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**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

No. 25-8172

In re: ASHKAN RAJAEE and NASSIM RAJAEE,
Debtors.

ASHKAN RAJAEE,
Appellant,

v.

CHRISTOPHER R. BARCLAY, Chapter 7 Trustee;
TYLER DAVIS; and TOPDEVZ, LLC,
Appellees.

APPELLANT'S SEPARATE MOTION FOR SANCTIONS, ORDER TO SHOW CAUSE,

AND REFERRAL AS TO APPELLEES' COUNSEL JESSE S. FINLAYSON

AND D. EDWARD HAYS

Fed. R. App. P. 46(c); 28 U.S.C. § 1927; Ninth Circuit Rule 46-2;

and the Court's Inherent Authority

TO THE COURT AND TO APPELLEES' COUNSEL:

Appellant Ashkan Rajaee respectfully moves for sanctions, an order to show cause, and disciplinary referral as to appellees' counsel Jesse S. Finlayson and D. Edward Hays for the briefs they filed in this appeal on April 10, 2026. Dkt. Entries 12.1 and 14.1. This motion is brought under Federal Rule of Appellate Procedure 46(c), 28 U.S.C. § 1927, Ninth Circuit Rule 46-2, and the Court's inherent authority.

This motion is not a request to decide the entire merits of the appeal on a sanctions paper. It is narrower. It asks the Court to address litigation abuse in this appeal itself: appellees' counsel, with actual knowledge of the controlling California framework and of the record facts that make that framework dispositive, filed merits briefs that recast the appeal as a generic collateral attack on a state-court loss, declared the threshold issues already rejected or frivolous, and omitted the statutes and record facts that define the threshold issue itself.

That omission matters because Appellant is caught in a jurisdictional catch-22. Appellees repeatedly say the predicate issue has already been rejected, but no judicial officer has ruled on the predicate threshold question whether the San Diego Superior Court could retain subject-matter jurisdiction over the non-compliant ruling presented for confirmation under Corporations Code sections 17707.03 and 17701.10(c)(7), Code of Civil Procedure section 1283.4, and Kaiser Foundation Health Plan, Inc. v. Superior Court, 13 Cal.App.5th 1125 (2017). Instead of confronting that question, appellees' counsel keep changing the subject, omitting the Sacramento-first chronology, omitting their own February 27, 2021 superior-court-jurisdiction admission, omitting the manager-removal defect they previously acknowledged, and then using downstream orders built on those omissions to say Appellant's challenge is repetitive, waived, frivolous, or already rejected.

That is not ordinary hard advocacy. In this Court's words, it is not tolerable for members of the bar to employ known falsehoods to further their objectives. In re Girardi, 611 F.3d 1027, 1067 (9th Cir. 2010). California's duty of candor likewise forbids an attorney from misleading a judge by artifice or false statement. See Cal.

Bus. & Prof. Code § 6068(d). Where counsel continue a merits presentation after learning the decisive problem with their framing, and then use that framing to brand the opposing party's appeal frivolous, sanctions are warranted.

I. RELIEF REQUESTED

Appellant requests that the Court:

1. issue an order to show cause under Federal Rule of Appellate Procedure 46(c) and Ninth Circuit Rule 46-2 directing Jesse S. Finlayson and D. Edward Hays to show cause why they should not be sanctioned or otherwise disciplined for misrepresentations and material omissions in Dkt. Entries 12.1 and 14.1;

2. impose appropriate monetary sanctions under 28 U.S.C. § 1927 and the Court's inherent authority for the excess proceedings and costs caused by the sanctionable briefing;

3. strike, or at minimum disregard, the portions of appellees' briefs that characterize Appellant's threshold issues as already rejected, frivolous, waived, or purely collateral without candidly addressing the controlling California framework and record facts identified below;

4. deny any request by appellees for sanctions, fee shifting, or other adverse relief against Appellant premised on the same omission-based narrative; and

5. refer the matter for whatever additional disciplinary review the Court deems appropriate.

