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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Shai Segui, et al.,  
10 Plaintiffs,  
11 v.  
12 Donna Moniz, et al.,  
13 Defendants.  
14

No. CV-25-01849-PHX-SHD  
**ORDER**

15 Defendant Gregg Woodnick (Doc. 18) and Defendant Stephanie Stromfors (Doc.  
16 20) moved to dismiss under Fed. R. Civ. P. 12(b)(6). For the following reasons,  
17 Woodnick’s motion, (Doc. 18), will be **granted** with leave to amend; and Stromfors’s  
18 motion, (Doc. 20), will be **granted in part** and **denied in part**.

19 **I. FACTUAL BACKGROUND<sup>1</sup>**

20 This case arises from Arizona family court proceedings<sup>2</sup> between Plaintiff David  
21 Segui (“David”)<sup>3</sup> and Donna Moniz (“Moniz”). (*See generally* Doc. 1.) Plaintiffs are  
22 David and his son, Shai Segui (“Shai”), who was a minor at all times relevant to this action

23 <sup>1</sup> As reflected in the factual recitation set forth below, all well-pled factual allegations  
24 in the complaint are accepted as true and construed in the light most favorable to the  
plaintiff. *Cousins v. Lockyer*, 568 F.3d 1063, 1067 (9th Cir. 2009).

25 <sup>2</sup> *See Segui v. Moniz*, FC2015-004537 (Maricopa Cnty. Super. Ct. May 8, 2015);  
26 *Family Court Case Information – Case History*, Jud. Branch of Ariz. in Maricopa Cnty.,  
27 [https://www.superiorcourt.maricopa.gov/docket/FamilyCourtCases/caseInfo.asp?caseNu  
mber=fc2015-004537](https://www.superiorcourt.maricopa.gov/docket/FamilyCourtCases/caseInfo.asp?caseNumber=fc2015-004537) (last visited March 18, 2026).

28 <sup>3</sup> The Court refers to Plaintiffs David Segui and Shai Segui by their first names  
throughout this Order for clarity because they share a surname, and not out of disrespect.

1 (collectively, “Plaintiffs”). (*Id.* at ¶¶ 23–24.) David and Moniz also have a second child,  
2 Shai’s younger brother. (*Id.* at ¶ 2.) David filed for divorce in 2015, initiating custody  
3 proceedings in the Maricopa County Superior Court. (*Id.* at ¶¶ 3, 39.) A Decree of  
4 Dissolution was entered by the Maricopa County Superior Court in 2017, (*id.* at ¶ 40) and,  
5 over the next several years, a lengthy custody battle ensued, (*see id.* at ¶ 39.)

6 Defendant Stromfors was the Best Interest Attorney (“BIA”) for Shai and his  
7 brother in the family court proceedings. (*Id.* at ¶ 46.) Defendant Woodnick served as  
8 Moniz’s attorney in family court. At its core, the Complaint alleges that Defendants  
9 Woodnick and Stormfors conspired with Moniz to separate Shai from David and place him  
10 with Moniz, despite Shai’s consistent reports that Moniz sexually, physically, and  
11 emotionally abused him.<sup>4</sup>

12 Plaintiffs allege that throughout the family court proceedings, Shai consistently  
13 reported to therapists and court-appointed practitioners that Moniz had physically,  
14 sexually, and mentally abused him, and consistently expressed his desire to live exclusively  
15 with his father. (*Id.* at ¶¶ 41–43.) Plaintiffs allege that none of the practitioners reported  
16 the abuse to authorities, and that they instead withheld and misrepresented Shai’s  
17 allegations to the family court for their own financial benefit. (*Id.* at ¶¶ 44–45.)

18 On December 1, 2020, Diana Vigil, the court-appointed “Therapeutic  
19 Interventionist,” advised the court that Shai required intensive reunification therapy to  
20 reunify him with his mother and recommended a specific program: Building Family  
21 Bridges, owned and operated by Randy Rand out of a hotel in Ventura County, California.  
22 (*Id.* at ¶¶ 8, 29, 54.) Vigil was one of the therapists to whom Shai reported Moniz’s abuse.  
23 (*Id.* at ¶ 42.) Two weeks later, on December 14, 2020—before any court order mandated  
24 participation in the program—Moniz paid Building Family Bridges a \$500 deposit. (*Id.* at  
25 ¶¶ 55–57.) The Complaint alleges that Moniz made this payment “following conversations

26 <sup>4</sup> The Complaint originally named Moniz along with several others involved in the  
27 family court proceedings as defendants. Defendants Moniz, Diana Vigil, Randy Rand, and  
28 Building Family Bridges were terminated because Plaintiffs did not timely serve them  
under Federal Rule of Civil Procedure 4(m). (Doc. 24.) Their involvement is described  
solely as background context for the claims that remain against Defendants Woodnick and  
Stromfors.

1 between Moniz, Woodnick, Vigil, Stromfors, and Rand,” but does not allege any facts  
2 about the content or circumstances of those conversations. (*See id.* at ¶ 56.) Plaintiffs  
3 further allege that “Defendants used email, phone calls, text messages, and similar means  
4 to communicate to each other” about the alleged scheme. (*Id.* at ¶ 140.)

5 On December 28, 2020, Stromfors filed an Emergency Motion seeking to transfer  
6 the children to Moniz’s exclusive physical and legal custody on a temporary basis and to  
7 suspend all contact between the boys and David, including suspending David’s legal and  
8 physical custody. (*Id.* at ¶ 59.) The family court granted the motion (the “Emergency  
9 Order”) and ordered the boys to attend Building Family Bridges. (*Id.* at ¶ 76.) Pursuant to  
10 the Emergency Order, David’s legal and physical custody was suspended for no less than  
11 90 days following the completion of Building Family Bridges and its “aftercare program.”  
12 (*Id.* at ¶ 79.) Shai was prohibited from communicating with David during that period. (*Id.*  
13 at ¶ 98.) The Emergency Order also directed David to produce the boys at the courthouse  
14 on January 6, 2021, without informing them about the plan, so that they could be taken to  
15 Building Family Bridges. (*Id.* at ¶ 77.)<sup>5</sup>

16 That same day, January 6, Shai was receiving inpatient treatment at Phoenix  
17 Children’s Hospital for suicidal ideation that “arose after he became aware that he would  
18 soon be forced to endure ‘reunification therapy’ with his abusive mother.” (*Id.* at ¶ 82.)  
19 Prior to Shai’s release, David “was ordered by the family court to leave Shai at the hospital,  
20 unattended, so that the seizure and transport to [Building Family Bridges] could occur,  
21 regardless of Shai’s hospital stay and his obvious need for ongoing treatment.” (*Id.* at  
22 ¶ 83.) Plaintiffs allege that Shai was prematurely discharged, briefly held at a separate  
23 mental health facility called Oasis, and then confronted by an unknown “Transport  
24 Team”—individuals he had never met. (*Id.* at ¶¶ 84–86.) When Shai hesitated to follow  
25 them to their unmarked van, the Transport Team told him his brother was already inside  
26 and that if he refused to go, he would not see his brother. (*Id.* at ¶ 87.) Shai complied, and

27  
28 <sup>5</sup> Plaintiffs allege that a hearing on the Emergency Motion was not held until approximately nine days after “Shai and his brother ha[d] already been seized, transported across state lines, and imprisoned at [Building Family Bridges].” (*Id.* at ¶ 81.)

1 the Transport Team searched him for weapons, a cellphone, and other electronic devices  
2 without his consent or the consent of his father, before transporting him and his brother  
3 across state lines to Building Family Bridges. (*Id.* at ¶¶ 88–90.) Throughout the journey,  
4 and upon arrival at Building Family Bridges, Shai was kept under constant surveillance by  
5 the Transport Team, including while using the restroom, and was given no privacy from  
6 the moment he left the hospital. (*Id.* at ¶¶ 91–96.)

