

**IN THE COURT OF APPEAL  
OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT, DIVISION ONE  
Case Nos.: B341119 (consolidated with B345361)  
Los Angeles County Superior Court No.: 20STCV37498  
ALKIVIADES DAVID, et al.,  
Defendants and Appellants,**

**v.**

**JANE DOE,  
Plaintiff and Respondent.**

**APPELLANT’S SECOND SUPPLEMENTAL NOTICE  
(REGARDING RECORD INTEGRITY, PREJUDICIAL ERROR, AND FAIRNESS)**

**Date: April 2, 2026**

Appellant Alkiviades David, appearing in propria persona and as a disabled litigant, respectfully submits this Second Supplemental Notice to assist the Court in evaluating the integrity of the record and the fairness of the proceedings underlying the judgment on appeal.

This submission consolidates the evidentiary and procedural position established in prior filings, including that the Rizzo Text Messages identify “mk” as Mahim Khan and identify Carl Dawson as a witness “they need.”

**I. THE ISSUE NOW BEFORE THE COURT**

The issue before this Court is whether the judgment can safely stand on the record as it presently exists.

**II. CONVERGING DEFICIENCIES IN THE RECORD**

The record presented to the trial court did not include material evidence that existed and was available at the time of trial, including:

1. The testimony of Carl Dawson, a known and available witness whose evidence directly contradicts the central allegations in dispute;
2. Medical evidence establishing Appellant’s documented traumatic brain injury (TBI), including reports from Dr. Eric Wexler (May 6, 2023) and Dr. George Karampoutakis (November 2, 2023);

3. Contemporaneous communications demonstrating both counsel's knowledge of this evidence and a breakdown in representation.

### **III. DAWSON AFFIDAVIT AND CONSEQUENCE**

Appellant further notes that Mr. Dawson's evidence was reduced to affidavit form and available at the time of trial.

That affidavit directly contradicts the central allegations at issue.

The record reflects that this evidence was known to counsel, yet it was not presented to the trier of fact.

The absence of that affidavit was not harmless. It removed from the proceedings evidence that would have materially altered the evidentiary landscape.

In those circumstances, the resulting record is incomplete, and the judgment cannot safely stand.

### **IV. PREJUDICE AND FAIRNESS**

The omission of this material deprived the trier of fact of critical information bearing on credibility, capacity, and Appellant's ability to participate in his defense.

### **V. AUTHORITY**

This Court has authority under CRC 8.155 and CCP 909 to address an incomplete record and ensure a just determination.

### **VI. RELIEF REQUESTED**

Appellant respectfully requests appropriate relief, including augmentation of the record or remand as necessary.

### **STATEMENT OF TRUTH**

I declare under penalty of perjury that the foregoing is true and correct.

Filed personally due to documented traumatic brain injury (TBI).

/s/ Alkiviades David

Appellant (Disabled)

Dated: April 2, 2026