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SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES

) Case No.: LC 094563 ) ) GARY ALAN KURTZ, Plaintiff, vs. ALAN JULES WEBERMAN Defendant, pro se ) ) MOTION FOR SUMMARY JUDGMENT ) ) ) )

Hearing on this motion scheduled Tuesday January 10, 2012 at 8:30 AM in Dept NW D at 6230 Sylmar Ave, Van Nuys, CA. 91401

INTRODUCTION Now comes the Defendant A. J. Weberman and asks this court to dismiss complaint against him as the URL's in question are not

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leased by him but by a Third Party. The third Party allows the use of leased URLs for free. The leases are not the property of Alan Weberman either outright or by proxy. This complaint is part of a scam to deprive this Third Party of his property without due process of law. This is how it reads:

3. Defendant A. J. Weberman, who is also known as Alan Jules Weberman, Daniel Ben-Tzion, and Bentzion Daniel ("Defendant" or "Weberman") is an individual who resides in New York but who publishes defamatory communications calculated to reach audiences and cause damages to Plaintiff in California and other states. 4. The true names and capacities, whether individual, corporate, associate or as defendants herein named as Does 1 through 10 inclusive, are unknown to plaintiff who, therefore sues said defendants by such fictitious names. Plaintiff is informed and believe and based thereon alleges that the Doe defendants are persons who hold real and/or personal property for Weberman in order to prevent plaintiff, and other similarly situated judgment creditors, from collecting debts Weberman owes.

The Gary Kurtz declaration is simply part of a ruse. There were no "John Does" in this case. Anyone could find out the URLs in question were leased by David Bernis's company in Rochester New York. (See Exhibit A) In order to obtain this injunction Kurtz included a Declaration by Steve Rombom. Rombom bills himself as an internet sleuth. (See Exhibit B) Surely he could have gone to WHOIS in INTERNIC and found who the URL's were registered to.

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Why this subterfuge? If it is impossible to tell who the URLs are registered to beyond John Does 1 through 10 then papers cannot be served on them and "their" property can be seized without due process of law. But if Kurtz would have stated that David Bernis leased these URL's then David Bernis would have to be brought into the picture and served with papers and be given the benefit of due process of the law which he has not. (SEE BERNIS DECLARATION) Kurtz had concocted a scheme to deprive David Bernis of his property and enlisted the California Court system as an unwitting co-conspirator. He bamboozled one judge into believing the lease owner of the URLs could not be found and conned him into issuing this restraining order that tacitly indicates he believes the URL's are mine as it states that I am not allowed to transfer them. I do not lease these URLs so how can I switch them to another name-server and it is a fact that even if I register the URL overseas it still must go through ENOM to go on United States Google. There is no other choice, ENOM is a monopoly. Everyone leases from ENOM. Let me reiterate: The Plaintiff is attempting to deceive you your Honor by claiming he cannot ascertain that the URL's in question are leased by Web Hosting and Domain Services P.O. Box 18585 Rochester, New York. All Kurtz had to do was to go to INTERNIC WHO IS to discover this. A little more research would have revealed the fact that David Bernis owns this company but Kurtz wanted to make it seem as the men who lease the web names or URLs in question cannot be located so he cannot serve papers on them and their company and circumvent the due process clause of the California constitution.

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Steve Rombom is allegedly an expert at tracking people down via the Internet but he could not identify Bernis despite this Internet entry: Domain Name: DRTS.US Domain ID: D1909679-US Registrar: ENOM, INC. Registrar URL (registration services): whois.enom.com Domain Status: clientTransferProhibited Registrant ID: DAVEINFO4B98783D Registrant Name: Dave Bernis Administrative Contact Organization: Web Hosting and Domain Services Administrative Contact Address: P.O. Box 18585 Administrative Contact City: Rochester Administrative Contact State/Province: NY Administrative Contact Postal Code: 14618 Administrative Contact Country: United States Administrative Contact Country Code: US Administrative Contact Phone Number: +1.5856725410

I have no financial interest in Web Hosting and Domain Services whatsoever never did and never will. Since he is a re-seller the URL's in question cost him about 6 dollars each a year so his bill is less than \$40. This is within reason - he can afford to shell out

Motion for Summary Judgment in Kurtz v. Weberman

by Aj Weberman

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DESCRIPTION

Attempt by Kurtz to get a website about him taken down without due process of law.

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240 a year to prevent my work from being censored in violation of the First Amendment.

