No.

Supreme Court of the United States

Troy Pasulka,
Petitioner,

v.

Saraa Doris Lee,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF CALIFORNIA

PETITION FOR A WRIT OF CERTIORARI

Troy Pasulka
Pro Se Petitioner
XXXXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXXXXXX

QUESTIONS PRESENTED

1. When a state's legislature — to stop its courts from facilitating child abuse, litigation abuse, and other forms of domestic violence — enacts mandatory procedures governing the issuance of custody orders, does that state's appellate court, after having consistently reversed non-complying custody orders, violate the U.S. Constitution's Equal Protection Clause by ignoring — entirely and without explanation — those same procedures, within an appeal about a trial court's repeated, undisputed, and ongoing violations of those procedures?

2. When a victim of domestic violence, in order to recover prevailing party attorneys' fees, is retroactively required to prove their abuser's fraudulence, does that same appellate court violate the U.S. Constitution's Due Process Clause by ignoring — entirely and without explanation — all relevant evidence of fraud, despite that (largely-undisputed) evidence *conclusively* establishing the abuser's extensive fraudulence and criminal perjury?

3. May that court also ignore — entirely and without explanation — the ethics violations of, and sanctions requests against, the abuser's attorneys?

4. When a trial court grants sole custody to a perpetrator of filmed domestic violence — in a flagrant violation of the above-referenced state statute — does it also violate the Due Process Clause and the First Amendment by explicitly disallowing the non-abusive parent from presenting custody-related evidence, by refusing to hold the evidentiary custody hearings it repeatedly promised to hold, and by prohibiting all communication between a young child and her only non-abusive parent?

PARTIES

Petitioner: Troy Pasulka ("Troy") — prior appellant, husband, father of R.P. (born to him and his wife in 2022), and father of T.P. (born to him and Respondent in July 2017).

Respondent: Saraa Doris Lee ("Saraa") — prior appellee and mother of T.P.

RELATED PROCEEDINGS

Lee v. Pasulka, D401660 (Ventura Co. Sup. Ct. Nov. 2, 2021). Request for a domestic violence restraining order ("DVRO") denied; temporary custody orders issued. (November 2, 2021). Requests for sanctions and prevailing party attorneys' fees denied (March 11, 2022). Final custody orders issued (March 14, 2022).

Lee v. Pasulka, No. 2d Civ. B320206 (Cal. Ct. App. Feb. 26, 2024), *reh'g denied* (Mar. 18, 2024), *review denied* (June 18, 2024). All March 2021 orders affirmed; requests for the taking of judicial notice and additional evidence denied; motion to strike and sanction appellate brief denied (February 26, 2024). Petition for rehearing denied (March 18, 2024).

Lee v. Pasulka, S284743 (Supreme Court of Cal. Jun. 18, 2024). Petition for review denied (June 18, 2024).

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JURISDICTION

The California Supreme Court's denial of discretionary review on June 18, 2024, established this Court's jurisdiction. See 28 U.S.C. 1257(a); U.S. Sup. Ct. R. 13 ("A petition ... subject to discretionary review by the state court of last resort is timely when it is filed ... within 90 days after ... the den[ial of] discretionary review").

CONSTITUTIONAL & STATUTORY PROVISIONS

Pertinent constitutional and statutory provisions, reproduced in the appendix (pp. 55a-59a), include U.S. Const. Amends., I, XIV; California Family Code §§ 271, 3044, 3064, 6344; Cal. Evid. Code §§ 452, 459; and Cal. Civ. Proc. Code §§ 629, 659, 909, 1008.

STATEMENT

A. California Courts Have Violated the U.S. Constitution by Disregarding Statutes, Ethics Violations, Arguments, and Evidence (2021 - 2024)

Saraa repeatedly ***committed*** entirely unprovoked crimes, violence, and other abusive acts (pp. 20-25), then sought sole custody of T.P. via restraining order proceedings. *Lee v. Pasulka*, 2d Civil B320206 (Cal. Ct. App. Feb. 26, 2024), 2. Her fraudulent abuse allegations triggered Cal. Fam. Code § 3044 — a law enacted to counteract the "proven tendency" of family courts to endanger victims by ignoring their abuse. *Jaime G. v. H.L.*, 25 Cal. App. 5th 794, 806 (2018).

Specifically, the Ventura County Superior Court (the "trial court") was obligated to notify all parties of § 3044's existence, and to provide copies of § 3044 to all parties, prior to the custody mediation it ordered for July 6, 2021.[1] § 3044(h); *Noble v. Superior Ct.*, 71 Cal. App. 5th 567, 578-79 (2021) (courts have an affirmative duty to provide § 3044 notice prior to custody mediation). No party, attorney, or court involved in this case has disputed that I only discovered § 3044 through my own legal research — in late-2021, after I had already defeated Saraa's first restraining order request. AOB, p. 49; see also pp. 21a-24a (detailing Saraa's second fraudulent, also-defeated DVRO request, filed in early-2023).

That I did not receive § 3044 notice harmed me. The fact that custody mediators generally fail to inform parties about § 3044 motivated California's legislature to requires courts to do so. *Noble*, 71 Cal. App. 5th at 579. Indeed, during our mediation, when I contrasted the totally unfounded and preposterous nature of Saraa's abuse allegations with **Saraa's filmed perpetration of criminal violence against myself and T.P.**, our mediator told me that abuse was irrelevant to custody determinations. Had I been given proper notice, I would have known the exact opposite was true, which may have helped me end Saraa's abuse during the mediation, and which certainly would have helped me oppose subsequent legal violations, including the even-more-significant § 3044 violations discussed below.

