

*Clerk stamps date here when form is filed.*

**ELECTRONICALLY FILED**

Superior Court of California,  
County of Alameda

**04/08/2022 at 12:51:57 PM**

By: Darrell Drew, Deputy Clerk

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

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

*Fill in court name and street address:*

**Superior Court of California, County of Alameda**

24405 Amador Street

Hayward, CA 94544

*Fill in case number:*

**Case Number:**

21CV004608

**1 Petitioner (Employer)**

Name: Fremont Toyota

**2 Employee Seeking Protection**

Full Name: Mark Hashimi

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

a. Your Name: Robert Kiraly

Your Lawyer (*if you have one for this case*)

Name: Nabiel C Ahmed State Bar No.: 247397

Firm Name: Law Office of Nabiel Ahmed

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

Address: 2500 Old Crow Canyon Road Suite 525

City: San Ramon State: CA Zip: 94583

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

E-Mail Address: Nabiel@eastbaylawpractice.com

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

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

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

**4  Personal Conduct Orders**

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

**5  Stay-Away Orders**

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



6  **Additional Protected Persons**

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

7 **Firearms Prohibition and Relinquishment**

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

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

---

---

---

---

---

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

8  **Other Orders**

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

Please see attached declaration of Robert Kinsey.

---

---

---

---

---

---

---

---

9  **Denial**

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







12  **No Fee for Filing**

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

13  **Costs**

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

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

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

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

14 Number of pages attached to this form, if any: 17

Date: 04-04-2022

Nabiel C Ahmed  
Lawyer's name (if any)

▶ Nabiel Ahmed  
Lawyer's signature

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

Date: 04-04-2022

Robert Kiraly  
Type or print your name

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Attachment # 10 to WVRO 21CV004608**

**DECLARATION OF ROBERT KIRALY; 21CV004608**

I, ROBERT KIRALY declare as follows:

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

**Contents:**

- 1. Overview and key points**
- 2. Deceptive practices at Fremont-Toyota and the “Jihadi” issue**
- 3. Responses to allegations**

---

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

This document is Robert Kiraly’s declaration related to case 21CV004608.

**Background:**

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

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

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

**My involvement with Brian Martin:**

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

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

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

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

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

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

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

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

21 **The websites:**

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

25 I created a number of alternate domain names as well. The alternate domain names simply linked to  
26 the original three sites.  
27  
28

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

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

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

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

12 **Other victims came forward:**

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

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

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

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

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

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

12  
13 **The emails:**

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 15 **\* Snail-mail:**

16 Petitioner cites snail-mail in multiple allegations against Respondent. In fact, Respondent never sent  
17 any snail-mail in the current matter to anybody. All snail-mail allegations are false.

#### 18 **\* Number of websites:**

19 There are 3 websites. Not 18 or more. Each website has a specific legitimate and reasonable purpose.  
20 Alleged websites beyond 3 are alternate domain names that go to the same websites.

21 The 3 websites include (a) a site that advises the public regarding auto-loan fraud at the Fremont-  
22 Toyota auto dealership and car-buying in general, (b) a site that focuses on correspondence between one loan-  
23 fraud victim and the general manager of Fremont-Toyota that allows the public to judge the dealership's  
24 position for itself, and (c) a site that warns the public of the retaliation that they may face if they speak out  
25 online about auto-loan fraud.  
26

#### 27 **\* Likeness and pictures of family members:**

28

1 Petitioner asserts that the “likeness” of “family members” were published. If “likeness” is a reference  
2 to a picture, to the best of Respondent’s recollection, Respondent never published any picture of any “family  
3 member” who wasn’t employed by Fremont-Toyota.

4 Respondent doesn’t recall ever using such a picture in email either.

5 If Petitioner is unable to cite to a photo of a non-employee “family member” on websites or in email  
6 that Respondent sent, Respondent believes that the allegation is false. Respondent disclaims responsibility for  
7 anything sent by others other than anything that Respondent wrote originally.

8 **\* Photographs in general:**

9 The “pictures” that existed on the websites, not counting clip-art, are believed to have consisted largely  
10 of a public profile photo of “Mark” Hashimi placed next to letters from him to make it easier to follow a  
11 discussion related to loan fraud, (b) a public profile photo of Christine Long on a public-interest website that  
12 discussed abuse of process, and (c) photos taken by a whistle-blower ex-employee named Sam Pawar of badges  
13 of Fremont-Toyota employees that were believed to be in the public record, those photos intended to make it  
14 easier to organize the loan-fraud whistle-blower story that Mr. Pawar had started to tell.

