

UNITED STATES SUPREME COURT

Kerry Kruskal

vs

Alan and Larry Meltzer

18-5200

PETITION FOR REHEARING    RULE 44

**NOW COMES** Kerry Kruskal (“Kruskal”), *pro se*.

BACKGROUND INFORMATION AND UPDATE

Kruskal fully understands how hard it must be to believe that the New Mexico legal system is Corrupt. But with just a little effort, it is quite apparent.

1- Among other Richard DeStefano (“DeStefano”) indiscretions, Kruskal told the FBI how, DeStefano has stolen \$24,221.78 from this Meltzer trust account,

And more money from the trust account in case NO, 2003-3 PQ, In this case the courts have found a way to dismiss the charges without making any findings. It is on appeal.

And yet again more from the trust account in case number D-820-CV-2009-00019 In this case, Destefano claims that he did not steel the money, but rather, took it for “future anticipated attorney fees.” This is tantamount to admitting that Kruskal has paid of the judgment lien in full, and that these funds were stolen.

The courts have stalled to 2 years. Kruskal is presently “Begging” the FBI to come to the next hearing, April 11, 2019, such that they can see the overt corruption up close- First Hand.

How can this happen in the United states of America? The New Mexico courts, and Kruskal’s own attorneys, have been protecting DeStefano.

2- Kruskal attempted to get some desperately needed “credibility” by telling the FBI that his father Martin Kruskal    [https://en.wikipedia.org/wiki/Martin\\_David\\_Kruskal](https://en.wikipedia.org/wiki/Martin_David_Kruskal)

was head of applied math at Princeton University for 40 or 50 years, and received the presidential award from Clinton.

3- Kruskal reminded the FBI that when Michael Dreeben first applied for his position with the justice department, Michael Dreeben gave the FBI Kerry Kruskal's name as a character reference. Reversing the coordinates, Kruskal asked the FBI to call Dreeben as a character reference.

4- The FBI seemed especially interested when Kruskal explained how, in violation of the Fair Trades Act, DeStefano refuses to release the large judgment liens, even though they are all fully paid, and overpaid. That is- unless Kruskal will sign a blanket release for DeStefano and his clients from any future litigation involving even unrelated illegal behavior.

The Metlzers got paid for the judgment lien, in full, by releasing the property that was sold, but they never released the judgment lien itself, that is still filed against all of Kruskal's remaining properties.

#### Rule 44 New Argument and Undisputed Facts

5- The New Mexico district court refuses to rule if DeStefano stole the money.

Rather, The New Mexico Supreme Court upheld the lower court's Memorandum of opinion stating that Kruskal was required to "correct" the DeStefano calculations.

6- Kruskal did even better than correcting the DeStefano calculations. Instead, Kruskal actually used (accepted) the calculations provided by DeStefano himself.

7- Kruskal has covered the payoff demand twice. The second time was on 4/26/2017 at the Albuquerque sale. Inside of the *CREDITORS RESPONSE TO PURPORTED*

*EMERGENCY MOTION* Paragraph #1 Destefano states that he received \$22,661.25.

and "That amount reflects all of the amounts determined by this court in its Order of

3/28/2017- Kruskal proved the payoff using DeStefanos very own calculations.

There is no calculation for Kruskal to correct.

8- Exhibit "H", shows that on 10/1/2015 Kruskal paid \$105,619.81,

The Meltzers were claiming that \$96,211.82 was applied to the judgment lein principal

and interest. And the Metlzers claimed that there was another \$6,589.70 still owed on

principal and interest. Thus the total principal and interest owed was \$103,101.52 Using

the DeStefano calculations, Kruskal has overpaid the total principal and interest. (by

\$2,518.29)

Kruskal has now twice demonstrated a full payoff, and is thus entitled to a lien release.

9- But in order to further demonstrate that Kruskal is entitled to a lien release-

Paragraph 63- Inside the- *CERTIFICATE OF ATTORNEY In SUPPORT OF CREDITORS' MOTION FOR ATTORNEY FEES*

Paragraph 33. DeStefano says, "The actual charges were, as detailed in the Meltzer accounting, \$18,223.62 paid from Estate funds, and \$24,221.78 paid to my firm directly from various collected items, totaling \$42,445.40, which includes costs and taxes, ....."