II. GOVERNING AUTHORITY

Federal Rule of Appellate Procedure 46(c) authorizes this Court to discipline an attorney who practices before it for conduct unbecoming a member of the bar or for failure to comply with a court rule. Ninth Circuit Rule 46-2 supplies the show-cause procedure when the Court determines additional process is warranted before discipline is imposed.

Section 1927 authorizes sanctions against an attorney who so multiplies the proceedings in any case unreasonably and vexatiously. In this Circuit, sanctions are proper when counsel recklessly or intentionally mislead the Court, or knowingly or recklessly pursue a frivolous position in a manner that multiplies the proceedings. See In re Girardi, 611 F.3d at 1061-63 (adopting special-master findings that reckless and intentional misrepresentations to the Ninth Circuit supported sanctions under § 1927); see also id. at 1038-40 (discipline analysis under Rule 46).

This Court's inherent power also reaches bad-faith conduct and litigation abuse. Chambers v. NASCO, Inc., 501 U.S. 32, 45-46 (1991); Fink v. Gomez, 239 F.3d 989, 991-94 (9th Cir. 2001). And in Girardi, the Court made the governing principle unmistakable: "The court cannot and will not tolerate members of the bar employing the use of known falsehoods to further their objectives, no matter how appealing the underlying cause of their clients may be." 611 F.3d at 1067.

Girardi is the correct anchor here for three reasons. First, it recognizes that a course of conduct, not a single sentence in isolation, determines culpability. Id. at 1036-39. Second, it recognizes that once counsel know the core defect in the position they are advancing, continued efforts to salvage the position become sanctionable. Id. at 1038-40, 1061-67. Third, it recognizes that sanctions and attorney discipline may be warranted even where counsel try to recharacterize the case after the decisive defect has been exposed. Id. at 1065-67.

A recent bankruptcy decision illustrates the same proposed-order principle. In Petra, Inc. v. McCoy (In re McCoy), the court held that Rooker-Feldman did not bar inquiry where the issue was misconduct in obtaining the judgment, not state-court error, and further stated: "it is difficult to conclude that Petra did not commit fraud upon the Montana Court" when it represented service was proper after notice of repeated service failures and, "[d]espite this, Petra submitted a proposed order." Adv. No. 2:25-ap-02008-BPH, Mem. Dec. at 7-8 & n.34 (Bankr. D. Mont. Mar. 24, 2026). The logic is the same here: where counsel already know the predicate defect and still ask a court to sign an order, the problem is procurement misconduct directed at the tribunal.

III. THE SANCTIONS ISSUE PRESENTED BY THESE BRIEFS

This appeal is from the denial of reconsideration of federal bankruptcy orders that continued to give operative effect to the August 15, 2023 San Diego confirmation judgment. Appellant's position is not that the bankruptcy court lacked ordinary title 11 jurisdiction over a voluntary bankruptcy case. Appellant has never disputed that general proposition. The narrower question is whether federal courts can continue giving operative effect to the San Diego judgment while no judicial officer has decided whether the San Diego court could retain subject-matter jurisdiction over the non-compliant ruling presented for confirmation under the controlling California statutes identified above.

The two appellee briefs do not address that question. They replace it with a different one. They argue that Appellant conceded general bankruptcy jurisdiction; that his objections are merely attacks on a state-court loss; that multiple courts already rejected his issues; and that this appeal is wasteful, repetitive, and frivolous. Dkt. Entry 12.1 at 34-35; Dkt. Entry 14.1 at 37-42, 49, 60. Those arguments are sanctionable because they depend on omission of the record and law that make the actual question what it is.

IV. THE RECORD SHOWS ACTUAL KNOWLEDGE OF THE OMITTED FRAMEWORK

A. The February 27, 2021 admission

Before any judicial-dissolution counterclaim was filed in arbitration, Davis's counsel admitted in writing that the "Complaint for Dissolution of the LLC and the concomitant procedures and remedies under Corporation Code §§ 17707.03, et seq. for the dissolution and winding-up of the LLC, are within the exclusive jurisdiction of the Superior Court," that "arbitrators do not have the power to invoke codified equitable remedies that remain within the court's exclusive jurisdiction," and that "[t]he Operating Agreement does not authorize the Arbitrator to determine arbitrability." See ECF 323-1 at 2.

