

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TYCE BONJORNO,

Plaintiff,

v.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES, et al.,

Defendants.

Case No. 6:25-cv-01042-JWB-GEB

**PLAINTIFF'S SUPPLEMENTAL JUDICIAL NOTICE AND STATEMENT OF NON-
REBUTTAL REGARDING PATERNITY ADJUDICATION**

Plaintiff TYCE BONJORNO respectfully submits this Supplemental Judicial Notice and Statement of Non-Rebuttal in connection with Defendants' pending Motion to Dismiss (Doc. 35).

This filing is not intended to repeat arguments already made, but to clarify and reinforce a material fact that remains unrebutted by Defendants and is dispositive to the Court's ruling on jurisdiction and immunity.

This filing is made pursuant to Federal Rule of Evidence 201(d), and is necessary to reaffirm a dispositive jurisdictional defect that remains unrebutted by Defendants: there has never been an adjudication of paternity in this case.

I. SUPPLEMENTAL JUDICIAL NOTICE UNDER FED. R. EVID. 201(d)

Federal Rule of Evidence 201 permits the Court to take judicial notice of a fact “not subject to reasonable dispute” because it:

- (1) is generally known within the trial court’s territorial jurisdiction; or
- (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

Plaintiff respectfully requests that the Court take judicial notice of the following indisputable fact:

There is no adjudication of paternity involving Plaintiff Tyce Bonjorno in any Kansas district court.

This fact is supported by Exhibit A: an official email from the Rush County Clerk of Court, confirming after a record search that no such adjudication exists. This fact has been judicially noticed previously, and Defendants have not challenged it in any responsive filing.

II. STATEMENT OF NON-REBUTTAL

Despite Plaintiff’s documented and repeated assertions, Defendants failed to rebut this jurisdictional fact in their Motion to Dismiss:

- No certified court order establishing paternity has been submitted.
- No acknowledgment of paternity has been produced under K.S.A. § 23-2204.
- No hearing, judgment, or adjudicative proceeding has ever occurred establishing paternity.

Defendants' failure to dispute this fact renders it admitted for purposes of this motion, and confirms that all enforcement actions taken by DCF were based on void legal instruments.

III. LEGAL CONSEQUENCES: VOID ORDERS AND COLLAPSED IMMUNITY

Because no adjudication of paternity exists, every enforcement action taken by DCF under the guise of a child support or custody order is void ab initio, and thus:

- Not entitled to sovereign immunity under the Eleventh Amendment (see *Ex Parte Young*, 209 U.S. 123 (1908));
- Not shielded by qualified immunity (see *Hafer v. Melo*, 502 U.S. 21 (1991));
- Not protected by any prosecutorial or quasi-judicial immunity (see *Burns v. Reed*, 500 U.S. 478 (1991)).

It is well-settled that immunity does not attach to acts taken without jurisdiction. See:

- *Dennis v. Sparks*, 449 U.S. 24, 27 (1980) – “Private persons, jointly engaged with state officials in the challenged action, are acting ‘under color’ of law... even if the judge was immune.”
- *Stump v. Sparkman*, 435 U.S. 349, 356–57 (1978) – Judicial immunity does not apply where actions are taken in the clear absence of jurisdiction.
- *Rankin v. Howard*, 633 F.2d 844 (9th Cir. 1980) – Child support orders entered without valid jurisdiction are void and do not trigger immunity protections.
- *In re Marriage of Wherrell*, 274 Kan. 984 (2002) – In Kansas, paternity must be judicially determined before any child support obligations can be imposed.

IV. CONCLUSION

Plaintiff respectfully requests that the Court:

1. Take final judicial notice of the fact that no adjudication of paternity exists;
2. Acknowledge Defendants' failure to rebut this dispositive jurisdictional fact;
3. Conclude that all state court orders issued or enforced by Defendants were void ab initio;
4. Rule that all immunity defenses collapse under Ex Parte Young, Hafer, Dennis, and related cases;
5. Deny Defendants' Motion to Dismiss (Doc. 35) in full.

Respectfully submitted,



/s/ Tyce Bonjorno

Tyce Bonjorno

Plaintiff, Pro Se

605 West South St. Suite 271

Leander, TX 78641

512-579-1329

Tyceanthony@me.com

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of July, 2025, a true and correct copy of the foregoing Plaintiff's Final Opposition to Defendants' Motion to Dismiss (Doc. 35) was served via electronic filing through the CM/ECF system, which will send notice to all counsel of record.

