

18PR000275

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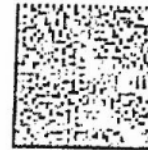
SEP 10 2019

CLERK OF THE NAPA SUPERIOR COURT
BY *[Signature]*

NAPA SUPERIOR COURT

1111 THIRD STREET • NAPA, CALIFORNIA 94559

RETURN SERVICE REQUESTED



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Napa Superior Court

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Superior Court of California
County of Napa
825 Brown Street, Napa, CA 94559

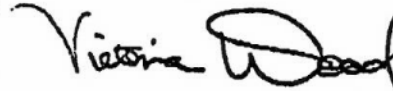
Case #: 18PR000275 **In the Matter of Elsebeth Nellsen Schoenberger Trust**

THOMAS SCHOENBERGER
20205 VENTURA BLVD
WOODLAND HILLS CA 91364

Date: 10/31/2019 **Time:** 8:30 AM **Room:** Department A

ORDER TO SHOW CAUSE: DISMISSAL OF CASE

YOU ARE HEREBY ORDERED TO APPEAR IN THE NAPA SUPERIOR COURT at the time and date listed above. You are ordered to appear then and there to show cause why the court should not dismiss this case on its own motion. Appearances will be excused in the event dismissals (and/or judgments) are filed prior to the hearing disposing of all parties and cross-actions by dismissal or judgment.



Date: 8/29/2019

Judge of the Napa Superior Court

Any responsive papers shall be filed with the Court Executive Officer and served five (5) days prior to the date scheduled upon all parties who have been previously served or have appeared in the action.

CERTIFICATE OF MAILING

I hereby certify that I am not a party to this cause and that a copy of the foregoing document was

- mailed (first class postage pre-paid) in a sealed envelope
 placed in attorney/agency folders in the Criminal Courthouse Historic Courthouse
 personal service -- personally delivered to the party listed above

at Napa, California on this date and that this certificate is executed at Napa, California this Date. I am readily familiar with the Court's standard practice for collection and processing of correspondence for mailing within the United States Postal Service and, in the ordinary course of business, the correspondence would be deposited with the United States Postal Service on the day on which it is collected at the Courthouse.

Date: 8/29/2019

Robert E Fleshman, Court Executive Officer

1 BRUCE A. MIROGLIO (SBN 104716)
2 LAW OFFICES OF BRUCE A. MIROGLIO
3 1250 Church Street
4 St. Helena, CA 94574
5 Tel: (707) 963-7400
6 Fax: (707) 968-5040
7 Email: bruce@bamlegal.com

8 Attorneys for Respondent
9 Stephen P. Schoenberger

10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF NAPA

12 THOMAS SCHOENBERGER,
13 Petitioner
14 vs
15 STEPHEN P. SCHOENBERGER,
16 Respondent

Case No: 18PR000275

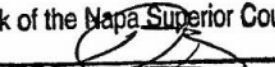
RESPONSE TO PETITION FOR
RECONSIDERATION

17 I. Introduction

18 This Petition is in improper form, is not drawn in conformance with the applicable rules and
19 statutes, is legally insufficient and contains hearsay and other inadmissible material. The facts
20 will establish that the Petitioner is the author of all of the misfortune of which he complains. Most
21 importantly, he fails to address the central issue - his "complaint" is legally insufficient to advise
22 the Court or the defendant what the issues are and what he desires. He has not shown that

FILED

OCT 18 2019

Clerk of the Napa Superior Court
By  Deputy

II. The Petition is fatally defective in form and substance.

Without detailing the totality of the myriad of defects, it is important to appreciate that the Petitioner, though appearing *in propria persona*, a pro per party, is held to the same legal standards and requirements as all the other parties. Moreover, this is all the more relevant for him, who is an extremely experienced litigation participant.

A. Petitioner is a very experienced litigant

A review of the records of the Napa County Superior Court records reveals that this Petitioner has been a party to, in addition to the present case, at least these matters in this County.

