

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER

**AUG 09 2012**

ALAN CARLSON, Clerk of the Court

1 DANIEL D. DYDZAK  
2 PLAINTIFF IN PRO PER  
3 4265 MARINA CITY DRIVE  
4 SUITE 407W  
5 MARINA DEL REY, CA 90292  
6 TELEPHONE: (310) 867-1289

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 FOR THE COUNTY OF ORANGE  
9 CENTRAL JUSTICE CENTER

10 DANIEL D. DYDZAK, ) CASE NO. 30-2012-00558031  
11 )  
12 Plaintiff, )  
13 Vs. ) PLAINTIFF'S OPPOSITION  
14 ) TO MOTION TO QUASH BY  
15 ) DEFENDANT CHARLES R. SCHWAB;  
16 ) MEMORANDUM OF POINTS AND  
17 ) AUTHORITIES THERETO;  
18 JOSEPH LAWRENCE DUNN, aka JOE DUNN, ) DECLARATION OF ANTHONY  
19 ) ROGELL; EXHIBITS  
20 et al., )  
21 )  
22 Defendants. ) UNLIMITED  
23 )  
24 ) ASSIGNED TO JUDGE GREGORY  
25 ) MUNOZ (DEPT. C13)

26 DATE: August 30, 2012  
27 TIME: 2:00 P.M.  
28 DEPT: C13

TRIAL DATE: Not Set  
CASE MANAGEMENT CONFERENCE:  
September 12, 2012

20 TO THIS HONORABLE COURT, ALL PARTIES AND COUNSEL OF RECORD:  
21 Plaintiff, DANIEL D. DYDZAK, hereby opposes and responds to  
22 the Motion to Quash filed by Defendant CHARLES R. SCHWAB.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**  
24  
25 **I**  
26 **DEFENDANT SCHWAB WAS DULY SERVED WITH**  
27 **PROCESS AND IS STALLING RESPONSE TO**  
28 **LAWSUIT**

1 The lawsuit was duly served on Defendant Charles Schwab.  
2 The original proof of service is marked and attached hereto as  
3 Exhibit "B" and made a part hereof by reference. See also  
4 attached Declaration of Anthony Rogell. The authorized agent of  
5 Defendant Charles Schwab agreed to accept service for him.  
6 C.C.P. Section 415.10. There is no Declaration from Charles  
7 Schwab claiming that that agent could not accept service for  
8 him.

9 Plaintiff has written a recent letter to Schwab's counsel  
10 indicating that the instant Motion is in bad faith and without  
11 merit. A true and correct copy of said correspondence is marked  
12 and attached hereto as Exhibit "C" and made a part hereof by  
13 reference.

14 **II**  
15 **CONCLUSION**

16 The Motion to Quash should be denied with prejudice and  
17 Defendant SCHWAB required to file an Answer forthwith to the  
18 First Amended Complaint.

19  
20 Dated: August 9, 2012

Respectfully Submitted,

21  
22 BY: 

23 DANIEL D. DYDZAK  
24 Plaintiff In Pro Per  
25  
26  
27  
28

DECLARATION OF ANTHONY ROGELL

I, ANTHONY ROGELL, DECLARE:

1. I am the Plaintiff in the above-referenced case, an adult over eighteen years old, and a resident of Los Angeles County, State of California.

2. The facts herein are personally known to me and true and correct. If called as a witness, I could and would competently testify thereto under oath.

3. I have reviewed and read the Declaration of Tom W. Taylor provided in Charles Schwab's Motion To Quash Service of Summons. There are material misstatements in that Declaration.

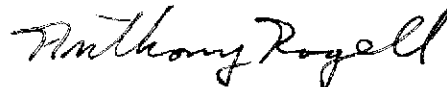
4. On May 16, 2012, at approximately 11:26 a.m., I served a sealed envelope addressed to the attention of Charles Schwab at his Century City business address which contained the First Amended Summons, First Amended Complaint, ADR Information Package, Civil Case Cover Sheet and other related pleadings. I indicated that the package was for Charles Schwab and contained legal papers. Tom W. Taylor stated that he was authorized to accept the package for Charles Schwab. He gave me his name. I took one of Tom W. Taylor's business cards. A true and correct copy of the front of this business card is marked and attached hereto as Exhibit "A" and made a part hereof by reference.

5. I am the principal of my own attorney service, Hughes Rogell Heritage, and have operated this business for over a decade. I am very experienced in process serving and filing

1 court documents. At no time did Tom W. Taylor indicate that he  
2 could not accept the package for Charles Schwab which was in a  
3 manila envelope and clearly addressed to Charles Schwab at his  
4 Century City address. Since I am a long-time resident of Los  
5 Angeles County and have an office in Century City, I am well  
6 acquainted with the area and the high-profile address at 1900  
7 Avenue of the Stars, Suite 101, Los Angeles, California. At no  
8 time did Tom W. Taylor tell me on May 16, 2012, that this  
9 address was not a legitimate business address for Charles R.  
10 Schwab.

