorari with the U. S. Supreme Court;
- e. On October 4, 2010, the U. S. Supreme Court denied Plaintiff's petition for writ of certiorari;
- f. On January 11, 2012, Plaintiff filed a motion in the California Supreme Court to reopen his disciplinary case due to fraud upon the court and reverse and set aside the disbarment order;
- g. On February 15, 2012, the California Supreme Court denied Plaintiff's motion to reopen his disciplinary case and set aside the disbarment order;
- h. Six years later, on March 1, 2018, Plaintiff filed a second motion in the California Supreme Court to reopen his disciplinary case and set aside the disbarment order;
- i. On May 9, 2018, the California Supreme Court denied Plaintiff's second motion to reopen his disciplinary case and set aside the disbarment order;
- j. From May 14, 2018, and over the next year, Plaintiff filed several more motions to reopen his disciplinary case or for other relief, including a motion for an order to show cause, filed on April 22, 2019; and

¹ The district court may consider publicly recorded documents without converting a motion to dismiss to one for summary judgment. *Breliant v. Preferred Equities Corp.*, 109 Nev. 842, 847, 858 P.2d 1258, 1261 (1993) (stating that a court may consider matters of public record in ruling on a motion to dismiss). This includes taking judicial notice of pleadings, memoranda, and other court filings. *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746, n.6 (9th Cir. 2006).

1 k. On September 11, 2019, the California Supreme Court denied Plaintiff's motion
2 for an order to show cause and stated "[t]his matter is now final. The court will
3 no longer consider challenges to petitioner's disbarment."

4 8. Plaintiff alleges in his first case of action, pursuant to 42 U.S.C. § 1983, that
5 Defendant Chief Justice Tani Cantil-Sakauye issued an illegal order on September 11, 2021 in
6 Case No. S179850 as part of an alleged conspiracy with Defendant Jorge Navarrete who
7 allegedly did not accept further filings by Plaintiff in the case after that order was entered.

8 9. Plaintiff's third cause of action names various Defendants who had not made an
9 appearance in the case (including former California Supreme Court Justice Ronald M. George
10 and Associate Justice William Dato of the California Court of Appeal, Fourth Appellate District,
11 Division One). Plaintiff claims that they had "improper, unethical and illegal ex parte, extra-
12 judicial communications and contacts" with the California Supreme Court Defendants on or
13 about September 11, 2019. (Complaint ¶39).

14 10. In his eighth claim for relief, Plaintiff names Chief Justice Cantil-Sakauye and
15 Associate Justice Dato and again alleges unspecified civil rights violations. Plaintiff alleges that
16 these two jurists had improper *ex parte* communications "to cause Plaintiff to be improperly put
17 on the Vexatious Litigant List" for the State of California. (Complaint ¶ 66). Plaintiff alleges this
18 communication took place approximately nine years ago on April 5, 2013. (Complaint ¶ 67).
19 Plaintiff asserts they formed a conspiracy regarding a pending in the San Diego Superior Court,
20 and it was "illegally transferred" to the Orange County Superior Court." *Id.* Plaintiff further
21 suggests that Chief Justice Cantil-Sakauye rewarded Associate Justice Data for the alleged
22 fraudulent act by promoting him to the San Diego Court of Appeal. (Complaint ¶ 68).

23 11. The Court further takes notice based upon exhibits attached to the motion to
24 dismiss that Plaintiff has been judicially declared a vexatious litigant on two occasions. The
25 Court takes judicial notice of the public documents attached as Exhibit "B" to the motion
26 indicating Plaintiff is a vexatious litigant pursuant to an order entered on April 5, 2013, in
27 *Dydzak v. Dunn* (Superior Court of California, County of San Diego, No. 30-2012-00558031).
28 The Court further takes judicial notice of the public documents attached as Exhibit "C" which is

1 a vexatious litigant order entered on September 25, 2012, in *Dydzak v. Cantil-Sakauye* (USDC,
2 CD Cal., No. C11-5560-JCC). This order prohibits Plaintiff from "initiating any further litigation
3 in this or any other federal court alleging deprivation of rights under 42 U.S.C. § 1983 or *Bivens*
4 based on his disbarment without the prior authorization from the presiding judge of the U.S.
5 District Court for the Central District of California."

6 12. Plaintiff's claims for relief all seek to impair, invalidate or reverse his disbarment
7 from the practice of law in California.

8 13. Plaintiff's claims are based entirely on the Supreme Court of California
9 Defendants' involvement in California litigation arising out of State Bar of California
10 disciplinary action. A plain reading of Plaintiff's Complaint fails to establish any contacts with
11 the Nevada forum by any of Defendants whatsoever. The entirety of the allegations pertain to
12 attorney discipline taken against Plaintiff in the State of California, including his disbarment, and
13 denial of Plaintiff's various complaints and petitions to overturn that discipline.

14 14. Plaintiff's Complaint includes no allegation against Chief Justice Cantil-Sakauye
15 that she acted in clear excess of her jurisdiction.

16 15. Plaintiff's Complaint includes no allegations that Jorge Navarrete took any action
17 that was not closely related to his clerk duties as part of the judicial process.

18 CONCLUSIONS OF LAW

19 I. The Court Lacks Subject Matter Jurisdiction

20 1. The plaintiff has the burden of proving subject matter jurisdiction. *See Morrison*
21 *v. Beach City LLC*, 116 Nev. 34, 36, 991 P.2d 982, 983 (2000). If the movant challenges the
22 existence of subject matter jurisdiction, the pleadings are treated as evidence on the issue. Indeed,
23 in this type of 12(b)(1) motion, the requirement is not unlike that for summary judgment, where
24 the non-moving party cannot rest on the allegations in the complaint but must present evidence to
25 defeat the motion. *Trentacosta v. Frontier Pacific Aircraft Indus., Inc.*, 813 F.2d 1553, 1558 (9th
26 Cir. 1987) (quoting Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure §
27 1363 at 653-54 (1969)); *Nevada v. United States*, 221 F.Supp.2d 1241, 1248 (D. Nev. 2002). The
28 question of subject matter jurisdiction "can be raised by the parties at any time ... and cannot be

1 conferred by the parties." *Landreth v. Malik*, 127 Nev. 175, 251 P. 3d 163, 166 (2011) (quoting
2 *Swan v. Swan*, 106 Nev. 464, 469, 796 P.2d 221, 224 (1990)).

3 2. State supreme courts are the ultimate arbiters of attorney behavior for members of
4 the state bar that applies only to attorney discipline occurring in the forum state. Nevada courts
5 lack subject matter jurisdiction seeking to impair or reverse attorney discipline imposed by
6 another State. In Nevada, Supreme Court Rule 105(3)(b) provides subject matter jurisdiction for
7 the Nevada Supreme Court to automatically review public discipline imposed by a Nevada State
8 Bar hearing panel. To be sure, it provides no subject matter jurisdiction to review public
9 discipline imposed by the State of California.