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[1] California precedent universally holds that § 3044 violations require custody order reversal. Pet. for Reh'g (Mar. 11, 2024), p. 7, FN7 (listing opinions).

While § 3044(g)'s requires that § 3044's applicability be determined prior to custody order issuance (*Noble*, 71 Cal. App. 5th at 580), this case has seen no such determination — even though final custody orders have been in place for well over two years. *Lee v. Pasulka*, 2, 4 (fn. 3). It seems that every court involved in this case is determined not to apply § 3044 — but also aware that it obviously applies, and that determining otherwise would be absurd. So, determined not to follow the law, these courts have chosen illegal silence regarding § 3044's applicability. In fact, **no court in this case has even acknowledged the existence of § 3044 — not even in my appeal about its repeated and undisputed violation.**

The apparent desire not to apply § 3044 seems based on a desire to award Saraa custody (which § 3044 prohibits); this desire, in turn, seems rooted in corruption — or in the "ignorance" and "stereotypes" § 3044 was enacted to combat (see *Jaime G.*, 25 Cal. App. 5th 806). § 3044(a) basically prohibits granting custody to perpetrators of serious abuse. See *Celia S. v. Hugo H.*, 3 Cal. App. 5th 655, 666 (2016), *as modified* (Sept. 23, 2016) (abuse finding triggers § 3044(a)'s anti-custody presumption); *City & Cnty. of San Francisco v. H.H.*, 76 Cal. App. 5th 531, 542 (2022), *as modified* (Mar. 18, 2022) (granting custody to an abuser requires findings regarding § 3044(b)'s factors). Meanwhile, **Saraa — *on film*, and *while I was holding our two-year-old* — choked me, blocked our bedroom door, yanked me to the floor as I attempted to escape through a ground-floor window, kicked and struck me, and attempted to crush my testicles in her first; our daughter shrieked during each attack, and eventually screamed, "Mommy?! What are you doing, Mommy?!"** (AOB, p. 15-8, 20).

Saraa did not deny committing this abuse — except she claimed to have been playing with me, not choking me, as her attack began. About this singular denial, a commissioner found, "[Saraa] said it was ... horseplay ... But [the video] starts with her arm around [his] neck. She's not looking ... as if they were playing ..." Pet. for Reh'g (Mar. 11, 2024), p. 10.[2]

Given this filmed and largely-undisputed violence, awarding Saraa custody required finding that she had proven that § 3044(b)'s factors, on balance, warranted such an award. *Jaime G.*, 25 Cal. App. 5th 805; *City & Cnty. of San Francisco*, 76 Cal. App. 5th 542. Saraa could not have proven this.[3] More importantly, she did not even attempt to do so.

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[2] The court also alluded to the fact that Saraa's filmed actions constituted the crime of false imprisonment. AOB, p. 21. Saraa's own attorney correctly noted that such a crime, on its own, would be sufficient for the issuance of a restraining order *Id.* at 21; see also *In re Marriage of Fajota*, 230 Cal. App. 4th 1487, 1500 (2014) (restraining order issuance necessarily triggers § 3044(a)'s anti-custody presumption).

[3] Saraa could not prove that giving her custody would be safe for T.P. or myself, based on (1) the clearly abusive and fraudulent nature of her restraining order request (see § 3044(b) [the continuation of abuse is a critical factor]; California Bill Analysis, A.B. 2369 Assem., 6/21/2022 [indicating that California's legislature has passed laws to combat the "bleak reality" that abusers often "petition for protective orders ... to *perpetrate* abuse"]); (2) the corroborated, deep-rooted psychological issues responsible for her abusive behavior (*e.g.*, AOB, p. 9, 25, 41); (3) Saraa's repeated and ongoing child abductions (pp. 20-25; see *S.Y. v. Superior Ct.*, 29 Cal. App. 5th 324, 337–38 (2018), *as modified on denial of reh'g* (Dec. 19, 2018) [unreasonably withholding a child, even from a perpetrator of abuse, is grounds for restricting custody]); (4) Saraa's years-long pattern of abuse, as summarized below (pp. 20-25; see also Cal. Fam. Code § 3064 [demonstrated and

The trial court, at Saraa's request, had planned to hold evidentiary custody hearings after the conclusion of the restraining order proceedings. AOB, p. 45-6. However, during closing arguments — five months into the restraining order proceedings — the court announced that it had just realized the illegality of its month-long plan to grant Saraa's requested restraining order — so it denied her order, but then granted her sole custody and canceled the planned evidentiary custody hearings. Pp. 37a-39a. In other words, not only did it *not* require Saraa to prove that custody should be awarded to her, it granted her custody without even allowing evidence or argument regarding the matter.

Saraa soon moved to vacate the denial of her restraining order request, or for reconsideration or a new trial (p. 5a). While doing legal research aimed at combatting these nonsensical motions — while also attempting to prepare for the abusive child support hearings I was subjected to as a result of the trial court's having sanctioned Saraa's abusive and illegal child abduction — I discovered § 3044. At the non-evidentiary custody hearing scheduled for March 14, 2022 — the hearing at which the current custody orders were finalized — I attempted to raise the matter of the trial court's repeated § 3044 violations. However, **the newly-appointed commisioner, and all counsel — including my own — implemented a plan to keep me from addressing § 3044, let alone its constitutional implications.** Pp. 49a-53a.

