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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

Assigned for All Purposes to Dept. 206

**NOTICE OF DEFENDANT LINDA
STEINHOFF HOLMES'S MOTION FOR
AWARD OF ATTORNEY'S FEES AND
COSTS PURSUANT TO SFAC §37.9(f)**

**Date: May 24, 2024
Time: 9:30 a.m.
Dept: 501**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that Defendant LINDA STEINHOFF HOLMES will move the Court for an order pursuant to SFAC §37.9(f) awarding her attorney's fees and costs incurred in defending Plaintiff's Second Cause of Action for violation of the San Francisco Residential Rent Stabilization and Arbitration Ordinance. This Motion shall be heard on **May 24, 2024 at 9:30 a.m.** or as soon thereafter as the matter may be heard in **Department 501** of the Superior Court of California, County of San Francisco, located at 400 McAllister Street, San Francisco, CA 94102.

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

04/24/2024
Clerk of the Court
BY: SANDRA SCHIRO
Deputy Clerk

1 This motion is made pursuant to SFAC §37.9(f) on the ground that Defendant is the
2 prevailing party on Plaintiff's Second Cause of Action for violation of the San Francisco
3 Residential Rent Stabilization and Arbitration Ordinance pursuant to the Court's grant of
4 Defendant's Motion for Summary Adjudication of that cause of action on February 1, 2024.

5 **Tentative Rulings**

6 A. The San Francisco Superior Court adopts CRC 3.1308 as the tentative ruling
7 procedure in civil law and motion and discovery matters. For Real Property Court, compliance
8 with 8.10(B) is required.

9 B. Parties may obtain a tentative ruling issued by the Law and Motion and
10 Discovery Departments by telephoning (415) 551-4000 or visiting the court's website at
11 www.sfsuperiorcourt.org and clicking the online services link. Changes in telephone numbers
12 will appear in the official newspapers.

13 C. A party who fails to appear at the hearing is deemed to submit to the tentative
14 ruling. However, no party may submit to a tentative ruling that specifies that a hearing is
15 required.

16 D. Parties who intend to appear at the hearing must give notice to opposing parties
17 and the court promptly, but no later than 4:00 p.m. the day before the hearing unless the
18 tentative ruling has specified that a hearing is required. Notice of contesting a tentative ruling
19 must be provided by sending an email to the court to contestdept302tr@sftc.org with a copy to
20 all other parties stating, without argument, the portion(s) of the tentative ruling that the party
21 contests. A party may not argue at the hearing if the opposing party is not so notified and the
22 opposing party does not appear.

23 E. If no party appears, or if a party does not appear because the opposing party
24 failed to give sufficient notice of intent to argue, then the tentative ruling will be adopted.

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F. Tentative rulings are generally available by 3:00 p.m. the day before the hearing. A tentative ruling that does not become available until after 3:00 p.m. is a late tentative ruling. A late tentative ruling will indicate that the ruling is late. If a tentative ruling is late, the parties must appear unless all parties agree to submit to a late tentative ruling in which case the Court will adopt the late tentative ruling pursuant to subsection E above.

G. The prevailing party on a tentative ruling is required to prepare a proposed order repeating verbatim the substantive portion of the tentative ruling and must bring the proposed order to the hearing even if the motion is not opposed or the tentative ruling is not contested. If the prevailing party is appearing at the hearing remotely, the proposed order may be sent to the court by an email to contestdept302tr@sftc.org. If the proposed order is for a summary judgment and/or adjudication motion, the proposed order must comply with requirements of CCP § 437c(g). If the proposed order is for a motion, such as a motion to withdraw as counsel, where there is a Judicial Council form order, the prevailing party should complete the Judicial Council form as the proposed order.

Dated: April 24, 2024

HAAPALA, THOMPSON & ABERN, LLP



By: _____
STEVEN SHERIFF ABERN
Attorneys for Defendant
LINDA STEINHOFF HOLMES

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 April 24, 2024, I served the foregoing document described as:

1. **NOTICE OF DEFENDANT LINDA STEINHOFF HOLMES'S MOTION FOR AWARD OF ATTORNEY'S FEES AND COSTS PURSUANT TO SFAC §37.9(f)**
2. **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT LINDA HOLMES'S MOTION FOR AWARD OF ATTORNEY'S FEES AND COSTS PURSUANT TO SFAC §37.9(f)**
3. **DECLARATION OF STEVEN ABERN IN SUPPORT OF DEFENDANT LINDA HOLMES'S MOTION FOR AWARD OF ATTORNEY'S FEES AND COSTS PURSUANT TO SFAC §37.9(f)**
4. **DECLARATION OF NOLAN ARMSTRONG IN SUPPORT OF DEFENDANT LINDA HOLMES'S MOTION FOR AWARD OF ATTORNEY'S FEES AND COSTS PURSUANT TO SFAC §37.9(f)**
5. **DECLARATION OF DAVID STOCK IN SUPPORT OF DEFENDANT LINDA HOLMES'S MOTION FOR AWARD OF ATTORNEY'S FEES AND COSTS PURSUANT TO SFAC §37.9(f)**
6. **[PROPOSED] ORDER GRANTING DEFENDANT LINDA STEINHOFF HOLMES' MOTION FOR AN AWARD OF ATTORNEY'S FEES AND COSTS PURSUANT TO SFAC §37.9(f)**

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
danieljfeldmanphd@gmail.com

Plaintiff in Pro Per

Nolan S. Armstrong
McNamara, Ambacher, Wheeler, Hirsig &
Gray, LLP
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Co-Counsel for Defendant LINDA STEINHOFF HOLMES

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

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

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Virginia Guthrie

STEVEN S. ABERN, SBN 148690
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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

Assigned for All Purposes to Dept. 206

**DECLARATION OF DAVID STOCK IN
SUPPORT OF DEFENDANT LINDA
HOLMES'S MOTION FOR AWARD OF
ATTORNEY'S FEES AND COSTS
PURSUANT TO SFAC §37.9(f)**

**Date: May 24, 2024
Time: 9:30 a.m.
Dept: 501**

1. I am an attorney at law duly admitted and licensed to practice before all the courts of the State of California. Until August 2023, I was a partner with the law firm of Rankin,|Stock|Haeberlin|O'Neal, attorneys for counsel of record for the Defendant Linda Steinhoff Holmes in the above-captioned action. I have personal knowledge of the matters stated herein and would so testify.

2. Throughout the pendency of this litigation, Defendant has been defended by two liability insurance carriers; Allstate and CSAA. Those carriers retained separate counsel because they had different times on the risk. Both carriers are defending subject to a reservation of rights.

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

04/24/2024
Clerk of the Court
BY: SANDRA SCHIRO
Deputy Clerk

3. From January 2022 through August 2023, Defendant Holmes was defended by Allstate through my firm, Rankin|Stock|Haeberlin|O'Neal. My associate, Stephanie Davin, was the primary handling attorney for this litigation in our firm. Ms. Davin was admitted to the bar in 2015. At all times during this litigation, she had seven years of experience. Pursuant to the Laffy Matrix, the reasonable hourly rate for her work was \$388.00.

4. I have reviewed my firm's billing transaction history and have determined that Ms. Davin spent 147.9 hours working on the case on behalf of Defendant Holmes. Based on a reasonable hourly rate of \$388.00, I calculate the reasonable attorney's fees for my firm's work on the litigation to be \$57,385.20.

5. The number of hours billed by my firm was reasonable. Plaintiff has produced in discovery many hundreds of pages of documents and several lengthy videos. Those all had to be reviewed and analyzed. During his six-and-a-half-year tenancy, Plaintiff complained to the Department of Building Inspection at least 21 times. Those all had to be reviewed and analyzed. Plaintiff has dubiously alleged that the apartment was infested with mold and that Defendant somehow contrived, in conspiracy with other tenants in the building, to taint the water supply to his apartment which resulted in his hospitalization and contributed to the death of his domestic partner. He has alleged that Defendant conspired with Department of Building Inspection officials, the police and other public officials. He has alleged that Defendant and her counsel conspired with others to set him up to be arrested for assault with a deadly weapon. Those claims all had to be reviewed and analyzed. In short, Plaintiff has presented an extraordinarily complex and idiosyncratic claim which has caused defense counsel to spend more time than is usual to mount a defense. Most of that time implicates the defense of the SFAC §37.9 claim.

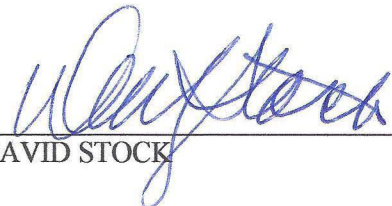
6. The risks faced by a Defendant who is sued under Section 37.9 are unique insofar as they include the risk of an award of treble damages in addition to an award of attorney's fees and costs. Allstate, which company retained my firm, has been providing a defense subject to a reservation of rights. Accordingly, my firm made the defense of the Section 37.9 claim the primary focus of our efforts because that claim was the only claim that carried such an onerous

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1 risk and because it implicated damages for which coverage was disputed. I estimate that at least
2 50% of the time billed by our firm on the case to defending the Section 37.9 claim.

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

5
6 Dated: FEBRUARY 16, 2024



DAVID STOCK

DANIEL J. FELDMAN, PH.D
13647 Aragon Way Apt 303
Louisville, KY 40245
Tel: (307) 699-3223
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PLAINTIFF PRO SE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

DANIEL FELDMAN, PH.D.

Plaintiff,

vs.

LINDA STEINHOFF HOLMES, AND DOES

Defendants.

) Case Number: CGC 21-594129
)
) PLAINTIFF'S EX PARTE MOTION FOR
) CONTINUANCE OF DEFENDANT'S
) MOTION FOR ATTORNEY FEES
) CURRENTLY SET FOR MAY 24, 2024.
)
) Date: May 24, 2024
) Time: 9:00 a.m.
) Location: Department 501
) Judge: Hon. Charles F. Haines,
) Judge Presiding


COMES NOW Plaintiff DANIEL FELDMAN, pro se, and would respectfully move
this Court for an order Granting a Continuance of Motions Hearing currently set for
Friday, May 24, 2024, at 9:30am in Department 501.