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We are not talking about someone helping out with thousands of dollars. Bernis does not own these URLs; he merely leases them from Network Solutions, who have a monopoly on name servers in America. When Plaintiff Kurtz illegally seized several URL's from me on behalf of Steve Rombom in the past he did not go after this ajweberman.com as he knew it was leased by David Bernis, a third party. But now he is getting desperate and hopes to find a judge who will ignore due process.

Procedural due process is the guarantee that the government will not deprive a person of life, liberty, or property without first giving the person some amount of legal process. Legal process means some kind of legal notice or opportunity for a hearing. The only thing Mr. Bernis has received is a notice from ENOM containing a copy of the complaint against ENOM and an email explaining what it is. (SEE EXHIBIT C)

This exhibit also contains David Bernis's statement concerning the ownership of the URLs in question. Mr. Bernis has not been served with any court papers by Kurtz. If you seize leases which are considered property that are in his name without serving him with court papers you are violating the due process clause of the Constitution of the State of California and the United States constitution. Kurtz complaint itself states:

The instant action is based on Code of Civil Procedure § 708.210, which reads: If a third person has possession or

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control of property in which the judgment debtor has an interest or is indebted to the judgment debtor, the judgment creditor may bring an action against the third person to have the interest or debt applied to the satisfaction of the money judgment.

Kurtz has not brought an action against Bernis although the code of civil procedure states, "the judgment creditor may bring an action against the third person to have the interest or debt applied to the satisfaction of the money judgment." There it is in black and white. There is more:

08.220. The judgment debtor shall be joined in an action brought pursuant to this article but is not an indispensable party. The residence of the judgment debtor may not be considered in the determination of proper venue unless otherwise provided by contract between the judgment debtor and the third person.

There was no need to serve the judgment debtor as the Third Party is the person who the litigation should involve.

708.250. Service of summons on the third person creates a lien on the interest of the judgment debtor in the property or on the debt owed to the judgment debtor that is the subject of an action under this article.

The Third Party has never been served in this case. In other words according to the law Kurtz cited he has to sue Bernis.

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Additionally judgment debtor has no financial interest nor is David Bernis indebted to me.

Plaintiff Kurtz must hire an attorney in New York and file suit against Bernis there because Bernis has no business interest in California and simply because the information on the internet appears in California does not give the California courts jurisdiction. (Jewish Defense Organization, Inc. v. Superior Court (Rambam), 72 Cal.App.4th 1045, 85 Cal.Rptr.2d 611 (1999).

Kurtz argues, "Plaintiff is advancing a battle tested, albeit somewhat unusual collection method." Defendant agrees it is unusual to deprive someone of their property without due process.

BACKGROUND Is this court going to seize David Bernis's leases without due process of law merely on the basis of declarations of Gary Kurtz and Steve Rombom that they are really Webberman's leases when they are not? Rombom and Kurtz cannot produce a paper trail because there is no paper trail. The affidavit of Steve Rombom, Kurtz's business partner and long time associate is not the objective report of a private detective. Steve Rombom and this defendant have been engaged in a long time feud dating back 30 years when Rombom went to the FBI and claimed I was putting out contracts on Nazi war criminals living in US. I began to study Rombom and put up a website about him in 1996. It would be

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ridiculous to seize Bernis's property on the basis of this convicted felons declaration.

DECLARATION OF STEVE ROMBOM I am a private investigator who is licensed in the States of Texas and New York, as well as other jurisdictions. I have also been legally permitted to act as an investigator in the State of California.

Has this Court given Rombom permission to act as a PI in California in this case? Steve Rombom is not licensed in the State of California (he was refused a license due to moral turpitude) so his Declaration has no more validity than that of anyone else. Is this court going to seize Bernis leases without suing Bernis because Kurtz's partner, Steven Paul Rombom, says the property is really A. J. Webberman's? Where does it end? What about the Yippie Museum Bank account? That is not in my name yet I am closely associated with the Yippie Museum so why not seize that too without due process of law? Then the Rombom Declaration states this as evidence of ownership:

4.3. The web pages located at the acid-trip.org URL hosts many legal documents related to lawsuits against Webberman, and other Webberman related documents.

I have a right to post any legal document under New York State and California State law.

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4.4. On [steverombom.org](http://steverombom.org) Weberman discusses the underlying defamation lawsuit and the Court's judgment.

