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Superior Court of California,  
County of Alameda

**04/08/2022 at 12:56:22 PM**

By: Darrell Drew, Deputy Clerk

**Use this form to respond to the *Petition* (form WV-100)**

- Read *How Can I Respond to a Petition for Workplace Violence Restraining Orders?* (form WV-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the petitioner or the petitioner’s lawyer by mail with a copy of this form and any attached pages. (Use form WV-250, Proof of Service of Response by Mail.)

Fill in court name and street address:

**Superior Court of California, County of Alameda**  
 24405 Amador Street  
 Hayward, CA 94544

Fill in case number:

**Case Number:**  
 22CV005860

**1 Petitioner (Employer)**

Name: Berliner Cohen LLP

**2 Employee Seeking Protection**

Full Name: Christine Long

**3 Respondent (Person From Whom Protection Is Sought)**

a. Your Name: Robert Kiraly

Your Lawyer (if you have one for this case)

Name: Nabiel C Ahmed State Bar No.: 247397

Firm Name: Law Office of Nabiel Ahmed

b. Your Address (You may give a mailing address if you want to keep your street address private; skip this if you have a lawyer.)

Address: 2500 Old Crow Canyon Road Suite 525

City: San Ramon State: CA Zip: 94583

Telephone: 925-725-4003 Fax: 925-725-4002

E-Mail Address: Nabiel@eastbaylawpractice.com

The court will consider your response at the hearing. Write your hearing date, time, and place from form WV-109, item 4 here:

**Hearing Date** → Date: 04-14-2022 Time: 9:00 am  
 Dept.: 519 Room: \_\_\_\_\_

**If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to three years.**

**4  Personal Conduct Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (Specify why you disagree in item 11 on page 3.)
- c.  I agree to the following orders (specify below or in item 11 on page 3):

\_\_\_\_\_

**5  Stay-Away Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (Specify why you disagree in item 11 on page 3.)
- c.  I agree to the following orders (specify below or in item 11 on page 3):

\_\_\_\_\_



**6**  **Additional Protected Persons**

- a.  I agree that the persons listed in item **(4)** of the Petition may be protected by the order requested.
- b.  I do not agree that the persons listed in item **(4)** of the Petition may be protected by the order requested.

**7** **Firearms Prohibition and Relinquishment**

If you were served with form WV-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control within 24 hours of being served with form WV-110. (See item **(8)** of form WV-110.) You must file a receipt with the court. You may use form WV-800, *Proof of Firearms Turned In, Sold, or Stored* for the receipt.

- a.  I do not own or control any guns or other firearms.
- b.  I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (Explain):
  - Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.

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- c.  I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer. A copy of the receipt  is attached.  has already been filed with the court.

**8**  **Other Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (Specify why you disagree in item **(11)** on page 3.)
- c.  I agree to the following orders (specify below or in item **(11)** on page 3):

*Please see attached declaration of Robert Kiraly.*

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**9**  **Denial**

I did not do anything described in item **(8)** of form SV-100. (Skip to **(11)**.)







**12**  **No Fee for Filing**

- a.  I ask the court to waive the filing fee because the petitioner claims in form WV-100 item **14** to be entitled to free filing.
- b.  I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (*Form FW-001, Request to Waive Court Fees, must be filed separately.*)

**13**  **Costs**

- a.  I ask the court to order the petitioner to pay my court costs. The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
Attorney's Fees	\$TBD	Anti-Slapp Motion Prep	\$TBD
Process Server/Filing Fees	\$TBD		\$
Sanctions	\$TBD		\$

Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 13—Costs" for a title. You may use form MC-025, Attachment.

- b.  I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

**14** Number of pages attached to this form, if any: 20

Date: 04-04-2022

Nabiel C Ahmed  
Lawyer's name (if any)

▶ Nabiel Ahmed  
Lawyer's signature

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

Date: 04-04-2022

Robert Kiraly  
Type or print your name

▶ Robert Kiraly  
Robert Kiraly (Apr 4, 2022 19:43 PDT)  
Sign your name

1 Attachment # 10 to WVRO 22CV005860

2 DECLARATION OF ROBERT KIRALY; 22CV005860

3 I, ROBERT KIRALY declare as follows:

4 The statements made below are within my personal knowledge or are stated upon information and  
5 belief, which statements I believe to be true. If called upon to testify, I could and would competently do so.

6  
7 **Contents:**

8 **1. Overview and key points**

9 **2. Deceptive practices at Fremont-Toyota and the “Jihadi” issue**

10 **3. Responses to allegations**

11  
12 **Part 1. Overview and key points:**

13 This document is Robert Kiraly’s declaration related to case 22CV005860.

14 **Background:**

15 I’m a graduate of the University of California at Berkeley with High Honors in Mathematics and  
16 Honors in Computer Science.

17 I’m also a software architect and data specialist with 44 years of professional experience. My decades  
18 of experience include anti-terrorism for UK-NCIS after 9/11, military database appliances, data conversion  
19 and other tasks for the U.S. Defense Technical Information Center and the CIA, CCPA and HIPAA privacy  
20 issues, and the detection of fraud of different types for two corporate chains, including a respected national  
21 chain that has about 1,500 stores.

22 Over the past decade, I’ve spent a significant amount of time on fraud detection while employed in  
23 those capacities.