7 From his first day at Building Family Bridges, Shai repeatedly requested to be sent  
8 home to live with his father and expressed his discomfort with Moniz, but his concerns  
9 were ignored. (*Id.* at ¶ 101.) At Building Family Bridges, Shai was held without a phone  
10 or any means to contact the outside world, including David. (*Id.* at ¶ 97.) During  
11 counseling sessions, Shai continued to raise Moniz’s history of abuse, but he was ordered  
12 to “stop discussing past events.” (*Id.* at ¶ 102.) Plaintiffs allege that Rand and Vigil  
13 threatened Shai to ensure he gave positive reports about Building Family Bridges to the  
14 family court. (*Id.* at ¶ 104.) They told Shai that if he did not cooperate, he would be sent  
15 to a wilderness therapy program and separated from his brother. (*Id.*) Shai ultimately  
16 “decided to simply sit down and remain quiet.” (*Id.* at ¶ 108.)

17 When Building Family Bridges concluded, Shai was placed in Moniz’s full custody  
18 pursuant to an aftercare program, and David’s parental rights—both physical and legal  
19 custody—were terminated without any judicial finding that he was an unfit parent. (*Id.* at  
20 ¶¶ 109, 115.) The aftercare program required Shai’s relationship with Moniz to improve  
21 before he could have any contact with David, a condition Plaintiffs allege was impossible  
22 to satisfy given Moniz’s continued abuse. (*Id.* at ¶ 116.) As a result, Shai and David were  
23 precluded from any contact with one another for approximately 420 days. (*Id.* at ¶¶ 114,  
24 124.)

25 Plaintiffs assert that today, Shai continues to suffer “from the emotional trauma  
26 resulting from his imprisonment at [Building Family Bridges] and his mother’s abuse,” and  
27 that the loss of time with his father “has resulted in severe anxiety, suicidal thoughts,  
28 extreme depression, anger, and fear of the judicial process.” (*Id.* at ¶¶ 127, 129.)

1 According to the Complaint, the events in this case were not isolated, but reflect a  
2 broader pattern of conduct carried out by the same group of individuals across multiple  
3 cases. (*Id.* at ¶ 51.) Plaintiffs allege that Defendant Stromfors has been appointed as BIA  
4 in numerous other cases where the same approach—unsubstantiated allegations of severe  
5 parental alienation followed by a court order sending children to Building Family  
6 Bridges—was used to separate children from non-abusive parents for financial gain. (*Id.*)  
7 One such case known to Plaintiffs involves the Nielsen family, in which Plaintiffs allege  
8 Stromfors, Vigil, and Rand employed identical methods and achieved the same result. (*Id.*  
9 at ¶¶ 11–14, 52–53.) Plaintiffs do not allege that Woodnick had any role in the Nielson  
10 case. (*See generally id.*)

## 11 II. PROCEDURAL HISTORY

12 This is not the first federal action arising out of these family court proceedings. On  
13 May 20, 2024, Shai—but not David—filed a related action in this District, (the “Related  
14 Case”), against several defendants, including Stromfors, asserting 42 U.S.C. § 1983 claims  
15 arising out of the same family court proceedings. *See Segui v. Stromfors*, 2025 WL  
16 1785254, at \*1 (D. Ariz. 2025). The Related Case was dismissed as to Stromfors on  
17 qualified immunity grounds. *Id.* at \*3–4. Shai has appealed that dismissal to the Ninth  
18 Circuit, where the matter remains pending. *Segui v. Stromfors*, No. 25-4508 (9th Cir. July  
19 21, 2025). Shai did not bring any claims against Woodnick in the Related Case. *See Segui*,  
20 2025 WL 1785254 at \*1.

21 Plaintiffs filed this action on May 29, 2025. (Doc. 1.) David brings claims against  
22 Woodnick and Stromfors under the Racketeer Influenced and Corrupt Organizations Act  
23 (“RICO”), 18 U.S.C. § 1962(c) and (d), and its state law analog, A.R.S. § 13-2314.04  
24 (“Arizona RICO”) (Counts 1 and 2). (*Id.* at ¶¶ 131–159.) Shai brings claims against  
25 Woodnick and Stromfors under 42 U.S.C. § 1983 for unreasonable search and seizure  
26 under the Fourth Amendment and substantive due process violation under the Fourteenth  
27 Amendment (Counts 6 and 7). (*Id.* at ¶¶ 190–222.)

28 Several defendants named in the Complaint in this action—Moniz, Rand, Vigil, and

1 Building Family Bridges—were terminated for failure to effectuate timely service under  
2 Federal Rule of Civil Procedure 4(m). (Doc. 24.) Woodnick and Stromfors are the only  
3 remaining defendants. Plaintiffs allege that Woodnick, as Moniz’s privately retained  
4 attorney throughout the underlying family court proceedings, knowingly assisted Moniz,  
5 Vigil, Stromfors, and Rand in injuring Plaintiffs, participated in the pre-Emergency Order  
6 conversations that preceded the Building Family Bridges deposit, knew David had the  
7 financial means to sustain prolonged litigation, and conspired to ensure the boys would be  
8 enrolled in Building Family Bridges at David’s expense. (Doc. 1 at ¶¶ 31, 56, 71, 75.) As  
9 for Stromfors, Plaintiffs allege that she served as the BIA for the children beginning  
10 November 12, 2020, that she never spoke with either child before or after filing the  
11 Emergency Motion, filed that motion without rational justification and solely for financial  
12 gain, and knew David had the financial means to sustain prolonged litigation. (*Id.* at ¶¶ 46,  
13 59, 61, 71, 78.)

14 Woodnick moved to dismiss all claims against him on August 14, 2025. (Doc. 18.)  
15 Plaintiffs responded, (Doc. 25), and Woodnick replied (Doc. 27). Stromfors moved to  
16 dismiss all claims against her on August 29, 2025. (Doc. 20.) Plaintiffs responded, (Doc.  
17 26), and Stromfors replied (Doc. 28). Stromfors has requested oral argument on her motion  
18 to dismiss. (Doc. 20 at 1.) Because oral argument would not assist in resolving the issues  
19 presented, Stromfors’s request is denied. *See* LRCiv 7.2(f).

### 20 **III. LEGAL STANDARD**

21 To survive a motion to dismiss, a complaint must contain sufficient factual matter,  
22 “to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678  
23 (2009) (quotation marks omitted). A claim is plausible if the plaintiff pleads “factual  
24 content that allows the court to draw the reasonable inference that the defendant is liable  
25 for the misconduct alleged.” *Id.* In making this determination, legal conclusions cannot  
26 be accepted as true, nor can “[t]hreadbare recitals of the elements of a cause of action,  
27 supported by mere conclusory statements.” *Id.*; *see also id.* (“Nor does a complaint suffice  
28 if it tenders naked assertion[s] devoid of further factual enhancement.” (alteration in

1 original) (quotation marks omitted)). That said, “a complaint attacked by a Rule 12(b)(6)  
2 motion to dismiss does not need detailed factual allegations.” *Bell Atl. Corp. v. Twombly*,  
3 550 U.S. 544, 555 (2007) (emphasis added). A “well-pleaded complaint may proceed even  
4 if” actual proof of those facts “is improbable[ ] and . . . a recovery is very remote and  
5 unlikely.” *Id.* at 556 (quotation marks omitted).

6 A court’s review on a motion to dismiss is usually limited to the complaint itself,  
7 but the court may consider documents attached to the complaint, documents incorporated  
8 by reference in the complaint, and matters of judicial notice. *Lee v. City of L.A.*, 250 F.3d  
9 668, 688 (9th Cir. 2001); *United States v. Ritchie*, 342 F.3d 903, 908 (9th Cir. 2003).<sup>6</sup>

#### 10 **IV. DISCUSSION**

11 Woodnick and Stromfors each move to dismiss all claims against them pursuant to  
12 Federal Rule of Civil Procedure 12(b)(6). Woodnick argues that Plaintiffs have failed to  
13 plead sufficient facts to support a cognizable RICO or § 1983 claim against him,  
14 contending that his role as opposing counsel in the underlying family court proceedings  
15 cannot form the basis of a RICO enterprise or render him a state actor for purposes of  
16 § 1983. (*See generally* Doc. 18.) Stromfors raises several threshold arguments, including  
17 that Shai’s § 1983 claims are barred by res judicata and qualified immunity because of the  
18 Related Case, and that David’s RICO claims are time-barred under the applicable statute  
19 of limitations. (Doc. 20 at 7–14.) She further argues that, even if those threshold defenses  
20 do not apply, Plaintiffs have failed to state a cognizable RICO or § 1983 claim against her.  
21 (*Id.* at 14–18.) Each motion is addressed in turn, beginning with Woodnick’s.