Yes I provide some of the content on this website as do others such as Kurtz's ex-wife but it does not mean that his ex-wife owns the URL.

4.5. On [dylanology.org](http://dylanology.org) Weberman apparently writes in the firstperson, Weberman's book about Dylan is prominently advertised and there is a link to "The Ballad of AJ Weberman." Dylanology is a word I invented and I am responsible for the content of this website.

Being responsible for the content does not automatically mean someone owns the URL. The use of this URL is given to me as a courtesy from a supporter.

4.6. Weberman has repeatedly described himself as the webmaster of the so-called "Jewish Defense Organization," which operates [jewishdefense.org](http://jewishdefense.org). [jewishdefense.org](http://jewishdefense.org) also contains a link "view documents from AJ Weberman."

I have never called myself the webmaster of the website because I am not. I am a contributor. Where did I say this or do we have to take Steve Rombom's word for this?

4.7. Weberman has been publicly linked with the "Yippie Museum", and his Wikipedia page states "...Weberman, who is a member of

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the Yippie Museum's board of trustees..." [Yippiemuseum.com](http://Yippiemuseum.com) and [Yippie museum.org](http://Yippie museum.org) (the same site) advertise Weberman's book, "Homothug" (<http://yippiemuseum.org/homothug/pressrelease.htm>).

They advertise my book because it is published by the Yippie Museum Press. This URL automatically transfers to another (<http://www.9bleecker.com>) run by Michael McKenna, the manager of the Yippie Museum Café which is part of the Yippie Museum. I am on the Board of Directors of the Yippie Museum, a non-profit entity chartered by the Board of Regents of New York State. SEE EXHIBIT D If you order this URL seized you are denying an educational institution due process.

[AJWeberman.com](http://AJWeberman.com) is apparently named after the Defendant, and his email address is displayed on the site's "index" (main) page. This website was apparently established to replace the website previously lost by Weberman: "weberman.com".

This was registered by David Bernis in 2001 to keep my information of the Kennedy assassination alive.

4.9. All of the websites are registered by the same Registrar (ENOM) and have the same nameservers (ns57.landl.com and ns58.landl.com)

Rombom obtained this information from INTERNIC WHO IS which indicates he is familiar with that search mechanism. All we have is Steve Rombom's word that the website names are my leases

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rather than Dave Bernis's because I contribute to these websites. Should the court seize a third party's property without due process on the word of Steve Rombom? Does he have that much credibility? In the 1980's Rombom was a member of the Jewish Defense League, offshoots of which such as Kahane Chai are now labeled as terrorist groups. Steve Rombom told other JDL members that he was adopted and his father was an Italian gangster. In reality after Rombom was born and brought to his mother from the delivery room she told the nurse that Steve was not her baby! There was a hearing about this during Rombom's terrorism trial that is sealed, as his date of birth was in dispute, but I have a source that was there in the courtroom that day. I personally have engaged in illegal activity with Rombom and his father Abraham Rombom. I met Abe on one occasion. We drove to a sporting goods store where Mr. Abe Rombom made a straw purchase for Steve who was not allowed to possess firearms due to his multiple felony conviction. Steve had convinced me he was training Jewish youth and needed long arms for his Jewish Activist Alliance training camp. There was no Jewish Activist Alliance – Steve was just a two bit con man but Steve claims he is credible because:

I hold the "CFE" board certification from the Association of Certified Fraud Examiners and the CPP, PSP, and PCI board certifications ASIS International. My understanding is that less than 100 persons, worldwide, have qualified to hold all 4 of these certifications.

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Rombom, however, has an even more impressive distinction. Rombom is the only PI in the entire world who is a convicted terrorist that served several years in a federal prison for crimes involving dynamite and silencers to be used against the Russian Mission and in an attempt to assassinate PLO Chief Yasser Arafat. Upon his release from prison, in return for his informing on Jewish militants, he was allowed to become a private eye after he applied to NYPD and was turned down. He was not allowed to become a New York City Police officer due to mental instability – Steve had spent most of his childhood in a mental institution located in Pleasantville, New York after he attacked his mother when he was only six years old according to Federal Court Records accidentally given to me and reproduced on the website in question. The doctors at Pleasantville warned the Jewish Defense League recruiters not to take Steve, as he was really demented and dangerous as he had spent most of his childhood in a mental

institution for disturbed boys. Later in life Rombom helped organize hacker's conventions along with men who were investigated for pedophilia. He claimed he was raped in prison but I believe his homosexuality started much earlier as he was institutionalized at age six. Rombom is a rather good looking fellow yet he never married. His former associate Zev Yorman reported that the women Rombom had around him were hookers and lap dancers, women who could be hired. When I was his close friend and benefactor he brought several women around but none remained with him for any significant amount of time. Rombom now leads a double life. When the FBI went to the apartment that was his official address it found he rented the