24 **My involvement with Brian Martin:**

25 Brian Martin is a licensed private investigator in the S.F. Bay Area. In December 2020, Mr. Martin  
26 purchased a Toyota Tacoma from Fremont-Toyota. In connection with the vehicle purchase, Fremont Toyota  
27 provided Mr. Martin with a forged document that the dealership claimed evidenced Mr. Martin's agreement to  
28

1 pay \$9,995 more than had actually been agreed to. My understanding is that this worked out to about \$6,000  
2 in terms of the actual net cost to Mr. Martin.

3 Mr. Martin first noticed the loan fraud in Spring 2021 when he looked into discrepancies in the  
4 paperwork. He was aware of my background and believed that I'd be able to comment objectively and  
5 accurately. So, not long after he noticed the issue, he asked me to determine whether or not there was evidence  
6 that confirmed the existence of fraud.

7 I agreed to do so as a personal favor and in the public interest. Mr. Martin did not hire me.

8 **My review of the loan fraud:**

9 Mr. Martin provided materials of different types for review. This included text messages and emails  
10 that supported his story. I reviewed meta-data in the email headers and it was consistent with Mr. Martin's  
11 allegations that his signature was forged onto an addendum of the sales contract entitled "market adjust[ment]"  
12 that increased the vehicle price by \$9,995.00.

13 It turned out that the forged document didn't even purport to be an agreement. It was just an electronic  
14 copy of a signature pasted onto a copy of a price sticker. There was nothing about an agreement other than the  
15 hand-scrawled words "Market Adjust". The figures didn't add up. In short, this was an unusually clumsy  
16 example of loan fraud on the part of Fremont Toyota.

17 Hence, after my review of Mr. Martin's allegations, including his supporting evidence, I believed loan  
18 fraud had been committed by Fremont Toyota, and I designed a way to seek further evidence of a systemic  
19 practice of loan fraud by creating two websites. The number of websites was increased to three in January 2022  
20 for reasons explained below.

21 **The websites:**

22 I elected to put the story online for the purpose of protecting automobile consumers from being de-  
23 frauded by Fremont-Toyota. Ultimately, three websites were placed by me online: fremonttoyota dot org,  
24 markhashimi dot org, and christinelong dot attorney.

25 I created a number of alternate domain names as well. The alternate domain names simply linked to  
26 the original three sites.

1 The "fremonttoyota" and "markhashimi" websites set forth my opinions "that Fremont-Toyota side  
2 has committed auto loan fraud against multiple unwary Toyota buyers". The websites offer advice to auto  
3 buyers, including to "Be suspicious of every dealership regardless of history unless you trust a particular sales-  
4 person" and to "nail down the numbers."

5 The websites further recommend that the public: "Never buy from a dealership that has a history of  
6 fraud or abuse of different types. This includes Fremont-Toyota of Fremont, California. The rhyme to  
7 remember is: Stay away or be prey."

8 The "christinelong" site discusses, additionally, the retaliation that Fremont-Toyota customers may  
9 face if they talk publicly online about loan fraud.

10 None of the websites are used for purposes of advertising or selling, or soliciting purchases of,  
11 products, merchandise, goods or services.

12 **Other victims came forward:**

13  
14 Two people came forward to comment regarding loan fraud occurring at Fremont-Toyota. Their  
15 statements suggested that the loan fraud issue wasn't limited to Martin's experience and that the general public  
16 was at risk of systemic loan fraud by Fremont Toyota.

17 One person, a Fremont-Toyota customer named Sandra Melendez who had recently purchased a  
18 Toyota Sienna LE, indicated that Fremont-Toyota had falsely claimed that she too had agreed to a \$9,995  
19 markup over the agreed-upon vehicle price.

20 Brian Martin forwarded some of Ms. Melendez's evidence of concern to me. My understanding was  
21 that these were the files Ms. Melendez was providing to attorneys in the course of seeking redress.

22 In Ms. Melendez's case, there was once again no agreement to a price change; just the words "Mark-  
23 up" and the \$9,995 figure crudely scrawled by hand onto a generic price sticker. The \$9,995 figure was the  
24 exact same number that had appeared in the forged document in Mr. Martin's case. My assessment was that  
25 the dealership might be using a standard approach to commit fraud on a regular basis. This was consistent with  
26 what I learned from the next person.  
27  
28

1 Sam Pawar, an ex-employee of Fremont Toyota, contacted Brian Martin due to seeing the fremont-  
2 toyota.org website. Mr. Martin directed Mr. Pawar to me in the context of a loan-fraud assessment. Mr. Pawar  
3 told me that fraud against the general public was a common practice at the dealership. He then confirmed to  
4 me that the following statement which appeared subsequently on the websites was “100% true”:

5 *“Most USA people are bad at math. The Fremont-Toyota people took advantage of this. If a dollar figure was*  
6 *at \$9,999, Mark Hashimi and his people just added \$10,000 to make it \$19,999. Fremont-Toyota figured that*  
7 *it was on the customer to detect a mistake and that it would be no big deal to take care of it in the cases where*  
8 *somebody did. I saw them committing fraud and stealing from people. I talked to General Manager Kamal*  
9 *[Mark Hashimi]. He told me to get out of his office. Mark Hashimi was part of the fraud operation, so I lost*  
10 *my job. But I did the right thing. I just wanted to protect Toyota buyers from the fraud and explain how to buy*  
11 *a car from Fremont-Toyota without being robbed.”*

12  
13 **The emails:**

14 Mr. Martin and I separately sent emails related to the loan fraud to employees and agents of Fremont  
15 Toyota.

16 In 2021, I published online primarily letters between Mr. Martin and “Mark” Hashimi. The purposes  
17 of publication included transparency related to inquiry into the loan fraud and to let the car-buying public judge  
18 for itself whether or not Fremont Toyota's denials of fraud were credible.

