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7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 JEREMIAH WILLIAM BALIK,

11 Plaintiff,

12 vs.

13 CITY OF LAS VEGAS [LVMPD] [LVFD]  
14 [DEPUTY MARSHAL]; CITY OF NORTH  
LAS VEGAS; CITY OF PISMO BEACH, CA;  
15 CALIFORNIA HIGHWAY PATROL;  
VERIZON WIRELESS, INC. dba CELLCO  
16 PARTNERSHIP; WHOLEFOODS, INC.; THE  
BLACKSTONE GROUP, INC. [BELLAGIO  
17 HOTEL & CASINO]; 7-11, INC.; MAVERIK,  
INC.; SMITH'S GROCERY/KROGER, INC.;  
18 US VETS, INC.; UPS, INC./UPS STORE  
#4213; RAHM I. EMANUEL; and DOES 1-100,

19 Defendants.

CASE NO.: 2:21-cv-01701-RFB-NJY

**EMERGENCY MOTION TO  
ENFORCE PREFILING  
REQUIREMENTS OF VEXATIOUS  
LITIGANT ORDER**

Assigned for All Purposes To:  
Hon. Richard F. Boulware, II

Action Filed: September 15, 2021

21 COMES NOW, Defendant City of Pismo Beach, CA (hereinafter "the City," "City of Pismo  
22 Beach," or "Pismo Beach"), by and through its counsel of record, the law firm of ALBRIGHT,  
23 STODDARD, WARNICK & ALBRIGHT, and hereby submits its *Emergency Motion to Enforce*  
24 *Prefiling Requirements of Vexatious Litigant Order* (hereinafter "Emergency Motion") based upon  
25 this Court's Order declaring Plaintiff JEREMIAH WILLIAM BALIK (hereinafter "Plaintiff" or  
26 "Balik") a vexatious litigant, and which requires Plaintiff obtain permission from this court prior to  
27 bringing a civil rights action under Section 1983 in Nevada Federal District Court. **Exh. A** (Case  
28

1 No. 2:18-cv-02174-RFB-EJY) (hereinafter “Vexatious Litigant Order” or “Prefiling Order”). This  
2 Motion is made and based upon the following Memorandum of Points and Authorities, the  
3 Declaration of G. Mark Albright, Esq., the attached exhibits, the pleadings and papers on file herein,  
4 and any oral argument offered at the time of hearing.

5 DATED this 23 day of November, 2021.

6  
7 **ALBRIGHT, STODDARD, WARNICK & ALBRIGHT**

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17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 **I. INTRODUCTION**

19 This Court has declared that *pro se* Plaintiff Jeremiah William Balik is a vexatious litigant.  
20 Exh. A. Over the course of the last several years, Plaintiff has continuously and repeatedly filed  
21 lawsuit after lawsuit, which most, if not all, revolve around alleged misdeeds of Rahm Emanuel, the  
22 City of Chicago’s former mayor and Congressman Fred Upton, of which Plaintiff believes are  
23 continually engaging in harassment to thwart his purported romantic relationships with whatever  
24 supermodel Plaintiff claims to be involved with at the time he files his complaint. The instant action  
25 before the Court is, in essence, a regurgitation of the same lawsuit Plaintiff brought before this Court  
26 once before, wherein the Court declared him to be a vexatious litigant. **Exh. A.**

27 Balik filed the operative Complaint in Nevada State Court in a clear attempt to avoid this  
28 Court’s Prefiling Order, which not only declared him a vexatious litigant, but also required him to  
seek and obtain permission of a magistrate judge first before litigating Federal Civil Rights Claims  
under Section 1983 and so forth. **Exh. A.** Pismo Beach (and its City Attorney) is merely another  
victim of Plaintiff’s harassment through the courts, forcing Pismo Beach to respond to baseless,

1 untrue, and delusional allegations. Plaintiff respectfully requests that this Court enforce the Prefiling  
2 Order against Plaintiff by sanctioning him with an order prohibiting him from filing any further pre-  
3 trial motions or petitions until this court deems him in compliance with the Prefiling Order or the  
4 Court dismisses the case.

