

**S292529**

**IN THE SUPREME COURT OF CALIFORNIA**

ARTURO GUTIERREZ

*Petitioner,*

vs.

THE CALIFORNIA

DEPARTMENT OF JUSTICE

*Respondent.*

Case No.

Court of Appeal Case No.  
B347433

Superior Court Case No.  
25STCV07287

Petition for a Peremptory Writ  
of Mandamus, in the First  
Instance. Code of Civil  
Procedure § 1088,  
Government Code § 7923.000

**PETITION FOR A PEREMPTORY WRIT OF MANDAMUS  
IN THE FIRST INSTANCE**

Honorable Holly Fujie,  
Judge of the Superior Court of Los Angeles County

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**EXHIBITS IN SUPPORT**

Vol. II

Pages 301-459

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Arturo Gutierrez  
226 West Ojai Ave.  
Suite 101 PMB 547  
Ojai, CA 93023  
(805) 669-0226

teamleader@survivinginjustice.org  
Petitioner appearing *in propria persona*

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**From:** [Kelsey Kook](#)  
**To:** [teamleader@survivinginjustice.org](mailto:teamleader@survivinginjustice.org)  
**Bcc:** [Anthony OBrien](#)  
**Subject:** RE: Gutierrez, Arturo v. California Department of Justice (25STCV07287)  
**Date:** Wednesday, June 18, 2025 1:26:00 PM  
**Attachments:** [Stipulation and Order to Reclassify 6-18-25.docx](#)

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Good afternoon Arturo Gutierrez,

We are basing this stipulation on the ability to reclassify pursuant to Code of Civil Procedure section 403.040, subdivision (a). Also, we are noting that, under Gov. Code, section 7923.000, a writ of mandate is the proper vehicle to provide a judicial remedy to inspect or receive a copy of any public record. These statutes have also been included in the updated stipulation that is attached.

Please let us know by June 23 if you are planning on signing the attached stipulation. If we do not hear from you by then, we will proceed with our plan to file a motion to reclassify.

**Kelsey Kook**

Deputy Attorney General | Office of General Counsel - Public Records Unit  
2550 Mariposa Mall Ste 5090 | Fresno, CA 93720  
(559) 705-2356 | [kelsey.kook@doj.ca.gov](mailto:kelsey.kook@doj.ca.gov)

---

**From:** teamleader@survivinginjustice.org <teamleader@survivinginjustice.org>  
**Sent:** Tuesday, June 17, 2025 7:04 PM  
**To:** Kelsey Kook <Kelsey.Kook@doj.ca.gov>  
**Subject:** Re: Gutierrez, Arturo v. California Department of Justice (25STCV07287)

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hi Ms. Kook,

I've been thinking about this more, and I realize I must be missing something. I thought I found the laws that apply here on Google, but you obviously know way more than I do. Since you say I'm wrong and those laws don't apply—and since you already have the right laws handy—I'd be grateful if you could send them over so I can get on the right page and review the correct laws that govern here.

If I'm going about this the wrong way, I really don't want to waste the court's time. And I'm sure it'd make things easier on you too. I just can't sign a stipulation without knowing why.

Also, in your first email you mentioned June 23, but then in your second it changed to June 17. I just noticed that—wasn't sure where the sudden rush came from. Since you guys are usually way more laid back about time, I'd appreciate the extra time to review whatever law you have that I missed.

And thanks again for making sure I know the right laws. It'd be so embarrassing to have to explain to a judge that I missed something really obvious. I appreciate you educating me. They say those AIs make mistakes, but I tell you—if they led me down the wrong path again, oh man... well, lesson learned, I guess.

Take it easy,

Arturo Gutierrez

On Jun 13, 2025, at 2:15 PM, Kelsey Kook <[Kelsey.Kook@doj.ca.gov](mailto:Kelsey.Kook@doj.ca.gov)> wrote:

Good afternoon Arturo Gutierrez,

Thank you for your response. We still think having this moved to the Writ department is appropriate in this circumstance. Please let us know by June 17, 2025, if you will be stipulating.

**Kelsey Kook**

Deputy Attorney General | Office of General Counsel - Public Records Unit  
2550 Mariposa Mall Ste 5090 | Fresno, CA 93720  
(559) 705-2356 | [kelsey.kook@doj.ca.gov](mailto:kelsey.kook@doj.ca.gov)

---

**From:** [teamleader@survivinginjustice.org](mailto:teamleader@survivinginjustice.org) <[teamleader@survivinginjustice.org](mailto:teamleader@survivinginjustice.org)>

**Sent:** Thursday, June 12, 2025 5:10 PM

**To:** Kelsey Kook <[Kelsey.Kook@doj.ca.gov](mailto:Kelsey.Kook@doj.ca.gov)>

**Subject:** Re: Gutierrez, Arturo v. California Department of Justice (25STCV07287)

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hi Ms. Kook,

You're not wrong—but also not quite correct. Believe it or not, I've had the exact sentiments you're expressing come up in other writ cases and initially shared your exact perspective myself. Experience has taught me that the bottom line is that local culture in Los Angeles, per local rules, is that while the writs and receivers departments are preferred for initial assignment, the court routinely reassigns writ cases to other unlimited civil departments when caseloads or scheduling require it. It's a matter of internal allocation—not jurisdiction.

I've attached screenshots from **LA Superior Case No. 23STCP04453** as an example. That case—also a mandamus—was assigned to the writs



dept., then bumped to a non-writ department in Alhambra. So your concern about “incorrectly assigned to a Civil Unlimited department” isn’t supported by how the court actually operates.

And remedy by mandamus is only one of the vehicles. Check out Gov. Code § 7923.000 “Any person may institute a proceeding *for injunctive or declarative relief*, or for a *writ of mandate*, in any court of competent jurisdiction, to enforce that person’s right under this division to inspect or receive a copy of any public record or class of public records.”

Per Local Rule 3.3(i), this case was assigned *for all purposes* to Dept. 56, including trial and all motions. As you may have seen, the clerk recently questioned that assignment, but after I laid out the applicable rules in my objection and refiled the same documents, the clerks ultimately filed all documents, confirming the case was properly in Dept. 56.

While I understand the desire to route this to a writ department, there’s no basis under the court’s local rules for reassignment at this stage. No peremptory challenge or request for reassignment was filed following the Notice of Case Assignment. Local Rule 3.3(b) prohibits any party from anticipating or altering assignments, and subdivision (d) bars any effort to maneuver around assignment through strategic filings or dismissals. Assignment is a clerk function governed by standing orders from the Presiding Judge—you can verify the Local Rule referenced [here](#).

Also, you mentioned “I have drafted a stipulation and order to **reclassify**.” Oh, how I wish it could be that simple, if we could just stipulate to make things right then we could get this whole thing straightened up, asap. But the jurisdictional classification is de facto unlimited civil. We know this based on CCP § 85(a) limited civil must have an amount demanded of less than \$35,000. And CCP § 86(b) lists the limited equitable cases, which are not applicable here. Since a CPRA will never have monetary damages, one would think the Legislature would have thought to announce it under CCP § 85.

Bringing us to the answer, Gov. Code § 7923.500(a) “is not a final judgment or order within the meaning of Section 904.1 of the Code of Civil Procedure from which an appeal may be taken,” CCP § 904.1(a) “An appeal, other than in a limited civil case, is to the court of appeal.” Granted life would be easier sometimes if they would just give us

straight answers—but the statutory breadcrumbs are there, and they lead in only one direction. See CCP § 88 “A civil action or proceeding other than a limited civil case may be referred to as an unlimited civil case.”

So, while a stipulation might sound appealing, reclassification simply isn’t within our powers—it’s a jurisdictional matter controlled by statute, not mutual agreement. And the stated desire to reclassify from “a civil unlimited department, to a writ department” is actually an assignment issue that the Local Rules of Court already cover.

The confusion portrayed here was not unwarranted. It would be nice if they were more direct, see e.g., Gov. Code § 7930.000(b) “The listing of a statute or constitutional provision in Chapter 2 (commencing with Section 7930.100) does not itself create an exemption.” Which is what the five month tardy denial letter was focused on, in its unsupported-by-fact denial—submitted two days before the Department’s court filing declaring a response was submitted, omitting the five month delinquent aspect.

“Requesters of public records and public agencies are cautioned to review the applicable statute or constitutional provision to determine the extent to which it, in light of the circumstances surrounding the request, exempts public records from disclosure.” (*Id.*)

Leading us to something we do have stipulation power over, allowing us to be more collaborative on what actually matters, like publicly providing the records required by Pen. Code § 745 so that we can stop systemically violating the Thirteenth and Fourteenth Amendments. I hope that clarifies the matter. Thanks again for the outreach.

Very truly,  
Arturo Gutierrez

Quick example from the above case:

<image001.png>

Detailed example from the same:

<image002.png>

Plus don’t forget:

<image003.png>

On Jun 12, 2025, at 11:03 AM, Kelsey Kook

<[Kelsey.Kook@doj.ca.gov](mailto:Kelsey.Kook@doj.ca.gov)> wrote:

Good afternoon Arturo Gutierrez,

It has come to the attention of the Department of Justice ("Department" and "Respondent") that *Gutierrez, Arturo v. California Department of Justice* (Los Angeles County Superior Court, Case No. 25STCV07287) is incorrectly assigned to a Civil Unlimited department. Under Government Code section 7923.000, a writ of mandate is the proper vehicle to provide a judicial remedy to inspect or receive a copy of any public record. The Los Angeles County Superior Court Stanley Mosk Courthouse has a writ department. As you are seeking a remedy pursuant to Gov. Code section 7923.00,0 this case needs to be reassigned from Dept 56, a civil unlimited department, to a writ department. In order to aid in this process I have drafted a stipulation and order to reclassify. Please review the stipulation, and if you agree, please sign. I will then file this on our behalf.

Please provide a signed copy, or let me know your decision to not sign, by June 23, 2025.

**Kelsey Kook**

Deputy Attorney General | Office of General Counsel - Public Records Unit  
2550 Mariposa Mall Ste 5090 | Fresno, CA 93720  
(559) 705-2356 | [kelsey.kook@doj.ca.gov](mailto:kelsey.kook@doj.ca.gov)

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CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication. <Stipulation and Order to Reclassify 6.12.25.docx>

# EXHIBIT F

**From:** [teamleader@survivinginjustice.org](mailto:teamleader@survivinginjustice.org)  
**To:** [Kelsey Kook](#)  
**Subject:** Gutierrez v. DOJ Notice of hearing June 25, 2025 at 8:30AM  
**Date:** Monday, June 23, 2025 8:59:02 AM  
**Attachments:** [Proposed Order 1.pdf](#)  
[Application Shortening time 1.pdf](#)

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**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

PLEASE TAKE NOTICE that on June 25, 2025, at 8:30AM or as soon thereafter as the matter may be heard, in Department 56 of the Los Angeles County Superior Court, located at 111 N. Hill Street, Los Angeles, CA 90012, Arturo Gutierrez will move for an ex parte application to shorten time seeking to have the court rule on the motion for peremptory issuance now filed May 19, 2025.

If the Court declines to grant the Application on ex parte basis and accepts it as a noticed motion and sets a hearing date, Applicant will request that the Court set a noticed hearing date on shortened time and accept Applicants' ex parte application as their motion for an order issuing the peremptory writ now.

Please advise if you intend to oppose the Application.

See attached.

Best,

Arturo Gutierrez

# EXHIBIT G

**From:** [Kelsey Kook](#)  
**To:** [teamleader@survivinginjustice.org](mailto:teamleader@survivinginjustice.org)  
**Bcc:** [Anthony OBrien](#)  
**Subject:** RE: Gutierrez v. DOJ Notice of hearing June 25, 2025 at 8:30AM  
**Date:** Monday, June 23, 2025 10:43:00 AM

---

Good morning Arturo Gutierrez,

The Department will oppose your Ex Parte Application to Shorten Time. I am unavailable on June 25, 2025 at 8:30 am. Based on my unavailability, I would ask that you set it to a different day. I am available Thursday or Friday.

**Kelsey Kook**

Deputy Attorney General | Office of General Counsel - Public Records Unit  
2550 Mariposa Mall Ste 5090| Fresno, CA 93720  
(559) 705-2356| [kelsey.kook@doj.ca.gov](mailto:kelsey.kook@doj.ca.gov)

---

**From:** teamleader@survivinginjustice.org <teamleader@survivinginjustice.org>  
**Sent:** Monday, June 23, 2025 8:53 AM  
**To:** Kelsey Kook <Kelsey.Kook@doj.ca.gov>  
**Subject:** Gutierrez v. DOJ Notice of hearing June 25, 2025 at 8:30AM

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

PLEASE TAKE NOTICE that on June 25, 2025, at 8:30AM or as soon thereafter as the matter may be heard, in Department 56 of the Los Angeles County Superior Court, located at 111 N. Hill Street, Los Angeles, CA 90012, Arturo Gutierrez will move for an ex parte application to shorten time seeking to have the court rule on the motion for peremptory issuance now filed May 19, 2025.

If the Court declines to grant the Application on ex parte basis and accepts it as a noticed motion and sets a hearing date, Applicant will request that the Court set a noticed hearing date on shortened time and accept Applicants' ex parte application as their motion for an order issuing the peremptory writ now.

Please advise if you intend to oppose the Application.

See attached.

Best,

Arturo Gutierrez

# EXHIBIT H



**From:** [Edward Lasseville](#)  
**To:** [Kelsey Kook](#)  
**Subject:** Gutierrez v. DOJ Service of Documents, Case No. 25STCV07287  
**Date:** Monday, June 23, 2025 11:56:48 AM  
**Attachments:** [Proposed Order 2 \(1\).pdf](#)  
[Application showing compliance 1 \(1\).pdf](#)  
[Application showing compliance 1.pdf](#)  
[Proposed Order 1.pdf](#)

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**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

this services of the following documents.

see attached

Eddie Lasseville

## EXHIBIT 13

1 ROB BONTA  
Attorney General of California  
2 ANTHONY P. O'BRIEN  
Supervising Deputy Attorney General  
3 KELSEY KOOK  
Deputy Attorney General  
4 State Bar No. 285543  
2550 Mariposa Mall, Room 5090  
5 Fresno, CA 93721-2271  
Telephone: (559) 705-2356  
6 Fax: (916) 324-8835  
E-mail: kelsey.kook@doj.ca.gov  
7 Attorneys for Respondent California  
Department of Justice  
8

NO FEE PER GOV. CODE § 6103

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF LOS ANGELES  
11  
12

13 **ARTURO GUTIERREZ,**

Petitioner,

15 v.

17 **CALIFORNIA DEPARTMENT OF  
JUSTICE,**

Respondent.  
19  
20  
21

Case No. 25STCV07287

**PROPOSED ORDER DENYING  
PETITIONER'S EX PARTE  
APPLICATION TO SHORTEN TIME  
FOR RULING ON MOTION FOR  
JUDGMENT ON THE PEREMPTORY  
WRIT**

Date: June 25, 2025  
Time: 8:30 am  
Dept: 56  
Judge: The Honorable Holly J. Fujie

Action Filed: March 14, 2025

22 ///

23 ///

1           **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2           The Ex Parte Application to Shorten Time for Ruling on Motion for Judgment on the  
3 Peremptory Writ in Chambers Now (“Ex Parte Application”) filed by Arturo Gutierrez  
4 (Petitioner) came for hearing on June 25, 2025 at 8:30 AM in Department 56 of the above-titled  
5 court.

6           The Court, after considering all documents filed in support of and opposition to the Ex  
7 Parte Application, and oral argument thereon, and for good cause shown, it is ordered that the  
8 Petitioner’s Ex Parte Application is DENIED.

9           **IT IS SO ORDERED.**

10  
11  
12 Dated: \_\_\_\_\_

\_\_\_\_\_  
13 Hon. Holly J. Fujie  
14 JUDGE OF THE SUPERIOR COURT

15 SA2025601096  
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## EXHIBIT 14

Arturo Gutierrez  
226 West Ojai Ave.  
Suite 101 PMB 547  
Ojai, CA 93023  
(805) 669-0226  
teamleader@survivinginjustice.org

Petitioner *in propria persona*

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF LOS ANGELES  
STANLEY MOSK COURTHOUSE

Case No. 25STCV07287

ARTURO GUTIERREZ

*Petitioner,*

vs.

CALIFORNIA DEPARTMENT OF JUSTICE

*Respondent.*

**NOTICE OF PETITIONER'S  
MOTION FOR SANCTIONS BASED  
ON CRIMINAL MISCONDUCT,  
INVASION OF PRIVACY, AND  
VIOLATION OF CONSTITUTIONAL  
AND ETHICAL DUTIES;  
MEMORANDUM; DECLARATIONS  
ISO AND NOTICE; EXHIBITS;  
PROOF OF SERVICE**

Date: Jun. 25, 2025  
Time: 8:30AM  
Department: 56  
Hon. Holly J. Fujie, Judge

TO THE CLERK OF THE SUPERIOR COURT OF LOS ANGELES COUNTY AND TO  
RESPONDENT THE CALIFORNIA DEPARTMENT OF JUSTICE, PLEASE TAKE NOTICE:

**NOTICE OF PETITIONER'S MOTION FOR SANCTIONS BASED ON CRIMINAL  
MISCONDUCT, INVASION OF PRIVACY, AND VIOLATION OF CONSTITUTIONAL  
AND ETHICAL DUTIES**

Petitioner, Arturo Gutierrez, appearing in propria persona, hereby gives notice that at the  
above stated date and time or as soon as the matter may be heard in the above Department 56,  
Petitioner will move the court to issue sanctions against Respondent the California Department of  
Justice seek costs of necessary expenses that are only partially known at this time, in the amount  
of \$2,500 and as may be ascertained soon hereafter based on egregious misconduct by implanting  
malicious code into petitioner's computer with the aim of spying on an opponent and disrupting


1 the orderly administration of justice, authorized by the Court's inherent powers, Rule of Court,  
2 Rule 2.30(c) and various statutory and constitutional provisions.

3 This noticed motion was brought as reasonably soon as possible given the nature of the  
4 offending act and the difficulty in locating the malicious code, which was accomplished June 24,  
5 2025 at 12:34PM. This notice and motion is supported by the memorandum, declaration of Arturo  
6 Gutierrez, exhibits and any argument or papers on file.

7 The Code of Civil Procedure and the Rules of Court do not cover situations as egregious  
8 as this, making it necessary to call on the Court's inherent authority to deter and remedy  
9 litigation abuse, misconduct, and criminal interference with a party's ability to meaningfully  
10 participate in legal proceedings.

11 Wherefore, it is prayed the court protect Petitioner and grant the relief as prayed.

12 Respectfully submitted,

13  
14  
15 6/24/25   
16 \_\_\_\_\_  
17 Arturo Gutierrez

1 **MEMORANDUM OF LAW**

2 Due to the nature of these events, Petitioner has been working as diligently as possible to  
3 bring the motion and simultaneously prepare for this hearing while protecting himself from  
4 criminal acts caused by the Department of Justice.

5 **FACTS IN SUPPORT**

6 The full facts in support explaining the harm is set out in the Declaration of Arturo  
7 Gutierrez as attached hereto and are incorporated by reference as if fully set forth herein.

8 Respondent intentionally transmitted malicious spy code to engage in digital surveillance  
9 via a purported stipulation in what appeared to be a Word document, breaching the criminal laws,  
10 violating Petitioner's privacy, and causing significant disruption to Petitioner's ability to litigate.

11 The evidence shows embedded code was within the payload and was both concealed and  
12 timed to activate post-delivery, consistent with spyware, resulting in multiple uploads due to live  
13 spying through this malicious code.

14 Respondent subsequently defended this misconduct by declaring it did not attempt to send  
15 malicious code. Which is true, attempt is the failure to complete a crime. Respondent successfully  
16 sent malicious code, a fact it does not deny.

17 "The Department did not and has not ***attempted to send*** Petitioner malware."

18 Respondent noted it had advanced notice "In the application, Petitioner alleged that our  
19 office ***attempted to send*** him malware through transmission of the stipulation for reclassification."

20 Petitioner is not alleging that Respondent tried to commit a crime. Rather, he has proven  
21 that they *did*.

22 "And even if Petitioner's system **were infected with malware**, it is not clear how an  
23 expedited briefing and hearing schedule—for a motion with no scheduled hearing date—would  
24 ***prevent*** any alleged ***irreparable*** harm."

25 **DISCUSSION**

26 Cal. Const. art. I § 28

27 (a) The People of the State of California find and declare all of the following:

28 (1) Criminal activity has a serious impact on the citizens of California. **The rights of victims**  
29 **of crime ... are a subject of grave statewide concern.**

30 (2) California's victims of crime are **largely dependent** upon the *proper* functioning of  
31 government, ....upon the expeditious enforcement of the rights of victims of crime ...to  
32 secure justice when the public safety has been compromised by criminal activity.



1 Not being a constant victim of crime in one's own home through violating the Fourth  
2 Amendment is worthy of prevention. Respondent has shown a particular degree of callousness and  
3 flippant concern for their litigation tactics.

4 Notice and safe harbor sanctions have their place, but here that only further serves to reward  
5 respondent for their criminal acts by depriving their opponent of a means to litigate without the  
6 opponent knowing every step in advance.

7 The website url used to serve Respondent's papers was inspected and the results advised:  
8 "Last-Modified: Sun, 22 Jun 2025 17:13:38 GMT" for Petitioner's motion served June 23, 2025.  
9 See Exhibit 2 of the Declaration.

### 10 Legal Authority

11 If the Court will observe the general sanctions statutes CCP § 128.5 (frivolous) & § 128.7  
12 (truth of allegations and denials), they do not address this level of harm, spying in violation of the  
13 Fourth Amendment and violating criminal law and then displaying a disregard for the harm.

14 Rule 2.30(c) permits a court on its own motion to issue sanctions provided notice and  
15 opportunity to be heard, "not intended to be limited to compensatory sanctions but instead was  
16 contemplated to authorize punitive sanctions as well.... it is not unreasonable to give the courts  
17 additional discretionary authority to deter misconduct" (*In re Woodham* (2001) 95 Cal.App.4th  
18 438, 444.)

19 The California Supreme Court and Court of Appeal have long affirmed the judiciary's  
20 inherent power to punish and deter misconduct that undermines the judicial process. See e.g.,  
21 *Stephen Slesinger, Inc. v. Walt Disney Co.* (2007) 155 Cal.App.4th 736<sup>1</sup> sanction of dismissal for  
22 spying.

23 *2,022 Ranch, LLC v. Superior Court* (2004) 113 Cal.App.4th 1377, 1387 [litigants entitled  
24 to prepare with privacy "free from unnecessary intrusion by opposing parties"].) Allowing "work  
25 with a certain degree of privacy, free from unnecessary intrusion by opposing parties and their  
26 counsel." (*Hickman v. Taylor* (1947) 329 U.S. 495, 510)

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<sup>1</sup> (Disapproved as to limiting attorney fees at p. 764, fn. 19 in *City of Los Angeles v. PricewaterhouseCoopers, LLP* (2024) 17 Cal.5th 46, 73, fn. 5.)

1 Punitive sanctions are appropriate where, as here, there is direct evidence of oppression  
2 and malice through egregious behavior designed to gain an unfair advantage through deception  
3 and technological intrusion.

4 ““One of the powers which has always been recognized as inherent in courts, which are  
5 protected in their existence, their powers and jurisdiction by constitutional provisions, has  
6 been the right to control its order of business and to so conduct the same that *the rights of*  
7 *all suitors before them may be safeguarded*. This power has been recognized as judicial in  
8 its nature, and as being a necessary appendage to a court organized to enforce rights and  
9 redress wrongs.” (Lorraine v. McComb (1934) 220 Cal. 753, 756, quoting Ringlander v.  
10 Star Co. (1904) 98 A.D. 101, 104, italics added.)  
11 People v. Castello (1998) 65 Cal. App. 4th 1242, 1248

12 What is to be the future of litigation, when “the chief law officer of the State” (Cal.  
13 Const. art. V § 13) sets an example such as use of spyware or unauthorized access to a litigant’s  
14 private system during litigation if courts do not recognized that this is among the most egregious  
15 forms of litigation misconduct.

16 Petitioner respectfully prays the Court issue sanctions as follows:

- 17 • An order imposing punitive sanctions under Rule 2.30(c) and the Court’s inherent  
18 authority.
- 19 • An award of expenses and costs incurred due to the need to investigate, isolate, and  
20 neutralize Respondent’s embedded surveillance code and obtain a new computer as the  
21 device has been totally compromised.
- 22 • To order Respondent to pay for forensic examination.
- 23 • Referral of Respondent’s counsel to the California State Bar for violation of Business and  
24 Professions Code sections 6068(d) and 6068(o).
- 25 • An order requiring full disclosure of any digital tracking or malware code embedded in  
26 prior or future filings by Respondent.
- 27 • All of these prayers and more are set out in detail in the proposed order and are materially  
28 incorporated by reference.

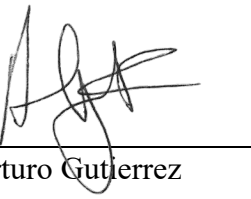
29 Again, Petitioner apologizes for the poor draftsmanship of this motion, but Petitioner has  
30 made the most of the very little time available to be able to bring the truth to the court’s attention  
31 and submit this prayer for relief.  
32

1  
2  
3  
4  
5  
6

*It is so prayed.*

6/24/25

Arturo Gutierrez

A handwritten signature in black ink, appearing to read 'Arturo Gutierrez', is written over a horizontal line. The signature is stylized with a large 'A' and a long horizontal stroke.