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place but he was there only once or twice a month. The FBI was investigating Steve for witness tampering and for impersonating an FBI agent. The Bureau had arrested him at one of his hacker conventions. The charges were dropped after Rombom appeared on WBAI radio and threatened to go before a Congressional Committee and expose all the illegal stuff he had done at the behest of the FBI and after a plea deal was reached in a related case. Recently the Department of State of New York State has been looking into charges that Rombom and Kurtz were hired to intimidate ex-cult members of NXIVM, the upstate "behaviormodification" group that the millionaire Bronfman sisters had involved themselves with. When the Bronfman's saw my website they dropped Rombom and Kurtz because of Gary Kurtz's well documented sexual perversions. The Kurtz Declaration is also false.

#### DECLARATION OF GARY KURTZ

Recent versions of the web page are sexual in nature, purporting to chronicle escapades with prostitutes, dominatrixes, and other deviant behavior. At least one significant client referral was lost in the month of July because of the continuing damage these web pages are causing.

There have been allegations that Kurtz is not only a degenerate but a rapist: I received a letter from one of Gary Kurtz's clients who claimed Kurtz raped her then he and Rombom sent her to a mental institution to cover it up. I was able to verify her

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story to some degree although Kurtz's ex-partner was scared to talk fearing a lawsuit. The material regarding Kurtz's sex life was supplied to me by Starr Taxman, Gary Kurtz's ex-wife. She contacted me via Facebook and told me Gary's secret email address. I googled it and found it was a website where hookers discussed their Johns in order to protect themselves from the dangerous ones. The site revealed that Gary Kurtz was a masochist who got off on getting beat up however while he was being tortured he looked at the dominatrix sex worker like he wanted to kill her. He was reported to have bartered legal services for sex services, to have smelled and to have had a Jekyll and Hyde personality. Other sites his ex-wife made me aware of indicated he was a sex addict. When Starr Taxman's friend Terry Navarro witnessed him either engaging or being serviced by a prostitute in front of his son and posted word of this sick activity on Facebook he sued Terry. Kurtz's son has a minor learning disability but if he is late for court Kurtz will refer to him as "my retarded son" and blame his concern for his offspring for his tardiness. This information was given to me by a source involved in litigation with Kurtz.

Another source, a man who seeks the company of high priced hookers, described to me how Kurtz exists in a netherworld of pimps and prostitutes where suicide and drug overdoses are common. Kurtz and his partner Philip Markowitz are litigious parasites "attaching" themselves and living off judgments like bloodsuckers. The media reported:

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"When the recording artist Beyonce made a video on Markowitz's block Kurtz sued this singer because his routine was disrupted. He had been seeking more than \$25,000 from Knowles, a liability company and a production coordinator. Markowitz's attorney, Gary Kurtz said the lawsuit was resolved to the satisfaction of both sides. "No one got rich, no one got poor," Kurtz said. "It was a modest but appropriate payment that was similar to what would have been paid pursuant to a reasonable agreement."

Knowles paid because they knew it would cost more to fight the case. This was extortion. Markowitz, who is reportedly addicted to cocaine, has even sued his own parents.

Starr Taxman got tired of her husband's perversion and rather than risk contracting an STD she dissolved the marriage and left him to his sexual addiction. Kurtz couldn't care less and spent all the alimony and childcare money on sick, sad, sex with hooker after hooker after hooker. Kurtz was ordered to pay his ex-wife the money he owed her but he refused. Gary Kurtz was convicted of 10 counts of contempt of court and sentenced to a month in county jail. The judge suspended the sentence and ordered community service. The California Bar Association suspended his law license. Kurtz kept his pants zipped for a week or two and paid his ex with the money he had saved. His law license was restored. All of this is on the website along with complete documentation. In July 2011 Kurtz lost a big client due to the Defendant's research so he decided to come after me with the bogus lawsuit hoping to find a judge who would disregard due