26-63030	Vizza, L. vs. Schoenberger, T.	12/03/2013	
CR156019	Schoenberger, Thomas Andrew	03/11/2011	Misdemeanor
CR155849	Schoenberger, Thomas Andrew	02/16/2011	Felony
MO427862	Schoenberger, Thomas Andrew	05/11/2010	
10SC00163	Leflar, S. vs. Schoenberger, T.	5/20/2010	
26-50998	Symons, E. vs. Schoenberger, T.	12/28/2009	
26-48752	Schienberger vs. Schoenberger	07/20/2009	

26-13413 Davis, B. vs. Schoenberger, T. 05/08/2001

26-54994 Ross, J. vs. Schoenberger, T. 12/15/2010

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2
3 While there is limited information available to Respondent about what other counties he
4 may have litigated, Respondent is aware that in the matter of *Isabelle Gauthier vs. Thomas*
5 *Schoenberger*, Los Angeles Superior Court No. BC564759, the case was extensively litigated and
6 he was found liable for a fraud judgment in excess of \$400,000.
7

8
9 **B. The Petition's defects are patent and clear.**

- 10
11 i. Petitioner has failed to keep the court apprised of his current address, as required for
12 all litigants
13
14 ii. The Petition does not comply with the tentative ruling notice requirements.
15
16 iii. The Petition is not verified, as required in all probate matters, and must be stricken by
17 Law. This is a problem about which he has been previously specifically advised.
18 (See previous objection sustained for the exact same problem)
19
20 iv. The Petition does not contain any authority for the relief that is requested.
21
22 v. The Petition is an attempt to set aside a demurrer to a pleading that was sustained.

23
Petitioner does not indicate what he would file in lieu of the complaint, to avoid the
obvious defects in the original filing. The court is left with the same facts and the
same defective pleading.

III. The Petition contains inadmissible irrelevant hearsay

A. Procedural history

Petitioner filed, on 12/18/18 (more than 6 months after he was allegedly bitten by a spider), a fatally defective pleading that does not advise the Court what it seeks and under what authority he seeks it. He was advised that it was susceptible to a motion to strike that pleading for lack of verification, which was granted. He then filed a verified Petition, despite having been previously advised that the Petition, even if properly verified, was defective. As promised, a demurrer and motion to strike that Petition was filed and a tentative ruling sustaining that Petition was issued. Despite not advising anyone of his intention to contest the tentative ruling, he showed up on July 29, 2019 (despite his alleged illnesses of pneumonia and several small strokes) and the Court generously continued the matter to allow him to respond. He did not do so. On August 29, 2019, the Court, again issued a tentative ruling dismissing the action. Again, despite not complying with the tentative ruling process, he again showed up at the hearing that date, and the Court continued the dismissal to October 31, 2019.

Instead of addressing the Court's expressed issues with the problems with the amended Petition, Petitioner has ignored these issues, and focused on perceived problems in his life,

1 unknown to Respondent. None of these are relevant to the issues confronting the Court, and all
2 allegations of third party harassment and the exhibits purportedly supporting these are hearsay and
3 inadmissible.

4 **IV. The Petitioner is projecting his own behavior onto others.**

5
6 From the onset of this litigation, Petitioner has continuously harassed and threatened Respondent
7 and his counsel. Attached to the declaration of Bruce A. Miroglio, are copies of some of the
8 numerous letters threatening to draw this matter out to harass the trustee of the Estate, Respondent
9 herein. Of course, as party admissions, they are non-hearsay. He has made it clear that he is very
10 experienced in electronic harassment and, as proof of that, sent to Respondent the report he filed
11 with an internet based harassment site, the "Rip-off Report" He has used these tactics repeatedly
12 in the past, and apparently, someone unknown to Respondent has been offended by Petitioner and
13 has turned on him. None of this is relevant to the present proceedings, but shows the character
14 and true motivations of Petitioner.
15
16

17
18 **V. The Respondent has no knowledge of the alleged harassers or harassment.**

19
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21 As set forth in the attached declaration of Stephen Schoenberger, Respondent has had no contact or
22

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4 exist, or are fabrications of Petitioner. Significant, despite the allegations, Respondent does not
5 and never has had any Twitter account.

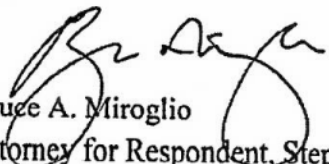
6
7
8 **VI. The demurrer still must be sustained and Petition does not address this central fact.**
9

10 All the bases of the Demurrer remain unaddressed. While the caption declares that it is an
11 "Amended Contest of Trust and Petition for Declaratory Judgement, Trust Accounting and Trust
12 Information", no information is later detailed in the Petition as to the type of Judgment he seeks the
13 Court to declare, the facts of the Specific Trust he seeks to attack, any rational or legal basis to
14 attack said unspecified trust. Nothing filed by the Petitioner clarifies and of these defects.