The Plaintiff requests the court issue an order that this hearing not be held before
June 24, 2024, due to extraordinary circumstances outside of my control involving
technical issues and extortion that have unfairly compromised me from communicating
with the court for the previous six months until today, May 23, 2024. This motion is based

1 on this notice, the attached declaration, the proposed order, and all records and papers on
2 file in this action.

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4 Very Respectfully,

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6 Dated: May 23, 2024

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DANIEL FELDMAN, PH.D.

DANIEL J. FELDMAN, PH.D
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PLAINTIFF PRO SE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

DANIEL FELDMAN, PH.D.

Plaintiff,

vs.

LINDA STEINHOFF HOLMES, AND DOES

Defendants.

) Case Number: CGC 21-594129

)
) PLAINTIFF'S DECLARATION IN SUPPORT
) OF EX PARTE MOTION FOR
) CONTINUANCE OF DEFENDANT'S
) MOTION FOR ATTORNEY FEES

) Date: May 24, 2024
) Time: 9:00 a.m.
) Location: Department 501
) Judge: Hon. Charles F. Haines,
) Judge Presiding

I, DANIEL FELDMAN, PLAINTIFF in the above matter declare as follows to
be true under penalty of perjury:

1. TECHNICAL ISSUE THAT REMOVED ME AS PLAINTIFF ON THIS
CASE FROM APPROVED E-FILING VENDORS FROM MID-JANUARY UNTIL
MAY 20, 2024

- Due to a formatting change in the data supplied by the San Francisco
Superior Court, my name was stripped in the submission of data to approved e-
PLAINTIFF'S DECLARATION IN SUPPORT OF EX PARTE MOTION FOR CONTINUANCE

1 filing vendors, having something to do with the punctuation that was put into my
2 last name when this case was initially opened.

3
4 - The vendors insisted that the issue was coming from the SFSC data feed,
5 yet refused to intervene on my behalf or even provide documentation, telling me to
6 take it up with the Court Clerks myself. And yet, the Clerks, as helpful as they
7 were in exploring options for why the issue was occurring, insisted that it was
8 either something I was doing incorrectly or a vendor-specific issue, and initially
9 refused to work with the vendors to determine the source of the issue.
10

11 - This issue significantly impacted my ability to Oppose the Motion for
12 Summary Adjudication, despite being told that my answers that I sent
13 complimentary copies to both the opposing side and the clerks would be able to be
14 filed “within a couple of days.” I was the Opposing Party for that Motion and both
15 parties were present, a condition that should have afforded me the ability to make
16 an oral argument at that hearing according to the SFSC rules that were accurately
17 quoted in the Defense’ Declaration supporting that motion. And yet, during that
18 hearing, I was muted and told by the Court that I had an opportunity to oppose the
19 motion in writing and had previously declined to file anything, and as such, I forfeit
20 any oral argument during the hearing. Therefore, Summary Adjudication was
21 granted in part based on an entirely frivolous claim by the Defense that I was not
22 permitted to Oppose, due to a technical matter in filing and a denied opportunity to
23 make an oral argument during the hearing. Defense counsel, as barred attorneys,
24 should have raised the point during the hearing when I was unfairly denied to
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1 make an oral argument, but they said nothing.

2 - In March, after being told erroneously that the eFiling glitch would be
3 resolved, I attempted to file a Motion for Reconsideration within the Court rules
4 and guidelines. Once again, I was not listed as the Plaintiff in this matter at three
5 different e-filing vendors. As Honorable and Emeritus Ronald Quidachay had
6 signed the Order, the Reconsideration needed to be heard before him, and his
7 calendar is not available to the public, the Department Clerks would be needed in
8 order to pick a hearing date for that Motion. Despite several requests in writing
9 and in voicemails to the Department 501 clerks for assistance in getting a hearing
10 date, the timeline for responding with the Motion for Reconsideration lapsed. The
11 filing Clerks, in response to my inquiries as what to do in a Judge Emeritus
12 situation when the Department Clerks do not respond, while refusing to provide
13 legal assistance, suggested that I file the Motion for Reconsideration with a Date of
14 Hearing “to be determined” later once the Court Clerks were able to attain a date
15 from Judge Quidachay. A vendor working with the SFSC clerks were able to make
16 a temporary patch to get my Motion for Reconsideration through the system to be e-
17 filed, which required an entire day of me sitting on the phone coordinating between
18 the vendor and SFSC. In lieu of all of my troubles and inquiries to Department 501
19 regarding the filing of this Motion for Reconsideration also explained in a letter sent
20 with the Courtesy Copy, the Department 501 Clerks rejected my filing because it
21 had no hearing date.
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28 - The issue with not being listed as the Plaintiff or party that could file
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1 persisted through my being able to Oppose the current Motion. Last week, one of
2 the vendors worked closely with the eFiling clerks, and over the course of several
3 days, it appears that I am now listed as the Plaintiff in this matter once again.
4

5
6 - This technical error led to significant delays and miscommunications,
7 affecting my ability to comply with court requirements and respond to motions
8 during that period, and I need a stay to be able to present these arguments to this
9 court, particularly, the frivolous claim that the Defendant made that I surrendered
10 possession of my apartment on December 26, 2019, and that using that date, the
11 filing of this complaint missed the Statute of Limitations. In fact, it was clear to
12 them and to anyone who is literate that they had an Unlawful Detainer filed in
13 SFSC against me until September 15, 2020, when they Dismissed the case as they
14 had no evidence, law, or fact, to support my eviction. On that date, I voluntarily
15 agreed to surrender possession on October 15, 2020, nearly 10 months later than
16 their frivolous claim that somehow I missed the Statute of Limitations filed only
17 nine months later.
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22 - The Motion on calendar now is to decide on my payment of attorney fees
23 that were awarded due to their partial win based on their frivolous claim. As
24 frivolous as the date they lied to this Court to argue that I missed statute of
25 limitations, they make an even more ridiculous argument that it required the work
26 of five seasoned attorneys to make argument on statute of limitations, which
27 requires no discovery, no depositions, little legal case review, that amounts to
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1 hundreds of hours of their time to the tune of \$88,000. The only reason these
2 ridiculous claims have continued to cost the time of the courts and my time and
3 resources as Plaintiff is due to a technical error outside of my control that hindered
4 my communications thus far.
5

6 7 8 9 2. EXTORTION

10 - Knowing that I would be delayed in making an opposition to this motion, I
11 took up the proposition of a friend who used to be a an attorney for the US Army
12 and that he had agreed to help me writing these arguments. Glenn Bowens was a
13 licensed attorney in South Carolina until a couple of years ago when his license
14 lapsed. However, he is a former patient of mine and who, according to him, I have
15 saved his life three times. And as such, he eagerly wanted to help me on this case
16 for free.
17

18
19 - On Friday May 17th, he came into town, where I rented a hotel room where
20 we sequestered and wrote the necessary documents that we intended to file on
21 Monday morning. By the end of Monday, the documents still needed a little bit of
22 work, and we planned to send them off on Tuesday afternoon following a doctor
23 appointment that I had.
24

25 - When I came back to the hotel room from the appointment, I found that my
26 computers, files, all my possessions that I had there had been taken, and Mr.
27 Bowens had left a text message that he had returned to his home in Lexington, KY.
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1 - I filed a police report with the Lyndon Police Department (LYND240496),
2 and my mother and I drove to Lexington KY to interact with the police there. In
3 Lexington, when we arrived, most of my possessions were in his living room and
4 were able to be recovered. But upon returning home there several things missing
5 and my computer had been tampered with.

6
7 - For the last two days, my mother and I have received many threats of
8 extortion. Mr. Bowens claims, in his opinion with 30 years of experience as a trial
9 attorney, I have a very strong case to win especially considering the evidence.
10 Although he had agreed to pro bono legal services, instead of coming up with a bill
11 of sale or asking me for money, he decided the best course of action was to hold my
12 case ransom by withholding documents from me that were necessary to be filed,
13 leveraging the stress that I have had dealing with not being able to file for the
14 previous six months.

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18 - I am currently working with local detectives to stop the extortion and the
19 threats that are coming hourly. I also need to reproduce from memory all of the
20 documents that we worked on for about five days.

21
22 - This incident has occurred this week, including this morning. I have
23 called Department 501 Clerks at open of business today and again around lunch
24 and have had no response. This has severely impacted my ability to prepare and file
25 necessary documents.
26

1 3. IMPACT:

2 - The combination of these extraordinary circumstances has prevented me
3
4 from filing necessary documents and participating fully in the case.

5
6 4. REQUEST FOR RELIEF:

7 - I respectfully request an extension of four weeks to allow time to resolve
8
9 these issues and adequately prepare my arguments to the dozens of filings made by
10 the Defense, including the frivolous ones that have cost both the court's time as well
11 as my own.

12 - I request the Court's assistance in acknowledging the impact of these
13
14 extraordinary circumstances on my ability to participate in the legal process.

15 I declare under penalty of perjury under the laws of the State of California
16
17 that the foregoing is true and correct.

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19 Very Respectfully,

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22 Dated: May 23, 2024

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DANIEL FELDMAN, PH.D.

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: <i>Daniel J. Feldman</i> FIRM NAME: STREET ADDRESS: <i>400 McAllister Street</i> CITY: <i>San Francisco</i> STATE: <i>CA</i> ZIP CODE: <i>94102</i> TELEPHONE NO.: <i>415-398-3223</i> FAX NO.: E-MAIL ADDRESS: <i>daniel.feldmanphd@gmail.com</i> ATTORNEY FOR (name): <i>pro se</i>	<p style="text-align: center;">FOR COURT USE ONLY</p> <p style="text-align: center;">ELECTRONICALLY FILED</p> <p style="text-align: center;"><i>Superior Court of California, County of San Francisco</i></p> <p style="text-align: center;">07/08/2024 Clerk of the Court BY: WILLIAM TRUPEK <i>Deputy Clerk</i></p>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: <i>400 McAllister Street</i> MAILING ADDRESS: <i>400 McAllister Street</i> CITY AND ZIP CODE: <i>San Francisco, CA 94012</i> BRANCH NAME: <i>Civic Center Courthouse Department 206</i>		CASE NUMBER: <i>CGC - 21- 594129</i>
PLAINTIFF/PETITIONER: <i>Feldman, PH.D, Daniel</i> DEFENDANT/RESPONDENT: <i>Steinhoff-Holmes, Linda</i>		JUDICIAL OFFICER:
<p style="text-align: center;">PROOF OF ELECTRONIC SERVICE</p>		DEPARTMENT:

1. I am at least 18 years old.

- a. My residence or business address is (specify):
13647 Aragon Way Apt 303
Louisville, KY 40245
- b. My electronic service address is (specify):
daniel.feldmanphd@gmail.com

2. I electronically served the following documents (exact titles):

2024.7.5 DECLARATION IN RESPONSE TO DEFENDANTS' OFFER TO COMPROMISE
CGC-21-594129.PDF

2024.7.5 POS DECLARATION IN RESPONSE TO DEFENDANTS' OFFER TO COMPROMISE
CGC-21-594129.PDF

3.

