

1 Linda Ayres, Plaintiff
2 PO Box 835
3 Yucca Valley CA 92286
4 760 368 5243

4 **PLAINTIFF, IN PRO PER**

7 **Superior Court of the State of California**
8 **For the County of San Bernardino**

10 Linda Ayres

11 Plaintiff,

12 vs.

13
14 STATE FARM GENERAL INSURANCE
15 COMPANY, a corporation; CRAWFORD
16 CONTRACTOR CONNECTION, a
17 Corporation; PAUL DAVIS RESTORATION,
18 INC. a corporation; Desert Valley Restoration,
19 Inc. DBA PAUL DAVIS RESTORATION
20 AND REMODELING OF GREATER PALM
21 SPRINGS; AMERICAN ENVIRONMENTAL
22 GROUP, a McLarens Company, a corporation
23 and DOES 1-250

24 Defendant(s).

) Case No. CIV SB 2016284

) Honorable Judge Bryan Foster
Department S22

) **OPPOSITION TO AMERICAN
ENVIRONMENTAL GROUP (AEG)
MOTION FOR DISMISSING THE
FOURTH, SIXTH AND NINTH CAUSES
OF ACTION AS STATED IN THE
SECOND AMENDED COMPLAINT;
MEMORANDUM OF
POINTS AND AUTHORITIES;
DECLARATION OF LINDA AYRES,
PLAINTIFF & EXHIBITS**

) **DATE: September 27, 2022**

) **TIME: 9:00 AM**

) **ACTION FILED: FEBRUARY 22, 2022**

) **Trial Date: TO BE DETERMINED**

25 - 1 -

26 **OPPOSITION TO AEG MOTION FOR DISMISSING THE FOURTH, SIXTH AND NINTH CAUSES OF ACTION AS
27 STATED IN THE SECOND AMENDED COMPLAINT, AMENDED IN THIRD AMENDED COMPLAINT 7/6/2022 AND
PROPERLY SERVED**

28 **LINDA AYRES VS STATE FARM ET AL SB CIV 2106284**

1
2 **TO THE COURT, ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF**
3 **RECORD:**
4

5
6 PLEASE TAKE NOTICE THAT on September 27, 2022, at 9:00 a.m. or as soon thereafter
7 as may be heard in Department S22 of this Court, located at 247 West 3rd Street, San Bernardino, CA
8 92415, Linda Ayres, Plaintiff, herein submits her opposition to the motion for Dismissing the Fourth,
9 Sixth and Ninth Causes of Action [as stated in the Second Amended Complaint, superseded by the
10 Third Amended Complaint properly served by Plaintiff on all parties on July 6,2022] filed by Linda
11 Ayres on the grounds that **the motion is vexatious and without merit.**
12

13
14 On June 13, 2022 Plaintiff's response to the "AEG request for Production of Documents of
15 duplicate copies of Settlement Agreements as instructed by the Court on May 12, 2022" Plaintiff
16 indicated she was working diligently to meet the [extensive abusive & burdensome] discovery
17 deadlines perpetuated by AEG relentlessly, for months, before attempting Third Amended
18 Complaints revisions. All remaining co-defendants were served the discovery updates.
19

20 On June 24, 2022, all remaining co-defendants were contacted by email inquiring about
21 details of the continuance of the July 6, 2022 hearings, inviting meet and confer calls, and also
22 reconfirming finalizing of the SUPPLEMENTAL DISCOVERY RESPONSES FOR AEG'S
23 deadlines of June 24, 2022, again reiterating the challenges in meeting [abusive] deadlines with
24 extreme short-term memory loss. That same email clearly stated:
25

26 **"...The Third Amended Complaint will still be served and filed by July 6, 2022, even if it**
27 **means I have to ask the DA or another law enforcement agency for some assistance on the**
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- 2 -

**OPPOSITION TO AEG MOTION FOR DISMISSING THE FOURTH, SIXTH AND NINTH CAUSES OF ACTION AS
STATED IN THE SECOND AMENDED COMPLAINT, AMENDED IN THIRD AMENDED COMPLAINT 7/6/2022 AND
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LINDA AYRES VS STATE FARM ET AL SB CIV 2106284

1 **RICO causes of action. DNI has been recommended as a place eto research; that sounds ..**
2 **intense.**

3 **Shall we also update the Service lists? I don't know which admin people in your**
4 **respective offices are to get copies of what, and some of you are still coping counsel for**
5 **dismissed defendants...." [Plaintiff, Linda Ayres]**
6

7 **There were no responses from counsel. Is that the level of professional courtesy**
8 **expected of Officers of the Court, when homes have been destroyed and their clients have been**
9 **proximate cause of the destruction, poisoning and cover up? Is that the level of professional**
10 **conduct that can be expected from Officers of California Courts, with such obvious**
11 **discrimination and abuse of an elderly American, with clearly disclosed disabilities?**
12

13 **Have all of the defense counsels kept current their CIVILITY training?? Asking for**
14 **Americans. That's as heinous as all of the defense counsels remaining silent when AEG**
15 **attempted to coerce the Court to violate my First Amended Rights in an Exparte hearing.. was**
16 **that last year, or the year before? Last year, because one of my social accounts was destroyed,**
17 **coincidently, shortly after the Court reminded counsel of the First Amendment.**
18

19
20 **This current exparte appears to be merely another attempt by the defendant American Group**
21 **to obstructed justice, collect billable hours, overburden the Court, overburden the co-defendants in**
22 **matters of time and billable hours by their counsel, and to continue the pattern and practice of abusive**
23 **litigation intimidation, threats, trickery and chicanery, further evidenced in the shameful efforts by**
24 **Defense Counsel to obstruct justice and trick the Court and bamboozle the self-represented Plaintiff,**
25 **in multiple efforts defend the indefensible actions of the their client.**
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1 The motion falsely states that Plaintiff did not amend timely, and that “more than three
2 months after the due date, this Court still does not have Plaintiff’s amendments.”
3

