

**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 SUPPLEMENTAL APPLICATION TO AUGMENT THE RECORD  
AND NOTICE OF MATERIAL FACTS AND RELATED EVIDENCE**

**Date: April 3, 2026**

**TO THE COURT, ALL PARTIES, AND THE CLERK:**

Appellant Alkiviades David respectfully submits this Supplemental Application to augment the record pursuant to California Rules of Court, rule 8.155, and Code of Civil Procedure section 909. This application is made to ensure that the Court is presented with a complete and accurate record in evaluating the issues on appeal, particularly where material evidence existed at the time of trial but was not presented.

**I. CLARIFICATION OF IDENTITY IN EXISTING RECORD**

The Rizzo Text Messages, already part of the record, refer to “mk” as a material witness “they need.” Appellant respectfully clarifies that “mk” refers to Mahim Khan, a Respondent in the underlying proceedings. This clarification does not introduce new evidence, but clarifies the identity of a witness already referenced in the record.

**II. MATERIAL WITNESS - CARL DAWSON**

Carl Dawson was contemporaneously identified prior to trial and was available to provide testimony directly addressing the central allegations in this case. Due to a breakdown in representation, his testimony was not presented. Mr. Dawson's evidence is material because it goes directly to the core factual dispute and was available at the time of trial. Its absence contributed to an incomplete evidentiary presentation.

**III. DOCUMENTED TRAUMATIC BRAIN INJURY (TBI)**

Appellant has a documented traumatic brain injury supported by medical evidence, including the Psychiatric Treatment Report of Dr. Eric Wexler dated May 6, 2023, the Psychiatric Evaluation of Dr. George Karampoutakis dated November 2, 2023, and neuroimaging and related diagnostic materials previously submitted. These materials establish that Appellant suffered from a neurological condition

affecting cognition, stress response, and the ability to supervise and direct counsel during the proceedings.

#### **IV. ADA-RELATED COMMUNICATIONS AND MEDICAL EVIDENCE**

Contemporaneous emails demonstrate that Dr. Wexler's report was circulated to trial counsel, that counsel had actual knowledge of Appellant's medical condition, and that discussions occurred regarding providing the report to ADA consultant Angelina Dettamanti. Ms. Dettamanti holds additional contemporaneous communications relating to disability accommodations and is available as a witness if required.

#### **V. BREAKDOWN IN REPRESENTATION**

Contemporaneous communications, including emails dated April 1, 2026, reflect Appellant's expressed concerns regarding representation, requests that material evidence and issues be properly advanced, and a material deterioration in the attorney-client relationship. These communications demonstrate that Appellant's position and critical evidence were not being adequately presented.

#### **VI. PREJUDICE RESULTING FROM INCOMPLETE RECORD**

The failure to present the above material resulted in a record that did not fully reflect the availability of material witness testimony, the extent and impact of Appellant's documented disability, and the existence of disability-related considerations and communications. This incomplete record contributed to significant consequences, including involuntary psychiatric detention and related loss of liberty. These consequences are referenced not as independent claims, but as factual context demonstrating the impact of the incomplete evidentiary presentation.

#### **VII. LEGAL BASIS**

This application is made pursuant to California Rules of Court, rule 8.155, and Code of Civil Procedure section 909. The Court has authority to augment the record and consider additional evidence where necessary to ensure a fair determination of the appeal, particularly where material evidence existed at the time of trial but was not presented.

#### **VIII. RELIEF REQUESTED**

Appellant respectfully requests that the Court grant leave to augment the record to include evidence relating to Carl Dawson, the medical reports referenced above, relevant contemporaneous email communications, and related disability accommodation materials. In the alternative, Appellant requests that this submission be treated as notice of material facts relevant to the completeness of the record. Appellant further requests that the Court consider these matters in determining the issues on appeal and grant such other and further relief as the Court deems just and proper.

#### **STATEMENT OF TRUTH**

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

This filing is made personally due to Appellant's documented traumatic brain injury (TBI) and resulting disability.

/s/ Alkiviades David

Alkiviades David

Appellant, In Propria Persona (Disabled)

Dated: April 3, 2026