19 In January 2022, I wrote a detailed letter intended to be read by Mr. Hashimi and Fremont Toyota's  
20 attorney, Christine Long. The letter offered for consideration points related to a case that had been filed against  
21 Martin. I wasn't aware at the time of any case against me.

22 I sent that letter to multiple parties with the request that it be forwarded. In some cases, I added that  
23 consensual communication related to the points made in the letter would be welcome.

24  
25 **Part 2. Deceptive practices at Fremont-Toyota and the “Jihadi” issue:**

26 Petitioner repeats numerous times in her complaints the point that Respondent has used the word  
27 “Jihadi”. The goal is to suggest that the word was used inappropriately and impermissibly in the context in  
28 which it was found. The term “Jihadi” was referenced in my websites not at random, but as the dictionary



1 word for the type of race and religious harassment that Fremont-Toyota employees subjected a minority-race  
2 employee named Sam Pawar to for months. This said, the word was never used except briefly well before the  
3 WVRO against Mr. Martin was filed. More about that fact further down.

4 Fremont-Toyota employees directed remarks towards Mr. Pawar of the following type: “Mother-  
5 f\*cker you can’t call us brother because you aren’t Muslim”. The group indicated as well that Mr. Pawar’s  
6 race and other races were inferior and “smelly”. As Mr. Pawar was of Asia-India race, they also referred to  
7 him as “Mr. Curry”.

8 The hate-based perspective of the Fremont-Toyota core group extended to minority-race customers of  
9 the dealership. The word “smelly” was used in this context. Inside Fremont-Toyota, though, Mr. Pawar became  
10 a special target due to his failure to go along with deceptive practices that were used on a regular basis.

11 Mr. Pawar sold a Dodge van to an Indian couple. The couple asked him about lower interest rates. Mr.  
12 Pawar took them to see a Fremont-Toyota Finance Manager named Ayub Mohammad Jalal. Mr. Jawal was  
13 furious. He shouted, “Why you tell them about the lower interest rates?! How can we make money if we tell  
14 them about those rates?!”

15 At this point, Mr. Jawal became physically violent and threw an object. He shouted further, “All of  
16 you Indians are like that!! Stupid salesperson!! Why you telling them about lower interest rate!! F\*ck you! Get  
17 out of my office, you stupid man!”

18 Not much later, Mr. Pawar sold a Toyota RAV4. A Fremont-Toyota Finance Manager named Naqib  
19 U. Halimi credited half of the sale to another salesperson.

20 Mr. Pawar asked Mr. Halimi why this had happened. Mr. Halimi responded, “You asking lower inter-  
21 est rate from Ayub Mohammad Jalal and that's your punishment. I'm taking your half-deal and giving to other  
22 person.”

23 “You can't do that,” Mr. Pawar said. “I'll complain to the manager”. Mr. Halimi of Fremont-Toyota  
24 laughed. He said, “Go and complain to your Hindu god also and no one will help you”. This proved to be true.  
25 Racial and religious harassment of Mr. Pawar escalated rapidly.

26 Mr. Pawar asked, “Why is this happening?” The response was, “It's because you complained about  
27  
28

1 Naqib Halimi". Mr. Halimi had, again, confiscated Mr. Pawar's earnings to "punish" him for even bringing  
2 buyers to Mr. Jalal to discuss possible lower interest rates.

3 Respondent used the word "Jihadi" as the dictionary word for the conduct summarized above. The  
4 definition used is as follows. The definition has been cited by Petitioner in one complaint as being, in and of  
5 itself, incitement to violence:

6 *"The Quran uses the word "jihad" in two general contexts: the internal struggle, "al-jihad fi sabil Allah",*  
7 *and the external one. The inner struggle is praiseworthy. The external one, not so much. The latter ranges*  
8 *from, on the mildest side, those who proselytize to, on the most dangerous side, Muslim terrorists."*

9 The word is believed to have been removed from the websites within 48 hours of its initial use. It is  
10 believed not to have been used subsequently until Brian Martin was served with a SLAPP action intended to  
11 prevent the public from learning about deceptive practices against the general public. At that point, an  
12 explanation of why the word had been used originally was placed online. Respondent used the word  
13 subsequently in correspondence as well.

### 14 **Part 3. Responses to allegations:**

#### 15 **\* Alleged investigation by Ally Financial:**

16 Petitioner cites an investigation by Ally Financial that she asserts indicates proves no wrong-doing by  
17 Fremont-Toyota occurred and that the actions of all three of the whistle-blowers involved were motivated by  
18 ethnic hatred.

19 Including, it should be noted, the whistle-blower who is himself an ethnic minority and to whom  
20 Fremont-Toyota employees stated: "Mother-f\*cker you can't call us brother because you aren't Muslim".

21 The claim that Ally Financial's investigation can be used to dismiss allegations of fraud is false on a  
22 prima facie basis. The prima facie part is that Ally Financial conducted an investigation of only one case and  
23 Respondent, the publisher of the websites at issue, did not rely solely on the one case. In fact, he relied on  
24 statements and/or tangible evidence provided by three different and initially unrelated people: Brian Martin,  
25 Sam Pawar, and Sandra Melendez.  
26

27 Petitioner cites an investigation by Ally Financial of Martin's case and only of that case. Respondent  
28 is informed and believes that the Martin investigation didn't meet legal and/or usual, customary, and reasonable

1 standards. In particular, as one example, Ally doesn't seem to have reviewed the original signature on the  
2 forged document that Fremont-Toyota falsely claimed was Martin's agreement to add \$9,995 to the price of  
3 his vehicle. The point is, however, irrelevant to the other cases that Respondent relied on.