10 3. By filing what amounts to nothing more than a collateral challenge to his
11 disbarment and the numerous denials of his attempts to overturn, Plaintiff simply tries to make an
12 end around of the results of federal and state courts located in California for which this Court
13 lacks subject matter jurisdiction. The complaint therefore is properly dismissed pursuant to
14 Nevada Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction.

15 **II. There is No Personal Jurisdiction over the California Supreme Court Defendants**

16 1. To survive a motion to dismiss for lack of personal jurisdiction, the plaintiff must
17 "make a prima facie showing of personal jurisdiction" by "producing] some evidence in support
18 of all facts necessary for a finding of personal jurisdiction." *Trump v. Eighth Judicial Dist. Court*,
19 109 Nev. 687, 692, 857 P.2d 740, 743-44 (1993). When considering a motion to dismiss for lack
20 of personal jurisdiction, the plaintiff is required to go beyond the pleadings and proffer some
21 competent evidence supporting a finding of personal jurisdiction. *Id.* at 693, 857 P.2d at 744
22 (explaining that the plaintiff "may not simply rely on the allegations of the complaint to establish
23 personal jurisdiction").

24 2. Plaintiff has pled no facts in his complaint that would establish this court's personal
25 jurisdiction-general or specific-over the California Supreme Court Defendants, all of whom are
26 California residents. Plaintiff does not allege that the injuries he sustained occurred in Nevada,
27 that Defendants were served with process in Nevada, or that this case or Defendants have anything
28 at all to do with Nevada. *See Nguyen v. Margines*, 2021 WL 5761766 *2 (D. Nev., Dec. 3,

2021) (dismissing the plaintiffs' suit against California state-court judges seeking damages against them for judgments entered against the plaintiffs in other cases in California due to lack of personal jurisdiction).

3. General jurisdiction exists only where the defendant's activities in the forum state are so substantial or continuous and systematic that it may be deemed present in the forum and hence subject to suit over claims unrelated to its activities here. *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 415-16, 104 S. Ct. 1868 (1984); *Trump*, 109 Nev. at 699, 857 P.2d at 748.

4. Plaintiff impermissible seeks to avail himself of access to this court in Nevada because one of the many jurists that exercised jurisdiction over his case originating in California still has a home office in Nevada (i.e., the Honorable Judge Johnnie Rawlinson). This allegation clearly does not establish personal jurisdiction for the California Supreme Court Defendants.

5. To show specific jurisdiction, Plaintiff must demonstrate facts showing that the defendants purposefully availed themselves of the privilege of acting in Nevada or caused important consequences here, that the cause of action arises from the defendant's activities in Nevada, and that those activities, or the consequences thereof, have such a substantial connection with Nevada as to make the exercise of jurisdiction over the defendant reasonable. *Consipio Holding, BV v. Carlberg*, 128 Nev. 454, 458-59, 282 P.3d 751, 755 (2012).

6. Nowhere does Plaintiff allege, or even remotely indicate, that Chief Justice Cantil-Sakauye or Jorge Navarrete "purposefully directed" any activity toward Nevada. The Complaint itself makes clear that this action involves Plaintiff's attempts to obtain judicial review and reversal of being disbarred as a California lawyer and being declared a vexatious litigant in state and federal courts in California. Indeed, neither the Supreme Court of California Defendants nor any of the other California jurists and California State Bar agents had any jurisdiction or ability to perform any legal act in the State of Nevada.

7. There is nothing to suggest Plaintiff's claims arise out of the activities of any Defendant in Nevada. To the contrary, the activities which give rise to Plaintiff's claims exclusively occurred in California. Other than identifying Judge Rawlinson's alleged personal

1 residence or home State, Nevada is never mentioned in the Complaint whatsoever. Even if Judge
2 Rawlinson's involvement in federal cases pending in the Ninth Circuit somehow implicate
3 Nevada, which they do not, there is still absolutely no Nevada connection to the California
4 Supreme Court Defendants. Plaintiff, to be sure, does not attribute any conduct by the Superior
5 Court Defendants directed toward Nevada.

6 8. Plaintiff argues that because one of the many Defendants he named is a one-time
7 Nevada resident that venue is proper in Clark County, Nevada. The clear failing in this singular
8 argument to resist the motion to dismiss is that the California Supreme Court Defendants did not
9 seek dismissal based upon improper venue at all. To be sure, venue and personal jurisdiction are
10 separate requirements. *See State ex rel. DePaul Health Center v. Mummert*, 870 S.W.2d 820, 821
11 (Mo. banc 1994) (stating "venue and personal jurisdiction address entirely different concerns and
12 venue is not a prerequisite to personal jurisdiction").

13 9. Plaintiff cannot obtain personal jurisdiction over everyone he names in a lawsuit
14 even assuming that there is a personal jurisdiction over one of the other defendants. Moreover,
15 there is no basis to suggest Judge Rawlinson did anything in connection with her involvement in a
16 case pending in the Ninth Circuit Court of Appeals that subjects her to be sued in Nevada.

17 10. Plaintiff has failed to show that the California Supreme Court Defendants are
18 subject to general jurisdiction in Nevada or have certain minimum contacts for specific
19 jurisdiction. Therefore, the case is also dismissed for want of personal jurisdiction pursuant to
20 Rule 12(b)(2).

21 **III. The Complaint States No Valid Claim for Relief**

22 1. When presented with a Nevada Rule of Civil Procedure 12(b)(5) motion to dismiss
23 for failure to state a claim, the district court must view all factual allegations in the complaint as
24 true, and draw all reasonable inferences in favor of the nonmoving party. *Kourafas v. Basic Food*
25 *Flavors, Inc.*, 120 Nev. 195, 197, 88 P.3d 822, 823 (2004).

26 2. Claims of immunity present issues that are generally appropriately decided as early
27 as possible, in order to "avoid excessive disruption of government." *Harlow v. Fitzgerald*, 457
28 U.S. 800, 818 (1982). Because the essence of immunity is its possessor's entitlement not to have

1 to answer for his conduct in a civil damages action, that protection is effectively lost if a case is
2 erroneously permitted to go to trial. *See Siegert v. Gilley*, 500 U.S. 226, 232, 111 S.Ct. 1789
3 (1991) ("One of the purposes of immunity, absolute or qualified, is to spare a defendant not only
4 unwarranted liability, but unwarranted demands customarily imposed upon those defending a long
5 drawn-out lawsuit."); *see also State of Nevada v. Second Judicial District Court*, 118 Nev. 609,
6 615, 55 P.3d 420, 423 (2002) ("Absolute immunity is a broad grant of immunity not just from the
7 imposition of civil damages, but also from the burdens of litigation, generally.").

8 3. Judges possess a "sweeping form of immunity" for all acts performed that relate to
9 the "judicial process." *Forrester v. White*, 484 U.S. 219, 225, 108 S.Ct. 538 (1988); *Imbler v.*
10 *Pachtman*, 424 U.S. 409, 423 n.20, 96 S.Ct. 984 (1976). Irrespective of the judge's subjective
11 intent, immunity insulates the judge's actions except where done in the clear absence of
12 jurisdiction. *See Stump v. Stackman*, 435 U.S. 349, 359, 98 S.Ct. 1099 (1978). Put differently,
13 this absolute immunity insulates judges from charges or erroneous acts or irregular action, even
14 when it is alleged that such action was driven by malice, bad faith or corruption. *Forrester*, 484
15 U.S. at 227-28; *see also Mireles v. Waco*, 502 U.S. 9, 11, 112 S.Ct. 286 (1991). Furthermore, the
16 absolute immunity is not pierced by allegations of judicial authority "flawed by the commission of
17 grave procedural errors." *Stump*, 435 U.S. at 359.