First, my attorney abandoned me moments before the hearing — just as he had done on July 6, 2021, at

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continuing pattern of abuse justifies the issuance of ex parte custody orders]); etc.

a short, post-custody mediation hearing; the only other custody-related hearing ever held. My attorney provided a substitute attorney. *Id.*

I had no idea who this person was, but I later discovered that she was the same substitute attorney my attorney had used on *July 6, 2021*. Much later, I discovered evidence — presented on appeal — that **this attorney was employed by opposing counsel while "representing" me.** *Id.* (noting that her LinkedIn profile shows her working for opposing counsel in *July 2021*). I suspect she was still working for opposing counsel at the March 14, 2022 hearing — based on a variety of factors, including, the documented evasiveness of my attorney's law firm with respect to her identity and employment status.

When I instructed this substitute attorney to raise the court's § 3044 violations, plus the original commissioner's recent finding that Saraa had choked me during her filmed attack, she refused, telling me she could not make any arguments on my behalf, as she did not know anything about the case and had a duty to tell the court only what she knew to be true. *Id.* Perplexed, I instructed her to say nothing in court — except that I requested to speak on my own behalf. *Id.* (I would have told her not to attend, but she was the only one present in-person; I attended via Zoom, as my attorney had instructed I do — as he had also done on July 6, 2021.)

My instruction disrupted their plan: when she stated that I wanted to speak for myself at the hearing, the commissioner objected that I was represented, added that he would not provide me a "forum to highjack [the] proceedings," then quickly sought cover for his desire to abrutly end the hearing; he asked "my" attorney, "Is there anything

else ... other than your client wanting to address the Court on issues that are not properly before the Court[?]" *Id.*

When I asked, "So you're not going to allow me an opportunity to [address] my daughter's ... current abuse?", the following conversation ensued:

> Commissioner: Mr. Pasulka, you're here represented by counsel this afternoon.
>
> Troy: This counsel knows nothing about my case.
>
> Commissioner: [Y]ou have opportunities to address the Court through motions that you can file. You have not filed any motions to address any issues ... before the Court today[.]
>
> Troy: I can't address custody during my custody hearing? Everybody could speak against me, but I'm not allowed to speak at all? *Id.*[4]

Rather than answer, he again tried to marshal my own attorney against me, asking her: "Do you agree that I've addressed all of issues that are properly before this Court ... ?" My attorney stammered, "I believe so" — before apologizing and admitting that she did not even know what the hearing was about. His attempt frustrated, he offered me a moment to speak with her before *she* would be allowed to speak — but then quickly retracted this offer: when I tried to explain that "my attorney" had already refused to make arguments on my behalf, he cut me off, suggested that my response constituted a rejection of

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[4] See *S.M. v. E.P.*, 184 Cal. App. 4th 1249, 1267 (2010) (court cannot refuse to follow § 3044(a)'s presumption)

his offer, then ran off-camera (as he would do at several future hearings; for example, to prevent pre-approved testimony from occurring). *Id.*

With this, the trial court completed its efforts to intentionally deny me equal protection of the law — first by illegally keeping me in the dark about § 3044's existence (a violation of § 3044(h)); then by refusing to determine § 3044's applicability before issuing custody orders (a violation of § 3044(g)); then by canceling evidentiary custody hearings (a violation of § 3044(a), given Saraa's commision of acts of abuse); and, finally, by denying me any opportunity to challenge these illegal and unconstitutional acts — seemingly aided by a conspiracy involving all parties' attorneys.

That these acts constitute an equal protection violation is obvious. After all, **equal protection is violated by the the intentional misapplication of state law in order to arbitrarily treat one individual differently from similarly situated others.** *Vill. of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000); see also *Shelley v. Kraemer*, 334 U.S. 1, 14, 68 (1948) (state courts, and judicial officers acting in their official capacities, are regarded as state actors for equal protection purposes.)

On November 2, 2021, when I asked my trial attorney to challenge the unappealable, so-called "temporary" custody orders put in place that day — absent any evidentiary custody hearings, right after the denial of Saraa's restraining order request — my attorney replied that he would not challenge the custody orders, claiming that doing so risked the trial court vengefully reversing its DVRO denial (given the irrationality displayed by its announcement that it had, until just a few moments earlier, planned

on granting the restraining order, and given the arbitrary and hostile behavior it directed towards me throughout the trial).

On March 14, 2022, my efforts to address the § 3044 violations — let alone the equal protection violation they consituted — were prevented, as discussed above. Pp. 6-8; see also *Beech Aircraft Corp. v. Rainey*, 488 U.S. 153, 175 (1988) (the sufficiency of an issue's presentation must be judged against the leeway a court affords the presenter).

On appeal, I clearly and repeatedly alleged that the trial court's blatant and intentional disregard of § 3044 subjected me to a legal regime not any applied to others: "Ventura County's family court has intentionally disregarded [§ 3044] ... [I ask that it be ordered to] apply § 3044 and the rest of California's custody and domestic violence laws." AOB, p. 51. This was functionally identical to an equal protection claim, and would surely have afforded the appellate court an opportunity to address the matter — if it hand wanted to (of course, it instead chose to entirely ignore all violations of § 3044, and even § 3044 itself, not to mention all related constitutional questions).

