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## **Robert's View of Cases – Draft 130120**

STATEMENT TO THE COURT. If any party did not wish to hear from me last year, 2012, I wish they'd shown me the respect of asking me not to communicate with them. My Brother Thomas, who I phoned by prior arrangement circa his birthday on January 24, 2012 for the purposes of a Happy Birthday greeting, invited me to call back. Thomas never once indicated during subsequent conversations that he did not wish to speak. My Mother Grace visited me unannounced in early 2012, then initiated a series of phone calls to me, in the process abrogating a prior request not to call her. So I still, to this day, don't fully understand what is going on in James's and Thomas's heads. All these people needed to do was ask. I'd have continued to work on my book, regardless, of course. My book is what this situation is about. James seems determined to stop me from talking to others who wish to speak with me. But I will write my book. As far as relevant and specific allegations against me go, after vague pronouncements and hand-waving are subtracted, there don't seem to be any. Grace's visit to me ended the single relevant and specific issue that I am aware of, alleged non-consensual calls in 2011. I ask the Court to review the facts of the Kiraly cases. The gift of my Grandfather's books of religious poetry to my Brother. The nonsense about hacking. Stories about the police calling me when it never happened. Postcards that I vetted with the police in advance. My attempt to reach Corporate Counsel at Amazon Corporation and how that was portrayed. I ask the Court to understand my perspective: I feel that misrepresentations, actual perjury, and/or Abuse of Process have occurred and that these issues are not only clear but blatant.

INTRODUCTION. The Kiraly cases are CLETS actions. The events in the cases overlap.

In fact, one case (Thomas as Plaintiff) is largely a restatement of the other case (James as Plaintiff) with filler material added. This document is intended to apply to both cases. It includes a summary, a bullet item list that addresses key points, and background information. Robert is willing to repeat points labeled as assertions under oath subject to full penalties for misrepresentation or perjury.

KEY FIGURES AND NATURE OF CASES. The cases involve one family, all of whose members are surnamed Kiraly: James, Father. Grace, Mother. Robert, oldest surviving Brother. Thomas, next Brother. Kenneth, next Brother. Scott, youngest Brother. James and Thomas are CLETS plaintiffs against Robert. The situation dates to circa early December 2011. Actions were filed in late Spring 2012. Robert has signed a Stipulation that, he has been told, agrees to the original Orders except for CLETS. Robert has offered the signed Stipulation to the other side. However, James, who is believed to be making some or all significant decisions for both cases on the Plaintiff side, is pressing for CLETS.

HISTORY OF CASES. First, it is suggested that Robert has made false allegations against James. But no false allegations were ever made. Robert is forced to state the facts publicly and will do so under oath. When James was younger, he was prone to attacks of rage. He literally shook with anger at times. James behaved in a manner that was both domineering and obsessive compulsive. He was controlling and abusive towards his wife and some of his children. Robert has offered to provide the name of a relevant witness. Moving on, Robert was neurologically different and this was not only acknowledged but stated to the boy by Grace. Robert had difficulties with speech and with making eye contact. James characterized both of these medical issues as “attitude” starting when Robert was no more than eight years old. James terrified Robert. James would do things such as knock Robert to the floor without warning or, shaking with fury, chase Robert out of the house partly dressed. Robert sought repeatedly to build positive associations with his parents in the decades that followed. There were never any

non-consensual calls save as described elsewhere. In fact, Grace often sought Robert's advice about whether or not to leave her abusive husband and what to do about her youngest son Scott. To clarify the Scott issue, Scott was obsessive like James and was considered to be violent and a potential threat to Kenneth. In mid-2011, Robert was immobilized due to illness for about two weeks, was without food or painkillers for the entire period, and was partly incapacitated for months afterward. During this period, Robert was given food and a wheelchair, met new people, and started to communicate more. He ultimately decided to proceed with a book that he had first conceived of in 1971. In late 2011, Robert asked his parents to assist him with the book. James's response was to threaten Robert with the police. James then went to the police circa the next business day and made what Robert asserts were false statements. The police never contacted Robert, even once, except later on when Robert requested calls to discuss filing criminal charges against James. In 2012, Grace visited Robert and abrogated any request not to communicate. Discovery Evidence shows that the visit did occur. Grace then started a series of phone calls to Robert. The calls from Grace to Robert were tiring and even burdensome. However, Robert permitted the calls as he considered them to be part of a final attempt to build a positive relationship with his parents. Discovery Evidence shows that these calls did occur. Robert resumed work on his book. Robert made a 100% appropriate call to a church with Grace's permission and a 100% appropriate call to a volunteer group. Then Robert learned that James was telling people to "present a united front against Bob" and "don't be afraid" to help James "prosecute Bob". When Robert learned of James's threats, he sent James and Grace cold but polite postcards that said, essentially, "You cannot stop the book". Robert discussed the postcards in advance with the police. The police approved sending the postcards. Things escalated from there until James filed what Robert believes are false and fraudulent CLETS actions. As Robert understands it, James has repeatedly refused all attempts to settle the actions that do not involve attempts to stop Robert's work on the book. Specifically, James seeks to impose "a priori" limits