18 4. In addition, allegations of conduct in excess of jurisdiction are thus insufficient, a
19 judge will only forfeit his immunity when he acts in "clear absence of all jurisdiction." *Mullis v.*
20 *U.S. Bankruptcy Court for the District of Nevada*, 828 F.2d 1385, 1389 (9th Cir. 1987). The fact
21 that a judge acts informally, outside the courtroom and without observance of procedural
22 requirements, or engages in ex parte communications, does not strip a judge of absolute
23 immunity. *Stump*, 435 at 361-63, 98 S.Ct. at 1107-08; *see also Forrester*, 108 S.Ct. at 544. Nor is
24 judicial immunity lost as a result of improper favor or disfavor to a party. *Moore v. Brewster*, 96
25 F.3d 1240, 1244 (9th Cir.1996).

26 5. Absolute judicial immunity thus covers "virtually all acts, regardless of
27 motivation," therefore, "when the underlying activity at issue is covered by absolute immunity, the
28 plaintiff derives no benefit from alleging a conspiracy." *Pinaud v. County of Suffolk*, 52 F.3d

1 1139, 1148 (2d Cir. 1995). Plaintiff's allegations and argument regarding improper motive, bad
2 faith, or even acts taken in an unquestionably illegal manner are all irrelevant. *See Red Zone 12*
3 *LLC v. City of Columbus*, 758 F.App'x 508, 513-14 (6th Cir. 2019); *Imbler*, 424 U.S. at 431, 96
4 S.Ct. 984 (allegations of conspiracy to wrongfully convict plaintiff did not overcome prosecutorial
5 immunity); *Forrester*, 484 U.S. at 227-28, 108 S.Ct. 538 (holding an act "does not become less
6 judicial by virtue of allegations of malice or corruption of motive"); *Ashelman v. Pope*, 793 F.2d
7 1072, 10771-78 (9th Cir. 1986) ("[A] conspiracy between judge and prosecutor to predetermine
8 the outcome of a judicial proceeding, while clearly improper, nevertheless does not pierce the
9 immunity extended to judges and prosecutors.").

10 6. "Court clerks have absolute quasi-judicial immunity from damages for civil rights
11 violations when they perform tasks that are an integral part of the judicial process." *Mullis v.*
12 *United States Bankruptcy Court*, 828 F.2d 1385, 1390 (9th Cir. 1987) (applying quasi-judicial
13 immunity where clerks accepted and filed incomplete bankruptcy petition and later refused to
14 accept amended petition); *see also Moore v. Brewster*, 96 F.3d 1240, 1244 (9th Cir. 1996)
15 (applying immunity where clerk deceived plaintiff regarding the status of supersedeas bond and
16 improperly conducted hearings to assess costs against plaintiff); *Morrison v. Jones*, 607 F.2d
17 1269, 1273 (9th Cir. 1979) (applying quasi-judicial immunity where clerk failed to provide notice
18 of court order).

19 7. Absolute quasi-judicial immunity is "extended ... to court clerks and other
20 nonjudicial officers for purely administrative acts-acts which taken out of context would appear
21 ministerial, but when viewed in context are actually a part of the judicial function." *In re Castillo*,
22 297 F.3d 940, 952 (9th Cir. 2002). Where the accused conduct is an integral part of the judicial
23 process, clerks qualify for quasi-judicial immunity unless such conduct was undertaken "in the
24 clear absence of all jurisdiction." *Mullis*, 828 F.2d at 1390. Quasi-judicial immunity nevertheless
25 applies to clerk action that is "a mistake or an act in excess of jurisdiction ..., even if it results in
26 'grave procedural errors.'" *Id.*

27 8. The act of making decisions following motion practice of a litigant (including
28 finding that a party subject to jurisdiction of the court is a vexatious litigant) before the court is

1 clearly a judicial act. Allegations that there were ex parte communications or that the judicial
2 decisions were the result of bad faith, or a conspiracy do not pierce judicial immunity. Chief
3 Justice Cantil-Sakauye's decisions at issue had to occur while she was inside the courtroom or
4 inside chambers in preparing and finalizing judicial orders. The actions Plaintiff alleges as
5 constitutional transgressions against Chief Justice Cantil-Sakauye center around Plaintiff's case
6 before her in review of the State Bar of California's disciplinary action. This is plainly a case
7 where judicial immunity attaches.

8 9. The only specific allegation against Jorge Navarrete is that he "illegally conspired
9 to not file, as required, legal pleadings, motions and papers duly submitted by DYDZAK for
10 docket filing with the Clerk's Office of the Supreme Court of California." (Complaint, 31, p. 6.)
11 As the Clerk/Executive Officer of the Supreme Court of California, Defendant Navarrete's duties
12 include the creation and management of uniform record-keeping systems. California Rules of
13 Court, rule 10.1020(c)(7). His alleged conspiracy to not file Plaintiff's papers in the California
14 Supreme Court is indisputably "an integral part of the judicial process." *Mullis*, 828 F.2d at 1390;
15 *see also Sedgwick v. United States*, 265 Fed. Appx. 567, 568 (9th Cir. 2008) (Supreme Court
16 Clerk entitled to absolute quasi-judicial immunity for refusing to file plaintiff's petition for writ of
17 certiorari). The claims against Jorge Navarrete are therefore barred by the doctrine of
18 quasi-judicial immunity.

19 10. Plaintiff fails to state a valid claim for relief against the California Supreme Court
20 Defendants because they are possess absolute immunity as to all allegations and all claims for
21 relief alleged in the Complaint. The Court therefore also grants the motion to dismiss pursuant to
22 Nevada Rule of Civil Procedure 12(b)(5).

23 IT IS HEREBY ORDERED that the motion to dismiss is granted in all respects

24 DATED this 2nd day of ~~May~~ ^{June}, 2022.

25 Dated this 3rd day of June, 2022

26 Nancy L. Alf
27 DISTRICT COURT JUDGE

TW

28 10A CB8 7A23 4559
Nancy Alf
District Court Judge

Submitted by:

OLSON CANNON GORMLEY
& STOBERSKI

By: /s/ Thomas D. Dillard, Esq.
THOMAS D. DILLARD, ESQ.

