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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT
10

11 ANANT KUMAR TRIPATI,) CASE NO. BC326528
12) (Ordered Related to BC343351)
Plaintiff,)
13 v.)
14) **DEFENDANTS' REPLY TO PLAINTIFF'S**
COUNTY OF LOS ANGELES a) **OBJECTIONS TO THE ORDER DECLARING**
15 municipal corporation; RICHARD) **HIM TO BE A VEXATIOUS LITIGANT**
GOLDSTON, and DOES 1 to 10,)
16)
Defendant(s).)

17 Defendants COUNTY OF LOS ANGELES and RICHARD GOLDSTON hereby
18 reply to plaintiff's objections to the proposed order declaring him
19 to be a vexatious litigant.
20

21 **I.**

INTRODUCTION

22 On January 24, 2006, the court heard the defendants' motion to
23 declare the plaintiff to be a vexatious litigant pursuant to C.C.P.
24 §§ 391 (b) (1) and (2); motion for a pre-filing review order
25 pursuant to C.C.P. § 391.7; and for plaintiff to furnish security
26 pursuant to C.C.P. § 391.1. In support of the motions, the
27 defendants identified eleven (11) unsuccessful litigations filed by
28

**DEFENDANTS' REPLY TO PLAINTIFF'S OBJECTIONS TO THE
ORDER DECLARING HIM TO BE A VEXATIOUS LITIGANT**

1 the plaintiff in pro per, in the past seven years. The defendants
2 further provided evidence of cases, issues, claims and causes of
3 action against them that the plaintiff has unsuccessfully
4 litigated, relitigated and attempted to relitigate - including the
5 very complaint in this case.

6 The court granted the motion on both grounds raised.

7 The defendants submitted a proposed order following the
8 vexatious litigant hearing. The plaintiff objects to the proposed
9 order. The defendants hereby reply to those objections and request
10 that they be overruled.

11 **II.**

12 **PLAINTIFF'S OBJECTION THAT THE GROUNDS FOR THE ORDER ARE**
13 **IMPROPERLY STATED IS WITHOUT MERIT AND MUST BE OVERRULED**

14 Plaintiff opposes the proposed order arguing that the court
15 "stated it was relying on relitigation and relying on motions filed
16 in BC326528." The plaintiff is wrong.

17 At the January 24, 2006 hearing, the court held that the
18 plaintiff has "filed at least six litigations in pro per within the
19 past seven years, and it, and has relitigated some issues,
20 including the very case before this court, in the form of another
21 complaint filed." [Reporter's Transcript p.1:25 - 2:1]. The court
22 then indicated that it was inclined to grant the vexatious litigant
23 motion, which was brought on these same two grounds. [Reporter's
24 Transcript p.2:2-9]. The court further ordered defense counsel to
25 submit a proposed order identifying each and every one of the bases
26 upon which the request was granted and the result of each
27 litigation. [Reporter's Transcript p.3:15-19].

28

1 The proposed order lists each unsuccessful "litigation" filed
2 by the plaintiff in pro per in the past seven years in violation of
3 C.C.P. § 391 (b) (1), and identifies those cases that the plaintiff
4 has relitigated or attempted to relitigate in violation of C.C.P. §
5 391 (b) (2). Thus, the proposed order submitted by the County of
6 Los Angeles complies with the court's ruling. This objection must
7 be overruled.

8 **II.**

9 **PLAINTIFF'S OBJECTION THAT THE COURT SPECIFICALLY**
10 **STATED THAT IT WAS NOT RELYING IN THE**
11 **FEDERAL ACTIONS IS INCORRECT AND MUST BE OVERRULED**

12 As a second objection, the plaintiff contends that the trial
13 court specifically stated that it was not relying upon the federal
14 actions.

15 Nowhere in the transcript does the court state that it is not
16 relying on the federal litigations filed by the plaintiff. In fact,
17 the court specifically states that the plaintiff has filed at least
18 six unsuccessful "litigations" in the past seven years. As
19 indicated in the County's papers, the legislature broadly defines
20 "litigations" and includes those civil cases filed in federal
21 court.