**DECLARATION OF ARTURO GUTIERREZ IN SUPPORT OF SANCTIONS**

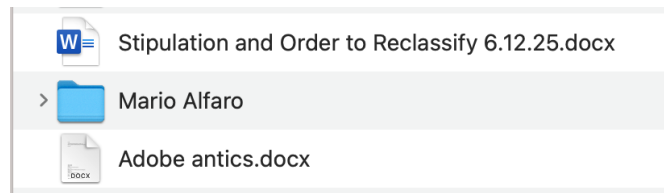
I, Arturo Gutierrez, declare:

I am the named Petitioner in this case and am over the age of 18 years. I submit this declaration in support of my motion for sanctions for egregious misconduct by a party opponent. I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently thereto.

1. On June 24, 2025, Petitioner engaged in an over 10 hour hunt to isolate the weaponized code unlawfully transmitted into his computer by Respondent, the California Department of Justice on or about June 14, 2025.

2. Respondent submitted a frivolous stipulation in what appeared to be a Word document. Once opened the malicious code was unleashed inside of Petitioner's computer.

3. Upon opening the purported Word document a payload was activated on my hard drive. Which was unknown to me at the start. I soon noted the documents odd appearance compared to other Word documents in my computer.



4. I conducted basic checks and discovered usual meta data was absent. And that the document noted 9 edits since I opened it and closed it without making a change.

5. I isolated the document and conducted further analysis. I observed that the document triggered multiple duplicate edit events and metadata anomalies despite no input from me. I preserved the file and secured it offline for later controlled forensic review.

6. I then sent an email on June 17, 2025 to the DOJ asking for its superior authority as its basis to declare the laws provided were errant. The DOJ responded with a new and different Word document.

7. To preclude deployment of the second payload, the raw email and attachment was inspected in a sandbox (secure environment designed to isolate). Upon inspection and analyzing the internal structure of this newly sent file, anomalies were detected—including differences in the core XML structure, particularly in document.xml.

1 8. It became evident that the document contained behavior consistent with a tampered  
2 payload after attempting to extract it using standard Python ZIP archive tools (via  
3 zipfile.ZipFile().read('word/document.xml')). The tool returned: "KeyError: "There is no item  
4 named 'word/document.xml' in the archive""

5 9. To confirm the same malicious structure was present in the previously opened document,  
6 stored externally, an attempt to upload it for evaluation triggered file system security protocols  
7 and the document was rejected. In short, the version stored in the USB drive was actively toxic.

8 10. The raw unopened version in the email was then sandboxed and the same evaluation  
9 yielded the same: "KeyError: "There is no item named 'word/document.xml' in the archive""

10 11. A Word doc should never open cleanly without that file. That the first one did confirms a  
11 high-level concealment method. Combined with after the fact opened version triggering firewalls  
12 and the result is undeniable.

13 12. Following this discovery, I executed a full digital hygiene protocol: the files were  
14 sandboxed, macros scanned, variables extracted (none found), and the document was then  
15 zipped, uploaded to an external drive and securely erased using terminal commands under  
16 isolated conditions on the hard drive.

17 13. In the early morning hours on June 24, 2025, I observed that Gmail had reported two  
18 devices logged in to my computer. (Exhibit 1)

19 14. A very long and technical process of isolating access points and programs that were being  
20 initiated by a foreign program thus began.

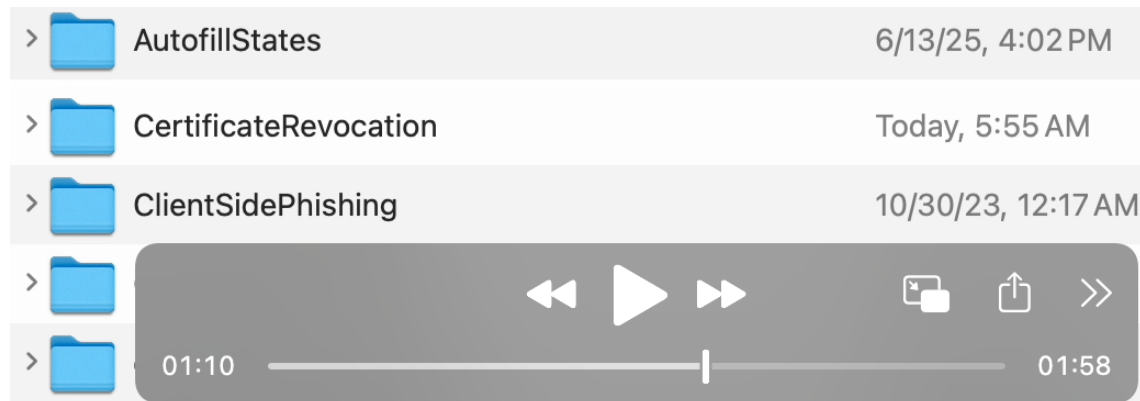
21 15. After ascertaining the path being used by the program through use of the Terminal  
22 application, a beacon was identified as well as manipulation and destruction of file folders in the  
23 computer. Classic covering of tracks by a program wanting to communicate to the outside world  
24 through use of the Chrome web browser.

25 17. While monitoring files that were being manipulated and through reading endless streams  
26 of code, an anomaly was observed regarding a vital file containing passkeys that was being  
27 recreated at a frequent rate. This is highly unusual behavior.

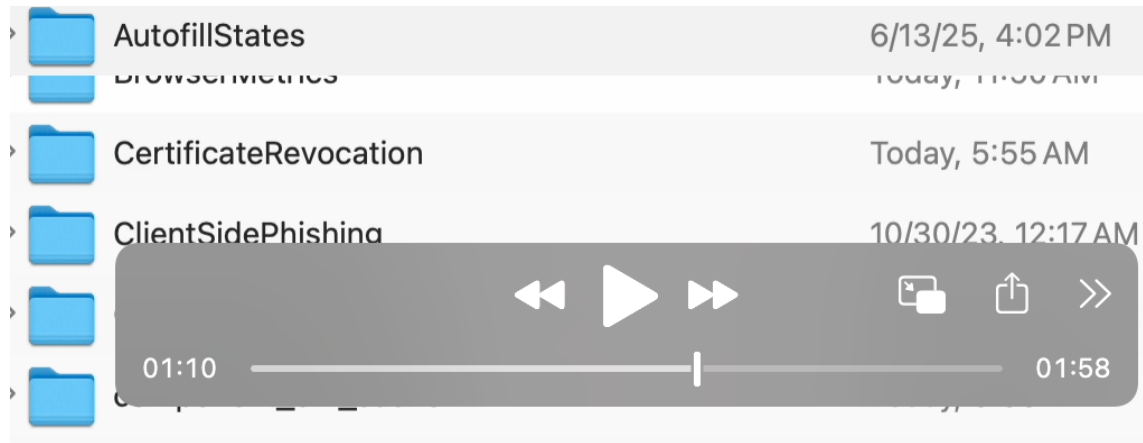
28 18. A trap was set for the program by monitoring access to the enclosing file. Then that  
29 passkey file was manipulated causing an alert in the program. While honing further and  
30 powering down the computer, it was observed a file was appearing and disappearing over a  
31 period of about two seconds when Chrome was launched.

19. Through video capture of the screen, the act of appearing and disappearing, the identity of the time window and name and location became known.

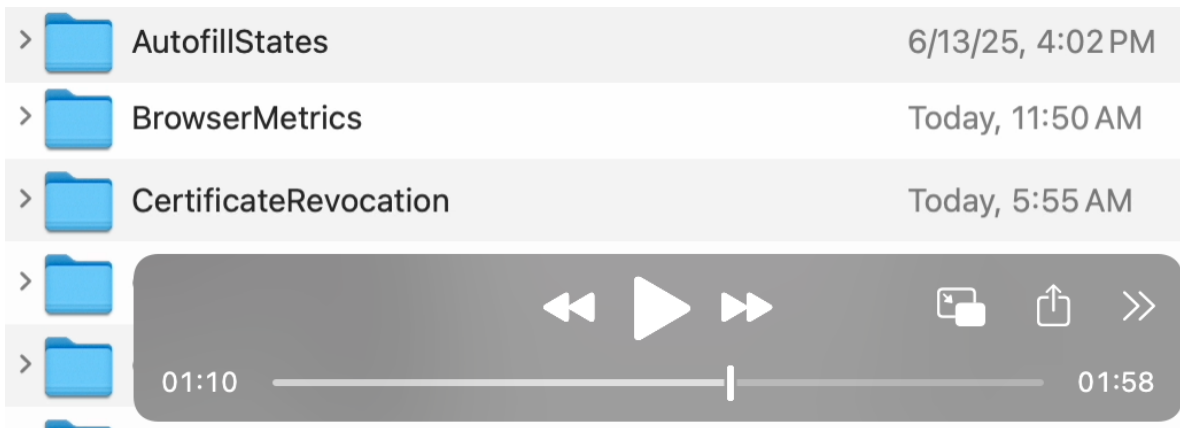
20. Note the time on the video slider as the images progress.



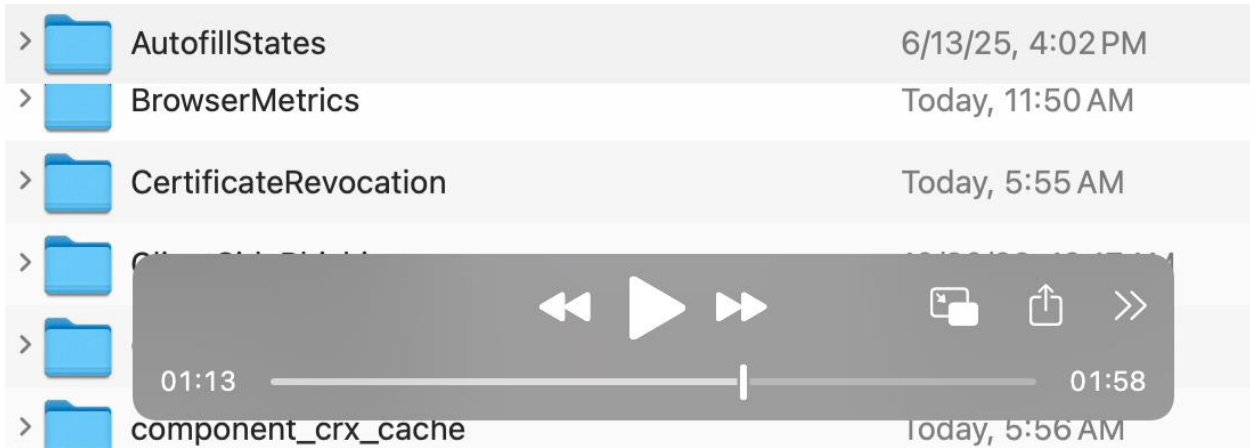
21. It is now beginning to appear.



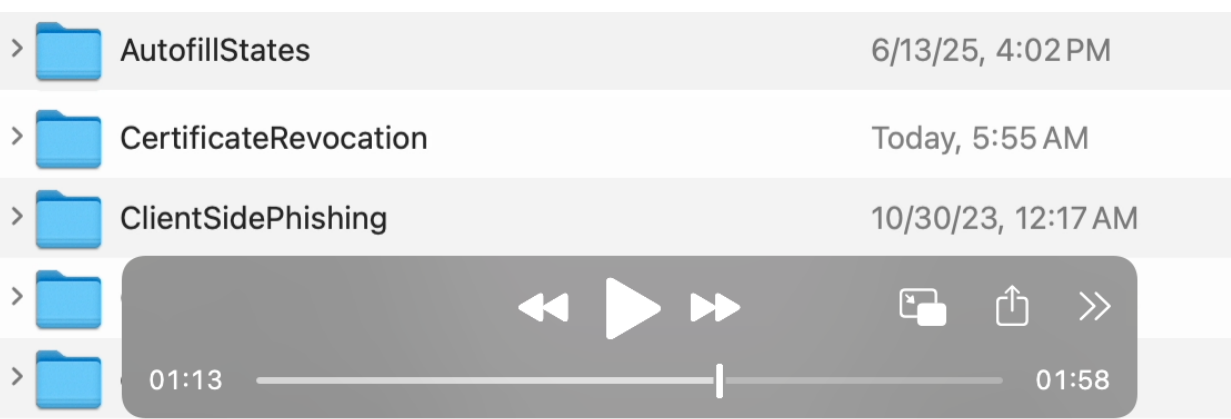
22. Note the time, 1:10 on the counter.



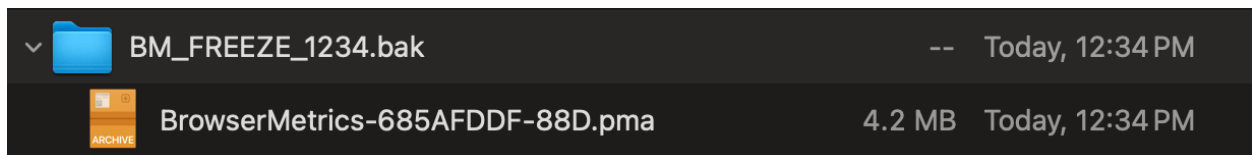
23. Now it is disappearing again.



24. Until finally gone.

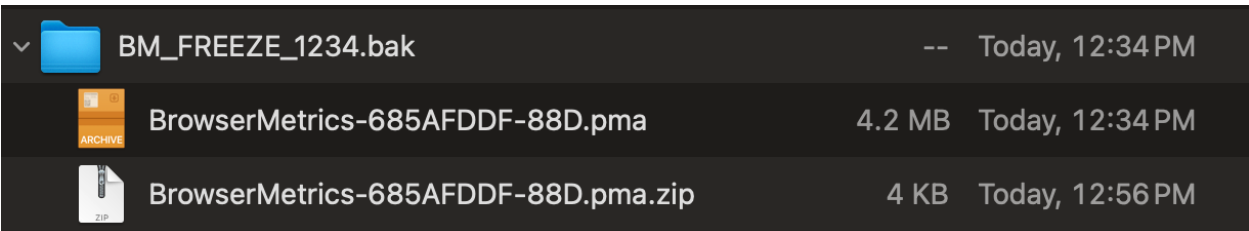


25. A capture command was prepared in Terminal to execute within that two second window. Chrome was then launched and the command was executed in time. The program was capture at 12:34PM, 6/24/25. BrowserMetrics-685AFDDF-88D.pma



26. This 4MB file was creating and erasing every time Chrome was launched. This was a terrible waste of CPU and not normal. The file was the compressed which scrambles its interior makeup and revealing its true nature and components.

27. The beast that is its code was thus revealed.



28. As a rule of thumb: 1 kilobyte (KB)  $\approx$  1,000 bytes. A plain text file averages about 1 byte per character, so: 4KB  $\approx$  4,000 characters. With an average English word being about 5 characters, equaling about 800 words.

29. I stopped short of opening the file—not because I could not—but because I refused to risk further infection. Once I identified the threat vector, it would have been reckless to continue without containment.

30. That is above my skill sets and it is necessary for a proper forensic review of the item.

31. I am now not able to confidently work on my computer knowing that it is being spied on by the Department of Justice in violation of the Fourth Amendment and several penal provisions.

32. The cost of my MacBook Pro M1 Silicon Chip 16” 4K retina display with 1TB drive was over \$2,500.

33. As part of the over two hour process of opening the documents served on me by Respondent on June 24, 2025, to ensure that additional malicious code was not being sent to me, I ran one of many Terminal commands to identify the source url as malicious or not, the results are set out in Exhibit 2. Showing that Respondent was preparing with foreknowledge of my application before it was formally filed, consistent with a designed spyware for preemptive surveillance.

34. The screencaps of images and the exhibits in support are true and correct depictions of real time observations and are what they are claimed to be.

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1 I declare the above is true and accurate under penalty of perjury under the laws of the state  
2 of California.

3  
4 6/24/25

5 Arturo Gutierrez  
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# EXHIBIT 1

## Activity on this account

This feature provides information about the last activity on this mail account and any concurrent activity. [Learn more](#)

This account is open in one other location.

(Location may refer to a different session on the same computer.)

### Concurrent session information:

Access Type [ ? ] (Browser, mobile, etc.)	Location (IP address) [ ? ]
Authorized Application	United States (CA) (2603:8000:fe07:b6d2:e5c7:5bb7:adc2:6477)

Visit [Security Checkup](#) for more details

### Recent activity:

Access Type [ ? ] (Browser, mobile, POP3, etc.)	Location (IP address) [ ? ]	Date/Time (Displayed in your time zone)
Authorized Application () <a href="#">Hide details</a>	United States (CA) (2603:8000:fe07:b6d2:e5c7:5bb7:adc2:6477)	3:39 am (0 minutes ago)
Browser (Chrome) <a href="#">Hide details</a> "Mozilla/5.0 (Macintosh; Intel Mac OS X 10_15_7) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/137.0.0.0 Safari/537.36,gzip(gfe),gzip(gfe)"	* United States (CA) (2603:8000:fe07:b6d2:e5c7:5bb7:adc2:6477)	3:39 am (0 minutes ago)
Browser	United States (CA) (76.90.38.60)	3:13 am (26 minutes ago)
Browser	United States (CA) (2603:8000:fe07:b6d2:2849:999e:dd3c:5016)	3:11 am (29 minutes ago)
Browser	United States (CA) (2603:8000:fe07:b6d2:2849:999e:dd3c:5016)	3:11 am (29 minutes ago)
Browser (Chrome) <a href="#">Hide details</a> "Mozilla/5.0 (Macintosh; Intel Mac OS X 10_15_7) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/137.0.0.0 Safari/537.36,gzip(gfe),gzip(gfe)"	* United States (CA) (2603:8000:fe07:b6d2:e5c7:5bb7:adc2:6477)	2:52 am (47 minutes ago)
Browser	United States (CA) (2603:8000:fe07:b6d2:2849:999e:dd3c:5016)	2:51 am (48 minutes ago)
Authorized Application (532713016892-ev29m8tv9gejefcvvv1o3coj5bhkc1ar.apps.googleusercontent.com) <a href="#">Hide details</a> OAuth Domain Name: 532713016892-ev29m8tv9gejefcvvv1o3coj5bhkc1ar.apps.googleusercontent.com <a href="#">Manage Account Access</a>	United States (CA) (2603:8000:fe07:b6d2:2849:999e:dd3c:5016)	2:51 am (49 minutes ago)

Browser (Chrome) <a href="#">Hide details</a> <i>"Mozilla/5.0 (Macintosh; Intel Mac OS X 10_15_7) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/137.0.0.0 Safari/537.36,gzip(gfe),gzip(gfe)"</i>	* United States (CA) (2603:8000:fe07:b6d2:e5c7:5bb7:adc2:6477)	2:14 am (1 hour ago)
Browser (Chrome) <a href="#">Hide details</a> <i>"Mozilla/5.0 (Macintosh; Intel Mac OS X 10_15_7) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/137.0.0.0 Safari/537.36,gzip(gfe),gzip(gfe)"</i>	* United States (CA) (2603:8000:fe07:b6d2:e5c7:5bb7:adc2:6477)	1:34 am (2 hours ago)

\* indicates activity from the current session.

This computer is using IP address 2603:8000:fe07:b6d2:e5c7:5bb7:adc2:6477. (United States (CA))

## EXHIBIT 2

```
Last login: Tue Jun 24 12:35:17 on ttys001
soapyart@Soapyarts-MBP ~ % curl -I "https://efile.acelegal.com/ca/
#guest_ViewEnhancedService;id=4KZ9VK2-F6DWL5Z"
```

```
HTTP/1.1 200 200
Date: Tue, 24 Jun 2025 23:22:38 GMT
Server: Apache/2.4.58 (Ubuntu)
Strict-Transport-Security: max-age=31536000
Accept-Ranges: bytes
ETag: W/"2052-1750612418000"
Last-Modified: Sun, 22 Jun 2025 17:13:38 GMT
Content-Type: text/html
Cache-Control: max-age=0
Expires: Tue, 24 Jun 2025 23:22:38 GMT
```

```
soapyart@Soapyarts-MBP ~ %
```

Arturo Gutierrez  
226 West Ojai Ave.  
Suite 101 PMB 547  
Ojai, CA 93023  
(805) 669-0226  
teamleader@survivinginjustice.org

*Petitioner in propria persona*

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF LOS ANGELES  
STANLEY MOSK COURTHOUSE

ARTURO GUTIERREZ

*Petitioner,*

vs.

CALIFORNIA DEPARTMENT OF JUSTICE

*Respondent.*

Case No. 25STCV07287

**PROOF OF SERVICE  
MOTION FOR SANCTIONS;  
EXHIBITS; AND  
PROPOSED ORDER**

Date: Jun. 25, 2025  
Time: 8:30AM  
Department: 56  
Hon. Holly J. Fujie, Judge

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//  
//

1 **PROOF OF SERVICE**

2 1. I, Edward Lasseville, am over the age of 18 years and am not party to this cause. I am a  
3 resident of or employed in the county where the service occurred.

4 a. My business address is:

5 b. 6040 Sante Fe Avenue Huntington Park, CA 90255

6 c. Lasseville@yahoo.com

7 2. I served the following documents:

**NOTICE OF PETITIONER'S MOTION FOR SANCTIONS BASED ON CRIMINAL MISCONDUCT, INVASION OF PRIVACY, AND VIOLATION OF CONSTITUTIONAL AND ETHICAL DUTIES; MEMORANDUM; DECLARATIONS ISO AND NOTICE; EXHIBITS; and PROPOSED ORDER**

8 3. The manner of service per party served is indicated next to each party name below by either:

9 a. **Email:** Attaching an electronic version of the document(s) in 2, to an email using the email  
10 address(es) listed next to each party's name and causing them to be sent electronically.

11 b. **Postal:** Enclosing a copy of the document(s) in 2 in an envelope, addressed to the party as  
12 shown next to each name and depositing the sealed envelope with the U.S. Postal Service,  
13 postage fully prepaid.

14 c. **Electronic Service:** "a party may effectuate service not only by the electronic transmission  
15 of a document, but also by providing electronic notification of where a document served  
16 electronically may be located and downloaded." (Rule of Court 2.250 Advisory Committee  
17 Comment citing Code Civ. Proc. § 1010.6)

18 4. I served the documents in 2 on the following persons in the manner indicated below:

19 **The manner in 3.a.**

20 **Respondent:** The Department of Justice of California  
21 2550 Mariposa Mall Ste 5090  
22 Fresno, CA 93720  
23 (559) 705-2356  
24 kelsey.kook@doj.ca.gov

25 On 6/25/25, from Los Angeles County, I caused the documents in 2 to be served in the  
26 manner described in 3, identified as to the persons and their listed addresses stated in 4.

27 I declare under penalty of perjury under the laws of the State of California the above is true  
28 and correct.

29 June 25, 2025



30 Edward Lasseville



## EXHIBIT 15

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF LOS ANGELES  
STANLEY MOSK COURTHOUSE

ARTURO GUTIERREZ

*Petitioner,*

vs.

CALIFORNIA DEPARTMENT OF JUSTICE

*Respondent.*

Case No. 25STCV07287

**[PROPOSED]  
ORDER FOR TEMPORARY  
INJUNCTIVE RELIEF,  
PRESERVATION OF DIGITAL  
EVIDENCE, AND CONTEMPT  
SANCTIONS**

Date: Jun. 25, 2025

Time: 8:30AM

Department: 56

Hon. Holly J. Fujie, Judge

**FACTUAL FINDINGS**

Based on the evidence presented by Petitioner, Arturo Gutierrez, showing the behavior of code derived from a document sent to him by Respondent and its interaction with Petitioner's computer system, this Court finds prima facie evidence that Respondent deployed and benefited from a self-modifying program designed to avoid detection, suppress evidence and illegally spy on an opposing party to active litigation before the Court. The preservation of this invasive program is of significant public interest.

The Court further finds that this intrusion renders it implausible for Petitioner to continue this litigation with the autonomy and security due any litigant unless these orders are strictly adhered to as set forth herein.

Furthermore, based on the Court's inherent power to control litigation before it and impose sanctions for egregious misconduct, *Stephen Slesinger, Inc. v. Walt Disney Co.*, (2007) 155 Cal.App.4th 736 (disapproved as to limiting attorney fees at p. 764, fn. 19 in *City of Los Angeles v. PricewaterhouseCoopers, LLP* (2024) 17 Cal.5th 46, 73, fn. 5.) the Court hereby finds and orders as follows:

1 **IMMEDIATELY CEASE AND DESIST**

2 The California Department of Justice (DOJ), and any of its employees, agents, associates,  
3 affiliates, contractors, subcontractors, whatever, (hereafter collectively as “Respondent”), are  
4 **immediately enjoined** from accessing, transmitting, modifying, deleting or interacting in any  
5 way with Petitioner’s computing devices, local networks, or associated cloud infrastructure,  
6 inclusive of any data, metadata, files, or code, whatever.

7 **NO TAMPERING**

8 Respondent shall in no way attempt to delete, suppress, or overwrite any evidence  
9 preserved by Petitioner. This includes any local, remote, or cloud-based attempts, regardless of  
10 automation or AI involvement.

