

HOME DISINFORMATION PEOPLE RAMBAM KLAUSNER BC271433

## Finding the right judge for *Rambam v Prytulak*

Lubomyr Prytulak  
Ukrainian Archive, www.ukar.org  
[Address]

[Telephone]  
lubomyr@shaw.ca

13 November 2002

Gary Klausner  
Supervising Judge, Civil Division  
Los Angeles Superior Court  
111 North Hill Street  
Los Angeles, CA  
USA 90012

Re: **Rambam v Prytulak BC271433** before Judge  
**James R. Dunn**

Judge Gary Klausner:

### Most LASC judges would have questioned their own jurisdiction

When Gary Kurtz and Steven Rambam first conceived their *Rambam v Prytulak* litigation, they must have realized that if their case were assigned to the wrong judge, it would instantly abort.

- Judge **Charles W. McCoy**. Suppose, for example, that the case had been assigned to Los Angeles Superior Court (LASC) Judge Charles W. McCoy — the very judge who had heard Kurtz-Rambam's earlier case against Mordechai Levy and his Jewish Defense Organization (JDO). Well, the California Court of Appeal had already informed Judge McCoy in its *Jewish Defense Organization, Inc. v Superior Court*, 85 Cal Rptr 2d 611 (California 1999) that he was wrong to have taken jurisdiction over Mordechai Levy. As a result, upon sighting Lubomyr Prytulak, Judge McCoy would have perceived a Defendant with even weaker ties to California than Mordechai Levy had, and so Judge McCoy would have at the outset solicited from Gary Kurtz the facts which might give a California court personal jurisdiction over Lubomyr Prytulak, and when Gary Kurtz failed to come up with any such facts, failed even to allege any, that would have been the end of the case. On top of that, Judge McCoy would remember how shamelessly Gary Kurtz and Steven Rambam had earlier lied to

him when they told him that Defendant Mordechai Levy ran an Arco Service Station in Anaheim, California, while knowing full well that he really ran the JDO in New York, which recollection would prompt Judge McCoy to greet any jurisdictional evidence that Gary Kurtz and Steven Rambam might similarly fabricate in *Rambam v Prytulak* with the skepticism that was as natural to a victim once-bitten as it was sanctioned by legal precedent.

- Judge **Richard L. Fruin**. And neither would Gary Kurtz and Steven Rambam be likely to have fared better if their *Rambam v Prytulak* suit had been assigned to Judge Richard L. Fruin, because the appellate court had reviewed for him the fundamentals of jurisdiction over a non-resident defendant in its *Nam Tai Electronics, Inc. v Titzer*, 113 Cal Rptr 2d 769 (California 2001), and in doing so had cited JDO at length. On top of that, Judge Fruin had written "Defining Internet Jurisdiction" in the *Association of Business Trial Lawyers Report*, Spring 2002, pp. 1-3, 11, available online at [www.abtl.org/lareport/abtl1ayolxixvno2.pdf](http://www.abtl.org/lareport/abtl1ayolxixvno2.pdf), and in which he discussed not only *Nam Tai*, but also JDO and another Rambam case. Judge Fruin as well would be all too likely to greet Gary Kurtz with the same *in limine* demand for evidence justifying his taking personal jurisdiction of foreign Defendant Lubomyr Prytulak, and as Gary Kurtz and Steven Rambam wouldn't be able to meet this demand, their suit would have instantly collapsed before Judge Fruin as well.

And an LASC judge would not have needed acquaintance with JDO to greet Gary Kurtz and Steven Rambam at the threshold with a request for jurisdictional evidence — any number of LASC judges already knew all that there was to know about personal jurisdiction over non-resident defendants even before the JDO decision became available, as for example

- Judge **David M. Rothman**, which we can be sure of from at least *Felix v Bomoro Kommanditgesellschaft*, 241 Cal Rptr 670 (California 1987)
- Judge **Kurt J. Lewin**, from at least *Malone v Equitas Reinsurance Ltd.*, 101 Cal Rptr 2d 524 (California 2000)
- Judge **Judith C. Chirlin**, from at least *Tri-West Insurance Services, Inc. v Seguros Monterrey Aetna*, 93 Cal Rptr 2d 78 (California 2000)

And an LASC judge's awareness of appellate opinion on certain topics other than jurisdiction would have had the same effect of aborting the Kurtz-Rambam law suit, as for example the topic of joining motions to quash service and vacate default, which topic both Gary Kurtz and Judge James R. Dunn are uninformed of, but which some judges do know well, as for example

- Judge **Ricardo A. Torres**, from at least *Floveyor International, Ltd. v Superior Court of Los Angeles*, 69 Cal Rptr 2d 457 (California 1997).

In fact, if we can assume that Los Angeles judges read decisions of their own Court of Appeal, then it is likely that most of them know such leading decisions as the above even though not having themselves played any role in them, and if we can assume that Judges are learned in the law, then it is certain that they understand the necessity of verifying personal jurisdiction before proceeding with a case

against a foreign defendant who challenges jurisdiction. The fact that some of the above judges happen to have recently retired from the court does not weaken my argument, as their shoes have been filled by new judges whose understanding may be expected to be equivalent.

## But one LASC judge refused to question his own jurisdiction

Thus, it must have been evident even to Gary Kurtz and Steven Rambam that the *Rambam v Prytulak* law suit stood little chance — and yet on 04-Apr-2002 the suit was given birth, and today is alive and kicking as it approaches its eight-month anniversary. What saved the Kurtz-Rambam litigation is that it was assigned to a judge unlike any encountered or imagined above — a judge who seems unacquainted with, or at least indifferent to, *JDO*, a judge who does not read appellate decisions like *Felix v Bomara Kommanditgesellschaft* or articles like Judge Fruin's "Defining Internet Jurisdiction," a judge dismissive of calls to verify his own jurisdiction over a foreign defendant, a judge who even goes so far as to destroy defendant submissions which challenge jurisdiction, along with the money orders to cover filing fees that are sent attached.