5 **DECLARATION OF G. MARK ALBRIGHT, ESQ. IN SUPPORT OF EMERGENCY**  
6 **MOTION TO ENFORCE PREFILING REQUIREMENTS OF**  
7 **VEXATIOUS LITIGANT ORDER**

8 G. Mark Albright, the declarant, being first duly sworn, deposes and says as follows:

9 1. I am an attorney with the law firm of Albright, Stoddard, Warnick & Albright,  
10 counsel for Defendant City of Pismo Beach.

11 2. I have personal knowledge of all matters stated below, unless stated upon  
12 information and belief, and would competently be able to testify to them.

13 3. The instant Motion is submitted as an emergency motion under LR 7-4 due to the  
14 Plaintiff's vexatious filings, both in the initiation of this action and the incessant filings that have  
15 followed by the Plaintiff. The initiation of this action and the twenty-six filings by Plaintiff in the  
16 short space of two months demonstrate that he remains a vexatious litigant, as he was so declared  
17 by this Court in Case No. 2:18-cv-02174-RFB-EJY. Plaintiff's failure to abide the Vexatious  
18 Litigant Order and prefiling requirements contained therein requires City of Pismo Beach and the  
19 other innocent parties to appear and incur substantial attorneys' fees to defend against Plaintiff's  
20 delusion and baseless claims. In addition, pursuant to the Declaration of David Fleishman, City  
21 Attorney for City of Pismo Beach, Plaintiff has engaged in harassment by relentlessly placing phone  
22 calls and sending emails to Mr. Fleishman containing nothing more than rambling nonsense and  
23 conspiracy theories. Upon information and belief, Plaintiff engages in such harassing conduct to  
24 intimidate defendants into nuisance settlements, notwithstanding the baselessness of the claims he  
25 asserts.

26 4. Office Addresses and Phone Numbers of Movant and All Affected Parties:

27 Defendant, City of Las Vegas  
28 c/o Las Vegas City Attorney  
495 S. Main Street, 6<sup>th</sup> Floor  
Las Vegas, NV 89101

1 (702) 229-6629

2 Defendant, City of Pismo Beach  
3 c/o G. Mark Albright, Esq.  
ALBRIGHT, STODDARD, WARNICK & ALBRIGHT  
4 801 S. Rancho Drive, Suite D4  
Las Vegas, NV 89106  
5 (702) 384-7111

6 Plaintiff, Jeremiah W. Balik  
7 4330 N. Las Vegas Boulevard #28  
Las Vegas, NV 89115  
8 (626) 620-6010

9 5. The nature of the emergency is such that I did not engage with Plaintiff for a meet  
10 and confer for several reasons. First, a meet and confer demanding that Plaintiff voluntarily dismiss  
11 his own case would be a fruitless endeavor. No threat of monetary sanction or other punishment  
12 from the Court would be reasonably considered by Plaintiff. Indeed, Plaintiff has been permitted to  
13 proceed *in forma pauperis*, meaning monetary sanctions are, in a practical sense, no threat to  
14 Plaintiff for engaging in vexatious litigation. Second, I elected to not engage Plaintiff and conduct  
15 a meet and confer process for purposes of this motion for fear that by doing so, I would immediately  
16 subject myself to the same harassment via phone calls and emails perpetuated by Plaintiff against  
17 my client's City Attorney (Mr. Fleishman). *See* Declaration of David Fleishman, attached as **Exh.**  
18 **H.**

19 6. I believe that this Emergency Motion to Enforce is made in good faith and will not  
20 result in prejudice to the Defendants in this action.