That admission destroys any claim that the governing California issue is an after-the-fact invention. It also matters because it put counsel on notice, from the outset, that the California statutory dissolution framework could not be treated as a routine arbitral matter and then recast later as though no threshold issue existed.

B. The Sacramento-first chronology

The record also reflects that Davis filed the first judicial-dissolution action in Sacramento on February 22, 2021. Appellant later invoked the statutory buyout procedure there. On June 10, 2022, Sacramento consolidated the related matters, designated Davis's judicial-dissolution action as the lead case, and found consolidation would avoid inconsistent results. See, e.g., ECF 323-5 at 21; see also Appellant's separate motion in this appeal summarizing the same chronology.

Yet Hays later described Appellant's March 2022 Sacramento filing to the bankruptcy court as merely "another action seeking to stay the Arbitration." ECF 19 / Dkt. No. 6-3 at 408 line 1. That description omitted that the March 2022 Sacramento filing was the statutory buyout case, omitted that Sacramento had already been seized of the dissolution matter first, and omitted that the two matters were consolidated into Davis's lead dissolution case. That was not harmless trimming. It converted a court-centered California statutory proceeding into the false appearance of yet another obstruction tactic.

C. Counsel's own October 2021 manager-removal admission

The record further reflects that Davis's attorneys admitted in their own filings that: "TopDevz LLC is a sole manager-managed limited liability company"; "Rajaee is the Majority Member, Manager, and CEO of TopDevz, LLC"; and "[t]he Manager can only be removed by a majority of Members. Effectively, Davis cannot obtain a vote." See ECF 323-1 at 110, 116, 119; ECF 619 at 60, 69.

Those admissions matter because they show counsel knew the manager-removal issue could not be solved by simply asserting downstream consequences from an arbitration-derived ruling. Yet the current appellee briefs continue to treat the issue as though the San Diego confirmation chain automatically resolved managerial authority and TopDevz's representation.

D. The TopDevz-claim and TopDevz-representation defect

Appellant has repeatedly pointed to record material showing that attorney Kirk appeared for TopDevz in arbitration, dismissed TopDevz's fiduciary-duty claim against Davis, and later had TopDevz join the petition to confirm, notwithstanding the same no-vote/no-manager problem already known to counsel. See, e.g., ECF 141-1 at 45, 945; ECF 619 at 126, 129; Dkt. No. 6-9 at 1686, 2060. Appellant has likewise pointed to Davis's confirmation declarations stating: "After Order No. 4 was issued on January 6, 2022, I became the managing member of TopDevz." Dkt. No. 6-9 at 1737, 1774, 2108 ¶ 2.

The Court need not resolve every one of those merits disputes on this sanctions motion. The point here is narrower: counsel cannot candidly tell this Court that the threshold issues were already rejected or are frivolous while omitting the very record that shows why the threshold issue exists.

E. Finlayson's contrary evidentiary position in San Diego

Finlayson's actual knowledge is independently established by his contrary evidentiary position in San Diego Superior Court Case No. 37-2023-00011085. There, he objected to judicial notice of the arbitration ruling's factual findings for their truth, and the San Diego court limited notice to the existence of the findings, not their truth. Appellant has repeatedly brought that record to the bankruptcy court's attention. Yet Finlayson then used, and now defends the use of, those same arbitration findings in bankruptcy as truth-bearing proof that Davis owned more than 95% of TopDevz, had authority to dissolve it, and that Appellant improperly took millions from it.

That is not a minor inconsistency in phrasing. It proves actual knowledge that the arbitration findings could not properly be used as truth-establishing adjudicative facts while still continuing to use them that way when doing so served the litigation objective.