11 **THIRD-PARTY EVALUATION AT STATE EXPENSE**

12  
13 Respondent shall fund an independent forensic analysis of the evidence by a qualified  
14 digital forensics firm of Petitioner’s choosing. Said firm shall:

- 15 • Operate under nondisclosure and non-dissemination agreements.  
16 • Generate a report for court review and Petitioner’s counsel only.  
17 • Have no authority to access Petitioner’s personal data or unrelated system contents,  
18 absent Petitioner’s express written consent.

19 Respondent shall provide all code, passkeys, hash, meta, identifiers, whatever to the  
20 forensic firm so that the evidence may be preserved and any of the offending digital intrusion  
21 maybe identified and removed from Petitioner’s devices, networks, whatever.

22 **SCOPE LIMITATION**

23 No further forensic access to Petitioner’s computer, accounts, or unrelated materials shall  
24 be permitted. This Order shall not be construed as authorizing full disk imaging or invasive  
25 forensic access beyond the evidence captured by Petitioner and as necessary to remove the  
26 offending digital invasive content.

27 **NO SPOILIATION**

28 Any automated or intentional deletion, overwrite, or network command targeting  
29 Petitioner’s systems in an effort to alter or remove the evidence shall be deemed spoliation and  
30 trigger sanctions, contempt findings, and referral for criminal investigation.

1 **TURN OVER**

2 Respondent shall immediately turn over all information obtained together with a  
3 complete log of the materials and list who the materials were distributed to and for what  
4 purposes. Failure to comply within 7 days shall be deemed contempt of court and may trigger  
5 further sanctions including, but not limited to, monetary fines, evidentiary preclusion, or default  
6 judgment.

7 **CONTINUING ORDER**

8 This order shall continue until the case is over, including review; all information ordered  
9 to be turned over in the Writ; the completion of the forensic review; or upon motion of Petitioner,  
10 whichever occurs last in time. Petitioner may schedule a hearing to determine long-term  
11 preservation strategy, evaluate preliminary findings, and consideration of any necessary  
12 expansion or narrowing of relief.

13 **STATUS QUO**

14 Petitioner shall immediately be reimbursed by Respondent in the amount of \$2,500 to  
15 replace his compromised computer.

16 The original device shall remain in Petitioner's possession, preserved solely for evidentiary  
17 purposes.

18 **ORDER**

19 Respondent was on notice for its own conduct as admitted in its papers and failed to deny  
20 its wrongdoing. The opportunity to be heard was afforded.

21 The Court finds these are the least restrictive and most just means to address Respondent's  
22 conduct in this litigation and that these orders are necessary to preserve Petitioner's rights, preclude  
23 Respondent from profiting from its egregious misconduct and to allow Petitioner to be returned to  
24 the status enjoyed prior to the harm imposed by Respondent.

25 IT IS SO ORDERED.

26  
27 \_\_\_\_\_  
28 Honorable, Holly J. Fujie, Judge

\_\_\_\_\_  
Date

# EXHIBIT 16

1 ROB BONTA  
Attorney General of California  
2 ANTHONY P. O'BRIEN  
Supervising Deputy Attorney General  
3 KELSEY KOOK  
Deputy Attorney General  
4 State Bar No. 285543  
2550 Mariposa Mall, Room 5090  
5 Fresno, CA 93721-2271  
Telephone: (559) 705-2356  
6 Fax: (916) 324-8835  
E-mail: kelsey.kook@doj.ca.gov  
7 *Attorneys for Respondent California*  
*Department of Justice*

*NO FEE PER GOV. CODE § 6103*

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF LOS ANGELES  
11  
12

13 **ARTURO GUTIERREZ,**

Petitioner,

15 **v.**

17 **CALIFORNIA DEPARTMENT OF**  
18 **JUSTICE,**

Respondent.

Case No. 25STCV07287

**NOTICE OF EX PARTE APPLICATION  
TAKEN OFF CALENDAR**

Date: June 25, 2025  
Time: 8:30 am  
Dept: 56  
Judge: The Honorable Holly J. Fujie

Action Filed: March 14, 2025

1                   **NOTICE OF EX PARTE APPLICATION TAKEN OFF CALENDAR**

2                   TO THE CLERK OF THE SUPERIOR COURT, ALL PARTIES AND THEIR COUNSEL  
3 OF RECORD:

4                   PLEASE TAKE NOTICE that on June 25, 2025, the Honorable Holly J. Fujie has taken off  
5 calendar the Ex Parte Application filed by Petitioner Arturo Gutierrez, as the application should  
6 be filed in Department 86.

7                   Dated: June 25, 2025

Respectfully submitted,

8                   ROB BONTA  
9                   Attorney General of California  
10                  ANTHONY P. O'BRIEN  
11                  Supervising Deputy Attorney General

12                  /s/ *Kelsey Kook*

13                  KELSEY KOOK  
14                  Deputy Attorney General  
15                  Attorneys for Respondent  
16                  California Department of Justice.

**DECLARATION OF SERVICE BY E-MAIL and U.S. MAIL**

Case Name: **Gutierrez v. DOJ**  
Case No.: **25STCV07287**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. My business address is: 2550 Mariposa Mall, Room 5090, Fresno, CA 93721-2271. My electronic service address is Ashanti.Billings@doj.ca.gov. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On June 25, 2025, I served the attached **NOTICE OF EX PARTE APPLICATION TAKEN OFF CALENDAR** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Arturo Gutierrez  
226 West Ojai Ave.  
Suite 101, PMB 547  
Ojai, CA 93023  
*In Pro Per*

**E-mail Address:**  
teamleader@survivinginjustice.org

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct, and that this declaration was executed on June 25, 2025, at Fresno, California.

\_\_\_\_\_  
A. Billings  
Declarant

\_\_\_\_\_  
/s/ A. Billings  
Signature

SA2025601096  
95636332



# EXHIBIT 17

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 56

**25STCV07287**

June 25, 2025

**ARTURO GUTIERREZ vs CALIFORNIA DEPARTMENT OF  
JUSTICE**

8:30 AM

Judge: Honorable Holly J. Fujie  
Judicial Assistant: Oscar R. Chavez  
Courtroom Assistant: Deonna Jones

CSR: None  
ERM: None  
Deputy Sheriff: None

---

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**APPEARANCES:**

For Petitioner(s): Arturo Gutierrez (Self-Represented) (In Person)

For Respondent(s): Anthony P. O'Brien by LACC for Kelsey Christine Kook

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**NATURE OF PROCEEDINGS:** Hearing on Ex Parte Application TO SHORTEN TIME FOR RULING ON MOTION FOR JUDGMENT ON THE PEREMPTORY WRIT IN CHAMBERS NOW

The matter is called held.

The court reads and considers ex parte application and opposition papers.

The Ex Parte Application NOTICE OF APPLICATION TO SHORTEN TIME FOR RULING ON MOTION FOR JUDGMENT ON THE PEREMPTORY WRIT IN CHAMBERS NOW; MEMORANDUM; DECLARATION ISO; NOTICE DECLARATION; EXHIBITS filed by Arturo Gutierrez on 06/23/2025 is Denied.

The Petitioner is to file Ex parte Application in Department 86.

Counsel for the Defendant is to give notice.

## EXHIBIT 18

**CASE INFORMATION:** 25STCV07287

**Case Title:** ARTURO GUTIERREZ VS CALIFORNIA DEPARTMENT OF JUSTICE

**Filing Courthouse:** Stanley Mosk Courthouse

**Filing Date:** 3/14/2025

**Case Type:** Writ - Mandamus on Limited Court Case Matter (General Jurisdiction)

**Status:** Pending

[Click here to access document images for this case.](#)

If this link fails, you may go to the Case Document Images site and search using the case number displayed on this page

☐ Print

New Search

## FUTURE HEARINGS

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Past Proceedings](#)

8/28/2025	10:30	Department 56	111 North Hill Street, Los Angeles, CA 90012	Non-Appearence Case Review
1/22/2026	08:30	Department 56	111 North Hill Street, Los Angeles, CA 90012	Hearing on Motion to Reclassify (Walker Motion)
10/13/2026	08:30	Department 56	111 North Hill Street, Los Angeles, CA 90012	Final Status Conference
10/26/2026	09:30	Department 56	111 North Hill Street, Los Angeles, CA 90012	Non-Jury Trial

## PARTY INFORMATION

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Past Proceedings](#)

CALIFORNIA DEPARTMENT OF JUSTICE	Respondent
GUTIERREZ ARTURO	Petitioner
KOOK KELSEY CHRISTINE	Attorney for Respondent

## DOCUMENTS FILED

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Past Proceedings](#)

7/28/2025	Certificate of Mailing for	Filed by Clerk
7/28/2025	Minute Order	Filed by Clerk
7/14/2025	Case Management Statement	Filed by Arturo Gutierrez (Petitioner)

7/14/2025	Case Management Statement	Filed by California Department of Justice (Respondent)
7/14/2025	Proof of Service (not Summons and Complaint)	Filed by Arturo Gutierrez (Petitioner)
7/8/2025	Declaration	Filed by California Department of Justice (Respondent)
7/8/2025	Motion to Reclassify	Filed by California Department of Justice (Respondent)
7/8/2025	Proof of Service (not Summons and Complaint)	Filed by California Department of Justice (Respondent)
6/25/2025	Minute Order	Filed by Clerk
6/25/2025	Notice	Filed by California Department of Justice (Respondent)
6/24/2025	Declaration	Filed by California Department of Justice (Respondent)
6/24/2025	Opposition	Filed by California Department of Justice (Respondent)
6/24/2025	Proof of Service by Mail	Filed by California Department of Justice (Respondent)
6/23/2025	Ex Parte Application	Filed by Arturo Gutierrez (Petitioner)
6/23/2025	Proof of Service (not Summons and Complaint)	Filed by Arturo Gutierrez (Petitioner)
5/19/2025	Notice	Filed by Arturo Gutierrez (Petitioner)
5/19/2025	Objection	Filed by Arturo Gutierrez (Petitioner)
5/19/2025	Request for Judicial Notice	Filed by Arturo Gutierrez (Petitioner)
4/11/2025	Answer	Filed by California Department of Justice (Respondent)
3/17/2025	Notice of Case Management Conference	Filed by Clerk
3/14/2025	Civil Case Cover Sheet	Filed by Arturo Gutierrez (Petitioner)
3/14/2025	Declaration Re: Add-On on Petition	Filed by Arturo Gutierrez (Petitioner)
3/14/2025	Notice of Case Assignment - Unlimited Civil Case	Filed by Clerk
3/14/2025	Order on Court Fee Waiver (Superior Court)	Filed by Clerk
3/14/2025	Petition for writ of mandamus and statutory mandate	Filed by Arturo Gutierrez (Petitioner)
3/14/2025	Proof of Service (not Summons and Complaint)	Filed by Arturo Gutierrez (Petitioner)
3/14/2025	Proof of Service by Substituted Service	Filed by Arturo Gutierrez (Petitioner)
3/14/2025	Summons	Filed by Arturo Gutierrez (Petitioner)

## PROCEEDINGS HELD

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | **Past Proceedings**

8/1/2025 12:00 AM Department 56 Case Management Conference Not Held - Advanced and Vacated  
7/28/2025 12:00 AM Department 56 Court Order

## REGISTER OF ACTIONS

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Past Proceedings](#)

- 7/28/2025 Non-Jury Trial scheduled for 10/26/2026 at 09:30 AM in Stanley Mosk Courthouse at Department 56
- 7/28/2025 Final Status Conference scheduled for 10/13/2026 at 08:30 AM in Stanley Mosk Courthouse at Department 56
- 7/28/2025 Non-Appearance Case Review re: Jury Fee Deposit scheduled for 08/28/2025 at 10:30 AM in Stanley Mosk Courthouse at Department 56
- 7/28/2025 Certificate of Mailing for (Court Order) of 07/28/2025; Filed by: Clerk
- 7/28/2025 Minute Order (Court Order)
- 7/28/2025 On the Court's own motion, Case Management Conference scheduled for 08/01/2025 at 08:30 AM in Stanley Mosk Courthouse at Department 56 Not Held - Advanced and Vacated on 07/28/2025
- 7/14/2025 Case Management Statement; Filed by: Arturo Gutierrez (Petitioner)
- 7/14/2025 Proof of Service (not Summons and Complaint); Filed by: Arturo Gutierrez (Petitioner)
- 7/14/2025 Case Management Statement; Filed by: California Department of Justice (Respondent)
- 7/9/2025 Hearing on Motion to Reclassify (Walker Motion) scheduled for 01/22/2026 at 08:30 AM in Stanley Mosk Courthouse at Department 56
- 7/8/2025 Motion to Reclassify; Filed by: California Department of Justice (Respondent)
- 7/8/2025 Declaration of Kelsey C. Kook In Support Of Respondent's Motion to Reclassify Unlimited Civil Case to Writ of Mandate; Filed by: California Department of Justice (Respondent)
- 7/8/2025 Proof of Service (not Summons and Complaint); Filed by: California Department of Justice (Respondent); As to: Arturo Gutierrez (Petitioner)
- 7/8/2025 Pursuant to the request of moving party, Hearing on Motion to Dismiss scheduled for 01/22/2026 at 08:30 AM in Stanley Mosk Courthouse at Department 56 Not Held - Taken Off Calendar by Party on 07/08/2025
- 6/25/2025 Updated -- Ex Parte Application NOTICE OF APPLICATION TO SHORTEN TIME FOR RULING ON MOTION FOR JUDGMENT ON THE PEREMPTORY WRIT IN CHAMBERS NOW; MEMORANDUM; DECLARATION ISO; NOTICE DECLARATION; EXHIBITS: Filed By: Arturo Gutierrez (Petitioner); Result: Denied ; Result Date: 06/25/2025
- 6/25/2025 Notice Of Ex Parte Application Taken Off Calendar; Filed by: California Department of Justice (Respondent); As to: Arturo Gutierrez (Petitioner)
- 6/25/2025 Minute Order (Hearing on Ex Parte Application TO SHORTEN TIME FOR RULING ON...)
- 6/25/2025 Hearing on Ex Parte Application TO SHORTEN TIME FOR RULING ON MOTION FOR JUDGMENT ON THE PEREMPTORY WRIT IN CHAMBERS NOW scheduled for 06/25/2025 at 08:30 AM in Stanley Mosk Courthouse at Department 56 updated: Result Date to 06/25/2025; Result Type to Held
- 6/24/2025 Proof of Service by Mail; Filed by: California Department of Justice (Respondent); As to: Arturo Gutierrez (Petitioner); After Substituted Service of Summons and Complaint?: No
- 6/24/2025 Declaration OF KELSEY C. KOOK IN SUPPORT OF RESPONDENT'S OPPOSITION TO PETITIONER'S EX PARTE; Filed by: California Department of Justice (Respondent)

6/24/2025 Opposition TO PETITIONER'S EX PARTE APPLICATION TO SHORTEN TIME FOR RULING ON MOTION FOR JUDGMENT ON THE PEREMPTORY WRIT; Filed by: California Department of Justice (Respondent)

6/23/2025 Ex Parte Application NOTICE OF APPLICATION TO SHORTEN TIME FOR RULING ON MOTION FOR JUDGMENT ON THE PEREMPTORY WRIT IN CHAMBERS NOW; MEMORANDUM; DECLARATION ISO; NOTICE DECLARATION; EXHIBITS; Filed by: Arturo Gutierrez (Petitioner); As to: Kelsey Christine Kook (Attorney)

6/23/2025 Hearing on Ex Parte Application TO SHORTEN TIME FOR RULING ON MOTION FOR JUDGMENT ON THE PEREMPTORY WRIT IN CHAMBERS NOW scheduled for 06/25/2025 at 08:30 AM in Stanley Mosk Courthouse at Department 56

6/23/2025 Proof of Service (not Summons and Complaint); Filed by: Arturo Gutierrez (Petitioner); As to: California Department of Justice (Respondent)

5/19/2025 Objection OBJECTION TO CLERK'S DISOBEDIENCE OF LOCAL RULE 3.3(I) AND USURPATION OF JUDICIAL POWER; Filed by: Arturo Gutierrez (Petitioner)

5/19/2025 Notice NOTICE OF MOTION FOR JUDGMENT ON THE PEREMPTORY WRIT IN CHAMBERS NOW; MOTION; MEMORANDUM OF LAW; Filed by: Arturo Gutierrez (Petitioner); As to: California Department of Justice (Respondent)

5/19/2025 Request for Judicial Notice; Filed by: Arturo Gutierrez (Petitioner)

4/11/2025 Answer; Filed by: California Department of Justice (Respondent)

3/17/2025 Notice of Case Management Conference; Filed by: Clerk

3/17/2025 Case Management Conference scheduled for 08/01/2025 at 08:30 AM in Stanley Mosk Courthouse at Department 56

3/14/2025 Proof of Service (not Summons and Complaint); Filed by: Arturo Gutierrez (Petitioner); As to: California Department of Justice (Respondent)

3/14/2025 Case assigned to Hon. Holly J. Fujie in Department 56 Stanley Mosk Courthouse

3/14/2025 Proof of Service by Substituted Service; Filed by: Arturo Gutierrez (Petitioner); As to: California Department of Justice (Respondent); Proof of Mailing Date: 03/14/2025; Service Cost: 0.00; Service Cost Waived: No

3/14/2025 Updated -- Order on Court Fee Waiver (Superior Court): Status Date changed from 03/14/2025 to 03/14/2025

3/14/2025 Order on Court Fee Waiver (Superior Court); Signed and Filed by: Clerk; As to: Arturo Gutierrez (Petitioner)

3/14/2025 Notice of Case Assignment - Unlimited Civil Case; Filed by: Clerk

3/14/2025 Declaration Re: Add-On on Petition Consent to Electronic Service; Filed by: Arturo Gutierrez (Petitioner); As to: California Department of Justice (Respondent)

3/14/2025 Summons on Petition; Issued and Filed by: Arturo Gutierrez (Petitioner); As to: California Department of Justice (Respondent)

3/14/2025 Civil Case Cover Sheet; Filed by: Arturo Gutierrez (Petitioner); As to: California Department of Justice (Respondent)

3/14/2025 Petition for writ of mandamus and statutory mandate; Filed by: Arturo Gutierrez (Petitioner); As to: California Department of Justice (Respondent)

[Back To Top](#)

## EXHIBIT 19



## RE: Gutierrez, Arturo v. California Department of Justice (25STCV07287)



From Kelsey Kook <Kelsey.Kook@doj.ca.gov>  
To teamleader@survivinginjustice.org <teamleader@survivinginjustice.org>  
Cc Anthony OBrien <Anthony.OBrien@doj.ca.gov>  
Date 2025-06-30 14:42

📎 Stipulation and Order to Reclassify 6.30.25.pdf (~141 KB)

Good afternoon Arturo Gutierrez,

The Department plans on filing a motion to reclassify by tomorrow, unless we receive the signed stipulation from you prior to then. We cannot request a specific court for reclassification. We can only ask to reclassify to the Writ Department, which, as we understand it, includes at least 2 courtrooms Depts. 85 and 86. Please confirm if this is correct. Attached is the stipulation in a PDF format.

### Kelsey Kook

Deputy Attorney General | Office of General Counsel - Public Records Unit  
2550 Mariposa Mall Ste 5090I Fresno, CA 93720  
(559) 705-2356I [kelsey.kook@doj.ca.gov](mailto:kelsey.kook@doj.ca.gov)

---

**From:** teamleader@survivinginjustice.org <teamleader@survivinginjustice.org>  
**Sent:** Monday, June 30, 2025 1:41 PM  
**To:** Kelsey Kook <Kelsey.Kook@doj.ca.gov>; Anthony OBrien <Anthony.OBrien@doj.ca.gov>  
**Subject:** Re: Gutierrez, Arturo v. California Department of Justice (25STCV07287)

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Counsel,

The means by which your office seeks cooperation makes cooperation difficult. As previously stated, I will not open any Word documents sent from your office. This is not a general policy — it is a direct response to your prior transmission of a Word file that exhibited post-open behavior consistent with embedded scripting designed to deliver malware or spyware. Resending such a file, after that notice, demonstrates either bad faith or an intent to deliver a new payload. In either case, it renders cooperation impossible.

If you are genuinely seeking my signature or participation regarding judicial reassignment, the document must be provided in PDF format. To date, I have not received a readable or acceptable version of any stipulation and therefore cannot assess — let alone agree to — its terms.

As I have already stated, we are not going to Dept. 86, so it's entirely possible that you've accepted my prior offer to stipulate to Dept. 85 — which would render the threatened motion to compel entirely unnecessary. But I have no way of knowing, due solely to your refusal to transmit the stipulation in a secure, readable format. Your office has already provided PDFs in this case, so I know it is both possible and easy. And just as easy to apply my signature to a PDF as to a Word document. There is no legitimate reason not to comply, absent nefarious intent.

Please resend the documents in PDF format.

Very truly,

Arturo Gutierrez

On Jun 27, 2025, at 2:06 PM, Kelsey Kook <[Kelsey.Kook@doj.ca.gov](mailto:Kelsey.Kook@doj.ca.gov)> wrote:

Good afternoon Arturo Gutierrez,

Reclassification, is the proper resolution here, and unless you sign and return the attached stipulation today, the Department will file a motion to reclassify the matter early next week. I have attached the stipulation and proposed order.

### Kelsey Kook

Deputy Attorney General | Office of General Counsel - Public Records Unit  
2550 Mariposa Mall Ste 5090I Fresno, CA 93720  
(559) 705-2356I [kelsey.kook@doj.ca.gov](mailto:kelsey.kook@doj.ca.gov)

**From:** [teamleader@survivinginjustice.org](mailto:teamleader@survivinginjustice.org) <[teamleader@survivinginjustice.org](mailto:teamleader@survivinginjustice.org)>  
**Sent:** Friday, June 27, 2025 12:59 PM  
**To:** Kelsey Kook <[Kelsey.Kook@doj.ca.gov](mailto:Kelsey.Kook@doj.ca.gov)>; Anthony OBrien <[Anthony.OBrien@doj.ca.gov](mailto:Anthony.OBrien@doj.ca.gov)>  
**Subject:** Re: Gutierrez, Arturo v. California Department of Justice (25STCV07287)

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

The Department expressed an earnest concern, under penalty of perjury, that by transferring "this matter to the Court's Writ Department would ensure resolution of the merits of Petitioner's claim." (Decl. of Kelsey Kook, p.2¶4) While the attention to the merits may be sporadic elsewhere, it is appreciated here.

That said, there seems to be some confusion by the Department about some terminology. Reclassify and reassign are not interchangeable. To reassign is to send to another court for all purposes. To reclassify entirely changes the structure of the case by attempting to move the matter to civil limited, which is categorically improper in PRA cases. Gov. Code § 7923.500(a) "is not a final judgment or order within the meaning of Section 904.1 of the Code of Civil Procedure from which an appeal may be taken," CCP § 904.1(a) "An appeal, other than in a limited civil case, is to the court of appeal." In short, PRA cases are not limited civil. They are unlimited civil by law and structure.

Local Rule of Court, Rule 3.3, (i) "Assignment for All Purposes. Cases are assigned for all purposes, including trial. Except as the Presiding Judge may otherwise direct, each judge shall schedule, **hear and decide all matters** for each case assigned."

"A judge has a duty to decide any proceeding in which he or she is not disqualified." (CCP § 170)

The Presiding Judge of Los Angeles County is the Hon. Sergio C. Tapia II. Accordingly, Judge Fujie acted in excess of jurisdiction when reassigning this matter to Dept. 86.

Setting aside the avenues of correction available, I am a pragmatic person. As Judge Fujie appears to not wish to preside over this case—given its weight—then I am content with relieving her of that burden.

The Department has promoted the idea a number of times about stipulating to reassignment, even though misspeaking and switching it to reclassification at the last moment. The words can be confusing at times, to be sure. As to the issue of reassigning to the 8<sup>th</sup> floor, that leaves us with Departments 82, 85, and 86. We will not be going to Dept. 86. Leaving Dept. 82 or Dept. 85. Based on a review, it appears the jurist in Dept. 82 may have an actual conflict given the nature of the issues. You may need to check my math here, but that might leave us with one option. Departments ~~82~~, 85, and ~~86~~.

If you would like to draft up the stipulation to reassign to Dept. 85 and send it over in PDF form, less prone to hitchhikers and all, then I will sign and send back if it is clean.

Enjoy your weekend,

ARTURO GUTIERREZ

On Jun 18, 2025, at 1:26 PM, Kelsey Kook <[Kelsey.Kook@doj.ca.gov](mailto:Kelsey.Kook@doj.ca.gov)> wrote:

Good afternoon Arturo Gutierrez,

We are basing this stipulation on the ability to reclassify pursuant to Code of Civil Procedure section 403.040, subdivision (a). Also, we are noting that, under Gov. Code, section 7923.000, a writ of mandate is the proper vehicle to provide a judicial remedy to inspect or receive a copy of any public record. These statutes have also been included in the updated stipulation that is attached.

Please let us know by June 23 if you are planning on signing the attached stipulation. If we do not hear from you by then, we will proceed with our plan to file a motion to reclassify.

