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PLAINTIFF PRO SE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

Case Name: Gilead Tenofovir Cases

Case No.: JCCP 5043 / RG 21098968

Nguyen et al.

Plaintiff

vs.

Gilead Sciences

Defendant

**COVER LETTER TO REFEREE AND COURT
REGARDING**

**OBJECTION TO MOTION TO BE
RELIEVED AS COUNSEL;**

REQUEST FOR SANCTIONS;

REQUEST FOR RELIEF

Date Submitted: June 22, 2025

Date of Hearing: June 23, 2025 10:00am

Department: Judicial Arbitration &
Mediation Services

Referee: M. Quinn

June 22, 2025

Referee M. Quinn

Judicial Arbitration & Mediation Services (JAMS)

San Francisco Superior Court

400 McAllister Street

San Francisco, CA 94102

Re: Gilead Tenofovir Cases (Nguyen et al. v. Gilead Sciences)

Case No.: JCCP 5043 / RG 21098968

Plaintiff's Opposition, Request for Relief, Request for Sanctions, and Proposed Order

Dear Referee Quinn and Clerk:

**I am the Plaintiff, Daniel J. Feldman, Ph.D., and I am currently abroad and homeless as a
result of a recent medical emergency and unlawful eviction. I am dealing with vision loss,**

**COVER LETTER TO REFEREE FOR PLAINTIFF OBJECTION TO MOTION TO BE RELIEVED AS COUNSEL;
REQUEST FOR SANCTIONS; AND REQUEST FOR RELIEF (JCCP 5043 / RG 21098968) – JUNE 23, 2025**

1 hospitalization for a stroke, and displacement, all while trying to defend my legal claims and
2 seek redress for hate-motivated attacks. I have had to prepare and submit this entire packet
as a self-represented party under the most difficult conditions imaginable.

3 During this time, Lieff Cabraser Heimann & Bernstein LLP not only failed to protect my
4 rights, but also chose to escalate and withdraw rather than provide the minimal legal support
5 I requested, contributing to further harm and requiring me to bring this matter before the
Supreme Court of the United States.

6 I specifically requested ADA accommodations due to my disability, medical status, and pro se
7 status. I respectfully ask that the Court enter these pleadings into the record, grant all
8 appropriate accommodations for my hearing and filings, and allow me to present my case
orally if the matter is not decided on the pleadings.

9 Please confirm receipt of these documents and advise if any additional steps are required. I
10 respectfully request that my situation and ADA requests be given due consideration in light of
these extraordinary circumstances.

11 Respectfully,

12 

14 Daniel J. Feldman, Ph.D.

Plaintiff, Pro Se

15 danieljfeldmanphd@gmail.com

16 +1 (307) 699-3223

17 +1 (435) 612-0242

1 DANIEL J. FELDMAN, PH.D
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6 PLAINTIFF PRO SE

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 FOR THE COUNTY OF SAN FRANCISCO

9 UNLIMITED JURISDICTION

10 Case Name: Gilead Tenofovir Cases) Case No.: JCCP 5043 / RG 21098968

11 Nguyen et al.

12 Plaintiff

13 vs.

14 Gilead Sciences

15 Defendant

16) NOTICE OF

17) **OBJECTION TO MOTION TO BE**
18) **RELIEVED AS COUNSEL;**

19) **REQUEST FOR SANCTIONS;**

20) **REQUEST FOR RELIEF**

21) Date Submitted: June 22, 2025

22) Date of Hearing: June 23, 2025 10:00am

23) Department: Judicial Arbitration &
24) Mediation Services

25) Referee: M. Quinn

26 **NOTICE OF FILING AND LODGMENT OF PLAINTIFF'S OPPOSITION,**
27 **REQUEST FOR RELIEF, REQUEST FOR SANCTIONS, MEMORANDUM,**
28 **DECLARATION, AND PROPOSED ORDER**

TO THE REFEREE M. QUINN, COURT AND ALL PARTIES:

Plaintiff, **Daniel J. Feldman, Ph.D.**, submits this written objection regarding the MOTION TO BE
RELIVED OF COUNSEL SUBMITTED BY LEXI HAZAM OF LIEFF CABRASER
HEIMANN& BERNSTEIN LLP ON MAY 19, 2025.

1 Please take notice that Plaintiff, Daniel J. Feldman, Ph.D., is lodging and filing the attached
2 opposition to the motion to be relieved as counsel, together with a request for relief, request
3 for sanctions, memorandum of points and authorities, declaration with exhibits, and a
4 proposed order, to be heard before Referee M. Quinn on June 23, 2025.

5
6 **Dated:** June 22, 2025

7 **Respectfully submitted,**

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9 

10
11 **Daniel J. Feldman, Ph.D.**

12 Plaintiff, Pro Se
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1 DANIEL J. FELDMAN, PH.D
2 c/o 8809 Denington Drive
3 Louisville, KY 40222
4 Tel: (307) 699-3223
5 Email: danieljfeldmanphd@gmail.com

6 PLAINTIFF PRO SE

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 FOR THE COUNTY OF SAN FRANCISCO

9 UNLIMITED JURISDICTION

10 Case Name: Gilead Tenofovir Cases) Case No.: JCCP 5043 / RG 21098968

11 Nguyen et al.

12 Plaintiff

13 vs.

14 Gilead Sciences

15 Defendant

16)
17) **OBJECTION TO MOTION TO BE
18) RELIEVED AS COUNSEL;**

19) **REQUEST FOR SANCTIONS;**

20) **REQUEST FOR RELIEF AND**

21) **DECLARATION IN SUPPORT**

22) Date Submitted: June 22, 2025

23) Date of Hearing: June 23, 2025 10:00am

24) Department: Judicial Arbitration &
25) Mediation Services

26) Referee: M. Quinn

27 **PLAINTIFF'S OBJECTION TO MOTION TO BE RELIEVED AS COUNSEL;
28 **REQUEST FOR SANCTIONS; REQUEST FOR RELIEF and DECLARATION
IN SUPPORT****

TO THE REFEREE M. QUINN, COURT AND ALL PARTIES:

Plaintiff, **Daniel J. Feldman, Ph.D.**, submits this written objection regarding the MOTION TO BE
RELIVED OF COUNSEL SUBMITTED BY LEXI HAZAM OF LIEFF CABRASER
HEIMANN& BERNSTEIN LLP ON MAY 19, 2025.

DECLARATION OF PLAINTIFF IN SUPPORT OF OBJECTION TO MOTION TO BE RELIEVED AS COUNSEL;
REQUEST FOR SANCTIONS; AND REQUEST FOR RELIEF (JCCP 5043 / RG 21098968) – JUNE 23, 2025

1 **PART ONE: STATEMENT OF OBJECTION, REQUEST FOR SANCTIONS, AND RELIEF**

2 1. Plaintiff objects to the withdrawal of counsel for the following reasons:

3
4 A. LCHB's withdrawal is occurring during an ongoing medical crisis and housing emergency,
5 resulting in extreme prejudice and denial of legal rights.

6
7 B. Multiple urgent requests for legal advice, transition, and referral were made in good faith and
8 went unanswered or were met with inappropriate referrals to wellness hotlines rather than
9 substantive legal support.

10
11 C. The consequences have been catastrophic: homelessness, loss of all property, loss of medical
12 care, and permanent prejudice to Plaintiff's legal claims.

13
14 D. Plaintiff respectfully requests that the court:

- 15
16 1. **Deny the motion to withdraw, or, in the alternative, continue the hearing until Plaintiff**
17 **is medically able to participate and adequate substitute counsel is found.**
- 18 2. **Order LCHB to actively seek, identify, and refer Plaintiff to competent substitute**
19 **counsel for this matter, rather than leaving Plaintiff unrepresented. This includes**
20 **making reasonable, good-faith efforts to identify appropriate lawyers or law firms for**
21 **transition, and to coordinate the transfer of all files, records, and case information to**
22 **new counsel.**
- 23
24 3. **In light of LCHB's demonstrated disregard for the needs and rights of a protected**
25 **class of clients, respectfully request that the court order removal of LCHB as counsel**
26 **for all similarly situated plaintiffs in this litigation and assign or facilitate transition to**
27

- 1 a new, appropriate law firm for the class. LCHB should be required to assist in this
2 process to ensure no further harm or disruption occurs to class members.
- 3 4. **Impose monetary and disciplinary sanctions for bad faith, neglect, and retaliatory**
4 **withdrawal.**
- 5 5. **Refer LCHB to the State Bar for discipline and recommend disbarment if warranted.**
6 6. **Order any additional relief the court deems just and proper.**
7
-

9

10 **PART TWO: DECLARATION OF DANIEL J. FELDMAN**

11

12 **I, Daniel J. Feldman, declare as follows:**

13 **DECLARATION OF DANIEL J. FELDMAN**

14 **IN SUPPORT OF OBJECTION TO MOTION TO BE RELIEVED AS COUNSEL**

15 (JCCP 5043 / RG 21098968)

16

17 **I, Daniel J. Feldman, declare as follows:**

- 18
- 19 1. I am the Plaintiff in this matter, submitting this declaration in support of my objection to the
20 motion by Lieff Cabraser Heimann & Bernstein LLP (“LCHB”) to be relieved as counsel.
21
- 22 2. On June 10, 2025, I sent the following email (written as a sworn declaration) to all parties listed
23 below. **No emails were returned as invalid; all recipients successfully received this**
24 **communication. I incorporate its contents in full as part of my sworn declaration:**
25
-

1 **Gilead TDF Drugs Lawsuit**

2 **Daniel J. Feldman, Ph.D. danieljfeldmanphd@gmail.com**

3 **Tue, Jun 10, 2025 at 6:14 PM**

4 **To:** "Hess, Tannah" thess@lchb.com, ecabraser@lchb.com, kdermody@lchb.com,
5 jselbin@lchb.com, dchiplock@lchb.com, "Panek, Gabriel A." gpanek@lchb.com, "bcc: Jo
6 Anne Feldman" jojofeld@bellsouth.net, mail@lchb.com

7 **Subject:** Final Opportunity to Withdraw Motion for Termination of Representation

9 Gilead TDF Drugs Lawsuit

10 Daniel J. Feldman, Ph.D.

11 Tue, Jun 10, 2025 at 6:14 PM

12 To: "Hess, Tannah" , ecabraser@lchb.com, kdermody@lchb.com, jselbin@lchb.com,
13 dchiplock@lchb.com, "Panek, Gabriel A." , "
14 bcc: Jo Anne Feldman" , mail@lchb.com

17 Final Opportunity to Withdraw Motion for Termination of Representation

20 Dear Ms. Hess, Mr. Panek, Mr. Heimann, and Counsel:

21
22 Due to my recent hospitalization and the trauma of an unlawful eviction carried out in direct
23 connection to the legal issues I brought to your attention, I was not able to respond in a
24 timely manner to your motion to withdraw as counsel. The eviction — which left me
25 homeless — occurred after I sought your guidance to protect my Gilead-related claim from
26

1 exactly this type of interference. Your failure to respond substantively left me vulnerable,
2 and the consequences have been both predictable and devastating.

3
4 Please consider this email your final opportunity to withdraw your motion for termination of
5 representation voluntarily. I do not intend to waste additional court time, or mine, opposing
6 this in writing. However, should you proceed, I will formally assert that your course of
7 action constitutes:

- 8
- 9 • Professional negligence
 - 10 • Retaliatory disengagement
 - 11 • Breach of ethical duties to a pro se and disabled client in crisis
- 12

13 This motion to withdraw was entirely avoidable. Rather than spend 15 minutes offering a
14 referral or professional guidance — something any competent member of your legal
15 network could have done — your office chose to escalate with court filings. This course of
16 action appears plainly spiteful, and I will be documenting it as such.

17

18
19 Furthermore, I have a constitutional petition before the Supreme Court of the United States
20 concerning systemic procedural exclusion, retaliation, and denial of due process by court
21 personnel, law enforcement, lawyers, and legal associations. I have referred many of these
22 parties as contributing to a hate crime, unlawfully and without valid court orders
23 executing voided eviction and deliberate harassment leading to permanent blindness,
24 mandatory jail time without parole for all parties, including justices who acted outside their
25 jurisdiction. If you do not immediately retract your motion and reengage in good faith, I
26 will be naming your firm and the individual attorneys involved as parties who contributed to

27

1 this exclusion and civil rights obstruction. Directing a disabled client — in crisis, and under
2 legitimate legal threat — to a mental health hotline instead of answering simple procedural
3 questions is not a defense. It is grounds for formal referral and federal review.

4
5 Attached below is a **sworn declaration of the full communications exchange** between
6 myself and your firm from January to March of this year. This document shows a clear
7 record of repeated legal questions, your failure to respond meaningfully, choosing insults
8 instead of answering legitimate legal questions about the case you were representing, and
9 your ultimate decision to file for withdrawal — not in response to any formal misconduct,
10 but instead in lieu of offering professional assistance.

11
12
13 Also appended below is a draft of an email I intended to send earlier this year in opposition
14 to your withdrawal but was unable to transmit due to hospitalization and ongoing housing
15 displacement. It reflects the urgency and good faith with which I attempted to resolve this
16 matter. That context — both personal and legal — is critical to understanding the
17 seriousness of your obligation to correct course now.

18
19
20 I urge you to reconsider. You have this one opportunity to correct course and prevent further
21 harm to all parties.

22
23
24 **SWORN DECLARATION OF DANIEL J. FELDMAN, PH.D.**

25 *Chronological Record of Communications with Lieff Cabraser Heimann & Bernstein LLP*

26 Dates: January 28 – March 13, 2025

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AFFIDAVIT BODY

I, **Daniel J. Feldman, Ph.D.**, declare under penalty of perjury under the laws of the United States that the following is a true and correct record of communications sent and received between myself and attorneys at **Lieff Cabraser Heimann & Bernstein LLP**, including Mr. Gabriel Panek and Senior Partners, during the period of January 28 to March 13, 2025. This record includes all email communications and one voicemail left with Mr. Panek, and supports my claim of procedural exclusion, retaliatory withdrawal of counsel, and obstruction of justice during an ongoing legal emergency.

The following record is presented in chronological order. Each message includes the date and time of transmission, sender, recipient, and the relevant quoted content.



Message #1 – [EXHIBIT B – PAGE 3]

Date: Tue, Jan 28, 2025 at 12:43 PM

From: Daniel J. Feldman

To: Tannah Hess

CC: Gabriel Panek, Jennifer Munguia

“It is critical that I speak with an attorney involved in my case.”

“I am going to unfairly lose a very large lawsuit due to lack of legal representation that will affect my standing as a class action plaintiff in my case.”

“Yesterday, I began a hunger strike to protest the corruption and lack of due process at the San Francisco Superior Court.”

1 “I believe it will be in the best interest of both parties to have a discussion immediately
2 about the ramifications of these events.”



5 **Message #2 (Phone Call / Voicemail)**

6
7 **Date:** Tue, Jan 28, 2025 (afternoon)

8 **From:** Daniel J. Feldman

9 **To:** Gabriel Panek

10 “I just left a voice message... I need to understand the ramifications of this... Could you call
11 me since you didn’t bother to read... I have exhausted those resources.”
12



15 **Message #3 – [EXHIBIT B – PAGE 4]**

16
17 **Date:** Tue, Jan 28, 2025 at 4:47 PM

18 **From:** Gabriel Panek

19 **To:** Daniel J. Feldman

20 **CC:** Tannah Hess, Phong-Chau Nguyen

21 “Thanks for reaching out. Regarding your case against Gilead relating to TDF drugs, the
22 litigation is on pause...”

23
24 “Your case against Gilead is not a class action and you do not represent any individuals
25 other than yourself.”

26 “I’m available tomorrow to speak by phone as needed.”
27



Message #4 – [EXHIBIT B – PAGE 5-9]

Date: Wed, Jan 29, 2025 at 8:39 AM

From: Daniel J. Feldman

To: Gabriel Panek

CC: Hess, Nguyen

“I am on the third day of a hunger strike to protest the lack of due process, the corruption, the misconduct that has literally torn my life apart.”

“I need legal representation immediately, file for a permanent stay on my case until corruption at the court and misconduct of attorneys is properly investigated.”

“I am willing to pay you a fair hourly rate for one or two urgent tasks, if not full representation...”

“I need an emergency stay motion. I need a review of my wrongful eviction case. And I need help understanding what will happen to my Gilead standing.”