15 As a related note, in the loan-fraud email exchange that was posted, a photo of Brian Martin was placed  
16 next to letters from him as well. The idea was to emulate Twitter so that people would be able to tell Mr.  
17 Martin’s and Mr. Hashimi’s letters apart easily.

18 **\* Personal contact information:**

19 Petitioner implies repeatedly that a street address hit list was posted of Fremont-Toyota employees.  
20 No such list ever existed. The allegation is false.

21 In mid-2021, a summary of Mr. Martin’s story was sent to managers who were believed to be appro-  
22 priate contacts at the dealership. This was by email and/or snail-mail. In some cases, people who were believed  
23 to be able to forward the letter to the managers received it as well.

24 The “personal contact information” that appeared publicly was largely a Cc list in the PDF version of  
25 that letter.

26 One purpose for the Cc list was simply to provide Brian Martin, who handled the snail-mail part, with  
27  
28

1 the snail-mail addresses to use. Another purpose was to inform the managers of who had been contacted so  
2 that they'd know who had been contacted and could discuss who among them who should take responsibility  
3 for the loan-fraud issue.

4 "Mark" Hashimi aka Kamal Sayed Hashimi was an exception to the preceding. His location was sought  
5 for reasons related to Court jurisdiction over planned litigation in the public interest against Mr. Hashimi and/or  
6 Fremont-Toyota. As part of the process of establishing jurisdiction, one possible residence address for Mr.  
7 Hashimi may have been posted in 2021. However, Respondent hasn't been able to confirm that a posting in  
8 that context existed.

9 The same possible address appeared in a letter that was sent to Mr. Hashimi and Petitioner in mid-  
10 January 2022 for reasons that were explained in the letter; including, in particular, the point that the addresses  
11 were publicly available in Google, and Respondent was entitled both to seek and to disclose the address for  
12 legitimate and reasonable purposes that served the public interest.

13 Petitioner falsely cites street and/or email addresses that appeared in non-public research email as  
14 having been posted on websites. Examples include some of the addresses related to the Khachaturian Found-  
15 ation, a California Foundation connected to Fremont-Toyota by way of the Khachaturians who are believed to  
16 have owned and/or controlled the dealership for years.

17 Respondent presently recalls only a single case where contact information for a Fremont-Toyota  
18 employee was knowingly posted on an explicitly designated contact page, the employee being Naqib Halimi,  
19 and that information was limited to email addresses.

20 Mr. Halimi was a manager, specifically, a Finance Manager. The goal of the designated contact page  
21 was to assemble contact information for managers, to be limited to email addresses except in appropriate con-  
22 texts, exactly as any website engages in analysis of a company might include. However, the contact page was  
23 never completed and so Mr. Halimi remained the only entry.

24 The preceding is in reference to Fremont-Toyota. To avoid misunderstandings, there is a separate Ally  
25 Financial contact page that lists email addresses related to that firm.

26  
27  
28 **\* Alleged "harassing" emails had a legitimate business purpose:**



1 The so-called “harassing” emails in the current cases were sent for the most part (a) to request a forward  
2 of a single document to parties who had initiated abusive legal proceedings against a whistle-blower (b) to  
3 request information or perspectives related to loan fraud and/or other crimes against the public from people  
4 who wished to communicate (c) and to request that attorneys in a law office, Berliner-Cohen San Jose, respond  
5 to reasonable questions related to the organization of the law office.

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

10 **\* “Cyberattacks”:**

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

13 The prima facie part is that Petitioner has characterized passive websites and email as “cyberattacks”.  
14 Neither is a “cyberattack”, in any formal or legal sense, unless malware is involved. A “cyberattack” is  
15 specifically a software and/or illegal access attack such as DDoS – Distributed Denial of Service – or breaking  
16 into a bank account.  
17

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

22 **\* Use of the phrase “organized crime”:**

23 Petitioner cites Respondent’s use of the term “organized crime” as objectionable. Respondent asserts  
24 based on his years of work in fraud detection for corporations and his 44 years of professional experience with  
25 data in general that he believes the term “organized crime” to be accurate.  
26

27 Petitioner also claims that Respondent used the term “crime ring”. Respondent doesn’t believe that he  
28 ever did so. A “crime ring” would be different.

1 **\* Allegation that a TV P.I. is dangerous:**

2 Petitioner asserts that a TV P.I. can “reasonably” be believed to be “dangerous” due to being involved  
3 with TV. The allegation isn’t supportable. Directors and actors are not their characters.