15
16 **VII. Conclusion.**
17

18 For whatever perverse reasons, Petitioner continues to harass and inflict insult and injury
19 on the duly appointed executer of his mother's estate. He has been given every courtesy and
20 every consideration by the Court and he has completely failed to state a viable cause of action. It
21 is respectfully submitted that it is time to put this matter to an end. The Court should properly
22 dismiss this matter and let the parties proceed with their lives.
23

Respectfully submitted,


Bruce A. Miroglio
Attorney for Respondent, Stephen Schoenberger

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PROOF OF SERVICE

I am a citizen of the United States. My business address is 1250 Church Street, St. Helena, California, 94574. I am employed in the county of Napa where this service occurs. I am over the age of 18 years and am not a party to the within cause.

On October 18, 2019, I served the following document(s) described as:

1. RESPONSE TO PETITION FOR RECONSIDERATION, DECLARATION OF BRUCE A. MIROGLIO IN SUPPORT OF RESPONSE TO PETITION, DECLARATION OF STEPHEN P. SCHOENBERGER IN SUPPORT OF RESPONSE TO PETITION;

X BY MAIL: I am readily familiar with my employer's normal business practice of collection and processing of correspondence for mailing. Under that practice, correspondence is deposited with the U.S. Postal Service that same day in a sealed envelope(s) with postage thereon fully prepaid at St. Helena, California, in the ordinary course of business.

BY FAX: I served said document(s) by transmitting via facsimile from facsimile number (707) 968-5040 to the facsimile number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m. A statement that this document was successfully transmitted without error is hereby attached to the Proof of Service.

BY ELECTRONIC SERVICE: I served said document(s) by transmitting true and complete copies of same to each of the parties named below, sending the electronic files to the e-mail addresses they provided through their Internet Service Provider.

BY OVERNIGHT DELIVERY: I caused such envelope(s) to be delivered on the same day to an authorized courier or driver or to a regular box or other facility regularly maintained by **FEDERAL EXPRESS** with delivery fees provided for, addressed to the person(s) on whom it is to be served.

TO:
THOMAS SCHOENBERGER
20205 VENTURA BLVD.
WOODLAND HILLS, CA 91364

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

Executed on October 18, 2019 at St. Helena, California.

FILED

OCT 18 2019

Clerk of the Napa Superior Court

By 

Deputy

1 BRUCE A. MIROGLIO (SBN 104716)
2 LAW OFFICES OF BRUCE A. MIROGLIO
3 1250 Church Street
4 St. Helena, CA 94574
5 Tel: (707) 963-7400
6 Fax: (707) 968-5040
7 Email: bruce@bamlegal.com

8 Attorneys for Respondent
9 Stephen P. Schoenberger

10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF NAPA

12 THOMAS SCHOENBERGER,

13 Petitioner

14 vs

15 STEPHEN P. SCHOENBERGER,

16 Respondent

Case No: 18PR000275

DECLARATION OF BRUCE A.
MIROGLIO IN SUPPORT OF RESPONSE
TO PETITION

Date: October 31, 2019
Time: 8:30 am
Department: A
Officer: Hon. Victoria Wood

17 I, Bruce A. Miroglio, declare as follows:

18 1. I am an attorney duly licensed to practice law before all courts of the State of
19 California. My law firm, The Law Office of Bruce A. Miroglio, is counsel for Respondent,
20 STEPHEN P. SCHOENBERGER, in this action. The following facts are within my personal
21 knowledge and, if called as a witness herein, I can and will competently testify thereto.

22 2. Attached hereto as Exhibit "A" is a true and correct copy of communications which
23 were sent electronically by Petitioner Thomas Schoenberger to counsel for the Trust on the dates
indicated therein.

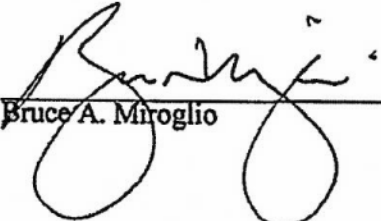
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3. Neither I nor anyone connected in any way to this office has had any communication, to my knowledge with a "Diane Nordstrom" or "Manny" or anyone else mentioned in Petitioner's Motion.

4. I have spoken to opposing counsel in *Isabelle Gauthier vs. Thomas Schoenberger*, Los Angeles Superior Court No. BC564759. A review of the court file reveals that the case was extensively litigated and Thomas Shoenberger was found liable for a fraud judgment in excess of \$400,000.