on consensual interactions with third parties. Even a casual perusal of the settlement “offer” from James that demands \$5,000 for each instance of “indirect” harassment tends to confirm this. Robert feels that James is hoping to use CLETS to do an end run around the First Amendment. Thomas and his allegedly separate case are a side issue, one that Robert characterizes as a footnote to James's action.

LACK OF SPECIFIC ALLEGATIONS. The Kiraly cases are unusual in that there may be close to zero specific and significant allegations of the types that are usually made in CLETS actions. Instead, numerous things are implied but very little is asserted. Robert feels that the paucity of specific allegations may be related to the fact that the cases are without merit or justification.

NON-CONSENSUAL CALLS TO THOMAS. Thomas has characterized a phone call that Robert made to him circa January 24, 2012 as stalking. Robert wishes the Court to be aware of the following points, which Robert asserts are simple facts: That call to Thomas was scheduled through an administrative assistant or a similar party who passed a request for communication on to Thomas. Thomas took the call voluntarily and without any signs of reservations. Thomas invited Robert to call him again after an agreed-upon period. Thomas suggested that Robert make the second call two to three weeks later. Never, on any subsequent occasion, during any of the consensual conversations in 2012 that Thomas not only agreed to but encouraged Robert to make, did Thomas ever once ask Robert not to communicate. To the best of Robert's recollection, Thomas does not even allege that he ever asked Robert not to communicate. Instead, Thomas says that he “made it clear” that he didn't want to talk. If Robert remembers correctly, the truth is Thomas simply stopped answering the phone without stating that he was planning to do so or offering an explanation.

NON-CONSENSUAL CALLS TO JAMES OR GRACE IN 2011. There appears to be a specific allegation on James's part that about 70 non-consensual calls took place in 2011. Robert

asserts that no non-consensual calls (zero such calls) ever took place prior to a particular day circa early December 2011. Or that any significant number of non-consensual calls ever took place at all except on that day. That was a day when James threatened Robert with the police and declined to provide a reason for aggressive threats or even to explain what he (James) was talking about. James's threats came immediately after Robert asked his parents to work with him on a positive book. James told Robert that James would accuse Robert of making 30 non-consensual calls. Subsequently, James proceeded to make the accusation and increased the number to 70. But James simply added up all calls that took place during a period prior to the book request and labeled the calls as “non-consensual” when, in fact, not a single call during the period prior to the book request was anything but fully consensual. To demonstrate that James's assertions are misrepresentations or possibly perjury, the Court would only need to ask James if even one James-Robert discussion during that period concerned anything but mundane subjects such as repairs to James's house or James's efforts at S.C.O.R.E. Or whether any request was ever made by James or Grace, during the period in question, for Robert not to communicate; even one request of this type.

NON-CONSENSUAL CALLS TO JAMES AND GRACE IN 2012. Robert is not clear as to whether James is making specific allegations of non-consensual calls to James's household in 2012. If such allegations are being made, Robert asserts that he does not recall even a single call made to that household in 2012 during the brief period when a request not to communicate was in effect; save only for a single misdialed call made in early 2012 that was aborted prior to completion. Simply stated, Grace made a series of burdensome calls to Robert but Robert never violated any open request not to communicate in 2012. Nor does Robert recall initiating communications himself with James or Grace in 2012 until James made aggressive and possibly unlawful threats.

LACK OF EVIDENCE. In the absence of specific allegations, the Court will find things

entered into evidence whose relevance is not clear. There are cold but polite postcards that Robert sent to his parents. The postcards were approved in advance by the Pismo Beach police. The point made by the postcards was “You can't stop the book”. Robert stands by the postcards 100%. There are also transcripts of voicemail messages that make no unlawful threats of any kind. And, actually, Robert does not presently recall any other evidence that is specific, significant, and relevant.