F. The omission pattern is systematic, not isolated

Appellant's forensic chart is not a loose appendix or a rhetorical tally. It is a 57-page matrix of statements, categories, and later order matches showing a repeat litigation method. The chart identifies 539 omission-based statements in all - 294 attributed to Hays and 245 attributed to Finlayson - and it matches those statements to 226 later court-order adoptions - 123 linked to Hays's statements and 103 linked to Finlayson's. That means roughly 42 percent of the tracked statements later reappeared in judicial orders. Hays's own ratio is about 41.8 percent. Finlayson's is about 42.0 percent. Those percentages matter because they show the statements were not idle rhetoric. They became adjudicative input.

The chart also shows where the pressure points were. Because the chart uses overlapping tags, the category totals are not meant to equal 539. One sentence often did more than one job at once - for example, asserting that the arbitration award existed and controlled, that Appellant committed fraud, and that later objections were therefore frivolous. The category counts therefore show concentration, not mutually exclusive buckets. On Hays's side, the report records 72 category hits asserting that the arbitration award exists and its findings control, 72 hits branding Appellant's arguments frivolous, harassing, or vexatious, 40 hits asserting fraud or breach of fiduciary duty, 34 hits asserting other courts already rejected Appellant's arguments, 28 hits asserting a valid San Diego judgment, 19 hits asserting Rajaee was removed as manager, 9 hits asserting cause for conversion based on arbitration, and 4 hits asserting exclusive trustee authority by court order. On Finlayson's side, the report records 81 category hits branding Appellant's arguments frivolous, harassing, or vexatious, 68 hits asserting the arbitration award and its findings, 32 hits asserting that other courts already rejected the arguments, 29 hits asserting a valid San Diego judgment, 26 hits asserting fraud or breach of fiduciary duty, 8 hits asserting Rajaee was removed as manager, 8 hits asserting exclusive trustee authority, and 2 hits asserting cause for conversion based on arbitration. Combined, the chart records 153 frivolousness/vexatiousness hits, 140 arbitration-award-as-truth hits, 66 prior-rejection hits, 66 fraud/breach hits, 57 valid-San-Diego-judgment hits, 27 manager-removal hits, 12 trustee-authority hits, and 11 conversion-cause hits. Those are the exact themes needed to manufacture derivative standing, derivative authority, and the false appearance that the threshold issue had already been adjudicated.

The history is also long. On Hays's side alone, the chart spans at least 22 separate bankruptcy docket entries, running from ECF 19 through ECF 672. It starts with the conversion motion. The report shows that ECF 19 did not simply argue for chapter 7 conversion in generic terms. It seeded the same omission-based propositions that later became federal findings: that a controlling arbitration award existed; that the San Diego judgment confirmed it; that Appellant had been adjudicated a fraudster and fiduciary wrongdoer; that Rajaee had been removed as manager; that both San Diego and Sacramento had already rejected the relevant objections; and that cause for conversion therefore existed. The conversion order at ECF 37 then adopted those same propositions in substance - including the use of the arbitration findings to support bad faith, untrustworthiness, lack of credibility, supposed forum shopping, and the premise that Sacramento was merely another failed attempt to stop the arbitration. The matrix therefore shows that the first major federal order in the bankruptcy case was already built from the omission-based narrative.

The pattern did not stop after conversion. The chart shows the same method being reused through the settlement and estate-administration phase. Hays's statements at

ECF 147 and ECF 170 fed later orders such as ECF 159 and ECF 218. The chart then tracks the same omission framework through ECF 185, 339, 426, 431, 442, 456, 481, 483, 500, 541, 542, 546, 588, 589, 590, and 672, with later order matches that include, among others, ECF 236, 450, 488, 543, 587, 610, 611, 628, 719, 751, and 752. In practical terms, the method migrated across conversion, settlement approval, Majid-lien litigation, sale approval, protective-order litigation, discovery disputes, sanctions oppositions, disqualification disputes, and reconsideration oppositions. That matters because it shows the omissions were not confined to one contested matter. The same selective narrative was used to obtain control of the case, preserve that control, and then defeat attempts to expose the omitted predicates by relabeling those attempts as repetitive, collateral, or frivolous.