**Kelsey Kook**

Deputy Attorney General | Office of General Counsel - Public Records Unit  
2550 Mariposa Mall Ste 5090I Fresno, CA 93720  
(559) 705-2356 | [kelsey.kook@doj.ca.gov](mailto:kelsey.kook@doj.ca.gov)

**From:** [teamleader@survivinginjustice.org](mailto:teamleader@survivinginjustice.org) <[teamleader@survivinginjustice.org](mailto:teamleader@survivinginjustice.org)>  
**Sent:** Tuesday, June 17, 2025 7:04 PM  
**To:** Kelsey Kook <[Kelsey.Kook@doj.ca.gov](mailto:Kelsey.Kook@doj.ca.gov)>

**Subject:** Re: Gutierrez, Arturo v. California Department of Justice (25STCV07287)

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hi Ms. Kook,

I've been thinking about this more, and I realize I must be missing something. I thought I found the laws that apply here on Google, but you obviously know way more than I do. Since you say I'm wrong and those laws don't apply—and since you already have the right laws handy—I'd be grateful if you could send them over so I can get on the right page and review the correct laws that govern here.

If I'm going about this the wrong way, I really don't want to waste the court's time. And I'm sure it'd make things easier on you too. I just can't sign a stipulation without knowing why.

Also, in your first email you mentioned June 23, but then in your second it changed to June 17. I just noticed that—wasn't sure where the sudden rush came from. Since you guys are usually way more laid back about time, I'd appreciate the extra time to review whatever law you have that I missed.

And thanks again for making sure I know the right laws. It'd be so embarrassing to have to explain to a judge that I missed something really obvious. I appreciate you educating me. They say those AIs make mistakes, but I tell you—if they led me down the wrong path again, oh man... well, lesson learned, I guess.

Take it easy,

Arturo Gutierrez

On Jun 13, 2025, at 2:15 PM, Kelsey Kook <[Kelsey.Kook@doj.ca.gov](mailto:Kelsey.Kook@doj.ca.gov)> wrote:

Good afternoon Arturo Gutierrez,

Thank you for your response. We still think having this moved to the Writ department is appropriate in this circumstance. Please let us know by June 17, 2025, if you will be stipulating.

**Kelsey Kook**

Deputy Attorney General | Office of General Counsel - Public Records Unit  
2550 Mariposa Mall Ste 5090I Fresno, CA 93720  
(559) 705-2356 | [kelsey.kook@doj.ca.gov](mailto:kelsey.kook@doj.ca.gov)

---

**From:** [teamleader@survivinginjustice.org](mailto:teamleader@survivinginjustice.org) <[teamleader@survivinginjustice.org](mailto:teamleader@survivinginjustice.org)>

**Sent:** Thursday, June 12, 2025 5:10 PM

**To:** Kelsey Kook <[Kelsey.Kook@doj.ca.gov](mailto:Kelsey.Kook@doj.ca.gov)>

**Subject:** Re: Gutierrez, Arturo v. California Department of Justice (25STCV07287)

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hi Ms. Kook,

You're not wrong—but also not quite correct. Believe it or not, I've had the exact sentiments you're expressing come up in other writ cases and initially shared your exact perspective myself. Experience has taught me that the bottom line is that local culture in Los Angeles, per local rules, is that while the writs and receivers departments are preferred for initial assignment, the court routinely reassigns writ cases to other unlimited civil departments when caseloads or scheduling require it. It's a matter of internal allocation—not jurisdiction.

I've attached screenshots from **LA Superior Case No. 23STCP04453** as an example. That case—also a mandamus—was assigned to the writs dept., then bumped to a non-writs department in Alhambra. So your concern about "incorrectly assigned to a Civil Unlimited department" isn't supported by how the court actually operates.

And remedy by mandamus is only one of the vehicles. Check out Gov. Code § 7923.000 "Any person may institute a proceeding *for injunctive or declarative relief*, or for a *writ of mandate*, in any court of competent jurisdiction, to enforce that person's right under this division to inspect or receive a copy of any public record or class of public records."

Per Local Rule 3.3(i), this case was assigned *for all purposes* to Dept. 56, including trial and all motions. As you may have seen, the clerk recently questioned that assignment, but after I laid out the applicable rules in my objection and refiled the same documents, the clerks ultimately filed all documents, confirming the case was properly in Dept. 56.

While I understand the desire to route this to a writ department, there's no basis under the court's local rules for reassignment at this stage. No peremptory challenge or request for reassignment was filed following the Notice of Case Assignment. Local Rule 3.3(b) prohibits any party from anticipating or altering assignments, and subdivision (d) bars any effort to maneuver around assignment through strategic filings or dismissals. Assignment is a clerk function governed by standing orders from the Presiding Judge—you can verify the Local Rule referenced [here](#).

Also, you mentioned "I have drafted a stipulation and order to **reclassify**." Oh, how I wish it could be that simple, if we could just stipulate to make things right then we could get this whole thing straightened up, asap. But the jurisdictional classification is de facto unlimited civil. We know this based on CCP § 85(a) limited civil must have an amount demanded of less than \$35,000. And CCP § 86(b) lists the limited equitable cases, which are not applicable here. Since a CPRA will never have monetary damages, one would think the Legislature would have thought to announce it under CCP § 85.

Bringing us to the answer, Gov. Code § 7923.500(a) "is not a final judgment or order within the meaning of Section 904.1 of the Code of Civil Procedure from which an appeal may be taken," CCP § 904.1(a) "An appeal, other than in a limited civil case, is to the court of appeal." Granted life would be easier sometimes if they would just give us straight answers—but the statutory breadcrumbs are there, and they lead in only one direction. See CCP § 88 "A civil action or proceeding other than a limited civil case may be referred to as an unlimited civil case."

So, while a stipulation might sound appealing, reclassification simply isn't within our powers—it's a jurisdictional matter controlled by statute, not mutual agreement. And the stated desire to reclassify from "a civil unlimited department, to a writ department" is actually an assignment issue that the Local Rules of Court already cover.

The confusion portrayed here was not unwarranted. It would be nice if they were more direct, see e.g., Gov. Code § 7930.000(b) "The listing of a statute or constitutional provision in Chapter 2 (commencing with Section 7930.100) does not itself create an exemption." Which is what the five month tardy denial letter was focused on, in its unsupported-by-fact denial—submitted two days before the Department's court filing declaring a response was submitted, omitting the five month delinquent aspect.

"Requesters of public records and public agencies are cautioned to review the applicable statute or constitutional provision to determine the extent to which it, in light of the circumstances surrounding the request, exempts public records from disclosure." (*Id.*)

Leading us to something we do have stipulation power over, allowing us to be more collaborative on what actually matters, like publicly providing the records required by Pen. Code § 745 so that we can stop systemically violating the Thirteenth and Fourteenth Amendments.

I hope that clarifies the matter.

Thanks again for the outreach.

Very truly,  
Arturo Gutierrez

Quick example from the above case:

<image001.png>

Detailed example from the same:

<image002.png>

Plus don't forget:

<image003.png>

On Jun 12, 2025, at 11:03 AM, Kelsey Kook <[Kelsey.Kook@doj.ca.gov](mailto:Kelsey.Kook@doj.ca.gov)> wrote:

Good afternoon Arturo Gutierrez,

It has come to the attention of the Department of Justice ("Department" and "Respondent") that *Gutierrez, Arturo v. California Department of Justice* (Los Angeles County Superior Court, Case No. 25STCV07287) is incorrectly assigned to a Civil Unlimited department. Under Government Code section 7923.000, a writ of mandate is the proper vehicle to provide a judicial remedy to inspect or receive a copy of any public record. The Los Angeles County Superior Court Stanley Mosk Courthouse has a writ department. As you are seeking a remedy pursuant to Gov. Code section 7923.00,0 this case needs to be reassigned from Dept 56, a civil unlimited department, to a writ department. In order to aid in this process I have drafted a stipulation and order to reclassify. Please review the stipulation, and if you agree, please sign. I will then file this on our behalf.

Please provide a signed copy, or let me know your decision to not sign, by June 23, 2025.

**Kelsey Kook**

Deputy Attorney General | Office of General Counsel - Public Records Unit

2550 Mariposa Mall Ste 5090I Fresno, CA 93720

(559) 705-2356I [kelsey.kook@doj.ca.gov](mailto:kelsey.kook@doj.ca.gov)

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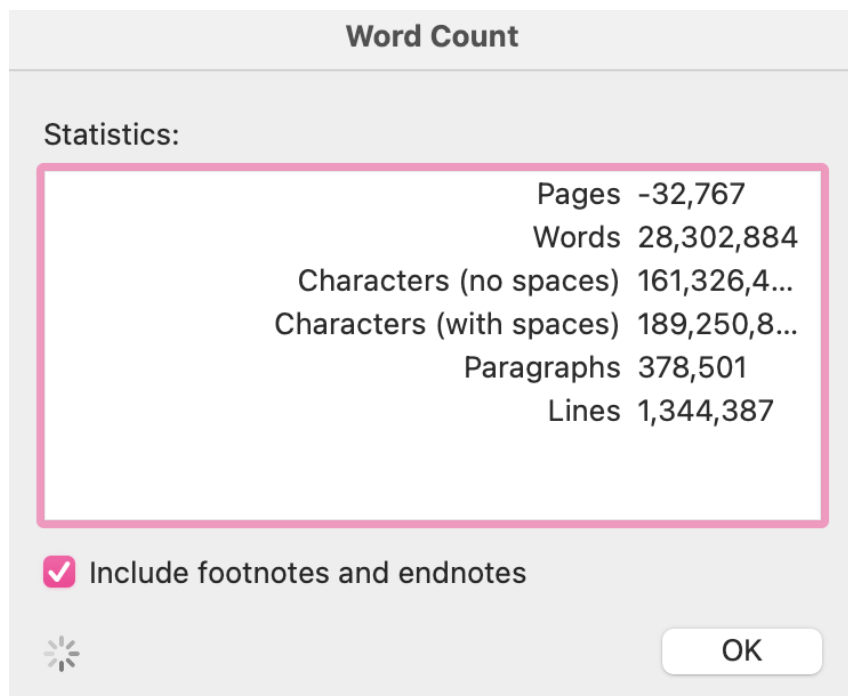
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## EXHIBIT 20

```
Last login: Mon Jul  7 16:06:22 on ttys000
soapyart@MacBookPro ~ % log show --style syslog --start "2025-07-07
15:40:00" --end "2025-07-07 16:00:00" > ~/Desktop/mail_trigger_log.txt

Wall Clock adjustment detected - results might be strange while using
--end
soapyart@MacBookPro ~ %
```


```
2025-07-07 15:44:47.566766-0700 localhost WindowServer[407]: (KeyboardBacklightServiceFilter)
[com.apple.CoreBrightness.KeyboardBacklightDriver:PWM] Setting kbd backlight to: 586846170
(13%). current = 586846170 (13%)
2025-07-07 15:44:47.614151-0700 localhost (null)[0]: ((null)) localhost timesync: == system
wallclock time adjusted
2025-07-07 15:44:47.624325-0700 localhost runningboardd[414]: (RunningBoard) Created Activity
ID: 0x58cb1, Description: invalidateAssertionWithIdentifier
2025-07-07 15:44:47.624373-0700 localhost runningboardd[414]: (RunningBoard)
[com.apple.runningboard:ttl] Invalidating assertion 414-407-3335 (target:
[osservice<com.apple.LocalAuthentication.UIAgent(501)>:1542]) from originator
[osservice<com.apple.WindowServer(88)>:407]
```



The above are true and correct screenshots from my computer from the Terminal output and the Word application word count, respectively; both are what they are claimed to be.

I declare under penalty of perjury under the laws of the state of California that the above is true and correct.

July 7, 2025

  
\_\_\_\_\_  
Arturo Gutierrez



## EXHIBIT 21

IN THE COURT OF APPEAL OF CALIFORNIA  
SECOND APPELLATE DISTRICT

ARTURO GUTIERREZ

*Petitioner,*

vs.

THE CALIFORNIA  
DEPARTMENT OF JUSTICE  
and THE SUPERIOR COURT  
OF LOS ANGELES COUNTY

*Respondent.*

Case No.

Superior Court Case No.

25STCV07287

Petition for a Peremptory Writ  
of Mandamus, in the First  
Instance. Code of Civil  
Procedure § 1088, Government  
Code § 7923.000

**PETITION FOR A PEREMPTORY WRIT OF MANDAMUS  
IN THE FIRST INSTANCE**

After the Superior Court has Twice Failed to Rule on Noticed  
Motions to Issue the Writ, in a Public Records Act Case Where  
the Department of Justice:

- (1) Issued Its Denial Letter Five Months Late, and
- (2) Filed an Unverified Answer in Violation of Law

Arturo Gutierrez  
226 West Ojai Ave.  
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## **DISCLOSURE STATEMENT**

Petitioner is aware of no interested entities or persons that must be listed as required by California Rules of Court, rule 8.208.

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## INTRODUCTION

The case caption is no accident. It is legally proper—and deliberately structured to provide the Court with multiple paths to afford relief.

The Department of Justice forfeited its right to defend—first by issuing a defective denial letter five months late, then by failing to file a verified return. The trial court rendered itself inert—disregarding a noticed motion for peremptory writ and denying the motion to shorten time based on an error of law.

Here, the DOJ refused to follow the law. The trial court declined to intervene. The very essence of the Public Records Act demands relief—else it rewards those who defy it.

Petitioner first sought relief through “the ordinary course of law” (Code Civ. Proc., § 1086), invoking the duty to disclose public records arising from the DOJ’s office, trust, or station, and asserting plainly that “certain public records are being improperly withheld” (Gov. Code, § 7923.100). The Public Records Act was designed for speedy adjudication, “with the object of securing a decision as to the matters at issue at the earliest possible time” (*id.*, § 7923.005). But, when invoked, the trial court twice refused to act, failing to afford that plain, speedy, and adequate remedy, foreclosing the ordinary course.

Petitioner now seeks relief through “a writ of mandate, in any court of competent jurisdiction, to enforce [Petitioner’s] right under this division to inspect or receive a copy of any public record or class of public records.” (Gov. Code, § 7923.000) As these are merely “the minimum standards set forth in this division.” (*Id.*, § 7922.505) That writ lies to “compel the

admission of a party to the use and enjoyment of a” (Code Civ. Proc., § 1085(a)) “fundamental and necessary right [that] every person in this state” (Gov. Code, § 7921.000) “is entitled, and from which the party is unlawfully precluded by that inferior tribunal...or person.” (Code Civ. Proc., § 1085(a)).

The DOJ elected “to delay or obstruct the inspection or copying of public records” (Gov. Code, § 7922.500), violating the 14-day limit set by § 7922.535(b). Though invoking “consultation with multiple components,” they failed to heed “shall be conducted with all practicable speed” (*id.*, (b)(3)). Five months later, a single person, from the “multiple components,” signed the denial letter—failing to identify “each person responsible for the denial” (§ 7922.540(b)) and failing to “justify withholding any record by demonstrating that the record in question is exempt under express provisions of this division.” (§ 7922.000.)

The DOJ forfeited any defense and the trial court failed the legislative decree to order compliance “at the earliest possible time” (*id.*, § 7923.005).

Therefore, having satisfied Rule 8.486(a)(1), and authorized by both the Government Code and Code of Civil Procedure, this Court’s original jurisdiction in mandamus is properly invoked. (Cal. Const., art. VI, § 10.)

By refusing to comply with the Public Records Act, the Department of Justice is evading public scrutiny of systemic violations of the federal constitution, in this case, of all cases—where the records being withheld speak louder than any accusation ever could.

## **VERIFIED PETITION**

By this verified petition, it is shown:

### **THE PARTIES**

1. Petitioner is Arturo Gutierrez, a resident of Ventura County, California.
2. Respondent here and below is the California Department of Justice (“DOJ”), a public agency within the executive branch of state government and a public agency within the meaning of the California Public Records Act, Gov. Code § 7922.635(a)(10).
3. Named in a nominal capacity, the other respondent is the Superior Court of Los Angeles County, named in its institutional capacity and not as to any individual jurist.

### **THE REQUESTED PUBLIC RECORDS**

4. On November 4, 2024, Petitioner submitted a modest and plainly worded public records request to the DOJ. (Ex.1-2, p.95)
5. On November 14, 2024, the DOJ responded, invoking the 14-day extension provision for the stated purpose “to consult with multiple components of the Department with substantial interest in the records requested,” and stating: “this office is extending the date for responding to your request to December 2, 2024.” (Thanksgiving Day fell on November 28 in 2024.) (Ex.1-4 p.101)
6. Understanding the weight of the subject matter and believing it would command the attention of anyone with a conscience, Petitioner submitted a response the same evening.
7. Petitioner had been investigating racial disparities in incarceration practices. To underscore the seriousness of the request, and to appeal to the DOJ’s sense of duty, Petitioner

arranged for his father—a retired Superior Court Judge—to sign and transmit the responsive letter of Nov. 14<sup>th</sup>. (Ex.1-6 p.106)

8. That November 14, 2024 letter, set forth the purpose of the request. Its final paragraphs conveyed the matter most plainly:

The **purpose** of this request is **to end the incidents of slavery** that are in effect in California by imprisoning Blacks at a grossly disproportionate rate.

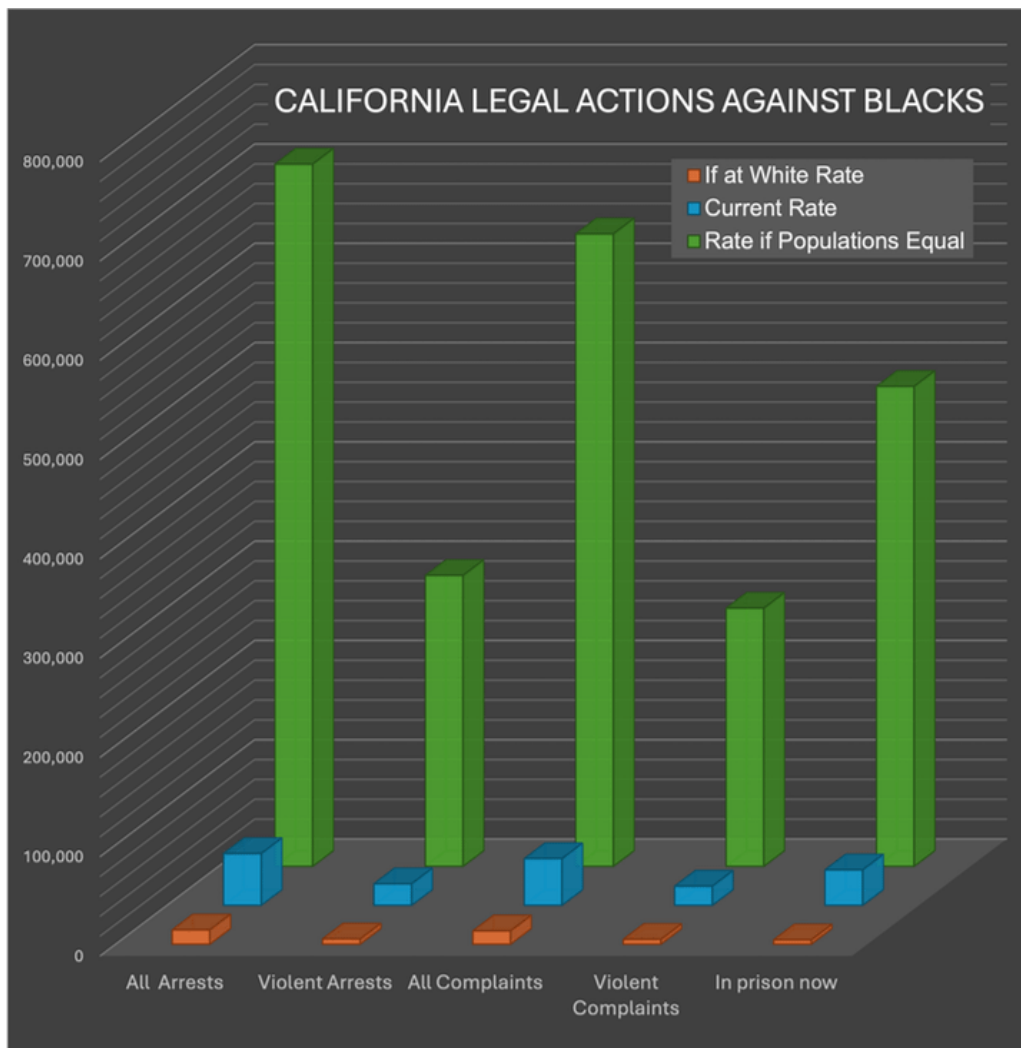
“Severer punishments for crimes were imposed on the slave than on free persons guilty of the same offences.” [(*Civil Rights Cases*, (1883) 109 U.S. 3, 22)]

**483,285 Blacks in prison** vs. 56,659 Whites in prison right now. Yet if the rate of White incarceration was applied to the Blacks, then the **35,532 Blacks in prison should be 4,161**. (Ex.1-6 p.112)

9. The DOJ severed all communications; failing to comply or respond by Dec. 2, 2024; nor to the email sent Dec. 10, 2024, (Ex.1-7 p.114) not even the email sent Jan. 6, 2025 (Ex.1-8 p.117), post California’s enactment of the Slavery Apology Act.

10. The above numbers were calculated using the common denominator method as a means of comparing imperfect data. First by making the Black population equal to the White population and applying the rates of legal actions taken against Blacks as if equal in population; and then by applying the White rate of legal action to the current Black population.

11. The visual representation of the findings is shown below, as presented to both respondents.



12. The legal conclusion to be derived from the above numbers was set forth by the Supreme Court of the United States: “The long existence of African slavery in this country gave us very distinct notions of what it was, and what were its necessary incidents. ... Severer punishments for crimes were imposed on the slave than on free persons guilty of the same

offences.” Violating “the essential distinction between freedom and slavery.” (*Civil Rights Cases*, (1883) 109 U.S. 3, 22)

13. The same conclusion quoted above in the letter of Nov. 14, 2024, was prefaced with:

14. It is hoped that when consulting “with multiple components of the Department with substantial interest in the records requested”, they consider the gravity and weight of 31,000 slaves that have a substantial federal interest in being subject to like punishment, and to no other. 42 U.S.C. § 1981(a)

15. Mr. Justice Douglas made an immensely profound point: “The true curse of slavery is not what it did to the black man, but what it has done to the white man. For the existence of the institution produced the notion that the white man was of superior character, intelligence, and morality.” (*Jones v. Mayer Co.* (1968) 392 U.S. 409, 445, Douglas, J., concurring.) (Ex.1-6 p.112)

16. The DOJ opted to cling to that curse.



## PROCEDURAL HISTORY

17. A petition for a writ of mandamus to enforce the public records request was filed on March 14, 2025 in the Los Angeles Superior Court, *Arturo Gutierrez v. The California Department of Justice*, 25STCV07287. (Ex.1 p.50)

18. A five-month late denial letter was sent (Ex.4 p.175) then two days later, on April 11, 2025 an unverified answer was filed denying no response had been submitted—omitting that their denial letter was two days prior. (Ex.5 p.181)

19. A motion for issuance of the peremptory writ seeking an in chambers ruling was filed on May 19, 2025. (Ex.6 p. 195) Along with it was an objection to the clerk of the court due to its prior blocking access to the court in violation of Local Rule 3.3(i). (Ex.8 p.269)

20. The DOJ has made no effort to oppose the motion. Instead, the DOJ delivered to Petitioner a stipulation to reclassify to the writs and receivers department. Petitioner explained that they wanted a reassignment not a reclassification. The DOJ persisted.

### **DOJ'S PROPOSED STIPULATION WAS A DELIVERY MECHANISM FOR MALWARE AND SPYWARE**

21. Petitioner observed unusual behavior originating from the Word document claimed to be a stipulation and soon discovered malware and spyware had been delivered to Petitioner's computer from the DOJ. The efforts to identify the harm and the extensive effort to capture it were documented for the trial court; both in the ex parte application to shorten time seeking a ruling on the in chambers motion that was filed on

June 23, 2025 (Ex.9 pp.277-281), and in the motion for sanctions and injunctive relief. (Ex.14 p.366-370).

22. The DOJ's response to the proof of infecting Petitioner's computer with malware and spyware was an admission. As laid out in the Motion for Sanctions:

[The DOJ] intentionally transmitted malicious spy code to engage in digital surveillance via a purported stipulation in what appeared to be a Word document, breaching the criminal laws, violating Petitioner's privacy, and causing significant disruption to Petitioner's ability to litigate.

The evidence shows embedded code was within the payload and was both concealed and timed to activate post-delivery, consistent with spyware, resulting in multiple uploads due to live spying through this malicious code.

[The DOJ] subsequently defended this misconduct by declaring it did not attempt to send malicious code. Which is true, attempt is the failure to complete a crime. [The DOJ] successfully sent malicious code, a fact it does not deny.

"The Department did not and has not ***attempted to send*** Petitioner malware."

... "In the application, Petitioner alleged that our office ***attempted to send*** him malware through transmission of the stipulation for reclassification."

Petitioner is not alleging that [the DOJ] tried to commit a crime. Rather, he has proven that they *did*.

"And **even if** Petitioner's system **were infected with malware**, it is not clear how an expedited briefing and hearing

schedule—for a motion with no scheduled hearing date—would ***prevent*** any alleged ***irreparable*** harm.”

(Ex.14 p.362) See DOJ’s quotes, (Ex.11 p.316; Ex.12 p.322) claiming “Petitioner provides no declaration supporting any such claim.” Regarding Ex.9 pp.283-285.

23. The day before the hearing, Petitioner had spent about 14 hours tracking the malware in his computer and at long last captured it. The above motion was prepared to be submitted to the trial court at the next morning’s hearing. (Ex.14 p.360)

24. Petitioner had labored for 21 hours to deliver all that was necessary for the trial court to be apprised and prepared with proper in form and served motions. See motion, affidavit, and proof of service (Ex.14 pp.362-354; 366-370; 378).

