

1 **THE BAILEY LEGAL GROUP**

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6 Attorneys for Defendant/Cross-Complainant

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF RIVERSIDE**

10 WG PRIVATE IRREVOCABLE TRUST,)

11 WG EXPRESS TRUST,)

12 Plaintiffs,)

13 vs.)

14 MARINAJ PROPERTIES LLC; and All)
15 Persons Unknown Claiming Any Legal)
16 or Equitable Right, Title, Estate,)
17 Lien or Interest in the Property)
18 Described in the Complaint Adverse)
19 to Plaintiff's Title, or Any Cloud)
20 Upon Plaintiff's Title Thereto,)

21 Defendants.)

22 **MARINAJ PROPERTIES LLC**)

23 Cross-Complainant,)

24 vs.)

25 KEVIN LEWIS WALKER, also known as)

26 KEVIN WALKER, and also known as KEVIN)

27 LEWIS WALKER ESTATE; DONNABELLA)

28 ESCAREZ MORTEL, also known as)

DONNABELLA E. MORTEL, also known as)

DONNABELLA MORTEL, and also known as)

DONNABELLA ESCAREZ MORTEL ESTATE; THE)

MEMORY STARBURST TRUST, DATED JUNE)

23, 2021; SAMEIS DRAGON LLC; THE)

MEMORY STARBURST TRUST, DATED FEBRUARY)

7, 2022; WG EXPRESS TRUST, also known)

as WG EXPRESS; WG PRIVATE)

IRREVOCABLE TRUST; FIFTH THIRD BANK,)

Case No: CVME2504043

OPPOSITION OF DEFENDANT

MARINAJ PROPERTIES LLC TO

PLAINTIFFS' "VERIFIED

MOTION AND DEMAND FOR

JUDGMENT ON THE PLEADINGS

AND/OR SUMMARY JUDGMENT AS

A MATTER OF LAW"

Date: June 9, 2025

Time: 8:30 a.m.

Dept: M302

1 N.A., SUCCESSOR BY MERGER WITH)
2 DIVIDEND SOLAR FINANCE LLC; UNITED)
3 STATES OF AMERICA DEPARTMENT OF)
4 TREASURY-INTERNAL REVENUE SERVICE;)
5 ROES 1 through 100, inclusive; and)
6 All Persons Unknown Claiming Any Legal)
7 or Equitable Right, Title, Estate,)
8 Lien or Interest in the Property)
9 Described in the Cross-Complaint)
10 Adverse to Cross-Complainant's Title,)
11 or Any Cloud Upon Cross-Complainant's)
12 Title Thereto,)
13 Cross-Defendants.)
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1 Defendant/Cross-Complainant MARINAJ PROPERTIES LLC ("Defendant
2 MARINAJ") hereby submits the following Opposition to Plaintiffs' "Verified
3 Motion and Demand for Judgment on the Pleadings And/or Summary Judgment as
4 a Matter of Law" (hereinafter "Motion"). MARINAJ objects to the entirety
5 of the Motion as it fails to comply with California Code of Civil Procedure,
6 and fails to offer a proper notice for the Motion and violated Business and
7 Professions Code, sections 6125 and 6126.

8 DATED: May 15, 2025.

THE BAILEY LEGAL GROUP

By: Therese Bailey

John L. Bailey

Therese Bailey

Attorneys for Defendant/Cross-
Complainant MARINAJ PROPERTIES LLC

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. STATEMENT OF FACTS

3 Moving Parties Kevin: Realworldfare (formerly Kevin: Walker) and
4 Donnabelle: Realworldfare (formerly Donnabelle: Mortel) (hereinafter
5 "Plaintiffs" and/or "Moving Parties") are clearly practicing law without a
6 license, in violation of California Business and Professions Code, section
7 6125, which provides:

8 "No person shall practice law in California unless the person is an
9 active licensee of the State Bar."

10 Both Plaintiffs/Moving Parties executed verifications at page 12 and
11 13 of the moving papers that they were the authorized representatives in
12 order to represent the party or entity (i.e., representing the trust). The
13 trust is required to have a person licensed to practice law before the
14 courts in the State of California to file papers on Plaintiffs' behalf.
15 California Business and Professions Code, section 6126, provides:

16 "6126. (a) Any person advertising or holding himself or herself out as
17 practicing or entitled to practice law or otherwise practicing law who
18 is not an active licensee of the State Bar, or otherwise authorized
19 pursuant to statute or court rule to practice law in this state at the
20 time of doing so, is guilty of a misdemeanor punishable by up to one
21 year in a county jail or by a fine of up to one thousand dollars
22 (\$1,000), or by both that fine and imprisonment." (Emphasis added)

23 As neither Moving Party provides a California bar number, it is clear
24 they are unable to, and cannot, practice law in the State of California, and
25 the within Motion is filed in violation of California law.