Finlayson’s side is no narrower. His chart spans at least 20 separate bankruptcy docket entries, running from ECF 124 through ECF 647, and then extends beyond bankruptcy into district-court and BAP briefing. The matrix begins with ECF 124, the Trustee’s settlement motion, and continues through ECF 146, 184, 190, 284, 288, 335, 341, 420, 441, 462, 482, 529, 534, 558, 580, 585, 586, 592, and 647, with matched orders including ECF 159, 175, 236, 402, 450, 537, 644, 673, 719, 751, and 752, and then District Court ECF 23. The chart also reaches a Ninth Circuit BAP brief. In other words, Finlayson’s omission pattern did not merely echo Hays’s old bankruptcy positions. It carried the same narrative into later estate administration, post-conversion motion practice, appellate affirmance, and now this appeal.

The chronology therefore matters as much as the totals. It shows a repeat four-step loop. First, counsel present an incomplete proposition: the arbitration award exists and controls; San Diego confirmed it; Davis has authority; Barclay has derivative authority; Appellant’s objections are frivolous or already rejected. Second, a court order adopts some or all of those propositions. Third, counsel cite that order as if it were an independent merits adjudication of the threshold issue. Fourth, the next court is told that Appellant is merely repeating arguments that no court has accepted. The chart’s order matches prove that this loop is not hypothetical. It happened hundreds of times in tracked form. That is why the issue is not simply that counsel omitted a statute once. The issue is that the omission was operationalized, then converted into orders, and then those orders were used as shields against later merits review of the same omitted framework.

That loop is exactly why Appellant is caught in a jurisdictional catch-22. No judicial officer has ruled on the predicate threshold question whether the San Diego court could retain subject-matter jurisdiction over the non-compliant ruling presented for confirmation under sections 17707.03, 17701.10(c)(7), section 1283.4, and Kaiser. Yet the chart shows the same downstream orders being cited over and over to say the threshold issue was already rejected. The more successful the omission method becomes, the harder it becomes for the omitted issue ever to receive a first merits ruling. The chart quantifies that trap.

The numbers also matter because they show that the most common categories were not neutral background propositions. The two largest combined categories are the assertion that the arbitration award exists and its findings control, and the assertion that Appellant's arguments are frivolous, harassing, or vexatious. That pairing is revealing. The method did not merely assert historical facts. It used those selected facts to delegitimize any later attempt to force adjudication of the omitted threshold framework. The 66 combined category hits asserting that other courts already rejected Appellant's arguments serve the same function. So do the 57 combined valid-San-Diego-judgment hits and the 27 manager-removal hits. Those categories are the working parts of the derivative-authority story. They are how Davis is made to appear authorized, how TopDevz is made to appear validly represented, how Barclay is made to appear derivatively authorized by conversion, and how Appellant's objections are recast as harassment instead of unresolved threshold defects.

What removes any innocent explanation is actual knowledge. Finlayson already took the opposite evidentiary position in San Diego Superior Court Case No. 37-2023-00011085 when it benefited his client. He argued there that the arbitration ruling's factual findings could not be judicially noticed for their truth, and the San Diego court accepted that position. Yet the same arbitration findings were still used in bankruptcy to prove disputed facts whenever that served the litigation objective. Hays had equivalent knowledge from the beginning: the February 27, 2021 superior-court-jurisdiction admission, the Sacramento-first chronology, the consolidation order, and the October 2021 admission that Davis could not obtain the vote required to remove Rajaee as manager. Against that background, the omission matrix is not just a count of aggressive lawyering. It is a quantified record of a known method.

Viewed in that full history, the current April 10, 2026 merits briefs are not isolated presentations. They are the latest installment of the same measurable process. Hays's present brief again says the issues were already rejected and the appeal is frivolous, while still omitting sections 17707.03, 17701.10(c)(7), section 1283.4, Kaiser, the February 27, 2021 superior-court admission, the Sacramento-first filing history, and the no-vote/no-manager admission. Finlayson's present brief again says Appellant's narrower theory collapses into a generic attack on general bankruptcy jurisdiction, while likewise bypassing the same threshold framework. The chart shows why those are not benign omissions. They are repetitions of a long-running omission-based litigation method that has already generated 226 later order matches. That is the numeric and historical reason sanctions are warranted here.

