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6 UNITED STATES DISTRICT COURT
7 FOR THE CENTRAL DISTRICT OF CALIFORNIA

<p>8 Jeffrey D. Moffatt, 9 10 Plaintiff 11 v. 12 State of Arizona, 13 State Supreme Court of Arizona, 14 State Bar of Arizona, and 15 Scott Bales, Chief Justice in his 16 Official Capacity, 17 Defendants</p>	<p>DOCKET NO.: CV-17-06029-VBF (DFM)</p> <p>PLAINTIFF'S REPLY TO DEFENDANT'S DOCKET NO.: 180 AND DOCKET NO.: 180-1</p> <p>ORAL ARGUMENT REQUESTED</p> <p>Date: No Date Set Time: Courtroom:</p> <p>Honorable Judge Valerie Baker Fairbank</p>
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21 Plaintiff Jeffrey D. Moffatt (Moffatt) hereby submits this Reply to
22 Defendant's Response and Opposition to Jeffery Moffatt's Amended Motion to
23 Strike All Pleadings Filed by GRSM..., Docket Nos.: 180 and 180-1, filed in
24 response to Moffatt's Motions to Strike Docket (Dkt.) Nos.: 170, 172 and 173.
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1 **PLAINTIFF'S REPLY:**

2 Defendant has not cited a single case, nor provided necessary 2018
3 documents showing Defendant counsel is in compliance with the State Bar of CA,
4 nor FTB in its response. This document lays out evidentiary issues, as well as
5 differences in entity documents that legally create a different entity, related to
6 partnerships, such as GRSM.
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10 Moffatt requests the Court grant in full or in part, Moffatt's Motions to
11 Strike: (Dkt. Nos.: 170, 172 and 173), for reasons detailed below.
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14 **DEFENDANT'S EXHIBITS NOT AUTHENTICATED**

15 As Defendant's Exhibits 1 through 4, Dkt. No.: 180-1 have not been attested
16 to by either Defendant or Defendant's Counsel to have been authenticated in
17 compliance with Federal Rules of Evidence, Moffatt asks the Court to deny the
18 admission of Defendant's exhibits. Fed. R. Evid. 901 United States v. Vasquez,
19 858 F.2d 1387, 1392 (9th Cir. 1988)[internal cite]; In the present case, although we
20 think "the Government could have done a better job of laying the foundation,"
21 United States v. Anguloa, 598 F.2d 1182, 1186-87 (9th Cir. 1979), Fed. R. Evid.
22 902(1)(A)-(B) Evidence that is Self-Authenticating and Fed. R. Evid. 104(b).
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1 In fact, Defendant's Dkt. No.: 180-1 - #3722, **Exhibit one** (1) when
2 compared **to Exhibit three** (3), Dkt. No.: 180-1 - #3731, appear to have been
3 suspiciously altered (manipulated) in an effort to support the Defendant's position.
4

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6 Exhibit three (3) reads in pertinent part: "That on the 26th day of April 1996,
7 Gordon Rees Scully Mansukhani, LLP, became recognized under the laws of the
8 State of California."... Now compare against Exhibit one, which reads in
9 pertinent part in Box 1: "Name of the Registered limited liability partnership
10 "GORDON & REES, LLP."
11

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14 **The entity in question** Gordon Rees Scully Mansukhani, LLP, (GRSM) is a
15 different legal entity, and no document presented by the Defendant verifies the
16 operative entity was recognized by the California Secretary of State in 2018.
17

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19 A change in name of partnership entity constitutes a different entity. Sav-On
20 Drugs, Inc. v. Cty. of Orange, 190 Cal. App. 3d 1611, 1618, 236 Cal. Rptr. 100,
21 103 (Ct. App. 1987); Pueblos Del Rio S. v. City of San Diego, 209 Cal. App. 3d
22 893, 896, 257 Cal. Rptr. 578, 580 (Ct. App. 1989)
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1 In fact, Exhibit one (1) and/or Exhibit three (3) do not meet the requirements
2 of being self-authenticating evidentiary documents, because the April 26, 1996
3 Exhibit one (1) document only reflects "GORDON & REES."
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6 Defendant's Exhibits One (1) through Exhibit Three (3) were not submitted
7 with governmental letterhead nor accompanied by a complete certificate where the
8 State's custodian of record customarily certifies the authenticity of purported
9 records.
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11
12 As a matter of fact, Dkt. No. 180-1 #3726, is unsigned by the California
13 Secretary of State's Custodian of Records, were not on governmental letterhead,
14 nor addressed to any particular person or even addressed to GRSM.
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18 Fed. R. Civ. P. 44(a) require "Proving an Official Record by Means of
19 Proving: (1) Domestic Record.

20 (A) an official publication of the record; or

21
22 (ii) by any public officer with a seal of office and with official duties in the
23 district or political subdivision where the record is kept."
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1 Dkt. No.: 180-1, #3726, does not contain any document on governmental
2 letterhead affixed with a specific named legal custodian of record or specific
3 legible name for custodian of claimed records purported as Exhibits One (1)
4 through (3), therefore, these Exhibits do not satisfy Fed. R. Civ. P. 44(a).
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8 Defendant's Exhibit 4 is also not self-authenticating, contains no attestation
9 of who is the custodian of legal records and does not contain a corporate seal to
10 authenticate purported Certificate of Registration with [t]he State Bar of California,
11 see Fed. R. Civ. P. 44(a) and Fed. R. Evid. 902.
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15 As Paragraph 11 has been "redacted" of Defendant's Opposition to Motion
16 to Strike and Exhibit five (5) of Defendant's Opposition to Motion to Strike has
17 been "sealed" with Moffatt denied "access" by Court order, Dkt. No: 181, Moffatt
18 is unable to respond intelligently.
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22 For all the forgoing reasons, , Exhibits One (1) through Four (4), should be
23 struck for failing to meet the Fed. R. Civ. P. 44(a) authenticity requirement.
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