26 Additionally, the verified Motion does not provide notice of the relief
27 they are seeking in the notice portion, and it violates California Rule of
28 Court 3.1112, which provides:

(a) Motions required papers

Unless otherwise provided by the rules in this division, the papers
filed in support of a motion must consist of at least the following:

(1) A notice of hearing on the motion;

(2) The motion itself; and

(3) A memorandum in support of the motion or demurrer." (Emphasis

1 added)

2 Plaintiffs/Moving Parties' Motion does not satisfy any of the three
3 requirements. The Motion itself is in excess of 18 pages, does not provide
4 a notice portion, and the Motion itself is completely unintelligible. The
5 Moving Papers/Motion is argued by "special appearance, not generally by and
6 through their duly appointed fictitious, executors, and authorized
7 representative, Kevin: Realworldfare and Donnabella: Realworldfare, who also
8 appear by special appearance only, not pro se and expressly without waiver
9 of rights, immunities, or protections." There is no such entity authorized
10 to practice law in California, nor an exception to the practice of law as
11 such an Plaintiffs/Moving Parties cannot appear by and through non-
12 attorneys. The Motion lacks any merit, and is intended to harass Defendant.

13 Accordingly, the Court should not accept the Motion for filing, and the
14 Court should inform the person filing the Motion, i.e., Kevin: Walker and
15 Donnabella: Mortel, that they are engaging in the unauthorized practice of
16 law. The Court should not consider any of the pleadings filing by any entity
17 or fictitious person, and must be represented by counsel in this matter.
18 This Court has authority to ignore these pleadings and reprimand Moving
19 Parties for wasting judicial resources, pursuant to the California Code of
20 Civil Procedure, section 128, which provides:

21 (a) Every court shall have the power to do all of the following:

22 (1) To **preserve and enforce** order in its immediate presence.

23 ...

24 (3) To **provide for the orderly conduct of proceedings before it, or**
25 **its officers.**

26 (4) To **compel obedience to its judgments, orders, and process, and to**
27 **the orders of a judge out of court, in an action or proceeding pending**
28 **therein.**

(5) To **control in furtherance of justice, the conduct of its**
ministerial officers, and of all other persons in any manner connected
with a judicial proceeding before it, in every matter pertaining
thereto." (Emphasis added)

As can be seen from the Moving Papers, Plaintiffs have no authority to

1 file the Motion as it is filed without authority, is completely
2 incomprehensible and, more importantly, it fails to comply with the
3 California Rules of Court, California Code of Civil Procedure, and
4 California Business and Professions Code. Accordingly, the Court should
5 strike the Motion and advise Moving Parties not to file additional pleadings
6 without the services of an attorney, as they are clearly practicing law
7 without a license.

8 II. ARGUMENT

9 As can be seen from the Moving Papers, Plaintiffs' "grounds for motion
10 and demand" are completely nonsensical. Defendant filed a verified Answer
11 with this Court on May 7, 2025, setting forth its interest in the subject
12 property in response to Plaintiffs' alleged quiet title action filed on or
13 about April 16, 2025. The verified Answer sets forth Defendant's standing
14 and its verified interest in the subject property. Concurrently with that
15 Answer, Defendant served and attempted to file a Cross-Complaint pursuant
16 to the Code of Civil Procedure, section 428.10, but the Clerk of the Court
17 rejected the document based on the portal not allowing Defendant to file the
18 Cross-Complaint (which added newly named parties) in the system when it was
19 efiled. In other words, the inputting system did not allow for the
20 additional Cross-Defendants named in the Cross-Complaint and therefore the
21 document was rejected. This issue was addressed by two separate efilings
22 services with the clerk of the Court in early May, 2025.

23 Defendant has asserted its interest in the subject property in both the
24 Answer and the Cross-Complaint which are verified and were timely served.
25 Defendant is entitled to file a Cross-Complaint as a matter of right.

