

GEARY J. JOHNSON
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Petitioner, In Pro Per

REVISION UNDERLINED
3/1/2024

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

GEARY J. JOHNSON, Petitioner, vs. Unemployment Insurance Appeals Board, Respondent, Employment Development Department, Real Party in Interest	Case No.: 21STCP01911 PETITIONER GEARY J. JOHNSON OPPOSITION TO PROPOSED JUDGMENT Dept.: 86 Judge: The Hon. Mitchell L. Beckloff Hearing Date: Action Filed: June 14, 2021
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TO THE HONORABLE JUDGE AND PARTIES:

Petitioner Geary J. Johnson hereby opposes the Proposed Judgment Denying Petitioner's Motion to Amend Judgment submitted by Respondent California Unemployment Insurance Appeals Board based on the following objections::

1. The Court ruled on Jan. 24, 2024, "Counsel for Respondent is to prepare a proposed judgment, serve on the opposing parties for approval as to form, wait ten days after service for any objections, meet and confer if there are objections, and then lodge (do not efile) the proposed judgment directly in Department 86 and file (do not lodge) a declaration stating the existence or

1 non-existence of any unresolved objections (LASC Local Rule 3.231 (n)).”

2 2. The proposed judgment (hereinafter called “PJ”) should include the contents of the
3 minute order dated Jan. 24, 2024.
4

5 3. The PJ should include a copy of the tentative ruling or the tentative ruling as signed
6 and filed by the Judge.

7 4. The PJ should state that the Employment Development Department, Real Party in
8 Interest, did not appear at the January 24, 2024 hearing.
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10 5. The PJ should state that the Employment Development Department, Real Party in
11 Interest, did not oppose the granting of the Motion to Amend the Judgment filed by the
12 Petitioner.
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14 6. At all times herein, when Petitioner mentions the PJ, he is speaking of the PJ as well as
15 the contents of the tentative order of the court dated Jan. 24, 2024, and all records on file in this
16 action.
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18 7. The PJ should state that the award of the PUA to Petitioner occurred on August 10,
19 2020.

20 8. The PJ should state the the PUA award of August 10, 2020 was never withdrawn,
21 reversed, or denied by the Employment Development Department (“EDD”).
22

23 9. The PJ should state that the EDD never served Petitioner with a notice of withdrawal,
24 reversal, denial of the PUA Aug. 10, 2020 award.

25 9. The PJ should state that the EDD never advised Petitioner in writing of any right to
26 appeal a denial of the PUA award dated August 10, 2020.

27 10. The PJ should state that according to EDD records supplied to the Court, the undated
28 notice of denial of PUA benefits was mailed to the Petitioner on 8/7/2020.

1 11. The PJ should state that the EDD appears to have reversed its 8/7/2020 decision by
2 the mailing of the 8/10/2020 award of PUA monies.

3 12. The PJ should state that the 8/10/2020 notice of PUA award occurs subsequent to the
4 dated 8/7/202 denial of PUA monies.

5 13. The PJ should state that neither the EDD, UIAB, or Court has explained why the
6 EDD issued the 8/10/2020 notice of PUA award to the Petitioner.

7 15. The PJ should state that the Petitioner filed a December 12, 2022 “Opposition to
8 Respondent Return to Writ of Mandate” which was ruled by the Court to be an appeal of the
9 November 4, 2022 UIAB decision.

10 ~~16. The PJ should state that the Petitioner filed a timely appeal to the ALJ decision of~~
11 ~~November 4, 2022 since the Petitioner appeal dated 11/29/22 is within six months of the ALJ~~
12 ~~November 4, 2022 decision.~~

13 17. The PJ should state that the 2020 application for unemployment by the Petitioner, and
14 the application for extended benefits, and the application for PUA benefits filed by the EDD on
15 behalf of Petitioner, are all separate applications.

16 18. The PJ should state that the EDD, UIAB, and Court, failed to prove that the PUA
17 application process was dependent on Petitioner having filed an application for unemployment
18 prior to the announcement of the PUA program.

19 19. The PJ should state that the EDD, UIAB, and Court, have improperly disregarded the
20 authority and weight of the Department of Labor decision letters.

21 20. The PJ should state the Petitioner was denied due process by the EDD, UIAB, and
22 Court because Petitioner was never provided with a copy for review of the EDD PUA
23 application submitted on behalf of the Petitioner in 2020.

1 21. The PJ should clarify the tentative because the handwritten notes by the Court are
2 almost unreadable.

3 22. The PJ should state that the PUA award of August 10, 2020 was final.
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5 23. The PJ should state that the EDD records show that the August 10, 2020 PUA award
6 to Petitioner was not the subject of reconsideration by the EDD.

7 24. The PJ should state that only an EDD decision that is final can be appealed.
8

9 25. Removed

10 26. The PJ should state that the PUA denial of August 7, 2020, was superseded by the
11 August 10, 2020 PUA award to the Petitioner.

12 27. The PJ should state that since the August 7, 2020 denial was superseded, the August
13 7, 2020 denial was null and void.
14

15 28. The PJ should state that the EDD, UIAB, and Court positions are incorrectly based on
16 a August 7, 2020 decision that was null and void.