4 Respondent doesn't need to prove that Ally Financial didn't actually conduct an investigation to  
5 explain his understanding of the facts, his intentions, and the basis on which he proceeded.

6 Martin's case was persuasive enough regardless of the putative investigation. Fremont-Toyota asked  
7 Martin to return weeks after sale, physically took loan papers out of his hands and replaced them, and then  
8 provided Martin with a clearly – and clumsily – forged document which supposedly evidenced Martin's  
9 agreement to pay \$9,995 more than had actually been agreed to. Note: This worked out to about \$6,000 in  
10 terms of the actual net cost to Martin.

11 Text messages and emails exist which confirm that the unusual meeting took place. Additionally, the  
12 forged document didn't even purport to be an agreement. It was just an electronic copy of a signature pasted  
13 onto a copy of a price sticker. There was nothing about an agreement other than the hand-scrawled words  
14 "Market Adjust". The figures didn't add up. In short, this was not simply loan fraud but an unusually clear and  
15 clumsy example of the practice.  
16

17 **\* “Cyberattacks”:**

18 Petitioner uses the word “cyberattack” in multiple places without ever citing an example of a “cyber-  
19 attack”. The implied allegations are conclusory and prima facie false.

20 The prima facie part is that Petitioner has characterized passive websites and email as “cyberattacks”.  
21 Neither is a “cyberattack”, in any formal or legal sense, unless malware is involved. A “cyberattack” is  
22 specifically a software and/or illegal access attack such as DDoS – Distributed Denial of Service – or breaking  
23 into a bank account.

24 As a related note, Respondent believes that Petitioner hired parties in January 2022 to conduct the  
25 latter type of “cyberattack” on him. Specifically, those parties accessed his financial records, the intent being  
26 to determine his physical location at the time. Respondent spoke by phone with one of the people involved and  
27 may or may not be able to identify them in due course.  
28

1 \* **“Stalking”:**

2 Petitioner uses the word “stalking” or “cyberstalking” in multiple places. Neither Petitioner nor any  
3 other party ever, prior to litigation, expressed a concern or made a request to Respondent related to any conduct  
4 that they found objectionable or any steps that they wished him to take or not to take. Respondent engaged in  
5 communications and research in good faith. Such allegations are false.

6 \* **“Misleading” email addresses:**

7 Petitioner claims that Respondent “has used misleading email addresses ... under the ruse that he is  
8 soliciting this information with Petitioner’s permissions for a book he is writing.”

9 The allegation related to “ruse” is conclusory and false. In fact, Respondent took care, in most cases,  
10 to use usernames that clearly identified email as being sent in a “Review” context. For example: Fremont-  
11 Toyota Review.

12 Respondent has some experience with SEO [Search Engine Optimization]. He chose domain names  
13 that would, in the public interest, take traffic from sites associated with a company that committed fraud on a  
14 systemic basis and build traffic to sites that documented the fraud.

15 The email addresses used the same domains because that is how the FOSS software that Respondent  
16 used, Mail in a Box, works. Those who wish to confirm Respondent’s claim may review the home page for  
17 the software at the following link: <https://mailinabox.email/>

18 Petitioner adds that Respondent tried to persuade others he had her permission to ask questions. The  
19 allegation is both conclusory and false. Petitioner offers no evidence to the effect that anything stated was a  
20 “ruse” or that there was an intent to mislead.

21 In fact, Respondent stated that Petitioner was aware of the inquiry in an effort to be transparent as he  
22 has been transparent since the start of the current matter in mid-2021. Additionally, the book referred to has  
23 been in progress since 2012, parts are online, and Respondent believes that Petitioner is not only aware of this  
24 but has read the parts in question. httpd logs – this is a technical term – suggested that parties at Berliner-  
25 Cohen’s San Jose office had done such reading.

26 \* **There were no “intimate” details:**



1           Petitioner alleges that Respondent requested “intimate” details from others. The allegation is false.  
2 “Intimate” implies details of a far more personal nature than were sought. Respondent requested ordinary  
3 personal details and did so for reasons involving Free Speech, Freedom of Association, and the public interest.

4           Any biographer is permitted to ask questions of the type that were asked or no biographies might exist.  
5 Any person who wishes to respond on a consensual basis is, in the United States of America, free to respond.

6           The public interest part is related to Petitioner’s use of abuse of process to prevent the general public  
7 from learning about deceptive practices and loan fraud. A biography related to a person who would do this and  
8 the factors that led them to be able to compartmentalize this conduct is in the public interest. So are the details  
9 of what Petitioner was able to do, and chose to do, in the context of the history of her career.

10           **\* Distribution of a photograph:**

11           Petitioner claims that Respondent “has stated he is distributing Petitioner’s photograph”. This seems  
12 to be a conscious falsehood. Respondent has never stated or implied any such thing. The claim is indicative of  
13 Petitioner’s need to find a way to falsely position cases that are about fraud against the general public as being  
14 about violence.  
15

16           Respondent assumes that Petitioner will defend the falsehood by stating that Respondent intended to  
17 popularize a public-interest website related to abuse of process and that her photo was on the website. It’s an  
18 inappropriate leap to go from there to “distributing” a photograph.

19           Petitioner lied about the word “distributing”, of course, to falsely suggest that she was being targeted  
20 for violence.