Respectfully submitted,



/s/ Tyce Bonjorno

Tyce Bonjorno

Plaintiff, Pro Se

605 West South Street, Suite 271

Leander, TX 78641

tyceanthony@me.com

(512) 579-1329

EXHIBIT A

This exhibit contains email correspondence from the Rush County Clerk's Office confirming that no judicial adjudication of paternity was ever issued in the underlying case.

Submitted in support of Plaintiff's Complaint.



Handymanlawns.com

Paternity Documents Request

To: Erin Werth

June 20, 2025 at 2:42 PM



Siri Found a Contact

Handymanlawns.com

tyceanthony@me.com

Add



Hi Erin,

Can you check and let me know if there's any signed court order adjudicating paternity or a signed VAP on file for any of the three kids in my case? If so, I'd like to get a copy.

Thanks,

Tyce Bonjorno

Tyce Bonjorno
512-579-1329



Erin Werth

June 20, 2025 at 4:49 PM

RE: Paternity Documents Request

To: Handymanlawns.com

Tyce do you by any chance know when this would have been filed?

From: [Handymanlawns.com](mailto:tyceanthony@me.com) . <tyceanthony@me.com>

Sent: Friday, June 20, 2025 2:43 PM

To: Erin Werth <Erin.Werth@kscourts.gov>

Subject: Paternity Documents Request

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[See More](#) from Handymanlawns.com

Found in Sent - iCloud Mailbox



Handymanlawns.com

June 20, 2025 at 5:05 PM

Re: Paternity Documents Request

To: Erin Werth

It should've been filed shortly after March 30, 2020. I believe Greg Schwartz was supposed to take care of it.

Tyce Bonjorno
512-579-1329

Confidentiality Notice: This electronic communication with its contents may contain confidential and/or privileged information. It is solely for the use

Found in Sent - iCloud Mailbox



Handymanlawns.com

June 22, 2025 at 4:49 PM

Re: Paternity Documents Request

To: Erin Werth

Erin

The March 30, 2020 order states that there was a "temporary adjudication for paternity" August 23, 2019. I cannot locate that and I have searched. That same 2020 order also states that a final order for adjudication for paternity will be prepared by council. I cannot locate that adjudication order either. If by chance you have the temporary adjudication on file and the current adjudication order on file, could you send those over? Please let me know either way if they have been filed or not. Thank you.

Tyce Bonjorno
512-579-1329

[See More from Handymanlawns.com](#)



Erin Werth

June 23, 2025 at 11:48 AM

RE: Paternity Documents Request

To: [Handymanlawns.com](#)

Hey Tyce, I'm not finding a Order of Paternity.

Erin

From: [Handymanlawns.com](#) . <tyceanthony@me.com>

Sent: Sunday, June 22, 2025 4:49 PM

To: Erin Werth <Erin.Werth@kscourts.gov>

Subject: Re: Paternity Documents Request

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[See More from Handymanlawns.com](#)

[See more from Handymanlawns.com](#)

Found in Sent - iCloud Mailbox



Handymanlawns.com

June 23, 2025 at 12:19 PM

Re: Paternity Documents Request

To: Erin Werth

OK, thank you Erin. Is there a "temporary" paternity for adjudication that may have been filed in August sometime of 2019?

Tyce Bonjorno
512-579-1329

Confidentiality Notice: This electronic communication with its contents may contain confidential and/or privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the

sender and destroy all copies of the communication. I thank you for your consideration

[See More from Erin Werth](#)



Erin Werth

June 23, 2025 at 1:13 PM

RE: Paternity Documents Request

To: Handymanlawns.com

Unless it is written in another Order in the case I don't see an Order just for Temporary either.

Erin

From: [Handymanlawns.com](mailto:tyceanthony@me.com) . <tyceanthony@me.com>

Sent: Monday, June 23, 2025 12:19 PM

To: Erin Werth <Erin.Werth@kscourts.gov>

Subject: Re: Paternity Documents Request

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[See More](#) from Handymanlawns.com

Found in Sent - iCloud Mailbox



Handymanlawns.com

June 23, 2025 at 1:26 PM

Re: Paternity Documents Request

To: Erin Werth



Siri Found a Contact

Handymanlawns.com
tyceanthony@me.com

Add

Thank you Erin

Tyce Bonjorno
512-579-1329