

1 Corey Eib
2 c/o 16045 Sherman Way #H-63
3 Van Nuys, California
4 Non-Domestic
5 Email: EibvCHP@gmail.com

6 In Pro Per

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 08 2016

Sherri R. Carter, Executive Officer/Clerk
By _____, Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10
11 The People of the State of California,
12 Plaintiff,
13 vs.
14 Corey Eib,
15 Defendant

Case No.: CJ ~~56370~~ ~~56370~~
56370
Notice of Motion
and Motion to Strike; Memorandum of
Points and Authorities; Exhibits 1 and 2
Date: June 22 10:00 am
Time: 10:00 am
Dept: 102

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17
18
19 TO THE COURT, PROSECUTING LAW ENFORCEMENT and to the PEOPLE
20 OF THE STATE OF CALIFORNIA AND/OR THEIR REPRESENTATIVE(S)
21 in this case: PLEASE TAKE NOTICE THAT On June 22 at 10:00am
22 or as soon thereafter as the Court shall allow, Defendant
23 will and hereby does move the Court for an Order to Strike.

24
25 Said motion shall be made upon the contents of the Court's
26 file on this case, the arguments by the parties, testimony
27 of the defendant if needed, and any such evidence as
28

1 presented and allowed by the Court at the time of the
2 hearing on this motion.

3
4 **I. INTRODUCTION**

5
6 Defendant is domiciled in one of the several states (See
7 Points and Authorities ¹), a foreign jurisdiction to the
8 Federal Government, thus the authority and address
9 designation to deliver mail to Defendant within the
10 jurisdiction of his state is by way of an authority which
11 predates the United States Postal Service (USPS). The
12 Federal Agency which predates the USPS is the United States
13 Post-Office Department established by the Postal Service
14 Act and signed by President George Washington on February
15 20 1792. This act authorized the new agency to deliver
16 mails, create mail routes, and erect post office buildings,
17 and other necessary functions within the boundaries of the
18 several states and under exclusive Federal Authority, for
19 the purposes of delivering mail to and among the citizens
20 of the United States (See Points and Authorities ⁶),
21 business, and industry of the several states.

22
23 The USPS inherited both the assets and liabilities of the
24 Post Office Department via the 1970 Post Office
25 Reorganization Act. One of the liabilities inherited by the
26 USPS from the Post Office Dept., among many other
27 liabilities, is providing mail to citizens of the several
28 states within the boundaries and jurisdiction of the

1 several states without undue burden or complex regulation
2 as a necessary element of free citizens expecting free mail
3 delivery from their government (See Points and Authorities
4 ⁴).

5
6 In all mailing address information used by the Prosecution
7 on the People's proof of service to Defendant, and other
8 documents, the Prosecution has used a Federal Delivery
9 Endpoint Address Format which complies with the complex and
10 burdensome USPS Domestic Mailing Manual and the Federal
11 Government's Zoning Improvement Plan.

12
13 Defendant's mailing address is an effective, traditional
14 and simple unambiguous mailing address that both
15 effectively communicates to the USPS the intended delivery
16 location and denotes a delivery endpoint outside the
17 jurisdiction of the United States (the Federal Government)
18 and within the jurisdiction of Defendant's domicile, the
19 State of California as defined by its Constitution of 1849.

20
21 Defendant's use of a Non-Domestic mailing address is
22 compliant with information necessary for the USPS to meet
23 its inherited liability to regularly deliver the mail
24 within the boundaries of the several states to and for the
25 benefit of the citizens of the several states (See Points
26 and Authorities ⁷).

1 The United States Postal Service is fully authorized and
2 capable of regular mail delivery throughout the several
3 states including within the boundaries as stated in the
4 1849 California State Constitution, the true location and
5 jurisdiction of Defendant's mailing address and Defendant's
6 domicile.