4 **\* Alleged publication of “home addresses”:**

5 Petitioner states that Respondent published, i.e., posted, “home addresses” for Fremont-Toyota  
6 employees. In fact, Respondent isn’t aware that any of the websites ever contained “home addresses” for any  
7 Fremont-Toyota employees other than Kamal Sayed Hashimi – in legitimate and reasonable contexts – plus a  
8 group of managers and/or senior-ranked people in the mid-2021 Cc list that was previously discussed.

9 Petitioner has falsely cited street addresses for some parties that appeared only in research email as  
10 having been posted publicly.

11 **\* Validity of fraud allegations against Fremont-Toyota:**

12 Petitioner repeatedly cites an investigation by Ally Financial that Petitioner asserts proves no wrong-  
13 doing by Fremont-Toyota occurred and that the actions of all three of the whistle-blowers involved were  
14 motivated by ethnic hatred.

15 The claim that Ally Financial’s investigation can be used to dismiss allegations of fraud is false on its  
16 face. Ally Financial simply concluded there was not enough evidence of suspicious activity at that time to  
17 continue with their limited investigation. Respondent, however, did not rely solely on the Brian Martin fraud  
18 allegation against Fremont-Toyota alone. In fact, Respondent relied on statements and/or tangible evidence  
19 provided by three different and initially unrelated people: Brian Martin, Sam Pawar, and Sandra Melendez.

20 Martin’s case, when combined with the allegations of Sandra Melendez, and Sam Pawar, convinced  
21 Respondent persuasive evidence of systemic loan fraud existed despite the speculative conclusion of Ally  
22 Financial. Text messages and emails from the aforementioned parties were reviewed by Respondent prior to  
23 his publication of any websites, or dissemination of correspondence to Fremont-Toyota employees.

24 **\* Court Orders:**

25 Petitioner states: “[Respondent] boasts that ‘OldCoder’ has never done an involuntary takedown. He’s  
26 also fine with the idea of discussing threats of abuse of process with the State Bar.” Petitioner positions the  
27  
28

1 lack of takedown Orders and – somehow, a reference to the State Bar – as evidence that Respondent has defied  
2 Court Orders in the past: “It is clear from the above that Respondent does not intend to comply with any orders  
3 of the court to remove these websites”.

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

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

10 The Streisand Effect is named after a legal case where singer Barbra Streisand sought to take-down a  
11 photo that the California Coastal Records Project had taken of her residence in Malibu, California. Prior to the  
12 take-down attempt, only 6 copies of the photo had been downloaded. Subsequent to the story going viral,  
13 millions of copies of the photo circulated.  
14

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

18 Regarding “turn control [over]” to third parties, Petitioner is unfamiliar with how the Web works.

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

23 Mr. Lessig was the Professor of Law at Stanford who argued the Mickey Mouse Copyright Extension  
24 case before the Supreme Court circa 2003. He lost the case but founded Creative Commons as a response to  
25 corporate overreach in the matter.  
26

27 The most important features of Creative Commons include the point mentioned above – full take-  
28 downs by abusive SLAPP are not legally practical – and the fact that inclusion in Creative Commons leads to

1 copies independently of Streisand Effect.

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

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

9 It adds up to the fact that copies of the sites are out there as things stand. Petitioner is referring to active  
10 transfer. Active transfer is something that people do but the step isn't required. Internet Archive creates mirrors  
11 for millions of public-interest sites without permission or discussion. Respondent's primary public-interest  
12 website is at Internet Archive and in lesser-known but similar projects in Europe and other regions around the  
13 world already. Respondent didn't request this.

14  
15 It should be noted that Respondent has no way to identify third-party copies unless Streisand Effect  
16 kicks in and no control over such copies regardless. They'd simply be out there.

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

19 \* **“Confusing” email addresses:**

20 Petitioner claims that Respondent used email addresses that were “designed to confuse individuals and  
21 otherwise drive traffic from Fremont Toyota to Respondent's and Mr. Martin's vicious websites”.

22 The allegation related to “confuse” is conclusory and false. In fact, Respondent took care, in most  
23 cases, to use usernames that clearly identified email as being sent in a “Review” context. For example:  
24 Fremont-Toyota Review.  
25

26 The point about “drive traffic” is incorrect in the sense that Petitioner means. Respondent has some  
27 experience with SEO [Search Engine Optimization]. Respondent chose domain names that would, in the public  
28 interest, take traffic from sites associated with a company that committed fraud on a systemic basis and build



1 traffic to sites that documented the fraud.