- a. Name of person served: *STEVENS.ABERN JODY STRUCK NOLAN ARMSTRONG*
 On behalf of (name or names of parties represented, if person served is an attorney):
Linda Steinhoff-Holmes
- b. Electronic service address of person served :
sabern@htalaw.com jstruck@htalaw.com nolan.armstrong@mcnamaralaw.com
- c. On (date): *July 5, 2024*

☐ The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment.
 (Form POS-050(P)/EFS-050(P) may be used for this purpose.)

Date: **July 5, 2024**

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

Daniel J. Feldman
 Daniel J. Feldman, PH.D.

(TYPE OR PRINT NAME OF DECLARANT)

Daniel J. Feldman
 (SIGNATURE OF DECLARANT)

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

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

07/08/2024
Clerk of the Court
BY: MADONNA CARANTO
Deputy Clerk

PLAINTIFF PRO SE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

DANIEL J. FELDMAN, PH.D
Plaintiff

vs.

LINDA STEINHOFF HOLMES,
AND DOES 1-30
Defendants

) Case No.: CGC 21-594129
)
) DECLARATION OF DANIEL FELDMAN IN
) RESPONSE TO DEFENDANTS' CCP
) SECTION 998 OFFER TO COMPROMISE
)
)
) Date submitted: July 5, 2024
) Dept. 206
) Honorable Anne-Christine Massullo,
) Judge Presiding
)

I, Daniel Feldman, Plaintiff, declare as follows:

1. Background:

I am the plaintiff in the above-referenced case. I have received a settlement offer from the defendants dated June 7th, 2024, proposing a settlement of \$20,000 and a waiver of legal fees.

2. Inadequacy of Settlement Offer:

After careful consideration, I find the offer insufficient to cover the full extent of the damages and losses I have suffered due to the actions of Mrs. Holmes. The damages exceed

DECLARATION OF DANIEL FELDMAN IN RESPONSE TO DEFENDANTS' CCP
SECTION 998 OFFER TO COMPROMISE

1 \$1,500,000, including financial losses, severe emotional distress, and the untimely deaths of
2 loved ones and pets.

3
4 **3. Technical Issues and Procedural Delays:**

5 **E-filing Technical Issues:** From mid-December, 2023, until at least May 20, 2024, a
6 formatting error in the data supplied by the San Francisco Superior Court caused my name
7 to be removed from the approved e-filing vendors' databases. This issue prevented me in
8 part from filing essential documents, including an Opposition to the Defendant's Motion for
9 Summary Judgment, a Motion for Reconsideration, and an Ex Parte Motion for
10 Continuance.
11

12
13 **Court and Vendor Miscommunication:** Despite repeated efforts to resolve the issue with
14 both the court clerks and e-filing vendors, the problem persisted, significantly impacting my
15 ability to respond to motions and participate in hearings. As a result, the defendant was
16 wrongfully awarded summary judgment on a frivolous claim, knowing I could not respond,
17 and said nothing when I was denied any oral argument which should have been allowed
18 according to C.C.P.
19

20 **Impact on Legal Proceedings:** The inability to file documents in a timely manner led to the
21 granting of summary adjudication in part on my largest claim without my opposition being
22 heard, based on the defendant's frivolous filings.
23

24 **4. Allegations of Ongoing Fraud as a Standard Operating Practice of Defendant**
25

26 Mrs. Holmes has over the past decade engaged in a pattern of fraudulent activities, including
27 bribery of at least three inspectors at the Department of Building Inspection, slander of
28

multiple false claims that I had attacked her, making false calls and statements to the police, perjury to this Court in 2020 about false allegations designed to get around the stay on evictions due to Covid, undeniable evidence of energy theft in order to hide the costs of her narcotics operation on the premises, told deliberate lies to my healthcare team at UCSF accusing me falsely of elder abuse, and most recently, insurance fraud in response to this complaint. These actions have caused substantial harm to me and have involved false claims against the insurance company, State Farm, otherwise their counsel would not have been a vocal part of her defense team.

Mrs. Holmes has deliberately misrepresented the condition of the building, bribed officials to avoid necessary repairs, and slandered me to protect her interests, leading to ongoing and escalating damages.

5. Misconduct by Legal Representatives:

It is evident that the legal professionals representing Mrs. Holmes have continued to support her fraudulent claims, thus perpetuating the fraud. This conduct is not only unethical but also illegal, and it undermines the integrity of the legal profession.

My own former lawyer recused himself from my case, stating that he would only pursue claims against the insurance company, State Farm, rather than addressing the defendant's direct frauds. As such he would also have to repress all of my other claims of slander and harassment just so that we could obtain "low-hanging fruit." This has posed a significant challenge in securing legal representation, as prospective lawyers have been reluctant to confront the defendant directly, preferring the perceived easier route of implicating the insurance company. I have had to express myself very clearly: unfortunately for many

1 attorneys' convenience, I do not believe that the insurance company would be responsible
2 for any of the claims covered. Instead, I intend to pursue justice in a forthright way, to hold
3 Mrs. Holmes accountable for her own actions and that of her conspirators. These are
4 prospects that all of local tenant attorneys judge to be of less value for them than pursuing
5 false home owner's insurance claims. I have propositioned every tenant attorney in the area,
6 multiple times.

7
8 **6. Insurance Fraud:**

9 The claims made by Mrs. Holmes in this case to her insurance company are fraudulent. By
10 supporting these claims, her legal team is complicit in this fraud. I urge Mr. Armstrong,
11 representing Mrs. Holmes' insurance company, State Farm, to reconsider his position and
12 join me in exposing her fraudulent actions. This would involve filing a claim against Mrs.
13 Holmes for insurance fraud, rather than defending her fraudulent claims in this trial.

14
15 Without the benefit of seeing the actual policy, I do not believe that any of the claims I have
16 requested in this civil action would be covered by any insurance policy offered by State
17 Farm or any home owner insurance carrier. As such, I find Mrs. Holmes' continued
18 representation by Mr. Armstrong baffling, as she likely has not paid him anything outside of
19 premiums and/or deductibles to his employer, and yet State Farm continues to pay his
20 salary. This suggests complicity in the fraud against the very company he represents and that
21 feeds him. If I, as a plaintiff, have had such difficulty securing legal representation willing to
22 justly hold the defendant accountable without resorting to false insurance claims, it is
23 perplexing why Mr. Armstrong has defended her claims for three years despite clear
24 evidence of bribery, fraudulent activity at the Department of Building Inspection,
25 harassment, slander, and energy theft.
26
27

1 **7. Defendant's Assets and Criminal Activities:**

2 I am aware of several properties and assets owned by the defendant in San Francisco,
3 which are disguised as trusts or have suppressed ownership information, in addition to
4 the property on 14th Street. Her illicit narcotics operation involves multiple family
5 members and employees, and she has several avenues for hiding these means to pay for
6 the damages she has caused.

7
8 Should the defendant attempt to declare that she does not have the resources to cover
9 these damages, a criminal investigation should be opened to uncover her assets and hold
10 her accountable for her fraudulent activities. Given the seriousness of the felonies I have
11 alleged, if found guilty criminally, she should be required to spend jail time in
12 accordance with the law. She has operated above the law for too long, using her financial
13 power to avoid accountability.

14
15
16 To suggest to the insurance carrier that the building is somehow responsible for any of
17 these claims is preposterous. I am willing to negotiate a resolution that involves forgoing
18 claims against the insurance policy, provided there is a genuine effort to address and
19 rectify Mrs. Holmes's fraudulent actions. I propose to file a motion in limine stating that
20 none of my claims or winnings in this case, other than attorney's fees, will be assignable
21 to State Farm. I am willing to forego any insurance payments on these damages if Mr.
22 Armstrong agrees to press for a criminal investigation into her activities and insurance
23 fraud, and to ensure that she spends the appropriate jail time as sentenced. This should
24 also include holding accountable her co-conspirators, including her family, employees,
25 officials at the Department of Building Inspection, members of the San Francisco Police
26 27

1 Department Narcotics Division, and her previous attorney Mr. Daniel Bornstein for
2 suborning perjury and abuse of process.

3
4 **8. Impact of Slander:**

5 Mrs. Holmes's slanderous statements have severely impacted my life, most especially
6 my ability to receive medical care. In the last two months I spent a week in the hospital,
7 and awaiting two surgeries while recovering from another two weeks ago, a
8 reattachment of my retina for the second time after the first repair due to the attack in
9 front of my residence with the Defendant. These surgeries are all delayed as I cannot
10 find a consistent primary care physician willing to overlook the lies from the Defendant
11 that I am a violent elder abuser. Her false claims have been integrated into my medical
12 records as a Zero Tolerance Policy for violence, broadcast with Epic MyChart resulting
13 in repeated denials of necessary treatment. Any settlement must include provisions to
14 correct these records and prevent further harm.
15
16

17 **9. Counteroffer:**
18

- 19
- 20 • I propose a settlement amount of \$1,500,000 to cover the full extent of the
21 damages suffered.
 - 22 • A public retraction and apology from Mrs. Holmes for the slanderous and
23 fraudulent claims made against me.
 - 24 • Financial resources to correct my medical records and ensure I can receive
25 necessary medical care without prejudice.
 - 26 • No gag order or restrictions on my ability to speak about the case and the
27 damages I have suffered.

- Agreement from Mr. Armstrong to press for a criminal investigation into Mrs. Holmes's activities and insurance fraud, ensuring appropriate jail time and holding her co-conspirators accountable. I would willingly work with State Farm to provide any evidence that is necessary to present these claims in court as well as a motion in limine protecting them from liability in this action.