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

Executed this 18 day of October, 2019, at Saint Helena, California.


Bruce A. Miroglio

From: Th Stg [mailto:tstger13@gmail.com]
Sent: Sunday, September 02, 2018 9:10 PM
To: David Diamond
Subject: Dear David

I will be contesting the trustee. I will also be going public with this mess. It seems my father's trust was in fine shape until you became involved.

Perhaps you are in cahoots with my brother? He will not be pleased when he finds out that you made a huge mistake

You should have constructed the deal so I would pay legal fees if I contest.

In other words, my brother will be paying you to battle both Lou and I and he will also see his reputation destroyed online based on his behaviors and deceptions.

You are duty bound to send this email to him. I am sure you are enjoying making money as we speak. You charge \$700 an hour, so this email cost my brother \$120 and I can keep going until I contest.

I am sure you can milk Steve for a good 2k based on my emails alone.

I will make sure we have a nasty public battle and I will also make sure all of his associates understand what he is doing.

He should be exposed, and once you lose your reputation, you lose everything.

Or he can decide to arbitrate. Now David, I was disinherited for unknown cause. I assume it was because I was falsely accused of taking my mother's jewelry. I have all the emails. The jewelry was found behind the safe, where my father had misplaced it.

The same jewelry is now in Steve's possession. A judge can find part or the trust invalid, or the whole thing made invalid.

I want 1/2 the estate, period. That's what the trust was until you got your fingers into things.

I ran backgrounds on you, my brother and his wife. More is coming. All legal of course I have been in touch with my mom's friends, our old childhood friends, and family members. Everyone is shocked Steve did not attend the memorial. Bad optics. Especially for a judge who hears from me, my son, my ex-wife, friends...

If the Estate loses 40% of its value of lawyers fees, then my brother is clearly to blame.

Go forward this with comments. I think he may come to his own conclusions eventually. Then he will fire you when he finds someone cheaper.

Cheers

Thomas
Stephen Pizzo
Schoenberg
Los Angeles, CA

Overview
Contact Info
Phone Numbers
Email
AFC (6) (6) (6)
Associated People
Ormond & Co. (6)
Birmingham (6)
Professional (6)
Social Media (6)
Premium Data (6)

Anything numbers that Stephen may currently or previously have used is displayed below. Plus a photo of the phone number if available.

Phone Number	Usage Period
714 624-3273	First seen Jun 1988 and last seen Jun 2018 Type: Mobile phone
909 253-3254	First seen Jun 1983 and last seen 2017
714 915-1317	First seen Mar 1999 and last seen Dec 2012
656 509-4168	First seen Nov 1997 and last seen Jul 2006
707 226-7049	First seen Nov 2014 and last seen Apr 2014

From: Th Stg [mailto:tstger13@gmail.com]

Sent: Friday, August 31, 2018 7:43 PM

To: David Diamond

Subject: Update

Still mulling over things. A man's reputation is a precious thing, When I was attacked by a tag team of scumbags who were attempting to hijack my business, I found I could do nothing if they repeatedly posted negative things about me on the internet

Of course I finally retaliated and their reputations followed one to his grave and another to the poorhouse.

It might be best to take the 25k and not contest, and simply state my case in public and see how long my brother takes before he realizes the internet is the great equalizer

If my brother's reputation is destroyed online, it lasts forever, past his lifetime. His grandkids will be discussing his "ways"

I know you are duty bound to send this to him., and as a lawyer, you will charge..

Mind if I make the letter you sent public? I really think sunlight is a good thing David...

Thomas

FILED

OCT 18 2019

Clerk of the Napa Superior Court

By 
Deputy

1 **BRUCE A. MIROGLIO (SBN 104716)**
2 **LAW OFFICES OF BRUCE A. MIROGLIO**
3 **1250 Church Street**
4 **St. Helena, CA 94574**
5 **Tel: (707) 963-7400**
6 **Fax: (707) 968-5040**
7 **Email: bruce@bamlegal.com**

8 **Attorneys for Respondent**
9 **Stephen P. Schoenberger**

10 **SUPERIOR COURT OF CALIFORNIA**
11 **COUNTY OF NAPA**

12 **THOMAS SCHOENBERGER,**
13 **Petitioner**

14 **vs**

15 **STEPHEN P. SCHOENBERGER,**
16 **Respondent**

Case No: 18PR000275

**DECLARATION OF STEPHEN P.
SCHOENBERGER IN SUPPORT OF
RESPONSE TO PETITION**

Date: October 31, 2019
Time: 8:30 am
Department: A
Officer: Hon. Victoria Wood

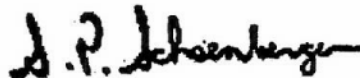
17 **I, STEPHEN P. SCHOENBERGER, declare as follows:**

