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Attorneys for Defendant
LINDA STEINHOFF HOLMES

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

DANIEL FELDMAN, Ph.D.,

Plaintiff,

v.

LINDA STEINHOFF HOLMES, an
individual; and DOES 1-10, inclusive,

Defendants.

) Case No. CGC-21-594129
)
)
)

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEFENDANT LINDA
STEINHOFF HOLMES'S MOTION FOR
SUMMARY ADJUDICATION;
DECLARATION OF JODY STRUCK**

) Date: February 1, 2024
) Time: 9:30 a.m.
) Dept.: 501
)

) Complaint filed: July 28, 2021
)

Defendant LINDA STEINHOFF HOLMES hereby requests that the Court take judicial notice under California Evidence Code sections 452 and 453 of Plaintiff's Complaint filed in this case on July 28, 2021. (The Complaint is attached as Exhibit 1 hereto.) The Court has authority to consider the Complaint, and the date of its filing, pursuant to Evidence Code section 452. That section provides in relevant part, "Judicial notice may be taken of the following matters to the extent they are not embraced within section 451... (d) Records of (1) any court of this state." (Evid. Code, § 452.) In addition, Evidence Code section 453 provides that judicial

ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

11/08/2023
Clerk of the Court
BY: SANDRA SCHIRO
Deputy Clerk

notice of any matter specified in Section 452 shall be judicially noticed if the requesting party (a) “[g]ives each adverse party sufficient notice of the request,” and (b) “[f]urnishes the court with sufficient information to enable it to take judicial notice of the matter.” (Evid. Code, § 453.)

Defendant respectfully submits that the Complaint in this case, and the date it was filed, can and should be considered by the Court in ruling on Defendant’s motion for summary adjudication.

DECLARATION OF JODY STRUCK

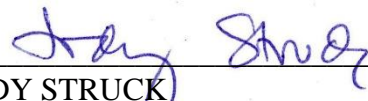
I, Jody Struck, declare:

1. I am an attorney at law duly licensed to practice before all courts in the State of California, and a partner in the law firm of Haapala, Thompson & Abern, LLP, attorneys for Defendant LINDA STEINHOFF HOLMES in this case. The following facts are within my personal knowledge and if called as a witness I could, and would, testify competently thereto under oath.

2. Attached hereto as Exhibit 1 is a true and correct copy of PLAINTIFF DANIEL FELDMAN, PH.D.’s civil complaint in this case, Civil Action No. CGC-21-595129 (“Complaint”), obtained from the Court’s register of actions. The Complaint has a filed date of July 28, 2021.

3. Plaintiff is being provided with sufficient notice of the request for judicial notice, pursuant to Code of Civil Procedure section 437c, subdivision (a)(2).

4. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 8, 2023.



JODY STRUCK
HAAPALA, THOMPSON & ABERN, LLP
Attorneys for Defendant
LINDA STEINHOFF HOLMES

EXHIBIT 1

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FILED
Superior Court of California
County of San Francisco

JUL 28 2021

CLERK OF THE COURT
BY: [Signature]
Deputy Clerk

Attorneys for Plaintiff DANIEL FELDMAN, Ph.D.

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO - UNLIMITED

Case No. **CGC-21-594129**

DANIEL FELDMAN, Ph.D.,

Plaintiff,

v.

LINDA STEINHOFF HOLMES, an individual;
and DOES 1-10, inclusive,

Defendants.

**PLAINTIFF'S COMPLAINT FOR DAMAGES
AND DEMAND FOR JURY TRIAL:**

1. **Constructive Eviction;**
2. **Retaliatory Eviction;**
3. **Negligence Per Se;**
4. **Negligence/Personal Injury;**
5. **Breach of the Warranties of Habitability;**
6. **Breach of Covenant of Quiet Enjoyment;**
7. **Defamation;**
8. **Intentional Infliction of Emotional Distress;**
9. **Unlawful Business Practice;**
10. **Nuisance.**

INTRODUCTION

1. This action stems from the harassment and the constructive, wrongful and retaliatory eviction of the Plaintiff from his rent controlled San Francisco apartment.

2. The Plaintiff, Daniel Feldman, is a Clinical Neuropsychologist and a long time survivor of HIV.

3. As a result of the Defendant-landlord Linda Steinhoff Holmes' illegal actions as they are described herein, Dr. Feldman lost not only his housing he was forced to spend tens of thousands of dollars in relocation expenses.

4. Moreover, his ability to work and earn income as well as his ability access medical treatment was interfered with by Holmes, who defamed him, tarnished his reputation with his neighbors and his medical providers and falsely accused him of being violent, dangerous, and mentally unsound.

5. He remains traumatized by the events that are described herein.

6. He also remains without stable housing as a direct result of these events.

7. Over the course of his tenancy, which spanned from 2013 until 2019, Dr. Feldman made complaints to the City's building inspector about the unlivable and unsafe conditions on the property, to the police and district attorney about the drug dealing being conducted from the upstairs units, and to the United States Attorney about the corruption he witnessed with city officials accepting bribes and refusing to remedy the unsafe conditions or drug activity.

8. In return, Ms. Holmes made living at the Property hell for him, culminating in his constructive eviction in December 2019, and the subsequent, retaliatory unlawful detainer she filed against him.

9. Under the law, Holmes is liable for her actions because Dr. Feldman was forced to vacate the premises as a result of her "[f]ailure to repair and keep the premises in a condition suitable for the purposes for which they were leased."¹

10. He hired experts at his own expense to test for water contamination and mold, and though dangerous mold levels and water leaks were confirmed and the report found the unit

¹ Stoiber v. Honeychuck, 101 Cal. App. 3d 903, 926 (1980).

1 uninhabitable, Holmes refused to abate the problem.

2 11. Dr. Feldman seeks and claims damages herein for the discrimination and loss of
3 reputation he faced, as well as the loss of the value of the rent-controlled unit for the non-fixed term,
4 the tens of thousands of dollars in forced relocation costs, and the emotional distress and mental
5 anguish he suffered, and punitive damages, attorney's fees and costs of suit.

6 **PARTIES**

7 12. Daniel Feldman, PhD., the Plaintiff, ("Plaintiff" or Feldman") was at all times relevant
8 herein, a resident of San Francisco, California, a United States citizen, and an individual over the age of
9 18.

10 13. Defendant Linda Steinhoff Holmes ("Holmes") is, and was at all times relevant herein,
11 an individual over the age of 18, and was conducting business in the City and County of San Francisco,
12 California as a residential landlord.

13 14. Holmes is the owner of the real property located at 884-886 14th Street, San Francisco,
14 California ("Property").

15 15. **Fictitiously-Named DOE Defendants**

16 (a) Defendants DOE 1 through DOE 10, inclusive ("DOE Defendants") are fictitious names
17 of defendants sued herein under the provisions of Section 474 of the Code of Civil Procedure.
18 Their true names and capacities are unknown to Plaintiff. When said true names and capacities
19 are ascertained, Plaintiff will amend this complaint by inserting their true names and capacities
20 herein.

21 (b) Plaintiff is informed and believes and thereon alleges that each of the fictitiously named
22 defendants is responsible in some manner for the occurrences herein alleged, and that Plaintiff's
23 damages as herein alleged were proximately caused by such defendants.

24 (c) At all times herein mentioned the DOE Defendants were the agents, servants,
25 employees, employers, principals, owners, co-owners, lessors, sublessors, predecessors, or
26 successors of their codefendants, and in doing the things alleged below were acting in the scope
27 of their authority as such agents, servants, employees, employers, principals, owners, co-
28 owners, lessors, sublessors, predecessors, or successors, and with the permissions and consent

1 of their codefendants.

2 16. Wherever this complaint refers to "defendants," such reference shall mean and include
3 each expressly named defendant and all DOE defendants.

4 **JURISDICTION AND VENUE**

5 17. This Court has jurisdiction over Mr. FELDMAN's claims because This Court has
6 personal jurisdiction over Defendant, each of which is licensed to conduct and/or conducting business
7 in the State of California.

8 18. Venue is proper in this Court because Defendant transacts business in this County, and
9 the conduct complained of occurred in this County.

10 **STATEMENT OF FACTS**

11 19. Feldman was at all relevant times a disabled, HIV-positive San Francisco resident.

12 20. Dr. Feldman resided in unit 884 of the Property ("Feldman's Unit") pursuant to a written
13 lease agreement with Holmes beginning March 2013 until his retaliatory and wrongful, constructive
14 eviction in December of 2019 and the eviction lawsuit filed against him thereafter.

15 21. Feldman's Unit was registered as a rent-controlled unit under the San Francisco Rent
16 Stabilization Ordinance² ("Rent Ordinance") with a monthly rent of \$2800.

17 22. Defendant was a landlord, and Plaintiff was a tenant within the definition of the Rent
18 Ordinance, and Defendant was in a landlord-tenant relationship with Plaintiff at all times relevant
19 herein.

20 23. Plaintiff qualifies as a "person who hires a dwelling" (i.e. a tenant) as defined by
21 California Civil Code Section 1940 and avail themselves of all the rights, remedies and benefits
22 contained therein.

23 24. By way of Plaintiffs long-term tenancy and regular monthly payment of rent, Plaintiff
24 was also a common law tenant of the Property.

25 25. In November of 2019, subtenant Christopher Hefner began to reside with Feldman in
26 Feldman's Unit as a subtenant.

27
28 ² San Francisco Administrative Code, Chapter 37.23 originally enacted June 13, 1979

1 26. During his tenancy, Dr. Feldman complained about the Property to both Holmes and the
2 San Francisco Building Inspector, for defects in the Property that included but were not limited to: (i)
3 Mold and water leak(s) that were improperly repaired or ignored; (ii) Peeling lead paint; (iii) Exposed
4 electrical wiring; (iv) Overloaded electrical fuse box; (v) malfunctioning and/or missing windows;
5 (vi); No heat/heater dysfunction; (vii) carbon monoxide leak without detector (leading to the death of
6 Dr. Feldman's cat and his losing consciousness and subsequent hospitalization); (viii) Contamination of
7 water supply (causing the hospitalization and serious illness of four adults).

8 27. There were 25 complaints made by Dr Feldman to the San Francisco Department of
9 Building Inspection ("DBI") from 2016 through 2020 detailing the above issues, most notably the water
10 leaks and mold, the lead paint, and the water contamination.

11 28. On May 28, 2019, Feldman wrote to the San Francisco Department of Building
12 Inspection, including Taras Madison, Deputy Director, James Sanbonmatsu, Chief Housing Inspector,
13 and copied Emily Morrison, Human Resource Manager and Jose E. Lopez, Senior Housing Inspector,
14 alleging there were fraudulent inspections and improper abatements of the multiple Notice of
15 Violations ("NOV") issued by DBI, stating in part:

16 *"It is my expectation that Human Resources will investigate the allegations and make revisions*
17 *and/or addendums to existing NOV's which have been wrongfully abated. As I attempt to*
18 *recover costs and retribute unlawfully collected rents with the Rent Board, I will need*
19 *correspondence when the investigations begin, as well as progress notes leading up to and*
20 *including the final outcome of the investigations."*

21 29. Instead of rectifying the situation, a three-day quit notice dated December 2, 2019 was
22 issued by Defendant Holmes against Plaintiff, falsely alleging he was a risk to public health and safety,
23 falsely alleging noise complaints, vandalism, and threats and attacks made on her and her other tenants
24 (who worked for her, and one of whom is allegedly her son).

25 30. The notice stated:

26 *"May, 2013 - Present: At all hours of the day and night, you scream, bang the floor, yell*
27 *obscenities, play music at extremely loud volume, causing your neighbors to be fearful and*
28 *disturbed. On two separate occasions, you have vandalized the building by causing the window*

1 *of your front door to break. Your misconduct has resulted in the landlord and a building*
2 *resident to seek SF Police intervention to stop your behavior. You have repeatedly*
3 *threatened to kill the owner with a machete and to kill the other building resident by using a*
4 *gun. You have attempted to physically attack the owner and only stopped when others*
5 *restrained you”.*

6 31. Holmes also published the above defamatory statements to Dr. Feldman’s neighbors,
7 other tenants, workers who had access to Feldman’s apartment, law enforcement, his treatment
8 providers, and to city officials.

9 32. Despite the lack of any police report, complaint or other evidence, Dr. Feldman was
10 banned from UCSF campus and primary medical care and subjected to harassment and humiliation as a
11 result of the allegation made by Holmes that he had committed elder abuse and was dangerous.

12 33. Holmes knew these criminal accusations were false, and made them for the purpose of
13 tarnishing Feldman’s reputation, to support her efforts to rid him of the unit, specifically, in order to (i)
14 retaliate against him for making complaints about the Property, (ii) to illegally bypass rent control and
15 related regulations, and (iii) to recover the Property for her own use.

16 34. Instead of any protection from the police, or mandated repair orders from the city,
17 Feldman was constructively evicted when his unit became totally uninhabitable, and it remained that
18 way from December 26, 2019 on, due to the lack of potable water, mold, but also due to the dangerous
19 conditions created by the Defendant and her other tenants, at her direction.

20 35. He wrote to the Defendant that day, and multiple times thereafter, as well as to
21 Defendant’s attorney, Daniel Bornstein, to request that water be restored and mold be removed, and to
22 alert him when he needed to be on the Premises for repairs and when he could return.

23 36. He heard nothing in response from either the Defendant or her attorney, until the final
24 days of the Unlawful Detainer proceedings, when Defendant agreed to dismiss the complaint and
25 because the necessary repairs had not been made - the mold had not been removed, the water had not
26 been changed or assessed for potability, there was an active water leak flooding the kitchen floor, there
27 was racoon feces all over the back stairs and patio, there was flooding water outside from the absence
28 of proper drains. Dr. Feldman agreed to move out within one month – Dr. Feldman agreed to move his

1 belongings out.

2 37. The long-standing failure to repair the Property rendered Feldman's Unit both
3 uninhabitable and incapable of being occupied thereby forcing him to vacate and thereby, he became
4 entitled to relocation benefits under the California Health and Safety Code, Section 17975, et seq. and
5 San Francisco Rent Ordinance Section 37.9(a)(II), et seq., which Defendants failed to provide.

6 38. Plaintiff had resided in Feldman's Unit as a tenant as defined in the San Francisco Rent
7 Ordinance, with the express and implied knowledge and consent of Defendants, and each of them.

8 39. Defendant expressly and impliedly warranted that Feldman's Unit was a lawful rental
9 unit fit for human habitation, that the Property was and would remain habitable and that they would
10 maintain and repair the Feldman's Unit in such a manner as to keep it habitable and safe to occupy.
11 Instead, Feldman's Unit lacked the basic services and requirements set forth under Civil Code Section
12 1941 to meet minimum standards of habitability.

13 40. Defendants, and each of them, among other things, expressly and impliedly warranted
14 that Feldman's Unit was and would remain habitable and that they would maintain and repair the
15 Premises in such a manner as to keep it habitable and safe to occupy. Instead, Defendant permitted the
16 Property, specifically Feldman's Unit, to deteriorate into a dilapidated, substandard, uninhabitable and
17 uninhabitable state in bad faith.

18 41. At all times throughout the remainder of Plaintiff's tenancy, Plaintiff was exposed to
19 excessive moisture and airborne contaminants due to Defendants', and each of them, failure to return
20 Feldman's Unit to a habitable condition.

21 42. Feldman's Unit was substandard and uninhabitable due to the Defendant's failure to
22 maintain and repair it, as described herein, which resulted in Dr. Feldman's forced relocation.

23 43. Plaintiff repeatedly requested repairs of the defective conditions with Defendant, who
24 either ignored said requests or responded in an untimely fashion. When requests were responded to,
25 they were addressed in a substandard fashion, without necessary permits and which failed to resolve the
26 substandard, uninhabitable and defective conditions including, but not limited to, failing to resolve the
27 water intrusion defects throughout Feldman's Unit.

28 44. Defendant's refusal and failure to repair Feldman's Unit and provide housing fit for

1 human habitation was in bad faith.

2 45. Plaintiff thereby became entitled to relocation benefits under the California Health and
3 Safety Code, Section 17975, et seq. and San Francisco Rent Ordinance Section 37.LJ(a)(II), et seq.,
4 which Defendant failed to provide.

5 46. Plaintiff has a compromised immune system, that made him more susceptible to the
6 environmental contaminants, and while Plaintiff took all necessary steps to mitigate the surface and
7 airborne contaminants, but despite these efforts, they did not respond to treatment.

8 47. The Property had an extreme direct negative impact on Plaintiff's health

9 48. Defendant had actual and constructive knowledge of the conditions at the Property and
10 within Feldman's Unit, and failed to cure the conditions listed herein.

11 49. Defendant did not perform her obligation under the rental agreement in ways that
12 include, but are not limited to the following

13 a. Breached the warranty of habitability by not making the needed repairs;

14 b. Failed to maintain Feldman's Unit in a safe and habitable condition;

15 c. Denied Plaintiffs peaceable quiet enjoyment of Feldman's Unit and the Property.

16 50. Said defective conditions were not caused by wrongful or abnormal use by Plaintiff or
17 anyone acting under Plaintiff's authority.

18 51. As a direct and proximate result of the above conduct and resultant conditions, Plaintiff
19 suffered and continues to suffer severe physical, mental, and emotional pain, injury and distress,
20 including, but not limited to, respiratory ailments, shortness of breath, wheezing, coughing, allergies,
21 eye irritation, interrupted sleep, general discomfort and fatigue, embarrassment, humiliation,
22 discomfort, exacerbation and annoyance, and extreme emotional distress all to their general damage in
23 an amount to be proven at trial.

24 52. As a direct and proximate result of the above acts by Defendant Plaintiff paid excessive
25 rent for the Premises during the length of his tenancy.

26 53. As a direct and proximate result of the above acts by Defendant Plaintiff lost possession
27 of Feldman's Unit.

28 54. Defendant endeavored to recover possession of Feldman's Unit in bad faith through

1 unlawful harassment and other means, including but not limited to the following actions:

- 2 a. Refusing to perform effective repairs of the severely dilapidated conditions which
- 3 rendered Feldman's Unit uninhabitable;
- 4 b. Demanding rent despite Feldman's Unit being in a condition of severe dilapidation and
- 5 disrepair;
- 6 c. Seeking to force Plaintiff to vacate by permitting his unit to fall into and/or remain in a
- 7 condition that was substandard, uninhabitable and a threat to the health and safety of Plaintiff,
- 8 and any occupants, in an effort to recover possession of the rent controlled unit;
- 9 d. Seeking to coerce Plaintiff to not assert his legal rights through intimidation, and
- 10 harassment,
- 11 e. Refusing to return possession of Feldman's Unit after the completion of repairs
- 12 and remediation; and
- 13 f. Wrongfully instituting eviction proceedings against him.

14 55. Defendant owed various statutory and non-statutory duties to Plaintiff flowing from her
15 status as owner of the Property, "landlord" as defined by Section 37.2(h) of the San Francisco
16 Administrative Code and property manager, including, but not limited to, duties to maintain Feldman's
17 Unit in a habitable condition and in compliance with local and state statutes, housing and building
18 codes and other obligations stemming from the renting of residential dwellings.

19 56. As a direct and proximate result of the above mentioned conduct, Plaintiff has suffered
20 and continues to suffer damages, all in an amount to be proven at trial.

21 57. As a direct and proximate result of the above conduct, Plaintiff has suffered and
22 continues to suffer the loss of use of his unit, attorneys' fees, and other special damages.

23 58. As a direct and proximate result of the above conduct, Plaintiff has suffered and
24 continues to suffer severe physical, mental, and emotional pain, injury and distress, including, but not
25 limited to respiratory distress, nervousness, fatigue, embarrassment, humiliation, discomfort,
26 exacerbation and suffered loss of use of Feldman's Unit, causing general damages in an amount to
27 be proven.

28 59. Defendants', and each or them, conduct was without right or justification and done for

1 the purpose of depriving Plaintiff of his right to possession of the Premises. Defendants engaged in the
2 above-described conduct with the knowledge that the conduct was without right or justification and
3 without regard for the fact that it would cause injury to Plaintiff, notwithstanding their obligation to
4 comply with applicable ordinances and statutes providing for quiet possession and enjoyment of the
5 Property.

6 60. Plaintiff is therefore entitled to punitive damages.

7
8 **CLAIM ONE**
9 **Constructive Eviction**
10 **(Against all Defendants)**

11 61. The allegations set forth in the above paragraphs are re-alleged and incorporated as
12 restated herein.

13 62. A landlord is liable for constructive eviction where a tenant elects to vacate the premises
14 as a result of the landlord's failure to repair and keep the premises in a condition suitable for the
15 purposes for which they were leased.

16 63. Here, Plaintiff was forced to elect to vacate the Property December 26, 2019 because of
17 the deplorable condition the Defendant created and maintained, by design.

18 64. He wrote to the Defendant that day, and multiple times thereafter, as well as to
19 Defendant's attorney, Daniel Bornstein, to request that water be restored and mold be removed, and to
20 alert him when he needed to be on the Premises for repairs and when he could return.

21 65. The damages recoverable for constructive eviction include the value of the term, less the
22 rent reserved, expenses for removal, for mental anguish, and exemplary or punitive damages. See
23 *Stoiber v. Honeychuck*, 101 Cal. App. 3d 903, 926 (1980).

24 66. Here, Defendant is liable to Plaintiff for an amount to be determined at trial, to include
25 tens of thousands of dollars in relocation costs.
26
27
28

CLAIM TWO
Retaliatory Eviction
Violation of San Francisco Administrative Code § 37.9, et seq.
(Against all Defendants)

67. The allegations set forth in the above paragraphs are re-alleged and incorporated as restated herein.

68. Defendant acted as described herein, in retaliation for Dr. Feldman complaining about the illegal conditions of the Property and filing complaints related thereto.

69. Defendant endeavored to recover, and in fact recovered, possession of the Premises in bad faith, with ulterior reason, and without honest intent, and in a manner not permitted by the San Francisco Administrative Code § 37, et. seq. ("Rent Ordinance") and thereby violated the provisions of the Rent Ordinance § 37.9, et. seq.

70. Defendant failed to provide Plaintiff just cause to evict him as required by the Rent Ordinance.

71. Defendant's eviction of Plaintiff was lacking in the requisite just cause and was incapable of being remedied as Plaintiff's tenancy was protected from eviction.

72. The Rent Ordinance establishes a procedure for assisting persons such as Plaintiff in relocating from dwelling units that have been determined to be sub-standard and/or illegal for residential use.

73. The Rent Ordinance establishes a procedure for assisting persons such as Plaintiff in relocating from dwelling units that have been lawfully evicted for "just cause" and in compliance with the Rent Ordinance.

74. Pursuant to the terms of the Rent Ordinance, a dislocated tenant is entitled to receive certain payments, among other substantive and procedural rights.

75. Defendants failed to provide Plaintiff with any of the benefits and/or assistance required by the Rent Ordinance.

76. Instead, Defendant sought to evict Plaintiff, and refused to repair his unit permanently

1 removing him therefrom.

2 77. Section 37.9(f) of the Rent Ordinance provides for an award of not less than three times
3 the actual damages when a landlord or any other person willfully assists the landlord to endeavor to
4 recover possession of a rental unit in violation of Chapter 37.9 et. seq., and Plaintiff is entitled to three
5 times actual damages.

6 78. Defendants acted in knowing violation of or reckless disregard for Plaintiff's rights
7 under the Rent Ordinance, and Plaintiff is thereby entitled to three times damages for economic injuries
8 emotional distress.

9 79. Section 37.9(f) of the Rent Ordinance provides for the award of reasonable attorney's
10 fees to the prevailing party in any action brought under this section.

11 80. As a direct and proximate result of Defendants' repeated violation of the San Francisco
12 Rent Ordinance, Plaintiff has suffered damages as is set forth herein including, but not limited to, loss
13 of use of the rent controlled apartment, and costs incurred while it was unsafe for him to stay in his
14 unit, and costs to relocate.

15 **CLAIM THREE**
16 **Negligence Per Se**
17 **(Against all Defendants)**

18 81. Plaintiff realleges and incorporates all prior allegations above as though fully set forth
19 herein.

20 82. Defendant violated their duty of due care to Plaintiff and violated their statutory duties
21 to Plaintiff by violating certain housing, building and fire codes, local ordinances and state statutes,
22 including but not limited to: Civil Code Section 1941, e/ seq., Health & Safety Code section 17920.3,
23 and San Francisco Administrative Code § 37.9, et seq. and 37.10B, et seq.

24 83. At all times relevant, Plaintiff belonged to the class of persons for which these statutes
25 were designed to offer protection. The harm that has befallen Plaintiff is of the type these statutes were
26 designed to prevent.

27 84. As a proximate result of Defendants' negligent violation of statutory duty, as set forth
28 above, Plaintiff has suffered actual, special and general damages as set forth herein and to be proven at

1 trial.

2 **CLAIM FOUR**
3 **Negligence / Personal Injury**
4 **(Against all Defendants)**

5 85. Plaintiff realleges and incorporates all prior allegations above as though fully set forth
6 herein.

7 86. By reason of the landlord-tenant relationship between Defendants and Plaintiff,
8 Defendant owed Plaintiff a duty to exercise reasonable care in the ownership, management, inspection,
9 and control of Feldman's Unit, which included a statutory duty to comply with all applicable laws
10 governing Plaintiffs rights as a tenant and all duties listed below.

11 87. Defendant also owed a duty to exercise reasonable care in maintaining the Property and
12 Feldman's Unit free of defects and/or hazards and in inspecting the Property for same, so as to preclude
13 any person, including Plaintiff, from unreasonable risk of harm.

14 88. Defendant also owed a duty to warn Plaintiff of any potential and non-obvious hazards.

15 89. The duty to exercise reasonable care owed by Defendant to Plaintiff also included, but
16 was not limited to the following duties the duty to provide Plaintiff with legal, tenantable housing, fit
17 for human occupancy; the duty to refrain from interfering with Plaintiff's full use and quiet enjoyment
18 of the rented residence; and the duty to comply with all applicable state and local laws governing
19 Plaintiffs rights as tenants.

20 90. Defendant, by the acts and omissions alleged herein, were negligent and careless and
21 thereby breached said duties. Defendants also breached their duties to Plaintiff by failing to inspect
22 Feldman's Unit, to repair Feldman's Unit properly, to maintain Feldman's Unit free of defects and
23 hazards, and to warn Plaintiff of the potentially hazardous nature of the contaminants being released
24 into Feldman's Unit.

25 91. As a direct and proximate result of these breaches of duty by Defendants, Plaintiff
26 suffered actual and special damages as herein alleged.

27 92. The aforementioned duties breached by Defendant were breached with knowing and/or
28 reckless disregard for Plaintiff's rights and/or safety and/or health and therefore justify an award of

substantial exemplary and punitive damages in an amount to be proven at trial.

CLAIM FIVE
Breach of the Warranties of Habitability
(Against all Defendants)

93. Plaintiff realleges and incorporates all prior allegations above as though fully set forth herein.

94. Defendant has violated statutes, including, among others, Civil Code Section 1941, et seq, and Health & Safety Code section 179203 related to the implied warranty of habitability.

95. Plaintiff repeatedly notified Defendants, and each or them, both orally and in writing, of these unsanitary, unhealthy and/or defective conditions. Defendants, and each or them failed and/or refused to repair these dangerous and defective conditions within a reasonable time, or at all.

96. Accordingly, Defendant had actual and/or constructive notice of each of the defective conditions described above at all relevant times herein.

97. Indeed active NOV's were in place throughout Plaintiff's tenancy.

98. Despite such notice, Defendant failed to take the steps necessary to repair said conditions at all times relevant herein.

99. Plaintiff paid Defendant rent during the time they occupied the Property.

100. Plaintiff did nothing to cause, create or contribute to the existence of the defective conditions stated above.

101. Further, Feldman's Unit as it existed in its defective and dangerous condition, had no rental value whatsoever as a result of its defective and dangerous condition.

102. Plaintiff's injuries were a direct and proximate result of Defendants' breach of the statutory warranty of habitability and their failure to repair the defective and dangerous conditions or have them repaired within a reasonable time or at all.

103. As a direct and proximate result of the above conduct and resultant conditions in Feldman's Unit, Plaintiff suffered and continues to suffer severe physical, mental, and emotional pain, injury and distress, including, but not limited to, respiratory ailments, shortness of breath, wheezing, coughing, eye irritation, interrupted sleep, general discomfort and fatigue, embarrassment, humiliation,

1 discomfort, exacerbation and annoyance, and extreme emotional distress all to their general damage in
2 an amount tour, medical and related expenses in amount to be proven at trial.