Nevada Bar No. 6270

9950 W. Cheyenne Avenue

Las Vegas, Nevada 89129

Attorney for the California Supreme Court Defendants

Approved as to form and content:

By: _____
Daniel David Dydzak
4265 Marina City Drive,
Suite 407W
Marina del Rey, CA 90292
Plaintiff Pro Se

CERTIFICATE OF SERVICE

I hereby certify that I am employed in the law offices of OLSON CANNON GORMLEY & STOBERSKI, and that on the ____ day of May, 2022, I served a copy of the foregoing **ORDER GRANTING DEFENDANTS' MOTION TO DISMISS**, in the following manner:
(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List, (or, if necessary, by U.S. Mail, first class, postage pre-paid, or via email), upon the following:

Daniel David Dydzak
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Suite 407W
Marina del Rey, CA 90292
Plaintiff Pro Se

An employee of OLSON CANNON
GORMLEY & STOBERSKI

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Daniel Dydzak, Plaintiff(s)

CASE NO: A-22-847734-C

7 vs.

DEPT. NO. Department 27

8 Tani Cantil-Sakauye,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order Granting Motion was served via the court's electronic eFile
system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 6/3/2022

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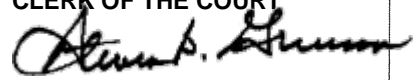
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Jorge Navarrete, Clerk/Executive Officer of
the Supreme Court of California; and Justice William Dato

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

DANIEL DAVID DYDZAK

Plaintiff,

vs.

TANI CANTIL-SAKAUYE, JORGE
NAVARRETE, THOMAS LAYTON, aka TOM
LAYTON, CHARLES SCHWAB, DONALD F.
MILES, JOHNNIE B. RAWLINSON, BARRY
G. SILVERMAN, WILLIAM A. FLETCHER,
PETER LIND SHAW, RONALD M. GEORGE
ERIC M. GEORGE, ALAN I. ROTHENBERG,
1ST CENTURY BANK, 1ST CENTURY
BANCSHARES, INC., EDWARD EPHRAIM
SCHIFFER, SIDNEY R. THOMAS, WILLIAM
DATO, MAXINE M. CHESNEY, MOLLY C.
DWYER, GEORGE H. KING, A. WALLACE
TASHIMA, FERDINAND FRANCIS
FERNANDEZ, KIM MCCLANE WARDLAW,
WILLIAM C. CANBY, RONALD M. GOULD,
RICHARD C. TALLMAN, and Does 1 through
50, inclusive,

Defendants.

CASE NO.: A-22-847734-C

DEPT. NO.: 27

NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

PLEASE TAKE NOTICE that an ORDER GRANTING DEFENDANTS'

///

1 MOTION TO DISMISS was entered in the above-entitled matter on the 3rd day of June, 2022; a
2 copy of which is attached hereto.

3 Dated this 8 day of June, 2022.

4
5 OLSON CANNON GORMLEY & STOBERSKI

6
7 By:



THOMAS D. DILLARD, JR., ESQ.

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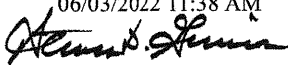
Jorge Navarrete, Clerk/Executive Officer of

the Supreme Court of California; and

Justice William Dato

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Kaufman
An employee of OLSON CANNON GORMLEY & STOBERSKI


CLERK OF THE COURT

ORDR
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*Tani G. Cantil-Sakauye, Chief Justice of California;
and Jorge Navarrete, Clerk/Executive Officer of
the Supreme Court of California*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

* * * * *

DANIEL DAVID DYDZAK

Plaintiff,

vs.

TANI CANTIL-SAKAUYE, JORGE
NAVARRETE, THOMAS LAYTON, aka TOM
LAYTON, CHARLES SCHWAB, DONALD F.
MILES, JOHNNIE B. RAWLINSON, BARRY
G. SILVERMAN, WILLIAM A. FLETCHER,
PETER LIND SHAW, RONALD M. GEORGE
ERIC M. GEORGE, ALAN I. ROTHENBERG,
1ST CENTURY BANK, 1ST CENTURY
BANCSHARES, INC., EDWARD EPHRAIM
SCHIFFER, SIDNEY R. THOMAS, WILLIAM
DATO, MAXINE M. CHESNEY, MOLLY C.
DWYER, GEORGE H. KING, A. WALLACE
TASHIMA, FERDINAND FRANCIS
FERNANDEZ, KIM MCCLANE WARDLAW,
WILLIAM C. CANBY, RONALD M. GOULD,
RICHARD C. TALLMAN, and Does 1 through
50, inclusive,

Defendants.

CASE NO.: A-22-847734-C

DEPT. NO.: 27

**ORDER GRANTING
DEFENDANTS'
MOTION TO
DISMISS**

The Court, having considered all papers and pleadings with a hearing scheduled for May 11, 2022 and continued and heard on May 18, 2022, hereby grants Defendants Chief Justice Tani G. Cantil-Sakauye's and Clerk Jorge Navarrete's, Clerk/Executive Officer of the Supreme Court of California, (hereinafter "California Supreme Court Defendants") motion to dismiss Plaintiff's

1 Complaint for lack of subject matter jurisdiction, lack of personal jurisdiction and for failure to
2 state a claim for relief.

3 **PROCEDURAL HISTORY**

4 1. The California Supreme Court Defendants filed their Motion to Dismiss the
5 Complaint on April 6, 2022 pursuant to Nevada Rules of Civil Procedure 12(b)(1) and 12(b)(2)
6 and, alternatively, pursuant to Nevada Rule of Civil Procedure 12(b)(5).

7 2. Plaintiff Daniel David Dydzak ("Plaintiff") filed his Opposition to the California
8 Supreme Court Defendants' Motion to Dismiss on April 18, 2022.

9 3. The California Supreme Court Defendants filed their Reply to Plaintiff's
10 Opposition to Dismiss on May 3, 2022.

11 4. The Court issued a Notice of Hearing on April 7, 2022 for the motion to be heard
12 on May 11, 2022.

13 5. During the hearing on May 11, 2022, this matter was trailed to the end of the
14 calendar, however, electronic interference prevented the hearing from going forward. The Court
15 Recorder asked the parties if they had two sources of audio connected on-line due to the audio
16 issues. The Court could not hear the parties without a severe echo. Accordingly, the Court
17 ordered the matter continued for one-week and the continuance was noted in the Minutes.

18 6. The May 11, 2022 minutes further reflected that on May 18, 2022 at 9:00 a.m. the
19 Court will hear the California Supreme Court Defendants' Motion to Dismiss the Complaint.

20 7. During the subsequent Hearing on May 18, 2022, counsel for the California
21 Supreme Court Defendants personally appeared and the Court called for and obtained no
22 response from Plaintiff.

23 8. The Court then heard oral argument on the motion to dismiss pursuant to Nevada
24 Rules of Civil Procedure 12(b)(1), 12(b)(2) and 12(b)(5).

25 **FINDINGS OF FACT**

26 1. Plaintiff is a disbarred California attorney who filed suit in the Eighth Judicial
27 District Court of Nevada on February 3, 2022 because "one of the parties resides in Clark
28

1 County.” (Complaint ¶ 5). Plaintiff identifies this party as Judge Johnnie B. Rawlinson of the
2 U.S. Court of Appeals for the Ninth Circuit.

3 2. Plaintiff is a California resident and has included twenty-four Defendants in the
4 case caption, many of which are current or former California state judicial officers or judges of
5 federal district and appellate courts located in California.