PLEADINGS ARE LARGELY FILLER. As there are close to zero specific and significant allegations and close to zero evidence of any of the actions generally associated with CLETS, Opposing Counsel Michael Bonetto has constructed Pleadings that attempt to convey the impression of a startling number of unlawful and inappropriate actions, including but apparently not limited to hacking of multiple types, extortion, stalking, large numbers of non-consensual calls, making false statements about abuse to a church and to a volunteer group to which James belonged, and being a danger to one's self and others. However, a review will show that much of this material is, to put it simply, low-content filler. Robert feels Opposing Counsel may have assumed that nobody would look closely at what Robert characterizes as fantasies and possibly outright perjury.

THIRD-HAND STORY NOT ASSERTED AS FACTUAL. As a notable example of low-content filler, Thomas's pleadings consist partly of a detailed story that does not involve Thomas in any way and that suffers from the deficiency that not only are the events in the story not factual, Thomas does not, to the best of Robert's recollection, even attempt to assert that they are factual. Instead, phrases similar to “I assume” or “I believe” are used. The story in question is Thomas's essay about the police contacting Robert, a remarkable retelling of James's fantasy and/or perjury that is not connected to Thomas and that never happened in any way, shape, or form.

GIFT OF RELIGIOUS POETRY. Thomas characterizes an attempt by Robert to give

Thomas books of religious poetry by their Grandfather, Ivan Kmeta, as an unlawful or inappropriate act. As background information, Ivan was a leading writer of the Ukrainian Religious Diaspora and Robert was generally acknowledged by the Kiraly family to be Ivan's spiritual heir. Ivan's books were to be left to Thomas in Robert's will. Thomas does not offer any explanation of the position that there was anything remotely inappropriate about the gift of books of religious poetry.

POSSIBLE PERJURY BY JAMES. Robert asserts that, to the extent that Plaintiffs make specific assertions, the assertions are in some cases perjury or so close to it that the distinction is difficult to see. Robert's initial DV120 response to the Court in James's case indicated that Discovery would produce evidence that James had committed perjury. Discovery did turn up evidence that could be interpreted as suggesting perjury on James's part. In particular, phone records were obtained that showed a series of calls from James's residence to that of Robert dated 2012. Discovery also turned up a letter by James and/or Grace acknowledging that Grace had come to visit Robert in 2012. In short, there was active and ongoing communication, and even face to face interaction, initiated by one or both of the parties in the James-Grace household from early 2012 on. This tends to contradict any assertion by the Kiralys that a request not to communicate was in effect during the period in question.

PHONE CALL AT HEART OF CASES. Robert notes that one phone call, in particular, seems to be particularly important to James in the Kiraly cases. Robert phoned a church that his Mother, and apparently his Father, attended and did so with his Mother's full permission. Robert discussed Christianity with Pastor Ron at the church. Topics included the nature of a "Christ Follower" and the responsibilities of a Christian in the temporal world. If the Court reviews Pleadings and Discovery, the Court will see attempts to suggest that Robert said inappropriate things to Pastor Ron. Things such as revelations related to abuse committed by James. However, there do not appear to be any actual assertions that Robert did this. This is because no such thing

happened during that call.

OTHER PHONE CALLS. It is also implied that Robert made unlawful or inappropriate calls to other parties, including the Amazon and Humana Corporations. And, again, it is believed that no specific and relevant accusations of anything unlawful or inappropriate being said in such calls will be found. This is because, it is believed. nothing unlawful or inappropriate was ever said.

CALLS TO AMAZON CORPORATION. Robert phoned Amazon Corporation, Lab 126 in particular, to identify Corporate Counsel for Lab126. The purpose of this was to attempt to schedule consensual service of Kenneth in connection with appropriate legal actions against James. Robert was transferred to a security person, an admitted associate of Kenneth's, who immediately made aggressive threats against Robert without cause or explanation. It should be noted that Robert reported the possibly unlawful threats by a Lab126 representative to the local police afterward. In fact, Robert initiated discussions with police detectives and supervisors at multiple levels, explained what had happened, and reached agreements with the police related to investigations of Lab126. Subsequently, circa Robert's birthday or on the day itself, Robert left a goodbye message for Kenneth, who Robert never reached directly at all, on Amazon's voicemail system. It was intended at the time to be Robert's final message in this life to his Brother. Robert stands by the goodbye message 100%. The phone calls to Amazon have been characterized, as part of the filler material that makes up the Kiraly cases, as hacking. But as with other accusations, if Robert remembers correctly, no specific allegations of this type are made and no relevant evidence is presented. Everything is simply implied.