##### 22 **A. Defendant Woodnick’s Motion to Dismiss**

23 All of Plaintiffs’ claims against Woodnick suffer from the same defect: they fail to

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24 <sup>6</sup> The Court may take judicial notice of public records such as the family court  
25 documents attached to the complaint and the parties’ briefs, as well as filings in other  
26 federal court proceedings. *See Lee*, 250 F.3d at 689–90 (citing Fed. R. Evid. 201); *Suzuki*  
27 *v. Cnty. of Contra Costa*, 2019 WL 2247829, at \*2 & n.5 (N.D. Cal. 2019) (taking judicial  
28 notice of “various state court orders and documents from plaintiff’s family court  
proceedings”); *Robert Kubicek Architects & Assocs. Inc. v. Bosley*, 2012 WL 3149348, at  
\*1 (D. Ariz. 2012) (explaining that courts can take “judicial notice of undisputed matters  
of public record, including documents on file in federal or state courts,” without converting  
a motion to dismiss to one for summary judgment) (quoting *Harris v. Cnty. of Orange*, 682  
F.3d 1126, 1132 (9th Cir. 2012)).

1 allege sufficient facts specific to Woodnick—as distinguished from the collective  
2 allegations directed at all defendants—to state a cognizable claim against him. “[I]t is  
3 insufficient for Plaintiff[s] to simply make vague and conclusory allegations against a  
4 group, without any factual specificity as to what any particular individual did or failed to  
5 do.” *Brown v. Maricopa Cnty.*, 2025 WL 2403137, at \*4 (D. Ariz. 2025) (citing *Marcilis*  
6 *v. Twp. of Redford*, 693 F.3d 589, 596 (6th Cir. 2012) (upholding dismissal of complaint  
7 that referred to all defendants “generally and categorically” because the plaintiff failed to  
8 “allege, with particularity, facts that demonstrate what each defendant did to violate the  
9 asserted constitutional right.” (quotation marks omitted))).

### 10 **1. Federal RICO Claims**

11 To state a claim under 18 U.S.C. § 1962(c), a plaintiff must allege: “(1) conduct  
12 (2) of an enterprise (3) through a pattern (4) of racketeering activity (known as ‘predicate  
13 acts’) (5) causing injury to the plaintiff’s business or property.” *Grimmett v. Brown*, 75  
14 F.3d 506, 510 (9th Cir. 1996) (citing 18 U.S.C. §§ 1964(c), 1962(c)). “Racketeering  
15 activity” is any act indictable under one of several provisions of Title 18 of the United  
16 States Code or certain state law violations that are “punishable by imprisonment for more  
17 than one year.” 18 U.S.C. § 1961. A RICO claim requires a showing that a “pattern of  
18 racketeering activity” occurred—meaning the predicate acts must be both related and  
19 “amount to or pose a threat of continued criminal activity.” *H.J., Inc. v. Northwestern Bell*  
20 *Tel. Co.*, 492 U.S. 229, 239 (1989).

#### 21 a. Conduct

22 To satisfy § 1962(c)’s conduct element, a defendant must have “participate[d] in the  
23 operation or management of the enterprise itself,” and that the defendant played “*some* part  
24 in directing the enterprise’s affairs”—it is not enough to have performed services for the  
25 enterprise. *Reves v. Ernst & Young*, 507 U.S. 170, 176, 179 (1993). Considerations  
26 relevant to this inquiry include whether a defendant (1) gave or took directions; (2)  
27 occupied a position in the “chain of command” through which the affairs of the enterprise  
28 are conducted; (3) knowingly implemented decisions of upper management; or (4) was

1 indispensable to the achievement of the enterprise’s goal. *Walter v. Drayson*, 538 F.3d  
2 1244, 1249 (9th Cir. 2008).

3 The Complaint’s Woodnick-specific factual allegations are sparse. Woodnick  
4 served as Moniz’s privately retained attorney throughout the underlying family court  
5 proceedings. (Doc. 1 at ¶ 31.) Plaintiffs allege that Woodnick participated in  
6 “conversations” among Moniz, Vigil, Stromfors, and Rand before Moniz paid the \$500  
7 deposit to Building Family Bridges, knew David had the financial means to sustain  
8 prolonged litigation, and “financially benefit[ted]” from the family court’s custody orders.  
9 (*Id.* at ¶¶ 5, 56, 71, 75, 125.) The remainder of the allegations directed at Woodnick are  
10 leveled collectively at all “Defendants” without identifying what Woodnick personally did.  
11 (*See, e.g., id.* at ¶¶ 14, 49, 135, 140–142, 149–156.)

12 Plaintiffs’ allegations do not suffice. First, it is insufficient for Plaintiffs to “make  
13 vague and conclusory allegations” against the group of defendants without any factual  
14 specificity as to Woodnick’s personal actions. *See Brown*, 2025 WL 2403137, at \*4. For  
15 example, the Complaint does not identify anything about the alleged “conversations” that  
16 occurred before Moniz deposited the \$500 that indicates Woodnick’s role. It does not say  
17 when the alleged conversations occurred, who said what, what agreement if any was  
18 reached, or what specific act Woodnick took in furtherance of any scheme. The inference  
19 Plaintiffs make—that Woodnick must have directed the deposit as part of a pre-arranged  
20 scheme—is not a reasonable inference from the facts alleged; it is speculation. *Twombly*,  
21 550 U.S. at 555 (a complaint that offers no more than “labels and conclusions” or a  
22 “formulaic recitation of the elements” does not suffice). Further, that Woodnick knew  
23 David had financial resources is an unremarkable feature of any family court  
24 representation, it is not a predicate to racketeering liability.

25 Woodnick’s alleged conduct—representing his client in court and participating in a  
26 conversation among co-defendants—does not implicate any of the relevant considerations  
27 for determining whether a defendant has engaged in “conduct” under § 1962(c). Based on  
28 the Complaint, Woodnick did not give or take directions within any enterprise, did not

1 occupy a position in a chain of command through which the enterprise's affairs were  
2 conducted, did not knowingly implement decisions of upper management, and was not  
3 indispensable to the achievement of any enterprise goal. *See Walter*, 538 F.3d at 1249.

4 Plaintiffs contend that at the pleading stage they need not allege any facts specific  
5 to Woodnick's personal conduct, so long as they allege he acted "in concert with" the other  
6 defendants to corruptly influence the proceedings. (*See Doc. 25 at 16.*) That argument is  
7 foreclosed by *Brown*, *Reves*, and *Walter* alike. *Brown* requires factual specificity as to  
8 each individual defendant. *Brown*, 2025 WL 2403137, at \*4. *Reves* requires that a  
9 defendant have some part in directing the enterprise's affairs—acting in concert with others  
10 who direct the enterprise is not enough. *Reves*, 507 U.S. at 176, 179 (holding that § 1962(c)  
11 liability requires participation in the operation or management of the enterprise itself). And  
12 *Walter* confirms that an attorney whose alleged conduct consists of providing legal services  
13 and participating in communications does not satisfy either standard, regardless of what  
14 the other members of the alleged enterprise may have done. *Walter*, 538 F.3d at 1249  
15 ("Simply performing services for the enterprise does not rise to the level of direction,  
16 whether one is 'inside' or 'outside.'").

17 Because Plaintiffs do not allege that Woodnick directed the affairs of any enterprise,  
18 the RICO claim fails at the threshold. The remaining elements will nonetheless be  
19 addressed briefly because each provides an independent basis for dismissal.