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

5 **\* Allegedly "false" and "defamatory" statements:**

6 Petitioner cites quotes by Respondent that she asserts are "false" and "defamatory". Respondent  
7 responds that, based on his years of work in fraud detection for corporations and 44 years of data experience  
8 in general, all statements of fact as opposed to opinions or metaphors are believed to be accurate. This said,  
9 Respondent included the following notice on the sites from the start:

10 "Statements are based on belief and best understanding of facts and are not necessarily statements of  
11 fact except where this is explicitly stated. People with knowledge of facts that may be relevant to content are  
12 invited to suggest corrections or additions."  
13

14 To the best of Respondent's knowledge, nobody ever attempted to offer a correction to any statement  
15 of fact on the sites.

16 Respondent believes that the sole purpose of the three actions that Petitioners have initiated against  
17 him is to take-down websites which provide factually accurate evidence regarding a systemic fraud scheme by  
18 Fremont-Toyota. The takedowns are not in the public interest.

19 **\* Statements related to criminal charges:**

20 Petitioner cites statements related to possible criminal charges against Kamal Sayed Hashimi and  
21 others as objectionable.

22 "Mark" Hashimi was believed to be, based on Respondent's years of work in fraud detection for  
23 corporations and 44 years of experience with data in general, the leader of a minor but well-funded organized  
24 crime group that didn't mind committing fraud against the public in an unexpectedly casual manner.  
25

26 This, combined with remarks that Hashimi made to Martin, suggested that Hashimi was both confident  
27 and well-funded. The odds were high that he'd threaten or initiate abuse of process. This, as it turned out, is  
28 exactly what happened.

1 Respondent's comments were intended to caution Hashimi that abuse of process was inappropriate  
2 and inadvisable.

3 **\* "Pictures" of "Mark" Hashimi:**

4 Petitioner states that "pictures" of "Mark" Hashimi were posted online. Respondent responds that, to  
5 the best of his knowledge and belief, two and only two such photographs of Hashimi were posted and that the  
6 context was as follows.

7 In an email exchange between Brian Martin and "Mark" Hashimi, a public profile photo of each person  
8 was posted next to each of their emails so as to help the reader to follow the discussion.

9 In a statement made by Fremont-Toyota ex-employee Sam Pawar, Respondent included photos that  
10 Mr. Pawar had taken of license badges that were believed to be in the public record. The badge photos were  
11 included to aid in the organization and readability of planned expansions to Mr. Pawar's statement. Hashimi's  
12 photo may have been included in that set.

13  
14 **\* Communication with Ms. Campos:**

15 Petitioner asserts that communication that Respondent initiated with a woman named Kathryn Campos  
16 was inappropriate. Respondent notes, first, that neither Ms. Campos nor anybody else ever objected to or  
17 expressed concern related the communication prior to litigation. The communication was initiated for  
18 legitimate and reasonable purposes regardless; most importantly, as a step towards litigation against Hashimi.

19 In mid-2021, "Mark" Hashimi assumed initial responsibility for communications at Fremont-Toyota  
20 related to the loan fraud that the dealership had committed. The name Kamal Sayed Hashimi turned up in  
21 related loan-fraud research. For purposes related to possible litigation as well as documentation, Respondent  
22 needed to confirm that the two men were, or were not, the same person and identify the Court that would have  
23 jurisdiction when he was sued.

24  
25 A woman named Kathryn Campos had initiated divorce proceedings against "Mark" and/or Kamal  
26 Sayed Hashimi in the 2000s. The divorce seemed to have been called off. Hashimi's location thereafter was  
27 unknown. It was appropriate to ask Ms. Campos if she was able to comment on who and where Hashimi was.  
28 Ms. Campos never communicated to Respondent prior to litigation that the inquiry was unwelcome.

1 Petitioner states that Respondent invited “Ms. Campos to join efforts to essentially take-down Mr.  
2 Hashimi”. The word “take-down” is intended by Petitioner to convey a tone of physical violence. In fact, the  
3 only “take-down” was to be litigation in the public interest against “Mark” Hashimi and/or Fremont-Toyota as  
4 an organization.

5 Regarding the fact that Ms. Campos’s address was mentioned, the point wasn’t that it might be her  
6 address. The point was the question of whether or not it was the current or only the past address of her husband  
7 or ex-husband and, if he was not there, once again, which Court would have jurisdiction when he was sued.

8 Regarding the allegation Petitioner makes in multiple places that “illegal means” were used to “obtain  
9 information”, the allegation is false. In the Hashimi context, Hashimi himself voluntarily provided a personal  
10 phone number to Martin. The phone number made it possible to confirm that “Mark” and Kamal Sayed were  
11 the same person.

12 **\* DMCA issue:**

13  
14 Petitioner cites a statement by Respondent to Berliner-Cohen where he stated “don’t even think about”  
15 DMCA as objectionable. The DMCA point was intended to preempt abuse of process by Fremont-Toyota. An  
16 attempt to do this through the implied suggestion that the complaint will fail in Court is neither an inappropriate  
17 threat nor harassment.