4 The Notice of Ruling transmitted by AEG counsel did not show a due date of June 13, 2022,
5 and now it appears on everything they write, but that date is in dispute, as evidenced in Exhibits and
6 as evidenced by the response of the other 4 co-defendants with timely answers to the Third Amended
7 Complaint after deadlines extended multiple times by Plaintiff, at the request of the various co-
8 defendants.
9

10
11 **Court minutes convey a different interpretation of dates involving the TAC and multiple**
12 **hearings from defendants not yet heard. They are in the exhibits.**
13

14
15 All other co-defendants received extensions to respond to TAC, and have responded, and have
16 hearing dates set that Plaintiff will move, again, for consolidation so that another 2+ years are not
17 wasted in AEG legal chicanery that burden the Court, co-defendants, and the Plaintiff.
18

19
20 The first Ex Parte called for on 9/22/2022 hearing was not properly served on Plaintiff, as
21 notice was sent to the prohibited Plaintiff account, which it is blocked from receipt of any
22 communications from the Booth LLP associate attorney involved in this case, with Court permission.
23 Abusive and excessive emails, often 2-3,4 a day, 7 days a weeks along with cyber stalking and other
24 threats prompted this ‘designated email solution.’ AEG. Managing partner adamantly insisted
25 service was proper, yet the only way Plaintiff knew there was a hearing scheduled for last Thursday
26 was by copy of notices of other counsel noticing all parties they are attending remotely.
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2 Multiple emails sent by Plaintiff did not result in proper notice of what sort of hearing was
3 going on. That would have been the third such hearing, had it taken place, that happened without me,
4 without notice to me, and trickery of the Court by counsel, again. When I asked for proof of service,
5 clarifying that if it was intentionally sent to my primary email, lindaayres311@gmail.com, that was
6 further evidence of continued abuse and attempts to bamboozle a self-represented plaintiff with
7 disabilities. Evidence is attached in the exhibits of the Sheer trickery to send notice of ExParte
8 hearing to a prohibited email account, and then refuse to response to requests for information, and for
9 defense counsel to further insist service was proper. Further evidence is in exhibits. There is little
10 plausible deniability that it was simply “a mistake” in light of all other very calculated ambush-type
11 attacks by the firm and it’s associates.
12
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14

15 Meet and Confer emails with AEG managing partner illustrate and suggest the problem
16 defense counsel for AEG is attempting to resolve via this Ex Parte Hearing. It appears to be as
17 inappropriate as the “Mold Clearance Report” that was requested by State Farm from AEG, that was
18 rendered in the form of a “Baseline Mold Report” – two very different types of reports, but as AEG
19 defense counsel suggested, the difference is like two cars, a chevy and a Cadillac and that apparently
20 the State Farm adjuster decided to save money and agreed to or ordered the “cheaper” Base line Mold
21 Report.
22

23 The policy holder was excluded from any and all such discussion and negotiations in March
24 2019. That report is the foundation and proximate cause, in collusion with State Farm, of all the
25 catastrophic damages, toxic exposure, and life threatening health challenges the Plaintiff now
26 experiences, on top of learning how to fight what some call “Guerrilla Lawfare”
27
28

1
2 . In efforts to bamboozle the Court and bamboozle and intimidate a self-represented Plaintiff,,
3 even with threats of sanctions, with disability accommodations requested and granted, on a situational
4 basis, defense counsel falsely alleged the right to readdress Causes of Action already ruled on by the
5 Court (Breach of Contract, Breach of the Duty of Good Faith and Fair Dealing, Intentional
6 Interference with Contractual Relations and Conspiracy, Negligence and Toxic Exposure. I
7 explained to counsel that the Court had already ruled on these, and that her associate had attempted
8 the same ploy with the Second Amended Complaint and that the Judge had to explain to him that the
9 Court ALREADY RULED.
10

11
12 That appears to be trickery and abuse because it's impossible for a reasonable person to
13 believe that defense counsel can just make stuff up if they don't like Court's decisions. More
14 content in Exhibits E and F.

15 An administrative error was discovered in that I failed to remove AEG from the requests for
16 punitive damages, and we agreed to "stipulate" that out. I also mentioned that administratively, I
17 failed to reinstate the Elder Financial Abuse and Disability Discrimination Cause of Action when I
18 omitted it from the TAC for AEG (it should have still been standing for other co-defendants). A
19 request for permission to stipulate that out, and restore Elder Financial Abuse and Disability
20 Discrimination will be requested, along with in Chamber hearing with all defendants present to set
21 guidelines for going forward in this complex litigation.
22
23

24
25 DATES: September 26, 2022

LINDA AYRES, PLAINTIFF

26
27 *Linda Ayres*

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**OPPOSITION TO AEG MOTION FOR DISMISSING THE FOURTH, SIXTH AND NINTH CAUSES OF ACTION AS
STATED IN THE SECOND AMENDED COMPLAINT, AMENDED IN THIRD AMENDED COMPLAINT 7/6/2022 AND
PROPERLY SERVED
LINDA AYRES VS STATE FARM ET AL SB CIV 2106284**

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 **I. INTRODUCTION**

4
5 Court transcription of April 13, 2022 hearing pages show a different perspective and
6 understanding of Court ordered dates and the transcriptions clarify Plaintiff's understanding that the
7 due date for the Third Amended Complaint of July 6, 2022. Exhibit B, pages 7, 8 and 9.

8
9 That AEG defense counsel refers to the disability accommodation by the court as suggesting
10 favoritism by "*generously allowed Plaintiff 60 days leave to amend*" further illustrates the contempt,
11 disdain and discrimination by defense counsel against a self-represented plaintiff with Disabilities.
12 ADA accommodations have been requested of the Court, in writing, with medical records, and they
13 been granted, on a situational basis. This is one of those situations.