7
8 **II. IT IS UNFAIR AND PREJUDICIAL AGAINST DEFENDANT FOR**
9 **THE PROSECUTION TO CONVERT DEFENDANT'S NON-DOMESTIC**
10 **MAILING ADDRESS TO A FEDERAL JURISDICTION DELIVERY**
11 **ENDPOINT WITHOUT CONSENT OF DEFENDANT ON CRITICAL**
12 **OR OTHER COURT RELATED DOCUMENTS.**

13
14 The mailing address supplied to the court by Mr. Bemiller
15 of the CHP is in a mandatory section of the complaint that
16 is not correct. Mr. Bemiller persisted in subscribing under
17 penalty of perjury Defendant's address information
18 submitted to the court as being a true and correct mailing
19 address despite verbal notifications from Defendant the
20 address is not valid (See Points and Authorities ^{1, 8}).

21
22 The mailing address used by Defendant on court filed
23 documents as his true and correct mailing address and is
24 unambiguously not a Federal jurisdiction delivery endpoint
25 subject to mandatory compliance with USPS Domestic Mailing
26 Manual Regulations as well as burdensome and complex
27 Federal Zoning Improvement Plan requirements.

1 The Prosecution has taken upon itself, and with no
2 foundation or consent from Defendant, to quietly ignore the
3 incorrect address provided by Mr. Bemiller on the charging
4 document, to instead use a different address format
5 completely made up by the Prosecution according the
6 standards of the confusing and complex Federal Zoning
7 Improvement Plan and the USPS Domestic Mailing Manual on
8 all vital and necessary correspondence sent to Defendant
9 and appearing in the record of this court (See Exhibits 1
10 and 2).

11
12 It is not fair and is extremely prejudicial to Defendant
13 for the Court to recognize as valid, the Prosecution
14 mandating Defendant use and comply with the complex and
15 confusing USPS Domestic Mailing Manual and the Federal
16 Government's Zoning Improvement Plan as a condition of
17 receiving free mail delivery from the court and the City
18 Attorney as process of service. Defendant is under no
19 obligation to these Federal Authorities for purposes of
20 receiving free mail delivery (See Points and Authorities ⁴).

21
22 Defendant rebuts the presumption of the Prosecution that
23 his presence in the United States is authorized under
24 Federal Law, and is therefore authorized to take delivery
25 of mail intended for delivery to a Federal jurisdiction
26 endpoint (See Points and Authorities ¹).

1 Defendant is not required to comply with burdensome rules
2 and regulations of the USPS Domestic Mailing Manual or the
3 Federal Government's Zoning Improvement Plan (See Points
4 and Authorities ⁴).

5
6 The false presumption created by the Prosecution by
7 intentionally and without consent repeatedly and wilffully
8 converting Defendants mailing address to the jurisdiction
9 of the Federal Government is prejudicial against Defendant
10 and violates Defendant's secured right to domicile within
11 the Boundaries as stated in the 1849 Constitution of the
12 State of California as well as Defendant's expectation of
13 government sanctioned and lawfully provided for postal
14 service within the territorial limits and jurisdiction of
15 Defendant's home state.

16
17 The Prosecution must use the mailing address provided on
18 the complaint by Bemiller, or provide a notice of change of
19 address by the citing officer or other authority. In the
20 alternative, the Prosecution must use a mailing address
21 provided by the Defendant.

22
23 **III. The Prosecution does not have the authority to**
24 **dictate to Defendant what his mailing address is.**

25
26 Defendant's mailing address is a Non-Domestic mailing
27 address to a physical location within the boundaries as
28

1 stated in the 1849 Constitution of the State of California
2 (See 1879 California Constitution Article III Section 2).

3
4 There is no USPS mandatory requirement for Defendant to
5 utilize mails via the Federal Zoning Improvement Plan or
6 compliance with the Domestic Mailing Manual or other purely
7 Federal Jurisdiction for the expectation of mail delivery
8 service within the several states (See Points and
9 Authorities ⁵).

10
11 Via the Postal Service Act of 1792, and the Postal
12 Reorganization Act of 1970, the USPS has both the authority
13 and liability to deliver Defendant's mail free of charge to
14 the indicated Non-Domestic delivery endpoint within the
15 boundaries as stated in the 1849 Constitution of the State
16 of California as Defendant has listed on all court filed
17 documents.

