

Thomas A. Schoenberger, PRO SE
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September 26, 2019

Clerk of the Court
Napa County Superior Court
Probate Division
825 Brown Street
Napa, CA 94559-3031

Re: Case # 18PR000275 Schoenberger v Schoenberger

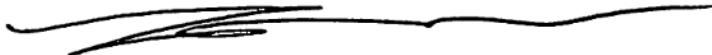
Dear Clerk,

Please find a "Motion to Set Aside Tentative Ruling" and "Declaration" in support thereof, with affixed Exhibits.

Kindly file in the above case, before Judge Victoria Wood.

If you have any questions, feel free to contact me.

Thank you,



Thomas A. Schoenberger

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**SUPERIOR COURT OF CALIFORNIA
NAPA COUNTY**

THOMAS A. SCHOENBERGER,)	
Petitioner,)	Case No.: 18PR000275
)	
vs.)	MOTION TO SET ASIDE
)	TENTATIVE RULING
STEPHEN P. SCHOENBERGER,)	
Respondent.)	

COMES NOW, Thomas A. Schoenberger, PRO SE, Petitioner in this case, respectfully requests the Court to SET ASIDE THE TENTATIVE RULING entered into on or about July 31, 2019 on the grounds of "inadvertence, excusable neglect" CCP §473(b).

Petitioner sustains a demur to the Court ruling of July 31, 2019, whereby Petitioner's inability to appear resulted in a DEFAULT JUDGMENT in favor of the Respondent.

The Petitioner contests the DEFAULT JUDGMENT, contending that the Court's ruling was erroneous, lacking enough information to make a ruling,

particularly as Petitioner was under unexpected illness, duress and stress due from multiple limitations. Petitioner prays for relief that the Court consider the following facts not previously considered, that directly affect the Court's ruling (see DECLARATION IN SUPPORT OF MOTION TO SET ASIDE TENTATIVE RULING, affixed hereto).

1.

Prolonged and debilitating illness, preventing Petitioner from responding or appearing in Court. Petitioner was bitten by a brown recluse spider in May 2018, which is frequently fatal. The bites exacerbated existing health conditions, include a major inflammatory auto-immune disease, which resulted in the development of severe complications. Petitioner suffering a month-long bout of reoccurring pneumonia, as well as other lung and blood-related health crises. Petitioner continues to battle ongoing effects that are still debilitating at times. Petitioner has experienced mini-stroke episodes, high blood pressure, depression, stress, and continues to experience lung/pneumonia issues.

2.

Attacks, threats; including but not limited to, willful, malicious and repeated online harassment and cyber attacks, personal threat to life, reputation, and income. Targeted harassment and threats are directed not only to Petitioner,

but also to Petitioner's family, including Petitioner's 18 year-old son, ex-wife (mother of his son), friends and business colleagues. The attacks have included, but not limited to, threats of health and welfare (life), kidnapping for hire, falsehoods, slander, libel and defamatory statements which have damaged the Petitioner's life with willful and malicious intent. On July 31, 2019 a substantial bounty for Petitioner's capture was posted on social media.

3.

Loss of income, due to increasing health-related issues and the stress of threats to and attacks on family, friends and business colleagues, has led to Petitioner having been unable to consistently engage in work. As a music composer, whose physical well being is essential in performing work assignments.

Petitioner appeared before this Court via Court Call Appearance before Judge Victoria Wood, on August 29, 2019 at 8:30 AM PT to explain the above evidence of "inadvertence, negligible excuse" for lack of appearance.

Petitioner, hereby respectfully requests the Court to SET ASIDE TENTATIVE RULING in this case of DEFAULT JUDGMENT so Petitioner may seek adjudicated relief before this Court.

SIGNED on this 3rd day of ~~September~~ 2019.

OCTOBER TS



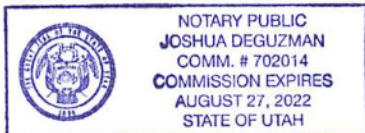
A handwritten signature in black ink, appearing to read "Thomas A. Schoenberger", written over a horizontal line.

Thomas A. Schoenberger

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above MOTION TO SET ASIDE TENTATIVE RULING and DECLARATION IN SUPPORT OF MOTION TO SET ASIDE TENTATIVE RULING was mailed first-class delivery to Attorney for Respondent, Bruce A. Miroglio, 1250 Church Street, St. Helena, CA 94574 on this 3 day of ~~September~~ 2019.