**THE MOTION TO SHORTEN TIME SEEKING A RULING ON THE  
MOTION FOR ISSUANCE OF THE PEREMPTORY WRIT**

25. The trial court posted no tentative ruling. Petitioner drove two hours to appear in court.

26. The motion for sanctions was served on the DOJ and a printed copy was at once provided to the trial court upon arrival. The clerk initially received the motion, then about five minutes later returned it.

27. The parties checked in. Appearing for the DOJ was Supervising Deputy Attorney General Anthony P. O’Brien, via video conference.

28. The clerk called Petitioner to the bar and announced the judge had ruled that the matter was required to be heard in the writs and receivers department on the 8<sup>th</sup> floor. This was the exact issue previously covered in the objection that accompanied

the motion for peremptory issuance that the trial court had failed to act on. It was again explained that Local Rule 3.3(i) required respondent court's Dept. 56 to hear all matters assigned to it. The clerk was unwavering, petitioner requested to speak to the court, the clerk denied the request stating this was an in chambers ruling.

29. The matter was on calendar because respondent court failed to rule on the first in chambers ruling request.

30. When asked why no tentative ruling was posted given that the refusal to hear the matter on the merits had been procedurally decided, no answer was provided.

31. The matter was ordered off calendar and ordered to be filed in Dept. 86. Petitioner specifically asked if the filing should be sent to the 8<sup>th</sup> floor or Dept. 86. The clerk reiterated that Judge Fujie had determined the case should be assigned to Dept. 86 for this matter. (Ex.16 p.385)

32. Judge Fujie in Dept. 56 is not the presiding judge of respondent court.

**THE DOJ'S ONLY APPARENT CONCERN IN THIS CASE IS  
RECLASSIFICATION**

33. The DOJ has persisted in demanding the matter be reclassified to a limited civil action. This despite proof that the law does not allow such a request.

34. The reason for the request was stated as "the proper *resolution* for this matter."

35. Petitioner had requested a sanction sufficient to ensure the DOJ provided truthful and accurate records. As their efforts

to obfuscate up to this point left serious doubts if the DOJ would honestly comply with a writ.

36. Because the matter involved the confinement of 31,000 humans in violation of the Thirteenth Amendment, the annual cost to incarcerate them—against the will of the people of the state of California—was used as a basis to encourage compliance.

37. The DOJ has repeatedly threatened to move to reclassify the matter to limited civil—a byproduct of which would avoid the \$4 billion sanction requested for non-compliance with the writ.

38. The DOJ has shown no concern for the merits of the action yet is fixated on securing a position that the DOJ may argue would limit any judicial sanction to \$35,000.

**THE CONTINUED EFFORTS OF THE DOJ AND THE FOUR DAY  
EFFORT TO DECONTAMINATE THE MALWARE AND SPYWARE  
THAT NEARLY OBLITERATED PETITIONER’S COMPUTER**

39. On June 27, 2025, Petitioner sent an email to the DOJ:

The Department expressed an earnest concern, under penalty of perjury, that by transferring “this matter to the Court’s Writ Department would ensure resolution of the merits of Petitioner’s claim.” (Decl. of Kelsey Kook, p.2¶4) While the attention to the merits may be sporadic elsewhere, it is appreciated here.

That said, there seems to be some confusion by the Department about some terminology. Reclassify and reassign are not interchangeable. To reassign is to send to another court for all purposes. To reclassify entirely changes the structure of the case by attempting to move the matter to civil limited, which is categorically improper in PRA cases. Gov. Code § 7923.500(a) “is not a final judgment or order within the meaning of Section 904.1 of the Code of Civil Procedure from which an appeal may be taken,” CCP § 904.1(a) “An appeal, other than in a limited civil case, is to the court of

appeal.” In short, PRA cases are not limited civil. The[y] are unlimited civil by law and structure.

Local Rule of Court, Rule 3.3, (i) “Assignment for All Purposes. Cases are assigned for all purposes, including trial. Except as the Presiding Judge may otherwise direct, each judge shall schedule, hear and decide all matters for each case assigned.”

“A judge has a duty to decide any proceeding in which he or she is not disqualified.” (CCP § 170)

The Presiding Judge of Los Angeles County is the Hon. Sergio C. Tapia II. Accordingly, Judge Fujie acted in excess of jurisdiction when reassigning this matter to Dept. 86.

Setting aside the avenues of correction available, I am a pragmatic person. As Judge Fujie appears to not wish to preside over this case—given its weight—then I am content with relieving her of that burden.

The Department has promoted the idea a number of times about stipulating to reassignment, even though misspeaking and switching it to reclassification at the last moment. The words can be confusing at times, to be sure. As to the issue of reassigning to the 8th floor, that leaves us with Departments 82, 85, and 86. We will not be going to Dept. 86. Leaving Dept. 82 or Dept. 85. Based on a review, it appears the jurist in Dept. 82 may have an actual conflict given the nature of the issues. You may need to check my math here, but that might leave us with one option. Departments ~~82~~, 85, and ~~86~~.

If you would like to draft up the stipulation to reassign to Dept. 85 and send it over in PDF form, less prone to hitchhikers and all, then I will sign and send back if it is clean. (Ex.19 p.395)

40. The DOJ responded an hour later:

Reclassification, is the proper resolution here, and unless you sign and return the attached stipulation today, the Department will file a motion to reclassify the matter early next week. I have attached the stipulation and proposed order. [Word doc. Attached.] (Ex.19 p.394)

41. The following Monday, Petitioner responded:

The means by which your office seeks cooperation makes cooperation difficult. As previously stated, I will not open any Word documents sent from your office. This is not a general policy — it is a direct response to your prior transmission of a Word file that exhibited post-open behavior consistent with embedded scripting designed to deliver malware or spyware. Resending such a file, after that notice, demonstrates either bad faith or an intent to deliver a new payload. In either case, it renders cooperation impossible.

If you are genuinely seeking my signature or participation regarding judicial reassignment, the document must be provided in PDF format. To date, I have not received a readable or acceptable version of any stipulation and therefore cannot assess — let alone agree to — its terms.

As I have already stated, we are not going to Dept. 86, so it's entirely possible that you've accepted my prior offer to stipulate to Dept. 85 — which would render the threatened motion to compel entirely unnecessary. But I have no way of knowing, due solely to your refusal to transmit the stipulation in a secure, readable format. Your office has already provided PDFs in this case, so I know it is both possible and easy. And just as easy to apply my signature to a PDF as to a Word document. There is no legitimate reason not to comply, absent nefarious intent.

Please resend the documents in PDF format. (Ex.19 p.394)

42. An hour later, the DOJ responded:

The Department plans on filing a motion to reclassify by tomorrow, unless we receive the signed stipulation from you prior to then. We cannot request a specific court for reclassification. We can only ask to reclassify to the Writ Department, which, as we understand it, includes at least 2 courtrooms Depts. 85 and 86. Please confirm if this is correct. Attached is the stipulation in a PDF format. (Ex.19 p.394)

## ATTEMPTED TRANSMISSION CONCEALED IN DIGITAL SIGNATURE

43. The DOJ submitted that final stipulation in PDF format, digitally signed by the DOJ.

44. Seeking Petitioner's signature... submitted a digitally signed PDF... as an email attachment.

45. If the Court is unfamiliar with what the above signifies that can be explained in lay terms as such: PDFs are very simple documents, they do not contain the infrastructure that a Word document does. Making it very difficult to hide a payload. But in order to digitally sign a document, it must include a larger amount of code than usual to carry the certification.

46. If one is sending a pre-signed PDF, and not employing a signature program, then the other signer cannot sign it digitally but must print it and rescan it, negating any reason for digitally signing it first.

47. After opening the PDF in a sandbox, in the Signature Block the following was found within a decoded portion of the signature dictionary:

```
/Type /Sig  
/Filter /Adobe.PPKLite  
/SubFilter /adbe.pkcs7.detached  
/Name (DOJ-LegalSign)  
/Reason (Reclassification stipulation)  
/M (D:20250630143621-07'00')  
/ByteRange [0 16500 16732 20000]
```

The bold Byte Range stated:

- Bytes 0–16499 are signed
- Skip 16500–16731
- Resume from 16732–36699
- The range between 16500–16732 is **excluded** from the signature



PDF signature gap = **232 bytes** exactly

ByteRange: [0 16500 16732 20000]

↑    ↑

232-byte gap → payload

48. The DOJ sent a document declared to be signed, proving its earnest contents were not malicious, except that the endorsement stated it was excluding 232 characters.

49. A lot can occur with just a few characters. For example below is 133 characters:

```
<?xpacket begin="..."?>
```

```
<x:xmpmeta xmlns:x="adobe:ns:meta/">
```

```
<K 36 /Lang (EN-US) /P 114 0 R /Pg 155 0 R /S /P>
```

```
<O /Table /Scope /Column>
```

50. That appears to be like any other series of randomly appearing code in a document. Except that the above was entirely unnecessary while carrying the benefits in the first two lines as a stealth channel to broadcast a “file opened” event without leaving traces in visible fields. The latter two lines were designed to cause the first two to fire upon using QuickLook on Mac to view a file. Thus what would appear to be a safe way to peek into a document normally, was here specially coded to fire a message.

51. The DOJ sent a new program into Petitioner’s computer with the sole purpose of sending a message to something else. After it was presented in court filings that the DOJ had infected its opponent’s computer with malware and spyware.

## FORENSIC EVIDENCE OF RETALIATION THROUGH ATTEMPTED DESTRUCTION

52. Could that PDF's intended message be a means to communicate self-deletion or worse to the original program?

53. Petitioner endeavored to answer that. And at the same time to preserve a forensic trail for documenting the harm. To properly do that, it was first necessary to render the hard drive inert. Meaning no moving parts, the computer must be totally incapacitated while still accessible. In a Mac that is achieved by using Target Mode in older Macs, or modernly by use of Share Mode. Using any other means such as Time Machine or Disk Imaging could only have been done via an awake computer.

54. A secondary computer was connected to the infected computer and a forensic catalog and copying of the hard drive began. This event would take some 18 hours to complete.

55. After the first run cataloged the 5.6 million files, it noted a number of pathways that were blocked. Later inspection of those pathways revealed that at 8:26PM on July 1, 2025 a number of files were deleted and along with them a number of Apple's black boxes fired.

56. And by a number of files, that meant 1,714 files were deleted as a part of a catastrophic cascade event. This was ascertained by using Terminal to search the preserved imaging seeking 5 minutes before 8:26 and 5 minutes after. Nothing occurred before 8:26PM on July 1, 2025. However, after 8:26PM produced so many that the time was extended to 15 minutes after 8:26PM, the total result was 1,714 files deleted in an inert drive. In lay terms, it is **as if a car with no gasoline, battery or**

**tires drove to Cabo San Lucas and back, yet video tape shows it did just that.**

57. Apple has failsafe programs that trigger when a catastrophic systemwide melt down event occurs or when it thinks one is about to occur. The sole purpose of those files is to leave markers for techs to have a starting point when a nuclear bomb was unleashed and allow them to begin reconstruction. Those files were marked as written at 8:26PM July 1, 2025.

58. In short, the DOJ's program was designed to cause a complete device destruction if it was attempted to be copied. If the hard drive had not been in an inert state, attempting to preserve the evidence would have destroyed the computer. At present, the extent of the damage and the continued existence of the program is not known.

59. What is known is that the program commandeered control of the visual screen, Wi-Fi, system root control, and telemetry. Meaning it was in full control of the visual, operating and communication controls of Petitioner's computer.

60. And still is.

61. The DOJ did only *attempt* to deliver the destruction signal; they *did* successfully deliver malware and spyware that is still active in their litigation opponent's computer.

62. From the motion for sanctions the trial court refused to consider: "The website url used to serve Respondent's papers was inspected and the results advised: 'Last-Modified: Sun, 22 Jun 2025 17:13:38 GMT' for Petitioner's motion served June 23, 2025. See Exhibit 2 of the Declaration." (Ex.14 pp.363; 376)

## SABOTAGE UPDATE, MID-FINALIZING THIS DOCUMENT

63. On July 7, 2025, as Petitioner was finalizing this very petition, a new email was received from Respondent Department of Justice. The message appeared to originate from a third party purporting to serve documents on Respondent's behalf, but the email was functionally a shell—lacking standard HTML content—and upon opening it, immediately triggered anomalous behavior on Petitioner's device. **Most notably, the system clock was altered without authorization.** When Petitioner ran a Terminal command to collect system logs surrounding the incident, Terminal returned the warning: "Wall Clock adjustment detected – results might be strange while using --end." The system log was "2025-07-07 15:44:47.614151-0700 localhost (null)[0]: ((null)) localhost timesync: === system wallclock time adjusted" (Ex.20 pp.400-401) In forensic terms, this is equivalent to erasing footprints and then repainting them in a new direction.

64. Within seconds of opening the email, the system registered an unprompted memory spike and logged a cascade of low-level execution events—well beyond normal diagnostic activity. The logging window, limited to the three minutes following the email event, generated a forensic record exceeding 189MB in size. As plain text, this volume is equivalent to a 15-minute HD video or hundreds of photographs. Microsoft Word was unable to render the results due to exceeding its internal page limit. The reported word count was 28,302,884—comparable to more than 2,000 full-length petitions—and the character count froze at "189,250,8..." before truncating. (Ex.20 p.401)

65. Petitioner halted all further investigation upon receipt of a second DOJ-related email minutes later, out of concern that continued interaction might compromise the ability to finalize and preserve this petition. All forensic records—including logs, screenshots, and metadata—were preserved. This incident, unfolding during the preparation of this very filing, further underscores both the extraordinary nature of this petition and the urgency of the relief now sought.

66. The document claiming to be served was a purported motion to reclassify. It cannot be uploaded here as it is not yet available through the superior court's website, which is the only version Petitioner dares to open.

**MANDAMUS RELIEF IS PROPERLY INVOKED AS THE ORDINARY  
COURSE OF MANDAMUS RELIEF IS BEING WITHHELD**

67. The trial court has refused to rule on the motion to issue the peremptory writ. The DOJ has no defense whatsoever for their concealment of these vital records. Yet is all consumed with limiting the monetary exposure it could face.

68. The DOJ denied the result that plain math shows, while concealing the very records that would prove either way. This is the very reason why the public is permitted to review true and accurate records held by public officials.

69. The ordinary remedy for the special proceeding is being disregarded. By statute that remedy is supposed to be unusually speedy, respondent court is refusing to render the relief as prayed.

70. Petitioner has engaged in every lawful ordinary means to obtain the relief due under law. Including twice moving for the

relief to issue and even appearing in person to request it. The trial court will not permit a hearing nor rule.

71. Instead the trial court set a status conference for August 1, 2025. A 141-day delay to check on the status of a case where the respondent forfeited its right to defend, twice.

72. The DOJ is engaged in extensive litigation sabotage and spying, on an issue that it claims the records show no gross systemic abuse of Blacks in our state.

73. Mathematics impeaches their position as much as their own conduct does.

74. Naming the trial court as the sole respondent would serve to further delay relief and thus reward the DOJ's very designed intention. By naming the DOJ as a respondent as well, that opens up options for this Court to deliver justice expeditiously in an unusual case warranting appellate court review anyway for an issue that most assuredly compels the power of this Court be asserted.

75. This Court's jurisdiction is properly invoked, presenting issues of unusual importance. The facts are not in dispute. Peremptory issuance in the first instance is proper.

### **PRAYER**

WHEREFORE, Petitioner has presented a proper in form petition for a writ of mandate, correctly invoking this Court's jurisdiction, and is in need of the Court's protection. Therefore, it is respectfully prayed in two parts.

**Part I. As to the Department of Justice, it is respectfully prayed that:**

1. Opposition be solicited by this Court, then “[i]ssue an *order* or *decision* calling for issuance of the” peremptory writ of mandate in the first instance, (*Palma v. U. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 176) directing and compelling the Department of Justice to provide true, accurate and complete records to Petitioner as prayed (Ex.1 pp.62-64) with sanctions as requested for non-compliance (Ex.6 p.244) and to cease its litigation sabotage and make Petitioner whole; or

2. An alternative writ issue, without first requesting the filing of opposition, directing and compelling the Department of Justice to act in the manner set forth above in 1 or, in the alternative, to show cause before the Court, on a date certain as determined by the Court, justifying the Department of Justice’s refusal to afford the relief as prayed for, (Code Civ. Proc., § 1087) then issue the peremptory writ commanding the Department of Justice to act in the manner set forth above in 1; or

3. Directly issue the order to show cause preventing the cause from becoming moot to allow the Court to issue an opinion addressing the issues as raised herein that are important to the profession and the lower courts; and

4. For costs of this proceeding and for such other and further relief as the Court deems just and proper.

**Part II. As to the Superior Court of Los Angeles, it is respectfully prayed that:**

5. Opposition be solicited by this Court, then “[i]ssue an *order* or *decision* calling for issuance of the” peremptory writ of mandate in the first instance, (*Palma, supra,*) directing and

compelling respondent court to rule on the petition for mandate and/or to issue the writ of mandate directing the Department of Justice to provide true, accurate and complete records to Petitioner as prayed with sanctions as requested for non-compliance and to order the Department of Justice to cease its litigation sabotage and make Petitioner whole; or

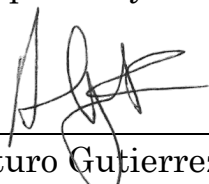
6. An alternative writ issue, without first requesting the filing of opposition, directing and compelling respondent court to act in the manner set forth above in 5 or, in the alternative, to show cause before the Court, on a date certain as determined by the Court, justifying respondent court's refusal to afford the relief as prayed for, (Code Civ. Proc., § 1087) then issue the peremptory writ commanding respondent court to act in the manner set forth above in 5; or

7. Directly issue the order to show cause preventing the cause from becoming moot to allow the Court to issue an opinion addressing the issues as raised herein that are important to the profession and the lower courts; and

8. For costs of this proceeding and for such other and further relief as the Court deems just and proper.

***It is so prayed.***

Respectfully submitted,

  
\_\_\_\_\_  
Arturo Gutierrez  
Petitioner, *in propria persona*

July 7, 2025



## VERIFICATION

Arturo Gutierrez, declares as follows:


I am the petitioner in the underlying action and in the present proceeding and make this verification because the facts contained in the foregoing are within my personal knowledge.

I have read the foregoing petition and the exhibits attached hereto and lodged with this Court and know the representations as to the contents thereof to be true based upon my personal experience as the petitioner.

As to those matters that are not within my personal knowledge, these are asserted on information or belief and as to those matters I believe them to be true.

Each exhibit offered in support of the petition, is a true and correct copy of the original and is what it claims to be; some highlight may have been added to various exhibits but have not materially altered the contents otherwise.

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

  
\_\_\_\_\_  
Arturo Gutierrez

July 7, 2025

## **MEMORANDUM OF LAW**

### **I. STANDARD OF REVIEW**

The issues raised are subject to de novo review. First because pure questions of law are reviewed de novo. (*People v. Cromer* (2001) 24 Cal.4th 889, 894.) Thus, questions of statutory construction are reviewed de novo. (*Pineda v. Williams-Sonoma Stores, Inc.* (2011) 51 Cal.4th 524, 529.) Second, respondent court refused to make any findings.

### **II. THE REFUSAL TO HEAR THE MATTER WAS FOUNDED UPON AN ERROR OF LAW**

As to the sole finding respondent court did make, it was an error of law and thus an abuse of discretion.

Local Rule of Court, Rule 3.3(i) “Assignment for All Purposes. Cases are assigned for all purposes, including trial. Except as the Presiding Judge may otherwise direct, each judge shall schedule, hear and decide all matters for each case assigned.”

Dept. 56 was assigned the matter and yet opined that a motion seeking a ruling to resolve the matter and an application asking the court to rule on that motion should be heard in a different department was in excess of jurisdiction.

Therefore, because that court “‘applied the incorrect standard to the facts, that is an abuse of discretion, i.e., an error of law.’” (*In re Esperanza C.* (2008) 165 Cal.App.4th 1042, 1061, quoting *Holtville Farms, Inc. v. Agricultural Labor Relations Bd.* (1985) 168 Cal.App.3d 388, 395)

### III. A MINISTERIAL DUTY WAS HELD BY BOTH RESPONDENTS

A ministerial duty is one that “a public functionary ““is required to perform in a prescribed manner in obedience to the mandate of legal authority,”” without regard to his or her own judgment or opinion concerning the propriety of such act.” [Citations.] [“A ministerial duty is an act that a public officer is obligated to perform in a prescribed manner required by law when a given state of facts exists.”]

*The Assn. of Deputy Dist. Attorneys etc. v. Gascón* (2022) 79 Cal.App.5th 503, 528<sup>1</sup>

#### A. THE DEPARTMENT OF JUSTICE HAS A MINISTERIAL DUTY TO COMPLY WITH THE PUBLIC RECORDS REQUESTED

The DOJ was presented a request for public records for information the DOJ has been cataloging for decades. Its invocation of the 14-day extension was specific, it did **not** “need to search for and collect the requested records”; nor was there any “need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request”; also absent was any “need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.” (Gov. Code § 7922.535(c)(1),(2),(4))

Rather it only invoked *id.*,(c)(3) (“The need for consultation, **which shall be conducted with all practicable speed...**

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<sup>1</sup> The matter still is pending before the Supreme Court, S275478, pre-argument and post submission of a motion to dismiss review. Regardless, the case is cited not for its holding but because it presents a fine collection of mandamus cases.

among two or more components of the agency having substantial subject matter interest therein.”)

The DOJ declared it would comply by Dec. 2, 2024. “In this instance, an extension is needed to consult with **multiple components** of the Department with substantial interest in the records requested.” (Ex.1-4 p.101)

On April 9, 2025, the DOJ issued a denial letter signed by the same employee that issued the 14-day extension notice and signed by no other person. (Ex.4 p.179) “The notification of denial **shall set forth** the *names and titles or positions of each person responsible for the denial.*” (Gov. Code, § 7922.540(b)) Because the DOJ declared “**multiple components** of the Department” were consulted that meant that they all agreed that the records were required to be provided to Petitioner. Else more than one person would have signed the denial.

The purported justification submitted by the DOJ was its own fabricated law, “Automated Criminal History System (ACHS)” appears nowhere in any exemption statute.

The listing of a statute or constitutional provision in Chapter 2 (commencing with Section 7930.100) **does not itself create an exemption.** Requesters of public records and public agencies are cautioned to review the applicable statute or constitutional provision to determine the extent to which it, **in light of the circumstances surrounding the request**, exempts public records from disclosure.  
Gov. Code § 7930.000(b)

“The purpose of this request is to end the incidents of slavery that are in effect in California by imprisoning Blacks at a grossly disproportionate rate.” (Ex.1-6 p.112)

A sample of the so-called denial:

Section 11104 provides direction to the Department to create a “complete and systematic record” and **obliges** the Department to **maintain records** *within its systems*. To the extent that you are seeking a record relating to this data storage provision, the Department has **no records** responsive to such a request. (Ex.4, p.177¶2)

If the DOJ had a valid reason for denying the records request, it would not have waited five months to issue the denial that was not based on law and factually not responsive to the demand. The request expressly repeated that no personal identifying information was requested and none should be given, the denial repeatedly declared that the request was only seeking personal identifying information. Thus showing the DOJ knew the request was perfectly valid and the DOJ knew it was necessary to fabricate some basis to claim denial, five months later.

“In general, [the CPRA] creates ‘a presumptive right of access to any record created or maintained by a public agency that relates in any way to the business of the public agency.’ (*City of San Jose, supra*, 2 Cal.5th at p. 616, italics omitted.)” (*Di Lauro v. City of Burbank* (2025) 110 Cal.App.5th 969, 980)

“The State of California affirms its role in protecting the descendants of enslaved people and all Black Californians... and acknowledges and affirms its responsibility to end ongoing harm” (Gov. Code § 8301.2(b)) from “slavery and the enduring legacy of **ongoing** badges and **incidents** from which the systemic structures of discrimination have come to exist.” (*Id.*, (a))

The concealed records establish the DOJ is aware of California's violation of the absolute prohibition on slavery and incidents thereof, *Griffin v. Breckenridge*, (1971) 403 U.S. 88, 105.

**B. RESPONDENT COURT HAS A MINISTERIAL OBLIGATION TO  
ISSUE THE WRIT AND AFFORD THE RELIEF AND TO DO SO  
EXPEDITIOUSLY**

Upon the filing of a verified petition, the court must set a schedule "with the object of securing a decision as to the matters at issue at the earliest possible time." (§ 7923.005.) If the court finds unjustified the public agency's decision to refuse disclosure under either section 7922.000 or 7920.505, the court must order disclosure of the record. (§ 7923.110, subd. (a).)

*Gascón v. Logan* (2023) 94 Cal.App.5th 352, 366

As set forth in the petition below, the DOJ forfeited their right to the alternative writ and to seek review of the justifications in their denial by failing to issue one.

To further the statutory right of access to records maintained by public agencies, the PRA requires prompt disclosure of records by any public agency unless "the record in question is exempt under express provisions of this division, or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." (§ 7922.000; see §§ 7922.530, subd. (a), 7921.300.) The agency must make this determination within 10 days from receipt of the request and must provide prompt notification of its determination and any reasons therefor. (See § 7922.535, subd. (a).)