3 **CLAIM SIX**
4 **Breach of Covenant OF Quiet Enjoyment**
5 **(Against all Defendants)**

6 104. Plaintiff realleges and incorporates all prior allegations above as though fully set forth
7 herein.

8 105. By the acts and omissions described above, Defendant interfered with, interrupted, and
9 deprived Plaintiff of the full and beneficial use of the Property and disturbed Plaintiff's peaceful
10 possession of the Property and Feldman's Unit therein.

11 106. These acts of interference, interruption, deprivation, and disturbance by Defendant
12 amount to a breach of the covenant of quiet enjoyment implied in all rental agreements, and codified in
13 California Civil Code section 1927.

14 107. As a direct and proximate result thereof, Plaintiff has suffered, and continue to suffer,
15 pain, discomfort, annoyance, inconvenience, anxiety, economic loss, loss of use, and mental anguish,
16 all to their detriment in amounts to be determined at trial

17 **CLAIM SEVEN**
18 **Defamation**
19 **(Against All Defendants)**

20 108. PLAINTIFF incorporates by reference all of the allegations in the above paragraphs as
21 though fully stated in this cause of action.

22 109. Defendant intentionally and knowingly made false statements about Dr. Feldman,
23 statements that included false allegations that he had committed a crime, published these statements to
24 third parties, those parties reasonably understood the statements to mean that Dr. Feldman was
25 dangerous, that he committed the crime of elder abuse and attacked the Defendant and her other
26 tenants, and that he should be feared.

27 110. As a result, he suffered a loss of reputation, he was banned from the UCSF campus
28

1 where he received medical care, he was humiliated and shamed, and he suffered general damages in an
2 amount to be proven at trial.

3 **CLAIM EIGHT**
4 **Intentional Infliction of Emotional Distress**
5 **(Against all Defendants)**

6 111. PLAINTIFF incorporates by reference all of the allegations in the above paragraphs as
7 though fully stated in this cause of action.

8 112. The acts of Defendant, as alleged herein were extreme and outrageous and done with
9 conscious disregard for the rights of Plaintiff Defendants knew that Plaintiff was susceptible to
10 additional discomfort as a result of the conduct described, knew that the conduct adversely affected
11 him, had the wherewithal to avoid the conduct, yet consciously failed and refused to do s

12 113. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered, and
13 continues to suffer, severe mental, emotional, and physical distress, pain, and suffering, all to Plaintiff's
14 general and punitive damage, in an amount to be proven at trial.

15 **CLAIM NINE**
16 **Unlawful Business Practice**
17 **(Against all Defendants)**

18 114. PLAINTIFF incorporates by reference all of the allegations in the above paragraphs as
19 though fully stated in this cause of action.

20 115. Plaintiff, bring this cause of action under Business and Professions Code § 17200 et seq.
21 as private person affected by the acts described in this complaint.

22 116. Plaintiff, in bringing this action, is suing as an individual, and on behalf of the public at
23 large.

24 117. At all times relevant times herein, Defendant was conducting business under the laws of
25 the State of California and the City and County of San Francisco,

26 118. In conducting said business, Defendant was obligated to comply with applicable
27 California and San Francisco laws.
28

1 119. By failing to comply with State and local law and common law obligations relating to
2 lessors of residential premises, as alleged herein, all of which resulted in the constructive eviction of
3 Plaintiff, as heretofore alleged, Defendant acted in contradiction to the law and are engaged in unfair
4 and unlawful business practices California Business and Professions Code section 17200 et seq,
5 prohibits unfair competition in the form of any unlawful, unfair, deceptive or fraudulent business
6 practice.

7 120. California Health and Safety Code Section 17920 et seq sets forward minimum
8 conditions for habitable premises. California Health and Safety Code Section 17920.3 (n) states that all
9 buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not
10 designed or intended to be used for those occupancies are deemed substandard and, as a matter of law,
11 uninhabitable.

12 121. California Health and Safety Code Section 17922 established the Uniform Building
13 Code as a minimum standard for habitability.

14 122. California Civil Code Section 1941 et seq sets forth minimum standards for habitability.

15 123. California Civil Code Section 1941.1 states that a dwelling is untenable if it fails to
16 meet certain health and safety requirements such as being free of vermin, having adequate heating
17 facilities, and meeting the proper electrical, plumbing and other building codes in effect at the time of
18 installation.

19 124. California Health and Safety Code § 17980.7 (d)(1) provides for payment of attorneys
20 fees where a condition is found to exist which endangers health and safety and a tenant has to seek legal
21 redress of their grievance.

22 125. The San Francisco Rent Ordinance ("The Ordinance") Chapter 37.9 of the San Francisco
23 Administrative Code, establishes conditions under which Tenants may be charged ;ncreases in rent
24 and/or under which they may be evicted.

25 126. By failing and refusing to comply with their legal obligations under California Civil
26 Code Section 1950.5, and Chapter 49 of the San Francisco Administrative Code, Defendant engaged in
27 unfair business practices.

28 127. Plaintiff is informed and believes and thereupon alleges that the acts of Defendant as

described herein, constitute an unlawful business practice and unfair competition in violation of California Business and Professions Code, Sections 17200 et seq.

128. Plaintiff is informed and believes and thereupon allege that Defendants, as a pattern and practice engage in such unlawful business practice as aforementioned, directly having effect upon other members of the public to whom Defendants have legal obligations.

129. Plaintiff is informed and believes and thereupon allege that Defendants have been unjustly enriched by their violations of their legal obligations as landlords and lessors of residential property and related provisions of the Business and Professions Code, which thereby justifies the award of restitution in an amount to be proven at trial, including but not limited to attorney fees and injunctive relief, enjoining Defendants from future unlawful or unfair business practice.

130. Plaintiff is informed and believes and thereupon allege that Defendants, as a pattern and practice engage in such unlawful business practice as aforementioned, directly having effect upon other members of the public to whom Defendants have legal obligations.

131. Plaintiff is informed and believes and thereupon allege that Defendants have been unjustly enriched by their violations of their legal obligations as landlords and lessors of residential property and related provisions of the Business and Professions Code, which thereby justifies the award of restitution in an amount to be proven at trial, including but not limited to attorney fees and injunctive relief, enjoining Defendants from future unlawful or unfair business practice

CLAIM TEN

Nuisance

(Against all Defendants)

132. Plaintiff realleges and incorporates all prior allegations above as though fully set forth herein.

133. Plaintiff, by virtue of their rental of Feldman's Unit, had at all relevant times, a property interest in Feldman's Unit. Defendants' conduct in creating and maintaining a nuisance premises in the manner described herein, was injurious to Plaintiffs health, offensive to Plaintiffs senses, and interfered with their comfortable enjoyment of life, personal property, and their interest in Feldman's Unit.

134. Defendants created and maintained the deficient conditions in Feldman's Unit by failing

1 to correct or repair defective conditions. Defendants' conduct in maintaining Feldman's Unit in a
2 hazardous, unhealthy and offensive state was grossly negligent and Defendants should have known that
3 regular upkeep would be required to maintain the habitability of Feldman's Unit.

4 135. As a direct, legal and foreseeable result of the conduct of Defendants, as set forth above,
5 Plaintiff suffered special and general damages as set forth herein.

6 136. The Defendant's conduct, as set forth herein, was grossly negligent and through
7 reasonable and necessary inspections it would have been readily apparent that injury, discomfort, and
8 annoyance would unavoidably result to Plaintiff Defendants therefore acted with willful and conscious
9 disregard for the rights and safety of Plaintiff. Defendants' conduct was also oppressive and despicable,
10 and said conduct constituted a cruel and unjust hardship upon Plaintiff Therefore, Plaintiff request
11 substantial punitive damages to be proven at trial.

12
13 **RELIEF SOUGHT**

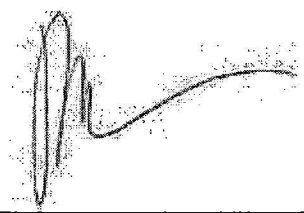
14 Plaintiff FELDMAN seeks judgment against Defendant HOLMES and against DOES I through
15 10 as follows:

- 16 1. For special damages, including but not limited to, past and future medical expenses;
 - 17 2. For general damages;
 - 18 3. Loss of future value of Rent Control Apartment;
 - 19 4. Improperly Collected Rent on uninhabitable unit;
 - 20 5. For pre-judgment interest, if warranted;
 - 21 6. For costs incurred in this litigation;
 - 22 7. Attorney's Fees;
 - 23 8. For punitive damages; and
 - 24 9. For all other relief that the court deems just and proper.
- 25
26
27
28

1
2 DATED: July 28, 2021

3 Respectfully submitted,
4 AUSTIN LAW GROUP
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8
9 By:


Julien Swanson, Esq.
Attorney for Plaintiff FELDMAN

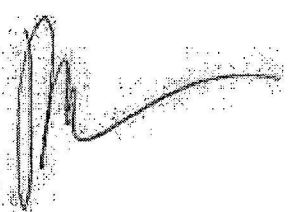
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11
12
13 **JURY TRIAL DEMAND**
14

15 PLAINTIFF hereby demands a trial by jury on all issues so triable in this action.
16

17 DATED: July 28, 2021

18 Respectfully submitted,
19 AUSTIN LAW GROUP
20

21
22 By:


Julien Swanson, Esq.
Attorney for Plaintiff FELDMAN
23
24
25
26
27
28

ISSUE 1

PLAINTIFF’S SECOND CAUSE OF ACTION FOR RETALIATORY EVICTION UNDER THE RENT ORDINANCE IS BARRED BY THE ONE-YEAR STATUTE OF LIMITATIONS SET FORTH IN CODE OF CIVIL PROCEDURE SECTION 340(a)

Moving Party’s Undisputed Material Facts and Supporting Evidence:	Opposing Party’s Response and Supporting Evidence:
1. Plaintiff DANIEL FELDMAN, Ph.D. (“Plaintiff”) rented an apartment at 884-14th Street in San Francisco, California (the “Apartment”) beginning in March 2013. (Complaint, ¶ 20.)	
2. At all relevant times mentioned in the Complaint, Defendant owned the building at 884-14th Street in San Francisco, California, where Plaintiff resided. (<i>Id.</i> , ¶ 14.)	
3. Defendant was Plaintiff’s residential landlord while he resided at the Apartment. (<i>Id.</i> , ¶ 13.)	
4. Plaintiff alleges he was constructively evicted from the Apartment on December 26, 2019. (<i>Id.</i> , ¶ 8.)	
5. Plaintiff filed this civil action on July 28, 2021. (Complaint, Exhibit 1 to the Request to Take Judicial Notice.)	
6. Plaintiff’s second cause of action alleges retaliatory eviction in violation of San Francisco Administrative Code section 37.9. (<i>Id.</i> , ¶¶ 67-80.)	

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ISSUE 2

PLAINTIFF’S CLAIM FOR TREBLE DAMAGES UNDER THE RENT ORDINANCE IN THE THIRD CAUSE OF ACTION FOR NEGLIGENCE PER SE IS BARRED BY THE ONE-YEAR STATUTE OF LIMITATIONS SET FORTH IN CODE OF CIVIL PROCEDURE SECTION 340(a)

Moving Party’s Undisputed Material Facts and Supporting Evidence¹:	Opposing Party’s Response and Supporting Evidence:
1. Plaintiff DANIEL FELDMAN, Ph.D. (“Plaintiff”) rented an apartment at 884-14th Street in San Francisco, California (the “Apartment”) beginning in March 2013. (Complaint, ¶ 20.)	
2. At all relevant times mentioned in the Complaint, Defendant owned the building at 884-14th Street in San Francisco, California, where Plaintiff resided. (<i>Id.</i> , ¶ 14.)	
3. Defendant was Plaintiff’s residential landlord while he resided at the Apartment. (<i>Id.</i> , ¶ 13.)	
4. Plaintiff alleges he was constructively evicted from the Apartment on December 26, 2019. (<i>Id.</i> , ¶ 8.)	
5. Plaintiff filed this civil action on July 28, 2021. (Complaint, Exhibit 1 to the Request to Take Judicial Notice.)	
7. In his Third Cause of Action for Negligence Per Se, Plaintiff has alleged violations of San Francisco Administrative Code sections 37.9 and 37.10B of the San Francisco Administrative Code, which provides for treble damages. (<i>Id.</i> , ¶ 82.)	

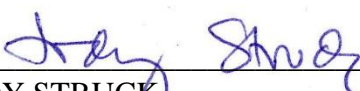
¹Undisputed Material Facts (“UMF”) 1 through 5 are identical to UMF 1 through 5 under Issue 1.

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Dated: November 8, 2023

Respectfully submitted,

By: 
JODY STRUCK
HAAPALA, THOMPSON & ABERN, LLP
Attorneys for Defendant
LINDA STEINHOFF HOLMES

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Steven S. Abern (Bar # 148690) HAAPALA, THOMPSON & ABERN 1939 Harrison Street, Suite 800 Oakland, CA 94612 TELEPHONE NO.: (510) 763-2324 FAX NO. (Optional): (510) 273-8534 E-MAIL ADDRESS (Optional): sabern@htalaw.com ATTORNEY FOR (Name): LINDA STEINHOFF HOLMES, Defendant	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of San Francisco 11/16/2023 Clerk of the Court BY: JEFFREY FLORES Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco 94102 BRANCH NAME: Civic Center Courthouse	
CASE NAME: <p style="text-align: center;">FELDMAN v. HOLMES</p>	
<p style="text-align: center;">SUBSTITUTION OF ATTORNEY—CIVIL (Without Court Order)</p>	CASE NUMBER: <p style="text-align: center;">CGC-21-594129</p>

THE COURT AND ALL PARTIES ARE NOTIFIED THAT (name): **LINDA STEINHOFF HOLMES** makes the following substitution:

- Former legal representative** ☐ Party represented self ☒ Attorney (name): **DAVID STOCK/STEPHANIE DAVIN**
- New legal representative** ☐ Party is representing self* ☒ Attorney
 - Name: **STEVEN S. ABERN**
 - State Bar No. (if applicable): **148690**
 - Address (number, street, city, ZIP, and law firm name, if applicable): **Haapala, Thompson & Abern, 1939 Harrison Street, Suite 800, Oakland, CA 94612**
 - Telephone No. (include area code): **(510) 763-2324**
- The party making this substitution is a ☐ plaintiff ☒ defendant ☐ petitioner ☐ respondent ☐ other (specify):

***NOTICE TO PARTIES APPLYING TO REPRESENT THEMSELVES**

- | | | |
|---------------|---------------------------|------------------------------|
| • Guardian | • Personal Representative | • Guardian ad litem |
| • Conservator | • Probate fiduciary | • Unincorporated association |
| • Trustee | • Corporation | |

If you are applying as one of the parties on this list, you may NOT act as your own attorney in most cases. Use this form to substitute one attorney for another attorney. SEEK LEGAL ADVICE BEFORE APPLYING TO REPRESENT YOURSELF.

NOTICE TO PARTIES WITHOUT ATTORNEYS

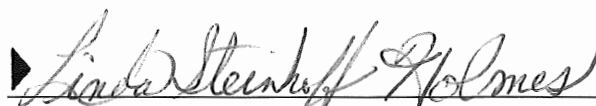
A party representing himself or herself may wish to seek legal assistance. Failure to take timely and appropriate action in this case may result in serious legal consequences.

4. I consent to this substitution.

Date: **11/15/2023**

LINDA STEINHOFF HOLMES

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY)

5. ☒ I consent to this substitution.

Date: **9/5/23**

DAVID STOCK/STEPHANIE DAVIN

(TYPE OR PRINT NAME)


(SIGNATURE OF FORMER ATTORNEY)

6. ☒ I consent to this substitution.

Date: **August 31, 2023**

STEVEN S. ABERN

(TYPE OR PRINT NAME)


(SIGNATURE OF NEW ATTORNEY)

(See reverse for proof of service by mail)

CASE NAME: FELDMAN v. HOLMES	CASE NUMBER: CGC-21-594129
-------------------------------------	-----------------------------------

**PROOF OF SERVICE BY MAIL
Substitution of Attorney—Civil**

Instructions: After having all parties served by mail with the Substitution of Attorney—Civil, have the person who mailed the document complete this Proof of Service by Mail. An unsigned copy of the Proof of Service by Mail should be completed and served with the document. Give the Substitution of Attorney—Civil and the completed Proof of Service by Mail to the clerk for filing. If you are representing yourself, someone else must mail these papers and sign the Proof of Service by Mail.

1. I am over the age of 18 and **not a party to this cause**. I am a resident of or employed in the county where the mailing occurred. My residence or business address is (*specify*):
2. I served the Substitution of Attorney—Civil by enclosing a true copy in a sealed envelope addressed to each person whose name and address is shown below and depositing the envelope in the United States mail with the postage fully prepaid.

(1) Date of mailing: (2) Place of mailing (*city and state*):
3. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

4. a. Name of person served:
b. Address (*number, street, city, and ZIP*):

c. Name of person served:
d. Address (*number, street, city, and ZIP*):

e. Name of person served:
f. Address (*number, street, city, and ZIP*):

g. Name of person served:
h. Address (*number, street, city, and ZIP*):

i. Name of person served:
j. Address (*number, street, city, and ZIP*):

☐ List of names and addresses continued in attachment.

PROOF OF SERVICE

Virginia Guthrie certifies and declares as follows:

I am employed in the County of Alameda, State of California. I am over the age of 18 years, and not a party to this action. My business address is 1939 Harrison Street, Suite 800, Oakland, California, 94612-3527, (vguthrie@htalaw.com).

On, November 16, 2023, I served the foregoing document described as: SUBSTITUTION OF ATTORNEY on all interested parties in this action, in the manner set forth below.

☒ **BY ELECTRONIC MAIL:** By personally emailing the document(s) to the persons at the e-mail address(es) listed below. Service is based on CCP 1010.6(5)(b)(2)(3), “(2) A person represented by counsel, who has appeared in an action or proceeding, shall accept electronic service of a notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission. (3) Before first serving a represented person electronically, the person effecting service shall confirm the appropriate electronic service address for the counsel being served.”

Daniel J. Feldman, Ph.D.
13647 Aragon Way, Apt. 303
Louisville, KY 40245
T: 307-699-3223

Plaintiff in Pro Per

Nolan S. Armstrong
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Gray, LLP
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Walnut Creek, CA 94523
925-939-5330
925-939-0203
nolan.armstrong@mcnamaralaw.com


**Co-Counsel for Defendant LINDA
STEINHOFF HOLMES**

David J. Stock
Stephanie Davin
RANKIN | STOCK | HEABERLIN | ONEAL
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San Jose, CA 95112-7709
(408) 293-0463
(408) 293-9514
david@rankinstock.com
stephanie@rankinstock.com

**Co-Counsel for Defendant LINDA
STEINHOFF HOLMES**

Haapala, Thompson & Abern LLP
Attorneys At Law
Park Plaza Building
1939 Harrison St., Suite 800
Oakland, California 94612
Telephone: 510-763-2324
Facsimile: 510-273-8534

I declare under penalty of perjury under the laws of the State of California that the above
is true and correct. Executed on November 16, 2023, at Oakland, California.



Virginia Guthrie

STEVEN S. ABERN, SBN 148690
JODY STRUCK, SBN 121097
HAAPALA, THOMPSON & ABERN, LLP
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Oakland, California 94612
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Attorneys for Defendant
LINDA STEINHOFF HOLMES

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

DANIEL FELDMAN, Ph.D.,

Plaintiff,

v.

LINDA STEINHOFF HOLMES, an
individual; and DOES 1-10, inclusive,

Defendants.

) Case No. CGC-21-594129
)

) **DECLARATION OF JODY STRUCK IN**
) **SUPPORT OF DEFENDANT LINDA**
) **STEINHOFF HOLMES'S REPLY RE**
) **MOTION FOR SUMMARY**
) **ADJUDICATION**

) Date: February 1, 2024
) Time: 9:30 a.m.
) Dept.: 501

) Complaint filed: July 28, 2021
)

I, JODY STRUCK, declare as follows:

1. I am an attorney duly admitted to practice in all courts of the State of California and a partner with the firm of Haapala, Thompson & Abern, attorneys of record for Defendant Linda Steinhoff Holmes herein. The facts set forth herein are of my own personal knowledge, and if sworn as a witness I could and would competently testify thereto.

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Haapala, Thompson & Abern LLP
Attorneys At Law
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1939 Harrison St., Suite 800
Oakland, California 94612
Telephone: 510-763-2324
Facsimile: 510-273-8534

2. Defendant LINDA STEINHOFF HOLMES filed and served her motion for summary adjudication on November 8, 2023. The motion was set for hearing on February 1, 2024.

3. According to my firm's calendaring program, Plaintiff's opposition to Defendant's motion for summary adjudication was due on January 18, 2024.

4. As of today's date, we have not received any opposition to the motion for summary adjudication and our review of the register of actions for this case indicates that none has been filed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on January 24, 2024.



JODY STRUCK
HAAPALA, THOMPSON & ABERN, LLP
Attorneys for Defendant
LINDA STEINHOFF HOLMES

STEVEN S. ABERN, SBN 148690
JODY STRUCK, SBN 121097
HAAPALA, THOMPSON & ABERN, LLP
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E-Mail: nolan.armstrong@mcnamaralaw.com

Attorneys for Defendant
LINDA STEINHOFF HOLMES

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

DANIEL FELDMAN, Ph.D.,

Plaintiff,

v.

LINDA STEINHOFF HOLMES, an
individual; and DOES 1-10, inclusive,

Defendants.

) Case No. CGC-21-594129
)
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)

**DEFENDANT LINDA STEINHOFF
HOLMES'S REPLY IN SUPPORT OF
MOTION FOR SUMMARY
ADJUDICATION**

) Date: February 1, 2024
) Time: 9:30 a.m.
) Dept.: 501
)

) Complaint filed: July 28, 2021
)

I. INTRODUCTION

Defendant LINDA STEINHOFF HOLMES submits the following Reply in support of her *unopposed* Motion for Summary Adjudication ("MSA"). The MSA was brought on the grounds that 1) Plaintiff's second cause of action for retaliatory eviction under the San Francisco Rent Ordinance, San Francisco Administrative Code section 37.9, is barred by the one-year statute of limitations set forth in Code of Civil Procedure section 340(a), and 2) Plaintiff's claim for treble damages under the San Francisco Rent Ordinance, San Francisco

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco
01/24/2024
Clerk of the Court
BY: VANESSA WU
Deputy Clerk

Administrative Code sections 37.9 and 37.10B, in the third cause of action for negligence per se, is barred by the one-year statute of limitations set forth in Code of Civil Procedure section 340(a). For the reasons set forth in Defendant's moving papers, the MSA should be granted.

I. PLAINTIFF'S FAILURE TO FILE AND SERVE AN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY ADJUDICATION IS A SUFFICIENT GROUND TO GRANT THE MOTION

Defendant filed and served her MSA almost three months ago, on November 8, 2023. The motion was set for hearing on February 1, 2024. (Declaration of Jody Struck ("Struck Dec.").)

All papers opposing a motion for summary adjudication must be filed and served not less than 14 days before the hearing date. (Code Civ. Proc., § 437c, subd (b)(2).) In this case, Plaintiff's opposing papers should have been filed on January 18, 2024 and served in a manner reasonably calculated to ensure delivery no later than the close of the next business day after the date of filing. (Code Civ. Proc., §§ 437(c), subd. (b)(6), and 1005(c).)

Plaintiff did not file or serve any opposition to Defendant's MSA. (Struck Dec.) His failure to file a responsive separate statement is a sufficient ground to grant the motion:

The opposition papers shall include a separate statement that responds to each of the material facts contended by the moving party to be undisputed, indicating if the opposing party agrees or disagrees that those facts are undisputed. ... Failure to comply with this requirement of a separate statement may constitute a sufficient ground, in the court's discretion, for granting the motion.

(Code Civ. Proc., § 437c, subd. (b)(3).)

II. CONCLUSION

Defendant's moving papers show that, as a matter of law, Plaintiff's claims under the San Francisco Rent Ordinance are barred by the applicable one-year statute of limitations. In addition, Plaintiff's failure to file and serve opposing papers, including a responsive separate statement, is a sufficient basis to grant Defendant's MSA.

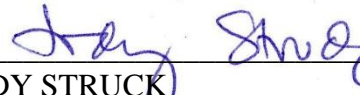
For the foregoing reasons and as set forth in Defendant's moving papers, Defendant LINDA STEINHOFF HOLMES respectfully requests an order granting summary adjudication and dismissing, with prejudice, Plaintiff's second cause of action for retaliatory eviction under the San Francisco Rent Ordinance, San Francisco Administrative Code section 37.9, and claim

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Facsimile: 510-273-8534

1 for treble damages under the San Francisco Rent Ordinance, San Francisco Administrative Code
2 sections 37.9 and 37.10B, as alleged in the third cause of action for negligence per se.

3 Dated: January 24, 2024

Respectfully submitted,

4
5 By: 
6 JODY STRUCK
7 HAAPALA, THOMPSON & ABERN, LLP
8 Attorneys for Defendant
9 LINDA STEINHOFF HOLMES
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PROOF OF SERVICE

Virginia Guthrie certifies and declares as follows:

I am employed in the County of Alameda, State of California. I am over the age of 18 years, and not a party to this action. My business address is 1939 Harrison Street, Suite 800, Oakland, California, 94612-3527, (vguthrie@htalaw.com).

On January 24, 2024, I served the foregoing document described as:

1. **DEFENDANT LINDA STEINHOFF HOLMES'S REPLY IN SUPPORT OF MOTION FOR SUMMARY ADJUDICATION**
2. **DECLARATION OF JODY STRUCK IN SUPPORT OF DEFENDANT LINDA STEINHOFF HOLMES'S REPLY RE MOTION FOR SUMMARY ADJUDICATION**

on all interested parties in this action, in the manner set forth below.

☒ **BY ELECTRONIC MAIL:** By personally emailing the document(s) to the persons at the e-mail address(es) listed below. Service is based on CCP 1010.6(5)(b)(2)(3), "(2) A person represented by counsel, who has appeared in an action or proceeding, shall accept electronic service of a notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission. (3) Before first serving a represented person electronically, the person effecting service shall confirm the appropriate electronic service address for the counsel being served."

Daniel J. Feldman, Ph.D.
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Co-Counsel for Defendant LINDA STEINHOFF HOLMES

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 24, 2024, at Oakland, California.



Virginia Guthrie

1 DANIEL J. FELDMAN, PH.D.
2 13647 Aragon Way Apt 303
3 Louisville, KY 40245
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ATTACHMENT 8

6 PLAINTIFF PRO SE

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 FOR THE COUNTY OF SAN FRANCISCO

9 UNLIMITED JURISDICTION

10 DANIEL J. FELDMAN, PH.D.

11 Plaintiff,

12 vs.

13 LINDA STEINHOFF HOLMES, AND DOES 1-30

14 Defendants.

) Case No.: CGC 21-594129

) PLAINTIFF DANIEL FELDMAN'S DECLARATION
) IN SUPPORT OF EX PARTE APPLICATION TO
) FILE A LONGER MEMORANDUM IN
) OPPOSITION TO DEFENDANT'S MOTION FOR
) SUMMARY ADJUDICATION

) Date: February 1, 2024

) Time: 9:30 a.m.

) Dept.: 501

) Hon. Charles Haines, Judge Presiding

Complaint filed: July 28, 2021

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20 COMES NOW Plaintiff DANIEL FELDMAN, pro se, and would show unto this Honorable Court as
21 follows with regard to Defendant LINDA STEINHOFF-HOLMES' et al. wrongful eviction and related
22 complaints.
23

24 This ex parte application and declaration is later than the Court Rules, and as the Plaintiff pro se, I do
25 humbly request the Honorable Judge Charles Haines to grant a delay to respond to Defendant's motion for
26 summary adjudication for which will be heard on February 1, 2024, at 9:30A.M, or as soon thereafter as the
27 matter may be heard in Department 501 of the Superior Court of California, County of San Francisco located
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1 at 400 McAllister Street. The ex parte application is to allow more time to for me to answer the Defendant's
2 motion, as may be presented at the hearing of this motion including points and authorities to the best of my
3 ability.

4
5 This Declaration is lengthy but describes the extenuating circumstances for why I have not
6 responded in a more timely manner. It also describes an update to the entire complaint {CUD-19-666401}
7 that was brought before Real Property Court and Judge Haines during the pandemic, one of the rare evictions
8 that were exempt from the covid-based stay as it was based on alleged claims of violence that were **explicitly**
9 **perjured to Judge Haines in at least three different ex parte hearings more than three declarations and**
10 **affidavits**, claims that were contradicted by the Defendant in her Deposition in January, 2023, and which
11 were **suborned by her counsel, Daniel Bornstein**, as witnessed in a loud speakerphone conversation,
12 recorded and transcribed in real time in May, 2019, by myself and Christopher Hefner, now allegedly
13 deceased at the hand of the Defendant, confirmed with accounts from secondary witness Jonathan Bornstein,
14 the brother of Daniel Bornstein, and **was brought to the attention of District Attorney Gascon's Office** in
15 July, 2019, just before the Unlawful Detainer was filed.