14
15 July 6, 2022 is the date Plaintiff heard the Judge determine everything was
16 consolidated/continued and moved to, after the initial discussion and subsequent discussions of other
17 defendants wanting their strikes and demurrers to be heard, but that has been prevented for over 2
18 years, due to the AEG counsel's devious racking up billable hours, and causing hardship delays costs
19 and burdens to all. Now they want to throw out the Third Amended Complaint because they cannot
20 defend their client in any way other than chicanery? Let the evidence speak for itself.

21
22
23 Let it be known by all parties that this case involves the catastrophic damages to the Plaintiffs
24 home in 2019, cover up leading to life threatening toxic exposure to the Plaintiff that would never
25 have happened had it not been for the report from AEG unlawfully obtained by co-defendant State
26 Farm General Insurance Company, regarding the causes of action involving all remaining defendants.
27 Had a legitimate "Mold Clearance Report" been provided, no such report would have been possible
28

1 in March 2019, as there had been more than 40 days of unmitigated water intrusion to the Plaintiff's
2 home, with water raining into the house from light fixtures, door jams because 65% of the roof had
3 blown off. A "Baseline Mold Test" was substituted by AEG and State Farm, being the proximate
4 cause of catastrophic property loss and life threatening toxic exposure, on purpose. Perhaps this case
5 should be referred to the District Attorney for organized crime efforts to main and kill to cover up
6 mis-deeds.
7

8 The Defendant's own internet advertisings indicate risk of toxic mold exposure after 24
9 hours--- AEG tested a property that had no remediation and more extreme water intrusion throughout
10 the interior for weeks. It is a scientific impossibility that a "mold clearance" was possible; evidenced
11 by subsequent reports throughout 2019, that result in extreme illness by December 2019 to the
12 Plaintiff, and subsequent reports that required a second demolition of the property in 2020. That
13 build back was thwarted by the national lockdown, and Plaintiff had to take refuge in an
14 uninhabitable home – without walls, ceilings, insulation, floor or furniture for the entire lockdown.
15 Additional expenses have been submitted at over \$125,000 and the house has still not been restored
16 to pre-loss condition.
17
18

19
20 Exhibit A shows the progress and obstructions in this complex litigation, caused primarily by
21 AEG defense counsel, running this litigation like a "runaway train." When there were more
22 defendants, the collusion and conspiratorial defiance of the law seemed palpable. Now that the
23 number of defendants has been reduced by 50%, the same strategies, but mirror imaged, are
24 apparently in the "playbook" – attempting to derail the litigation and obstruct justice by any means
25 available. The term "fixer" comes to mind from television and gangster stories.
26
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1 . The Third Amended Complaint was filed timely, on July 6, 2022, as was the Plaintiff's
2 understanding of the Court's rulings regarding the TAC and multiple other pending SAC hearings by
3 other defense counsels, on page 9, wherein the Court stated, "...All of those motions are going to be
4 continued until July 6th..." The expedited Court Transcripts were received on May 30th, confirming
5 to Plaintiff's understanding, that the due date of the TAC was July 6th, 2022.
6

7 The time directly after the April hearing was spent on Amended Discoveries, due to Court
8 order and sanctions, in response to a level of discovery demands that AEG counsel has clearly stated
9 and intended would not be manageable by even a seasoned litigator. Plaintiff failed to adequately
10 plead for Court protection and sanctions against abusive discovery and aggressive threats to a self-
11 represented plaintiff.
12

13 The pattern of practice of threats and abuse was evidenced in the sanction hearing, wherein
14 the defense counsel threatened the Court with an 'appeal in a higher court' if any mercy or directions
15 were provided to self-represented and disabled plaintiff.
16

17 In the current Ex Parte hearing, a similar thinly veiled threat is again hurled at the Court,
18 which I'm told is none of my business, but as an American citizen, I'm deeply offended by the
19 conduct of defense counsel in burdening and threatening the Court, co-defendants, and the Plaintiff.
20

21 The Court rulings of April 2022, sent out by defense counsel for AEG, did not state a due
22 date of Third Amended Complaint. The ex-parte request falsely alleges that plaintiff declined to
23 amend the SAC- Second Amended Complaint. The ex-parte application further states that AEG
24 counsel On September 20, 2022, as our firm prepared to file a Demurrer and Motion to Strike for the
25 Third Amended Complaint, I saw on the Court's website that other Defendant's Answers and
26 Demurrers had been rejected because there was no Third Amended Complaint on file with the
27
28

1 Court.” TRUST BUT VERIFY COMES TO MIND. Had Defense Counsel verified it’s
2 assumptions, we might not be in yet another exparte hearing. Their information was a wrong as that
3 of their managing partner suggesting that Plaintiff had wasted Meet and Confer time, knowing that
4 the TAC had never been filed.
5

6
7 The first Ex Parte hearing was not properly served on Plaintiff, as it was sent to the
8 prohibited Plaintiff account, at which it is blocked from receipt of any communications from the
9 Booth LLP associate attorney involved in this case. AEG defense counsel’s Managing partner
10 adamantly insisted service was proper, and the only way Plaintiff knew there was a hearing
11 scheduled for last Thursday was by copy of notices of other counsel attending remotely. Multiple
12 emails did not result in proper notice of what sort of hearing was going on. That would have been the
13 third such hearing, had it taken place, that happened without me, without notice to me, and trickery of
14 the Court by counsel, again. When I asked for proof of service, clarifying that if it was intentionally
15 sent to my primary email, lindaayres311@gmail.com, that was further evidence of continued abuse
16 and attempts to bamboozle a self-represented plaintiff with disabilities. Sheer trickery to send notice
17 of ExParte hearing to a prohibited email account, and then refuse to response to requests for
18 information, and for defense counsel to further insist service was proper. Further evidence in
19 exhibits.
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24 In Meet and Confer calls with the managing partner at AEG’s defense counsel, multiple
25 extensions for response were granted by Plaintiff. Settlement discussion failed, and plans to prepare
26 for trial, more discovery and depositions were discussed.
27

1 It was the plaintiff's understanding that July 6, 2022 Court order included the date for the
2 Third Amended Complaint, as it was similarly ordered for the Second Amended Complaint.
3