20 b. Enterprise

21 An enterprise "includes any individual, partnership, corporation, association, or  
22 other legal entity, and any union or group of individuals associated in fact although not a  
23 legal entity." 18 U.S.C. § 1961(4). An association-in-fact enterprise is "a group of persons  
24 associated together for a common purpose of engaging in a course of conduct." *Boyle v.*  
25 *United States*, 556 U.S. 938, 946 (2009) (quoting *United States v. Turkette*, 452 U.S. 576,  
26 583 (1981)). "[A]n association-in-fact enterprise must have at least three structural  
27 features: a purpose, relationships among those associated with the enterprise, and longevity  
28 sufficient to permit these associates to pursue the enterprise's purpose." *Id.*

1 Plaintiffs argue that Woodnick and the other named defendants comprised an  
2 association-in-fact enterprise because they shared the common purpose of “mak[ing]  
3 money by obtaining an order compelling the capture and false imprisonment of an innocent  
4 child.” (Doc. 25 at 14–15.) But the enterprise element requires more than a shared  
5 outcome, it requires an ongoing organizational structure with sufficient longevity to pursue  
6 a common criminal purpose. *See Boyle*, 556 U.S. at 946. The Complaint alleges  
7 Woodnick’s involvement in a single family court case culminating in a single court order.  
8 A single proceeding involving a single family does not establish the ongoing organizational  
9 structure the enterprise element requires.<sup>7</sup>

10 Even if a qualifying enterprise could be established among the other named  
11 defendants, the Complaint would still need to allege sufficient facts to support the inference  
12 that Woodnick was “aware of the essential nature and scope of the enterprise and intended  
13 to participate in it.” *Baumer v. Pacht*, 8 F.3d 1341, 1346 (9th Cir. 1993) (quotation marks  
14 omitted). It does not. The Complaint’s Woodnick-specific allegations describe the  
15 ordinary work of a family court attorney: participating in an unspecified conversation and  
16 knowing his client’s adversary had financial resources. Plaintiffs’ response additionally  
17 argues that Woodnick financially benefited from the scheme because David was ordered  
18 to pay approximately \$75,000 in attorney’s fees to Moniz over the course of the  
19 proceedings. (Doc. 25 at 13.) But receiving court-ordered attorney’s fees through the  
20 ordinary course of family court litigation is not evidence of awareness of or intent to  
21 participate in an enterprise—it is the expected compensation for legal representation. None  
22 of these facts, individually or together, permit the reasonable inference that Woodnick  
23 knew his co-defendants were pursuing a fraudulent scheme or that he intended to join one.  
24 Legal representation, standing alone, is not participation in a RICO enterprise. *See United*

25 <sup>7</sup> Plaintiffs reference the Nielsen matter in the Complaint’s factual background and  
26 invoke it in their response to assert a pattern of conduct across multiple cases. (Doc. 1 at  
27 ¶¶ 11–14, 52–53; Doc. 25 at 14.) According to Plaintiffs, the Nielsen matter is a separate  
28 Arizona family court proceeding in which several of the same defendants, including  
Stromfors, employed the same methods used against the Segui family to separate another  
child from a non-abusive parent for financial gain. Neither the Complaint nor the response  
makes any allegation connecting Woodnick to the Nielsen matter. The Nielsen matter  
therefore has no bearing on the enterprise analysis as to him.

1 *States v. Koziol*, 993 F.3d 1160, 1174 (9th Cir. 2021) (recognizing “RICO does not  
2 authorize suits by private parties asserting claims against business or litigation adversaries,  
3 based on litigation activities”).

4 c. Pattern of Racketeering Activity

5 A pattern is defined as “at least two acts of racketeering activity” within ten years  
6 of each other. 18 U.S.C. § 1961(5). Racketeering activity refers to the predicate acts listed  
7 in 18 U.S.C. § 1961. *Sedima, S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 495 (1985)  
8 (“‘[R]acketeering activity’ consists of no more and no less than commission of a predicate  
9 act.”). When a plaintiff alleges RICO claims against more than one defendant, the  
10 “plaintiff must allege at least two predicate acts by *each* defendant.” *In re WellPoint, Inc.,*  
11 *Out-of-Network “UCR” Rates Litig.*, 865 F. Supp. 2d 1002, 1035 (C.D. Cal. 2011). To  
12 establish a “pattern of racketeering activity,” the predicate acts must be both “related” and  
13 “continuous.” *Id.* at 238–42. “Predicate acts extending over a few weeks or months and  
14 threatening no future criminal conduct do not satisfy this requirement: Congress was  
15 concerned in RICO with long-term criminal conduct.” *Id.* at 242.

16 Plaintiffs allege two predicate acts: (1) wire fraud, based on the allegation that the  
17 scheme was discussed by email, and (2) witness tampering, based on the allegation that  
18 Shai was coerced to report the reunification program as a success. (Doc. 25 at 12.) Even  
19 assuming that these allegations suffice as predicate acts, neither is adequately alleged as to  
20 Woodnick.

21 The Complaint identifies no email sent or received by Woodnick, no  
22 communication between Woodnick and Shai, and no specific factual allegation—as  
23 opposed to a conclusory group assertion—connecting Woodnick to any alleged predicate  
24 act. *See Brown*, 2025 WL 2403137, at \*4. As to wire fraud, the Complaint alleges that  
25 “Defendants used email, phone calls, text messages, and similar means to communicate to  
26 each other a fraudulent scheme.” (Doc. 1 at ¶ 140.) But the Complaint identifies no  
27 specific email, phone call, or text message sent or received by Woodnick, no receipt of any  
28 such communication from him, and no specific content. A group-pleaded allegation that

1 unnamed defendants communicated by unspecified means does not constitute a well-  
2 pleaded predicate act as to any particular defendant. *See Brown*, 2025 WL 2403137, at \*4

3 As to witness tampering, the Complaint contains no allegation that Woodnick ever  
4 communicated with Shai, let alone that he participated in coercing Shai’s positive account  
5 of the program. The allegation that Woodnick participated in a collective decision to  
6 withhold Shai’s abuse allegations from the family court, (Doc. 1 at ¶¶ 41–45), does not  
7 supply the missing predicate act. It is made upon information and belief, identifies no  
8 specific communication, meeting, or act by Woodnick himself, and does not allege with  
9 any particularity what Woodnick personally withheld, from whom, or when. *See Brown*,  
10 2025 WL 2403137, at \*4. Because Plaintiffs have not alleged two predicate acts by  
11 Woodnick, the pattern element fails. *WellPoint*, 865 F. Supp. 2d at 1035.

12 But even if they had, Plaintiffs’ RICO theory would face an insurmountable  
13 continuity problem for the same reasons that doom the enterprise element. As discussed  
14 above, the alleged scheme involves a single family, a single set of proceedings, and a single  
15 court order—circumstances that present no threat of continued criminal activity and do not  
16 satisfy RICO’s continuity requirement. *See H.J., Inc.*, 492 U.S. at 242.<sup>8</sup>

17 d. Injury

18 A civil RICO plaintiff must also establish proximate causation, “some *direct*  
19 relation between the injury asserted and the injurious conduct alleged.” *Ozeran v. Jacobs*,  
20 798 F. App’x 120, 122 (9th Cir. 2020) (quotation marks omitted). Remote, attenuated, or  
21 indirect injuries do not suffice. *See id.*

22 Plaintiffs have not alleged facts that meet this standard. As discussed above in  
23 connection with the enterprise element, Plaintiffs’ theory of injury is that David was  
24 ordered to pay approximately \$75,000 in attorney’s fees to Moniz over the course of the  
25 proceedings, a portion of which Moniz then paid to Woodnick as his legal fees. (Doc. 25  
26 at 13–14.) The causal chain this theory requires—David pays court-ordered fees to Moniz,

27 <sup>8</sup> Plaintiffs again invoke the Nielsen matter in an attempt to establish continuity across  
28 multiple cases. As explained above, however, neither the Complaint nor Plaintiffs’  
response makes any allegation connecting Woodnick to the Nielsen matter. *See supra* note  
7. The Nielsen matter is therefore irrelevant as to him.