16
17 Jonathan Bornstein also revealed that he had witnessed his brother suborning perjury from many of
18 his landlord clients in the same exact playbook that was deployed by the Defendant and her son. Not only
19 that, but that he reported that Daniel Bornstein had discussed murder as an effective means of getting
20 unwanted tenants out of the property, if they evaded being arrested under false charges or failed to be evicted
21 by the Court, in a similar manner that I am alleging the Defendant used to attempt to murder myself in
22 addition to Christopher Hefner. Judge Haines transferred CUD-19-666401 to another Judge the day before
23 the jury trial in September, 2020, and may not have been aware of the outcome of that case.

24 Daniel Bornstein, who had previously been unrelenting and unresponsive to any settlement,
25 immediately insisted that the case be dismissed and literally begged me for a settlement, dismissing the case
26 as soon as he had read that I had served them and the Court the pretrial witness and exhibit lists, the motions
27 in limine, and trial brief. Those outlined that I would be calling him as my first witness to explain the
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1 recorded and witnessed alleged accounts of him suborning perjury and instructing family members and
2 employees of the Defendant to make false calls to the police, to deceptively frame me for violence, using
3 malicious prosecution to have me arrested for staged crimes with staged evidence, and to use the window of
4 opportunity of the false arrest to file an ex parte motion demanding summary judgement for eviction while I
5 could not have the Eviction Defense Collaborative protection. He settled the case without prejudice to any of
6 my claims for damages for any of their actions, for which I alleged were in excess of \$1M.

7 The legal counsel that approached me for representation since then has delayed this case pushing it
8 to its limit, and then, just after taking a deposition of the Defendant contradicting the statements she made to
9 this court under oath in 2020, he moved the trial from a year out to within 6 weeks, and left my case to be
10 now undesirable for representation. Indeed, this delay has at its heart the what appears to be a deliberate
11 sabotage from prior counsel, and I have been put into a forced pro se litigation. This is not ideal considering
12 I have been deemed unable to work by the SSA because of the injuries I have sustained during the course of
13 my tenancy of the Defendant, including difficulties with reading and writing which prohibit me from
14 returning to my old employment, not to mention anxiety and panic induced when exposed to the events in
15 this case. I have exhausted all possible resources for representation or for help with the preexisting
16 disabilities.

17 At the time the Defendant filed this motion for summary judgment, I was hospitalized and was not
18 yet home recovering from the first of three surgeries from a severe hit-and-run accident.

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21 **This declaration supports the reasons that this case deserves to be heard and tried in front of a**
22 **jury. If this is dismissed through summary judgment, it will have completed the intention of the plot**
23 **Daniel Bornstein sold to the Defendant in 2019 and implemented in 2020, resulting in one death and**
24 **one near-death of their victims. And I can argue that dismissing this case will likely result in my own**
25 **death in short order as well since the Defendant has not abated from ruining my access to healthcare**
26 **through continued broadcast of her slander that I am a violent elder abuser, a claim that I can prove is**
27 **utterly fabricated.**
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1 I, Daniel J. Feldman, declare as follows:

2 1. I am the Plaintiff in the instant matter. All facts stated herein are within my personal knowledge.
3 If called to testify to those facts, I could and would do so competently.

4 2. I have my PhD in Neuropsychology and with a recently expired license in the state of New York
5 in good standing awaiting to be active again at a time when I can confidently return to work. Through my
6 career, I have achieved many awards and honors related to medical research for major pharma companies, as
7 well as serving as an expert witness in many cases and serving as Faculty at University of Cincinnati
8 teaching Psychobiology and Rutgers Business School teaching Pharmaceutical Market Research and
9 Advanced Statistical Modeling.

10 3. I also have training from the San Francisco School of Massage that I combine with Psychotherapy
11 into a field that I call Healing Touch, which is based on Louise Hayes work with immunocompromised
12 individuals, either receiving cancer treatments or with an immune disorder. My clients tend to be geriatric
13 individuals, particularly, my neuropsychology practice where patients have stroke or Alzheimer's disease,
14 and I have volunteered a lot of my time to work with seniors including with SAGE (Seniors in a Gay
15 Environment). Lastly, at least 25% of my clinical research papers focus on geriatric individuals. I have
16 always preferred the company of geriatric population much more so than pediatric. This is why the false
17 claims made against me by the Defendant are particularly harmful and exceptionally untrue.

18 4. I am a nonviolent person, committed to veganism, I have never owned a gun with ammunition,
19 and I have never fired a gun. Prior to the claims made by the Defendant in San Francisco no one has ever
20 designated me as a threat of violence in any way, shape, or form. The extent of my criminal history is a
21 speeding ticket for under five miles over the speed limit in Princeton, New Jersey, 15 years ago. If anything,
22 I have been described as being hyperethical or valuing integrity too much, as noted in my qui tam case where
23 out of a dozen people who knew the fraud that was going on, I was the only one to stand up and risk my
24 entire career to expose it. And I paid a heavy price for being the whistleblower.

25 5. I moved to 884 14th Street, San Francisco, CA, 94114, agreement date March 15, 2013, with a
26 move in date of April 19, 2013. I relocated from Pennsylvania to San Francisco, CA after winning Federal
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1 Court of Appeals False Claims Case of the United States ex rel. Feldman v. Van Gorp and Cornell University
2 Medical College (03 Civ. 8135 (WHP) 02-09-2011). I have a long-standing history of upholding the truth by
3 any measure as Judge Pauley of the Second Circuit actually called out in his final decision that in his 15
4 years on the bench he had not had a more honest and credible witness than myself. My counsel advised me
5 to frame that.

6 6. I am a victim of two violent attacks at or near the property, in April 2013 and August 2013, which
7 have left me with permanent physical disabilities and emotional Post-Traumatic Stress Disorder (PTSD).
8 These disabilities, for which I am awarded income from Social Security Disability Insurance, in addition to
9 deliberate retaliation by the Defendant and her son who lived above me, have prevented me from returning to
10 work.

11 The following includes detail related to the reasons that this Court and the Honorable Judge Haines
12 will rightfully grant a longer opposition to the motion for summary adjudication:

13
14 **1) Motor Vehicle Accident with Severe Injuries:**

15 On August 29th, I was injured in a hit-and-run MVA, the Jeep that hit me was doing in excess of
16 100mph, and I required three surgeries, only one of which has been done. From August 29th until October
17 25th, I was in excruciating pain with my bicep torn through and irreparable and the rotator cuff completely
18 torn, nerve damage extending down my arm creating uncontrollable spasms in the 4th and 5th digits of my left
19 hand, as well as vertebral damage to C5-C6-C7. The pain impacted my ability to sleep or lie down, carry any
20 item over 11lb, or use two arms to lift anything, which impedes me from cooking, laundry, cleaning dishes or
21 the apartment, and most of the time it remained in a sling with ice. After the rotator cuff surgery on October
22 25th, my arm was completely immobilized for 6 weeks, during which time I could not drive, go to the
23 grocery, or do nearly anything independently. I am still awaiting two more surgeries for my hand and neck.
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1 **2) Inaccurate Proof of Service of the Motion from Defendant:**

2 One of the most glaring challenges/mistakes/negligence on behalf of the Defense is that they never
3 served the Plaintiff this motion on November 8th. The proof of service indicates that an e-mail copy only was
4 sent, and the list of e-mails on that record does not include my e-mail which is consistent with me not getting
5 it. I received no emails for the Defense counsel from August 8th to January 2nd. My pet was with me for two
6 weeks after the surgery at my parents, and I had a large stack of mail at my apartment when I retrieved it on
7 or about December 5th, and one envelope that said another resident accepted service, which is incorrect. I had
8 no one staying in my house. The mail area is in another resident building at 3200 Altabrook Lane, and I live
9 at 13647 Aragon Way. I do not have friends in this complex or rely on anyone here to do anything for me, as
10 this is mostly short term relocation housing. There is no record of who accepted service or signature,
11

12 **3) Lack of Medical Care:**

13 A significant part of my claim in this lawsuit involves the horrific impact of the Defendant's ongoing
14 slander of my character and of events, events that she perjured to this Judge and Court multiple times in
15 2020. I have sent the Defendant texts, as that was her preferred communication, and emailed her counsel at
16 least a dozen times since 2016 to cease and desist her slander of me to others, and yet she has carried on
17 spreading lies of my drug use and violence.
18

19 The declarations in the next narrative provide a much better picture at how the Defendant began to
20 influence my medical history, and later, not only how I would be treated by medical professionals but
21 whether I would get treatment at all. And this is what can happen and did happen to me when someone
22 falsely labels you as a violent elder abuser, which I now understand that in the caste system of disgusting
23 human beings, they fall somewhere below violent pedophile rapist.

24 In 2016, while I was on a field trip with my class at San Francisco School of Massage, my apartment
25 and cats were watched by an acquaintance friend of a friend, Charles, as I needed someone at the last minute,
26 and Charles only needed a week in the city before flying home to Bogota, Columbia. During that time, he
27 became "friends" with the Defendant, in her words to me. When I returned home, Charles made a delicious
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1 soup for me, and I recall even asking for a couple of bowls. It was not until months later, when brought to
2 my attention by two independent concerned witnesses who Charles attempted to recruit as accomplices, that I
3 understood that the soup was poisoned at the direction of the Defendant.

4 I developed a sharp pain in my back that I had never felt before, and an electrical shock pain down
5 my arms to my fingers, which from training I suspected was neurological. I called for Charles to help me to
6 my primary care provider at the Castro Mission Health Center, in front of which I had the first and only
7 seizure of my life. My arm began making tonic-clonic spasms, and my iPad was flung like a Frisbee as I
8 went unconscious. When I awoke, an ambulance was on it's way to take me SF General Hospital
9 Emergency Room. What I did not know for a year until I received my medical record was that while I was
10 unconscious, Charles gave the nurse a fabricated account of my background so that I would not be assessed. I
11 am not sure if Charles' false narrative to the nurse was to not get caught with the poison in my system or if it
12 was intended to cause the far-reaching long-term devastation that it has. In any event, at the Castro-Mission
13 Health Center, the nurse entered into my chart that "a close friend accompanying [Dr. Feldman] to the clinic
14 told us that Daniel was suicidal and had made up the pain and other symptoms in order to stockpile pain
15 meds for his suicide. He reported that [Dr. Feldman] injects methamphetamine daily, huffs paint thinner, and
16 has a number of risky behaviors."

17 When I pulled my record a year later, not only did I find that nurse note at the Castro-Mission Health
18 Center, but verbatim copied from MyChart by Epic to my ER record at San Francisco General Hospital, and
19 again at the ER at Sutter Health CPMC Davies Hospital, and in my Primary Care notes at SF General. Once
20 that was entered into my chart without my knowledge or consent, I was outright refused care by physicians at
21 each facility. I would be put into a side room for 6 hours and then told to go home without any interview,
22 review of symptoms, assessment, treatment plan, or discharge – just to go home. When I said I could not
23 even walk home a block away, my "friend" Charles had driven me in my car, a Davies ER nurse pushed me
24 out of the ER through the double doors followed by a walker and the comment: "There! Walk yourself
25 home!"
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1 The real problem is that a large part of my SSA disability is due to an autoimmune or
2 autoinflammatory condition that I have had since birth but does not fit into any known syndrome. Every few
3 years, I have a specific pain that is “psychotic pain” since it is so disorienting. Although, doctor’s instincts
4 are to say it is malingering or “fake,” but we quickly discover that it is life-threatening each time. Due to the
5 condition, I have had my kidney removed, a stent placed from my kidney to my bladder, my sigmoid colon
6 removed, colostomy placement and reversal, resection of my right femur, partial left hip replacement, left
7 shoulder surgery, retinal tear and detachment, coughing fits of blood, pericardial effusion caused by fluid
8 around my heart, and ocular extrusion (eyeball dislodges from the socket swollen). I also have Paget’s
9 disease and psoriasis, other rheumatology conditions. When Charles and the Defendant hid that they were
10 poisoning me, my physician at Castro Mission Health Center refused to let me back in his practice, and he
11 told the rheumatology group that I had made up my condition, that my “real” condition was the slander that
12 was put into my medical chart, and he instructed them to refuse to see me, which they did. This is unlawful,
13 by the way, to refuse care to a patient. To make matters worse, I was awaiting my first hearing at SSA about
14 my disability, and after four years of waiting, the SSA judge had ordered me to have a new Rheumatology
15 assessment, one that would take more than 18 months to get because of the slander.

16 I was poisoned for six weeks, in incredible pain without any relief, muscles locked into a permanent
17 spasm, pain so bad I would howl not even aware how loud I was, no physician or emergency room in SF
18 willing to see me. I had to drop out of Massage School because of it. Around six weeks of being poisoned,
19 Charles set up an apartment for himself in my entertainment room, I was contacted by a stranger from
20 Berkeley who said he had a very important message to tell me in person, not in writing. When I called him he
21 told me that I was in grave danger because of the person who was staying in my house. He said that Charles
22 had been poisoning my food as a part of some plan he had with my landlady, and he had asked this
23 gentleman to help him do that which he refused. I thought it was a weird phone call and it could not possibly
24 be true because to me Charles was the only one helping me.

26 I became suspicious when Charles did not go back to Bogota and then he called my family and told
27 them that he was my caretaker and that I could not function without him and wanted their permission to be
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1 my durable power of attorney as I really needed supervision all the time. He also called my psychologist and
2 asked him to write a letter that I was not of sound mind and needed a guardian which would be Charles.
3 Naturally, I was infuriated when I heard this from my psychologist. My family came to San Francisco to help
4 get Charles out of my house. All of my pain symptoms almost immediately disappeared, but I still did not
5 believe the story that I heard on the phone.

6 About a month after Charles left, I had a threatening communication from the Defendant in which
7 she told me that she had become friends with Charles who stayed in my apartment, and that he reports to her
8 “how [I am] with people.” I asked her to clarify what she was accusing me of doing, and she never
9 answered. I was then visited by another couple of friends the one of whom, Mike, claimed he had seen me
10 over Christmas. I replied that no one saw me over Christmas because I had been locked in my apartment for
11 4 months and unable to move, in pain. And he insisted that he had seen me but I would not have seen him.
12 At which point I asked “Were you in my house?”, and he replied affirmatively. He told me that he had been
13 with Charles in my front room and that he was helping him poison my food. At which point, our other friend
14 and myself said in unison “Why in the world would you do that?” And he said that Charles told him that I
15 was trying to kill myself but that I wanted to make it look like natural causes so I had allegedly asked Charles
16 to slowly give me poison so I would die and no one would find out. I asked Mike if he would be willing to
17 talk to the police about that, and Mike said yes I could give his contact to the SFPD, which I did. The
18 Berkley witness told me I could use his contact to speak to the SFPD only if it would be reported to the
19 police and something would be done about it. Otherwise, he said it was a risk from Charles and the
20 Defendant to retaliate against him. Unfortunately, the Defendant has an arrangement with the police such
21 that she will not be investigated, as I found out two weeks after Charles was physically removed from my
22 apartment. So I violated the trust of the Berkeley man, as I gave the SFPD his number multiple times, and no
23 one would ever call.

24 Charles was gone, but my medical record stood with that false information in it. I had to switch
25 clinics to SF General Clinic. They referred me to the UCSF 360 Wellness Clinic and I began seeing Dr. Sears
26 there, who completed his post doc at Cornell University Medical College where I did mine. And I tried to
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1 engage him, but found that he did not want to hear anything from me, and he outright refused to refer me to a
2 rheumatologist even though the SSA Judge had asked for it in a third final warning, The problem was that
3 Dr. Sears had my MyChart background including the slander. When I went to Dr. Malcolm John, the head of
4 the practice to complain that I needed to see a rheumatologist, in midsentence, he silenced me by covering
5 my face with his hand up to my lips. And he sternly looked me in the eye and exclaimed "You don't get to
6 set your medical priorities around here. We get to set your medical priorities around here. And our priority is
7 not what your priority is. And you're not getting a rheumatology referral.' And then rudely walked away. I
8 was pretty angry that I could not get medical care and the problem seemed to be getting worse.

9 So I contacted the insurance plan, and I explained to them that I believed the problem was
10 homophobia. They assigned a social worker who attended my doctor's visits with me. During her first visit
11 with me to see Dr Sears, he yelled at me essentially that he would not get a rheumatology referral and to
12 leave. The social worker, Stephanie, started crying in the parking lot because she said that she had never seen
13 a doctor talk to a patient like that before, and I agreed. Stephanie explained the difficulty I was having to her
14 supervisor especially since the SSA Judge had sent a fourth and final warning to get a rheumatology
15 appointment, and my problem escalated up to the head of the insurance company who was a medical officer
16 and a rheumatologist. She called me and said that there was no reason for them not to give me a referral and
17 that she was going to call them herself, that Dr. Sears was being completely unprofessional. I did not
18 understand at this point that the slander was there, or that there was some influence of the Defendant upon
19 how I was being treated by both doctors in my clinic.

20
21 The next visit with Dr. Sears, Stephanie told him essentially that we were not leaving without a
22 rheumatology referral. He echoed the physician in my previous clinic that he did not feel that my
23 rheumatology problem was real, that my problem was injecting meth and huffing paint thinner and
24 stockpiling pain killers. Dr. Sears added, based on nothing but the slanderous note, that he included an
25 opiate dependence diagnosis to my medical record, ensuring that I would never get pain medication after
26 that. I was rightfully outraged, about to lose my disability hearing that I had waited over five years to see the
27 first judge. Dr. Sears compromised and said that if I would be willing to have a psychiatric exam and
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1 substance use assessment, then he would grant the referral. I had nothing to worry about so I gladly gave
2 both and my system was clear from all the narcotics they claimed I was dependent upon.

3 The psychiatric evaluation with an unlicensed psychiatry resident in his second week of school, with
4 no understanding of protocol, laws, or ethics, was not so straightforward and would culminate in a huge and
5 devastating amount of new slander from the Defendant, costing me my health, any chance of returning to
6 work or overcoming my medical disabilities, and is the reason that after the car accident in August I am
7 prevented from having two more surgeries, forced to live in pain and unable to get HIV medications or other
8 refills. The Defendant told Risk Management Lead Counsel for UCSF, Susan Penney, that I was a violent
9 elder abuser, despite that I had never been violent to anyone in my life nor had I seen her in nearly a year!
10 They posted a Zero Tolerance Policy for Violence on me, threatened that I could not step foot on a UCSF
11 campus or I would be arrested. I was not allowed to follow up with my doctors, which resulted in me having
12 no regular primary care physicians or prescriptions for nearly four years. And even now, I do not have a
13 physican to write my medications that will be depleted in a couple days. This Zero Tolerance Policy has been
14 broadcast through MyChart to the majority of medical centers around the country, many of whom adopt the
15 UCSF policy without even meeting me for the first time. That, in turn, has isolated me, exacerbated all the
16 PTSD symptoms I previously.

17 In Louisville, because Epic My Chart broadcasts her slander in the form of a UCSF Zero Tolerance
18 Policy to this day, I have been kicked out or turned away from five clinics, one even had three police cars
19 and six officers there to remove me from the waiting room to trespass me! When I asked the officers if I was
20 being detained or broken any laws, they said "No, they just don't want you as a patient here. Go somewhere
21 else." I told them I had been in pain with an untreated infection for two weeks and four clinics had refused to
22 treat me, and the condition, which only needed penicillin in the end, was allowed to fester and worsen, and I
23 had no where to turn. I also alerted them that with Critical Access Hospital designation, they get tax and
24 other federal and state benefits for taking all-comers, regardless of their ability to pay, and that flat-out
25 denying care to ANY patient, even if I was a convicted violent elder abuser, is criminal. Despite the
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1 criminality of this frequent practice, no doctor to my knowledge has ever been convicted for refusing care,
2 and they are empowered to do it whenever they would like.

3 In December, last month, after being dismissed without any communication beforehand from two
4 primary care practitioners within six months, I experienced further delays in surgery until I have found
5 another primary care practitioner, who upon opening My Chart is likely to see dozens of Zero Tolerance
6 Policies in effect, all copied verbatim from the UCSF policy that was written because, in the words of Susan
7 Penney, "I personally spoke with your landlady, and she has told me the most heinous acts of violence on a
8 senior!" I explained that I did not know what I was being charged with, I had never been violent with her or
9 seen her in nearly a year. But Susan Penney insisted "Of course you do!!" I asked when I could present my
10 case as whatever events she was referring to did not happen. And she literally raised her voice on the phone:
11 "It's a Zero Tolerance Policy!!! You get no appeal!!!" and with that, she hung up.

12 I have tried to remove this from my medical record through so many different ways and have found
13 it completely impossible to do partly because each time a new facility downloads from UCSF or another
14 facility it becomes a part of their permanent record. So not only do I have a record at UCSF but I have a
15 record at all subsequent clinics. As an HIV-positive man, there used to be privacy about these things where
16 you would have to sign a consent form for doctors to be able to do this but that's not the case anymore. I
17 have no 4th Amendment right to privacy.

18
19 Regardless of the outcome of this trial, my health care is pretty important to me particularly because
20 I have very life threatening autoinflammatory/autoimmune disease that has not been treated. I also have a
21 tumor growing in my adrenal gland. And I need surgery on my arm so it stops spasming and on my neck so I
22 can sit up and not be in pain when using the computer. Before I received the motion for summary
23 adjudication, I had announced that I was going on a hunger strike to end this practice that has prevented me
24 from getting care particularly when I go to an emergency room because it is an emergency. I brought this to
25 the attention of HRC, DHHS and OCR, the Inspector General, the heads of these institutions, and the media
26 for nearly seven years, and nothing has changed. No serious investigations were ever done, they said that
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1 investigators who did ask questions found everything that I had said to be true, but the punishment for those
2 involved was a remedial 2-hour video on bedside manner which does not help me.

3 As of the writing of this ex parte application, my hunger strike was expected to begin this Monday
4 January 29th, but I am moving that to the Monday following this hearing, and I am demanding that doctors
5 who have refused to give me care be investigated properly and prosecuted criminally, among other things.
6 As the slander of the Defendant is currently being broadcast and some of the clinical providers indicated that
7 they may have either talked to UCSF or the Defendant or both just recently, this court must reach the right
8 conclusion that this trial cannot be dismissed at this time. I do understand the importance of responding to
9 the other parties and the Court on time, but because of the extenuating circumstances and further arguments
10 below, I hope that the Honorable Judge Haines will keep this case open.

11
12 **4) Attorneys Hired December 5th to Answer These Motions and Discovery Ghosted and Have**
13 **Not Returned Funds or Calls, Hired Locally Which Would Have Allowed Plaintiff to Stay in Kentucky**

14 I was diligently checking my e-mail while recovering from the rotator cuff surgery on October 25th,
15 and nothing came through from any of the Defense attorneys since before my accident in August until
16 January, 2024. I did get a hard copy of the document in the mail about a month after it was “served” to a
17 resident in a building that I do not reside, and I presume it is a person I do not know who would have no way
18 of alerting me about the service.

19 I needed legal counsel to answer the motion, and I began looking immediately. But given the short
20 turn-around time with the holiday season lodged in the middle, most attorney practices declined to help. In
21 the end, I paid a law firm in Louisville, O’Koon Hintermeister, PLLC, Mr. David Knights and Ms. Anne W.
22 Miller, through their parent legal referral company, Legal Shield. They advertised a 48 hr turn-around and
23 25% discount on regular rates. On December 7th, I e-mailed them 7 files they requested, and was glad they
24 would be helping as I was having difficulties with the doctor’s office, securing a primary care physician and
25 understanding why I had been dismissed from the practice without a clear reason.
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1 I had not heard from them in 48 hours so I emailed them to ask when we could meet. When I did not
2 get an immediate response, I contacted Legal Shield, and I saw that Mr. Knights had written me from an
3 email that went to junk, in which he claimed that my files had not reached him as the links in my document
4 had prevented it from being downloaded from their server. I sent the documents again without links and still
5 had not heard after a few days. I expressed concern heading into the holidays, and the last week of the year,
6 no one was responding to me from Legal Shield or O’Koon Hintermeister. January 3rd I indicated that I
7 wanted to be assigned to another legal firm, yet was told that they had referred the work to a San Francisco
8 based law firm, which would be helpful as with my medical challenges I did not want to travel to San
9 Francisco for the hearing on February 1st. That afternoon I was contacted by the legal assistant for Rupinder
10 Kaur at American Law Group in Newark, CA, asking me for the documents to be reviewed, which I sent
11 within a few minutes with a confirmation of receipt of files request.

12 I was told by Legal Shield that the referring lawyer was granted 72 hours to get back to me about
13 how to move forward with providing consultation on the documents at hand. I received a request for times
14 available to speak, and despite saying that it was top priority and that I could meet at any time with an hour
15 notice, and I have never heard anything further from them until after they withdrew from helping me on
16 January 22nd. From January 10th to January 22nd I spent my days calling Legal Shield or American Law
17 Group trying to get some kind of response from them. They could not even get back to me with a yes or no
18 about receiving my emails and from my side I could see that none of my documents had been opened since I
19 sent them to both of these firms beginning in December 7th. Neither Legal Shield, O’Koon Hintermeister,
20 nor American Law Group take any accountability for completely dropping me and not responding, and my
21 money was never returned.

22
23 Despite the Legal Shield and American Law Group, I began to panic over the timing around January
24 10th and started reaching out to the San Francisco Bar Association, and they reiterated to me that they could
25 not find me an attorney, they had been looking for an attorney for me for years and there have been no takers.
26 They also informed me that their inability to find an attorney to represent me did not reflect anything about
27 the merits of my case, and recommended that I reach out to larger firms because the smaller firms on their
28

1 referral panel could not handle such complex litigation. I reached out to a number of legal aid services and
2 no response.

3 I then contacted Legal Zoom, and paid them money to help me find an attorney on January 18th that
4 the day that the documents were due, and I was still holding out for American Law Group to get back to me.
5 After two days of waiting for legal zoom attorney I was told that they couldn't get back to me until February
6 1st, which is of course way too late. They did refund my money, however there's no accountability for any of
7 these organizations or groups and everyone else I contacted said that they cannot consult for open litigation.

8 Since January 16th or earlier, I have been putting these documents together as quickly as I can but my
9 disability presents an obstacle for being timely. I have attempted to contact San Francisco Superior Court to
10 understand flexibility on the rules and are there other services or support for people with disabilities for
11 whom no one, myself or any Legal Referral Agency or special interest group referral agency, has been
12 successful in searching for over 3 years. I have not had a returned call from the Courts where I have left
13 messages although I did get an e-mailed answer yesterday from the Court about this submission. It is, indeed,
14 a difficult pill to swallow that there is no assistance for people with disabilities or lawyers willing to
15 represent them in California – not even when the other party has contributed to the disability. And that this
16 challenge can lead to not only not prevailing but having to be responsible for the other party's attorneys fees
17 in addition to the losses they have already suffered.

18 19 20 **5) Power Outage at Residence for Two Full Days January 25th and 26th**

21 Intending to complete these responses no later than the 26th, I had not anticipated losing power in my
22 apartment on the 25th and not restored until end of business on the 26th. Needless to say this was an untimely
23 setback as I struggled to use my mobile hotspot as long as my laptop batteries lasted, and of course, there is
24 no one else to share the burden for putting this together, especially with so much time on the phone
25 managing consultants who never provided any guidance or consultation.

1 **6) Sabotage And Abandonment From Previous Counsel Either As A Defendant Previously Or**
2 **Plaintiff Currently**

3 My challenges getting legal representation for this case have been present since I attempted to get
4 support for a constructive eviction based on the harassment and outstanding DBI NOV's, which resulted in
5 over 50 calls to the police from me. The Tenant's Union with whom I met 20 times had all advised me that
6 given the evidence that I had brought them I should have a very easy case and that any of the lawyers on
7 their list would be willing to take it. However, after calling every lawyer on the list, their assessment was not
8 exactly accurate since none were interested in representing a case involving bribery with DBI or challenges
9 with the SFPD.