21  
22   
23 G. MARK ALBRIGHT

24 **II. FACTUAL BACKGROUND AND PROCEDURAL HISTORY**

25 **A. ORDER DECLARING BALIK A VEXATIOUS LITIGANT**

26 As this Court is aware, Plaintiff is a vexatious litigant. This Court declared him as much in  
27 its Vexatious Litigant Order. *See Exh. A.* The Vexatious Litigant Order details many significant  
28 facts presented in Case No. 2:18-cv-02174-RFB-EJY (hereinafter "2018 Action") which led this

1 Court to declare Plaintiff a vexatious litigant and further order that Plaintiff comply with certain  
2 prefiling requirements, including obtaining permission from a magistrate judge to file Section 1983  
3 civil rights complaints. *Id.*

4 What is more, the 2018 Action Complaint contains striking similarities to the operative  
5 Complaint in this matter. For instance, as the Court noted in its Vexatious Litigant Order, Balik  
6 included “a number of allegations against defendants related to traffic stops and other encounters  
7 throughout the country[,]” which “resulted in violations of his Fourth, Fifth, and Fourteenth  
8 Amendment rights and asserts causes of action under 42 U.S.C. § 1983, . . . 42 U.S.C. § 1985, “false  
9 arrest,” and 42 U.S.C. § 1986.” *Id.* The 2018 Action complaint also includes allegations that various  
10 law enforcement departments engaged in bad acts, including: racist acts; unlawful patrolling;  
11 covering up civil rights violations; poisoning Plaintiff; having officers attempt to deter him from  
12 pursuing legal actions, etc. *See Id.* at 3-4. The 2018 Action Complaint also alleged that the City of  
13 San Bernardino via its police officers engaged in bad acts and, the City of San Jose also engaged in  
14 bad acts in similar ways. *Id.* at 4. The 2018 Action Complaint also includes several allegations of  
15 bad acts by and between Congressman Fred Upton and Former Mayor Rahm Emanuel, including  
16 that Mr. Emanuel “‘sabotaged’ Plaintiff’s efforts to patent a toy.” *Id.* at 4-5.

17 This Court also took notice that Balik had filed “at least twenty-three lawsuits in various  
18 state and federal courts, most which involve allegations against Rahm Emanuel . . . and Congressman  
19 Fred Upton.” **Exh. A**, at pp. 6-7. This Court cited several instances where other courts adversely  
20 ruled against Balik in similarly pleaded actions, were those other courts dismissed the actions,  
21 deeming these similarly pleaded actions as frivolous, “fanciful, and lack[ing] an arguable basis in  
22 fact.” *Id.* at 10-11. Balik’s complaint in the 2018 Action also claimed he was in relationships with  
23 supermodels and Rahm Emanuel and/or Fred Upton were targeting him, in part, due to these  
24 romantic relationships. *Id.* at 4-5. In addition, one court ordered a mental competency hearing  
25 regarding Balik. *Id.* at 11.

26 In that 2018 Action, this Court concluded as follows:

27 . . .a review of the complaints in many of [the cases cited] indicate[] that the  
28 allegations center around the same theme, and mirror those made here. The fact that

1 despite these rulings, and indeed despite **twice being deemed a vexatious litigant**  
2 **in the California judicial system**, Plaintiff has continued to file these complaints  
3 for a total number of what is now twenty-four cases, in both state and federal  
4 jurisdictions and now in Nevada as well as California, alleging nearly identical facts  
5 which **appear to have no basis in reality**, is the **very definition of harassment**.  
6 As Defendant notes, **Plaintiff has not succeeded in a single one of these cases**,  
7 and as Defendant has stated and as the Court's review indicates, he has received an  
8 adverse determination in at least thirteen. Consequently, it is clear that Plaintiff's  
9 claims are not only numerous, but "**patently without merit.**"

10 *Id.* at p. 12 (internal citation omitted) (emphasis added).