18 **1. I am the trustee for my mother's trust. David Diamond, Esq. is one of my attorneys**
19 **handling the trust administration. The following facts are within my personal knowledge and, if**
20 **called as a witness herein, I can and will competently testify thereto.**

21 **2. Neither I nor anyone connected in any way with me has had any communication, to**
22 **my knowledge with a "Diane Nordstrom " or "Manny" or anyone else mentioned in Petitioner's**
23 **Motion.**

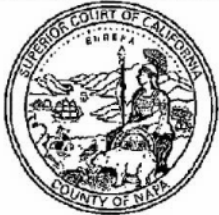
24 **3. I do not and never have had "Twitter" account and have never used one/**

Executed this 18 day of October, 2019, La Jolla, California.



Stephen P. Schoenberger

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Superior Court of California
County of Napa

Minutes

Case #: 18PR000275

In the Matter of Elsebeth Nellisen Schoenberger Trust

Hearing Date: 10/31/2019	Hearing Time: 8:30 AM
Judicial Officer: Victoria Wood	Clerk: J Gleeson
Court Reporter: None	Interpreter:
Courtroom: Department A	

Parties Present:

Miroglio, Bruce Allen	Attorney
Schoenberger, Thomas	Petitioner via Court Call

NATURE OF PROCEEDINGS

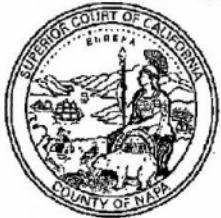
The matter comes on calendar regularly this date for a OSC: Court's Motion to Dismiss.

HEARING

The Court hears comments of both parties.

It is noted there is no motion pending.

The Court orders this matter shall be DISMISSED without prejudice.



Superior Court of California
County of Napa

Minutes

Case #: 18PR000275

In the Matter of Elsebeth Nellisen Schoenberger Trust

Hearing Date: 10/31/2019	Hearing Time: 8:30 AM
Judicial Officer: Victoria Wood	Clerk: J Gleeson
Court Reporter: None	Interpreter:
Courtroom: Department A	

Parties Present:

Miroglio, Bruce Allen	Attorney
Schoenberger, Thomas	Petitioner via Court Call

NATURE OF PROCEEDINGS

The matter comes on calendar regularly this date for a OSC: Court's Motion to Dismiss.

HEARING

The Court hears comments of both parties.

It is noted there is no motion pending.

The Court orders this matter shall be DISMISSED without prejudice.

-oOo-

Hearing Date: December 17, 2019
Hearing Time: 8:30 am
Superior Court of California
Napa County
Civil Division
Courtroom: A,B

FILED
11/5/2019 6:21 PM
Clerk of the Napa Superior Court
By: Maricela Bahena, Deputy

Thomas A. Schoenberger, PRO SE
4415 Westchester Dr
Woodland Hills Ca 91364
669-666-1378
Tstg13@gmail.com

**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.

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

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.

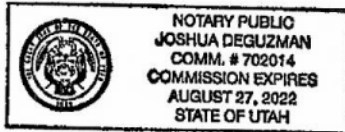
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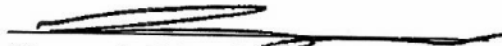
Loss of income, due to increasing health-related issues and the stress of threats to and attacks on family, friends and business colleagues, has led to Petitioner having been unable to consistently engage in work. As a music composer, whose physical well being is essential in performing work assignments.

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 3 day of ~~September~~ 2019.
OCTOBER

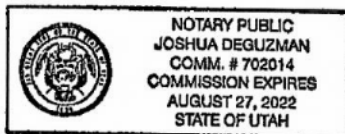



Thomas A. Schoenberger

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




Thomas A. Schoenberger

Hearing Date: December 17, 2019
Hearing Time: 8:30 am
Superior Court of California
Napa County
Civil Division
Courtroom: A

FILED
11/6/2019 8:50 PM
Clerk of the Napa Superior Court
By: Maricela Bahena, Deputy

Thomas A. Schoenberger, PRO SE
4415 Westchester Dr
Woodland Hills Ca 91364
669-666-1378
Tstg13@gmail.com

**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.

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'.