Message #5 – [EXHIBIT B – PAGE 11]

Date: Wed, Jan 29, 2025 at 3:30 PM

From: Daniel J. Feldman

To: Gabriel Panek

“You still haven’t answered: What do I need to do to protect my Gilead standing from my landlord or their insurer?”

“I am not asking for free help — I am asking for a real recommendation. I will pay someone

1 if I have to.”

2 “You are using your position as my lawyer to hide behind silence.”

3

4

5

6



Message #6 – [EXHIBIT B – PAGE 12]

7

Date: Wed, Jan 29, 2025 at 4:27 PM

8

From: Gabriel Panek

9

To: Daniel J. Feldman

10

CC: Tannah Hess, Phong-Chau Nguyen

11

12 “Lieff Cabraser only represents you for your personal injury claims against Gilead Sciences,
13 Inc.”

14

“I’m reattaching my email regarding legal services in the Bay Area.”

15

“Please let me know if I can pass along resources regarding health or mental health.”

16

17

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19



Message #7 – [EXHIBIT B – PAGE 13]

20

Date: Wed, Jan 29, 2025 at 4:32 PM

21

From: Gabriel Panek

22

To: Daniel J. Feldman

23

CC: Phong-Chau Nguyen, Tannah Hess

24

25

“I’m not able to call right now but I may be able to tomorrow.”

26

“I did read your email and I saw your reference to reaching out to lawyers...”

27

“I am not sure what other information we will be able to provide you at this time, however.”

28



Message #8 – [EXHIBIT B – PAGE 14]

Date: Thu, Jan 30, 2025 at 10:01 AM

From: Gabriel Panek

To: Daniel J. Feldman

CC: Phong-Chau Nguyen, Tannah Hess

“We cannot do more to help you since our representation is limited to your case against Gilead...”

“I must urge you in the strongest terms not to engage in any self-harm and to reach out and get help if you need it.”

[Followed by: suicide prevention and mental health hotline numbers]



Message #9 – [EXHIBIT B – PAGE 15-16]

Date: Thu, Jan 30, 2025 at 11:19 AM

From: Daniel J. Feldman

To: Gabriel Panek

“A hunger strike is not self-harm. It is an act of protest.”

“You still have not answered: (1) Does my landlord gain control of my Gilead claim? (2)

Can a court interfere with my participation in a national class action? (3) Can you refer me to ANY California attorney for paid advice?”



Message #10 – [EXHIBIT B – PAGE 17-18]

Date: Fri, Feb 21, 2025 at 5:50 PM

From: Daniel J. Feldman

To: Gabriel Panek

“That is not what I asked. I asked if she will become the Plaintiff in my suit? And will I have any recourse?”

“All you’ve managed to do is insult me and continue the same exact pattern of negligence.”

“You are acting outside the bounds of good faith.”



Message #11 – [EXHIBIT B – PAGE 19]

Date: Fri, Feb 21, 2025 at 3:41 PM

From: Gabriel Panek

To: Daniel J. Feldman

“Unfortunately I am not able to provide you a referral at this time.”

“If your landlord obtains a judgment against you they may get a lien on any recovery you may obtain in this case.”



Message #12 – [EXHIBIT B – PAGE 20]

Date: Mon, Feb 24, 2025 at 9:18 PM

From: Gabriel Panek

To: Daniel J. Feldman

CC: Phong-Chau Nguyen, Tannah Hess

“Based on what you’ve described to me, no, your landlord winning a lawsuit against you would not entitle her to become the plaintiff in your suit — she could just assert a lien against any monetary recovery by you in this case.”

“If you were to file for bankruptcy... the bankruptcy trustee could control your Gilead case or assert a lien over any monetary award.”

“I’m very sorry you feel that way. As I’ve explained, our representation of you is limited to your claims against Gilead.”

“I’ve endeavored to be as helpful as possible in responding to your questions about your other lawsuit...”



Message #13 – [EXHIBIT B – PAGE 21]

Date: Thu, Feb 27, 2025 at 11:06 AM

From: Daniel J. Feldman

To: Gabriel Panek

“I am humbly and literally begging you to share my information within your offices in California.”

1 “I am asking — pleading — for a name. A firm. A phone number. I will pay.”

2 “This has implications not just for me, but for other pro se class members who are denied
3 access to counsel.”
4



7 **Message #14 – [EXHIBIT B – PAGE 22-23]**

8 **Date:** Fri, Mar 7, 2025 at 8:34 AM

9 **From:** Daniel J. Feldman

10 **To:** Lieff Cabraser Senior Partners

11 “Panek has dismissed every serious concern with form letters and wellness links.”

12
13 “He has made no effort to help me protect my claim.”

14 “You cannot ethically allow one of your lawyers to ignore a class member in distress like
15 this.”

16 “You must intervene before this becomes irreversible.”
17



20 **Message #15 – [EXHIBIT B – PAGE 24-27]**

21 **Date:** Tue, Mar 11, 2025 at 1:30 PM

22 **From:** Daniel J. Feldman

23 **To:** Lieff Cabraser Senior Counsel

24
25 “It has now been over six weeks of silence from your firm.”

26 “My questions remain unanswered. My rights remain unprotected.”
27

1 “I need help protecting my rights as a plaintiff in the Gilead case.”

2 “I should not have to hunger strike to get an answer to a legal question.”



5 **Message #16 – [EXHIBIT B – PAGE 28]**

6

7 **Date:** Tue, Mar 11, 2025 at 2:46 PM

8 **From:** Gabriel Panek

9 **To:** Daniel J. Feldman

10 “I’ve consulted with the other senior partners you copied, whom I am now moving to Bcc.”

11 “Lieff Cabraser represents you only in your litigation against Gilead relating to your use of
12 TDF medication.”

13
14 “I have sent you resources... but we are unable to provide you with a specific referral or any
15 further assistance with that matter.”

16 “I believe I have answered all of your questions regarding the impact of the other case on
17 your claims against Gilead.”

18 “If you believe Lieff Cabraser has not been providing you with the representation you
19 desire, you are free to terminate our representation agreement... You will owe us nothing.”
20



23 **Message #17 – [EXHIBIT B – PAGE 29-30]**

24
25 **Date:** Wed, Mar 12, 2025 at 11:25 PM

26 **From:** Daniel J. Feldman

27 **To:** Lieff Cabraser Senior Counsel

1 “This is my final effort to receive a serious legal reply.”

2 “Panek has consistently ignored my core questions about protection of my Gilead claim, and
3 has never named a single attorney to contact.”

4 “You are now forcing me to proceed without counsel.”

5 “If you do not respond, I will have no choice but to bring this to the attention of the bar and
6 the courts.”
7



8
9
10 **Message #18 – [EXHIBIT B – PAGE 31-32]**

11
12 **Date:** Thu, Mar 13, 2025

13 **From:** Richard Heimann

14 **To:** Daniel J. Feldman

15 “After you informed us of your intent to hunger strike... we provided wellness resources.”

16 “We have filed a motion to be relieved as counsel.”

17 “We wish you well and sincerely regret that we could not continue representing you in this
18 matter.”
19

20
21 **SIGNATURE BLOCK**

22 **Executed under penalty of perjury on June 10, 2025**, in accordance with 28 U.S.C. §
23 1746.

24 **By:**

25 /s/Daniel J. Feldman, Ph.D.
26
27

1 3. No emails were returned as invalid or undeliverable; all intended recipients received this
2 declaration on June 10, 2025.

3
4 4. All exhibits referenced in the June 10, 2025, email—including my chronological record of
5 communications and unsent draft court objection—are attached to this declaration as Exhibit B-1.

6
7 5. These facts and my experience are now being written into the upcoming addendum of my filings
8 before the Supreme Court of the United States this week. A true and correct copy of those filings is
9 attached as Exhibit A.

10
11 6. I never received any password-protected USB “key fob,” case file, or certified mail from Lieff
12 Cabraser Heimann & Bernstein LLP. Nothing was delivered by mail or electronically, despite their
13 statements. They were informed that I was facing an unlawful eviction.

14
15
16 7. I notified LCHB that I was out of the country, unable to receive mail, and was homeless. They
17 did not attempt to serve me by any other means or provide me with any materials referenced in their
18 withdrawal letter.

19
20 8. This failure to deliver critical documents further denied me access to my legal rights and ability
21 to obtain new counsel.

22
23
24
25 **I declare under penalty of perjury under the laws of the State of California that the foregoing**
26 **is true and correct.**

1 Executed on June 22, 2025, in Medellín, Colombia.

2 

3
4 Daniel J. Feldman

DANIEL J. FELDMAN, PH.D
c/o 8809 Denington Drive
Louisville, KY 40222
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PLAINTIFF PRO SE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

Case Name: Gilead Tenofovir Cases	)	Case No.: JCCP 5043 / RG 21098968
)	
Nguyen et al.	)	MEMORANDUM OF POINTS &
	)	AUTHORITIES OF IN SUPPORT OF
Plaintiff)	
	)	OBJECTION TO MOTION TO BE
vs.	)	RELIEVED AS COUNSEL;
)	
	)	REQUEST FOR SANCTIONS;
Gilead Sciences)	
	)	REQUEST FOR RELIEF
Defendant)	
)	

Date Submitted: June 22, 2025
Date of Hearing: June 23, 2025 10:00am
Department: Judicial Arbitration &
Mediation Services
Referee: M. Quinn

MEMORANDUM OF POINTS AND AUTHORITIES

**IN SUPPORT OF PLAINTIFF'S OBJECTION TO MOTION TO BE RELIEVED AS
COUNSEL; REQUEST FOR SANCTIONS, RELIEF, AND REFERRAL FOR DISCIPLINE
TO THE REFEREE M. QUINN, COURT AND ALL PARTIES:**

Plaintiff, **Daniel J. Feldman, Ph.D.**, submits this memorandum to support the objection regarding
the MOTION TO BE RELIVED OF COUNSEL SUBMITTED BY LEXI HAZAM OF LIEFF
CABRASER HEIMANN & BERNSTEIN LLP ON MAY 19, 2025.

1 **I. INTRODUCTION**

2 This memorandum supports Plaintiff’s written objection to the motion to be relieved as counsel by
3 Lieff Cabraser Heimann & Bernstein LLP (“LCHB”). Plaintiff is a class member and former client
4 in a major class action concerning HIV/AIDS-related injuries—a protected and vulnerable group.
5 The conduct at issue involves not only abandonment, but a pattern of disregard for urgent medical
6 crises, hate crimes, and the fundamental duty of access to justice. The facts, law, and equities all
7 demand denial of the motion, imposition of sanctions, and referral for further discipline and class
8 counsel reassignment.
9

11 **II. BACKGROUND: FACTS AND PROCEDURAL HISTORY**

12 Plaintiff is a member of a class action lawsuit on behalf of persons living with HIV/AIDS—a group
13 long targeted for discrimination, hate crimes, and medical exclusion. Plaintiff was abandoned by
14 class counsel while in the midst of an active medical crisis: on a hunger strike due to lack of legal
15 protection, then hospitalized for a stroke, and ultimately rendered homeless and dispossessed
16 because of systemic denial of access to legal remedies.
17

18
19 Plaintiff repeatedly notified LCHB of his medical condition, inability to access alternative legal aid
20 (after years of fruitless effort), and the ongoing hate-motivated eviction proceedings. Plaintiff was
21 met with silence, or with dismissive referrals to mental health hotlines, not legal help. LCHB then
22 moved to withdraw, without providing a single referral, transition support, or meaningful response
23 to Plaintiff’s specific requests for emergency protection and advice—despite explicit warnings that
24 these failures would lead to catastrophic loss, homelessness, and denial of medical care.
25
26
27

1 The result: exactly the harm Plaintiff warned of—loss of home, all belongings, medical crisis on the
2 street, and the destruction of Plaintiff’s legal claims. These facts are detailed in Plaintiff’s SCOTUS
3 filings (attached hereto and incorporated by reference).

4 5 **III. LEGAL AUTHORITY FOR RELIEF, SANCTIONS, AND PROTECTION OF** 6 **PRO SE PLAINTIFFS**

7 8 **A. State and Local Rules**

- 9 • **Cal. Rules of Professional Conduct 1.16(d):** Attorneys must not withdraw if it would
10 prejudice the client and must take all reasonable steps to avoid foreseeable prejudice,
11 including giving due notice, allowing time for new counsel, delivering papers, and
12 complying with all laws.
- 13 • **California Rule of Court 3.1362:** Requires notice, service, and a declaration that
14 reasonable transition steps have been taken before withdrawal can be granted.
- 15 • **CCP §§ 128.5, 128.7:** The court may award monetary sanctions and other relief for actions
16 done in bad faith, for improper purpose, or for needlessly causing delay or harm.

17 18 19 **B. National and Supreme Court Authority**

- 20 • **Bounds v. Smith, 430 U.S. 817 (1977):** Access to courts is a fundamental constitutional
21 right.
- 22 • **Boddie v. Connecticut, 401 U.S. 371 (1971):** State cannot deny access to justice based on
23 technical or financial barriers.
- 24 • **Christopher v. Harbury, 536 U.S. 403 (2002):** Denial of access to courts is itself a
25 constitutional injury.

- **Tennessee v. Lane, 541 U.S. 509 (2004):** ADA applies to court access; courts must accommodate disability.
- **M.L.B. v. S.L.J., 519 U.S. 102 (1996):** Denying review due to procedural barriers in matters of fundamental rights violates due process.
- **SCOTUS Filing (see Addendum):** The denial of legal counsel and structural exclusion from justice resulted in homelessness, loss of property, and loss of legal remedies. These facts are now before the U.S. Supreme Court as part of a nationwide petition regarding systemic court and attorney misconduct.

C. Special Duties of Class Counsel

- Class counsel owe a fiduciary duty to all class members—especially those in protected, disadvantaged, or historically targeted groups (see *Amchem Prods. v. Windsor*, 521 U.S. 591 (1997); FRCP 23(g)).
- Courts have authority (and a duty) to remove, sanction, or replace class counsel where they act in bad faith, abandon a class member, or endanger the rights of the class as a whole.

D. Equitable Powers to Protect Vulnerable Litigants

- Courts have inherent authority to grant relief, continuances, transition help, and any order “necessary to prevent injustice”—especially when no published case controls, and where structural denial of access is proven.

1 **IV. RECKLESS ABANDONMENT AND HATE-BASED NEGLECT IN A CLASS**

2 **ACTION CONTEXT**

3 The facts here go beyond mere neglect or oversight. LCHB, while representing a class of persons
4 with HIV/AIDS—among the most vulnerable and targeted populations—abandoned a member who
5 was experiencing an emergency, hate-motivated eviction, and medical crisis (including hunger
6 strike and hospitalization for a stroke). Repeated warnings of catastrophic harm were ignored.
7 To represent this class, then turn away in the face of real-world hate crimes and medical
8 emergencies, is a betrayal of professional and civic duty that “shocks the conscience.” This is not
9 just malpractice; it is conduct unworthy of the bar. Plaintiff respectfully urges the court to
10 recommend discipline, including disbarment, and to order reassignment of class counsel for the
11 protection of all class members.
12
13

14
15 **V. STRUCTURAL DENIAL OF ACCESS TO JUSTICE: NATIONAL AND**
16 **CONSTITUTIONAL IMPLICATIONS**

17 Plaintiff’s case is not unique—it is now before the Supreme Court of the United States as part of an
18 emergency Rule 20 petition (see attached/Exhibit A). The denial of counsel, refusal to provide even
19 minimal legal help, and abandonment of a disabled litigant during hate-motivated crisis and medical
20 catastrophe has resulted in irreparable loss. The evidence is on file in both federal and state courts.
21 Where attorney conduct results in total exclusion from legal remedies, permanent loss of home,
22 property, and health, and the erasure of fundamental rights—*this is not merely a matter for local*
23 *discipline; it is a constitutional crisis.* This court has the power—and the duty—to stop it, and to
24 provide meaningful relief.
25
26

VI. REQUESTED RELIEF

Plaintiff respectfully requests:

1. **Denial or Continuance of the Motion to Withdraw:** Until Plaintiff can recover from medical crisis and secure new counsel, or the court ensures reasonable transition and accommodation.
2. **Order for Immediate Transition Help:** That LCHB be ordered to provide all files, records, and transition assistance required for pro se participation or handoff to new counsel.
3. **Imposition of Monetary and Disciplinary Sanctions:** For bad faith withdrawal, abandonment, and willful endangerment of a class member, under CCP §§ 128.5, 128.7, and the court's inherent powers.
4. **Referral to State Bar and Recommendation for Disbarment:** For reckless and contemptuous disregard of duty to a vulnerable class member.
5. **Order for Reassignment of Class Counsel:** In the interest of the class as a whole, and the integrity of the justice system.
6. **Any Other Relief the Court Finds Just and Proper:** Including, if necessary, protective orders, additional time, and/or direct communication with the court regarding Plaintiff's medical and legal needs.