26 Accordingly, there are no grounds for the within Motion. The Moving
27 Parties did not comply with California Code of Civil Procedure, section
28 439(a), which requires that a moving party meet and confer before filing a

1 motion for judgment on the pleadings. There was no meet and confer. The
2 Motion should be stricken pursuant to California Code of Civil Procedure,
3 section 439, which states:

4 “(a) **Before filing** a motion for judgment on the pleadings pursuant to
5 this chapter, **the moving party shall meet and confer in person** or by
6 telephone with the party who filed the pleading that is subject to the
7 **motion for judgment on the pleadings** for the purpose of determining if
8 an agreement can be reached that resolves the claims to be raised in
9 the motion for judgment on the pleadings. If an amended pleading is
10 filed, the responding party shall meet and confer again with the party
11 who filed the amended pleading before filing a motion for judgment on
12 the pleadings against the amended pleading.” (Emphasis added)

13 The Motion itself is nonsensical because the Defendant's counsel was
14 attempting to cure the alleged issue with the clerk of the Court when
15 Plaintiffs filed the within Motion without a telephone call and/or any
16 attempt to meet and confer regarding the Motion itself, since at the time
17 the Motion was filed, it was clear that the clerk still has not accepted the
18 filing. Thus there is no pleading upon which to enter a judgment.
19 Therefore, a Motion for judgment on the pleading that has not been filed is
20 complete nonsense and intended to harass Defendant and drive up attorney's
21 fees.

22 More importantly, had Moving Parties attempted to meet and confer, the
23 issue would have been explained to Moving Parties regarding the need to name
24 the additional parties with the filing, which was being handled by an
25 attorney service at the time. (See declaration of T. Bailey.)

26 At no time prior to Plaintiffs filing the within Motion and demand for
27 judgment on the pleadings, was Defendant's counsel contacted as required by
28 the California Code of Civil Procedure, section 439. Accordingly, it is
29 requested that the Court strike the within Motion as procedurally inadequate
30 and improper as a matter of law.

31 The alternative relief requested in the Motion is for summary
32 adjudication. Likewise, Moving Parties failed to comply with the procedural

1 requirements for a motion for summary adjudication. California Code of
2 Civil Procedure, section 437c, provides:

3 "(1) A party may move for summary judgment in an action or proceeding
4 if it is contended that the action has no merit or that there is no
5 defense to the action or proceeding. The motion may be made at any
6 time after 60 days have elapsed since the general appearance in the
7 action or proceeding of each party against whom the motion is directed
8 or at any earlier time after the general appearance that the court,
9 with or without notice and upon good cause shown, may direct.

10 (2) Notice of the motion and supporting papers shall be served on all
11 other parties to the action at least 81 days before the time appointed
12 for hearing. If the notice is served by mail, the required 81-day
13 period of notice shall be increased by 5 days if the place of address
14 is within the State of California, 10 days if the place of address is
15 outside the State of California but within the United States, and 20
16 days if the place of address is outside the United States. If the
17 notice is served by facsimile transmission, express mail, or another
18 method of delivery providing for overnight delivery, the required
19 81-day period of notice shall be increased by two court days."
20 (Emphasis added)

21 It is clear that Plaintiffs filed the within Motion less than one week
22 after Defendant filed its Answer, i.e., less than 60 days as the time
23 requiree under C.C.P. 437c(a), and failed to provide adequate service, i.e.,
24 81 days as required by C.C.P. 437c(a) (2). Therefore, the Motion is improper
25 and untimely and should be stricken.

26 III. CONCLUSION

27 For all the reasons set forth above, the Motion should be stricken in
28 its entirety, and this Court should order no further pleadings be accepted
from Plaintiffs unless filed by an attorney on behalf of Plaintiffs, and
that Plaintiffs provide a number for future meet and confers.

DATED: May 15, 2025.

THE BAILEY LEGAL GROUP

By: 

John L. Bailey

Therese Bailey

Attorneys for Cross-Complainant
MARINAJ PROPERTIES LLC

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DECLARATION OF THERESE BAILEY

I, THERESE BAILEY, am an attorney at law licensed to practice before all the courts of the State of California. I am competent to testify and if called upon as a witness would testify and attest to the validity of the following matters.

1. I am an associate in The Bailey Legal Group and am one of the attorneys of record herein for Defendant/Cross-Complainant MARINAJ PROPERTIES LLC.

2. On May 7, 2025, our office filed, on behalf of Defendant, an "Answer of Marinaj Properties LLC to Plaintiffs' Complaint." After attempting to concurrently file the Cross-Complaint, we were advised by Robert Delgado of Janney and Janney that until the Court had accepted the Answer, we would be unable to file the Cross-Complaint.