10 After the unlawful detainer was filed against me, the Defendant Holmes was represented by the
11 Daniel Bornstein, with oddly, I had consulted informally when I moved into the residence. Struggling to find
12 representation, I was approached by Jonathan Bornstein, the brother of Daniel Bornstein who used to be in
13 practice with him. I was aware of their feud and lawsuits against each other because it was covered broadly
14 in the local media. Jonathan told me that he had been very much injured by his brother's actions and by the
15 lawsuits, which cost him his house and even his wife he claimed. He also told me that he wanted to make
16 sure that I prevailed as he was acutely aware of the suborning perjury claim that I had made against his
17 brother. He told he told me that he had knowledge of these types of dealings and when I mentioned to him
18 that I had heard them discussing with the Defendant in the backyard as wanting to kill me, "exterminating the
19 vermin" was the specific language that they used. Jonathan told me that they that he was aware of Daniel
20 working with landlords to find ways to actually murder unwanted tenants that is if they could not get them
21 out by other means. And with regard to suborning perjury for his clients to make false police reports to the
22 court in the form of ex parte requests for summary judgment on eviction, Jonathan verified that what I had
23 reported about Daniel was spot on and was a Modus Operandi recommendation for his clients. When I told
24 Jonathan that my best friend was killed due to the actions that they took in the apartment plumbing, Jonathan
25 said that he knew that and that he is very sorry and that he had heard these exact types of plans being made
26

1 by Daniel. I asked Jonathan if he would be willing to be a witness to that on the stand and he said "We'll
2 see."

3 Jonathan offered to ghost write my legal documents for me in my case, but I told him I was a bit
4 nervous and distrusted him, as I speculated that he still owed his brother much of the award that came out of
5 the lawsuit, millions of dollars. Jonathan told me that he understood my concerns, that his intention to help
6 me was genuine as he claimed that he would love to see these tactics of his brother's brought to light so that
7 other tenants would not be victimized by Daniel. He said the offer to ghost write was on the table anytime,
8 but the choice was up to me.

9 I went to Jonathan's office and brought my laptop as he wanted to see some of my evidence. As I
10 was leaving to meet him, I accidentally broke off the power cord to the laptop and the battery was low,
11 When I arrived, Jonathan wanted to see my laptop even though I told him that I could access my evidence on
12 my iPad. He became very insistent that we find power for my laptop and sent his assistant out to purchase
13 the specific power cord. I kept trying to bring his attention to evidence I had on my iPad but he remained
14 fixated on opening my laptop, and I began to get suspicious of his motives, if he was trying to add a hack to
15 it or something else. I finally insisted that we forget my laptop, and at the end of our meeting, he offered to
16 write my requests for Discovery and walked me through some tricks that he used regularly to trap the other
17 side into having evidence excluded in limine by using the interrogatives. That was very useful in the end.
18 Jonathan finally asked for my username and password for OneLegal so he could file my documents for me,
19 as if they were coming from me. I absolutely refused to allow that and told him that I would use the filing
20 service when he had documents finalized. He asked again, and I declined again.

21
22 The work Jonathan did was great, and I started to feel that he was being genuine. And he remained
23 supportive until the week of the trial. None of the trial documents had been filed on the first day of the jury
24 trial, and Jonathan vanished until the day after I had prevailed, completely abandoned at the most critical
25 moment. By pure luck, the Defendant and Daniel Bornstein were very late on the first day of trial, and it was
26 postponed by a day, just long enough for me to complete the pretrial documents with the help of my old
27 counsel I had represent me in a qui tam that we prevailed in the Second Circuit. When Jonathan resurfaced, I
28

1 was angry with him and felt sabotaged, especially when he said he would not testify to the allegations he
2 made against his brother, Daniel, only a couple of months earlier.

3 When I prevailed and maintained possession of the apartment until October 15th, 2020, Daniel
4 Bornstein had immediately stopped the jury trial and offered me a settlement that left my damages and
5 reimbursement charges open without prejudice, and the newly appointed Judge expressed concern to Daniel:
6 “You have left this wide open for him to sue your client.” Daniel affirmed that was his intent, as he would
7 not tolerate being a witness on the stand with the allegations I was making and the evidence. The judge went
8 further: “He is going to sue the heck out of your client!” And, yes, that was my intent after all of the loss I
9 had suffered at her hand. And I immediately contacted the SF Bar Association again for help finding a
10 referral.

11 It was a little unusual that I heard from Julien Swanson at Austen Law Group. They were not
12 referred to me by the SF Bar Association although I had placed a number of cold calls, without any success,
13 so it is very possible that he replied to a cold call. In any event, Mr. Swanson indicated he was very interested
14 in representing me and as I also had no other responses, I retained him. I shared a bit of material with him but
15 had more immediate concerns about what was contained in the settlement offer. About four months went by,
16 and despite my calls and retainer, I heard nothing from him other than brief messages that he could not meet
17 but would set a time soon. With nothing to show for our relationship, I contacted them and said I was
18 withdrawing from the contract as they had failed to meet any standard of reasonable timeliness of
19 responding. I wrote a bad review on Google which instigated a call from Alex Austen, the Principal, who
20 screamed at me on the phone like a high schooler upset about a Facebook comment, and I added another
21 negative update to my review. I then got another call from Alex and they very much wanted to represent me
22 and drew up a new retainer schedule with a significantly higher contingency, and the higher rates were in
23 exchange for my insistence on a formal biweekly meeting about the case to keep things moving. I was
24 skeptical if Mr. Swanson wanted to help me, or was he going to sabotage me like Jonathan Bornstein
25 appeared to have done?
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1 It is important to note that Mr. Swanson refused to meet biweekly in spite of our agreement and did
2 nothing initially to file my complaint that I had written in large part. I kept vocalizing concern that we were
3 having the exact same issues we were having before I fired them. I expressed grave concerns about
4 approaching statutes of limitations, and miraculously, it was served and filed albeit in the nick of time. I had
5 explained that due to the length of time of the unlawful detainer case, I was destitute without resources, and
6 that Daniel Bornstein in writing up our settlement agreement told me that the Defendant Holmes could not
7 pay those reimbursement costs at that time but that we could stipulate which costs are due for reimbursement
8 to be paid before and outside of the complaint damages. Mr. Swanson said that it was possible to do that,
9 and then never did.

10 I received the Defendant's requests for Discovery from Mr. Swanson, and immediately commented
11 that we were 15 days past the deadline upon my receipt. As he was not showing up for biweekly meetings as
12 agreed, there was no reason for him to sit on those requests for 45 days without telling me. He apologized
13 explaining that he was in trial with other clients and thought he had forwarded it to me, and that it was really
14 no big deal. I began to get very suspicious, especially when I asked for his help to pull together relevant
15 Discovery as I have over 500GB of files related to this case. He did not respond after months of me asking
16 for his input. About 6 months later he complained to me that he had to sit for 10's of hours watching videos
17 to get nothing. And I had to ask why he did not ask me what part of security camera footage was relevant
18 instead of just watching that kind of video waiting randomly for something relevant to happen. He has billed
19 me for those hours.

20
21 In December 2022, Mr. Swanson had several motions to set a date for trial before the judge. He told
22 me that the trial date would be in November 2023 at the earliest and as late as March 2024. He did not ever
23 tell me that he had an order for the trial date to be April 2023. At the same time, I was being deposed, and
24 the Defendant was scheduled for her deposition in late January 2023. I asked Mr. Swanson for guidance and
25 he had none. After my deposition, I wanted to go through it with Mr. Swanson to determine the strengths and
26 weakness of the testimony, as well as a plan for the Defendant deposition questions. He refused to meet at all
27 or include any of the questions I wanted answered, citing we could ask those in "Round 2." And lastly, the
28

1 morning of the deposition, I was still not given a call-in number after asking for it more than once. Mr.
2 Swanson was already at the office and told me that I could not attend the deposition. Since the beginning, I
3 had clearly stated my intent to be at every deposition. And in previous expert witness testimonies I gave as
4 well as the multiple depositions I sat in for my qui tam case, it was mandatory that I go. Mr. Swanson said
5 that he would end his representation of me if I did attend. I strongly disagreed and insisted that I would
6 attend and not say anything, and I did not other than announce my name at the beginning. And that was
7 when I noticed for the first time Mr. Swanson in a totally different appearance than I had ever seen him
8 before, and at a deposition that could be in front of a jury! Mr. Swanson wore a men's suit with full
9 women's make-up on, neither male not female but hermaphroditic. I have no problem with transgender or
10 queer individuals, it was just not in any way a more conservative appearance to which a jury could relate. It
11 definitely was unprofessional, and it seemed like further evidence of sabotage.

12 The next couple of weeks went sour fast, culminating in him giving me an ultimatum that was
13 unreasonable and was definitely not in my best interest at all. Mr. Swanson had set up a mediation meeting
14 with a former judge and told me that I was definitely going to attend, and I was going to agree ahead of time
15 to settle for a number that was less than 5% of what I my claim had asked for, and if I did not agree to those
16 terms, he would no longer represent me in this case. Considering that he had not reviewed any of the
17 discovery with me despite me asking and I knew that we hadn't submitted all of our discovery to them I
18 thought it was very much premature given that our trial was not supposed to be until November at the earliest
19 and it was only January. And he had agreed that from the depositions I had extra ample evidence to support
20 my claims so I could not understand why I was being asked to pay for a settlement hearing the following
21 week and agree to accept less than what I would need to be reimbursed and break even – without even
22 hearing the argument from the Defense! And with that discussion, he sent me a sub-out for his removal from
23 the case to sign. But I said I wanted him to stay on, the ultimatum was his way of leaving me empty-handed,
24 his decision. As soon as the substitution was submitted he claimed that I fired him.

26 One of the counsel for the Defendant told me that her firm was not going to allow her to attend the
27 mediation conference either simply because not enough discovery had been produced on either side to
28

1 support either party's claim, which made Mr. Swanon's ultimatum so odd and appeared to have served an
2 ulterior motive. Just following that, Mr. Swanson sent me a bill for \$10,000 for the mediation hearing that I
3 did not agree to attend other than he had an ultimatum. And after he left, I discovered for the first time the
4 jury trial had been set less than 6 weeks away, for me confirming that my counsel deliberately sabotaged my
5 case.

6 I am disclosing parts of my communication with Mr. Swanson not related to this case in order to
7 maintain privilege but as a means to describe how he did not behave in a manner consistent with a lawyer
8 who was interested in seeing his client prevail. Jonathan Bornstein had similarly self-identified, gave the
9 appearance of helping and did help to a degree, and then suddenly ended his involvement in the case at a
10 critical moment when I would be most in jeopardy. Considering that I have recording of the Defendant's
11 bribe being given to three DBI inspectors right out in public on the front porch, I know the Defendant uses
12 her purse as a weapon of corruption, and I would find it not hard to believe that she had paid off Jonathan
13 and Mr. Swanson to sabotage my case,

14 I am not Pro Se by choice. And whether intentional or not, the Defendant benefited from my
15 involvement with both of these individuals.

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17
18 **7) Lack Of 5th Amendment Right To Due Process In That No One Will Serve As My Legal**
19 **Counsel Or Offer Legal Advice Either As A Defendant Previously Or Plaintiff Currently**

20 As stated earlier, I had began looking for legal representation in 2017 when the Defendant had failed
21 to perform critical repairs, and I caught her and her husband adding lines to my fuse box stealing my
22 electricity: energy theft that was pointed out to me by PG&E, and confirmed by the SFPD adding that there
23 was a narcotics lab in the building benefiting from the energy theft. Despite the repeated assessments made
24 by more than a dozen counselors at the Tenants' Union that my case was very strong and that there was
25 nearly no way I could lose, I have contacted every lawyer on their list, some of them more than once, some
26 of them being the very counselor who assessed my case to be strong, and there were no takers.

1 When I went to the rent board by myself and explained that the Notices of Violation on the building -
2 the reason for my constructive eviction claims - were fraudulently abated by DBI inspectors who had been
3 bribed, they told me that they had to make a determination on my claim using whatever report DBI had,
4 fraudulently abated or not. I was told that in order to address the situation, I had to bring my complaint of
5 the fraud or bribe to the heads of Department of Building Inspection, and once they determined it was a
6 bribe. have the apartment reinspected and then bring that back to the rent board. That sounded convoluted but
7 I was pretty assured I could get that done considering I had recordings of bribes and the proof to show that
8 violations that were abated were not even started. Needless to say, after seven years of sharing that I had
9 evidence to more than two dozen city officials not a single one has ever agreed to listen to it or to even
10 investigate it, I would still be in the preparation stages of a constructive eviction to this day.

11 I attempted to get legal representation from AIDS Legal Referral Panel (ALRP) on several occasions
12 and found them less than helpful. I needed their help, for example, to get a letter of accommodation that I
13 could work from home with a disability so I could get income as my lease allowed with written permission
14 from the landlord. Instead the lawyers wanted to fight me on that, saying that I really wanted to do an
15 AIRbnb with my apartment which I never said. I simply wanted the ability to be able to practice with the
16 psychology license from inside the apartment I checked with the zoning board, and they told me that the city
17 was zoned so that people with professional licenses could work in their homes no matter what neighborhood
18 or street they were on. And yet, the ALRP lawyers would not represent me through that and argued on
19 behalf of the Defendant to me.
20

21 Similarly, when I asked for their help with mitigating the harassment that was coming from the
22 Defendant's son who lived upstairs, lawyer who claimed that I was causing a disturbance at the building
23 which was completely unfounded by any evidence, and my lawyers defended the Defendant's position
24 without ever addressing the harassment I was receiving for reporting the NOVs, the bribes, the energy theft,
25 and their narcotics operation.

26 And finally the worst of all the ALRP Lawyers, after successfully arguing a demurrer in the unlawful
27 detainer case, my assigned lawyer, Ms. Kaitlyn Willison, was complicit in overturning that demurrer, broke
28

1 attorney-client privilege to share with Daniel Bornstein her nonsensical notion that my mother and I had
2 forged documents from an independently obtained environmental specialist who came and determined that
3 the apartment was uninhabitable, even after she spoke with the professional who had been doing that work
4 for 25 years, whom I vetted after getting multiple proposals, and to whom I paid a standard rate of nearly
5 \$1000 who clarified for her that his assessment was not forged and was based completely on his own
6 knowledge, air and water sampling, and observations. Despite that, she claimed she had her doubts and could
7 no longer represent me. After ending her relationship, she went independently to Daniel Bornstein and
8 shared her crazy notions with him, and in turn, Mr. Bornstein brought up more than once that my lawyer left
9 because I had fabricated the environmental assessment. It was very unprofessional, and I would not describe
10 that as legal counsel but more of a legal liability, especially after she worked to overturn the demurrer that
11 was rightfully applied in the first place.

12 I have reached out repeatedly to the SF Bar to find representation. They have made it clear that after
13 three years of searching and getting no takers. they do not feel that the case is appropriate for any of the
14 attorneys on their referral list because it is complex litigation. They further explained that most of their
15 referral lawyers are in single private practice or small independent practices, and they felt my case needed a
16 large law firm to handled civil rights issues as well as wrongful death and wrongful evictions. When I asked
17 them what I should do when I have tried all the large law firms in the area, and they cannot find anyone, and
18 I have exhausted ALRP, Legal Assistance for the Elderly, Legal Aid, the Tenants Union, where else do I
19 look for legal assistance and they could not answer that question. My recent experience with Legal Zoom
20 and Legal Shield showed me that they cannot consult on open litigation. I am not sure what where to turn at
21 this point I could do it myself With the understanding from the court that it will take me longer than usual
22 because of the disabilities that I have preexisting and conflated by the most recent accident.

23
24 I remain completely open to whatever recommendations the Court has in this case.
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1 **8) Lack Of Resources To Assist Plaintiff With Disabilities**

2 In the original unlawful detainer case the Defendant filed against me in 2020, I was in a similar
3 situation without representation and the self-help group at the court was unavailable throughout the last eight
4 months of the case. And the disability advocates for the court were not available either. I left nearly a dozen
5 messages at each of these groups within San Francisco Superior Court, none of which were ever returned.

6 I had also contacted Legal Assistance for the Elderly (and disabled) both about my case and the
7 wrongful death of Christopher Hefner which was being filed by Sandi Duncan, Christopher's mother, who is
8 disabled in a wheelchair who had just lost her only child. We needed help with Probate in terms of making
9 Ms. Duncan the personal representative of Christopher Hefner, and we needed help filing wrongful death
10 case against this same Defendant. For a year, they led Sandy on to believe that they were going to help her,
11 and in the end they said that they do not cover that kind of work. And as the statute of limitations were
12 running out and no one would help Ms. Duncan, the wrongful death case was dismissed against this
13 Defendant, a travesty of justice.

14 I also contacted LAE about my matter, and they outright refused to help me when I called back to
15 see what they had determined after interviewing with one of their staff for an hour. It was bizarre in a sense
16 as the answering party there said "No we cannot help your case, and do not ask again." I am unsure what
17 they do exactly since the impoliteness is tough to break through.

18 I am unclear if there are any other resources for similar clients with disabilities when no counsel
19 seems willing or able to handle complex litigation. Again, I am open to any suggestions the Court may have
20 in these matters,
21

22
23 **9) Defendant Attorneys Do Not Treat Pro Se Plaintiff As They Do Other Attorneys, Ignoring**
24 **Reasonable But Essential Requests About Discovery**

25 I have had challenges with some of the Defendant attorneys who have disrespected me when I was
26 unrepresented: failing to respond to repeated questions in emails, refusing to call back, ignoring claims of
27 lack of habitability, preeviction lockouts, and how to share Discovery.
28

1 During the Unlawful Detainer case that lasted 10 months, Daniel Bornstein did not respond to a
2 single request I made about a guarantee of habitability, about the mortal impact that their actions were
3 causing in Chris, about his death, rightful requests to see the new hot water tank for my apartment that was
4 housed in the Defendant's son's apartment above mine, about any repairs that were required to be made by
5 law, about reimbursements owed with interest rates accruing to this date, about stopping harassment from her
6 son, about safety of the building for movers. Daniel Bornstein simply ignored me and so did his client, just
7 like she ignored Notices of Violation. In her mind and from her actions, I feel she thinks she has paid her
8 way to be above the law, and in the past, it seems she persuaded her counsel to ignore me as well.

9 For this case, in particular, I have asked Mr. Armstrong no less than 10 times about exchanging
10 production as he has refused to use a private share drive on my Google Drive. My previous attorney had an
11 exchange set up on his Dropbox account with Mr. Armstrong, and as I am no longer a client of Mr. Swanson,
12 I no longer have access to that Dropbox account. Mr. Armstrong generally ignores my requests to discuss a
13 means to share Discovery, as I transferred the same filing structure and folder names used by Mr. Swanson.
14 He simply said one time that he will not use my Google Drive even if it was set up the same as Mr.
15 Swanson's Dropbox account. And in one year of asking, he has refused to answer my call for him to offer
16 another solution or to use my Google account or to not exchange Discovery. His silence has led me to
17 assume that he no longer wants my Discovery, and I intend to ignore his requests for further production until
18 he agrees on a way to share it.

19 The other challenge I have had with Mr. Armstrong is in needing him to share the discovery with me
20 that he had shared with my previous counsel, Mr. Swanson, as some of the files I downloaded from Mr.
21 Swanson were corrupted. Since I am unaware of what files may still be missing, the only way I can find that
22 out is to get a copy of what the Defense attorneys believe that they have sent in response to discovery. I am
23 certain it would take all of five minutes or less to copy and paste to me the file folders that they have
24 maintained that they received from Mr. Swanson and I would conversely provide the files that I believe have
25 been given to Mr. Armstrong. Before they used the shared Dropbox account for that purpose. All I can get
26 from Mr Armstrong is a year's worth of protested silence or just being completely negligent to respond to me
27
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1 For almost a year I have asked for those Discovery files and been refused. There is absolutely no
2 need for them to treat me in the manner they have when I am pro se. I have enough of a burden to learn the
3 rules that are very familiar to them without having to play games, especially ones that cost me a year's worth
4 of research which in this case it has. Considering they have filed for the summary adjudication and have
5 been upset that I have not responded on time, I find it appalling that they have not served me on time or taken
6 my accident into consideration. They are a large team of professionals with staff to support them. I am a
7 single disabled man trying to answer this with extremely limited experience and no financial resources or
8 support.

9
10 **10) Defendant Argued Successfully To Overturn The Previous Demurrer In Her Unlawful**
11 **Detainer Case Promising This Judge In This Court That She Had Ample And Undeniable Evidence Of**
12 **Her Claims Yet In 10 Months Granted She Provided Only Perjured Hearsay Evidence Suborned By**
13 **Her Previous Counsel At Least Three Times; The Plaintiff Has Never Been Allowed To Present His**
14 **Case And Claims For Which There Is An Embarrassment Of Hard Evidence**

15 This point really does not need much more clarification. As it has been mentioned earlier, the
16 Defendant in this case was allowed by this Court and this Judge to overrule a demurrer that I had rightfully
17 argued had no basis in fact, no supporting evidence, only hearsay. Mr. Bornstein and the Defendant argued
18 to overturn the demurrer as they claimed to have hard evidence to show the Court of my presence being a
19 clear and present danger to the San Francisco community and that this hard evidence would support their
20 reasons why the case should be allowed to continue and why my eviction should be granted on an emergency
21 basis. It should now be understood that that was perjury as they had no evidence and they knew it. And in
22 ten months they failed to hold to that promise.

23
24 Not only that, but according to her deposition a year ago the ex parte motions for emergency eviction
25 and summary judgment were perjured to this court. The incidents that they provided with regard to me
26 attacking her with gun, and a machete and having had four people pull me off of her never happened yet they
27 claimed they did to this court. And that perjured testimony was suborned by their council Daniel Bornstein as
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1 was recorded and transcribed just a few months earlier in a discussion and loud speakerphone call with the
2 Defendant's family and employees. And it seems glaringly obvious that being caught suborning perjury and
3 plotting murder were the reason for Mr. Bornstein's 180-degree turnaround from smug to panicked and
4 begging for an immediate settlement.

5 And now they are attempting to do it again by asking for summary judgment and for the case to be
6 thrown out without the court ever hearing from me, especially when unlike the Defendant, I do have hard
7 evidence that they did not have and I do have the facts on my side and I do have the law on my side. It
8 would be unjust to thwart that opportunity from me and assign the costs of her attorneys to me.

9
10 **11) Given The Settlement Made Upon Dismissing The Prior Unlawful Detainer Case Damages**
11 **Must Be Considered As The Settlement Was Only Drafted Under Those Terms**

12 As mentioned previously, Daniel Bornstein arranged a settlement with me at the time that he
13 dismissed the unlawful detainer case. I had insisted on the payment of damages at that time. And he insisted
14 that we could handle the damages in front of a jury instead of them paying for it at that time that with a jury
15 we would be able to get a more fair representation of the actual costs. I agreed that as I expected it to be more
16 than \$1,000,000. it was difficult to account for that without any of the damages being handled before in that
17 case. Therefore, the Unlawful Detainer was dismissed without prejudice to my applying for these damages.
18 And that was what was agreed upon in that settlement. For the Court to dismiss this case now would undo
19 that settlement offer.

20
21 I should note that I filed a formal complaint with the State Bar about Daniel Bornstein on September
22 21, 2020. and I had a hour interview with one of their investigators. After months of trying to find the status
23 of that complaint, it appears that it no longer exists at all, the file on Daniel Bornstein has no complaints of
24 mine as ever have been entered into the Bar system. Like his client, the Defendant, I am sure Daniel
25 understands the power of the wallet in handling such nuisances. So a final reason that this trial needs to
26 continue is to finally hold Mr. Bornstein accountable for the years he has spent lying to the Real Property
27 Court, suborning perjury from his clients, using wrongful prosecution as a tool to keep unwanted tenants
28

1 from representation while they are processed for false police calls against them. While reading this, this
2 Judge may begin to think of how many cases of Daniel Bornstein's included tactics like this, and if the
3 landlord could have been lying as advised by counsel, leading to the tenant being wrongfully jailed and
4 wrongfully evicted. It sounds to me like those tenants may have gotten a better deal. As if those means did
5 not lead to an eviction, there is a good chance they may have met an untimely end to their lives, as Chris did.
6 And most days, I wish he and the Defendant had successfully murdered me versus leaving me destitute and
7 disrespected by everyone, looked upon in disgust as a mislabeled slandered "violent elder abuser."

8
9 **12) Defendant Has Had The Wrongful Death Cause Of Action Dismissed And Not**
10 **Consolidated With This Case Simply For Lack Of Counsel, Has Not Been Criminally Charged Nor**
11 **Civilly Held Accountable By What The Evidence Will Show To Be Murder With Malicious Intent**

12 I had also contacted Legal Assistance for the Elderly (and disabled) about wrongful death of
13 Christopher Hefner which was being filed by Sandy Duncan, Christopher's mother, who is disabled in a
14 wheelchair who had just lost her only child. We needed help with Probate in terms of making Ms. Duncan
15 the personal representative of Christopher Hefner, and we needed help filing wrongful death case against this
16 same Defendant. For a year, they led Sandy on to believe that they were going to help her, and in the end
17 they said that they do not cover that kind of work. And as the statute of limitations were running out and no
18 one would help Sandy, the wrongful death case was dismissed against this Defendant, a travesty of justice. It
19 was left open without prejudice to be potentially tried at a later date.

20
21 When asking for a homicide investigation, the officer at the Park District who was assigned to meet
22 me to take the report, refused to do so and began laughing loudly at me as tears streamed down my face.
23 When he finished laughing, he pointed his finger to the door and said "Leave! Now! Get out of my station!"
24 The District Attorney Boudin, who falsely claimed to stand against corruption, his office was equally
25 dismissive. So there will be no criminal charges forthcoming against this Defendant unless this case is tried,
26 Plaintiff prevailed, and a homicide case is opened – or a hunger strike demand is met.

1 **13) This Case Is Stacked In Favor In Every Way To The Defendant On Resources And**
2 **Counsel With The Exception Of Facts, Truth, Evidence And Law; Yet The Plaintiff Rendered**
3 **Destitute Because Of The Actions Of The Defendant Currently Lacks The Ability To Be Evenly**
4 **Matched**

5 Without representation, I have not been able to add Defendants to this case as planned, get
6 depositions scheduled, as planned, subpoena records as planned. It is hard to believe that I arrived in San
7 Francisco in 2013 with about \$400K in my checking an \$450K in my retirement, and \$540K income filed for
8 taxes that year. And since that time, I have not made more than a couple hundred dollars, my cash all gone
9 as well as my retirement, as a result of the injuries inflicted upon me in the assaults and the never ending
10 campaign of harassment and terror unleashed upon me by the Defendant and her son. That the settlement
11 estimated \$14,000 that were paid for moving costs when it actually cost \$20,000. I never had a debt balance
12 until the Unlawful Detainer was filed, and now it is maxxed out and I have no more available credit.

13 The Defendant and her husband, yelling at me, and ripping my security camera out of the wall,
14 saying “Don’t even touch me, you are a disgusting whistleblower! It is my wish for you to be destitute!!”
15 And sure enough, she succeeded in doing that. I am still owed reimbursement for repairs and I do expect an
16 interest rate accrual that I sent to the Defendant and Mr. Bornstein. If I had that, I could invest that into the
17 Discovery I would like to have in this case. Despite being told that I could get those through a joint
18 stipulation, I do not believe her attorneys will allow that at this point.

21
22 **14) The Goal Of The Defendant Is Not Winning In Trial But To Prevent Her Testimony As**
23 **She Cannot Risk Exposing The Full Extent Of Her Crimes Including Bribery Of Public Officials,**
24 **Perjury To This Judge In This Court, Narcotics Manufacturing And Trafficking, Malicious**
25 **Prosecution, Energy Theft, Animal Cruelty, Harassment, Slander**

26 The Defendant in this trial refused to go to the deposition that I served a subpoena for her to attend
27 during her Unlawful Detainer trial. I sat waiting and eventually had to pay for a no-show from the
28

1 Defendant. This is hardly surprising given that upon meeting the Defendant for the first time, she told me
2 that she had no pictures of herself on the Internet and that none of her information was on the Internet. Given
3 what I discovered to be her real occupation involved with narcotics, it would make sense that she would be
4 protective of that. When I suspected that she blocked me from her phone, I was able to find an email address
5 associated with her address in Petaluma. And that email address was associated with a Twitter account that
6 given the name of it and matched to the name of her husband, and given that she repeatedly told me that
7 she's the only woman there surrounded by all men, the Twitter handle is named "CuntyHolmes" and had
8 been in use before I knew her in 2011 and 2012. This is hardly the name of an innocent grandmother who
9 melts under the very mention of my name and swells up crocodile tears. And it would be more associated
10 with, as one person put it: "It's a thug name for the head of a gang." And someone like that, I would suspect
11 would have a difficult time appearing on the stand, or testifying to the truth under oath.