1 7. **Judicial Notice of SCOTUS Filings:** Plaintiff's objection, and a record of these events, is
2 being included as an addendum to the Supreme Court of the United States to highlight the
3 systemic and reckless disregard for justice by the attorneys in this case.

5 **VII. CONCLUSION**

6 This case is not only about Plaintiff; it is about every vulnerable person who depends on the
7 integrity of class counsel and the courts to protect their rights, safety, and very survival. The actions
8 of LCHB and the resulting harm are a warning for the entire legal system.
9

10
11 Plaintiff respectfully urges the court to grant all relief and sanctions requested herein, to refer this
12 matter for full discipline, and to make a public record that such conduct will never be tolerated—
13 least of all by those entrusted to protect the most at-risk among us.
14

15
16 **Respectfully submitted,**

17 

18
19 Daniel J. Feldman, Ph.D.

20 Plaintiff, Pro Se

21 **DATED: June 22, 2025**
22
23
24
25
26
27

1 DANIEL J. FELDMAN, PH.D
2 c/o 8809 Denington Drive
3 Louisville, KY 40222
4 Tel: (307) 699-3223
5 Email: danieljfeldmanphd@gmail.com

6 PLAINTIFF PRO SE

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 FOR THE COUNTY OF SAN FRANCISCO

9 UNLIMITED JURISDICTION

10 Case Name: Gilead Tenofovir Cases	)	Case No.: JCCP 5043 / RG 21098968
)	
11 Nguyen et al.	)	PLAINTIFF'S REQUEST FOR SANCTIONS
12 Plaintiff)	
13 vs.	)	Date Submitted: June 22, 2025
	)	Date of Hearing: June 23, 2025 10:00am
	)	Department: Judicial Arbitration &
14 Gilead Sciences	)	Mediation Services
15 Defendant	)	Referee: M. Quinn
)	

16
17
18 **PLAINTIFF'S REQUEST FOR SANCTIONS AGAINST LIEFF CABRASER**
19 **HEIMANN & BERNSTEIN LLP**

20 TO THE REFEREE M. QUINN, COURT AND ALL PARTIES:

21
22 Plaintiff, **Daniel J. Feldman, Ph.D.**, submits this written demand for sanctions regarding the
23 MOTION TO BE RELIVED OF COUNSEL SUBMITTED BY LEXI HAZAM OF LIEFF
24 CABRASER HEIMANN& BERNSTEIN LLP ON MAY 19, 2025.

1 **Plaintiff, Daniel J. Feldman, Ph.D., respectfully moves for monetary and disciplinary**
2 **sanctions against Lieff Cabraser Heimann & Bernstein LLP (“LCHB”) under California**
3 **Code of Civil Procedure §§ 128.5 and 128.7, California Rules of Professional Conduct Rule**
4 **1.16(d), and the Court’s inherent and equitable powers. This request is further supported by**
5 **controlling constitutional authority and national arguments presented to the Supreme Court**
6 **of the United States.**

10 **I. GROUNDS FOR SANCTIONS**

12 **1. Abandonment of a Vulnerable, Disabled Class Member During Medical Crisis**

13 LCHB seeks to withdraw as counsel with full knowledge that I was hospitalized for a stroke, left
14 homeless, and facing legal emergencies directly related to the claims they were retained to protect. I
15 repeatedly notified LCHB of my circumstances, and my urgent, good-faith requests for legal advice
16 or transition support were evaded, ignored, or met with inappropriate referrals to wellness hotlines.

18 **2. Willful Failure to Provide Transition or Referral**

19 In January 2025, I asked LCHB for what should have been a 15-minute response—a basic legal
20 answer or referral to help protect my rights in the face of an emergency. Rather than provide even
21 minimal guidance, LCHB avoided substantive answers and instead escalated to unnecessary court
22 filings, causing avoidable harm to me, to their own staff, and to the court.

24 **3. Inadequate Service, No Delivery of Files or Case Materials**

25 LCHB’s declaration claims they served me by mail at a “last known address,” but I had repeatedly
26 notified the firm that I was out of the country and homeless, and unable to receive U.S. mail. No
27

1 certified mail, password-protected USB, or case file was ever delivered to me physically or
2 electronically. LCHB made no attempt to confirm receipt, to offer alternative service, or to show
3 any genuine concern for my ability to transition or protect my claims.

4 **4. Disregard for Class Counsel Duties and the Protected Class**

5
6 This is not just a personal failure—it is a profound breach of the duties of class counsel in a case
7 involving persons with HIV/AIDS, a protected group uniquely vulnerable to hate crimes and
8 medical discrimination. LCHB’s actions show a lack of concern for the class as a whole and a
9 willingness to weaponize the power of representation against the very people they are supposed to
10 protect. This is not merely negligence; it is a betrayal of trust and justice.

11 **5. Structural Denial of Access to Justice and National Pattern**

12
13 This conduct is not just a violation of state law. It is part of a pattern of systemic denial of access to
14 justice that I have raised in my Emergency Rule 20 Petition before the Supreme Court of the United
15 States. I am requesting national relief and sanctions against law firms that use their status to
16 threaten, abandon, or retaliate against vulnerable class members. The attached Exhibit A (SCOTUS
17 Addendum) includes these arguments and evidence.

18 **6. Resulting Harm**

19
20 As a direct result of LCHB’s actions, I am homeless, without my case file, unable to obtain new
21 counsel, and have suffered permanent prejudice to my legal rights, as documented in my declaration
22 and the record.
23
24
25
26
27

1 **II. LEGAL AUTHORITY**

2 - **California Rule of Professional Conduct 1.16(d):** Requires all reasonable steps to avoid
3 foreseeable prejudice to the client—including file delivery, notice, and support.

4 - **California Rules of Court 3.1362:** Requires notice, meaningful transition, and good-faith efforts
5 by withdrawing counsel.

6 - **CCP §§ 128.5, 128.7:** Authorize sanctions for bad faith, delay, or abuse of process.

7 - **Mossanen v. Monfared (2023) 93 Cal.App.5th 1135:** Sanctions for failure to transition a
8 vulnerable client.

9 - **U.S. Supreme Court Authority:** Bounds v. Smith, Tennessee v. Lane, Christopher v. Harbury—
10 right of access, ADA protection, and constitutional due process.

11 - **Class Action Standards:** Amchem Prods. v. Windsor, Rule 23(g), and related authorities on
12 fiduciary duties of class counsel.

13
14
15
16
17 **III. REQUESTED SANCTIONS AND RELIEF**

18
19 **Plaintiff respectfully requests that the Court:**

20
21 **1. Impose monetary and disciplinary sanctions on LCHB for bad faith, neglect, and failure to**
22 **provide reasonable transition or referral.**

23
24 **2. Refer LCHB and responsible attorneys to the State Bar of California for investigation and**
25 **appropriate discipline, including possible disbarment.**

1 **3. Order LCHB to deliver all case files, materials, and information by any available means**
2 **(including electronic delivery), and to assist in transition if substitute counsel is retained.**

3
4 **4. Remove LCHB as class counsel for all similarly situated plaintiffs in this litigation and**
5 **order or facilitate the appointment of new, qualified class counsel.**

6
7 **5. Grant any further sanctions, transition support, protective orders, or relief the Court finds**
8 **just and proper to remedy the harm caused and deter future misconduct.**

9
10 **6. Take judicial notice of the attached SCOTUS Addendum (Exhibit A) and the national,**
11 **constitutional, and class-wide implications of this conduct.**

12
13 **Dated: June 22, 2025**

14 **Respectfully submitted,**

15
16 

17 **Daniel J. Feldman, Ph.D.**
18 **Plaintiff, In Pro Per**

DANIEL J. FELDMAN, PH.D
c/o 8809 Denington Drive
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PLAINTIFF PRO SE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

Case Name: Gilead Tenofovir Cases	)	Case No.: JCCP 5043 / RG 21098968
)	
	)	PLAINTIFF'S REQUEST FOR RELIEF
Nguyen et al.)	
Plaintiff	)	Date Submitted: June 22, 2025
	)	Date of Hearing: June 23, 2025 10:00am
vs.	)	Department: Judicial Arbitration &
	)	Mediation Services
	)	Referee: M. Quinn
Gilead Sciences)	
Defendant)	
)	

**PLAINTIFF'S REQUEST FOR RELIEF RELATED TO MOTION TO BE
RELIEVED AS COUNSEL**

TO THE REFEREE M. QUINN, COURT AND ALL PARTIES:

Plaintiff, **Daniel J. Feldman, Ph.D.**, submits this written request for relief regarding the MOTION
TO BE RELIVED OF COUNSEL SUBMITTED BY LEXI HAZAM OF LIEFF CABRASER
HEIMANN& BERNSTEIN LLP ON MAY 19, 2025.

1 **PLEASE TAKE NOTICE** that Plaintiff, Daniel J. Feldman, Ph.D., respectfully requests the
2 following relief against Lieff Cabraser Heimann & Bernstein LLP (“LCHB”) pursuant to California
3 Code of Civil Procedure §§ 128.5 and 128.7, California Rule of Professional Conduct 1.16(d), and
4 the Court’s inherent and equitable powers:
5

6 **REQUEST FOR RELIEF**

7 **1. Monetary Compensation for Plaintiff’s Time and Costs**

8
9 Order LCHB to pay Plaintiff the reasonable value of time spent preparing, drafting, and filing all
10 opposition, objection, declaration, and sanctions documents, including the work of a lawyer,
11 paralegal, and administrative assistant. Compensation should be at prevailing market rates and
12 should continue for as long as Plaintiff is required to represent himself due to LCHB’s conduct.
13

14 **2. Ongoing Payment of Costs While Plaintiff Remains Pro Se**

15
16 Order LCHB to continue reimbursing Plaintiff for all reasonable legal costs, including filing fees,
17 copying, electronic service, and related expenses incurred during any period Plaintiff is forced to
18 represent himself because of LCHB’s withdrawal and failure to provide adequate transition.
19

20 **3. Mandatory Referrals and Transition Assistance**

21
22 Order LCHB to immediately provide Plaintiff with the names and contact information of at least
23 three competent attorneys or law firms in the San Francisco Bay Area qualified to consult on these
24 issues, and to actively facilitate the transfer of Plaintiff’s case file and information to any such
25 attorney(s).
26
27

1 **4. Delivery of All Case Files and Records**

2 Order LCHB to promptly deliver all case files, records, and materials (physical and electronic) to
3 Plaintiff by the most accessible and secure means, with confirmation of receipt.
4

5 **5. Removal as Class Counsel**

6 Order the removal of LCHB as class counsel for all similarly situated plaintiffs in this litigation and
7 appoint or facilitate the appointment of new, qualified class counsel to protect the interests of the
8 class.
9

10
11 **6. Referral for Discipline and Disbarment**

12 Refer LCHB and responsible attorneys to the State Bar of California for investigation and
13 appropriate discipline, including possible disbarment, for abandonment of a vulnerable client and
14 violations of professional and ethical obligations.
15

16
17 **7. Order Response to Bar Complaints**

18 Order LCHB and responsible attorneys to respond to and cooperate with all Bar Association
19 complaints arising from their conduct in this case.
20

21 **8. Further Relief**

22 Grant any further relief, sanctions, transition support, protective orders, or remedies the Court
23 deems just and proper to restore Plaintiff's rights and deter similar misconduct.
24

1 **Dated: June 22, 2025**

2 **Respectfully submitted,**

3
4
5 **By:** 
6

7 **Daniel J. Feldman, Ph.D.**

8 **Plaintiff, Pro Se**

EXHIBIT A:

**EXCERPTS FROM EMERGENCY RULE 20 PETITION,
FACTUAL STATEMENT, RELIEF REQUESTED, AND
MEMORANDUM OF POINTS AND AUTHORITIES FILED
WITH THE SUPREME COURT OF THE UNITED STATES,
JUNE 2025**

**(Case: Daniel J. Feldman, Petitioner, v. Multiple Courts, filed
June 2, 2025)**

Subparts:

**A-1. NOTICE OF FILING OF RULE 20 PETITION,
EMERGENCY MOTION FOR STAY, MOTION TO
PROCEED IN FORMA PAUPERIS, AND RELATED
DOCUMENTS (Pages 2–4)**

**A-2. PETITION FOR WRIT OF MANDAMUS AND
PROHIBITION (Pages 5–7)**

**A-3. EMERGENCY MOTION FOR STAY OF
PROCEEDINGS (Pages 8–10)**

**A-4. MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF RULE 20 PETITION AND EMERGENCY
MOTION FOR STAY (Pages 11–17)**

A-5. APPENDIX OF AUTHORITIES (Pages 18–25)

Daniel J. Feldman, Ph.D.
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PLAINTIFF, PRO SE DANIEL J. FELDMAN

UNITED STATES SUPREME COURT

DANIEL J. FELDMAN,

Petitioner,

v.

**United States District Court for the District
of Columbia**

**United States District Court for the
Western District of Kentucky**

**Superior Court of California, County of
San Francisco**

Jefferson Circuit Court (KY)

Jefferson District Court (KY)
Respondents.

UNITED STATES SUPREME COURT

CASE:

DATE FILED: June 2, 2025

PETITION FOR A

WRIT OF MANDAMUS AND

PROHIBITION

UNDER RULE 20 AND

THE ALL WRITS ACT

**To the HONORABLE CHIEF JUSTICE and ASSOCIATE JUSTICES OF
THE SUPREME COURT OF THE UNITED STATES:**

PETITION FOR A WRIT OF MANDAMUS AND PROHIBITION

UNDER RULE 20 AND THE ALL WRITS ACT

PETITION FOR WRIT OF MANDAMUS AND PROHIBITION

Petitioner Daniel J. Feldman respectfully petitions for a writ of mandamus and/or prohibition pursuant to Rule 20 of the Rules of this Court and 28 U.S.C. § 1651 (All Writs Act), on an emergency basis, to redress the ongoing structural denial of access to justice in violation of the First, Fifth, and Fourteenth Amendments of the United States Constitution.

I. QUESTIONS PRESENTED

1. Whether it violates the First and Fourteenth Amendments for multiple courts to systematically deny a pro se, indigent, disabled litigant meaningful access to judicial review by refusing to rule on emergency filings, blocking IFP applications, and transferring venue to courts under active judicial misconduct referrals.
 2. Whether the Court should order an emergency stay and national injunctive relief when the judiciary's own procedural and filing rules prevent pro se litigants from filing, paying, or accessing basic legal remedies, thereby excluding them based solely on representation status.
-

II. PARTIES

Petitioner: Daniel J. Feldman, Ph.D., currently unhoused due to unlawful eviction executed under a void state-court order while federal motions were pending.

Respondents:

- United States District Court for the District of Columbia
 - United States District Court for the Western District of Kentucky
 - Superior Court of California, County of San Francisco
 - Jefferson Circuit Court, Kentucky
 - Jefferson District Court, Kentucky
-

III. BASIS FOR JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1651 and Rule 20. No lower court has granted or denied effective relief. Emergency filings were ignored. Petitioner cannot afford the filing fee, and IFP review has been obstructed or left in limbo. No adequate remedy exists elsewhere.

IV. STATEMENT OF THE CASE

Petitioner filed a Verified Civil Rights Complaint in the U.S. District Court for the District of Columbia (Case No. 1:25-CV-00657), asserting structural court access denial, judicial retaliation, and systemic exclusion under Rule 23(b)(2). While emergency motions and IFP applications were pending, the case was transferred without ruling to the Western District of Kentucky—a venue where the presiding judge (Stivers) is under active criminal referral by Petitioner.

Petitioner was evicted from his residence during hospitalization, with all legal records seized. Motions for TRO, IFP, and judicial reassignment were ignored. Petitioner has faced clerk obstruction in California, Kentucky, and D.C., including removal of his name from dockets and refusal to accept filings.