18
19 **DEFENDANT'S MOTION TO STRIKE**

20
21 Defendant moves the court to strike from the record the
22 domestic mailing address information denoting a Federal
23 Zoning Improvement Plan delivery endpoint used by the City
24 Attorney on court filed papers as follows:

- 25 1. Proof of Service; Line 12, Page 11 PEOPLE'S
26 OPPOSITION TO MOTION TO COMPEL DISCLOSURE OF
27 REQUESTED DISCOVERY (Exhibit 1)

1 2. Line 15, page 11 PEOPLE'S OPPOSITION TO MOTION TO
2 COMPEL DISCLOSURE OF REQUESTED DISCOVERY (Exhibit
3 2)

4 3. Any other official court document which contains a
5 prejudicial mailing address used by the Prosecution
6 and intended to denote Defendant's mailing address
7 is within either the authority of the Federal
8 Government's Zoning Improvement Plan, or is subject
9 to mandatory compliance with the complex and
10 confusing USPS Domestic Mailing Manual.
11

12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13
14
15 ¹ See Defendant's Declaration filed May 11, 2016.

16 ² See USPS Domestic Mailing Manual pages 1 through 1,248
17 available at USPS.com

18 ³ See USPS Domestic Mailing Manual A000 Basic Addressing,
19 A010 Standard Addressing Formats.

20 ⁴ See United States Postal Reorganization Act Public Law
21 91-375 91st Congress, H.R. 17070 August 12, 1970 §403(c) "In
22 providing services and in establishing classifications,
23 rates, and fees under this title, the Postal Service shall
24 not, except as specifically authorized in this title, make
25 any undue or unreasonable discrimination among the users of
26 the mails, nor shall it grant any undue or unreasonable
27 preferences to any such user."
28

1 ⁵ For confirmation on the lack of any specific or lawful
2 requirement for Defendant to comply with the Federal Zoning
3 Improvement Plan coding number, or become knowledgeable
4 with and comply with the complex and confusing USPS
5 Domestic Mailing Manual as a condition of receiving free
6 delivery of mail to Defendant within the jurisdiction of
7 his state, and the lack of a Federal requirement mandating
8 Defendant use any address format other than the address
9 information and format provided by Defendant, contact the
10 United States Postal Service, Office of the Vice President,
11 Consumer and Industry Affairs, 475 L'Enfant Plaza SW Room
12 4115, Washington, District of Columbia 20260-2200

13 ⁶ The term "United States" can have several meanings
14 depending on the context of its use. It can be used to
15 reference purely the geographical boundaries of the
16 District of Columbia (See Boundary Stones of the District
17 of Columbia erected by authority of the Residence Act of
18 July 16, 1790; on the side of each stone which faces inward
19 toward the District of Columbia is the inscription
20 "Jurisdiction of the United States").

21 At other times the term "United States" can be used to
22 reference only the jurisdiction of the Federal Government,
23 both at its seat of power in the District of Columbia and
24 as it operates within the boundaries and territorial limits
25 of the several states.

26 The term "United States" can also be used to mean the
27 citizens of the several states, as a complete political
28 body of all of them combined and represented by Congress,

1 or the term "United States" can be used to describe the
2 country as a nation among a family of nations.

3 The use of the term "United States" at reference ⁶ is with
4 the meaning of the citizens of the several states, as a
5 complete political body of all of them combined and
6 represented by Congress, a body of citizens contemplated at
7 Article 4 Section 2 Clause 1 of the Federal Constitution.

8 ⁷ See United States of America Constitution, Article 4,
9 Section 2, Clause 1.

10 ⁸ See California Judicial Council Publication TR-INST
11 NOTICE TO APPEAR AND RELATED FORMS

14 CONCLUSION

15
16 The prosecution is using address information that is
17 prejudicial to Defendant and is not sourced from or
18 consented to by Defendant on the Prosecution's proof(s) of
19 service and other important documents filed with this
20 court, as well as required correspondence sent via USPS to
21 Defendant.

22
23 It is not fair and is prejudicial to Defendant to allow the
24 Prosecution to continue to use complex and confusing mail
25 coding information on proof of service and other court
26 documents as a condition of receiving free delivery of USPS
27 mail. For the court to allow the Prosecution to continue
28 with an imposed and prejudicial Federal Address Mail

1 Format; requires the court to presume without any
2 foundation or bona fide consent, and in the face of clear
3 rebuttal by Defendant, that Defendant's presence in Federal
4 Jurisdiction is by voluntary consent and is authorized
5 under Federal Law. This presumption is false.