22 The plaintiff's objection has no support in the record of the
23 hearing and must be overruled.

24 **III.**

25 **PLAINTIFF'S REMAINING OBJECTIONS MUST BE OVERRULED**

26 Plaintiff's objection on the ground that the court "did not
27 make any findings on the California cases and did not base it's
28 decision on them," is also without merit.

1 On a vexatious litigant motion the trial court is not required
2 to make any "findings" other than that the record supports the
3 position that the plaintiff has filed at least five unsuccessful
4 litigations as a pro per in the past seven years. The court made
5 that finding. [*Reporter's Transcript p.1:25 - 2:1*]. The
6 defendant's identified eleven (11) "litigations" unsuccessfully
7 maintained by the plaintiff in the past seven years. The proposed
8 order identified each of those litigations.

9 Finally, plaintiff's objection that the court "did not find
10 that the plaintiff does not have any reasonable probability of
11 success," is also without merit. Pursuant to C.C.P. §§ 391.1 and
12 391.3, the court may only order a plaintiff to furnish security
13 after hearing the evidence and determining that there is no
14 reasonable probability that the plaintiff will prevail in the
15 litigation against the moving defendant. Based upon these statutes,
16 the fact that the court ordered the plaintiff to furnish security,
17 means that the court decided the plaintiff has no reasonable
18 probability of succeeding in this case against these defendants.
19 No further "finding" is required.

20 Moreover, the court did expressly find that the plaintiff has
21 "relitigated some issues, including the very case before this
22 court, in the form of another complaint filed." [*Reporter's*
23 *Transcript, p. 1:25-2:1*]. It is clear that the court found no
24 reasonable probability that the plaintiff would succeed in this
25 case which raises issues that he has previously litigated to his
26 detriment.

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28

Exhibit A

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 34

HON. PAUL GUTMAN, JUDGE

ANANT KUMAR TRIPATI,)

PLAINTIFF,)

VS.)

CASE NO. BC 343351

COUNTY OF LOS ANGELES, ET AL.)

DEFENDANTS.)

REPORTERS' TRANSCRIPT OF PROCEEDINGS

TUESDAY, JANUARY 24, 2006

APPEARANCES:

FOR PLAINTIFF:

ANANT KUMAR TRIPATI
IN PROPRIA PERSONA
ARIZONA STATE PRISON
BUCKEYE, ARIZONA 85326

FOR DEFENDANTS:

NELSON & FULTON
BY: AMBER A. LOGAN, ESQ.
3435 WILSHIRE BLVD., SUITE 2800
LOS ANGELES, CA 90010-2014
(213) 365-2703

SANDRA GECO, CSR NO. 3806
OFFICIAL REPORTER

1 CASE NUMBER: BC 343351
2 CASE NAME: ANANT KUMAR TRIPATI V. COUNTY OF
3 LOS ANGELES, ET AL.
4 LOS ANGELES, CA; TUESDAY, JANUARY 24, 2006
5 DEPARTMENT NO. 34 HON. PAUL GUTMAN, JUDGE
6 REPORTER: SANDRA GECO, CSR NO. 3806
7 TIME: 08:30 A.M.
8 APPEARANCES: (AS NOTED ON TITLE PAGE.)
9
10

11 THE COURT: NO. 8, TRIPATI V. COUNTY OF LOS
12 ANGELES.

13 MR. TRIPATI: ANANT TRIPATI, IN PRO PER, YOUR
14 HONOR.

15 THE COURT: GOOD MORNING, MR. TRIPATI.

16 MS. LOGAN: GOOD MORNING, YOUR HONOR.

17 AMBER LOGAN, OF NELSON & FULTON, FOR THE COUNTY OF LOS
18 ANGELES AND RICHARD GOLDSTON.

19 THE COURT: GOOD MORNING, MS. LOGAN.

20 THIS IS A MOTION TO HAVE MR. TRIPATI
21 DECLARED A VEKATIOUS LITIGANT.

22 THE COURT HAS READ AND CONSIDERED THE
23 MOVING AND OPPOSITION AND REPLY PAPERS; THE DECLARATIONS
24 IN SUPPORT OF THE MOTION.