11 After describing Plaintiff's vexatious litigation history and the frivolous nature of the  
12 complaint in the 2018 Action, the Court instituted:

13 ...a pre-filing order which prevents Plaintiff from filing in the District of Nevada:  
14 1) **civil rights complaints**; 2) **complaints asserting harassment**; and 3)  
15 complaints asserting employment discrimination without first obtaining permission  
16 from the Magistrate Judge assigned to his case. Furthermore, as Plaintiff has  
17 continually sought to file suit against **the same defendants for the same**  
18 **allegations**, the Court also institutes a pre-filing order which prevents Plaintiff from  
19 filing in the District of Nevada any suit against: 1) Fred S. Upton Foundation; 2)  
20 **Rahm Emanuel**; 3) Valvoline; 4) Next Generation Wireless; 5) City of Cedar Falls,  
21 Iowa; 6) Santa Barbara County Sheriff's Department; 7) San Diego County  
22 Sheriff's Department; and 8) City of San Bernardino without first obtaining  
23 permission from the Magistrate Judge assigned to his case.

24 *Id.* at pp. 12-13 (emphasis added).

25 It is also noteworthy that in the same Vexatious Litigant Order, this Court dismissed Balik's  
26 complaint in the 2018 Action because "Plaintiff has **failed to plead facts that give rise to claims**  
27 **for relief that are plausible on their face**. The allegations are **clearly frivolous**. This defect is  
28 evident as to the allegations in their entirety, made against all defendants." **Exh. A**, at p. 13  
(emphasis added).

Balik challenged the Vexatious Litigant Order which dismissed the 2018 Action in his  
appeal to the Ninth Circuit Court of Appeals (Case No. 20-15324). On March 24, 2021, the Ninth  
Circuit not only affirmed this Court's Vexatious Litigant Order, but it affirmed it on the grounds  
that "Balik's claims [were] too frivolous and unsubstantial to invoke subject matter jurisdiction."

1 **Exh. B** at p. 2.<sup>1</sup>

2 **B. THE INSTANT ACTION**

3 In Plaintiff's operative Complaint in the instant action, Plaintiff regurgitates much of what  
4 he included in the 2018 Action and previous actions. Balik again asserts claims brought pursuant to  
5 42 U.S.C. § 1983, **Exh C** at pp. 1-3, 17, 19, 26-27, 33, 85-86; 42 U.S.C. § 1985, **Exh. C** at pp. 1,  
6 27, 29; and 42 U.S.C. § 1986, **Exh. C** at pp. 1, 30. Balik's instant Complaint also alleges violations  
7 of his civil rights under the Fourth Amendment, **Exh. C** at pp. 2, 3, 26, 49, 57, 61, 85; Fifth  
8 Amendment, **Exh. C** at p. 27; and Fourteenth Amendment, **Exh. C** at pp. 2, 3, 27, 28, 44, 49, 57,  
9 61, 86. Plaintiff's operative Complaint bears as its title: "CIVIL RIGHTS COMPLAINT FOR  
10 DAMAGES UNDER 42 U.S. CODE §§ 1983, *Monell* Claim, 1985 42 U.S. CODE § 1986 [Failure  
11 to Intervene] – CIVIL ACTION FOR DEPRIVATION OF RIGHTS, NRS 200.571 & NRS  
12 §41.130." *Id.* at p. 1.

13 Plaintiff's Complaint consistently alleges wrongdoing of both Rahm Emanuel (who is also  
14 named as a defendant) and Fred Upton. **Exh. C** at pp. 24, 25 40-42, 52-54, 76, 79-85. One or both  
15 of them are seemingly behind or involved in every cause of action asserted by Plaintiff. More  
16 specifically, as it relates to the claims asserted against the City of Pismo Beach, Plaintiff alleges that  
17 Fred Upton and Rahm Emanuel "could be behind" the use of the purported "burner phone" which  
18 was purportedly used to send harassing phone calls and text messages to Plaintiff, and which  
19 Plaintiff believes were sent by a "rogue" Pismo Beach Police Officer who is the boyfriend of  
20 Instagram Model Stefani Picchi, who Plaintiff alleges filed a police report against Plaintiff at the  
21 direction of Rahm Emanuel. **Exh. C** at pp. 50-58. Plaintiff alleges at page 52 of his Complaint that  
22 some text messages he received "may" be from a burner phone, and "could be" from a Pismo Beach  
23 PD Officer" and that the police "may have been engaging in quasi entrapment" and he suspects it  
24 was from a "Rogue" police officer. *Id.* at p. 52. Such allegations are sheer fantasy.