21           **\* The role of an attorney:**

22           Petitioner has made false claims in multiple places to the effect that Respondent has claimed she is a  
23 Jihadi terrorist”, that she is “embedded” in a “terrorist” organization, or that she “supports Jihadi terrorists”.

24           Petitioner is referring solely to the fact that Respondent publicized hate speech and racial and religious  
25 harassment by Fremont-Toyota directed at a minority-race whistle-blower.  
26

27           The whistle-blower was Sam Pawar, an employee of the dealership. The hate speech by Fremont-  
28 Toyota employees included statements such as: “Mother-f\*cker you can’t call us brother because you aren’t

1 Muslim”.

2 For details related to such events, including a clear connection to the public interest, see the “Deceptive  
3 practices and Jihadi issue” section at the start of these responses.

4 Petitioner is asserting to the Court that because she represents alleged Jihadis she herself is  
5 “embedded” with Jihadis or is one of the group. This contradicts Respondent’s understanding of what an  
6 attorney is and is supposed to do.

7 Petitioner’s attempts to represent hate speech committed by her clients as incitement to violence  
8 against her clients’ attorney [Petitioner herself] are out of line. The allegation of such incitement is conclusory  
9 and emphatically false.

10 **\* Brian Martin’s role in research:**

11 Petitioner claims that Respondent “has acted with the assistance of Brian Martin, who is a licensed  
12 private investigator who would have access to the private information and is obtaining it in violation of the  
13 rights conferred upon him.”

14 The claim is conclusory and false. In fact, the January 16, 2022 letter that Petitioner cites repeatedly  
15 in the current cases was sent in part to explain to Petitioner how information had been and was being assembled.  
16 Respondent mocked the notion that the procedures used were so complicated that a P.I. must have come up  
17 with them. He believes that Petitioner understood the explanation and has mentioned Martin here to indirectly  
18 support SLAPP litigation against him.

19 The purpose of the latter SLAPP, as with the multiple SLAPPs that Petitioner has filed against  
20 Respondent, is to prevent the general public from learning about deceptive practices and fraud of different  
21 types at Fremont-Toyota.

22 The short version is that the parts related to “Mark” Hashimi and Petitioner were largely in Google.  
23 The January 16, 2022 letter explained this. Respondent included possible street addresses for “Mark” Hashimi  
24 and Petitioner as well as the vehicle information that she mentions in that letter to illustrate the point and to  
25 make the related point that Petitioner had no case against Martin.

26 Martin did do research related to Khachaturian Foundation and in a few other areas that Respondent

1 relied upon. However, Petitioner offers no evidence to the effect that improper, let alone illegal, means were  
2 ever employed.

3 **\* Biography:**

4 Petitioner states: “On said website, [Respondent] has listed residential addresses for Petitioner,  
5 personal email addresses, description of a vehicle that he believes belongs to her (which it doesn’t), discussions  
6 regarding her alleged family members and his beliefs regarding her parents, her siblings and related private  
7 personal information.”

8 Petitioner is referring to, specifically, a letter dated January 16, 2022 that Respondent attempted to  
9 send to her and “Mark” Hashimi, including attempts to send by forward that Petitioner has positioned as  
10 “harassment”.

11 A link to the letter was included on a website that had been created to discuss the public interest issue  
12 of SLAPP by corporations and other types of abuse of process. The details in question were therefore “on said  
13 website” but Petitioner neglects to mention context.

14 First, information that is in Google may be “private” in some respects but not in the sense that  
15 Petitioner suggests.

16 The [possible] street addresses and vehicle information that Petitioner alludes to were listed to make  
17 the point to her that she had falsely accused Brian Martin of using “illegal” means to obtain information. In  
18 fact, the information that she cites here was in Google [or in sites linked to by Google].

19 Second, if there are legitimate and reasonable purposes, a biographer is permitted to research family  
20 relationships and even, up to a point, to discuss conclusions, or no biographies might exist. A biography related  
21 to a person who is willing to commit abuse of process and the factors that led them to compartmentalize this  
22 conduct is in the public interest. So are the details of what Petitioner was able to do, and chose to do, in the  
23 context of the history of her career.

24 Information as simple as the age at which parents passed away or parts of life that siblings share may  
25 be relevant to analysis. In Petitioner’s case, for example, it appeared that she might be close in a positive way  
26 to a brother and that this might be related to the earlier than usual passing of their parents. These are not  
27  
28

1 “intimate” secrets as Petitioner implies in some allegations. And there is no question that to seek an under-  
2 standing of Petitioner’s SLAPP actions [plural] in defense of systemic fraud committed against the general  
3 public is in the interests of the general public.

4 Respondent doesn’t need to prove the fraud or SLAPP allegations to explain his understanding of the  
5 facts, his intentions, and the basis on which he proceeded.

6 Respondent adds that he is no “vigilante” as Petitioner has stated. He has a legitimate and  
7 understandable personal interest in abuse of process as well as a desire to do something productive about it in  
8 the interests of society.

9 **\* Objectionable description of Petitioner:**

10 Petitioner notes that Respondent has referred to her as a “rapist of an attorney”. The quote is accurate.  
11 However, the phrase is an assessment of Petitioner’s character and conduct as opposed to a statement of fact  
12 related to physical rape. A reasonable person wouldn’t interpret the phrase otherwise.

13 Respondent acknowledges that the phrase is unnecessarily colorful and that this distracts from  
14 attention to the facts of the matter.