6 3. Defendant Tani G. Cantil-Sakauye was at all relevant times serving as the Chief
7 Justice of the Supreme Court of California.

8 4. Defendant Jorge Navarrete was at all relevant times serving as the
9 Clerk/Executive Officer of the Supreme Court of California.

10 5. Plaintiff sued Defendant Tani Cantil-Sakauye and Jorge Navarrete as individuals
11 residing in San Francisco, California. (Complaint ¶¶ 2-3). Plaintiff also named former California
12 Chief Justice Ronald George and Associate Justice William Dato of the Fourth Appellate
13 Division of California based upon their involvement in California litigation. (Complaint at ¶¶ 11,
14 18). Plaintiff also brings suit against several other State of California state bar judges and
15 investigators or State Bar attorney panel members, who all allegedly have some connection with
16 his disciplinary matter ultimately resolved in California Supreme Court Case No. S17980.
17 (Complaint ¶¶ 4-6, 10, 12-13, 16). In addition, Plaintiff named as Defendants a total of ten (10)
18 Article III judges from the U.S. Court of Appeals for the Ninth Circuit and the U.S. Northern
19 District of California. He also sued the Ninth Circuit court clerk for his alleged involvement in
20 California federal litigation pertaining to Plaintiff. (Complaint ¶¶ 7-9, 17, 19-25).

21 6. Plaintiff’s claims arise out of his subsequent court challenges to orders issued in
22 California Supreme Court Case No. S179850 denying his requests to overturn his disbarment of
23 2010.

24 7. Per the registry of action attached as an exhibit to the motion to dismiss, the Court
25 takes judicial notice of certain facts pertaining to the protracted procedural history of Plaintiff’s
26
27
28

various attempt to challenge and reverse his disbarment.¹ The registry of action establishes the following:

- a. The California Supreme Court proceeding commenced on January 27, 2010;
- b. Plaintiff filed a petition for writ of review on April 1, 2010;
- c. On May 12, 2010, the California Supreme Court denied Plaintiff's petition for writ of review and ordered him disbarred from the practice of law in California;
- d. On May 24, 2010, Plaintiff filed a petition for writ of certiorari with the U. S. Supreme Court;
- e. On October 4, 2010, the U. S. Supreme Court denied Plaintiff's petition for writ of certiorari;
- f. On January 11, 2012, Plaintiff filed a motion in the California Supreme Court to reopen his disciplinary case due to fraud upon the court and reverse and set aside the disbarment order;
- g. On February 15, 2012, the California Supreme Court denied Plaintiff's motion to reopen his disciplinary case and set aside the disbarment order;
- h. Six years later, on March 1, 2018, Plaintiff filed a second motion in the California Supreme Court to reopen his disciplinary case and set aside the disbarment order;
- i. On May 9, 2018, the California Supreme Court denied Plaintiff's second motion to reopen his disciplinary case and set aside the disbarment order;
- j. From May 14, 2018, and over the next year, Plaintiff filed several more motions to reopen his disciplinary case or for other relief, including a motion for an order to show cause, filed on April 22, 2019; and

¹ The district court may consider publicly recorded documents without converting a motion to dismiss to one for summary judgment. *Breliant v. Preferred Equities Corp.*, 109 Nev. 842, 847, 858 P.2d 1258, 1261 (1993) (stating that a court may consider matters of public record in ruling on a motion to dismiss). This includes taking judicial notice of pleadings, memoranda, and other court filings. *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746, n.6 (9th Cir. 2006).

1 k. On September 11, 2019, the California Supreme Court denied Plaintiff's motion
2 for an order to show cause and stated "[t]his matter is now final. The court will
3 no longer consider challenges to petitioner's disbarment."

4 8. Plaintiff alleges in his first case of action, pursuant to 42 U.S.C. § 1983, that
5 Defendant Chief Justice Tani Cantil-Sakauye issued an illegal order on September 11, 2021 in
6 Case No. S179850 as part of an alleged conspiracy with Defendant Jorge Navarrete who
7 allegedly did not accept further filings by Plaintiff in the case after that order was entered.

8 9. Plaintiff's third cause of action names various Defendants who had not made an
9 appearance in the case (including former California Supreme Court Justice Ronald M. George
10 and Associate Justice William Dato of the California Court of Appeal, Fourth Appellate District,
11 Division One). Plaintiff claims that they had "improper, unethical and illegal ex parte, extra-
12 judicial communications and contacts" with the California Supreme Court Defendants on or
13 about September 11, 2019. (Complaint ¶39).

14 10. In his eighth claim for relief, Plaintiff names Chief Justice Cantil-Sakauye and
15 Associate Justice Dato and again alleges unspecified civil rights violations. Plaintiff alleges that
16 these two jurists had improper *ex parte* communications "to cause Plaintiff to be improperly put
17 on the Vexatious Litigant List" for the State of California. (Complaint ¶ 66). Plaintiff alleges this
18 communication took place approximately nine years ago on April 5, 2013. (Complaint ¶ 67).
19 Plaintiff asserts they formed a conspiracy regarding a pending in the San Diego Superior Court,
20 and it was "illegally transferred" to the Orange County Superior Court." *Id.* Plaintiff further
21 suggests that Chief Justice Cantil-Sakauye rewarded Associate Justice Data for the alleged
22 fraudulent act by promoting him to the San Diego Court of Appeal. (Complaint ¶ 68).

23 11. The Court further takes notice based upon exhibits attached to the motion to
24 dismiss that Plaintiff has been judicially declared a vexatious litigant on two occasions. The
25 Court takes judicial notice of the public documents attached as Exhibit "B" to the motion
26 indicating Plaintiff is a vexatious litigant pursuant to an order entered on April 5, 2013, in
27 *Dydzak v. Dunn* (Superior Court of California, County of San Diego, No. 30-2012-00558031).
28 The Court further takes judicial notice of the public documents attached as Exhibit "C" which is

1 a vexatious litigant order entered on September 25, 2012, in *Dydzak v. Cantil-Sakauye* (USDC,
2 CD Cal., No. C11-5560-JCC). This order prohibits Plaintiff from "initiating any further litigation
3 in this or any other federal court alleging deprivation of rights under 42 U.S.C. § 1983 or *Bivens*
4 based on his disbarment without the prior authorization from the presiding judge of the U.S.
5 District Court for the Central District of California."

6 12. Plaintiff's claims for relief all seek to impair, invalidate or reverse his disbarment
7 from the practice of law in California.

8 13. Plaintiff's claims are based entirely on the Supreme Court of California
9 Defendants' involvement in California litigation arising out of State Bar of California
10 disciplinary action. A plain reading of Plaintiff's Complaint fails to establish any contacts with
11 the Nevada forum by any of Defendants whatsoever. The entirety of the allegations pertain to
12 attorney discipline taken against Plaintiff in the State of California, including his disbarment, and
13 denial of Plaintiff's various complaints and petitions to overturn that discipline.

14 14. Plaintiff's Complaint includes no allegation against Chief Justice Cantil-Sakauye
15 that she acted in clear excess of her jurisdiction.