3. After receiving notice that the Answer had been filed, my office attempted to file the Cross-Complaint. The website/portal for Janney and Janney would not allow for the input of the names of Cross-Complainant and Cross-Defendants. On May 8, 2025, our office contacted the attorney service, Janney and Janney, notifying them of the problem and was advised "My IT team stated you can try to file Cross-Complaint now. They put in a temporary fix." A copy of the email chain between my secretary, Kathi Lacroix, and Robert Delgado of Janney and Janney is attached hereto as Exhibit "1."

4. After attempting to file the Cross-Complaint on May 9, 2025, we received a "Notice of Court Rejection of Electronic Filing," a copy of which is attached hereto as Exhibit "2."

5. On May 14, 2025, our office tried a different attorney service, OneLegal.com, which did not have the same issues with the portal. On May 14, 2025, our office received a notice stating "eFiling Under Court Review," a copy of which is attached hereto as Exhibit "3." As of the date of this

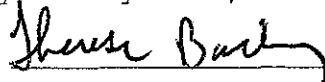
1 declaration, we are still waiting for confirmation that the Cross-Complaint
2 was filed.

3 6. I am informed and believe Defendant has a right to file a Cross-
4 Complaint pursuant to Code of Civil Procedure, section 428.10, as Defendant
5 is the owner of the subject property. Thus, it has served and attempted to
6 file its Cross-Complaint as a matter of right.

7 7. At no time prior to Plaintiffs filing the within Motion and
8 demand for judgment on the pleadings, was Defendant's counsel contacted as
9 required by the California Code of Civil Procedure, section 439.
10 Accordingly, it is requested that the Court strike the within Motion as
11 procedurally inadequate and improper as a matter of law.

12 I declare under penalty of perjury under the laws of the State of
13 California that the foregoing is true and correct and of my own personal
14 knowledge, except as to those matters stated on information, and as to those
15 matters I believe them to be true.

16 Executed this 15 day of May 2025, at Murrieta, California.

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18 Therese Bailey
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STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is 25014 Las Brisas South, Suite B, Murrieta, CA 92562.

On May 15, 2025, I served the within Opposition of Defendant Marinaj Properties LLC to Plaintiffs' "Verified Motion and Demand for Judgment on the Pleadings and/or Summary Judgment as a Matter of Law" on the interested parties in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Murrieta, California, addressed as follows:

Kevin Walker
Donnabelle Mortel
c/o 30650 Rancho California Road # 406-251
Temecula, CA 92591

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

Executed on May 15, 2025 at Murrieta, California.

Kathi Greenough

Fwd: WG Express v Marinaj

Subject: Fwd: WG Express v Marinaj
From: Kathi LaCroix <klacroix@tblglaw.com>
Date: 5/14/2025, 7:19 AM
To: Robert Delgado <robertd@janneyandjanney.com>

Hi Robert, nevermind. It looks like OneLegal doesn't have this problem so I'll file it there.

Kathi

----- Forwarded Message -----

Subject: Re: WG Express v Marinaj
Date: Tue, 13 May 2025 07:24:18 -0700
From: Kathi LaCroix <klacroix@tblglaw.com>
To: Robert Delgado <robertd@janneyandjanney.com>

Hi Robert, I tried to file this cross-complaint again on Friday but got a rejection slip today because the parties are not entered on the system. I tried again today, but it still will not let me add cross-defendants as parties. I guess the temporary fix did not work.

On 5/8/2025 3:29 PM, Robert Delgado wrote:

My IT team stated you can try to file Cross Complaint now. They put in a temporary fix

Robert

On Thu, May 8, 2025 at 10:49 AM Kathi LaCroix <klacroix@tblglaw.com> wrote:

Hi Robert, our Answer has been filed but the portal still will not allow me to enter the cross-defendants so I can file the cross-complaint. Anything else I can do?

--

Kathi Lacroix
The Bailey Legal Group
25014 Las Brisas South, Suite B
Murrieta, CA 92562
(951) 304-7566 Office
(951) 304-7571 Fax
klacroix@tblglaw.com

EXHIBIT " 1 "
PAGE 1 OF 2

Fwd: WG Express v Marinaj

This email has been checked for viruses by Avast antivirus software.
www.avast.com

--

Robert Delgado

--

Kathi Lacroix
The Bailey Legal Group
25014 Las Brisas South, Suite B
Murrieta, CA 92562
(951) 304-7566 Office
(951) 304-7571 Fax
klacroix@tblglaw.com

EXHIBIT "1"
PAGE 2 OF 2

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE Branch Name: Menifee Justice Center Mailing Address: 27401 Menifee Center Drive City, State and Zip Code: Menifee CA 92584	
SHORT TITLE: WG PRIVATE IRREVOCABLE TRUST vs MARINAJ PROPERTIES LLC NOTICE OF COURT REJECTION OF ELECTRONIC FILING	CASE NUMBER: CVME2504043

The electronic filing described by the summary data below was reviewed and rejected by the Superior Court of California, County of RIVERSIDE.