11 6. From my experience and training in process serving,  
12 reviewing the applicable law on service, and getting advice from  
13 many experienced attorneys that I know and work for, if an adult  
14 eighteen years or old authorized to accept service of process  
15 accepts lawsuit papers without objection for a party at a  
16 legitimate business address, this constitutes valid service.

17 I declare under penalty of perjury under the laws of the  
18 State of California that the foregoing is true and correct, and  
19 that this Declaration was executed on August 8, 2012, at Los  
20 Angeles, California.

21 

22 ANTHONY ROGELL  
23 DECLARANT

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of  
4 California. I am over the age of 18 and not a party to the  
5 within action. My service address is 4265 Marina City Drive,  
6 Suite 407W, Marina del Rey, California 90292.

7 On August 9, 2012, I served the following:

8 PLAINTIFF'S OPPOSITION TO MOTION TO QUASH BY DEFENDANT CHARLES  
9 R. SCHWAB; MEMORANDUM OF POINTS AND AUTHORITIES THERETO;  
10 DECLARATION OF ANTHONY ROGELL; EXHIBITS

11 on the following interested parties by placing a true copy  
12 thereof in a sealed envelope to each such party or his/her  
13 counsel of record:

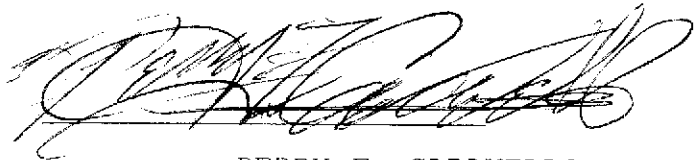
14 See Attached SERVICE LIST

15 [BY MAIL] I am readily familiar with the business' practice  
16 for collection and processing of correspondence for mailing with  
17 the United States Postal Service, pursuant to which practice  
18 correspondence will be deposited with the United States Postal  
19 Service this same day in the ordinary course of business. That  
20 with postage thereon fully prepaid, the envelope was either  
21 deposited in the United States Postal Service or placed for  
22 collection and mailing on the above date following the ordinary  
23 business practices.

24 [ ] (BY FAX) I faxed a copy of the above-entitled document  
25 to the interested parties.

26 [ X ] (State of California) I declare under penalty of  
27 perjury under the laws of the State of California that the above  
28 is true and correct.

Executed on August 9, 2012, at Marina del Rey, California.



PERRY F. CARAVELLO

1 SERVICE LIST

2 DANIELLE A. LEE, ESQ.  
3 OFFICE OF GENERAL COUNSEL  
4 THE STATE BAR OF CALIFORNIA  
5 180 HOWARD STREET  
6 SAN FRANCISCO, CA 94104

7 JOAN MACK, ESQ.  
8 CALDWELL, LESLIE, PROCTOR  
9 1000 WILSHIRE BLVD., SUITE 600  
10 LOS ANGELES, CA 90017

11 LISA VON ESCHEN, ESQ.  
12 ABELSON, HERRON LLP  
13 333 SOUTH GRAND AVENUE  
14 SUITE 1550  
15 LOS ANGELES, CA 90071

16 MARK BECKINGTON, ESQ.  
17 ATTORNEY GENERAL OF CALIFORNIA  
18 300 S. SPRING STREET  
19 LOS ANGELES, CA 90013

20 GIRARDI KEESE  
21 1126 WILSHIRE BLVD.  
22 LOS ANGELES, CA 90017

23 HOWARD L. DICKSTEIN, ESQ.  
24 1530 J. STREET  
25 SUITE 250  
26 SACRAMENTO, CA 95814

27 WILLIAM M. WARDLAW  
28 FREEMAN SPOGLI & CO.  
11100 SANTA MONICA BLVD.  
19<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90025

KEKER & VAN NEST  
633 BATTERY STREET  
SAN FRANCISCO, CA 94111

ARNOLD & PORTER  
7<sup>TH</sup> FLOOR  
THREE EMBARCADERO CENTER  
SAN FRANCISCO, CA 94111-4024

SANDOR E. SAMUELS, ESQ.  
BET TZEDEK LEGAL SERVICES  
145 S. FAIRFAX, SUITE 200  
LOS ANGELES, CA 90036

1 SARAH OVERTON, ESQ.  
2 CMDA  
3 3801 UNIVERSITY AVENUE  
4 SUITE 560  
5 RIVERSIDE, CA 92501

6 WILLIAM VICKREY  
7 RONALD OVERHOLT  
8 455 GOLDEN GATE AVENUE  
9 SAN FRANCISCO, CA 94102

10 DAVID J. PASTERNAK, ESQ.  
11 PASTERNAK, PASTERNAK & PATTON  
12 1875 CENTURY PARK EAST  
13 SUITE 2200  
14 LOS ANGELES, CA 90067

15 DAVID WERDEGAR  
16 3575 GEARY BLVD.  
17 SAN FRANCISCO, CA 94118

# EXHIBIT

A

*Charles* SCHWAB

**Tom W Taylor**  
*Operations Manager, Century City Branch*

Charles Schwab & Co., Inc.  
1900 Ave of the Stars, Suite #101, Los Angeles, CA 90067  
Tel (310) 712-3845 Fax (310) 712-3840  
tom.w.taylor@schwab.com