*Id.*

"These enforcement procedures 'reflect a clear legislative intent that the determination of the obligation to disclose records requested from a public agency be made expeditiously.' (*Filarisky*

*v. Superior Court* (2002) 28 Cal.4th 419, 427 (*Filarsky*).)” (*Id.*, at 366-67)

Respondent court was presented a verified petition that established no denial letter was issued. The DOJ submitted an unverified answer in derogation of Code Civ. Proc., §§ 1089, 1109. A noticed motion for issuance of the peremptory writ was filed, *id.*, § 1094. Therein explaining that Local Rule of Court, Rule 3.231 (f) Pleadings was expressly preempted by the California Rules of Court

Rule 3.20. Preemption of local rules

(a) Fields occupied

The Judicial Council has **preempted all local rules relating to pleadings**, demurrers, **ex parte applications**, **motions**, discovery, provisional remedies, and the form and format of papers. No trial court, or any division or branch of a trial court, **may enact or enforce any local rule concerning these fields**. All local rules concerning these fields **are null and void** unless otherwise permitted or required by a statute or a rule in the California Rules of Court.

Quoting from *Woolsey v. Woolsey (In re Marriage of Woolsey)*, (2014) 220 Cal.App.4th 881, 896, 899. (Ex.6 p.236)

The statutory authority was set out for respondent court on the propriety of seeking an in chambers ruling for peremptory issuance, citing and quoting Code Civ. Proc., §§ 1107, 1108, 1087, 1088, 1088.5, 1089, 1089.5, 166. (Ex.6 pp.238-239)

Petitioner is only required to ask a respondent once to engage in the conduct sought to be compelled. Here, Petitioner has twice endeavored to have respondent court issue the peremptory writ. When physically presenting himself to the court to demonstrate the sincerity of the request and to plead for the court’s

protection from criminal acts by a party litigant, Respondent court disregarded Local Rules of Court, Rule 3.3(i) and refused to hear petitioner, grant an audience, nor even consider his papers.

The purpose of a court is to afford a remedy, Code Civ. Proc., § 20. Disregarding the law to allow the delayed compliance while permitting the DOJ to commit crimes upon those invoking the First Amendment right to petition for grievances—is to disregard the law. “A judge has a duty to decide any proceeding in which he or she is not disqualified.” (*Id.*, § 170)

#### **IV. THE DELAY IS UNTENABLE AS IS THE DOJ’S DESIRE TO RECLASSIFY**

The DOJ’s unwarranted desire to reclassify the case is in derogation of law and only serves to delay proper and timely resolution.

“The purpose of [section 7923.500 (former § 6259, subd. (c))] limiting appellate review of the trial court’s order to a petition for extraordinary writ is to prohibit public agencies from delaying the disclosure of public records by appealing a trial court decision and using continuances in order to frustrate the intent of the [PRA].” (*Filarsky, supra*, 28 Cal.4th at pp. 426–427, citing *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1334–1336.)  
*Gascón v. Logan* (2023) 94 Cal.App.5th 352, 367

Following a brief overview on the PRA, the court stated that section 7923.500 was intended “to prohibit public agencies from delaying the disclosure of public records ... .” (*Filarsky, supra*, 28 Cal.4th at p. 426.) Placing no particular emphasis on the term “public records,” the court found that the “legislative objective” behind section 7923.500 “was to expedite the process and make the appellate remedy more effective. [Citation.] Indeed, the [PRA’s] provision regarding a public agency’s obligation to act promptly upon receiving a request for disclosure ..., the provision directing the



trial court in a proceeding under the [PRA] to reach a decision as soon as possible ..., and the provision for expedited appellate review ... all reflect a clear legislative intent that the determination of the obligation to disclose records requested from a public agency be made expeditiously.” (*Filarsky, supra*, 28 Cal.4th at p. 427, citations omitted.) *Id.*, at 368

The conduct by both respondents demonstrates a manifest disregard of statutory and constitutional obligations.

The DOJ’s proffered reclassification as necessary to a proper determination of the merits is absurd.

“An order of the court, either directing disclosure by a public official or supporting the decision of the public official refusing disclosure, is not a final judgment or order **within the meaning of Section 904.1** of the Code of Civil Procedure from which an appeal may be taken, but shall be immediately reviewable by petition **to the appellate court** for the issuance of an extraordinary writ.” (§ 7923.500, subd. (a).) *Id.*, at 366

The above establishes as a matter of law that a PRA proceeding is an unlimited civil classification. The Legislature very easily could have enacted the above while citing Code Civ. Proc., § 904 (“An appeal may be taken in a civil action or proceeding as provided in Sections 904.1, 904.2, 904.3, and 904.5.”)

*Id.*, § 904.2 (“An appeal of a ruling by a superior court judge or other judicial officer **in a limited civil case** is to the **appellate division** of the superior court.”)

*Id.*, § 904.1(a) (“An appeal, **other than in a limited civil case**, is to the *court of appeal*. An appeal, **other than in a limited civil case**, may be taken from any of the following:”)

There is no other reason for the DOJ to only be concerned with reclassifying this case other than to limit the sanction prayed for non-compliance. Because the DOJ has no intention of complying with the writ.

## **V. PETITIONER REACHED FOR THE CONSTITUTION; THE DEPARTMENT OF JUSTICE RESPONDED WITH CRIME**

### **A. THE FIRST AMENDMENT FORBIDS RETALIATION AGAINST PETITIONING GOVERNMENT FOR REDRESS**

The California Constitution guarantees the right to petition the government for redress of grievances, right of access to information that shall be open to public scrutiny, (Cal. Const., art. I, § 3), to the proper functioning of government and the expeditious enforcement of the rights of victims of crime (*id.*, § 28, (a)(2)).

The United States Constitution prescribes “abridging the freedom of speech...; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” (Amend. I)

“The right to petition is ‘among the most precious of the liberties safeguarded by the Bill of Rights.’” (*United Mine Workers v. Illinois Bar Assn.* (1967) 389 U.S. 217, 222.)

Petitioner did exactly what the First Amendment protects: filed a lawsuit to expose state concealment of systemic racial oppression.

In response, the DOJ:

- Deliberately withheld public records,
- Submitted a malware-laced stipulation,
- Engaged in digital sabotage,
- Obstructed judicial review of the claims.

These acts are not just retaliatory. They are an attempt to **weaponize litigation itself** to silence constitutional oversight. The DOJ's conduct strikes at the heart of democracy. The DOJ expects the courts to not only tolerate it, but to endorse it.

“Official reprisal for protected speech ‘offends the Constitution [because] it threatens to inhibit exercise of the protected right,’” (*Hartman v. Moore* (2006) 547 U.S. 250, 256.)

#### **B. VIOLENCE IS THE WRONG REMEDY FOR PEACEABLE PETITIONING**

The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government.

*De Jonge v. Oregon* (1937) 299 U.S. 353, 365.

This case does not involve threats of violence. It involves the very alternative: a peaceful petition to the courts for justice.

And yet that petition was met not with process, but with sabotage. “The quality of advocacy turns on the depth of the conviction; and government has no power to invade that

sanctuary of belief and conscience.” (*Brandenburg v. Ohio*, (1969) 395 U.S. 444, 457 Douglas, J., concurring)

The Department of Justice did not merely withhold records. It retaliated against the man requesting them—by delivering malware, attempting to destroy his computer, obstructing his access to the courts, and concealing systemic civil rights abuses against Black Californians that violate the Thirteenth Amendment.

The First Amendment is not merely “implicated” here. It is being actively violated—**right now**—as this Court deliberates. And the target of that retaliation is not a protestor in the street, but a Petitioner in the courtroom.

This is not abstract. This is present-tense constitutional harm.

The State is using its prosecutorial machinery not to protect rights, but to *crush* the right to expose what it has done.

The First Amendment protects the right to demand justice. The Thirteenth protects the right to be free.

This case now raises both.

In an effort to do violence to due process, the DOJ engaged in cyber violence—with a singular aim: to deter and suppress the man who dared expose their secret.

Violence is not only found in a gunshot. It can be found in the silent deference to tyranny.

We engage in process to prevent rebellion. But the rebellion at stake here is the same one that once tore this nation apart in our greatest eruption of national violence.

The DOJ has no remedy—thus flailing a sword stained with crime and concealment.

Because they cannot best Petitioner’s pen—scribing only a petition for peaceable resolution for equal justice under law.

## **VI. DOMESTIC ENEMIES OF THE CONSTITUTIONS OF THE UNITED STATES AND CALIFORNIA**

Petitioner submitted the November 14<sup>th</sup> response to the Department of Justice under the belief that an agency headed by the State’s chief law officer would be committed to enforcing equal justice under law. Because race-driven prosecutions in California—one at a time—had accumulated into a radical volume, the result violates the Thirteenth Amendment.

Rather than embrace the clear duties imposed by law, by both constitutions, and by simple moral decency—the duty one human owes another to protect liberty from the raptures of slavery—the California DOJ chose to conceal, to lie, and to engage in felonious acts of retaliation against a single man petitioning his government for redress after discovering that 31,000 fellow Californians were being enslaved.

The ends do not justify the means when the ends are the continuation of slavery.

Where in our constitution does it declare that the DOJ decides who is worthy of exclusion from “with liberty and justice for all”?

The DOJ is hiding behind the power of the State while sabotaging their opponent’s means of confronting them—through cybercrimes, concealment, retaliation and continued oppression.

Because Petitioner exposed the DOJ's awareness and complicity in incidents of slavery.

That's not misconduct.

That's not bureaucratic failure.

That's not even just obstruction.

**That is a betrayal of the United States Constitution.**

A direct attack on the right to petition for redress of the oldest, darkest evil this country has ever carried.

The DOJ justifies its concealment of records that prove “very distinct notions of what [African slavery] was, and what were its necessary incidents. ... Severer punishments for crimes were imposed on the slave than on free persons guilty of the same offences.” The DOJ is concealing proof of “the essential distinction between freedom and slavery.” (*Civil Rights Cases*, (1883) 109 U.S. 3, 22)

All of which is occurring at the very moment in history when “California affirm[ed] its role in protecting ... all Black Californians... and affirms its responsibility to end ongoing harm” (Gov. Code § 8301.2(b)) from “slavery and the enduring legacy of ongoing... incidents from which the systemic structures of discrimination have come to exist.” (*Id.*, (a).)

The State, in the contemplation of our theory of constitutional government, can have no interest in asking anything but that which is right; nor can she allow her agents to do so. She is as much interested in protecting the individual citizen, as in protecting the mass. She stands entirely impartial as between the parties, and her only desire is for justice to be done. She can gain nothing by injustice, and lose nothing by justice. The officer sued is not the State, but only her servant; and he is only her servant in so far as he obeys

her laws. If he disobeys the laws, he violates her will; and whether he obeys or disobeys her laws, she has a right to inquire, in the form of a plaintiff, through the proper department. So has every citizen the same right when injured by the illegal acts of the officer, done under color of official right.

*Nougues v. Douglass* (1857) 7 Cal. 65, 74

The DOJ wrongly thinks that it is justified because someone alleged these humans engaged in conduct that violated a statute, while disregarding the totality of circumstances. Because the institution the DOJ is protecting explicitly permitted the rape of women and children, the murder of men, women, and children, the robbery of possessions, and an assault on good morals everywhere.

Why? Because under that institution Blacks are property—mere chattel. Blacks hold no rights—because only humans hold rights. And Blacks are no more human than a pig or a goat—thus possess no more rights than a mere farm animal, “accordingly, the slave’s incapacity to be the subject of civil rights” (*Douglass v. Ritchie* (MO Sup. Ct. 1857) 24 Mo. 177, 180) precludes equal protection under law.

Their mindset—their view of who counts as human—was supposed to be abolished, U.S. const. amend. XIII. Yet the DOJ is actively fighting to ensure it endures. And under Cal. Const. art. XX, § 3, the propagation of such ideals is the definition of a domestic enemy.

Defying their oath to protect emancipation—is treason.

## CONCLUSION

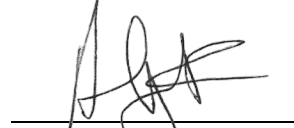
Absent from the Fourteenth Amendment is a qualifying clause secretly consecrating reserved exclusionary power in the DOJ to exclude Blacks from its protection.

The writ lies here in ministerial refusal and facial violations of law—the intolerable retaliatory events and grave constitutional implications make the nature of this petition truly extraordinary.

Not all jurists are capable of standing up to tyranny at this level and that is why this petition is properly before this Court.

The Court should grant the relief as prayed.

Humbly submitted,



Arturo Gutierrez

Petitioner, *in propria persona*

July 7, 2025



## **CERTIFICATE OF COMPLIANCE**

Petitioner hereby certifies that pursuant to Rule 8.204(c)(1) and Rule 8.486(a)(6) of the California Rules of Court, the enclosed brief of Petitioner is produced using 13-point Roman type including footnotes and contains approximately 8,759 words, excluding exempted portions, which is less than the 14,000 total words permitted by the rules of court. Petitioner relies on the word count of the computer program used to prepare this brief.



Arturo Gutierrez  
Petitioner, *in propria persona*

July 7, 2025

## EXHIBIT 22

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

COURT OF APPEAL – SECOND DIST.

FILED

Jul 10, 2025

EVA McCLINTOCK, Clerk

Monica Lamoureux

Deputy Clerk

ARTURO GUTIERREZ,

Petitioner,

v.

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

Respondent;

THE CALIFORNIA DEPARTMENT  
OF JUSTICE,

Real Party in Interest.

B347433

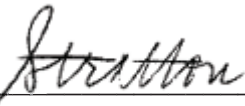
(Super. Ct. No. 25STCV07287)

(Holly J. Fujie, Judge)

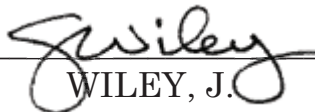
ORDER

We have read and considered the petition for writ of mandate filed on July 7, 2025.

The petition is denied. (See *Los Angeles Gay & Lesbian Center v. Superior Court* (2011) 194 Cal.App.4th 288, 299–300; *Whitney's at the Beach v. Superior Court* (1970) 3 Cal.App.3d 258, 266.)



STRATTON, P. J.



WILEY, J.



VIRAMONTES, J.

## EXHIBIT 23

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012		<b>FILED</b> Superior Court of California County of Los Angeles 03/17/2025
PLAINTIFF: Arturo Gutierrez	David W. Slayton, Executive Officer / Clerk of Court	
DEFENDANT: California Department of Justice	By: <u>T. Gonzalez</u> Deputy	
<b>NOTICE OF CASE MANAGEMENT CONFERENCE</b>		CASE NUMBER: 25STCV07287

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled at the courthouse address shown above on:

Date: 08/01/2025	Time: 8:30 AM	Dept.: 56
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NOTICE TO DEFENDANT: THE SETTING OF THE CASE MANAGEMENT CONFERENCE DOES NOT EXEMPT THE DEFENDANT FROM FILING A RESPONSIVE PLEADING AS REQUIRED BY LAW.

Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions, pursuant to LASC Local Rule 3.37, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code section 68608, subdivision (b), and California Rules of Court, rule 2.2 et seq.

Dated: 03/17/2025



**Holly J. Fujie**

Judicial Officer

**CERTIFICATE OF SERVICE Holly J. Fujie / Judge**

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below:

☒ by depositing in the United States mail at the courthouse in Los Angeles California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.

☐ by personally giving the party notice upon filing of the complaint.

David W. Slayton, Executive Officer / Clerk of Court

Dated: 03/17/2025

By T. Gonzalez

Deputy Clerk

## EXHIBIT 24

**INSTRUCTIONS:** All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties** (*answer one*):
- a. ☒ This statement is submitted by party (*name*): Arturo Gutierrez
- b. ☐ This statement is submitted **jointly** by parties (*names*):
2. **Complaint and cross-complaint** (*to be answered by plaintiffs and cross-complainants only*)
- a. The complaint was filed on (*date*): March 14, 2025
- b. ☐ The cross-complaint, if any, was filed on (*date*):
3. **Service** (*to be answered by plaintiffs and cross-complainants only*)
- a. ☒ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
- b. ☐ The following parties named in the complaint or cross-complaint
- (1) ☐ have not been served (*specify names and explain why not*):
- (2) ☐ have been served but have not appeared and have not been dismissed (*specify names*):
- (3) ☐ have had a default entered against them (*specify names*):
- c. ☐ The following additional parties may be added (*specify names, nature of involvement in case, and date by which they may be served*):
4. **Description of case**
- a. Type of case in ☒ complaint ☐ cross-complaint (*Describe, including causes of action*):
- Public Records Act violation

PLAINTIFF/PETITIONER: Arturo Gutierrez	CASE NUMBER:
DEFENDANT/RESPONDENT: Department of Justice	25STCV07287

4. b. Provide a brief statement of the case, including any damages *(if personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings; if equitable relief is sought, describe the nature of the relief)*:

Failure to issue denial letter as required by law, failed to provide public records as required by law, failed to file a verified answer as required by law

☐ *(If more space is needed, check this box and attach a page designated as Attachment 4b.)*

5. **Jury or nonjury trial**

The party or parties request ☐ a jury trial ☒ a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

a. ☐ The trial has been set for *(date)*:

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*:

c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*

a. ☐ days *(specify number)*:

b. ☒ hours (short causes) *(specify)*: 2 hours for the court to read the petition as respondent has failed to contest

8. **Trial representation** *(to be answered for each party)*

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. Email address:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☒ This case is entitled to preference *(specify code section)*: Gov. Code § 7923.005

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 of the California Rules of Court for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☐ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☒ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation** (if available).

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☒ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption)*:  
3.811(b)(1)



PLAINTIFF/PETITIONER: Arturo Gutierrez DEFENDANT/RESPONDENT: Department of Justice	CASE NUMBER: 25STCV07287
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10. c. In the table below, indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form <b>are willing</b> to participate in the following ADR processes ( <i>check all that apply</i> ):	If the party or parties completing this form in the case <b>have agreed</b> to participate in or have already completed an ADR process or processes, indicate the status of the processes ( <i>attach a copy of the parties' ADR stipulation</i> ):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other ( <i>specify</i> ):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

PLAINTIFF/PETITIONER: Arturo Gutierrez DEFENDANT/RESPONDENT: Department of Justice	CASE NUMBER: 25STCV07287
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**11. Insurance**

- a. ☐ Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (*explain*):

**12. Jurisdiction**

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☒ Other (*specify*): Petition Writ Mandate filed with Court of Appeal due to failure to abide GC § 7923.000  
Status: Pending B347433

**13. Related cases, consolidation, and coordination**

- a. ☒ There are companion, underlying, or related cases.
- (1) Name of case: Arturo Gutierrez vs. California Department of Justice and Superior Court of Los Angeles
- (2) Name of court: Second District
- (3) Case number: B347433
- (4) Status: Filed
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

**14. Bifurcation**

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

**15. Other motions**

- ☐ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):

**16. Discovery**

- a. ☐ The party or parties have completed all discovery.
- b. ☐ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
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- c. ☒ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):  
The DOJ has refused to provide public records without any lawful justification.

PLAINTIFF/PETITIONER: Arturo Gutierrez  
 DEFENDANT/RESPONDENT: Department of Justice

CASE NUMBER:  
 25STCV07287

### 17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$35,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed *(if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case)*:

### 18. Other issues

- ☒ The party or parties request that the following additional matters be considered or determined at the case management conference *(specify)*:  
 Motion for sanctions (see attached) the court refused to consider while permitting the DOJ to engage in litigation sabotage by infecting Petitioner's computer with malware and spyware and the DOJ did not deny it.

### 19. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court *(if not, explain)*:  
 The Department of Justice was reminded of its legal obligation to comply with the Public Records Act—Petitioner offered compliance as the resolution. DOJ disregarded this, instead continuing its improper attempt to reclassify the case and escalating misconduct by embedding malware directly within the email body. Further discussion is both futile and unwarranted under Article I, Section 28 of the California Constitution.
- b. ☒ After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following *(specify)*:  
 The Department of Justice has shown a disregard for reasoned conversation, and efforts to resolve this matter informally have proven futile.

20. Total number of pages attached *(if any)*: 17

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: July 14, 2025

Arturo Gutierrez

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)



(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

Arturo Gutierrez  
226 West Ojai Ave.  
Suite 101 PMB 547  
Ojai, CA 93023  
(805) 669-0226  
teamleader@survivinginjustice.org

Petitioner *in propria persona*

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF LOS ANGELES  
STANLEY MOSK COURTHOUSE

Case No. 25STCV07287

ARTURO GUTIERREZ

*Petitioner,*

vs.

CALIFORNIA DEPARTMENT OF JUSTICE

*Respondent.*

**NOTICE OF PETITIONER'S  
MOTION FOR SANCTIONS BASED  
ON CRIMINAL MISCONDUCT,  
INVASION OF PRIVACY, AND  
VIOLATION OF CONSTITUTIONAL  
AND ETHICAL DUTIES;  
MEMORANDUM; DECLARATIONS  
ISO AND NOTICE; EXHIBITS;  
PROOF OF SERVICE**

Date: Jun. 25, 2025

Time: 8:30AM

Department: 56

Hon. Holly J. Fujie, Judge

TO THE CLERK OF THE SUPERIOR COURT OF LOS ANGELES COUNTY AND TO  
RESPONDENT THE CALIFORNIA DEPARTMENT OF JUSTICE, PLEASE TAKE NOTICE:

**NOTICE OF PETITIONER'S MOTION FOR SANCTIONS BASED ON CRIMINAL  
MISCONDUCT, INVASION OF PRIVACY, AND VIOLATION OF CONSTITUTIONAL  
AND ETHICAL DUTIES**

Petitioner, Arturo Gutierrez, appearing in propria persona, hereby gives notice that at the  
above stated date and time or as soon as the matter may be heard in the above Department 56,  
Petitioner will move the court to issue sanctions against Respondent the California Department of  
Justice seek costs of necessary expenses that are only partially known at this time, in the amount  
of \$2,500 and as may be ascertained soon hereafter based on egregious misconduct by implanting  
malicious code into petitioner's computer with the aim of spying on an opponent and disrupting


1 the orderly administration of justice, authorized by the Court's inherent powers, Rule of Court,  
2 Rule 2.30(c) and various statutory and constitutional provisions.

3 This noticed motion was brought as reasonably soon as possible given the nature of the  
4 offending act and the difficulty in locating the malicious code, which was accomplished June 24,  
5 2025 at 12:34PM. This notice and motion is supported by the memorandum, declaration of Arturo  
6 Gutierrez, exhibits and any argument or papers on file.

7 The Code of Civil Procedure and the Rules of Court do not cover situations as egregious  
8 as this, making it necessary to call on the Court's inherent authority to deter and remedy  
9 litigation abuse, misconduct, and criminal interference with a party's ability to meaningfully  
10 participate in legal proceedings.

11 Wherefore, it is prayed the court protect Petitioner and grant the relief as prayed.

12 Respectfully submitted,

13  
14  
15 6/24/25   
16 \_\_\_\_\_  
17 Arturo Gutierrez

1 **MEMORANDUM OF LAW**

2 Due to the nature of these events, Petitioner has been working as diligently as possible to  
3 bring the motion and simultaneously prepare for this hearing while protecting himself from  
4 criminal acts caused by the Department of Justice.

5 **FACTS IN SUPPORT**

6 The full facts in support explaining the harm is set out in the Declaration of Arturo  
7 Gutierrez as attached hereto and are incorporated by reference as if fully set forth herein.

8 Respondent intentionally transmitted malicious spy code to engage in digital surveillance  
9 via a purported stipulation in what appeared to be a Word document, breaching the criminal laws,  
10 violating Petitioner's privacy, and causing significant disruption to Petitioner's ability to litigate.

11 The evidence shows embedded code was within the payload and was both concealed and  
12 timed to activate post-delivery, consistent with spyware, resulting in multiple uploads due to live  
13 spying through this malicious code.

14 Respondent subsequently defended this misconduct by declaring it did not attempt to send  
15 malicious code. Which is true, attempt is the failure to complete a crime. Respondent successfully  
16 sent malicious code, a fact it does not deny.

17 "The Department did not and has not ***attempted to send*** Petitioner malware."

18 Respondent noted it had advanced notice "In the application, Petitioner alleged that our  
19 office ***attempted to send*** him malware through transmission of the stipulation for reclassification."

20 Petitioner is not alleging that Respondent tried to commit a crime. Rather, he has proven  
21 that they *did*.

22 "And even if Petitioner's system **were infected with malware**, it is not clear how an  
23 expedited briefing and hearing schedule—for a motion with no scheduled hearing date—would  
24 ***prevent*** any alleged ***irreparable*** harm."

25 **DISCUSSION**

26 Cal. Const. art. I § 28

27 (a) The People of the State of California find and declare all of the following:

28 (1) Criminal activity has a serious impact on the citizens of California. **The rights of victims**  
29 **of crime ... are a subject of grave statewide concern.**

30 (2) California's victims of crime are **largely dependent** upon the ***proper*** functioning of  
31 government, ....upon the **expeditious** enforcement of the rights of victims of crime ...to  
32 secure justice when the public safety has been compromised by criminal activity.

1 Not being a constant victim of crime in one's own home through violating the Fourth  
2 Amendment is worthy of prevention. Respondent has shown a particular degree of callousness and  
3 flippant concern for their litigation tactics.