E-Filing Summary Data

Electronically Submitted By: Legal Connect
 Transaction Number: 25RSCR01121758
 Court received Date: 05/09/2025
 Court received Time: 9:56 am
 Notice Generated Date: 05/12/2025
 Notice Generated Time: 1:51 pm

Documents Electronically Rejected

Cross-Complaint
 Summons Issued and Filed
 Notice of Lis Pendens (copy).

This electronic filing was rejected based on the following reason(s)

Reject Reason Other: Please add parties being added as defendants in cross complaint into the system. when submitting on e-file please enter them.

Subject: Court eFiling Order Rejected for WG PRIVATE IRREVOCABLE TRUST vs MARINAJ PROPERTIES LLC, Case # CVME2504043

From: donotreply@janneyandjanney.mail.legalconnect.com

Date: 5/12/2025, 1:54 PM

To: klacroix@tblglaw.com

Court eFiling Order Rejected

Your Court eFiling order has been rejected. Please review the rejection notice and resubmit your filing.

Cross-Complaint (court returned document)

https://d106vg71wiygj.cloudfront.net/eFileAPIFiling/JTI/2025/05/09/12265117_2025_05_09_09_52_38_122_5/Cross-Complaint_7a96536c_async.pdf

Notice of E-Filing Rejection (court returned document)

https://d106vg71wiygj.cloudfront.net/eFileAPIFiling/JTI/2025/05/09/12265117_2025_05_09_09_52_38_122_5/NoticeofE-FilingRejection_542b96bf_async.pdf

Notice of Lis Pendens (copy) (court returned document)

https://d106vg71wiygj.cloudfront.net/eFileAPIFiling/JTI/2025/05/09/12265117_2025_05_09_09_52_38_122_5/NoticeofLisPendenscopy_5cf158e9_async.pdf

Summons Issued and Filed (court returned document)

https://d106vg71wiygj.cloudfront.net/eFileAPIFiling/JTI/2025/05/09/12265117_2025_05_09_09_52_38_122_5/SummonsIssuedandFiled_9c121071_async.pdf

Filing Status: Rejected

At: Meniffee Justice Center (eFiling)

Should you have any questions, please contact Customer Support at (800) 675-2663, email customerservice@janneyandjanney.com or you can log in and manage your cases and orders at janneyandjanney.legalconnect.com

Thank you for using Janney & Janney.

Order(s): 11944572

Billing Code: DOUMIT

Order Requested by: JOHN BAILEY

EXHIBIT " 2 "
PAGE 2 OF 2

This automated message is being sent by Janney & Janney, Inc. It is intended exclusively for the individuals and/or entities to which it is addressed. This communication including any links or attachments, may contain information that is proprietary, confidential, privileged or otherwise exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate any part of this message, or any part of any links or attachments thereto. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message and attachments from your records.

eFiling received by court for WG PRIVATE IRREVOCABLE TRUST vs MARINAJ PROPERTIES LLC

Subject: eFiling received by court for WG PRIVATE IRREVOCABLE TRUST vs MARINAJ PROPERTIES LLC
From: noreply@onelegal.com
Date: 5/14/2025, 8:33 AM
To: klacroix@tblglaw.com

eFiling Under Court Clerk Review

Order # 25379078
Submitted 5/14/2025 8:33 AM PT by Kathi Lacroix
Case WG PRIVATE IRREVOCABLE TRUST vs
MARINAJ PROPERTIES LLC
#CVME2504043
Court Superior Court of California, Riverside County
(Menifee Justice Center)
Client billing Doumit
Court transaction # 25RSCR01126219

Documents

- Cross-Complaint
- Summons Issued and Filed
- Notice of Lis Pendens (copy).

What happens next?

The court has received your filing. You will receive an email immediately upon completion of the court clerk's review. Although court processing times vary, the court filing date for accepted filings will reflect the date this order was submitted.

You can check the status of your order at any time in your One Legal account.

Thank you,
The One Legal Team

You are receiving this email in response to an order that was placed on www.onelegal.com
Please do not reply to this email. Get help on our [Support Center](#) or by contacting [Customer Support](#).
InfoTrack US, Inc. 1400 North McDowell Blvd., Suite 300, Petaluma, CA 94954

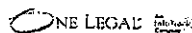


EXHIBIT " 3 "
PAGE | OF /