16 15. Plaintiff's Complaint includes no allegations that Jorge Navarrete took any action
17 that was not closely related to his clerk duties as part of the judicial process.

18 CONCLUSIONS OF LAW

19 I. The Court Lacks Subject Matter Jurisdiction

20 1. The plaintiff has the burden of proving subject matter jurisdiction. *See Morrison*
21 *v. Beach City LLC*, 116 Nev. 34, 36, 991 P.2d 982, 983 (2000). If the movant challenges the
22 existence of subject matter jurisdiction, the pleadings are treated as evidence on the issue. Indeed,
23 in this type of 12(b)(1) motion, the requirement is not unlike that for summary judgment, where
24 the non-moving party cannot rest on the allegations in the complaint but must present evidence to
25 defeat the motion. *Trentacosta v. Frontier Pacific Aircraft Indus., Inc.*, 813 F.2d 1553, 1558 (9th
26 Cir. 1987) (quoting Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure §
27 1363 at 653-54 (1969)); *Nevada v. United States*, 221 F.Supp.2d 1241, 1248 (D. Nev. 2002). The
28 question of subject matter jurisdiction "can be raised by the parties at any time ... and cannot be

1 conferred by the parties." *Landreth v. Malik*, 127 Nev. 175, 251 P. 3d 163, 166 (2011) (quoting
2 *Swan v. Swan*, 106 Nev. 464, 469, 796 P.2d 221, 224 (1990)).

3 2. State supreme courts are the ultimate arbiters of attorney behavior for members of
4 the state bar that applies only to attorney discipline occurring in the forum state. Nevada courts
5 lack subject matter jurisdiction seeking to impair or reverse attorney discipline imposed by
6 another State. In Nevada, Supreme Court Rule 105(3)(b) provides subject matter jurisdiction for
7 the Nevada Supreme Court to automatically review public discipline imposed by a Nevada State
8 Bar hearing panel. To be sure, it provides no subject matter jurisdiction to review public
9 discipline imposed by the State of California.

10 3. By filing what amounts to nothing more than a collateral challenge to his
11 disbarment and the numerous denials of his attempts to overturn, Plaintiff simply tries to make an
12 end around of the results of federal and state courts located in California for which this Court
13 lacks subject matter jurisdiction. The complaint therefore is properly dismissed pursuant to
14 Nevada Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction.

15 **II. There is No Personal Jurisdiction over the California Supreme Court Defendants**

16 1. To survive a motion to dismiss for lack of personal jurisdiction, the plaintiff must
17 "make a prima facie showing of personal jurisdiction" by "producing] some evidence in support
18 of all facts necessary for a finding of personal jurisdiction." *Trump v. Eighth Judicial Dist. Court*,
19 109 Nev. 687, 692, 857 P.2d 740, 743-44 (1993). When considering a motion to dismiss for lack
20 of personal jurisdiction, the plaintiff is required to go beyond the pleadings and proffer some
21 competent evidence supporting a finding of personal jurisdiction. *Id.* at 693, 857 P.2d at 744
22 (explaining that the plaintiff "may not simply rely on the allegations of the complaint to establish
23 personal jurisdiction").

24 2. Plaintiff has pled no facts in his complaint that would establish this court's personal
25 jurisdiction-general or specific-over the California Supreme Court Defendants, all of whom are
26 California residents. Plaintiff does not allege that the injuries he sustained occurred in Nevada,
27 that Defendants were served with process in Nevada, or that this case or Defendants have anything
28 at all to do with Nevada. *See Nguyen v. Margines*, 2021 WL 5761766 *2 (D. Nev., Dec. 3,

2021) (dismissing the plaintiffs' suit against California state-court judges seeking damages against them for judgments entered against the plaintiffs in other cases in California due to lack of personal jurisdiction).

3. General jurisdiction exists only where the defendant's activities in the forum state are so substantial or continuous and systematic that it may be deemed present in the forum and hence subject to suit over claims unrelated to its activities here. *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 415-16, 104 S. Ct. 1868 (1984); *Trump*, 109 Nev. at 699, 857 P.2d at 748.

4. Plaintiff impermissible seeks to avail himself of access to this court in Nevada because one of the many jurists that exercised jurisdiction over his case originating in California still has a home office in Nevada (i.e., the Honorable Judge Johnnie Rawlinson). This allegation clearly does not establish personal jurisdiction for the California Supreme Court Defendants.

5. To show specific jurisdiction, Plaintiff must demonstrate facts showing that the defendants purposefully availed themselves of the privilege of acting in Nevada or caused important consequences here, that the cause of action arises from the defendant's activities in Nevada, and that those activities, or the consequences thereof, have such a substantial connection with Nevada as to make the exercise of jurisdiction over the defendant reasonable. *Consipio Holding, BV v. Carlberg*, 128 Nev. 454, 458-59, 282 P.3d 751, 755 (2012).

6. Nowhere does Plaintiff allege, or even remotely indicate, that Chief Justice Cantil-Sakauye or Jorge Navarrete "purposefully directed" any activity toward Nevada. The Complaint itself makes clear that this action involves Plaintiff's attempts to obtain judicial review and reversal of being disbarred as a California lawyer and being declared a vexatious litigant in state and federal courts in California. Indeed, neither the Supreme Court of California Defendants nor any of the other California jurists and California State Bar agents had any jurisdiction or ability to perform any legal act in the State of Nevada.

7. There is nothing to suggest Plaintiff's claims arise out of the activities of any Defendant in Nevada. To the contrary, the activities which give rise to Plaintiff's claims exclusively occurred in California. Other than identifying Judge Rawlinson's alleged personal

1 residence or home State, Nevada is never mentioned in the Complaint whatsoever. Even if Judge
2 Rawlinson's involvement in federal cases pending in the Ninth Circuit somehow implicate
3 Nevada, which they do not, there is still absolutely no Nevada connection to the California
4 Supreme Court Defendants. Plaintiff, to be sure, does not attribute any conduct by the Superior
5 Court Defendants directed toward Nevada.

6 8. Plaintiff argues that because one of the many Defendants he named is a one-time
7 Nevada resident that venue is proper in Clark County, Nevada. The clear failing in this singular
8 argument to resist the motion to dismiss is that the California Supreme Court Defendants did not
9 seek dismissal based upon improper venue at all. To be sure, venue and personal jurisdiction are
10 separate requirements. *See State ex rel. DePaul Health Center v. Mummert*, 870 S.W.2d 820, 821
11 (Mo. banc 1994) (stating "venue and personal jurisdiction address entirely different concerns and
12 venue is not a prerequisite to personal jurisdiction").

13 9. Plaintiff cannot obtain personal jurisdiction over everyone he names in a lawsuit
14 even assuming that there is a personal jurisdiction over one of the other defendants. Moreover,
15 there is no basis to suggest Judge Rawlinson did anything in connection with her involvement in a
16 case pending in the Ninth Circuit Court of Appeals that subjects her to be sued in Nevada.

17 10. Plaintiff has failed to show that the California Supreme Court Defendants are
18 subject to general jurisdiction in Nevada or have certain minimum contacts for specific
19 jurisdiction. Therefore, the case is also dismissed for want of personal jurisdiction pursuant to
20 Rule 12(b)(2).