CLARIFICATIONS REGARDING ABUSE. James has stated that Robert has made “false allegations of child abuse and spousal abuse”. It is implied that Robert has made such allegations both against James and against one or more of Robert's brothers. Robert asserts that no such allegations were ever made against any of his brothers. Not once on any occasion.

Robert also asserts that any such allegations that were made against his father James were entirely true. Robert adds that he rarely discussed abuse by James in public until he was forced to do so after James made false statements to the Pismo Beach police in December 2011 and subsequently sought to stop research by Robert related to Robert's book.

OFFER OF WITNESS. Robert notes that, in the interests of resolving the question of whether or not allegations made against James are false, Robert has offered to provide Opposing Counsel with the name of a witness from outside the family who would be able to testify about a relevant incident. Robert has not, as of yet, received a response to the offer. As a related note, Robert asserts that Grace is well aware of the incident and that she has commented on it in recent years.

BULLET-ITEM LIST AND ASSERTIONS UNDER OATH. The following is a bullet-item list of key points. Robert asserts that each point is accurate to the best of his belief, knowledge, and/or recollection. He is willing to repeat the preceding assertion under oath subject to full and severe penalties for misrepresentation or perjury. Robert addresses the Court and states that he is curious as to whether any of the Kiralys will offer to contradict a single one of the following points under oath.

- \* All discussions with James and Grace Kiraly in 2011 prior to the book request were consensual.

- \* All discussions with James Kiraly in 2011 prior to the book request were positive.

- \* In 2012, Grace Kiraly made an uninvited and unannounced visit to Robert that is visible in Discovery Evidence.

- \* In 2012, Grace Kiraly initiated and made a series of phone calls to Robert that are visible in Discovery Evidence.

- \* In 2012, Grace Kiraly abrogated the only request ever made by any party involved in the Kiraly Cases for Robert not to communicate.

\* In 2012, after Grace abrogated any request not to communicate, to the best of Robert's recollection, communication from the James-Grace household to Robert's household was strictly in the Grace to Robert direction until James made aggressive, unexplained, and unwarranted threats against Robert.

\* As part of Robert's research, he phoned a Pastor at Grace's Church with Grace's full permission and had a pleasant discussion concerning "Christ Followers" and the responsibilities of Christians in the temporal world.

\* As part of Robert's research, he phoned Service Core for Retired Executives, a volunteer group, to discuss the group's goals and its perspective on altruism.

\* During the Spring 2012 calls to the Church and the volunteer group, Robert never once mentioned abuse by James.

\* During approx. the same period as Robert's calls to the Church and the volunteer group, James told people "don't be afraid" to help James to find a way to "prosecute Bob".

\* During approx. the same period as Robert's calls to the Church and the volunteer group, James urged people to "present a united front against Bob".

\* During approx. the same period as Robert's calls to the Church and the volunteer group, James began efforts to create the impression that Robert was mentally ill.

\* Contrary to assertions made by Plaintiffs under oath and/or vague allegations against Robert, Robert has never once made allegations of abuse against any of his brothers, either spousal abuse or child abuse.

\* Contrary to assertions made by Plaintiffs under oath and/or vague allegations against Robert, the Pismo Beach police never once contacted Robert except on those occasions when they returned Robert's calls regarding procedures needed to file charges against James and the appropriate way to deal with an elderly parent who was showing signs of dementia and obsession.

\* Robert voluntarily sought the advice of the Pismo Beach police regarding whether or not it was appropriate to send postcards that have now been entered into evidence and received approval to send the postcards.

\* Robert never once requested money from any party involved and in fact bluntly told his mother Grace that money was not a relevant issue when she unexpectedly raised the subject herself.

\* Robert never once requested of anybody that they ask any party involved on his behalf for money.

\* The only request ever made by any party involved for Robert not to communicate was made immediately after Robert asked his Father and Mother for assistance with a positive book that Robert was working on.

\* Grace is aware of Robert's book project and in fact has criticized the project using words similar to "Do you want to hang your family?" despite Robert's attempts to position the book as a positive project.

\* Robert has never once in decades caused or threatened physical harm to any party involved.