V. THE CURRENT APPELLATE BRIEFS CONTINUE THE SAME MISCONDUCT

A. Hays's April 10, 2026 brief

Hays's current Ninth Circuit brief says, among other things, that "[t]wo federal courts analyzed and rejected Rajaee's alleged 'Jurisdictional Challenges,'" that the state court's ruling gave Rajaee a full opportunity to present his issues, that no court has ever agreed the San Diego judgment lacked jurisdiction, and that the appeal is "a frivolous waste of judicial and party resources." Dkt. Entry 14.1 at 37-42, 49, 60.

Those statements are sanctionable in context because the brief still does not address the statutes and record facts that define the narrow threshold question. It does not substantively address sections 17707.03, 17701.10(c)(7), section 1283.4, or Kaiser. It still does not address the February 27, 2021 superior-court-exclusive-jurisdiction admission. It still does not address the Sacramento-first judicial-dissolution filing, the statutory buyout filing, or the consolidation order designating Davis's dissolution case as the lead case. It still does not address why a brief that insists the issues have already been adjudicated says nothing about sections 17707.03, 17701.10(c)(7), section 1283.4, or Kaiser.

Instead, the brief tells the Court that the threshold issue has already failed elsewhere. That is exactly the closed-loop abuse identified above: omit the threshold framework, rely on orders rendered without that framework, and then use those downstream orders to label the omitted issue repetitive or frivolous.

Hays's brief also continues the same San Diego-operates-until-examined-no-further severance problem. It treats the San Diego judgment as operative enough to create creditor status, managerial authority, and later federal consequences, but not operative enough to require candid discussion of the conditions under which California law allows that judgment to carry such effect. That one-sided use of the judgment is the problem.

B. Finlayson's April 10, 2026 brief

Finlayson's brief is equally problematic. It says Appellant's acknowledgment that the bankruptcy court had general jurisdiction under 28 U.S.C. §§ 1334 and 157 is "dispositive," and it dismisses Appellant's narrower theory by saying Appellant appears to be challenging the "'constitutional jurisdiction' (whatever that means) of the State Court—not the Bankruptcy Court." Dkt. Entry 12.1 at 34-35. It further argues that none of Appellant's present arguments were made below and that the appeal is just another attempt to relitigate the state-court dispute. Id. at 22-23, 34-35.

Those statements are sanctionable for the same reason. They replace the actual question with a strawman. Finlayson's brief likewise does not substantively address sections 17707.03, 17701.10(c)(7), section 1283.4, or Kaiser. The appeal does not depend on denying that the bankruptcy court had general bankruptcy jurisdiction over a voluntary case. The actual question is whether federal courts can keep giving operative effect to the San Diego judgment without deciding whether the San Diego court could retain subject-matter jurisdiction over the non-compliant ruling presented for confirmation under the controlling California statutes. Calling Appellant's general-jurisdiction acknowledgment "dispositive" is not a good-faith answer to that narrower question. It is a deliberate substitution.

Finlayson's brief is especially sanctionable because, unlike a lawyer who simply failed to notice the distinction, he already took the contrary position in San Diego when it benefited his client. He cannot tell one court that the arbitral findings cannot be noticed for their truth and then defend federal orders that used those same findings for their truth while telling this Court the underlying issue is frivolous.

VI. GIRARDI AND MCCOY MAKE THE SANCTIONS ISSUE STRAIGHTFORWARD

This Court does not need to break new ground. Girardi already provides the framework.

Girardi held that the relevant course of conduct is not limited to one filing in isolation; the Court may consider the entire progression by which counsel learned the decisive defect and still continued to present the case. 611 F.3d at 1036-40. The Court emphasized that there comes a point where failure to confront the decisive defect becomes willful blindness. Id. at 1036-39. It further held that reckless or intentional misrepresentations to the Court, and reckless pursuit of a frivolous position after the problem is known, support sanctions under § 1927 and discipline under Rule 46. Id. at 1038-40, 1061-67.