4 The managing partner had also provided 9 points at issue, which Plaintiff responded to in
5 writing after multiple conversations. Managing partner was apparently very angry because the
6 Plaintiff was not being intimidated or deceived by threats of sanctions in lieu of stipulations on the
7 'attorney fees' administrative glitch, but mostly because the Plaintiff did not believe her that she
8 could supersede the Court's previous ruling.
9

10 The Court, in nearly 3 years, has only ruled on AEG demurrers and strikes, and various Ex-
11 Parte motions, including the AEG October 2021 effort to violate the first amendment rights of the
12 Plaintiff. The self-represented Plaintiff failed to adequately plead with the Court for protection from
13 AEG counsel from abusive discovery, cyber stalking and other threats, but the Court did grant
14 permission for a designated and separate email address for communications between AEG and
15 Plaintiff, prohibiting direct contact. AEG Defense Counsel / Managing Partner has recently and
16 repeatedly warned Plaintiff not to speak to any of her associates, and to "Don't even say hello to him
17 in Court. Do not speak to my Associates."
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19 Litigation without legitimate communication can be problematic and burdensome on all
20 parties, including the Court, without intervention.
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II

LEGAL ARGUMENT

A. THE MOTION FOR DISMISSAL OF THE FOURTH, SIXTH AND NINTH CAUSES OF ACTION – FRAUD, INTENTIONAL MISREPRESENTATION, AND RICO - RACKETEERING INLUENCED AND CORRUP ORGANIZATIONS AND CONSPIRACY - MUST BE DENIED AS IT IS BASED ON FALSE ALLEGATIONS AND CLEARLY BASED ON LEGAL CHICANERY IN ATTEMPTS TO CAUSE FURTHER BURDEN TO THE COURT, TO CO-DEFENDANTS AND TO THE PLAINTIFF AND TO OBSTRUCT JUSTICE, AS A PATTERN OF PRACTICE.

Plaintiff Linda Ayres contends that this court should deny the motion for dismissal falsely blames the Plaintiff for Court delays in filings, that AEG’s failure to clearly state the alleged due date, in dispute by Plaintiff in light of Court transcripts.

Defendant AEG also served a prior ExParte hearing notice, on 9/22/2022, to a prohibited email address, with apparent attempt to cause Plaintiff to miss the hearing and endeavor to effect a win by default.

Defense counsel insisted that service was proper, and when asked for proof of service, Defendant withdrew and revised and re-served Ex Parte hearing notice teo all parties. That is admission that the first attempt was to gain improper advantage by falsely reporting to the Court that service had been made on defendant.

This vile act also included false accusations by managing partner that Plaintiff had wasted time having meet and confer under false pretenses of a filed TAC. Managing Partner of AEG

1 counsel also blamed Plaintiff, in pro per with disabilities, for how expensive the case has become for
2 their client, and how a response to the TAC would prove very costly. There is no evidence that any
3 settlement offers were ever presented to their client, but to blame the Plaintiff for billable hours over
4 the course of more than 2 years of discovery abuse, threats, intimidation, and cyber stalking and
5 related threats is abominable, and seems to fall under the category of “professional misconduct”

7 AEG is in default, but if, as they say, they have prepared the response, with the Court’s order
8 and permission, serving the response within 24 hours would allow matters to proceed.

9 There is currently discovery out by Paul Davis Restoration to State Farm and to Crawford
10 Contractor Connection. Deposition dates have been requested of State Farm for some of their
11 adjusters. Plaintiff has recently obtained an environmental air quality report that suggests an entire
12 house inspection is required again, as toxic mold species have been reported. The two samples show
13 less quantities of the most dangerous spore species than in 2019 and 2029, but the inspector
14 recommended sending the reports to physician for further information. A full house inspection will
15 show a clearer picture, and none of this would be happening had the AEG reports provided at the
16 behest of State Farm adjuster community, with intent to cover up the damages and life threatening
17 risks created by all defendants, in varying degrees of culpability.

20 Perhaps the Court could simply refer this case to the District Attorney and/or the Attorney
21 General as the RICO scope seems beyond the Plaintiff’s abilities to plead well enough to help protect
22 the People of California and of the United States of America from such heinous corruption.

25 See the Declaration of Linda Ayres and Exhibits “_A-G” attached thereto concurrently filed
26 and served and incorporated herein by reference. EXHIBITS INCLUDE:

1 a. Third Amended Complaint top sheet, with Court date stamp 7/6/2022 and Proof of Service,
2 with highlights on AEG related amendments; No other defendants have been heard on either
3 the First, Second or Third Amended Complaints because of AEG counsel's legal chicanery,
4 discovery abuses and pattern and practice of abuse and burden on the Court, co-defendants
5 and Plaintiff. In Chamber hearing with Judge to ensure no further obstruction of Justice from
6 this defendant and it's counsel, taking advantage of the complex nature of this litigation.
7

8 Second Amended and First Amended Complaint also included.

9 b. Court transcripts regarding the multiple dates for amendments, demurrers, strikes, hearings –
10 pages 7, 8, 9 and 10 discuss dates in detail and are marked up, supporting Plaintiff's
11 understanding of the complexities and a consolidated hearing date of July 6, 2022, just like
12 the second amended complaint due date was moved en total. The expedited Court transcript
13 was received on May 30, 2022 so there was little time to seek legal counsel, nor was there any
14 reason to believe the date was any different than July 6, 2022. The prior weeks were spent
15 aggressively attempting to meet all demands of Court order on abusive discovery deadlines
16 and amendments, similar to each action prior to Amendments.
17

18 Portal Minute Order of 4/13/2022 is attached, along with NOR – NOTICE OF
19 RULING BY AEG that also does not include an actual date for the Third Amended
20 Complaint that Plaintiff understood to be July 6, 2022.
21