25 AND IT APPEARS PLAINTIFF HAS FILED AT LEAST
26 SIX DIFFERENT LITIGATIONS IN PRO PER WITHIN THE PAST
27 SEVEN YEARS, IS IT, AND HAS RELITIGATED SOME ISSUES,
28 INCLUDING THE VERY CASE BEFORE THIS COURT, IN THE FORM OF

1 YET ANOTHER COMPLAINT FILED.

2 I'M INCLINED TO ISSUE THE ORDER DECLARING
3 PLAINTIFF A VEXATIOUS LITIGANT, TO REQUIRE THAT HE SEEK
4 PREFILING PERMISSION FROM THE PRESIDING JUDGE OF THIS
5 COURT BEFORE ANY FURTHER MOTIONS, COMPLAINTS, OR OTHER
6 ACTIONS ARE INITIATED, AND TO REQUIRE HIM TO POST A BOND
7 AGAINST ANY COSTS WHICH MIGHT BE INCURRED BY ANY OTHER
8 PARTIES EMBRACED OR INVOLVED IN SUCH FUTURE LITIGATION,
9 IN THE SUM OF \$50,000 AS REQUESTED.

10 DO YOU WISH TO BE HEARD, MR. TRIPATI?

11 MR. TRIPATI: YES, YOUR HONOR.

12 THE COURT: GO AHEAD.

13 MR. TRIPATI: THE ACTION FILED IN ARIZONA, IF
14 FILED IN CALIFORNIA, WOULD NOT BE A CIVIL ACTION. THE
15 LABEL GIVEN IN FEDERAL COURT TO ACTIONS ARE NOT THE SAME
16 AS THAT WHICH IS GIVEN IN CALIFORNIA COURTS.

17 SECONDLY, THE CALIFORNIA ACTION THAT
18 COUNSEL REFERS TO, THEY ARE NOT FINAL YET. THEY ARE
19 STILL PENDING ON APPEAL.

20 AND THE ISSUE OF RELITIGATION, FRAUD UPON
21 THE COURT, UNDER CALIFORNIA LAW, IS AN EXCEPTION TO
22 RELITIGATION. THE RELITIGATION BAR ONLY APPLIES IF ONCE
23 FRAUD IS DECIDED, AND ARE RELITIGATE FRAUD.

24 UNDER FEDERAL LAW, UNDER PLRA, UNLIKE
25 CALIFORNIA, A COMPLAINT IS LODGED, AND IT'S ONLY FILED
26 AFTER THE COURT CONDUCTS A PLRA REVIEW.

27 SO ALL THE MATTERS COUNSEL REFERS TO DON'T
28 FALL IN CIVIL AT ALL IN CALIFORNIA, YOUR HONOR.

1 THE COURT: MR. TRIPATI, PLEASE UNDERSTAND THAT
2 CCP SECTION 391 RELATES NOT JUST TO LAWSUITS, BUT TO
3 MOTIONS WITHIN LAWSUITS.

4 AND YOU HAVE WELL MET AND WELL EXCEEDED THE
5 NUMBERS IDENTIFIED IN THAT SECTION.

6 MS. LOGAN.

7 MS. LOGAN: YOUR HONOR, I DON'T BELIEVE
8 MR. TRIPATI HAS ADDED ANYTHING NEW.

9 I WOULD SUBMIT ON MY PAPERS.

10 MR. TRIPATI: YOUR HONOR, MAY I ASK YOU ANOTHER
11 QUESTION?

12 WOULD YOU SET A BOND FOR ME TO APPEAL THIS?

13 THE COURT: YOU DON'T NEED A BOND TO APPEAL.

14 MR. TRIPATI: OKAY, YOUR HONOR.

15 THE COURT: MS. LOGAN, WOULD YOU PLEASE PREPARE --
16 BECAUSE YOU DID NOT SUBMIT A PROPOSED ORDER THAT I COULD
17 FIND -- IDENTIFYING EACH AND EVERY ONE OF THE BASES UPON
18 WHICH I HAVE GRANTED THE REQUEST, EACH LITIGATION, EACH
19 MOTION, AND THE RESULT OF EACH ONE.