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

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'.

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 3 day of ~~September~~ 2019.

EXHIBIT '1'

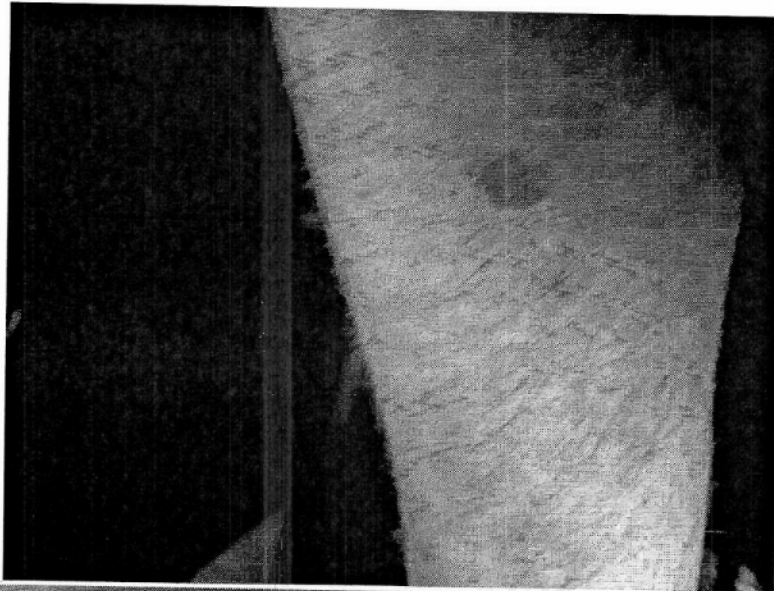


EXHIBIT '2'

From: Louis Kaplan <Redacted@il.com>
Date: Tue, Sep 24, 2019 at 12:24 PM
Subject: Re: Hello Lou !
To: Th Stg <tstger13@gmail.com>

As per our conversation, your brother, Steven , was strongly apposed to me from the moment your mother and I met, lived together and married.

He researched my past and berated me with her to no avail. Our bond was stronger but he used undue influence threatening her with the loss of love from him and his son, her grandchild. She was afraid to tell him when we legally married. She told me she was putting me in her will and wanted me to live on in her house until I died if she preceded me in passing. He used undue influence to make her change her mind about that.

He continued abuse of me verbally with her and after she died he even sent an email to my six children. It was full of false accusations. I sent you a copy.

It was received by one of my daughters at the college where she taught and vying for tenure. It could have hurt her.

One of my sons who is a Supervisory Special Agent with the FBI might have had it intercepted and hurt his career.

Steven abused me and has continued the abuse to this day, including abusive events while I lived in your mother's house and now using his position as trustee to withhold funds due me according to your mother's will. This even though he has taken insurance money and investment cash which should be part of the estate as well as valuable art which should also have been part of the estate. He also owed the estate \$70,000 from a loan he never repaid.

He never missed an opportunity to paint you as a demon to your mother, as I witnessed many times.

I am currently seeking to take legal action against him personally, for elder abuse. I am not taking any legal action against the estate.

If you have any questions please don't hesitate to call.

All best, Lou

EXHIBIT '2'

From: Louis Kaplan <[Redacted].com>
Date: Tue, Sep 24, 2019 at 12:24 PM
Subject: Re: Hello Lou !
To: Th Stg <tstger13@gmail.com>

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If you have any questions please don't hesitate to call.

All best, Lou

EXHIBIT 'S'



Diane Nordstrom
@straymagnet1

And it seems he was a no-show. I've mused he blackmailed his bro with the report, and bro said #BiteMe. Maybe bro promised to make sure it was entered into the record. A little bird told me he was aware of it. She had the right not to leave a dime to her shitty, name-calling son.

11:08 PM · Sep 1, 2019 · Twitter for Android

EXHIBIT '6'



Diane Nordstrom
@straymagnet1

[THOMAS Schoenberger] 3 MORE DAYS UNTIL
COURT

TICK-TOCK TOMMY 🕒🕒🕒🕒📅📅📅📅📅



Old Man
@AlwaysLearning

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 SHIKE

07/31/2019 Denumer ▼

Judicial Officer
Wood, Victoria

Hearing Time
8:30 AM

Result
Heard

img.jpg

img IMC_0451.jpg

img 26082019001.jpg