10. Notice of Forthcoming Documents:

Additional supporting documents, including a Motion to Vacate Judgment, a Motion for Reconsideration, and evidence of technical issues and fraud, will be filed shortly. These documents will provide further details and support for my claims and this response.

CONCLUSION:

I am willing to discuss this counteroffer further to reach a mutually agreeable settlement. I believe this response and counteroffer address both the past and future damages adequately and hold Mrs. Holmes accountable for her actions.

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

Executed on July 5th, at Louisville, Kentucky.



Daniel J. Feldman, Ph.D.
Pro se

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**
400 MCALLISTER STREET, SAN FRANCISCO, CA 94102-4514

DANIEL FELDMAN, PH.D.

Department 206

PLAINTIFF (S)

VS.

NO.: CGC-21-594129

LINDA STEINHOFF HOLMES et al

**Order Setting Mandatory
Settlement Conference**

DEFENDANT (S)

TO: ALL COUNSEL AND SELF-REPRESENTED LITIGANTS

It is hereby ordered, pursuant to California Rules of Court 3.1380 and Local Rule 5.0, a MANDATORY SETTLEMENT CONFERENCE is scheduled for Aug-21-2024 at 8:30 am. The settlement conference will be conducted REMOTELY.

This case is assigned for mandatory settlement conference purposes to the following volunteer Settlement Conference Officer:

Martin F. Triano
Mediation Offices of Martin F. Triano
1831 Solano Avenue #7489
Berkeley, CA 94707
510-548-8081
marty@trianobyrne.com

Attendance at the settlement conference is dictated by Local Rule 5.0 and CRC 3.1380, however attendance will be virtual. The settlement conference will be conducted remotely via videoconference or telephone. The parties and the Settlement Conference Officer should agree on which method should be used to conduct the conference. No one should appear at the courthouse for the settlement conference.

Parties shall participate in a pre-hearing call at a date to be determined by the assigned Settlement Conference Officer but no later than five (5) Court days before the settlement conference.

Settlement Conference statements must be exchanged between the parties and sent directly to the assigned Settlement Conference Officer at the email address provided above at least five (5) Court days before the settlement conference. See Local Rule 5.0(F).

Sanctions may be imposed for failure to comply with Local Rule 5.0 and California Rules of Court, Rule 3.1380.

DATED: AUG-02-2024

ANNE-CHRISTINE MASSULLO

JUDGE

CERTIFICATE OF SERVICE BY MAIL

I, the undersigned, certify that I am an employee of the Superior Court of California, County of San Francisco and not a party to the above-entitled cause and that on AUG-02-2024 I served the attached Order Setting Mandatory Settlement Conference by placing a copy thereof in an envelope addressed to all parties to this action as listed below. I then placed the envelope in the outgoing mail at 400 McAllister Street, San Francisco, CA 94102, on the date indicated above for collection, sealing of the envelope, attachment of required prepaid postage, and mailing on that date, following standard court practice.

Dated : AUG-02-2024

By: REXANNE BISERRA

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1939 HARRISON STREET
SUITE 800
OAKLAND, CA 94612-3527

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3480 BUSKIRK AVENUE
SUITE 250
PLEASANT HILL, CA 94523

DANIEL FELDMAN PH.D.
13647 ARAGON WAY APT. 303
LOUISVILLE, KYNTUCKY 40245

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

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Superior Court of California,
County of San Francisco

08/02/2024
Clerk of the Court
BY: JEFFREY FLORES
Deputy Clerk

NOLAN S. ARMSTRONG (State Bar No. 241311)
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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.,)	Case No. CGC-21-594129
)	
Plaintiff,)	ASSOCIATION OF ATTORNEYS
)	
v.)	
)	
LINDA STEINHOFF HOLMES, an)	
individual; and DOES 1-10, inclusive,)	
)	
Defendants.)	

Defendant LINDA STEINHOFF HOLMES hereby associates Marvin J. Straus (SBN 199315) of the law firm of STRAUS MEYERS, LLP as co-counsel of record in this action with Attorney Steven Sheriff Abern of the law firm of Haapala, Thompson & Abern, LLP.

All future correspondence, pleadings, etc., should be directed/served on both the offices of Haapala, Thompson & Abern, LLP, 1939 Harrison Street, Suite 800, Oakland, CA 94612, telephone 510/763-2324, facsimile 510/273-8534, sabern@htalaw.com, and Straus Meyers,

///

///

///

///

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

LLP, 225 Broadway, Suite 1550, San Diego, California 92101, telephone 619-595-6020;
facsimile 619/535-0201, mjs@strausmeyers.com.

Dated: June 7, 2024

HAAPALA, THOMPSON & ABERN, LLP

By: 
STEVEN SHERIFF ABERN

The Association is hereby

accepted: Dated: July 19, 2024

STRAUS MEYERS, LLP

By: 
MARVIN J. STRAUS

1 **PROOF OF SERVICE**

2 I am employed in the County of San Diego, State of California. I am over the age of 18
3 and am not a party to the within action; my business address is 225 Broadway, Suite 1550, San
4 Diego, California 92101.

5 On **August 2, 2024**, I served on the parties of record in this action the foregoing
6 document described as: **ASSOCIATION OF ATTORNEYS**, as follows:

7 Julien Swanson, Esq. (SBN 193957)
8 **AUSTIN SWANSON LAW FIRM, PC**
9 584 Castro Street, #2126
10 San Francisco, CA 94114-2512
11 Tel: 415-282-4511
12 Fax: 415-282-4536
13 Email: swanson@austinlawgroup.com

Attorney for Plaintiff –
Daniel Feldman, Ph.D

14 ☐ **BY MAIL** - as follows: I am "readily familiar" with the firm's practice of collection and
15 processing of correspondence for mailing. Under that practice it would be deposited with
16 the U.S. Postal Service on that same day with postage thereon fully prepaid at San Diego,
17 California, in the ordinary course of business. I am aware that on motion of the party
18 served, service is presumed invalid if postal cancellation date or postage meter date is
19 more than one day after date of deposit for mailing in affidavit.

20 ☐ **BY PERSONAL SERVICE** - I delivered such envelope by hand to the offices of the
21 addressee(s).

22 ☐ **BY FACSIMILE TRANSMISSION** - I caused to be served by facsimile transmission at
23 _____ a.m./p.m. at the following facsimile machine telephone number:

24 ☐ **BY OVERNIGHT DELIVERY** – I enclosed the documents in an envelope or package
25 provided by an overnight delivery carrier and addressed to the persons at the addresses
26 listed above.

27 ☒ **BY ELECTRONIC SERVICE** – I caused the documents to be sent to the persons at the
28 electronic service addresses listed as follows: swanson@austinlawgroup.com

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that
the above is true and correct.

☐ **(FEDERAL)** - I declare that I am employed in the office of a member of the bar of this
court at whose direction the service was made.

Executed on **August 2, 2024**, at San Diego, California.

/s/ Lorena Dominguez
LORENA DOMINGUEZ

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

4 PLAINTIFF PRO SE

5
6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 FOR THE COUNTY OF SAN FRANCISCO

8 UNLIMITED JURISDICTION

9 DANIEL J. FELDMAN, PH.D
Plaintiff

10 vs.
11

12 LINDA STEINHOFF HOLMES,
13 AND DOES 1-30
Defendants

) Case No.: CGC 21-594129

)

) **PLAINTIFF'S DECLARATION IN**
) **SUPPORT OF TEMPORARY STAY OF**
) **NEUROPSYCHOLOGICAL AND ANY**
) **OTHER PSYCHIATRIC EVALUATION**

)

)

) Date Submitted: August 7, 2024

) Date of Hearing: August 9, 2024 9:00AM

) Dept. 501

) Honorable Charles Haines, Judge Presiding

16
17 **I, Daniel Feldman, Ph.D., declare as follows:**

18
19 1. I am the plaintiff in the above-entitled action.

20
21
22 2. I completed post-doctoral training specializing in forensic neuropsychological evaluations at
23 Weill Cornell University Medical College in Manhattan in December 1999.
24
25
26
27

28 PLAINTIFF'S DECLARATION IN SUPPORT OF TEMPORARY STAY OF
NEUROPSYCHOLOGICAL AND ANY OTHER PSYCHIATRIC EVALUATION

--- 1 ---

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Superior Court of California,
County of San Francisco

08/07/2024
Clerk of the Court
BY: SANDRA SCHIRO
Deputy Clerk

1 3. I have been hired as an expert witness completing neuropsychological evaluations for
2 defendants in capital offense cases where the death penalty was within the possible
3 sentencing. I know the purpose and appropriate use of this testing, including the far too
4 common practice of being a “hired gun” to provide diagnoses favorable to the party who
5 either referred or paid you: it is the best business practice if your livelihood depends on
6 repeat business referrals. In my experience, insurance companies and the lawyers hired by
7 them are by far the most common referral source, and it would come as no surprise to me
8 that the Defendant’s six lawyers paid by her homeowner’s insurance would have some of
9 these biased “experts” at the ready.
10

11
12
13 4. I have been licensed as a psychologist in New York and Pennsylvania from 1999 until 2022.
14 My license went inactive for the first time in 2022 due to lapse in continuing education from
15 medical disabilities and post-traumatic stress related to the events found in this complaint. I
16 have been in good standing without a single complaint in over 20 years.
17
18
19

20 5. A trial date has been set for September 16, 2024, and I am seeking a temporary stay of the
21 neuropsychological or any psychiatric evaluation requested by Defendant Linda Steinhoff
22 Holmes.
23
24
25

26 6. I have filed a motion in limine to exclude any neuropsychological or psychiatric evaluation
27 on the grounds of potential bias and unnecessary invasion of privacy.
28

1 7. There are no grounds for the relevancy of any current neuropsychological or psychiatric
2 evaluation to issues related to the defense of the Defendant's behavior that occurred over 5
3 years ago.