One would have imagined that in all of the United States, such a judge did not exist, and yet here he appeared within the Los Angeles Superior Court, right in your own Civil Division, and — uncannily — at the very spot where Kurtz and Rambam were searching for a forum.

## How were Kurtz-Rambam able to find this one judge?

That such pairing could have occurred merely by chance is difficult to credit. An exceptionally frivolous and vexatious suit assigned to perhaps the one judge in all of the United States ready to tolerate its particular brand of frivolity and vexation is perhaps too amazing to write off as coincidence. Rather, the impression is overpowering that this pairing of unwinnable case with a judge ready to cast aside the law of the land to see it won cannot have been a random stroke of luck for Gary Kurtz and Steven Rambam, but rather must have been something closer to an ace up their sleeve which they counted on to redeem their otherwise losing hand.

And that's where you — as Supervising Judge of the Civil Division — enter the picture. I take it that if the assignment of Judge James R. Dunn to *Rambam v Prytulak* was not your personal decision, then at least you are in the best position to investigate whose decision it was. No account of the aberration of *Rambam v Prytulak* will be complete until its placement into the hands of Judge James R. Dunn is explained.

## Doesn't the word "sham" apply?

If Plaintiff's staging of *Rambam v Prytulak* were not a sham, then Kurtz-Rambam would have at the outset — in their complaint — laid out why California had been at one time correct to decline jurisdiction over New Yorker Mordechai Levy in *JDO v Superior Court*, but was at a later time correct to accept jurisdiction over Canadian Lubomyr Prytulak in *Rambam v Prytulak*. However, approaching eight months following their initial complaint of 04-Apr-2002, Kurtz-Rambam still act as if their defeat in *JDO v Superior Court* had never taken place, and as if the question of jurisdiction in *Rambam v Prytulak* is one which they are under no obligation to address.

Having been defeated in California courts in 1999, Gary Kurtz and Steven Rambam return with an even weaker case in 2002, and with no explanation of why they hope to win now when they lost earlier — and by this omission giving off the unmistakable signal that their law suit is a sham. The question that I leave with you is how did it come to pass that Kurtz-Rambam were able to find a judge who would treat their palpable sham with as much protective — and one might even say lawless — sympathy as has been shown by Judge James R. Dunn?

Lubomyr Prytulak

CC:

### LASC

James A. Bascue, Presiding Judge • LASC • 111 North Hill Street • Los Angeles, CA • USA 90012  
G. Beavers, Deputy Clerk • LASC • PO Box 151, Main Post Office • Los Angeles, CA • USA 90053  
John A. Clarke, Executive Officer/Clerk • LASC • PO Box 151, Main Post Office • Los Angeles, CA • USA 90053  
Robert A. Dukes, Assistant Presiding Judge • LASC • 111 North Hill Street • Los Angeles, CA • USA 90012  
James R. Dunn, Judge • LASC • 111 North Hill Street • Los Angeles, CA • USA 90012  
Richard Fruin, Judge • LASC • 111 North Hill Street • Los Angeles, CA • USA 90012  
Carolyn Kuhl, Assistant Supervising Judge, Civil Division • LASC • 111 North Hill Street • Los Angeles, CA • USA 90012  
Gary Kurtz, Esq. • 20335 Ventura Boulevard, Suite 200 • Woodland Hills, CA • USA 91364  
Charles W. McCoy, Judge • LASC • 111 North Hill Street • Los Angeles, CA • USA 90012  
S. James Otero, Assistant Supervising Judge • LASC • 111 North Hill Street • Los Angeles, CA • USA 90012  
V. Ponce, Assistant Clerk • LASC • PO Box 151, Main Post Office • Los Angeles, CA • USA 90053  
Barry A. Taylor, Judge • LASC • 6230 Sylmar Avenue • Van Nuys, CA • USA 91401

### WHARRRF

Mike Wallace • 60 Minutes, CBS Television • 524 West 57th Street • New York, NY • USA 10019  
Don Hewitt, Executive Producer • 60 Minutes, CBS Television • 524 West 57th Street • New York, NY • USA 10019  
Irving Abella • Department of History, York University • 4700 Keele Street • Toronto, ON • Canada M3J 1P3  
F. David Badler COO • Hollinger International • 712 Fifth Avenue • New York, NY • USA 10019  
Steven Rambam • Pallorium, Inc. • PO Box 155 — Midwood Station • Brooklyn, New York • USA 11230  
Moshe Ronen • Chair Board of Governors • CJC • 100 Sparks Street, Suite 650 • Ottawa, ON • Canada K1P 5B7  
Bernie Farber • Executive Director, Ontario Branch • CJC • 4600 Bathurst Street • Toronto, ON • Canada M2R 3V2

### OTHER

Gray Davis, Governor • State Capitol Building • Sacramento, CA • USA 95814  
Martha Escutia, Senator • 12440 E. Imperial Highway, Suite 125 • Norwalk, CA • USA 90650  
Bill Lockyer, Attorney General • California DOJ • PO Box 944255 • Sacramento, CA • USA 94244-2550  
Bernadette Torivio, Executive Secretary • CJP • 455 Golden Gate Avenue, Suite 14400 • San Francisco, CA • USA 94102-3660

[HOME](#) [DISINFORMATION](#) [PEOPLE](#) [RAMBAM](#) [KLAUSNER](#) [BC271433](#)