1 who in turn pays her attorney—is precisely the kind of attenuated, derivative injury that  
2 RICO’s proximate cause requirement screens out. *See Ozeran*, 798 F. App’x at 122.

3 Because the federal RICO claim under § 1962(c) fails on each required element, the  
4 conspiracy claim under § 1962(d) fails as well. *Howard v. America Online Inc.*, 208 F.3d  
5 741, 751 (9th Cir. 2000) (reasoning that a § 1962(d) conspiracy claim cannot survive where  
6 the underlying § 1962(c) claim fails). Accordingly, Plaintiffs’ federal RICO claims against  
7 Woodnick will be dismissed.

## 8 **2. Arizona RICO Claim**

9 Arizona’s RICO statute provides a civil cause of action for injury resulting from a  
10 pattern of racketeering activity. A.R.S. § 13-2314.04. “Claims under Arizona’s RICO  
11 statutes are interpreted consistently with the federal RICO statutes.” *Avrahami v. Clark*,  
12 2020 WL 2319922, at \*3 (D. Ariz. 2020) (citing *Lifeflite Med. Air Transp., Inc. v. Native*  
13 *Am. Air Servs., Inc.*, 7 P.3d 158, 162 (Ariz. Ct. App. 2000)). The deficiencies identified  
14 above therefore apply with equal force here, and the Arizona RICO claim against  
15 Woodnick will be dismissed.

## 16 **3. Section 1983—Fourth Amendment and Fourteenth Amendment**

17 Shai brings claims against Woodnick under 42 U.S.C. § 1983 for unreasonable  
18 seizure under the Fourth Amendment and substantive due process violation under the  
19 Fourteenth Amendment. (Doc. 1 at 28–32.) Both claims fail because Woodnick did not  
20 act under color of state law.

21 Section 1983 liability requires that the defendant act under color of state law. *West*  
22 *v. Atkins*, 487 U.S. 42, 48 (1988). “Because § 1983 claims exclude ‘merely private  
23 conduct, no matter how discriminatory or wrong,’ determining whether a private party  
24 acted under color of state law begins with the ‘presumption that private conduct does not  
25 constitute governmental action.’” *Douglass v. HonorHealth*, 2024 WL 4475093, at \*2 (D.  
26 Ariz. 2024) (quoting *Sutton v. Providence St. Joseph Med. Ctr.*, 192 F.3d 826, 835 (9th  
27 Cir. 1999)); *see also O’Handley v. Weber*, 62 F.4th 1145, 1155–56 (9th Cir. 2023) (holding  
28 that state actor status applies to private entities only in “exceptional cases”).

1           There are “at least four different criteria, or tests, used to identify state action:  
2           ‘(1) public function; (2) joint action; (3) governmental compulsion or coercion; and  
3           (4) governmental nexus.’” *Kirtley v. Rainey*, 326 F.3d 1088, 1092 (9th Cir. 2003) (quoting  
4           *Sutton*, 192 F.3d at 835–36). “Satisfaction of any one test is sufficient to find state action,  
5           so long as no countervailing factor exists.” *Id.* (citation omitted). The central question  
6           under all four is the same: “whether the conduct of a private actor is fairly attributable to  
7           the State.” *Ochoa v. Pub. Consulting Grp., Inc.*, 48 F.4th 1102, 1109 (9th Cir. 2022) (citing  
8           *Tsao v. Desert Palace, Inc.*, 698 F.3d 1128, 1139 (9th Cir. 2012)).

9           Plaintiffs argue that Woodnick’s coordination with court-appointed BIA Stromfors  
10          satisfies the joint action test. (Doc. 25 at 17.) “A plaintiff can show joint action either by  
11          proving the existence of a conspiracy or by showing that the private party was a willful  
12          participant in joint action with the State or its agents.” *O’Handley*, 62 F.4th at 1159  
13          (quotation marks omitted). Plaintiffs invoke only the latter approach, arguing that  
14          Woodnick and Stromfors were “intertwined in a symbiotic relationship” because each  
15          depended on the other’s participation for the alleged scheme to succeed. (Doc. 25 at 17.)  
16          That argument fails.

17          For purposes of the state action doctrine, “joint action exists when the state has so  
18          far insinuated itself into a position of interdependence with [the private entity] that it must  
19          be recognized as a joint participant in the challenged activity.” *Tsao*, 698 F.3d at 1140  
20          (quotation marks omitted). “This test is intentionally demanding and requires a high degree  
21          of cooperation between private parties and state officials to rise to the level of state action.”  
22          *O’Handley*, 62 F.4th at 1159–60 (citing *Franklin v. Fox*, 312 F.3d 423, 445 (9th Cir.  
23          2002)). To satisfy this standard, a private defendant must share with the public entity the  
24          goal of violating a plaintiff’s constitutional rights; it is not enough that the private party  
25          and a state actor were involved in the same proceedings or achieved a mutually beneficial  
26          outcome. *See id.* at 1159–61 (holding that information sharing between the government  
27          and private entity does not rise to state action even when the private entity and the  
28          government share the same goal); *Franklin*, 312 F.3d at 445 (“To be liable as a co-

1 conspirator, a private defendant must share with the public entity the goal of violating a  
2 plaintiff's constitutional rights."). Conclusory allegations unsupported by facts will not  
3 suffice to transform private conduct into state action. *Price v. Hawaii*, 939 F.2d 702, 708  
4 (9th Cir. 1991).

5 The allegations in the Complaint do not give rise to a plausible inference that  
6 Woodnick and any state official were entwined to the requisite degree. Plaintiffs allege  
7 that Woodnick and Stromfors were interdependent because each needed the other for the  
8 alleged scheme to succeed, *i.e.* Woodnick to control "Moniz (*e.g.* pretending that alienation  
9 occurred, the \$500 deposit prior to any order, etc.)," and Stromfors to file the Emergency  
10 Motion based on that narrative. (Doc. 25 at 17.) But the mere fact that two parties in the  
11 same litigation pursued compatible goals and achieved a shared outcome does not establish  
12 the high degree of cooperation the willful-participant joint-action approach requires. *See*  
13 *O'Handley*, 62 F.4th at 1159–60. Mutual benefit from adversarial litigation is, again, an  
14 unremarkable feature of family court proceedings, not evidence of unconstitutional state  
15 action. The Complaint alleges no specific communication between Woodnick and  
16 Stromfors aimed at depriving Shai of his constitutional rights, no identified meeting or  
17 agreement directed toward that purpose, and no conduct that goes beyond Woodnick's role  
18 as Moniz's privately retained counsel. Such conclusory allegations, devoid of specific  
19 facts as to when and how any purported joint action occurred, are insufficient to establish  
20 state action. *See Price*, 939 F.2d at 708.<sup>9</sup>

21 Because Plaintiffs have not sufficiently alleged joint action, and because no other  
22 recognized basis for state action is alleged, they have failed to state § 1983 claims against  
23 Woodnick. Accordingly, the § 1983 claims against him will be dismissed.

24  
25 <sup>9</sup> This conclusion is reinforced by the Related Case, in which another judge on this  
26 court dismissed § 1983 claims against Randy Rand—the owner and operator of Building  
27 Family Bridges—for failure to establish state action. *Segui*, 2025 WL 1785254, at \*7.  
28 Rand allegedly had "closed-door conversations" with Stromfors and arranged for Shai's  
*Id.* Woodnick's alleged connection to any state actor is substantially weaker than Rand's  
in every respect. If the program operator himself was not a state actor, Moniz's privately  
retained attorney, whose only alleged conduct is participating in a conversation and  
representing his client in court, cannot be one either.

#### 4. Leave to Amend

The Ninth Circuit strongly favors leave to amend, and courts should “freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2); *Foman v. Davis*, 371 U.S. 178, 182 (1962). “Although leave to amend should be given freely, denying leave is not an abuse of discretion if it is clear that granting leave to amend would have been futile.” *In re Cloudera, Inc.*, 121 F.4th 1180, 1189–90 (9th Cir. 2024) (quotation marks omitted). “[A] proposed amendment is futile only if no set of facts can be proved under the amendment to the pleadings that would constitute a valid and sufficient claim.” *Miller v. Rykoff-Sexton, Inc.*, 845 F.2d 209, 214 (9th Cir. 1988), *overruled on other grounds by Ashcroft v. Iqbal*, 556 U.S. 662 (2009).