21 **III. The Complaint States No Valid Claim for Relief**

22 1. When presented with a Nevada Rule of Civil Procedure 12(b)(5) motion to dismiss
23 for failure to state a claim, the district court must view all factual allegations in the complaint as
24 true, and draw all reasonable inferences in favor of the nonmoving party. *Kourafas v. Basic Food*
25 *Flavors, Inc.*, 120 Nev. 195, 197, 88 P.3d 822, 823 (2004).

26 2. Claims of immunity present issues that are generally appropriately decided as early
27 as possible, in order to "avoid excessive disruption of government." *Harlow v. Fitzgerald*, 457
28 U.S. 800, 818 (1982). Because the essence of immunity is its possessor's entitlement not to have

1 to answer for his conduct in a civil damages action, that protection is effectively lost if a case is
2 erroneously permitted to go to trial. *See Siegert v. Gilley*, 500 U.S. 226, 232, 111 S.Ct. 1789
3 (1991) ("One of the purposes of immunity, absolute or qualified, is to spare a defendant not only
4 unwarranted liability, but unwarranted demands customarily imposed upon those defending a long
5 drawn-out lawsuit."); *see also State of Nevada v. Second Judicial District Court*, 118 Nev. 609,
6 615, 55 P.3d 420, 423 (2002) ("Absolute immunity is a broad grant of immunity not just from the
7 imposition of civil damages, but also from the burdens of litigation, generally.").

8 3. Judges possess a "sweeping form of immunity" for all acts performed that relate to
9 the "judicial process." *Forrester v. White*, 484 U.S. 219, 225, 108 S.Ct. 538 (1988); *Imbler v.*
10 *Pachtman*, 424 U.S. 409, 423 n.20, 96 S.Ct. 984 (1976). Irrespective of the judge's subjective
11 intent, immunity insulates the judge's actions except where done in the clear absence of
12 jurisdiction. *See Stump v. Stackman*, 435 U.S. 349, 359, 98 S.Ct. 1099 (1978). Put differently,
13 this absolute immunity insulates judges from charges or erroneous acts or irregular action, even
14 when it is alleged that such action was driven by malice, bad faith or corruption. *Forrester*, 484
15 U.S. at 227-28; *see also Mireles v. Waco*, 502 U.S. 9, 11, 112 S.Ct. 286 (1991). Furthermore, the
16 absolute immunity is not pierced by allegations of judicial authority "flawed by the commission of
17 grave procedural errors." *Stump*, 435 U.S. at 359.

18 4. In addition, allegations of conduct in excess of jurisdiction are thus insufficient, a
19 judge will only forfeit his immunity when he acts in "clear absence of all jurisdiction." *Mullis v.*
20 *U.S. Bankruptcy Court for the District of Nevada*, 828 F.2d 1385, 1389 (9th Cir. 1987). The fact
21 that a judge acts informally, outside the courtroom and without observance of procedural
22 requirements, or engages in ex parte communications, does not strip a judge of absolute
23 immunity. *Stump*, 435 at 361-63, 98 S.Ct. at 1107-08; *see also Forrester*, 108 S.Ct. at 544. Nor is
24 judicial immunity lost as a result of improper favor or disfavor to a party. *Moore v. Brewster*, 96
25 F.3d 1240, 1244 (9th Cir.1996).

26 5. Absolute judicial immunity thus covers "virtually all acts, regardless of
27 motivation," therefore, "when the underlying activity at issue is covered by absolute immunity, the
28 plaintiff derives no benefit from alleging a conspiracy." *Pinaud v. County of Suffolk*, 52 F.3d

1 1139, 1148 (2d Cir. 1995). Plaintiff's allegations and argument regarding improper motive, bad
2 faith, or even acts taken in an unquestionably illegal manner are all irrelevant. *See Red Zone 12*
3 *LLC v. City of Columbus*, 758 F.App'x 508, 513-14 (6th Cir. 2019); *Imbler*, 424 U.S. at 431, 96
4 S.Ct. 984 (allegations of conspiracy to wrongfully convict plaintiff did not overcome prosecutorial
5 immunity); *Forrester*, 484 U.S. at 227-28, 108 S.Ct. 538 (holding an act "does not become less
6 judicial by virtue of allegations of malice or corruption of motive"); *Ashelman v. Pope*, 793 F.2d
7 1072, 10771-78 (9th Cir. 1986) ("[A] conspiracy between judge and prosecutor to predetermine
8 the outcome of a judicial proceeding, while clearly improper, nevertheless does not pierce the
9 immunity extended to judges and prosecutors.").

10 6. "Court clerks have absolute quasi-judicial immunity from damages for civil rights
11 violations when they perform tasks that are an integral part of the judicial process." *Mullis v.*
12 *United States Bankruptcy Court*, 828 F.2d 1385, 1390 (9th Cir. 1987) (applying quasi-judicial
13 immunity where clerks accepted and filed incomplete bankruptcy petition and later refused to
14 accept amended petition); *see also Moore v. Brewster*, 96 F.3d 1240, 1244 (9th Cir. 1996)
15 (applying immunity where clerk deceived plaintiff regarding the status of supersedeas bond and
16 improperly conducted hearings to assess costs against plaintiff); *Morrison v. Jones*, 607 F.2d
17 1269, 1273 (9th Cir. 1979) (applying quasi-judicial immunity where clerk failed to provide notice
18 of court order).

19 7. Absolute quasi-judicial immunity is "extended ... to court clerks and other
20 nonjudicial officers for purely administrative acts-acts which taken out of context would appear
21 ministerial, but when viewed in context are actually a part of the judicial function." *In re Castillo*,
22 297 F.3d 940, 952 (9th Cir. 2002). Where the accused conduct is an integral part of the judicial
23 process, clerks qualify for quasi-judicial immunity unless such conduct was undertaken "in the
24 clear absence of all jurisdiction." *Mullis*, 828 F.2d at 1390. Quasi-judicial immunity nevertheless
25 applies to clerk action that is "a mistake or an act in excess of jurisdiction ..., even if it results in
26 'grave procedural errors.'" *Id.*

27 8. The act of making decisions following motion practice of a litigant (including
28 finding that a party subject to jurisdiction of the court is a vexatious litigant) before the court is

1 clearly a judicial act. Allegations that there were ex parte communications or that the judicial
2 decisions were the result of bad faith, or a conspiracy do not pierce judicial immunity. Chief
3 Justice Cantil-Sakauye's decisions at issue had to occur while she was inside the courtroom or
4 inside chambers in preparing and finalizing judicial orders. The actions Plaintiff alleges as
5 constitutional transgressions against Chief Justice Cantil-Sakauye center around Plaintiff's case
6 before her in review of the State Bar of California's disciplinary action. This is plainly a case
7 where judicial immunity attaches.