The petition I subsequently filed with the Supreme Court of California asked: "may California courts entirely disregard [§ 3044?]"; "may an appellate court ... vaguely declare that the 'the law' was followed, while refusing to acknowledge the existence of § 3044 ... ?"; **"*In other words*, may California's family/appellate courts deny ... equal protection ... ?"** Pet. for Rev. (Apr. 25, 2024), 5 (emphasis added); see also *Angell v. Zinsser*, 473 F.

Supp. 488, 495 (D. Conn. 1979) (holding an even less blatant equal protection violation implied).[5]

[5] Arguably, allegations concerning the blatantly disregard of well-established law necessarily assert, as a "subsidiary issue[]" (see *Missouri v. Jenkins*, 515 U.S. 70, 84, 115 (1995)) — if not as the core and only issue — an equal protection violation.

To ignore the total disregard of § 3044 would be to sanction a "a plain miscarriage of justice." See *Hormel v. Helvering*, 312 U.S. 552, 558 (1941); see also *Strauss v. Horton*, 46 Cal. 4th 364, 485 (2009), *as modified* (June 17, 2009), and *abrogated by Obergefell v. Hodges*, 576 U.S. 644 (2015) (Moreno, J., concurring in part) (equal protection is more fundamental than a constitutional right; it guides all legislation and serves as the basis of the rule of law). Further, this Court should address issues whose "proper resolution is beyond ... doubt[.]" *Singleton v. Wulff*, 428 U.S. 106, 121 (1976); *Grosso v. United States*, 390 U.S. 62, 71-72 (1968). Indeed, after my attorney's medically-necessary withdrawal from my appeal left me to compose my opening brief and all subsequent documents on my own, I, in reliance on the plainness of the myriad of constitutional violations committed, focused my briefs on the extensive and overwhelming evidence Saraa's fraud and perjury (and on the clear § 3044 violations). *E.g.*, see p. 35a (in which I request that judicial notice be taken — so as to raise "constitutional arguments [I] did not have time or space to sufficiently elaborate upon in [my] briefs, given the need ... to document Saraa's extensive perjury and the [related] findings that any unbiased fact-finder would have made" — of a federal lawsuit alleging that California family courts regularly violate the Constitution); see also *Esmail v. Macrane*, 53 F.3d 176, 180 (7th Cir. 1995) (equal protection provides "last-ditch" protection); *Lowery v. Bennett*, 492 F. App'x 405, 408 (4th Cir. 2012) (*pro se* court papers to be liberally construed).[6]

[6] My trial attorney refused to participate in my appeal — and explicitly based his later refusal to file a DVRO on his fear of professional reprisal from trial court.)

Furthermore, no parties will be prejudiced by what is sure to be a brief consideration of whether the total disregard of § 3044 constitutes a class of one equal protection violation. See *Freytag v. Comm'r*, 501 U.S. 868, 873 (1991) (unambiguous statutory language hastens adjudication). After all, like the appellate court, Saraa chose not to even address, let alone dispute, the § 3044 violations underlying this equal protection violation. Pet. for Reh'g (Mar. 11, 2024), p. 6 (noting that Saraa's appellate attorney never addressed the undisputed § 3044 violations in her briefs or during oral argument [or anywhere else], despite my oral argument's focus on the matter). Accordingly, given that this matter is a purely legal issue, requiring no further development of the facts, adjudication of the issue is appropriate. See *In re Apple Inc. Device Performance Litig.*, 50 F.4th 769, 782 (9th Cir. 2022) (citing *United States v. Northrop Corp.*, 59 F.3d 953, 958 (9th Cir. 1995)).

Finally, it should be noted that the sheer egregiousness of the trial court's total disregard of § 3044 was so perplexing that I questioned whether I misunderstood the statute. (Gaslighting can make even the most obvious matters appear unclear.) As such, at first, it was unclear to me whether an equal protection violation had occurred, given the necessity of intentionality. *N. Pacifica LLC v. City of Pacifica*, 526 F.3d 478, 486 (9th Cir. 2008); *Vill. of Willowbrook*, 528 U.S. at 564. Thus, it was arguably only after the appellate court took the extraordinary step of affirming the current custody orders, while completely ignoring their non-compliance with § 3044 — and then dismissing, *without explanation,* my rehearing petition drawing their attention to this — that my equal protection claim had fully ripened.

The intentionality of the equal protection violations to which I was subjected by the complete disregard of § 3044 is highlighted by the myriad of additional constitutional violations that have occurred in this case. While these matters can be fully briefed should this Court grant the requested writ of certiorari, I will now outline some of these additional violations.

First, I believe the appellate court did not read my court filings (that is, my opening brief, reply brief, any of my requests for judicial notice/the admission of additional evidence, or my motion to strike and sanction Saraa's single brief). In denying my petition for rehearing (p. 2a), the appellate court denied neither this allegation — nor the allegation that their opinion showed not a single sign that they had read my filings; my petition for rehearing contained both of allegations:

> This Court's opinion provides no indication that it read my briefs. (FN1: The opinion restates respondent's brief ... plus a few of [the trial court's] remarks, while citing a handful of cases, all but one of which neither party cited. ... It addresses *none* of substance of my [filings].) Perhaps, following lower court['s example] ... it did not [read my briefs]. (FN2: [The trial court] announced that it finally realized the illegality of its months-long intention to grant ... Saraa Lee's DVRO after reading a case during November 2021 closing arguments — the same case detailed in my September 2021 trial brief.) ... [T]he [appellate] opinion

> vaguely asserts that [the trial court] followed "the law" ... — without mentioning Cal. Fam. Code § 3044 or [its] undisputed violation[.] ... (FN6: [Furthermore, the appeallate court] began [oral arguments] by informing litigants that its was "intimately familiar" with [all its] cases ... It then called my case, inviting Ms. Sweeney to [speak first, before apologizing for this] — revealing its unawareness that I [was] the appellant. Pet. for Reh'g (Mar. 11, 2024), p. 5, 7.