4 Notice and safe harbor sanctions have their place, but here that only further serves to reward  
5 respondent for their criminal acts by depriving their opponent of a means to litigate without the  
6 opponent knowing every step in advance.

7 The website url used to serve Respondent's papers was inspected and the results advised:  
8 "Last-Modified: Sun, 22 Jun 2025 17:13:38 GMT" for Petitioner's motion served June 23, 2025.  
9 See Exhibit 2 of the Declaration.

### 10 Legal Authority

11 If the Court will observe the general sanctions statutes CCP § 128.5 (frivolous) & § 128.7  
12 (truth of allegations and denials), they do not address this level of harm, spying in violation of the  
13 Fourth Amendment and violating criminal law and then displaying a disregard for the harm.

14 Rule 2.30(c) permits a court on its own motion to issue sanctions provided notice and  
15 opportunity to be heard, "not intended to be limited to compensatory sanctions but instead was  
16 contemplated to authorize punitive sanctions as well.... it is not unreasonable to give the courts  
17 additional discretionary authority to deter misconduct" (*In re Woodham* (2001) 95 Cal.App.4th  
18 438, 444.)

19 The California Supreme Court and Court of Appeal have long affirmed the judiciary's  
20 inherent power to punish and deter misconduct that undermines the judicial process. See e.g.,  
21 *Stephen Slesinger, Inc. v. Walt Disney Co.* (2007) 155 Cal.App.4th 736<sup>1</sup> sanction of dismissal for  
22 spying.

23 *2,022 Ranch, LLC v. Superior Court* (2004) 113 Cal.App.4th 1377, 1387 [litigants entitled  
24 to prepare with privacy "free from unnecessary intrusion by opposing parties"].) Allowing "work  
25 with a certain degree of privacy, free from unnecessary intrusion by opposing parties and their  
26 counsel." (*Hickman v. Taylor* (1947) 329 U.S. 495, 510)

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<sup>1</sup> (Disapproved as to limiting attorney fees at p. 764, fn. 19 in *City of Los Angeles v. PricewaterhouseCoopers, LLP* (2024) 17 Cal.5th 46, 73, fn. 5.)

1 Punitive sanctions are appropriate where, as here, there is direct evidence of oppression  
2 and malice through egregious behavior designed to gain an unfair advantage through deception  
3 and technological intrusion.

4 ““One of the powers which has always been recognized as inherent in courts, which are  
5 protected in their existence, their powers and jurisdiction by constitutional provisions, has  
6 been the right to control its order of business and to so conduct the same that *the rights of*  
7 *all suitors before them may be safeguarded*. This power has been recognized as judicial in  
8 its nature, and as being a necessary appendage to a court organized to enforce rights and  
9 redress wrongs.” (Lorraine v. McComb (1934) 220 Cal. 753, 756, quoting Ringlander v.  
10 Star Co. (1904) 98 A.D. 101, 104, italics added.)  
11 People v. Castello (1998) 65 Cal. App. 4th 1242, 1248

12 What is to be the future of litigation, when “the chief law officer of the State” (Cal.  
13 Const. art. V § 13) sets an example such as use of spyware or unauthorized access to a litigant’s  
14 private system during litigation if courts do not recognized that this is among the most egregious  
15 forms of litigation misconduct.

16 Petitioner respectfully prays the Court issue sanctions as follows:

- 17 • An order imposing punitive sanctions under Rule 2.30(c) and the Court’s inherent  
18 authority.
- 19 • An award of expenses and costs incurred due to the need to investigate, isolate, and  
20 neutralize Respondent’s embedded surveillance code and obtain a new computer as the  
21 device has been totally compromised.
- 22 • To order Respondent to pay for forensic examination.
- 23 • Referral of Respondent’s counsel to the California State Bar for violation of Business and  
24 Professions Code sections 6068(d) and 6068(o).
- 25 • An order requiring full disclosure of any digital tracking or malware code embedded in  
26 prior or future filings by Respondent.
- 27 • All of these prayers and more are set out in detail in the proposed order and are materially  
28 incorporated by reference.

29 Again, Petitioner apologizes for the poor draftsmanship of this motion, but Petitioner has  
30 made the most of the very little time available to be able to bring the truth to the court’s attention  
31 and submit this prayer for relief.  
32

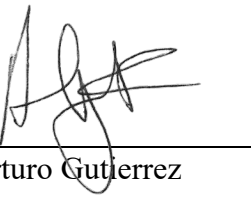


1  
2  
3  
4  
5  
6

*It is so prayed.*

6/24/25

Arturo Gutierrez

A handwritten signature in black ink, appearing to read 'Arturo Gutierrez', is written over a horizontal line. The signature is stylized with a large 'A' and a long horizontal stroke.

**DECLARATION OF ARTURO GUTIERREZ IN SUPPORT OF SANCTIONS**

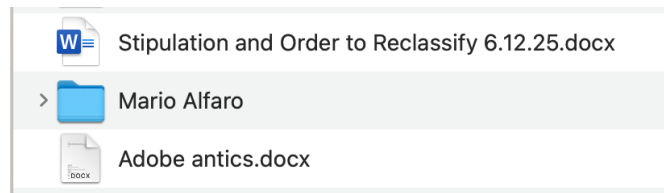
I, Arturo Gutierrez, declare:

I am the named Petitioner in this case and am over the age of 18 years. I submit this declaration in support of my motion for sanctions for egregious misconduct by a party opponent. I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently thereto.

1. On June 24, 2025, Petitioner engaged in an over 10 hour hunt to isolate the weaponized code unlawfully transmitted into his computer by Respondent, the California Department of Justice on or about June 14, 2025.

2. Respondent submitted a frivolous stipulation in what appeared to be a Word document. Once opened the malicious code was unleashed inside of Petitioner's computer.

3. Upon opening the purported Word document a payload was activated on my hard drive. Which was unknown to me at the start. I soon noted the documents odd appearance compared to other Word documents in my computer.



4. I conducted basic checks and discovered usual meta data was absent. And that the document noted 9 edits since I opened it and closed it without making a change.

5. I isolated the document and conducted further analysis. I observed that the document triggered multiple duplicate edit events and metadata anomalies despite no input from me. I preserved the file and secured it offline for later controlled forensic review.

6. I then sent an email on June 17, 2025 to the DOJ asking for its superior authority as its basis to declare the laws provided were errant. The DOJ responded with a new and different Word document.

7. To preclude deployment of the second payload, the raw email and attachment was inspected in a sandbox (secure environment designed to isolate). Upon inspection and analyzing the internal structure of this newly sent file, anomalies were detected—including differences in the core XML structure, particularly in document.xml.

1 8. It became evident that the document contained behavior consistent with a tampered  
2 payload after attempting to extract it using standard Python ZIP archive tools (via  
3 zipfile.ZipFile().read('word/document.xml')). The tool returned: "KeyError: "There is no item  
4 named 'word/document.xml' in the archive""

5 9. To confirm the same malicious structure was present in the previously opened document,  
6 stored externally, an attempt to upload it for evaluation triggered file system security protocols  
7 and the document was rejected. In short, the version stored in the USB drive was actively toxic.

8 10. The raw unopened version in the email was then sandboxed and the same evaluation  
9 yielded the same: "KeyError: "There is no item named 'word/document.xml' in the archive""

10 11. A Word doc should never open cleanly without that file. That the first one did confirms a  
11 high-level concealment method. Combined with after the fact opened version triggering firewalls  
12 and the result is undeniable.

13 12. Following this discovery, I executed a full digital hygiene protocol: the files were  
14 sandboxed, macros scanned, variables extracted (none found), and the document was then  
15 zipped, uploaded to an external drive and securely erased using terminal commands under  
16 isolated conditions on the hard drive.

17 13. In the early morning hours on June 24, 2025, I observed that Gmail had reported two  
18 devices logged in to my computer. (Exhibit 1)

19 14. A very long and technical process of isolating access points and programs that were being  
20 initiated by a foreign program thus began.

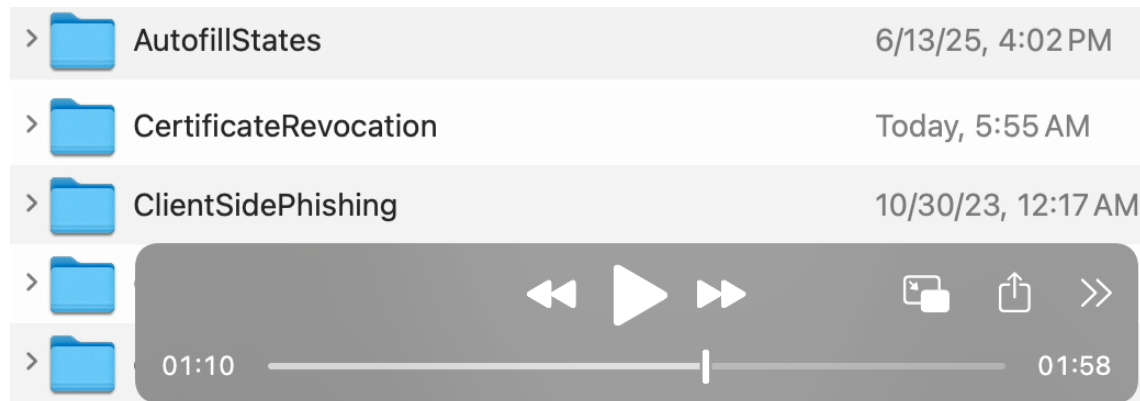
21 15. After ascertaining the path being used by the program through use of the Terminal  
22 application, a beacon was identified as well as manipulation and destruction of file folders in the  
23 computer. Classic covering of tracks by a program wanting to communicate to the outside world  
24 through use of the Chrome web browser.

25 17. While monitoring files that were being manipulated and through reading endless streams  
26 of code, an anomaly was observed regarding a vital file containing passkeys that was being  
27 recreated at a frequent rate. This is highly unusual behavior.

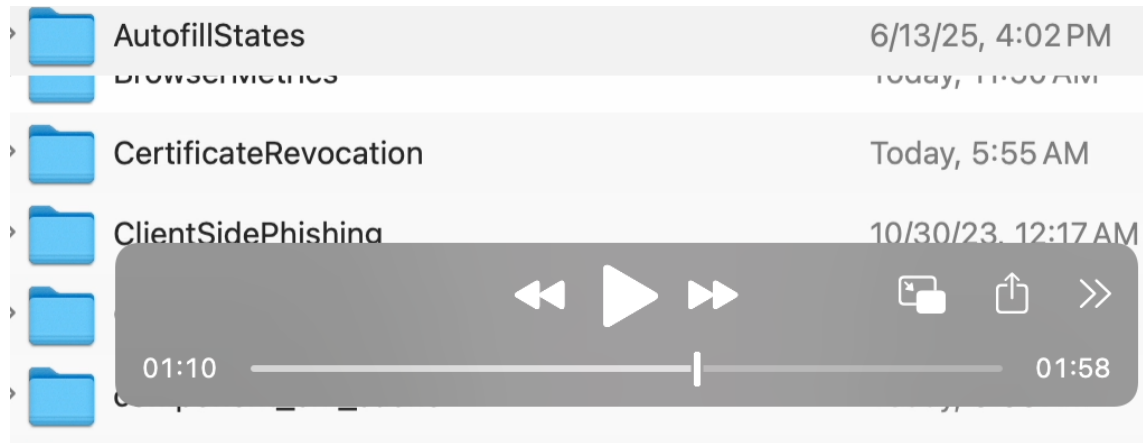
28 18. A trap was set for the program by monitoring access to the enclosing file. Then that  
29 passkey file was manipulated causing an alert in the program. While honing further and  
30 powering down the computer, it was observed a file was appearing and disappearing over a  
31 period of about two seconds when Chrome was launched.

19. Through video capture of the screen, the act of appearing and disappearing, the identity of the time window and name and location became known.

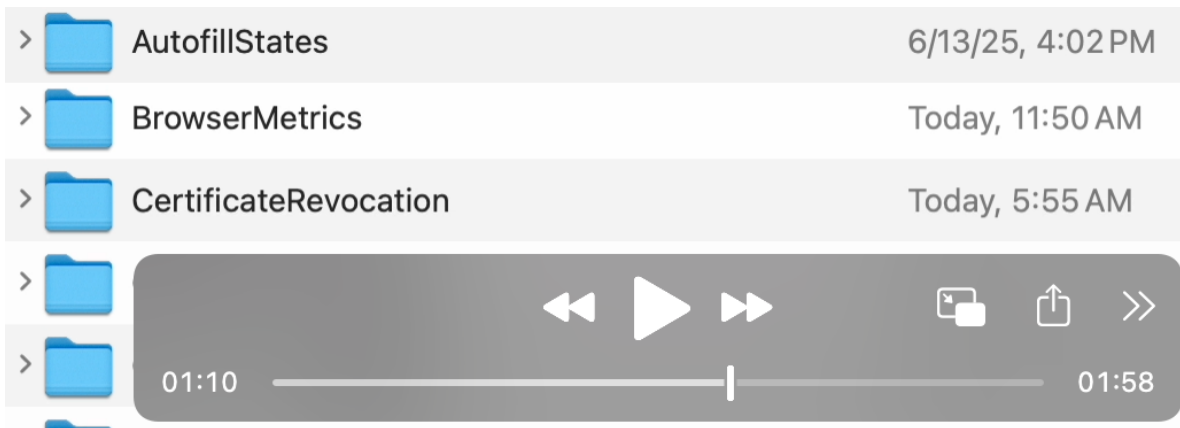
20. Note the time on the video slider as the images progress.



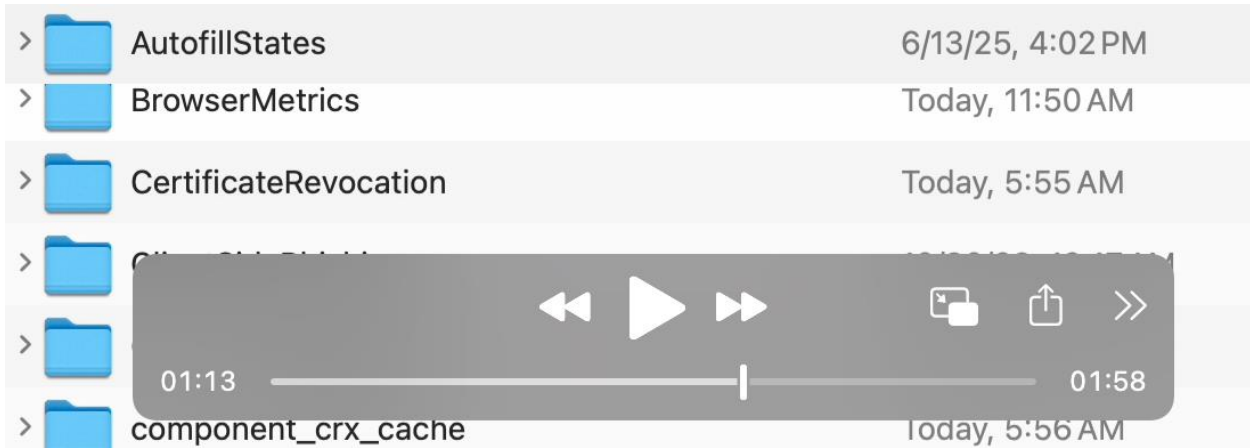
21. It is now beginning to appear.



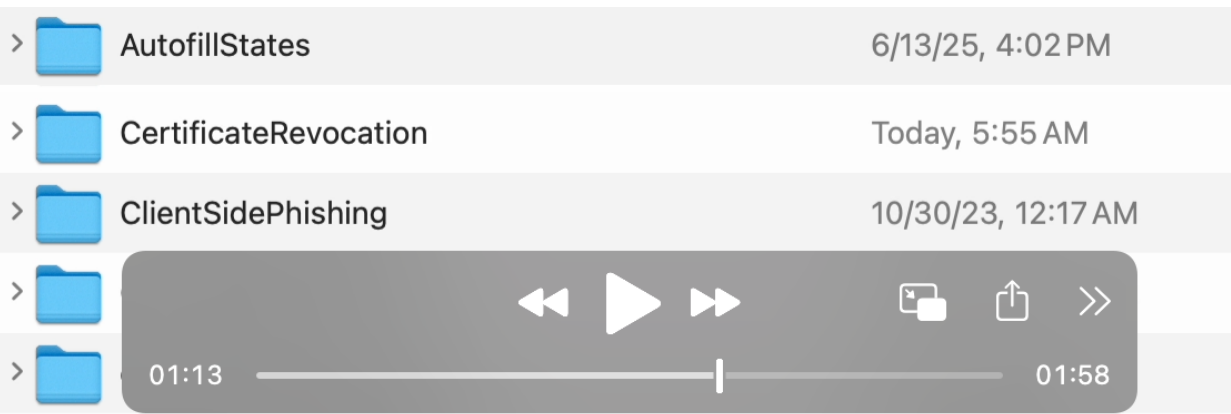
22. Note the time, 1:10 on the counter.



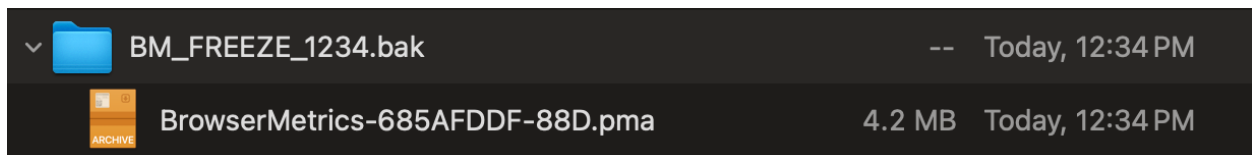
23. Now it is disappearing again.



24. Until finally gone.

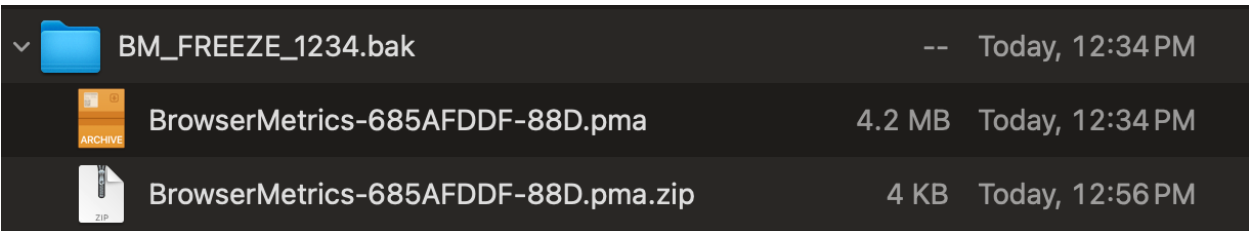


25. A capture command was prepared in Terminal to execute within that two second window. Chrome was then launched and the command was executed in time. The program was capture at 12:34PM, 6/24/25. BrowserMetrics-685AFDDF-88D.pma



26. This 4MB file was creating and erasing every time Chrome was launched. This was a terrible waste of CPU and not normal. The file was the compressed which scrambles its interior makeup and revealing its true nature and components.

27. The beast that is its code was thus revealed.



28. As a rule of thumb: 1 kilobyte (KB)  $\approx$  1,000 bytes. A plain text file averages about 1 byte per character, so: 4KB  $\approx$  4,000 characters. With an average English word being about 5 characters, equaling about 800 words.

29. I stopped short of opening the file—not because I could not—but because I refused to risk further infection. Once I identified the threat vector, it would have been reckless to continue without containment.

30. That is above my skill sets and it is necessary for a proper forensic review of the item.

31. I am now not able to confidently work on my computer knowing that it is being spied on by the Department of Justice in violation of the Fourth Amendment and several penal provisions.

32. The cost of my MacBook Pro M1 Silicon Chip 16” 4K retina display with 1TB drive was over \$2,500.

33. As part of the over two hour process of opening the documents served on me by Respondent on June 24, 2025, to ensure that additional malicious code was not being sent to me, I ran one of many Terminal commands to identify the source url as malicious or not, the results are set out in Exhibit 2. Showing that Respondent was preparing with foreknowledge of my application before it was formally filed, consistent with a designed spyware for preemptive surveillance.

34. The screencaps of images and the exhibits in support are true and correct depictions of real time observations and are what they are claimed to be.

//

//

//

1 I declare the above is true and accurate under penalty of perjury under the laws of the state  
2 of California.

3  
4 6/24/25

5 Arturo Gutierrez  
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# EXHIBIT 1



## Activity on this account

This feature provides information about the last activity on this mail account and any concurrent activity. [Learn more](#)

This account is open in one other location.

(Location may refer to a different session on the same computer.)

### Concurrent session information:

<b>Access Type</b> [ ? ] (Browser, mobile, etc.)	<b>Location (IP address)</b> [ ? ]
Authorized Application	United States (CA) (2603:8000:fe07:b6d2:e5c7:5bb7:adc2:6477)

Visit [Security Checkup](#) for more details

### Recent activity:

<b>Access Type</b> [ ? ] (Browser, mobile, POP3, etc.)	<b>Location (IP address)</b> [ ? ]	<b>Date/Time</b> (Displayed in your time zone)
Authorized Application () <a href="#">Hide details</a>	United States (CA) (2603:8000:fe07:b6d2:e5c7:5bb7:adc2:6477)	3:39 am (0 minutes ago)
Browser (Chrome) <a href="#">Hide details</a> "Mozilla/5.0 (Macintosh; Intel Mac OS X 10_15_7) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/137.0.0.0 Safari/537.36,gzip(gfe),gzip(gfe)"	* United States (CA) (2603:8000:fe07:b6d2:e5c7:5bb7:adc2:6477)	3:39 am (0 minutes ago)
Browser	United States (CA) (76.90.38.60)	3:13 am (26 minutes ago)
Browser	United States (CA) (2603:8000:fe07:b6d2:2849:999e:dd3c:5016)	3:11 am (29 minutes ago)
Browser	United States (CA) (2603:8000:fe07:b6d2:2849:999e:dd3c:5016)	3:11 am (29 minutes ago)
Browser (Chrome) <a href="#">Hide details</a> "Mozilla/5.0 (Macintosh; Intel Mac OS X 10_15_7) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/137.0.0.0 Safari/537.36,gzip(gfe),gzip(gfe)"	* United States (CA) (2603:8000:fe07:b6d2:e5c7:5bb7:adc2:6477)	2:52 am (47 minutes ago)
Browser	United States (CA) (2603:8000:fe07:b6d2:2849:999e:dd3c:5016)	2:51 am (48 minutes ago)
Authorized Application (532713016892-ev29m8tv9gejefcvvv1o3coj5bhkc1ar.apps.googleusercontent.com) <a href="#">Hide details</a> OAuth Domain Name: 532713016892-ev29m8tv9gejefcvvv1o3coj5bhkc1ar.apps.googleusercontent.com <a href="#">Manage Account Access</a>	United States (CA) (2603:8000:fe07:b6d2:2849:999e:dd3c:5016)	2:51 am (49 minutes ago)

Browser (Chrome) <a href="#">Hide details</a> <i>"Mozilla/5.0 (Macintosh; Intel Mac OS X 10_15_7) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/137.0.0.0 Safari/537.36,gzip(gfe),gzip(gfe)"</i>	* United States (CA) (2603:8000:fe07:b6d2:e5c7:5bb7:adc2:6477)	2:14 am (1 hour ago)
Browser (Chrome) <a href="#">Hide details</a> <i>"Mozilla/5.0 (Macintosh; Intel Mac OS X 10_15_7) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/137.0.0.0 Safari/537.36,gzip(gfe),gzip(gfe)"</i>	* United States (CA) (2603:8000:fe07:b6d2:e5c7:5bb7:adc2:6477)	1:34 am (2 hours ago)

\* indicates activity from the current session.

This computer is using IP address 2603:8000:fe07:b6d2:e5c7:5bb7:adc2:6477. (United States (CA))

## EXHIBIT 2

```
Last login: Tue Jun 24 12:35:17 on ttys001
soapyart@Soapyarts-MBP ~ % curl -I "https://efile.acelegal.com/ca/
#guest_ViewEnhancedService;id=4KZ9VK2-F6DWL5Z"
```

```
HTTP/1.1 200 200
Date: Tue, 24 Jun 2025 23:22:38 GMT
Server: Apache/2.4.58 (Ubuntu)
Strict-Transport-Security: max-age=31536000
Accept-Ranges: bytes
ETag: W/"2052-1750612418000"
Last-Modified: Sun, 22 Jun 2025 17:13:38 GMT
Content-Type: text/html
Cache-Control: max-age=0
Expires: Tue, 24 Jun 2025 23:22:38 GMT
```

```
soapyart@Soapyarts-MBP ~ %
```

1 Arturo Gutierrez  
2 226 West Ojai Ave.  
3 Suite 101 PMB 547  
4 Ojai, CA 93023  
5 (805) 669-0226  
6 teamleader@survivinginjustice.org

7 Petitioner *in propria persona*

8 SUPERIOR COURT OF CALIFORNIA,  
9 COUNTY OF LOS ANGELES  
10 STANLEY MOSK COURTHOUSE

ARTURO GUTIERREZ

*Petitioner,*

vs.