25 The Complaint similarly asserts claims and alleges wrongdoings against a slew of various  
26

27 <sup>1</sup> The Ninth Circuit relied on *Hagans v. Lavine*, 415 U.S. 528, 536 (1974) ("Over the years this Court has repeatedly  
28 held that the federal courts are without power to entertain claims otherwise within their jurisdiction if they are so  
attenuated and unsubstantial as to be **absolutely devoid of merit . . .**") **Exh. B**, at p. 2 (emphasis added).

1 police departments, cities, and municipalities. *See generally* **Exh. C**. The same allegations regarding  
2 Plaintiff’s attempt to patent a toy are included as well. **Exh. C** at pp. 10, 81.

3 In short, anyone who is given the unfortunate task of examining Plaintiff’s Complaint will  
4 find something resembling Frankenstein’s monster, with its various parts sewn together piece by  
5 piece from a myriad of Plaintiff’s other cases and especially from the 2018 Action Complaint.  
6 Furthermore, it appears Plaintiff attempted to disguise the operative Complaint in this action and  
7 avoid the Prefiling Order by intentionally naming new parties, including Pismo Beach, which do  
8 not appear in the order. Notwithstanding his attempts to circumvent the Prefiling Order, Plaintiff’s  
9 Complaint violates the Prefiling Order on its first page (in the caption), where Plaintiff labeled his  
10 Complaint a “Civil Rights Complaint.” *Id.* at p. 1.

11 **C. BALIK CONTINUES TO VIOLATE THIS COURT’S PREFILING ORDER**

12 On September 9, 2021, Balik instituted another legal action when he filed his motion for  
13 leave to proceed in forma pauperis, seeking to file a complaint against the Department of Veteran  
14 Affairs. *See* Case No. 2:21-cv-01661-APG-NJK (hereinafter “Veteran Affairs Action”).  
15 Immediately thereafter the Magistrate Judge issued an order to show cause, directing Balik to show  
16 cause why his case should not be dismissed for violation of the Prefiling Order. **Exh. D**. In his  
17 response, Plaintiff included striking admissions *that pertain to the instant action*. More specifically,  
18 Balik admits that he “is well aware of the vexatious litigant pre-filing conditions and deftly avoided  
19 being scrutinized by them by not naming [Fred Upton and Rahm Emanuel] and filing a 42 US Code  
20 § 1983 case in State court.” **Exh. E**, at p. 2. Plaintiff further admits that “[a]s noted in the complaint,  
21 Nevada is a notice pleading state—Plaintiff wanted to avoid higher pleading standards  
22 *Iqbal/Twombly* style. *Balik v. City of Las Vegas et al*, #A-21-835615-C, 8<sup>th</sup> Judicial District  
23 Court[.]” *Id.* at p. 2. Thus, Plaintiff admits that he was not only aware of the Prefiling Order, but he  
24 attempted to avoid the Prefiling Order by filing the Complaint in Nevada State Court, and also filed  
25 his Complaint in State Court to avoid the Federal Court standard of pleading according to *Iqbal* and  
26 *Twombly*.

27 Unsurprisingly, the Magistrate Judge issued a Report and Recommendation that the Veteran  
28 Affairs action be dismissed. **Exh. F**. The Court in the Veteran Affairs Action recommended



1 dismissal because Balik admitted to naming the Department of Veteran Affairs to circumvent the  
2 Prefiling Order and because his complaint and other filings consistently implicate and continually  
3 reference Fred Upton and Rahm Emanuel in a harassing manner, notwithstanding Plaintiff's  
4 assertion that his complaint does not violate the Prefiling Order because Upton and Emanuel are  
5 "non-parties." *Id.* at p. 2.