The appellate court's apparent failure to read my filings, and their issuance of an opinion that does not address virtually any of the substance of my filings, constitute equal protection violations, as this is arbitrarily treatment not shown to others — I hope. See *Vill. of Willowbrook*, 528 U.S. at 564 (2000).

Separately, the trial court's March 11, 2021, denial of my request for prevailing party attorneys' fees violated my rights to due process and equal protection. At the time, I was clearly under no legal obligation to prove that Saraa's case was fraudulent; at most, all I seemed obligated to demonstrate was Saraa's ability to pay my fees (p. 57a) — which I clearly demonstrated (*e.g.*, AOB, 39-40). On top of this, I clearly demonstrated the fraudulence of Saraa's DVRO litigation — fraudulence which the trial court clearly acknowledged on multiple occasions. (ARB, p. 9-14.) Yet, without even denying the fraudulence of Saraa's DRVO, the trial court denied my request for attorneys' fees — another equal protection violation. See *Vill. of Willowbrook*, 528 U.S. at 564 (2000).

It seems the trial court based its denial on:

(1) the "tone of [the request for attorneys' fees having been] punitive" (AOB, p. 43) (which it hardly was, even though such a tone would have been precisely and entirely appropriate, as California's legislature would soon clarify [p. 58a]);

(2) that I supposedly have a "high-conflict personality" (AOB, p. 43) (it is well known by domestic violence experts that such nonsensical accusations are almost incessantly leveled at victims of one-sided abuse who defend themselves [see Gillian R. Chadwick, Stef Sloan, Ph.D., *Coercive Control in High-Conflict Custody Litigation*, 57 Fam. L.Q. 31, 31, 38, 53 (2024)] — as I did, through exclusively non-violent means, even in the face of Saraa's criminal violence);

(3) that I might, alternatively, have a mental illness, or that I was perhaps stressed by *Saraa's child abduction* (AOB, p. 43-4) (not a single time was *any* evidence presented on the topic of my mental health — let alone any evidence sourced from a mental health professional — nor have I *ever* experienced *any* mental illness (AOB, p. 9, 43), and court's suggestion that I should be denied attorneys' fees based on unspecified acts that may have resulted from stress caused by Saraa's child abduction is absurd on its face — as was its focus on my mental state, where it ignored Saraa's *severe and undisputed* mental issues, issues that were alleged with specificity [*Id.*]);

(4) the equivalence between my and Saraa's "*potential* income[s]" (*Id.* at 44) (that is, the equivalence of Saraa's *actual* income and some fantasy income I was attributed without inquiry, explanation, or opportunity for discussion);

(5) that I contested the allegations Saraa made (while courtroom personnel told me that Saraa's DVRO proceedings were the longest in the courtroom's entire history, the trial court eventually admitted that not once during the proceedings did Saraa present any evidence corroborating her allegations, *all* of which I *successfully* contested); and

(6) that the proceedings took a substantial amount of time (P. 7a).[7]

Of course, as suggested by the appellate court's choice to ignore virtually all of these justifications (*Id.*), **none of these justifications have anything to do with whether I was legally entitled to prevailing party attorneys' fees**; in fact, the last two points strongly suggest that I was so entitled. Further, as is apparent from the above, **the trial court did not address a single one of the specific acts of fraud and perjury Saraa clearly committed.**

[7] The "high-conflict" personality label is particularly absurd in this case, given innumerable factors, including that I was found to never once have abused Saraa; that I was found to have acted with uncommon "restraint" during her most-recent child abduction (ARB, p. 13); that Saraa continually asked me to re-impregnate her (*Id.* at 7, 16, 34; AOB, p. 26 [reproducing Saraa's December 2020 text asking me to re-impregnate her]); that "Redmond noted that nothing in his thirty years of experience with domestic violence victims could help him understand or believe that Saraa would again choose to cohabitate with Troy — more than four years into their relationship — if Troy was the dangerous perpetrator she alleged" (ARB, p. 9); etc.

After I presented even more evidence of Saraa's criminal fraud to the appellate court, it affirmed the trial court's fee denial thusly: "The trial court did not abuse its discretion ... [as Troy] was required to show that [Saraa's] DVRO was 'frivolous or solely intended to abuse' ... [which] [h]e did not ... [a]s the trial court observed [when it stated that] the ... DVRO was a 'contested issue' ... that required multi-day court proceeding[s]." **This entirely ignores that the trial court's quoted comment is *not a finding of non-fraudulence* — since not a single one of its words references the concept of fraudulence/non-fraudulence.**[8] Instead, as noted above (p. 16), it only references the fact that, over many hearings, I opposed and defeated all of Saraa's allegations. This — plus the obvious fraudulence of Saraa's allegations — *was the very basis of my fee request.*

Moreover, even pretending this "contested" finding was a finding of non-fraudulence, it is entirely conclusory. See *Leiva v. Turco*, 98 Mass. App. Ct. 1104 (2020) (due process requires more than conclusory findings); *In re Jackson*, 43 Cal. 3d 501, 507 (1987) (implying that minimum due process requires reliance on more than conclusory findings, at least in certain contexts).