6
7 Mail sent by the Prosecution to Defendant is formatted to a
8 Federal Jurisdiction delivery endpoint via willful and
9 injurious incorrect address information used by the
10 Prosecution. This format used by the Prosecution
11 corresponds with the incorrect address information filed by
12 Mr. Bemiller of the CHP and does not correspond with the
13 address information provided by Defendant. The address
14 format used by the prosecution is not an accurate record of
15 Defendant's mailing address.

16
17 Defendant has a fundamental right to due process, an
18 obvious and injurious inaccurate record denoting false
19 Federal Jurisdiction, denies Defendant's fundamental right
20 to due process.

21
22 The accurate address information for which the court and
23 the prosecution can mail documents via the USPS to
24 Defendant is as follows:

25
26 >>

27 >>

1 **Corey Eib**

2 **c/o 16045 Sherman Way #H-63**

3 **Van Nuys, California**

4 **Non-Domestic**

5
6 Any other address coding information used by the
7 Prosecution may cause an unnecessary and unfair delay in
8 Defendant's receipt of important court documents, requires
9 Defendant to become familiar with the Federal Government's
10 Zoning Improvement Plan requirements as well as the
11 requirements of the complex Domestic Mailing Manual, is
12 prejudicial to Defendant's declared domicile, and is an
13 unfair misrepresentation of the court record.

14
15 The Court should sustain Defendant's motion to strike all
16 incorrect and prejudicial information from this record as
17 described above as well as any other sanctions the court
18 finds appropriate.

19
20 Respectfully submitted,

21
22 Dated this 8th day of June,
2016

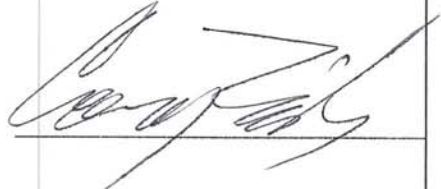
23
24 
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Exhibit 1

PROOF OF SERVICE

1
2
3 I, ANN J. ROSENTHAL, declare as follows: That I am a citizen of the United States and a
4 resident of the County of Los Angeles; that I am over the age of eighteen years and I am not a party to
5 the within action or proceeding; that my office address is: Los Angeles City Attorney's Office, 6262
6 Van Nuys Blvd., Room 160, Van Nuys, California 91401.

7 That on May 5, 2016, I served the within PEOPLE'S OPPOSITION TO MOTION TO COMPEL
8 DISCLOSURE OF REQUESTED DISCOVERY; MEMORANDUM OF POINTS AND
9 AUTHORITIES; EXHIBITS as indicated below:

10
11 By mailing a true copy addressed to the person(s) indicated below.

12 Corey Brandon Eib
13 16045 Sherman Way, # H-63
14 Van Nuys, CA 91406

15 By facsimile to the person(s) and fax number(s) indicated below. The facsimile
16 machine I used complied with California Rules of Court, Rule 2003, and the facsimile
17 transmission described above was reported as complete and without error. A copy of
18 the facsimile transmission report is attached to the original Proof of Service filed with
19 the Court.

20 By personal service to the person(s) indicated below.

21 I declare under the penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.

23 Executed on May 5, 2016, at Van Nuys, California.

24
25
26
27 _____
ANN J. ROSENTHAL
Declarant

Exhibit 2

PROOF OF SERVICE

1
2 I, ANN J. ROSENTHAL, declare as follows: That I am a citizen of the United States and a
3 resident of the County of Los Angeles; that I am over the age of eighteen years and I am not a party to
4 the within action or proceeding; that my office address is: Los Angeles City Attorney's Office, 6262
5 Van Nuys Blvd., Room 160, Van Nuys, California 91401.