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>DANIEL D. DYDZAK</b> PLAINTIFF IN PRO PER 4265 MARINA CITY DRIVE, SUITE 407W MARINA DEL REY, CA 90292 TELEPHONE NO.: (310) 867-1289 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS: P.O. BOX 838 CITY AND ZIP CODE: SANTA ANA, CA 92701 BRANCH NAME:	
PLAINTIFF/PETITIONER: DANIEL D. DYDZAK DEFENDANT/RESPONDENT: JOSEPH LAWRENCE DUNN	CASE NUMBER: 30-2012-00558031
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a.  summons
  - b.  complaint
  - c.  Alternative Dispute Resolution (ADR) package
  - d.  Civil Case Cover Sheet (served in complex cases only)
  - e.  cross-complaint
  - f.  other (specify documents): First Amended Complaint, First Amended Summons
3. a. Party served (specify name of party as shown on documents served):  
 CHARLES SCHWAB
  - b.  Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):  
 TOM W. TAYLOR, AUTHORIZED AGENT AND OPERATIONS MANAGER
4. Address where the party was served:
5. I served the party (check proper box)
  - a.  **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): May 16, 2012 (2) at (time): 11:26 a.m.
  - b.  **by substituted service.** On (date): \_\_\_\_\_ at (time): \_\_\_\_\_ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
    - (1)  **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2)  **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3)  **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4)  I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): \_\_\_\_\_ from (city): \_\_\_\_\_ or  a declaration of mailing is attached.
    - (5)  I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: DANIEL D. DYDZAK	CASE NUMBER: 30-2012-00558031
DEFENDANT/RESPONDENT: JOSEPH LAWRENCE DUNN	

5. c.  **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): \_\_\_\_\_ (2) from (city): \_\_\_\_\_
- (3)  with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4)  to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d.  **by other means** (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a.  as an individual defendant.
- b.  as the person sued under the fictitious name of (specify): \_\_\_\_\_
- c.  as occupant.
- d.  On behalf of (specify): \_\_\_\_\_  
under the following Code of Civil Procedure section:
- |   |   |
|---|---|
| <input type="checkbox"/> 416.10 (corporation)                     | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input type="checkbox"/> other: _____                                 |

7. **Person who served papers**
- a. Name: Anthony Rogell
- b. Address: 1925 Century Park East, Suite 2120, Los Angeles, CA 90067
- c. Telephone number: (310) 994-6072
- d. The fee for service was: \$ 50.00
- e. I am:
- (1)  not a registered California process server.
- (2)  exempt from registration under Business and Professions Code section 22350(b).
- (3)  a registered California process server:
- (i)  owner  employee  independent contractor.
- (ii) Registration No.: \_\_\_\_\_
- (iii) County: \_\_\_\_\_

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

or

9.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: August 8, 2012

ANTHONY ROGELL  
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

  
(SIGNATURE)

-10-

DANIEL D. DYDZAK  
4265 MARINA CITY DRIVE  
SUITE 407W  
MARINA DEL REY, CA 90292  
TELEPHONE: (310) 867-1289

Kenneth Hausman, Esq.  
Arnold & Porter  
3 Embarcadero Center  
7<sup>th</sup> Floor  
San Francisco, CA 94111

August 9, 2012

RE: DYDZAK V. DUNN ET AL.;  
Orange County Superior Court Case No.  
30-2012-00558031

Dear Mr. Hausman:

As you aware, I have previously notified you that you have a conflict of interest in representing Charles Schwab in this litigation, since you are a material witness and possible party. Notwithstanding same, you continue to represent Charles Schwab. You were also part of the unethical conduct of previously having improper ex parte communications and contacts with State Bar Judge Donald F. Miles. As well, your law firm and prior law firm are parties. Therefore, you and your firm should immediately disqualify yourself from representing him.

Of course, the normal rules do not apply to you or your law firm or past law firm. It is well documented that you have had an involvement in "rigging" cases.

With regard to the service of Mr. Charles Schwab, he was duly served with First Amended Complaint and First Amended Summons and related pleadings. Your commonplace tactic from experience with you, your firm and prior firm is to always claim service was not properly effectuated. I have had this experience with you in past litigation, i.e., materially misstating service of process. Contary to Mr. Scanlon's correspondence dated June 22, 2012, Mr. Schwab was duly served with

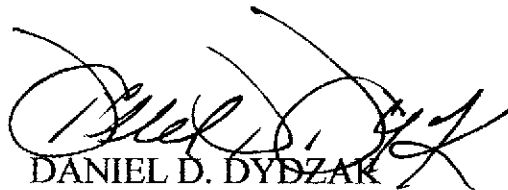
-11-

EXHIBIT "C"

process and Mr. Taylor clearly indicated to Mr. Rogell that he was authorized to accept service for Mr. Schwab. This "delay" tactic to avoid liability on Mr. Schwab's behalf wastes the court's time and resources and is in bad faith.

Your client's motion to quash is therefore being opposed.

Very truly yours,



DANIEL D. DYDZAK

CC: Interested Parties/Counsel