OCTOBER TS



A handwritten signature in black ink, appearing to read "Thomas A. Schoenberger", written over a horizontal line.

Thomas A. Schoenberger

STATE OF UTAH
COUNTY OF GARFIELD
COMMISSION EXPIRES
COMM. # 105014
JOSEPH DEGUZMAN
NOTARY PUBLIC



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**SUPERIOR COURT OF CALIFORNIA
NAPA COUNTY**

THOMAS A. SCHOENBERGER,)	
Petitioner,)	Case No.: 18PR000275
)	
vs.)	DECLARATION
)	IN SUPPORT OF
STEPHEN P. SCHOENBERGER,)	MOTION TO SET ASIDE
Respondent.)	TENTATIVE RULING

I, Thomas A. Schoenberger, declare:

1. The following is based on my own personal knowledge and if called to testify, I could, and would, testify competently thereto.
2. I am the Petitioner in the above-reference case.
3. My brother Stephen P. Schoenberger is the Respondent in the above-referenced case.
4. My mother Elsebeth Schoenberger passed away on August 16, 2018.
5. I was unable to attend nor respond in Court, in this case, on or about July 31, 2019, which was not intentional.

6. I have suffered prolonged and debilitating illness, preventing me from responding or appearing in Court on the referenced date. Specifically, I was bitten by a brown recluse spider in May 2018, see attached 'Exhibit 1.'
7. I suffer from an inflammatory auto-immune disease.
8. I suffered from a bout of reoccurring pneumonia during the month of July 2019. I also endured another bout of pneumonia last week. This also complicates my lungs and ability to breath.
9. I suffer from lung and blood-related health issues, which have been exasperated since May 2019, and continue to be debilitating.
10. I have experienced four (4) mini-stroke episodes since June 2019, the last awakening me from sleep the morning of September 23, 2019.
11. I have high blood pressure.
12. I have been experiencing depression and emotional distress since May 2019.
13. My mother's Memorial was held August 25, 2018, hosted by her surviving husband Mr. Lou Kaplan (hereinafter referred to as 'Lou'). My mother had a loving relationship with Lou. Lou and my brother did not get along. See attached Exhibit '2'.
14. I am been experiencing willful, malicious and repeated online harassment, including but not limited to, threats, libel, slander, defamation, and cyber

terrorism. These personal threats are affecting my health and welfare (life), reputation, and income. Targeted harassment and threats are directed not only to myself, but also to my family, including my 18 year-old son, my ex-wife (my son's mother), friends and business colleagues.

15. Towards late August of 2018, a woman introduce yourself online as Diane Nordstrom (hereinafter referred to as 'Diane'). Diane told me she was a huge fan of my compositions. I had lost my mother a week prior. We had a series of email conversations and I started to get suspicious of her because she seem to know a lot about my personal life. We had perhaps four (4) conversations on the phone and in one of them, she told me that my mother was very proud of my brother Stephen. I asked her how did she know? She said "A little birdie" told her. In December she was attacking a friend of mine online. When I defended my friend, this woman started to attack me online. The attacks have been constant and continual since December 2018. In a phone call sometime mid-December 2018, Diane told me that she knew all about my family drama and she said "Thomas both you and Lou are grifters, that's why Steve never made the memorial." The only other person to describe my mother's last husband as a 'grifter,' is my brother Stephen, the Respondent in this case. There is absolutely no way that Diane could have known this information unless she had talked to a family member. It was not public information. It makes me feel that Diane likely was, and or is, in touch with my brother Stephen. See attached Exhibit '3.'

16. In the last phone exchange with Diane before telling her to never contact me again, Diane told me that she was going to make sure that my mother's wishes were obeyed. She told me that my brother was given half of the family home and she cackled. I asked her how she knew this information, and she again said "A little birdie" told her. I asked how much my brother was paying her and she said "I told him I would do it for free asshole!" I hung up the phone.

17. I was not even aware at the time of the last phone exchange with Diane, that there had been a transfer of half of the property to my brother. She indicated she was in touch with my brother.