20 IS THAT CLEAR?

21 MS. LOGAN: YES, YOUR HONOR.

22 IS THERE A DEADLINE FOR POSTING THE BOND?

23 THE COURT: WELL, HE'S GOING -- I'LL GIVE HIM 60
24 DAYS TO POST A BOND.

25 MS. LOGAN: IS THIS MATTER STILL STAYED UNTIL THE
26 BOND IS POSTED?

27 THE COURT: MATTER IS STAYED.

28 MR. TRIPATI: THANK YOU, YOUR HONOR.

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MS. LOGAN: THERE ARE SOME MATTERS THAT
MR. TRIPATI HAS CALENDARRED THAT I RAISED IN MY REPLY.

THE COURT: IT'S ALL STAYED. EVERYTHING IS
STAYED.

MR. TRIPATI: THANK YOU, YOUR HONOR.

THE COURT: YOU'RE WELCOME.

MS. LOGAN: THANK YOU, YOUR HONOR.

THE COURT: YOU'RE WELCOME.

(PROCEEDINGS CONCLUDED)

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

DEPARTMENT 34

HON. PAUL GUTMAN, JUDGE

ANANT KUMAR TRIPATI,

PLAINTIFF,

VS.

COUNTY OF LOS ANGELES, ET AL.

DEFENDANTS.

CASE NO. BC 343351

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

)
) SS
)

I, SANDRA GECO, OFFICIAL REPORTER OF THE
SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY
OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING
PAGES, 1 THROUGH 4, INCLUSIVE, COMPRISE A FULL, TRUE AND
CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE
ABOVE-ENTITLED MATTER, REPORTED BY ME ON TUESDAY,
JANUARY 24, 2006.

DATED THIS 30TH DAY OF JANUARY, 2006.


OFFICIAL REPORTER

CSR NO. 3806

1 **PROOF OF SERVICE BY MAIL**
2 (C.C.P. §§ 1013, 2015.5)

3 **STATE OF CALIFORNIA**)
4 **COUNTY OF LOS ANGELES**) ss

5 I am employed in the County of Los Angeles, State of California.
6 I am over the age of 18 and not a party to the within action; my
7 business address is: 3435 Wilshire Boulevard, Suite 2800, Los Angeles,
8 California 90010.

8 On February 21, 2006, I served the within document described as:

9 **DEFENDANTS' REPLY TO PLAINTIFF'S OBJECTIONS TO THE ORDER**
10 **DECLARING HIM TO BE A VEXATIOUS LITIGANT**

10 on the interested parties in this action by placing the original ~~X~~
11 a true copy thereof enclosed in a sealed envelope addressed as
12 follows:

13 **ANANT KUMAR TRIPATI 102081**
14 **ASPC-EYMAN / COOK UNIT**
15 **P.O. Box 3200**
16 **Florence, Arizona 85232**

17 **[BY MAIL]** I caused such envelope with postage thereon fully prepaid
18 to be placed in the United States mail at Los Angeles, California.

19 I am "readily familiar" with the firm's practice of collection
20 and processing correspondence for mailing. Under that practice, it
21 would be deposited with the U.S. Postal Service on that same day with
22 postage thereon fully prepaid at Los Angeles, California, in ordinary
23 course of business. I am aware that on motion of the party served,
24 service is presumed invalid if postal cancellation date or postage
25 meter date is more than one (1) day after date of deposit for mailing
26 in affidavit.

27 **[STATE]** I declare under penalty of perjury, under the laws of the
28 State of California, that the above is true and correct.

Executed February 21, 2006 at Los Angeles, California.

LAW OFFICES OF NELSON & FULTON


BEATRIZ RODRIGUEZ