17 29. The PJ should state that the PUA award (August 10, 2020) does not state it was
18 decided based on a series of events that occurred before the major disaster occurred.
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20 30. The PJ should state that the Court made its decision without benefit of reviewing the
21 PUA application filed on behalf of the Petitioner.

22 31. The PJ should state that the PUA Award (Aug 10, 2020), does not state that it is not
23 final.
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25 32. The PJ should state that the EDD, UIAB, Court claims that the Petitioner
26 unemployment was the result of a longer chain of events precipitated or exacerbated by the
27 disaster. The PJ should state that the denial of PUA benefits, dated August 7, 2020, does not state
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1 that the Petitioner PUA application “was the result of a longer chain of events precipitated or
2 exacerbated by the disaster.”

3
4 33. The PJ should state that neither the EDD, UIAB, or Court has proven with specificity
5 what were “the longer chain of events precipitated or exacerbated by the disaster.”

6 34.. The PJ should state *res ipsa loquitur* that the matter of whether Petitioner qualified
7 for PUA benefits is proven by the PUA award of August 10, 2020.

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9 35. The PJ should state “The unemployment development department, (EDD) has filed
10 your pandemic unemployment assistance PUA claim under the Federal cares act of 2020 (Public
11 Law 116-136) because you self certified that you became unemployed, partially unemployed,
12 unable to work, unavailable for work, due to reasons related to (sic) COVID-19. Do I need to
13 do anything else to receive my PUA benefits. To receive PUA benefits you must provide EDD
14 with eligibility information every two weeks. This is known as certifying for benefits.”
15
16 (Redacted award EDD 8/10/2020).

17 36. The PJ should state of the 8/10/2020 award is *res ipsa loquitur* that the matter speaks
18 for itself.

19
20 37. The PJ should state should state that under Section 2102 of the Cares Act of 2020, the
21 Applicability (1) assistance shall be available beginning January 7, 2020 and ending December
22 31, 2020 and (1)(B) “as long as the covered individual’s unemployment, partial unemployment,
23 or inability to work caused by COVID-19 continues”.

24
25 38. Deleted.

26 39. The PJ should state that the EDD ALJ issued its decision 11/4/2022.

27 40. The PJ should state that the Petitioner filed a timely appeal to the 11/4/2022 decision
28 of the ALJ. The copy of Petitioner appeal occurs at page 8 and is 47 pages. The Petitioner appeal

1 is dated November 29, 2022. The PJ should state that the ALJ decision was dated 11/4/2022.
2 That Petitioner’s appeal dated 11/29/2022 was timely filed within 30 days. See “Petitioner
3 Opposition to Respondent Return to Writ of Mandate.” Filed with Court 12/12/22. See Exhibit 2
4 for a true and correct copy of the timely 11/29/22 Petitioner appeal to the UIAB from the ALJ
5 decision.
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7 41. The PJ should state on 8/7/2023 Petitioner filed “Petitioner Filing of California
8 Unemployment Insurance Appeals Board Decision”. about twenty pages, on page six of the
9 UIAB 7/24/2023 decision, it states, “Further Appeal Information. The appeals board does not
10 process petitions for court review. You must file such petitions directly with the Superior Court
11 not later than six months after the date of the decision of the appeals board you must also serve a
12 copy of the petition for writ of mandate on the appeals board.”
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15 42. The PJ should state that the Petitioner filed a timely appeal to the July 24, 2023 UIAB
16 decision.

17 43. The 7/24/23 decision of CUIAB was filed with the Court 8/7/2023. The decision
18 does not comply with the Court Judgment filed July 25, 2022; the decision does not comply with
19 the requirements of Topanga Assn. for a Scenic Community v. County of Los Angeles [L.A. No.
20 30139. Supreme Court of California. May 17, 1974.]; the decision—an abuse of authority and
21 discretion—ignores the requirements of the United States Department of Labor, as enumerated
22 on pages 16-22 of PETITIONER OPPOSITION TO RESPONDENT RETURN TO WRIT OF
23 MANDATE, filed 12/12/2022.
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26 By not addressing the requirements of the United States Labor Department, the CUIAB
27 has waived any opposition to the labor department requirements. Further, the CUIAB decision,
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1 in not addressing the requirements of the United States Labor Department, (pages 16-22 of
2 PETITIONER OPPOSITION TO RESPONDENT RETURN TO WRIT OF MANDATE, filed
3 12/12/2022) has admitted that the Petitioner is entitled to the relief requested in the filed Petition
4 for Writ of Mandate.
5

6 All rights are reserved including the right to file a Motion for Reconsideration.
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8 Respectfully submitted:
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10 Date: February 11, 2024
11

12 By: s/Geary J. Johnson/s
13 GEARY J. JOHNSON
14 Petitioner, In Pro Per
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23 PROOF OF SERVICE

24
25
26 I, ERIC BECKWITH, do declare:

27 I am a resident of the County of Los Angeles; I am over the age of 18 years of age and
28 not a party to be within entitled action; my business address is 1522 Hi Point St. Apt 9, Los Angeles, CA 90035.

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