Plaintiffs will be granted leave to amend their claims against Woodnick. The deficiencies identified above are primarily ones of factual specificity rather than categorical legal bars. Plaintiffs face a high hurdle to cure these deficiencies—the legal standards governing RICO liability and § 1983 state action impose demanding requirements that routine legal representation is unlikely to satisfy. Nonetheless, given that Plaintiffs have not previously had an opportunity to amend, they will be granted leave to do so.

#### B. Defendant Stromfors’s Motion to Dismiss

Stromfors moves to dismiss all claims against her on multiple grounds. She raises three threshold defenses—*res judicata*, qualified immunity, and statute of limitations—before arguing that Plaintiffs have failed to state a cognizable RICO or § 1983 claim on the merits.

As a threshold matter, Shai does not bring RICO claims in this case. Rather, Counts 1 and 2 of the Complaint assert RICO claims on behalf of David only. (Doc. 1 at 21.) Shai’s claims against Stromfors are limited to the § 1983 claims in Counts 6 and 7. (*Id.* at 28–32.) Plaintiffs’ response incorrectly argues as though Shai brings RICO claims against Stromfors, but he does not. (*See* Doc. 26 at 11–15.) The proper analysis, therefore, only involves Shai’s § 1983 claims and David’s RICO claims against Stromfors.

1                   **1.     Res Judicata**

2           Rule 8(c) of the Federal Rules of Civil Procedure designates res judicata as an  
3 affirmative defense, which ordinarily may not be raised in a motion to dismiss. *Scott v.*  
4 *Kuhlmann*, 746 F.2d 1377, 1378 (9th Cir. 1984). Res judicata may nonetheless be asserted  
5 at the motion to dismiss stage so long as it does not raise any disputed issues of fact. *Id.*;  
6 *Baskin v. Fed. Home Mortg. Corp.*, 2012 WL 6029741, at \*1 (D. Ariz. 2012). Stromfors  
7 bases her res judicata argument on the Complaint in this action, the operative complaint in  
8 the Related Case, and the order dismissing Stromfors on qualified immunity grounds in  
9 that case. (See Doc. 1; Related Case, Doc. 70; Related Case, Doc. 89; *Segui*, 2025 WL  
10 1785254 (D. Ariz. 2025)).<sup>10</sup> Stromfors’s res judicata argument therefore does not present  
11 any disputed issues of fact, and consideration of it on a motion to dismiss is appropriate.  
12 *See Baskin*, 2012 WL 6029741 at \*1.

13                   a.     Shai’s § 1983 Claim

14           Stromfors contends that Shai’s § 1983 claims are barred by res judicata in light of  
15 the Related Case, in which identical § 1983 claims against Stromfors were dismissed on  
16 qualified immunity grounds. (Doc. 20 at 7.) She is correct.

17           Claim preclusion is a doctrine that “bars a party in successive litigation from  
18 pursuing claims that were raised or could have been raised in a prior action.” *Media Rts.*  
19 *Techs., Inc. v. Microsoft Corp.*, 922 F.3d 1014, 1020 (9th Cir. 2019) (quotation marks  
20 omitted). Claim preclusion applies when a previous proceeding “(1) involved the same  
21 claim or cause of action as the later suit, (2) reached a final judgment on the merits, and  
22 (3) involved identical parties or privies.” *Save Bull Trout v. Williams*, 51 F.4th 1101, 1107  
23 (9th Cir. 2022) (cleaned up). All three elements are satisfied here.

24           The second and third elements are easily resolved. The dismissal of Shai’s § 1983  
25 claims against Stromfors in the Related Case on qualified immunity grounds constitutes a

26 <sup>10</sup> The Court takes judicial notice of certain filings in the Related Case, *Segui v.*  
27 *Stromfors*, No. 2:24-cv-01171-DGC (D. Ariz.), because that case is relevant to the res  
28 *judicata* analysis that follows. *See Robert Kubicek Architects*, 2012 WL 3149348, at \*1.  
Specifically, the Court takes judicial notice of the following filings: the operative complaint  
(Related Case, Doc. 70), and the order dismissing Stromfors on qualified immunity  
grounds (Related Case, Doc. 89; *Segui*, 2025 WL 1785254 (D. Ariz. 2025)).

1 final judgment on the merits. *See Federated Dep't Stores, Inc. v. Moitie*, 452 U.S. 394,  
2 399 n.3 (1981) (“dismissal for failure to state a claim under Federal Rule of Civil Procedure  
3 12(b)(6) is a judgment on the merits” (quotation marks omitted)). The fact that Shai has  
4 appealed that dismissal to the Ninth Circuit does not alter its preclusive effect. *Tripati v.*  
5 *Henman*, 857 F.2d 1366, 1367 (9th Cir. 1988) (“[A] final judgment retains all of its res  
6 judicata consequences pending decision of the appeal.” (quotation marks omitted)). As to  
7 parties, Shai was the plaintiff and Stromfors was the defendant in the Related Case, and  
8 both are parties here.

9 The first element—whether the two suits involve the same claim or cause of  
10 action—is assessed by examining four factors: “(1) whether the rights or interests  
11 established by the prior judgment would be destroyed or impaired by prosecution of the  
12 second action, (2) whether substantially the same evidence is presented in the two actions,  
13 (3) whether the two suits involve infringement of the same right, and (4) whether the two  
14 suits arise out of the same transactional nucleus of facts.” *GP Vincent II v. Estate of Beard*,  
15 68 F.4th 508, 515 (9th Cir. 2023) (citing *Mpoyo v. Litton Electro-Optical Sys.*, 430 F.3d  
16 985, 987 (9th Cir. 2005)). The fourth factor is the most important. *Id.*

17 The first factor weighs in favor of preclusion. The Related Case established that  
18 Stromfors is entitled to qualified immunity for her conduct as court-appointed BIA in  
19 connection with these proceedings. *Segui*, 2025 WL 1785254 at \*3–4. Permitting Shai to  
20 relitigate his § 1983 claims against Stromfors on the same facts would directly undermine  
21 that determination and expose Stromfors to precisely the liability the prior judgment  
22 foreclosed.

23 The second factor also weighs in favor of preclusion. The Complaint here draws on  
24 the same documents, orders, and events as the operative complaint in the Related Case.  
25 (See Doc. 1; Related Case, Doc. 70.) Shai would necessarily rely on substantially the same  
26 evidentiary record in this action as he presented or could have presented in the Related  
27 Case.

28 The third factor also weighs in favor of preclusion. Both actions assert § 1983

1 claims against Stromfors arising from the same alleged deprivation of Shai’s constitutional  
2 rights in connection with the same proceedings. That Shai now invokes the Fourth  
3 Amendment in addition to the Fourteenth does not change the analysis. Claim preclusion  
4 bars not only those claims actually litigated in a prior proceeding, but also “[n]ewly  
5 articulated claims based on the same nucleus of facts . . . if the claims could have been  
6 brought in the earlier action.” *Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg’l Plan.*  
7 *Agency*, 322 F.3d 1064, 1078 (9th Cir. 2003). Shai could have raised his Fourth  
8 Amendment seizure theory in the Related Case—the same facts were fully available to him  
9 then—and he cannot avoid preclusion by holding that theory in reserve for a second action.

10 The fourth factor most clearly favors preclusion and is the most important factor.  
11 *GP Vincent II*, 68 F.4th at 515. The Complaint in this action and the operative complaint  
12 in the Related Case rest on the same events: Stromfors’s appointment as BIA, the filing of  
13 the Emergency Motion, the transportation of Shai to Building Family Bridges, and the no-  
14 contact period between Shai and David that followed. (*See* Doc. 1; Related Case, Doc.  
15 70.) There is no meaningful factual distinction between the two pleadings as to Stromfors.  
16 (*See id.*) That Shai has added stylistic or organizational variations to the framing of his  
17 claims in this action does not alter their essential factual predicate.