CALIFORNIA DEPARTMENT OF JUSTICE

*Respondent.*

Case No. 25STCV07287

**PROOF OF SERVICE  
MOTION FOR SANCTIONS;  
EXHIBITS; AND  
PROPOSED ORDER**

Date: Jun. 25, 2025  
Time: 8:30AM  
Department: 56  
Hon. Holly J. Fujie, Judge

11  
12 //  
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14 //

1 **PROOF OF SERVICE**

2 1. I, Edward Lasseville, am over the age of 18 years and am not party to this cause. I am a  
3 resident of or employed in the county where the service occurred.

4 a. My business address is:

5 b. 6040 Sante Fe Avenue Huntington Park, CA 90255

6 c. Lasseville@yahoo.com

7 2. I served the following documents:

**NOTICE OF PETITIONER'S MOTION FOR SANCTIONS BASED ON CRIMINAL MISCONDUCT, INVASION OF PRIVACY, AND VIOLATION OF CONSTITUTIONAL AND ETHICAL DUTIES; MEMORANDUM; DECLARATIONS ISO AND NOTICE; EXHIBITS; and PROPOSED ORDER**

8 3. The manner of service per party served is indicated next to each party name below by either:

9 a. **Email:** Attaching an electronic version of the document(s) in 2, to an email using the email  
10 address(es) listed next to each party's name and causing them to be sent electronically.

11 b. **Postal:** Enclosing a copy of the document(s) in 2 in an envelope, addressed to the party as  
12 shown next to each name and depositing the sealed envelope with the U.S. Postal Service,  
13 postage fully prepaid.

14 c. **Electronic Service:** "a party may effectuate service not only by the electronic transmission  
15 of a document, but also by providing electronic notification of where a document served  
16 electronically may be located and downloaded." (Rule of Court 2.250 Advisory Committee  
17 Comment citing Code Civ. Proc. § 1010.6)

18 4. I served the documents in 2 on the following persons in the manner indicated below:

19 **The manner in 3.a.**

20 **Respondent:** The Department of Justice of California  
21 2550 Mariposa Mall Ste 5090  
22 Fresno, CA 93720  
23 (559) 705-2356  
24 kelsey.kook@doj.ca.gov

25 On 6/25/25, from Los Angeles County, I caused the documents in 2 to be served in the  
26 manner described in 3, identified as to the persons and their listed addresses stated in 4.

27 I declare under penalty of perjury under the laws of the State of California the above is true  
28 and correct.

29 June 25, 2025



30 Edward Lasseville

## EXHIBIT 25

1. **Party or parties** (answer one):
  - a. ☒ This statement is submitted by party (name): Respondent California Department of Justice
  - b. ☐ This statement is submitted **jointly** by parties (names):
2. **Complaint and cross-complaint** (to be answered by plaintiffs and cross-complainants only)
  - a. The complaint was filed on (date): March 14, 2025
  - b. ☐ The cross-complaint, if any, was filed on (date):
3. **Service** (to be answered by plaintiffs and cross-complainants only)
  - a. ☐ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
  - b. ☐ The following parties named in the complaint or cross-complaint
    - (1) ☐ have not been served (specify names and explain why not):
    - (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
    - (3) ☐ have had a default entered against them (specify names):
  - c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):

- a. Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):  
Petition for Writ of Mandate under the Public Records Act ("PRA;" Gov. Code, § 7920.000 et seq.)



PLAINTIFF/PETITIONER: Arturo Gutierrez  
 DEFENDANT/RESPONDENT: Department of Justice

25STCV07287

4. b. Provide a brief statement of the case, including any damages (*if personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings; if equitable relief is sought, describe the nature of the relief*):

Petitioner filed Petition for Writ of Mandamus and Statutory Mandate challenging the Department's withholding of records pursuant to the PRA. Respondent sent a response letter to the PRA request on 4/9/25 and filed the Answer on 4/11/25.

Respondent has filed a Motion to Reclassify this case to a Writ Department. A hearing is set for 1/22/26 on this Motion.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request ☐ a jury trial ☒ a nonjury trial. (*If more than one party, provide the name of each party requesting a jury trial*):

6. **Trial date**

a. ☐ The trial has been set for (date):

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (*if not, explain*):

Pursuant to Respondent's motion, this matter should be reclassified to the Writ Department.

c. Dates on which parties or attorneys will not be available for trial (*specify dates and explain reasons for unavailability*):

N/A

7. **Estimated length of trial**

The party or parties estimate that the trial will take (*check one*)

a. ☐ days (*specify number*):

b. ☒ hours (short causes) (*specify*): No trial is necessary. Writ hearing would last 2 hours max.

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. Email address:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference (*specify code section*):

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 of the California Rules of Court for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation** (if available).

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☒ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (*specify exemption*):

CRC 3.811(b)(1) - Prayer for equitable relief

PLAINTIFF/PETITIONER: Arturo Gutierrez  
 DEFENDANT/RESPONDENT: Department of Justice

CASE NUMBER: 25STCV07287

10. c. In the table below, indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form <b>are willing</b> to participate in the following ADR processes ( <i>check all that apply</i> ):	If the party or parties completing this form in the case <b>have agreed</b> to participate in or have already completed an ADR process or processes, indicate the status of the processes ( <i>attach a copy of the parties' ADR stipulation</i> ):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other ( <i>specify</i> ):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

PLAINTIFF/PETITIONER: Arturo Gutierrez  
 DEFENDANT/RESPONDENT: Department of Justice

CASE NUMBER: 25STCV07287

### 11. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (*explain*):

### 12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☒ Other (*specify*): Respondent's Motion to Reclassify filed July 9, 2025  
 Status: Set for Hearing January 22, 2026

### 13. Related cases, consolidation, and coordination

- a. ☒ There are companion, underlying, or related cases.
- (1) Name of case: Arturo Gutierrez vs. California Department of Justice and Superior Court of Los Angeles
- (2) Name of court: Second District
- (3) Case number: B347433
- (4) Status: Second District issued Denial of Writ 7/10/25
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

### 14. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

### 15. Other motions

- ☒ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):  
 Motion to Reclassify filed 7/9/25, hearing set for 1/22/26

### 16. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☐ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Respondent	Respondent does not anticipate issuing any discovery.	

- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

PLAINTIFF/PETITIONER: Arturo Gutierrez	CASE NUMBER: 25STCV07287
DEFENDANT/RESPONDENT: Department of Justice	

**17. Economic litigation**

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$35,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed *(if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case)*:

**18. Other issues**

- ☒ The party or parties request that the following additional matters be considered or determined at the case management conference *(specify)*:
- As noted above, Respondent has filed a motion to reclassify this matter to the Writ Department under Code of Civil Procedure section 403.040. The motion is currently scheduled for hearing on Jan. 22, 2026. Respondent requests that the Court stay this matter until ruling on whether this matter should be reclassified, either pursuant to Respondent's motion or upon the Court's own motion.

**19. Meet and confer**

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court *(if not, explain)*:
- b. ☒ After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following *(specify)*:
- The parties were unable to reach agreement on any issues within this matter.

20. Total number of pages attached *(if any)*: 0

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: 07/14/2025

Kelsey Kook, Deputy Attorney General

(TYPE OR PRINT NAME)



Kelsey Kook

(SIGNATURE OF PARTY OR ATTORNEY)



(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

**DECLARATION OF SERVICE BY E-MAIL and U.S. MAIL**

Case Name: **Gutierrez v. DOJ**

No.: **25STCV07287**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. My business address is: 2550 Mariposa Mall, Room 5090, Fresno, CA 93721-2271. My electronic service address is Febe.Gonzalez@doj.ca.gov. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On July 14, 2025, I served the attached **CASE MANAGEMENT STATEMENT** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Arturo Gutierrez  
226 West Ojai Ave.  
Suite 101, PMB 547  
Ojai, CA 93023

**E-mail Address:**

[teamleader@survivinginjustice.org](mailto:teamleader@survivinginjustice.org)

***In Pro Per***

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on July 14, 2025, at Fresno, California.

\_\_\_\_\_  
F. Gonzalez

Declarant

\_\_\_\_\_  
/s/ **F. Gonzalez**

Signature

SA2025601096  
95640867

## EXHIBIT 26

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 56

**25STCV07287**

**ARTURO GUTIERREZ vs CALIFORNIA DEPARTMENT OF  
JUSTICE**

July 28, 2025

1:10 PM

Judge: Honorable Holly J. Fujie  
Judicial Assistant: Oscar R. Chavez  
Courtroom Assistant: None

CSR: None  
ERM: None  
Deputy Sheriff: None

---

**APPEARANCES:**

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

---

**NATURE OF PROCEEDINGS:** Court Order

The court sets a trial date.

Any party requesting a jury trial is to post the fees by August 20, 2025.

The court sets a trial date.

Non-Appearance Case Review re: Jury Fee Deposit is scheduled for 08/28/2025 at 10:30 AM in Department 56 at Stanley Mosk Courthouse.

On the Court's own motion, the Case Management Conference scheduled for 08/01/2025 is advanced to this date and vacated.

Final Status Conference is scheduled for 10/13/2026 at 08:30 AM in Department 56 at Stanley Mosk Courthouse.

The Court orders counsel to prepare a joint exhibit list (with stipulations or objections noted as to each exhibit), and a joint witness list (with time estimates for each side and totals). The parties are ordered to comply with Department 56 Local Rules.

All counsel are to personally appear for the Final Status Conference hearing.

The trial and exhibit binders are to be submitted directly to Department 56 by October 12, 2026.

Non-Jury Trial is scheduled for 10/26/2026 at 09:30 AM in Department 56 at Stanley Mosk Courthouse.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 56

**25STCV07287**

July 28, 2025

**ARTURO GUTIERREZ vs CALIFORNIA DEPARTMENT OF  
JUSTICE**

1:10 PM

Judge: Honorable Holly J. Fujie  
Judicial Assistant: Oscar R. Chavez  
Courtroom Assistant: None

CSR: None  
ERM: None  
Deputy Sheriff: None

---

Certificate of Mailing is attached.



## EXHIBIT 27

1 ROB BONTA  
Attorney General of California  
2 ANTHONY P. O'BRIEN  
Supervising Deputy Attorney General  
3 KELSEY KOOK  
Deputy Attorney General  
4 State Bar No. 285543  
2550 Mariposa Mall, Room 5090  
5 Fresno, CA 93721-2271  
Telephone: (559) 705-2356  
6 Fax: (916) 324-8835  
E-mail: kelsey.kook@doj.ca.gov  
7 *Attorneys for Respondent California*  
*Department of Justice*

*NO FEE PER GOV. CODE § 6103*

8  
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES

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12  
13 **ARTURO GUTIERREZ,**

14 Petitioner,

15 v.

16  
17 **CALIFORNIA DEPARTMENT OF**  
**JUSTICE,**

18 Respondent.  
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Case No. 25STCV07287

**NOTICE OF MOTION AND MOTION  
TO RECLASSIFY UNLIMITED CIVIL  
CASE TO WRIT OF MANDATE;  
SUPPORTING MEMORANDUM OF  
POINTS AND AUTHORITIES**

Date: January 22, 2026  
Time: 8:30 am  
Dept: 56  
Judge: The Honorable Holly J. Fujie  
Action Filed: March 14, 2025

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on January 22, 2026, at 8:30 a.m. or as soon thereafter as the  
3 matter may be heard in Department 56 of the above-captioned court, located at 111 N Hill Street  
4 Los Angeles, CA 90012, Respondent California Department of Justice (“Respondent” or  
5 “Department”) will and hereby does move for an order to reclassify this unlimited civil case to a  
6 Petition for Writ of Mandate. The Department moves for reclassification on the ground that, this  
7 is Public Records Act (Gov. Code, § 7920.000 et seq.) enforcement action, as Petitioner Arturo  
8 Gutierrez (“Petitioner”) is challenging the withholding of records by a State Agency. (Petition,  
9 p. 1.) Pursuant to Government Code section 7923.000, actions for writ of mandate to enforce the  
10 PRA—such as this matter—are to be filed in a “court of competent jurisdiction.” This Court’s  
11 Writ Department is the proper court for this matter.

12 The Motion is based upon this notice, the appended Memorandum of Points and  
13 Authorities, the concurrently filed Declaration of Kelsey Kook, any other briefing and argument  
14 presented on this matter, and the records and files in this action.

15 Dated: July 7, 2025

Respectfully submitted,

16 ROB BONTA  
17 Attorney General of California  
18 ANTHONY P. O'BRIEN  
Supervising Deputy Attorney General

19 /s/ Kelsey Kook  
20 KELSEY KOOK  
21 Deputy Attorney General  
Attorneys for Respondent  
California Department of Justice.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Under the Public Records Act (“PRA;” Gov. Code, § 7920.000 et seq.), any person may file  
3 a civil action for injunctive or declaratory relief, or writ of mandate, to enforce their right to  
4 inspect or receive a copy of any public record or class of public records. (Gov. Code, § 7923.00.)  
5 Therefore, a petition for a writ of mandate is a proper vehicle to enforce that person’s right to  
6 inspect or receive a copy of any public record.

7 This matter should be properly heard in the Court’s Writ Department. At its core,  
8 Petitioner’s action is a challenge to the Department’s response to his PRA request. The  
9 Legislature has been clear in noting that such actions are to be filed as petition for writ of  
10 mandate. (Gov. Code, § 7923.000.) Given that this is litigation stems from Petitioner’s challenge  
11 to the Department’s response to his PRA request, reclassification to the Court’s Writ Department  
12 is warranted and would not cause any irreparable harm to Petitioner. For these reasons, the Court  
13 should grant this motion to reclassify and assign this matter to the Writ Department.

14 **FACTUAL BACKGROUND**

15 **I. PETITIONER’S INITIAL PLEADINGS**

16 On March 14, 2025, Petitioner filed a “Petition for Writ of Mandamus and Statutory  
17 Mandate” (“Petition”), in which he challenges the Department’s alleged withholding of records  
18 pursuant to the PRA under Government Code section 7923.000. (Petition, p. 1.) The relief  
19 Petitioner seeks includes releasing the records requested in his November 4, 2024 PRA request.  
20 (Petition, p. 40.)

21 Petitioner filed a “Civil Case Cover Sheet” with the Petition, selecting both “Unlimited  
22 Civil” and “Writ of Mandate” as the case type that best describes this matter. (See Civil Case  
23 Cover Sheet (CM-010), p. 1.) Petitioner also filed a “Civil Case Cover Sheet Addendum and  
24 Statement of Location,” selecting Writ of Mandate for judicial review selecting “0202 Writ –  
25 Mandamus on Limited Court Case Matter.” (Civil Case Cover Sheet Addendum, p. 3.) In his  
26 Petition, Petitioner’s request for relief is for the Court to order the release of the records sought.  
27 (Petition, p. 40.) The Petition was assigned to Department 56, a Civil Unlimited Department.  
28 (Notice of Case Assignment Unlimited Case Civil, p. 1.)

1 On April 11, 2025, the Department filed its Answer. A case management conference is  
2 currently set for August 1, 2025 in this Department.

3 **II. PETITIONER'S MOTION FOR JUDGMENT**

4 On March 14, 2025 Petitioner's motion, titled "Notice of Motion for Judgment on the  
5 Preemptory," was rejected by the Court because it was filed in the wrong department. (Pet. Obj.  
6 to Clerk's Disobedience of Local Rule 3.3(i) and Usurpation of Judicial Power, p. 2.) The  
7 rejection notice by the Court indicated that Petitioner's motion needed to be filed in the Writ  
8 Department, and that he needed to "[f]ollow the procedure for the Writ of mandate." (*Ibid.*)

9 On March 19, 2025, Petitioner filed a motion titled "Objection to Clerk's Disobedience of  
10 Local Rule 3.3(i) and Usurpation of Judicial Power," and a second motion titled "Notice of  
11 Motion for Judgment on the Preemptory Writ In Chambers Now; Motion; Memorandum of Law,"  
12 based on the claim that the Department needed to verify its Answer to the Petition. (Mot. For  
13 Judgment, p. 1.) Petitioner did not notice any hearing date for the motion.

14 On May 27, 2025, the Department's counsel called the Department 56 clerk and was told in  
15 summary that this case—filed as a petition for writ of mandate—is not properly before  
16 Department 56, which is a civil unlimited jurisdiction department. (See Declaration of Kelsey  
17 Kook ("Kook Decl."), ¶ 3.)

18 **III. THE DEPARTMENT'S STIPULATION TO RECLASSIFY CASE**

19 On June 12, 2025, the Department's counsel emailed Petitioner requesting Petitioner sign a  
20 stipulation and [proposed] order to reclassify this writ petition to the Court's Writ Department.  
21 (See Kook Decl., ¶ 4.) Petitioner did not sign the stipulation, replying that same day that writ  
22 cases are routinely reassigned to other unlimited civil departments when caseloads or scheduling  
23 require it. (*Id.*, ¶ 5.) The next day, the Department's counsel responded that reassignment of a  
24 PRA enforcement action was appropriate and that the Department still intended to seek the  
25 reassignment. (*Id.*, ¶ 6.) The Department's counsel further asked Petitioner to let her know if he  
26 would be signing the stipulation by June 17, 2025. (*Ibid.*) On June 17, 2025, Petitioner  
27 responded, asking the Department's counsel to provide the laws the Department is relying on to  
28 seek reclassification. (*Id.*, ¶ 7.)

1 On June 18, 2025 the Department's counsel provided the applicable reclassification  
2 citations with an updated stipulation and [proposed] order to reclassify. (Kook Decl., ¶ 8.) The  
3 Department's counsel further requested Petitioner sign the stipulation by June 23, 2025, or the  
4 Department would proceed with a motion to reclassify. (Kook Decl., ¶ 8.)

5 On Monday, June 23, 2025, Petitioner filed an ex parte application to shorten time for the  
6 Motion for Judgment. (Kook Decl., ¶ 10.) On June 25, 2025, the Court took the Ex Parte  
7 Application off calendar, noting that the application should have been filed in Department 86.  
8 (Notice of Ex Parte Application Taken Off Calendar June 25, 2025; Kook Decl., ¶ 11, Ex. I.)

### 9 ARGUMENT

#### 10 I. STATE LAW REQUIRES PRA ACTIONS BE HEARD TO THE WRIT DEPARTMENT

11 Reclassification is necessary here to ensure that Petitioner's claims are heard in the court  
12 that is intended to hear PRA matters. A defendant "may file a motion for reclassification within  
13 the time allowed for that party to respond to the initial pleading." (Code Civ. Proc., § 403.040,  
14 subd. (a).)<sup>1</sup> Also, "[t]he court, on its own motion, may reclassify the case at any time." (*Ibid.*)  
15 "The court shall grant the motion and enter an order for reclassification, regardless of any fault or  
16 lack of fault, if the case has been classified in an incorrect jurisdictional classification."

17 Here, Petitioner seeks declaratory and injunctive relief—specifically, production of public  
18 records—in his action alleging that the Department has violated the PRA. (Petition, p. 40.) A  
19 writ of mandate is the proper vehicle to provide a judicial remedy to inspect or receive a copy of  
20 any public record pursuant to the PRA. (See Gov. Code, § 7923.000 ["Any person may institute a  
21 proceeding for injunctive or declarative relief, or for a writ of mandate, in any court of competent  
22 jurisdiction, to enforce that person's right" under the PRA].) This Court has a Writ Department  
23 designated for hearing petitions for writ of mandate, such as the present matter. Reclassification  
24 is warranted, given that this litigation stems from Petitioner's challenge to the Department's

25 <sup>1</sup> To the extent that Petitioner claims that the Department did not timely file this motion to  
26 reclassify, the Department notes that the timing of this motion—to be heard on the same date as  
27 the case management conference and before any substantive hearings in this matter—does not  
28 prejudice Petitioner. To the contrary, the motion benefits all parties as it places this matter in the  
proper court equipped to consider the merits of Petitioner's claim. Moreover, the Court has  
discretion to reclassify this matter on its own motion at any time. (Code of Civ. Proc., § 403.040,  
subd. (a).)

1 response to his PRA request. Moreover, reclassification will ensure full consideration of  
2 Petitioner's claims and the Department's defenses. The Court therefore should grant this motion  
3 and reclassify this matter to the Writ Department.

4 **II. THE PETITION'S ALLEGATIONS AND REQUEST FOR RELIEF AFFIRM THE NEED TO**  
5 **RECLASSIFY THIS MATTER**

6 Petitioner's allegations and his arguments in the underlying Petition confirm that  
7 reclassification is warranted here. The Petition asserts that the Department violated the PRA in  
8 not providing records responsive to his request. (Petition, p. 1.) And the Petitioner seeks a writ  
9 of mandate as a remedy for the Department's alleged violation. (*Ibid.*) Petitioner's own actions  
10 indicate that he intended to file this matter with the Writ Department, but due to some apparent  
11 errors in filing, the matter was assigned to the Civil Unlimited Department. Petitioner checked  
12 the "Writ of Mandate" box on the Civil Cover Sheet and Addendum. (See Civil Case Cover  
13 Sheet (CM-010), p. 1; Civil Case Cover Sheet Addendum, p. 3.) Also, Petitioner seeks a release  
14 of records in the relief sought. (Petition, p. 40.) Based on Petitioner's allegations and actions,  
15 reclassification to the Writ Department would ensure that this matter get moved to the court that  
16 Petitioner likely intended to hear this matter.

17 The Court's prior treatment of this matter indicates agreement that this matter should be  
18 filed in the Writ Department. On May 14, 2025 the Clerk's Office denied Petitioner's initial  
19 filing of a motion for judgment, noting that the filing was in the "[i]ncorrect department" and that  
20 Petitioner need to filed in the "Writ Department." (Pet. Obj. to Clerk's Disobedience of Local  
21 Rule 3.3(i) and Usurpation of Judicial Power, p. 2.) And the Court took Petitioner's ex parte  
22 application off calendar, noting that it should have been filed in the Writ Department. (Notice of  
23 Ex Parte Application Taken Off Calendar June 25, 2025.) Reclassification ensures that this  
24 matter proceeds according to the Court's already-stated intentions and without any further  
25 question on whether the proper court is hearing this matter.

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**CONCLUSION**

For the foregoing reasons, Respondent respectfully requests that the Court reclassify this matter as a civil writ of mandate action in the Writ Department.

Dated: July 7, 2025

Respectfully submitted,

ROB BONTA  
Attorney General of California  
ANTHONY P. O'BRIEN  
Supervising Deputy Attorney General

/s/ Kelsey Kook  
KELSEY KOOK  
Deputy Attorney General  
*Attorneys for Respondent*  
*California Department of Justice.*

SA2025601096



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7 Attorneys for Respondent California  
Department of Justice

NO FEE PER GOV. CODE § 6103

8  
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES

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13 **ARTURO GUTIERREZ,**

14 Plaintiff,

15 v.

16 **CALIFORNIA DEPARTMENT OF**  
17 **JUSTICE,**

18  
19 Respondents,  
20  
21

Case No. 25STCV07287

**DECLARATION OF KELSEY C.  
KOOK IN SUPPORT OF  
RESPONDENT'S MOTION TO  
RECLASSIFY UNLIMITED CIVIL  
CASE TO WRIT OF MANDATE**

Date: January 22, 2026  
Time: 8:30 am  
Dept: 56  
Judge: The Honorable Holly J. Fujie

Action Filed: March 14, 2025

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1. I am an attorney admitted to practice before the courts of the State of California, including this Court. I am employed by the California Attorney General's Office as a Deputy Attorney General and was assigned as counsel of record for Respondent California Department of Justice in this matter. I submit this declaration in support of Respondent's Opposition to Petitioner's Ex Parte Application to Shorten Time for Ruling on Motion for Judgment on the Peremptory Writ. I have personal knowledge of the facts set forth in this declaration and if called as a witness, I could and would testify competently to these facts under oath.

3. On May 27, 2025, I called the Department 56 clerk and was told in summary, that this case—filed as a petition for writ of mandate—is not properly before Department 56, which is a civil unlimited jurisdiction department.

5. Petitioner did not object to the reassignment but did not sign the stipulation. On Thursday, June 12, 2025, Respondent replied that writ cases are routinely reassigned to other unlimited civil departments when caseloads or scheduling require it. Respondent's email response is attached as Exhibit B.

6. On Friday, June 13, 2025, I responded to Petitioner, stating that reassignment of a PRA enforcement action was appropriate and we still intended to seek the reassignment. I also asked Petitioner to let Respondent know if he would be signing the stipulation by June 17, 2025.

1 A copy of the June 13, 2025 email with the stipulation is attached as Exhibit C.

2 7. On June 17, 2025, Petitioner responded, asking me to provide the laws the  
3 Department is relying on to seek reclassification. A copy of this email is attached as Exhibit D.

4 8. On June 18, 2025, I provided the applicable reclassification citations with an  
5 updated stipulation and [proposed] order to reclassify. I also requested Petitioner sign the  
6 stipulation by June 23, 2025, or the Department would proceed with a motion to reclassify. A  
7 copy of this correspondence is attached as Exhibit E.

8 9. Petitioner has not signed the stipulation to reclassify this matter.

9 10. On Monday June 23, 2025, at 11:53 a.m. Petitioner served an Ex Parte Application  
10 to shorten time to hear the Motion for Judgment he filed. A copy of the notification of service of  
11 the Ex Parte application is attached as Exhibit H.

12 11. On June 25, 2025, the Court took the Ex Parte Application off calendar at it was  
13 filed in the wrong department. A copy of the notice taking the application off calendar is  
14 attached as Exhibit I.

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

17 Executed this 7th day of July, 2025, at Clovis, California.

18 s/ Kelsey C. Kook  
19 Kelsey C. Kook  
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