18. Cyber attacks, threats, intimidation and cyber terrorism have included, but not limited to, a 'bounty' for my whereabouts, which was posted on social media July 31, 2019 and again on August 1, 2019. See attached as Exhibit '4' by Manuel Chavez III aka @larpwars (hereinafter referred to as 'Manuel'). Falsehoods, slander, libel and defamatory statements with willful and malicious intent to harm my life have also been posted and promoted by both Manuel and Diane.

19. Attacks from Diane continue, even as recently as September 1, 2019, repeatedly attempting to humiliate me in public and seems fixated on publicly lionizing my brother and attacking me. See attached Exhibit '5'.

20. Diane and Manuel are known to one another and their attacks are connected and coordinated. See attached Exhibit '6'.

21. After the 'bounty' was placed on social media on July 31, 2018 by Manuel, I contacted the FBI. I was in fear of attending Court on that date, as my whereabouts would be known, if indeed Diane had been in contact with my brother Stephen and was communicating, or coordinating with Manuel for my 'capture' with reward, or any person for that matter, their threats might entice in pursuit of the reward.

22. I have experienced additional extensive coordinated attacks, from other parties publicly known to, and connected to, Diane and Manuel, consistently since December 2018 to date. If called to testify before this Court, I can provide extensive additional evidence to support my claims of these attacks.

23. I am a music composer.

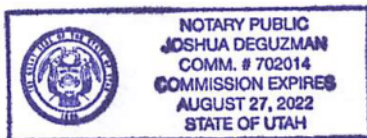
24. I have experienced loss of income, by not being able to consistently engage in work, due to increasing health-related issues and the stress of threats to and attacks on family, friends and business colleagues.


I hereby swear the facts set forth above in this Declaration to be true, to the best of my knowledge.

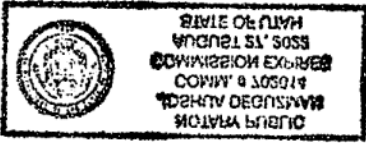
I respectfully request the Court to SET ASIDE TENTATIVE RULING in this case of DEFAULT JUDGMENT so I may seek adjudicated relief before this Court.

SIGNED on this 7 day of ~~September~~ 2019.

OCTOBER




Thomas A. Schoenberger



STATE OF UTAH
LAND & MINERAL
COMMISSION EXPLORER
COMMISSION EXPLORER
COUNTY DEPARTMENT
SALT LAKE COUNTY

EXHIBIT '3'

From: Mindy <mindinspired@gmail.com>
Date: Wed, Sep 25, 2019, 5:27 PM
Subject: Nordstrom
To: Th Stg <Tstger13@gmail.com>

Hi, my name is Mindy Waite. I used Twitter for social interaction through much of 2019. There is a woman named Diane Nordstrom that was accusing me of being another person. I saw an unhealthy volume of tweets about Mr. Thomas Schoenberger on her timeline. In spring of 2019, I saw her indicate that she was in contact with Thomas's brother, Stephen, amongst other inappropriately personal tweets, including callous use of the death of his mother.

Best Regards,
Mindy Waite

EXHIBIT '4'

← Tweet



LARPWARS
@larpwars

1 btc reward for location and capture of thomas schoenberger
[twitter.com/Solus777/statu...](https://twitter.com/Solus777/status...)

This quoted Tweet is unavailable.

10:08 PM 31 Jul 19 Twitter for Android

← Tweet



LARPWARS
@larpwars

Thomas schoenberger blocked us again because he and his whole team are failing to beat down one guy. 1 btc reward for his capture



11:32 PM Aug 1, 2019 Twitter for Android

EXHIBIT '6'



Diane Nordstrom
@straymagnet1

[THOMAS Schoenberger] 3 MORE DAYS UNTIL COURT

TICK-TOCK TOMMY 🕒🕒🕒🕒🕒📅📅📅📅📅



Old Man
@AlawysLearning

Hey fool do you plan to show up for your court date next week or will it be dismissed because you are scared of being arrested when you appear? Still hiding it appears since they could not serve you?

TO SIKRE

07/31/2019 Demurea ▾

Judicial Officer
Wood, Victoria

Hearing Time
8:30 AM

Result
Heard

...jpg --- 📎 IMG_0451.jpg --- 📎 26082019001.jpg ---