12 And indeed, their strategy is to dismiss this case or to go as far as they can without testifying live
13 before court or a jury. She has proven herself adept at perjuring her declarations and affidavits to this Court
14 and to this Honorable Judge. And they are counting on this case to be dismissed again and to silence me from
15 telling this story to a jury. I beseech this court to not grant them that immunity.

16
17
18 **15) Public Officials Who Are Complicit With The Defendant Are Likely Exerting Pressure For**
19 **Having This Trial Dismissed To Prevent Exposure Of Their Corruption**

20 In May 2017, there had been 17 active Notices of Violation on the building, most of them delinquent
21 for over a year for lead paint, standing water, ineffective drains, molded and rotten staircases and handrails,
22 16 windows in my apartment alone that were cracked, broken out, or would not open or close, plumbing
23 leaks, and unsafe electric boxes. The fifth Director's Hearing was scheduled in which the Defendant was
24 going to have a lien placed on her building after DBI had waived fines and fees in four previous Director's
25 Hearings when she had not even shown up. There had been dozens of inspections at this point, which she
26 was required to attend, and she had come to only one of those.

1 Robert Noelke, whom she had hired to manage the repairs for the NOV's and who coincidentally held
2 one of the most senior positions at DBI, had a meeting with three DBI Inspectors on the front porch who is
3 vocally very loud. It caught my attention all the way in the back of the apartment as he was spreading
4 slander about me to these three individuals, slander I had already sent at least one and desist notification to his
5 client, the Defendant. I walked up to the front door where I could clearly hear everything being said right
6 under a sign that read: "This area under video surveillance" right below the camera. The conversation moved
7 from slandering me to the business at hand which ended in a bribe that would lead the inspectors to abate the
8 open delinquent NOV's before the Directors Hearing the next day/ even though I documented that much of
9 the abated work had not been started let alone done.

10 The Defendant was taken off the Director's Hearing the following day where I sat with a 14-lb bag
11 of lead paint chips, photos taken that day of work that was not done, and a recording of the bribe. I filed a
12 complaint with Senior Inspector Jamie Sanbonmatsu and admitted I only had the voices of the Inspectors, not
13 their images. I asked Mr. Sanbonmatsu if he recognized the voices, and he said that there was no mistaking
14 Robert Noelke, and said the other voices were familiar but one of them he said he could clearly identify
15 because I came to understand that it was him! Inspector Alan Davison was another. Trying to get a proper
16 investigation into the corruption brought me into direct contact with the heads of a totally corrupt Empire
17 headed by Tom Hui, who was the Chief Officer.

18 Another public official who protected the DBI corruption was the Commissioner of the DBI at the
19 time, now Board of Supervisors Debra Walker. It is no wonder they wanted to harm and silence me as I went
20 to the City Attorney, District Attorneys Gascon and Boudin as well as the Mayor London Breed. It should
21 not surprise anyone that London Breed's office wanted to silence my reports of corruption and protect the
22 many benefactors including officials at the Controller's Office.

23
24
25 I had a whole smear campaign about me running as Chris Hefner and I took the evidence to the local
26 FBI Office of the individuals whom I had reported the Defendant's bribes who then actively worked to
27 discredit and silence me. The FBI told me to phone the information in, refusing to meet in person and on a
28

1 dozen calls to the FBI, after disclosing my name, the call is disconnected even when accompanied by third
2 and fourth parties on the call.

3 The pinnacle of this amazing quest to expose Tom Hui's corruption came from Ninth Circuit Trump-
4 appointed District Attorney David Anderson. Mr. Anderson had a disingenuous article in *The Chronicle*
5 about his objectives while serving as USDA in San Francisco. In that, he claimed that he wanted to expose
6 the corruption of the city which he described as pervasive to every part of local government, and he urged
7 that any citizen who has direct evidence of local corruption to run, not walk, to the local FBI office and
8 report it so that he could prosecute it. I had been to the FBI already with no avail, but I gave it a second
9 chance, and still the operator would just hang up on me. I called David Anderson to share my evidence and
10 troubleshoot how I could go thru the FBI. And he failed to respond.

11 I was still in litigation in this matter and the one thing that would fix all of it would be law
12 enforcement, but I was systematically shut out of being heard with any police, local, state, or Federal. I was
13 at the end of my rope and decided to do a Hunger Strike demanding an answer from Law Enforcement and
14 investigations of corruption at all these agencies who tried to discredit or silence me. On Day One, I was met
15 by the Department of Homeland Security who shut down my hunger strike threatening me to go to federal
16 prison as in his mind, I was a public nuisance. I could not go to jail with that Unlawful Detainer case going
17 on. So I did it in private, and after a 30-day fast to get a 10-minute call from David Anderson, he would not
18 grant me even 10 seconds and seemed to be responsible for the DHS violation of my First Amendment. In
19 the Hunger Strike materials there is description of exactly who I had spoken with who seemed steeped in
20 corruption and had tried to discredit me. Below is a narrative that was provided to persons who made calls to
21 David Anderson on my behalf and is actually perhaps the best overview of my 7-year experience in San
22 Francisco:
23

24 - My landlord, Linda Steinhoff Holmes, her husband, Curtis Holmes, and upstairs
25 neighbors, James Severance, Reggie Snowden, Sean Tracy, and Jazmin Ruiz, in the two other
26 apartments have been involved with a clandestine narcotics manufacture and distribution operation at
27 the corner of 14th St and Noe St for more than 20 years
28

1 - In May 2017, I recorded a bribe between my landlord's representative, Robert
2 Noelke, and two Department of Building Inspection inspectors directly under my front door security
3 camera and a sign saying "This Area Is Under Surveillance"

4 - In December 2017, I inadvertently discovered the narcotics operation when PGE
5 showed me where my landlord and her husband had diverted electricity from my fusebox so I was
6 paying for her office, common areas, her privately rented garage, and upstairs two apartments' front
7 rooms. I hired an independent electrician from Bay Electric to cut the line and verified the energy
8 theft which is a felony.

9 - The SFPD made a report when inspecting the added electric lines, confirmed that it
10 was a felony, and said the District Attorney would not prosecute it unless I had a report from DBI
11 that stated that electrical work had been done without a permit. Inspector Overstreet told me that the
12 only instance of when someone would risk a felony to commit energy diversion would be when there
13 was illicit drug manufacturing on the premises and they want to hide their energy usage from law
14 enforcement. He told me to keep a lookout for other signs of activity and to report it to the Narcotics
15 Division.

16 - In late December 2017, after recording on my security camera multiple cars coming
17 in and out of the garage almost incessantly during the hours between midnight and 6am for almost a
18 week, I called the Narcotics Division of the SFPD around 1am. Instead of opening an investigation,
19 they alerted my landlord and neighbors of a report and potential raid. Within hours of making my
20 report, they removed the house numbers from their front door, and my landlord and 4 or 5 other cars
21 including a US Postal Truck showed up before dawn and began removing equipment and other
22 material from the premises.

23 - Around the same time, an inspector, Michael Bain, arrived from DBI to look at the
24 energy diversion that had been documented with consent on video and in written reports from PGE,
25 Bay Electric, and the SFPD. The inspector refused to look at my fusebox, any reports, or videos with
26 PGE, Bay Electric, and the SFPD. The inspector refused to look at my fusebox, any reports, or videos with
27 PGE, Bay Electric, or the SFPD. He said, "I see nothing, Sir," turned his back on me and walked
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1 away unresponsive. The SFPD then told me that without the DBI inspector's report, there was
2 nothing they could do as the District Attorney would not be interested in pursuing it.

3 - I wrote dozens of letters to our District Supervisor Rafael Mendelmann, our Park
4 District Police Captain Una Bailey before she left her post in December, the Chief of Police Bill
5 Scott, the Department of Police Accountability investigators Susan Gray and Brent Begin, the
6 District Attorney's Office, the City Lawyer, the Controller's Office Whistleblower Program
7 investigators Matt Thomas and Dave Jensen, all up through the chain of command at the Department
8 of Building Inspection to Taras Madison, Jamie Sanbonmatsu, and Tom Hui before he resigned in
9 February, Vice President of the Commission for DBI Debra Walker, Neighborhood Liaison Services
10 Director Alex Lazar, and the Mayor London Breed herself. Not one of them has been interested in
11 my report about corruption at DBI or the SFPD. In three years, none of these local politicians has
12 been willing to sit down and listen to a recording of the bribe with two DBI Inspectors or look at my
13 evidence for energy theft. No one will seriously investigate the narcotics lab at my residence at 884-
14 886 14th Street, yet my landlord and upstairs neighbors are fully aware I have made these reports,
15 which puts me in grave danger.

16 - My landlord has since began telling neighbors, guests that visit my home, police
17 officers without going as far as to make an official report, maintenance workers on the property, my
18 health care providers, potential roommates, and nearly anyone who will listen to her on the street that
19 I engage in elder abuse, that I have threatened her with a gun, with a machete, that I have physically
20 attacked her and had to have others pull me off of her. None of these stories are true, there are no
21 police reports, I have never been charged, there are no witnesses other than her employees in the
22 upstairs two apartment who were coached by their legal counsel, possibly Daniel Bornstein as he
23 represents her now as she has taken me to court repeatedly during this Covid nightmare to have me
24 evicted on these false claims of violence. I am a specialist involved primarily with geriatric care, and
25 it is so offensive to me that my landlord has been able to convince people that I engage in elder
26 abuse, something that couldn't be farther from the truth. I have no history of violence, no criminal
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1 record to speak of, and I have been licensed consecutively for over 20 years without a blemish on my
2 record

3 - UCSF risk management sent me a letter canceling all of my future doctor
4 appointments after hearing that I engage in elder abuse, and as I have a serious
5 antiinflammatory/antiimmune disorder that needs close monitoring, the loss of my doctors was
6 severe. When I called UCSF Risk Management, the attorney I spoke with on the phone told me that
7 she had personally spoken with my landlord and that I get no appeal as the have a ZERO
8 TOLERANCE policy for violence, claiming she would not even read an appeal from me if I sent it to
9 her.

10 - In May 2019, my roommate, now inconveniently deceased, and I clearly overheard a
11 loud conversation between three of employees of the landlord and a Legal Expert on a conference
12 call by speakerphone. At the time, I believed the Legal Expert was an officer at the SFPD who has
13 consulted with them in the past and now believe it was someone on their legal counsel, provided
14 clear consultation about three key elements of a conspiracy plot to accuse me of an assault on Mr.
15 Severance with the outcome of having me arrested under false charges: 1) there would be a friend- or
16 self- inflicted wound on Mr. Severance, which upset Ms. Cruz (alias?), 2) they and the landlord and
17 her husband needed to be tightly uniform in bearing false witness against me to the responding
18 officer from the SFPD, and 3) there was an object of some kind that needed to be planted on the
19 premises or in my apartment that would be the proof that I indeed had been responsible for the
20 violent threat or other crime. I could not see the object that they were discussing that they had in
21 their possession at the time, but it was clearly something like an unregistered gun (I do not own a
22 gun of any kind), or a registered gun with a body count, or narcotics. Whatever it was, the Expert
23 they were consulting on the phone was impressed that they had obtained it and agreed with them that
24 it was perfect for the plot to work. They intended this event to take place at a time when I would
25 need to appear before court for Eviction, and as I would be in jail on these false charges, they would
26 win on default or summary judgment without ever having to testify. I alerted my landlord and Mr.
27
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1 Bornstein that we overheard and recorded this conversation and had made reports to the SFPD and
2 District Attorney.

3 - In December 2019, exhausted after repeatedly trying for over two years to get someone to
4 investigate the bribes at DBI, the energy theft, and the corrupt members of the SFPD who supported
5 this narcotics ring, I wrote to the Mayor, the head of DBI, the Controllers Office, and all of the local
6 news media who had been unresponsive thus far, that I intended to go on a hunger strike at City Hall
7 demanding those 3 investigations: 1) bribes at DBI, 2) energy theft, and 3) corruption in the narcotics
8 unit of the SFPD. In addition, I also demanded that the city adopt a law regarding mandatory
9 reporting of corruption.

10 - The day after sending notice of the hunger strike, I received an Unlawful Detainer from Daniel
11 Bornstein demanding my eviction on the grounds of repeated threats and acts of violence on the
12 property, including threatening my landlord with a gun, a machete, and physically attacking her, as
13 well as vandalism and nuisance allegations, all false.

14 - Around the same time, I noticed my water changed appearance to a milky white and left skin
15 abrasions and burned. This was only the hot water at first, and when the water department came to
16 evaluate, they would only test the cold water. My roommate had just been diagnosed with Non
17 Hodgkin's Lymphoma at the age of 39. And with the water change, we all got sick with infections.
18 Because of his infections, they were unable to ever start chemotherapy, and it metastasized quickly.
19 He died on March 21st.

20 - Part of the fraud with DBI inspectors includes their refusal to report an increasing mold issue in
21 my apartment due to a continuous water leak from one of many water tanks in the apartment above
22 me. This continued for over 18 months, with 4 inspections where the inspectors commented on the
23 severity of the mold in my apartment, saw and felt the water on the walls and on the carpet, in
24 addition to increasing water stains down the freshly painted room. Despite pointing out the obvious
25 issues to me when doing the inspection, each report would say there was no evidence for a water leak
26 or mold, blatant lies manufactured I have no doubt due to influence from my landlord like I recorded
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1 in May 2017.

2 - The day after the most recent DBI fraud in January, I hired a certified environmental specialist,
3 ERT lead by Mr. Richard Fanelli who has over 20 years experience, to test the air and water in my
4 apartment. He took air samples showing extreme levels of toxicity from mold spores from two
5 species of mold. He commented that for DBI Inspectors to have reported no evidence of mold or a
6 water leak was either gross incompetence or collusion to be reported to DBI management.

7 - Mr. Fanelli also observed the hot water abnormalities that I had tested earlier that week to find the
8 pH was less than 4 (very acidic) and had the presence of E. Coli bacteria, explaining our illnesses.
9 He only did a repeat test for E coli which was absent in his sample, but he remarked that clearly there
10 seemed to be a contaminant in the water. And he observed what I did as about a dozen witnesses in
11 total: when the hot water was turned on, no matter which hour, you could hear someone running
12 from wherever they were in their apartment to the room above my shower where my hot water
13 source is and to which I have no access. And you could hear them switch a pump of some kind on.
14 And it was clear. And I began recording this, turning on the hot water at all hours of the night, and
15 even at 4am, someone would come running, sometimes multiple people, and they would switch on a
16 pump, and my water would turn milk white with a scum floating on top of it. I have asked to see my
17 new hot water source, the landlord refuses to respond at all, nor does her attorney Mr. Bornstein, that
18 the water has not been potable since the end of December. And the contamination is nothing short of
19 poison. Two guests were sick and hospitalized, my cats were sick, and I have had more than a dozen
20 doctor appointments and followups, 4 emergency room visits, a couple urgent care visits, and I
21 already mentioned that it prevented my best friend from getting needed chemotherapy, and he died
22 an untimely and wrongful death on March 21.

23
24 - I have brought this to the attention of the SFPD at Park Station, and the officer laughed at me and
25 told me to leave the station. He refused to look at the report from Mr. Fanelli, my videos of the issues
26 with water and mold, or review any evidence I had. This is the same response I have had from the
27 SFPD in the seven years prior, who seem eager to protect my landlord despite insurmountable
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1 evidence of them harassing and threatening me. I cannot go into all of the episodes here but needless
2 to say I have over 25 police reports for harassment and violence against me, and the SFPD have yet
3 to assign an investigator after I have asked each time, including: my assault from 3 armed men in
4 front of the apartment who blinded my left eye; my cats being poisoned with cat food that is not their
5 brand that was in the apartment; the death of my cat and my hospitalization after a carbon monoxide
6 leak with no CO detectors in the apartment; bag of rotting meat with maggots put in my living room
7 (I am vegan); my landlord stealing my patio furniture while the dispatched officers I called watched
8 and allowed her to do so; an officer pulling me out of my home naked and leaving me on the porch
9 with no way to get back inside, no phone, no wallet, in the cold February rain covered in mud on the
10 porch for nearly an hour before a neighbor called the fire department to help me get inside. I have
11 written Chief Bill Scott nearly a dozen times about this without a single response. I have been to the
12 Department of Police Accountability several times and they refuse to investigate any of this although
13 I sat in their office for over two hours just getting through a couple of incidents. Needless to say, the
14 SFPD need a massive reform, and I am encouraged about the protests going on. I feel that more
15 peaceful protests are still needed, like the hunger strike I planned in December. They have done me a
16 huge injustice and there is no doubt in my mind that some of the officers are rewarded for protecting
17 my landlord's narcotic business for which there has yet to be a serious investigation.

18 - Currently, I am facing eviction, and during this Covid nightmare, it has been impossible to find
19 legal representation, and I have exhausted every channel. The Eviction Defense Collaborative, tasked
20 with providing attorneys to those facing eviction as guaranteed by the city, was initially helpful and
21 there are some extremely hard working and compassionate individuals there. However, it is led by
22 management who could care less about their clientele and only want to move the needle of the
23 number of tenants served regardless of who they assign or what the outcome is. I was assigned a
24 lawyer at ALRP who was initially helpful, yet had to leave due to a family illness just before the
25 Covid nightmare. The replacement attorney was unethical, unsupportive, had limited and almost no
26 experience in tenant-landlord court. It is too long to get into here, but she did far more harm than
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1 good in her short tenure on my case before I fired her. And the EDC refused to assign another
2 attorney to me despite their first assignment being an utter waste of time, harmful to my case and
3 restoring habitability, and left me unrepresented at a time when no attorneys I contacted were taking
4 new clients due to Covid. There has been a stay on Evictions, as you may have heard, but that does
5 not apply to Evictions where violence is alleged to be the reason for the Eviction. So I have had a
6 half dozen hearings in court, all orchestrated by Mr. Bornstein with made up stories of assaults by
7 me on the landlord every week, and me having to defend myself without an attorney. The court
8 resources for disabled persons like me are completely absent. The court self-help for defendants
9 representing themselves are non-existent. And every time I ask the court how to do something, or
10 where to file things, instead of an answer, I am simply told it is inappropriate communication with
11 the court. According to the law, self-represented parties should not be disadvantaged versus those
12 with legal counsel, but that has not applied during this Covid nightmare for me, and my housing,
13 livelihood, and even freedom are at risk as my narcotics manufacturing landlord claims new episodes
14 of elder abuse every week, even when I have been in the hospital and sick.

15 - I have not been able to live in my home for nearly 6 months with my two cats unfairly dragged
16 around. I have spent more than \$20k in hotels and AirBnBs since December, dealing with putting my
17 best friend in hospice, his death quickly following, fraudulent DBI inspections, an onslaught of court
18 motions and appearances over multiple fake claims of assault, my having to see doctors weekly,
19 finding someone to go into my home to get any of my stuff there that is all covered in mold and
20 worsening.

21 - I cannot be alone anywhere near my home, as my landlord claims I have attacked her and had to
22 have her husband pull me off of her. To be clear, I have seen my landlord one time in two years, and
23 that was earlier this year when on the sidewalk I gave her my keys to get into my apartment when
24 she claims her keys were stolen and was going to drill out the keyholes at my own expense.
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1 I appreciate the Court considering my plea to admit this as a reason to allow for a longer
2 opposition to the motion for summary adjudication. And perhaps the Honorable Judge Haines would
3 consider this document to serve as enough of the opposition to rule against it at this hearing. I believe
4 that after all that I have been through at the expense of the Defendant, It would be a travesty of Justice
5 to decide against the Plaintiff by assigning Summary Judgment in favor of this Defendant who has
6 perjured and abused this court almost as badly as she has abused me.

7
8 DATED: January 30, 2024

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11 DANIEL J. FELDMAN, PH.D.

12 Plaintiff, pro se
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Daniel J. Feldman, PH.D 13647 Aragon Way Apt 303 Louisville, KY 40245 TELEPHONE NO.: (307) 699-3223 FAX NO. (Optional): EMAIL ADDRESS (Optional): daniellfeldmanphd@gmail.com ATTORNEY FOR (Name): pro se	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Civic Center Courthouse, Department 501	
PLAINTIFF/PETITIONER: Feldman, PH.D, Daniel DEFENDANT/RESPONDENT: Steinhoff-Holmes, Linda	
EX PARTE APPLICATION FOR EXTENSION OF TIME TO SERVE PLEADING AND <input checked="" type="checkbox"/> ORDER EXTENDING TIME TO SERVE AND <input checked="" type="checkbox"/> ORDER CONTINUING CASE MANAGEMENT CONFERENCE	
Note: This ex parte application will be considered without a personal appearance. (See Cal. Rules of Court, rule 3.1207(2).)	CASE NUMBER: CGC- 21-594129 HEARING DATE: 2/1/2024 DEPT.: 501 TIME: 9:30am

1. Applicant (name): Daniel J. Feldman, PH.D
is
 - a. ☒ plaintiff
 - b. ☐ cross-complainant
 - c. ☐ petitioner
 - d. ☐ defendant
 - e. ☐ cross-defendant
 - f. ☐ respondent
 - g. ☐ other (describe):
2. The complaint or other initial pleading in this action was filed on (date): 11/8/2023
3. Applicant requests that the court grant an order extending time for service of the following pleading:
 - a. ☐ Complaint
 - b. ☐ Cross-complaint
 - c. ☐ Petition
 - d. ☒ Answer or other responsive pleading
 - e. ☐ Other (describe):
4. Service and filing of the pleading listed in item 3 is presently required to be completed by (date): 1/18/2024
5. Previous applications, orders, or stipulations for an extension of time to serve and file in this action are:
 - a. ☒ None
 - b. ☐ The following (describe all, including the length of any previous extensions):
6. Applicant requests an extension of time to serve and file the pleading listed in item 3 on the following parties (name each):

STEVENS.ABERN
sabern@htalaw

JODY STRUCK
jstruck@htalaw.com

NOLAN ARMSTRONG
nolan.armstrong@mcnamaralaw.com

CASE NAME:

FELDMAN V. HOLMES

CASE NUMBER:

CGC- 21-594129

7. The pleading has not yet been filed and served on the parties listed in item 6 for the following reasons *(describe the efforts that have been made to serve the pleading and why service has not been completed)*:

☒ Continued on Attachment 7.

8. An extension of time to serve and file the pleading should be granted for the following reasons:

☒ Continued on Attachment 8.

9. If an extension of time is granted, filing and service on the parties listed in item 6 will be completed by *(date)*: 2/18/2024

10. Notice of this application under rules 3.1200–3.1207 ☒ has been provided as required *(describe all parties or counsel to whom notice was given; the date, time, and manner of giving notice; what the parties or counsel were told and their responses; and whether opposition is expected)* or ☐ is not required *(state reasons)*:

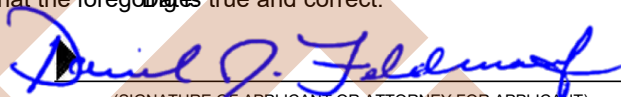
All Defense counsel in item 6 were notified on Jan 3 by email that I was recovering from surgery on October 25 following injuries in a hit and run MVA, awaiting two more surgeries. On Jan 23, I emailed them I had hired attorneys to oppose the motion for summary adjudication but they vanished, completely unresponsive and in the final hours I was trying to find any legal consult and was answering it myself despite the difficulties I am having with injuries and not having access to medical care. The access issue is one that is due to the slander of their client who labeled me as an elder abuser which in turn generated a Zero Tolerance Policy ban from medical centers nationwide, 5 times so far in Louisville. As a result I informed them that I needed additional time to answer. And on Jan 28 I provided them with the outline of the answers contained in this document attachment. I expect them to oppose as they already have made additional filings asking for automatic summary judgement

11. Number of pages attached: 46

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

Daniel J. Feldman, Ph.D.

(TYPE OR PRINT NAME OF APPLICANT OR ATTORNEY FOR APPLICANT)



(SIGNATURE OF APPLICANT OR ATTORNEY FOR APPLICANT)

Order on Application is ☒ below ☐ on a separate document.

ORDER

1. The application for an order extending time to serve and file the pleading is ☐ granted ☐ denied.
2. The pleading must be served and filed no later than *(date)*:
3. ☐ The case management conference is rescheduled to:
 - a. Date:
 - b. Time:
 - c. Place:
4. Other orders:
5. A copy of this application and order must be served on all parties or their counsel that have appeared in the case.

Date: _____

JUDICIAL OFFICER

1 DANIEL J. FELDMAN,
2 PH.D.
3 13647 Aragon Way Apt 303
4 Louisville, KY 40245
5 Tel: (307) 699-3223
6 Email: danieljfeldmanphd@gmail.com

ATTACHMENT 7

7 PLAINTIFF PRO SE

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF SAN FRANCISCO

10 UNLIMITED JURISDICTION

11 DANIEL J. FELDMAN, PH.D.
12 Plaintiff,

13 vs.

14 LINDA STEINHOFF HOLMES, AND DOES
15 1-30

16 Defendants.

) Case No.: CGC 21-594129

) PLAINTIFF DANIEL FELDMAN'S EX PARTE
) APPLICATION FOR PERMISSION TO FILE A
) LONGER MEMORANDUM IN OPPOSITION
) TO DEFENDANT'S MOTION FOR SUMMARY
) ADJUDICATION

) Date: February 1, 2024

) Time: 9:30 a.m.

) Dept.: 501

) Hon. Charles Haines, Judge Presiding

Complaint filed: July 28, 2021

19
20
21
22 COMES NOW Plaintiff DANIEL FELDMAN, pro se, and would show unto this Honorable Court as
23 follows with regard to Defendant LINDA STEINHOFF-HOLMES' et al. wrongful eviction and related
24 complaints.

25 This ex parte application is later than the Court Rules, and as the Plaintiff pro se, I do humbly request the
26 Honorable Judge Charles Haines to grant a delay to respond to Defendant's motion for summary adjudication
27 for which will be heard on February 1, 2024, at 9:30A.M, or as soon thereafter as the matter may be heard in
28

PLAINTIFF EX PARTE APPLICATION TO FILE A LONGER MEMORANDUM IN OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY ADJUDICATION

1 Department 501 of the Superior Court of California, County of San Francisco located at 400 McAllister
2 Street. The ex parte application is to allow more time to for me to answer the Defendant's motion, as may be
3 presented at the hearing of this motion including points and authorities to the best of my ability. To
4 summarize the reasons for the late ex parte application as well as the opposition are as follows:

- 5
- 6 **1) Motor Vehicle Accident With Severe Injuries**
- 7 **2) Inaccurate Proof Of Service Of The Motion From Defendant**
- 8 **3) Lack Of Medical Care**
- 9 **4) Attorneys Hired December 5th To Answer These Motions And Discovery Ghosted And Have**
10 **Not Returned Funds Or Calls, Hired Locally Which Would Have Allowed Plaintiff To Stay In**
11 **Kentucky**
- 12 **5) Power Outage at Residence for Two Full Days January 25th and 26th**
- 13 **6) Sabotage And Abandonment From Previous Counsel Either As A Defendant Previously Or**
14 **Plaintiff Currently**
- 15 **7) Lack Of 5th Amendment Right To Due Process In That No One Will Serve As My Legal**
16 **Counsel Or Offer Legal Advice Either As A Defendant Previously Or Plaintiff Currently**
- 17 **8) Lack Of Resources To Assist Plaintiff With Disabilities:**
- 18 **9) Defendant Attorneys Do Not Treat Pro Se Plaintiff As They Do Other Attorneys, Ignoring**
19 **Reasonable But Essential Requests About Discovery**
- 20 **10) Defendant Argued Successfully To Overturn The Previous Demurrer In Her Unlawful**
21 **Detainer Case Promising This Judge In This Court That She Had Ample And Undeniable Evidence Of**
22 **Her Claims Yet In 10 Months Granted She Provided Only Perjured Hearsay Evidence Suborned By**
23 **Her Previous Counsel At Least Three Times; The Plaintiff Has Never Been Allowed To Present His**
24 **Case And Claims For Which There Is An Embarrassment Of Hard Evidence**
- 25
- 26 **11) Given The Settlement Made Upon Dismissing The Prior Unlawful Detainer Case Damages**
27 **Must Be Considered As The Settlement Was Only Drafted Under Those Terms**
- 28

1 **12) Defendant Has Had The Wrongful Death Cause Of Action Dismissed And Not**
2 **Consolidated With This Case Simply For Lack Of Counsel, Has Not Been Criminally Charged Nor**
3 **Civilly Held Accountable By What The Evidence Will Show To Be Murder With Malicious Intent**

4 **13) This Case Is Stacked In Favor In Every Way To The Defendant On Resources And**
5 **Counsel With The Exception Of Facts, Truth, Evidence And Law; Yet The Plaintiff Rendered**
6 **Destitute Because Of The Actions Of The Defendant Currently Lacks The Ability To Be Evenly**
7 **Matched**

8 **14) The Goal Of The Defendant Is Not Winning In Trial But To Prevent Her Testimony As**
9 **She Cannot Risk Exposing The Full Extent Of Her Crimes Including Bribery Of Public Officials,**
10 **Perjury To This Judge In This Court, Narcotics Manufacturing And Trafficking, Malicious**
11 **Prosecution, Energy Theft, Animal Cruelty, Harassment, Slander**

12 **15) Public Officials Who Are Complicit With The Defendant Are Likely Exerting Pressure For**
13 **Having This Trial Dismissed To Prevent Exposure Of Their Corruption**

14
15
16 One of the most glaring challenges/mistakes/negligence on behalf of the Defense is that they never served
17 the Plaintiff on November 8th. The proof of service indicates that an email copy only was sent, and the list of
18 e-mails on that record does not include my e-mail which is consistent with me not getting it. Later, a hard
19 copy was mailed to my residence and reflects that someone here accepted service. I had no one staying in
20 my house. My pet was with me for two weeks after the surgery at my parents, and I had a large stack of mail
21 here, and one with the envelope that said another resident accepted service, which is incorrect. The mail area
22 is in another resident building at 3200 Altabrook Lane. and I live at 13647 Aragon Way. I do not have
23 friends in this complex or rely on anyone here to do anything for me, as this is mostly short term relocation
24 housing.
25
26
27
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1 I was diligently checking my e-ry mail, however, and nothing came through after my accident in
2 August until January. I did get a copy of the document more than a month after it was “served” to a resident
3 in a building that I do not reside. and a person I do not know, nor would they haver any way of alerting me;
4 I needed legal counsel to answer, and I began looking immediately. But given the short turn-around time
5 with the holiday season lodged in the middle, most attorney practices declined to help. In the end, I paid a
6 law firm in Louisville, O’Koon Hintermeister, PLLC, Mr. David Knights and Ms. Anne W. Miller,
7 throughtheir parent legal referral company, Legal Shield. They advertised a 48 hr turn=around and 25%
8 discount on regular rates. On December 7th, I e-mailed them 7 files they requested, and was glad they would
9 be helping as I was having difficulties with the doctor’s office, securing a primary care physician and
10 understanding why I had been dismissed from the practice without a clear reason.