15 **\* Petitioner has offered a conscious falsehood related to the Quran:**

16 Petitioner has stated that Respondent used the phrase “Muslim terrorists” to describe her clients. The  
17 allegation seems to be a conscious falsehood as we’ll demonstrate below. Note: Pointing to the words “Muslim  
18 terrorists” doesn’t make a prima facie false allegation true.

19 Respondent did offer “Mark” Hashimi an admonishment that included the word “terrorist” and we’ll  
20 come to that point shortly.

21 In the “Muslim terrorists” allegation, Petitioner is believed to be quoting the following paragraph:

22 *Q5. The Quran uses the word “jihad” in two general contexts: the internal struggle, “al-jihad fi sabil Allah”,*  
23 *and the external one. The inner struggle is praiseworthy. The external one, not so much. The latter ranges*  
24 *from, on the mildest side, those who proselytize to, on the most dangerous side, Muslim terrorists.*

25 The passage is a paraphrase of paragraphs that you’ll find in textbooks and Wikipedia. It’s obviously  
26 a neutral analysis and entirely correct.

27 Respondent had written to “Mark” Hashimi to ask him to justify the following statement and others  
28



1 made by people working under his authority: “Mother-f\*cker you can’t call us brother because you aren’t  
2 Muslim”.

3 In the next paragraph, starting with the next line after the Quran analysis quoted above, a paragraph  
4 that Petitioner was certainly aware of, Respondent drew the conclusion that the Fremont-Toyota employees  
5 who had engaged in hate speech against a non-Muslim employee “fall right in the middle of the external-jihad  
6 scale”.

7 A reasonable person would agree that “right in the middle” is, if anything, generous to Fremont-  
8 Toyota.

9 Fremont-Toyota employees referred to minorities – including their customers – as “smelly”, they  
10 mocked the “Hindu god”, and these remarks were part of a pattern that lasted for months. Respondent doesn’t  
11 need to prove these allegations to explain his understanding of the facts, his intentions, and the basis on which  
12 he proceeded.  
13

14 **\* The only actual public use of “terrorist”:**

15 Respondent presently recalls having characterized any party to the current cases publicly as a  
16 “terrorist” once and only once. In the January 16, 2022 letter which Respondent attempted to use to establish  
17 communication with “Mark” Hashimi and/or Petitioner, he included a copy of Surah 9:67. Note: A Surah is  
18 essentially a Quran Bible Verse. He captioned the Surah as follows:

19 *If you so much as poke a finger at it, Streisand Effect is a possibility. Jihadi, false Muslim, terrorist; I  
20 suggest that you Google the term “Streisand Effect”*

21 The intention was to use the Quran Bible Verse to admonish Hashimi in the hope that a conscience  
22 existed. A reasonable person would agree that, in the context of the Surah, the statement was nothing more  
23 than an admonishment. Note: The Surah was in a Middle East language. The English translation is as follows:

24 *The hypocrites, both men and women, are all strictly alike. They enjoin the wrong and forbid the right and  
25 withhold their hands (from spending for the cause of Allah). They have forsaken Allah, so He (too) has forsaken  
26 them. It is the hypocrites who have truly been the rebellious. The Holy Quran; Surah 9:67*

27 Note: The “Streisand Effect” referred to above is the situation where a website take-down lawsuit has  
28 the opposite of the intended effect. The content in such cases goes “viral” and is mirrored by thousands of

1 people.

2 **\* State Bar mediation isn't a bad thing:**

3 Petitioner claims: "[Respondent] then and now threatens that if Berliner Cohen, LLP continues with  
4 representation he will seek to have the attorneys stripped of their licenses and damage their reputations."

5 Respondent presently recalls that he has directly speculated about disbarment for one and only one  
6 attorney in the current matter; specifically, Petitioner.

7 Respondent believes in good faith that Petitioner may be in violation of standards. He doesn't yet  
8 contend this formally. The fact that four separate though related SLAPP actions against two parties seem to  
9 have been initiated to prevent the general public from learning of deceptive practices suggests the lack of a  
10 moral compass. This combined with what seem to be conscious falsehoods suggests that a review of past cases  
11 may lead to evidence of violations.

12  
13 As a related note, Petitioner has made an issue in the current cases of Respondent's claims that two  
14 attorneys he happens to have known in the past elected to leave their firms. The attorneys in question didn't  
15 do so due to inappropriate steps on Respondent's part. Misconduct such as, for example, trading sexual favors  
16 for representation or not actually being licensed is supposed to be addressed. It's unlikely that most people or  
17 attorneys would question the point.

18 Regarding Berliner-Cohen in general, Respondent attempted to engage other attorneys in discussion  
19 by noting that he'd start with asking the State Bar to ask Berliner-Cohen to take the minimum step of re-  
20 sponding to inquiries related to the organization of the law office.

21 Respondent believes that the idea a law office should respond to such inquiries and that the State Bar  
22 might advise them to do so is reasonable.

23  
24 The organization of the law office was of interest in connection with the question of whether or not  
25 abuse of process to protect an organized-crime group had been approved by anybody in the law office other  
26 than Christine Long. The answer was intended to shape other steps at the State Bar level that were to be taken  
27 in the public interest.

28 **\* Police reports:**

1 Petitioner mentions that police reports were filed or discussions with the police took place. Respondent  
2 was never aware of any type of police report or investigation. This was the case, it appears, because the police  
3 understood there was no merit to the false claims that Petitioner and/or her clients made.

4 **\* The Feds are not physical violence:**

5 Petitioner cites that Respondent stated he will “go to the Feds”. The point of the citation isn’t clear.  
6 It’s hardly appropriate to cite a promise to “go to the Feds” as an inappropriate threat. The “Feds” are able to  
7 decide for themselves whether or not an inquiry is appropriate.