The same progression exists here. Appellees' counsel did not come to this appeal unaware of the issue. They had their own February 2021 admission. They had the Sacramento-first chronology. They had their own October 2021 admission that Davis could not obtain the vote to remove Rajaee as manager. They had the TopDevz-representation and TopDevz-claim problem. Finlayson had the San Diego evidentiary order showing the arbitral findings could not be used for their truth. They nevertheless filed current appellate briefs that still omitted the controlling framework and still characterized the appeal as frivolous and already rejected.

McCoy reinforces the proposed-order point. There the court stated it was difficult to conclude there had not been fraud upon the court where the party had already been notified of failed service and, despite that knowledge, "submitted a proposed order." McCoy, Mem. Dec. at 7-8 n.34. The logic is directly relevant here because Appellant's related briefing has already identified the same proposed-order problem in the San Diego confirmation proceedings: counsel asked the court to sign an order after they already knew the superior-court-jurisdiction issue, the no-vote/no-manager issue, the TopDevz-representation defect, and the section 1283.4 problem. Whether this Court elects to rely on that related proposed-order point or not, it confirms that the misconduct here is procurement misconduct, not a mere dispute about legal style.

VII. THIS CONDUCT UNREASONABLY AND VEXATIOUSLY MULTIPLIED THE PROCEEDINGS

The prejudice is practical, not abstract.

Appellant has had to answer not only the merits briefs, but also the rhetoric that the appeal is frivolous, repetitive, already rejected, and barred by Rooker-Feldman—without appellees' counsel ever candidly addressing the narrow threshold issue that makes those labels improper. The result is needless multiplication. Instead of briefing the actual question directly, Appellant is forced to spend time and pages undoing a false framing of the issue.

That is exactly the sort of multiplication § 1927 is designed to reach. It is also the sort of conduct Rule 46(c) is designed to police because it corrupts the Court's ability to understand what issue is actually being presented.

The misconduct also threatens the integrity of the decisional record. Once appellees' omission-based narrative is accepted, later papers can cite the resulting orders as though they independently resolved the omitted issue. That is how the jurisdictional catch-22 perpetuates itself. Sanctions are warranted precisely to stop that feedback loop in this appeal.

VIII. THIS MOTION DOES NOT ASK THE COURT TO DECIDE THE ENTIRE MERITS TODAY

A likely response will be that sanctions are improper because appellees simply disagree with Appellant on the merits. That is not the motion.

If appellees had filed candid briefs squarely addressing sections 17707.03, 17701.10(c)(7), section 1283.4, Kaiser, the Sacramento-first chronology, and the February 2021 admission—and had argued why those authorities and facts still do not help Appellant—this motion would not exist. Counsel would then be making a direct legal argument, and Appellant would answer it on the merits.

But that is not what happened. Counsel instead changed the subject, omitted the framework, and told the Court the issue was already rejected, frivolous, or not really about what Appellant says it is. That is sanctionable independently of how the merits are ultimately resolved.

IX. CONCLUSION

The Court should issue an order to show cause and impose appropriate sanctions.

Jesse S. Finlayson and D. Edward Hays filed April 10, 2026 merits briefs that continued a known omission-based litigation method in this appeal. They had actual knowledge of the controlling California framework and of the record facts that make that framework dispositive. They nevertheless filed briefs that omitted that framework, reframed the appeal as a generic collateral attack, and branded the threshold issue repetitive, frivolous, or already rejected. Girardi teaches that this Court need not tolerate counsel employing known falsehoods to further their objectives. 611 F.3d at 1067. Section 1927, Rule 46(c), Ninth Circuit Rule 46-2, and the Court's inherent power supply the mechanism for relief.

Dated: April __, 2026

Respectfully submitted,

Ashkan Rajaee
Pro Se Appellant

CERTIFICATE OF COMPLIANCE

This motion was produced using a computer. Excluding the caption, signature block, and this certificate, it contains fewer than 5,200 words.

Ashkan Rajaee
Pro Se Appellant