

**Subject:** Legal Notice: Fraudulent Check & Unjust Enrichment

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**From:** michael gasio <gasio77@yahoo.com>

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**Subject:** Legal Notice: Fraudulent Check & Unjust Enrichment

Mr. Silverstein,

In court, you indicated that the sealed envelope you sent contained a check as a refund for my e-payment. However, you also made it clear that you are still attempting to collect the rent for the same period that this check allegedly covers. That raises a serious legal contradiction—one that falls squarely under unjust enrichment and fraud.

On Tuesday, I will be presenting this check at Wells Fargo, and it had better clear. If it does not, then you will have:

1. Committed fraud by falsely claiming a valid refund to the court.
2. Attempted to obtain a double payment by knowingly keeping funds while still demanding rent.
3. Violated California's laws against unjust enrichment, potentially adding another felony to your situation.

#### Legal Precedents Against Unjust Enrichment & Fraudulent Check Use

California Civil Code § 1712 – A party that refuses a payment and later demands the same debt commits bad faith and unjust enrichment.

Philpott v. Superior Court, 1 Cal. 2d 512 (1934) – Courts will not permit a party to retain funds while simultaneously claiming an unpaid obligation.

Bradley v. Google, Inc., 2006 WL 3798134 (N.D. Cal.) – Demonstrates bad faith when a party falsely claims to return money while attempting to collect the same debt.

People v. Beaver, 186 Cal. App. 4th 107 (2010) – Establishes that knowingly issuing a worthless check constitutes fraud and can trigger criminal liability.

If the check does not clear, then you have knowingly:

Presented false evidence in court

Engaged in attempted financial fraud

Violated California's banking and fraud statutes

#### Final Notice

If this check is invalid or fails to clear, you will be personally responsible for:

Criminal charges under California's fraud statutes

Judicial sanctions for misleading the court

Potential civil penalties for unjust enrichment

This is not an accusation—it's a simple fact of banking law and contract enforcement. If the check was truly valid, it will clear. If not, you've committed another serious violation.

I look forward to the outcome.

Sincerely,  
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