4
5
6 8. A neuropsychological evaluation is appropriate for determining the cognitive abilities of
7 someone with impairment and is inappropriate in this setting.
8

9
10
11 9. Given the imminent trial date, waiting for the regular notice period for the motion would
12 prevent me from obtaining timely relief and would result in irreparable harm to my case.
13

14
15 10. Immediate court intervention is necessary to ensure a fair trial and to prevent any unjust
16 prejudice against me.
17

18 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
19 and correct.
20

21 **EXECUTED on August 7, 2024, at Louisville, KY.**

22
23 

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

25
26 Plaintiff Pro Se
27

DANIEL J. FELDMAN, PH.D
13647 Aragon Way Apt 303
Louisville, KY 40245
Tel: (307) 699-3223
Email: danielfeldmanphd@gmail.com

PLAINTIFF PRO SE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

DANIEL J. FELDMAN, PH.D
Plaintiff

vs.

LINDA STEINHOFF HOLMES,
AND DOES 1-30
Defendants

) Case No.: CGC 21-594129

)

) **DECLARATION OF NOTICE OF EX PARTE**

) **APPLICATION FOR ORDER GRANTING**

) **TEMPORARY STAY OF DEFENDANT'S**

) **REQUEST FOR A NEUROPSYCHOLOGICAL**

) **AND ANY OTHER PSYCHIATRIC**

) **EVALUATION**

) Date submitted: August 7, 2024

) Date of Hearing: August 9, 2024 9:00AM

) Dept. 501

) Honorable Charles Haines, Judge Presiding

I, Daniel Feldman, Ph.D., declare as follows:

1. I am the plaintiff in the above-entitled action.

2. On August 7, 2024, at approximately 9pm. I notified Steven Abern, Nolan Armstrong, and Marvin Strauss, counsel for Defendant Linda Steinhoff Holmes, of my intention to seek an ex parte order for a temporary stay of the neuropsychological and any other psychiatric evaluation requested by the Defendant.

3. I provided this notice by email that includes this document as well.

DECLARATION OF NOTICE OF EX PARTE APPLICATION FOR ORDER GRANTING TEMPORARY STAY OF
DEFENDANT'S REQUEST FOR A NEUROPSYCHOLOGICAL & ANY OTHER PSYCHIATRIC EVALUATION

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Superior Court of California,
County of San Francisco

08/07/2024
Clerk of the Court
BY: SANDRA SCHIRO
Deputy Clerk

1 4. I have not yet received a response from their party.

2 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
3 and correct.
4

5
6 Executed on August 7, 2024, at Louisville, KY.
7

8 **DATED: August 7, 2024**
9

10
11 
12

13 **Daniel Feldman, Ph.D.**

14 **Plaintiff Pro Se**
15
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21
22
23
24

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

4 PLAINTIFF PRO SE

5
6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 FOR THE COUNTY OF SAN FRANCISCO

8 UNLIMITED JURISDICTION

9 DANIEL J. FELDMAN, PH.D
10 Plaintiff

11 vs.

12 LINDA STEINHOFF HOLMES,
13 AND DOES 1-30
14 Defendants

) Case No.: CGC 21-594129

)

) **EX PARTE APPLICATION FOR ORDER**
) **FOR TEMPORARY STAY OF DEFENDANT'S**
) **REQUEST FOR NEUROPSYCHOLOGICAL**
) **AND ANY OTHER PSYCHIATRIC**
) **EVALUATION**

)

) Date Submitted: August 7, 2024

) Date of Hearing: August 9, 2024 9:00AM

) Dept. 501

) Honorable Charles Haines, Judge Presiding

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County of San Francisco

08/07/2024
Clerk of the Court
BY: SANDRA SCHIRO
Deputy Clerk

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1. Notice of Ex Parte Application for Order for Temporary Stay of Defendant's Request for Neuropsychological and Any Other Psychiatric Evaluation

2. Declaration of Notice of Ex Parte Application for Order Granting Temporary Stay of Defendant's Request for a Neuropsychological and Any Other Psychiatric Evaluation

3. Ex Parte Application for Order for Temporary Stay of Defendant's Request for Neuropsychological and Any Other Psychiatric Evaluation

4. Memorandum of Points and Authorities in Support of Ex Parte Application for Order Granting Temporary Stay of Defendant's Request for Neuropsychological and Any Other Psychiatric Evaluation

5. Plaintiff's Declaration in Support of Temporary Stay of Neuropsychological and Any Other Psychiatric Evaluation

6. Proposed Order Granting Temporary Stay of Defendant's Request for Neuropsychological and Any Other Psychiatric Evaluation

7. Proof of Service for Ex Parte Application for Temporary Stay and Supporting Documents

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

2
3
4 **PLEASE TAKE NOTICE** that on **August 9, 2024, at 9:00 AM**, or as soon thereafter as
5 the matter may be heard in **Department 501** of the above-entitled court, located at 400 McAllister
6 Street, San Francisco, CA 94102, **Plaintiff Daniel Feldman, Ph.D.**, will and hereby does **apply for**
7 **an ex parte order granting a temporary stay of the neuropsychological and any other**
8 **psychiatric evaluation requested by Defendant Linda Steinhoff Holmes.**

9
10 This application is made on the grounds that:

11
12 1. Plaintiff has filed a motion in limine in Department 206 to exclude the
13 neuropsychological and any other psychiatric evaluation on the grounds of potential bias and
14 unnecessary invasion of privacy. In addition, there are no grounds for relevancy related to the
15 defense of the Defendant's behaviors that occurred over four years ago.

16
17 2. A neuropsychological evaluation would be appropriate for determining the cognitive
18 abilities of someone with impairment and is inappropriate in this setting.

19
20 3. Immediate relief is necessary to prevent irreparable harm and ensure a fair trial, as the
21 trial date is imminent.

1 Please note that the Plaintiff intends to file the Motion in Limine before the morning of this hearing
2 once the hearing date for that Motion is confirmed. This application is based on the attached
3 memorandum of points and authorities, the declaration of Daniel Feldman, Ph.D., the drafted
4 Motion in Limine, and upon such other matters as may be presented to the Court at the time of the
5 hearing.

6
7
8
9 **DATED: August 7, 2024**

10
11
12 X 

13 Daniel J. Feldman, Ph.D.
14 Plaintiff, Pro Se

15
16 **Daniel J. Feldman, Ph.D.**

17 **Plaintiff in Pro Per**
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25
26
27

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PLAINTIFF PRO SE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

DANIEL J. FELDMAN, PH.D
Plaintiff

vs.

LINDA STEINHOFF HOLMES,
AND DOES 1-30
Defendants

) Case No.: CGC 21-594129
) **MEMORANDUM OF POINTS AND**
) **AUTHORITIES IN SUPPORT OF EX PARTE**
) **APPLICATION FOR ORDER GRANTING**
) **TEMPORARY STAY OF DEFENDANT'S**
) **REQUEST FOR NEUROPSYCHOLOGICAL**
) **AND ANY OTHER PSYCHIATRIC**
) **EVALUATION**
)
) Date Submitted: August 7, 2024
) Date of Hearing: August 9, 2024 9:00am
) Dept. 501
) Honorable Charles Haines, Judge Presiding

I. INTRODUCTION

Plaintiff Daniel Feldman, Ph.D., respectfully requests that this Court grant a temporary stay of the neuropsychological and any other psychiatric evaluation requested by Defendant Linda Steinhoff Holmes. This stay is necessary to prevent irreparable harm and ensure that the evaluation's admissibility is determined before it is conducted.

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FILED
Superior Court of California,
County of San Francisco

08/07/2024
Clerk of the Court
BY: SANDRA SCHIRO
Deputy Clerk

1 **II. LEGAL STANDARD**

2 Under California Code of Civil Procedure section 128, the court has the inherent power to control
3 the proceedings before it and to ensure the fair administration of justice. Additionally, under
4 California Evidence Code section 801, expert testimony is admissible only if it is based on matter
5 (including the expert's special knowledge, skill, experience, training, and education) that is of a type
6 that reasonably may be relied upon by an expert in forming an opinion upon the subject to which his
7 testimony relates.
8

9
10
11 **III. ARGUMENT**
12

13 **A. Preventing Irreparable Harm**
14

15 Conducting the evaluation before ruling on the motion in limine could cause irreparable harm to the
16 Plaintiff, particularly given the potential for bias and the invasion of privacy. The Defendant's
17 counsel has adamantly told the Plaintiff that he cannot participate in selecting the evaluator despite
18 the Plaintiff offering to have the evaluator paid for by the loser of the case. All offers to mutually
19 select an evaluator to reduce the potential for bias have been immediately rejected. This suggests
20 that the Defense team seems to be counting on a biased evaluation to be punitive or retaliatory on
21 behalf of the Defendant.
22

23
24 It is important to recognize that at the heart of this case, the Plaintiff alleges that the Defendant
25 slandered horrible lies, claiming that the Plaintiff was incredibly violent to elders, to his own
26 physicians, causing them to dismiss him from their practice. Those doctors then proceeded to warn
27 other physicians on Epic MyChart of the Plaintiff's alleged violence, leading to Zero Tolerance
28

1 Policies that would result in the Plaintiff being arrested just for going to a physician's office. The
2 effect of this slander has grown exponentially, and the Defendant continues to spread these lies
3 when physician groups call her, even since the filing of this Complaint. The Defendant has
4 continued to tarnish the Plaintiff's medical record with fabricated accounts of violence, knowing
5 full well the damage it has caused, and her lawyers are proposing nothing short of another
6 opportunity to bully the Plaintiff and soil his record with another evaluation biased by the
7 information they differentially shared about the Plaintiff with the evaluator.
8

9 In ****People v. LeGrand (2007) 8 N.Y.3d 449****, the court excluded the testimony of a psychiatric
10 expert due to concerns about the expert's impartiality and methodology.
11
12
13

14 B. Lack of Relevance

15
16 There are no grounds for the relevancy of the neuropsychological and any other psychiatric
17 evaluation to issues that occurred over 5 years ago. The evaluation's findings would not be pertinent
18 to the current case's material facts and would serve only to prejudice the plaintiff unfairly.
19
20

21 C. Inappropriateness of a Neuropsychological Evaluation

22
23 A neuropsychological evaluation is designed to assess cognitive abilities in individuals with
24 potential impairments. It is inappropriate in this setting and irrelevant to the claims and defenses in
25 this case. The importance of using relevant and appropriate expert evaluations is highlighted in
26 ****Daubert v. Merrell Dow Pharmaceuticals, Inc. (1993) 509 U.S. 579****, which established the
27

1 standard for the admissibility of expert testimony, requiring a reliable foundation and relevance to
2 the case.