22 c. September 22, 2022 service of revised Exparte hearing and motion to dismiss 4th, 6th and 9th
23 causes of action of SAC are attached, along with false allegations of managing partner of
24 AEG's counsel. This was preceded by an improperly served similar document dated
25 "October 29, 2021" - see exhibit "G" This document includes a Defendant that is settled and
26 dismissed, and omits a defendant that even has outstanding discoveries, and incorrectly states
27
28

1 defendants Does 1 through 50, inclusive. Service is also included to all previously settled
2 defendants, their office staff, and even directly to defendant Michael Savage. This seems also
3 in violation of confidentiality agreements made with the knowledge of all defendants, and
4 AEG admitted had received information breaching confidentiality agreements during
5 settlement negotiations earlier this year. If this is more “lawfare” I do not understand it’s
6 intent, but I know it’s very wrong. If technicalities matter, this is an egregiously sloppy
7 submission to the Court in an apparent attempt to further obstruct justice and cause burden to
8 the Court, to Co-Defendants, and to Plaintiff.
9

10 d. MEET AND CONFER AND EX-PARTE NOTICE COMMUNICATIONS - 9/11/22

11 EMAIL THREAD had been enlarged for ease of reading; original is also attached.

12 Discussion with AEG managing counsel is evidence of attempt to deceive Plaintiff and the
13 Court with falsely claiming right to re-address already ruled on matters. When counsel was
14 advised the her associate had tried the trick before and the Court reminded that rulings were
15 already made, she got mad and said she would have to check the file. Next I heard, she did
16 not respond to the agreed on 9/20/2022 extended answer date, and instead, her associates sent
17 a notice of an exparte hearing to a prohibited email address, ensuring that Plaintiff would not
18 have time or knowledge in which to respond. That seems to be sanctionable mis-conduct for
19 the firm, and the deception of whether or not they responded can be easily determined if the
20 Court gives them 24 hours to produce the answers, allegedly completed after extensive meet
21 and confer and written communications. If not, they should be found in contempt of court
22 and sanctioned, imho, based on the evidence herein.
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26 e. The 9/2/2022 email on top of the page, from AEG counsel, is clear evidence of the sending of
27 the exparte notice sent to Plaintiff at a prohibited email address to ensure she would not be
28

1 aware of the hearing, or have time to prepare for it, as it was sent purposely to the wrong
2 address with clear intent to deceive. It also has incorrect service parties.

3 f. Additional correspondence regarding current ex parte actions, and the preceding effort, also
4 similarly flawed in naming defendants and serving inappropriately and efforts by Plaintiff to
5 find out what the heck was going on now.
6

7 g. First ex parte application for hearing 9/22/2022 is attached; this was improperly served to a
8 prohibited email address of Plaintiff, in apparent chicanery. The named defendants are
9 inaccurate and incomplete. The proposed order is dated October 29, 2021, and again, named
10 defendants are inaccurate and incomplete, and multiple defendants, already settled, have been
11 improperly served, possibly violating confidentiality agreements that have been repeatedly
12 breached by and with AEG counsel. This is no notice that these have been withdrawn and
13 corrected and replaced by the application and order being heard on 9/27/2022
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II

**THE MOTION FOR DISMISSING THE FOURTH, SIXTH AND NINTH CAUSES OF
ACTION OF THE SECOND AMENDED COMPLAINT MUST BE DENIED:**

**BECAUSE THE MOVING PARTY HAS FAILED TO MAKE ANY SHOWING OF
CIRCUMSTANCES OR LAW THAT WOULD SUPPORT A MOTION FOR DISMISSAL
NOR HAVE THEY PROVIDED AN ADEQUATE EXPLANATION. THUS THEY HAVE
FAILED TO MEET THEIR BURDEN. THEY HAVE ALSO EXPOSED ADDITIONAL
LEGAL CHICANERY EFFORTS TO OBSTRUCT JUSTICE AND INTIMIDATE A SELF-
REPRESENTED ELDERLY PLAINTFF WITH DISABILITIES, AND WITH COURT
REQUESTED DISABILITY ACCOMMODATIONS TO ENSURE THAT SUCH
CONFUSION AND CHICANERY DOES NOT OBSTRUCT JUSTICE ANY LONGER.**

Because the moving party has failed to present actual facts and has presented fabricated facts
their motion must be denied.

If it is truthful that they have indeed prepared but not filed their responses, Plaintiff requests
that the Court give them 24 hours to respond to the Third Amended Complaint, and that all hearings
be scheduled on the same day, in February 2023 for rulings.

American Environmental group has provided no new or different facts, circumstances or law
that would support granting a motion for dismissal nor have they provided an adequate explanation
their failure to respond timely to the Third Amended Complaint, and they are, essentially, in default.

1 Notice and reason the July 6, 2022 hearing change to October 18, 2022, for the trial setting
2 conference remains a mystery. Had the hearing been changed, there would be no concerns as to the
3 validity of the Plaintiff's filing of the Third Amended Complaint, and it would have been handed
4 delivered to the Court, as was the SAC and the FAC, on the hearing date..
5

6
7 As it appears we will still need at least 9 more months for discovery and depositions, it is
8 requested that the Court continue the October 18 hearing to February 2023.
9

10 The Opposition shall be based on this opposition, this attached Memorandum of Points and
11 Authorities, the declaration of Linda Ayres and Exhibits attached thereto, on the complete files and
12 records of this action and on such other oral and/or documentary evidence as may be presented at the
13 hearing on the Motion.
14

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17 **III.**

18 **CONCLUSION**

19 Based on the foregoing, Linda Ayres, Plaintiff, requests that the court deny the motion for
20 dismissing the Fourth, Sixth and Ninth Causes of Action of the Second Amended Complaint.
21

22
23 Dated: September 26, 2022

Linda Ayres

Linda Ayres, Plaintiff, In Pro Per

25 **II.**
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1
2 **DECLARATION OF LINDA AYRES**

3 **_IN SUPPORT OF OPPOSITION TO AMERICAN ENVIRONMENTAL GROUP (AEG)**
4 **MOTION FOR DISMISSING THE FOURTH, SIXTH AND NINTH CAUSES OF ACTION**
5 **AS STATED IN THE SECOND AMENDED COMPLAINT;**
6