Even when willing and able to pay fees under duress, pro se litigants are prohibited from electronic filing and must appear in person to pay by check—a burden impossible to meet under disability and displacement. This has occurred at every level: state court, federal district court, and may now repeat in this Court.

V. REASONS FOR GRANTING THE WRIT

Petitioner has no adequate remedy. The injury is constitutional, systemic, and ongoing. The denial of access to court by way of filing barriers, IFP obstruction, and venue manipulation amounts to a structural failure of the judiciary to uphold the rule of law.

This Court should intervene because:

- The **First Amendment** protects the right to petition for redress of grievances
- The **Fifth Amendment** prohibits arbitrary deprivation of liberty without due process
- The **Fourteenth Amendment** prohibits discriminatory procedural burdens

SCOTUS rules and lower court procedures disproportionately exclude pro se, indigent, and disabled litigants by:

- Requiring **booklet-format filing** for those who pay
- Denying **electronic filing** for non-lawyers
- Conditioning motion review on **unaffordable or impossible procedural hurdles**

These burdens are not neutral—they functionally shut down access for one class of litigant: those without counsel.

VI. RELIEF REQUESTED

Petitioner respectfully requests:

1. That this Court accept this Rule 20 Petition as an extraordinary writ;
2. That it issue a stay of all proceedings in W.D. Ky. and any related enforcement actions;
3. That it vacate the D.D.C. transfer order and restore jurisdiction there;
4. That it order reassignment to a neutral judge not named in misconduct proceedings;
5. That it order national injunctive relief or supervisory review of all judicial policies that deny pro se litigants equal access to filing, payment, and emergency review.

Respectfully submitted,

Signature:



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Louisville, KY 40222
(307) 699-3223
Petitioner, Pro Se

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PLAINTIFF, PRO SE DANIEL J. FELDMAN

UNITED STATES SUPREME COURT

DANIEL J. FELDMAN,

Petitioner,

v.

**United States District Court for the District
of Columbia**

**United States District Court for the
Western District of Kentucky**

**Superior Court of California, County of
San Francisco**

Jefferson Circuit Court (KY)

Jefferson District Court (KY)
Respondents.

UNITED STATES SUPREME COURT

CASE:

DATE FILED: June 2, 2025

EMERGENCY MOTION FOR

STAY OF PROCEEDINGS

PENDING DISPOSITION OF

RULE 20 PETITION

To the **HONORABLE CHIEF JUSTICE** and **ASSOCIATE JUSTICES OF**

THE SUPREME COURT OF THE UNITED STATES:

EMERGENCY MOTION FOR STAY OF PROCEEDINGS

PENDING DISPOSITION OF RULE 20 PETITION

EMERGENCY MOTION FOR NATIONAL STAY OF PROCEEDINGS

Petitioner Daniel J. Feldman respectfully moves this Court for an emergency stay of proceedings, not limited to any individual matter, but applying nationwide to all ongoing judicial actions in which pro se litigants are subjected to materially unequal procedural conditions compared to represented parties. This motion arises under the All Writs Act, 28 U.S.C. § 1651, and Rule 20 of this Court.

This request is made to preserve the Court's jurisdiction while it reviews the accompanying Rule 20 Petition for Writ of Mandamus and Prohibition. The issues raised are not personal alone but structural and systemic, implicating core constitutional protections under the First, Fifth, and Fourteenth Amendments, as well as statutory rights under Title II of the Americans with Disabilities Act.

I. Grounds for Stay

Petitioner has submitted a verified record demonstrating:

1. Pro se litigants are regularly denied access to e-filing, emergency motion review, and equal procedural treatment;
2. These disparities persist in both state and federal courts and are often determinative of substantive rights;
3. Petitioner has suffered eviction, seizure of legal records, and denial of medical and judicial accommodations, which reflect a broader pattern—not an isolated incident;
4. Emergency filings and verified TROs have been ignored or excluded across jurisdictions without review;

5. The lower courts' procedural regimes disproportionately exclude one class of litigants — those without counsel — in violation of settled precedent.

Petitioner's attached Memorandum of Points and Authorities provides full legal support, including controlling cases such as *Ex parte Peru*, *FTC v. Dean Foods*, *Christopher v. Harbury*, *M.L.B. v. S.L.J.*, *Bounds v. Smith*, and *Tennessee v. Lane*.

II. Relief Requested

Petitioner respectfully requests that this Court:

1. Enter a temporary national stay of judicial proceedings where one or more parties are proceeding pro se and have alleged or documented procedural discrimination, including denial of e-filing, TRO review, or access to clerk services;
2. Stay all enforcement actions, judicial deadlines, or dismissals that would otherwise arise solely due to such unequal procedural access;
3. Maintain the status quo pending the Court's disposition of the Rule 20 Petition;
4. Acknowledge that while this Petition arises from specific harms, the emergency relief sought is structural, and no ruling is requested on the underlying class certification motion still pending before the D.C. District Court.

Respectfully submitted,



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PLAINTIFF, PRO SE DANIEL J. FELDMAN

UNITED STATES SUPREME COURT

DANIEL J. FELDMAN,

Petitioner,

v.

**United States District Court for the District
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**United States District Court for the
Western District of Kentucky**

**Superior Court of California, County of
San Francisco**

Jefferson Circuit Court (KY)

Jefferson District Court (KY)
Respondents.

UNITED STATES SUPREME COURT

CASE:

DATE FILED: June 2, 2025

MEMORANDUM OF POINTS AND

AUTHORITIES IN SUPPORT OF

RULE 20 PETITION AND

EMERGENCY MOTION FOR STAY

**To the HONORABLE CHIEF JUSTICE and ASSOCIATE JUSTICES OF
THE SUPREME COURT OF THE UNITED STATES:**

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
RULE 20 PETITION AND EMERGENCY MOTION FOR STAY**

MEMORANDUM OF POINTS AND AUTHORITIES ISO WRIT OF MANDAMUS & NATIONAL STAY

I. INTRODUCTION

Petitioner respectfully submits this Memorandum of Points and Authorities in support of his Rule 20 Petition for Writ of Mandamus and Emergency Motion for Stay. The Petition arises from a systemic denial of court access across multiple federal and state jurisdictions in violation of the First, Fifth, and Fourteenth Amendments, as well as Title II of the Americans with Disabilities Act (ADA). Petitioner is a disabled, indigent, pro se litigant who has been evicted, silenced, and dispossessed while federal filings were pending, with his motions ignored and his status used as a barrier to emergency relief.

This memorandum highlights the constitutional and statutory grounds for this Court's intervention under Rule 20 and the All Writs Act, 28 U.S.C. § 1651, and it incorporates controlling precedents that affirm the rights of unrepresented litigants to petition, participate, and seek relief on an equal procedural footing.

II. LEGAL FRAMEWORK

A. First Amendment – Right to Petition and Access to Courts

The First Amendment guarantees the right to petition the government for redress of grievances, including meaningful access to the courts. Procedural mechanisms that operate to exclude or block indigent or pro se litigants from filing motions, accessing clerks, or submitting filings—especially in emergency contexts—are violations of this core right.

In *Bounds v. Smith*, 430 U.S. 817 (1977), this Court held that the constitutional right of access to courts is fundamental, particularly where the state has created procedural barriers. In *Boddie v. Connecticut*, 401 U.S. 371 (1971), the Court struck down a filing fee requirement that prevented access to the courts in a fundamental matter—divorce—holding that due process demands access where the state has monopolized a remedy.

And in *Ex parte Hull*, 312 U.S. 546 (1941), the Court affirmed that the legal sufficiency of a filing is a judicial question alone, not one that may be preemptively blocked by clerical or administrative staff.

Petitioner here was denied access to courts through IFP limbo, name removal, refusal of filings, and electronic filing restrictions—all while attempting to petition for relief in emergency settings.

B. Fifth and Fourteenth Amendments – Procedural Due Process

Due process under the Fifth and Fourteenth Amendments demands notice and an opportunity to be heard. When courts ignore emergency motions, allow eviction during hospitalization, and proceed without ruling on verified constitutional filings, the core principles of due process are nullified.

In *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996), this Court held that access to appellate courts in parental rights cases could not be conditioned on wealth or procedural payment requirements. In *Griffin v. Illinois*, 351 U.S. 12 (1956), the Court invalidated denial of appeal due to inability to

afford a trial transcript, emphasizing that "there can be no equal justice where the kind of trial a man gets depends on the amount of money he has."

Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009), reaffirmed that due process is offended when a judge refuses to recuse in the face of serious risk of actual bias. *Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950), remains controlling authority on notice: due process demands procedures reasonably calculated to inform affected parties before property is seized or rights extinguished.

Petitioner was evicted, his property seized, and legal rights extinguished without notice or ruling while emergency motions were pending—violating the heart of procedural due process.

C. Fourteenth Amendment – Equal Protection

Procedural systems that discriminate against pro se, indigent, or disabled litigants by designating filing pathways only accessible to attorneys or fee-payers violate the Equal Protection Clause.

Gideon v. Wainwright, 372 U.S. 335 (1963), confirmed the right to counsel for indigent defendants based on equal protection principles. *Smith v. Bennett*, 365 U.S. 708 (1961), held that a state could not condition access to habeas corpus on a filing fee. These decisions collectively bar procedural regimes that separate litigants into privileged and excluded classes based solely on representation status or financial means.

Petitioner was denied the ability to proceed either as IFP or by check/electronic means. This unequal treatment of pro se litigants creates a dual-track system that is unconstitutional.

D. Title II of the Americans with Disabilities Act (ADA)

Title II of the ADA, 42 U.S.C. § 12132, prohibits public entities—including courts—from denying qualified individuals with disabilities access to programs, services, or activities.

In *Tennessee v. Lane*, 541 U.S. 509 (2004), the Court held that the ADA validly applies to court access and that states are obligated to accommodate disabilities when fundamental rights are at stake. Petitioner’s disability was ignored at all stages: while hospitalized, while his name was removed from court records, and while access to payment and filing systems was denied based on pro se status.

The failure of courts to accommodate Petitioner’s physical and procedural disabilities directly violates Title II of the ADA as interpreted in *Lane*.

E. Rule 20 and the All Writs Act – Supervisory Jurisdiction

This Court may issue extraordinary writs when no adequate remedy exists in the lower courts and jurisdiction is threatened. Under Rule 20 and 28 U.S.C. § 1651 (All Writs Act), relief is appropriate where judicial procedures themselves create the harm.

In *Ex parte Peru*, 318 U.S. 578 (1943), the Court granted mandamus to prevent jurisdictional usurpation. *FTC v. Dean Foods Co.*, 384 U.S. 597 (1966), authorized writ relief where lower

court actions threatened to nullify meaningful review. In *In re United States*, 345 F.3d 450 (7th Cir. 2003), the Seventh Circuit reversed a district court that had created an access-to-review bottleneck.

Petitioner has exhausted all procedural paths. The courts below have refused to rule, transferred venue into conflict, and silenced his emergency motions. This Court’s intervention is warranted to preserve its jurisdiction and restore constitutional order.

F. Structural Access Doctrine

Where court procedures functionally prevent litigants from initiating or sustaining legal claims, access-to-courts doctrine provides a standalone constitutional remedy.

In *Christopher v. Harbury*, 536 U.S. 403 (2002), this Court held that denial of court access is itself a constitutional harm if it prevents the presentation of a legal claim. *Lewis v. Casey*, 518 U.S. 343 (1996), clarified that an access violation requires actual injury. *Indiana v. Edwards*, 554 U.S. 164 (2008), restricts self-representation in trial proceedings but does not apply to written filings or emergency motions in civil contexts.

Petitioner’s injuries are ongoing, structural, and well-documented: verified emergency filings were never ruled on; records were removed from court; and evidence was seized during a pending federal matter. These are precisely the harms structural access doctrine forbids.

III. CONCLUSION

Petitioner has met every requirement of Rule 20. He has shown structural harm, no adequate remedy, and an urgent need for this Court to intervene. The First, Fifth, and Fourteenth Amendments, the ADA, and this Court's precedents mandate relief.

Respectfully submitted,



Daniel J. Feldman, Ph.D.
c/o 8809 Dennington Drive
Louisville, KY 40222
(307) 699-3223
Petitioner, Pro Se

APPENDIX OF AUTHORITIES:

◆ I. Constitutional and Statutory Authorities

1. 28 U.S.C. § 1651 — All Writs Act

(a) The Supreme Court and all courts established by Act of Congress **may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.**

(b) An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction.

◆ Why This Matters:

The Rule 20 Petition is grounded in this statute. The D.C. and Kentucky courts failed to protect constitutional rights and blocked jurisdiction. This gives SCOTUS authority to act where no adequate remedy remains.

2. 42 U.S.C. § 12132 — Title II, Americans with Disabilities Act

Subject to the provisions of this subchapter, **no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity**, or be subjected to discrimination by any such entity.

◆ **Why This Matters:**

Petitioner, a recognized disabled individual, was denied participation in state and federal courts: refused accommodations, blocked from clerk systems, evicted during federal filings. These acts violate Title II of the ADA.

3. U.S. CONST. amend. I — First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; **or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.**

◆ **Why This Matters:**

Access to the courts is part of the First Amendment's petition clause. Systematic denial of docket access, rejection of motions due to IFP status, or blocking filings based on pro se status violates this clause.

4. U.S. CONST. amend. V — Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime... **nor be deprived of life, liberty, or property, without due process of law.**

◆ **Why This Matters:**

Petitioner was evicted from his home, had property seized, and motions ignored, all without a hearing or due process. That's a direct Fifth Amendment violation — especially in federal court.

5. U.S. CONST. amend. XIV — Fourteenth Amendment, § 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. **No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

◆ **Why This Matters:**

State courts in Kentucky and California both denied Petitioner's standing, silenced his motions, or required attorney representation for survival claims. These actions violate both the due process and equal protection clauses.

II. PRECEDENT CASES AND THEIR RELEVANCE

A. First Amendment – Right to Petition and Access to Courts

1. *Bounds v. Smith*, 430 U.S. 817 (1977)

Held that prison officials must assist inmates in the preparation and filing of legal papers by providing access to law libraries or persons trained in the law. The case stands broadly for the principle that individuals have a constitutional right to access the courts.

👉 *This principle applies here to all pro se litigants being structurally excluded through filing barriers and clerk obstruction.*

2. *Boddie v. Connecticut*, 401 U.S. 371 (1971)

Invalidated a filing fee requirement that barred indigent litigants from accessing divorce proceedings. The Court emphasized that due process bars a state from denying access to courts where it provides no alternative remedy.

👉 *This directly applies to IFP denials used to block review of emergency civil rights matters.*

3. *Ex parte Hull*, 312 U.S. 546 (1941)

Held that prison authorities could not screen or censor prisoner filings. Only courts may determine the legal sufficiency of a complaint.

👉 *Clerks and administrators refusing to docket filings violate this long-established doctrine.*

B. Fifth and Fourteenth Amendments – Procedural Due Process

4. *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996)

Extended due process protections to indigent parents in child custody and termination cases, holding that financial status may not be used to condition access to appellate review in matters of fundamental rights.

👉 *Access to constitutional review of ADA and civil rights claims is similarly protected.*

5. *Griffin v. Illinois*, 351 U.S. 12 (1956)

Invalidated a state's refusal to provide a trial transcript to an indigent defendant, holding that equal justice must not depend on ability to pay.

👉 *Filings denied due to IFP delays or inability to pay by check fall within this prohibition.*

6. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950)

Established that due process requires notice reasonably calculated to inform interested parties before depriving them of property or rights.

👉 *Applies directly to evictions and seizure of property while litigant was hospitalized and silenced by the court.*

7. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009)

Ruled that due process is violated when a judge fails to recuse in a case where there is a serious risk of actual bias.

👉 *Used here to argue that transfer into a venue with an already-referred judge (Stivers) invalidates proceedings.*

C. Fourteenth Amendment – Equal Protection

8. *Gideon v. Wainwright*, 372 U.S. 335 (1963)

Required appointment of counsel for indigent criminal defendants as a matter of equal protection.

👉 *Shows constitutional obligation to accommodate the disadvantaged in fundamental rights litigation.*

9. *Smith v. Bennett*, 365 U.S. 708 (1961)

Invalidated filing fee barriers for habeas corpus petitions. The Court held that filing fees cannot be used to deny constitutional relief.