3
4
5 D. Ensuring Fair Administration of Justice
6

7 A temporary stay will ensure that the court can fully consider the merits of the motion in limine
8 before the evaluation is conducted, thereby ensuring a fair trial. The significance of selecting an
9 impartial and appropriate evaluator is emphasized in ****In re Marriage of Shimkus (2016) 244**
10 **Cal.App.4th 1262****, which highlights the importance of avoiding biases that could impact the case
11 outcome.
12
13
14

15 **IV. CONCLUSION**
16

17 For the foregoing reasons, Plaintiff respectfully requests that this Court grant his motion for a
18 temporary stay of the neuropsychological or any psychiatric evaluation until the court rules on the
19 motion in limine.
20

21 **DATED: August 7, 2024**
22

23
24 

25 **Daniel J. Feldman, Ph.D.**
26

27 Plaintiff in Pro Per

DANIEL J. FELDMAN, PH.D
13647 Aragon Way Apt 303
Louisville, KY 40245
Tel: (307) 699-3223
Email: danielifeldmanphd@gmail.com

PLAINTIFF PRO SE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

DANIEL J. FELDMAN, PH.D
Plaintiff

vs.

LINDA STEINHOFF HOLMES,
AND DOES 1-30
Defendants

) Case No.: CGC 21-594129
) **NOTICE OF EX PARTE APPLICATION FOR**
) **ORDER FOR TEMPORARY STAY OF**
) **DEFENDANT'S REQUEST FOR**
) **NEUROPSYCHOLOGICAL AND ANY OTHER**
) **PSYCHIATRIC EVALUATION**
)
) Date submitted: August 7, 2024
) Date of Hearing: August 9, 2024 9:00AM
) Dept. 501
) Honorable Charles Haines, Judge Presiding
)

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on August 9th, at 9:00 AM, or as soon thereafter as the matter may be heard, in **Department 501** of the above-entitled court, located at 400 McAllister Street, San Francisco, CA 94102, **Plaintiff Daniel Feldman, Ph.D.**, will and hereby does **apply for an ex parte order granting a temporary stay of the neuropsychological and any other psychiatric evaluation requested by Defendant Linda Steinhoff Holmes.**

NOTICE OF EX PARTE APPLICATION FOR ORDER FOR TEMPORARY STAY OF DEFENDANT'S REQUEST
FOR NEUROPSYCHOLOGICAL AND ANY OTHER PSYCHIATRIC EVALUATION

ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

08/07/2024
Clerk of the Court
BY: SANDRA SCHIRO

Deputy Clerk

1 This application is made on the grounds that:

2
3 1. Plaintiff has filed a motion in limine to exclude the psychiatric evaluation on the grounds of
4 potential bias and unnecessary invasion of privacy. In addition, there are no grounds for its
5 relevancy to issues that occurred over five (5) years ago.

6 2. A neuropsychological evaluation would be appropriate for determining the cognitive abilities of
7 someone with impairment and is inappropriate in this setting.

8
9 3. Immediate relief is necessary to prevent irreparable harm and ensure a fair trial, as the trial date is
10 imminent.

11
12
13 **DATED: August 7, 2024**

14
15 
16

17 **Daniel Feldman, Ph.D.**

18
19 **Plaintiff Pro Se**

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: Daniel J. Feldman, PH.D FIRM NAME: STREET ADDRESS: 13647 Aragon Way Apt 303 CITY: Louisville STATE: KY ZIP CODE: 40245 TELEPHONE NO.: (307) 699-3223 FAX NO. : E-MAIL ADDRESS: danieljfeldmanphd@gmail.com ATTORNEY FOR (name): pro se	FOR COURT USE ONLY ELECTRONICALLY FILED <i>Superior Court of California, County of San Francisco</i> 08/07/2024 Clerk of the Court BY: SANDRA SCHIRO <i>Deputy Clerk</i>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94012 BRANCH NAME: Civic Center Courthouse Department 501		CASE NUMBER: CGC - 21- 594129
STREET ADDRESS: PLAINTIFF/PETITIONER: Feldman, PH.D, Daniel DEFENDANT/RESPONDENT: Steinhoff-Holmes, Linda		JUDICIAL OFFICER:
PROOF OF ELECTRONIC SERVICE	DEPARTMENT:	

1. I am at least 18 years old.
 - a. My residence or business address is (specify): **13647 Aragon Way Apt 303
Louisville, KY 40245**
 - b. My electronic service address is (specify): **danieljfeldmanphd@gmail.com**
2. I electronically served the following documents (exact titles):

2024.8.7 Plaintiff Ex Parte Motion for Temporary Stay of Evaluation CGC-21-594129.pdf

2024.8.7 Notice of Ex Parte Application for Temporary Stay of Evaluation CGC-21-594129.pdf

2024.8.7 Plaintiff Declaration Regarding Notice of Ex Parte Application for Temporary Stay CGC-21-594129.pdf

2024.8.7 Plaintiff Memorandum of Points and Authorities to Support Temporary Stay of Evaluation CGC-21-594129.pdf

2024.8.7 Plaintiff Declaration in Support of Temporary Stay of Evaluation CGC-21-594129.pdf

2024.8.7 Proposed Order of Temporary Stay of Evaluation CGC-21-594129.pdf

2024.8.7 POS Ex Parte Application for Temporary Stay and Supporting Documents CGC-21-594129.pdf

3. a. Name of person(s) served: **Steven Abern Nolan Armstrong Marvin Strauss**
 On behalf of (name or names of parties represented, if person served is an attorney):
Linda Steinhoff-Holmes
- b. Electronic service address of person served :
sabern@htalaw.com mjs@strausmeyers.com nolan.armstrong@mcnamaralaw.com
- c. On (date): **August 7, 2024**

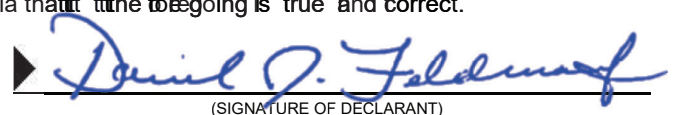
☐ The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment.
 (Form POS-050(P)/EFS-050(P) may be used for this purpose.)

Date: **August 7, 2024**

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

Daniel J. Feldman, PH.D.

(TYPE OR PRINT NAME OF DECLARANT)


 (SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Daniel Feldman 13647 Aragon Way Apt 303, Louisville, KY, USA Louisville KY 40245 ATTORNEY FOR Plaintiff		TELEPHONE NUMBER (307) 699-3223 Ref. No. or File No. 123	FOR COURT USE ONLY ELECTRONICALLY FILED <i>Superior Court of California, County of San Francisco</i> 08/08/2024 Clerk of the Court BY: YOLANDA TABO Deputy Clerk	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO - CENTRAL (EFILIN) 400 McAllister St San Francisco, CA 94102				
SHORT TITLE OF CASE: Feldman v Steinhoff-Holmes				
INVOICE NO. 10169882-02	DATE:	TIME:	DEP./DIV.	CASE NUMBER: CGC-21-594129

1. I am at least 18 years old.

a. My residence or business address is 13647 Aragon Way Apt 303, Louisville, KY, USA, Louisville, KY 40245

b. My electronic service address is danieljfeldmanphd@gmail.com

2. I electronically served the following documents:

Proof of Electronic Service
 Notice (Other)

3. I electronically served the documents listed in 2 as follows:

a. Name of person(s) Served: b. Electronic service address of person(s) served:

Abern, Steven Sheriff , Attorney, sabern@htalaw.com
 Armstrong, Nolan S , Attorney, nolan.armstrong@mcnamaralaw.com
 Straus, Marvin J , Attorney, mjs@strausmeyers.com

c. On: 08/08/2024

d. At: 21:08:36

Date: 08/08/2024

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

8/8/2024

Daniel Feldman

>

/S/

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Daniel Feldman 13647 Aragon Way Apt 303, Louisville, KY, USA Louisville KY 40245 ATTORNEY FOR Attorney		TELEPHONE NUMBER (307) 699-3223 Ref. No. or File No. 123	FOR COURT USE ONLY ELECTRONICALLY FILED <i>Superior Court of California, County of San Francisco</i> 08/08/2024 Clerk of the Court BY: YOLANDA TABO Deputy Clerk	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO - CENTRAL (EFILIN) 400 McAllister St San Francisco, CA 94102				
SHORT TITLE OF CASE: Feldman v Steinhoff-Holmes				
INVOICE NO. 10169789-02	DATE:	TIME:	DEP./DIV.	CASE NUMBER: CGC-21-594129

1. I am at least 18 years old.

a. My residence or business address is 13647 Aragon Way Apt 303, Louisville, KY, USA, Louisville, KY 40245

b. My electronic service address is danieljfeldmanphd@gmail.com

2. I electronically served the following documents:

Proof of Electronic Service
 Notice (Other)

3. I electronically served the documents listed in 2 as follows:

a. Name of person(s) Served: b. Electronic service address of person(s) served:

Abern, Steven Sheriff , Attorney, sabern@htalaw.com
 Armstrong, Nolan S , Attorney, Nolan.Armstrong@mcnamaralaw.com
 Straus, Marvin J , Attorney, mjs@strausmeyers.com

c. On: 08/08/2024

d. At: 20:13:16

Date: 08/08/2024

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

8/8/2024

Daniel Feldman

>

/S/

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: NAME: Daniel J. Feldman, Ph.D. FIRM NAME: Pro Se STREET ADDRESS: 13647 Aragon Way Apt 303 CITY: Louisville STATE: KY ZIP CODE: 40245 TELEPHONE NO.: 307.699.3223 FAX NO.: EMAIL ADDRESS: danieljfeldmanphd@gmail.com ATTORNEY FOR (name): Plaintiff Pro Se	ELECTRONICALLY FILED <i>Superior Court of California, County of San Francisco</i> 08/08/2024 Clerk of the Court BY: YOLANDA TABO Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94012 BRANCH NAME: Civic Center Courthouse Department 206	
PLAINTIFF/PETITIONER: Feldman, Ph.D., Daniel DEFENDANT/RESPONDENT: Steinhoff-Holmes, Linda OTHER CASE NAME: Feldman v Steinhoff-Holmes	
NOTICE OF REMOTE APPEARANCE	CASE NUMBER: CGC-21-594129

You must use this form to tell the court you intend to appear remotely in a civil case, unless the court's website describes an online process for giving notice. You may also use it to give the required notice to all other parties in the case. (Do not use this form in a juvenile dependency proceeding.)