6 That on May 5, 2016, I served the within PEOPLE'S OPPOSITION TO MOTION TO COMPEL
7 DISCLOSURE OF REQUESTED DISCOVERY; MEMORANDUM OF POINTS AND
8 AUTHORITIES; EXHIBITS as indicated below:

9 [X] By mailing a true copy addressed to the person(s) indicated below. I am readily
10 familiar with the City Attorney's Office's practice for collection and processing of
11 documents for mailing with the United States Postal Service. This envelope was sealed
12 and placed for collection and mailing on the date indicated hereon, following ordinary
13 business practices. The documents are then deposited with the United State Postal
14 Service that same day they are postmarked, in the ordinary course of business.

15 Corey Brandon Eib
16 16045 Sherman Way, # H-63
17 Van Nuys, CA 91406

18 [] By facsimile to the person(s) and fax number(s) indicated below. The facsimile
19 machine I used complied with California Rules of Court, Rule 2003, and the facsimile
20 transmission described above was reported as complete and without error. A copy of
21 the facsimile transmission report is attached to the original Proof of Service filed with
22 the Court.

23 [] By personal service to the person(s) indicated below.

24 I declare under the penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct. Executed on May 5, 2016, at Van Nuys, California.
26
27

28

ANN J. ROSENTHAL
Declarant

1
2 **Proof of Service**

3 State of California)
4 County of Los Angeles)

5
6 I, Ed Brotherton, declare as follows:

7
8 That I am over the age of eighteen years and I am not a party to the within action or proceeding;
9 that my address is:

10 11921 Weddington St #305 Valley Village CA 91607

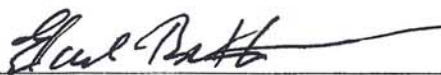
11
12 That on June 8th, 2016, I served the within Los Angeles Superior Court Case #CJ 56370;
13 *Notice of Motion and Motion to to Strike; Memorandum of Points and Authorities; Exhibits 1*
14 *and 2*, as indicated below:

15
16 [X] By mailing a true copy, first class postage fully paid and addressed to the Los
17 Angeles City Attorney at the mailing address indicated below.

18 [] By personal service the person(s) indicated below.

19 Los Angeles City Attorney, Van Nuys
20 6262 Van Nuys Blvd
21 Van Nuys, CA 91401

22 I declare under penalty of perjury under the laws of the State of California that the foregoing is
23 true and correct. Executed on 6/8/16, at Los Angeles,
24 California.

25
26
27 
Declarant

1
2 **Proof of Service**

3 State of California)
4 County of Los Angeles)

5
6 I, _____, declare as follows:
7

8 That I am over the age of eighteen years and I am not a party to the within action or proceeding;
9 that my address is:
10 _____
11

12 That on June 8th, 2016, I served the within Los Angeles Superior Court Case #CJ 56370;
13 *Notice of Motion and Motion to to Strike; Memorandum of Points and Authorities; Exhibits 1*
14 *and 2*, as indicated below:
15

16 [X] By mailing a true copy, first class postage fully paid and addressed to the Los
17 Angeles City Attorney at the mailing address indicated below.

18 [] By personal service the person(s) indicated below.

19 Los Angeles City Attorney, Van Nuys
20 6262 Van Nuys Blvd
21 Van Nuys, CA 91401

22 I declare under penalty of perjury under the laws of the State of California that the foregoing is
23 true and correct. Executed on _____, at _____,
24 California.
25
26
27

Declarant

1
2 **Proof of Service**

3 State of California)
4 County of Los Angeles)

5
6 I, Ed Brotherton, declare as follows:

7
8 That I am over the age of eighteen years and I am not a party to the within action or proceeding;
9 that my address is:

10 11921 Weddington St #305 Valley Village CA 91607

11
12 That on June 8th, 2016, I served the within Los Angeles Superior Court Case #CJ 56370;
13 *Notice of Motion and Motion to to Strike; Memorandum of Points and Authorities; Exhibits 1*
14 *and 2*, as indicated below:

15
16 [X] By mailing a true copy, first class postage fully paid and addressed to the Los
17 Angeles City Attorney at the mailing address indicated below.

18 [] By personal service the person(s) indicated below.

19 Los Angeles City Attorney, Van Nuys
20 6262 Van Nuys Blvd
21 Van Nuys, CA 91401

22 I declare under penalty of perjury under the laws of the State of California that the foregoing is
23 true and correct. Executed on 6/8/16, at Los Angeles,
24 California.

25
26 
27 Declarant