There is no calculation for Kruskal to correct- Using DeStefano's very own accounting,

as of 10/12/2015, Kruskal overpaid the lien by \$42,445.40

10-- What calculations do the New Mexico courts expect Kruskal to correct. There is nothing for Kruskal to correct.

11- In exhibit "2", (perhaps the most revealing document) Kruskal actually does correct the

bottom line DeStefano calculation in order to show that as of 10/12/2015, Desteffano

overcharged Kruskal \$32,022.56 in interest. And this occurred because DeStefano actually

skimmed \$24,221.78 from the incoming checks, before sending the remainder to the Meltzers.

12- Only after Kruskal exposed the incorrect interest calculations, DeStefano suddenly provided documentation to demonstrate how much he “skimmed” from the trust account. Once again, Kruskal used this documentation provided by DeStefano.

There were no calculations to “correct” except to show that DeStefano had in fact stolen the \$24,221.78, and tried to hide this by overcharging Kruskal \$32,922.56 in interest.

13- Alan Meltzer is a certified CPA. Kruskal believes that Alan Meltzer had no idea that DeStefano had skimmed funds when he prepared the accounting.

14- It is unfair to claim that Kruskal did not correct DeStefano calculations without even identifying which calculations were not corrected- Nor what calculations actually need to be corrected.

15- When DeStefano was later awarded additional collection fees, Destefano prepared an “accounting” for the courts to demonstrate how much Kruskal owed.

Kruskal could not possibly correct these calculations. They are entirely unsubstantiated. They are simply numbers pulled out of thin air. There was nothing to do except expose them as gibberish. There was no documentation. No bills.

It is impossible for Kruskal to correct these nonsense, made-up calculations. And it is unfortunate that a district court would accept them as legitimate.

16- DeStefano’s favorite argument is, “You have to believe me. I am an attorney. I am an arm of the law.” And this absurd tactic is actually working.

The New Mexico courts have never given Kruskal clue, or even a hint, as to which calculations it wants corrected. Nor has it identified which calculations should have been corrected. Nor has it identified any calculations that actually need to be corrected.

**The New Mexico court erred because it failed to provide Kruskal with calculations. Thus, justice so demands that this Court intervene.**

Besides- it is unfair to expect Kruskal to correct calculations when he has not been told what legal theory the courts are relying on to determine that Destefano is entitled to any collection fees at all. And it is unfair to deny Kruskal's request for findings of fact and conclusions of law. Kruskal needs to know what he is appealing.

**18- Justice so demands that the opinion of the lower court be set aside and the case remanded back to the New Mexico Supreme Court with instructions that Kruskal be provided clear and concise calculations. If the record is insufficient to provide said calculations, the case should be remanded to the trial court with instructions that it hold an evidentiary hearing limited to this issue.**

BOTTOM LINE

Kruskal has twice demonstrated that he paid off the judgment liens, in full, and thus he must be entitled to a lien release.

Respectfully submitted

Kerry Kruskal  
PO Box 49  
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A handwritten signature in cursive script, appearing to read "Kerry Kruskal", written in black ink.

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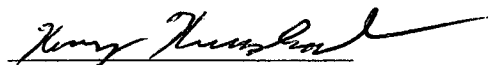
AFFIDAVIT

**COMES NOW** the Petitioner, Kerry Kruskal ("Kruskal"), *pro se*, and pursuant to the applicable rules of procedure, hereby certifies under penalty of perjury that his petition for rehearing, filed herewith, is presented in good faith and not for delay.

The New Mexico courts erred by not identifying any relevant calculations.

Kruskal is filing his petition, for rehearing, based upon the discovery of new evidence, which was not available to him previously, and/or intervening circumstances of substantial or controlling effect, and/or to other substantial grounds not previously presented.

Respectfully Submitted,



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