### 6 III. ARGUMENT

#### 7 A. ENFORCEMENT AND MODIFICATION PROPER

8 Plaintiff Balik continues to file abusive, frivolous, harassing lawsuits and motions. Plaintiff  
9 has repeatedly ignored the prefiling requirements imposed by this Court, and has filed motions for  
10 sanctions against the City Attorney of Pismo Beach as well as Patrick McDonnell, counsel in the  
11 2018 Action. These pleadings and motions are frivolous, legally unreasonable, without factual  
12 foundation and are brought in bad faith to harass the parties, their attorneys, and even non-party  
13 attorneys from prior legal actions. For example, Plaintiff's motion for sanctions against the Pismo  
14 Beach City Attorney is based on Plaintiff's unreturned phone calls made by Plaintiff to the City  
15 Attorney. ECF No. 46. The Motion against McDonnell is because Plaintiff is upset about the  
16 vexatious litigant order being procured by McDonnell in the 2018 Action. ECF No. 50.

17 District courts have broad discretion in fashioning sanctions. *Leon v IDX Systems Corp.*, 464  
18 F.3rd 961, 961 (9th Cir. 2006). Permissible sanctions, when vexatious litigation is encountered, may  
19 include not only a pre-filing order, but also monetary sanctions or even the ultimate sanction of  
20 dismissal of claims.<sup>2</sup> Pre-filing orders are not the only permissible form of sanction. Rather, the  
21 District Court may exercise its sound discretion under the facts presented to choose any appropriate  
22 sanction that will punish the past misconduct and prevent the future misconduct of the lawyer or  
23 party and issue. *See Molski v Evergreen Dynasty Corp.*, 500 F.3rd 1047 (9th Cir. 2007).

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26  
27 <sup>2</sup> In a similar situation, the United States District Court District of Arizona, in *Stone v. Maricopa County*, 2008 WL  
28 44446697 (2008), attached as **Exh. G**, dismissed a complaint for violating a prefiling order notwithstanding that the  
complaint was removed to the Court which issued the prefiling and that the complaint did not originate in the issuing  
Court. *See also Sassower v. Abrams*, 833 F.Supp. 253 (1993).

1 In the *Molski v. Evergreen*, the Ninth Circuit indicated that the "flagrant abuse of the judicial  
2 process cannot be tolerated because it enables one person to preempt the use of judicial time that  
3 properly could be used to consider the meritorious claims of other litigants." In addition, the Fifth  
4 Circuit held in *Baum v. Bluemoon Ventures*, 513 F.3rd 181 (5th Cir. 2008), that district courts have  
5 the power and jurisdiction to *sua sponte* modify their pre-filing injunctions against a vexatious  
6 litigant when the circumstances have changed in order to prevent vexatious litigants from engaging  
7 in vexatious, abusive and harassing litigation. The court noted that it agreed with the Second Circuit  
8 that a District Court has jurisdiction to *sua sponte* impose a pre-filing injunction "and we believe  
9 that the rationale of that decision is equally applicable to a modification of the injunction." *Id.* at  
10 189. The court concluded that the exercise of this power to modify pre-filing injunctions is permitted  
11 by Fed. R. Civ. P. 60 (b)(5). Hence, the prefiling order should be modified to include all pre-trial  
12 motions and petitions since Balik continues to file motions notwithstanding the Prefiling Order.

14 Modification and or enforcement of the pre-filing injunction entered against Balik is  
15 particularly appropriate here where he has not only filed multiple complaints in violation of the  
16 vexatious litigant pre-filing order requirements, but once in court, he has then filed frivolous and  
17 unsupported motions for sanctions against the City Attorney in California who has not even made  
18 an appearance in this case and also against the prior attorney from the 2018 Action (who is not  
19 involved in this matter). In *O'Rourke v Dominion Voting Systems*, 2021 WL 340-0671 (Colo. 2021),  
20 the court noted that "the Governors and Secretaries of State in this case are public servants of their  
21 respective home states. This court could exercise personal jurisdiction over them only if the State  
22 Official defendants had officially directed activity towards Colorado and the injuries alleged in this  
23 case related to that target activity." *Id.* The Court held that filing a lawsuit against an out-of-state  
24 defendant with no possible good faith justification for the assertion of personal jurisdiction and  
25 venue is sanctionable conduct. *Id.*