8 The take-away, in Respondent’s view, is that to cite positive dealings with the police and the FBI and  
9 a possible interest in talking to the State Bar isn’t a threat of violence nor, if a crime is occurring, is it even  
10 inappropriate to make the point.

11 **\* “Unlawful” investigation:**

12 Petitioner states: Respondent “is unlawfully investigating and stalking Mr. Long. He is intentionally  
13 deceiving Petitioner’s family and colleagues into believing these emails are coming from her so they will open  
14 the emails, then blatantly lying that he has permission to gather intimate and personal details about her life –  
15 including who she is married to, her relationship to various named individuals and her current vehicle and  
16 residence.”

17  
18 The “blatantly” false allegations of stalking, deception related to email, and “intimate” details [as  
19 opposed to personal] details are addressed elsewhere in these responses.

20 Respondent has certainly sought personal [as opposed to “intimate”] details for legitimate and  
21 reasonable purposes related to the public interest in understanding abuse of process as implemented in the  
22 SLAPP against whistle-blower Brian Martin. The point is discussed in the part of these responses related to  
23 biographies.

24  
25 To address the remaining point, that of unlawful investigation, Petitioner uses the word “unlawful”  
26 without supporting evidence of any type. The idea seems to be, and Respondent is familiar with the perspective,  
27 that to be able to see patterns in information is mysterious and therefore frightening.

28 In fact, Respondent explained to Petitioner in the same January 16, 2022 letter that she cites in multiple

1 places that there is nothing magic about patterns. And, for that matter, there is nothing magic about Google.  
2 The “Aunt Coder Gypsy Queen” joke that Petitioner cites elsewhere as terrifying was an attempt to make the  
3 point in a humorous way.

4 Petitioner adds, “We are informed and believe this is not protected speech.” Respondent responds that  
5 it does seem to be exactly that.

6 **\* Positive interactions with the police and FBI:**

7 Petitioner cites statements by Respondent such as ““The police and FBI are comfortable with me” as  
8 evidence of wrongdoing.

9 Respondent is unable to follow how positive interactions in the past with the police – whose assistance  
10 he sought and received – are negative. He has reported issues to, and has discussed them with, the police on  
11 perhaps half a dozen occasions in the past decade. In most cases, the police were interested and helpful. There  
12 is nothing wrong with speaking with the police if somebody speaks honestly and is consistent in details.

13 Respondent has sought assistance of the FBI, ICE, OCR, and other departments and agencies as well  
14 as the local police in multiple jurisdictions. He’ll continue to do so in the future. The implication that it’s  
15 inappropriate to do so is out of line.

16 **\* Court Orders:**

17 Petitioner claims that Respondent “further indicates that he does not intend to comply with any court  
18 orders to remove the websites, rather, he intends to turn control of the websites “over to Anonymous and groups  
19 of a similar nature,” and that “there certainly won’t be a takedown that doesn’t lead to more copies of the  
20 websites out there.”

21 The claim goes beyond conclusory to falsehood. Regarding “more copies of the websites out there”  
22 this is primarily a reference to Streisand Effect.

23 Streisand Effect is the situation where a take-down lawsuit that is against the public interest has the  
24 opposite of the intended effect. The content in such cases goes “viral” and is mirrored by thousands of people.  
25 The most recent well-known example is the failed take-down of FOSS [Free and Open Source Software] named  
26 “youtube-dl”. A Google search for “youtube-dl takedown” will explain.  
27  
28



1 The Streisand Effect is named after a legal case where singer Barbra Streisand sought to take-down a  
2 photo that the California Coastal Records Project had taken of her residence in Malibu, California. Prior to the  
3 take-down attempt, only 6 copies of the photo had been downloaded. Subsequent to the story going viral,  
4 millions of copies of the photo circulated.

5 Respondent's mention of Streisand Effect is a simply technical point related to the natural  
6 consequences of litigation that is against the public interest. He has no special ability himself to induce  
7 Streisand Effect. It's simply something that happens.

8 Regarding "turn control [over]" to third parties, Petitioner is unfamiliar with how the Web works.

9 Respondent placed his public-interest anti-fraud websites in Creative Commons at the start. As a  
10 related legal point, Creative Commons can't be retracted. The attorney who created Creative Commons,  
11 Lawrence Lessig, made sure of this. One natural consequence is that third-party copies can't be taken down  
12 without legal actions that are independent of initial SLAPPs.  
13

14 Mr. Lessig was the Professor of Law at Stanford who argued the Mickey Mouse Copyright Extension  
15 case before the Supreme Court circa 2003. He lost the case but founded Creative Commons as a response to  
16 corporate overreach in the matter.

17 The most important features of Creative Commons include the point mentioned above – full take-  
18 downs by abusive SLAPP are not legally practical – and the fact that inclusion in Creative Commons leads to  
19 copies independently of Streisand Effect.

20 For a decade, Respondent has placed much of his content in Creative Commons. He has observed the  
21 preceding to be the case. Respondent presently uses Creative Commons CC BY-NC-SA 4.0 International and  
22 similar licenses. The legal language for the specific example cited may be viewed online at:  
23 <https://creativecommons.org/licenses/by-nc-sa/4.0/legalcode>  
24

25 Respondent made his public-interest anti-fraud websites mirror-friendly as well; this is a technical  
26 term. And he put the websites at the top of several search engines. These were all legitimate and reasonable  
27 steps to take for public-interest anti-fraud websites.