7
8 I, Linda Ayres, Plaintiff, declare as follows:
9

10 1. I represent myself in pro per as Plaintiff in the above-entitled proceedings and, as
11 such, I have knowledge of the matters contained herein and they are true and correct of my own
12 personal knowledge, except for those matters stated upon information and belief as to those matters,
13 I believe them to be true and correct. If called and sworn as a witness, I could and would testify
14 competently thereto. I am a party to this action. I am over the age of 18 years. I have personal
15 knowledge of the facts contained in this declaration, and if called as a witness could and would testify
16 competently to the facts as stated herein.
17
18

19 2. I make this declaration in support of my opposition to the motion for dismissing the
20 4th, 6th and 9th Causes of Action in the Second Amended Complaint.
21

22 3. The motion for dismissal filed by defense counsel for American Environmental
23 Group should be denied as the motion and supporting declaration fail to show accurate information
24 on the filing of the Third Amended Complaint and in fact, show extreme legal chicanery, bad faith,
25 intentional burdens upon the Court, co-defendants and plaintiff in vexatious efforts to obstruct justice,
26 overburden all parties, including but not limited to Plaintiff, and continue the charades that have cost
27
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- 19 -

1 all defendants, the plaintiff, and the Court, in dealing with the lack of candor, bad faith, and litigation
2 intimidation.

3 The Notice of Ruling did not show a date the TAC was due; the Portal Notes did not show a
4 date the TAC was due, and the attached Court Transcripts showed dates, then 3 pages of additional
5 dates, apparently concluding and certainly the understanding of the Plaintiff, that July 6, 2022 was
6 the due date.
7

8 The July 6, 2022 HEARING was continued without knowledge of Plaintiff, and Plaintiff was
9 told it was continued by the Court. Had that not been so, the Third Amended Complaint would have
10 been hand-delivered by Plaintiff to the Department S22 Court Clerk, as was the SAC and FAC and
11 any defense counsel with concerns about the due date could have been heard then. There were no
12 objections or concerns expressed by any defendants, and it was just apparently accepted that the
13 Court hearing and all related matters had been continued to October 18, 2022.
14

15 Sanctions seem in order and the Court will asked to require delivery of their answers to the
16 Third Amended Complaint that is allegedly completed, as it was extended due to date September 20,
17 2022, or be found in default on all Causes of Action
18
19

20 For instance the declaration of Scott G. Green states that, **“Our firm served ex parte notice
21 of this application via email on September 22, 2022. True and correct copies of the email notice
22 are attached heretoe as Exhibit “A”**
23
24

25 That statement is not true as it states that “plaintiff’s failure to file an amended complaint.”
26 Defence Couounsel is well aware that Plaintiff Linda Ayres did indeed file the Third Amended
27
28

1 Complaint, in person, on the third floor of the San Bernardino Superior Court clerks office on July 6,
2 2022 and properly served all defense counsel electronically on the same date, exhibits enclosed. A
3 copy of the Court stamped receipt of the TAC has also been provided to AEG defense counsel. All
4 Defense Counsels were properly served the TAC.
5

6
7 It was and continues to be the Plaintiff's understanding that in light of the complexity of the
8 unheard motions/strikes/demurrers of other co-defendants, the Court consolidated and continued all
9 the hearings pending as of April 13, 2022, as was done with a similar situation with the Second
10 Amended Complaint American Environment group abusive and burdensome tactics, causing burden
11 on the Court, co-defendants and Plaintiff. A comparison of the Portal Notice, Notice of Ruling that
12 AEG served, without a date for the TAC may have been negligence, or a further attempt to obfuscate
13 processes and due dates, in light of known cognitive disabilities of the Plaintiff.
14
15

16
17 Accommodations for disabilities have been requested and granted by the Court, based on
18 medical evidence. That AEG counsel would refer to a 60 day period as "generous" of the Court
19 for a disabled woman to amend 3 Causes of Action and DELETE ALL NAME REFERENCES OF
20 DEFENDANTS SETTLED BY GOOD FAITH APPLICATION, WHILE SIMULTANEOUSLY
21 AMENDING MUTPLLE ABUSIVE DISCOVERY FOR WHICH SANCTIONS WERE
22 GRANTED, that counsel readily admitted that even a "well seasoned prosecutor" could not handle,
23 seems discriminatory against Americans with disabilities and the elder population at large. . Those
24 edits took several weeks of intense labor
25
26
27
28

1 AEG associate counsel and managing partner and likely all staff were and are fully aware that
2 all other defendants had requested extension for responses to the Third Amended Complaint, and
3 those extension would granted without fuss by Plaintiff. Extensive Meet and Confer and email
4 exchanges between AEG counsel managing partner and plaintiff were civilized. When the manager
5 partner discovered that the Plaintiff, although self-represented, would not be bamboozed again into a
6 pittance of a late 2022 settlement offer, based on false allegations that all of the Causes of Actions
7 could be answered again, with her statements included in Exhibit D, suggesting that AEG had the
8 ability to overrule the Judge's orders. Please see in exhibits Plaintiff's Juen 24, 2022 confirmation to
9 all defense counsel of status and that July 6, 2022 TAC filing deadline would be met.
10
11

12
13 When counsel was advised that her associate had attempted the same tactic, in the Court, for
14 SAC, the Judge made it clear that the Court had already ruled. Managing partner had complained,
15 repeatedly, that she did not care if the case ever settles, but that it was getting very expensive and that
16 answering the complaint would be costly. She seemed to blame me for mis-fired lawfare. She
17 meanly accused me of not filing, and wasting her time in the Meet and Confers. She also suggested
18 that there is a separate email address for AEG not FOR MY SAFETY and well being, but for that of
19 her staff.
20