1 Likewise, Plaintiff's attempts to impose sanctions, here, against an out-of-state California  
2 City Attorney simply because he will not answer the Plaintiff's calls is harassment, bad faith, and  
3 frivolous. Hence, sanctions against Plaintiff are warranted. Since prior pre-filing requirements have  
4 not been adequate to stop the Plaintiff from harassing parties, cities and their attorneys, City of  
5 Pismo Beach requests that if the Complaint is not immediately dismissed with prejudice, that pre-  
6 filing requirement be extended to include all pre-trial motions and petitions, until Plaintiff is  
7 declared in compliance with the Prefiling Order or this Court issues a dismissal order. This would  
8 greatly deter Plaintiff from filing multiple motions in cases filed in violation of the Vexatious  
9 Litigant Order.

11 It should be noted that Plaintiff repeatedly contends in his multiple cases that he is not a  
12 vexatious litigant because occasionally defendants pay him money (generally around \$500) for a  
13 dismissal of the claims asserted against them. Balik is confused if he thinks such settlements are  
14 evidence that his lawsuits are brought in good faith. The Ninth Circuit has found to the contrary. In  
15 *Molski v. Evergreen Dynasty*, the Court noted the following:

16 Because Molski has tried on the merits only one of his approximately 400 suits and  
17 had settled all the others, the district court concluded that Molski's consistent  
18 approach was to use the treat of money damages under California law to extract  
19 cash settlements and move on to his next case.

20 500 F.3d 1047, 1052 (9th Cir. 2007). The same is true here, Balik's repeated attempts to settle is  
21 evidence of extortion, not good faith.

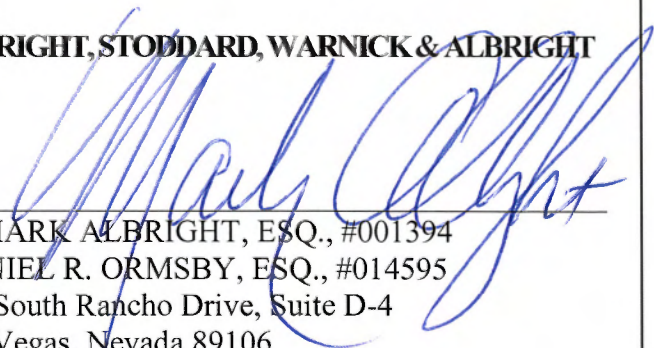
#### 22 IV. CONCLUSION

23 Since Plaintiff continues to file new complaints and new motions that are abusive and  
24 frivolous, this Honorable Court should enforce the prior vexatious litigant order by sanctioning the  
25 Plaintiff, if not with immediate dismissal of the Complaint, then by issuing an order which prohibits  
26 Plaintiff from filing any further pre-trial motions or petitions until such a time that the Court deems  
27 Plaintiff in compliance with the Prefiling Order or issues a dismissal order.

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DATED this 23 day of November, 2021.

**ALBRIGHT, STODDARD, WARNICK & ALBRIGHT**



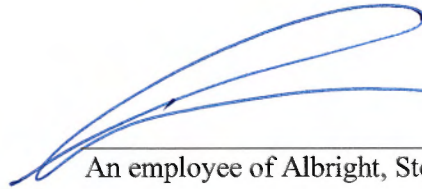
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*Attorneys for Defendant City of Pismo Beach*

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of ALBRIGHT, STODDARD, WARNICK & ALBRIGHT, and that on this 23<sup>rd</sup> day of November, 2021, service was made by the Court's ECF system to all of the registered recipients on the electronic service list, of a true and correct copy of the foregoing *Emergency Motion to Enforce Prefiling Requirements of Vexatious Litigant Order*.



\_\_\_\_\_  
An employee of Albright, Stoddard, Warnick & Albright

**AS** Albright Stoddard  
Warnick & Albright

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