Check the court's website for information about how to appear remotely, including the departments and types of cases or proceedings that allow remote appearances and ways to appear remotely in their departments for such appearances.

See page 3 of this form for more information, including deadlines for giving notice and for opposing a remote appearance if this notice is for an evidentiary hearing or trial.

A person appearing remotely should conduct themselves as though appearing in court in person.

1. The person who intends to appear remotely is *(check and complete all that apply)*:

- ☒ Plaintiff/Petitioner *(name)*: Daniel J. Feldman, Ph.D., Pro Se
☐ Attorney for Plaintiff/Petitioner *(name)*:
☐ Defendant/Respondent *(name)*:
☐ Attorney for Defendant/Respondent *(name)*:
☐ Other *(name and role in case)*:

2. The person or persons in 1 intends to appear remotely *(check one)*:

- a. ☒ Throughout the case.
 b. ☐ At the proceeding described below, including on any later dates if the proceeding is continued *(describe)*:

Type of proceeding: Bench Trial

Set on *(date)*: September 16, 2024 at *(time)*: 9:30am in *(department)*: 206

Before *(name of judicial officer, if known)*: Honorable Anne-Christine Massullo, Judge Presiding

3. The person intends to appear by *(check court's website for method that may be used)*:

- ☒ Videoconference ☒ Audio only (including telephone)

4. ☒ For evidentiary hearing or trial only (where testimony may be given): the party requests the following additional aspects of the proceeding be conducted remotely *(describe what the party wants to be done remotely and why; attach form MC-25 if more space is needed)*:

Due to physical disability and living in Kentucky without means for income to travel to San Francisco, and without legal representation despite exhausting all available channels, I may have to manage the entire case including making statements, examining and cross examining witnesses, presenting evidence, as well as communicating with the bench and opposing counsel from remote video. I will do my best to be present in Court for the trial, depending on physical health at that time.

PLAINTIFF: Feldman, Ph.D., Daniel DEFENDANT: Steinhoff-Holmes, Linda	CASE NUMBER: CGC-21-594129
---	-------------------------------

5. ☒ I agree to keep the proceeding confidential to the same extent as would be required if I were appearing in person.

Date: August 8, 2024

Daniel J. Feldman, Ph.D.

(TYPE OR PRINT NAME)


(SIGNATURE)

Notice to Other Parties

Anyone intending to appear remotely must provide notice to all other parties by the deadlines stated in Cal. Rules of Court, rule 3.672, and described on the next page. Notice may be provided orally, electronically, or by giving the other parties this form in a way to ensure it is received by the applicable deadline. The party must tell the court this was done either by filing a proof of service (this may be done on forms POS-040 or POS-050 for electronic service) or by completing and signing the declaration below.

Declaration of Notice

I gave notice that I intend to appear remotely to the other parties or persons entitled to receive notice in this case as stated below.
Complete one item below for each person notice was given to, and enter one of the following options for "Method of notice" in c.

- **Mail:** By mailing them a copy of this form (write the mailing address in d.)
- **Overnight delivery:** By having a copy of this form delivered overnight (write the delivery address in d.)
- **Electronic notice:** By e-mail or text message (write the e-mail or phone number in d.)
- **Phone:** By telling them over the telephone or leaving them voice mail (write the phone number in d.), or
- **In person:** By giving them a copy of this form in person, or by telling them orally in person (write the address in d.)

- | | |
|---|---|
| <p>1. <input type="checkbox"/> Plaintiff/Petitioner</p> <p>a. Name:</p> <p>b. Date of notice:</p> <p>c. Method of notice:</p> <p>d. Address (mailing, in-person, or email) or phone number:</p> | <p>2. <input checked="" type="checkbox"/> Attorney for: Steinhoff-Holmes, Linda</p> <p>a. Name: Nolan Armstrong</p> <p>b. Date of notice: August 8, 2024</p> <p>c. Method of notice: e-mail</p> <p>d. Address (mailing, in-person, or email) or phone number: Nolan.Armstrong@mcnamaralaw.com</p> |
| <p>3. <input type="checkbox"/> Defendant/Respondent</p> <p>a. Name:</p> <p>b. Date of notice:</p> <p>c. Method of notice:</p> <p>d. Address (mailing, in-person, or email) or phone number:</p> | <p>4. <input checked="" type="checkbox"/> Attorney for: Steinhoff-Holmes, Linda</p> <p>a. Name: Marvin Strauss</p> <p>b. Date of notice: August 8, 2024</p> <p>c. Method of notice: e-mail</p> <p>d. Address (mailing, in-person, or email) phone number: mjs@strausmeyers.com</p> |
| <p>5. <input type="checkbox"/> Other (specify):</p> <p>a. Name:</p> <p>b. Date of notice:</p> <p>c. Method of notice:</p> <p>d. Address (mailing, in-person, or email) or phone number:</p> | <p>6. <input checked="" type="checkbox"/> Attorney for: Steinhoff-Holmes, Linda</p> <p>a. Name: Steve Abern</p> <p>b. Date of notice: August 8, 2024</p> <p>c. Method of notice: e-mail</p> <p>d. Address (mailing, in-person, or email) phone number: sabern@htalaw.com</p> |
| <p>7. <input type="checkbox"/> Other (specify):</p> <p>a. Name:</p> <p>b. Date of notice:</p> <p>c. Method of notice:</p> <p>d. Address (mailing, in-person, or email) or phone number:</p> | <p>7. <input type="checkbox"/> Other (specify):</p> <p>a. Name:</p> <p>b. Date of notice:</p> <p>c. Method of notice:</p> <p>d. Address (mailing, in-person, or email) or phone number:</p> |

☐ If more people were given notice, check here, attach form MC-025, titled as Attachment Notice, and add the information about how and when notice was given to each person.

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

Date: August 8, 2024

Daniel J. Feldman, Ph.D.

(TYPE OR PRINT NAME)


(SIGNATURE)

Instructions for Giving Notice of Remote Appearance

(This page does not need to be filed.)

1. Court online procedures. Before using this form, check the court's website to see if that court has an online procedure for providing notice to the court of your intent to appear remotely instead. You can find a link to the website for each court at: <https://www.courts.ca.gov/find-my-court.htm>.

2. How to use this form. This form is intended for use in civil cases only (any cases not criminal or petitions for habeas corpus, other than petitions under Welf. & Inst. Code, § 5000 et seq.), to provide written notice of intent to appear remotely, to a court and the parties, as described in Code of Civil Procedure section 367.75. It is not needed in juvenile dependency hearings.

Check the court's website to determine how remote appearances work in that court before completing this form. If the court does not have an online procedure for giving notice to the court of intent to appear remotely, complete and file this form to give the court notice. If you intend to appear remotely throughout the case, you only need to file it once (check item 2a).

3. Notice to others. You may also use this form to show that you gave notice to other parties. You must give notice of your intent to appear remotely to all parties and other persons who are entitled to notice of the proceeding. (If you checked item 2a, you only need to give notice once. Otherwise, give notice to the court and others before each proceeding you intend to appear at remotely.) You can describe how and when you gave notice in the Declaration of Notice on page 2, or by filing a proof of service with the court.

4. When to file and give notice to others.

California Rules of Court, rule 3.672(g) and (h) state the deadlines by which you have to give notice of intent to appear remotely to the other parties and the court. (You can give notice earlier.) There are different deadlines :

For motions and proceedings in which people cannot testify

If a party gives or receives *at least 3 court days' notice* of the proceeding (including all regularly noticed motions):

- At least 2 court days before the proceeding.

If a party gives or receives *less than 3 court days' notice* of the proceeding (including ex parte applications):

- With the moving papers, if the notice to appear remotely is by the party that is asking for the hearing; or
- By 2 p.m. the court day before the hearing if the notice to appear remotely is by any other party.

Note: If a party misses these deadlines, they may still ask the court for permission to appear remotely.

For trials, including small claims trials, and hearings in which people may testify (evidentiary hearings)

If a party gives or receives *at least 15 court days' notice* of a trial or hearing date, and for all small claims trials:

- At least 10 court days before the trial or hearing date.

If a party gives or receives *less than 15 days' notice* of the trial or hearing (including hearings on protective orders):

- With the moving papers or at least 5 court days before the hearing, if the notice to appear remotely is by the party that is asking for the hearing; or
- By 2 p.m. the court day before the hearing if the notice to appear remotely is by any other party.

Note: If a party misses these deadlines, they may still ask the court for permission to appear remotely.

5. Opposition to remote appearances at trial or evidentiary hearing. If a party or witness has given notice of intent to appear remotely at a trial or evidentiary hearing (hearing at which people may testify), other parties in the action may oppose the remote appearance by filing *Opposition to Remote Proceeding at Evidentiary Hearing or Trial* (form RA-015). The opposition must be served on parties and other persons entitled to receive notice of the proceedings, by the deadlines summarized on that form. (Cal. Rules of Court, rule 3.672(h)(3).)

6. In-person appearance. A court may require any person to appear in person instead of remotely. (Code Civ. Proc., § 367.75(b).)

7. Recordings. No person may record a proceeding without first getting approval from the judge. (Cal. Rules of Court, rule 1.150(c).)

8. Accommodations for disability. If a party needs an accommodation for a disability, use form MC-410, *Disability Accommodations Request*, to tell the court about their needs. See form MC-410-INFO for more information.

9. Request for interpreter. If a party does not speak English well, ask the court clerk as soon as possible for a court-provided interpreter. Form INT-300, *Request for an Interpreter*, or a local court form may be used to request an interpreter. If no court interpreter is available, it may be necessary to reschedule the hearing or trial.