18 Because all four factors favor preclusion and the prior judgment was final and on  
19 the merits, Shai’s § 1983 claims against Stromfors are barred by res judicata. The Court  
20 will dismiss those claims. Because Shai’s § 1983 claims are barred by res judicata, leave  
21 to amend would be futile and is denied. *See In re Cloudera, Inc.*, 121 F.4th at 1189–90.  
22 No amendment to the pleadings can alter the identity of the parties, the finality of the prior  
23 judgment, or the identity of the claims.

24 b. David’s Claims

25 Stromfors does not dispute that David was not a party to the Related Case, (*see* Doc.  
26 20 at 12), and thus acknowledges that she must establish privity to invoke res judicata as  
27 to David’s RICO claims against her. *Enyart v. Cnty. of San Bernadino*, 2025 WL 1090954,  
28 at \*3 (C.D. Cal. 2025). To do so, she relies on the doctrine of “virtual representation.”

1 (See Doc. 20 at 12; Doc. 28 at 7.) That argument fails.

2 “The application of claim and issue preclusion to nonparties . . . runs up against the  
3 deep-rooted historic tradition that everyone should have his own day in court.” *Taylor v.*  
4 *Sturgell*, 553 U.S. 880, 892–93 (2008) (quotation marks omitted). Reflecting that tradition,  
5 the general rule is that “one is not bound by a judgment *in personam* in a litigation in which  
6 he is not designated as a party or to which he has not been made a party by service of  
7 process.” *Id.* at 893 (quoting *Hansberry v. Lee*, 311 U.S. 32, 40 (1940)). The Supreme  
8 Court recognizes six exceptions to the rule against nonparty preclusion: (1) where there is  
9 an agreement between a party and the nonparty; (2) where there is a “preexisting  
10 substantive legal relationship” between the party and the nonparty; (3) where the nonparty  
11 was adequately represented by a party with the same interest; (4) where the nonparty  
12 “assumed control over the litigation”; (5) where the nonparty seeks to relitigate as a proxy  
13 or representative for the party to the earlier proceeding; and (6) where a “special statutory  
14 scheme” expressly forecloses subsequent litigation by nonparties. *Id.* at 892–95 (cleaned  
15 up).

16 Stromfors’s reliance on “virtual representation” is misplaced because the Supreme  
17 Court squarely disapproved of “preclusion by ‘virtual representation’” in *Taylor*. *Id.* at  
18 885; *see also United States v. Bhatia*, 545 F.3d 757, 758 (9th Cir. 2008) (“[Appellant’s]  
19 argument is a variation on the ‘virtual representation’ theory recently rejected by the  
20 Supreme Court in *Taylor*[.]”). Stromfors did not cite *Taylor* in her Motion and Reply.  
21 (Docs. 20, 28.) Despite this oversight, her argument will be construed as an assertion that  
22 the familial relationship between David and Shai establish privity through “adequate  
23 representation,” the first category of the privity exceptions outlined above.

24 In *Taylor*, the Supreme Court confirmed that “in certain limited circumstances, a  
25 nonparty may be bound by a judgment because she was adequately represented by someone  
26 with the same interests who was a party to the suit.” 553 U.S. at 894 (cleaned up).  
27 However, a party’s representation of a nonparty is adequate for preclusion purposes only  
28 if, at a minimum: “(1) the interests of the nonparty and her representative are aligned; and

1 (2) either the party understood herself to be acting in a representative capacity or the  
2 original court took care to protect the interests of the nonparty.” *Id.* at 900 (cleaned up).

3 Neither condition exists here. David and Shai do not have aligned interests for  
4 purposes of privity. Shai’s claims in the Related Case were § 1983 constitutional claims  
5 seeking redress for the deprivation of his own liberty interests. (*See* Related Case, Doc.  
6 70.) David’s claims here are RICO claims seeking redress for financial injury and the loss  
7 of his parental rights. (*See generally* Doc. 1.) David and Shai’s theories of liability, the  
8 evidence relevant to each, and the relief sought are distinct. Nor is there any basis to  
9 conclude that Shai understood himself to be litigating in a representative capacity on  
10 David’s behalf, or that the court in the Related Case took steps to protect David’s interests.  
11 The fact that they are father and son, share the same counsel, and hold parallel grievances  
12 does not satisfy Taylor’s requirements. *Cf. Enyart*, 2025 WL 1090954, at \*3–4 (rejecting  
13 privity where parties’ interests, though related, were premised on different theories of  
14 liability). Accordingly, *res judicata* does not bar David’s claims.

## 15 2. Statute of Limitations—David’s RICO Claims

16 Stromfors also argues that David’s RICO claims are time-barred because David had  
17 actual knowledge of his injury no later than January 6, 2021—the date he was present in  
18 court, sworn in, and acknowledged his understanding that the boys would be transported  
19 to Building Family Bridges—and that his May 2025 filing therefore falls outside the four-  
20 year limitations period for federal civil RICO claims and the three-year period for  
21 Arizona’s state analog.<sup>11</sup> (Doc. 20 at 13–14, 17.) Plaintiffs respond that the clock did not  
22 start until Shai was permitted to communicate with David, because only then could David  
23 have learned the full extent of what occurred during the Building Family Bridges program  
24 and the ensuing aftercare period. (Doc. 26 at 20–21.)

25 <sup>11</sup> Stromfors raises the statute of limitations as a threshold defense; Woodnick did not.  
26 The statute of limitations is an affirmative defense that must be affirmatively stated in a  
27 responsive pleading and may be forfeited if not raised. *See* Fed. R. Civ. P. 8(c)(1). The  
28 Court therefore addresses the limitations question only as to Stromfors. The dismissal of  
David’s RICO claims against Woodnick rests independently on the failure to state a claim  
under Rule 12(b)(6), which provides a sufficient and complete basis for dismissal  
regardless of timeliness.

1 A four-year statute of limitations applies to civil RICO actions.<sup>12</sup> *Agency Holding*  
2 *Corp. v. Malley-Duff & Assocs.*, 483 U.S. 143, 156 (1987). This “limitations period begins  
3 to run when a plaintiff knows or should know of the injury that underlies his cause of  
4 action.” *Pincay v. Andrews*, 238 F.3d 1106, 1109 (9th Cir. 2001) (quoting *Grimmett*, 75  
5 F.3d at 510). The clock starts upon discovery of the injury itself, not upon discovery of the  
6 pattern of racketeering activity or the full scope of the alleged scheme. *See Rotella v.*  
7 *Wood*, 528 U.S. 549, 553–54 (2000). A plaintiff cannot delay accrual by arguing that he  
8 did not yet appreciate all dimensions of the conduct that caused his injury. *See id.* Thus,  
9 to state a timely claim, David must have discovered his injury after May 29, 2021—four  
10 years before he filed this action.

11 Plaintiffs concede that the injury discovery rule applies, but dispute when David’s  
12 injury occurred. They argue that David’s injury occurred when he “learned of the extent  
13 to which” Shai was “abused and tortured”—which they contend could not have happened  
14 “until Shai was finally allowed to communicate with his own father.” (Doc. 26 at 20–21.)  
15 By their account, Shai was “captured and imprisoned” away from David “for  
16 approximately 420 days” beginning in January 2021. (*Id.* at 20.) To the extent Plaintiffs  
17 contend that this is the period during which David could not have learned of Shai’s  
18 experience, that places the earliest possible accrual date under their own theory at  
19 approximately late February 2022. Plaintiffs assert that because this action was filed in  
20 May 2025, less than four years later, David’s claims are timely. (*Id.* at 20–21.)

21 Although David may not have appreciated the full extent of the alleged scheme until  
22 Shai communicated with him, the law is clear that discovery of the injury commences the  
23 limitations period, not discovery of its full scope. *See Rotella*, 528 U.S. at 553–54.  
24 David’s injury is the deprivation of his custody and his relationship with his sons; it is not

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25  
26 <sup>12</sup> As with Stromfors’s *res judicata* arguments, the statute of limitations is an  
27 affirmative defense under Rule 8(c), but it may be raised on a motion to dismiss where, as  
28 here, the defense is apparent on the face of the complaint and raises no disputed issues of  
fact. *Jablon v. Dean Witter & Co.*, 614 F.2d 677, 682 (9th Cir. 1980) (“If the running of  
the statute is apparent on the face of the complaint, the defense may be raised by a motion  
to dismiss.”).