\* Both James and Thomas, the two Plaintiffs in the Kiraly cases, have caused or threatened physical harm to Robert, up to and including random violence by James, an incident where an enraged James chased a half-dressed Robert out of the house, and detailed, repeated, and credible death threats made by Thomas involving the use of firearms and bullets that Thomas often stated would enter Robert's skull and have dramatic effects.

\* Robert has received what he has interpreted as death threats from an unidentified person who, based on a discussion related to Robert's birthday and Amazon Corporation, Robert believes may be one of Kenneth's associates or possibly Kenneth himself.

\* Robert never once "hacked" Amazon Corporation, Humana Corporation, James, or

Kenneth, and there is no evidence to this effect despite attempts to convey the impression that such evidence exists.

\* Robert presently lives about two hundred miles from James and Grace and thousands of miles from Thomas.

\* Robert has offered not to communicate with James, Grace, and Thomas, and has even submitted a signed Stipulation to this effect.

\* Robert, to the best of his knowledge, has never been offered a settlement that did not seek to limit on an “a priori” basis Robert's right to consensual interactions with third parties and, in fact, one “offer” could, Robert believes, be interpreted as demanding \$5,000 per phone call for such interactions.

**BACKGROUND REGARDING AUTISM.** Robert asserts that he was notified as a child by his parents on multiple occasions that he had been found to be “neurologically” different or that he had “neurological” difficulties. Robert does not recall that he was offered treatment for related difficulties except for two instances. He was sent briefly for a class for stutterers though he did not stutter. He was also sent to a class for disobedient children of Fundamentalist Christians that focused exclusively on strict obedience. In Robert's adult years, doctors confirmed that neurological differences were present. Robert is unable to provide details as the examinations involved were decades ago. Medical records are believed no longer to exist. Robert's score on the Cambridge Autism Quotient test is or has been at the top end of the scale for that test.

**BACKGROUND REGARDING PHYSICAL STATE.** Robert is fully mobile at the present time. However, Robert has been immobilized periodically since around 2001, has been in a wheelchair occasionally since mid-2011, was diagnosed as experiencing “necrosis” when the mobility situation started, and experiences significant pain at times. He has had to relearn typing due to a partial loss of hand function that Grace observed personally during her unannounced

visit to Robert in 2012; the same visit that abrogated any request on the part of the Kiralys for Robert not to communicate. Robert has not eaten on more than two or three days per week for most weeks in recent months. Robert has experienced a recent weight loss of more than 65 pounds. Robert frequently goes into a condition that he refers to as “shock” but the term is used loosely; there are minor but distracting issues related to breathing, consciousness, and sometimes body temperature. Robert is presently experiencing intermittent but persistent swellings of different sizes in multiple areas. Robert has no reliable access to medical care except through the use of savings that are presently reserved to cover legal bills in the current cases and to pay for rent and utilities.

**BACKGROUND REGARDING SERVICE.** Robert alleges that he was never lawfully served for any action. Robert vigorously asserts that he did not learn about any action until a few business days before the first hearing in June 2012, that he experienced distress due to the difficulties inherent in locating representation during such a short period, and that he suffered physically for related reasons to the extent that much of the day prior to the first hearing was spent in an Emergency Room. Robert notes that this issue is the reason that he was unable to stand for part of the first hearing.

**BACKGROUND RELATED TO UNCONSCIOUSNESS.** Robert asserts that the physical issues in June 2012 connected to unlawful service, though readily treatable, were serious in that they caused him to lose consciousness repeatedly and to become confused during periods of wakefulness. Robert feels that, due to the fact he lived alone, the unlawful service placed his life at risk. Robert adds that if he had slipped into a prolonged state of unconsciousness, no one would have been there to discover this fact and he would quite possibly have lost his life.

**BACKGROUND REGARDING CHRIST METAPHOR.** Due to the absolute fact that Robert was never lawfully served, Robert asserts that he was under time pressure to locate an

attorney. He therefore wrote multiple versions of a document related to the Kiraly cases. The document was intended to persuade attorneys to represent him. It was also designed to attract media attention and therefore, Robert hoped, the attention of attorneys. The document was written during the period in June 2012 when, Robert asserts, he was experiencing physical issues for reasons connected to unlawful service. Robert does not apologize for the wording of the document but he wishes to make it clear that colorful wording or imagery such as the scene where Christ is physically ill at the sight of Robert's parents should not be interpreted as unlawful or inappropriate "threats".