28 It adds up to the fact that copies of the sites are out there as things stand. Petitioner is referring to active

1 transfer. Active transfer is something that people do but the step isn't required. Internet Archive creates mirrors  
2 for millions of public-interest sites without permission or discussion. Respondent's primary public-interest  
3 website is at Internet Archive and in lesser-known but similar projects in Europe and other regions around the  
4 world already. Respondent didn't request this.

5 It should be noted that Respondent has no way to identify third-party copies unless Streisand Effect  
6 kicks in and no control over such copies regardless. They'd simply be out there.

7 Regarding Court Orders, Respondent has never knowingly violated a Court Order. He doesn't believe  
8 that he has ever violated one unknowingly either.

9 **\* Working within the system:**

10 Petitioner notes that Respondent said: " 'If I don't receive a complete and polite response in the short  
11 term,' he will proceed to "start work on a State Bar filing." Respondent's response is, yes, certainly. Isn't  
12 mediation with attorneys who appear to be in violation of standards one of the functions of the State Bar?  
13

14 Respondent cites exactly the quote that Petitioner has offered as evidence and even as proof that he  
15 has sought to be reasonable and to work within the system.

16 **\* The Rain Man:**

17 Petitioner cites a reference to "The Rain Man", and therefore to autism, as indicative of mental illness.  
18 Autism is not mental illness. Respondent believes that the citation may be a violation of standards and possibly  
19 of Federal Law that isn't covered by the protected nature of the current litigation.

20 **\* Fox News:**

21 Petitioner cites the fact that Respondent "plans to contact Fox News to pick up this story". It isn't clear  
22 how this step is inappropriate.  
23

24 **\* Countries that "instill fear":**

25 Petitioner states that a reference to websites in "Luxembourg, Bulgaria, and Russia" was "clearly  
26 designed to instill fear".

27 The part about "clearly designed to instill fear" isn't clear. Luxembourg was cited for the reasons  
28 related to the following part of the country's Constitution:

1 *“The freedom to manifest one’s opinion by speech in all matters, and the freedom of the press are guaranteed,*  
2 *save the repression of offenses committed on the occasion of the exercise of these freedoms. Censorship may*  
3 *never be established.”*

4 The preceding point is fearful primarily to those who engage in SLAPP. Bulgaria was only a fallback  
5 as its anti-SLAPP protections were weaker than those in Luxembourg. However, in the context of SLAPP, the  
6 U.S. is more fearful.

7 Regarding Russia, Respondent is half-Ukrainian and, subsequent to Russia’s invasion of the Ukraine,  
8 he doesn’t plan to have anything further to do with Russia. However, in the period before the invasion, it was  
9 simply another VPS [Virtual Private Server] venue.

10 **\* Themes of the book:**

11 Petitioner notes directly that Respondent is working on a book. It’s not clear if she’s suggesting that  
12 the book doesn’t exist or if the project doesn’t have merit.

13 Either way, as noted elsewhere, Respondent started the project in 2012, parts exist and are online, and  
14 the book serves the public interest. Based on something known as httpd logs, Respondent believes that  
15 Petitioner has read the key parts and is aware of the central themes.

16 The central themes include the physical and emotional abuse of women and children as well as the use  
17 of abuse of process by the wealthy to prevent public discussion of these and other crimes. Respondent believes  
18 that the themes are in the public interest.

19 **\* Process server facts:**

20 Petitioner states: “It is clear from [Respondent’s] statements in several emails that he has spoken with  
21 Mr. Martin (who has been served), has reviewed the complaint in its entirety, and is therefore intentionally  
22 evading service.”

23 Petitioner’s allegations related to service are conclusory, false, and abusive in context. Respondent  
24 wasn’t aware of any filings against him until mid-February 2022 and, in fact, he was 100 to 150 miles away  
25 on the date of service that never took place.

26 A process server broke into a closed backyard, confronted a 78-year-old man who was not Respondent,  
27 threw papers on the ground, and left. Respondent believes that Petitioner was aware of the crime of break-in  
28

1 that was committed because the same process server came back the next day and admitted to the same elderly  
2 man that Petitioner's side was aware Respondent wasn't present.

3 Respondent didn't receive official and legal copies until days before these responses were written.  
4 This was about two months after Brian Martin was served. Respondent made a good faith effort in mid-  
5 February – at about the same time as the break-in at a residence that he wasn't present at – to determine whether  
6 or not cases against him existed. He asked an attorney to check this. The attorney turned up nothing.

7 As Respondent hadn't been aware of any filings, and as he was 100 to 150 miles away at the time of  
8 non-existent service, he filed a Motion to Quash Service. He subsequently dropped the motion but comments  
9 now that Petitioner's allegations in this context are ironic.

10 Regarding "spoken with Mr. Martin", Respondent certainly did and was startled to learn that the  
11 subject of a whistle-blower story as opposed to the publisher had been served. Martin did not, however, provide  
12 Respondent with a copy of whatever he was served with or explain the content beyond the basic facts of the  
13 abuse of process that Petitioner had committed.  
14

15 I hereby declare under penalty of perjury that the foregoing is true and correct to the best of  
16 my knowledge and belief. Executed on the date indicated below in Antioch, CA.

17  
18 DATED: 04/04/2022

Robert Kiraly  
Robert Kiraly (Apr 4, 2022 19:42 PDT)

Robert Kiraly, Declarant, Respondent

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# DECLARATION OF ROBERT KIRALY; 22CV005860

Final Audit Report

2022-04-05

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