18 **\* Alleged defamation of Khachaturian Foundation in particular:**

19 Petitioner asserts that Respondent has defamed the Khachaturian Foundation. In fact, Respondent  
20 attempted to initiate non-public communications with and/or regarding the Foundation for the legitimate and  
21 reasonable purpose of assessing its position on the loan fraud that its key figures were believed to be involved  
22 in directly or indirectly.

23  
24 Respondent adds that, based on his 44 years of professional experience working on data projects for  
25 UK-NCIS, the DTIC, the CIA, the military, and other entities as well as years of experience in fraud detection  
26 for two corporations, his allegation that “the Khachaturian Foundation is funded in part by the proceeds of  
27 prosecutable crimes” is believed to be correct.

28 The question of which of the individuals who connected Fremont-Toyota to Khachaturian Foundation

1 were aware of the fraud is separate. Respondent intended to finalize a position subsequent to consensual  
2 communication with those who wished to discuss the matter.

3 **\* Timing of snail-mail:**

4 Petitioner states that “Mr. Hashimi received [snail-mail] shortly after his wife contacted the police  
5 inquiring about a restraining order against Mr. Martin and Respondent. The timing is suspicious, as if Mr.  
6 Martin and Respondent wanted to reinforce to Mr. Hashimi and his family that they do in fact know where he  
7 and his family live.”

8 Respondent reiterates that he never sent snail-mail to anybody involved in the current matter. The  
9 allegation is both conclusory and entirely false.

10 **\* False claim of “harassing others”:**

11 Petitioner states that he is not the subject of any conduct orders by any tribunal, outside of the instant  
12 litigation.

13 **\* Alleged focus on race:**

14 Petitioner claims that in the public-interest websites that Respondent posted as well as related emails,  
15 “there is a focus on highlighting minority individuals and pressing on their race inappropriately”.

16 Petitioner is referring here to Respondent’s public support of a minority-race ex-employee of Fremont-  
17 Toyota, Sam Pawar, who had been targeted by the dealership for harassment due to his concerns related to  
18 deceptive business practices and outright loan fraud at Fremont-Toyota as well as his race and religion.

19 The Fremont-Toyota core group repeatedly made statements of the following type to Mr. Pawar:  
20 “Mother-f\*cker you can’t call us brother because you aren’t Muslim”. When he expressed concerns related to  
21 deceptive business practices, his earnings were confiscated and he was told, “complain to your Hindu god also  
22 and no one will help you”.

23 Respondent’s documentation of such behavior by Fremont-Toyota employees is the primary justifica-  
24 tion that Petitioner is attempting to use for the current cases.

25 The so-called “focus on highlighting minority individuals” has to do with the fact that the employees  
26 who engaged in hate speech happened to be Muslims. In fact, no minority has the right to engage in hate speech  
27  
28



1 and ethnic harassment and to use the fact that it's a minority to justify such conduct. In short, Indians and other  
2 races have the same rights that Muslims do.

3 **\* Race of one attorney:**

4 Petitioner states: "Berliner Cohen has 65+ attorneys and the current managing partner is white. Yet,  
5 Respondent specifically selected a non-white attorney to threaten the firm". This allegation is devoid of merit  
6 unless there exists only one minority attorney at Berliner Cohen.

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

10 DATED: 04/04/2022

Robert Kiraly  
Robert Kiraly (Apr 4, 2022 19:43 PDT)  
Robert Kiraly, Declarant, Respondent

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28






# DECLARATION OF ROBERT KIRALY; 21CV004608

Final Audit Report

2022-04-05

Created:	2022-04-05
By:	Nabiel Ahmed (nabiel@eastbaylawpractice.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAANNprqawfje8DaRifNQLO8DALvITvPd3M

## "DECLARATION OF ROBERT KIRALY; 21CV004608" History

-  Document created by Nabiel Ahmed (nabiel@eastbaylawpractice.com)  
2022-04-05 - 2:16:30 AM GMT- IP address: 98.37.211.79
-  Document emailed to Robert Kiraly (me@boldcoder.com) for signature  
2022-04-05 - 2:17:27 AM GMT
-  Email viewed by Robert Kiraly (me@boldcoder.com)  
2022-04-05 - 2:42:45 AM GMT- IP address: 173.82.165.194
-  Document e-signed by Robert Kiraly (me@boldcoder.com)  
Signature Date: 2022-04-05 - 2:43:09 AM GMT - Time Source: server- IP address: 173.82.165.194
-  Agreement completed.  
2022-04-05 - 2:43:09 AM GMT