11
12
13 500 W. Jefferson Street|Suite 2210|Louisville, KY 40202
14

15 Given that the Plaintiff has

- 16 - suffered a severe motor vehicle accident and
- 17 - is still awaiting surgery that he is finding
- 18 - difficult to schedule as
- 19 - the Defendant’s slander is the complete cause for
- 20 - a Zero Tolerance Policy for Violence that has been
- 21 - broadcast across the medical industry. wherever MyChart is used and
- 22 - the slander is still being broadcast to new medical providers.
- 23 - These injuries significantly worsen Plaintiff’s disabilities, both
- 24 - medical which impacts his health and being able to complete activities of daily living and
- 25 - psychological which causes panic attacks and extreme anxiety when exposed to the details of
- 26 - this case for which Plaintiff has been horribly traumatized.
- 27
- 28

1 PLAINTIFF NEEDS IN ORDER TO COMPLETE HIS OPPOSITION TO THE DEFENDANT'S MOTION

2 1) LEGAL COUNSEL or DISABILITY SUPPORT

PROPOSED TIME:

- 3 - to clarify the DEFENDANT'S ARGUMENT

February 18, 2024

- 4 - to identify the APPROPRIATE RESPONSE

5 (ESTIMATED 30 DAYS NEEDED as the motion was not served to me until nearly a month
6 after the electronic proof of service date in their motion)

7 2) PRIMARY CARE PHYSICIAN and SURGERY, IF LEGAL CONSULTATION CANNOT BE
8 FOUND

PROPOSED TIME: August 18, 2024

- 9 - In the event that the PLAINTIFF MUST CONTINUE PRO SE if all other options are exhausted,
10 - given his CURRENT DISABILITY and UNTREATED INJURIES due to the Defendant's
11 actions

- 12 - all deadlines and trial date SHOULD BE AVAILABLE FOR ANOTHER CONTINUANCE
13 until AFTER A REASONABLE RECOVERY PERIOD.

- 14 - It will be even less of a fair case for the Plaintiff than it is due simply to financial resources that
15 the Plaintiff has been stripped because of the Wrongful Unlawful Detainer case filed on him by
16 the Defendant, which forced him to live in hotels during Covid as his apartment was
17 intentionally kept uninhabitable for 10 months at which point Plaintiff surrendered the apartment
18 to the Defendant as she paid to move his belongings and agreed to waive the rent for the 10
19 months he maintained possession of it until October 15, 2020.

20 (ESTIMATED 180 DAYS NEEDED for CONTINUANCE TO BE FILED IN A SEPARATE
21 MOTION. Given the current inability to even ascertain a Primary Care Practitioner, it is difficult
22 to say how long his injuries will continue to go untreated. The PLAINTIFF is not happy to report
23 that after exhausting all avenues other than this Court to redact his Medical Record and to stop
24 the Defendant from continuing to slander his reputation, he has resorted to a HUNGER STRIKE
25 to build community support to end this injustice. Otherwise, Plaintiff has had to wait nearly three
26 years in the past seven to find a PCP willing to see him.)
27

1 If another continuation of the case is permitted, an additional month should suffice the requirement to
2 prepare a longer opposition hopefully with the advice of ANY counsel. If another continuation is not
3 possible, I will be as ready as I can be for the trial. The grounds for the motion for summary adjudication are
4 completely baseless as anyone can read in the settlement between the Plaintiff and Defendant as a result of
5 the Unlawful Detainer. I am completely confident that the Court and the Honorable Judge Haines will find
6 that none of the arguments supporting the motion would trump the travesty of justice that would occur by
7 allowing the Defendant to present her story multiple times to this Court, promising clear and ample hard
8 evidence to support the overturn of a demurrer that Judge Haines had rightfully applied, and in at least three
9 ex parte meetings brought only perjured hearsay evidence. The Plaintiff, in contrast has maintained an
10 embarrassment of hard evidence to support his claims and has never been allowed to present it to this court
11 and optimally in front of a jury.

12
13 In other words, this Court and this Honorable Judge allowed the Defendant to overturn a Demurrer that was
14 rightfully applied; the overturning of that being the source of significant financial consequences to the
15 Plaintiff that has never been reimbursed. And the Plaintiff comes before this Court now to ask that it not
16 decide in the Defendant's favor this time as well, especially after she failed to supply evidence that was
17 promised and that would have sufficed as a valid reason to reverse the demurrer.

18
19
20 DATED: JANUARY 29, 2024

21
22 

23 DANIEL J. FELDMAN, PH.D.
24 Plaintiff, pro se

1 DANIEL J. FELDMAN, PH.D.
2 13647 Aragon Way Apt 303
3 Louisville, KY 40245
4 Tel: (307) 699-3223
5 Email: danieljfeldmanphd@gmail.com

ATTACHMENT 8

6 PLAINTIFF PRO SE

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 FOR THE COUNTY OF SAN FRANCISCO

9 UNLIMITED JURISDICTION

10 DANIEL J. FELDMAN, PH.D.
11 Plaintiff,

12 vs.

13 LINDA STEINHOFF HOLMES, AND DOES 1-30

14 Defendants.

) Case No.: CGC 21-594129

) PLAINTIFF DANIEL FELDMAN'S DECLARATION
) IN SUPPORT OF EX PARTE APPLICATION TO
) FILE A LONGER MEMORANDUM IN
) OPPOSITION TO DEFENDANT'S MOTION FOR
) SUMMARY ADJUDICATION

) Date: February 1, 2024

) Time: 9:30 a.m.

) Dept.: 501

) Hon. Charles Haines, Judge Presiding

Complaint filed: July 28, 2021

18
19
20 COMES NOW Plaintiff DANIEL FELDMAN, pro se, and would show unto this Honorable Court as
21 follows with regard to Defendant LINDA STEINHOFF-HOLMES' et al. wrongful eviction and related
22 complaints.
23

24 This ex parte application and declaration is later than the Court Rules, and as the Plaintiff pro se, I do
25 humbly request the Honorable Judge Charles Haines to grant a delay to respond to Defendant's motion for
26 summary adjudication for which will be heard on February 1, 2024, at 9:30A.M, or as soon thereafter as the
27 matter may be heard in Department 501 of the Superior Court of California, County of San Francisco located
28

1 at 400 McAllister Street. The ex parte application is to allow more time to for me to answer the Defendant's
2 motion, as may be presented at the hearing of this motion including points and authorities to the best of my
3 ability.

4
5 This Declaration is lengthy but describes the extenuating circumstances for why I have not
6 responded in a more timely manner. It also describes an update to the entire complaint {CUD-19-666401}
7 that was brought before Real Property Court and Judge Haines during the pandemic, one of the rare evictions
8 that were exempt from the covid-based stay as it was based on alleged claims of violence that were **explicitly**
9 **perjured to Judge Haines in at least three different ex parte hearings more than three declarations and**
10 **affidavits**, claims that were contradicted by the Defendant in her Deposition in January, 2023, and which
11 were **suborned by her counsel, Daniel Bornstein**, as witnessed in a loud speakerphone conversation,
12 recorded and transcribed in real time in May, 2019, by myself and Christopher Hefner, now allegedly
13 deceased at the hand of the Defendant, confirmed with accounts from secondary witness Jonathan Bornstein,
14 the brother of Daniel Bornstein, and **was brought to the attention of District Attorney Gascon's Office** in
15 July, 2019, just before the Unlawful Detainer was filed.

16
17 Jonathan Bornstein also revealed that he had witnessed his brother suborning perjury from many of
18 his landlord clients in the same exact playbook that was deployed by the Defendant and her son. Not only
19 that, but that he reported that Daniel Bornstein had discussed murder as an effective means of getting
20 unwanted tenants out of the property, if they evaded being arrested under false charges or failed to be evicted
21 by the Court, in a similar manner that I am alleging the Defendant used to attempt to murder myself in
22 addition to Christopher Hefner. Judge Haines transferred CUD-19-666401 to another Judge the day before
23 the jury trial in September, 2020, and may not have been aware of the outcome of that case.

24 Daniel Bornstein, who had previously been unrelenting and unresponsive to any settlement,
25 immediately insisted that the case be dismissed and literally begged me for a settlement, dismissing the case
26 as soon as he had read that I had served them and the Court the pretrial witness and exhibit lists, the motions
27 in limine, and trial brief. Those outlined that I would be calling him as my first witness to explain the
28

1 recorded and witnessed alleged accounts of him suborning perjury and instructing family members and
2 employees of the Defendant to make false calls to the police, to deceptively frame me for violence, using
3 malicious prosecution to have me arrested for staged crimes with staged evidence, and to use the window of
4 opportunity of the false arrest to file an ex parte motion demanding summary judgement for eviction while I
5 could not have the Eviction Defense Collaborative protection. He settled the case without prejudice to any of
6 my claims for damages for any of their actions, for which I alleged were in excess of \$1M.

7 The legal counsel that approached me for representation since then has delayed this case pushing it
8 to its limit, and then, just after taking a deposition of the Defendant contradicting the statements she made to
9 this court under oath in 2020, he moved the trial from a year out to within 6 weeks, and left my case to be
10 now undesirable for representation. Indeed, this delay has at its heart the what appears to be a deliberate
11 sabotage from prior counsel, and I have been put into a forced pro se litigation. This is not ideal considering
12 I have been deemed unable to work by the SSA because of the injuries I have sustained during the course of
13 my tenancy of the Defendant, including difficulties with reading and writing which prohibit me from
14 returning to my old employment, not to mention anxiety and panic induced when exposed to the events in
15 this case. I have exhausted all possible resources for representation or for help with the preexisting
16 disabilities.

17 At the time the Defendant filed this motion for summary judgment, I was hospitalized and was not
18 yet home recovering from the first of three surgeries from a severe hit-and-run accident.

19
20
21 **This declaration supports the reasons that this case deserves to be heard and tried in front of a**
22 **jury. If this is dismissed through summary judgment, it will have completed the intention of the plot**
23 **Daniel Bornstein sold to the Defendant in 2019 and implemented in 2020, resulting in one death and**
24 **one near-death of their victims. And I can argue that dismissing this case will likely result in my own**
25 **death in short order as well since the Defendant has not abated from ruining my access to healthcare**
26 **through continued broadcast of her slander that I am a violent elder abuser, a claim that I can prove is**
27 **utterly fabricated.**
28

1 I, Daniel J. Feldman, declare as follows:

2 1. I am the Plaintiff in the instant matter. All facts stated herein are within my personal knowledge.
3 If called to testify to those facts, I could and would do so competently.

4 2. I have my PhD in Neuropsychology and with a recently expired license in the state of New York
5 in good standing awaiting to be active again at a time when I can confidently return to work. Through my
6 career, I have achieved many awards and honors related to medical research for major pharma companies, as
7 well as serving as an expert witness in many cases and serving as Faculty at University of Cincinnati
8 teaching Psychobiology and Rutgers Business School teaching Pharmaceutical Market Research and
9 Advanced Statistical Modeling.

10 3. I also have training from the San Francisco School of Massage that I combine with Psychotherapy
11 into a field that I call Healing Touch, which is based on Louise Hayes work with immunocompromised
12 individuals, either receiving cancer treatments or with an immune disorder. My clients tend to be geriatric
13 individuals, particularly, my neuropsychology practice where patients have stroke or Alzheimer's disease,
14 and I have volunteered a lot of my time to work with seniors including with SAGE (Seniors in a Gay
15 Environment). Lastly, at least 25% of my clinical research papers focus on geriatric individuals. I have
16 always preferred the company of geriatric population much more so than pediatric. This is why the false
17 claims made against me by the Defendant are particularly harmful and exceptionally untrue.

18 4. I am a nonviolent person, committed to veganism, I have never owned a gun with ammunition,
19 and I have never fired a gun. Prior to the claims made by the Defendant in San Francisco no one has ever
20 designated me as a threat of violence in any way, shape, or form. The extent of my criminal history is a
21 speeding ticket for under five miles over the speed limit in Princeton, New Jersey, 15 years ago. If anything,
22 I have been described as being hyperethical or valuing integrity too much, as noted in my qui tam case where
23 out of a dozen people who knew the fraud that was going on, I was the only one to stand up and risk my
24 entire career to expose it. And I paid a heavy price for being the whistleblower.

25 5. I moved to 884 14th Street, San Francisco, CA, 94114, agreement date March 15, 2013, with a
26 move in date of April 19, 2013. I relocated from Pennsylvania to San Francisco, CA after winning Federal
27
28

1 Court of Appeals False Claims Case of the United States ex rel. Feldman v. Van Gorp and Cornell University
2 Medical College (03 Civ. 8135 (WHP) 02-09-2011). I have a long-standing history of upholding the truth by
3 any measure as Judge Pauley of the Second Circuit actually called out in his final decision that in his 15
4 years on the bench he had not had a more honest and credible witness than myself. My counsel advised me
5 to frame that.

6 6. I am a victim of two violent attacks at or near the property, in April 2013 and August 2013, which
7 have left me with permanent physical disabilities and emotional Post-Traumatic Stress Disorder (PTSD).
8 These disabilities, for which I am awarded income from Social Security Disability Insurance, in addition to
9 deliberate retaliation by the Defendant and her son who lived above me, have prevented me from returning to
10 work.

11 The following includes detail related to the reasons that this Court and the Honorable Judge Haines
12 will rightfully grant a longer opposition to the motion for summary adjudication:
13

14 **1) Motor Vehicle Accident with Severe Injuries:**

15 On August 29th, I was injured in a hit-and-run MVA, the Jeep that hit me was doing in excess of
16 100mph, and I required three surgeries, only one of which has been done. From August 29th until October
17 25th, I was in excruciating pain with my bicep torn through and irreparable and the rotator cuff completely
18 torn, nerve damage extending down my arm creating uncontrollable spasms in the 4th and 5th digits of my left
19 hand, as well as vertebral damage to C5-C6-C7. The pain impacted my ability to sleep or lie down, carry any
20 item over 11lb, or use two arms to lift anything, which impedes me from cooking, laundry, cleaning dishes or
21 the apartment, and most of the time it remained in a sling with ice. After the rotator cuff surgery on October
22 25th, my arm was completely immobilized for 6 weeks, during which time I could not drive, go to the
23 grocery, or do nearly anything independently. I am still awaiting two more surgeries for my hand and neck.
24
25
26
27
28

1 **2) Inaccurate Proof of Service of the Motion from Defendant:**

2 One of the most glaring challenges/mistakes/negligence on behalf of the Defense is that they never
3 served the Plaintiff this motion on November 8th. The proof of service indicates that an e-mail copy only was
4 sent, and the list of e-mails on that record does not include my e-mail which is consistent with me not getting
5 it. I received no emails for the Defense counsel from August 8th to January 2nd. My pet was with me for two
6 weeks after the surgery at my parents, and I had a large stack of mail at my apartment when I retrieved it on
7 or about December 5th, and one envelope that said another resident accepted service, which is incorrect. I had
8 no one staying in my house. The mail area is in another resident building at 3200 Altabrook Lane, and I live
9 at 13647 Aragon Way. I do not have friends in this complex or rely on anyone here to do anything for me, as
10 this is mostly short term relocation housing. There is no record of who accepted service or signature,
11

12 **3) Lack of Medical Care:**

13 A significant part of my claim in this lawsuit involves the horrific impact of the Defendant's ongoing
14 slander of my character and of events, events that she perjured to this Judge and Court multiple times in
15 2020. I have sent the Defendant texts, as that was her preferred communication, and emailed her counsel at
16 least a dozen times since 2016 to cease and desist her slander of me to others, and yet she has carried on
17 spreading lies of my drug use and violence.
18

19 The declarations in the next narrative provide a much better picture at how the Defendant began to
20 influence my medical history, and later, not only how I would be treated by medical professionals but
21 whether I would get treatment at all. And this is what can happen and did happen to me when someone
22 falsely labels you as a violent elder abuser, which I now understand that in the caste system of disgusting
23 human beings, they fall somewhere below violent pedophile rapist.

24 In 2016, while I was on a field trip with my class at San Francisco School of Massage, my apartment
25 and cats were watched by an acquaintance friend of a friend, Charles, as I needed someone at the last minute,
26 and Charles only needed a week in the city before flying home to Bogota, Columbia. During that time, he
27 became "friends" with the Defendant, in her words to me. When I returned home, Charles made a delicious
28

1 soup for me, and I recall even asking for a couple of bowls. It was not until months later, when brought to
2 my attention by two independent concerned witnesses who Charles attempted to recruit as accomplices, that I
3 understood that the soup was poisoned at the direction of the Defendant.

4 I developed a sharp pain in my back that I had never felt before, and an electrical shock pain down
5 my arms to my fingers, which from training I suspected was neurological. I called for Charles to help me to
6 my primary care provider at the Castro Mission Health Center, in front of which I had the first and only
7 seizure of my life. My arm began making tonic-clonic spasms, and my iPad was flung like a Frisbee as I
8 went unconscious. When I awoke, an ambulance was on it's way to take me SF General Hospital
9 Emergency Room. What I did not know for a year until I received my medical record was that while I was
10 unconscious, Charles gave the nurse a fabricated account of my background so that I would not be assessed. I
11 am not sure if Charles' false narrative to the nurse was to not get caught with the poison in my system or if it
12 was intended to cause the far-reaching long-term devastation that it has. In any event, at the Castro-Mission
13 Health Center, the nurse entered into my chart that "a close friend accompanying [Dr. Feldman] to the clinic
14 told us that Daniel was suicidal and had made up the pain and other symptoms in order to stockpile pain
15 meds for his suicide. He reported that [Dr. Feldman] injects methamphetamine daily, huffs paint thinner, and
16 has a number of risky behaviors."

17
18 When I pulled my record a year later, not only did I find that nurse note at the Castro-Mission Health
19 Center, but verbatim copied from MyChart by Epic to my ER record at San Francisco General Hospital, and
20 again at the ER at Sutter Health CPMC Davies Hospital, and in my Primary Care notes at SF General. Once
21 that was entered into my chart without my knowledge or consent, I was outright refused care by physicians at
22 each facility. I would be put into a side room for 6 hours and then told to go home without any interview,
23 review of symptoms, assessment, treatment plan, or discharge – just to go home. When I said I could not
24 even walk home a block away, my "friend" Charles had driven me in my car, a Davies ER nurse pushed me
25 out of the ER through the double doors followed by a walker and the comment: "There! Walk yourself
26 home!"

1 The real problem is that a large part of my SSA disability is due to an autoimmune or
2 autoinflammatory condition that I have had since birth but does not fit into any known syndrome. Every few
3 years, I have a specific pain that is “psychotic pain” since it is so disorienting. Although, doctor’s instincts
4 are to say it is malingering or “fake,” but we quickly discover that it is life-threatening each time. Due to the
5 condition, I have had my kidney removed, a stent placed from my kidney to my bladder, my sigmoid colon
6 removed, colostomy placement and reversal, resection of my right femur, partial left hip replacement, left
7 shoulder surgery, retinal tear and detachment, coughing fits of blood, pericardial effusion caused by fluid
8 around my heart, and ocular extrusion (eyeball dislodges from the socket swollen). I also have Paget’s
9 disease and psoriasis, other rheumatology conditions. When Charles and the Defendant hid that they were
10 poisoning me, my physician at Castro Mission Health Center refused to let me back in his practice, and he
11 told the rheumatology group that I had made up my condition, that my “real” condition was the slander that
12 was put into my medical chart, and he instructed them to refuse to see me, which they did. This is unlawful,
13 by the way, to refuse care to a patient. To make matters worse, I was awaiting my first hearing at SSA about
14 my disability, and after four years of waiting, the SSA judge had ordered me to have a new Rheumatology
15 assessment, one that would take more than 18 months to get because of the slander.

16 I was poisoned for six weeks, in incredible pain without any relief, muscles locked into a permanent
17 spasm, pain so bad I would howl not even aware how loud I was, no physician or emergency room in SF
18 willing to see me. I had to drop out of Massage School because of it. Around six weeks of being poisoned,
19 Charles set up an apartment for himself in my entertainment room, I was contacted by a stranger from
20 Berkeley who said he had a very important message to tell me in person, not in writing. When I called him he
21 told me that I was in grave danger because of the person who was staying in my house. He said that Charles
22 had been poisoning my food as a part of some plan he had with my landlady, and he had asked this
23 gentleman to help him do that which he refused. I thought it was a weird phone call and it could not possibly
24 be true because to me Charles was the only one helping me.

26 I became suspicious when Charles did not go back to Bogota and then he called my family and told
27 them that he was my caretaker and that I could not function without him and wanted their permission to be
28

1 my durable power of attorney as I really needed supervision all the time. He also called my psychologist and
2 asked him to write a letter that I was not of sound mind and needed a guardian which would be Charles.
3 Naturally, I was infuriated when I heard this from my psychologist. My family came to San Francisco to help
4 get Charles out of my house. All of my pain symptoms almost immediately disappeared, but I still did not
5 believe the story that I heard on the phone.

6 About a month after Charles left, I had a threatening communication from the Defendant in which
7 she told me that she had become friends with Charles who stayed in my apartment, and that he reports to her
8 “how [I am] with people.” I asked her to clarify what she was accusing me of doing, and she never
9 answered. I was then visited by another couple of friends the one of whom, Mike, claimed he had seen me
10 over Christmas. I replied that no one saw me over Christmas because I had been locked in my apartment for
11 4 months and unable to move, in pain. And he insisted that he had seen me but I would not have seen him.
12 At which point I asked “Were you in my house?”, and he replied affirmatively. He told me that he had been
13 with Charles in my front room and that he was helping him poison my food. At which point, our other friend
14 and myself said in unison “Why in the world would you do that?” And he said that Charles told him that I
15 was trying to kill myself but that I wanted to make it look like natural causes so I had allegedly asked Charles
16 to slowly give me poison so I would die and no one would find out. I asked Mike if he would be willing to
17 talk to the police about that, and Mike said yes I could give his contact to the SFPD, which I did. The
18 Berkley witness told me I could use his contact to speak to the SFPD only if it would be reported to the
19 police and something would be done about it. Otherwise, he said it was a risk from Charles and the
20 Defendant to retaliate against him. Unfortunately, the Defendant has an arrangement with the police such
21 that she will not be investigated, as I found out two weeks after Charles was physically removed from my
22 apartment. So I violated the trust of the Berkeley man, as I gave the SFPD his number multiple times, and no
23 one would ever call.

24
25 Charles was gone, but my medical record stood with that false information in it. I had to switch
26 clinics to SF General Clinic. They referred me to the UCSF 360 Wellness Clinic and I began seeing Dr. Sears
27 there, who completed his post doc at Cornell University Medical College where I did mine. And I tried to
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1 engage him, but found that he did not want to hear anything from me, and he outright refused to refer me to a
2 rheumatologist even though the SSA Judge had asked for it in a third final warning, The problem was that
3 Dr. Sears had my MyChart background including the slander. When I went to Dr. Malcolm John, the head of
4 the practice to complain that I needed to see a rheumatologist, in midsentence, he silenced me by covering
5 my face with his hand up to my lips. And he sternly looked me in the eye and exclaimed "You don't get to
6 set your medical priorities around here. We get to set your medical priorities around here. And our priority is
7 not what your priority is. And you're not getting a rheumatology referral.' And then rudely walked away. I
8 was pretty angry that I could not get medical care and the problem seemed to be getting worse.

9 So I contacted the insurance plan, and I explained to them that I believed the problem was
10 homophobia. They assigned a social worker who attended my doctor's visits with me. During her first visit
11 with me to see Dr Sears, he yelled at me essentially that he would not get a rheumatology referral and to
12 leave. The social worker, Stephanie, started crying in the parking lot because she said that she had never seen
13 a doctor talk to a patient like that before, and I agreed. Stephanie explained the difficulty I was having to her
14 supervisor especially since the SSA Judge had sent a fourth and final warning to get a rheumatology
15 appointment, and my problem escalated up to the head of the insurance company who was a medical officer
16 and a rheumatologist. She called me and said that there was no reason for them not to give me a referral and
17 that she was going to call them herself, that Dr. Sears was being completely unprofessional. I did not
18 understand at this point that the slander was there, or that there was some influence of the Defendant upon
19 how I was being treated by both doctors in my clinic.

20
21 The next visit with Dr. Sears, Stephanie told him essentially that we were not leaving without a
22 rheumatology referral. He echoed the physician in my previous clinic that he did not feel that my
23 rheumatology problem was real, that my problem was injecting meth and huffing paint thinner and
24 stockpiling pain killers. Dr. Sears added, based on nothing but the slanderous note, that he included an
25 opiate dependence diagnosis to my medical record, ensuring that I would never get pain medication after
26 that. I was rightfully outraged, about to lose my disability hearing that I had waited over five years to see the
27 first judge. Dr. Sears compromised and said that if I would be willing to have a psychiatric exam and
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1 substance use assessment, then he would grant the referral. I had nothing to worry about so I gladly gave
2 both and my system was clear from all the narcotics they claimed I was dependent upon.

3 The psychiatric evaluation with an unlicensed psychiatry resident in his second week of school, with
4 no understanding of protocol, laws, or ethics, was not so straightforward and would culminate in a huge and
5 devastating amount of new slander from the Defendant, costing me my health, any chance of returning to
6 work or overcoming my medical disabilities, and is the reason that after the car accident in August I am
7 prevented from having two more surgeries, forced to live in pain and unable to get HIV medications or other
8 refills. The Defendant told Risk Management Lead Counsel for UCSF, Susan Penney, that I was a violent
9 elder abuser, despite that I had never been violent to anyone in my life nor had I seen her in nearly a year!
10 They posted a Zero Tolerance Policy for Violence on me, threatened that I could not step foot on a UCSF
11 campus or I would be arrested. I was not allowed to follow up with my doctors, which resulted in me having
12 no regular primary care physicians or prescriptions for nearly four years. And even now, I do not have a
13 physican to write my medications that will be depleted in a couple days. This Zero Tolerance Policy has been
14 broadcast through MyChart to the majority of medical centers around the country, many of whom adopt the
15 UCSF policy without even meeting me for the first time. That, in turn, has isolated me, exacerbated all the
16 PTSD symptoms I previously.