21 Judicial intervention or some sort of supervision to reduce burdens on the Court, co-
22 defendants and plaintiff must happen before they do the same things for years more, costing
23 taxpayers and everybody money, while they churn files and obstruct justice and abuse elderly
24 disabled women under the guise of 'letter of the law' with total disregard and disrespect for the spirit
25 of the law, and Rule of Law and civility.
26
27
28

1 4. Exhibit C is not a correct copy of the Notice of Ruling regarding the AEG demurrer ruling,
2 as reflected in the Court Transcripts, and 3 additional pages of discussion, causing Plaintiff to
3 understand and believe all dates had been continued to July 6, 2022. No date was included for the
4 TAC, but dates are now being shown on all the Exparte activities. All other defendants, like AEG's
5 counsel, requested of Plaintiff extensions for time to respond to TAC. All requests were granted by
6 Plaintiff. Only State Farm counsel, in meet and confer, referenced a time issue. Counsel was told it
7 was clearly Plaintiff's understanding that the due date was July 6, 2022 and that the Court transcripts
8 would be found to verify same. That did not prevent State Farm from responding timely. Crawford
9 Contractor Connection and Paul Davis Restoration and Desert Valley all also responded timely
10
11

12
13 5. In the declaration of Scott G Green, it is stated that "On September 20, 2022, as our firm
14 prepared to file a Demurrer and Motion to Strike for the Third Amended Complaint, I saw on the
15 Court's website that the other Defendant's Answers and Demurrers had been rejected because there
16 was no Thi8rd Amended Complaint with the Court."
17

18
19 AEG's counsel interpretations of Court matters seems impaired. A phone call to the Court
20 Clerk on 9/22/2022, confirming that the Third Amended Complaint had indeed been received by the
21 Court Clerk on July 6, 2022 took about 90 minutes.
22

23
24 The Clerk's office indicated that all the Judges and most of the attorneys know that the back
25 log is significant still due to lock down matters and that people are working as fast as they can, and
26 new staff is being hired and trained. I was also told that any returned answers are accompanied by a
27

1 notice that the Court is backlogged, and that while documents may indeed in the Court, they have not
2 made their way to the Judge yet, and follow up will be necessary.

3 The Clerk suggested taking a fresh copy to the Ex Parte Hearing and the Judge will determine
4 whether or not to receive it, or wait for it to come through the system.
5

6 The managing partner for AEG counsel accused me of lying that the TAC had been filed, and
7 when the Court stamp was provided, she again chided me that "received is not filed."

8 She had also indicated that their costs for this case were very high, and that they would go
9 even higher if they had to respond to the TAC. When I did not get response by the latest extended
10 due date of September 20, 2022, I sent an inquiry regarding their default. She wrote back, on
11

12 9/21/2022 at 9:05 am:

13 "Ms. Ayres,

14 After we spent considerable time and effort reviewing the document you represented to be the
15 Third Amended Complaint, discussing the deficiencies in the allegations with you, and preparing a
16 demurrer, we learned that you never actually filed a Third Amended Complaint. We learned this
17 when we saw that the court rejected a demurrer filed by another party based on the fact that no Third
18 Amended Complaint was filed. Thus, you have failed to timely file a Third Amended Complaint and
19 therefore there is nothing pending to which we must respond."
20
21

22 The Court is also asked to consider that the original due date for response to the TAC filed on
23 July 6, 2022 was due "30 days" after filing.
24

25 6. EXHIBITS INDEX IS ATTACHED

26 7. I respectfully request that the court deny the motion for dismissals filed by
27 AMERICAN ENVIRONMENTAL GROUP.
28

- 24 -

**OPPOSITION TO AEG MOTION FOR DISMISSING THE FOURTH, SIXTH AND NINTH CAUSES OF ACTION AS
STATED IN THE SECOND AMENDED COMPLAINT, AMENDED IN THIRD AMENDED COMPLAINT 7/6/2022 AND
PROPERLY SERVED**

LINDA AYRES VS STATE FARM ET AL SB CIV 2106284

1 I declare under penalty of perjury under the laws of the State of California that the foregoing
2 is true and correct and that this declaration is executed on 26TH of September at Yucca Valley,
3 California.
4

5 *Linda Ayres*
6

7 Linda Ayres, Plaintiff, In Pro Per
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- 25 -

**OPPOSITION TO AEG MOTION FOR DISMISSING THE FOURTH, SIXTH AND NINTH CAUSES OF ACTION AS
STATED IN THE SECOND AMENDED COMPLAINT, AMENDED IN THIRD AMENDED COMPLAINT 7/6/2022 AND
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LINDA AYRES VS STATE FARM ET AL SB CIV 2106284**

EXHIBITS

A. AMENDED COMPLAINTS - OVERVIEW

Third Amended Complaint top sheet, with Court date stamp 7/6/2022 and Proof of Service, with highlights on AEG related amendments; No other defendants have been heard on either the First, Second or Third Amended Complaints because of AEG counsel's legal chicanery, discovery abuses and pattern and practice of abuse and burden on the Court, co-defendants and Plaintiff. In Chamber hearing with Judge to ensure no further obstruction of Justice from this defendant and it's counsel, taking advantage of the complex nature of this litigation. Second Amended and First Amended Complaint also included.

B. **Court transcripts** regarding the multiple dates for amendments, demurrers, strikes, hearings – pages 7, 8, 9 and 10 discuss dates in detail and are marked up, supporting Plaintiff's understanding of the complexities and a consolidated hearing date of July 6, 2022, just like the second amended complaint due date was moved en total. The expedited Court transcript was received on May 30, 2022 so there was little time to seek legal counsel, nor was there any reason to believe the date was any different than July 6, 2022. The prior weeks were spent aggressively attempting to meet all demands of Court order on abusive discovery deadlines and amendments, similar to each action prior to Amendments.

Portal Minute Order of 4/13/2022 is attached, along with **NOR – NOTICE OF RULING BY AEG** that also does not include an actual date for the Third Amended Complaint that Plaintiff understood to be July 6, 2022.