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: NAME: Daniel J. Feldman, Ph.D. FIRM NAME: Pro Se STREET ADDRESS: 13647 Aragon Way Apt 303 CITY: Louisville STATE: KY ZIP CODE: 40245 TELEPHONE NO.: 307.699.3223 FAX NO.: EMAIL ADDRESS: danieljfeldmanphd@gmail.com ATTORNEY FOR (name): Plaintiff Pro Se	ELECTRONICALLY FILED <i>Superior Court of California, County of San Francisco</i> 08/08/2024 Clerk of the Court BY: YOLANDA TABO Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94012 BRANCH NAME: Civic Center Courthouse Department 501	
PLAINTIFF/PETITIONER: Feldman, Ph.D., Daniel DEFENDANT/RESPONDENT: Steinhoff-Holmes, Linda OTHER CASE NAME: Feldman v Steinhoff-Holmes	
NOTICE OF REMOTE APPEARANCE	CASE NUMBER: CGC-21-594129

You must use this form to tell the court you intend to appear remotely in a civil case, unless the court's website describes an online process for giving notice. You may also use it to give the required notice to all other parties in the case. (Do not use this form in a juvenile dependency proceeding.)

Check the court's website for information about how to appear remotely, including the departments and types of cases or proceedings that allow remote appearances and ways to appear remotely in their departments for such appearances.

See page 3 of this form for more information, including deadlines for giving notice and for opposing a remote appearance if this notice is for an evidentiary hearing or trial.

A person appearing remotely should conduct themselves as though appearing in court in person.

1. The person who intends to appear remotely is (*check and complete all that apply*):

- ☒ Plaintiff/Petitioner (*name*): Daniel J. Feldman, Ph.D., Pro Se
☐ Attorney for Plaintiff/Petitioner (*name*):
☐ Defendant/Respondent (*name*):
☐ Attorney for Defendant/Respondent (*name*):
☐ Other (*name and role in case*):

2. The person or persons in 1 intends to appear remotely (*check one*):

- a. ☒ Throughout the case.
 b. ☐ At the proceeding described below, including on any later dates if the proceeding is continued (*describe*):
 Type of proceeding:
 Set on (*date*): at (*time*): in (*department*):
 Before (*name of judicial officer, if known*):

3. The person intends to appear by (*check court's website for method that may be used*):

- ☐ Videoconference ☒ Audio only (including telephone)

4. ☐ For evidentiary hearing or trial only (where testimony may be given): the party requests the following additional aspects of the proceeding be conducted remotely (*describe what the party wants to be done remotely and why; attach form MC-25 if more space is needed*):

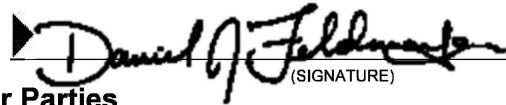
PLAINTIFF: Feldman, Ph.D., Daniel DEFENDANT: Steinhoff-Holmes, Linda	CASE NUMBER: CGC-21-594129
---	-------------------------------

5. ☒ I agree to keep the proceeding confidential to the same extent as would be required if I were appearing in person.

Date: August 8, 2024

Daniel J. Feldman, Ph.D.

(TYPE OR PRINT NAME)


(SIGNATURE)

Notice to Other Parties

Anyone intending to appear remotely must provide notice to all other parties by the deadlines stated in Cal. Rules of Court, rule 3.672, and described on the next page. Notice may be provided orally, electronically, or by giving the other parties this form in a way to ensure it is received by the applicable deadline. The party must tell the court this was done either by filing a proof of service (this may be done on forms POS-040 or POS-050 for electronic service) or by completing and signing the declaration below.

Declaration of Notice

I gave notice that I intend to appear remotely to the other parties or persons entitled to receive notice in this case as stated below.
Complete one item below for each person notice was given to, and enter one of the following options for "Method of notice" in c.

- **Mail:** By mailing them a copy of this form (write the mailing address in d.)
- **Overnight delivery:** By having a copy of this form delivered overnight (write the delivery address in d.)
- **Electronic notice:** By e-mail or text message (write the e-mail or phone number in d.)
- **Phone:** By telling them over the telephone or leaving them voice mail (write the phone number in d.), or
- **In person:** By giving them a copy of this form in person, or by telling them orally in person (write the address in d.)

- | | |
|---|---|
| <p>1. <input type="checkbox"/> Plaintiff/Petitioner</p> <p>a. Name:</p> <p>b. Date of notice:</p> <p>c. Method of notice:</p> <p>d. Address (mailing, in-person, or email) or phone number:</p> | <p>2. <input checked="" type="checkbox"/> Attorney for: Steinhoff-Holmes, Linda</p> <p>a. Name: Nolan Armstrong</p> <p>b. Date of notice: August 8, 2024</p> <p>c. Method of notice: e-mail</p> <p>d. Address (mailing, in-person, or email) or phone number: Nolan.Armstrong@mcnamaralaw.com</p> |
| <p>3. <input type="checkbox"/> Defendant/Respondent</p> <p>a. Name:</p> <p>b. Date of notice:</p> <p>c. Method of notice:</p> <p>d. Address (mailing, in-person, or email) or phone number:</p> | <p>4. <input checked="" type="checkbox"/> Attorney for: Steinhoff-Holmes, Linda</p> <p>a. Name: Marvin Strauss</p> <p>b. Date of notice: August 8, 2024</p> <p>c. Method of notice: e-mail</p> <p>d. Address (mailing, in-person, or email) phone number: mjs@strausmeyers.com</p> |
| <p>5. <input type="checkbox"/> Other (specify):</p> <p>a. Name:</p> <p>b. Date of notice:</p> <p>c. Method of notice:</p> <p>d. Address (mailing, in-person, or email) or phone number:</p> | <p>6. <input checked="" type="checkbox"/> Attorney for: Steinhoff-Holmes, Linda</p> <p>a. Name: Steve Abern</p> <p>b. Date of notice: August 8, 2024</p> <p>c. Method of notice: e-mail</p> <p>d. Address (mailing, in-person, or email) phone number: sabern@htalaw.com</p> |
| <p>7. <input type="checkbox"/> Other (specify):</p> <p>a. Name:</p> <p>b. Date of notice:</p> <p>c. Method of notice:</p> <p>d. Address (mailing, in-person, or email) or phone number:</p> | <p>7. <input type="checkbox"/> Other (specify):</p> <p>a. Name:</p> <p>b. Date of notice:</p> <p>c. Method of notice:</p> <p>d. Address (mailing, in-person, or email) or phone number:</p> |

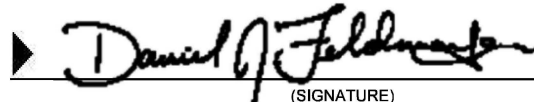
☐ If more people were given notice, check here, attach form MC-025, titled as Attachment Notice, and add the information about how and when notice was given to each person.

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

Date: August 8, 2024

Daniel J. Feldman, Ph.D.

(TYPE OR PRINT NAME)


(SIGNATURE)

Instructions for Giving Notice of Remote Appearance

(This page does not need to be filed.)

1. Court online procedures. Before using this form, check the court's website to see if that court has an online procedure for providing notice to the court of your intent to appear remotely instead. You can find a link to the website for each court at: <https://www.courts.ca.gov/find-my-court.htm>.

2. How to use this form. This form is intended for use in civil cases only (any cases not criminal or petitions for habeas corpus, other than petitions under Welf. & Inst. Code, § 5000 et seq.), to provide written notice of intent to appear remotely, to a court and the parties, as described in Code of Civil Procedure section 367.75. It is not needed in juvenile dependency hearings.

Check the court's website to determine how remote appearances work in that court before completing this form. If the court does not have an online procedure for giving notice to the court of intent to appear remotely, complete and file this form to give the court notice. If you intend to appear remotely throughout the case, you only need to file it once (check item 2a).

3. Notice to others. You may also use this form to show that you gave notice to other parties. You must give notice of your intent to appear remotely to all parties and other persons who are entitled to notice of the proceeding. (If you checked item 2a, you only need to give notice once. Otherwise, give notice to the court and others before each proceeding you intend to appear at remotely.) You can describe how and when you gave notice in the Declaration of Notice on page 2, or by filing a proof of service with the court.

4. When to file and give notice to others.

California Rules of Court, rule 3.672(g) and (h) state the deadlines by which you have to give notice of intent to appear remotely to the other parties and the court. (You can give notice earlier.) There are different deadlines :

For motions and proceedings in which people cannot testify

If a party gives or receives *at least 3 court days' notice* of the proceeding (including all regularly noticed motions):

- At least 2 court days before the proceeding.

If a party gives or receives *less than 3 court days' notice* of the proceeding (including ex parte applications):

- With the moving papers, if the notice to appear remotely is by the party that is asking for the hearing; or
- By 2 p.m. the court day before the hearing if the notice to appear remotely is by any other party.

Note: If a party misses these deadlines, they may still ask the court for permission to appear remotely.

For trials, including small claims trials, and hearings in which people may testify (evidentiary hearings)

If a party gives or receives *at least 15 court days' notice* of a trial or hearing date, and for all small claims trials:

- At least 10 court days before the trial or hearing date.

If a party gives or receives *less than 15 days' notice* of the trial or hearing (including hearings on protective orders):

- With the moving papers or at least 5 court days before the hearing, if the notice to appear remotely is by the party that is asking for the hearing; or
- By 2 p.m. the court day before the hearing if the notice to appear remotely is by any other party.

Note: If a party misses these deadlines, they may still ask the court for permission to appear remotely.

5. Opposition to remote appearances at trial or evidentiary hearing. If a party or witness has given notice of intent to appear remotely at a trial or evidentiary hearing (hearing at which people may testify), other parties in the action may oppose the remote appearance by filing *Opposition to Remote Proceeding at Evidentiary Hearing or Trial* (form RA-015). The opposition must be served on parties and other persons entitled to receive notice of the proceedings, by the deadlines summarized on that form. (Cal. Rules of Court, rule 3.672(h)(3).)

6. In-person appearance. A court may require any person to appear in person instead of remotely. (Code Civ. Proc., § 367.75(b).)

7. Recordings. No person may record a proceeding without first getting approval from the judge. (Cal. Rules of Court, rule 1.150(c).)

8. Accommodations for disability. If a party needs an accommodation for a disability, use form MC-410, *Disability Accommodations Request*, to tell the court about their needs. See form MC-410-INFO for more information.

9. Request for interpreter. If a party does not speak English well, ask the court clerk as soon as possible for a court-provided interpreter. Form INT-300, *Request for an Interpreter*, or a local court form may be used to request an interpreter. If no court interpreter is available, it may be necessary to reschedule the hearing or trial.