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[8] The trial court knew well how to articulate an *actual* finding that there was a reasonable basis for the initiation of legal proceedings: it did so — concerning Saraa's motion for reconsideration — almost immediately after denying my prevailing party fee request. (Pet. for Reh'g (Mar. 11, 2024), p. 27-8.) Of course, as I argued on appeal (*Id.*), this was a clearly-incorrect finding, as was the appellate court's affirmation of this finding — made without addressing my arguments on the matter — and likely constitutes a violation of equal protection and/or due process. Be that as it may, the point is that the trial court *did not* find Saraa's DVRO non-fraudulent.

This "finding" is also contradicted by the trial court's more-specific, explicit and implicit findings *of Saraa's fraudulence.* ARB, p. 9-14 (listing many such findings). Disregarding such contradictions constitutes an equal protection violation (see *Vill. of Willowbrook*, 528 U.S. at 564 (2000)), given that conclusory findings contradicted by actual findings should be disregarded (see *United States v. Gen. Motors Corp.*, 384 U.S. 127, 142 (1966)), as I noted on appeal. ARB, p. 15.[9]

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[9] It was also a violation of due process and equal protection for the appellate court to retroactively apply a newly-enacted version of the relevant prevailing party fee statute to my case — especially in light of the appellate opinion's total reliance upon the wholly conclusory findings of the trial court, in combination with the trial court's negative comments about my allegation that I was entitled to prevailing fees *only* because Saraa's case was fraudulent — when that newly-enacted statute imposed the duty for a prevailing respondent to prove fraudulence / clarified that this was required. See *Dragones v. Calkins*, 98 Cal. App. 5th 1075, 1083 (2024) (which acknowledges that even California's relevant law authorizing retroactive application provides for *non*-retroactivity where retroactivity would interfere with the vested rights of parties — though the case also seems to assert that a victim's entitlement to a prevailing party fee award against their abuser, for their abuser's post-separation litigation abuse, is not a substantial right, perhaps even where, as here, the abuser's litigation was historically oppressive, lengthy, fraudulent, and costly to defeat); see also *Powell v. Ducharme*, 998 F.2d 710, 716 (9th Cir.1993) (state violates equal protection when it irrationally applies rule of law retroactively in some but not all cases). Unfortunately, page and time limits prevented me from arguing these and related points during my appeal — a fact I do not think should be held against me, due to Saraa and her conspiracy's continual harassment through additional DVRO filings, *admittedly* baseless requests to prevent me from filing a DVRO in Los Angeles (where Saraa lives and where some of her most-recent and most-heinous physical abuse occurred), etc.

Finally, all findings and pseudo-findings of non-fraudulence fly in the face of the clear proof of fraudulence I provided the trial court, plus the **absolutely conclusive, undisputed** — proof I provided the appellate court. I thoroughly summarized this evidence in the denied Petition for Review I filed with the Supreme Court of California; I detailed all of it in my appellate briefs, and in the judicial notice and additional evidence requests I submitted to the appellate court — which it denied in a conclusory and illogical fashion, or else did not address at all (as I pointed out in my rehearing petition. Pet. for Reh'g (Mar. 11, 2024), p. 26-7).

Of course, none of the above even begins to address the obvious violations (of due process, equal protection, and my First Amendment right to private speech with my own daughter) that occurred when I was stripped of custody — absent promised evidentiary custody hearings, and based on false and non-sensical findings (see, pp. 46-8) — after which I was relegated to supervised visitation (with a therapist who refuses to meet with me, since doing so would either require him to violate of his code of professional ethics, or else expose the seemingly lawless conspiracy operating out of Ventura County [see pp. 24a-35a]). Meanwhile, Saraa — the documented and continuing perpetrator of the ongoing abuse T.P. and myself — enjoys full custody, without limitations, in a manner entirely at odds with the California's family laws.

The sheer absurdity of this outcome is emphasized when one considers the many years during which Saraa abused myself and T.P. prior to her litigation abuse. This abuse is summarized below.

B. Saraa Lee's Underlying Acts of Domestic Violence & Child Abuse (2016 - 2021)

Before late-2016, my relationship with Saraa was completely conflict-free, and we planned to marry and have multiple children. That all changed the morning after we conceived our only daughter. Years later — after Saraa finally began intensive therapy — she was able to discover the reason her behavior suddenly became bizarre, erratic, manipulative, coercive, and, on occasion, outright violent: the thought of our daughter inside of her womb had triggered memories of Saraa's being sexual assaulted by young girls during the year her mother had abandoned her at a neighbor's home, after separating her from her father. Appellant's Req. for Jud. Not. & Add. Evid. (Feb. 5, 2024), p. 95.

Triggered by these memories — and emboldened by having witnessed, as a social worker, the abuse of children and parents by California courts and police — Saraa's behavior regressed into the manipulative and violent tendencies she originally learned from her abusive, criminal, and drug-addicted parents, and from the poverty and bullying she grew up amidst in South Central Los Angeles.[10]

[10] By contrast, I was fortunate enough to be raised by two upstanding Harvard-educated attorneys.