👉 *Used here to show that IFP limbo and inability to pay block critical rights claims.*

D. Title II – Americans with Disabilities Act

Statutory Text: 42 U.S.C. § 12132

“Subject to the provisions of this subchapter, **no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity**, or be subjected to discrimination by any such entity.”

10. *Tennessee v. Lane*, 541 U.S. 509 (2004)

Held that Title II of the ADA validly applies to state and local courts. The Court upheld Congress's power to enforce constitutional rights through requiring accessible courtrooms and procedures.

👉 *Applies to denial of accommodation during hospitalization, seizure of filings, and exclusion from clerk procedures.*

E. Supervisory Jurisdiction – Rule 20 and All Writs Act

11. *Ex parte Peru*, 318 U.S. 578 (1943)

Confirmed that extraordinary writs may issue when lower court proceedings threaten to impair the Supreme Court's jurisdiction.

👉 *Justifies SCOTUS intervention where courts transfer jurisdiction away from pending constitutional review.*

12. *FTC v. Dean Foods Co.*, 384 U.S. 597 (1966)

Held that appellate courts may issue writs to prevent destruction of jurisdiction, even absent final judgment.

👉 *Establishes supervisory authority over courts refusing to hear verified emergency motions.*

F. Statutory Text: 28 U.S.C. § 1651

“The Supreme Court and all courts established by Act of Congress **may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.**”

G. Structural Access Doctrine

13. *Christopher v. Harbury*, 536 U.S. 403 (2002)

Held that denial of access to the courts constitutes a constitutional tort when it prevents redress of an underlying claim.

👉 *Petitioner’s verified complaint was never reviewed; name was removed; evidence was seized — a textbook case.*

14. *Lewis v. Casey*, 518 U.S. 343 (1996)

Clarified that actual injury is required to prove denial of court access.

👉 *Petitioner was evicted, evidence seized, and procedural rights extinguished — multiple actual injuries shown.*

15. *Indiana v. Edwards*, 554 U.S. 164 (2008)

Permits denial of self-representation in criminal trials if a defendant is mentally unfit, but not for written civil proceedings.

👉 *Supports Petitioner’s pro se standing in civil filings despite disability.*

Exhibit B – Table of Contents

B-#	Date & Time	From/To	Subject/Content Summary	Exhibit B Page(s)
B-1	Jan 28, 2025, 12:43 PM	Feldman → Hess/Panek/Munguia	Request for urgent legal consult, hunger strike	3
B-2	Jan 28, 2025, 4:47 PM	Panek → Feldman/Hess/Nguyen	Scope of representation, litigation pause	4
B-3	Jan 29, 2025, 8:39 AM	Feldman → Panek/Hess/Nguyen	Hunger strike, legal help plea, urgent tasks	5–9
B-4	Jan 29, 2025, 12:18 PM	Feldman → Panek/Hess/Nguyen	Voicemail follow-up, standing, hunger strike	10
B-5	Jan 29, 2025, 3:30 PM	Feldman → Panek	Direct question on Gilead standing, referral	11
B-6	Jan 29, 2025, 4:27 PM	Panek → Feldman/Hess/Nguyen	Legal services Bay Area, health resources	12
B-7	Jan 29, 2025, 4:32 PM	Panek → Feldman/Hess/Nguyen	“May call tomorrow,” little further help	13
B-8	Jan 30, 2025, 10:01 AM	Panek → Feldman/Hess/Nguyen	Wellness hotline referral (suicide hotline)	14
B-9	Jan 30, 2025, 11:19 AM	Feldman → Panek	“Hunger strike is protest, not self-harm”; referrals	15–16
B-10	Feb 21, 2025, 5:50 PM	Feldman → Panek	Will landlord take claim, attorney frustration	17–18
B-11	Feb 21, 2025, 3:41 PM	Panek → Feldman	Can’t provide referral, landlord lien possible	19
B-12	Feb 24, 2025, 9:18 PM	Panek → Feldman/Hess/Nguyen	Landlord can’t take over claim, possible lien	20
B-13	Feb 27, 2025, 11:06 AM	Feldman → Panek/Hess/Nguyen	Pleading for internal referral, desperate request	21
B-14	Mar 7, 2025, 8:34 AM	Feldman → LCHB Senior Partners	Panek non-responsive, plea to intervene	22–23

B-#	Date & Time	From/To	Subject/Content Summary	Exhibit B Page(s)
B-15a	Mar 11, 2025, 1:30 PM	Feldman → LCHB Senior Counsel	Six weeks of silence, unprotected rights	24
B-15b	Mar 11, 2025, 4:38 PM	Feldman → LCHB Senior Counsel	Six weeks of silence, unprotected rights (follow-up)	25–27
B-16	Mar 11, 2025, 2:46 PM	Panek → Feldman	Only Gilead claims, no referral, “we’re done”	28
B-17	Mar 12, 2025, 11:25 PM	Feldman → LCHB Senior Counsel	Final demand for legal reply, threat of complaint	29–30
B-18	Mar 13, 2025	Heimann (LCHB) → Feldman	Withdrawal notice, “we wish you well”	31–32

B-1 Jan 28, 2025, Feldman → Hess/Panek/Munguia Request for urgent legal consult, hunger strike
12:43 PM

Daniel J. Feldman, Ph.D. <danieljfeldmanphd@gmail.com>
"Hess, Tannah" <thess@lchb.com>

Tue, Jan 28, 2025 at 12:43 PM To:

Cc: "Munguia, Jennifer" <jmunguia@lchb.com>, "Panek, Gabriel A." <gpanek@lchb.com>

Good Afternoon,

It is critical that I speak with an attorney involved in my case. I am going to unfairly lose a very large lawsuit due to lack of legal representation that will affect my standing as a class action plaintiff in my case.

Yesterday, I began a hunger strike to protest the corruption and lack of due process at the San Francisco Superior Court.

I believe it will be in the best interest of both parties to have a discussion immediately about the ramifications of these events.

Warmest regards,

Daniel J. Feldman, Ph.D.
Clinical Neuropsychologist and Touch Healer

+1 (307) 699-3223

+1 (435) 612-0242

"And now here is my secret, a very simple secret: It is only with the heart that one can see rightly; what is essential is invisible to the eye."

The Little Prince by Antoine de Saint-Exupéry

B-2 Jan 28, 2025, Panek → Scope of representation, litigation pause
4:47 PM Feldman/Hess/Nguyen

Panek, Gabriel A. <gpanek@lchb.com>

Tue, Jan 28, 2025 at 12:46 PM

To: "Daniel J. Feldman, Ph.D." <danieljfeldmanphd@gmail.com>, "Hess, Tannah" <thess@lchb.com>

Cc: "Nguyen, Phong-Chau G." <pgnguyen@lchb.com>

Hi Dr. Friedman,

Thanks for reaching out. Regarding your case against Gilead relating to TDF drugs, the litigation is on pause while the California Supreme Court considers an appeal relating to Gilead's unsuccessful motion for summary judgment. We are hopeful the California Supreme Court will rule in our favor and allow the litigation to keep moving forward, but we won't know anything more until we hear from that court.

Please let us know any other updates that you believe are relevant to your case. I am unsure if your reference to "a very large lawsuit" in the first paragraph of your email refers to this case or another one. Your case against Gilead is not a class action and you do not represent any individuals other than yourself, but let us know any other information that would be helpful.

I'm available tomorrow to speak by phone as needed.

Best,

Gabriel

**Lieff
Cabraser
Heimann &
Bernstein**
Attorneys at Law

Gabriel Panek Partner

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t 212.355.9500 Ext. 6626

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B-3 Jan 29, 2025, Feldman → Hunger strike, legal help plea, urgent tasks
8:39 AM Panek/Hess/Nguyen

Daniel J. Feldman, Ph.D. <danieljfeldmanphd@gmail.com> Wed, Jan 29, 2025 at 8:39 AM
To: "Panek, Gabriel A." <gpanek@lchb.com>
Cc: "Hess, Tannah" <thess@lchb.com>, "Nguyen, Phong-Chau G." <pnguyen@lchb.com>

Dear Counselor Panek :

I spoke to you about this lawsuit about a year ago, and like over 100 attorneys I have contacted over the last four years, you assured me that your attorneys could not help me with my case. Below is a description of what is going on. I am on the third day of a hunger strike to protest the lack of due process, the corruption, the misconduct that has literally torn my life apart. I can send info about the hunger strike if you are interested in being able to help me secure legal representation immediately, file for a permanent stay on my case until corruption at the court and misconduct of attorneys is properly investigated. The other hunger strike demands are broader, but those are the priority.

Let me know when to call...

CRITICAL LEGAL CONSULTATION NEEDED IMMEDIATELY

I would encourage you to extend me the courtesy to read my summary, as I cannot afford any more time. I am willing to pay you a fair hourly rate for one or two urgent tasks, if not full representation, as the trial is scheduled for February 24 in the San Francisco Superior Court.

BACKGROUND

The Unlawful Detainer December 2019

Linda Steinhoff-Holmes and Daniel Bornstein beat me to my constructive eviction, filing a Wrongful Unlawful Detainer in December 2019 based on lies suborned by Mr. Bornstein, which were witnessed and recorded. They simultaneously contaminated the water in my apartment, making it uninhabitable according to a paid expert certified environmental specialist and independent laboratories. This led to the death of my 39-yr old roommate and multiple hospitalizations for me. Chris Hefner died the day before the Covid shutdown, and I was left without an attorney as there was a stay on almost every UD case but mine, since it involved alleged violence and elder abuse, all lies manufactured by Ms. Holmes and Mr. Bornstein.

The Settlement September 2020 - Voluntary Surrender October 2020

Despite the serious allegations and lack of an attorney, my evidence was so strong that Mr. Bornstein literally begged me on the first day of trial on September 15, 2020, to settle and dismiss the case immediately. I demanded a settlement of no less than \$1M and instead, as he agreed the damages were likely higher than that, he left the claim of damages open without prejudice. The judge exclaimed incredulously, "Mr. Bornstein, from this settlement, he is going to sue the hell out of your client... for a million or more in damages. Is your client aware of this risk?" And he replied, "Yes Sir, we are fully aware that risk was left open."

Inability to Collect on Any Damages and Counter Demand of Defense for Over \$500K in

Legal Fees: Denied Legal Representation, Misconduct of Defense Counsel, and

Corruption of Court Staff

Now four years later, laid destitute and disabled from the UD, I have literally talked to every tenant law firm more than once, and I cannot get anyone to represent me or even hear the facts of my \$5M lawsuit. I cannot find a tenant

attorney willing to accept hourly payment for consultation, except for a couple who took my money and ghosted me. I am preparing for a devastating loss at the trial on February 24, due to lack of representation, defense attorney misconduct, and alleged corruption of a court clerk.

CONSULTATION 1. An Emergency Stay:

Writing and filing an emergency permanent stay on the case and reopening discovery until the case record can be investigated for evidence of corruption or mishandling, particularly because the terms of the temporary stay were not met by the court.

This is a serious and urgent matter involving alleged corruption and administrative misconduct within the San Francisco Superior Court. For more than a year, I have been unable to file in my own case as a clerk repeatedly removed my name as Plaintiff in the court record. This allowed the Defense to file blatantly frivolous claims for summary judgment without opposition or reconsideration. Every attempt I made to communicate with the court was blocked as I was suddenly removed from my own case.

The frivolous claims won in Summary Judgement are so blatant, refuting basic joint stipulated facts and court records, such that Defense Counsel stated I missed the statute of limitations for **filing my case in July 2021** since I "surrendered possession in December 2019." It is insanely preposterous because the Defendant and Daniel Bornstein had me in an Unlawful Detainer case in which I prevailed in pro per in **September 2020**, when I agreed in the settlement before the Judge to voluntarily surrender on **October 15, 2020, specific provisions made to allow constructive eviction claims without prejudice. I did not miss the STATUTE OF LIMITATIONS.**

It is oddly suspicious that when the Defense filed for summary judgement, my name was suddenly removed from the court records on my case and every opposition I filed did not get entered or filed into the registry. That issue went on despite repeatedly asking the court to intervene so I could oppose their motion and demand sanctions for the outrageous claims they made and won. Not only that, but I could not complete my discovery for the same reason.

Coincidence? I do not think so, especially since my discovery evidence includes bribes between Defendant and four inspectors of DBI on my front porch security camera, and evidence of corruption involving the SFPD. This IS her modus operandi, and although unlikely, it would not be surprising if the court record change was done deliberately as was suggested by senior filing personnel at File&ServeExpress, RapidLegal, and OneLegal who reviewed the matter extensively, claimed it was unique and appeared to be deliberate.

The Senior Counsel of the San Francisco Superior Court has refused to investigate any alleged misconduct, despite clear evidence of court record alterations that have negatively impacted me. As a result, I have faced ongoing interference with my ability to oppose frivolous claims, complete Discovery, or seek justice in a \$5M wrongful/constructive/retaliatory eviction case despite having a settlement offer supposedly guaranteeing me due process for those claims.

CONSULTATION 2. Case Review:

a) Wrongful Eviction and the Unlawful Detainer Cases:

- i. The registries.
- ii. Unfiled motions and other communications with court personnel, Defense counsel, previous attorneys, and relevant parties.
- iii. Witness and expert witness lists, along with their evidence.
- iv. Exhibit list and the evidence contained therein.
- v. A settlement offer from Daniel Bornstein when I prevailed against him in the unlawful detainer case in September 2020, during which I called him as a witness to respond to legal recordings of him suborning perjury by the Defendant, her family, and employees.

b) A broad review of damages from multiple parties involved, including:

- i. The wrongful death of my partner and our cat.
- ii. Past and ongoing medical issues caused by intentional contamination of air and water in the apartment, verified by a certified environmental specialist and independent labs.

iii. Loss of my three-bedroom rent-stabilized apartment in Duboce Triangle.

iv. Slander caused by multiple false claims of violent elder abuse suborned by Daniel Bornstein, proven false during the unlawful detainer case in 2020. When evidence of this misconduct was to be introduced, Bornstein dismissed the 10-month case, during which my partner died (murdered), and I was hospitalized repeatedly.

These events resulted in:

- The loss of my medical practice.
- Denial of healthcare after the Defendant personally contacted Risk Management at UCSF. This resulted in a “Zero Tolerance Policy for Violence,” leading to my arrest if I step onto any UCSF campus or attempt to see any UCSF-affiliated physicians. This policy, broadcast via Epic MyChart, has resulted in my being banned from receiving care at numerous healthcare facilities, leaving me without even a primary care physician.
- Repeated threats to my healthcare and housing over the past four years as the Defendant continues to slander me.

c) Financial losses incurred, including:

- i. Expenses from the unlawful detainer case, amounting to \$50,000.
- ii. Expenses for apartment repairs, energy theft, stolen furniture, and other damages.
- iii. Legal consultation expenses and maintaining evidence for over five years.
- iv. Losses from denied ADA accommodations for emergency surgeries, which resulted in permanent blindness in my left eye due to delayed treatment.

d) Damages I will incur if I do not prevail, including:

- i. Ongoing and worsening barriers to healthcare access.
- ii. Continued threats to my housing due to ongoing slander.
- iii. Inability to return to work.
- iv. Over \$500,000 in opposing legal expenses.
- v. Loss of Plaintiff standing in a 5-year class action lawsuit regarding medication side effects, which is currently in bellwether trials in the San Francisco Superior Court.

To be clear, I will certainly lose this case unless Discovery is reopened and the corruption is addressed and mitigated.

What I Need From Your Counsel: CONSULTATION 1 or 2 (if not full representation)

These are the final consultation product which I am seeking

CONSULTATION 1. How to Address Court Misconduct and Stay the Case:

Please provide guidance on writing and filing the necessary motions or writs to immediately stay the case, reopen discovery, and compel an investigation into the alleged corruption. Specifically:

- What is the most effective legal mechanism to halt the trial and reopen discovery?
- Are there procedural tools available to compel an independent investigation into the misconduct?
- What legal remedies exist for addressing court clerks’ alterations to the record and interference with my case?
- Are there precedents or strategies that could compel the court to review the procedural violations and ensure fairness moving forward?