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process. His actions seem to fit a pattern. He always has an ex parte meeting with the judge. The Defendant does not know what goes down during those ex parte meetings but afterwards the judge becomes a prosecutor. When Kurtz sent me his entire E-mail list by mistake I studied it and determined Kurtz was involved in fixing cases for nursing home owners. I am not going to see the judicial system twisted to fit Kurtz's desires without reporting on what has transpired. Kurtz's complaint states:

Weberman also posted defamatory information on the webpage [www.steverombom.org/LisaHartCole](http://www.steverombom.org/LisaHartCole), that contained defamatory information, including without limitation (a) accusing Kurtz of working with Judge Cole and her clerk in orchestrating court hearings to deprive Weberman of due process; being Judge Cole's partner in closing down anti-nazi websites

ludae Lisa Hart Cole presides over a court in Beverly Hills, California, not the most hospitable venue to be tried in for a man like the

Defendant who is nationally known for searching through celebrity trash. This is the case (Rambam v. Enom LASC Case # SC092414) and it is very much like this one. Kurtz and Rombom were attempting to seize my URL's in order to silence me. Kurtz thought that if he got the URLs all of the html files would come with them. Kurtz got a default judgment against me and began seizing my URLs. A hearing was held before which a preliminary opinion by Judge Cole stated that I had filed on time as out of state defendants get 10 extra days.

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Defendant Weberman's MOTION TO SET ASIDE THE DEFAULT AND DEFAULT JUDGMENT is granted. CCP 473 is remedial in nature and must be liberally applied. Default judgments are generally disfavored, and whenever reasonably possible, cases should be decided upon their merits. Finally, where a defendant seeks timely relief from the judgment and has a meritorious defense, doubt, if any should be resolved in favor of the motion to set aside the judgment. Also, it should be noted that entry of the default was sought one day early. The amended complaint was served on 2/10/07 (POS shows mailed copy only) and the response was due by 3/22/07 (30 days plus 10 for service outside California; February has only 28 days). Default was sought and entered on March 21, 2007. Question: Does the report of the receiver moot this motion? 8/21/2007

During the hearing Judge Cole asked Plaintiff Kurtz if he had finished seizing the URLs. "Does the report of the receiver moot this motion?" When Kurtz said he had not Judge Cole adjourned the hearing and left the faulty judgment in place. I asked her why she was doing this and she responded "Oh that was just a tentative ruling." At the next hearing Kurtz moved to dismiss the charges as he already had seized all the URLs while the bogus default was in place so I was left with no chance of appeal. So based on a counterfeit default judgment my property was seized without due process of law and I had no appellate recourse. I could not force Kurtz to re-file the charges. My property was stolen from me because of collusion between Lisa Hart Cole and Gary Alan Kurtz.

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When Kurtz sued me for defamation the case was assigned to Judge Michael Harwin. I was going to fight this case based on the fact that we had established in a previous case the lack of jurisdiction of the California court for a case that should be filed in New York. During the first hearing Judge Harwin stated that he was out to get me to the point that if I managed to beat the case in California through the issue of jurisdiction he would come to New York and prosecute me there.

Mr. Weberman you should know that I am also admitted as an attorney in New York State so if need be we will try it there.

Of course I asked him to recuse himself but by doing recognized the jurisdiction of the courts and blew my lack of jurisdiction defense. Judge Harwin did this intentionally. What kind of behavior is this for a judge? The case was turned over to Judge James Kaddo. When I looked into Judge Kaddo's background I found numerous connections to the Hezbollah that had been revealed by his daughter and her boyfriend. He was the free attorney for PLO terrorists and attended functions with the relatives of high officials in the Hezbollah. When I sent in my answer to the complaint which lacked a date for a hearing on my motion rather than point this out to me by returning the motion as was done in other cases the answer was thrown in the trash by Kaddo's clerk and a default judgment was issued. It is basic jurisprudence to adjudicate an issue based on facts rather than issue a default judgment based on a technical error but Kaddo would not vacate

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the default judgment. I did not send my answer Certified Return Receipt Requested because I did not know how all pervasive the corruption of the Courts were.

#### CONCLUSION

The Plaintiff is asking you to seize the property (in the form of a lease) from someone who has had no contact whatsoever with the judicial system that is ordering the property seized. This is a clear cut case of lack of due process. The identity of the lease holders is no longer John Doe but David Bernis. The law states that the Plaintiff must sue the third party not just steal the property or lease. The true purpose of this action is to prevent information about Kurtz and Rombom appearing on the internet without getting an injunction from a New York State Court. Where does it end? My benefactor gets another URL and Kurtz seizes it as property once again without due process. I am being systematically deprived of my right to freedom of speech and as a journalist, freedom of press. As stated previous URLs were seized in a bogus default judgment - did the URL's have any value or were they seized to limit my freedom of speech? EXHIBIT E indicates that these websites seized under a bogus default judgment have not been resold because they have no commercial value.