8 9. The only specific allegation against Jorge Navarrete is that he "illegally conspired
9 to not file, as required, legal pleadings, motions and papers duly submitted by DYDZAK for
10 docket filing with the Clerk's Office of the Supreme Court of California." (Complaint, 31, p. 6.)
11 As the Clerk/Executive Officer of the Supreme Court of California, Defendant Navarrete's duties
12 include the creation and management of uniform record-keeping systems. California Rules of
13 Court, rule 10.1020(c)(7). His alleged conspiracy to not file Plaintiff's papers in the California
14 Supreme Court is indisputably "an integral part of the judicial process." *Mullis*, 828 F.2d at 1390;
15 *see also Sedgwick v. United States*, 265 Fed. Appx. 567, 568 (9th Cir. 2008) (Supreme Court
16 Clerk entitled to absolute quasi-judicial immunity for refusing to file plaintiff's petition for writ of
17 certiorari). The claims against Jorge Navarrete are therefore barred by the doctrine of
18 quasi-judicial immunity.

19 10. Plaintiff fails to state a valid claim for relief against the California Supreme Court
20 Defendants because they are possess absolute immunity as to all allegations and all claims for
21 relief alleged in the Complaint. The Court therefore also grants the motion to dismiss pursuant to
22 Nevada Rule of Civil Procedure 12(b)(5).

23 IT IS HEREBY ORDERED that the motion to dismiss is granted in all respects

24 DATED this 2nd day of ~~May~~ ^{June}, 2022.

25 Dated this 3rd day of June, 2022

26 Nancy L. Alf
27 DISTRICT COURT JUDGE

TW

28 10A CB8 7A23 4559
Nancy Alf
District Court Judge

Submitted by:

OLSON CANNON GORMLEY
& STOBERSKI

By: /s/ Thomas D. Dillard, Esq.
THOMAS D. DILLARD, ESQ.

Nevada Bar No. 6270

9950 W. Cheyenne Avenue

Las Vegas, Nevada 89129

Attorney for the California Supreme Court Defendants

Approved as to form and content:

By: _____
Daniel David Dydzak
4265 Marina City Drive,
Suite 407W
Marina del Rey, CA 90292
Plaintiff Pro Se

CERTIFICATE OF SERVICE

I hereby certify that I am employed in the law offices of OLSON CANNON GORMLEY & STOBERSKI, and that on the 23rd day of May, 2022, I served a copy of the foregoing **ORDER GRANTING DEFENDANTS' MOTION TO DISMISS**, in the following manner: (ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List, (or, if necessary, by U.S. Mail, first class, postage pre-paid, or via email), upon the following:

Daniel David Dydzak
4265 Marina City Drive,
Suite 407W
Marina del Rey, CA 90292
Plaintiff Pro Se

Kaufman

An employee of OLSON CANNON
GORMLEY & STOBERSKI

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

May 11, 2022

A-22-847734-C Daniel Dydzak, Plaintiff(s)
vs.
Tani Cantil-Sakauye, Defendant(s)

May 11, 2022 10:00 AM Motion to Dismiss

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Jennifer Lott

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT: Dillard Jr, Thomas D. Attorney
Dydzak, Daniel David Plaintiff

JOURNAL ENTRIES

- The Court Recorder asked Plaintiff, Mr. Dydzak and Mr. Dillard to check if they had two sources of audio due to the audio issues. As the Court could not hear Plaintiff and counsel without a severe echo, COURT ORDERED, matter CONTINUED one week.

5-18-2022 9:00 a.m.

Defendants Chief Justice Tani G. Cantil-Sakauye's and Jorge Navarrete's Motion to Dismiss Complaint

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

May 18, 2022

A-22-847734-C Daniel Dydzak, Plaintiff(s)
vs.
Tani Cantil-Sakauye, Defendant(s)

May 18, 2022 9:00 AM Motion to Dismiss

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Nicole McDevitt
Kimberly Gutierrez

RECORDER: Velvet Wood

REPORTER:

PARTIES

PRESENT: Dillard Jr, Thomas D. Attorney

JOURNAL ENTRIES

- Argument on the merits of Defendant Chief Justice G. Cantil-Sakauye's and Jorge Navarrete's Motion to Dismiss Complaint, presented by Mr. Dillard, Jr. Court stated its findings, noting that Nevada does not have jurisdiction, and ORDERED the Motion GRANTED.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

DANIEL DAVID DYDZAK
4265 MARINA CITY DR., SUTIE 407W
MARINA DEL REY, CA 90292

DATE: June 10, 2022
CASE: A-22-847734-C

RE CASE: DANIEL DAVID DYDZAK vs. TANI CANTIL-SAKAUYE; JORGE NAVARRETE; THOMAS LAYTON aka TOM LAYTON; CHARLES SCHWAB; DONALD F. MILES; JOHNNIE B. RAWLINSON; BARRY G. SILVERMAN; WILLIAM A. FLETCHER; PETER LIND SHAW; RONALD M. GEORGE; ERIC M. GEORGE; ALAN I. ROTHENBERG; 1ST CENTURY BANK; 1ST CENTURY BANCSHARES, INC.; EDWARD EPHRAIM SCHIFFER; SIDNEY R. THOMAS; WILLIAM DATO; MAXINE M. CHESNEY; MOLLY C. DWYER; GEORGE H. KING; A. WALLACE TASHIMA; FERDINAND FRANCIS FERNANDEZ; KIM MCCLANE WARDLAW; WILLIAM C. CANBY; RONALD M. GOULD; RICHARD C. TALLMAN

NOTICE OF APPEAL FILED: June 8, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☒ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } **SS:**

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANTS' MOTION TO DISMISS; NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION TO DISMISS; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

DANIEL DAVID DYDZAK,

Plaintiff(s),

vs.

TANI CANTIL-SAKAUYE; JORGE NAVARRETE; THOMAS LAYTON aka TOM LAYTON; CHARLES SCHWAB; DONALD F. MILES; JOHNNIE B. RAWLINSON; BARRY G. SILVERMAN; WILLIAM A. FLETCHER; PETER LIND SHAW; RONALD M. GEORGE; ERIC M. GEORGE; ALAN I. ROTHENBERG; 1ST CENTURY BANK; 1ST CENTURY BANCSHARES, INC.; EDWARD EPHRAIM SCHIFFER; SIDNEY R. THOMAS; WILLIAM DATO; MAXINE M. CHESNEY; MOLLY C. DWYER; GEORGE H. KING; A. WALLACE TASHIMA; FERDINAND FRANCIS FERNANDEZ; KIM MCCLANE WARDLAW; WILLIAM C. CANBY; RONALD M. GOULD; RICHARD C. TALLMAN,

Defendant(s),

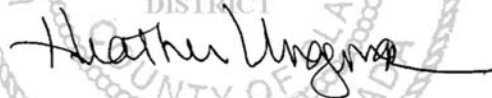
Case No: A-22-847734-C

Dept No: XXVII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 10 day of June 2022.

Steven D. Grierson, Clerk of the Court

A handwritten signature in black ink, appearing to read "Heather Ungermann", is written over a faint, circular court seal. The seal contains the text "UNITED STATES DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLATSOP WASHINGTON".

Heather Ungermann, Deputy Clerk
A-22-847734-C