CONSULTATION 2. Case Review and Long-Term Solutions:

a) Assessment of Winning Chances:

- Based on your review of the available discovery and the exclusion of critical evidence, what are my realistic chances of prevailing at trial if my discovery remains excluded?
- If I succeed in reopening discovery and including all relevant evidence, how does that change my likelihood of success?
- Are there specific elements of my existing discovery or case evidence that stand out as particularly strong or weak in supporting my claims?

b) Discovery Options and Limitations:

- If discovery cannot be reopened, what strategies or legal arguments can I use to introduce some of the excluded evidence at trial or through other procedural means?
- Are there categories of evidence (e.g., witness testimony, expert reports) that I can still submit or incorporate into the record without formally reopening discovery?
- What legal mechanisms or motions can I use to challenge the prior exclusion of critical evidence or compel its inclusion at trial?

c) Winning vs. Losing:

- If I win, how do I use the \$5M judgment to cover the costs of correcting medical records and clearing my name in healthcare systems?

- If I lose, how do I mitigate the consequences of losing, including:

- i. Protecting my assets from seizure to pay opposing legal fees.
- ii. Ensuring my right to appeal without being financially barred by legal fees.
- iii. Addressing healthcare discrimination without legal recourse if this case is lost.

d) Protecting Healthcare Access:

- What legal mechanisms can stop healthcare facilities from independently adopting zero-tolerance policies based on slanderous information in decentralized records like Epic MyChart?
- How do I prevent further escalation of healthcare barriers as each new denial reinforces the misinformation?
- What remedies are available to address systemic denial of healthcare when multiple facilities independently reinforce slanderous flags?

e) Preserving Legal Rights:

- How can I protect my ability to pursue an appeal, even if I lose this case?
- What steps should I take now to preserve evidence and strengthen my position for future litigation?

f) Accountability and Broader Solutions:

- Are there opportunities to pursue additional claims, such as against individuals or entities responsible for slander, obstruction of justice, or misconduct?
- Are there legislative or advocacy efforts I can join to address these systemic healthcare issues? or abuses of the legislative systems?

I am available at either +1.307.699.3223, +1.435.612.0242, or danieljfeldmanphd@gmail.com to discuss this further.
Thank you for your time and immediate consideration.

Sincerely,

Daniel J. Feldman, Ph.D.

Clinical Neuropsychologist and Touch Healer

+1 (307) 699.3223

B-4 Jan 29, 2025, Feldman → Voicemail follow-up, standing, hunger strike
12:18 PM Panek/Hess/Nguyen

Daniel J. Feldman, Ph.D. <danieljfeldmanphd@gmail.com>

Wed, Jan 29, 2025 at 12:18

PM To: "Panek, Gabriel A." <gpanek@lchb.com>

Cc: "Hess, Tannah" <thess@lchb.com>, "Nguyen, Phong-Chau G." <pgnguyen@lchb.com>

Counselor Panek:

I just left a voice message, and reviewing my email earlier, I am not sure it was clear.

The woman who murdered my partner and my cat are going to saddle me with over \$500k in her seven attorneys fees for the simple fact that I was rejected by every single law firm over the last four years. I need to understand the ramifications of this, and again, I am on the third day of a hunger strike protesting the lack of due process and fairness in this case.

Not that that will do any good,. No one seems interested in helping me with that either. So I will lose the case and she will get my entire life, Or I will die of starvation waiting because, yeah, I do not want any part of a world that is going to be that cruel, and then she will take my estate. So perhaps we should just skip all the formalities so I can introduce you to the murderer who will be taking over my case as Plaintiff for me.

I could set up an introductory group call and we can be done with all of it in a few minutes, if you would like.

Daniel J. Feldman, Ph.D.

Clinical Neuropsychologist and Touch Healer

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"And now here is my secret, a very simple secret: It is only with the heart that one can see rightly; what is essential is invisible to the eye."

The Little Prince by Antoine de Saint-Exupéry

B-5 Jan 29, 2025, Feldman → Panek Direct question on Gilead standing, referral
3:30 PM

““You still haven’t answered: What do I need to do to protect my Gilead standing...”

“I just left a voice message... I need to understand the ramifications of this... Could you call me since you didn’t bother to read... I have exhausted those resources.”

[Telephone call/voicemail—referenced in declaration; not available as an email.]

B-6

Jan 29, 2025,
4:27 PM

Panek →
Feldman/Hess/Nguyen resources

Legal services Bay Area, health

Panek, Gabriel A. <gpanek@lchb.com>

Wed, Jan 29, 2025 at 12:27

PM To: "Daniel J. Feldman, Ph.D." <danieljfeldmanphd@gmail.com>

Cc: "Hess, Tannah" <thess@lchb.com>, "Nguyen, Phong-Chau G." <pgnguyen@lchb.com>

Hi Dr. Feldman,

I'm really sorry to hear about all the problems you have been having. As we discussed in 2023, Lieff Cabraser only represents you for your personal injury claims against Gilead Sciences, Inc. We do not represent you in any other litigation. I'm reattaching my email regarding legal services in the Bay Area. I'm not sure if you ended up reaching out to these other organizations, but I wanted to make sure you still have this information. Please also let me know if I can pass along resources regarding health or mental health.

Best,

Gabriel

B-7 Jan 29, 2025, Panek → "May call tomorrow," little further help
4:32 PM Feldman/Hess/Nguyen

Panek, Gabriel A. <gpanek@lchb.com>

Wed, Jan 29, 2025 at 12:32

PM To: "Daniel J. Feldman, Ph.D." <danieljfeldmanphd@gmail.com>

Cc: "Nguyen, Phong-Chau G." <pgnguyen@lchb.com>, "Hess, Tannah" <thess@lchb.com>

I'm not able to call right now but I may be able to tomorrow. I did read your email and I saw your reference to reaching out to lawyers, but I wanted to confirm that included the resources we provided. I am not sure what other information we will be able to provide you at this time, however.

B-8 Jan 30, 2025, Panek → Wellness hotline referral (suicide hotline)
10:01 AM Feldman/Hess/Nguyen

Panek, Gabriel A. <gpanek@lchb.com>
AM To: "Daniel J. Feldman, Ph.D." <danieljfeldmanphd@gmail.com>
Cc: "Nguyen, Phong-Chau G." <pgnguyen@lchb.com>, "Hess, Tannah" <thess@lchb.com>

Thu, Jan 30, 2025 at 6:01

Dr. Feldman,

Again, I'm really sorry about your situation and I regret we cannot do more to help you since our representation is limited to your case against Gilead relating to TDF medication injuries. My previous recommendations may be obvious, but they are still good resources for people in your situation. I am sorry they have not worked out for you.

As for what happens to a plaintiff's cause of action following their death, that is a state-by-state issue (and varies based on the situation with the plaintiff's estate) and I would recommend you consult with a California estate attorney for any such questions. However, I must urge you in the strongest terms not to engage in any self-harm and to reach out and get help if you need it. [Here is the link to UCSF's wellness resources page](#), with the relevant portion copied below. I hope you would contact one of these hotlines before hurting yourself.

- **If you are having thoughts about hurting yourself, call the [San Francisco Suicide Prevention](#) hotline at (415) 781-0500**
or the [National Suicide Prevention Lifeline](#) at (800) 273-8255 (you can also [chat with them online](#)).
- Peer-led support [San Francisco Mental Health Warm Line](#): (855) 845- 7415 or [chat with them online](#)
- [Disaster Distress Helpline](#): (800) 985-5990 or text "TalkWithUs" to 667446
- [Crisis Textline](#): Text "TALK" to 741741 to connect with a crisis counselor •

[Comprehensive Crisis Services](#): 3801 3rd Street, Suite 400, San

Francisco, CA 94124. Crisis line is (415) 970-3800 or (415) 970-4000.

I really hope you resolve this situation and I'm very sorry to hear about these issues, but again, we cannot offer you legal representation in this other matter.

Sincerely,

Gabriel

B-9 Jan 30, 2025, Feldman → Panek “Hunger strike is protest, not self-harm”; referrals
11:19 AM

Daniel J. Feldman, Ph.D. <danieljfeldmanphd@gmail.com>
AM To: "Panek, Gabriel A." <gpanek@lchb.com>

Thu, Jan 30, 2025 at 7:19

A hunger strike is not self-harm. It is an act of protest.

I appreciate that you have taken the time to respond, but your replies have not addressed my core concern. I have already exhausted the legal resources you've suggested multiple times over the past four years. Simply reiterating those same general referrals does not help me—it perpetuates the problem that has left me without legal representation and facing catastrophic consequences.

What I need is a **direct referral**—a name, a firm, or a contact—of someone who **could** review my case, provide consultation, or assist in some capacity. I require a real lead, not a general resource list.

The San Francisco Bar Association has explicitly told me not to contact them again because, after four years, they have not found an attorney willing to take my case. Bay Area Legal has said the same. This is not an issue of me not trying; it is a systemic failure in access to legal representation.

Further, your refusal to take my calls, despite saying you were available, only adds to my frustration. It took **less than a minute** for any firm or attorney to respond with a rubber-stamped answer like one you essentially wrote to me:

“Your case does not fit within our schedule at this time. That is not a reflection on the merits of your case, but unfortunately, we cannot provide guidance. However, it is critical that you seek legal assistance as soon as possible due to upcoming court deadlines. We wish you the best in your search.”

These types of template responses and dismissals have left me in limbo while my life is on the line, more in jeopardy without the hunger strike than with it.

You have also **not answered a key question: If I lose my other case and my landlord obtains a judgment against me, what happens to my standing as a plaintiff in the Gilead litigation? Do I lose my rights in that lawsuit?** I need clarity on this point, and I expect an answer.

I am not asking for charity. Instead, I am asking for real legal guidance and, at the very least, the professional courtesy of an honest and substantive referral that someone in your San Francisco office would know.

I look forward to your reply. And, no, I do not require mental health resources at the moment. I have been starving to death from lack of legal guidance.

Sincerely,

Daniel J. Feldman, Ph.D.

Clinical Neuropsychologist and Touch Healer

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“And now here is my secret, a very simple secret: It is only with the heart that one can see rightly; what is essential is invisible to the eye.”

The Little Prince by Antoine de Saint-Exupéry

Daniel J. Feldman, Ph.D. <danieljfeldmanphd@gmail.com>

Fri, Feb 21, 2025 at 5:50

PM To: "Panek, Gabriel A." <gpanek@lchb.com>, "Nguyen, Phong-Chau G." <pgnguyen@lchb.com>, "Hess, Tannah" <thess@lchb.com>

That is not what I asked. I asked if she will become the Plaintiff in my suit? And will I have any recourse?

Mr. Panek: I am wholeheartedly disappointed with your lack of response or timely answer given that I am a client of yours. All you've managed to do is insult me and continue the same exact pattern of negligence and due diligence as anyone else who is not representing me in a legal case.

At this point, it is so disrespectful. Please read the current state of my hunger strike. If you had any concern about it, I would think that you would respond with something more than THAT answer that failed on every level to answer my question.

While you are at it, read my hunger strike demands, share it with other attorneys. I am literally begging for you to apply any attitude other than "as little as possible." I thought you were representing me and my life and the pain I've endured and actually going to maybe make some money off of that. But I would certainly appreciate it if you would take the pain of my life in consideration for once.

Please forward and share to anyone you know who is interested in due process and justice. Those people are pretty hard to find these days. And I am thanking you in advance for the due diligence you will follow through with on this round, answering my question and at least forwarding my hunger strike demands internally in the event someone with compassion and maybe a referral could reply.

HUNGER STRIKE DEMANDS

Dear Journalist,

I, Dr. Daniel Feldman, have been systematically denied justice at San Francisco Superior Court and am about to lose everything, after losing loved ones and nearly killed over attempts to expose pervasive corruption supporting a "Silk Road" narcotics operation in Duboce Triangle. I have hard proof, including recordings of bribes with DBI officials and the involvement of members of the Narcotics Division at the SFPD and Officers in the Park District.

Chief of Police Bill Scott and Mayor London Breed were made aware of these activities and refused to respond or review any of it. In fact, the pervasiveness of this corruption includes local and federal law enforcement, brushed under the rug by District Attorneys Gascón and Boudin.

It involves members of the Controllers' Office and Board of Representatives, Mendelmann and Walker.

For seven years, I have contacted every local paper and television journalists about this story, and I have not heard a reply from a single one.

The people of San Francisco deserve better. I deserve better. My life was nearly taken more than once. My best friend was murdered. My pets and I were hospitalized multiple times. I was dragged through court for eviction on false claims of elder abuse as retaliation. I prevailed in court against Daniel Bornstein, a seasoned landlord attorney, without legal representation as no lawyer will represent a case involving corruption-it seems to muddy the waters of seeking a quick payout. He begged me to stop the trial when I sought to introduce evidence that he had suborned perjury from my landlord and her family, to make false calls to police and statements in court.

We settled in court, but no skin required from any of the multiple corrupt parties, and before the judge, we agreed that my damages were exceeding \$1M that could be sought in a civil claim. Now four years later, I face corruption at the Court, hardly surprising, with misconduct by her attorneys and clerks, they excluded my name from my own case in court records **for a year**, preventing me from making any motions or oppositions without them being refiled late and hand-walked through the system.

With my record still not corrected in the system and the trial scheduled for **February 24, 2025**, I have been told by the same court where I proved them all at fault and for lying that I will not be able to present any of my story or evidence. In addition to losing my entire claim based on their new lies and corruption, I will be saddled with having to pay for her seven corrupt lawyers, over \$500,000.

Can you imagine? I am left destitute and my life torn to shreds, now blinded in one eye from an armed attack and disabled because of reporting a narcotics lab and the pervasive corruption that protects such things. And despite having all the evidence in the world, and them having no defense, I will lose all of my possessions and any ability to return to work in the future because of corruption at the SFSC that the chief court counsel will not even open an investigation.

The only reason I have been left in this position is due to the utter disregard tenant lawyers in San Francisco have for cases that expose corruption. In more than four years, I have more than exhausted calling each one, more than once. Over 20 visits to the tenants union - unanimously - the consulting lawyers there told me I had a rock solid case against my landlord with huge damages. It is astonishing that not one of them would agree to represent me. It is a horrible injustice.

Not to mention that due to the lies that I am an elder abuser, suborned by my landlord's counsel, they were told to my medical providers at UCSF. And one of them, a lawyer in Risk Management, Susan Pinney, wrote a Zero Tolerance Policy for violence, prohibiting me from continuing to see my dozen or so doctors there, that I would be "arrested" for doing so. And through Epic MyChart, that Zero Tolerance Policy based on lies and the sole input of my landlord denied any opportunity to include an appeal, has circulated to nearly every medical center I have gone to for treatment for years. Showing up at a clinic in Kentucky, I will be met by police and trespassed.

Losing this case will also mean that I will not have access to healthcare in the future. And just like everything else I reported that was ignored, when I took these complaints to the OCR and DHHS, they did not even investigate them, talked to none of my witnesses or me, exonerated the facilities.

As of **January 27, 2025**, I have initiated a **hunger strike**, consuming only **water and electrolytes**, to demand immediate action on these systemic failures.

I NEED YOUR HELP AS A JOURNALIST
TO HELP ATTAIN MANDATORY IMMEDIATE LEGAL REPRESENTATION &
TO DEMAND INVESTIGATIONS INTO WIDESPREAD CORRUPTION
IN SAN FRANCISCO AND NATIONWIDE.

To ensure full transparency, I am documenting my hunger strike, health updates, and ongoing developments on TOHlcenter.com, still under development. The website will also serve as a **public archive of evidence** that has been **excluded from my legal case due to corruption**, including documents, video recordings, sworn testimony, and first-hand accounts. Additionally, I will host a **daily (or 24/7) podcast** to provide real-time updates, discuss these issues in-depth, and engage with the public on the urgency of these matters.

I would not undertake such a dramatic approach unless I knew that my life and suffering and the suffering of others would be at greater risk WITHOUT my hunger strike than with it.

Until these demands are met, I will **continue my hunger strike** to bring national and international attention to these injustices.

Skip up to [WHAT CAN I DO RIGHT NOW?](#)

Skip up to [COULD THIS HAPPEN TO ANYONE I KNOW?](#)

[HUNGER STRIKE JOURNALIST PACKET ATTACHED]

Daniel J. Feldman, Ph.D.

Clinical Neuropsychologist and Touch Healer

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"And now here is my secret, a very simple secret: It is only with the heart that one can see rightly; what is essential is invisible to the eye." *The Little Prince* by Antoine de Saint-Exupéry

LEGAL DISCLAIMER

1. Truthful, Evidence-Based Reporting

This e-mail and the website, Tohicer.com, (otherwise known as "this website" below) publishes verifiable evidence, documents, video recordings, sworn testimonies, and first-hand accounts of misconduct, corruption, and legal injustices. Every claim made here is based on factual evidence and official records.