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#### MEMORANDUM OF POINTS AND AUTHORITIES

##### CALIFORNIA CONSTITUTION ARTICLE 1 DECLARATION OF RIGHTS

SECTION 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy. Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

SEC. 7. (a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws;

##### FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of

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

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"Substantive Due Process" is the fundamental constitutional legal theory upon which the Griswold/Roe/Casey privacy right is based. The doctrine of Substantive Due Process holds that the Due Process Clause not only requires "due process," that is, basic procedural rights, but that it also protects basic substantive rights. "Substantive" rights are those general rights that reserve to the individual the power to possess or to do certain things, despite the government's desire to the contrary. These are rights like freedom of speech and religion. "Procedural" rights are special rights that, instead, dictate how the government can lawfully go about taking away a person's freedom or property or life, when the law otherwise gives them the power to do so.

California Code of Civil Procedure § 708.210:

If a third person has possession or control of property in which the judgment debtor has an interest or is indebted to the judgment debtor, the judgment creditor may bring an action against the third person to have the interest or debt applied to the satisfaction of the money judgment.

Notice must be given. "An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections."<sup>1</sup> The notice must be sufficient to enable the

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recipient to determine what is being proposed and what he must do to prevent the deprivation of his interest.<sup>2</sup> Ordinarily, service of the notice must be reasonably structured to assure that the person to whom it is directed receives it.<sup>3</sup> Such notice, however, need not describe the legal procedures necessary to protect one's interest if such procedures are otherwise set out in published, generally available public sources.<sup>4</sup>

(2) Hearing. "[S]ome form of hearing is required before an individual is finally deprived of a property [or liberty] interest."<sup>5</sup> This right is a "basic aspect of the duty of government to follow a fair process of decision making when it acts to deprive a person of his possessions. The purpose of this requirement is not only to ensure abstract fair play to the individual. Its purpose, more particularly, is to protect his use and possession of property from arbitrary encroachment."<sup>6</sup> Thus, the notice of hearing and the opportunity to be heard "must be granted at a meaningful time and in a meaningful manner."<sup>7</sup>

1

Goldberg v. Kelly, 397 U.S. 254, 267-68 (1970).

2

Mullane v. Central Hanover Trust Co., 339 U.S. 306, 314 (1950).

See also Richards v. Jefferson County, 517 U.S. 793 (1996) (res judicata may not apply where taxpayer who challenged a county's occupation tax was not informed of prior case and where taxpayer interests were not adequately protected).

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

3

Armstrong v. Manzo, 380 U.S. 545, 550 (1965); Robinson v.

**Hanrahan, 409 U.S. 38 (1974); Greene v. Lindsey, 456 U.S. 444 (1982).**

4 5

City of West Covina v. Perkins, 525 U.S. 234 (1999). Mathews v. Eldridge, 424 U.S. 319, 333 (1976). "Parties whose

**rights are to be affected are entitled to be heard." Baldwin v. Hale, 68 U.S. (1 Wall.) 223, 233 (1863).**

6

Fuentes v. Shevin, 407 U.S. 67, 80-81 (1972). See Joint Anti-

**Fascist Refugee Committee v. McGrath, 341 U.S. 123, 170-71 (1951) (Justice Frankfurter concurring).**

7

Armstrong v. Manzo, 380 U.S. 545, 552 (1965)

Dated this December 13, 2011

Alan Jules Weberman pro

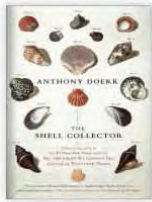
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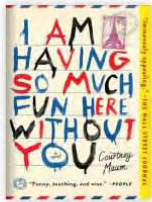
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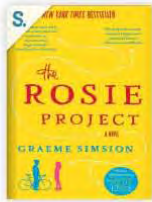
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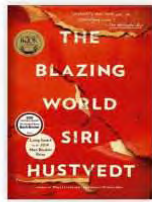
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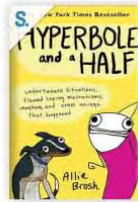
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