Saraa was further emboldened by having already secured at least one child from me, and by the fact that she was in no way financially dependent on me.[11]

Thus, beginning in late-2016, Saraa's behavior became erratic, delusional, and abusive. I immediately and repeatedly attempted to leave her, as I had no desire to experience such behavior, nor did I see it as normal in any way. However, whenever I attempted to leave, Saraa would threaten to abduct our child — a threat she repeatedly acted upon whenever she even suspected I was about to try to leave her again.

While it would be impossible to catalogue all of Saraa's bizarre and abusive acts, the following summary should suffice.

Before giving birth in July 2017, Saraa began violently shoving our pet cats; repeatedly coerced me into returning to the relationship with threats of child abduction and suicide; feared that her doctor/hospital staff were trying to inject poison into her; constantly generated non-sensical conflict, which sometimes escalated into her shoving me; etc.

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[11] Saraa's multi-millionaire god-parents — who may be involved in the apparent corruption of the courts in this case — have consistently allowed Saraa to live in their Westwood, Los Angeles home, rent-free, whenever Saraa wishes, as she did for extended periods of time before, during, and after our relationship (see AOB, p. 39-40); further Saraa had earned a salary of nearly $100,000 per year before meeting me, and earned in excess of that during and after our relationship. (*Id.)*

Between July 2017 and my attempt to leave her in April 2018, Saraa grabbed and scratched my throat as I walked away from one of her delusional episodes of jealousy (about my tutoring the LSAT, often to young women); pinched and shoved our daughter, whom she became angry with whenever our daughter would "hit" Saraa (that is, whenever she inadvertently injured or harmed Saraa); refused to pull over her car during certain long drives to allow me to care for our screaming newborn; harassed me about "abusing" our daughter (that is, teaching her colors, etc. — Saraa has claimed not to be able to distinguish between abusive and non-abusive behaviors). Appellant's Req. for Jud. Not. & Add. Evid. (Feb. 5, 2024), p. 95-6.

In and around April 2018, Saraa secretly and criminally filmed me within our Chicago apartment, in repeated attempts to gather "evidence" against me; having failed to capture anything significant, she then repeatedly abducted our daughter in my presence, attempting to provoke me; after this also failed, she abducted our daughter while I was out working, removing her to Los Angeles; when I filed a custody case in Chicago, she then coerced me into dropping by it telling me that our daughter was in danger, because she could barely care for her, since she was so depressed about leaving me — she then promised to return our daughter, issue a public apology on Facebook regarding her latest child abduction and the acrimony she had previously caused in our relationship (she offered to make this public apology, which she did make, to correct the slander she had continuously spread about me amongst her friends and family, and to notify them of her mental health issues and of the fact that she would begin seeking psychological assistance). *Id.*

By July 2019, Saraa — after abandoning the therapy and support groups she had started attending — repeatedly called the police to our St. Louis apartment (they always arrived, determined that nothing illegal had occurred, and then refused Saraa's secret requests to involve themselves in another of her child abduction); Saraa threatened to murder me; Sara implicitly threatened me by disclosing to me her plan to murder her immediately prior ex by luring him into a specific Los Angeles park and gunning him down from atop one of the hills in that park; Saraa explicitly attempted to goad me into punching her in the face (to which I simply aked why in the world I would ever want to do that); Saraa repeatedly made unsuccessful attempts to provoke me into abuse via targeted denials of affection and intimacy; etc.. *Id.* at 96-7.

Once we had returned to Chicago in July 2019, Saraa, during another attempt to provoke me, deceptively removed our daughter from my presence, then called the police, telling them that she needed their help to come remove her things from our apartment and leave the relationship; when they arrived at our home late at night and Saraa insisted that she feared me and that she needed to immediately leave with our daughter — which I interpreted as delusional and erratic (since I had not yet realized that many of Saraa's behaviors were intentionally manipulative and abusive) — I refused to comply with the police's possibly unlawful order to hand over our daughter (who had run into my arms upon seeing me); when I noted that Saraa was free to leave without removing our daughter from her home in the middle of the night, while seemingly in a disturbed psychological state, they tackled me and

took T.P. from me; they then arrested me; I was charged with child endangerment — but the charge was dropped as soon as prosecutors — whom Saraa had informed she intended to testify *against* — reviewed the body-cam footage capturing the entire incident, showing (1) the police had lied that I had ripped our daughter out of Saraa's arms (a lie I heard one superior tell his subordinate to include in their report so that they could justify holding me overnight), (2) that the police had lied about me having allegedly squeezed our daughter (a lie they told right before they tackled me, and which I laughed at before holding my laughing daughter up so that she was visible in the body-cam footage), and (3) that I had not endangered anyone (I was sitting calmly on the floor for the entire interaction). *Id.*

By early-2020, Saraa had (1) violently attacked me — on film, entirely without provocation, and as I was simply preparing our daughter for one of our daily father-daughter walks to a local park (a bit after I began filming, hoping to non-violently cause Saraa to remove herself from my neck and back, she removed herself, but then — all while I was holding our then-two-year-old daughter — proceeded to block our bedroom's only door, rip me from the ground-floor window from which I was tried to escape, shove me into a dresser and then onto the floor, punch and kick me, hit me with a shoe, and attempt to crush my testicles in her outstretched, clinching fist, before then continuing to punch me and, after I managed to slip past her and out of our home, she followed me down the street for multiple blocks); (2) abducted our daughter in order to coerce me into not filing a police report about this incident; (3) called child services on me and generally harassed me until I agreed to

delete the film of the attack (which I did not do, thankfully). *Id.* at 97-8.