2. No Defamation – Fair Comment and Public Interest Protection

- All statements on this website are either verifiable facts or opinions based on disclosed facts.
- Under U.S. defamation law, truth is an absolute defense against defamation claims.
- This website exercises its constitutional right to free speech under the First Amendment to expose corruption and misconduct affecting the public.
- Matters of public concern, including government corruption, medical discrimination, and judicial misconduct, are protected speech.

3. Anti-SLAPP Notice (Protection Against Retaliatory Lawsuits)

Any attempt to file a Strategic Lawsuit Against Public Participation (SLAPP) to intimidate or silence Daniel Feldman or this website will be met with legal countermeasures under:

- California's Anti-SLAPP Statute (Code of Civil Procedure § 425.16)
 - Allows for early dismissal of baseless lawsuits and recovery of attorney's fees.
- The First Amendment of the U.S. Constitution
 - Protects public interest reporting.
- Federal whistleblower protections for exposing corruption and government misconduct.

4. No Copyright or Privacy Violations

– Right to Publish Public Interest Evidence

- All documents, recordings, and materials posted on this website were legally obtained and are used under fair use protections for reporting public concerns.
- This website does not post private, non-publicly relevant information such as personal medical records, private financial data, or unrelated private communications.
- Any takedown request must be supported by a clear legal basis—baseless claims will be ignored and made public.

B-11 Feb 21, 2025, Panek → Feldman Can't provide referral, landlord lien possible
3:41 PM

Panek, Gabriel A. <gpanek@lchb.com>
AM To: "Daniel J. Feldman, Ph.D." <danieljfeldmanphd@gmail.com>

Fri, Feb 21, 2025 at 11:41

Dr. Feldman,

Unfortunately I am not able to provide you a referral at this time. Regarding your question about your case against Gilead, if your landlord obtains a judgment against you they may get a lien on any recovery you may obtain in this case.

Best,

Gabriel

B-12 Feb 24, 2025, Panek → Landlord can't take over claim, possible lien
9:18 PM Feldman/Hess/Nguyen

Panek, Gabriel A. <gpanek@lchb.com>

Mon, Feb 24, 2025 at 5:18

PM To: "Daniel J. Feldman, Ph.D." <danieljfeldmanphd@gmail.com>, "Nguyen, Phong-Chau G." <pgnguyen@lchb.com>, "Hess, Tannah" <thess@lchb.com>

Based on what you've described to me, no, your landlord winning a lawsuit against you would not entitle her to become the plaintiff in your suit—she could just assert a lien against any monetary recovery by you in this case. In addition, if you were to file for bankruptcy as a result of the other lawsuit, the bankruptcy trustee could control your Gilead case or assert a lien over any monetary award. But otherwise, no, your landlord would not become the plaintiff in this lawsuit.

I'm very sorry you feel that way. As I've explained, our representation of you is limited to your claims against Gilead. I've endeavored to be as helpful as possible in responding to your questions about your other lawsuit, and I'm sorry it hasn't been what you were hoping.

Best,

Gabriel

B-13 Feb 27, 2025, Feldman → Pleading for internal referral, desperate request
11:06 AM Panek/Hess/Nguyen

Daniel J. Feldman, Ph.D. <danieljfeldmanphd@gmail.com>
AM To: "Panek, Gabriel A." <gpanek@lchb.com>
Cc: "Nguyen, Phong-Chau G." <pgnguyen@lchb.com>, "Hess, Tannah" <thess@lchb.com>

Thu, Feb 27, 2025 at 11:06

Mr. Panek:

Thank you so much for that additional information. I definitely had the wrong impression from our discussion a year ago. So this is very helpful news.

I understand that our retainer contract only covers the Gilead litigation. I continue to face a dire issue of lack of due process that will possibly claim my life before our Gilead suit even has a verdict in the bellwether trials. I know you are not in the California office, and as such, I am humbly and literally begging you to share my information within your offices in California. The alarming lack of any attorney firm granting me more than 5 minutes before slamming the door in my face has left me in a desperate position that is nothing short of a travesty of justice. And more than representation, I need legal advice from a case review at the minimum, and I am willing to pay for that. I have exhausted every resource of which I have been made aware.

I require a personal referral, at least a request on my behalf to any familiar attorneys in California. If they read the issues in my hunger strike demand letter, they could understand my situation, determine if they could help. If they cannot be of help, perhaps they could share my information with colleagues from law school or in other firms. Furthermore, I wish you could understand the devastation that has been wreaked unfairly upon me and the complete lack of justice involved, from the misconduct of the defense attorneys and the corruption of court officials.

If you believe I am exaggerating, it would be a tremendous help if you could find an attorney I could hire to appraise my situation and tell me that my situation is not as bad as I am experiencing it. If they cannot represent me, hopefully, they could at least guide me to options I would need to do on my own.

Please notify me if you were able to forward the information I sent you to colleagues in your California office. Not just you, but every attorney I get any chance for discussion has refused to give me ANY referral outside of agencies I have exhausted. Several common resources have told me explicitly not to contact them again, like LRIS, Legal Aid groups, community legal groups such as the Law Schools and Tenants Unions. I need a personal referral, and obviously, it has become an emergent situation, a travesty of justice.

Warmest regards,

Daniel J. Feldman, Ph.D.

Clinical Neuropsychologist and Touch Healer

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"And now here is my secret, a very simple secret: It is only with the heart that one can see rightly; what is essential is invisible to the eye."

The Little Prince by Antoine de Saint-Exupéry

Mar 7, 2025,
8:34 AM

Feldman → LCHB Senior
Partners

Panek non-responsive, plea to intervene

On Fri, Mar 7, 2025 at 8:34 AM Daniel J. Feldman, Ph.D. <danieljfeldmanphd@gmail.com> wrote: Dear

Counselors Cabraser, Dermody, Selbin, and Chiplock,

I am writing to you as the senior partner at Lieff Cabraser Heimann & Bernstein, LLP, regarding my representation in the Gilead Tenofovir litigation. Due to my current legal circumstances and the lack of substantive engagement from Mr. Gabriel Panek in addressing my concerns, I am strongly considering withdrawing from your firm's representation. Before making this decision, I require clarity on the potential consequences and my options moving forward.

As I have previously communicated to Mr. Panek, I am involved in another legal matter where the defendant has **murdered my partner and my cat, and attempted to murder me multiple times**. Despite overwhelming evidence, **corruption and misconduct within the San Francisco Superior Court have denied me justice**, placing me in a position where I could be forced to **pay my partner's murderer upwards of \$500,000 in legal fees**.

If I lose that case, not only will the defendant benefit financially from my loss, but she could also **be granted the award from the Gilead litigation**. Given the lack of compassion and engagement I have received from Lieff Cabraser, I do not want either your firm or the defendant in my other case to **profit from my suffering**. Furthermore, if I do not survive this hunger strike, I imagine that Lieff Cabraser would still be able to proceed with my lawsuit—allowing both your firm and the person who murdered my partner to benefit from my death. I **am not willing to give either party that satisfaction**, which is why I am now seriously considering withdrawing from your representation.

Repeated Attempts to Contact Mr. Panek & His Failure to Respond Appropriately

Since January 29, 2025, I have made **multiple attempts** to reach Mr. Panek with urgent questions about my legal standing and future options. I sent emails on:

- **January 29, 2025** – I asked for clarity on what happens if my landlord wins her case against me and whether she would take over as plaintiff in my Gilead lawsuit.
- **January 30, 2025** – I followed up, reiterating that I had exhausted all the legal resources he previously suggested and urgently needed a direct referral. He **refused to take my calls** and provided only generic responses, such as referring me to legal aid groups that had already rejected my case.
- **February 21, 2025** – I again asked if my landlord could take control of my lawsuit and demanded an honest response. His reply was **vague and dismissive**, failing to address my central concern.
- **February 24, 2025** – He finally responded but **failed to engage meaningfully** with my questions, simply stating that my landlord could assert a lien against any recovery but would not become the plaintiff. This **entirely ignored my actual concerns** about what happens if I am unable to pay legal fees or if I do not survive my hunger strike.
- **February 27, 2025** – In desperation, I begged him to at least forward my information to colleagues at Lieff Cabraser's **San Francisco office** to see if anyone could help. I received no indication that this was done.

Throughout my **hunger strike, which I initiated on January 27, 2025**, Mr. Panek has shown **no regard for my deteriorating health or the life-threatening situation I am facing**. His responses have been **cold, dismissive, and lacking in even basic human compassion**.

Urgent Clarification Needed on the Following:

1. **Clarification on Withdrawal Consequences** – What are the legal and financial ramifications if I choose to withdraw from your firm's representation at this stage?
2. **Exploration of Alternative Representation** – Would I have the ability to transition to another firm while maintaining my standing in the Gilead litigation?
3. **Senior Counsel Involvement** – Given the severity of my situation, would a senior attorney at your firm be willing to step in and review my concerns, or alternatively, provide a direct referral to another firm that may be better suited to assist me with both my Gilead case and the broader legal challenges I am facing?
4. **Guidance on Addressing Judicial and Legal Corruption** – Since Lieff Cabraser has a presence in **San Francisco**, where my other litigation is occurring, I would greatly appreciate any insight on how to handle the **corruption and procedural misconduct within the San Francisco Superior Court**. I have been **systematically blocked from obtaining due process**, and this has directly contributed to my current legal and financial peril. Are there **specific legal mechanisms, attorneys, or organizations** that you would recommend helping me challenge the misconduct I have documented?

5. **Referral for Case Review** – If Lieff Cabraser is unwilling or unable to take a direct role, please refer me to a lawyer or firm willing to conduct a case review for a fee. Despite extensive outreach, I have struggled to find an attorney willing to evaluate my situation, and I **need professional legal guidance as soon as possible**.

Failure of Lieff Cabraser to Provide Meaningful Legal Assistance

It is unacceptable that **a firm of your size and reputation** has failed to provide even **a simple referral or guidance** in response to an urgent, life-threatening situation. My case is **not just a legal matter but a crisis of human rights and judicial corruption**, and the complete disregard shown by Mr. Panek has been deeply disappointing.

Given the **urgency of my legal, financial, and health situation**, I ask that you **respond as soon as possible**.

I appreciate your immediate attention to this matter. For your review, I have included my hunger strike demands and communications with journalists.

Sincerely,

Daniel J. Feldman, Ph.D.

Clinical Neuropsychologist and Touch Healer

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The Little Prince by Antoine de Saint-Exupéry

B-15a Mar 11, 2025, Feldman → LCHB Senior Six weeks of silence, unprotected rights
1:30 PM Counsel

On Tue, Mar 11, 2025 at 1:30 PM Daniel J. Feldman, Ph.D. <danieljfeldmanphd@gmail.com> wrote:
Counselors:

I have to admit to shock that with over five people on this email that no one has responded to me within three days about something as important as withdrawing my case from your representation and as serious as me starving, literally.

By the end of the day today, could someone please get back to me with ANY response at all, even a simple acknowledgment that you have received my letter would suffice?

Thank you for your prompt attention to this matter.

Daniel J. Feldman, Ph.D.

Clinical Neuropsychologist and Touch Healer

Mar 11, 2025, Feldman → LCHB Senior Counsel
4:38 PM
Six weeks of silence, unprotected rights

On Tue, Mar 11, 2025 at 4:38 PM Daniel J. Feldman, Ph.D. <danieljfeldmanphd@gmail.com> wrote:

Dear Counselors Cabraser, Dermody, Selbin, and Chiplock:

I am writing again to express my deep frustration and disappointment at the lack of response from any senior partner regarding the urgent concerns I raised in my previous emails. Instead of receiving a substantive reply from someone at your level, I was met with yet another dismissive, unnecessarily delayed, and repetitive response from Mr. Panek—whom I had only copied as a courtesy.

Given that he has repeatedly ignored my most critical concerns, **I will no longer be including Mr. Panek in these communications.** Furthermore, **I no longer expect or want Mr. Panek to represent me or my case**—even if I continue with Lieff Cabraser—as I find his **lack of compassion and engagement appalling.** Instead, I expect a **direct and meaningful response from one of the firm's senior partners**—someone who has actually read my concerns and is prepared to engage with them in a professional and thoughtful manner.

To be clear, and this is not hyperbole, **there is a strong likelihood that I will not survive this**—if the response from LCHB is any indication of support or lack thereof.

I refuse to allow LCHB or the murderer of my partner, my cat, and my attempted murderer to profit from my suffering and death.

This includes refusing to let your firm or my landlord make any claim on my case or my Gilead litigation award.

Summary of My Legal Circumstances and Urgent Need for Guidance

I have attached a detailed document outlining my current legal crisis, which directly affects my ability to continue with your firm's representation. It is **critical** that you **review the attached Hunger Strike Demands in full** so that you can provide substantive legal guidance. However, for clarity, I am summarizing the most urgent issues below.

1. Systemic Judicial Corruption in San Francisco Superior Court

- I have been systematically denied justice in a legal case where my **landlord—who has murdered my partner and attempted to murder me multiple times—may be awarded over \$500,000 in legal fees** due to corruption and misconduct in the San Francisco Superior Court.
- Despite proving my claims in prior proceedings, my name was **excluded from my own case for over a year**, preventing me from making motions or defending myself in a timely manner.
- My trial was originally scheduled for **February 24, 2025**, but at the **start of the trial, the court moved the date to August 8, 2025.** While this provides more time to find an attorney, I **still do not have legal representation**, and **the hunger strike will resume** because it appears there is **no other way to obtain due process or fair legal representation.**
- I **need discovery reopened immediately**, and I **need a lawyer to be able to review my case and intervene before it's too late.**

2. The Implications for My Gilead Case and My Representation

- If I lose my case, my landlord may be able to **assert a financial claim over any settlement I receive in the Gilead litigation.**
- I need **clear legal guidance** on whether withdrawing from your firm's representation would allow me to

preserve my rights in the Gilead case, or if there are alternative legal avenues available to protect my claim.

3. Denial of Legal Representation, Due Process, and Failure of Legal Assistance

- For over **four years**, I have sought legal representation but have been **systematically denied assistance** due to the corruption involved in my case.
- Despite my repeated attempts to seek help from **Mr. Panek**, he has outright ignored or dismissed my concerns, **failing to provide even the most basic legal advice about the Gilead case or a single referral**.
- **I am willing and able to pay for legal review and referrals—hourly if necessary**—yet no attorney in San Francisco has been willing to even look at my case, even though I am offering to compensate them for their time.
- This failure of the legal community to engage with my case has left me **facing financial ruin and the potential loss of my Gilead case with no legal assistance**.

4. Medical Discrimination and the Denial of Healthcare

- Due to **false claims orchestrated by my landlord**, UCSF's Risk Management Department imposed a **“zero tolerance” ban**, barring me from receiving medical care.
- This slander and restriction has spread through **MyChart electronic records nationwide**, resulting in **police trespassing, threats of arrest**, and further denial of care when I have sought treatment in other states.
- Due to this incredible injustice, I have been **unable to keep a primary care physician or access refills of medication**, including **years without availability to HIV medication**, and **at present, I have no primary care physician or access to prescription refills** because of **slandorous claims of elder abuse that were proved in SFSC in 2020 to be complete lies suborned by attorney Daniel Bornstein!**
- Complaints to **the Office for Civil Rights (OCR) and the Department of Health and Human Services (DHHS) were ignored, dismissed after never being investigated** for over two years, leaving me with no access to medical care.

5. Broader Failures of Oversight and Accountability

- **The San Francisco District Attorney's Office, local FBI field office, and multiple city agencies have refused to investigate corruption despite concrete evidence including recorded bribes with public officials made in public on my front door security camera.**
- **Public officials, including Chief of Police Bill Scott, Mayor London Breed, and Board of Supervisors members, have all ignored my reports of misconduct.**
- This has left me in a **legally and financially devastating position, with no recourse through normal channels**.

6. My Hunger Strike and the Urgency of My Situation

- **On January 27, 2025, I initiated a hunger strike**, consuming only water and electrolytes, to demand action regarding my **lack of legal representation, the denial of due process, and systemic corruption**.
- Despite my willingness to **pay for legal review**, not a single attorney has been willing to even look at my case.
- While the **court's recent delay of my trial to August 8, 2025, has technically given me more time, I remain without legal counsel, and I am out of time**.
- Because of this, I will be **restarting my hunger strike**, as there is no alternative path to securing due process.