C. **September 22, 2022 service of revised Exparte hearing and motion to dismiss 4th, 6th and 9th causes of action of SAC** are attached, along with false allegations of managing partner of AEG's counsel. This was preceded by an improperly served similar document dated "October 29, 2021" - see exhibit "G" This document includes a Defendant that is settled and dismissed, and omits a defendant that even has outstanding discoveries, and incorrectly states defendants Does 1 through 50, inclusive. Service is also included to all previously settled defendants, their office staff, and even directly to defendant Michael Savage. This seems also in violation of confidentiality agreements made with the knowledge of all defendants, and AEG admitted had received information breaching confidentiality agreements during settlement negotiations earlier this year. If this is more "lawfare" I do not understand it's intent, but I know it's very wrong. If technicalities matter, this is an egregiously sloppy submission to the Court in an apparent attempt to further obstruct justice and cause burden to the Court, to Co-Defendants, and to Plaintiff.

D. **MEET AND CONFER AND EX-PARTE NOTICE COMMUNICATIONS - 9/11/22**

EMAIL THREAD had been enlarged for ease of reading; original is also attached. Discussion with AEG managing counsel is evidence of attempt to deceive Plaintiff and the Court with falsely claiming right to re-address already ruled on matters. When counsel was advised the her associate had tried the trick before and the Court reminded that rulings were already made, she got mad and said she would have to check the file. Next I heard, she did not respond to the agreed on 9/20/2022 extended answer date, and instead, her associates sent a notice of an exparte hearing to a prohibited email address, ensuring that Plaintiff would not have time or knowledge in which to respond. That seems to be sanctionable mis-conduct for the firm, and the deception of whether or not

they responded can be easily determined if the Court gives them 24 hours to produce the answers, allegedly completed after extensive meet and confer and written communications. If not, they should be found in contempt of court and sanctioned, imho, based on the evidence herein.

- E. **EXPARTE NOTICE TO AVOID DEFAULT?** The 9/2/2022 email on top of the page, from AEG counsel, is clear evidence of the sending of the exparte notice sent to Plaintiff at a prohibited email address to ensure she would not be aware of the hearing, or have time to prepare for it, as it was sent purposely to the wrong address with clear intent to deceive. It also has incorrect service parties.
- F. **EXPARTE HEARING COMMUNICATIONS** Additional correspondence regarding current exparte actions, and the preceding effort, also similarly flawed in naming defendants and serving inappropriately and efforts by Plaintiff to find out what the heck was going on now.
- G. **EXPARTE SERVICE TO PROHIBITED EMAIL CORRESPONDENCE** First exparte application for hearing 9/22/2022 is attached; this was improperly served to a prohibited email address of Plaintiff, in apparent chicanery. The named defendants are inaccurate and incomplete. The proposed order is dated October 29, 2021, and again, named defendants are inaccurate and incomplete, and multiple defendants, already settled, have been improperly served, possibly violating confidentiality agreements that

PROOF OF SERVICE
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

I reside in the County of San Bernardino, State of California. I am over the age of 18 and my mailing address is PO BOX 835, Yucca Valley, CA 92286.

On this date, September 26, 2022, I electronically served the foregoing notice, described as follows:

LINDA AYRES VS STATE FARM ET AL CIV SB 2106284 -

OPPOSITION TO MOTION FOR RECONSIDERATION; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF LINDA AYRES ; EXHIBITS to the following parties:

On the interested parties in this action by serving a true copy thereof.

BY ELECTRONIC TRANSMISSION: Pursuant to California Rules of Court the above referenced documents are being e served to the email listed on the attached Service List.

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

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on September 26, 2022 at Yucca Valley, California.

Linda Ayres

Linda Ayres

OPPOSITION TO AEG MOTION FOR DISMISSING THE FOURTH, SIXTH AND NINTH CAUSES OF ACTION AS STATED IN THE SECOND AMENDED COMPLAINT, AMENDED IN THIRD AMENDED COMPLAINT 7/6/2022 AND PROPERLY SERVED – LINDA AYRES VS STATE FARM ET AL SB CIV 2016284

SERVICE LIST

DEFENDANTS	COUNSEL/DEFENDANT	ELECTRONIC SERVICE VIA
American Environmental Group, a McLarens Company, a Corporation	Hillary Booth, Managing Partner Booth LLP 11835 W Olympic Blvd, Suite 600E Los Angeles, CA 90064	hbooth@boothllp.com sgreene@boothllp.com jbooth@boothllp.com
Crawford Contractor Connection	Dominic Campodonico, Partner Gordon & Rees Scully Mansukhani 285 Battery Street Suite 2000 San Francisco, CA 94111	dcampodonico@grsm.com ghedrick@grsm.com
Desert Valley Restoration, dba Paul Davis Restoration & Remodeling of Greater Palm Springs	German a Marcucci, Partner ROPERS MAJESKI PC 445 South Figueroa Street 30th Floor, Los Angeles, CA 90071	german.marcucci@ropers.com dominique.sicari@ropers.com
Paul Davis Restoration, Inc.	German a Marcucci, Partner ROPERS MAJESKI PC 445 South Figueroa Street 30th Floor, Los Angeles, CA 90071	german.marcucci@ropers.com dominique.sicari@ropers.com
State Farm General Insurance Company, A Corporation	Michael McGuire and/or Dominique MW Tomaino, &/or John T Meno &/or Brendan Fogerty Attorneys - Pacific Law Partners 15615 Alton Parkway Suite 240 Irvine CA 92618	MmcGuire@plawp.com ; dtomaino@plawp.com jmeno@plawp.com bfogarty@plawp.com

OPPOSITION TO AEG MOTION FOR DISMISSING THE FOURTH, SIXTH AND NINTH CAUSES OF ACTION AS STATED IN THE SECOND AMENDED COMPLAINT, AMENDED IN THIRD AMENDED COMPLAINT 7/6/2022 AND PROPERLY SERVED – LINDA AYRES VS STATE FARM ET AL SB CIV 2016284