17 In Louisville, because Epic My Chart broadcasts her slander in the form of a UCSF Zero Tolerance
18 Policy to this day, I have been kicked out or turned away from five clinics, one even had three police cars
19 and six officers there to remove me from the waiting room to trespass me! When I asked the officers if I was
20 being detained or broken any laws, they said "No, they just don't want you as a patient here. Go somewhere
21 else." I told them I had been in pain with an untreated infection for two weeks and four clinics had refused to
22 treat me, and the condition, which only needed penicillin in the end, was allowed to fester and worsen, and I
23 had no where to turn. I also alerted them that with Critical Access Hospital designation, they get tax and
24 other federal and state benefits for taking all-comers, regardless of their ability to pay, and that flat-out
25 denying care to ANY patient, even if I was a convicted violent elder abuser, is criminal. Despite the
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1 criminality of this frequent practice, no doctor to my knowledge has ever been convicted for refusing care,
2 and they are empowered to do it whenever they would like.

3 In December, last month, after being dismissed without any communication beforehand from two
4 primary care practitioners within six months, I experienced further delays in surgery until I have found
5 another primary care practitioner, who upon opening My Chart is likely to see dozens of Zero Tolerance
6 Policies in effect, all copied verbatim from the UCSF policy that was written because, in the words of Susan
7 Penney, "I personally spoke with your landlady, and she has told me the most heinous acts of violence on a
8 senior!" I explained that I did not know what I was being charged with, I had never been violent with her or
9 seen her in nearly a year. But Susan Penney insisted "Of course you do!!" I asked when I could present my
10 case as whatever events she was referring to did not happen. And she literally raised her voice on the phone:
11 "It's a Zero Tolerance Policy!!! You get no appeal!!!" and with that, she hung up.

12 I have tried to remove this from my medical record through so many different ways and have found
13 it completely impossible to do partly because each time a new facility downloads from UCSF or another
14 facility it becomes a part of their permanent record. So not only do I have a record at UCSF but I have a
15 record at all subsequent clinics. As an HIV-positive man, there used to be privacy about these things where
16 you would have to sign a consent form for doctors to be able to do this but that's not the case anymore. I
17 have no 4th Amendment right to privacy.

18
19 Regardless of the outcome of this trial, my health care is pretty important to me particularly because
20 I have very life threatening autoinflammatory/autoimmune disease that has not been treated. I also have a
21 tumor growing in my adrenal gland. And I need surgery on my arm so it stops spasming and on my neck so I
22 can sit up and not be in pain when using the computer. Before I received the motion for summary
23 adjudication, I had announced that I was going on a hunger strike to end this practice that has prevented me
24 from getting care particularly when I go to an emergency room because it is an emergency. I brought this to
25 the attention of HRC, DHHS and OCR, the Inspector General, the heads of these institutions, and the media
26 for nearly seven years, and nothing has changed. No serious investigations were ever done, they said that

1 investigators who did ask questions found everything that I had said to be true, but the punishment for those
2 involved was a remedial 2-hour video on bedside manner which does not help me.

3 As of the writing of this ex parte application, my hunger strike was expected to begin this Monday
4 January 29th, but I am moving that to the Monday following this hearing, and I am demanding that doctors
5 who have refused to give me care be investigated properly and prosecuted criminally, among other things.
6 As the slander of the Defendant is currently being broadcast and some of the clinical providers indicated that
7 they may have either talked to UCSF or the Defendant or both just recently, this court must reach the right
8 conclusion that this trial cannot be dismissed at this time. I do understand the importance of responding to
9 the other parties and the Court on time, but because of the extenuating circumstances and further arguments
10 below, I hope that the Honorable Judge Haines will keep this case open.

11
12 **4) Attorneys Hired December 5th to Answer These Motions and Discovery Ghosted and Have**
13 **Not Returned Funds or Calls, Hired Locally Which Would Have Allowed Plaintiff to Stay in Kentucky**

14 I was diligently checking my e-mail while recovering from the rotator cuff surgery on October 25th,
15 and nothing came through from any of the Defense attorneys since before my accident in August until
16 January, 2024. I did get a hard copy of the document in the mail about a month after it was “served” to a
17 resident in a building that I do not reside, and I presume it is a person I do not know who would have no way
18 of alerting me about the service.

19 I needed legal counsel to answer the motion, and I began looking immediately. But given the short
20 turn-around time with the holiday season lodged in the middle, most attorney practices declined to help. In
21 the end, I paid a law firm in Louisville, O’Koon Hintermeister, PLLC, Mr. David Knights and Ms. Anne W.
22 Miller, through their parent legal referral company, Legal Shield. They advertised a 48 hr turn-around and
23 25% discount on regular rates. On December 7th, I e-mailed them 7 files they requested, and was glad they
24 would be helping as I was having difficulties with the doctor’s office, securing a primary care physician and
25 understanding why I had been dismissed from the practice without a clear reason.
26

1 I had not heard from them in 48 hours so I emailed them to ask when we could meet. When I did not
2 get an immediate response, I contacted Legal Shield, and I saw that Mr. Knights had written me from an
3 email that went to junk, in which he claimed that my files had not reached him as the links in my document
4 had prevented it from being downloaded from their server. I sent the documents again without links and still
5 had not heard after a few days. I expressed concern heading into the holidays, and the last week of the year,
6 no one was responding to me from Legal Shield or O’Koon Hintermeister. January 3rd I indicated that I
7 wanted to be assigned to another legal firm, yet was told that they had referred the work to a San Francisco
8 based law firm, which would be helpful as with my medical challenges I did not want to travel to San
9 Francisco for the hearing on February 1st. That afternoon I was contacted by the legal assistant for Rupinder
10 Kaur at American Law Group in Newark, CA, asking me for the documents to be reviewed, which I sent
11 within a few minutes with a confirmation of receipt of files request.

12 I was told by Legal Shield that the referring lawyer was granted 72 hours to get back to me about
13 how to move forward with providing consultation on the documents at hand. I received a request for times
14 available to speak, and despite saying that it was top priority and that I could meet at any time with an hour
15 notice, and I have never heard anything further from them until after they withdrew from helping me on
16 January 22nd. From January 10th to January 22nd I spent my days calling Legal Shield or American Law
17 Group trying to get some kind of response from them. They could not even get back to me with a yes or no
18 about receiving my emails and from my side I could see that none of my documents had been opened since I
19 sent them to both of these firms beginning in December 7th. Neither Legal Shield, O’Koon Hintermeister,
20 nor American Law Group take any accountability for completely dropping me and not responding, and my
21 money was never returned.

22
23 Despite the Legal Shield and American Law Group, I began to panic over the timing around January
24 10th and started reaching out to the San Francisco Bar Association, and they reiterated to me that they could
25 not find me an attorney, they had been looking for an attorney for me for years and there have been no takers.
26 They also informed me that their inability to find an attorney to represent me did not reflect anything about
27 the merits of my case, and recommended that I reach out to larger firms because the smaller firms on their
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1 referral panel could not handle such complex litigation. I reached out to a number of legal aid services and
2 no response.

3 I then contacted Legal Zoom, and paid them money to help me find an attorney on January 18th that
4 the day that the documents were due, and I was still holding out for American Law Group to get back to me.
5 After two days of waiting for legal zoom attorney I was told that they couldn't get back to me until February
6 1st, which is of course way too late. They did refund my money, however there's no accountability for any of
7 these organizations or groups and everyone else I contacted said that they cannot consult for open litigation.

8 Since January 16th or earlier, I have been putting these documents together as quickly as I can but my
9 disability presents an obstacle for being timely. I have attempted to contact San Francisco Superior Court to
10 understand flexibility on the rules and are there other services or support for people with disabilities for
11 whom no one, myself or any Legal Referral Agency or special interest group referral agency, has been
12 successful in searching for over 3 years. I have not had a returned call from the Courts where I have left
13 messages although I did get an e-mailed answer yesterday from the Court about this submission. It is, indeed,
14 a difficult pill to swallow that there is no assistance for people with disabilities or lawyers willing to
15 represent them in California – not even when the other party has contributed to the disability. And that this
16 challenge can lead to not only not prevailing but having to be responsible for the other party's attorneys fees
17 in addition to the losses they have already suffered.

18 19 20 **5) Power Outage at Residence for Two Full Days January 25th and 26th**

21 Intending to complete these responses no later than the 26th, I had not anticipated losing power in my
22 apartment on the 25th and not restored until end of business on the 26th. Needless to say this was an untimely
23 setback as I struggled to use my mobile hotspot as long as my laptop batteries lasted, and of course, there is
24 no one else to share the burden for putting this together, especially with so much time on the phone
25 managing consultants who never provided any guidance or consultation.

1 **6) Sabotage And Abandonment From Previous Counsel Either As A Defendant Previously Or**
2 **Plaintiff Currently**

3 My challenges getting legal representation for this case have been present since I attempted to get
4 support for a constructive eviction based on the harassment and outstanding DBI NOV's, which resulted in
5 over 50 calls to the police from me. The Tenant's Union with whom I met 20 times had all advised me that
6 given the evidence that I had brought them I should have a very easy case and that any of the lawyers on
7 their list would be willing to take it. However, after calling every lawyer on the list, their assessment was not
8 exactly accurate since none were interested in representing a case involving bribery with DBI or challenges
9 with the SFPD.

10 After the unlawful detainer was filed against me, the Defendant Holmes was represented by the
11 Daniel Bornstein, with oddly, I had consulted informally when I moved into the residence. Struggling to find
12 representation, I was approached by Jonathan Bornstein, the brother of Daniel Bornstein who used to be in
13 practice with him. I was aware of their feud and lawsuits against each other because it was covered broadly
14 in the local media. Jonathan told me that he had been very much injured by his brother's actions and by the
15 lawsuits, which cost him his house and even his wife he claimed. He also told me that he wanted to make
16 sure that I prevailed as he was acutely aware of the suborning perjury claim that I had made against his
17 brother. He told he told me that he had knowledge of these types of dealings and when I mentioned to him
18 that I had heard them discussing with the Defendant in the backyard as wanting to kill me, "exterminating the
19 vermin" was the specific language that they used. Jonathan told me that they that he was aware of Daniel
20 working with landlords to find ways to actually murder unwanted tenants that is if they could not get them
21 out by other means. And with regard to suborning perjury for his clients to make false police reports to the
22 court in the form of ex parte requests for summary judgment on eviction, Jonathan verified that what I had
23 reported about Daniel was spot on and was a Modus Operandi recommendation for his clients. When I told
24 Jonathan that my best friend was killed due to the actions that they took in the apartment plumbing, Jonathan
25 said that he knew that and that he is very sorry and that he had heard these exact types of plans being made
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1 by Daniel. I asked Jonathan if he would be willing to be a witness to that on the stand and he said "We'll
2 see."

3 Jonathan offered to ghost write my legal documents for me in my case, but I told him I was a bit
4 nervous and distrusted him, as I speculated that he still owed his brother much of the award that came out of
5 the lawsuit, millions of dollars. Jonathan told me that he understood my concerns, that his intention to help
6 me was genuine as he claimed that he would love to see these tactics of his brother's brought to light so that
7 other tenants would not be victimized by Daniel. He said the offer to ghost write was on the table anytime,
8 but the choice was up to me.

9 I went to Jonathan's office and brought my laptop as he wanted to see some of my evidence. As I
10 was leaving to meet him, I accidentally broke off the power cord to the laptop and the battery was low,
11 When I arrived, Jonathan wanted to see my laptop even though I told him that I could access my evidence on
12 my iPad. He became very insistent that we find power for my laptop and sent his assistant out to purchase
13 the specific power cord. I kept trying to bring his attention to evidence I had on my iPad but he remained
14 fixated on opening my laptop, and I began to get suspicious of his motives, if he was trying to add a hack to
15 it or something else. I finally insisted that we forget my laptop, and at the end of our meeting, he offered to
16 write my requests for Discovery and walked me through some tricks that he used regularly to trap the other
17 side into having evidence excluded in limine by using the interrogatives. That was very useful in the end.
18 Jonathan finally asked for my username and password for OneLegal so he could file my documents for me,
19 as if they were coming from me. I absolutely refused to allow that and told him that I would use the filing
20 service when he had documents finalized. He asked again, and I declined again.

21
22 The work Jonathan did was great, and I started to feel that he was being genuine. And he remained
23 supportive until the week of the trial. None of the trial documents had been filed on the first day of the jury
24 trial, and Jonathan vanished until the day after I had prevailed, completely abandoned at the most critical
25 moment. By pure luck, the Defendant and Daniel Bornstein were very late on the first day of trial, and it was
26 postponed by a day, just long enough for me to complete the pretrial documents with the help of my old
27 counsel I had represent me in a qui tam that we prevailed in the Second Circuit. When Jonathan resurfaced, I
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1 was angry with him and felt sabotaged, especially when he said he would not testify to the allegations he
2 made against his brother, Daniel, only a couple of months earlier.

3 When I prevailed and maintained possession of the apartment until October 15th, 2020, Daniel
4 Bornstein had immediately stopped the jury trial and offered me a settlement that left my damages and
5 reimbursement charges open without prejudice, and the newly appointed Judge expressed concern to Daniel:
6 “You have left this wide open for him to sue your client.” Daniel affirmed that was his intent, as he would
7 not tolerate being a witness on the stand with the allegations I was making and the evidence. The judge went
8 further: “He is going to sue the heck out of your client!” And, yes, that was my intent after all of the loss I
9 had suffered at her hand. And I immediately contacted the SF Bar Association again for help finding a
10 referral.

11 It was a little unusual that I heard from Julien Swanson at Austen Law Group. They were not
12 referred to me by the SF Bar Association although I had placed a number of cold calls, without any success,
13 so it is very possible that he replied to a cold call. In any event, Mr. Swanson indicated he was very interested
14 in representing me and as I also had no other responses, I retained him. I shared a bit of material with him but
15 had more immediate concerns about what was contained in the settlement offer. About four months went by,
16 and despite my calls and retainer, I heard nothing from him other than brief messages that he could not meet
17 but would set a time soon. With nothing to show for our relationship, I contacted them and said I was
18 withdrawing from the contract as they had failed to meet any standard of reasonable timeliness of
19 responding. I wrote a bad review on Google which instigated a call from Alex Austen, the Principal, who
20 screamed at me on the phone like a high schooler upset about a Facebook comment, and I added another
21 negative update to my review. I then got another call from Alex and they very much wanted to represent me
22 and drew up a new retainer schedule with a significantly higher contingency, and the higher rates were in
23 exchange for my insistence on a formal biweekly meeting about the case to keep things moving. I was
24 skeptical if Mr. Swanson wanted to help me, or was he going to sabotage me like Jonathan Bornstein
25 appeared to have done?
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1 It is important to note that Mr. Swanson refused to meet biweekly in spite of our agreement and did
2 nothing initially to file my complaint that I had written in large part. I kept vocalizing concern that we were
3 having the exact same issues we were having before I fired them. I expressed grave concerns about
4 approaching statutes of limitations, and miraculously, it was served and filed albeit in the nick of time. I had
5 explained that due to the length of time of the unlawful detainer case, I was destitute without resources, and
6 that Daniel Bornstein in writing up our settlement agreement told me that the Defendant Holmes could not
7 pay those reimbursement costs at that time but that we could stipulate which costs are due for reimbursement
8 to be paid before and outside of the complaint damages. Mr. Swanson said that it was possible to do that,
9 and then never did.

10 I received the Defendant's requests for Discovery from Mr. Swanson, and immediately commented
11 that we were 15 days past the deadline upon my receipt. As he was not showing up for biweekly meetings as
12 agreed, there was no reason for him to sit on those requests for 45 days without telling me. He apologized
13 explaining that he was in trial with other clients and thought he had forwarded it to me, and that it was really
14 no big deal. I began to get very suspicious, especially when I asked for his help to pull together relevant
15 Discovery as I have over 500GB of files related to this case. He did not respond after months of me asking
16 for his input. About 6 months later he complained to me that he had to sit for 10's of hours watching videos
17 to get nothing. And I had to ask why he did not ask me what part of security camera footage was relevant
18 instead of just watching that kind of video waiting randomly for something relevant to happen. He has billed
19 me for those hours.

20
21 In December 2022, Mr. Swanson had several motions to set a date for trial before the judge. He told
22 me that the trial date would be in November 2023 at the earliest and as late as March 2024. He did not ever
23 tell me that he had an order for the trial date to be April 2023. At the same time, I was being deposed, and
24 the Defendant was scheduled for her deposition in late January 2023. I asked Mr. Swanson for guidance and
25 he had none. After my deposition, I wanted to go through it with Mr. Swanson to determine the strengths and
26 weakness of the testimony, as well as a plan for the Defendant deposition questions. He refused to meet at all
27 or include any of the questions I wanted answered, citing we could ask those in "Round 2." And lastly, the
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1 morning of the deposition, I was still not given a call-in number after asking for it more than once. Mr.
2 Swanson was already at the office and told me that I could not attend the deposition. Since the beginning, I
3 had clearly stated my intent to be at every deposition. And in previous expert witness testimonies I gave as
4 well as the multiple depositions I sat in for my qui tam case, it was mandatory that I go. Mr. Swanson said
5 that he would end his representation of me if I did attend. I strongly disagreed and insisted that I would
6 attend and not say anything, and I did not other than announce my name at the beginning. And that was
7 when I noticed for the first time Mr. Swanson in a totally different appearance than I had ever seen him
8 before, and at a deposition that could be in front of a jury! Mr. Swanson wore a men's suit with full
9 women's make-up on, neither male not female but hermaphroditic. I have no problem with transgender or
10 queer individuals, it was just not in any way a more conservative appearance to which a jury could relate. It
11 definitely was unprofessional, and it seemed like further evidence of sabotage.

12 The next couple of weeks went sour fast, culminating in him giving me an ultimatum that was
13 unreasonable and was definitely not in my best interest at all. Mr. Swanson had set up a mediation meeting
14 with a former judge and told me that I was definitely going to attend, and I was going to agree ahead of time
15 to settle for a number that was less than 5% of what I my claim had asked for, and if I did not agree to those
16 terms, he would no longer represent me in this case. Considering that he had not reviewed any of the
17 discovery with me despite me asking and I knew that we hadn't submitted all of our discovery to them I
18 thought it was very much premature given that our trial was not supposed to be until November at the earliest
19 and it was only January. And he had agreed that from the depositions I had extra ample evidence to support
20 my claims so I could not understand why I was being asked to pay for a settlement hearing the following
21 week and agree to accept less than what I would need to be reimbursed and break even – without even
22 hearing the argument from the Defense! And with that discussion, he sent me a sub-out for his removal from
23 the case to sign. But I said I wanted him to stay on, the ultimatum was his way of leaving me empty-handed,
24 his decision. As soon as the substitution was submitted he claimed that I fired him.

26 One of the counsel for the Defendant told me that her firm was not going to allow her to attend the
27 mediation conference either simply because not enough discovery had been produced on either side to
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1 support either party's claim, which made Mr. Swanon's ultimatum so odd and appeared to have served an
2 ulterior motive. Just following that, Mr. Swanson sent me a bill for \$10,000 for the mediation hearing that I
3 did not agree to attend other than he had an ultimatum. And after he left, I discovered for the first time the
4 jury trial had been set less than 6 weeks away, for me confirming that my counsel deliberately sabotaged my
5 case.

6 I am disclosing parts of my communication with Mr. Swanson not related to this case in order to
7 maintain privilege but as a means to describe how he did not behave in a manner consistent with a lawyer
8 who was interested in seeing his client prevail. Jonathan Bornstein had similarly self-identified, gave the
9 appearance of helping and did help to a degree, and then suddenly ended his involvement in the case at a
10 critical moment when I would be most in jeopardy. Considering that I have recording of the Defendant's
11 bribe being given to three DBI inspectors right out in public on the front porch, I know the Defendant uses
12 her purse as a weapon of corruption, and I would find it not hard to believe that she had paid off Jonathan
13 and Mr. Swanson to sabotage my case,

14 I am not Pro Se by choice. And whether intentional or not, the Defendant benefited from my
15 involvement with both of these individuals.

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18 **7) Lack Of 5th Amendment Right To Due Process In That No One Will Serve As My Legal**
19 **Counsel Or Offer Legal Advice Either As A Defendant Previously Or Plaintiff Currently**

20 As stated earlier, I had began looking for legal representation in 2017 when the Defendant had failed
21 to perform critical repairs, and I caught her and her husband adding lines to my fuse box stealing my
22 electricity: energy theft that was pointed out to me by PG&E, and confirmed by the SFPD adding that there
23 was a narcotics lab in the building benefiting from the energy theft. Despite the repeated assessments made
24 by more than a dozen counselors at the Tenants' Union that my case was very strong and that there was
25 nearly no way I could lose, I have contacted every lawyer on their list, some of them more than once, some
26 of them being the very counselor who assessed my case to be strong, and there were no takers.

1 When I went to the rent board by myself and explained that the Notices of Violation on the building -
2 the reason for my constructive eviction claims - were fraudulently abated by DBI inspectors who had been
3 bribed, they told me that they had to make a determination on my claim using whatever report DBI had,
4 fraudulently abated or not. I was told that in order to address the situation, I had to bring my complaint of
5 the fraud or bribe to the heads of Department of Building Inspection, and once they determined it was a
6 bribe. have the apartment reinspected and then bring that back to the rent board. That sounded convoluted but
7 I was pretty assured I could get that done considering I had recordings of bribes and the proof to show that
8 violations that were abated were not even started. Needless to say, after seven years of sharing that I had
9 evidence to more than two dozen city officials not a single one has ever agreed to listen to it or to even
10 investigate it, I would still be in the preparation stages of a constructive eviction to this day.

11 I attempted to get legal representation from AIDS Legal Referral Panel (ALRP) on several occasions
12 and found them less than helpful. I needed their help, for example, to get a letter of accommodation that I
13 could work from home with a disability so I could get income as my lease allowed with written permission
14 from the landlord. Instead the lawyers wanted to fight me on that, saying that I really wanted to do an
15 AIRbnb with my apartment which I never said. I simply wanted the ability to be able to practice with the
16 psychology license from inside the apartment I checked with the zoning board, and they told me that the city
17 was zoned so that people with professional licenses could work in their homes no matter what neighborhood
18 or street they were on. And yet, the ALRP lawyers would not represent me through that and argued on
19 behalf of the Defendant to me.
20

21 Similarly, when I asked for their help with mitigating the harassment that was coming from the
22 Defendant's son who lived upstairs, lawyer who claimed that I was causing a disturbance at the building
23 which was completely unfounded by any evidence, and my lawyers defended the Defendant's position
24 without ever addressing the harassment I was receiving for reporting the NOV's, the bribes, the energy theft,
25 and their narcotics operation.

26 And finally the worst of all the ALRP Lawyers, after successfully arguing a demurrer in the unlawful
27 detainer case, my assigned lawyer, Ms. Kaitlyn Willison, was complicit in overturning that demurrer, broke
28

1 attorney-client privilege to share with Daniel Bornstein her nonsensical notion that my mother and I had
2 forged documents from an independently obtained environmental specialist who came and determined that
3 the apartment was uninhabitable, even after she spoke with the professional who had been doing that work
4 for 25 years, whom I vetted after getting multiple proposals, and to whom I paid a standard rate of nearly
5 \$1000 who clarified for her that his assessment was not forged and was based completely on his own
6 knowledge, air and water sampling, and observations. Despite that, she claimed she had her doubts and could
7 no longer represent me. After ending her relationship, she went independently to Daniel Bornstein and
8 shared her crazy notions with him, and in turn, Mr. Bornstein brought up more than once that my lawyer left
9 because I had fabricated the environmental assessment. It was very unprofessional, and I would not describe
10 that as legal counsel but more of a legal liability, especially after she worked to overturn the demurrer that
11 was rightfully applied in the first place.

12 I have reached out repeatedly to the SF Bar to find representation. They have made it clear that after
13 three years of searching and getting no takers. they do not feel that the case is appropriate for any of the
14 attorneys on their referral list because it is complex litigation. They further explained that most of their
15 referral lawyers are in single private practice or small independent practices, and they felt my case needed a
16 large law firm to handled civil rights issues as well as wrongful death and wrongful evictions. When I asked
17 them what I should do when I have tried all the large law firms in the area, and they cannot find anyone, and
18 I have exhausted ALRP, Legal Assistance for the Elderly, Legal Aid, the Tenants Union, where else do I
19 look for legal assistance and they could not answer that question. My recent experience with Legal Zoom
20 and Legal Shield showed me that they cannot consult on open litigation. I am not sure what where to turn at
21 this point I could do it myself With the understanding from the court that it will take me longer than usual
22 because of the disabilities that I have preexisting and conflated by the most recent accident.

23
24 I remain completely open to whatever recommendations the Court has in this case.
25
26
27
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1 **8) Lack Of Resources To Assist Plaintiff With Disabilities**

2 In the original unlawful detainer case the Defendant filed against me in 2020, I was in a similar
3 situation without representation and the self-help group at the court was unavailable throughout the last eight
4 months of the case. And the disability advocates for the court were not available either. I left nearly a dozen
5 messages at each of these groups within San Francisco Superior Court, none of which were ever returned.

6 I had also contacted Legal Assistance for the Elderly (and disabled) both about my case and the
7 wrongful death of Christopher Hefner which was being filed by Sandi Duncan, Christopher's mother, who is
8 disabled in a wheelchair who had just lost her only child. We needed help with Probate in terms of making
9 Ms. Duncan the personal representative of Christopher Hefner, and we needed help filing wrongful death
10 case against this same Defendant. For a year, they led Sandy on to believe that they were going to help her,
11 and in the end they said that they do not cover that kind of work. And as the statute of limitations were
12 running out and no one would help Ms. Duncan, the wrongful death case was dismissed against this
13 Defendant, a travesty of justice.

14 I also contacted LAE about my matter, and they outright refused to help me when I called back to
15 see what they had determined after interviewing with one of their staff for an hour. It was bizarre in a sense
16 as the answering party there said "No we cannot help your case, and do not ask again." I am unsure what
17 they do exactly since the impoliteness is tough to break through.

18 I am unclear if there are any other resources for similar clients with disabilities when no counsel
19 seems willing or able to handle complex litigation. Again, I am open to any suggestions the Court may have
20 in these matters,
21

22
23 **9) Defendant Attorneys Do Not Treat Pro Se Plaintiff As They Do Other Attorneys, Ignoring**
24 **Reasonable But Essential Requests About Discovery**

25 I have had challenges with some of the Defendant attorneys who have disrespected me when I was
26 unrepresented: failing to respond to repeated questions in emails, refusing to call back, ignoring claims of
27 lack of habitability, preeviction lockouts, and how to share Discovery.
28

1 During the Unlawful Detainer case that lasted 10 months, Daniel Bornstein did not respond to a
2 single request I made about a guarantee of habitability, about the mortal impact that their actions were
3 causing in Chris, about his death, rightful requests to see the new hot water tank for my apartment that was
4 housed in the Defendant's son's apartment above mine, about any repairs that were required to be made by
5 law, about reimbursements owed with interest rates accruing to this date, about stopping harassment from her
6 son, about safety of the building for movers. Daniel Bornstein simply ignored me and so did his client, just
7 like she ignored Notices of Violation. In her mind and from her actions, I feel she thinks she has paid her
8 way to be above the law, and in the past, it seems she persuaded her counsel to ignore me as well.

9 For this case, in particular, I have asked Mr. Armstrong no less than 10 times about exchanging
10 production as he has refused to use a private share drive on my Google Drive. My previous attorney had an
11 exchange set up on his Dropbox account with Mr. Armstrong, and as I am no longer a client of Mr. Swanson,
12 I no longer have access to that Dropbox account. Mr. Armstrong generally ignores my requests to discuss a
13 means to share Discovery, as I transferred the same filing structure and folder names used by Mr. Swanson.
14 He simply said one time that he will not use my Google Drive even if it was set up the same as Mr.
15 Swanson's Dropbox account. And in one year of asking, he has refused to answer my call for him to offer
16 another solution or to use my Google account or to not exchange Discovery. His silence has led me to
17 assume that he no longer wants my Discovery, and I intend to ignore his requests for further production until
18 he agrees on a way to share it.

19 The other challenge I have had with Mr. Armstrong is in needing him to share the discovery with me
20 that he had shared with my previous counsel, Mr. Swanson, as some of the files I downloaded from Mr.
21 Swanson were corrupted. Since I am unaware of what files may still be missing, the only way I can find that
22 out is to get a copy of what the Defense attorneys believe that they have sent in response to discovery. I am
23 certain it would take all of five minutes or less to copy and paste to me the file folders that they have
24 maintained that they received from Mr. Swanson and I would conversely provide the files that I believe have
25 been given to Mr. Armstrong. Before they used the shared Dropbox account for that purpose. All I can get
26 from Mr Armstrong is a year's worth of protested silence or just being completely negligent to respond to me
27
28

1 For almost a year I have asked for those Discovery files and been refused. There is absolutely no
2 need for them to treat me in the manner they have when I am pro se. I have enough of a burden to learn the
3 rules that are very familiar to them without having to play games, especially ones that cost me a year's worth
4 of research which in this case it has. Considering they have filed for the summary adjudication and have
5 been upset that I have not responded on time, I find it appalling that they have not served me on time or taken
6 my accident into consideration. They are a large team of professionals with staff to support them. I am a
7 single disabled man trying to answer this with extremely limited experience and no financial resources or
8 support.