- **If no attorney agrees to look at my case, I will die.** This is not hyperbole—it is reality.
- **If I do not survive this, I refuse to allow Lief Cabraser or the murderer of my partner, my cat, and my attempted murderer to profit from my suffering and death. This includes refusing to let your firm or my landlord make any claim on my case or my Gilead litigation award.**
- **Lief Cabraser is accountable not just for refusing to take action, but for outright ignoring the gravity of what I have written regarding my hunger strike, my legal concerns, and the lack of justice in San Francisco Superior Court.**

What I Need from You

I am seeking an **immediate and detailed response from a senior partner** that includes:

1. **Clarification on the legal and financial consequences of withdrawing from your firm's representation** and how it would affect my Gilead case.
2. A clear legal opinion on whether my **landlord could assert a claim over any recovery in the Gilead litigation**, and what legal options I have to prevent this.
3. **Referrals to attorneys** who may be able to assist with both my **Gilead case and the broader legal battles I am facing—and confirmation that you have at least tried to connect me with someone willing to review my case, given that I can pay for it.**
4. Any legal avenues available to **challenge the judicial misconduct and systemic corruption affecting my case.**
5. A removal of Mr. Gabriel Panek from representing my case.

This is **not a theoretical request**—it is a **life-or-death matter**.

Given the **severity and urgency** of this matter, I expect a **response as soon as possible**. Additionally, I **urge you to thoroughly review the attached document** so that your legal guidance is informed by the full scope of my situation.

After **five years of representation with your firm**, I deserve a **serious and substantive response**—not another dismissive email.

If **no one at your firm is willing to help me, even with referrals to attorneys I can pay to review my case**, I ask that you confirm that explicitly so I know where I stand.

I look forward to your immediate reply.

Daniel J. Feldman, Ph.D.

B-16 Mar 11, 2025, Panek → Feldman Only Gilead claims, no referral, "we're done"
2:46 PM

----- Forwarded message -----

From: Panek, Gabriel A. <gpanek@lchb.com>

Date: Tue, Mar 11, 2025 at 2:46 PM

Subject: RE: [EXT] Re: Urgent: Representation Concerns, Potential Withdrawal, and Request for Assistance

To: Daniel J. Feldman, Ph.D. <danieljfeldmanphd@gmail.com>

Hi Dr. Feldman,

I've consulted with the other senior partners you copied, whom I am now moving to Bcc.

As we've discussed in the past, Lieff Cabraser represents you only in your litigation against Gilead relating to your use of TDF medication. I have sent you resources that may be helpful for your ongoing litigation against your landlord, but we are unable to provide you with a specific referral or any further assistance with that matter. I believe I have answered all of your questions regarding the impact of the other case on your claims against Gilead, but please let me know if you have further questions on that front.

Finally, if you believe Lieff Cabraser has not been providing you with the representation you desire, you are free to terminate our representation agreement and retain other counsel or proceed pro se (representing yourself). If you do so, you will owe us nothing, as we will not exert a lien for any costs or fees in connection with our representation of you in this matter to date. Please let me know if that's your intention.

Best,

Gabriel

B-17 Mar 12, 2025, 11:25 PM Feldman → LCHB Senior Counsel Final demand for legal reply, threat of complaint

Urgent: Representation Concerns, Potential Withdrawal, and Request for Assistance

Daniel J. Feldman, Ph.D. <danieljfeldmanphd@gmail.com>

Wed, Mar 12, 2025 at 11:25 PM

To: ecabraser@lchb.com, kdermody@lchb.com, jselbin@lchb.com, dchiplock@lchb.com, rheimann@lchb.com

Bcc: Jo Anne Feldman <jojofeld@bellsouth.net>, "Daniel Feldman (Daniel J Feldman, PhD)"

<Danieljfeldmanphd@gmail.com>

Dear Counselors Cabraser, Dermody, Selbin, Chiplock, and Heimann:

I am writing to formally demand an **immediate and substantive response** regarding my legal representation and urgent concerns. As of today, **March 12, 2025**, I have gone **four full business days (six total days)** without any direct engagement from a senior partner at your firm, and 45 days without a competent or timely response from Mr. Panek other than boilerplate dismissals and insults for me to seek mental health providers. For the record, I have been a licensed mental health provider for over 20 years, and any licensed competent legal professional would understand that a hunger strike is not motivated out of Depression or fomented out of a DSM diagnosis. Instead, it is a political action that remains free from legal constraints applied to acts of suicide or self-harm and should be treated with dignity—dignity that has been blatantly lacking since I began writing to your firm about my intentions. This continued silence is **unacceptable, unethical, and deeply concerning** given your ongoing representation of my case.

I have been a client of **Lieff Cabraser Heimann & Bernstein (LCHB)** for nearly five years, and at this critical juncture, your lack of response is putting me in legal and financial jeopardy. **I expect and require meaningful engagement from a senior partner—not another dismissive response from Mr. Panek, whom I have explicitly requested be removed from my case.**

Preferred and Most Constructive Response

What would be **most beneficial to me** and **the preferred course of action** is for LCHB to, **before noon PST on March 14, over a week since it was requested:**

1. **Continue representing me in my Gilead case, but with new counsel assigned instead of Mr. Panek.**
2. **Answer the requested guidance outlined in full in the previous email copied below.**
3. **Provide a direct referral to another specific attorney or firm, who can assist with my broader legal concerns.**
4. **If a referral is not possible, arrange for an attorney at LCHB to review my case for a fee.**

This is the **most constructive and responsible response I expect from your firm**, given our longstanding attorney- client relationship. If you are unwilling to take these steps, I demand:

Immediate Clarifications & Minimal Response

By **noon PDT March 14**, I also require a **clear and substantive response from a senior partner** regarding:

1. **Clarification on my right to withdraw from your representation** and the legal/financial consequences this would have on my Gilead case.
2. **Whether my landlord could assert a financial claim over my settlement** and what legal options I have to prevent this.
3. **Immediate access to a copy of my signed representation agreement** and any relevant documents regarding my rights to withdraw or seek alternative counsel.

Consequences of Continued Silence

If I do not receive a **substantive response from a senior partner by noon PDT March 14**, I will be forced to escalate this matter, including but not limited to:

- **Filing a formal ethics complaint with the California State Bar** for failure to communicate and potential legal malpractice.

- **Publicizing your firm's refusal to engage with my legal concerns**, including documenting this failure on my website, engaging with legal watchdog groups, and reaching out to media outlets.
- **Exploring potential legal action against LCHB** if your failure to act causes financial or legal harm.

I want to emphasize that I **am not looking for a conflict with LCHB**—I am looking for assistance, clarification, and proper legal representation. However, I will not be ignored at a time when my legal, financial, and physical well-being is at stake.

I expect a direct response **no later than noon PDT March 14** and **strongly urge you to engage with my preferred resolution above** rather than forcing me to escalate this matter.

Sincerely,

Daniel J. Feldman, Ph.D.

Clinical Neuropsychologist and Touch Healer

+1 (307) 699-3223

+1 (435) 612-0242

"And now here is my secret, a very simple secret: It is only with the heart that one can see rightly; what is essential is invisible to the eye."

The Little Prince by Antoine de Saint-Exupéry

B-18 Mar 13, 2025

Heimann (LCHB) →
Feldman

Withdrawal notice,
“we wish you well”

**Lieff
Cabrer
Heimann &
Bernstein**
Attorneys at Law

March 13, 2025

PRIVILEGED AND CONFIDENTIAL

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND EMAIL

Daniel J. Feldman 13647
Aragon Way #303
Louisville, KY 40245 danieljfeldmanphd@gmail.com

RE: Gilead TDF Drugs Lawsuit

Gilead Tenofovir Cases, Client-Matter No. 4027-0078 Dear Dr.

Feldman:

We are writing to follow up regarding the status of your Gilead TDF Drugs case. **It is important that you read this letter carefully as it affects our representation of you in this case.**

Over the course of our legal representation, we have provided you with frequent updates via phone calls and correspondence to keep you apprised of the developments in your personal injury case against Gilead. To recap:

- On May 7, 2021, we filed your lawsuit against Gilead in Alameda County Superior Court. Your case was added to the centralized “JCCP” proceeding in San Francisco Superior Court against Gilead on June 10, 2021.
- We have provided you with regular updates regarding the case, including via letters sent on June 24, 2022, August 31, 2022, December 22, 2023, February 7, 2024, and February 6, 2025. These letters informed you of the status of the litigation, including updates with respect to the bellwether cases, the Superior Court’s denial of the motion for summary judgment, and the subsequent appellate proceedings. As you know, your case, along with every other case in this proceeding, has been on hold during the appeal, which remains pending.

Over the last two years, you have made a number of demands unrelated to the scope of our representation. We have responded to these communications, including by providing you resources related to your desire to seek representation in an unrelated landlord-tenant matter. After you informed us, on January 28, 2025, of your intention to engage in a hunger strike related

Daniel J. Feldman March 13, 2025

Page 2

to this other matter, we provided you with resources related to mental health support. We have also responded to your questions, to the extent we can answer them, related to the impact of your other case on your claim against Gilead. You have responded to our communications with increasingly hostile and unreasonable emails in which you continue to insist on assistance unrelated to the scope of our representation.

Given this, **it is clear that there has been a breakdown in our attorney-client relationship and we unfortunately can no longer represent you in this litigation.** Because we can no longer proceed as your attorneys, we will be filing a motion with the JCCP Court to withdraw as your counsel.

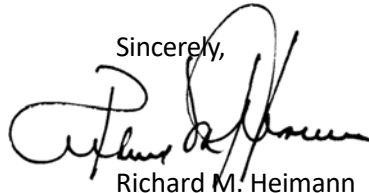
Please note that leadership counsel for Plaintiffs and Gilead are in the process of negotiating a revised protocol governing the withdrawal of counsel in the JCCP. Once the parties finalize, and the Court enters, the proposed protocol, we will send it to you, along with copies of the withdrawal motion and supporting documents. We will also advise you of any hearing date on the motion.

If you wish to proceed with your case, you will need to find alternate counsel immediately to represent you in this case following our withdrawal. Your new attorneys will need to substitute in as the attorney of record for your case pending in the JCCP. That attorney will need to be licensed to practice in the state of California to substitute as counsel in your lawsuit because your case was filed in California. If you need additional information on law firms, you may want to consult the website for Martindale-Hubbell, a national clearinghouse of information about attorneys, available at www.martindale.com. If you are unable to find another attorney to represent you, you may opt to proceed *pro se*, meaning that you would represent yourself in court. If you wish to pursue this option, we will help you file your substitution in *pro se*.

We are also mailing you a password-protected USB thumb drive with a copy of your case file so you can provide it to your new attorneys. The password to open the files is **yi771@<GS#15**. As discussed above, we will serve you with a copy of the withdrawal motion as well as related court orders after we file the motion. This letter confirms that we are terminating our legal representation of you in this case and we urge you to seek alternate counsel immediately.

Encl.

Sincerely,



Richard M. Heimann

1 (PROPOSED) **ORDER GRANTING PLAINTIFF'S**
2 **REQUEST FOR RELIEF AND SANCTIONS**

3
4 SUPERIOR COURT OF THE STATE OF CALIFORNIA

5 FOR THE COUNTY OF SAN FRANCISCO

6 UNLIMITED JURISDICTION

7 Case Name: Gilead Tenofovir Cases) Case No.: JCCP 5043 / RG 21098968

8)
9) **(proposed) ORDER GRANTING**
10) **PLAINTIFF'S REQUEST FOR**
11) **RELIEF AND SANCTIONS**

12 Nguyen et al.

13 Plaintiff

14 vs.

15 Gilead Sciences

16 Defendant

17 Date:

18 Date of Hearing: June 23, 2025 10:00am

19 Department: Judicial Arbitration &
20 Mediation Services

21 Referee: M. Quinn

22 The Court, having considered Plaintiff's Motion for Relief and Sanctions, the supporting
23 memorandum, declarations, evidence, and all matters on file, hereby ORDERS as follows:

24 **Section 1 – Monetary Compensation and Costs**

25 **1. LCHB shall pay Plaintiff the reasonable value of time spent preparing, drafting, and filing**
26 **all opposition, objection, declaration, and sanctions documents, including legal, paralegal, and**
27 **administrative work, at prevailing market rates, and shall continue to compensate Plaintiff**
28 **for such time as long as he remains self-represented due to LCHB's withdrawal.**

1 **2. LCHB shall reimburse Plaintiff for all reasonable legal costs, including filing fees, copying,**
2 **electronic service, and related expenses incurred while Plaintiff is pro se as a result of LCHB's**
3 **conduct.**

4
5 **Section 2 – Transition and Referrals**

6 **3. LCHB shall immediately provide Plaintiff with at least three competent attorney referrals**
7 **in the San Francisco Bay Area and actively facilitate transition, including prompt delivery of**
8 **all physical and electronic case files, with written confirmation of receipt.**

10
11 **Section 3 – Sanctions and Discipline**

12 **4. LCHB and responsible attorneys are referred to the State Bar of California for**
13 **investigation and discipline, including possible disbarment, and must respond to and**
14 **cooperate with all Bar Association complaints arising from their conduct in this case.**

16
17 **Section 4 – Removal as Class Counsel**

18 **5. LCHB is removed as class counsel for all similarly situated plaintiffs. The Court will**
19 **appoint or facilitate the appointment of new, qualified class counsel for the class.**

21
22 **Section 5 – Further Relief**

23 **6. The Court grants any further relief, transition support, or protective orders deemed just**
24 **and proper to restore Plaintiff's rights and deter similar misconduct.**

1 **Conclusion/Signature**

2
3 **IT IS SO ORDERED.**

4
5 **Dated:** _____

6
7
8
9 _____
10 **JUDICIAL REFEREE / JUDGE**

DANIEL J. FELDMAN, PH.D
c/o 8809 Denington Drive
Louisville, KY 40222
Tel: (307) 699-3223
Email: danieljfeldmanphd@gmail.com

PLAINTIFF PRO SE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

Case Name: Gilead Tenofovir Cases) Case No.: JCCP 5043 / RG 21098968

Nguyen et al.

Plaintiff

vs.

Gilead Sciences

Defendant

PROOF OF SERVICE FOR

**OBJECTION TO MOTION TO BE
RELIEVED AS COUNSEL;**

REQUEST FOR SANCTIONS;

REQUEST FOR RELIEF

Date Submitted: June 22, 2025

Date of Hearing: June 23, 2025 10:00am

Department: Judicial Arbitration &
Mediation Services

Referee: M. Quinn

PROOF OF SERVICE

I, Daniel J. Feldman, declare:

I am the Plaintiff in this action. I am currently homeless and residing abroad as a result of ongoing medical trauma and unlawful eviction. I am unable to serve documents by U.S. mail or other traditional means.

1 **On June 22, 2025, I served the following documents:**

- 2 • Cover letter to the Court
- 3 • Notice of Filing
- 4 • Plaintiff's Opposition and Objection to Motion to Be Relieved as Counsel
- 5 • Request for Relief
- 6 • Request for Sanctions
- 7 • Memorandum of Points and Authorities
- 8 • Declaration of Daniel J. Feldman with Exhibits
- 9 • Proposed Order

10

11 **on all counsel of record by electronic mail to the email addresses they have used to**

12 **communicate with me during this litigation.**

13 **To my knowledge, none of the emails were returned as undeliverable or "bounced."**

14 **Service addresses include:**

- 15
- 16 • • **Tannah Hess, Esq.** – thess@lchb.com
- 17 • • **Lexi J. Hazam, Esq.** – lhazam@lchb.com
- 18 • • **Gabriel Panek, Esq.** – gpanek@lchb.com
- 19 • • **Elizabeth Cabraser, Esq.** – ecabraser@lchb.com
- 20 • • **Kelly Dermody, Esq.** – kdermody@lchb.com
- • **Jonathan Selbin, Esq.** – jselbin@lchb.com
- • **Dean Chiplock, Esq.** – dchiplock@lchb.com

21 **I declare under penalty of perjury under the laws of the State of California that the foregoing**

22 **is true and correct.**

23 Dated: June 22, 2025

24 

25 **Daniel J. Feldman, Ph.D.**

26

27 Plaintiff, Pro Se