By mid-2020 — after COVID-19 interrupted the intensive therapy Saraa had finally agreed to begin in the wake of her filmed violence — Saraa punch me in the face during one of her seemingly-delusional episodes, an act of violence that, together with her general resumption of conflict, caused me to leave our home, despite knowing that Saraa would once again deprive me of our daughter. *Id.*

Skipping over substantial abuse, and Saraa's seeming improvement through the delusion therapy she eventually began (*Id.* 98-99), in April 2021 — after I had returned in order to finally be able to see our daughter again — Saraa began *intensive* abuse and provocation efforts after I declined to re-impregnate her (*Id.*). These culminated in her May 2, 2021, child abduction, during which she called the police for no reason; she then "fled" to a domestic violence shelter (before moving back in with her godparents when her rent-free month there was up). *Id.* at 99-100. While I fled the state fearing Saraa might murder me given that I refused to get back with her (or be gaslit by her into "admitting to" my non-existent abuse), Saraa continued to discuss reuniting. By May 27, 2021, as she asked me to let her fly to my out-of-state location — and tried to coerce me into reuniting by offering me overnight visitation (only if I would agree to reunite with her) — I told her that I would take her to court if she did not stop conditioning visitation on me being with her. So, she then agreed to genuine visitation — then went silent and filed a DVRO against me five days later — and a police report regarding my "extortion" (charges never filed and finding that I never extorted her made). *Id.*

REASONS FOR GRANTING THE PETITION

There are numerous reasons to grant this petition — most of which are fairly obvious; thus, I will not belabor the matter:

(1) An absolute travesty of justice was committed when multiple California courts, commissioners, judges, and attorneys conspired to flagrantly disregard California's anti-child abuse and anti-domestic violence laws. Frankly, it is an embarrassment to see the U.S. legal system stoop so low — and I fear the guilty parties will continue to do so in future cases if their behavior is not addressed.

(2) This case presents a very clear and well-documented case with which this Court can educate courts across the country about litigation abuse (aka judicial terrorism). This is perhaps more necessary than ever, given the expanding definitions of domestic violence, which — while a theoretically positive development — open the door to abusers, like Saraa, who now feel free to allege all sorts of fraudulent abuse allegations, which they feel are subjective-enough that they will be able to get away with making them, and believe they can win and further their abusive goals even when they lose their cases, as Saraa has been allowed to do.

(3) Not only will the reputation of family courts, and courts generally, be tarnished if this travesty is allowed to go unaddressed, the institution of the family itself will suffer. The rampant fraud which this case highlights — and which this Court's turning a blind eye towards will surely encourage — simply places too great of a risk on individuals considering beginning romantic relationships, especially procreative ones. If not addressed,

domestic violence via litigation abuse will dissuade many people from entering into relationships at all, seriously and negatively impacting our society in a myriad of ways.

(4) This case presents an opportunity to squarely address the most fundamental requirements of rule of law and equal protection. My legal research leads me to conclude that this Court should use this case to announce the proposition — which I have yet to be able to find very clearly announced elsewhere — that a gross and blatant disregard for crystal-clear and obviously-applicable law (by a state actor) constitutes a clear equal protection violation — no matter the exact nature of how the matter is raised, as long as a party has asserted that they wish to see the law followed (as any genuine court should and would do). There should be no possibility of waiving this most fundamental tenant/right/expectation, especially when a state actively charges its officials with informing litigants about those laws aimed at addressing important public policy concerns.

(5) Relatedly, while this Court may have recently indicated that states are somewhat free to handle two-parent custody disputes how they wish, within broad constitutional limits, this Court can and should clarify that states certainly have not been given license to unequally, selectively, or arbitrarily apply their laws.

(6) Finally, as I would be happy to further brief this Court about, it should be understood that the legal violations committed and discussed in this petition are only the starting points of the abuse a perpetrator can commit when allowed to secure state-backing for their acts of judicial terrorism. For instance, I have been subjected to child support

orders exceeding 100% of my income, and I am sure that my abuser will continue to attempt to persecute me regarding my "failure" to pay the hundreds of thousands of dollars I "owe" her (despite the fact that I am still in tens of thousands of dollars of debt from when I could still afford to pay for legal representation. This is not to mention the fact that, instead of being awarded the tens of thousands of dollars I was legally entitled to after defeating Saraa's fraudulent DVRO, I have now been ordered to pay Saraa's *appellate* fees — because I lost an appeal in which my position was clearly correct (in fact, not once did any of Saraa's attorneys ever dispute that the trial court's blatant disregard of Sec. 3044 required custody order reversal).

Of course, Saraa's continuing abuse harms not only me, and not only myself and T.P.; Saraa is effectively being allowed and encourage to abuse about my wife and our daughter, R.P., my second daughter — who, by the way, Saraa has not even once allowed to contact her sister, T.P.

CONCLUSION

I ask that this Court put an end to this ongoing nightmare — for my sake, for the sake of my wife and two daughters, and for the sake all all individuals being abused by the vicious domestic perpetrators too frequently aided by our nations courts. See also Lisa A. Tucker, *The (e)x Factor: Addressing Trauma from Post-Separation Domestic Violence As Judicial Terrorism*, 99 Wash. U.L. Rev. 339 (2021)

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