1 learning “the full extent of” Shai’s abuse, or the alleged scheme to keep the boys at  
2 Building Family Bridges. At the very latest, David knew of the injury to his parental rights  
3 on January 6, 2021. By that date, the Temporary Order removing Shai and his brother from  
4 David’s custody had been entered, the boys were being transported to Building Family  
5 Bridges, and the no-contact period between David and his sons had begun. (*See* Doc. 1 at  
6 ¶¶ 76, 77, 82–90, 98.) Thus, he had to have filed his claim on January 6, 2025. David filed  
7 this action on May 29, 2025, four months after the limitations period expired. (*See id.*)

8 Plaintiffs’ argument that David could not have discovered the full extent of the  
9 injury until Shai was permitted to communicate with him conflates discovery of David’s  
10 own injury with discovery of his son’s experience at Building Family Bridges. Those are  
11 distinct inquiries, and only the former is relevant to accrual of David’s claims. His federal  
12 RICO claims under 18 U.S.C. § 1962(c) and (d) are therefore time-barred and will be  
13 dismissed.<sup>13</sup> Because amendment would be futile—no amendment can change when  
14 David’s injury occurred, when he had knowledge of it, or when this action was filed—  
15 leave to amend is denied. *See In re Cloudera*, 121 F.4th at 1189–90.

16 David’s Arizona RICO claim under A.R.S. § 13-2314.04 fares no better.<sup>14</sup>  
17 Arizona’s analog carries a three-year limitations period—not a four-year limitations  
18 period—running from the date the violation was discovered or reasonably should have  
19 been discovered. A.R.S. § 13-2314.04(F); *see also Zwicky v. Diamond Resorts Inc.*, 2021  
20 WL 2685585, at \*4 (D. Ariz. 2021). That period expired no later than January 2024, well  
21 over a year before this action was filed. Accordingly, David’s Arizona RICO claim is time-  
22 barred and will be dismissed. Because this claim is time-barred as a matter of law, leave

23  
24 <sup>13</sup> Plaintiffs also argue that the statute of limitations has not run as to Shai because he  
25 did not reach the age of majority until July 14, 2023. (Doc. 26 at 21.) That argument is  
inapplicable. Shai does not bring RICO claims, and his § 1983 claims are disposed of on  
res judicata grounds independent of any limitations analysis.

26 <sup>14</sup> Plaintiffs incorrectly assert that Arizona’s civil RICO statute carries a four-year  
27 limitations period, citing *Barker v. Brown & Brown*, 210 Ariz. 321, 110 P.3d 1011 (Ct.  
28 App. 2005). That citation is addressed separately. *See infra* Section IV(C). As relevant  
here, the correct limitations period under A.R.S. § 13-2314.04(F) is three years, not four—  
meaning David’s Arizona RICO claim is time-barred by an even wider margin than his  
federal claim.

1 to amend would be futile and is denied. *See In re Cloudera*, 121 F.4th at 1189–90.

### 2 C. Sanctions and Vexatious Litigant Request

3 Stromfors requests that the Court sanction Plaintiffs and their counsel under Federal  
4 Rule of Civil Procedure 11(b) and 28 U.S.C. § 1927 and declare Plaintiffs vexatious  
5 litigants subject to a pre-filing order barring further litigation against Stromfors in  
6 connection with her role as BIA. (Doc. 20 at 18–19.) The Court declines these requests.

7 Rule 11 sanctions must be sought by a motion separate from any other motion and  
8 are subject to the rule’s safe harbor provision, which requires the moving party to serve the  
9 proposed sanctions motion on opposing counsel twenty-one days before filing in order to  
10 allow an opportunity for voluntary correction. Fed. R. Civ. P. 11(c)(2); *see also Barber v.*  
11 *Miller*, 146 F.3d 707, 710 (9th Cir. 1998). Stromfors did not file a separate Rule 11 motion  
12 and did not comply with the safe harbor procedure; the request embedded within her  
13 motion to dismiss is therefore procedurally deficient on its face. *Holgate v. Baldwin*, 425  
14 F.3d 671, 678 (9th Cir. 2005); *Barber*, 146 F.3d at 710 (holding that “[a]n award of [Rule  
15 11] sanctions cannot be upheld” where party seeking sanctions did not provide twenty-one  
16 day notice period).

17 The request under 28 U.S.C. § 1927 will also be denied. Under § 1927, any attorney  
18 who “multiplies the proceedings in any case unreasonably and vexatiously may be required  
19 by the court to satisfy personally the excess costs, expenses, and attorneys’ fees reasonably  
20 incurred because of such conduct.” 28 U.S.C. § 1927. “Courts wishing to impose  
21 sanctions under § 1927 must make a finding that the attorney to be sanctioned acted with  
22 ‘subjective bad faith.’” *Caputo v. Tungsten Heavy Powder, Inc.*, 96 F.4th 1111, 1153 (9th  
23 Cir. 2024) (quoting *New Alaska Dev. Corp. v. Guetschow*, 869 F.2d 1298, 1306 (9th Cir.  
24 1989)). “Bad faith is present when an attorney knowingly or recklessly raises a frivolous  
25 argument, or argues a meritorious claim for the purpose of harassing an opponent.” *In re*  
26 *Keegan Mgmt. Co., Sec. Litig.*, 78 F.3d 431, 436 (9th Cir. 1996) (quotation marks omitted).

27 Although Plaintiffs did not respond to this request, (*see generally* Doc. 26), the  
28 absence of a response does not relieve Stromfors of the burden of establishing the predicate

1 for sanctions. On the record before the Court, a finding of subjective bad faith cannot be  
2 made. The claims Plaintiffs have brought, while ultimately unsuccessful, are not so lacking  
3 in legal or factual foundation as to permit an inference that counsel pursued them for  
4 purposes of harassment or delay rather than to vindicate their clients' asserted rights. The  
5 fact that this is Plaintiffs' second federal action arising from the same family court  
6 proceedings, and that some of the claims raised here were previously adjudicated against  
7 them, is relevant context, but repetitive litigation, standing alone, does not establish the  
8 subjective bad faith that § 1927 requires. That Plaintiffs have pursued claims that  
9 ultimately fail, or that they have relitigated issues previously decided against them, does  
10 not, without more, establish the kind of knowing or reckless misconduct § 1927 requires.

11 The Court raises a separate matter sua sponte. In opposing the statute of limitations  
12 argument, Plaintiffs cite *Barker v. Brown & Brown*, 210 Ariz. 321, 110 P.3d 1011 (Ct.  
13 App. 2005) for the proposition that Arizona's civil RICO statute carries a four-year  
14 limitations period. (Doc. 26 at 20.) This case does not exist. Additionally, the proposition  
15 for which it is cited is also incorrect: the four-year period established by *Agency Holding*  
16 *Corp.*, 483 U.S. 143 (1987), applies to federal civil RICO claims only. Arizona's private  
17 RICO action is governed by the three-year period set forth in A.R.S. § 13-2314.04(F).

18 Citation to nonexistent authority is a serious matter that implicates counsel's  
19 obligations under Federal Rule of Civil Procedure 11(b)(2) to certify that all legal citations  
20 are warranted by existing law and are the product of reasonable inquiry. The fabrication  
21 of legal citations, whether through artificial intelligence or otherwise, undermines the  
22 integrity of the judicial process. Pursuant to Federal Rule of Civil Procedure 11(c)(3),  
23 which authorizes the Court on its own initiative to "order an attorney, law firm, or party to  
24 show cause why conduct specifically described in the order has not violated Rule 11(b)," the  
25 Court will order Plaintiffs' counsel to show cause in writing why sanctions should not  
26 be imposed for citation to a nonexistent case.

27 For the reasons stated above,

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