9
10 **10) Defendant Argued Successfully To Overturn The Previous Demurrer In Her Unlawful**
11 **Detainer Case Promising This Judge In This Court That She Had Ample And Undeniable Evidence Of**
12 **Her Claims Yet In 10 Months Granted She Provided Only Perjured Hearsay Evidence Suborned By**
13 **Her Previous Counsel At Least Three Times; The Plaintiff Has Never Been Allowed To Present His**
14 **Case And Claims For Which There Is An Embarrassment Of Hard Evidence**

15 This point really does not need much more clarification. As it has been mentioned earlier, the
16 Defendant in this case was allowed by this Court and this Judge to overrule a demurrer that I had rightfully
17 argued had no basis in fact, no supporting evidence, only hearsay. Mr. Bornstein and the Defendant argued
18 to overturn the demurrer as they claimed to have hard evidence to show the Court of my presence being a
19 clear and present danger to the San Francisco community and that this hard evidence would support their
20 reasons why the case should be allowed to continue and why my eviction should be granted on an emergency
21 basis. It should now be understood that that was perjury as they had no evidence and they knew it. And in
22 ten months they failed to hold to that promise.

23
24 Not only that, but according to her deposition a year ago the ex parte motions for emergency eviction
25 and summary judgment were perjured to this court. The incidents that they provided with regard to me
26 attacking her with gun, and a machete and having had four people pull me off of her never happened yet they
27 claimed they did to this court. And that perjured testimony was suborned by their council Daniel Bornstein as
28

1 was recorded and transcribed just a few months earlier in a discussion and loud speakerphone call with the
2 Defendant's family and employees. And it seems glaringly obvious that being caught suborning perjury and
3 plotting murder were the reason for Mr. Bornstein's 180-degree turnaround from smug to panicked and
4 begging for an immediate settlement.

5 And now they are attempting to do it again by asking for summary judgment and for the case to be
6 thrown out without the court ever hearing from me, especially when unlike the Defendant, I do have hard
7 evidence that they did not have and I do have the facts on my side and I do have the law on my side. It
8 would be unjust to thwart that opportunity from me and assign the costs of her attorneys to me.

9
10 **11) Given The Settlement Made Upon Dismissing The Prior Unlawful Detainer Case Damages**
11 **Must Be Considered As The Settlement Was Only Drafted Under Those Terms**

12 As mentioned previously, Daniel Bornstein arranged a settlement with me at the time that he
13 dismissed the unlawful detainer case. I had insisted on the payment of damages at that time. And he insisted
14 that we could handle the damages in front of a jury instead of them paying for it at that time that with a jury
15 we would be able to get a more fair representation of the actual costs. I agreed that as I expected it to be more
16 than \$1,000,000. it was difficult to account for that without any of the damages being handled before in that
17 case. Therefore, the Unlawful Detainer was dismissed without prejudice to my applying for these damages.
18 And that was what was agreed upon in that settlement. For the Court to dismiss this case now would undo
19 that settlement offer.

20
21 I should note that I filed a formal complaint with the State Bar about Daniel Bornstein on September
22 21, 2020. and I had a hour interview with one of their investigators. After months of trying to find the status
23 of that complaint, it appears that it no longer exists at all, the file on Daniel Bornstein has no complaints of
24 mine as ever have been entered into the Bar system. Like his client, the Defendant, I am sure Daniel
25 understands the power of the wallet in handling such nuisances. So a final reason that this trial needs to
26 continue is to finally hold Mr. Bornstein accountable for the years he has spent lying to the Real Property
27 Court, suborning perjury from his clients, using wrongful prosecution as a tool to keep unwanted tenants
28

1 from representation while they are processed for false police calls against them. While reading this, this
2 Judge may begin to think of how many cases of Daniel Bornstein's included tactics like this, and if the
3 landlord could have been lying as advised by counsel, leading to the tenant being wrongfully jailed and
4 wrongfully evicted. It sounds to me like those tenants may have gotten a better deal. As if those means did
5 not lead to an eviction, there is a good chance they may have met an untimely end to their lives, as Chris did.
6 And most days, I wish he and the Defendant had successfully murdered me versus leaving me destitute and
7 disrespected by everyone, looked upon in disgust as a mislabeled slandered "violent elder abuser."

8
9 **12) Defendant Has Had The Wrongful Death Cause Of Action Dismissed And Not**
10 **Consolidated With This Case Simply For Lack Of Counsel, Has Not Been Criminally Charged Nor**
11 **Civilly Held Accountable By What The Evidence Will Show To Be Murder With Malicious Intent**

12 I had also contacted Legal Assistance for the Elderly (and disabled) about wrongful death of
13 Christopher Hefner which was being filed by Sandy Duncan, Christopher's mother, who is disabled in a
14 wheelchair who had just lost her only child. We needed help with Probate in terms of making Ms. Duncan
15 the personal representative of Christopher Hefner, and we needed help filing wrongful death case against this
16 same Defendant. For a year, they led Sandy on to believe that they were going to help her, and in the end
17 they said that they do not cover that kind of work. And as the statute of limitations were running out and no
18 one would help Sandy, the wrongful death case was dismissed against this Defendant, a travesty of justice. It
19 was left open without prejudice to be potentially tried at a later date.

20
21 When asking for a homicide investigation, the officer at the Park District who was assigned to meet
22 me to take the report, refused to do so and began laughing loudly at me as tears streamed down my face.
23 When he finished laughing, he pointed his finger to the door and said "Leave! Now! Get out of my station!"
24 The District Attorney Boudin, who falsely claimed to stand against corruption, his office was equally
25 dismissive. So there will be no criminal charges forthcoming against this Defendant unless this case is tried,
26 Plaintiff prevailed, and a homicide case is opened – or a hunger strike demand is met.

1 **13) This Case Is Stacked In Favor In Every Way To The Defendant On Resources And**
2 **Counsel With The Exception Of Facts, Truth, Evidence And Law; Yet The Plaintiff Rendered**
3 **Destitute Because Of The Actions Of The Defendant Currently Lacks The Ability To Be Evenly**
4 **Matched**

5 Without representation, I have not been able to add Defendants to this case as planned, get
6 depositions scheduled, as planned, subpoena records as planned. It is hard to believe that I arrived in San
7 Francisco in 2013 with about \$400K in my checking an \$450K in my retirement, and \$540K income filed for
8 taxes that year. And since that time, I have not made more than a couple hundred dollars, my cash all gone
9 as well as my retirement, as a result of the injuries inflicted upon me in the assaults and the never ending
10 campaign of harassment and terror unleashed upon me by the Defendant and her son. That the settlement
11 estimated \$14,000 that were paid for moving costs when it actually cost \$20,000. I never had a debt balance
12 until the Unlawful Detainer was filed, and now it is maxxed out and I have no more available credit.

13 The Defendant and her husband, yelling at me, and ripping my security camera out of the wall,
14 saying “Don’t even touch me, you are a disgusting whistleblower! It is my wish for you to be destitute!!”
15 And sure enough, she succeeded in doing that. I am still owed reimbursement for repairs and I do expect an
16 interest rate accrual that I sent to the Defendant and Mr. Bornstein. If I had that, I could invest that into the
17 Discovery I would like to have in this case. Despite being told that I could get those through a joint
18 stipulation, I do not believe her attorneys will allow that at this point.

21
22 **14) The Goal Of The Defendant Is Not Winning In Trial But To Prevent Her Testimony As**
23 **She Cannot Risk Exposing The Full Extent Of Her Crimes Including Bribery Of Public Officials,**
24 **Perjury To This Judge In This Court, Narcotics Manufacturing And Trafficking, Malicious**
25 **Prosecution, Energy Theft, Animal Cruelty, Harassment, Slander**

26 The Defendant in this trial refused to go to the deposition that I served a subpoena for her to attend
27 during her Unlawful Detainer trial. I sat waiting and eventually had to pay for a no-show from the
28

1 Defendant. This is hardly surprising given that upon meeting the Defendant for the first time, she told me
2 that she had no pictures of herself on the Internet and that none of her information was on the Internet. Given
3 what I discovered to be her real occupation involved with narcotics, it would make sense that she would be
4 protective of that. When I suspected that she blocked me from her phone, I was able to find an email address
5 associated with her address in Petaluma. And that email address was associated with a Twitter account that
6 given the name of it and matched to the name of her husband, and given that she repeatedly told me that
7 she's the only woman there surrounded by all men, the Twitter handle is named "CuntyHolmes" and had
8 been in use before I knew her in 2011 and 2012. This is hardly the name of an innocent grandmother who
9 melts under the very mention of my name and swells up crocodile tears. And it would be more associated
10 with, as one person put it: "It's a thug name for the head of a gang." And someone like that, I would suspect
11 would have a difficult time appearing on the stand, or testifying to the truth under oath.

12 And indeed, their strategy is to dismiss this case or to go as far as they can without testifying live
13 before court or a jury. She has proven herself adept at perjuring her declarations and affidavits to this Court
14 and to this Honorable Judge. And they are counting on this case to be dismissed again and to silence me from
15 telling this story to a jury. I beseech this court to not grant them that immunity.

16
17
18 **15) Public Officials Who Are Complicit With The Defendant Are Likely Exerting Pressure For**
19 **Having This Trial Dismissed To Prevent Exposure Of Their Corruption**

20 In May 2017, there had been 17 active Notices of Violation on the building, most of them delinquent
21 for over a year for lead paint, standing water, ineffective drains, molded and rotten staircases and handrails,
22 16 windows in my apartment alone that were cracked, broken out, or would not open or close, plumbing
23 leaks, and unsafe electric boxes. The fifth Director's Hearing was scheduled in which the Defendant was
24 going to have a lien placed on her building after DBI had waived fines and fees in four previous Director's
25 Hearings when she had not even shown up. There had been dozens of inspections at this point, which she
26 was required to attend, and she had come to only one of those.

1 Robert Noelke, whom she had hired to manage the repairs for the NOV's and who coincidentally held
2 one of the most senior positions at DBI, had a meeting with three DBI Inspectors on the front porch who is
3 vocally very loud. It caught my attention all the way in the back of the apartment as he was spreading
4 slander about me to these three individuals, slander I had already sent at least one and desist notification to his
5 client, the Defendant. I walked up to the front door where I could clearly hear everything being said right
6 under a sign that read: "This area under video surveillance" right below the camera. The conversation moved
7 from slandering me to the business at hand which ended in a bribe that would lead the inspectors to abate the
8 open delinquent NOV's before the Directors Hearing the next day/ even though I documented that much of
9 the abated work had not been started let alone done.

10 The Defendant was taken off the Director's Hearing the following day where I sat with a 14-lb bag
11 of lead paint chips, photos taken that day of work that was not done, and a recording of the bribe. I filed a
12 complaint with Senior Inspector Jamie Sanbonmatsu and admitted I only had the voices of the Inspectors, not
13 their images. I asked Mr. Sanbonmatsu if he recognized the voices, and he said that there was no mistaking
14 Robert Noelke, and said the other voices were familiar but one of them he said he could clearly identify
15 because I came to understand that it was him! Inspector Alan Davison was another. Trying to get a proper
16 investigation into the corruption brought me into direct contact with the heads of a totally corrupt Empire
17 headed by Tom Hui, who was the Chief Officer.

18 Another public official who protected the DBI corruption was the Commissioner of the DBI at the
19 time, now Board of Supervisors Debra Walker. It is no wonder they wanted to harm and silence me as I went
20 to the City Attorney, District Attorneys Gascon and Boudin as well as the Mayor London Breed. It should
21 not surprise anyone that London Breed's office wanted to silence my reports of corruption and protect the
22 many benefactors including officials at the Controller's Office.

23
24
25 I had a whole smear campaign about me running as Chris Hefner and I took the evidence to the local
26 FBI Office of the individuals whom I had reported the Defendant's bribes who then actively worked to
27 discredit and silence me. The FBI told me to phone the information in, refusing to meet in person and on a
28

1 dozen calls to the FBI, after disclosing my name, the call is disconnected even when accompanied by third
2 and fourth parties on the call.

3 The pinnacle of this amazing quest to expose Tom Hui's corruption came from Ninth Circuit Trump-
4 appointed District Attorney David Anderson. Mr. Anderson had a disingenuous article in *The Chronicle*
5 about his objectives while serving as USDA in San Francisco. In that, he claimed that he wanted to expose
6 the corruption of the city which he described as pervasive to every part of local government, and he urged
7 that any citizen who has direct evidence of local corruption to run, not walk, to the local FBI office and
8 report it so that he could prosecute it. I had been to the FBI already with no avail, but I gave it a second
9 chance, and still the operator would just hang up on me. I called David Anderson to share my evidence and
10 troubleshoot how I could go thru the FBI. And he failed to respond.

11 I was still in litigation in this matter and the one thing that would fix all of it would be law
12 enforcement, but I was systematically shut out of being heard with any police, local, state, or Federal. I was
13 at the end of my rope and decided to do a Hunger Strike demanding an answer from Law Enforcement and
14 investigations of corruption at all these agencies who tried to discredit or silence me. On Day One, I was met
15 by the Department of Homeland Security who shut down my hunger strike threatening me to go to federal
16 prison as in his mind, I was a public nuisance. I could not go to jail with that Unlawful Detainer case going
17 on. So I did it in private, and after a 30-day fast to get a 10-minute call from David Anderson, he would not
18 grant me even 10 seconds and seemed to be responsible for the DHS violation of my First Amendment. In
19 the Hunger Strike materials there is description of exactly who I had spoken with who seemed steeped in
20 corruption and had tried to discredit me. Below is a narrative that was provided to persons who made calls to
21 David Anderson on my behalf and is actually perhaps the best overview of my 7-year experience in San
22 Francisco:
23

24 - My landlord, Linda Steinhoff Holmes, her husband, Curtis Holmes, and upstairs
25 neighbors, James Severance, Reggie Snowden, Sean Tracy, and Jazmin Ruiz, in the two other
26 apartments have been involved with a clandestine narcotics manufacture and distribution operation at
27 the corner of 14th St and Noe St for more than 20 years
28

1 - In May 2017, I recorded a bribe between my landlord's representative, Robert
2 Noelke, and two Department of Building Inspection inspectors directly under my front door security
3 camera and a sign saying "This Area Is Under Surveillance"

4 - In December 2017, I inadvertently discovered the narcotics operation when PGE
5 showed me where my landlord and her husband had diverted electricity from my fusebox so I was
6 paying for her office, common areas, her privately rented garage, and upstairs two apartments' front
7 rooms. I hired an independent electrician from Bay Electric to cut the line and verified the energy
8 theft which is a felony.

9 - The SFPD made a report when inspecting the added electric lines, confirmed that it
10 was a felony, and said the District Attorney would not prosecute it unless I had a report from DBI
11 that stated that electrical work had been done without a permit. Inspector Overstreet told me that the
12 only instance of when someone would risk a felony to commit energy diversion would be when there
13 was illicit drug manufacturing on the premises and they want to hide their energy usage from law
14 enforcement. He told me to keep a lookout for other signs of activity and to report it to the Narcotics
15 Division.

16 - In late December 2017, after recording on my security camera multiple cars coming
17 in and out of the garage almost incessantly during the hours between midnight and 6am for almost a
18 week, I called the Narcotics Division of the SFPD around 1am. Instead of opening an investigation,
19 they alerted my landlord and neighbors of a report and potential raid. Within hours of making my
20 report, they removed the house numbers from their front door, and my landlord and 4 or 5 other cars
21 including a US Postal Truck showed up before dawn and began removing equipment and other
22 material from the premises.

23 - Around the same time, an inspector, Michael Bain, arrived from DBI to look at the
24 energy diversion that had been documented with consent on video and in written reports from PGE,
25 Bay Electric, and the SFPD. The inspector refused to look at my fusebox, any reports, or videos with
26 PGE, Bay Electric, and the SFPD. The inspector refused to look at my fusebox, any reports, or videos with
27 PGE, Bay Electric, or the SFPD. He said, "I see nothing, Sir," turned his back on me and walked
28

1 away unresponsive. The SFPD then told me that without the DBI inspector's report, there was
2 nothing they could do as the District Attorney would not be interested in pursuing it.

3 - I wrote dozens of letters to our District Supervisor Rafael Mendelmann, our Park
4 District Police Captain Una Bailey before she left her post in December, the Chief of Police Bill
5 Scott, the Department of Police Accountability investigators Susan Gray and Brent Begin, the
6 District Attorney's Office, the City Lawyer, the Controller's Office Whistleblower Program
7 investigators Matt Thomas and Dave Jensen, all up through the chain of command at the Department
8 of Building Inspection to Taras Madison, Jamie Sanbonmatsu, and Tom Hui before he resigned in
9 February, Vice President of the Commission for DBI Debra Walker, Neighborhood Liaison Services
10 Director Alex Lazar, and the Mayor London Breed herself. Not one of them has been interested in
11 my report about corruption at DBI or the SFPD. In three years, none of these local politicians has
12 been willing to sit down and listen to a recording of the bribe with two DBI Inspectors or look at my
13 evidence for energy theft. No one will seriously investigate the narcotics lab at my residence at 884-
14 886 14th Street, yet my landlord and upstairs neighbors are fully aware I have made these reports,
15 which puts me in grave danger.

16 - My landlord has since began telling neighbors, guests that visit my home, police
17 officers without going as far as to make an official report, maintenance workers on the property, my
18 health care providers, potential roommates, and nearly anyone who will listen to her on the street that
19 I engage in elder abuse, that I have threatened her with a gun, with a machete, that I have physically
20 attacked her and had to have others pull me off of her. None of these stories are true, there are no
21 police reports, I have never been charged, there are no witnesses other than her employees in the
22 upstairs two apartment who were coached by their legal counsel, possibly Daniel Bornstein as he
23 represents her now as she has taken me to court repeatedly during this Covid nightmare to have me
24 evicted on these false claims of violence. I am a specialist involved primarily with geriatric care, and
25 it is so offensive to me that my landlord has been able to convince people that I engage in elder
26 abuse, something that couldn't be farther from the truth. I have no history of violence, no criminal
27
28

1 record to speak of, and I have been licensed consecutively for over 20 years without a blemish on my
2 record

3 - UCSF risk management sent me a letter canceling all of my future doctor
4 appointments after hearing that I engage in elder abuse, and as I have a serious
5 antiinflammatory/antiimmune disorder that needs close monitoring, the loss of my doctors was
6 severe. When I called UCSF Risk Management, the attorney I spoke with on the phone told me that
7 she had personally spoken with my landlord and that I get no appeal as the have a ZERO
8 TOLERANCE policy for violence, claiming she would not even read an appeal from me if I sent it to
9 her.

10 - In May 2019, my roommate, now inconveniently deceased, and I clearly overheard a
11 loud conversation between three of employees of the landlord and a Legal Expert on a conference
12 call by speakerphone. At the time, I believed the Legal Expert was an officer at the SFPD who has
13 consulted with them in the past and now believe it was someone on their legal counsel, provided
14 clear consultation about three key elements of a conspiracy plot to accuse me of an assault on Mr.
15 Severance with the outcome of having me arrested under false charges: 1) there would be a friend- or
16 self- inflicted wound on Mr. Severance, which upset Ms. Cruz (alias?), 2) they and the landlord and
17 her husband needed to be tightly uniform in bearing false witness against me to the responding
18 officer from the SFPD, and 3) there was an object of some kind that needed to be planted on the
19 premises or in my apartment that would be the proof that I indeed had been responsible for the
20 violent threat or other crime. I could not see the object that they were discussing that they had in
21 their possession at the time, but it was clearly something like an unregistered gun (I do not own a
22 gun of any kind), or a registered gun with a body count, or narcotics. Whatever it was, the Expert
23 they were consulting on the phone was impressed that they had obtained it and agreed with them that
24 it was perfect for the plot to work. They intended this event to take place at a time when I would
25 need to appear before court for Eviction, and as I would be in jail on these false charges, they would
26 win on default or summary judgment without ever having to testify. I alerted my landlord and Mr.
27
28

1 Bornstein that we overheard and recorded this conversation and had made reports to the SFPD and
2 District Attorney.

3 - In December 2019, exhausted after repeatedly trying for over two years to get someone to
4 investigate the bribes at DBI, the energy theft, and the corrupt members of the SFPD who supported
5 this narcotics ring, I wrote to the Mayor, the head of DBI, the Controllers Office, and all of the local
6 news media who had been unresponsive thus far, that I intended to go on a hunger strike at City Hall
7 demanding those 3 investigations: 1) bribes at DBI, 2) energy theft, and 3) corruption in the narcotics
8 unit of the SFPD. In addition, I also demanded that the city adopt a law regarding mandatory
9 reporting of corruption.

10 - The day after sending notice of the hunger strike, I received an Unlawful Detainer from Daniel
11 Bornstein demanding my eviction on the grounds of repeated threats and acts of violence on the
12 property, including threatening my landlord with a gun, a machete, and physically attacking her, as
13 well as vandalism and nuisance allegations, all false.

14 - Around the same time, I noticed my water changed appearance to a milky white and left skin
15 abrasions and burned. This was only the hot water at first, and when the water department came to
16 evaluate, they would only test the cold water. My roommate had just been diagnosed with Non
17 Hodgkin's Lymphoma at the age of 39. And with the water change, we all got sick with infections.
18 Because of his infections, they were unable to ever start chemotherapy, and it metastasized quickly.
19 He died on March 21st.

20 - Part of the fraud with DBI inspectors includes their refusal to report an increasing mold issue in
21 my apartment due to a continuous water leak from one of many water tanks in the apartment above
22 me. This continued for over 18 months, with 4 inspections where the inspectors commented on the
23 severity of the mold in my apartment, saw and felt the water on the walls and on the carpet, in
24 addition to increasing water stains down the freshly painted room. Despite pointing out the obvious
25 issues to me when doing the inspection, each report would say there was no evidence for a water leak
26 or mold, blatant lies manufactured I have no doubt due to influence from my landlord like I recorded
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1 in May 2017.

2 - The day after the most recent DBI fraud in January, I hired a certified environmental specialist,
3 ERT lead by Mr. Richard Fanelli who has over 20 years experience, to test the air and water in my
4 apartment. He took air samples showing extreme levels of toxicity from mold spores from two
5 species of mold. He commented that for DBI Inspectors to have reported no evidence of mold or a
6 water leak was either gross incompetence or collusion to be reported to DBI management.

7 - Mr. Fanelli also observed the hot water abnormalities that I had tested earlier that week to find the
8 pH was less than 4 (very acidic) and had the presence of E. Coli bacteria, explaining our illnesses.
9 He only did a repeat test for E coli which was absent in his sample, but he remarked that clearly there
10 seemed to be a contaminant in the water. And he observed what I did as about a dozen witnesses in
11 total: when the hot water was turned on, no matter which hour, you could hear someone running
12 from wherever they were in their apartment to the room above my shower where my hot water
13 source is and to which I have no access. And you could hear them switch a pump of some kind on.
14 And it was clear. And I began recording this, turning on the hot water at all hours of the night, and
15 even at 4am, someone would come running, sometimes multiple people, and they would switch on a
16 pump, and my water would turn milk white with a scum floating on top of it. I have asked to see my
17 new hot water source, the landlord refuses to respond at all, nor does her attorney Mr. Bornstein, that
18 the water has not been potable since the end of December. And the contamination is nothing short of
19 poison. Two guests were sick and hospitalized, my cats were sick, and I have had more than a dozen
20 doctor appointments and followups, 4 emergency room visits, a couple urgent care visits, and I
21 already mentioned that it prevented my best friend from getting needed chemotherapy, and he died
22 an untimely and wrongful death on March 21.

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24 - I have brought this to the attention of the SFPD at Park Station, and the officer laughed at me and
25 told me to leave the station. He refused to look at the report from Mr. Fanelli, my videos of the issues
26 with water and mold, or review any evidence I had. This is the same response I have had from the
27 SFPD in the seven years prior, who seem eager to protect my landlord despite insurmountable
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1 evidence of them harassing and threatening me. I cannot go into all of the episodes here but needless
2 to say I have over 25 police reports for harassment and violence against me, and the SFPD have yet
3 to assign an investigator after I have asked each time, including: my assault from 3 armed men in
4 front of the apartment who blinded my left eye; my cats being poisoned with cat food that is not their
5 brand that was in the apartment; the death of my cat and my hospitalization after a carbon monoxide
6 leak with no CO detectors in the apartment; bag of rotting meat with maggots put in my living room
7 (I am vegan); my landlord stealing my patio furniture while the dispatched officers I called watched
8 and allowed her to do so; an officer pulling me out of my home naked and leaving me on the porch
9 with no way to get back inside, no phone, no wallet, in the cold February rain covered in mud on the
10 porch for nearly an hour before a neighbor called the fire department to help me get inside. I have
11 written Chief Bill Scott nearly a dozen times about this without a single response. I have been to the
12 Department of Police Accountability several times and they refuse to investigate any of this although
13 I sat in their office for over two hours just getting through a couple of incidents. Needless to say, the
14 SFPD need a massive reform, and I am encouraged about the protests going on. I feel that more
15 peaceful protests are still needed, like the hunger strike I planned in December. They have done me a
16 huge injustice and there is no doubt in my mind that some of the officers are rewarded for protecting
17 my landlord's narcotic business for which there has yet to be a serious investigation.

18 - Currently, I am facing eviction, and during this Covid nightmare, it has been impossible to find
19 legal representation, and I have exhausted every channel. The Eviction Defense Collaborative, tasked
20 with providing attorneys to those facing eviction as guaranteed by the city, was initially helpful and
21 there are some extremely hard working and compassionate individuals there. However, it is led by
22 management who could care less about their clientele and only want to move the needle of the
23 number of tenants served regardless of who they assign or what the outcome is. I was assigned a
24 lawyer at ALRP who was initially helpful, yet had to leave due to a family illness just before the
25 Covid nightmare. The replacement attorney was unethical, unsupportive, had limited and almost no
26 experience in tenant-landlord court. It is too long to get into here, but she did far more harm than
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1 good in her short tenure on my case before I fired her. And the EDC refused to assign another
2 attorney to me despite their first assignment being an utter waste of time, harmful to my case and
3 restoring habitability, and left me unrepresented at a time when no attorneys I contacted were taking
4 new clients due to Covid. There has been a stay on Evictions, as you may have heard, but that does
5 not apply to Evictions where violence is alleged to be the reason for the Eviction. So I have had a
6 half dozen hearings in court, all orchestrated by Mr. Bornstein with made up stories of assaults by
7 me on the landlord every week, and me having to defend myself without an attorney. The court
8 resources for disabled persons like me are completely absent. The court self-help for defendants
9 representing themselves are non-existent. And every time I ask the court how to do something, or
10 where to file things, instead of an answer, I am simply told it is inappropriate communication with
11 the court. According to the law, self-represented parties should not be disadvantaged versus those
12 with legal counsel, but that has not applied during this Covid nightmare for me, and my housing,
13 livelihood, and even freedom are at risk as my narcotics manufacturing landlord claims new episodes
14 of elder abuse every week, even when I have been in the hospital and sick.

15 - I have not been able to live in my home for nearly 6 months with my two cats unfairly dragged
16 around. I have spent more than \$20k in hotels and AirBnBs since December, dealing with putting my
17 best friend in hospice, his death quickly following, fraudulent DBI inspections, an onslaught of court
18 motions and appearances over multiple fake claims of assault, my having to see doctors weekly,
19 finding someone to go into my home to get any of my stuff there that is all covered in mold and
20 worsening.

21 - I cannot be alone anywhere near my home, as my landlord claims I have attacked her and had to
22 have her husband pull me off of her. To be clear, I have seen my landlord one time in two years, and
23 that was earlier this year when on the sidewalk I gave her my keys to get into my apartment when
24 she claims her keys were stolen and was going to drill out the keyholes at my own expense.
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1 I appreciate the Court considering my plea to admit this as a reason to allow for a longer
2 opposition to the motion for summary adjudication. And perhaps the Honorable Judge Haines would
3 consider this document to serve as enough of the opposition to rule against it at this hearing. I believe
4 that after all that I have been through at the expense of the Defendant, It would be a travesty of Justice
5 to decide against the Plaintiff by assigning Summary Judgment in favor of this Defendant who has
6 perjured and abused this court almost as badly as she has abused me.

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8 DATED: January 30, 2024

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11 DANIEL J. FELDMAN, PH.D.

12 Plaintiff, pro se
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